

ALCOHOL AND TOBACCO COMMISSION
April 6, 2021
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 16, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

505 renewals

45 new/transfers

3 catering

36 new/renewal carriers

99 new/renewal direct wine shippers

2 new/renewal e-liquids

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 (continued from 3/16/21)

8. Inactive Files –

3 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

POAs/notary

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

APRIL 6, 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 virtually present.

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 16, 2021 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 30 Parties' Agreed Dispositions, with fines totaling \$18,400.00, 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 and renewal direct wine shipper applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal e-liquid applications. 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 stated there have been numerous police runs to this location over the last few years. Some of the calls were for serious offenses---fights, shots fired, an individual shot. The Excise Police cited the business for failure to maintain a high and fine reputation and public nuisance. The permittee paid a \$1,000 fine and a 3-day suspension. In 2019, the manager stated new security measures would be put in place, but problems are still occurring. Also, someone who claims to be the manager of the establishment has not filed a Manager’s Questionnaire. The Commissioner would like for this matter to be checked out.

Vice Chairman Krauss watched the local board hearing and noted a neighbor of the establishment had gunshots through his window and into the wall of his bedroom. The Vice Chairman thinks the local board was correct in the denial of the renewal.

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

RR49-37263 A TAPROOM, LLC – Chair Allen noted this a new application with the local board voting 4-0 to approve, with one remonstrator present. By consent, the Commissioners added this matter to the agenda.

Chair Allen stated the applicant submitted documents stating people in the neighborhood are in favor and a petition with one signature. The applicant and the remonstrator submitted a zoning variance and a zoning clearance from Business and Neighborhood Services for Marion County was submitted. The Chair made those documents part of the record.

Commissioner Maginn stated the remonstrator was not necessarily concerned with the business itself, but with the hours of operation. Based on a neighborhood covenant, she feels it violates that covenant. The applicant plans to have no live music and be closed by midnight on Friday and Saturday.

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

INACTIVE FILES

Vice Chairman Krauss moved to make three (3) 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

POAs/NOTARIES – Chair Allen stated that the ATC has recently become aware of some POAs that were submitted with the industry members and preparers notarizing their own signatures. IC 33-42-13-3, prohibits someone from performing a notarial act for oneself. Those will no longer be accepted.

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.

If the roundtable discussions are held virtually, a link will be sent closer to the date of the discussion.

ADJOURNMENT

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

Approved this 20th day of April, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER