

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 5, 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 Coxe and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Superintendent Strittmatter, Prosecutor Drewry and Officer Bedwell.

Matt Brase, Lisa McKinney, Marc Carmichael, Connie Vickery, Travis Barnes, Grant Monahan, Jeff McKean, Greg Genrich, Bart Herriman, Mark Webb and Diane Masariu were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the October 16, 2013 meetings. Vice Chairman Johnson 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 November 5, 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

DL50-29224 AMRIT ONE STOP, INC. – Commissioner Coxe stated this was an appeal of the local board's recommendation to deny the new permit. The only remonstrators present at the local board meeting were a competitor and two individuals who do not live in Lapaz, IN, where the permit would be located. No remonstrators appeared at the appeal hearing. Competition was the only evidence presented regarding the issuance of this permit. After conducting an appeal hearing, she recommended the Commission overturn the local board and approve the permit.

Commissioner Grubb moved to uphold Commissioner Coxe's recommendation. 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.

Five hundred one (501) renewals approved, seventy-three (73) new and/or transfer applications approved, ten (10) catering applications approved, seven (7) permits approved for first year escrow, eight (8) 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR29-30100 JRAZZOS2, LLC – Vice Chairman Johnson noted this is a new application with the local board voting three (3) to one (1) to disapprove.

Vice Chairman Johnson stated the reason for the recommendation was due to the fact that a permit is already listed as being in that location. The applicant provided notice from the landlord that the previous tenant no longer has a lease there and also notice from the permittee stating the permit was not going to be used at that location.

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

RR84-00292 JOHN WILLIAM STEVENS – Vice Chairman Johnson noted this is a transfer of ownership and location with the local board voting four (4) to zero (0) to approve.

Vice Chairman Johnson stated the permittee signed Consent to Transfers for two different parties. The matter was taken to court and John William Stevens, who was the given the first Consent to Transfer, won the lawsuit. Part of the reason for the second Consent to Transfer was due to the criminal record of Mr. Stevens. The Vice Chairman noted a memo submitted by the local board officer stating the convictions of Mr. Stevens, but not whether the convictions were misdemeanors or felonies.

Vice Chairman Johnson moved to table this matter for further investigation into the convictions of the applicant. Commissioner Grubb seconded. The motion was unanimously approved.

RR56-21754 BAJA LIQUOR, LLC – Vice Chairman Johnson noted this is a renewal with the local board voting 4-0 to disapprove due to low food sales’ figures.

Vice Chairman Johnson stated the establishment sold \$76,000 worth of alcohol and only \$2,000 worth of food.

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

RR34-09754 DANNY D’S, LLC – Vice Chairman Johnson noted this is a renewal with the local board voting 4-0 to disapprove.

Vice Chairman Johnson stated the local board cited 905 1-27-4 public nuisance and criminal acts as reasons for recommending denial.

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

RH76-08650 COLD SPRINGS, INC. – Vice Chairman Johnson noted this is a hotel permit that no longer qualifies for a hotel permit. Excise informed the permittee that a request should be made to convert this permit to a restaurant/outside city limits permit.

Vice Chairman Johnson moved to notify the permittee to make the request before the Commission would consider the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make 16 permits inactive. Thirteen permits are not subject to auction and three are subject to auction. Commissioner Coxey 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: Jessica Jo Turner, permit #BR1632960. Ms. Turner is on probation for 545 days and will not be eligible to hold an employee permit until April 28, 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: Jonathan Poor, permit #BR1746514. Mr. Poor is on probation for 180 days and will not be eligible to hold an employee permit until May 14, 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Chairman Huskey introduced and welcomed Melissa Coxey as Commissioner and David Rothenberg as the Executive Secretary.

Commissioner Coxey stated she was thankful for the opportunity and looked forward to working with everyone.

Executive Secretary Rothenberg stated he spent the last five years in the Marion County Prosecutor's Office prosecuting major felony drugs. Previous to that, his family owned a business in the food industry. He looks forward to working with everyone.

Chairman Huskey stated any questions the industry has should be submitted to Executive Secretary Rothenberg first and, if necessary, a meeting will be scheduled with Commissioners to discuss those questions.

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