

ALCOHOL AND TOBACCO COMMISSION

June 3, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 19, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

Default Judgments – Proposed Findings of Fact and Conclusions of Law/Default Judgment

5. Consideration of Applications -

595 renewals

72 new/transfers

4 catering

42 new/renewal carriers

35 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR49-36452 Indiana Entertainment LLC – transfer with LB voting 3-1 to deny.

DL49-32004 Bottle Pop Liquors, Inc. – transfer with LB voting 4-0 to approve. (Remonstrator)

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Escrow Hearings – The June 9, 2020 escrow hearings will be held virtually. For instructions on accessing the virtual hearing, visit <https://www.in.gov/atc/2410.htm>

Round Table Dates – Wholesalers - TBD; Vintner's Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 3, 2020

CALL TO ORDER/NOTING OF QUORUM

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

By consent, the Commission, regarding items on the agenda that require signatures, gave permission for the Chairman to sign and for Kim Chew to initial for the other commissioners.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the May 19, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 23 Parties' Agreed Dispositions, totaling \$12,300.00 in fines, for the Commission's approval.

The Prosecutor submitted to the commission a summary of Noteworthy Violations, which was made part of the record by consent.

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

HEARING JUDGE'S RECOMMENDATIONS

DEFAULT JUDGMENTS EMPLOYEE PERMITS – Chairman Cook noted that the following employee permit holders have two OWI convictions in the last ten years. All were scheduled for Order to Show Cause Hearings and none appeared. The Hearing Judge recommended the Commission revoke the permits because they no longer meet the qualifications to hold the permit.

BR1926617 Steel Wolcott; BR1855050 Jose Escamilla; RE1748748 Janet Roll; VB1745031 Darius Jackson; BR189993 Gerald Pollitt; BR1564792 Jake Blubaugh; BR1798181 Brian Dant; BR1880284 Aaron Marodi; BR1911591 Taylor Brown; BR1859379 Katelyn Falcone; BR1879644 Jonathon Williams; BR185088 Kristin Aguilar; BR1888067 Jessica Wildt; BR1529553 Arianah Brown; BR1905471 Caitlin Downton; BR1786333 Disney Smith; BR1866291 Quatavia Love; BR928452 WarrenRogrs; BR1780245 Megan Donnelly; BR1623646 Anthony Cisneros; BR1613177 Dianna Powers

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to revoke the permits. Commissioner Maginn seconded. The motion was unanimously approved.

DEFAULT JUDGMENTS REVOCATION OF TOBACCO CERTIFICATE – Chairman Cook noted the following tobacco certificate holder has a history of violations. Permittee was scheduled for a prehearing conference and an Order to Show Cause hearing, but did not appear. Hearing Judge Allen submitted Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

TC00722001 Winkler, Inc.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to revoke the certificate. Motion seconded by Commissioner Maginn. The motion was unanimously approved.

DEFAULT JUDGMENTS TOBACCO CERTIFICATES – Chairman Cook noted the following tobacco certificate holders were cited for violations. Both were scheduled for a prehearing conference and an Order to Show Cause hearing, but did not appear. Hearing Judge Allen submitted Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

TC12020001 First Tobacco, Inc.; TC14211001 LTB Wholesalers, LLC; TC12785001 Kessler Food & Mart, Inc.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to charge a fine of \$500.00 to be paid within 30 days of the adoption of the Findings. Commissioner Maginn 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

RR49-36452 INDIANA ENTERTAINMENT, LLC – Chairman Cook noted this is a transfer with the local board voting 3-1 to deny.

Commissioner Maginn stated the location of this permit is near a church and school. Three remonstrators were present. They stated there were numerous issues with the previous owner, including drugs. Petitions were submitted in opposition to this permit. Also, the applicant has never operated an alcohol establishment. Remonstrators added that there are 39 other alcohol establishments in close proximity to this location and they do not feel there is a need for an additional permit.

The applicant submitted to the Commission, via email, four letters in favor of the applicant, after the local board meeting.

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

DL49-32004 BOTTLE POP LIQUORS, INC. – Chairman Cook noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated there was one remonstrator present, who spoke about the previous owner and the problems with the location. The new owner has made changes in the location to help alleviate some of the issues.

Commissioner Maginn moved to uphold the local board's recommendation to approve the transfer. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make four (4) permits inactive. All four are not 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

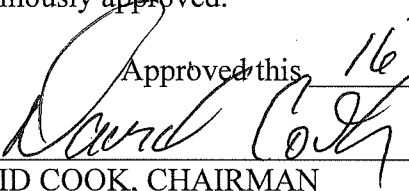
Escrow Hearings – The June 9, 2020 escrow hearings will be held virtually. For instructions on accessing the virtual hearing, visit <https://www.in.gov/atc/2410.htm>

ROUND TABLE DISCUSSIONS - Wholesalers - TBD; Vintner’s Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

ADJOURNMENT

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

Approved this 16th day of June, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER