

ALCOHOL AND TOBACCO COMMISSION

June 16, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 3, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

424 renewals

58 new/transfers

3 catering

46 new/renewal direct wine shippers

37 new/renewal carriers

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

7. Applications for Discussion –

RR4936287 Taqueria La Chela, LLC – new with LB voting 4-0 to deny

RR4936153 La Creola Taste Bar Corp. – new with LB voting 4-0 to deny

RR4936302 Black Acre Brewing Company, LLC – transfer with LB voting 3-0 to deny

DL08-31834 Delphi Petroleum, Inc.

8. Inactive Files –

9 permits not subject to auction

2 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

5th year escrow drop dead date – Permits with drop dead date of 7/1/20 have until 10/1/20 to be activated or transferred

Extension Letters – commission will begin to charge for Extension Letters

Round Table Dates – Wholesalers - TBD; Vintner's Conference - TBD; Retailers - 7/21; Non-
Package Store Dealers - 8/18; Artisan Distillery - 9/15

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 16, 2020

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present remotely were Vice Chairman Krauss, Commissioner Maginn and Commissioner Grubb. Industry Liaison Stewart, Executive Secretary Allen and Commission Counsel Hyer were remotely in attendance and Prosecutor Harrison was present in person.

By consent, the Commission, regarding items on the agenda that require signatures, gave permission for the Chairman to sign and for Kim Chew to initial for the other commissioners.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the June 3, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 22 Parties' Agreed Dispositions, totaling \$10,000.00 in fines, for the Commission's approval.

The Prosecutor submitted to the commission a summary of Noteworthy Violations, which was made part of the record by consent.

Vice Chairman Krauss moved to approve the PAD forms submitted by the Prosecutor. Commissioner Maginn 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 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 the catering applications. 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.

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

RR49-36287 TAQUERIA LA CHELA, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant failed to appear before the local board on 3/2/20, 5/18/20 and 6/1/20.

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

RR49-36153 LA CREOLA TASTE BAR CORP. – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant failed to appear before the local board on 2/3/20, 5/18/20 and 6/1/20. Also, there was a shooting in the parking lot, someone was robbed and bystanders stated the location has been operating as a nightclub and serving alcohol, without a permit.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-36302 BLACK ACRE BREWING COMPANY, LLC – Chairman Cook noted this is a transfer with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant failed to appear before the local board on 3/2/20, 4/6/20, 5/18/20, and 6/1/20.

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

DL08-31834 DELPHI PETROLEUM, INC. – Chairman Cook stated this permit has been in litigation in Carroll County. The Carroll County Circuit Court found that Khanamajra Real Estate LLC was, effective May 13, 2019, entitled to exclusive ownership and control of this permit, that Sunny Place Inc. has been divested from all ownership of the permit and had no authority to transfer the permit to Delphi Petroleum Inc. The court has ordered to transfer the permit from Delphi Petroleum Inc. to Khanamajra Real Estate LLC. The Chairman said the court order can substitute for the consent to transfer, but a transfer application must be filed by Khanamajra Real Estate, LLC and it must go through the transfer process.

Commissioner Maginn moved revoke the Commission’s prior approval of the transfer to Delphi Petroleum, Inc. and, by court order, approve the filing of the transfer to Khanamajra Real Estate LLC. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make eleven (11) permits inactive. Nine are not subject to auction and two 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

FEE WAIVED EXTENSIONS - Chairman Cook stated the Commission has been granting all fee waived extensions while our processes have been slowed due to staff limitations and remote work. We will start charging for extensions requested with late permit applications again on 7/1/20. Extensions will only be granted if the renewal application and fee are also filed and there are no unresolved violations associated with the permit.

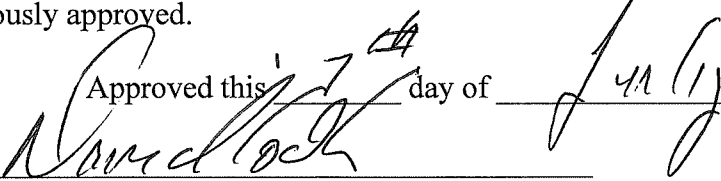
ESCROW PERMITS DEPOSITED PRIOR TO 7/1/16 - Chairman Cook noted pursuant to a governor’s executive order last week, permits placed in escrow prior to 7/1/2016 will have until September 30, 2020, to make the permit active or complete a transfer of the permit in an arm’s length transfer. This is an extension of the prior deadline of 6/30/2020.

ROUND TABLE DISCUSSIONS - Wholesalers - TBD; Vintner’s Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

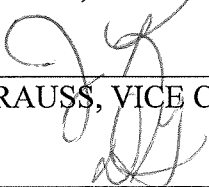
ADJOURNMENT

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

Approved this 7th day of July, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER