

ALCOHOL AND TOBACCO COMMISSION

June 2, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

May 19, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL18-28214 S & G Petroleum, Inc. – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

667 Renewals

34 New/Transfers

8 Catering

3 1st Year Escrow

3 2nd Year Escrow

4 3rd Year Escrow

4 4th Year Escrow

1 5th Year Escrow

13 Renewal/New Carriers

36 Direct Shipper Renewals

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

7. Applications for Discussion –

DL84-30363 Quick Shop Gas, Inc. – New application with the local board voting 3-0 to deny.

RR84-31038 and RR84-31039 John McGuffin & Rocky McGuffin – Transfer application with the local board voting 3-0 to deny.

8. Inactive Files –

15 Permits Not Subject to Auction

2 Permits Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

12. Announcements -

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 2, 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, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Katie Maddox, Marc Carmichael, Carol Tietz, Anne Ricchiuto, Donnie Morgan, 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 19, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 104 Parties' Agreed Dispositions that were submitted, totaling approximately \$38,950.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the June 2, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL18-28214 S & G PETROLEUM, INC. – Hearing Judge Rothenberg stated this was a recommendation for denial of renewal by the local board and an upholding of that denial by the Commission. The permittee filed a notice of appeal and the matter was scheduled for a hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law, along with Objections filed by the permittee, to the Commission for its consideration.

Chairman Cook asked for clarification of Conclusion #12, because the permittee's Objections declared it to be false. The Hearing Judge stated he listened to the recording of the 2012 local board meeting and no mention was made of any violations for this permittee, so they voted to approve the renewal. If the board was aware, the permittee would have been required to appear to discuss those violations. The 2013 local board meeting was the first time the violations were considered.

Vice Chairman Coleman moved to uphold the Hearing Judge's recommendation to deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

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.

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

Six hundred sixty-seven (667) renewals approved, thirty-four (34) new and/or transfer applications approved, eight (8) permits approved for catering, three (3) permits approved for first year escrow, three (3) permits approved for second year escrow, four (4) permits approved for third year escrow, four (4) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, three (3) new carrier permits approved, ten (10) renewal carrier permits approved and thirty-six (36) direct shipper wine renewal 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

DL84-30363 QUICK SHOP GAS, INC. – Commission Counsel Allen noted this is a new application with the local board voting 3-0 to disapprove. The proposed premise is within 200 feet of a church.

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

RR84-31038 AND RR84-31039 JOHN MCGUFFIN & ROCKY MCGUFFIN – Commission Counsel Allen stated this is a transfer application with the local board voting 3-0 to disapprove. Applicant did not appear at the local board meeting.

Commissioner Grubb moved to uphold the local board's recommendation and deny the transfer. 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 Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Mary K. Perrin, permit #BR1723345. Ms. Perrin will not be eligible to hold an employee permit until May 25, 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: Jennifer C. Herbert, permit #BR1775300. Ms. Herbert will not be eligible to hold an employee permit until November 21, 2016.

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: Rachel J. Ellett, permit #BR1599490. Ms. Ellett will not be eligible to hold an employee permit until May 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: Nathan C. Seles, permit #BR1725200. Mr. Seles will not be eligible to hold an employee permit until May 21, 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

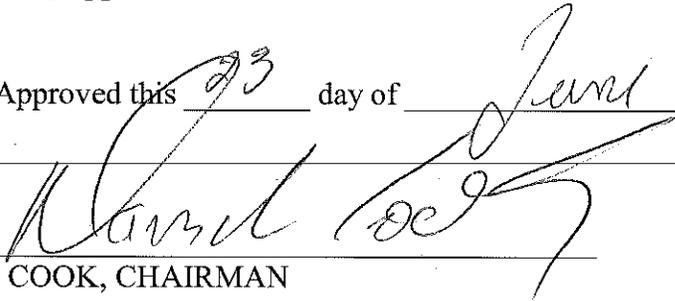
TOBACCO/E-CIGARETTES – Chairman Cook stated information is available and will soon be posted on the website regarding self-service tobacco displays, the new tobacco certificate application and the new law for retail establishments who sell electronic cigarettes.

JUNE COMMISSION MEETING – Chairman Cook stated the next Commission meeting will be June 23, 2015, instead of June 16, 2015.

ADJOURNMENT

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

Approved this 23 day of June, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER