

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 1, 2014

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 Executive Secretary Rothenberg, Prosecutor Mader, Staff Attorney Allen, Superintendent Strittmatter and Officer Bedwell.

Phil Terry, Rob Hedges, Travis Barnes, Jane Gentry, Steve Badger, Matt Brase, Bart Herriman, Mike Maxwell, Alex Intermill, and Mark Webb were present as observers.

Chairman Huskey introduced Jessica Allen, the new staff attorney.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the March 18, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the Parties' Agreed Dispositions that were submitted. The Prosecutor noted there were 83 PAD forms.

Commissioner Grubb moved to approve the PAD forms that were submitted for the April 1, 2014 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

FAST TRACK PROGRAM – Prosecutor Mader announced a new program called Fast Track. This program expedites processing those violations that deal with public safety, such as public nuisance, sale of controlled substances, prostitution and over service of alcohol resulting in death or serious injury.

HEARING JUDGE'S RECOMMENDATIONS

DL80-28977 DOLGENCORP, LLC – Hearing Judge Rothenberg stated this is an appeal that was heard by Doug Kowalski, for a new permit that was denied and an appeal filed. A review of the entire record was completed. Hearing Judge Rothenberg now submits his proposed findings of fact and conclusions of law for recommendation to the Commission.

Commissioner Grubb moved to uphold the recommendation of the Hearing Judge and deny the new permit. 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 were either recommended by local boards or where a quorum was not present, 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 forty (340) renewals approved, fourteen (14) new and/or transfer applications approved, ten (10) permits approved for catering, one (1) permit approved for first year escrow, three (3) permits approved for second year escrow, and four (4) permits approved for third 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

WH49-29936 MLJ FOX COMPLIANCE & LOGISTICS – Vice Chairman Johnson moved to approve the new wine wholesaler application. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30353 21ST CORNER LLC - Vice Chairman Johnson noted this is a transfer of ownership and catering application with the local board voting 4-0 to approve.

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

INACTIVE FILES

Commissioner Grubb moved to make twelve (12) permits inactive and 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: Ashley Redick, permit #BR1699358. Ms. Redick will not be eligible to hold an employee permit until December 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

SPIRITED SALES – Chairman Huskey stated the pre-hearing is scheduled for 11:00 a.m. today.

FABIANO BROTHERS – Chairman Huskey stated the applicant withdrew the application.

ADJOURNMENT

Commissioner Grubb moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this 15th day of April, 2014.



ALEX HUSKEY, CHAIRMAN



DAVID JOHNSON, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MELISSA COXEY, COMMISSIONER