

ALCOHOL AND TOBACCO COMMISSION
MARCH 1, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 15, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-31463 Fountain Tap, LLC - Order on Notice of Withdrawal of Appeal and Consent to Revocation

5. Consideration of Applications -

270 renewals
28 new/transfers
26 new/renewal carriers
6 new direct wine sellers

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

7. Applications for Discussion –

RR49-38232 CCJ Corp. - remand

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2022 Spring Permit Auction – April 7, 2022

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 1, 2022

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Grubb, General Counsel Harrison, Executive Secretary Kirkman, and Prosecutor Wignall were present.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the February 15, 2022 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. There were 63 dispositions with fines totaling \$42,650.00. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-31463 FOUNTAIN TAP, LLC – Chair Allen presented an Order on Notice of Withdrawal of Appeal and Consent to Revocation. Chair Allen noted this should be Consent to Denial, instead of Revocation, because the permit was denied and under appeal. The permittee filed a Notice to Withdrawal the Appeal. Chair Allen recommended approval of the Order.

Vice Chairman Payne moved to uphold the Chair's recommendation to adopt the Order. Commissioner Grubb seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

By consent, the Commission approved the addition of permits to the lists below for consideration.

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

Commissioner Maginn 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

RR49-38232 CCJ CORP. – Chair Allen noted this is a request for remand.

Commissioner Maginn stated this application was previously approved by the local board and the Commission. The permit has not been issued because a final inspection has not taken place. The Commissioner stated that it appears that criminal violation was not disclosed on the application.

Commissioner Maginn moved to remand this application to the local board for a reinvestigation of the applicant, have the Executive Secretary send a letter to the local board with questions to ask the applicant at the time he returns to the board, and have Excise investigate the possibility of the application being falsified. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make 4 permits that are not subject to auction dead. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

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

NEW POPULATIONS – APRIL 1, 2022 – Chair Allen stated that Zionsville and Franklin are no longer eligible for 210-1 permits. The population has increased enough they no longer qualify. No new applications will be accepted, but existing 210-1 permits can remain and are eligible for transfer inside the jurisdiction.

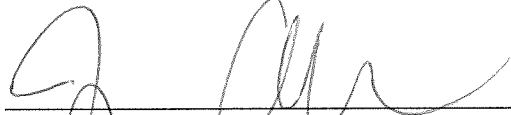
LOCAL BOARD CHANGES – Chair Allen noted changes to boards, due to population. The changes are as follows:

- New Haven – Allen County Board #2
- Elwood – Madison County Board #1 (will only have 1 board)
- Lake Station – Lake County Board #6
- Everything not in Westfield, Noblesville, or Fishers – Hamilton County Board #1
- Everything not in Lake Station, Crown Point, Hobart, East Chicago or Gary – Lake County Board #3

ADJOURNMENT

Commissioner Grubb moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 15th day of March, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER