

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 5, 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, Superintendent Huskey and Lieutenant McKinney were also in attendance.

Connie Vickery, Greg Genrich, Robert Hrezo, Trent Hahn, Alex Intermill, Matt Brose, Jeff McKean, Bart Herriman, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 15, 2011 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 April 5, 2011 meeting. Commissioner Sturtz 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.

Five hundred thirty-seven (537) permits approved for renewal, fifty-nine (59) new and/or transfer permits approved, fifteen (15) permits approved for catering, five (5) permits approved for first year

escrow, four (4) permits approved for second year escrow, four (4) permits approved for third year escrow, one (1) permit approved for fourth year escrow, and two (2) permits 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 Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-27611 GARUDA, LLC - Commissioner Guthrie noted this is a new type 112 application with the local board voting two (2) 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.

RR53-90283 HA & SER VENTURES, INC. - Commissioner Guthrie noted this renewal was denied by the Commission due to the permittee failing to appear before the local board three times, as required. The permittee filed a notice of appeal stating the permittee had not been receiving mail because of problems with the mail delivery by the United States Postal Service, so they weren't aware of the local board meeting dates.

Commissioner Guthrie moved to remand this renewal to the local board. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR02-21274 ROBERTO SANTOYO ENTERPRISES, INC. - Commissioner Guthrie noted this is a type 112 renewal application. The permittee failed to appear at three consecutive local board meetings, as required.

Commissioner Guthrie moved to deny the renewal application. Commissioner Sturtz seconded. The motion was unanimously approved.

RR71-26941 SDTG, INC. - Commissioner Guthrie noted this is a new type 221-3 application with the local board voting four (4) to zero (0) to approve.

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

DL23-27630 & DL23-27633 MINI MART STORES, INC. - Commissioner Guthrie noted these are both new type 115 applications with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the majority of the remonstrators were competitors and the one vote in favor of granting the permit was the Excise officer.

Commissioner Guthrie moved to reverse the local board's recommendation and approve the new permits. Vice Chairman Johnson seconded. Chairman Massa stated he would like to take this under

advisement to have more discussion. The Commission agreed and the matter was taken under advisement.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make ninety-seven (97) permits inactive. Eighty-three (83) permits are not subject to auction and fourteen (14) permits are subject to auction. Commissioner Sturtz 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