

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 21, 2023

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, General Counsel Merritt, Prosecutor Wignall, and Deputy Director Chris Serak, were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the November 8, 2023 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Sixty-three dispositions were submitted with fines totaling \$38,250.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

BR1988660 KYLE BONE – Vice Chairman Payne stated this permittee has a violation for receiving two OWI convictions and those convictions, at this time, make him ineligible to hold a permit. The permittee failed to appear at the settlement conference and the show cause hearing for this violation.

Vice Chairman Payne moved to revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

BR1974166 SHAMIKA WILLIAMS – Vice Chairman Payne stated this permittee has a violation for receiving two OWI convictions and those convictions, at this time, make her ineligible to hold a permit. The permittee failed to appear at the settlement conference and the show cause hearing for this violation.

Vice Chairman Payne moved to revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR6600768 DIAMOND LILL'S INC. – Vice Chairman Payne stated the signed Settlement Agreement and fine payment have been received. He rescinded the Order for Revocation.

CONSIDERATION OF APPLICATIONS

Vice Chairman Payne moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, and the inclusion of

these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve and incorporate by reference these lists of permit applications for a new permit or application for changes in location, ownership, or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same, pending final floor plan approval by the Indiana State Excise Police and escrow, if needed, and inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve the catering applications. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve the carrier applications. Commissioner Maginn seconded. The motion was unanimously approved.

WAIVERS OF FEES – LETTERS OF EXTENSION

Commissioner Maginn moved to approve the fee waived letters of extension issued the preceding weeks. Vice Chairman Payne seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

RR0232944 D&D INVESTMENT GROUP LLC – Chair Allen noted this permittee is requesting to be designated as a catering hall.

Commissioner Maginn moved to approve the request. Vice Chairman Payne seconded. The motion was unanimously approved.

RR4540352 LAS TRES PALMAS LLC – Chair Allen noted this is a transfer with the local board voting 4-0 to deny.

Commissioner Maginn stated there were problems the local board discussed regarding this transfer. The business does not have hot food and they do not have a business permit from the city.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Vice Chairman Payne seconded. The motion was unanimously approved.

RR2938865; RR2938748; RR2938747 WATSON HOLDINGS, LLC – Chair Allen stated these permits are related and asked if the commissioners would like to discuss them together. The commissioners decided to discuss them together. All are renewals with the local board voting 4-0 to deny.

Commissioner Maginn noted that these permits were obtained at auction. There are concerns about placement of the permits and contract rights regarding franchises. The permittee's attorney submitted a letter requesting remand so these issues can be discussed before the local board or continue the commission vote so the information can be discussed with the Commission.

Commissioner Maginn moved to continue these to the 12/19/23 Commission meeting, with questions being sent to the permittee's attorney to help clear up the unresolved issues. Vice Chairman Payne seconded. The motion was unanimously approved.

RR5002170 MAYFLOWER INC. – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business has had several violations in the past, but only one in the last couple of years. The owner failed to check ID and sold to a minor. The commissioner said having only one recently did not warrant denying the renewal, based on other permittees that had the same or a similar number of violations, but were approved.

Commissioner Maginn moved to overturn the local board recommendation and approve the renewal. Vice Chairman Payne seconded. The motion was unanimously approved.

DL4504813 ECONOMY PACKAGE LIQUORS #3, INC. – Chair Allen noted this is a 3rd extension request.

Commissioner Maginn stated there is a pending violation that is in the process of being negotiated/settled by the owners and the prosecutor.

Commissioner Maginn moved to grant a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR7934150 CAPITAL CONNECTION LLC – Chair Allen noted this is an extension request, noting this was previously under judicial review and now remanded to the local board for reconsideration.

Commissioner Maginn moved to grant a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR4438291 SNAPPY'S TURTLE RESTAURANT LLC – Chair Allen noted this is a second extension request.

Commissioner Maginn stated there is a tax protest attached to this permit.

Commissioner Maginn moved to grant another extension after the tax protest is cleared. Vice Chairman Payne seconded. The motion was unanimously approved.

RR4937266 CARNICERIA Y TIENDA MI MEXICO 1, LLC – Chair Allen noted this is a second extension request, added by consent.

Commissioner Maginn stated there was a processing issue with the renewal of this permit that requires an extension to continuation operation.

Commissioner Maginn moved to grant a fee-waived, 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR6934042 IZZY'S RESTAURANT INC. – Chair Allen noted this is a second extension request, added by consent.

Commissioner Maginn stated the owner failed to appear twice at the local board hearing. The owner has stated he will appear for the next local board hearing.

Commissioner Maginn moved to grant a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make three permits dead. Vice Chairman Payne seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

4th week of December 2023, Wednesday December 27

ADJOURNMENT

Vice Chairman Payne moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 5th day of December, 2023.



JESSICA ALLEN, CHAIR



JAMES W. PAYNE, VICE CHAIRMAN



MARJORIE MAGINN, COMMISSIONER

DALE GRUBB, COMMISSIONER