

ALCOHOL AND TOBACCO COMMISSION
SEPTEMBER 5, 2017
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

August 15, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

470 renewals
41 new/transfers
15 catering
17 1st year escrow
4 2nd year escrow
2 3rd year escrow
1 4th year escrow
5 new e-liquid
23 new/renewal direct wine shipper
12 renewal carrier

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

7. Applications for Discussion –

DL72-31080 Dolgencorp, LLC – New with LB voting 2-2

RR49-20922 La Posada, Inc. – Renewal with LB voting 4-0 to deny

8. Inactive Files –

12 permits not subject to auction
2 permits subject to auction

9. Old Business -

Revocation of employee permit -
BR1843711 Jennifer Darnell-Lucas
BR1735963 Melissa Tungol
BR1749628 Garrett Neesen

10. New Business –

Probationary status of employee permits –
BR1734451 Sandra K Williams-Humphrey
BR1737221 Sierra Boyd

BR1781419 Jessica Rene Storey
BR1779021 Andrew Benagh

11. Policy Determinations –

Non-Rule Policy 22

12. Announcements -

Property Tax Clearance Forms – embossed seal

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 5, 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. Commission Counsel Allen, Executive Secretary Rothenberg, Corporal Lynch, Industry Liaison Stewart and Prosecutor Mader, were also in attendance.

Brooke Burtnett, Schuyler Culver, Katie Maddox, Jenny Drewry, Angela Krahulik, Sean Dewey, Dan deRoziere, Matt Norris, Cody Eckert, Greg Genrich, Davey Neal, and Bart Herriman, were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the August 15, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 95 Parties' Agreed Dispositions that were submitted, totaling \$32,950.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the September 5, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

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 e-liquid permit applications. 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,

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

Four hundred seventy (470) renewals approved, forty-one (41) new and/or transfer applications approved, fifteen (15) permits approved for catering, seventeen (17) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow, five (5) new e-liquid permits approved, twenty-three (23) new and renewal direct wine shipper permits approved, and twelve (12) renewal carrier permits approved..

RENEWAL LETTERS AND WAIVERS 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

DL72-31080 DOLGENCORP, LLC – Chairman Cook noted this is a new application with the local board voting 2-2.

The Chairman stated he and the commissioners received emails for and against the issuance of this license. Those emails are part of the record. Along with the emails, the Commission received a letter from Ice Miller that requesting the permit denied, or remanded to the local board, due to what they think is a defect in the application. The application does not state an unincorporated city or town in close proximity to the location of this establishment, which they feel makes the application defective.

Commission Counsel Allen stated that our applications have not kept up with the changes in the law. It is no longer required to state the unincorporated city or town in close proximity, and, therefore, remand is not necessary.

Commissioner Maginn stated after reviewing the entire record, it is clear that the residents of Scott County do not desire the services. They really like the business, but do not want the retail sales of beer and wine. Currently, there are no grocery permits issued in Scott County.

Commissioner Grubb stated that Scott County has been in the news the last couple of years for having an extremely large problem with substance abuse issues.

Vice Chairman Coleman moved to deny the new application. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-20922 LA POSADA, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated the review of this record showed that this business has had numerous violations in the last few years. The violations include, sales to intoxicated patron, furnishing to a minor, permittees without employee permits and sales after closing hours. The Commissioner feels the permittee may not know, or care about following the law.

Chairman Cook stated his concern was with the repeat violations.

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

INACTIVE FILES

Commissioner Grubb moved to make fourteen (14) permits inactive. Twelve permits are not subject to auction and two permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the following employee permits. Permittees did not provide proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

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

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 March 6, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1734451 Sandra K Williams-Humphrey; BR1737221 Sierra Boyd; BR1781419 Jessica Rene Storey; BR1779021 Andrew Benagh

POLICY DETERMINATIONS

NON-RULE POLICY #22 – Executive Secretary Rothenberg stated this policy clarifies procedures necessary for e-liquid permittees to be in compliance with IC 7.1-7-5-1.1.

Chairman Cook stated anyone who would like to make suggestions or comments must submit them in writing. The Commission will vote on the policy on September 19, 2017.

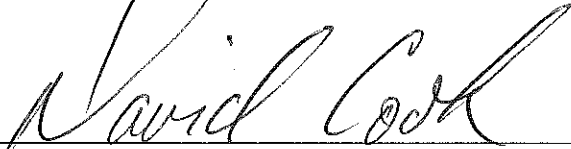
ANNOUNCEMENTS

PROPERTY TAX CLEARANCE FORMS WITH EMBOSSED SEAL - Commission Counsel Allen stated the Commission extended the time period for accepting the property tax clearance forms without the embossed seal to give the treasurers time to obtain the embossing seal. That time has expired. Therefore, the clearance will no longer be accepted without an embossed seal by the county treasurer.

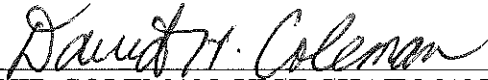
ADJOURNMENT

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

Approved this 19 day of SEPTEMBER, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER