

ALCOHOL AND TOBACCO COMMISSION

November 17, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 4, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

498 renewals

84 new/transfers

4 catering

15 new/renewal carriers

4 new/renewal direct wine shippers

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

7. Applications for Discussion –

DL58-97020 Singh & Pal Trading Company – request for remand

DL71-31611 Vishav, Inc. – surveyor issue

RR71-36598 Manjares De Mexico Restaurant, LLC – new with LB voting 3-0 to deny. FTA

RR18-31222 Shoestring Group, Inc. – escrow hearing reconsideration

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

ATC Auction date – December 16<sup>th</sup> at 10 am.

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 17, 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, Commissioner Grubb, Prosecutor Harrison, and Executive Secretary Allen.

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

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the November 4, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 22 Parties' Agreed Dispositions, totaling \$8,800.00 in fines, for the Commission's approval.

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

### **APPLICATIONS FOR DISCUSSION**

DL58-97020 SINGH & PAL TRADING COMPANY – Chairman Cook noted this is a request for remand to allow an additional opportunity for permittee to appear at the local board hearing.

Commissioner Maginn stated the permittee appeared at one hearing, but there was a pending violation that was not settled. After settling, permittee was again scheduled to appear, but failed. The permittee stated they tried to attend one meeting, but the meeting already adjourned, and, on another occasion, there were technical difficulties that prevented them from attending. Commissioner Maginn also stressed that this permittee needs to be more diligent about carding.

Vice Chairman Krauss added that the lack of carding is not only for alcohol, but also tobacco.

Commissioner Maginn moved to set aside denial and remand this renewal to the local board for one more opportunity to appear. Commissioner Grubb seconded. The motion was unanimously approved.

DL71-31611 VISHAV, INC. – Chairman Cook stated this is a situation where the location of the permit is not inside the city limits, which is required for a package store permit, but the application that was submitted stated it was. Time has been given to the attorney to see if there are any possible remedies, but none have been found.

Chairman Cook moved to continue this to the December 1, 2020 meeting, to allow time for him to meet individually with the commissioners regarding this matter. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR71-36598 MANJARES DE MEXICO RESTAURANT, LLC– Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the local board recommended denial because the applicant failed to appear at the local board hearing.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR18-31222 SHOESTRING GROUP, INC. – Chairman Cook noted this is an escrow hearing reconsideration.

Commissioner Maginn stated notices were sent regarding the escrow hearings. The Commission has the correct mailing address. Permittee failed to appear at both hearings and, therefore, the renewal was denied by the Commission. The permittee acknowledged receipt of the denial notice and filed an appeal to allow another opportunity to attend the escrow hearing.

Commissioner Maginn moved to set aside denial and reset for one final opportunity to appear at the December 8, 2020 escrow hearing. Commissioner Grubb seconded. The motion was unanimously approved.

### INACTIVE FILES

Vice Chairman Krauss moved to make four permits inactive. All four permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

### OLD BUSINESS

No Old Business

### NEW BUSINESS

No New Business

### ANNOUNCEMENTS

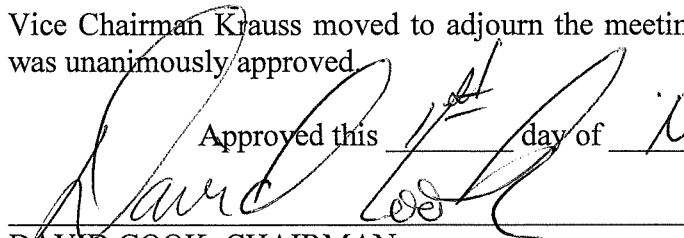
2020 ATC PERMIT AUCTION – Chairman Cook stated the auction is December 16, 2020 at 10 a.m. in the IGCS Auditorium. The pre-bid applications are due on December 2nd.

MESSAGE TO INDUSTRY – Chairman Cook stated that due to the increase of COVID 19 numbers, starting November 16<sup>th</sup>, the ATC, for the safety of our employees and the public, will decrease the number of staff in the office at the same time. Most employees will work 2 days in the office and 3 from home. This should not cause any disruption in the services provided but may increase processing time. If you feel it is necessary to personally speak to a staff member, you must schedule an appointment. Emails and phone calls are always an option. Please be patient during this time.

### ADJOURNMENT

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

Approved this 11<sup>th</sup> day of December, 2020.

  
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DAVID COOK, CHAIRMAN



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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER