

ALCOHOL AND TOBACCO COMMISSION

March 5, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 19, 2019

3. Prosecutor's Recommendations –

PAD Forms

Revocation of 6 Employee permits – no proof of treatment

4. Hearing Judge's Recommendations –

RR45-28576 Tomlin Properties, LLC – Findings of Fact

DL84-07312 Sycamore Spirits, LLC – Findings of Fact

RR84-05703 Steven Reedy – Findings of Fact

5. Consideration of Applications -

338 renewals

25 new/transfer

8 catering

8 1st year escrow

13 2nd year escrow

8 3rd year escrow

10 4th year escrow

3 5th year escrow

11 new/renewal direct wine shippers

32 new/renewal carriers

1 transfer e-liquid

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

7. Applications for Discussion –

RR49-21644 El Puerto Mexican Restaurant – 6th year escrow request

8. Inactive Files –

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Updated Group Purchasing Agreement forms online

Round Table Dates: package stores 3/19; convenience stores 4/16; wholesalers 5/21; vintners 6/18; retailers 7/16; non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 5, 2019

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, Commission Counsel Hyer, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

Bruce Leetz, Brooke Burtnett, Jenny Drewry, Dyna Martinez, Mark Webb, Carmen Pratts Porter, George Douglas, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the February 19, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 66 Parties' Agreed Dispositions, totaling \$19,500.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: W 02-09236, wholesale pricing, deferral; DL40-28777, 3rd furnished to minor, \$1,000.00 fine; RR73-32536, notice requirements for catering functions, alcohol purchased from non-wholesaler, \$2,000.00.

Vice Chairman Krauss moved to approve the PAD forms submitted by the Prosecutor. Commissioner Maginn seconded. The motion was unanimously approved.

REVOCAION OF EMPLOYEE PERMITS – Prosecutor Harrison noted the following permittees failed to provide proof of completion of an alcohol treatment program as required. The prosecutor recommended revocation of the permits.

BR1803706 Krista Linscott, BR1901114 Erick Beltran, BR1783989 Sydney Tilford, B1873423 Steven Sullivan, BR1692637 Brandi Jefferson, BR1745863 Sadie Mullikin

Vice Chairman Krauss moved to uphold the Prosecutor's recommendation to revoke the permits. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-28576 TOMLIN PROPERTIES, LLC – Executive Secretary Allen noted this permit has been in escrow for more than 5 years. The Commission allowed the permittee until 12/31/2018 to become active. Permittee did not comply. The Commission ordered permittee to appear at a hearing to show cause why the permit should not be revoked. Permittee appeared, but provided no legal reason as to

what authority the Commission has to continue to allow additional escrow. The Executive Secretary recommended the permit be revoked. She also noted objections were filed by the permittee regarding the Findings of Fact and Conclusions of Law.

Commissioner Maginn moved to uphold the Executive Secretary's recommendation to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL84-07312 SYCAMORE SPIRITS, LLC – Executive Secretary Allen noted this permit has been in escrow for more than 5 years. The Commission allowed the permittee until 12/31/2018 to become active. Permittee did not comply. The Commission ordered permittee to appear at a hearing to show cause why the permit should not be revoked. Permittee appeared, but provided no legal reason as to what authority the Commission has to continue to allow additional escrow. The Executive Secretary recommended the permit be revoked. She also noted objections were filed regarding the Findings of Fact and Conclusions of Law.

Commissioner Maginn moved to uphold the recommendation of the Executive Secretary to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR84-05703 STEVEN REEDY – Chairman Cook noted this permit has been in escrow for more than 5 years. The Commission allowed the permittee until 12/31/2018 to become active. Permittee did not comply. The Commission ordered permittee to appear at a hearing to show cause why the permit should not be revoked. Permittee appeared and stated he did not receive the notice. The Chairman made note that the notice was sent to the addresses provided by the permittee. At the hearing, permittee provided no legal reason as to what authority the Commission has to continue to allow additional escrow. Chairman Cook recommended the permit be revoked.

Commissioner Maginn moved to uphold the recommendation of the Chairman to revoke the permit. Commissioner Grubb 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 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.

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

Commissioner Grubb moved to approve the e-liquid transfer permit. Commissioner Maginn seconded. The motion was unanimously approved.

Three hundred thirty-eight (338) renewals approved, twenty-five (25) new and/or transfer applications approved, eight (8) permits approved for catering, eight (8) permits approved for first year escrow; thirteen (13) permits approved for second year escrow, eight (8) permits approved for third year escrow, ten (10) permits approved for fourth year escrow, three (3) permits approved for fifth year escrow, thirty-two (32) new and renewal carrier permits approved, eleven (11) new/renewal direct wine shipper permits approved, one (1) e-liquid transfer approved.

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

RR49-21644 EL PUERTO MEXICAN RESTAURANT – Executive Secretary Allen noted the permittee's 5th year of escrow expires on May 25, 2019. Permittee requests the Commission approve a 6th year of escrow. The Executive Secretary finds no legal reason to grant the additional escrow and recommends the Commission deny the request.

Vice Chairman Krauss moved to uphold the recommendation of the Executive Secretary to deny the request for additional escrow and to put the permittee on notice that the permit must be put into use, or transferred, by May 25, 2019. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

NEW GROUP PURCHASING AGREEMENT FORM – Chairman Cook noted that there is a new form on our website for Co-ops and asked that the new forms be used.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: package stores 3/19; convenience stores 4/16; wholesalers 5/21; vintners 6/18; retailers 7/16; non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

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

Approved this 29th day of March, 2019.

David Cook
DAVID COOK, CHAIRMAN

John Krauss
JOHN KRAUSS, VICE CHAIRMAN

Dale Grubb
DALE GRUBB, COMMISSIONER

Marjorie Maginn
MARJORIE MAGINN, COMMISSIONER