

ALCOHOL AND TOBACCO COMMISSION

September 5, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 21, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

333 renewals

29 new/transfer

11 catering

4 1st year escrow

2 2nd year escrow

4 3rd year escrow

1 5th year escrow

3 new e-liquid

18 new/renewal direct wine shipper

26 carrier

10 employee permit denial

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

7. Applications for Discussion –

RR29-95109 Five Seasons Sports Country Club – Conversion from 209-210 - Annexation

RR29-20129 Apple Indiana, LLC – Conversion from 209-210 - Annexation

RR29-19577 Addison, Inc. – Conversion from 209-210 – Annexation

RR34-33082 Front Row Live Kokomo, Inc. – renewal with LB voting 4-0 to deny

8. Inactive Files –

43 permits not subject to auction

4 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 5, 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, Communications Director Devlin, and Prosecutor Harrison were also in attendance.

Tony Mitson, Mark Webb, Garrett Lawton, Brooke Burtnett, Katie Beth Maddox, Carmen Pratts Porter, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the August 21, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 61 Parties' Agreed Dispositions, totaling \$17,125.00 in fines for the Commission's approval

Commissioner Maginn moved to approve the Dispositions submitted for the September 5, 2018 meeting. Vice Chairman Krauss 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 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.

Commissioner Grubb moved to approve the new and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Prosecutor Harrison recommended the Commission deny the new and renewal applicants for an employee permit because they do not qualify to hold the permit, pursuant to IC 7.1-3-18-9.

Commissioner Maginn moved to deny the employee permits. Commissioner Grubb seconded. The motion was unanimously approved.

Three hundred thirty-three (333) renewals approved, twenty-nine (29) new and/or transfer applications approved, eleven (11) permits approved for catering, four (4) permits approved for first year escrow; two (2) permits approved for second year escrow, four (4) permits approved for third year escrow, one (1) permit approved for fifth year escrow; three (3) new e-liquid permits approved, eighteen (18) new and renewal direct wine shipper permits approved, twenty-six (26) new and renewal carrier permits approved and ten (10) employee permit applications denied.

RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Krauss moved to approve the renewal and fee waived letters of extension that were issued for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR29-95109 FIVE SEASONS SPORTS COUNTRY CLUB – Chairman Cook stated he received a request to convert this type 209 permit to a type 210 permit, due to the location being annexed into the city limits. The Notice of Annexation was published on November 28, 1995 and the permit was issued on March 1, 2002.

Vice Chairman Krauss moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

RR29-20129 APPLE INDIANA, LLC - Chairman Cook stated he received a request to convert this type 209 permit to a type 210 permit, due to the location being annexed into the city limits. The Notice of Annexation was published on July 16, 2004 and the permit was issued on February 19, 2003.

Vice Chairman Krauss moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

RR29-19577 ADDISON, INC. - Chairman Cook stated he received a request to convert this type 209 permit to a type 210 permit, due to the location being annexed into the city limits. The Notice of Annexation was published on July 16, 2004 and the permit was issued on January 6, 2002.

Vice Chairman Krauss moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

RR34-33082 FRONT ROW LIVE KOKOMO, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this establishment has numerous issues. A bartender was struck and killed in the parking lot by a patron, service after hours, security video was deleted, owner’s spouse committed perjury regarding the deleted video, hindering the investigation, and several police runs---one involving shots fired at an event with juveniles present. The commissioner noted it seems that the owners did not have much training in handling the business and they did not take any recommendations from Excise, who tried to provide suggestions to aid them.

Vice Chairman Krauss stated after reviewing the file, he feels this is a horrendous situation.

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

INACTIVE FILES

Vice Chairman Krauss moved to make forty-seven (47) permits inactive. Forty-three permits are not subject to auction and four permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ATC PERMIT AUCTION – Chairman Cook stated the auction will be held on Thursday, November 29, 2018. Auction lists will be available on or about October 24, 2018.

2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

Non-Package Store Dealers – September 18, 2018
Artisan Distillery – October 16, 2018

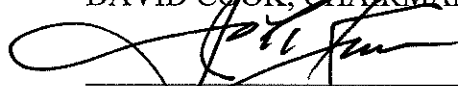
ADJOURNMENT

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

Approved this 18th day of SEPTEMBER, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER