

ALCOHOL AND TOBACCO COMMISSION

August 6, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 16, 2019

3. Prosecutor's Recommendations –

PAD Forms

6 Month Letter – Employee permits

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

497 renewals

32 new/transfers

17 catering

33 new/renewal carrier

15 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR82-32070 Big Bang Mongolian Grill, Inc. – renewal with LB voting 4-0 to deny

RR79-33603 JLJ Pubs, LLC – reinstatement request

DL10-30580 Phoenix Management Group LLC – renewal with LB voting 2-1 to approve

RR32-19642 Johnson & Redick, LLC – renewal with LB voting 4-0 to deny

RR34-33082 Front Row Live Kokomo – request permission to transfer

DL78-30401 SSP Investment, LLC – reinstatement request

8. Inactive Files –

26 permits not subject to auction

6 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

September Commission Meeting – Wednesday, September 4, 2019

Round Table Dates: non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 6, 2019

**CALL TO ORDER/NOTING OF QUORUM**

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Krauss and Commissioner Grubb. Industry Liaison Stewart, Executive Secretary Allen, Commission Counsel Hyer and Prosecutor Harrison were in attendance.

Greg Genrich, Sarah Kamhi, Mosopefoluwa Ladapo, Nicholas Broderick, Evan Graham, Joyce Weidner, Mark Webb, Andrew Alvarez, Sarah Quinn, Carmen Pratts Porter, Brooke Burnett, Jeff McKean and Davey Neal were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the July 16, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 93 Parties' Agreed Dispositions, totaling \$25,725.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: DL49-04162, 3<sup>rd</sup> service to minor, \$1,500 fine; DL47-05701, 2<sup>nd</sup> service to minor, \$1,000 fine; RR15-19831, 2<sup>nd</sup> service to minor, \$1,000; DL06-30179, 2<sup>nd</sup> service to minor, \$1,000.00 fine.

Vice Chairman Krauss moved to approve the PAD forms submitted by the Prosecutor. Commissioner Grubb seconded. The motion was unanimously approved.

EMPLOYEE PERMITTEE – 6 MONTH LETTERS - Prosecutor Harrison recommended the Commission, pursuant to IC 7.1-3-18-9.5, 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.

Vice Chairman Krauss moved to uphold the Prosecutor's recommendation. Commissioner Grubb seconded. The motion was unanimously approved.

BR1892232 David L. Weaver; VB1744539 Terry L. Bacon; BR1809656 Jerry R. McFall; BR1903580 Nicole A Miller; BR1914935 Jonalynn Masters; BR1848633 Kathryn E. Edwards

**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 said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Vice Chairman Krauss 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 application for changes in location, 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 escrow, if needed, and inclusion of these lists as part of the minutes. Vice Chairman Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Vice Chairman Krauss seconded. The motion was unanimously approved.

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

Commissioner Grubb moved to approve the direct wine shipper renewal permits. Vice Chairman Krauss seconded. The motion was unanimously approved.

## RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Krauss 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

RR82-32070 BIG BANG MONGOLIAN GRILL, INC. – Chairman Cook noted this is a renewal application with the local board voting 4-0 to approve.

Vice Chairman Krauss stated it appeared from the local board record that the permittee is not aware and doesn't seem to want to be aware of his responsibilities as a permit holder who serves alcoholic beverages. It was also noted that alcohol is not a major part of this business and maybe the establishment should only serve food.

Chairman Cook stated that the permittee admitted at the local board meeting that he knowingly continued to serve alcohol even though the permit was expired.

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

RR79-33603 JLJ PUBS, LLC – Chairman Cook noted this permittee is requesting reinstatement of the permit. Chairman Cook requested more information than originally sent and was provided a letter that was made part of the record.

Vice Chairman Krauss stated that it appears that the letter failed to provide any new information because the permittee didn't respond to the preparer.

Vice Chairman Krauss moved to deny the request to reinstate the permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL10-30580 PHOENIX MANAGEMENT GROUP, LLC – Chairman Cook noted this is a renewal application with the local board voting 2-1 to approve.

Vice Chairman Krauss stated the remonstrator is someone who wants this permit. The permit is currently in escrow.

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

RR32-19642 JOHNSON & REDICK, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny. This was continued from 7-16-19.

Chairman Cook stated this permittee was put on a deferral agreement with the Prosecutor, because of violations. That deferral was approved by the Commission. The Chairman stated the vote on this renewal could have long-term consequences, so he wants to make sure the Commission has had time to review the record in-depth before voting.

Commissioner Grubb also stated he would like to make sure the record is reviewed thoroughly before voting.

Vice Chairman Krauss has concerns, as well, due to the 197 police runs to the location.

Commissioner Grubb moved to continue this to the August 20, 2019 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR34-33082 FRONT ROW LIVE KOKOMO – Hearing Judge Allen noted this renewal was denied. The permittee filed an appeal and also requested the ability to file a transfer of ownership.

Vice Chairman Krauss stated this establishment appears to be mecca for trouble inside and outside. He hopes the local board will try to ascertain whether transferring the permit to the previous owner will change the history of the operation.

Vice Chairman Krauss moved to uphold the Hearing Judge's Order to allow the filing of a transfer of ownership. Commissioner Grubb seconded. The motion was unanimously approved.

DL78-30401 SSP INVESTMENT, LLC – Chairman Cook noted this permittee is requesting the permit be reinstated for the purpose of transferring ownership.

Chairman Cook made the letter submitted by the attorney making the request part of the record.

Vice Chairman Krauss moved to approve the request to reinstate the permit for purposes of transferring the permit. Commissioner Grub seconded. The motion was unanimously approved.

#### INACTIVE FILES

Commissioner Grubb moved to make thirty-two (32) permits inactive. Twenty-six are not subject to auction and six are subject to auction. Vice Chairman Krauss seconded. The motion was unanimously approved.

#### OLD BUSINESS

No Old Business

#### NEW BUSINESS

No New Business

#### POLICY DETERMINATIONS

No Policy Determinations

#### ANNOUNCEMENTS

Chairman Cook reminded the audience that it is very important for the Commission to be notified any time the contact information changes for permittees. Notices are sent to the current mailing address and/or email address given to us. Going forward, the Commission is going to be less sympathetic to issues that stem from permittees not providing current contact information.

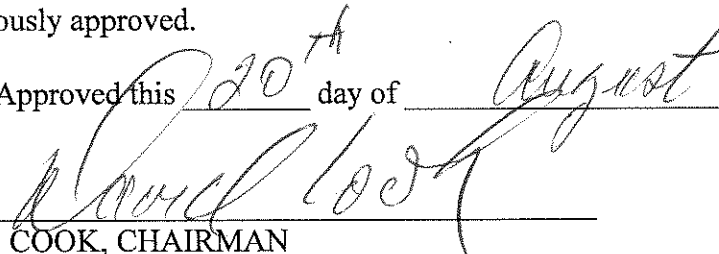
SEPTEMBER COMMISSION MEETING - Commission meeting changed from Tuesday, September 3, 2019 to Wednesday, September 4, 2019.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: non-package store dealers 8/20; artisan distilleries 9/17

#### ADJOURNMENT

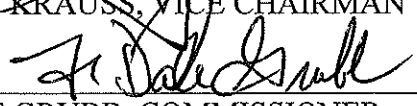
Vice Chairman Krauss moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 20<sup>th</sup> day of August, 2019.

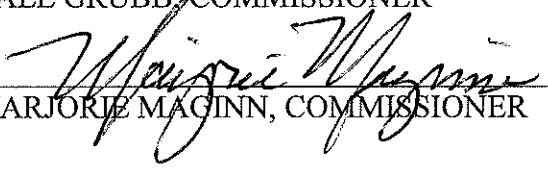
  
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DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER