

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 17, 2012

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, Commissioner Guthrie and Commissioner Sturtz. Superintendent Strittmatter and Executive Secretary Neal were also in attendance.

Alex Intermill, Lisa McKinney, Diane Mascari Carter, Bart Herriman, Debbie Rolfsen, Frederick Lenehan, Marc Carmichael, Connie Vickery and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 3, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the January 17, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the January 17, 2012 meeting. 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. Commissioner Guthrie 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

Three hundred eighty-three (383) permits approved for renewal, forty-seven (47) new and/or transfer permits approved, nine (9) permits approved for catering, six (6) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for sixth 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

RR29-18077 HARBOUR TREES GOLF CLUB, INC. – Commissioner Guthrie noted this permittee requests the Commission convert this type 210 restaurant permit to a type 211-1 social club permit.

Commissioner Guthrie moved to approve the conversion. Commissioner Sturtz seconded.

Vice Chairman Johnson asked if Excise could investigate this to make sure the permittee qualifies for the social club permit.

Commissioner Guthrie amended the motion to include a statement from Excise that the permittee qualifies as a social club. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-00585 COPPER ENTERTAINMENT, INC., D/B/A COPPER PENNY PUB – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels the premise has become a public nuisance.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL43-28361 JAY PETROLEUM, INC., D/B/A PAK A SAC CONVENIENCE STORE – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated there were no remonstrators present at the local board meeting. The two local board members recommending denial stated they were opposed to alcoholic beverages and gasoline being sold at the same location.

Commissioner Guthrie moved to approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR12-12717 F J L, INC., D/B/A O'LENEHAN'S PUB – Commissioner Guthrie noted this is a type 210 transfer of location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited no desire for the services and negative impact on the neighborhood as reasons for the recommendation of denial.

Commissioner Guthrie moved to uphold the local board’s recommendation and deny the transfer. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL68-28342 HOOK-SUPERX, LLC – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make ninety-two (92) permits inactive. Seventy-five (75) permits are not subject to auction and seventeen (17) permits are 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 _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER