

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 19, 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, Commissioner Sturtz and Commissioner Grubb. Also in attendance were Superintendent Strittmatter, Captain Fulford, Prosecutor Drewry and Executive Secretary Kowalski.

Diane Masariu, Connie Vickery, Debbie Rolfsen, Jeff McKean, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the March 5, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve a portion of the parties' agreed dispositions that were submitted for the March 19, 2013 meeting. There are some that he held for further review.

Commissioner Grubb moved to approve the parties' agreed dispositions that were submitted by the hearing judge for the March 19, 2013 meeting. Vice Chairman Johnson 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, 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 Grubb seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb 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.

Four hundred eighty-seven (487) permits approved for renewal, thirty-nine (39) new and/or transfer permits approved, three (3) permits approved for catering, nine (9) permits approved for first year escrow, ten (10) permits approved for second year escrow, two (2) permits approved for third year escrow, and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Grubb 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

RR46-29518 ROBERT A GUZMAN – Vice Chairman Johnson noted this is a new type 210-1 application with the local board voting three (3) to zero (0) to disapprove. The underlying beer and wine permit is currently in use and has been cited for violations on two separate occasions in the last year.

The local board stated that adding liquor to the permit would have a negative impact on the community and the permittee does not maintain a high and fine reputation.

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

RR12-28316 EL RODEO ENTERTAINMENT, INC. – Vice Chairman Johnson noted this is a type 103 transfer of ownership application with the local board voting four (4) to zero (0) to approve for one year.

Vice Chairman Johnson moved to uphold the local board and approve the transfer for one year. Commissioner Sturtz seconded. The motion was unanimously approved.

DL61-29553 DOLGENCORP, LLC – Vice Chairman Johnson noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Vice Chairman Johnson moved to uphold the recommendation of the local board and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make seventeen (17) permits inactive. Fifteen (15) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jesse D. Stewart, permit #BR1623990.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

RECOGNITION OF OFFICERS – Superintendent Strittmatter recognized two Indiana State Excise Officers for meritorious service in two separate investigations, both of which will benefit the State of Indiana.

Master Officer Timothy Sutton initiated an 18 month investigation of a permittee that should result in the State of Indiana recouping possibly millions of dollars in taxes.

Officer Mike Cruze led an investigation into an officer from another police agency for falsifying information and submitting tainted evidence to our agency regarding a permittee. This resulted in his arrest and possible decertification as a law enforcement officer.

The Commission also commended the officers for their hard work and dedication to the agency and the State of Indiana.

ADJOURNMENT

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

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

DALE GRUBB, COMMISSIONER