

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

OCTOBER 16, 2012

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Superintendent Strittmatter and Executive Secretary Kowalski.

Tony Cook, Debbie Rolfsen, Matt Brase, Mark Webb, Bart Herriman, Alex Intermill, Connie Vickery, Marc Carmichael, and Jim Purucker were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the October 2, 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 October 16, 2012 meeting.

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

DL45-28669 H & R PETRO FOOD MART – Hearing Judge Kowalski stated this appeal was heard by Vice Chairman Johnson. The local board recommended denial of this new permit and the recommendation was upheld by the Commission. An appeal was filed and the matter was heard. Vice Chairman Johnson submits the Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

Commissioner Guthrie moved to uphold the Findings and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR79-25648 ONE VENUE, INC. – Hearing Judge Kowalski stated this application was recommended to be denied and the Commission upheld that denial. An appeal was filed and the matter was scheduled for hearing. The attorney representing the applicant withdrew his appearance and the applicant did not show for the hearing. Hearing Judge Kowalski recommended the Commission uphold the original denial of this new permit.

Commissioner Guthrie moved to uphold the recommendation of the Hearing Judge and deny the new permit. 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, 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. Commissioner Guthrie 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. Commissioner Guthrie amended the motion by moving to approve all pending 1st, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> year escrow requests and tabling the 7<sup>th</sup> year for further investigation. Commissioner Sturtz seconded the amended motion. That motion was unanimously approved.

Three hundred twenty-eight (328) permits approved for renewal, eighty (80) new and/or transfer permits approved, six (6) permits approved for catering, three (3) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow.

## **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Guthrie 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**

DL45-01276 MM & RR, INC. – Commissioner Guthrie noted this is a type 217 transfer of ownership application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the transfer. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-29211 R & H PETRO FOOD MART, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated there was evidence provided both for and against this application. The recommendation against the issuance was based on no need and desire for the permit at that location. The Excise officer recommended approval.

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

DL45-03768 AMRIK SINGH – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting three (3) to zero (0) to approve.

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

RR46-02497 SAMI'S HILLTOP BAR, INC. – Commissioner Guthrie noted this is a type 210 renewal with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

RR02-02249 B&C BAUGHMAN CORPORATION – Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to approve for one (1) year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one (1) year. Commissioner Sturtz seconded. The motion was unanimously approved.

RH61-29285 IDNR STATE PARKS & RESERVOIRS – Commissioner Guthrie noted this is a new type 214 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL48-29259 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RC50-07461 FRATERNAL ORDER OF EAGLES 1900 – Commissioner Guthrie noted this is a type 211-4 renewal with the local board voting four (4) to zero (0) to approve for one (1) year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one (1) year. Commissioner Sturtz seconded. The motion was unanimously approved.

DL50-29239 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL50-29224 AMRIT ONE STOP, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board made no notations on the voting sheet as to the reasons for recommending disapproval.

Commissioner Guthrie moved to table this matter until he reviews the recording of the local board meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

DL50-29240 DOLGENCORP, LLC - Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board made no notations on the voting sheet as to the reasons for recommending disapproval.

Commissioner Guthrie moved to table this matter until he reviews the recording of the local board meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES – Commissioner Guthrie moved to make fifty-seven (57) permits inactive. Fifty-three (53) permits are not subject to auction and four (4) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business.

### **NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated the following permittee was convicted of a disqualifying crime after her employee permit was issued: Karie L. Pullum, permit #BR1725639.

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

Commissioner Guthrie 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**

NOVEMBER COMMISSION MEETING – Chairman Huskey stated the first Commission meeting in November will be held on Wednesday, November 7, 2012 at 10:00 a.m., due to the Election Day holiday.

## ADJOURNMENT

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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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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FRANK GUTHRIE, COMMISSIONER