

ALCOHOL AND TOBACCO COMMISSION
NOVEMBER 21, 2017
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

November 7, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL42-22291 United PSM, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

411 renewals
62 new/transfer
10 catering
5 1st year escrow
13 2nd year escrow
3 3rd year escrow
3 5th year escrow
9 new e-liquid
1 renewal direct wine shipper
7 new/renewal carrier

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

7. Applications for Discussion –

DL45-31162 Dolgencorp, LLC – New with LB voting 2-2

8. Inactive Files –

83 Permits Not Subject to Auction
22 Permits Subject to Auction

9. Old Business -

10. New Business –

Probationary status employee permit –
BR1880761 Tristan Scott Mockler – 1 conviction

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

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

Brooke Burtnett, Mark Webb, Greg Genrich, Patrick Sanders, Jenny Drewry, Alex Intermill, Scott Bedwell, Schuyler Culver, Sarah Stegmeyer, Marc Carmichael, Davey Neal, and Dan deRoziere were present as observers.

DISPOSITION OF MINUTES

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

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 111 Parties' Agreed Dispositions that were submitted, totaling \$27,150.00 in fines.

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

HEARING JUDGE'S RECOMMENDATIONS

DL42-22291 UNITED PSM, INC. – Hearing Judge Rothenberg noted this was a denial by the local board and the Commission. The permittee requested an appeal of the denial and the matter was set for hearing. On the scheduled date and time, the permittee did not appear at the appeal hearing and, therefore, did not provide any additional evidence that would support the overturning of the denial. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation to deny the renewal. Vice Chairman Coleman 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 (adding RR49-33810, which was a late addition 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 renewal direct wine shipper permit. 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.

Four hundred eleven (411) renewals approved, sixty-three (63) new and/or transfer applications approved, ten (10) permits approved for catering, five (5) permits approved for first year escrow, thirteen (13) permits approved for second year escrow, three (3) permits approved for third year escrow, three (3) permits approved for fifth year escrow, nine (9) new e-liquid permits approved, one (1) renewal direct wine shipper permit approved, and seven (7) new and/or 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

DL45-31162 DOLGENCORP, LLC – Chairman Cook noted this is a new application with the local board voting 2-2.

Vice Chairman Coleman stated there were no remonstrators present at the local board meeting voicing their opposition. There was also no evidence presented showing no need or desire for the services.

Vice Chairman Coleman moved to approve the new permit. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make one hundred five (105) permits inactive. Eighty-three permits are not subject to auction and twenty-two permits are 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 May 15, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1880761 Tristan Scott Mockler

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

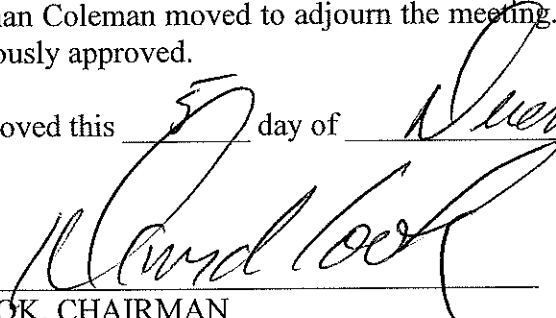
Chairman Cook announced that this is Executive Secretary Rothenberg's last Commission meeting. The Chairman publically thanked him for the guidance he provided during his time with the agency and also for his friendship.

Executive Secretary Rothenberg stated that it has been great working with everyone at the ATC and also the industry, and that he has 100% faith that Jessica will do a great job in her new role as Executive Secretary. He also wanted to let everyone know that Chairman Cook is an outstanding boss and individual, who believes in being fair, while working within the limits of regulation and understanding that business still has to work in Indiana.

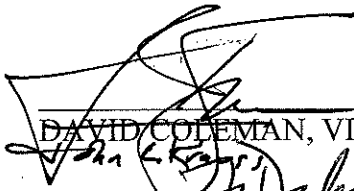
ADJOURNMENT

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

Approved this 5 day of December, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER