

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 15, 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, Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Prosecutor Mader, Staff Attorney Allen, Superintendent Strittmatter and Officer Bedwell.

Marc Carmichael, Diane Masariu, Lisa McKinney, Greg Genrich, Jenny Drewry, Travis Barnes, Matt Brase, Bart Herriman, Alex Intermill, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the April 1, 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. He also stated that he has gotten through the backlog of cases.

Commissioner Grubb moved to approve the PAD forms that were submitted for the April 15, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR91-18901 SAYLER'S BAR AND GRILL – Hearing Judge Rothenberg stated this is an appeal from the White County Local Board recommendation to deny the renewal of this permit. The local board based their recommendation on the permittee not meeting the food sales' figures necessary to qualify for this type of permit.

Hearing Judge Rothenberg noted that at the appeal hearing evidence was presented that the permittee has increased the food sales; however, not by enough to qualify for the permit. The permittee stated there has been ongoing road construction that has limited their sales. The Hearing Judge requested the permittee submit proof of the construction, which was never provided.

Commissioner Grubb moved to table this matter and to request the permittee submit the food sales' figures for January through March of 2014, to see if the sales are still continuing the upward trend. Commissioner Coxey 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.

Five hundred twenty-seven (527) renewals approved, thirty-seven (37) new and/or transfer applications approved, eleven (11) permits approved for catering, eleven (11) permits approved for first year escrow, five (5) permits approved for second year escrow, three (3) permits approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits 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. Commissioner Coxey seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC50-98514 PLYMOUTH COUNTRY CLUB, INC. – Vice Chairman Johnson stated the Commission received a request to convert this type 211-3 to a type 209 permit.

Vice Chairman Johnson moved to approve the conversion. Commissioner Coxey seconded. The motion was unanimously approved.

RR49-28186 EL PORTAL POBLANO MEXICAN GRILL, INC. – Commissioner Coxey noted this is a renewal with the local board voting 3-0 to disapprove for failure to appear.

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

RR37-30245 LDMJ, LLC – Vice Chairman Johnson noted this is a new application with the local board voting 3-0 to disapprove for failure to appear and the applicant no longer has a lease at the location.

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

INACTIVE FILES

Commissioner Grubb moved to make eighty-nine (89) permits inactive. Sixty-nine are not subject to auction and twenty 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: Michael W. Inman, permit #BR1763476. Mr. Inman will not be eligible to hold an employee permit until October 3, 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. 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: Jerry Powell, permit #BR1631367.

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: Joseph R. Burns, permit #BR1757824. Mr. Burns will not be eligible to hold an employee permit until March 31, 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. 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: Matthew A. Batson, permit #BR1764074. Mr. Batson will not be eligible to hold an employee permit until April 4, 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Grubb moved to adjourn the meeting. Commissioner Coxey seconded. The motion was unanimously approved.

Approved this 7th day of May, 2014.



ALEX HUSKEY, CHAIRMAN



DAVID JOHNSON, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER