

ALCOHOL AND TOBACCO COMMISSION

November 6, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 16, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

397 renewals

46 new/transfers

9 catering

21 new/renewal carriers

7 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR02-35684 The Joe Taylor Coffee Company, LLC – New LB voted 4-0 to deny

8.

9. Inactive Files –

8 permits not subject to auction

10. Old Business -

11. New Business –

12. Policy Determinations –

13. Announcements -

Commission hearing - Monday 11/25 from 9 AM to noon in Hearing Room - to receive testimony relating to sale of distribution rights and whether such practice violates prohibited interest provisions and/or is inimical to the provisions of Title 7.1

14. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 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 and Commission Counsel Hyer were in attendance.

Jenny Drewry, Scott Bedwell, Andrew Alvarez, Katie Beth Maddox, Carmen Batts-Porter, Greg Genrich, Tyler Starkey and Tony Mitson were present as observers.

DISPOSITION OF MINUTES

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

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Executive Secretary Allen noted there are 82 Parties' Agreed Dispositions, totaling \$31,550.00 in fines, for the Commission's approval.

The Executive Secretary highlighted a few dispositions: GD14-00266, sold products to establishment without gaming permit, deferral, but told to be more diligent in checking for permits; RR84-01565 & BR1736410, sale to intoxicated person (well after showing signs of intoxication), \$1,000 fine for business and \$750 fine for employee; DL52-01579, minor loitering (daughter of clerk), deferral; DL29-03413, 3rd service to minor, \$2,000 fine; DL71-30033, 3rd service to minor, \$2,000 fine; TC02452001, 5th sale of single cigarettes, \$1,000 fine; TC02422001, 3 current sale of single cigarettes (7 prior), \$1,500 fine and a 10 day suspension. Permittee was advised that any further will result in revocation of permit.

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

DL45-11752, bootlegging, scope of permit, alteration/misbranded beverages and unauthorized dealings with non-permittee.

Vice Chairman Krauss moved to continue this one to allow time to speak with the prosecutor. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Commission Counsel Hyer recommended permit #DL22-31796 be continued. She received an email questioning whether this was properly advertised for the local board meeting. Vice Chairman Krauss moved to continue. Commissioner Grubb seconded. The motion was unanimously approved.

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 new and 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

RR02-35684 THE JOE TAYLOR COFFEE COMPANY, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Vice Chairman Krauss stated he reviewed the record and it shows the applicant failed to appear, as required.

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

INACTIVE FILES

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

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

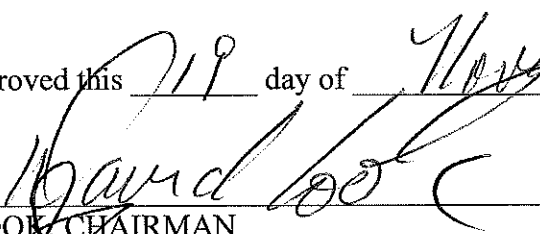
ANNOUNCEMENTS

COMMISSION HEARING – MONDAY, NOVEMBER 25TH AT 9 AM – Chairman Cook stated there will be a hearing to receive testimony relating to the sale of distribution rights and whether such practice violates prohibited interest provisions and/or is inimical to the provisions of Title 7.1.

ADJOURNMENT

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

Approved this 11th day of November, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER