

ALCOHOL AND TOBACCO COMMISSION

October 1, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 17, 2019

3. Prosecutor's Recommendations –

PAD Forms

6 Month Letter – Employee Permits

Revocation of Employee Permits – no proof of alcohol treatment

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

382 renewals

16 new/transfers

11 catering

1 new e-liquid

15 new/renewal carriers

10 new/renewal direct wine shippers

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

7. Applications for Discussion –

8. Inactive Files –

1 permit subject to auction

3 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

ATC Permit Auction – October 7, 2019 at 10:00 am, IGCS Conference Room C

October Commission Meeting – 2<sup>nd</sup> meeting will be Wednesday, October 16<sup>th</sup>

Auction – Carmel permits – October 25, 2019, ATC Hearing Room

Notice of Intent to Adopt Rule - Group Purchasing 905 IAC 1-32.1 - filed with Indiana Registry

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 1, 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 and Prosecutor Harrison were in attendance.

Tyler Starkey, Justin Hage, Sarah Quinn, Carmen Pratts Porter, Brooke Burtnett, Jim Purucker, Davey Neal, Jeff McKean, Mark Webb, and Greg Genrich were present as observers.

By consent, the Commission added two permits to the new/transfer applications for consideration: MM15-30420 and MM15-30421.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the September 17, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 84 Parties' Agreed Dispositions, totaling \$24,450.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: RR45-01157, expired permit and bootlegging, \$1,000.00 fine; DL26-26347, 2<sup>nd</sup> service to minor, \$1,000.00 fine; DL84-28792, 2<sup>nd</sup> service to minor, \$1,000.00 fine, permittee may surrender permit; RR45-30621, public nuisance, nudity, gambling, \$1,300.00 fine, the Prosecutor will send letter reminding them if there are other investigations that become violations, the permittee will be held accountable and possible suspensions may follow.

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

EMPLOYEE PERMITS – 6 MONTH LETTERS - Prosecutor Harrison recommended the Commission, pursuant to IC 7.1-3-18-9.5, 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.

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

BR1900140 Sade Roberson; BR1862217 Megan Phebus; BR1891243 Amanda Lugo; BR1899723 Richard Kramer; BR1870852 Justine Stamper; BR1903498 Ryan Lamping

REVOCAION OF EMPLOYEE PERMITS – Prosecutor Harrison recommended the Commission revoke the following employee permit(s). The permittee(s) failed to provide proof of alcohol treatment, as required.

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

BR1909390 Christopher Anderson

### **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 said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, 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 application for changes in location, 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 escrow, if needed, 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 one new e-liquid application. 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 new and renewal permits. Commissioner Maginn seconded. The motion was unanimously 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**

No Applications for Discussion

**INACTIVE FILES**

Vice Chairman Krauss moved to make four (4) permits inactive. Three are not subject to auction and one is 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**

ATC PERMIT AUCTION – Chairman Cook stated the auction will be held on October 7, 2019 at 10 am. The list of available permits and instructions are on the website.

OCTOBER COMMISISON MEETING – Chairman Cook stated the 2<sup>nd</sup> meeting in October will be Wednesday, October 16<sup>th</sup>.

AUCTION – CARMEL PERMITS – Chairman Cook stated the auction for the Carmel permits will be held on October 25, 2019 at 10 am.

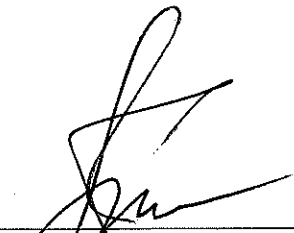
NOTICE OF INTENT TO ADOPT RULE – Chairman Cook stated the Commission filed the notice regarding 905 IAC 1-32.1, with the Indiana Registry.

**ADJOURNMENT**

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

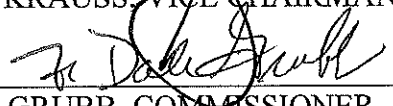
Approved this 16<sup>th</sup> day of October, 2019.

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DAVID COOK, CHAIRMAN



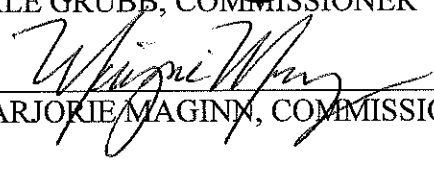
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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER