

ALCOHOL AND TOBACCO COMMISSION

December 7, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 16, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR45-34866 Galaxie Properties – Request to transfer

RR29-93172 BSR and MMR, Inc. – Request to transfer

5. Consideration of Applications -

499 renewals

41 new/transfers

18 catering

34 new/renewal carriers

10 new/renewal direct wine sellers

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

7. Applications for Discussion –

RR15-37974 Steve Williams – new with LB voting 4-0 to approve

RR14-37590 Purple Joe's, Inc. – transfer with LB voting 4-0 to deny – continued from 11/16

DW0001154 New Vibes Wine Co –

RC29-29948 and RC29-29949 Harbours' Club Management LLC – conversion to retailer permits

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 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, Prosecutor Harrison, and Executive Secretary Kirkman were present.

Mark Webb and Davey Neal observed.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the November 16, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 28 Parties' Agreed Dispositions, with fines totaling \$19,800.00, 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

RR45-34866 GALAXIE PROPERTIES – Chair Allen noted this is a denial of renewal and an appeal of that denial. The permittee is requesting permission to transfer ownership only.

Commissioner Maginn stated this matter has been pending for almost two years and the business has remained open and problems have continued. The city of Hammond would like the request to be denied. They feel another bar at this location would continue the same public nuisance issues.

Commissioner Maginn moved to deny the request to transfer ownership. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR29-93172 BSR AND MMR, INC. - Chair Allen noted this is a denial of renewal and an appeal of that denial. The permittee is requesting permission to transfer ownership only.

Commissioner Maginn stated this is a permit that was denied recently, and business has not shown a continuous public nuisance issue. The permittee is requesting four months to transfer ownership of this business.

Commissioner Maginn moved to approve the ability file a transfer of this permit, but only allowing 90 days. Commissioner Grubb seconded. Chair Allen voted to approve. Vice Chairman Krauss voted to

deny the request because the negligent management of the business was cause of a death. The motion was approved 3-1.

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. Vice Chair Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the catering applications. Vice Chair Krauss 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR15-37974 STEVE WILLIAMS – Chair Allen noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn stated there was a remonstrator present who personally feels there is no need for the services.

Vice Chairman Krauss noted that the city is in favor of this and that the location was historically a bar.

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

RR14-37590 PURPLE JOE'S, INC. – Chair Allen noted this is a transfer with the local board voting 4-0 to deny. This was continued from November 16, 2021 meeting.

Commissioner Maginn stated there is an issue with the ownership on this application. The Commission allowed one more chance to clear up the paperwork and sent the applicant a detailed letter noting what should be submitted. Nothing has been received.

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

DW0001154 NEW VIBES WINE CO – Chair Allen noted this is a new direct wine seller application. The original plan for the business was to use a fulfillment warehouse and ship out of a fulfillment warehouse. Indiana Law requires shipments to be made by the farm winery. Executive Secretary Kirkman received notice from the business stating that the business plan has changed and they will now be shipping from their farm winery, which is permissible.

Chair Allen moved to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RC29-29948 AND RC29-29949 HARBOURS' CLUB MANAGEMENT LLC – Chair Allen noted these are social club permits that wish to be converted to retail restaurant permits.

Chair Allen moved to approve the conversion. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make two (2) permits dead. Both 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

No Announcements

ADJOURNMENT

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

Approved this 21st day of December, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER