

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 17, 2009

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Jeff McKean, Cindy Tooman, Trevor Vance, Greg Genrich, and Debbie Scott were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the November 3, 2009 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the November 17, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application 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 and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred thirty-two (532) renewals approved, fifty-three (53) new and/or transfer permits approved, fourteen (14) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow, three (3) permits approved for third year escrow, and one (1) permit approved for fourth 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. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL45-13168 R & L SEARS CUT-RATE LIQUOR STORES, INC. – Commissioner Guthrie noted this is a type 217 renewal application with the local board voting two (2) to two (2).

Commissioner Guthrie stated the local board members who voted to recommend denial felt this permittee had too many violations regarding minors. The designated Excise Officer on the board voted to recommend approval of the renewal.

Commissioner Guthrie moved to approve the renewal of this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR46-06205 THE AVENUE BAR INCORPORATED – Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board commented that this establishment has become a public nuisance and does not maintain food requirements.

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

RR28-24041 LA PLAZA MEXICAN RESTAURANT, INC. – 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 the permittee repeatedly did not appear before the local board as required.

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

RR49-19875 REST MEX, INC., D/B/A TAQUERIA JALISCO RESTAURANT – Commissioner Guthrie noted this is a type 103 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated this permittee does have a history of violations, but has been working with Prosecutor Drewry to help work out the problems with this establishment. They have been operating on reduced hours and have more security. Since they have been on this working plan, there have been no further problems.

Commissioner Guthrie moved to overturn the local board and approve the renewal of this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make twenty-one (21) permits inactive. Five (5) permits are not subject to auction and sixteen (16) permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

EXECUTIVE SESSION MINUTES – Commissioner Guthrie moved to approve the minutes that were submitted for the November 3, 2009 Executive Session. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER