

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 2, 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, Major Poindexter, Captain Deitchley and Officer Bedwell.

Matt Brase, Connie Vickery, Trevor Vance, Diane Masariu, Alex Intermill, Jeff McKean, Greg Genrich, and Mindy Westrick were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the June 18, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the PAD forms that were submitted. Commissioner Sturtz seconded. The motion was unanimously approved.

RR18-08317 JEFFREY PHIPPS – Commissioner Grubb moved to table this matter for further review due to objections being filed. Vice Chairman Johnson 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.

Three hundred twenty-seven (327) renewals approved, fifteen (15) new and/or transfer applications approved, eight (8) catering applications approved, three (3) permits approved for first year escrow, seven (7) permits approved for second year escrow and one (1) permit 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 Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC49-29647 LAID BACK CORNER SOCIAL CLUB, INC. – Vice Chairman Johnson noted this is a new club application.

Vice Chairman Johnson stated this was forwarded to the Commission without a vote by the local board because the applicant did not appear at that local meeting three consecutive times. Also, testimony was given that the applicant needs a zoning variance, but is not able to obtain it.

Vice Chairman Johnson moved to deny the new permit. Commissioner Grubb seconded. The matter was unanimously approved.

RR03-01954 POWER HOUSE BREWING CO. – Vice Chairman Johnson noted this is a renewal application.

Vice Chairman Johnson stated this was forwarded to the Commission without a local board vote. The permittee was required to appear at the local board meeting due to having a violation. The permittee did not appear at that local meeting three consecutive times.

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

DL72-29840 MARTIN & BAYLEY, INC. – Vice Chairman Johnson noted this is a new beer and wine grocery application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson moved to deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

M 49-27823 FOUNTAIN SQUARE BREWERY – Chairman Huskey stated a couple of days after the Commission took action to make this permit inactive because it had been expired for a period of time; renewals were filed along with the fee for the license. The Commission also discovered the business had remained open while it was expired, and; therefore, the business was cited.

Chairman Huskey moved to reactivate this permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

RR44-92137 KT & T LEE, INC., D/B/A RED OWL LOUNGE – Commissioner Sturtz strongly urged the Commission to look at the matter of the renewal of this permit very closely before making any determination regarding whether or not to allow it to continue operating.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Julian Diaz, permit #BR1743247. Mr. Diaz is on probation for 361 days and will not be eligible to hold an employee permit until June 13, 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.

- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Hannah L. Quinn, permit #BR1640512. Ms. Quinn is on probation for 305 days and will not be eligible to hold an employee permit until April 27, 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 Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Vice Chairman Johnson stated over the years working on the Commission, it was apparent that the Commissioner Sturtz knew many, many people and he was very happy to be considered one of the many friends of Commissioner Sturtz.

Chairman Huskey commented that he appreciated the service Commissioner Sturtz provided in state and local government and he, too, was glad to be considered a friend of the Commissioner.

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 GRUBB, COMMISSIONER