

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 17, 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 Sturtz. Superintendent Strittmatter and Captain Deitchley were also in attendance.

Marc Carmichael, Jim Purucker, Matt Brase, Bart Herriman, Tom Donnard, Grant Monahan, Mark Webb, Connie Vickery, and Debbie Rolfsen were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the April 3, 2012 meeting. Vice Chairman Johnson 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 17, 2012 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR49-24057 GLADYS BOTINA – Vice Chairman Johnson stated the Findings of Fact and Conclusions of Law are submitted from former Hearing Judge Davey Neal, along with the objections filed by Jeff McKean, attorney for the applicant.

Vice Chairman Johnson moved to adopt and approve the Findings of Fact and Conclusions of Law that were submitted by the Hearing Judge, with the addition of wording in the opening paragraph that states the Commission took action after the local board voted a second time on the renewal. Also wording added in the "Procedural History" section stating the Commission upheld the local board and an appeal was filed. 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. 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, 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. Vice Chairman Johnson 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 seven (507) permits approved for renewal, seventy (70) new and/or transfer permits approved, eight (8) permits approved for catering, four (4) permits approved for first year escrow, five (5) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for seventh 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 Sturtz seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR32-28703 D & D CIGARS, LLC – Vice Chairman Johnson noted this is a new type 112 application with the local board voting two (2) to two (2).

Vice Chairman Johnson moved to approve the permit for one year. Commissioner Sturtz seconded. The motion was unanimously approved.

RR02-08437 JOSEPH P. LEBRATO – Vice Chairman Johnson noted this is a type 210 renewal 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's recommendation and approve a one year renewal of the permit. Commissioner Sturtz seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make twenty-six (26) permits inactive. Sixteen (16) permits are not subject to auction and ten (10) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-20973/RR45-20974 HAWKS NEST CORPORATION - Vice Chairman Johnson stated this permittee requested the permit be reactivated. The permit expired 5/19/09.

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

RR45-22496/RR45-22497 BISTRO ON BROADWAY, INC. - Vice Chairman Johnson noted the commission received a request to reactivate this permit. This permit expired 12/6/10.

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

RR45-22479/RR45-22480 THE TRHEE R'S, INC. - Commissioner Guthrie noted the commission received a request to reactivate this permit. The permit expired 7/19/08.

Vice Chairman Johnson moved to deny the request. 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. 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