

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 4, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Massa called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Executive Secretary Dunsmore, Major Poindexter, Lieutenant McKinney and Superintendent Huskey were also in attendance.

Nicole Upano, Alex Intermill, Marc Carmichael, Jim Purucker, Debbie Rolfson, Connie Vickery, Jeff McKean, and Greg Genrich were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the December 21, 2010 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the January 4, 2011 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR46-88153 HANNA HUB – Commissioner Guthrie noted the Parties Agreed Disposition came before the Commission a few weeks ago and because of some concern with it, the matter was tabled. The Commissioner stated the concerns have been addressed.

Commissioner Guthrie moved to adopt the Parties Agreed Disposition that was submitted for Commission approval. Commissioner Sturtz seconded. Chairman Massa also voted to adopt the Disposition. Vice Chairman Johnson abstained from voting, due to the fact that he was the hearing officer.

RR46-06205 THE AVENUE BAR, INCORPORATED – Hearing Judge Dunsmore stated this was a recommended denial by the Laporte County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

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

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, 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. Commissioner Guthrie 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. Commissioner Guthrie seconded. The motion was unanimously approved.

Two hundred thirty-three (233) permits approved for renewal, twenty-four (24) new and/or transfer permits approved, three (3) permits approved for catering, one (1) permit approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third 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 letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

GR57-25362 CROMWELL HOUSE, INC. – Commissioner Guthrie noted this is a gaming endorsement application where the principal owner has a class D felony conviction for operating while intoxicated. The statute prohibits him from obtaining the endorsement unless the Commission finds he has been pardoned, his civil rights have been restored, or he has shown good citizenship that would reflect well on the Commission. The owner has operated the alcoholic beverage permit for quite some time and, therefore, requests the Commission approve his application based on his good citizenship.

Commissioner Guthrie moved to approve the endorsement, under the condition that the applicant provides proof probation has been completed. Vice Chairman Johnson seconded. Commissioner Sturtz also voted to approve. Chairman Massa voted to deny, because he felt the applicant should have to wait one year. The motion was approved three (3) to one (1).

GR02-25675 BILLY’S DUGOUT, LLC - Commissioner Guthrie noted this is a gaming endorsement application where the owner has been convicted of a class D felony. The Commissioner stated no information regarding the conviction was provided.

Commissioner Guthrie moved to table this matter until more information is provided. Vice Chairman Johnson seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make two (2) permits inactive. One (1) permit is not subject to auction and one (1) permit is subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

MARK S. MASSA, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER