

ALCOHOL AND TOBACCO COMMISSION
OCTOBER 18, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 4, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

TC15482001 Main Tobacco & Cigar, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

463 renewals
76 news/transfers
20 new/renewal caterings
25 new/renewal carriers
14 new/renewal direct wine sellers
1 new e-liquid manufacturer

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

7. Applications for Discussion –

RR49-39292 Taqueria Puebla Mexican Restaurant LLC – new with LB voting 2-1 to approve

RR49-03759 Tad Indy, Inc. – request to file transfer/remand renewal

DL33-31777 SR 3 Liquors, LLC – escrow denied

8. Inactive Files –

1 permit not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

ATC Fall Permit Auction – November 10, 2022

Round Table Discussions – 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

2023 Amended Commission Meeting Dates - 1st week of January 2023, Wednesday January 4
3rd week of January 2023, Wednesday January 18
1st week of May 2023, Wednesday May 3
1st week of July 2023, Wednesday July 5
1st week of September 2023, Wednesday September 6
1st week of November 2023, Wednesday November 8
4th week of December 2023, Wednesday December 27

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 18, 2022

CALL TO ORDER/NOTING OF QUORUM

Chairman Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Grubb, Deputy Director Kirkman, General Counsel Merritt, and Prosecutor Wignall were present.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the October 4, 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. Thirty-eight dispositions were submitted with fines totaling \$25,700.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

TC15482001 MAIN TOBACCO & CIGAR, INC. – Vice Chairman Payne, who sat as hearing judge, stated this permittee received violations for serving minors. The permittee failed to appear for the Pre-Hearing Settlement Conference and also the Order to Show Cause Hearing.

Vice Chairman Payne moved to find the permittee in default and to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

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.

Commissioner Grubb moved to approve one new e-liquid manufacturer application. 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. Vice Chairman Payne seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-39292 TAQUERIA PUEBLA MEXICAN RESTAURANT LLC – Chair Allen noted this a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated there was one remonstrator present from the neighborhood association that covers the location. This business has been operating for a few years without serving alcoholic beverages. The remonstrator has no complaints with the operator of the business, but is opposed to an additional alcohol outlet in the area. There was discussion regarding this being just a carry-out business, but the applicant stated that is not the intent.

Chair Allen noted that there was also discussion regarding the number of seats available, but applicant provided information showing compliance with seating requirements.

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

RR49-03759 TAD INDY, INC. – Vice Chairman Payne noted the renewal of this permit was denied and an appeal was filed. The matter was set for an appeal hearing; however, prior to the hearing date, the permittee filed a request for remand and request to file a transfer. The permittee has a buyer for the permit. Renewals and a transfer have been filed.

Vice Chairman Payne moved to remand the renewal to the local board for transfer purposes only and schedule the transfer for the local board. Commissioner Grubb seconded. The motion was unanimously approved.

DL33-31777 SR 3 LIQUORS, LLC – Chair Allen noted this permittee was denied escrow for failure to appear for an escrow hearing. The renewal is scheduled for consideration at this meeting.

Commissioner Maginn stated the permittee sent notice advising the Commission he was out of the state for a family emergency and did not receive the notices for the hearing.

Commissioner Maginn moved to allow one more opportunity for the permittee to appear for an escrow hearing on November 22, 2022. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make one permit dead that is 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

ATC FALL PERMIT AUCTION – Chair Allen stated the Fall auction will be November 10, 2022. The list of permits is on the website.

KEG BOOKS – Chair Allen stated keg books are in and ready for purchase.

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

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

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

1st week of January 2023, Wednesday January 4

3rd week of January 2023, Wednesday January 18

1st week of May 2023, Wednesday May 3

1st week of July 2023, Wednesday July 5

1st week of September 2023, Wednesday September 6

1st week of November 2023, Wednesday November 8

4th week of December 2023, Wednesday December 27

ADJOURNMENT

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

Approved this 1st day of November, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER