

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 15, 2012

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Strittmatter.

Marc Carmichael, Bart Herriman, Connie Vickery, Diane Mascari, Matt Brase, Jim Purucker, Lisa McKinney, Alex Intermill, Grant Monahan, Mark Webb, Jeff McKean, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 1, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Guthrie moved to approve the parties' agreed dispositions that were submitted for the May 15, 2012 meeting. Commissioner Sturtz 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. Commissioner Guthrie 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. Commissioner Guthrie seconded. The motion was unanimously approved.

Four hundred seventy-four (474) permits approved for renewal, fifty-four (54) new and/or transfer permits approved, nine (9) permits approved for catering, two (2) permits approved for first year escrow,

five (5) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Guthrie 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

RR27-89105 SHGC, INC. - Commissioner Guthrie noted the permittee requests this permit be converted from a type 209 to a type 210 permit because the location has been annexed into the city limits.

Commissioner Guthrie moved to approve the request. Commissioner Sturtz seconded. The motion was unanimously approved.

RC45-13277 AMVETS POST 64 - Commissioner Guthrie noted this is a type 211-4 renewal with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie stated the Excise officer recommended denial because the permittee threatened the lives of Excise officers who were investigating the establishment

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

DL49-28378 DOLGENCORP, LLC – Commissioner Guthrie noted this is s new type 116 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR30-28717 & RR30-28718 EL NOPAL, LLC – Commissioner Guthrie noted this is an application for a new type 103 and new type 210-1 permit with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permits. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28591 HOOSIER MART III, INC. - Commissioner Guthrie noted this is s new type 115 application with the local board voting four (4) to zero (0) to approve.

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

DL49-28677 DOLGENCORP, LLC – Commissioner Guthrie noted this is s new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated the local board gave no reason for the negative votes and the Excise officer recommended approval of the new permit.

Commissioner Guthrie moved to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28382 DOLGENCORP, LLC – Commissioner Guthrie noted this is s new type 116 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28497 DOLGENCORP, LLC – Commissioner Guthrie noted this is s new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28376 DOLGENCORP, LLC – Commissioner Guthrie noted this is s new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Commissioner Guthrie moved to make twenty-four (24) permits inactive. Twenty-one (21) permits are not subject to auction and three (3) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated the following permittees were convicted of a disqualifying crime after their employee permits were issued: Kelsey S. Doutlick, permit #BR1692494; Tiffany M. Hanson, permit #BR1438195; and Jeanna R. Payne, permit #BR1578541.

Senior Officer Rich Swallow, after conducting an investigation of the permittees, recommended the Commission revoke the permits.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permits. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

NONRULE POLICY ATC-009 – Commissioner Guthrie moved to approve Nonrule Policy ATC-009, regarding when a gaming site permit can provide alcohol at no charge. Commissioner Sturtz seconded. The motion was unanimously approved.

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