

ALCOHOL AND TOBACCO COMMISSION

April 7, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

March 17, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

821 Renewals

51 New/Transfers

15 Catering

8 1st Year Escrow

2 2nd Year Escrow

1 3rd Year Escrow

4 4th Year Escrow

3 New Direct Wine Shippers

4 New Carriers

13 Renewal Carriers

6. Renewal Letters and Waiver of Fees for Letters of Extension -

7. Applications for Discussion –

RR71-95365 La Esperanza, LLC – Renewal with the local board voting 3-1 to approve.

RR06-28227 Zionsville Pizza Delivery, Inc. – Renewal with the local board voting 3-1 to approve.

RR49-12096 255 Morris, LLC – Renewal with the local board voting 4-0 to disapprove.

RR53-13906 Texas Roadhouse Holdings, LLC – Renewal. Did not appear at local board.

RR53-15368 Cave Group, Inc. – Renewal. Did not appear at local board.

RR53-25434 Steve Hardin – Renewal. Did not appear at local board.

RR79-23167 Vuz, Inc. – Annexation

RR79-27193 Norris Dowden, LLC - Annexation

8. Inactive Files –

11 Permits Not Subject to Auction

6 Permits Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

Adoption Non-Rule Policy #16 Electronic Funds Transfers

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 7, 2015

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman, Commissioner Grubb and Commissioner Maginn. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader and Superintendent Strittmatter were also in attendance.

Jenny Drewry, Mark Webb, Mindy Westrick, Bart Herriman, Steve Badger, Greg Genrich, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the March 17, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 172 Parties' Agreed Dispositions that were submitted, totaling approximately \$53,475.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the April 7, 2015 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Commissioner Grubb moved to approve and incorporate by reference these lists of permits for renewal, either with or without a quorum at the local board meeting, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permit applications for a new permit, or applications for changes in location or ownership or both of existing permits, which were either recommended for approval by local boards or where a quorum was not present, and reviewed by at least two Commissioners. Vice Chairman Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb 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 Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Eight hundred twenty-one (821) renewals approved, fifty-one (51) new and/or transfer applications approved, fifteen (15) permits approved for catering, eight (8) permits approved for first year escrow, two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, four (4) permits approved for fourth year escrow, three (3) permits approved for new direct wine shippers, four (4) new carrier permits approved and thirteen (13) renewal carrier permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Grubb moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR71-95365 LA ESPERANZA, LLC – Commission Counsel Allen noted this is a renewal with the local board voting 3-1 to approve. The Excise officer voted to recommend denial based on three sets of violations from 2009, 2010 and 2014. Counsel Allen recommended the Commission approve the permit for one year because two of the violations were over four years old.

Vice Chairman Coleman moved to uphold Counsel's recommendation to grant a one year renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR06-28227 ZIONSVILLE PIZZA DELIVERY, INC. – Commission Counsel Allen stated this is a renewal with the local board voting 3-1 to approve. The Excise officer voted to recommend denial based on the permittee operating without a permit for ten months, which resulted in eight violations. That officer indicated that he would be fine with a one year renewal, so Counsel Allen recommended granting a one year renewal.

Commissioner Maginn moved to approve a one year renewal of the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-12096 225 MORRIS, LLC – Commission Counsel Allen stated this is a renewal with the local board voting 4-0 to disapprove.

Vice Chairman Coleman moved to uphold the local board and deny the renewal. He stated after review of the record it appears the permit premises has become a public nuisance. Commissioner Grubb seconded. The motion was unanimously approved.

RR53-13906 TEXAS ROADHOUSE HOLDINGS, LLC – Commission Counsel Allen stated the renewal of this permit was scheduled for the January meeting. The permittee did not appear and did not appear at either of the next two meetings, even though notice to appear was mailed. Because the permittee failed to appear, the local board forwarded the renewal to the Commission for their determination.

Counsel Allen spoke with the permittee's preparer, who requested the renewal be remanded to the local board. He stated that he would make sure someone was present.

Commissioner Maginn moved to remand the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR53-15368 CAVE GROUP, INC. – Commission Counsel Allen stated the renewal of this permit was scheduled for the January meeting. It appears the president of the corporation was present at that meeting, but due to a pending violation, the local board did not vote on the renewal. The local board continued the matter for two additional meetings and no one appeared from the corporation. Therefore, the local board forwarded the matter to the Commission for their determination.

Counsel Allen stated the violation is still pending, so she recommended the Commission remand this renewal to the local board for their review after the violation is resolved.

Vice Chairman Coleman moved to uphold the recommendation to remand the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RR53-25434 STEVE HARDIN – Commission Counsel Allen stated the renewal of this permit was scheduled for the January meeting. The permittee did not appear at that meeting, nor did he appear at the next two meetings, even though notice to appear was mailed. Counsel Allen recommended the Commission disapprove the renewal.

Commissioner Maginn moved to uphold the recommendation to deny the renewal. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR79-23167 VUZ, INC. - Commission Counsel Allen stated the permittee's location was annexed into the city limits of West Lafayette. The permit was originally issued in July 2007 and the notice of annexation was not published until 2013. The permittee requests the permit be converted from a type 209 to a type 210.

Commissioner Grubb moved to approve the conversion of the permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR79-27193 NORRIS DOWDEN, LLC - Commission Counsel Allen stated the permittee's location was annexed into the city limits of West Lafayette. The permit was originally issued in September 2010 and the notice of annexation was not published until 2013. The permittee requests the permit be converted from a type 209 to a type 210.

Commissioner Grubb moved to approve the conversion of the permit. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make seventeen (17) permits inactive. Eleven permits are not subject to auction and six permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Joseph T. Dorbin, permit #BR1756551. Mr. Dorbin will not be eligible to hold an employee permit until August 3, 2017.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Autumn C. Kent, permit #BR1797196. Ms. Kent will not be eligible to hold an employee permit until December 27, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Timothy R. Wyka, permit #BR1671498. Mr. Wyka will not be eligible to hold an employee permit until April 2, 2017.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Savannah J. Niswander, permit #BR1795939. Ms. Niswander will not be eligible to hold an employee permit until March 9, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Lisa M. Lichte, permit #BR1723420. Ms. Lichte will not be eligible to hold an employee permit until September 3, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

ADOPTION NON-RULE POLICY #16 ELECTRONIC FUNDS TRANSFERS – Chairman Cook stated he submitted a non-rule policy regarding electronic funds transfers to the Commission for their review.

Commissioner Grubb moved to approve the policy as submitted. Vice Chairman Coleman seconded. The motion was unanimously approved.

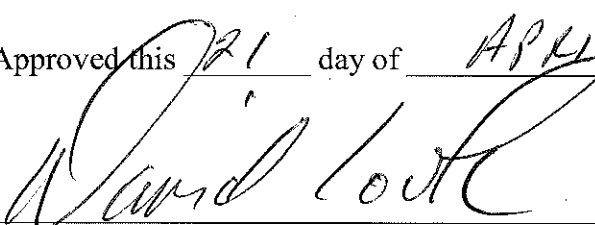
ANNOUNCEMENTS

2014 INDIANA STATE EXCISE POLICE ANNUAL REPORT – Chairman Cook stated the 2014 Indiana State Excise Police Annual Report is published and available for review.

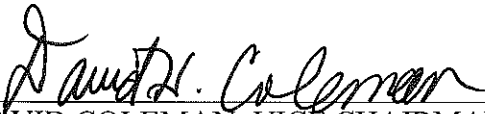
ADJOURNMENT

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

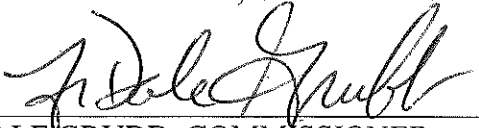
Approved this 21 day of April, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER