

ALCOHOL AND TOBACCO COMMISSION

April 21, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

April 7, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL54-27164 Dollar Plus, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

697 Renewals

70 New/Transfers

14 Catering

6 1st Year Escrow

5 2nd Year Escrow

6 3rd Year Escrow

5 4th Year Escrow

2 New Carriers

6 Renewal Carriers

22 Renewal Direct Wine Shippers

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

7. Applications for Discussion –

RR34-31177 3 Amigos Group, Inc. – New application with the local board voting 3-1 to approve.

RR20-23231 Indigo on 17, LLC – Renewal with the local board voting 4-0 to disapprove.

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 –

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 21, 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 and Superintendent Strittmatter were also in attendance.

Matt Brase, Alberta Fields, Diane Masariu, Mark Webb, Bart Herriman, Dan Weiss, Greg Genrich, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the April 7, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 139 Parties' Agreed Dispositions that were submitted, totaling approximately \$41,575.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the April 21, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL54-27164 DOLLAR PLUS, INC. – Chairman Cook stated Commission Counsel Allen was the hearing judge for this particular matter. She was not present for the meeting, but did provide a summary regarding the Findings of Fact and Conclusions of Law. Counsel found that the permittee is responsible for the actions of his agents and; therefore, should pay a fine of \$500.00 for the offense of serving a minor.

Vice Chairman Coleman moved to uphold the Hearing Judge's recommendation. 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. Vice Chairman Coleman 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. Vice Chairman Coleman 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 new direct wine shipper permits. Vice Chairman Coleman seconded. The motion was unanimously approved.

Six hundred ninety-seven (697) renewals approved, seventy (70) new and/or transfer applications approved, fourteen (14) permits approved for catering, six (6) permits approved for first year escrow, five (5) permits approved for second year escrow, six (6) permit approved for third year escrow, five (5) permits approved for fourth year escrow, two (2) new carrier permits approved, six (6) renewal carrier permits approved and twenty-two (22) renewal direct wine shipper 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

RR34-31177 3 AMIGOS GROUP, INC. – Chairman Cook noted this is a new application with the local board voting 3-1 to approve.

Commissioner Grubb moved to remand the new application to the local board for clarification as to whether or not the application qualifies for a permit. Vice Chairman Coleman seconded the motion and added that based on the information provided, he is not sure if the building is an historic building and what the community based activities are that are required to be held there. The motion was unanimously approved.

RR20-23231 INDIGO ON 17, LLC – Chairman Cook stated this is a renewal with the local board voting 4-0 to disapprove.

The local board has continued this matter for eight months and the permittee has not appeared and the business is closed.

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

INACTIVE FILES

Commissioner Maginn 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

REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Dana C. Franklin, permit #BR1765018. Ms. Franklin will not be eligible to hold an employee permit until January 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: Kenneth E. Moeller, permit #BR1773755. Mr. Moeller will not be eligible to hold an employee permit until April 5, 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: Rhett D. Buwalda, permit #BR1721205. Mr. Buwalda will not be eligible to hold an employee permit until January 16, 2019.

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: Jodi D. Hinton, permit #BR1797195. Ms. Hinton will not be eligible to hold an employee permit until April 7, 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: Brenda L. Cougill, permit #BR1453349. Ms. Cougill will not be eligible to hold an employee permit until March 30, 2019.

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: Taunna L. Segars, permit #BR1670784. Ms. Segars will not be eligible to hold an employee permit until April 7, 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

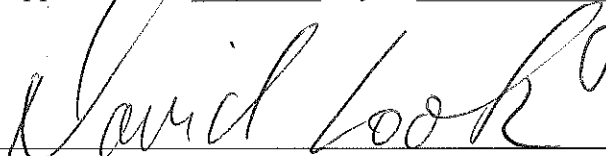
MAY COMMISSION MEETING – Chairman Cook stated the May 5, 2015 meeting is rescheduled for May 4, 2015.

EXECUTIVE SECRETARY ROTHENBERG – Commissioner Grubb stated on the record that he wanted to commend Executive Secretary Rothenberg for his diligence over the last several months regarding the completion of a public records request.

ADJOURNMENT

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

Approved this 4th day of May, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER