

MINUTES

ALCOHOL AND TOBACCO COMMISSION

June 3, 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, Staff Attorney Allen, Prosecutor Mader, Superintendent Strittmatter and Officer Bedwell.

Hillary Barnes, Jennifer Campbell, Mike Maxwell, Keith Johnson, Greg Genrich, Jenny Drewry, Matt Brase, Steve Badger, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the May 20, 2014 meeting. Commissioner Coxey 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.

Commissioner Grubb moved to approve the PAD forms that were submitted for the June 3, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-29938 WAIL ODTALLAH – Hearing Judge Rothenberg stated this is an appeal from a recommended denial by the Lake County Local Board and an upholding of that recommendation by the Commission. The applicant filed a timely appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge and approve the new permit. Commissioner Coxey seconded. The motion was unanimously approved.

DL18-27716 YORKTOWN FOOD MART, INC. – Commissioner Coxey, who was the hearing judge in this case, stated this is an appeal from a recommended denial by the Delaware County Local Board and an upholding of that recommendation by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. Commissioner Coxey now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Coxey moved to uphold the local board and deny the renewal. Commissioner Grubb 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.

Four hundred one (401) renewals approved, thirty-four (34) new and/or transfer applications approved, six (6) permits approved for catering, five (5) permits approved for first year escrow, six (6) 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. Commissioner Coxey seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL45-06928 MERRILL LIQUORS – Commissioner Grubb moved to continue this matter. Commissioner Coxey seconded. The motion was unanimously approved.

RR02-CBDD, LLC – Vice Chairman Johnson noted this permittee filed a written request to allow his permit to be converted from a permit outside the city limits to a permit inside the city limits. The County Verification of Business Location was included showing the location is inside the city limits.

Vice Chairman Johnson moved to approve the request. Commissioner Grubb seconded.

Commissioner Coxey asked if the conversion is due to the location being annexed and whether we were given the Notice of Annexation date. Vice Chairman Johnson stated that was not provided.

Chairman Huskey asked for all in favor of the motion to approve. All Commissioners voted not to approve the motion.

Vice Chairman Johnson moved to continue this matter until notice of the date of annexation is provided. Commissioner Coxey seconded. The motion was unanimously approved.

WH49-29939 VINTNER SELECT, INC. – Commissioner Coxey noted this permittee is applying for a wine wholesaler permit, but currently owns a micro wholesaler permit. If approved, the permittee will relinquish micro wholesaler permit.

Commissioner Coxey moved to approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

W 49-27504 VANGUARD WINES, LLC – Commissioner Coxey noted this permittee is moving from Marion County to Jeffersonville. Because permits cannot be transferred out of county, the permittee is applying for a new permit for Jeffersonville and relinquishing the permit in Marion County.

Commissioner Coxey moved to approve. Commissioner Grubb seconded. The motion was unanimously approved.

WH49-29940 FREE MARKET WINE GROUP, LLC - Commissioner Coxey noted this permittee is applying for a wine wholesaler permit, but currently owns a micro wholesaler permit. If approved, the permittee will relinquish micro wholesaler permit.

Commissioner Coxey moved to approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

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: Bradley J. Johnson, permit #BR1766619. Mr. Johnson will not be eligible to hold an employee permit until May 21, 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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Dawn A. Pettitt, permit #VB1726936. Ms. Pettitt will not be eligible to hold an employee permit until November 22, 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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Eric M. Collyer, permit #BR1724534. Mr. Collyer will not be eligible to hold an employee permit until October 6, 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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Heather Acton, permit #BR1682435. Ms. Acton will not be eligible to hold an employee permit until November 11, 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. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Kami A. Williams, permit #BR1704434. Ms. Williams will not be eligible to hold an employee permit until November 19, 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. Commissioner Coxey 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 J. O'Kelly, permit #BR1770414. Mr. O'Kelly will not be eligible to hold an employee permit until November 19, 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. Commissioner Coxey seconded. The motion was unanimously approved.

EXCISE ANNUAL REPORT – Superintendent Strittmatter requested the Commission approve the Report and allow for public inspection.

Commissioner Grubb moved to approve the Report. Commissioner Coxey seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2ND JUNE COMMISSION MEETING – Chairman Huskey stated the next meeting will be held on June 24, 2014, instead of June 17, 2014.

ADJOURNMENT

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

Approved this 24th day of June, 2014.



ALEX HUSKEY, CHAIRMAN



DAVID JOHNSON, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER