

ALCOHOL AND TOBACCO COMMISSION

September 16, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

September 2, 2014

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

675 Renewals

74 New/Transfers

11 Catering

1 1<sup>st</sup> Year Escrow

2 2<sup>nd</sup> Year Escrow

2 3<sup>rd</sup> Year Escrow

1 6<sup>th</sup> Year Escrow

5 New Direct Wine Shipper

5 Renewals Direct Wine Shipper

6. Renewal Letters and Waiver of Fees for Letters of Extension -

7. Applications for Discussion –

RR49-24627/RR49-30837 – Pending transfer

RR46-29988 McBraelie LLC – Correction of entry error

RR45-02506 L. Four Incorporated – Escrow

RR32-30568 and RR32-30569 RSC Developments, Inc. – Transfer of ownership with the local board voting 4-0 to deny.

8. Inactive Files –

11 Permits Not Subject to Auction

1 Permit Subject to Auction

9. Old Business -

RR02-19942 CBDD, LLC – Continued from last meeting

RR79-23167 Vuz, Inc. – Continued from last meeting

10. New Business -

Revocation of Employee Permits

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 16, 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, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter.

Jenny Drewry, Marc Carmichael, Greg Genrich, Alex Intermill, Keith Johnson, Matt Brase, Patrick Tamm and Bart Herriman were present as observers.

EXCISE SERGEANT LES STRATTON BADGE RETIREMENT – Chairman Huskey stated Sgt. Les Stratton passed away September 10, 2014, after a courageous battle with Cancer. Sgt. Stratton had 35 years of exemplary service with the Excise Police and at the time of his death was the field supervisor for the Excise District 4 office.

Vice Chairman Johnson moved to retire the badge of Sgt. Stratton. Commissioner Grubb seconded. The motion was unanimously approved.

#### DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes for the September 2, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 45 Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the September 16, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

#### 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.

Vice Chairman Johnson moved to approve and incorporate by reference the list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference the list of direct wine shipper renewal permits. Commissioner Grubb seconded. The motion was unanimously approved.

Six hundred seventy-five (675) renewals approved, seventy-four (74) new and/or transfer applications approved, eleven (11) permits approved for catering, one (1) permit approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for sixth year escrow, five (5) new permits approved for direct wine shippers and five (5) renewals approved for direct wine shippers.

#### **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**

RR49-24627/RR49-30837 – Vice Chairman Johnson stated there is a pending transfer of ownership and a preliminary injunction has been entered against the defendants. Any further action regarding the transfer is to be halted.

Vice Chairman Johnson moved to continue the transfer until the preliminary injunction is lifted. Commissioner Coxey seconded. The motion was unanimously approved.

RR46-29988 MCBRAELIE LLC – Executive Secretary Rothenberg noted this permit was applied for as a type 210 permit in Michigan City, on June 6, 2013, but was processed and issued as a type 112 permit. The permittee would like to transfer this permit as a type 210. Currently, there are no type 210 permits available in Michigan City. The Executive Secretary recommended the Commission allow the type 112 permit to be converted to a type 210, even though this would put Michigan City over quota over by one, because of the error made when the application was processed.

Commissioner Grubb moved to uphold the Executive Secretary's recommendation and approve the conversion. Commissioner Coxey seconded. The motion was unanimously approved.

RR45-02506 L. FOUR INCORPORATED – Vice Chairman Johnson noted he gave this permittee until October 2, 2014, to transfer the permit. At this time, the permit has not been transferred, but he stated he will keep his word and allow them until October 2<sup>nd</sup>.

Vice Chairman Johnson moved to revisit the matter at the October 7, 2014 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

RR32-30568 AND RR32-30569 RSC DEVELOPMENTS, INC. – Vice Chairman Johnson stated the transfer of ownership has been withdrawn.

### **INACTIVE FILES**

Commissioner Grubb moved to make twelve (12) permits inactive. One (1) permit is subject to auction and eleven (11) permits are not subject to auction. Commissioner Coxey seconded. The motion was unanimously approved.

### **OLD BUSINESS**

RR02-19942 CBDD, LLC – Commission Counsel Allen noted she is still waiting for the documentation as to when the Notice of Annexation was published. She recommended the Commission continue this matter.

Commissioner Grubb moved to continue this matter until documentation is received. Commissioner Coxey seconded. The motion was unanimously approved.

RR79-23167 VUZ, INC. – Commissioner Coxey moved to continue this to the next meeting. Commissioner Grubb seconded. The motion was unanimously approved.

### **NEW BUSINESS**

#### REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Gregory S. Mickelson, permit #BR1596921. Mr. Mickelson will not be eligible to hold an employee permit until August 25, 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: Cole P. Chapman, permit #BR1782619. Mr. Chapman will not be eligible to hold an employee permit until August 29, 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: Neil A. Furry, permit #BR1727065. Mr. Furry will not be eligible to hold an employee permit until August 2, 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: Jesse R. Garza, permit #BR1684369. Mr. Garza will not be eligible to hold an employee permit until July 9, 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.

### **POLICY DETERMINATIONS**

6<sup>TH</sup> YEAR ESCROW REQUESTS – Executive Secretary Rothenberg reminded those present at the meeting that no 6<sup>th</sup> year escrow requests will be approved after January 2015.

### **ANNOUNCEMENTS**

CAPTAIN FULFORD LIFE SAVING AWARD – Superintendent Strittmatter presented the Indiana State Excise Police Life Saving Award to Captain Patrick Fulford. A man, while speaking with Captain Fulford, went into cardiac arrest and Captain Fulford quickly responded and provided CPR until emergency medical personnel arrived. The man's pulse returned and he was admitted to the hospital. The man passed away a few days later, but because of Captain Fulford's quick response, family was able to travel from Georgia and Tennessee and spend time with him during the last few days of his life.

EXCISE DISTRICT #4 – Chairman Huskey thanked the officers of the Seymour district for their dedication and service. The officers have gone through a lot over the last couple of months and their attention to detail, their care and concern for a fellow officer and their resolve to maintain service to the State of Indiana has not gone unnoticed by this Commission.

RESIGNATION OF CHAIRMAN HUSKEY – Chairman Huskey wanted to thank everyone for allowing him 10 years of service to the state as superintendent and chairman of the Commission.

Commissioner Grubb, on behalf of the citizens of Indiana, thanked the Chairman for his unselfish service and wished him he very best.

Vice Chairman Johnson also thanked Chairman Huskey for his service and friendship over the last 8 years.

Superintendent Strittmatter thanked the Chairman for his service as superintendent and for making his transition into this agency seamless and with very little needed to move Excise to the next level. He also stated that he valued Chairman Huskey's friendship.

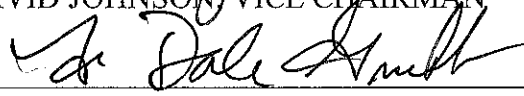
**ADJOURNMENT**

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

Approved this 7<sup>th</sup> day of October, 2014.

\_\_\_\_\_  
ALEX HUSKEY, CHAIRMAN

  
\_\_\_\_\_  
DAVID JOHNSON, VICE CHAIRMAN

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

  
\_\_\_\_\_  
MELISSA COXEY, COMMISSIONER