

ALCOHOL AND TOBACCO COMMISSION
NOVEMBER 7, 2017
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

October 17, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

504 renewals
63 new/transfers
9 catering
10 1st year escrow
6 2nd year escrow
8 3rd year escrow
3 4th year escrow
1 5th year escrow
7 new e-liquid
7 new/renewal direct wine shipper
10 new/renewal carrier

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

7. Applications for Discussion –

RR29-32193 SRI Ganesha Incorporated – Renewal with LB voting 3-0 to deny

RR84-05555 Margaret Sparks - Renewal with LB voting 3-0 to deny

RR12-00982 Mick & Debs 400 Club, Inc. – Renewal with LB voting 4-0 to deny

8. Inactive Files –

27 Permits Not Subject to Auction

3 Permits Subject to Auction

9. Old Business -

Revocation of employee permits – no proof of alcohol treatment

BR1832144 Heather Gonzalez

BR1582638 Deborah Dykstra

BR1773694 Adam N Davis

Removal of probationary status - Proof of alcohol treatment

BR1678093 Alexia Horswood

10. New Business –

Probationary status of employee permits –

BR1789157 John Raymond Frigge – 1 conviction

BR1787677 Brian Thomas Rex – 1 conviction

BR1601076 Tamara D Rutledge-Keller – 1 conviction

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 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. Commission Counsel Allen, Executive Secretary Rothenberg, Industry Liaison Stewart, Superintendent Strittmatter, Corporal Lynch and Prosecutor Mader, were also in attendance.

Brooke Burtnett, Mark Webb, Greg Genrich, Patrick Sanders, Michelle Stone, Schuyler Culver, Marc Carmichael, Davey Neal, and Dan deRoziere, were present as observers.

DISPOSITION OF MINUTES

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

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 78 Parties' Agreed Dispositions that were submitted, totaling \$22,400.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the November 7, 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 (adding RR32-31875 SP Plainfield LLC, which did not make the agenda), 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 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.

Five hundred four (504) renewals approved, sixty-four (64) new and/or transfer applications approved, nine (9) permits approved for catering, ten (10) permits approved for first year escrow, six (6) permits approved for second year escrow, eight (8) permits approved for third year escrow, three (3) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, seven (7) new e-liquid permits approved, seven (7) new and renewal direct wine shipper permits approved, and ten (10) 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

RR29-32193 SRI GANESHA INCORPORATED – Chairman Cook noted this was mistakenly placed on the agenda.

RR84-05555 MARGARET SPARKS – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Vice Chairman Coleman stated this permittee is deceased. Mr. Richard Pruitt stated he is the surviving spouse, however, he has not provided the Commission with the necessary paperwork regarding his wife's death, per statute. He also did not appear at the local board meeting.

Chairman Cook stated Officer Brad Lutes provided the Commission with a memo detailing the situation. The memo is part of the record.

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

RR12-00982 MICK & DEBS 400 CLUB, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this establishment has had numerous violations regarding refilling bottles, serving minors, minors loitering, disturbances, fights, etc. They have also been on a one-year renewal because of these situations. The mayor appeared at the local board meeting, showing his opposition.

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 thirty (30) permits inactive. Twenty-seven permits are not subject to auction and three permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS – PROOF OF TREATMENT NOT PROVIDED –
Commissioner Grubb moved to revoke the following employee permits. The permittee did not provide proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1832144 Heather Gonzalez; BR1582638 Deborah Dykstra; BR1773694 Adam N Davis

REMOVAL OF PROBATIONARY STATUS – PROOF OF TREATMENT PROVIDED –
Commissioner Grubb moved to remove the following permittee from probationary status. The permittee provided proof that she successfully completed an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1678093 Alexia Horswood

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 May 1, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1789157 John Raymond Frigge; BR1787677 Brian Thomas Rex; BR1601076 Tamara D Rutledge-Keller

POLICY DETERMINATIONS

No Policy Determinations

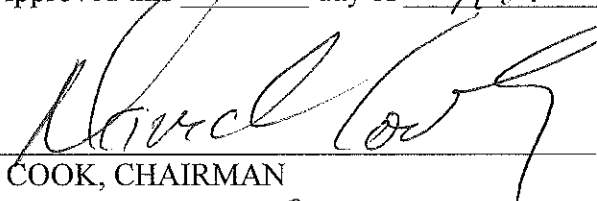
ANNOUNCEMENTS

Chairman Cook announced that Executive Secretary Rothenberg will be leaving the ATC to take a job in the private sector, starting December 1, 2017. Commission Counsel Jessica Allen will take his place as executive secretary.

ADJOURNMENT

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

Approved this 21st day of November, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER