

ALCOHOL AND TOBACCO COMMISSION
JANUARY 3, 2018
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

December 19, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-28421 PNC Bancorp, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

241 renewals
44 new/transfer
2 catering
2 1st year escrow
4 2nd year escrow
2 3rd year escrow
4 4th year escrow
1 5th year escrow
22 new/renewal carrier

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

7. Applications for Discussion –

8. Inactive Files –

7 Permits Not Subject to Auction

9. Old Business -

Removal of probationary status – proof of alcohol treatment provided
BR1882642 Rachel Valenza
BR1684317 Callie Bolster

Revocation of employee permit – proof not provided
BR1791908 Monica F Sears – permit expired 12/2/17
BR1838777 Daniel Zuluaga – conviction 12/14/16, year of probation ended 12/14/17
BR1820817 Alice Kaleimamahu

10. New Business –

Probationary status employee permit –
BR1760810 Tracy Ann Thibodeau – 1 conviction

11. Policy Determinations –

12. Announcements -

Auction – January 10, 2018 at 10 a.m.

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 3, 2018

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Krauss and Commissioner Grubb. Executive Secretary Allen, Communications Director Devlin and Prosecutor Coleman were also in attendance.

Brooke Burtnett, Mark Webb, Greg Genrich, David Rothenberg, Mark Mader, George Douglas, Michelle Stone, Kevin Halloran, David Heck, Schuyler Culver, Abigail Smith, and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the December 19, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Coleman recommended the Commission approve the 62 Parties' Agreed Dispositions that were submitted, totaling \$15,400.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the January 3, 2018 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-28421 PNC BANCORP, LLC – Executive Secretary Allen noted this permit was denied by the local board and the Commission. The permittee filed an appeal and an appeal hearing was held. The permit was previously denied in 2016, and after that appeal the Commission had put the permittee on a one-year renewal. The incidents have not decreased and the changes that may have been made have not been effective. The Executive Secretary now submits the Proposed Findings of Fact and Conclusions of Law from Hearing Judge Rothenberg, upholding the denial.

Chairman Cook noted several of the incidents that occurred this year included shots fired in parking lot and one person being shot in the parking lot. Even though the permittee has tried to comply with suggestions made by the Commission, the business still attracts violence.

Vice Chairman Krauss stated that violence and police calls are a concern in the area where the permit is located.

Commissioner Grubb moved to uphold the recommendation of the Hearing Judge to deny the renewal. Vice Chairman Krauss 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 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. Vice Chairman Krauss 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. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chairman Cook made note that the Commission is approving a new, unique permit (RR71-33955) for a federally recognized Indian reservation. The Chairman made clear that this permit will be regulated the same as any other permit in Indiana.

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Vice Chairman Krauss 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. Vice Chairman Krauss seconded. The motion was unanimously approved.

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

Two hundred forty-one (241) renewals approved, forty-four (44) new and/or transfer applications approved, two (2) permits approved for catering, two (2) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow, four (4) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, and twenty-two (22) new and/or renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS OF FEES

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

APPLICATIONS FOR DISCUSSION

No Applications for Discussion

INACTIVE FILES

Vice Chairman Krauss moved to make seven (7) permits inactive. All seven permits are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

REMOVE FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittees from probationary status. Vice Chairman Krauss seconded. The motion was unanimously approved.

BR1882642 Rachel Valenza and BR1684317 Callie Bolster

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits for not providing proof they completed an alcohol treatment program. Vice Chairman Krauss seconded. The motion was unanimously approved.

BR1791908 Monica Sears; BR1838777 Daniel Zuluaga; BR1820817 Alice Kaleimamahu

NEW BUSINESS

PROBATIONARY 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 July 7, 2018 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

BR1760810 Tracy Ann Thibodeau

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ATC AUCTION – Chairman Cook stated the auction will be held on January 10, 2018 at 10 a.m.

ADJOURNMENT

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

Approved this 17th day of January, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER