

ALCOHOL AND TOBACCO COMMISSION

September 20, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

September 6, 2016

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL41-24004 Mac's Convenience Stores, LLC – Proposed Findings of Fact and Conclusions of Law

RR49-21321 A&C Restaurants – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

689 Renewals

68 New/Transfers

11 Catering

2 1<sup>st</sup> Year Escrow

9 2<sup>nd</sup> Year Escrow

5 3<sup>rd</sup> Year Escrow

4 4<sup>th</sup> Year Escrow

5 5<sup>th</sup> Year Escrow

7 New/Renewal Carriers

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

7. Applications for Discussion –

RR49-04586 Jodang, LLC – Request to be designated as catering hall

RR32-31471 Dos Ranch – Renewal with LB voting 4-0 to deny

RC34-26703 Knights of Columbus #656 – Requesting conversion from an unincorporated club permit to an incorporated club permit

DL86-30787 Dolgencorp, LLC – New with LB voting 2-1 to deny

RR49-04563 El Rodeo, LLC – Renewal with LB voting 2-2

DL73-29587 International Wine Markets, Inc.

RR64-28525 Liquor Licenses R Us P20, LLC

RR64-28523 Liquor Licenses R Us P10, LLC

8. Inactive Files –

3 Permits Not Subject to Auction

9. Old Business -

10. New Business --

Revocation/Probation employee permits –

BR1664563 Patricia Willoughby – 2 convictions

BR1752038 Corena Coss – 1 conviction

11. Policy Determinations –

Approval Form for Redeemable Coupons and Mail-In Rebates

12. Announcements -

INDUSTRY ROUNDTABLE DISCUSSIONS

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

SEPTEMBER 20, 2016

**CALL TO ORDER/NOTING OF QUORUM**

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

Greg Genrich, Mark Webb, Marc Carmichael, Schuyler Culver, Jeff McKean, Katie Maddox, Matt Brase, Bart Herriman, Lisa McKinney and Alex Intermill were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Maginn moved to approve the minutes from the September 6, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Eighty-eight Parties' Agreed Dispositions were submitted, totaling \$29,350.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the September 20, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

DL41-24004 MAC'S CONVENIENCE STORES, LLC – Hearing Judge Rothenberg noted this was a recommended approval of a transfer of location by the local board and an upholding of that approval by the Commission. Remonstrator filed a Petition for Intervention and was granted intervening status. The matter was set for hearing. Remonstrator submitted a large number of signatures of residents, illustrating lack of desire for services. The Hearing Judge now submits his Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to overturn the initial approval and deny the transfer of location. Commission Grubb seconded. The motion was unanimously approved.

RR49-21321 A&C RESTAURANTS – Hearing Judge Rothenberg noted this was a recommended denial by the local board and the upholding of that denial by the Commission. The permittee filed an appeal and the matter was set for hearing. The Hearing Judge now submits his Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to remand the renewal to the local board for purposes of transferring the license to another party. 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 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.

Six hundred eighty-nine (689) renewals approved, sixty-eight (68) new and/or transfer applications approved (change RR49-32649 to RC49-29955), eleven (11) permits approved for catering, two (2) permits approved for first year escrow, nine (9) permits approved for second year escrow, five (5) permits approved for third year escrow, four (4) permits approved for fourth year escrow, five (5) permits approved for fifth year escrow and seven (7) new and renewal carrier permits approved.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Maginn 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**

RR49-04586 JODANG, LLC -- Commission Counsel Allen stated this permittee requested permission to be designated as a catering hall.

Commissioner Maginn moved to approve this request. Commissioner Grubb seconded. The motion was unanimously approved.

RR32-31471 DOS RANCH – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated she listened to the local board recording and noted there were numerous violations for serving minors and overserving patrons. She also noted that on one occasion the owner was found to be passed out at the bar and the cook was passed out in his truck.

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

DL86-30787 KNIGHTS OF COLUMBUS #656 – Commission Counsel Allen noted this permittee requested permission for this permit to be converted from an unincorporated club permit to an incorporated club permit, because the permit location was annexed into the city limits.

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

DL86-30787 DOLGENCORP, LLC – Chairman Cook noted this is a new application with the local board voting 2-1 to deny.

Chairman Cook stated he reviewed the recording of the local board meeting. He noted the applicant, in all of its other stores, has only had six violations in the last three years and no one appeared to suggest there was no need for the services at the location.

Commissioner Maginn stated the Excise officer denied for the reason of no need for the services at the location. It was noted that there are several other business where one can purchase alcoholic beverages in close proximity to this location. The Commissioner recommended the commission uphold the local board.

Commissioner Grubb stated the only remonstrators present were competitors.

Commissioner Grubb moved to overturn the local board and approve the new permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-04563 EL RODEO, LLC – Chairman Cook noted this is a renewal with the local board voting 2-2.

Chairman Cook listened to recording, but has not had the opportunity to review the exhibits that were submitted to the local board. Because this could impact more than one permit held by this permittee, he feels it would be best to have the full Commission vote on this one and recommended it be continued to the October 4, 2016 meeting.

Commissioner Grubb moved to uphold the recommendation of the Chairman. Commissioner Maginn seconded. The motion was unanimously approved.

DL73-29587 INTERNATIONAL WINE MARKETS, INC., RR64-28525 LIQUOR LICENSES R US P20, LLC, RR64-28523 LIQUOR LICENSES R US P10, LLC – Chairman Cook stated a request was

made to change the status of these permits from inactive to active. Explanations for the request is part of the record by exhibit.

Commissioner Grubb moved to reinstate the permits. Commissioner Maginn seconded. The motion was unanimously approved.

### **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**

REVOCAION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the employee permit of Patricia Willoughby, BR1664563. Ms. Willoughby has had two OWI convictions and is currently on probation. Commissioner Maginn seconded. The motion was unanimously approved.

PROBATIONARY EMPLOYEE PERMIT - 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 March 7, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Corena Coss, BR1752038

### **POLICY DETERMINATIONS**

REDEEMABLE COUPONS AND MAIL-IN REBATES FORM – Commissioner Maginn moved to approve the new form. Commissioner Grubb seconded. The motion was unanimously approved.

### **ANNOUNCEMENTS**

INDUSTRY ROUNDTABLE DISCUSSIONS – Chairman Cook stated the schedule for the remainder of the discussions is as follows:

September 20, 1:30 pm, Pharmacy/Grocery Store Roundtable (ATC)  
October 4, 1:30 pm, RR Permit Roundtable (ATC)

### **ADJOURNMENT**

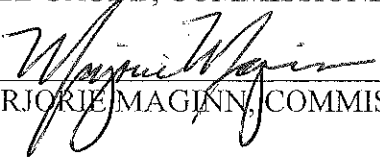
Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 4<sup>th</sup> day of October, 2016.

  
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DAVID COOK, CHAIRMAN

  
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DAVID GOLEMAN, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER