

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 20, 2009

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. Also in attendance were Superintendent Poindexter and Staff Attorney Melissa Coxey.

Jim Purucker, Lewis Coulter, Marc Carmichael, Brad Klopfenstein, Jeff Viars and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 6, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the January 20, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application 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 and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred sixty (260) renewals approved, thirty-five (35) new and/or transfer permits approved, five (5) permits approved for catering, two (2) permits approved for first year escrow, two (2) permits approved for second year escrow, and three (3) permit approved for third 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. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL48-24999, 25000, 25001, 25002, 25003, 25004, 25005, 25006, 25007, 25011, 25150 RICKER OIL COMPANY, INC. – Chairman Huskey noted these are new type 115 applications 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 permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RH18-10136 VSD, LLC, D/B/A PASSPORT INN – Chairman Huskey noted this is a type 215 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board’s recommendation and deny the renewal, because ownership of this permit cannot be determined in the 6 months it has been pending and no one from the business appeared at the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR71-00613 BEVERLY’S WABASH TAVERN LLC – Chairman Huskey noted this is a type 210 transfer of ownership 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 transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR39-25477 LUCERO, INC., D/B/A TIENDA MEXICANA EL CAMINATE – Chairman Huskey noted this is a new type 209 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-20385 CAM GROUP, INC., D/B/A HOT SHOTZ A GASTRO PUB – Chairman Huskey noted this is a type 209 transfer of ownership with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board’s recommendation and deny the transfer, because the applicant did not appear. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL23-23580 PAMIDA STORES OPERATING CO., LLC – Chairman Huskey noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie moved to remand this new application to the local board for reinvestigation, because the recording of the meeting was not audible. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make sixteen (16) permits inactive. Eleven permits are not subject to auction and five permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

Commissioner Guthrie moved to make twenty-six (26) permits inactive, due to the fact that the permittees did not appear for their revocation hearing, or provide the Commission the necessary information that was needed to make the permit current. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER