

ALCOHOL AND TOBACCO COMMISSION  
JULY 6, 2022  
10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –  
June 21, 2022
3. Prosecutor’s Recommendations –  
PAD Forms
4. Hearing Judge’s Recommendations –
5. Consideration of Applications -  
427 renewals  
15 new/transfers  
16 catering  
19 new/renewal carriers  
65 new/renewal direct wine sellers
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –  
DL72-32744 Mac’s Convenience Stores LLC – new with LB voting 3-0 to deny  
DL44-32843 Lakeville Liquor Store, Inc. – New with LB voting 2-2  
DL32-32211 RNS, Inc. – review of transfer
8. Inactive Files –  
3 permits not subject to auction
9. Old Business -
10. New Business –
11. Policy Determinations –
12. Announcements -  
LSA #22-224: 905 IAC Readoption of Rules Under IC 4-22-2.5  
Round Table Discussions –  
Farm Wineries/Vintners – Tuesday, July 26th @ Daniel’s Vineyard  
Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams  
Brewers – September 20 @ 1:30 p.m. via Microsoft Teams

Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams  
Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams  
Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams  
Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

### 13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 6, 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 and Prosecutor Wignall were present.

**DISPOSITION OF MINUTES**

Vice Chairman Payne moved to approve the minutes from the June 21, 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 68 dispositions with fines totaling \$42,700.00. 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. Vice Chairman Payne seconded. The motion was unanimously approved.

One additional new application was added to the list by consent.

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**

DL72-32744 MAC'S CONVENIENCE STORES, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated there is a long history of applications for dealer permits that have been denied in Scottsburg. The community does not desire dealer permits to be issued that are not package stores.

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

DL44-32843 LAKEVILLE LIQUOR STORE, INC. – Chair Allen noted this is a new application with the local board voting 2-2.

Commissioner Maginn stated this permit is for a package store in a jurisdiction where there is a large Amish community, who does not want a permit located in this area. Currently, this application does not have a location listed, so this local board hearing only considered the reputation and character of the applicant for the permit. When a transfer of location is submitted, that location will go before the local board hearing for consideration of need and desire of the community.

Chair Allen noted that 7.1-3-1-5 references applications filed with a "location pending" status. If approved, the permit will be placed in escrow and the applicant must go before the local board for approval of the location. At that time, the local board will consider the need for services at the location, need or desire of the neighborhood or community to receive such services, impact of such services on other businesses in the neighborhood or community and the impact of such services on the neighborhood or community.

Commissioner Maginn moved to approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

DL32-32211 RNS, INC. – Chair Allen noted this is a review of a transfer application. The Commission is deciding whether to rescind prior orders and approve the transfer.

Commissioner Maginn stated this issue began with a permit's allowable escrow time expiring. A transfer was filed prior to the expiration date, but there is a question as to whether this is an arm's length transfer because the transferee (ex-wife) was previously married to the transferor (ex-husband). There

still seems to be a connection between the parties. After a thorough investigation by Excise and the Prosecutor, there are questions as to the truthfulness of the information provided by the parties.

Commissioner Grubb asked Prosecutor Wignall to clarify his findings regarding this matter.

Prosecutor Wignall stated after speaking with Excise Officer Jeremiah Gillam and the transferor of the permit, he feels there is still some personal and professional entwinement between the parties, but could not confirm or deny whether this is actually an arm's length transaction.

Commissioner Maginn wanted to recognize Excise Officer Gillam on the amount of detailed work and research he put into getting as much information to the Commission as he could.

Vice Chairman Payne asked if his understanding of it not really being a buyer situation, but a transfer of property that they jointly owned and ½ of the ownership is being transferred as the cost of the permit was correct. Prosecutor Wignall stated that was correct.

Commissioner Maginn moved to rescind prior motions and approve the transfer with the understanding the ex-husband is not to be a part of the operations of the permit and to request an update in 60 days from the applicant stating the progress for putting this permit into use. Commissioner Grubb seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Maginn moved to make three permits dead that are not subject to auction. Vice Chairman Payne seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **POLICY DETERMINATIONS**

No Policy Determinations

#### **ANNOUNCEMENTS**

ROUND TABLE DISCUSSIONS- Chair Allen stated round table discussions dates are set.

Farm Wineries/Vintners – Tuesday, July 26th @ Daniel's Vineyard

Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams

Brewers – September 20 @ 1:30 p.m. via Microsoft Teams

Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams

Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams

Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams


Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

**ADJOURNMENT**

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

Approved this 19<sup>th</sup> day of July, 2022.

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JESSICA ALLEN, CHAIR

  
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JIM PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER