

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 21, 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 Sturtz and Commissioner Grubb. Also in attendance were Superintendent Strittmatter, Officer Bedwell, Officer Thickestun, Captain Deitchley, Major Poindexter, Prosecutor Drewry, and Executive Secretary Kowalski.

Matt Brase, Connie Vickery, Diane Masariu, Jim Purucker, Jeff McKean, Greg Genrich, Marc Carmichael, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the May 7, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the Parties' Agreed Dispositions that were submitted for the May 21, 2013 meeting.

Commissioner Grubb moved to approve the PAD forms that were submitted. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz 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.

Commissioner Sturtz 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.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Sturtz 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) permits approved for renewal, fifty-three (53) new and/or transfer permits approved, eleven (11) permits approved for catering, three (3) permits approved for first year escrow, seven (7) 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

RR34-09754 DANNY D’S, LLC – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting two (2) to two (2). This matter was tabled from the last meeting.

Vice Chairman Johnson moved to table this matter and remand it to the local board for further investigation of new issues. Commissioner Grubb seconded. The matter was unanimously approved.

DL23-29667 DOLGENCORP, LLC – Vice Chairman Johnson noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Vice Chairman Johnson stated several remonstrators were present at the local board meeting and petitions against the issuance of this permit were submitted. The Excise officer voted to recommend approval.

Commissioner Grubb stated his son manages a Dollar General store in Fountain County. He is not sure if this is that particular store, but in case he recused himself from the vote.

Vice Chairman Johnson moved to uphold the local board’s recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was approved three (3) to zero (0), with one (1) recusal.

RR69-29719 HONEY JUG, LLC – Vice Chairman Johnson noted this is a new type 209 application with the local board voting three (3) to one (1) to approve.

Vice Chairman Johnson moved to uphold the local board’s recommendation and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR45-20785 RIVER’S EDGE BAR & GRILL, INC. – Vice Chairman Johnson noted this is a food sales issue. The local board recommended approval of this renewal application in March, but after the Vice Chairman reviewed the application, he was not going to approve it due to the food sales not meeting the requirement for a type 209 permit.

Vice Chairman Johnson stated the owner filed an affidavit with the Commission that he would like to share with the local board regarding the low food sales.

Vice Chairman Johnson moved to remand this renewal to the local board and approve the issuance of an Extension letter. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make ninety-one (91) permits inactive. Eighty-six (86) permits are not subject to auction and five (5) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

RR06-03237 ERJ, LLC – Executive Secretary Kowalski stated this was continued from the last two meetings. This permit was ready to be made inactive, due to the permittee owing taxes. However, the permittee is also in Chapter 7 bankruptcy. The Executive Secretary recommended the Commission not make this permit inactive and allow it to follow the normal bankruptcy process for permits.

Commissioner Sturtz asked for more clarification regarding the bankruptcy process. Executive Secretary Kowalski stated the normal process is to wait for the court's order regarding selling or disposing of the permit.

Vice Chairman Johnson moved to accept the Executive Secretary's recommendation. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

DALE GRUBB, COMMISSIONER