

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 14, 2014

**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 and Officer Bedwell.

Lisa McKinney, Jane Gentry, Marc Carmichael, Alex Intermill, Mark Webb and Diane Masariu were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Grubb moved to approve the minutes for the December 17, 2013 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the PAD forms that were submitted for the January 14, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

JANUARY VIOLATION CALENDAR – Hearing Judge Rothenberg stated because the prosecutor position is vacant, the violation hearings scheduled for the month of January will be continued.

12/17/13 VIOLATION RECOMMENDATIONS – Hearing Judge Rothenberg recommended the following penalties:

Kimberly Halstead	BR1752082	Serving Minor	\$150 fine
Christina Noojin		Serving Minor	\$50 fine
Viana Voltz		Serving Minor/no permit	\$150 fine
S&H Petroleum, Inc.	DL0321890	Serving Minor/fail check ID	\$1,750 fine
Los Tequila, Inc.	RR8227528	Sanitation violations	\$500 fine
Babel Hookah Bar	RR8229814	No employee permit/Record	\$350 fine

Commissioner Grubb moved to uphold the recommendations. Commissioner Coxey 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 were either recommended by local boards or where a quorum was not present, 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 thirty-four (534) renewals approved, ninety-six (96) new and/or transfer applications approved, five (5) catering applications approved, seven (7) permits approved for first year escrow, four (4) permits approved for second year escrow, three (3) permits approved for third 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. Commissioner Coxey seconded. The motion was unanimously approved.

#### **APPLICATIONS FOR DISCUSSION**

RR06-30290 S & S SERVICES, LLC – Commissioner Coxey noted this is a new application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-00414 THE HIPHUGGER, LLC – Commissioner Coxey noted this is a renewal application with the local board voting 4-0 to approve.

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

RR34-00897 JOHNSON'S MARKLAND CAFÉ, INC. – Commissioner Coxey noted this is a renewal application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the renewal permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR32-23265 JOSE LUIS HERNANDEZ – Vice Chairman Johnson stated this permit expired in August 2013 and renewals have not been filed. There is a fine due on a pending violation that the permittee

agreed to pay in December, but has not paid. Also, this permittee is a 49% shareholder of permit #RR49-28330, that is active.

Vice Chairman Johnson moved to declare this permit dead. Commissioner Coxey seconded. The motion was unanimously approved.

Chairman Huskey moved to direct Excise to investigate the other permit owned by this permittee as far as character and fitness as an owner. Commissioner Coxey seconded. The motion was unanimously approved.

### **INACTIVE FILES**

No Inactive Files

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

#### **REVOCAION OF EMPLOYEE PERMITS**

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Krista M. Lara, permit #BR1760471. Ms. Lara will not be eligible to hold an employee permit until December 12, 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: Amy E. Wright, permit #BR1653852. Ms. Wright will not be eligible to hold an employee permit until December 11, 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 P. Egenlauf II, permit #BR1761081. Mr. Egenlauf will not be eligible to hold an employee permit until December 20, 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: Joshua A Churchia, permit #BR1754513. Mr. Churchia will not be eligible to hold an employee permit until December 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: Marcus E. Nolan, permit #BR1744734. Mr. Nolan will not be eligible to hold an employee permit until July 20, 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.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

EXECUTIVE SESSION – Chairman Huskey stated the Commission will hold an Executive Session on January 29, 2014, regarding Spirited Sales and a transfer of ownership for Fabiano Brothers.

Chairman Huskey stated the next Alcohol and Tobacco Commission meeting will be held on January 21, 2014.

### **ADJOURNMENT**

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

Approved this 21<sup>st</sup> day of January, 2014.

  
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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MELISSA COXEY, COMMISSIONER