

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 4, 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, Officer Bedwell, Captain Deitchley, Major Poindexter, Prosecutor Drewry, and Executive Secretary Kowalski.

Matt Brase, Connie Vickery, Diane Masariu, Jim Purucker, Jeff McKean, Greg Genrich, Marc Carmichael, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the May 21, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the Parties' Agreed Dispositions that were submitted for the June 4, 2013 meeting.

Commissioner Grubb moved to approve the PAD forms that were submitted. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL43-28946 WILBY'S, INC. – Hearing Judge Kowalski stated this is an application for a type 115 permit. The Kosciusko County Local Board recommended denial of this new permit. After conducting an appeal hearing pursuant to the rules of the commission, the Hearing Judge submitted his recommendation to the Commission to overturn that denial and approve the permit. His findings were that the local board's recommendation was arbitrary and capricious and not in accordance with the law.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation to approve the new permit. 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, 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 fifty-eight (458) permits approved for renewal, forty-seven (47) new and/or transfer permits approved, sixteen (16) permits approved for catering, six (6) permits approved for first year escrow, five (5) permits approved for second year escrow, and one (1) permit approved for fourth year.

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

RH49-29433 RELIANCE HOTEL, LLC – Vice Chairman Johnson noted this is a new type 215 application.

Vice Chairman Johnson moved to deny the application for the new permit because the applicant never appeared before the local board, as required. This matter was continued 6 times by the local board. Commissioner Sturtz seconded. The matter was unanimously approved.

RR09-18444 ROBERT LANGLEY – Vice Chairman Johnson noted this is a type 111 transfer of ownership application.

Vice Chairman Johnson moved to deny the application for the new permit because the applicant never appeared before the local board, as required. This matter was continued 3 times by the local board. Commissioner Sturtz seconded. The matter was unanimously approved.

RR91-18901 SAYLER'S BAR & GRILL, INC. – Vice Chairman Johnson noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairman Johnson stated the local board failed to document the reasons for their recommendation. He stated after reviewing the file and exhibits, it appears the denial was at least partially based on the establishment becoming a public nuisance.

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

RR64-07032 ROSE'S SALOON, INC. – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove.

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

INACTIVE FILES

No Inactive Files

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 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