

ALCOHOL AND TOBACCO COMMISSION

January 5, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes

December 16, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR23-04382 Farley's Corner Pub, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

365 Renewals
39 New/Transfers
5 Catering
3 1st Year Escrow
8 2nd Year Escrow
5 3rd Year Escrow
3 4th Year Escrow
11 New/Renewal Carriers
5 New/Renewal Direct Wine Shippers

6. Renewal Letters and Waiver of Fees for Letters of Extension -
7. Applications for Discussion –

DL34-96273 Satya Ventures, Inc. – Renewal with LB voting 4-0 to deny

RR25-01239 Putman Family LLC – Renewal with LB voting 3-0 to approve for 1 year

8. Inactive Files –

10 Permits Not Subject to Auction
1 Permit Subject to Auction

9. Old Business -

10. New Business -

Suspension/Revocation of Employee Permits

Jill Damron, BR1490327- 1 conviction
Joshua Donovan, BR1724148- 2 convictions

Suspended Employee Permits/Alcohol Evaluation Program (continued)

Chantel Longfield BR1807915
Terrill May BR1805888
Jasmin Overman BR1803218

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 5, 2016

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, Corporal Lynch, and Superintendent Strittmatter were also in attendance.

Brooke Burnett, Katie Maddox, Greg Genrich, Bart Herriman, Marc Carmichael, Matt Brase, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the December 16, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 109 Parties' Agreed Dispositions that were submitted, totaling approximately \$40,700.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the January 5, 2016 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR23-04382 FARLEY'S CORNER PUB, LLC – Hearing Judge Rothenberg stated the local board recommended the renewal be denied. The Commission upheld the denial. The permittee filed an appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to uphold the recommendation of the Hearing Judge to overturn the denial and approve the renewal for one year under strict compliance. Vice Chairman Coleman seconded. Chairman Cook voted to uphold the recommendation and Commissioner Grubb voted against the recommendation.

CONSIDERATION OF APPLICATIONS

Commissioner Grubb 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 and hereby move for approval of same and the inclusion of these lists as part of the minutes. 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 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 inclusion of these lists as part of the minutes. Commissioner Maginn 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 and hereby move for approval of same and the inclusion of these lists as part of the minutes. 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.

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

Three hundred sixty-five (365) renewals approved, thirty-nine (39) new and/or transfer applications approved, five (5) permits approved for catering, three (3) permits approved for first year escrow, eight (8) permits approved for second year escrow, five (5) permits approved for third year escrow, three (3) permits approved for fourth year escrow, eleven (11) new and renewal carrier permits approved, and five (5) new and renewal direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Coleman 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

DL34-96273 SATYA VENTURES, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to disapprove.

Commissioner Maginn stated this permittee had a violation for drug paraphernalia at this establishment and one for credit sales. The fines were paid. He has another establishment with no violations.

Vice Chairman Coleman moved to overturn the local board's recommendation and approve the renewal for one year under strict compliance. Commissioner Maginn seconded. The motion was unanimously approved.

R25-01239 PUTMAN FAMILY LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to approve for one year.

Commissioner Maginn stated this permittee was charged with 3 felonies, but was only convicted of one A-misdemeanor. There is a history of violations at the establishment, but also a history of Excise visits with no violations. The local board found he has good, moral character.

Commissioner Maginn moved to uphold the recommendation of the local board to approve the renewal for one year under strict compliance. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make eleven (11) permits inactive. One permit is subject to auction and ten permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

PROBATION/REVOCAION OF EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holders to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission. The Commissioner further moved that these revocations be rescheduled for the July 5, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Jill Damron, BR1490327

Commissioner Grubb moved to revoke the following employee permit that does not fall under IC 7.1-3-18-9.5. Commissioner Maginn seconded. The motion was unanimously approved.

Joshua Donovan, BR1724148

PROBATIONARY EMPLOYEE PERMITS – Commission Counsel Allen stated this is the first meeting where employee permits, pursuant to IC 7.1-3-18-9.5, were to have completed an alcohol evaluation/treatment program. The employees are: Chantel Longfield, BR1807915; Terrill May, BR1805888; and Jasmin Overman, BR1803218. It is unclear whether these employees have completed that program. Counsel Allen recommended the Commission continue this matter to the next meeting.

Commissioner Grubb moved to continue this matter. Commissioner Maginn seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

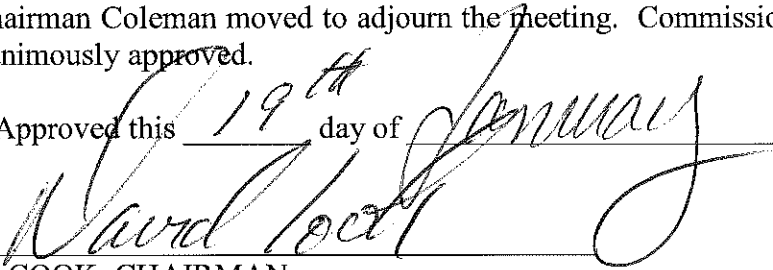
ANNOUNCEMENTS

No Announcements

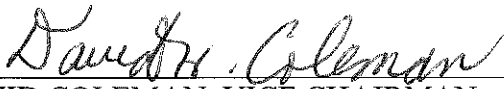
ADJOURNMENT

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


Approved this 19th day of January, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER