

ALCOHOL AND TOBACCO COMMISSION

April 20, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

April 6, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

688 renewals

103 new/transfers

17 catering

20 new/renewal carriers

72 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR71-37318 Panaderia Jenny, LLC– remand

RR49-34114 KPK Ventures, LLC – requesting catering hall designation

RR06-34804 The Cork & Barrel, LLC – renewal with LB voting 4-0 to deny - FTA

RR49-37108 Bon Apetit 1 Haitien Restaurant, LLC – new with LB voting 4-0 to deny - FTA

DL10-32296 Clarksville Market, LLC – transfer with LB voting 4-0 to deny – FTA

DL79-30276 Shri Hari 3, Inc. – renewal with LB voting 3-1 to approve for 1 yr.

RR74-36860 Brothers Grub, RR03-35120 Rivera Maya Mexican Restaurant, Inc., RR11-33939 Selsam Enterprises, LLC – denied escrow

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

ATC Forms Update – New Type II Gaming Endorsement, Type II Gaming Endorsement Renewal, Type II Gaming Manufacturer, Distributor Application, Tobacco Sales Certificate

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 20, 2021

**CALL TO ORDER/NOTING OF QUORUM**

Chair Allen called the meeting to order and noted the quorum and the attendance. 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**

Commissioner Maginn moved to approve the minutes from the April 6, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 64 Parties' Agreed Dispositions, with fines totaling \$45,550.00, for the Commission's approval.

Commissioner Maginn 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**

Chair Allen stated that the Commission was notified that the advertising for the April local board hearings for Clinton and Grant counties did not run in the newspapers. The permits that were scheduled for those hearings will be remanded and readvertised. These will be reset on the June local board agendas. The permittees will not need to reappear. If remonstrators do appear and the permittee is not there, the hearing will be continued. Permittees will be given fee waived extensions to keep them operational during this time.

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.

### **RENEWAL LETTERS AND WAIVERS OF FEES**

Commissioner Maginn 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**

RR71-37318 PANADERIA JENNY, LLC – Chair Allen noted this application was scheduled for and approved by the local board; however, the hearing was not properly advertised on the orange sign.

Commission Maginn stated we received notice stating the sign was posted without the proper information.

Commissioner Maginn moved to remand this application to the local board for reinvestigation. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-34114 KPK VENTURES, LLC – Chair Allen noted this permittee is requesting catering hall designation.

Commissioner Maginn stated we received a request from this permittee to change the permit to a designated catering hall so they can have private functions.

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

RR06-34804 THE CORK & BARREL, LLC - Chair Allen noted this is a renewal application with the local board voting 4-0 to deny, for failure to appear at the local board hearing.

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

RR49-37108 BON APETIT 1 HAITIEN RESTAURANT, LLC - Chair Allen noted this is a new application with the local board voting 4-0 to deny, for failure to appear at the local board hearing.

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

DL10-32296 CLARKSVILLE MARKET, LLC - Chair Allen noted this is a transfer application with the local board voting 4-0 to deny, for failure to appear at the local board hearing.

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

DL79-30276 SHRI HARI 3, INC. – Chair Allen noted this is a renewal with the local board voting 3-1 to approve for 1 year.

Commissioner Maginn stated this permittee has had 3 violations that involved the same employee. The permittee does not want to fire the employee. Excise voted to deny, with 3 violations on the same employee, he felt permittee did not have a high and fine reputation.

Commissioner Maginn moved to uphold the local board's recommendation to approve for 1 year. Commissioner Grubb seconded. The motion was unanimously approved.

RR74-36860 BROTHERS GRUB – Chair Allen noted this permit was denied escrow for failure to appear at the escrow hearing.

Commissioner Maginn stated the permit was approved at the local board, but the applicant failed to appear at the escrow hearing for escrow approval.

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

RR03-35120 RIVERA MAYA MEXICAN RESTAURANT, INC. – Chair Allen noted this permit was denied escrow for failure to appear at the escrow hearing.

Commissioner Maginn stated the attorney for this applicant sent a notice requesting his client be given one more opportunity to appear because the client was out of the country and did not receive notice of the hearings.

Commissioner Maginn moved to allow one more opportunity to appear. Commissioner Grubb seconded. The motion was unanimously approved.

Chair Allen stated the escrow hearing date will be May 25, 2021.

RR11-33939 SELSAM ENTERPRISES, LLC – Chair Allen noted this permit was denied escrow for failure to appear at the escrow hearing.

Commissioner Maginn stated the permit was scheduled for two separate escrow hearings and failed to appear at both.

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

**INACTIVE FILES**

Commissioner Grubb moved to make five (5) permits inactive that are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

No New Business

**ANNOUNCEMENTS**

ATC FORM UPDATES – Chair Allen stated the following permit types have updated forms on the website:

New Type II Gaming Endorsement, Type II Gaming Endorsement Renewal, Type II Gaming Manufacturer, Distributor Application, Tobacco Sales Certificate

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**


Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 4<sup>th</sup> day of May, 2021.

  
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JESSICA ALLEN, CHAIR

  
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JOHN KRAUSS, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER