

ALCOHOL AND TOBACCO COMMISSION

February 7, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

January 17, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR33-30103 Adhoyee – Remand Order

5. Consideration of Applications -

866 renewals
58 new/transfers
16 catering
2 1st year escrow
7 2nd year escrow
8 3rd year escrow
3 4th year escrow
20 new/renewal carriers
6 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR10-15838 2JR Pizza Enterprises, LLC – Renewal with LB voting 3-0 to deny

8. Inactive Files –

12 permits not subject to auction
2 permits subject to auction

9. Old Business -

Revocation of employee permits non-proof of treatment –

BR1712466 Erin Pittman
VB1734225 Roger Clarence Brown
BR1754404 Stacy E Higdon

Probationary employee permit proof of treatment provided –

BR1786951 Amanda Rose Leach
BR1647673 Adam Pherson

10. New Business –

Probation/Revocation of Employee permits –

BR1728547 Brandon S McQuen – 1 conviction

11. Policy Determinations –

Non-rule Policy #20 – Beer tubs

12. Announcements -

ATC Spring Auction – May 17, 2017

Auction list available early April

Pre-bid applications due May 2

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 7, 2017

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

Brooke Burtnett, Schuyler Culver, Matt Brase, George Douglas, Bart Herriman, Jenny Drewry, David Symmes, Diane Masariu, Stan Zihel, Greg Genrich, Marc Carmichael, Katie Maddox, Rachel Bibler, Mark Webb, and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the January 17, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 202 Parties' Agreed Dispositions that were submitted, totaling \$51,750.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the February 7, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR33-30103 ADHOYEE, LLC – Executive Secretary Rothenberg noted this renewal was originally scheduled in October 2016 because the permittee had a violation in the renewal period. The local board recommended denial of the renewal in January, due to the permittee not appearing, which falls under IC 7.1-3-23-5. The permittee filed a request for hearing and/or remand. The Executive Secretary recommended the Commission remand this to the local board for reconsideration. The remand order clarifies to the permittee that he must comply with statute regarding appearing before the local board after a violation.

Vice Chairman Coleman moved to uphold the Hearing Judge's recommendation to remand the renewal to the local board. Commissioner Maginn seconded. The motion was unanimously approved.

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.

Eight hundred sixty-six (866) renewals approved, fifty-eight (58) new and/or transfer applications approved, sixteen (16) permits approved for catering, two (2) permits approved for first year escrow, seven (7) permits approved for second year escrow, eight (8) permits approved for third year escrow, three (3) permit approved for fourth year escrow, twenty (20) new and renewal carrier permits approved and six (6) 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

RR10-15838 2JR PIZZA ENTERPRISES, LLC – Chairman Cook noted this is a renewal application with the local board voting 3-0 to deny.

Commissioner Maginn stated the permittee failed to appear 4 times at the local board meeting as required when a violation occurs during the renewal period.

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

INACTIVE FILES

Commissioner Grubb moved to make thirteen (13) permits inactive. Twelve permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits because proof of completion of an alcohol treatment program was not provided to the Commission. Commissioner Maginn seconded. The motion was unanimously approved.

BR1712466 Erin Pittman; VB1734225 Roger Clarence Brown; BR1754404 Stacy E Higdon

REMOVAL OF PROBATIONARY STATUS – Commissioner Grubb moved to remove the following employee permits from probationary status because proof of completion of alcohol treatment was provided to the Commission. Commissioner Maginn seconded. The motion was unanimously approved.

BR1786951 Amanda Rose Leach and BR1647673 Adam Pherson

NEW BUSINESS

PROBATIONARY EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holder(s) 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 to reschedule for the September 1, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1728547 Brandon S McQuen

RESOLUTION RE: ATTORNEY JOSEPH QUILL – Attorney Mark Webb presented a resolution to the Commission regarding the life of Joseph F. Quill, who represented the alcoholic beverage industry for over 50 years. See attached transcript.

POLICY DETERMINATIONS

NON-RULE POLICY DOCUMENT #20 – BEER TUBS – Chairman Cook stated copies of the document are available for review. The Commission will vote to adopt on February 21, 2017.

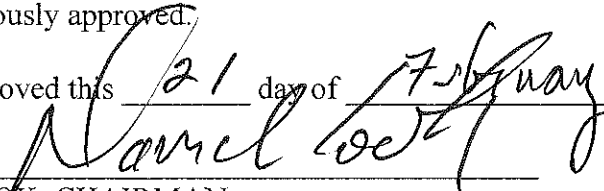
ANNOUNCEMENTS

ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list will be available in early April, with pre-bid applications due on May 2, 2017.

ADJOURNMENT

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

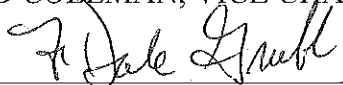
Approved this 21 day of February, 2017.



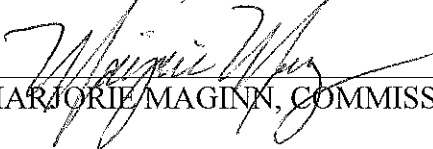
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER

1 Mark Webb

2 Thank you very much, Mr. Chairman, members of the commission. On
3 January 17th, following the commission meeting on that date, many of
4 us received news of the passing of Joe Quill, the previous Friday.
5 Despite the fact that he achieved the ripe old age of 95, it came as a
6 shock to those of us who knew him because most of us thought he was
7 going to live forever. Those of you in this room who were around prior
8 to his retirement remember him as a tireless advocate for the alcoholic
9 beverage community. He represented everyone. He represented
10 retailers, wholesalers, distributors, manufacturers, and dealers. He
11 began practicing in this area shortly after he entered private practice in
12 1950, and it didn't take long before he was the go-to guy when people
13 needed assistance in the arena. He worked closely with the commission
14 and members of the General Assembly to pass statutes, needed reforms
15 and his handy work is contained in many of the statutes that we live and
16 work with today. Among other things, he was instrumental in the
17 passage of quota statutes and many of the trade regulations between
18 various segments of the industry. When he came before the
19 commission, you knew that the client was very well represented. When
20 he tried a case---and he tried dozens of them over a 58 year career---he
21 did his homework and he came very well prepared. He counted among
22 his close friends, everyone who's ever sat at that commission table. He
23 was good to everyone. He found a way to help those who were against
24 him and was even able to give them some kind of a positive feeling
even when they were losing. He never had an unkind thing to say about

25 anyone. And to the best of my knowledge, those sentiments have been
26 reciprocated. He was truly a remarkable individual, a mentor to me and
27 many others, and I wish that I could have gotten to know him well,
28 earlier than I did. I would like to read the following resolution and ask
29 that the commission consider adopting this and making it a part of the
30 minutes of this meeting. A resolution of the Alcohol and Tobacco
31 Commission honoring the life and achievements of Joseph F. Quill:
32 whereas the Indiana General Assembly charges the Alcohol and
33 Tobacco Commission with the task of regulating the alcoholic beverage
34 business community; whereas the commission depends upon the advice
35 and assistance of members of the alcoholic beverage industry and their
36 advocates on a regular basis to successfully carry out its mission;
37 whereas Joseph F. Quill devoted a major portion of his 58 year legal
38 career to representation of clients in the alcoholic beverage industry and
39 was one of the first attorney's in Indiana to concentrate his practice in
40 that area; whereas Joe represented clients in all areas of the industry,
41 including retailers, dealers, wholesalers, and manufacturers, on a daily
42 basis, both before the commission, as well as the Indiana General
43 Assembly; whereas Joe had a profound impact on the growth and
44 changes implemented by the Indiana General Assembly in Title 7.1,
45 such that many of the statutes and regulations in effect today were those
46 he helped to pass; whereas Joe tried countless appeals before the
47 commission on behalf of his clients and his record of wins and losses is
48 one that all existing practitioners would love to emulate; whereas Joe

49 served as a trusted advisor to numerous chairman and commissioners
50 throughout his long and distinguished career; whereas Joe was known
51 as a friend to numerous rank and file staff employees of the commission
52 and he gave unselfishly of his time and talents to help those who needed
53 it; whereas Joe was a member of that greatest generation who served his
54 country proudly as a member of the United States Army during WWII;
55 whereas he was a tireless volunteer for many civic and charitable
56 causes, including his beloved Cathedral High School and the University
57 of Notre Dame; whereas he passed away on January 13, 2017, at the
58 age of 95; now, therefore, be it resolved by the commission that: 1) the
59 Alcohol and Tobacco Commission honors the life and achievements of
60 Joseph F. Quill, and expresses its profound gratitude for his numerous
61 years of service to the alcoholic beverage industry in this state; 2) the
62 commission extends its deepest sympathies to the family of Joseph F.
63 Quill, upon his passing; 3) this resolution shall be placed into the record
64 and be made a part of the minutes of the February 7, 2017 meeting of
65 the commission. Thank you very much, Mr. Chairman.

66 Vice Chairman Coleman Mr. Chairman, I move that we adopt the resolution.

67 Commissioner Maginn Second.

68 Chairman Cook It's been moved and seconded that the commission adopt the resolution
69 recognizing the life and work of Joseph F. Quill. Any discussion? All
70 in favor say, aye.

71 Vice Chairman Coleman Aye.

72 Commissioner Maginn Aye.

73 Commissioner Grubb

Aye.

74 Chairman Cook

Aye. Opposed say, no. If there's some way to make that in a more

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formal presentable way to give to his family, we'd be happy to do that

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and sign it. Thanks, Mark.