

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 2, 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 Superintendent Strittmatter, Officer Bedwell, Prosecutor Drewry, Staff Attorney Coxey and Executive Secretary Kowalski.

Diane Masariu, Connie Vickery, Debbie Rolfsen, Jane Gentry, Greg Genrich, Bart Herriman, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

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

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve a portion of the Parties' Agreed Dispositions that were submitted for the April 2, 2013 meeting. The ten (10) not being recommended to be approved are: RR34-08124, DL71-06225, RR49-08370, RR38-05564, W 49-08938, RR45-84191, RR15-05979, RR53-28919, RR82-04595, and RR49-23039. The Hearing Judge stated the Prosecutor offered deferred judgments to these permittees, but did not specifically spell out the terms of the deferral, which he would like to have clarified on the Offers.

Prosecutor Drewry stated that she has no problem adding additional language to future deferrals. The new language will be more specific, but still a little vague. She said she does not want to be pigeonholed into the same settlement for every permittee that commits the same violation because each one is very "case specific". However, the Prosecutor stated the above listed permittees have already signed and agreed to the Offer and feel the matter is closed, so she would not like this new process to be retroactive.

Vice Chairman Johnson thought the Executive Secretary/Hearing Judge had to approve the Parties' Agreed Dispositions, along with the Commission. Prosecutor Drewry stated that was not the case and that the Commission is within their power to approve all of them as submitted, with or without the recommendation to approve by the Hearing Judge.

Commissioner Sturtz stated he sees a difficulty with making an agreement and then turn around and saying there is not an agreement.

Chairman Huskey stated there are two issues here to decide. He felt the Commission should first deal with the Dispositions that were recommended to be approved by the Hearing Judge.

Commissioner Grubb moved to approve the parties' agreed dispositions that were submitted by the hearing judge for the April 2, 2013 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve the ten (10) Dispositions that were not recommended. He felt the Prosecutor should not appear to be undermined and that the new process would not be retroactive. 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. 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, 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 Grubb 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 Grubb seconded. The motion was unanimously approved.

Three hundred seventy-one (371) permits approved for renewal, thirty-one (31) new and/or transfer permits approved, nine (9) permits approved for catering, two (2) permits approved for first year escrow, four (4) permits approved for second year escrow, one (1) permit approved for third year escrow, and one (1) permit approved for sixth year escrow (a transfer of ownership is on file).

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

RR20-26251 EL SARAPE LLC – Vice Chairman Johnson noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to disapprove.

The local board stated that the food sales' figures are not adequate to maintain the type 209 permit.

Vice Chairman Johnson moved to uphold the local board's recommendation and deny the renewal of the permit. Commissioner Sturtz 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: Matthew L. Snider, permit #BR1737375. Mr. Snider is on probation for 301 days and will not be eligible to hold an employee permit until January 15, 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jason M. Klebba, permit #BR1631579. Mr. Klebba is on probation for 363 days and will not be eligible to hold an employee permit until February 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 Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

DALE GRUBB, COMMISSIONER