

ALCOHOL AND TOBACCO COMMISSION
DECEMBER 19, 2017
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

December 5, 2017

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

484 renewals
66 new/transfers
7~~8~~ catering
4 1st year escrow
13 2nd year escrow
6 3rd year escrow
7 4th year escrow
3 5th year escrow
1 new e-liquid
6 new/renewal direct wine shipper
9 renewal carrier

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

7. Applications for Discussion –

DL49-31054 Forteleza Incorporated – New with LB voting 3-0 to deny

RR53-33524 The Void, LLC – New with LB voting 3-0 to deny

RR31-21028 Lisa A Le Saux & Stanley A Kingsley – Renewal with LB voting 3-0 to deny

RR50-02170 Mayflower, Inc. – Renewal with LB voting 2-2

8. Inactive Files –

3 Permits Subject to Auction

9. Old Business -

Removal of probationary status – proof of alcohol treatment provided
BR1780002 Jordyn Tom

10. New Business –

Probationary status employee permit –

BR1783290 Tara Cook – 1 conviction

BR1783849 Alyssa Short – 1 conviction

BR1658612 Rachel Valenza – 1 conviction

BR1848020 Dale Michael Horn – 1 conviction

BR1699300 Jason King – 1 conviction

BR1789714 Mistee Hayes – 1 conviction

BR1787647 Brian Egloff – 1 conviction

11. Policy Determinations –

12. Announcements -

Auction – January 10, 2018 at 10 a.m.

January Commission meeting – Wednesday, January 3, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 19, 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 Krauss, Commissioner Maginn and Commissioner Grubb. Executive Secretary Allen, Communications Director Devlin and Prosecutor Coleman were also in attendance.

Brooke Burtnett, Mark Webb, Greg Genrich, David Rothenberg, Katie Maddox, Cody Eckert, Jeff McKean, Jenny Drewry, Alex Intermill, Patrick Sanders, Schuyler Culver, Abigail Smith, and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the December 5, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Coleman recommended the Commission approve the 54 Parties' Agreed Dispositions that were submitted, totaling \$12,175.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the December 19, 2017 meeting. Commissioner Maginn 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.

Chairman Cook noted the catering application for permit #RC05-00128 was withdrawn.

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 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.

Commissioner Grubb moved to approve the renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Four hundred eighty-four (484) renewals approved, sixty-six (66) new and/or transfer applications approved, seven (7) permits approved for catering, four (4) permits approved for first year escrow, thirteen (13) permits approved for second year escrow, six (6) permit approved for third year escrow, seven (7) permit approved for fourth year escrow, three (3) permits for fifth year escrow, one (1) new e-liquid permit approved, six (6) new and/or renewal direct wine shipper permits approved, and nine (9) renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Krauss 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

DL49-31054 FORTELEZA INCORPORATED – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant had five consecutive “no shows” at the local board meeting, which was the reason for denial.

Commissioner Maginn moved to uphold the local board’s recommendation and deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR53-33524 THE VOID, LLC – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated this is also an applicant with a series of “no shows” at the local board meeting.

Chairman Cook stated he also listened to the recording of the local board meeting. This applicant has not appeared, after being sent notice since August that appearing at the meeting is required.

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

RR31-21028 LISA A LE SAUX & STANLEY A KINGSLEY – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated this also was a series of “no shows” at the local board.

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

RR50-02170 MAYFLOWER, INC. – Chairman Cook noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated this permittee has been in operation for 43 years, with a good record. However, in the last few years, they have received multiple violations that include furnishing to minors, gambling and operating after hours. The Commissioner noted she felt the local board did a good job counseling the permittee on the problems they are having with the business. She also noted the business was given a one year renewal last year and since they have a good record over a long period of time, another one year renewal should be granted.

Chairman Cook agreed with Commissioner Maginn.

Vice Chairman Krauss stated he is a little troubled with their recent history and is a bit skeptical that they will be able to turn this around.

Commissioner Maginn moved to approve the renewal for one year. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make three (3) permits inactive. All three permits are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

REMOVE FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittee from probationary status. Commissioner Maginn seconded. The motion was unanimously approved.

BR1780002 Jordyn Tom

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 July 5, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1783290 Tara Cook; BR1783849 Alyssa Short; BR1658612 Rachel Valenza; BR1848020 Dale Michael Horn; BR1699300 Jason King; BR1789714 Mistee Hayes; BR1787647 Brian Egloff

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ATC AUCTION – Chairman Cook stated the auction will be held on January 10, 2018 at 10 a.m. Pre-bid qualifications are due on Friday, December 22nd.

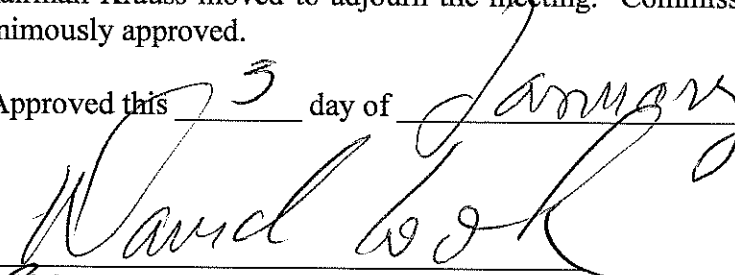
JANUARY COMMISSION MEETING – Chairman Cook stated the first 2018 meeting of the Commission will be held on Wednesday, January 3, 2018.

AMENDMENT TO CARRY-OUT SUPPLEMENT FORM – Executive Secretary Allen noted there are copies available of the proposed amended carry-out supplement form. Any comments should be directed to her.

ADJOURNMENT

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

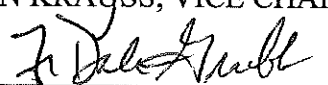
Approved this 3 day of January, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER