

ALCOHOL AND TOBACCO COMMISSION

March 3, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 18, 2020

3. Prosecutor's Recommendations –

PAD Forms

Revocation - BR1907899 Adrianna Goldsberry; BR1809471 Jeanne Pope; BR1851338 Aubrey Parish; BR1888253 Jaydon Myers; BR1889111 Bradley Ellis

4. Hearing Judge's Recommendations –

RR49-35088 Imperial Music Hall, LLC – Proposed Findings of Fact

5. Consideration of Applications -

328 renewals

24 new/transfers

9 catering

20 new/renewal direct wine shippers

25 new/renewal carriers

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

7. Applications for Discussion –

RR21-07779 DJ First Place, LLC – escrow denied

DL49-32005 Indiana Fine Wines & Spirits- application for transfer 217 permit

MM44-30456 Lone Star Hoosier Winery – new application

8. Inactive Files –

5 permits not subject to auction

3 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Round Table Dates – Package Stores - 3/17; Convenience Stores - 4/21; Wholesalers - 5/19;
Vintner's Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery -
9/15

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 3, 2020

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, Commissioner Maginn and Commissioner Grubb. Prosecutor Harrison, Industry Liaison Stewart, Executive Secretary Allen and Commission Counsel Hyer were in attendance.

David Rothenberg, Carmen Batts-Porter, Greg Genrich, Tyler Starkey, George Douglas, Brooke Burtnett, Mark Shublak, Mark Webb, Jenny Drewry, Jeff McKean, Matt Brase, Alex Intermill, Sarah Quinn, Davey Neal and Gretchen White were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the February 18, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 41 Parties' Agreed Dispositions, totaling \$16,700.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: RR67-30243, gaming violation, \$1,000 fine; RR82-30366, 3rd sale to minor, \$2,000.00 fine, permittee is on notice that any further violations will result in suspension; DL53-97055, 2nd sale to minor, \$2,000.00 fine.

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

REVOCAION OF PERMITS – Prosecutor Harrison stated the following employee permit holders failed to provide proof of alcohol treatment, due to their OWI convictions. He recommended the permits be revoked.

BR1907899 Adrianna Goldsberry; BR1809471 Jeanne Pope; BR1851338 Aubrey Parish; BR1888253 Jaydon Myers; BR1889111 Bradley Ellis

Commissioner Grubb moved to revoke the permits. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-35088 IMPERIAL MUSIC HALL, LLC – Hearing Judge Allen noted this was a recommended denial application for a new permit by the local board and an upholding of that denial by the Commission. The applicant filed an appeal and an appeal hearing was held.

At the appeal hearing, the applicant provided a detailed security plan, which was not provided at the time of the local board. Remonstrators appeared at the appeal hearing stating their concern because of past owners at that location. The Hearing Judge now submits Proposed Findings of Fact and Conclusions of Law, overturning the denial and granting a 1 year approval of the permit.

Vice Chairman Krauss asked if there was a connection between this applicant and previous owners at that location. Hearing Judge Allen stated there was no connection.

Commissioner Maginn stated she was very pleased that a more detailed security plan was submitted at the appeal hearing.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation to approve the permit for one year. Vice Chairman Krauss seconded. The motion was unanimously approved.

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. 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 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. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the catering applications. 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 new and renewal direct wine shipper permits. Commissioner Maginn 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR21-07779 DJ FIRST PLACE, LLC – Chairman Cook noted this applicant was denied escrow for failure to appear at escrow hearings.

Commission Counsel Hyer stated the applicant failed to appear as ordered for multiple escrow hearings. Counsel Hyer recommended the Commission deny the application for failure to meet qualifications.

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

DL49-32005 INDIANA FINE WINES & SPIRITS – Chairman Cook noted this is a transfer application for a package store permit. He stated that pursuant to statute, the eligibility of the applicant to hold this type of permit based on residency, is in question. The Chairman removed this application from the local board's calendar and placed it on the Commission's calendar.

Vice Chairman Krauss stated pursuant to statute, the applicant does not meet the residency requirements and is not eligible to hold the permit at this time.

Vice Chairman Krauss moved to deny the application for transfer. Commissioner Grubb seconded. The motion was unanimously approved.

MM44-30456 LONE STAR HOOSIER WINERY – Chairman Cook noted this is a new application for a farm winery. He has received numerous petitions (for and against) in regards to the issuance of this permit. This is the first time this commission has received remonstrance for a farm winery application. Farm winery applications are not required to go before the local board. The Chairman made the petitions part of the record.

Vice Chairman Krauss stated even though farm winery permits do not appear before the local board, pursuant to IC 7.1-3-19-10, the commission has the authority to investigate permits in the manner it deems best to enable it to act upon the application in a particular case.

Vice Chairman Krauss moved to send this to the local board, so both sides can present their case in regards to this new application. Commissioner Grubb seconded. The motion was unanimously approved.

Chairman Cook noted the petitions will be forwarded to the local board.

INACTIVE FILES

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

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

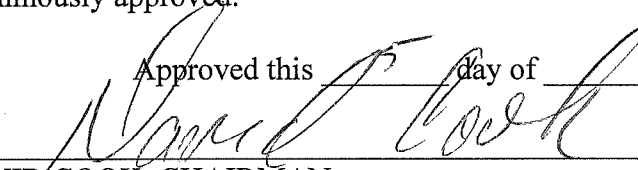
ANNOUNCEMENTS

ROUND TABLE DISCUSSIONS - Package Stores - 3/17; Convenience Stores - 4/21; Wholesalers - 5/19; Vintner's Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

ADJOURNMENT

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


Approved this _____ day of MAY, 2020.



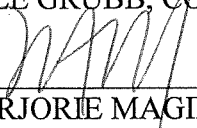
DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER