

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 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, Prosecutor Mader, Superintendent Strittmatter and Officer Bedwell.

Jenny Drewry, Murray Clark, Mike Maxwell, Marc Carmichael, Rob Hedges, Matt Brase, Connie Vickery, Lisa McKinney, Greg Genrich, Bart Herriman, Jeff McKean, Jon Laramore, Alex Intermill, and Mark Webb were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Grubb moved to approve the minutes for the February 18, 2014 meeting. Commissioner Coxey 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 March 4, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations

**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.

Three hundred sixty (360) renewals approved, twenty-seven (27) new and/or transfer applications approved, nine (9) permits approved for catering, two (2) permits approved for first year escrow, two (2) permits 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

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

### APPLICATIONS FOR DISCUSSION

#### WH49-29931 SPIRITED SALES, LLC –

**Vice Chairman Johnson** Mr. Chairman, in regard to WH49-29931 Spirited Sales LLC, this is an application for a liquor wholesaler's permit filed by Spirited Sales LLC. Having reviewed the application and the written submissions of authority by the applicant and by parties opposing the application, and recognizing that prohibited interest provisions and corporate ownership issues exist, I do now advise the members of this commission that at this time it would be my intention to give notice to the applicant that my proposed action to this matter would be to deny this application. If the commission members also vote, by majority, pursuant to IC 7.1-3-23-32 and 7.1-3-23-33, with the same intent to deny the application, that pursuant to these statutes that notice will be given and a hearing date selected.

**Commissioner Grubb** Second.

**Chairman Huskey** I have a motion from Mr. Johnson and a second by Mr. Grubb. Further discussion?

**Commissioner Coxe** Yes. Because of my role, previous role as counsel for the agency, I was engaged in discussions related substantially similar to this matter, so it is my intent to recuse myself from voting.

**Chairman Huskey** Okay. Any further discussion needed from the commission? A motion on the floor by Mr. Johnson and a second from Mr. Grubb. All those in favor?

**Commissioner Grubb** Aye.

**Vice Chairman Johnson** Aye.

**Chairman Huskey** Aye. Opposed? Motion carries.

**Vice Chairman Johnson** Mr. Chairman, at this time I would propose that the hearing date be April 1, 2014. That is the first commission meeting date in April. I don't know what time you would have in mind, though, for it to start.

**Chairman Huskey** April 1, 2015?

**Vice Chairman Johnson** 14.

**Chairman Huskey** 14. I'm sorry. We don't want to push it back that far. That's for sure. It would be safe to say 11 o'clock hearing time on the matter. Would you be willing to make that motion?

**Vice Chairman Johnson** I so move that it is set to begin at 11 o'clock a.m.

**Commissioner Grubb** Second.

**Chairman Huskey** Motion by Mr. Johnson. Second by Mr. Grubb. All those in favor?

**Vice Chairman Johnson** Aye.

**Commissioner Grubb** Aye.

**Commissioner Coxey** Aye.

**Chairman Huskey** Aye. Opposed? Motion carries. Ms. Chew, do you have that for the record?

**Commissioner Grubb** Mr. Chairman, if I may question, that gives everyone an opportunity to testify before us on the issue, both proponents and opponents?

**Chairman Huskey** Yes, sir. By taking it to a hearing, yes, sir.

### INACTIVE FILES

Commissioner Grubb moved to make nine (9) permits inactive. Three (3) permits are subject to auction and six (6) permits are not subject to auction. Commissioner Coxey seconded. The motion was unanimously approved.

### 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: Audrey K. Veneck, permit #BR1763374. Ms. Veneck will not be eligible to hold an employee permit until February 24, 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.

### POLICY DETERMINATIONS

No Policy Determinations

### ANNOUNCEMENTS

No Announcements

### ADJOURNMENT

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

Approved this 18<sup>th</sup> day of March, 2014.

  
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ALEX HUSKEY, CHAIRMAN

*David K. Johnson*

DAVID JOHNSON, VICE CHAIRMAN

*Dale Grubb*

DALE GRUBB, COMMISSIONER

*Melissa Coxey*

MELISSA COXEY, COMMISSIONER