

ALCOHOL AND TOBACCO COMMISSION

June 19, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 5, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

845 renewal

112 new/transfer

8 catering

10 1st year escrow

12 2nd year escrow

4 3rd year escrow

6 4th year escrow

2 5th year escrow

4 new e-liquid

82 renewal direct wine shipper

6 new/renewal carrier

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

7. Applications for Discussion –

DL49-28620 Patachou, Inc. – 6th year escrow request for purpose of transfer

RR49-02204 The Golden Nugget, Inc. – Request to transfer (denied permit under appeal)

RR29-29535 Phat Investments LLC – Renewal with LB voting 4-0 to deny (commission denied 6th year escrow request on 4/17/18)

RR45-32813 Starbar, LLC – Renewal with LB voting 3-1 to approve

8. Inactive Files –

6 permits not subject to auction

9. Old Business -

10. New Business –

Probationary status employee permit –

BR1791317 Megan McAfoose – 1 conviction

BR1805634 Mark Strader – 1 conviction

BR1805753 Roxanne Collins – 1 conviction
BR1433722 Debbie Hathaway – 1 conviction
BR1708444 Tommy Lucas – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

Wholesalers – June 19, 2018

Vintner's Conference – July 17, 2018 (Brown County Inn, 51 SR 46, Nashville, IN from 3:45-4:45 p.m.)

Retailers – August 21, 2018

Non-Package Store Dealers – September 18, 2018

Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 19, 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, Communications Director Devlin, Prosecutor Harrison and Industry Liaison Stewart were also in attendance.

Katie Maddox, Michelle Johnson, Jeff McKean, Bruce Leetz, Stan Zihelr, Mitch Heppenheimer, Jenny Drewry, Jim Zink, Jr., Alex Intermill, Brooke Burtnett, Phil Terry, Jim Purucker, Garrett Lawton, Matt Whetstone, Carmen Batts-Porter, George Douglas, Greg Genrich, Matt Brase, Mark Rutherford, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the June 5, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 46 Parties' Agreed Dispositions, totaling \$14,875.00 in fines.

Commissioner Maginn moved to approve the Dispositions submitted for the June 19, 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 noted that permit #RR64-23125 is not being considered for renewal today. Their check was returned with insufficient funds.

Executive Secretary Allen recommended the Commission order the permittee to provide sufficient payment by July 3, 2018.

Commissioner Maginn moved to uphold the recommendation. Commissioner Grubb 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.

Commissioner Grubb moved to approve the direct wine shipper renewals. Commissioner Maginn seconded. The motion was unanimously approved.

Eight hundred forty-four (844) renewals approved, one hundred twelve (112) new and/or transfer applications approved, eight (8) permits approved for catering, ten (10) permits approved for first year escrow; twelve (12) permits approved for second year escrow, four (4) permits approved for third year escrow, six (6) permit approved for fourth year escrow, two (2) permits approved for fifth year escrow, four (4) new e-liquid permits approved, eighty-two (82) direct wine shipper permit renewals approved, and six (6) 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 that were issued for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-28620 PATACHOU, INC. – Chairman Cook noted this is a 6th year escrow request for purposes of transfer.

Executive Secretary Allen stated the permittee has a buyer for the permit. Her recommendation is to approve the 6th year of escrow for the purpose of transferring the permit.

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

RR49-02204 THE GOLDEN NUGGET, INC. – Executive Secretary Allen stated this is a denial of renewal by the local board and Commission. It has been pending under appeal. While under appeal, the owner has passed away and the matter has been in probate. There is now a receiver involved. The receiver closed the business, broke the lease and would like to have the ability to sell the permit in an arm's length transaction. The Executive Secretary recommended the Commission approve the request and also noted the renewal will go before the local board at the same time as the transfer.

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

RR29-29535 PHAT INVESTMENTS LLC – Commissioner Grubb moved to continue this until July 3, 2018. Commissioner Maginn seconded. The motion was unanimously approved.

RR45-32813 STARBAR, LLC – Chairman Cook noted this is a renewal with the local board voting 3-1 to approve.

Commissioner Maginn stated the Commission previously denied a transfer of this permit. At that time it was noted that the owner was not aware he was the owner. The persons who were actually running the bar are felons. There is a pre-hearing conference scheduled with Prosecutor Harrison on June 21, 2018, to deal with the pending violations regarding this situation.

Commissioner Maginn moved to continue this until August 7, 2018, so the Commission can deal with the disposition of the violations and renewal at the same time. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make six (6) permits inactive. All six permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

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 December 4, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1791317 Megan McAfoose; BR1805634 Mark Strader; BR1805733 Roxanne Collins; BR1433722 Debbie Hathaway; BR1708444 Tommy Lucas

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room, with the exception of the Vintner’s Conference, which will be held at the Brown County Inn from 3:45-4:45 pm.

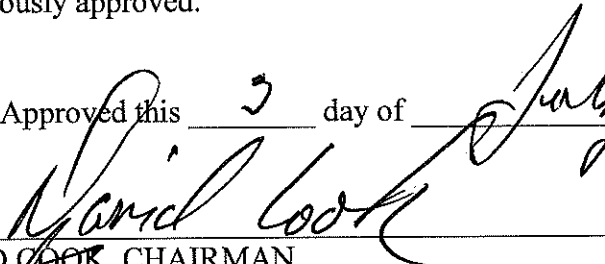
Convenience Stores – May 15, 2018
Wholesalers – June 19, 2018
Vintner’s Conference – July 17, 2018

Retailers – August 21, 2018
Non-Package Store Dealers – September 18, 2018
Artisan Distillery – October 16, 2018

ADJOURNMENT

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

Approved this 3 day of July, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER