

ALCOHOL AND TOBACCO COMMISSION

June 21, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes

June 7, 2016

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL18-30559 Yorktown Food Mart, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

1073 Renewals

62 New/Transfers

14 Catering

4 1st Year Escrow

3 2nd Year Escrow

1 3rd Year Escrow

3 4th Year Escrow

5 5th Year Escrow

11 New/Renewal Carrier Permits

29 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion –

Trina Blank – Employee permit applicant

RR82-19267 Raffi's Restaurant, Inc. – Requesting conversion due to annexation.

RR46-32389 & RR46-32390 Chuy Corporation – New with LB voting 4-0 to deny.

RR49-32308 Changqing, Inc. – New with LB voting 4-0 to deny.

RR71-28886 Joann McCune – Renewal with LB voting 3-0 to deny

Probationary Employee Permit

Jeremiah Krieg, BR1742684 – 1 conviction

Ciara Burchett, BR1749549 – 1 conviction

Kristina Mulry, BR1748449 – 1 conviction

Shelby Owens, BR1747334 – 1 conviction

Mandy Charo, BR1446461 – proof of alcohol treatment provided

8. Inactive Files –

3 Permits Not Subject to Auction

9. Old Business -

10. New Business –

11. Policy Determinations –

Minimum Pricing for Cigarettes

12. Announcements -

July 19, 3:00 pm, Vintner's Roundtable (Brown County)

August 9, 1:30 pm, Package Store Roundtable (ATC)

August 23, 1:30 pm, C-Store Roundtable (ATC)

September 20, 1:30 pm, Pharmacy/Grocery Store Roundtable (ATC)

October 4, 1:30 pm, RR Permit Roundtable (ATC)

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 21, 2016

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman, Commissioner Maginn and Commissioner Grubb. Executive Secretary Rothenberg, Prosecutor Mader, Commission Counsel Allen, Superintendent Strittmatter, Corporal Lynch and Master Officer Bedwell were also in attendance.

Matt Brase, Greg Genrich, Grant Monahan, Jake German, Peter Rusthoven, Jeff McKean, Brooke Barnett, Katie Maddox, Diane Masariu, Marc Carmichael, Bart Herriman, Mark Webb and Tony Mitson were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the June 7, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 81 Parties' Agreed Dispositions that were submitted, totaling approximately \$31,250.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the June 21, 2016 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL18-30559 YORKTOWN FOOD MART, INC. – Hearing Judge Rothenberg stated this was a recommended denial by the Delaware County Local Board and an upholding of that denial by the Commission. An appeal was filed and scheduled; however, the applicant did not appear for the appeal. The Hearing Judge recommended the Commission uphold the original decision to deny the application.

Vice Chairman Coleman moved to uphold the recommendation of the Hearing Judge to deny the application. Commissioner Maginn seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Counsel Allen stated permit #RR49-28549 Suite 38, should have been listed under "Applications for Discussion" on the agenda.

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 our staff with the authority of the

commission and hereby move for approval of same 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 applications for changes in location or 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 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 applications for catering. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a commissioner as appropriate for escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

One thousand seventy-two (1072) renewals approved, sixty-two (62) new and/or transfer applications approved, fourteen (14) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, three (3) permits approved for fourth year escrow, five (5) permits approved for fifth year escrow, eleven (11) new and renewal carrier permits approved, and twenty-nine (29) new and renewal direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Coleman moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

TRINA BLANK – Prosecutor Mader stated this is an applicant for an employee permit. During the investigation for falsification of application, the prosecutor found the applicant has numerous convictions (some felony DUIs). He wanted the Commission to be aware of this information before making the decision to approve or deny the application.

Vice Chairman Coleman moved to deny the application for an employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR82-19267 RAFFI'S RESTAURANT, INC. – Commission Counsel Allen stated she received a request for conversion of this permit from a type 209 to a type 210 permit, due to annexation. The notice of annexation was published after the establishment was open for business. She recommended the Commission approve the request.

Vice Chairman Coleman moved to uphold the recommendation of Commission Counsel to convert the permit to a type 210. Commissioner Maginn seconded. The motion was unanimously approved.

RR46-32389 & RR46-32390 CHUY CORPORATION – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Chairman Cook stated he listened to the recording of the local board meeting, and it appears that the permit was denied because the main stockholder is an undocumented, illegal alien.

Commission Counsel Allen stated per IC 7.1-3-4-2(a)(1), an alien is not allowed to hold a permit. Also, per IC 7.1-3-21-5, each stockholder in a corporation must meet the qualifications required of an individual applicant.

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

RR49-32308 CHANGQING, INC. – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the local board recommended denial because the applicant did not appear at any of the three scheduled meetings, as required.

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

RR71-28886 JOANN MCCUNE – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated she reviewed this case and there have been numerous police calls to the establishment, ranging from a person being shot, gun shots inside bar, no security outside, underage patrons, over-served patrons, etc.

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

RR49-28549 SUITE 38 – Chairman Cook noted this matter came before the local board with numerous remonstrators. The meeting was lengthy.

Chairman Cook moved to continue this matter so the Commission can have ample time to review the record. Commission Maginn seconded. The motion was unanimously approved.

PROBATION OF EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holder(s) to complete an alcohol evaluation and treatment

program within the next six months and provide proof of same to the Commission. The Commissioner further moved to reschedule for the December 20, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Jeremiah Krieg, BR1742684; Ciara Burchett, BR1749549; Kristina Mulry, BR1748449; Shelby Owens, BR1747334

PROBATIONARY EMPLOYEE PERMITS – Commissioner Grubb stated the Commission received proof of completion of an alcohol treatment program for probationary employee Mandy Charo, BR1446461.

INACTIVE FILES

Commissioner Grubb moved to make three (3) permits inactive. All three of the permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

MINIMUM PRICING OF CIGARETTES – Vice Chairman Coleman moved to approve the new policy for minimum pricing of cigarettes. Commissioner Maginn seconded. The motion was unanimously approved.

ANNOUNCEMENTS

INDUSTRY ROUNDTABLE DISCUSSIONS – Executive Secretary Rothenberg stated the schedule for the remainder of the discussions is as follows:

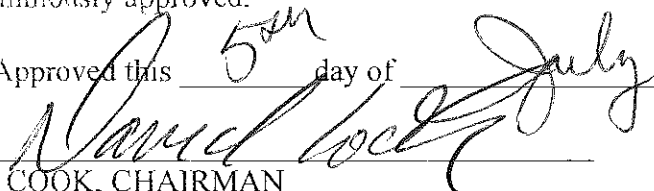
- July 19, 3:00 pm, Vintner's Roundtable (Brown County)
- August 9, 1:30 pm, Package Store Roundtable (ATC)
- August 23, 1:30 pm, C-Store Roundtable (ATC)
- September 20, 1:30 pm, Pharmacy/Grocery Store Roundtable (ATC)
- October 4, 1:30 pm, RR Permit Roundtable (ATC)

E-LIQUID APPLICATIONS – Chairman Cook stated there will be a hearing on the approval for E-Liquid applicants on June 28, 2016 at 10 am. If any new applications are submitted after that date, but before July 1st, an additional hearing will be scheduled for June 30, 2016 at 10 a.m.

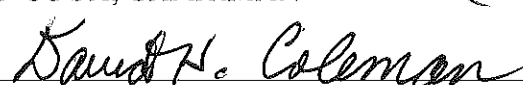
ADJOURNMENT

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

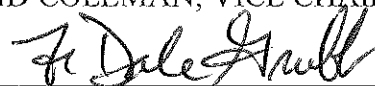
Approved this 5th day of July, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER