

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 18, 2013

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Grubb. Also in attendance were Superintendent Strittmatter and Officer Bedwell,.

Matt Brase, Connie Vickery, Debbie Rolfsen, Diane Masariu, Alex Intermill, Jeff McKean, Bart Herriman, Marc Carmichael, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes that were submitted for the June 4, 2013 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the PAD forms that were submitted. 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. Commissioner Grubb 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. Commissioner Grubb seconded. The motion was unanimously approved.

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

RR49-28356 EARLY BIRD PANCAKE HOUSE CO. – Commissioner Grubb noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Grubb stated he feels there was sufficient evidence to support the denial based on charges filed of over 80 minors inside the establishment after hours, with some as young as 13.

Commissioner Grubb moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The matter was unanimously approved.

DL18-27716 YORKTOWN FOOD MART, INC. – Commissioner Grubb noted this is a type 115 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Grubb stated information was presented to the local board regarding charges of dealing with controlled substances, money laundering, common nuisance, etc., against this permittee.

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

RR71-29812 WNC OF SOUTH BEND LLC – Commissioner Grubb noted this is a request for a riverfront development permit.

Commissioner Grubb stated the permit was applied for in Granger, however, information was provided to the commission that puts the location inside the city limits of Mishawaka. Also, it appears that information that is required for a riverfront permit is not included in the file

Commissioner Grubb moved to remand this application to the local board for clarification as to the exact location of this establishment and for purposes of providing all of the required documentation to qualify for this type of permit. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make seven (7) permits inactive. Six (6) permits are not subject to auction and one (1) permit is 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: Ashley R. House, permit #BR1741036. Ms. House is on probation for six (6) months and will not be eligible to hold an employee permit until December 7, 2013.

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. Vice Chairman Johnson seconded. The motion was unanimously approved.

- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Heili E. Tomusk, permit #BR1749288. Ms. Tomusk is on probation for 365 days and will not be eligible to hold an employee permit until June 10, 2014.

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. Vice Chairman Johnson seconded. The motion was unanimously approved.

- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Christopher R. Brown, permit #BR1745037. Mr. Brown was sentenced to six (6) months in the Department of Corrections and once released, he will serve eighteen (18) months in Community Corrections and will not be eligible to hold an employee permit until January 16, 2018.

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. Vice Chairman Johnson seconded. The motion was unanimously approved.

- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Eva Anderson, permit #BR1712817. Ms. Anderson is on probation for 363 days and will not be eligible to hold an employee permit until February 9, 2014.

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. Vice Chairman Johnson seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Commissioner Grubb stated this is the last meeting for Commissioner Sturtz. Along with being an ATC commissioner, Dale Sturtz has been in public service as a former sheriff and legislator. Commissioner Grubb thanked Commissioner Sturtz for his public service and stated it has been a pleasure working with him over the years and he will be missed.

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