

ALCOHOL AND TOBACCO COMMISSION

July 7, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 15, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

462 renewals
38 new/transfers
14 catering
120 new/renewal direct wine shippers
30 new/renewal carriers

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

7. Applications for Discussion –

RR29-37490 IBeach31 – new with LB voting 4-0 to approve

DL43-32015 Hazera Begum – renewal with LB voting 4-0 to deny

CH11-30105 Venue 42, LLC – new with LB voting 4-0 to deny -FTA

RR80-37320 Tres Hermanos Nunez Tipton, LLC – new with LB voting 4-0 to deny -FTA

RR64-35432 McGowan and Sons, Inc. – requesting catering designation

RR49-28781 Skyfall, LLC – request to reactivate

RR48-01351 Rose's Pub, Inc./RR48-29918 TELLO TELLO – court order

RR71-34192 Danny Boy Beer Works, LLC – denied escrow

RR45-33757 Ono's Beach Group, Inc. – denied escrow

RR49-33423 Jazz on the Loop, LLC – denied escrow

RR76-13567 Rosemary Elizabeth Sullivan – denied escrow

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

Non-Rule Policy 27

12. Announcements -

Roundtable dates – 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 7, 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 Officer Crider were present.

Davey Neal was present as an observer.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the June 15, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 100 Parties' Agreed Dispositions, with fines totaling \$51,200.00, 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.

By consent, the Commission added new applications, DL4932487 and RR4937573, to the agenda.

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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR29-37490 IBEACH31 – Commissioner Maginn moved to continue this matter until 7/20/2021. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL43-32015 HAZERA BEGUM – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated the business has had several violations regarding service to minors, not only alcohol, but tobacco, as well. The owner seems to not be concerned about trying to correct these problems. The local board feels the establishment has become a public nuisance.

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

CH11-30105 VENUE 42, LLC – Chair Allen 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. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR80-37320 TRES HERMANOS NUNEZ TIPTON, LLC – Chair Allen 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.

RR64-35432 MCGOWAN AND SONS, INC. – Chair Allen noted this is a request for catering designation.

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

RR49-28781 SKYFALL, LLC – Chair Allen noted this is a request for reactivation of this permit.

Commissioner Maginn stated this permit was in escrow and made inactive for failure to appear at the escrow hearing. A new mailing address was submitted, however, the change was not made in our system, so the notice of the hearing was not received by the permittee.

Commissioner Maginn moved to reactivate the permit, change the escrow date to 10/14/2018, the day it expired and reschedule for an escrow hearing after renewal is processed. Vice Chairman Krauss seconded. The motion was unanimously approved

RR48-01351 ROSE'S PUB, INC. /TRANSFER APP – TELLO TELLO – Chair Allen noted this is a transfer request and a court order regarding ownership of the permit.

Commissioner Maginn stated the Commission received a court order assigning ownership of this permit to the previous owner, Shoestring Group. A transfer has not been filed to make that change. However, a transfer of ownership was received from the current owner to a new owner, Tello Tello.

Commissioner Maginn moved to deny the request to transfer the permit to a new owner and to contact the previous owner about filing a transfer back to them. Commissioner Grubb seconded. The motion was unanimously approved.

RR71-34192 DANNY BOY BEER WORKS, LLC – Chair Allen noted this is a denial of escrow for failure to appear.

Commissioner Maginn moved to deny the renewal of the permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR45-33757 ONO'S BEACH GROUP, INC. – Chair Allen noted this is a denial of escrow for failure to appear.

Commissioner Maginn stated the permittee's attorney sent notice that the failure to appear was due to a difference in time zones. The attorney is on central time, but the Commission is on eastern time.

Commissioner Maginn moved to allow one more opportunity to appear for an escrow hearing on July 27th at 10 am, eastern time. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chair Allen put attorneys, preparers, and permittees on notice that escrow hearings are on eastern time.

RR49-33423 JAZZ ON THE LOOP, LLC - Chair Allen noted this is a denial of escrow for failure to appear.

Commissioner Maginn moved to deny the renewal of the permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR76-13567 ROSEMARY ELIZABETH SULLIVAN – Chair Allen noted this is a denial of escrow for failure to appear.

Commissioner Maginn stated this permittee is supposed to send information proving she tried to appear at the escrow hearing, but was not able to sign in.

Commissioner Maginn moved to continue this to the August 17th Commission meeting to discuss the matter further, if the information is received from the permittee. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL32-32211 RNS, INC. – Chair Allen stated Officer Gillam requested this transfer application be remanded to the local board for further consideration. It was approved by the local board and the Commission in May. New information has surfaced regarding the transfer and it possibly not being an arms-length transaction.

Commissioner Maginn moved to set aside the previous approval and remand the transfer to the local board. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make five (5) permits dead that 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

NON-RULE POLICY 27 – By consent, Commission continued this matter

ANNOUNCEMENTS

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions: 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries will be forthcoming.

A virtual 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.

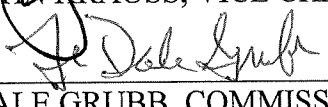
Approved this 20th day of July, 2021.



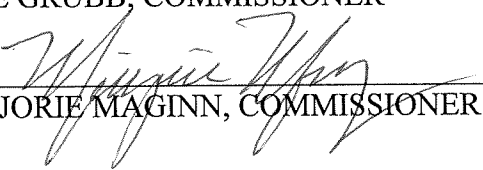
JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER