

ALCOHOL AND TOBACCO COMMISSION

June 2, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 18, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR71-26941 SDTG, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

289 renewals

39 new/transfers

7 catering

22 new/renewal carriers

43 new/renewal direct wine shippers

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

7. Applications for Discussion –

8. Inactive Files –

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Non-Rule Policy 27 – Escrow Hearings

In-person Local Board Hearings – To begin July 6th

July Commission meetings –

a. Rescheduling Tuesday, July 6th to Wednesday, July 7th

b. In person and streaming hybrid

Escrow hearings – 4th Tuesday at 10:00 am (virtual)

Extended Floorplans

Roundtable dates – 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

JUNE 2, 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, Executive Secretary Kirkman 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 May 18, 2021 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 58 Parties' Agreed Dispositions, with fines totaling \$26,650.00, 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

RR71-26941 SDTG, INC. – Vice Chairman Krauss, as hearing judge in this matter, stated this was a violation appeal hearing regarding revocation of a permit. A fact-finding hearing was held in January and sanction hearing followed in March. The Hearing Judge now submits the Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn noted that some of the problems occurred in the parking lot, however, testimony showed a nexus between activity originating in the bar and moving out into the parking lot.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to revoke the permit because the premises has become a public nuisance. Commissioner Grubb seconded. The motion was unanimously approved.

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 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

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

No Applications for Discussion

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

ANNOUNCEMENTS

INTRODUCTION OF EXECUTIVE SECRETARY CLARK KIRKMAN – Chair Allen introduced and welcomed Clark Kirkman as the new executive secretary for the Commission.

IN-PERSON LOCAL BOARD MEETINGS – Chair Allen noted that in-person local board meetings will resume July 6, 2021.

IN-PERSON COMMISSION MEETINGS – Chair Allen stated in-person Commission meetings will resume on Wednesday, July 7, 2021. The Commission is hoping to have a hybrid option of in-person and online.

ESCROW HEARINGS – Chair Allen made note that escrow hearings will occur on the 4th Tuesday of the month at 10 a.m. and will continue to be virtual. There will no longer be a morning session and an afternoon session.

EXPANSION OF FLOORPLANS/CURBSIDE – Chair Allen stated on March 24, 2020, the Commission amended rule 905 IAC 1-41-2(e) under the emergency rule amendments in EO 20-05. 905 IAC 1-41-2(e) was amended to allow permit premises, also dealer permit locations, to include pick-up areas adjacent to the licensed premises and parking lots. The Governor announced that the grant of this privilege to retailers by executive order would be rescinded as of 6/30/2021, due to the passage of HEA 1396, which takes effect on 7/1/2021 and allows for the inclusion of a parking lot or an area adjacent to the premises for the purposes of conveying alcoholic beverages and other nonalcoholic items to a customer for beer retailer, wine retailer, liquor retailer, farm winery, artisan distillery and small brewery (commonly referred to curbside) Therefore, the commission is rescinding the temporary amendment of 905 IAC 1-41-2(e) effective 6/30/2021. All curbside service will need to comply with the statutory requirements starting on 7/1/2021 and will only be available to those permit types that are granted the statutory authority for curbside.

Chair Allen also noted that amended floor plans need to be filed with the Excise officer who sits on the local board, including those businesses who temporarily amended their floor plans to include a patio, if they intend to continue use the extended patios. At the time the floorplan is filed, the curbside service can continue, pending final approval by Excise. If the floorplan is denied, curbside service must cease immediately.

NON-RULE POLICY 27 – Because changes in the escrow statutes were passed in the 2021 legislative session, Chair Allen stated the Commission is considering adopting non-rule policy 27. It will be posted on our website after the meeting. Anyone with comments, questions or concerns are asked to submit those prior to the July 20, 2021 Commission meeting.

ESCROW DROP DEAD DATES – For those permits placed into escrow between July 1, 2016 and June 30, 2017, the last date to put the permit into use is June 30, 2021. Or there must be a completed arms-length transfer of ownership on file by end of business on June 25th, 2021. Otherwise, the permit will revert to the Commission. This was previously announced at the March 2, 2021 meeting, a letter was mailed to the permittees and permittees were notified of the drop-dead date at their previous escrow hearings, therefore, no one should be caught off-guard regarding this announcement.

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

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 Maginn seconded. The motion was unanimously approved.


Approved this 15th day of June, 2021.



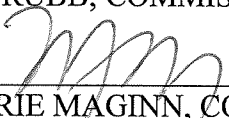
JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER