

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 4, 2011

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 Sturtz and Commissioner Guthrie. Superintendent Strittmatter, Executive Secretary Neal, Captain Deitchley and Captain Fulford were also in attendance.

Jim Purucker, Nicole Upano, Jeff McKean, Marc Carmichael, Mark Webb and Connie Vickery were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 20, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the October 4, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the October 4, 2011 meeting. 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. Vice Chairman Johnson 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. Vice Chairman Johnson 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 seconded. The motion was unanimously approved.

Four hundred seventeen (417) permits approved for renewal, forty-three (43) new and/or transfer permits approved, six (6) permits approved for catering, ten (10) 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 fifth year escrow and one (1) permit approved for sixth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC48-00361 ANDERSON COUNTRY CLUB, INC. – Commissioner Guthrie stated the permittee requests this type 211-1 permit be converted to a type 210 permit. The Commissioner noted both permit types are on the same quota.

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

RR37-21281 THE RICO CORPORATION – Commissioner Guthrie noted this is a type 210-1 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated last year the renewal was approved for one year. The local board recommended disapproval this year because the permittee had same or similar violations during this renewal period.

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

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make eight (8) permits inactive. Seven (7) permits are not subject to auction and one (1) permit is subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

COUPONS AND REBATES – See attached transcript.

NEW BUSINESS

MARION COUNTY QUOTA – Executive Secretary Neal stated in preparation for the 2011 permit auction, the Commission has compiled the 2010 Census data, which will change many quotas in the State. Also, the Commission reviewed the Indiana Code and has determined the proper procedures for calculating the population and quota for the Consolidated City of Indianapolis and Marion County, which includes everything in the county, but the excluded cities of Beech Grove, Lawrence, Southport and Speedway and portions of Pike Township, Wayne Township and Decatur Township. With that

review, changes will be made to how the quota for the Consolidated will be calculated. That population calculation being all of Marion County, minus the excluded cities and the three townships previously listed.

The Executive Secretary stated the Indiana Code does not support the existence of unincorporated areas, so therefore, after November 17, 2011, no applications will be accepted for permits in those areas. The permits currently issued in unincorporated areas will be allowed to remain and will also be allowed to transfer anywhere in the Consolidated City, but will have to continue to meet food sales minimums.

Executive Secretary Neal also stated that the Commission will continue to accept applications for unincorporated areas until November 17, 2011.

Attorney Jeff McKean asked what the implications will be regarding all types of permits. The Executive Secretary stated the Census data would have caused the quota to increase without this correction anyway, but it could increase the number of type 210 permits by somewhere in the neighborhood of 70 permits.

Commissioner Guthrie moved to approve this process. Commissioner Sturtz 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 _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER