

ALCOHOL AND TOBACCO COMMISSION

August 3, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –
July 20, 2021
3. Prosecutor's Recommendations –
PAD Forms
4. Hearing Judge's Recommendations –
RR80-37320 Tres Hermanos Nunez Tipton, LLC – Remand Order
5. Consideration of Applications -
273 renewals
22 new/transfers
3 catering
18 new/renewal carriers
21 new/renewal direct wine sellers
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –
DL80-32488 Dolgencorp LLC – new with LB voting 4-0 to approve
RR02-06315 Hall Drive-Ins, Inc. – request catering hall designation
8. Inactive Files –
5 permits not subject to auction
RR03-37338 Guanajuatito, Inc. – to be reactivated
9. Old Business -
10. New Business –
11. Policy Determinations –
12. Announcements -

LSA Doc #21-227 Readoption of Rules

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

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 3, 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.

Gretchen White and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the July 20, 2021 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 47 Parties' Agreed Dispositions, with fines totaling \$22,700.00, for the Commission's approval.

Vice Chairman Krauss moved to approve the PAD forms submitted by the Prosecutor. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR80-37320 TRES HERMANOS NUNEZ TIPTON, LLC – Chair Allen noted this applicant was denied a permit for failure to appear at the local board hearing. The applicant sent an appeal request to the commission stating the notices were sent to the wrong mailing address, so the dates of the hearing were not known.

Chair Allen, as hearing judge in this matter, recommended the matter be remanded to the local board for one more opportunity to appear.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to remand. Commissioner Maginn 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL80-32488 DOLGENCORP, LLC – Chair Allen noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn stated there were remonstrators present at the hearing. They did not provide any legal reason for denying the permit. They are against alcohol.

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

RR02-06315 HALL DRIVE-INS, INC. – Chair Allen noted this is a request from the permittee to be considered a catering hall.

Commissioner Maginn moved to approve a catering hall designation for this permit. Vice Chairman Krauss 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 Grubb seconded. The motion was unanimously approved.

RR03-37338 GUANAJUATITO, INC. – Vice Chairman Krauss moved to reactivate this permit, due to a scrivener's error on the list for the meeting on July 20, 2021. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

LSA DOCUMENT #21-227 READOPTION OF RULES – Chair Allen stated the commission published the list of rules to be readopted on June 16, 2021. The Commission will vote on the readoption at the August 17, 2021 meeting.


ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions: 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 17th day of August, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER