

ALCOHOL AND TOBACCO COMMISSION

February 21, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

February 7, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-23314 El Rodeo #24, LLC – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

681 renewals
54 new/transfers
11 catering
16 1st year escrow
11 2nd year escrow
6 3rd year escrow
6 4th year escrow
2 5th year escrow
1 6th year escrow
9 new/renewal direct wine shippers
15 new/renewal carriers

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

7. Applications for Discussion –

DL62-30785 Mogan General Store, LLC – New with LB voting 3-1 to approve.

8. Inactive Files –

14 permits not subject to auction

9. Old Business -

10. New Business –

Probation/Revocation of Employee permits –

BR1826792 Harlie Michelle Hickman – 1 conviction
BR1766383 Joseph Barrett Dill – 1 conviction
BR1662598 Julie E McMaster – 1 conviction
BR1767437 Leah Dawn Burton – 1 conviction
BR1672790 Katherine Oleson-Shackelford – 2 convictions

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 21, 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, Executive Secretary Rothenberg, Corporal Lynch and Superintendent Strittmatter, were also in attendance.

Sarah Stegmeyer, Schuyler Culver, Christy Simpson, Bart Herriman, Jenny Drewry, Diane Masariu, Marc Carmichael, Rachel Bibler, Mark Webb, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the February 7, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 144 Parties' Agreed Dispositions that were submitted, totaling \$38,220.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the February 21, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-23314 EL RODEO #24, LLC – Vice Chairman Coleman stated he reviewed the Findings and moved to uphold the Hearing Judge's recommendation to approve the renewal. Commissioner Maginn seconded.

Hearing Judge Rothenberg stated in the Findings he wanted to mirror the original Commission approval from the 2-2 vote on a previous El Rodeo permit.

Chairman Cook stated he wanted to modify the Findings to include the same language as the previous approval. Therefore, he added that the Commission would agree to a one year renewal, requiring the permittee to submit a report by an independent, certified accounting firm, who has conducted an internal audit showing compliance with accepted accounting practices and that total compliance with tax laws and reporting requirements are in place.

Vice Chairman Coleman moved to approve the amendment and the Findings with the amendment. Commissioner Maginn seconded. The motion was unanimously approved.

~~RR10-15838 2JR PIZZA ENTERPRISES, LLC~~ - Executive Secretary Rothenberg noted the local board recommended denial of the renewal in January, due to the permittee not appearing after having a violation in the last year, 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.

Commissioner Maginn asked if the record should reflect the Commission's withdrawal of the denial and the remand of the renewal to the local board.

Chairman Cook requested the Hearing Judge amend the Order to reflect the fact that the Commission is withdrawing denial and remanding the renewal to the local board.

Vice Chairman Coleman moved to approve the amendment and the Order including the amendment. 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.

Executive Secretary Rothenberg noted there was a sixth year escrow listed on the agenda, however, the transfer of that permit was just approved by the Commission.

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.

Six hundred eighty-one (681) renewals approved, fifty-four (54) new and/or transfer applications approved, eleven (11) permits approved for catering, sixteen (16) permits approved for first year escrow, eleven (11) permits approved for second year escrow, six (6) permits approved for third year escrow, six (6) permits approved for fourth year escrow, two (2) permits approved for fifth year escrow, fifteen (15) new and renewal carrier permits approved and nine (9) 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

DL62-30785 MOGAN GENERAL STORE, LLC – Chairman Cook noted this is a transfer application with the local board voting 3-1 to approve.

Commissioner Maginn stated she reviewed the local board record. She noted that the remonstrators spoke about an existing permit and not wanting competition.

Vice Chairman Coleman also reviewed the record. He did not feel the local board acted arbitrarily or capriciously in making their recommendation.

Commissioner Maginn moved to uphold the local board’s recommendation and approve the transfer. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make fourteen (14) permits inactive. All of them are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

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 August 15, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1826792 Harlie Michelle Hickman; BR1766383 Joseph Barrett Dill; BR1662598 Julie E McMaster; BR1767437 Lean Dawn Burton

~~REVOCATION OF EMPLOYEE PERMIT~~ - Commissioner Grubb moved to revoke the employee permit for the following permittee, who has two (2) convictions for OWI. Commissioner Maginn seconded. The motion was unanimously approved.

BR1672790 Katherine Oleson-Shackleford

POLICY DETERMINATIONS

NON-RULE POLICY DOCUMENT #20 – BEER TUBS – Vice Chairman Coleman moved to adopt Non-Rule Policy Document #20. Commissioner Maginn seconded. The motion was unanimously approved.

ANNOUNCEMENTS

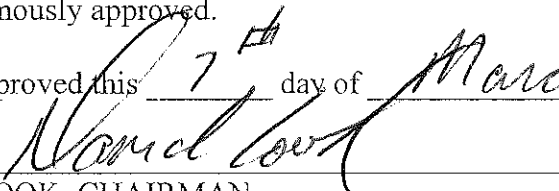
ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list will be available in early April, with pre-bid applications due on May 2, 2017.

NCSLA ORGANIZATIONAL MEETING – Executive Secretary Rothenberg stated there will be a meeting immediately after the March 7, 2017 Commission meeting regarding the NCSLA Conference.

ADJOURNMENT

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

Approved this 7th day of March, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER