

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 4, 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. Also in attendance were Superintendent Strittmatter, Captain Deitchley and Executive Secretary Kowalski.

Sean Brown, Matt Brase, Connie Vickery, Diane Masariu, Marc Carmichael, Lisa McKinney, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 21, 2012 meeting. Commissioner Guthrie 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 September 4, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted. Commissioner Guthrie seconded. The motion was unanimously approved.

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. Commissioner Guthrie 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. 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 Guthrie 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.

Three hundred eighty-two (382) permits approved for renewal, fifty-six (56) new and/or transfer permits approved, six (6) permits approved for catering, seven (7) permits approved for first year escrow, six (6) permits approved for second year escrow, five (5) permits approved for third year escrow and two (2) permits approved for fourth 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

RR49-21832 HMB ENTERPRISES, INC., D/B/A CLOUD 9 – Commissioner Guthrie noted this renewal was issued in error, without being considered by the local board. The applicant did not appear at the meeting, as required, but did appear after the last meeting was over.

Commissioner Guthrie moved to remand this application to the local board with certified notice to the applicant to make sure he knows to appear. Commissioner Sturtz seconded. The motion was unanimously approved.

DL71-81374 RIDGE ENTERPRISES, LLC – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated evidence was presented through both live testimony and exhibits that there was no desire by the community to have these services.

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

DL77-29041 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-19664 CAPRICORNIO CORP. – Commissioner Guthrie noted this is a type 112 renewal. The permittee failed to appear at numerous local board meetings as required.

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

RH49-28827 NAVS, LLC - Commissioner Guthrie noted this is a new type 215 application. The permittee failed to appear at numerous local board meetings as required.

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

RR49-28850 YUKIHANA, LLC – Commissioner Guthrie noted this is a type 112 renewal. The permittee failed to appear at numerous local board meetings as required.

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

DL43-29052 DOLGENCORP, LLC – Vice Chairman Johnson noted this is a new type 115 with the local board voting three (3) to one (1) to disapprove.

Vice Chairman Johnson stated one member of the local board declared that he would not vote to recommend approval for a permit to be located in a gas station, grocery store, or drug store.

Vice Chairman Johnson moved to overturn the local board and approve the permit. Commissioner Guthrie seconded. The motion was unanimously approved.

DL83-29111 DOLGENCORP, LLC – Vice Chairman Johnson noted this is a new type 116 application with the local board voting three (3) to one (1) to disapprove.

Vice Chairman Johnson stated the remonstrators were actually at the meeting against another permit from a different community, but decided to remonstrate against this one, too.

Vice Chairman Johnson moved to overturn the local board and approve the permit. Commissioner Guthrie seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make ten (10) permits inactive. Eight (8) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated the following permittees were convicted of a disqualifying crime after their employee permits were issued: Roberto Bernal-Lopez, permit #BR1645680; James J. Bonner, permit #BR1690154; and, Jennifer A. Maddox, permit #BR1673924; Jodi L. Hiatt, permit #BR1714817; Philetha Y. Gates, permit #VB1710573 and Karol L. Ford, permit #BR1597687.

Commissioner Guthrie stated after conducting an investigation of the permittees, Senior Officer Rich Swallow recommended the Commission revoke the permits.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permits. 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 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