

ALCOHOL AND TOBACCO COMMISSION

March 7, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 21, 2023

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR71-07828 Clay Township Civic and Demo Club – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

486 renewals  
65 new/transfers  
32 catering  
39 carriers  
5 direct wine sellers

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

7. Applications for Discussion –

RR83-39613 and RR83-39612 Wanda J Craft –

DL79-12611 Village Liquors - renewal with LB voting 2-1 to approve

RR01-39851 Kelum's LLC – requesting catering hall designation

RR71-34926 Commercial Investment Corp – requesting catering hall designation

8. Inactive Files –

6 permits to be made inactive

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2023 Amended Commission Meeting Dates -

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 (Escrow Hearing)

### 13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 7, 2023

**CALL TO ORDER/NOTING OF QUORUM**

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

**DISPOSITION OF MINUTES**

Commissioner Grubb moved to approve the minutes from the February 21, 2023 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Forty-seven dispositions were submitted with fines totaling \$35,000.00. Commissioner Maginn seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

RC71-07828 CLAY TOWNSHIP CIVIC AND DEMO CLUB – Vice Chairman Payne stated he sat as hearing judge in this matter. The renewal of the permit was denied, and the denial was appealed. Denial was based on violations. Vice Chairman Payne submitted his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

The Vice Chairman noted at the appeal hearing the permittee has made several significant changes in their operation. He also noted in the local board notes there were comments made about the club being difficult to deal with, but no evidence was found to substantiate that claim.

Vice Chairman Payne moved to overturn the denial of the permit and approve the renewal. 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 carrier applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine seller applications. Commissioner Maginn seconded. The motion was unanimously approved.

### **RENEWAL LETTERS AND WAIVERS OF FEES**

Commissioner Grubb 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**

RR83-39613 AND RR83-39612 WANDA J CRAFT – Commissioner Maginn stated there is civil litigation pending regarding the lease of the property where the permit is located, however, a lease was submitted to the Commission showing Ms. Craft as current lease holder.

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

DL79-12611 VILLAGE LIQUORS – Vice Chairman Payne noted this is a renewal with the local board voting 2-1 to approve.

Commissioner Maginn stated the local board had questions about whether this is a legitimate business. The hours of operation are not normal hours and even closed during posted hours of operation. No website is posted, no records of sales are available, no coolers are inside business and numerous other issues were discussed.

Commissioner Maginn moved to approve the renewal for one year. She also stated the permittee must appear at the local board after the year, supply proof of normal operational hours, invoices from wholesalers showing deliveries to the location, signage on outside of building like a normal business and to add this location to the website for this corporation. Commissioner Grubb seconded. The motion was unanimously approved.

RR01-39851 KELUM'S LLC – Vice Chairman Payne noted this is a request for a catering hall designation.

Commissioner Maginn moved to approve the catering hall designation. Commissioner Grubb seconded. The motion was unanimously approved.

RR71-34926 COMMERCIAL INVESTMENT CORP – Vice Chairman Payne noted this is a request for a catering hall designation.

Commissioner Maginn moved to approve the catering hall designation. Commissioner Grubb seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Commissioner Grubb moved to make six permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

RR49-31066 JTB BREWS LLC – Commissioner Maginn stated the current extension expires on March 10, 2023. The local board is scheduled for April 3, 2023.

Commissioner Maginn moved to grant a fee-waived, second extension that will expire on May 2, 2023. Commissioner Grubb seconded. The motion was unanimously approved.

DL49-30349 PARAGON SUPERMARKET INC. – Commissioner Maginn stated this permittee submitted renewals late, which has caused the need for a second extension.

Commissioner Maginn moved to approve a second extension that will expire June 7, 2023. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-30822 D & D SALOON LLC – Commissioner Maginn stated the current extension expired on March 2, 2023. The local board is scheduled for March 23, 2023.

Commissioner Maginn moved to grant a fee-waived, second extension that will expire on June 2, 2023. Commissioner Grubb seconded. The motion was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

#### 2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

- 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**

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

Approved this 21st day of March, 2023.

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

  
\_\_\_\_\_  
JAMES W. PAYNE, VICE CHAIRMAN

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

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