

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

AUGUST 21, 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, Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Superintendent Strittmatter and Executive Secretary Kowalski.

Greg Genrich, Connie Vickery, Chip Garver, Marc Carmichael, Mark Webb, Lisa McKinney, Alex Intermill, and Debbie Rolfsen were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the August 7, 2012 meeting. Commissioner Guthrie 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 August 21, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions 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, 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. Commissioner Guthrie seconded. The motion was unanimously approved.

Five hundred forty-five (545) permits approved for renewal, sixty-two (62) new and/or transfer permits approved, five (5) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, six (6) permits approved for fifth year escrow and two (2) permits approved for sixth 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**

RC45-13277 AMVETS POST 64 – Vice Chairman Johnson stated the Commission overturned the local board’s recommendation to approve this renewal because during an Excise visit, where a citation was issued, a threat was made against the officers. The permittee filed an appeal. The Vice Chairman recently discovered that the person making the threat was not in any way an authority figure at the post. He was a patron and, therefore, not responsible for the establishment or permit.

Vice Chairman Johnson moved to overturn the Commission’s decision to deny the renewal and approve it for one year. Also, Vice Chairman Johnson moved to require the permittee to bar the above referenced patron for one year. Commissioner Sturtz seconded. The motion was unanimously approved.

DL61-29114 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL83-29091 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated evidence presented to the local board to support denial of the permit.

Commissioner Guthrie moved to uphold the local board’s recommendation and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL43-29052 DOLGENCORP, LLC – Commissioner Guthrie moved to table this matter for further review. Commissioner Sturtz seconded. The motion was unanimously approved.

DL83-29111 DOLGENCORP, LLC – Commissioner Guthrie moved to table this matter for further review. Commissioner Sturtz seconded. The motion was unanimously approved.

**INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make seven (7) permits inactive. All of the permits are not subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

REVOCAION OF EMPLOYEE PERMITS - Commissioner Guthrie stated the following permittees were convicted of a disqualifying crime after their employee permits were issued: Jordan K. Swaidner, permit #BR1691876; Jacob R. Andrews, permit #BR1653408; and, Lawren B. Wolfe, permit #BR1666787.

Commissioner Guthrie stated after conducting an investigation of the permittees, Senior Officer Rich Swallow recommended the Commission revoke the permits.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permits. Vice Chairman Johnson seconded. The motion was unanimously approved.

**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 \_\_\_\_\_, 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