

ALCOHOL AND TOBACCO COMMISSION

May 4, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

April 21, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

667 Renewals

55 New/Transfers

15 Catering

10 1<sup>st</sup> Year Escrow

1 2<sup>nd</sup> Year Escrow

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

2 New Carriers

9 Renewal Carriers

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

7. Applications for Discussion –

DL45-14463 Merrill Liquors – Request for reactivation

8. Inactive Files –

15 Permits Not Subject to Auction

1 Permit Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 4, 2015

**CALL TO ORDER/NOTING OF QUORUM**

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman, Commissioner Grubb and Commissioner Maginn. Executive Secretary Rothenberg, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Matt Brase, Alberta Fields, Mark Webb and Bart Herriman were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Coleman moved to approve the minutes from the April 21, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 134 Parties' Agreed Dispositions that were submitted, totaling approximately \$34,350.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the May 4, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations.

**CONSIDERATION OF APPLICATIONS**

Commissioner Grubb 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 Maginn seconded. The motion was unanimously approved.

Commissioner Grubb 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 for approval by local boards or where a quorum was not present, and reviewed by at least two Commissioners. Commissioner Maginn seconded. The motion was unanimously approved.

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

Commissioner Grubb 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 Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Six hundred sixty-seven (667) renewals approved, fifty-five (55) new and/or transfer applications approved, fifteen (15) permits approved for catering, ten (10) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, two (2) new carrier permits approved and nine (9) renewal carrier permits approved.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Maginn moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL45-14463 MERRILL LIQUORS – Executive Secretary Rothenberg noted this permit was made inactive in 2013, because renewals were not filed. It appears that the permittee was submitting renewals and fees to his attorney, but the attorney was not filing them. The permittee assumed the permit was in good standing. The Executive Secretary stated the permittee filed an affidavit advising the Commission that if the permit is reactivated, within six months there will be a lease or signed purchase agreement to put this permit into use.

Commissioner Grubb moved to reactivate the permit for one year. Vice Chairman Coleman seconded. The motion was unanimously approved.

DL71-95055 B & B PETROLEUM – Executive Secretary Rothenberg stated the local board and Commission denied renewal of this permit in 2014. Due to a clerical error, the permit was issued and received by the permittee. The permittee also received notice of the denial of the permit. Because of this confusion, the Executive Secretary recommended the Commission reactivate the permit to allow time for the permittee to appeal.

Commissioner Grubb moved to reactivate the permit of purposes of allowing time for appeal. Vice Chairman Coleman seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Commissioner Grubb moved to make sixteen (16) permits inactive. Fifteen permits are not subject to auction and one permit is subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

## OLD BUSINESS

No Old Business

## NEW BUSINESS

### REVOCACTION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jeffrey D. Yeary, permit #BR1793004. Mr. Yeary will not be eligible to hold an employee permit until April 21, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Paul J. Carnes, permit #BR1634312. Mr. Carnes will not be eligible to hold an employee permit until March 21, 2019.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commission Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jordan D. Summers, permit #BR1801409. Mr. Summers will not be eligible to hold an employee permit until April 19, 2016.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: April E. Krepakevich-Slinker, permit #BR1681601. Ms. Krepakevich-Slinker will not be eligible to hold an employee permit until April 29, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Alexis D. Hurst, permit #BR1741979. Ms. Hurst will not be eligible to hold an employee permit until April 18, 2016.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Shawn A. Sinkula, permit #BR1585761. Mr. Sinkula will not be eligible to hold an employee permit until July 26, 2016.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

**POLICY DETERMINATIONS**

No Policy Determinations

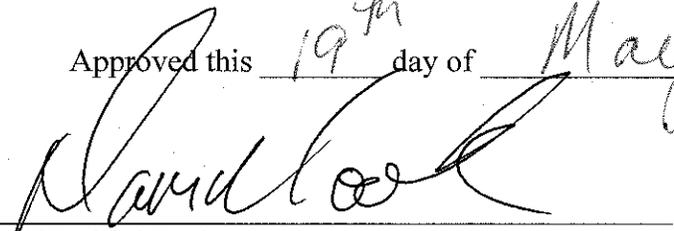
**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

Vice Chairman Coleman moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 19<sup>th</sup> day of May, 2015.

  
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DAVID COOK, CHAIRMAN

  
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DAVID COLEMAN, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER