

ALCOHOL AND TOBACCO COMMISSION

March 2, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 16, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-36452 Indiana Entertainment LLC – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

413 renewals

~~24~~ new/transfers

4 catering

22 new/renewal carriers

4 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR02-35302 DJZ of Las Vegas, LLC – request for catering hall designation

RR22-36952 Woodbine Ventures, LLC – denied escrow

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

10. New Business –

Escrow permits with 6/30/2021 drop dead date

11. Policy Determinations –

12. Announcements -

Roundtable dates – 5/18 package stores, 6/15 non-package store dealers, 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 2, 2021

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Krauss, Commissioner Maginn, Commissioner Grubb, Commission Counsel Hyer, Prosecutor Harrison and Sgt. Stewart were present virtually.

By consent, the Commission gave Kim Chew permission to initial approval for the commissioners.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the February 16, 2021 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 44 Parties' Agreed Dispositions, with fines totaling \$17,650.00, for the Commission's approval.

Vice Chairman Krauss welcomed Prosecutor Harrison back to work, after being on leave.

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

RR49-36452 INDIANA ENTERTAINMENT, LLC – Chair Allen stated this applicant was denied transfer by the local board and the Commission. A timely notice of appeal was filed and the matter was set for hearing before Hearing Judge David Cook. The hearing took place virtually on December 10, 2020, with remonstrators and applicant, along with counsel, present. Hearing Judge Cook now submits Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission, including objections filed by applicant and remonstrators, which are part of the record.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to deny the transfer. 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.

By consent, the Commission added permit #RR4937180 to the new/transfer list for approval.

Commissioner Grubb moved to approve and incorporate by reference these lists of permit applications, noting there was an additional application that was not on the agenda, 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 applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new direct wine shipper applications. 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-35302 DJZ OF LAS VEGAS, LLC – Chair Allen noted this is a request to change the designation of this permit from a restaurant to a catering hall, under IC 7.1-3-20-24(b).

Commissioner Maginn stated this permit qualifies for the catering hall designation and moved to approve the request. Commissioner Grubb seconded. The motion was unanimously approved.

RR22-36952 WOODBINE VENTURES, LLC – Chair Allen noted this permit was denied escrow on February 9, 2021, for failure to appear at the escrow hearing.

Commissioner Maginn moved to deny renewal of the permit because it is not operational, and escrow was denied. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make five (5) permits inactive that are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

ESCROW PERMITS WITH 6/30/21 DROP DEAD DATES – Chair Allen made note that the Commission has received questions regarding the escrow permits that have drop dead dates of 6/30/2021. The main concern is for transfers of ownership and whether the transfer must be completed, or if the transfer must be filed by that date. Because local boards are held on different dates throughout the month, the date to file would be different for everyone.

Chair Allen stated the requiring the transfer to be completed by 6/30/2021 is a very strict reading of the statute, considering the issue with the local board dates. She thought requiring the complete application to be in the office by June 25, 2021, so it can be reviewed and scheduled for a local board meeting is a fair compromise.

Vice Chairman Krauss agreed with the Chair and stressed that the application must be perfect and not missing paperwork. Otherwise, it is not fair to those submit their complete application timely.

Commissioner Maginn noted that by requiring the completed application to be in the office by end of business on June 25, 2021, the processors will have time to review and schedule the local board dates by the end of the month, to comply with the statute.

Chair Allen moved completed transfer applications be allowed to be filed by end of business on June 25, 2021. Vice Chairman Krauss seconded the motion. Motion was unanimously approved.

ANNOUNCEMENTS

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions, which will be held virtually. Those dates are: 5/18 package stores, 6/15 non-package store dealers, 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries.

ADJOURNMENT

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

Approved this 16th day of March, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER