

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 21, 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 and Commissioner Guthrie. Captain Fulford Captain Deitchley and Major Poindexter were also in attendance.

Alex Intermill, Lisa McKinney, Diane Mascari, Bart Herriman, Jeff McKean, Marc Carmichael, Connie Vickery and Mark Webb were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Guthrie moved to approve the minutes that were submitted for the February 7, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

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

PARTIES' AGREED DISPOSITIONS – Commissioner Guthrie stated Hearing Judge Neal provided the Commission with the parties' agreed dispositions that were submitted for the February 21, 2012 meeting and asked that they be approved.

Commissioner Guthrie moved to approve the parties' agreed dispositions that were submitted for the February 21, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

Vice Chairman Johnson 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.

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

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

Vice Chairman Johnson 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.

Four hundred sixty-five (465) permits approved for renewal, ninety (90) new and/or transfer permits approved, nine (9) permits approved for catering, twelve (12) permits approved for first year escrow, two (2) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fourth year escrow and three (3) permits 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 Guthrie seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL43-28307 UNITED OIL CORPORATION – Commissioner Guthrie noted this is a new type 116 application with the local board voting two (2) to two (2).

Commissioner Guthrie moved to approve the new application. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR18-08317 JEFFREY PHIPPS – Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited lack of character and fitness of permittee, violations and criminal activity on the premises as reasons for recommending denial of this renewal.

Chairman Huskey also mentioned that the permittee stated he doesn't want to own the permit anymore.

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

DL49-28235 SPEEDWAY LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited lack of desire by the community for the services as reason for recommending denial.

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

DL49-28236 SPEEDWAY LLC – Commissioner Guthrie noted this is a new type 115 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

## **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make seven (7) permits inactive. Five (5) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

RR49-23039 SKY PROPERTIES, INC. - Commissioner Guthrie noted the commission mistakenly declared this permit inactive at the 2/7/12 meeting.

Commissioner Guthrie moved to reactivate this permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL34-22966 KOKOMO GAS AND FOOD, INC. - Commissioner Guthrie noted the commission received a request to reactivate this permit. This permit has been inactive for approximately 2 years.

Commissioner Guthrie moved to deny the request. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL91-22818 RONNDA SMITH - Commissioner Guthrie noted the commission received a request for reactivation of this permit.

Commissioner Guthrie moved to deny the request. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR02-02557 EL ELBANO LTD. - Commissioner Guthrie noted this permit was made inactive. The permittee requests the permit be reactivated. Permittee states the permit will be put into use within 30 days.

Commissioner Guthrie moved to approve the request under the condition that the permit is put into use within 30 days. Vice Chairman Johnson seconded. The motion was unanimously approved.

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS- Commissioner Guthrie stated permittees Ty A. Fuchs, permit #BR1692747 and Jamie M. Hurni, permit #BR1693741, did not have convictions that would disqualify them from holding an employee permit when the permits were issued. However, both of these permittees now have a disqualifying conviction.

Commissioner Guthrie noted Officer Swallow conducted an investigation of these permittees and recommends the commission revoke these employee permits.

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

EXCISE MERITORIOUS SERVICE AWARDS – Superintendent Strittmatter presented Meritorious Service Awards to two Indiana State Excise Police officers for the service to the State of Indiana.

Lieutenant Monty McMahan received an award for his leadership and planning of all the enforcement initiatives regarding the Indiana State Excise Police during the Super Bowl activities.

Officer Heather Lynch received an award for her initiatives regarding the investigation of sweepstakes machines that were starting to appear in the northeast part of the state. Her initiatives led to the successful removal of those machines from those locations.

Chairman Huskey offered congratulations from the Commission on their great efforts and servant leadership with this Agency.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER