

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 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, Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Superintendent Strittmatter, Prosecutor Drewry and Officer Bedwell.

Rob Laux, Bart Herriman, Jeff McKean, Greg Genrich, Alex Intermill, Mark Webb and Diane Masariu were present as observers.

DISPOSITION OF MINUTES

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

PROSECUTOR’S RECOMMENDATIONS

PARTIES’ AGREED DISPOSITIONS – Prosecutor Drewry recommended the Commission approve the PAD forms that were submitted for the December 17, 2013 meeting.

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

HEARING JUDGE’S RECOMMENDATIONS

12/3/13 VIOLATION RECOMMENDATIONS – Executive Secretary Rothenberg recommended the following penalties:

| | | | |
|----------------------|-----------|-------------------------|------------------------|
| Laura Cosich | BR1728064 | OVWI | Lic Susp until 1/20/14 |
| Jedi, Inc. | RR7103081 | Exp. | Allow permit to lapse |
| Jaymi Lechitner | BR1730494 | Serving Minor | \$150 fine |
| Elizabeth Ivey | None | Serving Minor | \$150 fine |
| Jesus Martinez-Solis | BR1719876 | Serving Minor | \$150 fine |
| Caleb Harris | None | Serving Minor/no permit | \$200 fine |
| Samantha Thompson | BR1731048 | Serving Minor | \$150 fine |
| Sarina Henderson | BR1668285 | Serving Minor | \$150 fine |
| Shannon Spencer | No permit | Serving Minor | Continued |
| Andrea Helton | BR1692501 | Serving Minor | \$150 fine |

Commissioner Grubb moved to uphold the recommendations. Commissioner Coxey seconded. The motion was unanimously approved.

RR64-07032 ROSE'S SALOON – Commissioner Coxe stated this was a recommended denial of the renewal by the local board due to a pending criminal matter. The criminal matter has been disposed of.

Commissioner Coxe moved to remand this matter to the local board for further investigation on the merits of the matter. Commissioner Grubb seconded. The motion was unanimously approved.

RR47-29950 THE NEW JACKS OF MITCHELL, LLC – Executive Secretary Rothenberg noted this transfer was denied by the Commission at the last meeting due to not appearing before the local board at four meetings. The applicant appealed this denial stating she had not received any of the notices. The Executive Secretary recommended the Commission remand this to the local board for investigation on the merits by the local board. He also stated this office now has a phone number to reach the applicant to verify the date of the new local board hearing.

Commissioner Grubb moved to remand this transfer. Commissioner Coxe 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.

Four hundred seventy-nine (479) renewals approved, fifty-eight (58) new and/or transfer applications approved, thirteen (13) catering applications approved, five (5) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit 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

DL20-89295 MARTIN'S SUPER MARKETS, INC. – Vice Chairman Johnson stated the location of this permit was annexed into the city limits of Elkhart. Permittee requests the permit be converted from a type 116 to a type 115 permit.

Vice Chairman Johnson moved to approve the conversion of the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30118 PRIME BAR CORP. – Vice Chairman Johnson noted this is a transfer of ownership and location with the local board voting 2-2.

Vice Chairman Johnson stated there was no explanation regarding the two negative votes. One of the positive votes was from the Excise officer.

Vice Chairman Johnson moved to approve the transfers. Commissioner Grubb seconded. The motion was unanimously approved.

RR45-29938 WAIL ODTALLAH – Vice Chairman Johnson noted this is a new application with the local board voting 2-1 to disapprove.

Vice Chairman Johnson stated there was one person present against the issuance of the permit. The Vice Chairman spoke with the Excise officer who sits on the board regarding the votes to deny. One voted to deny due to concerns of the community. The other member stated that they had spoken with the city council and was told the council was not in favor of any new alcoholic beverage permits being issued. This information from the city council was not presented at the local board meeting.

Commissioner Coxe moved to overturn the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-00971 THE STADIUM, LLC – Commissioner Coxe noted this is a renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Coxe moved to uphold the local board and deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make six (6) permits inactive. All are not subject to auction. Commissioner Coxe seconded. The motion was unanimously approved.

OLD BUSINESS

PAINTING WITH A TWIST – Executive Secretary Rothenberg stated he spoke with IPAC and the Marion County Prosecutor's Office regarding this issue that was brought before the Commission on November 19, 2013. The consensus was that the invitation to bring alcoholic beverages to the painting session makes it "entertainment", so no permit could be issued and, therefore, no action could be taken

by the Commission because it is not a permit premise. It would be up to the county or some other entity to decide what action could/would be taken regarding this matter.

3RD PARTY ONLINE SERVER TRAINING PROGRAM – Master Officer Heather Lynch came before the Commission to obtain approval for a new 3rd party server training program. The name is Professional Server Certification Corporation. Officer Lynch stated she feels this is a qualified program specifically geared to Indiana with good customer service. She recommended the Commission approve this program.

Commissioner Grubb moved to approve the program. Commissioner Coxe seconded. The motion was unanimously approved.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Gretchen M. Ferringer, permit #BR1721947. Ms. Ferringer will not be eligible to hold an employee permit until April 15, 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: Camron I. Valle, permit #BR1655154. Mr. Valle will not be eligible to hold an employee permit until July 19, 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: Lana S. Stewart, permit #BR1493668. Ms. Stewart will not be eligible to hold an employee permit until December 2, 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: Christy Stilwell, permit #BR1711645. Ms. Stilwell will not be eligible to hold an employee permit until December 10, 2016.

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: Emry A. Harrell, permit #BR1628334. Mr. Harrell will not be eligible to hold an employee permit until November 24, 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.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Chairman Huskey stated the next Alcohol and Tobacco Commission meeting will be held on January 7, 2014.

ADJOURNMENT

Commissioner Grubb moved to adjourn the meeting. Commissioner Coxey seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2014.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER

MELISSA COXEY, COMMISSIONER