

ALCOHOL AND TOBACCO COMMISSION

March 7, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum -

2. Disposition of Minutes

February 21, 2017

3. Prosecutor's Recommendations -

PAD Forms

4. Hearing Judge's Recommendations -

DL46-98202 Rattan Enterprises, Inc. - Remand Order

5. Consideration of Applications -

733 renewals

60 new/transfers

16 catering

1 1<sup>st</sup> year escrow

4 2<sup>nd</sup> year escrow

4 4<sup>th</sup> year escrow

2 new/renewal direct wine shippers

15 new/renewal carriers

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

7. Applications for Discussion -

DL45-30852 Netra Foods, LLC - New with LB voting 4-0 to deny

8. Inactive Files -

13 permits subject to auction

76 permits not subject to auction

9. Old Business -

Revocation of Employee Permits (proof of treatment not provided) -

BR1832818 Christopher Phipps

BR1752038 Corena Coss

10. New Business -

Online Server Training Approval - Statefoodsafety.com

Probation/Revocation of Employee permits -

BR1843711 Jennifer Darnell-Lucas - 1 conviction

BR1735963 Melissa Tungol – 1 conviction  
BR1450271 Matthew Figg – 1 conviction  
BR1749628 Garrett Neesen – 1 conviction

11. Policy Determinations –

12. Announcements -

ATC Spring Auction – May 17, 2017  
Auction list available early April  
Pre-bid applications due May 2

13. Adjournment

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## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MARCH 7, 2017

#### 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. Prosecutor Mader, Executive Secretary Rothenberg, and Corporal Lynch were also in attendance.

Sarah Stegmeyer, Schuyler Culver, George Douglas, Bruce Leetz, Stan Zihelr, Greg Genrich, Matt Brase, Brooke Burtnett, Davey Neal, Matt Bell, Jenny Drewry, Diane Masariu, Marc Carmichael, Mark Webb, and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the February 21, 2017 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 \$23,700.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the March 7, 2017 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

DL16-98202 RATTAN ENTERPRISES, INC. - Executive Secretary Rothenberg noted the local board recommended denial of the renewal in January, due to the permittee not appearing after having a violation in the last year, which falls under IC 7.1-3-23-5. The permittee filed a request for hearing and/or remand. The Executive Secretary recommended the Commission withdraw their denial and remand this to the local board for reconsideration. The remand order clarifies to the permittee that he must comply with statute regarding appearing before the local board after a violation.

Vice Chairman Coleman moved to withdraw the denial and approve the Order to remand. 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.

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

Seven hundred thirty-three (733) renewals approved, sixty (60) new and/or transfer applications approved, sixteen (16) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow, four (4) permits approved for fourth year escrow, fifteen (15) new and renewal carrier permits approved and two (2) 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**

DL45-30852 NETRA FOODS, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Vice Chairman Coleman stated the local board exhibits have not been received by the Commission at this time, so he moved to continue this until the March 21, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Grubb moved to make eighty-nine (89) permits inactive. Seventy-six are not subject to auction and thirteen are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

## OLD BUSINESS

REVOCACTION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits for not providing proof that an alcohol treatment program was completed by each of them. Commissioner Maginn seconded. The motion was unanimously approved.

BR1832818 Christopher Phipps and BR1752038 Corena Coss

## NEW BUSINESS

STATEFOODSAFETY.COM – Corporal Lynch recommended the Commission approve the application from Statefoodsafety.com to become a 3<sup>rd</sup> party training vendor. All requirements have been met by this applicant.

Commissioner Maginn moved to uphold the recommendation to approve this vendor. Vice Chairman Coleman seconded. The motion was unanimously approved.

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 September 5, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1843711 Jennifer Darnell-Lucas; BR1735963 Melissa Tungol; BR1450271 Matthew Figg; BR1749628 Garrett Neesen

## POLICY DETERMINATIONS

No Policy Determinations

## ANNOUNCEMENTS

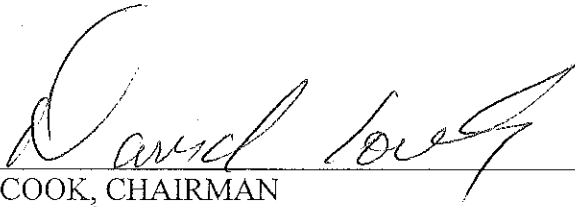
ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list will be available in early April, with pre-bid applications due on May 2, 2017.

NCSLA ORGANIZATIONAL MEETING – Executive Secretary Rothenberg stated there will be a meeting immediately after the Commission meeting regarding the NCSLA Conference.

## ADJOURNMENT

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

Approved this 21 day of March, 2017.



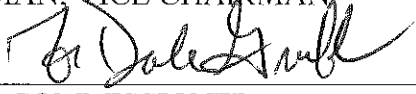
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DAVID COOK, CHAIRMAN



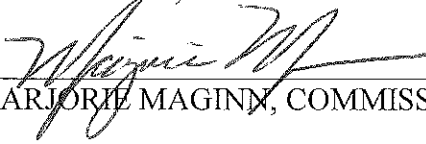
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DAVID COLEMAN, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER