

ALCOHOL AND TOBACCO COMMISSION
JANUARY 17, 2018
10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes – January 3, 2018
3. Prosecutor's Recommendations – PAD Forms
4. Hearing Judge's Recommendations –
5. Consideration of Applications -
 - 483 renewals
 - 58 new/transfer
 - 10 catering
 - 9 2nd year escrow
 - 8 3rd year escrow
 - 5 4th year escrow
 - 1 5th year escrow
 - 6 new/renewal carrier
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –
 - DL32-28486 Big Red Liquors, Inc. – 6th year escrow request
 - RR10-30506 Buckets LLC – Requesting renewal
8. Inactive Files –
 - 3 permits not subject to auction
9. Old Business -
 - Revocation of employee permit – proof not provided
 - BR1774948 Brittany D Roberts
10. New Business –
 - Probationary status employee permit –
 - BR1792157 Brandon Lesse – 1 conviction
 - BR1794607 Jewel Taylor – 1 conviction
 - BR1792931 Jeffrey Hedman – 1 conviction
11. Policy Determinations –
12. Announcements -
 - Commission meeting change – February 6, 2018 meeting will be held Thursday, February 8th
13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 17, 2018

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 was also in attendance.

Greg Genrich, Mark Mader, Scott Bedwell, Abigail Smith, and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the January 3, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook noted there were 76 Parties' Agreed Dispositions that were submitted, totaling \$20,800.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions that were submitted for the January 17, 2018 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.

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 and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Four hundred eighty-three (483) renewals approved, fifty-eight (58) new and/or transfer applications approved, ten (10) permits approved for catering, nine (9) permits approved for second year escrow, eight (8) permits approved for third year escrow, five (5) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, and six (6) new and/or 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

DL32-28486 BIG RED LIQUORS, INC. – Commission Counsel Allen stated this would only be a technical approval for sixth year escrow. The permit has been in escrow, pending location. Because a renewal is required when there is less than 90 days left on the life of a permit if a transfer is submitted, a renewal was filed. The renewal and transfer will track together, so the permit will be renewed into sixth year escrow, then immediately after, transferred to a location, pending local board and Commission approval.

Vice Chairman Krauss moved to approve sixth year escrow. Commissioner Maginn seconded. The motion was unanimously approved.

RR10-30506 BUCKETS, LLC – Commissioner Maginn noted this permit expired in 2016. The permittee was notified that he had 35 days to file renewals and bring the permit current. The Commission did not receive any response, so the permit was made inactive, pending auction. The permit was not sold at auction. The Commission has recently received a letter from Buckets, requesting that he be able to renew the permit.

Commissioner Maginn stated that Excise went to the location and provided information that the building is not even close to being in condition to operate a business. There are no walls and no floor.

Chairman Cook made the letter sent by the Commission to the permittee part of the record, along with the pictures taken by Excise showing the condition of the building. He also stated there is a tax protest on the permit.

Commissioner Maginn moved to deny the request to reactivate the permit. She suggested they apply for a new permit when everything is ready to operate. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

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

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permit for not providing proof of a completed alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1774948 Brittany D Roberts

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

BR1792157 Brandon Lesse; BR1794607 Jewel Taylor; BR1792931 Jeffrey Hedman

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

COMMISSION MEETING CHANGE – Chairman Cook stated the February 6, 2018 meeting will be held on Thursday, February 8, 2018 at 10 am.

ADJOURNMENT

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

Approved this 8th day of February, 2018.

David Cook
DAVID COOK, CHAIRMAN

JOHN KRAUSS, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER