

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 19, 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 Sturtz and Commissioner Grubb. Also in attendance were Prosecutor Drewry, Superintendent Strittmatter and Executive Secretary Kowalski.

Diane Masariu, Matt Brase, Lisa McKinney, Jim Purucker, Marc Carmichael, Debbie Rolfsen, Jeff McKean, Mark Webb, and Grant Monahan were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the February 5, 2013 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the parties' agreed dispositions that were submitted for the February 19, 2013 meeting.

Commissioner Grubb moved to approve the parties' agreed dispositions that were submitted for the February 19, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR34-28567 D & D SALOON, INC. – Hearing Judge Kowalski stated this appeal was heard by Commissioner Frank Guthrie, prior to leaving the Commission. His findings were submitted to the applicant. Mark Webb, attorney for the applicant, filed timely objections in this matter. Due to the fact that Commissioner Guthrie is no longer with the Commission, Hearing Judge Kowalski recommended the Commission take the findings and objections under advisement and assign the matter to Staff Attorney Melissa Coxey for recommendation to the Commission.

Commissioner Grubb moved to take the matter under advisement and assign it to Staff Attorney Coxey. Vice Chairman Johnson seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz 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.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz 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 sixty-one (461) permits approved for renewal, fifty-five (55) new and/or transfer permits approved, nine (9) permits approved for catering, seven (7) permits approved for first year escrow, seven (7) permits approved for second year escrow, four (4) permits approved for third year escrow, four (4) permits 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. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL45-25117 7405 INDY CORP.– Vice Chairman Johnson noted this request for escrow came to the Commission as a request for 6th year escrow. However, after a review of the file by Commissioner Grubb and an ATC employee, it was discovered it was a 5th year escrow request.

Vice Chairman Johnson moved to approve the request. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-25121 7405 INDY CORP. – Vice Chairman Johnson noted this request for escrow came to the Commission as a request for 6th year escrow. However, after a review of the file by Commissioner Grubb and an ATC employee, it was discovered it was a 5th year escrow request.

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

DL45-05531 L & N, LLC – Vice Chairman Johnson stated this permittee is requesting 6th year escrow. The permit expires on 5/20/13, which is also the expiration date of the 5th year of escrow that was approved.

Vice Chairman Johnson moved to deny the request for 6th year escrow, but allow for the remainder of 5th year escrow. Commissioner Sturtz seconded. The motion was unanimously approved.

DL71-26412 WHOLE FOODS MARKET GROUP, INC. – Vice Chairman Johnson noted this is a type 115 transfer of ownership and location with the local board voting three (3) to zero (0) to approve. There are three years of renewals also to be considered that were approved by the local board.

Vice Chairman Johnson stated he has concerns regarding possible speculation, because the Commission received a complaint letter informing them that this establishment has never sold alcoholic beverages. The permit has never been renewed, but was not placed into escrow.

Executive Secretary Kowalski mentioned that he had conversations with Frank Guthrie regarding the transfers and whether or not it was okay for them to go to the local board. They had no conversations about speculation. The Executive Secretary stated he would follow-up on this matter to make sure the Commission's question regarding speculation is addressed.

Vice Chairman Johnson moved table this matter for further investigation. Commissioner Grubb seconded. The motion was unanimously approved.

DL60-29603 OWEN VALEY WINERY, LLC – Vice Chairman Johnson noted this is a new type 305-1 application with the local board voting four (4) to zero (0) to approve.

Vice Chairman Johnson moved to uphold the local board's recommendation to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make six (6) permits inactive. Five (5) permits are not subject to auction and one (1) permit is subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-03864 STARDUST BOWL LOUNGE, INC. - Commissioner Grubb noted the commission received a request to reactivate this permit. This permit expired 12/17/08 and was made dead 11/3/11. The quota for Hammond is 54 type 210 permits, however, there are 75 type 210 permits issued.

Commissioner Grubb moved to deny the request. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Steven W. Hippensteel, permit #BR1734650.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Megan K. Kochersperger, permit #BR1738429.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Megan Watson, permit #BR1534875.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Grubb seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

ALCOHOL SUMMIT – Chairman Huskey reminded everyone to register for the summit. It is scheduled for Friday, March 1, 2013.

ADJOURNMENT

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

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

DALE GRUBB, COMMISSIONER