

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 17, 2013

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Grubb. Also in attendance were Staff Attorney Coxey, Prosecutor Drewry, Superintendent Strittmatter and Officer Bedwell.

Matt Brase, Greg Genrich, Marc Carmichael, Jim Purucker, Jeff McKean and Connie Vickery were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the September 3, 2013 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Staff Attorney Coxey recommended approval of the parties' agreed disposition forms (PAD) that were submitted for the September 17, 2013 meeting.

Commissioner Grubb moved to approve the PAD forms that were submitted. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR20-26251 EL SARAPE, LLC – Hearing Judge Coxey recommended the Commission approve the Findings of Fact, which allows this permittee to submit an application for a 2-way permit and if approved, permittee will relinquish this 3-way permit that was denied.

Commissioner Grubb moved to uphold the Findings. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-06666 HUEHN TAVERNA, INC. – Hearing Judge Coxey stated the permittee did not appear at the appeal hearing regarding the denial of this permit and has requested a refund of the renewal fee.

Commissioner Grubb moved to accept the Findings. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits for renewal, either with or without a quorum at the local board meeting, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for a new permit, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Grubb seconded. The motion was unanimously approved.

Five hundred forty (540) renewals approved, one hundred eleven (111) new and/or transfer applications approved, three (3) catering applications approved, three (3) permits approved for first year escrow, five (5) permits approved for second year escrow and two (2) permits approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Grubb moved to approve the renewal and fee waived letters of extension for the preceding weeks. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR71-94391 L&H OF MICHIANA, INC. – Vice Chairman Johnson noted this is a renewal with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson moved to uphold the local board’s recommendation to deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-02774 JETT & LEWIS, INC. – Vice Chairman Johnson noted this is a renewal. The permittee failed to appear at the local board meeting.

Vice Chairman Johnson moved to remand the renewal due to the fact that the permittee has not had sufficient opportunity to appear before the local board. Commissioner Grubb seconded. The motion was unanimously approved.

RR76-13567 ROSEMARY ELIZABETH SULLIVAN – Vice Chairman Johnson noted this is a renewal with the local board voting four (4) to zero (0) to disapprove.

Vice Chairman Johnson moved to uphold the local board’s recommendation and deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

DL82-29982 CO-OP LIQUOR CO-OP, INC. – Vice Chairman Johnson noted this is a transfer of ownership application with the local board voting three (3) to one (1) to disapprove. The Excise officer voted to approve.

Vice Chairman Johnson moved to table this matter for further investigation. Commissioner Grubb seconded. The motion was unanimously approved.

### **INACTIVE FILES**

No Inactive Files

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

#### REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Anthony Maggard, permit #BR1733223. Mr. Maggard is on probation and will not be eligible to hold an employee permit until September 2, 2014.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Joseph Bowles, permit #BR1752030. Mr. Bowles is on probation for one year and will not be eligible to hold an employee permit until September 5, 2014.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Blake Conklin, permit #BR1631520. Mr. Conklin is on probation for 355 days and will not be eligible to hold an employee permit until September 1, 2014.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Tamee A. Staulters, permit #BR1499017. Ms. Staulters is on probation until July 7, 2014, and will not be eligible to hold an employee permit until that date.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

Chairman Huskey stated at the next meeting Jim Calvert will be here to discuss a process he would like the Commission to review. Tom Ristine will also be present to discuss a process regarding the IMS he would liked reviewed.

### **ADJOURNMENT**

Commissioner Grubb moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIRMAN

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DALE GRUBB, COMMISSIONER