

ALCOHOL AND TOBACCO COMMISSION

November 5, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

October 21, 2014

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL43-30142 Freedom Oil, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

573 Renewals

23 New/Transfers

2 Catering

9 1st Year Escrow

10 2nd Year Escrow

1 3rd Year Escrow

3 New Direct Wine Shipper

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

7. Applications for Discussion –

RR34-30822 D&D Saloon, LLC – Transfer of ownership with the local board voting 3-0 to approve.

8. Inactive Files –

9. Old Business -

10. New Business -

Revocation of employee permits

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 5, 2014

CALL TO ORDER/NOTING OF QUORUM

Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell, Corporal Thomas and Superintendent Strittmatter.

Bart Herriman, Marc Carmichael, Jenny Drewry, Alex Intermill, Deb Scott, Mark Webb, Diane Masariu and Jim Purucker were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the October 21, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 80 Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the November 5, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL43-30142 FREEDOM OIL, LLC – Hearing Judge Rothenberg noted this was a denial of a new permit. The applicant filed a timely notice of appeal. The Hearing Judge noted there was no recording, or transcript, of the local board meeting available, so he requested two members of the local board appear at the appeal hearing. He wanted to make sure a clear record of what occurred at that meeting was presented to him so he could make an informed recommendation. After hearing the testimony, Hearing Judge Rothenberg stated there was not enough evidence to support the denial and recommended the Commission overturn their original decision.

Commissioner Coxey moved to uphold the Hearing Judge's recommendation and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Coxey 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.

Commissioner Coxey 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.

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

Commissioner Coxey 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.

Commissioner Coxey moved to approve and incorporate by reference this list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Five hundred seventy-three (573) renewals approved, twenty-three (23) new and/or transfer applications approved, two (2) permits approved for catering, nine (9) permits approved for first year escrow, ten (10) permits approved for second year escrow, one (1) permit approved for third year escrow and three (3) new direct wine shipper permits approved.

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

RR34-30822 D&D SALOON, LLC -- Commissioner Coxey stated this is a transfer of ownership with the local board voting 3-0 to approve.

Commissioner Coxey moved to approve the transfer of ownership of the permit. Commissioner Grubb 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: Chelsey A. Bartlow, permit #BR1722731. Ms. Bartlow will not be eligible to hold an employee permit until March 31, 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: Melinda K. Holman, permit #BR1715418. Ms. Holman will not be eligible to hold an employee permit until October 7, 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: Marilyn K. Viers, permit #VB1692738. Ms. Viers will not be eligible to hold an employee permit until October 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.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

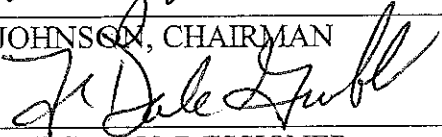
ADJOURNMENT

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

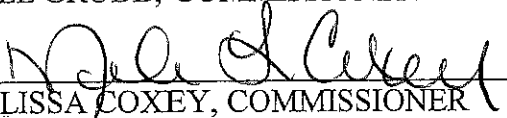
Approved this 18th day of November, 2014.



DAVID JOHNSON, CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER