

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 3, 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.

Matt Brase, Grant Monahan, Mark Webb, Jeff McKean, Chip Garver, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 19, 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 July 3, 2012 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

DL92-08528 CHURUBUSCO PACKAGE LIQUOR STORE, INC. – Commissioner Guthrie stated he was the hearing officer in this matter. The Whitley County Local Board recommended denial of this renewal, the Commission upheld that recommendation and the permittee appealed that denial. The Commissioner found no errors of fact or law by the local board, but after the evidence was presented at the appeal hearing, he felt the permittee should have another chance to operate the business properly. Commissioner Guthrie moved to submit the Proposed Findings of Fact and Conclusions of Law.

Commissioner Sturtz stated he felt the permittee has had plenty of opportunities to prove himself, but has not. Everyone has hardships in their lives, but that does not mean it is all right to behave the way the permittee has, such as chasing one of our officers across town waving his fists. The Commissioner thinks it is important that the Commission back the Excise officers who are out on the streets everyday dealing with these problems and to uphold the local board when it is legal to do so.

Commissioner Sturtz seconded the motion to submit the Proposed Findings of Fact into the record.

Chairman Huskey called for a vote to approve the Findings as submitted. Commissioner Guthrie moved to approve the Findings. Commissioner Sturtz voted no and the Chairman also voted no.

Commissioner Guthrie stated he would submit new Findings at the next meeting.

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 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. Commissioner Guthrie seconded. The motion was unanimously approved.

Six hundred twenty-two (622) permits approved for renewal, forty-six (46) new and/or transfer permits approved, sixteen (16) permits approved for catering, three (3) permits approved for first year escrow and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Sturtz moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL47-28999 DOLGENCORP LLC - Commissioner Guthrie noted this is a 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.

DL47-29000 DOLGENCORP LLC - Commissioner Guthrie noted this is a 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.

DL01-29021 DOLGENCORP LLC - Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) 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.

DL68-28966 DOLGENCORP LLC - Commissioner Guthrie noted this is a 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.

DL49-28585 DOLGENCORP LLC - Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated there was evidence presented both for and against the issuance of the permit, but the local board felt there was enough evidence to support denial based on the negative impact the permit would have on the neighborhood.

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

INACTIVE FILES

INACTIVE FILES - Commissioner Guthrie moved to make twenty-nine (29) permits inactive. Twenty-seven (27) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

RR36-87017 JTM PROPERTIES - Commissioner Guthrie noted the commission received notice from the bank requesting this permit be revoked. Staff Attorney Melissa Coxey sent notice to the owner stating if nothing is done to remedy pending issues, the permit will be revoked. We have heard nothing from the owner.

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

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

OFFICER OF THE YEAR SCOTT BEDWELL – Superintendent Strittmatter stated Master Officer Scott Bedwell is Officer of the Year for 2011. Scott not only performs his regular duties as an Excise officer, he also serves on 10 local alcoholic beverage boards and beginning January 1, 2011, he took on

the task of being the agency's trade relations liaison. Scott even took his laptop on vacation so he could remain in contact with the industry in case something was needed while he was gone. The Superintendent commended Scott on his commitment to this agency and to the citizens of Indiana.

EDUCATOR OF THE YEAR CHRISTOPHER DRAKE – Superintendent Strittmatter stated Senior Officer Christopher Drake is the statewide Educator of the Year. Chris received this honor for his undertaking a range of responsibilities above and beyond the normal duties of an excise officer. He takes it upon himself to represent the Agency in a very upstanding way by providing educational programs to a number of organizations in his area, including alcohol and tobacco businesses and community organizations and he is careful to ensure the agency is recognized for what it does and how important alcohol regulation is to public safety . Officer Drake also teaches at the Ft. Wayne Police Department Academy and provides in-service training to other officers, including the areas of firearms and physical tactics. The Superintendent commended Chris on his fine work for the agency and the citizens of Indiana.

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