

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 7, 2011

**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 Guthrie. Executive Secretary Dunsmore, Major Poindexter and Public Information Officer Thickstun were also in attendance.

Marc Carmichael, Mark Webb, Mark Palmer, Greg Genrich, Jeff McKean, Matt Brase, Jim Purucker and Lisa McKinney were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the May 17, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the June 7, 2011 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR76-98369 FUNCO, INC. - Hearing Judge Dunsmore stated this permittee was cited for furnishing alcohol beverage to a minor, allowing a minor to loiter and retailer gaming operations. The Prosecutor made an offer to settle this matter; however, an agreement could not be reached, so an appeal hearing was held. 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 Hearing Judge's recommendation to find the permittee guilty of the offenses and charge a fine of \$1,150.00. Commissioner Guthrie seconded. The motion was unanimously approved.

DL80-27331 RICKER OIL COMPANY, INC. – Hearing Judge Dunsmore stated this new permit application was recommended to be denied by the Tipton County Local Board. The Commission upheld the recommendation. The applicant filed a timely notice of 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 Hearing Judge's recommendation and deny the new permit. Commissioner Guthrie seconded. Motion was unanimously approved.

## **CONSIDERATION OF APPLICATIONS**

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

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

Five hundred three (503) permits approved for renewal, forty-six (46) new and/or transfer permits approved, thirteen (13) permits approved for catering, three (3) permits approved for first year escrow, two (2) permits approved for second year escrow, three (3) permits approved for third year escrow, three (3) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow and three (3) permits approved for sixth 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. Commissioner Sturtz seconded. The motion was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

DL49-27213 WALGREEN CO – Commissioner Guthrie noted this is a new type 208-3 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR53-20641 PAN PAN CORPORATION – Commissioner Guthrie noted this is a type 103 renewal application with the local board voting three (3) to one (1) to approve.

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

DL49-27739 RAMJO, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR46-06205 THE AVENUE BAR INCORPORATED – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited character of the applicant as reason for the recommendation of denial.

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

RR87-08178 HOOTIE HOOT SALOON, LLC – Commissioner Guthrie noted this is a type 209 renewal application. The applicant failed to appear numerous times at the local board.

Commissioner Guthrie moved to deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-18848 CHURCH & CHURCH LIMITED – Commissioner Guthrie noted this is a type 209 renewal application. The permittee was evicted from the location by court order.

Commissioner Guthrie moved to deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make seventy-nine (79) permits inactive. Sixty-six (66) permits are not subject to auction and thirteen (13) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

SHIRAZ CAFÉ – ENOMATIC WINE SYSTEM – Commissioner Guthrie stated the Commission received a request from Shiraz Café regarding the use of a wine dispensing machine to be used for tastings. The Conrad Hotel uses a similar type machine. The Commissioner said the security measures that were a concern are in place and the system uses “Smart” cards that control the amount of alcohol portions that are dispensed.

Chairman Huskey stated that this machine will only be in areas where patrons must be 21 years of age or older to be permitted and that the Commission will continue to look at these types of entities on a case by case basis in the future.

Commissioner Guthrie moved to approve this request. Commissioner Sturtz seconded. The motion was unanimously approved.

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

RESIGNATION OF EXECUTIVE SECRETARY DUNSMORE – Chairman Huskey thanked Ed Dunsmore for his service and extended his appreciation for all he has done for the Agency.

NEW PUBLIC INFORMATION OFFICER – Chairman Huskey introduced Officer Travis Thickstun as the new public information officer for the Indiana State Excise Police.

## **ADJOURNMENT**

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER