

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 4, 2014

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 Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Superintendent Strittmatter and Officer Bedwell.

Diane Masariu Greg Genrich, Mike Maxwell, Marc Carmichael, Lisa McKinney, Connie Vickery, Alex Intermill, Mark Webb and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the January 21, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the PAD forms that were submitted for the February 4, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Executive Secretary Rothenberg stated he held an appeal hearing in the matter of permit #RR91-18901 Saylor's Bar & Grill, Inc. He noted that he gave the permittee until the end of the month to submit findings.

CONSIDERATION OF APPLICATIONS

Vice Chairman Johnson 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.

Vice Chairman Johnson 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.

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

Vice Chairman Johnson 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 forty-six (446) renewals approved, fifty-one (51) new and/or transfer applications approved, six (6) permits approved for catering, ten (10) permits approved for first year escrow, two (2) permits approved for second year escrow and two (2) permits approved for third 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 Coxey seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR48-05207 KILGORE, INC. – Commissioner Coxey noted this is a transfer application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the transfer. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL67-05681 JOHN CUNNINGHAM & ASSOCIATES, INC. – Commissioner Coxey noted this is a renewal permit with the local board voting 4-0 to disapprove. The location stated on the renewals/permit is a coin shop and not a liquor store, so the permit is not being used there.

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

DL68-30012 11 LYNN, LLC – Vice Chairman Johnson noted this is a new grocery application with the local board voting 3-0 to disapprove. Applicant did not appear at the local board meeting as required.

Vice Chairman Johnson moved to uphold the local board and deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Linda M. Patrick, permit #BR1705019. Ms. Patrick will not be eligible to hold an employee permit until November 25, 2014.

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: Jordyn L. Hurrle, permit #BR1765170. Ms. Hurrle will not be eligible to hold an employee permit until July 30, 2014.

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: Angelia F. Caudill, permit #BR1754691. Ms. Caudill will not be eligible to hold an employee permit until January 25, 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: Robert Smith, permit #BR1744704. Mr. Smith will not be eligible to hold an employee permit until January 13, 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.

WH43-29932 & WH43-29933 FABIANO BROTHERS INC-INDIANA – Commissioner Grubb, in light of allegations being made regarding possible prohibited interest violations regarding these applications, moved to direct Excise to investigate said allegations. Commissioner Coxey seconded. The motion was unanimously approved.

Chairman Huskey directed Superintendent Strittmatter to expedite this investigation.

POLICY DETERMINATIONS

No Policy Determinations

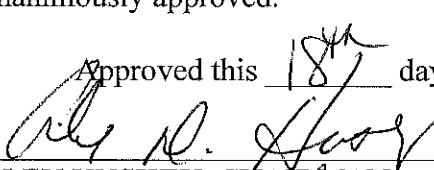
ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this 18th day of February, 2014.



ALEX HUSKEY, CHAIRMAN



DAVID JOHNSON, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER