

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 16, 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, and Executive Secretary Kowalski.

Matt Brase, Dana Huber, Debbie Rolfsen, Jeff McKean, Greg Genrich, Marc Carmichael, Lisa McKinney, Alex Intermill, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the April 2, 2013 meeting. Commissioner Sturtz 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 16, 2013 meeting. The Hearing Judge restated his objection with the deferred judgments and did not offer a recommendation of approval for those deferrals.

Commissioner Grubb moved to approve all of the PAD forms that were submitted. 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred fifty-one (451) permits approved for renewal, forty-six (46) new and/or transfer permits approved, five (5) permits approved for catering, six (6) permits approved for first year escrow, twenty-four (24) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits 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

RC02-05206 ARLINGTON PARK ASSOCIATION, INC. – The Commission received a request to convert this type 211-3 to a type 211-1 because the location was annexed into the city limits.

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

RR49-29492 ZARATE EVENT CENTER, LLC – Vice Chairman Johnson noted this is a new type 103 application. The applicant failed to appear, as required, at the local board meeting three consecutive times.

Vice Chairman Johnson moved to deny the new permit due to lack of interest by the applicant. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-13278 SHRIRAM, INC. – Vice Chairman Johnson noted this is a type 217 renewal application with the local board voting three (3) to zero (0) to recommend disapproval because the permittee did not appear, as required, at the local board meeting three consecutive times and because the permittee appears to have a disregard for laws and rules.

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

DL49-91484 FLOR, INC. - Executive Secretary Kowalski noted this type 115 grocery permit was made inactive because the permittee applied for a restaurant permit at the same location and would, therefore, have to relinquish the type 115 grocery permit. However, the restaurant permit was denied. The permittee requests the commission reactivate the grocery permit, pending a final inspection.

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

INACTIVE FILES

Commissioner Grubb moved to make fifty-five (55) permits inactive. Eleven (11) permits are subject to auction and forty-four (44) permits are not subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

Commissioner Grubb noted permit #RR06-03237 was originally on the list to be made inactive; however, he moved to continue it to the next meeting for further investigation. Commissioner Sturtz seconded. The motion was unanimously approved.

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: Shannon L. Manship, permit #BR1620253. Ms. Manship is on probation for 365 days and will not be eligible to hold an employee permit until April 4, 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: Sarah R. Cote, permit #BR1526426. Ms. Cote is on probation for 363 days and will not be eligible to hold an employee permit until April 7, 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.

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Ashley E. Carr, permit #BR1731782. Ms. Carr is on probation for 360 days and will not be eligible to hold an employee permit until March 22, 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.

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