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September 23, 2014

*Via E-mail, U.S. Mail, and Facsimile*

Mr. Frederick A. Higdon  
Commissioner  
Kentucky Department of Alcoholic Beverage Control  
1003 Twilight Trail  
Frankfort, Kentucky 40601-8400

Mr. Tony Dehner  
Distilled Spirits Administrator  
Kentucky Department of Alcoholic Beverage Control  
1003 Twilight Trail, Suite 2-A  
Frankfort, Kentucky 40601

Ms. Stephanie Stumbo  
Malt Beverage Administrator  
Kentucky Department of Alcoholic Beverage Control  
1003 Twilight Trail  
Frankfort, Kentucky 40601-8400

**Re: Appeal and Request for Hearing on City of Owensboro approval of Anheuser-Busch, LLC's application for malt beverage distributor's license**

Dear Commissioner Higdon and Administrators Stumbo and Dehner:

By correspondence dated August 13, 2014, the Kentucky Beer Wholesalers Association, Inc. ("KBWA") protested Anheuser-Busch, LLC's application with the City of Owensboro for a malt beverage distributor's license. Despite KBWA's protest and numerous other protests filed, the ABC administrator for Owensboro, Dana Coomes, approved Anheuser-Busch's application on August 25, 2014. This occurred without hearing or findings of fact or conclusions of law in support of the decision. A certified copy of Administrator Coomes' approval of Anheuser-Busch's application is enclosed.

Accordingly, pursuant to KRS 241.400 and all other applicable law, the KBWA appeals the approval of Anheuser-Busch's application for a malt beverage distributor's license by the City of Owensboro ABC Administrator. The KBWA also respectfully requests a hearing before the ABC Board prior to any action taken on the license by the ABC.

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Additionally, the KBWA believes that many of the issues in this appeal will also be an issue in the appeal styled as Kentucky Eagle, Inc., et al. v. Dana Coomes, et al., Administrative Case No. 14-ABC-227. Both appeals will also involve many of the same witnesses. Therefore, the KBWA respectfully requests that this appeal be consolidated with Case No. 14-ABC-227 in furtherance of administrative efficiency and economy.

We thank you in advance for your consideration of this appeal and request for consolidation.

Very truly yours,



William A. Hoskins

WAH/kdb

Enclosure

cc: Dana Coomes  
Steve Amato, Esq.

CERTIFICATION

I, Dana Coomes, Alcoholic Beverages Control Administrator for the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of my approval of the application of Anheuser-Busch, LLC for a Malt Beverages Distributor license, which was approved on 8-25-14, as required by KRS 243.370. The application of Anheuser-Busch was filed with my office on 8-19-14. The original of the application has been forwarded to the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Suite A-2, Frankfort, Kentucky 40601.

This the 27<sup>th</sup> day of August, 2014.

Dana L. Coomes  
Dana Coomes  
ABC Administrator  
City of Owensboro

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ALCOHOL  
BEVERAGE CONTROL

**SECTION AA**  
 THE SELLER MUST COMPLETE THIS SECTION IF SECTION (D) 15 HAS BEEN ANSWERED "YES" OR IF A LICENSE IS BEING TRANSFERRED.

I (we), Charles W. Hand, Jr. the seller(s) or owner(s) of the business known as Budweiser of Owensboro located at 4221 Airpark Dr., Owensboro Kentucky is the holder(s) of the following license number(s) 030-MD-162 and 030-WH-223

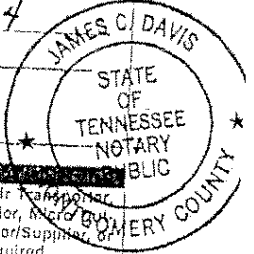
I (we) hereby represent that I (we) have agreed to convey all license privileges and control of the licensed premises and business to Anheuser-Busch, LLC I (we) understand that I (we) may not relinquish control of the business, premises, or interest in the license(s) until the buyer's application has been approved by the Ky. Dept. of Alcoholic Beverage Control.

\* Signature of Seller(s) Charles W. Hand, Jr. Title President Date 8/6/14  
 (If a partnership, all partners must sign. If a corporation, only one officer must sign.)

Sworn and affirmed before me on this 6th day of Aug, year of 2014. My Commission expires 8/13/14

Notary Public Jane Adams County of Montgomery State of TN  
 (Canadian applicants are exempt from this notary requirement.)

Notary ID# \_\_\_\_\_



**SECTION BB**  
 This section is not required if the applicant is applying for any of the following license types: Special Nonbeverage Alcohol, Air Transporter's, Out-of-State Distilled Spirits/Wine Producer/Supplier, Limited Out-of-State Distilled Spirits/Wine Producer/Supplier, Micro Out-of-State Distilled Spirits/Wine Producer/Supplier, Special Agent/Solicitor, Small Farm Winery, Out-of-State Malt Beverage Producer/Supplier, Micro Out-of-State Malt Beverage Producer/Supplier. Applicants must complete this section if an equivalent local license is required.

**OBTAIN LOCAL ABC ADMINISTRATOR'S SIGNATURE OF APPROVAL**

The local ABC Administrator must approve this application and such approval must be forwarded to the state ABC. Take or mail this application, fees, and all attachments to the local ABC Administrator. Obtain the local ABC Administrator's signature and approval or arrange for such approval to be sent to the state ABC Office.

I certify under oath that the applicant(s) has been approved for the equivalent local license type(s) applied herein for the identified premises, and that the applicant satisfies all local ordinances.

SIGNATURE OF APPROVAL OF LOCAL ABC ADMINISTRATOR Dana R Coomes Date 8-25-14  
 City of Owensboro Administrator, County of \_\_\_\_\_ Administrator

**APPLICATION AFFIDAVIT**  
 AFFIDAVIT OF BUYER OR NEW PERSON APPLYING FOR THE ABC LICENSE(S)

I (print your name here) Katherine M. Barrett do hereby swear and affirm under penalty of perjury that all statements contained in this application and all its attachments are true and correct to the best of my knowledge, information, and belief. I hereby swear and affirm that I shall not engage in any activity involving alcoholic beverages at the premises described herein until I have been issued the appropriate license(s) by the Kentucky Department of Alcoholic Beverage Control. I hereby swear and affirm that if the license(s) is issued, I shall abide by all state and local statutes, regulations, and ordinances relating to the manufacture, sale, use, and trafficking in alcoholic beverages. I hereby swear and affirm that no persons listed in Section (C) 3 of this application are in default of a repayment obligation under any financial program administered by a Kentucky Higher Education Assistance Authority (KHEAA) such as a student loan repayment.

Signature of Buyer or New Applicant [Signature] Title Secretary Date 7/30/14

Sworn and affirmed before me on this 30th day of July, year of 2014. My Commission expires 5-12-17

Notary Public Lydia A. Thomas County of St. Louis State of Missouri  
 (Canadian applicants are exempt from this notary requirement.)

Notary ID# 13480816

LYDIA A. THOMAS  
 Notary Public, Notary Seal  
 State of Missouri  
 St. Louis County  
 Commission # 13480816  
 My Commission Expires May 12, 2017

ALCOHOL BEVERAGE CONTROL

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