

ALCOHOL AND TOBACCO COMMISSION
OCTOBER 3, 2017
10:00 A.M.

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

September 19, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

366 renewals
38 new/transfers
15 catering
8 1st year escrow
2 2nd year escrow
1 3rd year escrow
7 new e-liquid
13 new/renewal carrier

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

7. Applications for Discussion –

RR71-33465 Saddle-Up Saloon, LLC – New with LB voting 4-0 to deny

RR49-33594 MAC148 Group, LLC – Transfer with LB voting 4-0 to approve

RR49-33558 Phan Investment Group LLC – Transfer with LB voting 4-0 to approve

DL47-28655 Jaskiran Corp. d/b/a Fayetteville Grocery – Renewal with LB voting 3-0 to approve

RR49-33153 Livery Entertainment LLC – Escrow for purposes of transfer

8. Inactive Files –

9. Old Business -

Revocation of employee permit – no proof of alcohol treatment
BR1756533 Alice Delaney
BR1648314 Amanda Skaggs

10. New Business –

Probationary status of employee permits –
BR1780002 Jordyn R Tom – 1 conviction
BR1566756 Courtney White – 1 conviction

Expired Permit List

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 3, 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. Industry Liaison Stewart and Prosecutor Mader, were also in attendance.

Brooke Burtnett, Schuyler Culver, Katie Maddox, Matt Brase, Patrick Sanders, Sean Dewey, Cody Eckert, Marc Carmichael, Greg Genrich, Jenny Drewry, and Dan deRoziere, were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the September 19, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 38 Parties' Agreed Dispositions that were submitted, totaling \$9,275.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the October 3, 2017 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 e-liquid permit applications. 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.

Three hundred sixty-six (366) renewals approved, thirty-eight (38) 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, seven (7) new e-liquid permits approved, and thirteen (13) new and renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS 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

RR71-33465 SADDLE-UP SALOON, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Vice Chairman Coleman noted this location has a history of police runs. The property owner has overdue property tax issues. The applicant has never been involved in an alcohol establishment and the community is leery that the property owner will be involved with the operation. The local board found no need for the services in the community and the permit would have a negative impact on the area.

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

RR49-33594 MAC148 GROUP, LLC – Chairman Cook noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated there were problems with the previous tenant, The Buddha Lounge, regarding police runs, promoters and someone being killed at the location. The new tenant has been operating since June and is trying to change the clientele and type of establishment, from a dance club to a restaurant/lounge. They are open for lunch. Remonstrator brought a petition with 14 signatures regarding concerns about parking and noise.

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

RR49-33558 PHAN INVESTMENT GROUP, LLC – Chairman Cook noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated this applicant, who previously owned The Buddha Lounge, is making this establishment a restaurant and cigar bar. The restaurant will be on the first floor. Much needed renovations are being done to the building. The applicant has extensive experience with operating restaurants/bars.

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

DL47-28655 JASKIRAN CORP., D/B/A FAYETTEVILLE GROCERY – Chairman Cook noted this is a renewal with the local board voting 3-0 to approve.

Chairman Cook stated this was remanded to the local board at the August 1, 2017 meeting. There was a concern about whether the permittee received notice to appear before the local board.

Commissioner Maginn stated the remand was due to the permit being issued, in error, without the permittee appearing before the local board as required when there have been violations in the last year. The Commission remanded the renewal because they felt the permittee may have thought there was no need to appear because they received the license. The permittee did appear for the remanded local board meeting.

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

RR49-33153 LIVERY ENTERTAINMENT, LLC – Chairman Cook stated this is an escrow request for purposes of transfer.

Commissioner Maginn stated she has spoken with Commission Counsel Allen regarding this matter. The permit was previously owned by Buckingham Properties, permit #RR40-05552. It had exceeded the five year escrow limit and was being transferred to Livery Entertainment. The transfer has been approved, pending a “no speculation” letter from Buckingham Properties that will complete the transfer. The Commissioner noted that the same individual owns both of these entities. Also, after completion of this transfer, a new transfer is to be submitted. Commissioner Maginn stated that the Commission will allow this, only if that transfer is submitted by the next Commission meeting.

Commissioner Maginn moved to approve this transfer/escrow request pending the submission of the “no speculation” letter and the new transfer application being submitted by the next meeting on October 17, 2017. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

REVOCATION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the following employee permit. Permittee did not provide proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1756533 Alice Delaney and BR168314 Amanda Skaggs

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 April 3, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1780002 Jordyn R Tom; BR1566756 Courtney White; BR1779537 Aubrey Fisher

POLICY DETERMINATIONS

No Policy Determinations

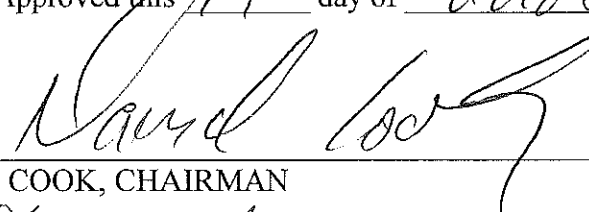
ANNOUNCEMENTS

EXPIRED LIST – Commissioner Maginn stated Commission Counsel Allen is compiling the list of expired permits, so letters can be mailed to the permittees stating that if they want to renew, renewals need to be filed immediately. The list will be available for review in the near future.

ADJOURNMENT

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

Approved this 17 day of October, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER