

ALCOHOL AND TOBACCO COMMISSION

May 19, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

May 4, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

694 Renewals

88 New/Transfers

16 Catering

2 1st Year Escrow

8 2nd Year Escrow

2 3rd Year Escrow

1 4th Year Escrow

2 5th Year Escrow

1 New Carrier

4 Renewal Carriers

29 Renewal Direct Wine Shippers

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

7. Applications for Discussion –

RR49-31206 Barena Restaurant & Bar, LLC – New application - local board voting 4-0 to deny

RR61-31348 Sugar Valley, Inc. – New – local board voting 4-0 to approve

RR53-25434 Steve Hardin – Remand

RR34-31177 3 Amigos Group, Inc.

8. Inactive Files –

11 Permits Not Subject to Auction

2 Permits Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 19, 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.

Katie Maddox, Marc Carmichael, Jeff McKean, Anne Ricchiuto, Murray Clark, Davey Neal, Diane Masariu, Mark Webb and Greg Genrich were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the May 4, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 135 Parties' Agreed Dispositions that were submitted, totaling approximately \$60,750.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the May 19, 2015 meeting. Vice Chairman Coleman 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 carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

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

Commissioner Grubb moved to approve the direct wine shipper renewal permits. Commissioner Maginn seconded. The motion was unanimously approved.

Six hundred ninety-four (694) renewals approved, eighty-nine (89) new and/or transfer applications approved, sixteen (16) permits approved for catering, two (2) permits approved for first year escrow, eight (8) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow, two (2) permits approved for fifth year escrow, one (1) new carrier permit approved, four (4) renewal carrier permits approved and twenty-nine (29) direct shipper wine renewal permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

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

APPLICATIONS FOR DISCUSSION

RR49-31206 BARENA RESTAURANT & BAR, LLC – Executive Secretary Rothenberg noted this is a new application with the local board voting 4-0 to disapprove. The applicant failed to appear at the meeting.

Vice Chairman Coleman moved to uphold the local board and deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR61-31348 SUGAR VALLEY, INC. – Executive Secretary Rothenberg stated this is a new application with the local board voting 4-0 to approve. There was one remonstrator present.

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

RR53-25434 STEVE HARDIN – Executive Secretary Rothenberg noted this permit renewal was denied by the Commission on April 7, 2015, for failure to appear before the local board because of violations.

The Executive Secretary stated that after speaking with the local board officer, it appears that the permittee was not required to attend the local board meeting because the permittee was not cited for any violations in the past year.

Vice Chairman Coleman moved to make the permit active and remand it to the local board for reconsideration. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-31177 3 AMIGOS GROUP, INC. – Commissioner Grubb stated this is a riverfront permit application that was recommended 3-1 for approval by the Howard County Local Board. The Excise officer voted against the issuance because he felt the permit did not fit statutory requirements regarding cultural influence. The Commission remanded the new application to the local board for clarification. Since that time, new legislation has been approved to change the requirements that were in question.

Commissioner Grubb moved to rescind the Commission's vote to remand and uphold the local board's recommendation to approve the new permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make thirteen (13) permits inactive. Eleven permits are not subject to auction and two permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Merrick A. Schimpf, permit #BR1738110. Mr. Schimpf will not be eligible to hold an employee permit until April 30, 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: Melissa J. Dreiman, permit #BR1752505. Ms. Dreiman will not be eligible to hold an employee permit until December 11, 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: Ernesto D. Small, permit #BR1772592. Mr. Small will not be eligible to hold an employee permit until April 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.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Alyssa W. Hill, permit #BR1799682. Ms. Hill will not be eligible to hold an employee permit until May 13, 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: Cheyenne G. Buis, permit #BR1706001. Ms. Buis will not be eligible to hold an employee permit until January 28, 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: Brandy C. Nobbe, permit #BR1633263. Ms. Nobbe will not be eligible to hold an employee permit until April 14, 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

UPDATED RENEWAL FORM – Executive Secretary Rothenberg stated the updated renewal form is now on the website. He asked that the new form be used and not copies of the old form.

E-Cigarettes – Chairman Cook and Commissioner Maginn stated there should be an announcement regarding the new legislation for E-cigarettes at the next meeting.

RECOGNITION OF EXCISE OFFICERS FOR SERVICE – Superintendent Strittmatter recognized and presented several Excise officers with Meritorious Service Awards. The officers are, Rich Swallow, Josh Mosier, Brandon Reynolds, Chuck Butler, Jason Szemes, Douglas Schwertfager, Chaston Smithers, Glenis Bell and Nick Canal.

Chairman Cook thanked the Superintendent for presenting the awards and for recognizing the officers for their service and dedication.

ADJOURNMENT

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

Approved this _____ day of _____, 2015.

DAVID COOK, CHAIRMAN

DAVID COLEMAN, VICE CHAIRMAN

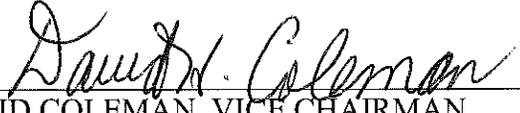
DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER

Approved this 2nd day of June, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER