

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 3, 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 Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Superintendent Strittmatter, Prosecutor Drewry and Officer Bedwell.

Matt Brase, Bart Herriman, Jeff McKean, Greg Genrich, Travis Boiues, Mark Webb and Diane Masariu were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the November 19, 2013 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Drewry recommended the Commission approve the PAD forms that were submitted for the December 3, 2013 meeting.

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

HEARING JUDGE'S RECOMMENDATIONS

RR20-88396 THE NEW HALFTIME, INC. – Commissioner Grubb moved to adopt the Settlement Agreement regarding the above-referenced permit. This permit was denied due to insufficient food sales. This Agreement allows for the filing of a transfer of ownership to an independent, non-related, third party. Also, two additional Extensions will be granted during the transfer process. Commissioner Coxey seconded. The motion was unanimously approved.

RR49-00319 G. W. PARTNERS, INC. – Hearing Judge Rothenberg stated he received a withdrawal of appeal in this matter.

Commissioner Coxey moved to accept the withdrawal of appeal. Commissioner Grubb seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Vice Chairman Johnson 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.

Vice Chairman Johnson 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.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson 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.

Four hundred twelve (412) renewals approved, fifty-two (52) new and/or transfer applications approved, ten (10) catering applications approved, six (6) permits approved for first year escrow, three (3) permits approved for second year escrow, four (4) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit 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 Coxe seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR41-25545 ACAPULCO JOE'S GREENWOOD, INC. – Commissioner Coxe stated Tuscano's will be obtaining the space currently held by Bravo's in the Greenwood Park Mall in the Summer of 2014. They request permission to file for transfer of ownership of the above-referenced permit into their name and hold it in escrow until possession of the space is obtained. A transfer of location would then be filed.

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

RR86-30067 RAYMOND CF, LLC – Commissioner Coxe stated this is a new application with the local board voting 2-1 to approve.

The applicant failed to disclose misdemeanor convictions on his application; however, he disclosed them at the local board meeting. One conviction was in 1991 and the other in 2013. Neither of the convictions would disqualify the applicant from obtaining a permit

Commissioner Coxe moved to uphold the local board and approve the new permit. Commissioner Grubb seconded.

Vice Chairman Johnson and Commissioner Grubb questioned whether or not conditions could be placed on the permit due to the misdemeanor convictions and non-disclosure.

Commissioner Coxey stated the only condition would be to approve the permit for one year.

Commissioner Grubb moved to amend the motion and approve the permit for one year. Commissioner Coxey seconded. The motion was unanimously approved.

RR47-29950 THE NEW JACKS OF MITCHELL LLC – Commissioner Coxey noted this is a new application.

Commissioner Coxey stated applicant failed to appear before the local board on four occasions.

Commissioner Coxey moved to deny the application for a new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR64-83418 THE SHIFT CHANGE, INC. – Commissioner Coxey noted this is a renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Coxey stated the Porter County Sheriff testified that undercover drug purchases were made in May, June and August in this establishment and that the place has become a public nuisance.

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

RR82-04369 JONATHAN BOYD MERRICK – Commissioner Coxey noted this is a renewal with the local board voting 3-1 to disapprove.

Commissioner Coxey stated the only information provided by the local board was that the establishment has become a public nuisance.

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

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

DANIEL'S VINEYARD, LLC FLOOR PLAN – See attached transcript.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements.

ADJOURNMENT

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

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER

MELISSA COXEY, COMMISSIONER