

MINUTES

ALCOHOL AND TOBACCO COMMISSION

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

Jenny Drewry, Dyna Martinez, George Douglas, Mark Webb, Sarah Quinn, 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 April 2, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 81 Parties' Agreed Dispositions, totaling \$24,600.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR53-10197, 1st service to minors (currently in deferral program), \$1,000.00 fine; DL75-90088, 3rd service to minors and employee no permit, \$1,100.00 fine.

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

HEARING JUDGE'S RECOMMENDATIONS

BR1818750 VICTORIA ALEXANDER-BEALS – Hearing Judge Allen noted this applicant was denied an employee permit because she has 2 OWI convictions. Applicant appealed the denial, but did not appear at the appeal hearing and provided no evidence that would allow the denial to be reversed. The Hearing Judge recommended the Commission uphold the denial.

Vice Chairman Krauss moved to uphold the recommendation of the Hearing Judge to deny the permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL45-29754 GJG LLC – Hearing Judge 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 did not appear. The Hearing Judge recommended the permit be revoked.

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

RR48-25975 TOM JEWELL FOOD SERVICES, INC. – Hearing Judge Allen noted this permit has outstanding permit renewal fees and fines. Payments were initially made from a closed bank account. Permittee has been notified numerous times regarding this matter and has failed to submit what is owed. The Hearing Judge recommended the Commission revoke the permit.

Commissioner Maginn moved to uphold the Hearing Judge’s recommendation to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL82-02997 WILLIAM B. SHEPHERD – Hearing Judge Allen noted renewal applications and transfer applications were submitted. However, the transfer was submitted as “location pending” and included no information as to why the permit should be held in location pending status. The processor was directed to contact the new applicant and request that information, however, that was not done until today.

Commissioner Maginn moved to continue this until the May 8, 2019 meeting. 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. Vice Chairman Krauss 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 direct wine shipper renewal permits. 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.

Six hundred fifty-two (652) renewals approved, fifty-eight (58) new and/or transfer applications approved, nine (9) permits approved for catering, ten (10) permits approved for first year escrow; twelve (12) permits approved for second year escrow, three (3) permits approved for third year escrow, seven (7) permits approved for fourth year escrow, two (2) permits approved for fifth year escrow, twenty-one (21) new and renewal carrier permits approved, fifty-nine (59) renewal direct wine shipper permits approved and four (4) new e-liquid permits 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

DL06-04535 JOHN CUNNINGHAM & ASSOCIATES, INC. - Executive Secretary Allen this permit is expired and approaching the end of the 5th year escrow. A letter was sent notifying the permittee of this. Permittee told the Executive Secretary that he would get a final inspection and put the permit into use. Excise attempted to do a final inspection, however, the location was found to be an auto repair store. Permittee stated he will continue working with Excise to transform current business into a liquor store. Executive Secretary Allen recommended the Commission continue this until June 4, 2019, which would be the end of the 5th year escrow, to see if the permit has been made active.

Commissioner Maginn moved to continue this until June 4, 2019. Commissioner Grubb seconded. The motion was unanimously approved.

RR45-19840 JULIANA DYE – Chairman Cook noted this renewal was continued from the March 19, 2019 meeting, so he could send a letter to the permittee requesting more detailed information regarding the food figures that were previously submitted to the local board. The letter and response were made part of the record.

Vice Chairman Krauss stated that he feels that the response did not comply with the request.

Vice Chairman Krauss moved to uphold the local board's recommendation to deny the renewal. 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

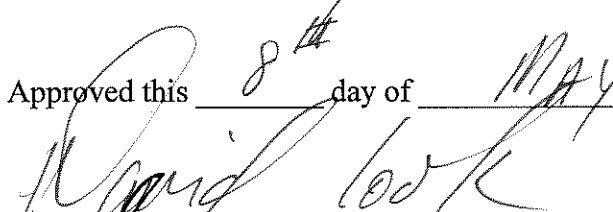
Chairman Cook noted the next commission will be held on Wednesday, May 8, 2019, due to Election Day.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: 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 Grubb seconded. The motion was unanimously approved.

Approved this 8th day of MAY, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER

ALCOHOL AND TOBACCO COMMISSION

April 16, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

April 2, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

BR1818750 Victoria Alexander-Beals – Findings of Fact and Conclusions of Law

DL45-29754 GJG LLC – Findings of Fact and Conclusions of Law

RR48-25975 Tom Jewell Food Services, Inc. – Findings of Fact and Conclusions of Law

DL82-02977 William B Shephard – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

652 renewals

58 new/transfers

9 catering

10 1st year escrow

12 2nd year escrow

3 3rd year escrow

7 4th year escrow

2 5th year escrow

21 new/renewal carriers

59 renewal direct wine shippers

4 new e-liquids

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

7. Applications for Discussion –

DL06-04535 John Cunningham & Associates, Inc. d/b/a Kork and Keg XVI – escrow review

8. Inactive Files –

61 permits not subject to auction

5 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

****Next Commission Meeting – Wednesday, May 8, 2019 at 10 a.m., due to Election Day**

Round Table Dates: 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