

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 7, 2012

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 Guthrie and Commissioner Sturtz. Captain Fulford and Executive Secretary Neal were also in attendance.

Alex Intermill, Lisa McKinney, John Barnett, Matt Lewis, Debbie Rolfsen, Matt Brase, Marc Carmichael, Connie Vickery and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 17, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the February 7, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the February 7, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

RR45-08575 KC'S BAR AND GRILL, INC. – Hearing Judge Neal recommended the Commission uphold the Findings of Fact and Conclusions of Law that were submitted in this matter.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and deny the appeal. Commissioner Guthrie seconded. The motion was unanimously approved.

DL02-10553 LEBAMOFF ENTERPRISES, INC. – Commission Guthrie stated he was the hearing judge in this appeal. He recommended the Commission uphold the Findings of Fact and Conclusions of Law that were submitted in this matter.

Vice Chairman Johnson moved to uphold the Findings of Fact and Conclusions of Law. Commissioner Sturtz seconded and Chairman Huskey also voted to uphold the Findings. Commissioner Guthrie abstained from the vote.

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. Vice Chairman Johnson 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 seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson 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.

Four hundred sixty (460) permits approved for renewal, fifty-seven (57) new and/or transfer permits approved, eighteen (18) permits approved for catering, five (5) permits approved for first year escrow, eight (8) permits approved for second year escrow, five (5) permits approved for third year escrow, two (2) permits approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

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

APPLICATIONS FOR DISCUSSION

DL49-02913 AKINET, INC., D/B/A COMMUNITY SPIRITS – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfer of location. Commissioner Sturtz seconded. The motion was unanimously approved.

DL92-08528 CHURUBUSCO PKG LIQUOR STORE, INC. – Commissioner Guthrie noted this is a type 217 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited lack of character of permittee, violations and bounced check to a supplier as several of the reasons for recommending denial of this renewal.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make twenty-eight (28) permits inactive. Twenty-two (22) permits are not subject to auction and six (6) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

RR45-25392 & RR45-25393 STEPHEN J. TOKAR III - Commissioner Guthrie noted this is a type 103 permit and a type 210-1 permit, both of which were made inactive on 7/5/11, due to the fact the

renewals were not filed. The permits expired on 12/23/09. The commission received a request to reactivate these permits.

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

DL66-03312 BROWN BAG, INC. - Commissioner Guthrie noted this is a type 217 permit that was made inactive 12/6/11, due to the fact that renewals were not filed. The permit expired 6/26/10. The commission received a request to reactivate this permit.

Commissioner Guthrie moved to deny the request. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR82-21623 OCI ENTERPRISES, INC. - Vice Chairman Johnson noted the location of this permit was annexed into the city limits of Evansville. The permittee requests this type 209 permit be converted to a type 210 permit.

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

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

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