

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MARCH 5, 2013

#### **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 Sturtz and Commissioner Grubb. Also in attendance were Major Poindexter and Executive Secretary Kowalski.

Diane Masariu, Matt Brase, Lisa McKinney, Connie Vickery, Marc Carmichael, Debbie Rolfsen, Jeff McKean, Mark Webb, and Greg Genrich were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Grubb moved to approve the minutes that were submitted for the February 19, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the parties' agreed dispositions that were submitted for the March 5, 2013 meeting.

Commissioner Grubb moved to approve the parties' agreed dispositions that were submitted for the March 5, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

Commissioner Sturtz 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 Sturtz 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 have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

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

Three hundred ninety-three (393) permits approved for renewal, forty-four (44) new and/or transfer permits approved, ten (10) permits approved for catering, five (5) permits approved for first year escrow, two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth 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 Sturtz seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL72-29527 MAC'S CONVENIENCE STORES, LLC– Vice Chairman Johnson noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove. No need for the services was the reason given for the recommendation.

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

ER64-22912 P-105, INC. – Vice Chairman Johnson noted this request for a 6<sup>th</sup> year of escrow and renewal.

Vice Chairman Johnson moved to approve the renewal and also approve an additional six (6) months of escrow because there is some question regarding how long this permit has been in escrow. He is giving the permittee the benefit of the doubt. Commissioner Grubb seconded. The motion was unanimously approved.

DL71-26412 WHOLE FOODS MARKET GROUP, INC. – Executive Secretary Kowalski noted this is a type 115 transfer of ownership and location with the local board voting three (3) to zero (0) to approve. There are three years of renewals also to be considered that were recommended to be approved by the local board. This was tabled at the last meeting.

The Executive Secretary stated he received an affidavit from the owner, which was submitted to Vice Chairman Johnson. Also, there appears to be evidence in the file that the permit was put into use. For those reasons, Executive Secretary Kowalski recommended the commission approve the renewals and transfers for this permit.

Vice Chairman Johnson moved to uphold the recommendation of the Executive Secretary and approve the renewals and transfers. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Commissioner Grubb moved to make eleven (11) permits inactive. Ten (10) permits are not subject to auction and one (1) permit is subject to auction. Vice Chairman Johnson seconded. The motion was unanimously approved.

## **OLD BUSINESS**

No Old Business.

## **NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS – Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Michael Z. McClellan, permit #BR1738519.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Linda K. Doster, permit #BR1537630.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

ALCOHOL SUMMIT – Chairman Huskey thanked the industry and everyone involved for participating in the summit.

## **ADJOURNMENT**

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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DALE GRUBB, COMMISSIONER