

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JANUARY 2, 2013

#### **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 and Commissioner Sturtz. Also in attendance were Superintendent Strittmatter, Major Poindexter and Executive Secretary Kowalski.

Randy Zion, Debbie Rolfsen, Gorica Suvocesmakovic, Dragan Suvocesmakovic, Mark Webb, and Tony Cook were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the December 18, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the parties' agreed dispositions that were submitted for the January 2, 2013 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-28565 SLOBODAN LAKICH – Hearing Judge Kowalski stated a revocation hearing concerning this matter was held on September 24, 2012. The Hearing Judge now submits the Proposed Findings of Fact and Conclusions of Law for consideration by the Commission. The Findings state that the permittee was in violation of 905 IAC 1-30-4 Unused permit not transferable and that the permit shall be revoked and placed on the 2013 Alcohol and Tobacco Commission Auction.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation. Commissioner Sturtz seconded. The motion was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

Commissioner Sturtz 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by

at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz 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 Johnson seconded. The motion was unanimously approved.

Two hundred fifty-nine (259) permits approved for renewal, twenty (20) new and/or transfer permits approved, two (2) permits approved for catering, two (2) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

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

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL49-05958 ROQUIL, INC. – Vice Chairman Johnson noted this is a type 217 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairman Johnson stated remonstrators who were present at the local board meeting had very, active objections to this renewal. And, there may have been violations that occurred at this establishment two days after the local board meeting. The alleged violations were allowing a minor to loiter and furnishing alcohol beverage to a minor. Also, a transfer of ownership is on file that is set to go before the local board on 1/22/13.

Because of the other pending matters regarding this permit, Vice Chairman Johnson moved to table this renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make six (6) permits inactive. All six permits are not subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business.

**NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS – Vice Chairman Johnson stated the following permittees were convicted of a disqualifying crime after their employee permits were issued: Kristen Kluszczynski, permit #BR1722975 and Amy Yacko, permit #BR1722908.

Vice Chairman Johnson stated after conducting an investigation of the permittees, Senior Officer Rich Swallow recommended the Commission revoke the permits.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permits. Commissioner Sturtz seconded. The motion was unanimously approved.

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER