

ALCOHOL AND TOBACCO COMMISSION

February 8, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes – January 17, 2018

3. Prosecutor's Recommendations – PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications - <sup>558</sup>  
~~515~~ renewals  
32 ~~3~~ new/transfer  
18 catering  
1 1<sup>st</sup> year escrow  
7 2<sup>nd</sup> year escrow  
5 3<sup>rd</sup> year escrow  
2 4<sup>th</sup> year escrow  
5 new e-liquid  
14 new/renewal carrier

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

7. Applications for Discussion –

RR02-02489 One Love Tavern, LLC – Request for reactivation

DL72-31127 Kroger Limited Partnership – New with LB voting 3-1 to deny

8. Inactive Files –

8 permits not subject to auction

9. Old Business -

Revocation of employee permit – proof not provided

BR1809105 Tiffany Green

BR1816560 Chelcea Fosnaugh

Remove from probationary status – proof provided

BR1687622 Breanna Schuster

10. New Business –

Probationary status employee permit –

BR1797804 Sarah Sanders – 1 conviction

BR1831467 Raelynn Wheaton – 1 conviction

BR1791752 Teresa Busse – 1 conviction

BR1794199 Nathan Pawloski – 1 conviction

BR1680522 Christina Craig – 1 conviction

BR1700577 Jared Allen – 1 conviction

BR1705845 Kimberly Scott – 1 conviction  
BR1683939 Amanda Hilbrich – 1 conviction

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 8, 2018

**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. Executive Secretary Allen was also in attendance.

David Rothenberg, Greg Genrich, Mark Mader, Scott Bedwell, Abigail Smith, Dylan Sluder, Katie Maddox, Marc Carmichael, Brooke Burnett, Schuyler Culver and Mark Webb were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Maginn moved to approve the minutes from the January 17, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chairman Cook noted there were 70 Parties' Agreed Dispositions that were submitted, totaling \$36,850.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the February 8, 2018 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 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.

Five hundred fifty-eight (558) renewals approved, thirty-two (32) new and/or transfer applications approved, eighteen (18) permits approved for catering, one (1) permit approved for first year escrow; seven (7) permits approved for second year escrow, five (5) permits approved for third year escrow, two (2) permits approved for fourth year escrow, five (5) new e-liquid permits approved, and fourteen (14) new and/or renewal carrier permits approved.

#### **RENEWAL LETTERS AND WAIVERS 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**

RR02-02489 ONE LOVE TAVERN, LLC – Chairman Cook noted this permit was in escrow, but was not renewed so it was made dead. Notice was mailed to the permittee about renewing the permit or it would be made dead. There may have been a problem with the mailing address because the notice was not received, so the permittee was not aware of the action being taken. The Commission has received a request for the reactivation of the permit by the permittee. The request also stated the establishment is not ready to open, so it would still be in escrow if reactivated.

Commissioner Maginn stated the permittee owes \$3,000 in renewal fees, to bring the permit current. Also, the permit has not been in escrow five years, which would allow the permit to continue escrow status.

Commission Maginn moved to reactivate the permit, after renewals are filed with the fees, and to place the permit in escrow, with no extra escrow approved over five years. Commissioner Grubb seconded. The motion was unanimously approved.

DL72-31127 KROGER LIMITED PARTNERSHIP I – Chairman Cook noted this is a new application with the local board voting 3-1 to deny.

Commissioner Maginn stated there were numerous remonstrators present at the local board hearing. One, non-employee, person was present requesting approval. The remonstrators stated they have no problem with Kroger. They do not want any alcohol dealer permits to be issued, other than liquor store permits. There currently are no others issued. Remonstrators submitted petitions with over 300 signatures requesting denial of the permit.

Chairman Cook noted the community not desiring to have those permits issued in the community is a statutory reason for denial. He believes the reason for local boards is so communities can be heard regarding these issues. The Chairman also stated the one of the jobs of the Commission is to review the local boards to ensure they are not arbitrary or capricious in their recommendations. He does not feel in this instance, the Scott County Local Board acted in an arbitrary and capricious manner.

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

### **INACTIVE FILES**

Commissioner Grubb moved to make eight (8) permits inactive. All eight permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

### **OLD BUSINESS**

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits for not providing proof of a completed alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1809105 Tiffany Green and BR1816560 Chelcea Fosnaugh

EMPLOYEE PERMITS – REMOVE FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittee from probationary status. Permittee provided proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1687622 Breanna Schuster

### **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 August 7, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1797804 Sarah Sanders; BR1831467 Raelynn Wheaton; BR1791752 Teresa Busse; BR1794199 Nathan Pawloski; BR1680522 Christina Craig; BR1700577 Jared Allen; BR1705845 Kimberly Scott; BR1683939 Amanda Hilbrich

### **POLICY DETERMINATIONS**

No Policy Determinations

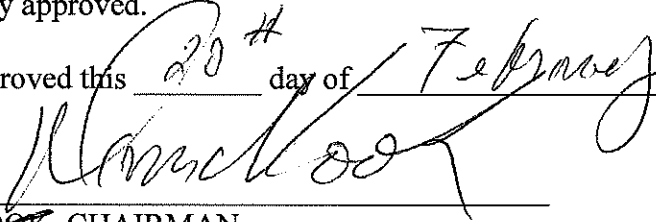
**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

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

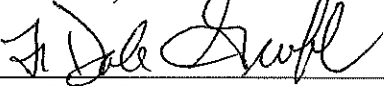
Approved this 20<sup>th</sup> day of February, 2018.



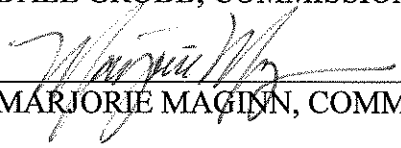
\_\_\_\_\_  
DAVID COOK, CHAIRMAN



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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER