

ALCOHOL AND TOBACCO COMMISSION

October 16, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 2, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

404 renewals

79 new/transfers

6 catering

8 1<sup>st</sup> year escrow

7 2<sup>nd</sup> year escrow

4 3<sup>rd</sup> year escrow

2 4<sup>th</sup> year escrow

2 5<sup>th</sup> year escrow

4 new e-liquid

7 new/renewal direct wine shipper

12 new/renewal carrier

9 employee permit denial

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

7. Applications for Discussion –

DL18-31433 BCD, Inc. – Transfer with LB voting 3-0 to approve - continued from 9/18/2018

DL79-31474 Quick Pantry, LLC – New with LB voting 3-1 to approve

8. Inactive Files –

~~41~~<sup>38</sup> permits not subject to auction

56 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

Non-Rule Policy #26

12. Announcements -

2018 ATC Auction – November 29, 2018 – Auction list available on or about October 24<sup>th</sup>

2018 Proposed Roundtable Dates:

Artisan Distillery – 10/16/2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 16, 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 Hyer, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

Katie Beth Maddox, Brooke Burnett, Kelley Lowe, Matt Brase, Jeff McKean, Greg Genrich, Tony Mitson, Garrett Lawton, Jenny Drewry, Mark Webb, Carmen Pratts Porter, Davey Neal and Marc Carmichael were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the October 2, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 99 Parties' Agreed Dispositions, totaling \$25,175.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR1902465, 2<sup>nd</sup> furnishing alcohol to minor violation and service by an unlicensed minor violation with \$1,200 fine; RR5319578, 3<sup>rd</sup> furnishing alcohol to minor violation with \$850 fine, with notification to the permittee that any further violations may result in suspension or revocation of the permit; RR5908321, 7<sup>th</sup> violation for no minimum food service, which resulted in a 20 day suspension.

Commissioner Maginn moved to approve the Dispositions submitted for the October 16, 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.

Four hundred four (404) renewals approved, seventy-nine (79) new and/or transfer applications approved, six (6) permits approved for catering, eight (8) permits approved for first year escrow; seven (7) permits approved for second year escrow, four (4) permits approved for third year escrow, two (2) permits approved for fourth year escrow, two (2) permits approved for fifth year escrow; four (4) new e-liquid permits approved, seven (7) new and renewal direct wine shipper permits approved, twelve (12) renewal carrier permits approved and nine (9) 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 Maginn seconded. The motion was unanimously approved.

#### **APPLICATIONS FOR DISCUSSION**

DL18-31433 BCD, INC. – Chairman Cook noted this is a transfer of ownership with the local board voting 3-0 to approve.

Executive Secretary Allen noted this transfer was already approved with the “Consideration of Applications” permits.

DL79-31474 QUICK PANTRY, LLC – Chairman Cook stated this is a new application with the local board voting 3-1 to approve. He noted someone who did not appear at the local board meeting, but wanted to remonstrate, called the office on October 15<sup>th</sup> concerning a church he said was within 200 feet of this establishment. The audio recording of the meeting was damaged and, therefore, was not reviewed and Excise Officer Gillam is on vacation and could not be reached.

Commissioner Maginn looked online to see how close the nearest church is to this facility. She was given a measurement of 220 ft., but it wasn’t clear how the measurement was done.

Commissioner Maginn moved to continue this until the November 7<sup>th</sup> meeting, to allow time for Excise to go out and measure the distance. Vice Chairman Krauss seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Krauss moved to make forty-three (43) permits inactive. Thirty-eight permits are not subject to auction and five permits are subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

NON-RULE POLICY 26 – Chairman Cook noted no comments were submitted regarding the proposed non-rule policy.

Vice Chairman Krauss moved to adopt Non-rule Policy 26. Commissioner Maginn seconded. The motion was unanimously approved.

### **ANNOUNCEMENTS**

NOVEMBER COMMISSION MEETING – Chairman Cook stated the next meeting will be held on Wednesday, November 7<sup>th</sup> at 10 am.

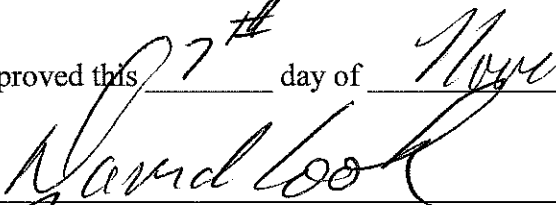
2018 ATC PERMIT AUCTION – Chairman Cook stated the auction will be held on Thursday, November 29, 2018. Auction lists will be available on or about October 24, 2018.

2018 ROUND TABLE DISCUSSIONS – Chairman Cook noted the roundtable discussion regarding Artisan Distilleries will be after this meeting.


**ADJOURNMENT**

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

Approved this 7<sup>th</sup> day of November, 2018.



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DAVID COOK, CHAIRMAN



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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER