

ALCOHOL AND TOBACCO COMMISSION

July 21, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 7, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

494 renewals
51 new/transfers
2 catering
13 new/renewal carriers
28 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR49-04575 3535 West – requesting extension of time to file transfer

RR49-36178, El Rancho Grande LLC – new with LB voting 4-0 to deny – FTA

RR49-36380, Gurpreet Singh – transfer with LB voting 3-0 to deny – FTA

RR49-30227, Indy Madira Inc – renewal with LB voting 3-0 to deny – FTA

RR49-08126, JEH INC – renewal with LB voting 3-0 to deny

DL19-07209 Reeciecup, LLC – renewal with LB voting 4-0 to approve for 1 year – remonstrance

RR47-36044 RDG Revocable Trust, Inc. – transfer with LB voting 3-0 to deny – FTA

RH79-29995 Pandey Hotel Lafayette, LLC – renewal with LB voting 4-0 to approve – remonstrance

RH79-29996 Pandey Hotel Lafayette, LLC – renewal with LB voting 4-0 to approve – remonstrance

RR79-36140 Afresh Foods, Inc. – new with LB voting 4-0 to deny – FTA

DL49-32005 Indiana Fine Wine & Spirits, LLC – new with LB voting 3-0 to approve - remonstrance

8. Inactive Files –

8 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

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

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 21, 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, Prosecutor Harrison, Executive Secretary Allen and Commission Counsel Hyer were remotely.

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 July 7, 2020 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 25 Parties' Agreed Dispositions, totaling \$15,600.00 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 Grubb 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

RR49-04575 3535 WEST – Chairman Cook noted this is a request for additional time to file a transfer.

Vice Chairman Krauss recused himself from this matter.

Commissioner Maginn stated this matter stemmed from an Agreement between the permittee and Prosecutor Harrison, and approved by the Commission. Per the Agreement, the permittee had 45 days to file a consent to transfer ownership. The consent was not filed within the 45 day period, so the permittee requested additional time to file. The completed transfer is now on file.

Commissioner Maginn moved to allow the transfer to be processed. Commissioner Grubb seconded. The motion was approved by a 3-0 vote.

RR49-36178 EL RANCHO GRANDE, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn moved to uphold the local board's recommendation to deny, for failure to appear at the local board hearing. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-36380 GURPREET SINGH – Chairman Cook noted this is a transfer application with the local board voting 4-0 to deny.

Commissioner Maginn moved to uphold the local board's recommendation to deny, for failure to appear at the local board hearing. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30227 INDY MADIRA, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny for failure to appear. The Chairman also made note of receipt of a letter from the president of this corporation giving an explanation for not appearing.

Commissioner Maginn stated the letter from the permittee said there have been issues with receiving mail at the address that was given. He is changing the mailing address.

Commissioner Maginn moved to remand the renewal to the local board. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR49-08126 JEH, INC. – Chairman Cook recused himself. Vice Chairman Krauss stated this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated there have been many police runs to this location and two homicides. Fines were paid and a suspension was served regarding ATC violations.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Grubb. The motion was approved 3-0.

DL19-07209 REECIECUP, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve for one year.

Commission Maginn stated this permittee has two package store permits in Huntingburg. One has been operational and this one has been in escrow for five years and just opened. Since it opened, it has very limited hours and the building seems to have several issues. There was a remonstrator present, who would like to have this permit and operate a business. The permittee said he would be dealing with the building issues during this renewal period.

Commissioner Maginn moved to approve a one year renewal. Vice Chairman Krauss seconded. The motion was unanimously approved for one year.

RR47-36044 RDG REVOCABLE TRUST, INC. – Chairman Cook noted this is a transfer with the local board voting 3-0 to deny for failure to appear.

Commissioner Maginn stated Sgt. Stewart tried several time to get in touch with this applicant regarding their appearance at the local board hearing

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

RH79-29995 PANDY HOTEL LAFAYETTE, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve for one year. The issue with this permit is due to non-payment/late payment of the Innkeeper's tax, to the county treasurer.

Vice Chairman Krauss stated this hotel chain is in the process of bankruptcy and due to the virus, business has been slow and cash flow less. As of the date of the local board hearing, all taxes are paid.

Vice Chairman Krauss moved to uphold the local board's recommendation to approve a one year renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RH79-29996 PANDY HOTEL LAFAYETTE, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve. The issue with this permit is due to non-payment/late payment of the Innkeeper’s tax, to the county treasurer.

Vice Chairman Krauss stated this hotel chain is in the process of bankruptcy and due to the virus, business has been slow and cash flow less. As of the date of the local board hearing, all taxes are paid.

Vice Chairman Krauss moved to uphold the local board’s recommendation to approve a one year renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR79-36140 AFRESH FOODS, INC. – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn moved to uphold the local board’s recommendation to deny, for failure to appear at the local board hearing. Commissioner Grubb seconded. The motion was approved 3-0.

DL49-32005 INDIANA FINE WINE & SPIRITS, LLC – Chairman Cook recused himself from this matter. Vice Chairman Krauss noted this is a new application with the local board voting 3-0 to approve.

Commissioner Maginn stated there were remonstrators and numerous exhibits presented. The remonstrators feel the location is close to schools and there are already liquor stores and alcohol establishments in the area, so this is not needed, it would have a negative impact on other businesses and the applicant does not maintain a high and fine reputation based on their history in other states. The applicant provided information about their screening for underage patrons and being a good neighborhood citizen.

Vice Chairman Krauss stated this application was previously denied by the Commission per statute and that denial was challenged in court. The court overturned the validity of the statute, in light of a Supreme Court case in Tennessee.

Commissioner Maginn moved to approve for one year. Commissioner Grubb seconded. The motion was approved 3-0.

INACTIVE FILES

Vice Chairman Krauss moved to make eight (8) permits inactive. All are not 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

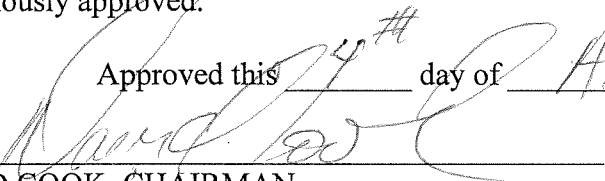
VICE CHAIRMAN KRAUSS APPOINTMENT – Chairman Cook congratulated Vice Chairman Krauss on his appointment to the Supreme Court Disciplinary Commission.

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

ADJOURNMENT

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

Approved this 24th day of August, 2020.




DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER