

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 7, 2014

CALL TO ORDER/NOTING OF QUORUM

Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter.

Jenny Drewry, Marc Carmichael, Greg Genrich, Alex Intermill, Burke Baughman, Craig Baughman, Trevor Vance, Mark Webb, Young Choe, Deborah Grimes, John Grimes, Matt Brase, and Deb Scott were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the September 16, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 94 Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the October 7, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Commissioner Coxey 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.

Commissioner Coxey 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.

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

Commissioner Coxey 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.

Commissioner Coxey moved to approve and incorporate by reference the list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference the list of direct wine shipper renewal permits. Commissioner Grubb seconded. The motion was unanimously approved.

Eight hundred fifty (850) renewals approved, fifty-three (53) new and/or transfer applications approved, thirteen (13) permits approved for catering, three (3) permits approved for first year escrow, six (6) permits approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow, six (6) new permits approved for direct wine shippers and five (5) renewals approved for direct wine shippers.

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

RC45-00357 INDIANA HARBOR YACHT CLUB, INC. – Commissioner Coxey stated the permittee is requesting the Commission convert this type 211-1 permit to a type 210 permit.

Commissioner Coxey moved to approve the conversion of the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR45-02506 L. FOUR INCORPORATED – Commissioner Coxey stated this permittee is requesting 6th year escrow.

Commissioner Coxey moved to approve the escrow request only until January 2015. Commissioner Grubb seconded. The motion was unanimously approved.

RC42-13146 BICKNELL COUNTRY CLUB, INC. – Commissioner Coxey stated the permittee is requesting this social club permit be converted to a restaurant permit.

Commissioner Grubb questioned whether the local board made a recommendation regarding this. Commission Counsel Allen stated both of these permit types are on the same quota and are advertised the same, so the Commission can convert the permit and the local board will hear it next time. Commissioner Coxey also clarified that the publication states the same thing for both permit types.

Commissioner Coxey moved to approve the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

RR52-23985 THE RUDICEL MASK, INC. – Commissioner Coxey noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Coxey stated this permittee, after six years, still has not met the minimum food sales' requirement to hold this type of permit.

Commissioner Coxey moved to deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR02-02249 B & C BAUGHMAN CORPORATION – Commissioner Coxey noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Coxey stated there has been a lot of police activity at this establishment.

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

DL02-30231 DOLGENCORP, LLC – Commissioner Coxey noted this is a new application with the local board voting 4-0 to approve.

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

DL36-25788 FAIRFIELD INN – Commissioner Coxey moved to continue this matter to the next meeting. Commissioner Grubb seconded. The motion was unanimously approved.

RR79-23167 VUZ, INC. – Commissioner Coxey noted this is a renewal with the local board voting 4-0 to deny. The local board's recommendation was based on the permittee's violation history and no need for the services.

Jennifer Drewry appeared as counsel for the permittee, Eddie Choe. Counsel Drewry stated the violations were no employee permit, expired tobacco certificate, floor plan alteration, no record of employee permits and failure to post permit. All permits are now up to date, posted correctly and proper records are being maintained. As far as the floor plan alteration, the city was contacted and given the remodeling application, which is all Mr. Choe thought was required.

Mr. Choe stated another permit was recommended to be renewed at the same local board meeting and the violation committed by that permittee was service to a minor.

Chairman Johnson and Commissioner Grubb mentioned having the Excise officer come to the next meeting to explain the board's reasons for recommending denial. Commissioner Coxey stated this has been continued by the Commission three times and there was ample opportunity for them to review the recording and/or speak to the officer prior to this meeting.

Commissioner Coxey moved to overturn the local board's recommendation and approve the renewal. Commissioner Grubb seconded, with the caveat that he will not overturn a local board again without the officer being present to provide any explanation of information given at the local board. The motion was unanimously approved.

MM29-30008 SUN KING BEER COMPANY LLC – Commissioner Coxey stated this permit has never been in operation. The permittee is requesting permission to do an escrow to escrow transfer of ownership.

Commissioner Coxey moved to approve the request. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make sixteen (16) permits inactive. Two (2) permits are subject to auction and fourteen (14) permits are not subject to auction. Commissioner Coxey seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Spencer T. Walters, permit #BR1740131. Mr. Walters will not be eligible to hold an employee permit until February 27, 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: Susan W. Hiers, permit #BR1480979. Ms. Hiers will not be eligible to hold an employee permit until August 10, 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: Scott A. Huber, permit #BR1759514. Mr. Huber will not be eligible to hold an employee permit until May 3, 2017.

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: Anthony J. Stover, Jr., permit #BR1774579. Mr. Stover will not be eligible to hold an employee permit until September 21, 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: Kevin M. Vlink, permit #BR1693599. Mr. Vlink will not be eligible to hold an employee permit until July 30, 2022.

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: Andrew J. Broady, permit #BR1646618. Mr. Broady will not be eligible to hold an employee permit until March 29, 2018.

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: Brandon S. Hendricks, permit #BR1678582. Mr. Hendricks will not be eligible to hold an employee permit until March 2, 2018.

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: David A. Gale, permit #BR1677794. Mr. Gale will not be eligible to hold an employee permit until March 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: Noelle D. Baker, permit #BR1667936. Ms. Baker will not be eligible to hold an employee permit until March 21, 2018.

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: Corey M. Kirby, permit #BR1560414. Mr. Kirby will not be eligible to hold an employee permit until August 28, 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: Dawn W. Semmler, permit #BR1747894. Ms. Semmler will not be eligible to hold an employee permit until February 22, 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

NEW TEMPORARY PERMIT PROCESS – Commission Counsel Allen stated the new procedure for processing temporary permits is ready. The difference is the processing will now take place in the Excise district offices. All paperwork and signatures that are required remain the same.

Commissioner Coxey moved to approve the new process. Commissioner Grubb seconded. The motion was unanimously approved.

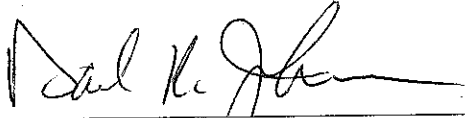
ANNOUNCEMENTS

NOVEMBER ATC COMMISSION MEETING – Vice Chairman Johnson stated that due to Election Day, the first meeting in November will be held on Wednesday, November 5th, instead of Tuesday, November 4th.

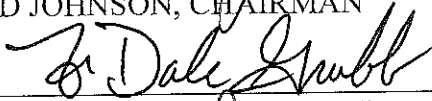
ADJOURNMENT

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

Approved this _____ day of _____, 2014.



DAVID JOHNSON, CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER

