

ALCOHOL AND TOBACCO COMMISSION

March 16, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 2, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

549 renewals

110 new/transfers

13 catering

29 new/renewal carriers

19 new/renewal direct wine shippers

1 - E-Liquid

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

7. Applications for Discussion –

RR18-07268 J. R. Harty, Inc. – renewal with LB voting 3-0 to deny

RR71-36598 Manjares De Mexico Restaurant, LLC – remand

RR57-36951 Jagged Edge 2, LLC – new with LB voting 2-2.

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Roundtable dates – 5/18 package stores, 6/15 non-package store dealers, 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 16, 2021

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Krauss, Commissioner Maginn, Commissioner Grubb, Commission Counsel Hyer, Prosecutor Harrison and Sgt. Stewart were present virtually.

By consent, the Commission gave Kim Chew permission to initial approval for the commissioners.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the March 2, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 39 Parties' Agreed Dispositions, with fines totaling \$17,800.00, for the Commission's approval.

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, noting there was an additional application that was not on the agenda, 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 applications. Commissioner Maginn seconded. The motion was unanimously approved.

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

By consent, the Commission added permit #ELM2100001 to the new e-liquid permit list for approval.

Commissioner Grubb moved to approve the new e-liquid permit. 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 issued the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR18-07268 J. R. HARTY, INC. – Chair Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn moved to continue this matter to the April 6, 2021 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR71-36598 MANJARES DE MEXICO RESTAURANT, LLC – Chair Allen noted this applicant was denied for failure to appear before the local board. The Commission upheld the denial. The applicant is requesting one more opportunity to appear at the local board meeting because the applicant stated notice of the local board hearing was not received.

Commissioner Maginn moved to remand this application to the local board for one more chance to appear. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR57-36951 JAGGED EDGE 2, LLC – Chair Allen noted this is a new application with the local board voting 2-2. Excise voted to approve.

Commissioner Maginn stated there were no remonstrators. One of the local board members was concerned about chemicals and/or hair getting into the drinks, since this is a hair salon. The applicant stated that the serving glasses will have lids. Another concern was whether the business would qualify to hold a restaurant permit. The applicant stated there are seats for 25, along with the minimum food required. The Commissioner mentioned there is nothing in the application that would disqualify the applicant and noted there are several other hair salons who have been issued permits to serve alcohol and all should be treated the same.

Commissioner Grubb inquired about approving this for one-year to verify food sales figures, however, this permit does not require a minimum amount of sales, only service of the minimum amount of food available for consumption.

Commissioner Maginn moved to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make four (4) permits inactive that are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

ANNOUNCEMENTS

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions, which will be held virtually. Those dates are: 5/18 package stores, 6/15 non-package store dealers, 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries.

ADJOURNMENT

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

Approved this 6th day of April, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER