

ALCOHOL AND TOBACCO COMMISSION  
JANUARY 19, 2022  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 4, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

360 renewals

56 new/transfer

6 catering

12 new/renewal carriers

4 new/renewal direct wine sellers

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

7. Applications for Discussion –

DL32-28487 Jo-Fran, Inc. – renewal with LB voting 3-1 to deny

RR54-91395 Touch of Class, Inc. – renewal with LB voting 2-1 to deny

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

JANUARY 19, 2022

**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.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the January 4, 2022 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 27 Parties' Agreed Dispositions, with fines totaling \$11,100.00, 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.

Chair Allen added two new permit applications to the list for approval. Those permit numbers are MM6430617 and MM1030628.

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 Maginn seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL32-28487 JO-FRAN, INC. – Chair Allen noted this is a renewal with the local board voting 3-1 to deny.

Commissioner Maginn stated this permit was acquired in 2012. The permit premises does not appear to have been open since that time. There is no advertising, no phone. At the local board hearing the permittee stated they would open if given the chance now. The permittee also tried to use Covid as an excuse for not opening, however, that does not apply since the business should have been open in 2017.

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

RR54-91395 TOUCH OF CLASS, INC. – Chair Allen noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated this permit has come before the Commission before and was remanded to the local board with questions that needed to be asked and answered regarding ownership of the permit. Mr. Bickers' name continues to show up regarding ownership of this permit, even though he is not listed on the ownership paperwork submitted to the Commission. Mr. Bickers deposited cash into an ATM for an account that is tied to this permit. The Commissioner also stated that Mr. Bickers testified that he has no ownership interest in the business, but everything else indicates otherwise.

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

Vice Chairman Krauss stated that Excise Officer Gillam conducted an extensive investigation in this case and did a very commendable job. The Vice Chair noted it was another example of the good work done by the Indiana State Excise Police.

### **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**

EXPIRED PERMIT LIST – Chair Allen stated the list of permits that have been expired for at least 6 months is on the website. Those permits are subject to reversion to the Commission if they are not renewed. The processors have mailed all of the letters notifying the permittees they are on this list.

2022 SPRING PERMIT AUCTION – Chair Allen stated the permit auction is scheduled for April 7, 2022 at 10:00 am.


PERMIT PRINTING ISSUE – Chair Allen stated there was a printing issue for permits printed on December 21, 2021. The permits have all been reprinted and mailed. If anyone has an issue with any of these permits, please inform the Commission.


**ADJOURNMENT**

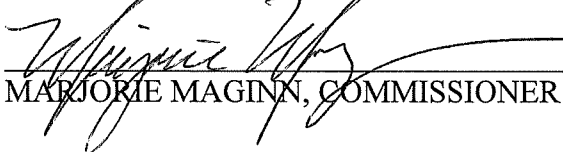
Vice Chairman Krauss moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 1<sup>st</sup> day of February, 2022.

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

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

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

  
\_\_\_\_\_  
MARJORIE MAGINN, COMMISSIONER