

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 6, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Trevor Vance, Connie Vickery, Marc Carmichael, C. Tooman, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 16, 2010 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 April 6, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR50-20074 JOETTE J. SURRESI – Hearing Judge Dunsmore stated this was a recommended denial by the Marshall County Local Board and an upholding of that denial by the Commission. The permittee filed an appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge and deny the renewal. Motion seconded by Commissioner Guthrie and it 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 said staff with the authority of the Commission. Motion seconded by Commissioner Guthrie and it 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. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it 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. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred forty-nine (449) renewals approved, forty-four (44) new and/or transfer permits approved, eighteen (18) permits approved for catering, four (4) permits approved for first year escrow, five (5) permits approved for second year escrow, two (2) permits approved for third year escrow, and one (1) permit approved for fourth 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 Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-26639 J H SOUTHPORT RESTAURANT, INC., D/B/A SHOW-ME'S – Commissioner Guthrie noted this is a new type 209 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there was extensive evidence presented on both sides of this matter. The local board stated their concern about the adverse impact this would have on the neighborhood.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-24057 GLADYS BOTINA, D/B/A HOOKA LOUNGE CALI BOGALOO – Commissioner Guthrie noted this is a type 111 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board recommended denial due to violations, the adverse impact on the neighborhood and the public nuisance it has become.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR17-10051 NORTHWAY TAVERN, LLC (RENEWAL), PEANUTS, LLC (TRANSFER OF OWNERSHIP) – Commissioner Guthrie noted this is a type 210 renewal and transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the renewal and transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC02-12474 PINE VALLEY, INC. - Commissioner Guthrie stated this permittee requests this permit be converted from a type 211-3 permit to a type 210 permit, due to annexation into the city limits.

Commissioner Guthrie moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR17-19703 VASQUEZ VENTURES, INC., D/B/A LAS LIMAS – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board found numerous issues regarding false ownership as the reason for recommending denial.

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

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make ten (10) permits inactive. Nine (9) permits are not subject to auction and one permit is subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-02623 CAFFEE AMALIA, LLC - Commissioner Guthrie noted this permit was deactivated on 10-6-09. The permittee is requesting this permit be reactivated to allow for a transfer of this permit

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

ADOPTION OF TYPE II GAMING RULE –

Comm. Guthrie There is one item, Mr. Chairman, and that is our gaming rule. Based on public comments, the Commission considered and changed certain items to the proposed gaming rule. (1) Cash equivalents became an acceptable form of payment for Type II Gambling. (2) Added a definition of cash equivalents. (3) Manufacturers and distributors no longer must seek approval from

the commission in order to sell or distribute type II gambling games to entities not licensed by the commission; rather, manufacturers and distributors may sell or distribute type II gambling games to other entities not licensed by the commission so long as they notify the commission in writing prior to the sale.

(4) Retailers may sell type II gambling games in areas outside the barroom provided that (i) the outdoor area is designated on the floor plan approved by the commission; and, (ii) it is an area where minors may not be present. With those four alterations, I move that we adopt the type II gaming rule.

Comm. Sturtz Second.

Chairman Snow Discussion? All those in favor, signify by saying Aye.

Comm. Sturtz Aye.

Comm. Guthrie Aye.

Vice Chair Johnson Aye.

Chairman Snow Opposed? Motion carries on a unanimous basis.

NEW BUSINESS

No New Business

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 _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER