

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JULY 1, 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, Staff Attorney Allen, Prosecutor Mader, Superintendent Strittmatter and Master Officer Bedwell.

Steve Badger, Bart Herriman, Mike Maxwell, Greg Genrich, Carol Tietz and Jenny Drewry were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the June 24, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the July 1, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

RR84-03099 JERRY'S HIDEAWAY BAR AND GRILL – Hearing Judge Rothenberg noted this is a recommended approval of a renewal and an upholding of that approval by the Commission. Remonstrator Gail Phillips filed for intervener status and it was granted. She also filed a notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and approve the renewal. Commissioner Coxey seconded. The motion was unanimously approved.

#### 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.

One hundred forty-four (144) renewals approved, eight (8) new and/or transfer applications approved, five (5) permits approved for catering, one (1) permit approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, and one (1) permit 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 Coxey seconded. The motion was unanimously approved.

#### **APPLICATIONS FOR DISCUSSION**

DL29-30144 RICKER OIL COMPANY, INC. – Vice Chairman Johnson noted this is a new beer and wine application with the local board voting 2-1 to approve.

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

DL15-30088 KANTAM REAL ESTATE, LLC – Vice Chairman Johnson noted this is a new application with the local board recommending disapproval because the applicant has not appeared, as required.

Greg Genrich stated the location of this permit is being purchased by this applicant out of bankruptcy court and they were not able to get possession of the location to post the orange sign until June 19, 2014, which is why they did not appear at the local board meeting. Mr. Genrich requested the Commission remand this new application to the local board for reinvestigation.

Commissioner Coxey moved to remand the new application to the local board. Commissioner Grubb seconded. The motion was unanimously approved.

RR52-30599 D R PARKS, LLC – Commission Counsel Allen stated this application was filed as a 3-way permit inside the city limits based on the Surveyor's Verification Form. It has come to the Commission's attention that the location is actually outside the city limits. The amended Surveyor's Verification Form has not been submitted.

Vice Chairman Johnson moved to continue this matter until the Form is received. 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: Sarah D. Minarik, permit #BR1749388. Ms. Minarik will not be eligible to hold an employee permit until December 18, 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: Lauren M. Cox, permit #BR1771033. Ms. Cox will not be eligible to hold an employee permit until May 19, 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: Milica Gvojjic, permit #RE1727425. Ms. Gvojjic will not be eligible to hold an employee permit until June 18, 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: Marcus Z. Ramey, permit #BR1759121. Mr. Ramey will not be eligible to hold an employee permit until December 20, 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.

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

IC 7.1-5-5-10 Rebates or Gifts – Chairman Huskey stated he received a letter from Brent Steele, Chairman of the Indiana Senate Judiciary Committee and Greg Steuerwald, Chairman of the Indiana House of Representatives Judiciary Committee, regarding the re-write of title 7.1, specifically as it relates to IC 7.1-5-5-10. The letter is to inform the Commission that it was the intent of the legislature not to consider a retail/dealer who receives a gift to be guilty of a felony, but the giver only guilty of a misdemeanor. The letter was sent to help enforcement until the legislature is back in session and can correct the statute.

Superintendent Strittmatter stated the letter has been disseminated to the Excise districts.

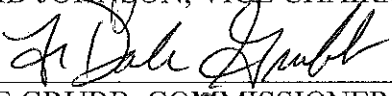
**ADJOURNMENT**

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

Approved this 15<sup>th</sup> day of July, 2014.

  
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ALEX HUSKEY, CHAIRMAN

  
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DAVID JOHNSON, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MELISSA COXEY, COMMISSIONER