

ALCOHOL AND TOBACCO COMMISSION

September 2, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes

August 18, 2014

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL13-29912 Dolgencorp, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

772 Renewals

41 New/Transfers

5 Catering

9 1st Year Escrow

4 2nd Year Escrow

2 3rd Year Escrow

3 4th Year Escrow

1 5th Year Escrow

9 New Direct Wine Shippers

11 Renewal Direct Wine Shippers

6. Renewal Letters and Waiver of Fees for Letters of Extension -

7. Applications for Discussion –

RR49-28421 PNC Bancorp, LLC – Renewal with the local board voting 4-0 to approve.

8. Inactive Files –

3 Permits Subject to Auction

13 Permits Not Subject to Auction

9. Old Business -

RR02-19942 CBDD, LLC – Requesting conversion. Continued from last meeting.

DL54-03769 John F. Cunningham & Associates, Inc. – Permittee failed to appear at local board meeting. Continued from last meeting.

RR79-23167 Vuz, Inc. – Renewal with local board voting 4-0 to disapprove. Continued from last meeting.

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 2, 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 and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter.

Mark Webb, Diane Masariu, Travis Barnes, Hilary Barnes, Matt Brase, Brad Klopfenstein and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the August 18, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 179 Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the September 2, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL13-29912 DOLGENCORP, LLC – Hearing Judge Rothenberg stated the local board recommended denial of this new application. The Commission upheld the denial and the applicant filed a timely notice of appeal. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to reverse the denial and approve the new permit. Commissioner Grubb 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.

Vice Chairman Johnson moved to approve and incorporate by reference the list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference the list of direct wine shipper renewal permits. Commissioner Grubb seconded. The motion was unanimously approved.

Seven hundred seventy-two (772) renewals approved, forty-one (41) new and/or transfer applications approved, five (5) permits approved for catering, nine (9) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow, three (3) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, nine (9) new permits approved for direct wine shippers and eleven (11) renewals approved for direct wine shippers.

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

RR49-28421 PNC BANCORP, LLC – Vice Chairman Johnson noted this is a renewal application with the local board voting 4-0 to recommend approval.

Vice Chairman Johnson stated there was one remonstrator present at the local board meeting.

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

INACTIVE FILES

Commissioner Grubb moved to make sixteen (16) permits inactive. Three (3) permits are subject to auction and thirteen (13) permits are not subject to auction. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

RR02-19942 CBDD, LLC – Commission Counsel Allen noted she is still waiting for the documentation as to when the Notice of Annexation was published. She recommended the Commission continue this matter.

Commissioner Grubb moved to continue this matter until documentation is received. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL54-03769 JOHN F. CUNNINGHAM & ASSOCIATES, INC. – Vice Chairman Johnson moved to remand this renewal application to the local board. Commissioner Grubb seconded. The motion was unanimously approved.

RR79-23167 VUZ, INC. – Vice Chairman Johnson moved to continue this to the next meeting. Commissioner Grubb seconded. The motion was unanimously approved.

NEW BUSINESS

REVOCAION OF EMPLOYEE PERMITS

Commissioner Grubb moved to reinstate the employee permits (BR1715842 and BR1740745) for Misty Garza. These permits were revoked in error. 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: Erika L. McComas, permit #BR1676941. Ms. McComas will not be eligible to hold an employee permit until August 13, 2015.

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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Christopher E. Clossey, permit #BR1778386. Mr. Clossey will not be eligible to hold an employee permit until August 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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Nathan D. Ziems, permit #BR1776309. Mr. Ziems will not be eligible to hold an employee permit until August 25, 2015.

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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Megan L. McClanahan, permit #BR1762700. Ms. McClanahan will not be eligible to hold an employee permit until August 25, 2018.

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. Commissioner Coxey seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

NEW TEMPORARY PERMIT PROCEDURES – Chairman Huskey stated the Commission is working on a new process to help streamline the issuance of temporary permits. The Commission is looking into having these processed at the Excise district offices.

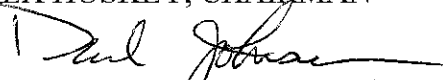
ADJOURNMENT

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

Approved this 16th day of September, 2014.



ALEX HUSKEY, CHAIRMAN



DAVID JOHNSON, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MELISSA COXEY, COMMISSIONER