

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 20, 2011

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. Superintendent Strittmatter, Major Poindexter and Executive Secretary Neal were also in attendance.

Jeff McKean, Debbie Rolfsen, Jim Purucker, Randy Zion, Trevor Vance, Bart Herriman, Dennis Burton, Anne Maschmeyer, Tom Dale, Shannon Dugan and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the December 6, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the December 20, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the December 20, 2011 meeting. Commissioner Guthrie 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. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred twenty-two (422) permits approved for renewal, fifty-two (52) new and/or transfer permits approved, five (5) permits approved for catering, three (3) permits approved for first year escrow, one (1) permit approved for second year escrow, seven (7) permits approved for third year escrow and six (6) permits approved for fourth 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

RR46-94276 “Z” CENTER STREET TAVERN, INC. – Commissioner Guthrie noted this is a type 112 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there are questions about the ownership of this permit and the permittee failed to appear before the local board at three consecutive meetings to clear up these questions.

Commissioner Guthrie moved to uphold the local board and deny the renewal of the permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-05958 ROQUIL, INC., D/B/A LIQUOR BARN – Commissioner Guthrie noted this is a type 217 renewal with the local board voting two (2) to two (2).

Commissioner Guthrie stated one of the votes to recommend approval was by the Excise officer.

Commissioner Guthrie moved to approve the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RC50-07461 FRATERNAL ORDER OF EAGLES 1900 – Commissioner Guthrie noted this is a type 211-4 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there is an issue as to whether this matter should have been continued by the local board due to the unexpected remonstrance that was provided by a competitor. Also, the packet sent to the commission by the local board regarding this renewal contained documents that were not provided to the local board.

Commissioner Guthrie moved to remand this renewal to the local board for reinvestigation. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make two (2) permits inactive. Both permits are not subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated there are 15 employee permittees, who at the time of issuance of their permit had not been convicted of a disqualifying crime, but now have a disqualifying conviction.

Commissioner Guthrie noted Officer Swallow conducted an investigation of these permittees and recommends the commission revoke these employee permits.

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

RR06-85191 SLDEVELOPMENT, INC. – Vice Chairman Johnson noted the location of this permit was annexed into the city limits of Whitestown. The permittee requests this type 209 permit be converted to a type 210 permit.

Vice Chairman Johnson moved to approve the conversion. Commissioner Guthrie seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

NON-RULE ATC-006, ATC-007, ATC-008 – Executive Secretary Neal stated these non rule policies clarify the procedures for the administration of in-state direct wine seller applications, out-of-state direct wine seller applications and in-state micro wholesaler applications.

Commissioner Guthrie moved to adopt non rule ATC-006, ATC-007 and ATC-008. Commissioner Sturtz seconded. The motion was unanimously approved.

ANNOUNCEMENTS

COMMENDATIONS FOR EXEMPLARY SERVICE

SERGEANT WILLIAM TURNER - Superintendent Strittmatter stated Sgt. Turner responded to a shooting incident at an American Legion. He took control of the scene and initiated the investigation. The investigation resulted in an arrest for charges of criminal recklessness, a class C felony; possession of a handgun without a permit, a class A misdemeanor; and, public nudity, a class C misdemeanor. This incident could have resulted in serious injury, had Sgt. Turner not acted.

The Superintendent wanted to take this opportunity to commend Sgt. Turner for his service to the Agency and to the citizens of Indiana.

OFFICER NICK CANAL AND OFFICER JAVIER ARROYO – Superintendent Strittmatter stated that generally the ATC is looked upon as only a regulatory agency, but the Excise Police are a full, law enforcement division. And, sometimes while performing our regulatory duties we come across other criminal activities that are occurring.

Officer Canal and Officer Arroyo were working surveillance at an establishment when they witnessed what appeared to be underage people in a vehicle with alcoholic beverages. The officers made the stop and found an 18 year old in possession of a handgun without a permit. An arrest was made. A short time after, law enforcement authorities in Illinois contacted Officer Canal and informed him that the person arrested for possession of the handgun was being initiated into the Latin King Gang and was allegedly responsible for several armed robberies, one occurring a couple of hours prior to Officer Canal's arrest.

The Superintendent wanted to take this opportunity to commend Officer Canal and Officer Arroyo for being diligent police officers. Because they went beyond just writing a ticket for the minor alcohol possession, a man wanted in the State of Illinois for allegedly committing several violent crimes was arrested. He thanked the officers for their service to the Agency and to the citizens of Indiana.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER