

ALCOHOL AND TOBACCO COMMISSION

October 4, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

September 20, 2016

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications –

628 Renewals

43 New/Transfers

6 Catering

3 1st year Escrow

3 2nd Year Escrow

6 3rd Year Escrow

9 New/Renewal Direct Wine Shippers

17 New/Renewal Carriers

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

7. Applications for Discussion –

RR49-04563 El Rodeo, LLC – Renewal with LB voting 2-2

RR02-89014 Torrap Enterprises, Inc. – Conversion from 209 to 210.

8. Inactive Files –

4 Permits Not Subject to Auction

9. Old Business -

10. New Business –

11. Policy Determinations –

Non-rule policy 19 – Artisan Distiller Applications

Non-rule policy 18 – Type II gaming renewals

12. Announcements -

INDUSTRY ROUNDTABLE DISCUSSIONS

October 4, 1:30 pm, RR Permit Roundtable (ATC)

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 4, 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 Maginn and Commissioner Grubb. Prosecutor Mader, Commission Counsel Allen, Executive Secretary Rothenberg, Superintendent Strittmatter, and Master Officer Bedwell were also in attendance.

Greg Genrich, Mark Webb, Sarah Stegmeyer, Anthony Mitson, Schuyler Culver, Matt Brase, Davey Neal and Alex Intermill were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the September 20, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 27 Parties' Agreed Dispositions that were submitted, totaling \$33,700.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the October 4, 2016 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, 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 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.

Six hundred twenty-eight (628) renewals approved, forty-three (43) new and/or transfer applications approved, six (6) permits approved for catering, three (3) permits approved for first year escrow, three (3) permits approved for second year escrow, six (6) permits approved for third year escrow, nine (9) new and renewal direct wine shipper permits approved, and seventeen (17) new and renewal carrier 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

RR49-04563 EL RODEO, LLC – Chairman Cook noted this is a renewal with the local board voting 2-2.

Chairman Cook stated he reviewed the exhibits and the recording of the local board meeting. The owners were convicted of D felony theft offenses relating to their under reporting of sales and non-payment of taxes. Our statutes include level 5 felonies, which would result in automatic disqualification, but these are level 6 felonies. An email from Marion County Prosecutor Terry Curry was submitted that stated he had no problem with the permittee continuing to hold the alcoholic beverage permit. The Chairman noted that over one million dollars was paid back to the State of Indiana and they paid \$46,000 in fines to the Commission. Other county local boards in the state have approved other permits owned by this permittee.

Commissioner Grubb moved to conditionally approve the renewal for one year, requiring the permittee to submit a certified accounting audit showing appropriate accounting practices and pay all taxes owed. Vice Chairman Coleman seconded, stating pursuant to IC 7.1-2-3-19, the commission can prescribe the manner and method of how alcoholic beverage records are kept and preserved. The motion was unanimously approved.

RR02-89014 TORRAP ENTERPRISES, INC. – Commission Counsel Allen stated this permittee requested this permit be converted from a type 209 permit to a type 210 permit due to the location being

annexed into the city limits. She noted that the business had been operating several years prior to the notice of annexation being posted.

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

INACTIVE FILES

Commissioner Grubb moved to make four (4) permits inactive. All four of the permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY 18 TYPE II GAMING RENEWALS AND NON-RULE POLICY 19 ARTISAN DISTILLER APPLICATIONS – Chairman Cook noted these are available for review. The Commission will vote on them at the October 18, 2016 meeting.

ANNOUNCEMENTS

INDUSTRY ROUNDTABLE DISCUSSIONS – Chairman Cook stated the final round table regarding retailer permits is today at 1:30.

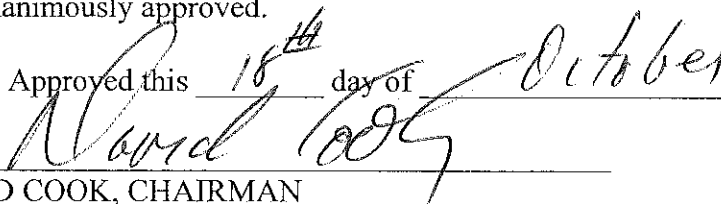
MINIMUM CIGARETTE PRICING CALCULATIONS – Chairman Cook noted the Commission is establishing an outreach initiative. The initiative goal is to ensure open communication and transparency with the process, as well as compliance with applicable statutes. A copy of this initiative is part of the minutes by exhibit.

VOLUNTARY DISCLOSURE PROGRAM – Chairman Cook noted the Commission introduced a new voluntary disclosure program. The aim is to have increased compliance and efficiency through self-reporting. A copy of this program is part of the minutes by exhibit.

ADJOURNMENT

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

Approved this 18th day of October, 2016.



DAVID COOK, CHAIRMAN

David S. Coleman

DAVID COLEMAN, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER