

ALCOHOL AND TOBACCO COMMISSION

October 5, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 21, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

517 renewals

29 new/transfers

17 catering

22 new/renewal carriers

6 new/renewal direct wine sellers

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

7. Applications for Discussion –

MM22-30566 & DW0001154 New Vibes Wine Co. – new farm winery and direct wine seller

RH87-31099 Pono Golf, LLC – new with LB voting 3-0 to approve

DL71-31611 Vishav, LLC – request to transfer location

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Roundtable dates – 10/19 brewers

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 5, 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, Officer Strouse and Officer Crider were present.

Mark Webb was present as an observer.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the September 21, 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 \$35,400.00, 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**

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 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 seller 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**

MM22-30566 and DW0001154 NEW VIBES WINE CO. – By consent, the Commission continued this matter until the November 2, 2021 meeting.

RH87-30199 PONO GOLF, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to approve.

Commissioner Maginn stated the information she requested at the last meeting has been received.

Chair Allen noted a remonstrator appeared at the first local board hearing. He presented evidence to the board at that time. He did not appear at the second hearing.

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

DL71-31611 VISHAV, LLC – The Hearing Judge's Findings regarding this application were approved at the September 21, 2021 meeting. The permittee requests 120 days to file a transfer to a location inside the incorporated limits of the city of South Bend.

Chair Allen moved to allow 120 days for the transfer to be filed. Vice Chairman Krauss seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Krauss moved to make four (4) permits dead. All four are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable: 10/19 brewers

A virtual link will be sent closer to the date of the discussion.

2021 PERMIT AUCTION – Chair Allen stated the auction will be held on Tuesday, November 9, 2021 at 10 a.m. The list of available permits is on the ATC website. Pre-bid applications are due by October 25<sup>th</sup>.

The Governor has certified the census numbers and they will be effective April 1, 2022. Notice of a census auction will be provided after that date.

EXPIRED PERMITS – Chair Allen stated expired permit letters will be going out in the near future for permits that have been expired for at least six months. The notices will be sent to the mailing address currently on file with the Commission. Permittees will have 30 days to renew, or the permit will revert to the Commission. The list of expired permits will be posted on the ATC website by the end of the week. The list is based on expiration dates, so if renewals have been filed recently, disregard the notice.


STAFF CHANGES – Chair Allen noted the Commission has had a few staff changes recently. Last Friday was the last day for Daniel Hadley, Luz Aviles and Kelly Roberts-Wheat. Vice Chairman Krauss wished them well in their new endeavors. Today is Shelby Bandy’s last day. She is retiring. The Chair congratulated her on her retirement.

The Commission is diligently trying to fill these positions. During this time, Jeff Coyle will be handling District 4. If you have questions about specific permits, please make sure to contact the processor for that area. Finally, the processors will begin having dedicated, uninterrupted hours to process permits. If you call and no one answers, please leave a detailed message and someone will get back with you. We appreciate your cooperation during this time while we are short staffed.

**ADJOURNMENT**

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

Approved this 19<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
JESSICA ALLEN, CHAIR

  
\_\_\_\_\_  
JOHN KRAUSS, VICE CHAIRMAN

*Dale Grubb (K)*

---

DALE GRUBB, COMMISSIONER

---

MARJORIE MAGINN, COMMISSIONER