

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 7, 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 and Executive Secretary Kowalski.

Chip Garver, Debbie Rolfsen, Matt Brase, Mark Webb, Bart Herriman, Marc Carmichael, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the October 16, 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 November 7, 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.

Chairman Huskey stated there is a 6th year escrow permit listed on the agenda. Commissioner Sturtz stated Commissioner Guthrie must have had reason to place this on the agenda and moved for approval. Commissioner Guthrie seconded.

After further discussion, Commissioner Sturtz withdrew his motion to approve and moved to table this matter for further investigation. Commissioner Guthrie seconded. The motion was unanimously approved.

Five hundred (500) permits approved for renewal, sixty-seven (67) new and/or transfer permits approved, eleven (11) permits approved for catering, six (6) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for fourth year escrow and three (3) permits approved for fifth 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 Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR09-90428 GOLF FIVE, LLC, D/B/A LOGANSPORT GOLF CLUB – Commissioner Guthrie noted this is a type 209 renewal application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated after reading comments from the local board, it appears there may have been a misunderstanding regarding what the Commission was doing regarding this renewal.

Chairman Huskey also stated because of the confusion the permittee will be issued another letter of authority. The Chairman also stated a different local board officer is going to be assigned to the board.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Commissioner Sturtz seconded. The motion was unanimously approved.

RR49-88176 GOEX, INC., D/B/A CLAUDE AND ANNIE'S – Commissioner Guthrie noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited problems with the character and fitness of this permittee.

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

DL14-29013 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated evidence was presented at the local board that supported the recommendation of denial due to no need for services at this location.

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

RR20-88386 THE NEW HALFTIME, INC. – Commissioner Guthrie noted this is a type 209 renewal with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the business does not meet the food sales that are required to hold this permit.

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

RR52-23985 THE RUDICEL MASK, INC., D/B/A AFTERBURNERS – Commissioner Guthrie noted this is a type 209 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the business does not meet the food sales that are required to hold this permit.

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

DI50-29224 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 evidence was presented at the local board that supported the recommendation of denial due to no need or desire for services at this location.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. 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 evidence was presented at the local board that supported the recommendation of denial due to no need or desire for services at this location.

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

RR02-18556 EDWARDMIERS, INC. – Commissioner Guthrie noted this is listed as a seventh year escrow request for this permit; however, it is only the second year escrow request for this permittee.

Commissioner Guthrie moved to approve the second year escrow request. Vice Chairman Johnson seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make eleven (11) permits inactive. Ten (10) permits are not subject to auction and one (1) permit is 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 the employee permits were issued: Trennis M. Bradford II, permit #BR1480510 and Brian D. Richardson, permit #BR1730272.

Commissioner Guthrie stated after conducting an investigation of these 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. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

ALCOHOL SUMMIT – Corporal Thickstun stated the Alcohol and Tobacco Commission will hold an alcohol summit on March 1, 2013. Several topics will be covered during this summit. Hearing Judge Kowalski is looking into this summit qualifying for CLE credits. Deadline for registering is January 15, 2013.

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