

ALCOHOL AND TOBACCO COMMISSION

September 21, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 8, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL71-31611 Vishav, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

749 renewals  
76 new/transfers  
6 catering  
14 new/renewal carriers  
5 new/renewal direct wine sellers

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

7. Applications for Discussion –

RR49-37579 Prince Wireless Limited – new with LB voting 4-0 to deny

RR49-08126 Jeh, Inc. – renewal with LB voting 4-0 to approve for purposes of transfer only

RR23-37848 Amy J. Musser – transfer with LB voting 4-0 to approve

MM22-30566 & DW0001154 New Vibes Wine Co. – new farm winery and direct wine seller

MM53-30596 Lost in the Woods, LLC – new farm winery

8. Inactive Files –

1 permit subject to auction  
1 permit not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Roundtable dates – 9/21 artisan distillers, 10/19 brewers

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 21, 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, Sgt. Stewart, Officer Strouse and Officer Crider were present.

Mark Webb was present as an observer.

**DISPOSITION OF MINUTES**

Commissioner Grubb moved to approve the minutes from the September 8, 2021 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 60 Parties' Agreed Dispositions, with fines totaling \$31,850.00, 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**

DL71-31611 VISHAV, LLC – Chair Allen, as hearing judge in this matter, submitted Proposed Findings of Fact and Conclusions of Law, denying the transfer of the package store permit because the location is not in an incorporated jurisdiction.

Vice Chairman Krauss moved to uphold the Findings of the Hearing Judge to deny. Commissioner Grubb 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 applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine seller 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**

RR49-37579 PRINCE WIRELESS LIMITED – Chair Allen noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant failed to appear at the local board hearing, so the board voted to deny. After the vote was taken, the local board allowed the remonstrators to give statements regarding this applicant. Their statements were not considered in the vote. Issues include fights, shots fired, sale of marijuana, bringing in alcoholic beverages, selling tobacco to minors and the use of promoters.

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

RR49-08126 JEH, INC. – Chair Allen noted this is a renewal with the local board voting 4-0 to approve only for the purpose of transferring the permit.

Commissioner Maginn moved to uphold the local board's recommendation to renew for the purpose of transfer. The transfer needs to be completed within 90 days. If more time is needed and there is a showing of effort and progress in the transfer process, the Commission may grant additional time. Commissioner Grubb seconded. The motion was unanimously approved.

RR23-37848 AMY J. MUSSER – Chair Allen noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated there is a contract dispute between the current landlord and the permittee. This is a civil matter and not an issue for the Commission.

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

MM22-30566 and DW0001154 NEW VIBES WINE CO. – Chair Allen noted this is a new farm winery and direct wine seller application.

Commissioner Maginn stated this is a farm winery contracting with a California winery that would be producing, bottling and shipping the wine. The information provided shows this applicant may not qualify for the permits.

Commissioner Maginn moved to continue this until the October 5, 2021 meeting to get clarification of the business operations. Vice Chairman Krauss seconded. The motion was unanimously approved.

MM53-30596 LOST IN THE WOODS, LLC – Chair Allen noted this is a new farm winery application.

Commissioner Maginn stated Excise visited the location, which is a truck trailer with wheels. There are no utilities, no running water and the only access is via a step ladder. Per statute, this must be a commercial business with a building, which it is not.

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

RH87-30199 PONO GOLF, LLC – Commissioner Maginn requested the Commission be provided handouts, if any, that were submitted by the applicant at the local board meeting. There was a remonstrator at the initial local board hearing, but not present at the second hearing because he was confused about the date. This matter will be continued to the October 5, 2021 meeting.

#### **INACTIVE FILES**

Vice Chairman Krauss moved to make two (2) permits dead. One is subject to auction and one is not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **POLICY DETERMINATIONS**

No Policy Determinations

#### **ANNOUNCEMENTS**

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions: 9/21 artisan distillers, 10/19 brewers

A virtual link will be sent closer to the date of the discussion.

2021 PERMIT AUCTION – Chair Allen stated the auction will be held on Tuesday, November 9, 2021 at 10 a.m. This will not include the census permits.

**ADJOURNMENT**

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

Approved this 5<sup>th</sup> day of October, 2021.

  
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JESSICA ALLEN, CHAIR

  
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JOHN KRAUSS, VICE CHAIRMAN

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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER