

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 23, 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 and Commissioner Grubb. Also in attendance were Superintendent Strittmatter and Officer Bedwell.

Matt Brase, Bart Herriman, Mike Maxwell, Jim Purucker, Pamela Merrett, Daniel Williams, Jeff McKean, Marc Carmichael, Mark Webb, and Lisa McKinney were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the July 2, 2013 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

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

RR18-08317 JEFFREY PHIPPS – Staff Attorney Coxey stated she reviewed the Findings that were submitted by former Hearing Judge Kowalski and the objections that were filed. Ms. Coxey recommended the Commission adopt the Findings of the Hearing Judge.

Vice Chairman Johnson moved to adopt the Findings of the Hearing Judge and deny the renewal of this permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR71-22023 ALMA VELA – Commissioner Grubb stated this permittee appealed the denial of the renewal of the permit. Former Hearing Judge Kowalski submitted Findings that supported that denial based on criminal activity and violations of the alcoholic beverage code that occurred in the establishment.

Commissioner Grubb moved to uphold the Findings of the Hearing Judge to deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR52-23985 THE RUDICEL MASK - Hearing Judge Coxey stated this renewal was denied because the permittee was not meeting the required food sales. During the appeal hearing, new information was submitted regarding a change in circumstances. Baldwin Painting Company opened a business in close proximity to this establishment and the lunch business has increased dramatically. Ms. Coxey submits her Proposed Findings of Fact and Conclusions of Law recommending the Commission approve the renewal based on the new information.

Commissioner Grubb moved to uphold Hearing Judge Coxey's recommendation to approve the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR20-88386 THE NEW HALFTIME, INC. – Hearing Judge Coxey stated objections were not filed timely in this matter; however, the permittee just acquired an attorney who requested additional time to file objections. Also, Excise has provided new information regarding this matter that could be incorporated into the record with the granting of additional time.

Commissioner Grubb moved to table this matter. Vice Chairman Johnson 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.

Three hundred fifteen (315) renewals approved, one hundred eight (108) new and/or transfer applications approved, twelve (12) catering applications approved, twelve (12) permits approved for first year escrow, eight (8) permits approved for second year escrow, three (3) permits approved for third 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-13533 PIT STOP LIQUORS, INC. – Vice Chairman Johnson noted this is a transfer of location application with the local board voting two (2) to one (1) to approve.

Vice Chairman Johnson moved to uphold the local board and approve the transfer of the permit. Commissioner Grubb seconded. The matter was unanimously approved.

RR89-04511 JAMES FAIRCHILD & BRADLEY DEPRez, D/B/A WALKER'S NIGHTCLUB – Vice Chairman Johnson noted this is a renewal application with the local board voting four (4) to zero (0) to disapprove.

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

DL49-29922 KROGER LIMITED PARTNERSHIP – Vice Chairman Johnson noted this is a new pharmacy application with the local board voting three (3) to zero (0) to approve.

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

RR49-23806 TOMLINSON TAP ROOM, LLC – Commissioner Grubb stated this permittee requests approval of a new floor plan.

Commissioner Grubb stated a visit was made to the location. After the visit, a new floor plan was submitted showing one portion west of the stage is disallowed.

Commissioner Grubb moved to approve the new floor plan. Vice Chairman Johnson seconded. The motion as unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make eighteen (18) permits inactive. Three (3) permits are subject to auction and fifteen (15) permits are not subject to auction. Vice Chairman Johnson 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: Jessie Payne, permit #BR1618139. Ms. Payne is on probation for 18 months and will not be eligible to hold an employee permit until 1/17/2017.

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.

-- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Steven N. Epton, permit #BR1749984. Mr. Epton is on probation for 363 days and will not be eligible to hold an employee permit until July 15, 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.

-- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Tracy A. Bash-Golub, permit #BR1726698. Ms. Bash-Golub is on probation for 380 days and will not be eligible to hold an employee permit until July 17, 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.

-- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Ryan D. Dilley, permit #BR1640331. Mr. Dilley is on probation for 364 days and will not be eligible to hold an employee permit until May 27, 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.

-- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: David Watkins, permit #BR1547002. Mr. Watkins will not be eligible to hold an employee permit until July 11, 2015.

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.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Chairman Huskey stated the next Commission meeting will be Wednesday, August 14, 2013 at 10:00 a.m.

ADJOURNMENT

Chairman Huskey adjourned the meeting.

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE GRUBB, COMMISSIONER