

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, December 28, 2004 2:06 PM
To: Michael C. Creamer (E-mail); Travis Thompson (E-mail)
Cc: Spackman, Gary; Peppersack, Jeff
Subject: Koyle Transfer 71178

I have received the letter from Michael Creamer, attorney for John and Shanna Koyle, confirming earlier phone conversations that the Koyles do not agree with the proposed conditions outlined in "Conditional Withdrawal of Protest" filed by Travis Thompson, attorney for Clear Springs Foods, Inc.

I will hold the application until the matter of the protest is resolved. If needed we might set a pre-hearing conference or a formal hearing depending on the outcome of your further negotiations. Please let me know your desire.

In Mr. Creamer's letter he suggests the department provide what standard conditions the department include on any approval. As you may or may not know the department for sometime has been processing applications for transfer in what is known as a "parallel process" that involves state office and regional staff. As part of that process in most instances a DRAFT approval is created prior to advertising that contains a first blush of standard conditions. In this particular case such a DRAFT approval document was created. It is attached for your review.

PLEASE NOTE that although a DRAFT approval document has been created it does not represent final action of the department. Ultimately the department could change conditions or even deny the application. It is being provided for your review only as a basis for your further negotiations.



Draft Approval.doc