

ALCOHOL AND TOBACCO COMMISSION

June 15, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 2, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

598 renewals
81 new/transfers
9 catering
12 new/renewal carriers
62 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR29-37490 IBeach31 – new with LB voting 4-0 to approve

RR32-37502 Indy Hospitality Group, Inc. – transfer of ownership with LB voting 4-0 to deny

RR73-36516 Tami L. Zinser – new with LB voting 3-0 to approve – continued from 5/18

RR49-31463 Fountain Tap LLC – transfer with the LB voting 3-0 to deny

RR49-37482 Hookah Pyramid LLC – transfer with LB voting 4-0 to deny

RR49-06236 1711 Corp.

8. Inactive Files –

3 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

In-person Local Board Hearings – To begin July 6th

July Commission meetings –

- a. Rescheduling Tuesday, July 6th to Wednesday, July 7th
- b. In person and streaming hybrid

Roundtable dates – 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

JUNE 15, 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, Executive Secretary Kirkman and Officer Crider were virtually present.

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 June 2, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 45 Parties' Agreed Dispositions, with fines totaling \$24,225.00, for the Commission's approval.

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

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 new and renewal carrier applications. Commissioner Maginn seconded. The motion was unanimously approved.

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

Commissioner Grubb moved to approve the e-liquid renewal application. 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

RR29-37490 IBEACH31 – Vice Chairman Krauss moved to continue this matter until 7/7/2021. Commissioner Grubb seconded. The motion was unanimously approved.

RR32-37502 INDY HOSPITALITY GROUP, INC. – Chair Allen noted this is a transfer of ownership with the local board voting 4-0 to deny. The Chair also stated a request was received from the Excise member of the local board asking for the transfer to be remanded. He feels the issues causing the denial may be resolved.

Commissioner Maginn asked that the local board ensure there is a definite separation of ownership and to make sure the old owner is not part of the business in any way. She clarified that by stating he is not to do the following: be in the bar; be on bank accounts; be on any documents; act as manager; or speak for the business. He is to have been paid in full. This is to be a true arms-length transaction.

Commissioner Maginn moved to remand transfer to local board with instructions. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR73-36516 TAMIL ZINSER – Chair Allen noted this is a new application with the local board voting 3-0 to approve. This matter was continued from 5/18/2021 because the Commission was concerned about the applicant being married to a local board member, who would be voting on permits in the same county. The Chair also incorporated a summary from Commission Counsel Hyer that noted IC 7.1-5-9-1, prohibits a local board member to have an interest in an alcoholic beverage permit. The Commission found no legal distance between the applicant and her husband. Chair Allen stated the Commission received notice from Mr. Zinser that he resigned from the local board. That notice is part of the record.

Vice Chairman Krauss commended the parties for recognizing the problem and working together to resolve the issue.

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

RR49-31463 FOUNTAIN TAP, LLC – Chair Allen noted this is a transfer of location with the local board voting 3-0 to deny.

Commissioner Maginn stated there have been continuing issues with the owner, Ryan Greb. There seems to be a question as to whether he is the owner or manager, not only on this permit, but other permits, also.

Vice Chairman Krauss commended Excise Officer Ami Sunier, who sits on the board, for her thorough investigation of this matter.

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

RR49-37482 HOOKAH PYRAMID, LLC AND RR49-35456 HOOKAH PYRAMID, LLC – Chair Allen noted these two permits are linked in that they are the same owner at the same location; however, one is a 3-way transfer application and the other is a 2-way renewal application. The local board voted 4-0 to deny RR49-37482, the 3-way transfer, but voted 4-0 to approve RR49-35456, the 2-way renewal for one-year.

Commissioner Maginn stated there have been numerous issues and violations at this facility. They do not hold a tobacco certificate but were smoking. Also, the current permit is only beer and wine, but liquor was served and confiscated from the location. The owner allows promoters to run events at the establishment.

Commissioner Maginn moved to uphold the local board's recommendation to deny the transfer of permit RR49-37482. Vice Chairman Krauss seconded. The motion was unanimously approved.

Vice Chairman Krauss has concerns about the operation and safety of the facility. He also noted there are violations that are pending.

Vice Chairman Krauss moved to remand the renewal of permit RR49-35456. He would like the violations to be resolved and heard by the board and he would also like the board to provide information regarding the health and safety of the facility. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-06236 1711 CORP. – Chair Allen noted the Commission received a summary of this issue from Counsel Hyer, stating a renewal was submitted for this permit that was in escrow for the purposes of transfer, due to a settlement agreement that was adopted on September 1, 2020. An attempt was made to transfer the permit; however, the transfer was denied. Counsel recommended the Commission deny the request because the transfer was not completed, per the settlement.

Chair Allen made the request part of the record.

Commissioner Maginn moved to uphold the recommendation of Commission Counsel Hyer to deny the request. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make three (3) permits dead that are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

ANNOUNCEMENTS

IN-PERSON LOCAL BOARD MEETINGS – Chair Allen noted that in-person local board meetings will resume July 6, 2021.

IN-PERSON COMMISSION MEETINGS – Chair Allen stated in-person Commission meetings will resume on Wednesday, July 7, 2021. The Commission is hoping to have a hybrid option of in-person and online.

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

If the roundtable discussions are held virtually, a link will be sent closer to the date of the discussion.

ADJOURNMENT

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

Approved this 7th day of July, 2021.




JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER