

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 3, 2012

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 Guthrie and Commissioner Sturtz. Superintendent Strittmatter was also in attendance.

Marc Carmichael, Jim Purucker, Matt Brase, Greg Genrich, Connie Vickery, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 20, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the April 3, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

RR84-00292 SCOTTY DOG HOUSE, INC. – Vice Chairman Johnson stated at the last meeting he moved to table this matter. He is now ready to move on the Findings.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation. Commissioner Guthrie seconded. The matter was unanimously approved.

RR49-21637 SABOR BOHEMIO, LLC – Vice Chairman Johnson moved to adopt and approve the Findings of Fact and Conclusions of Law that were submitted by the Hearing Judge, with the exception of paragraph #14 of the Conclusions of Law, which he wants stricken. Commissioner Guthrie seconded. The motion was unanimously approved.

RR49-19875 REST. MEX, LLC – Vice Chairman Johnson moved to adopt and approve the Findings of Fact and Conclusions of Law that were submitted by the Hearing Judge, with the exception of paragraph #13 of the Conclusions of Law, which he wants stricken. Commissioner Guthrie seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

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

Four hundred one (401) permits approved for renewal, forty-five (45) new and/or transfer permits approved, nine (9) permits approved for catering, seven (7) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, and three (3) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson 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

RR49-20968 PRIDE CORPORATION, D/B/A EL SOL AZTECA – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels the premises has become a public nuisance based on violations, such as, serving minors and employing minors to serve alcoholic beverages.

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

RR34-24665 RYAN M. NEWBY, D/B/A RYAN NEW BILLIARDS – Commissioner Guthrie noted this is a type 103 renewal application with the local board voting three (3) to one (1) to approve.

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

RR34-28567 D & D SALOON, LLC, D/B/A THE RECOVERY ROOM – Commissioner Guthrie noted this is a new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels there are problems with character and fitness of the applicant, due to several violations that occurred at his other locations.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RC05-00798 GOLF TRUSTEES, INC. - Commissioner Guthrie noted this permittee requests the commission convert this type 211-1 permit to a type 210 permit.

Commissioner Guthrie moved to approve the request because both permit types are on the same quota. Vice Chairman Johnson seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make fifteen (15) permits inactive. Fourteen (14) permits are not subject to auction and one (1) permit is subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

RR43-00606 GARRETT SPORTS SALOON, INC. - Commissioner Guthrie noted the commission received a request to reactivate this permit. This permit expired in August 2010.

Commissioner Guthrie moved to deny the request because it has been too long since expiration. Commissioner Sturtz seconded. The motion was unanimously approved.

RR49-23180 LOBDELL, LLC - Commissioner Guthrie noted the commission received a request to reactivate this permit. The permit was made dead 3-20-12, because the renewal application was not complete. The permittee has never had any trouble filing the proper paperwork in a timely manner.

Commissioner Guthrie moved to approve the request provided that completed renewals and any paperwork due is submitted within 30 days. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

VINTNERS ESTATES DIRECT IMPORTING – Commissioner Guthrie stated the Commission received a request for a permit for this business. However, during the investigation of the request, it was discovered that the federal permit and the home state permits are under different names and nothing can be found to prove these are the same entity, so there is a disconnect between the two permits. Therefore, Senior Officer Rich Swallow recommends the Commission deny the request for permit.

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

HEARING JUDGES' ASSIGNMENTS – Commissioner Sturtz moved to assign appeal hearings to Vice Chairman Johnson and Commissioner Guthrie due to the fact that the agency does not have a hearing judge. Commissioner Guthrie seconded. The motion was unanimously approved.

The assignments are as follows: Vice Chairman Johnson will hear RR05-06171, RR12-12717 and TC09468001; and, Commissioner Guthrie will hear RR45-08053 and RR45-00585.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this _____ day of _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER