

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

OCTOBER 1, 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, Superintendent Strittmatter and Officer Bedwell.

Matt Brase, Greg Genrich, Marc Carmichael, Jim Calvert, Jane Gentry, Tom Ristine, Alex Intermill, Trevor Vance, Bart Herriman, Mark Webb and Connie Vickery were present as observers.

#### **DISPOSITION OF MINUTES**

No minutes submitted.

#### **HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations.

#### **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.

Two hundred twenty-three (223) renewals approved, five (5) new and/or transfer applications approved, thirteen (13) catering applications approved, one (1) permit approved for first year escrow, five (5) permits approved for second year escrow, one (1) permit approved for fourth year escrow and two (2) permits approved for fifth 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**

RR08-98132 CARROLL COUNTY COUNTRY CLUB, INC. – Vice Chairman Johnson noted this was forwarded to the Commission as a no quorum from the local board.

Vice Chairman Johnson moved to remand this renewal to the local board and allow for a 60 day Extension. Commissioner Grubb seconded. The motion was unanimously approved.

## **INACTIVE FILES**

No Inactive Files

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

## **REVOCACTION OF EMPLOYEE PERMITS**

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jacquelyn A. Rubio, permit #BR1754750. Ms. Rubio is on probation for one year and will not be eligible to hold an employee permit until August 7, 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: Amber R. Davis, permit #BR1753782. Ms. Davis is on probation for 505 days and will not be eligible to hold an employee permit until February 13, 2017.

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: Callie M. Collins, permit #BR1724307. Ms. Collins is on probation for 361 days and will not be eligible to hold an employee permit until February 3, 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: Michelle L. Gross, permit #BR1585774. Ms. Gross is on probation for 364 days and will not be eligible to hold an employee permit until September 25, 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: Alicia M. Merriman, permit #BR1758682. Ms. Merriman will not be eligible to hold an employee permit until March 23, 2017.

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.

INVENTORY REDUCTION PROCESS – Jim Calvert appeared before the Commission to request permission for wholesalers to be able to sell products that have not sold, or are not selling, online through a process that is similar to EBay. All items would be available only to Indiana alcoholic beverage permit holders that are in good standing. Mr. Calvert stated that a similar program is currently operational in Arkansas and is successful.

Questions were brought up concerning discrimination with beer wholesalers and large businesses versus small businesses.

Chairman Huskey stated the Commission will take the matter under advisement for 5 days and allow Murray Clark that time to put his concerns in writing to submit to the Commission.

RR49-03265 IMS OUTSOURCING FOOD SERVICE OPERATIONS – Tom Ristine appeared before the Commission to request approval to allow the Indianapolis Motor Speedway to operate their food service as an “operator as designated manager”. This would allow the Speedway to retain control of the alcoholic beverage permit and also benefit outside food service businesses.

Staff Attorney stated that many businesses already operate in this manner and no complaints have been voiced against this practice. None of the industry members present at the meeting voiced any concerns.

Vice Chairman Johnson moved to approve this request. Commissioner Grubb seconded. The motion was unanimously approved.

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

Chairman Huskey stated the employee permit process is easier and faster because all online applications are allowed, including new applications. First-time employee permit applicants, as well as those applying for restricted employee permits, may complete the entire application process online. That process includes online server training.

NEW PROCEDURE REGARDING VIOLATIONS/OFFERS FROM PROSECUTOR – Commissioner Grubb stated there are permittees that choose to ignore Offers sent by the prosecutor regarding violations. In order to get their attention, the Offers will no longer include a settlement conference date with the prosecutor, but rather a date for a hearing with the commission, if the Offer is not accepted. If the permittee does not accept the Offer and does not show at the hearing, the permit will be suspended until resolution.

**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