

ALCOHOL AND TOBACCO COMMISSION
November 2, 2021
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 19, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

TC13467001 LaPaz Quick Mart – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

391 renewals

34 new/transfers

9 catering

15 new/renewal carriers

4 direct wine sellers

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

7. Applications for Discussion –

DL18-32405 Platinum Group LLC – reconsideration of qualification of location

RR02-37829 The Joe Taylor Coffee Co. – new with LB voting 4-0 to deny

RR79-95313 Jane's Gourmet Deli & Catering Inc. – Requesting catering hall designation

RR84-37682 Sodexo Services of Indiana, LP – new with LB voting 2-2

RR49-08126 Jeh, Inc. – Request to change shareholders

MM22-30566 & DW0001154 New Vibes Wine Co. – new farm winery and direct wine seller –
continued from 10/5/21

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2021 AUCTION – November 9, 2021 at 10 am., IGCS Conference Room C.

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 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, Prosecutor Harrison, Officer Crider, Officer Strouse and Executive Secretary Kirkman were present.

Greg Genrich and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the October 19, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 42 Parties' Agreed Dispositions, with fines totaling \$23,550.00, 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

TC13467001 LAPAZ QUICK MART- Vice Chairman Krauss, as hearing Judge in this matter, stated this permittee was cited for selling tobacco to a minor. An appeal was filed and the matter was set for hearing. The Hearing Judge submitted Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation that found the permittee guilty of selling tobacco to a minor and charged him with a \$1000 fine, to be paid in 60 days. Motion seconded by Commissioner Grubb. 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

DL18-32405 PLATINUM GROUP LLC – Chair Allen noted the Commission approved this permit in May 2021. The Commission received a notice from a remonstrator who was questioning whether the orange notification sign was posted properly and if the applicant has a valid lease for the location. The Chair stated the orange sign posting has been validated. Regarding the lease, the applicant has agreed to place the permit in escrow during the process of securing the lease for the location.

Commissioner Maginn moved to allow until December 7, 2021, for the applicant to file escrow paperwork. Commissioner Grubb seconded. The motion was unanimously approved.

RR02-37829 THE JOE TAYLOR COFFEE CO. – Chair Allen noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated this applicant failed to appear at the hearing and does not qualify to hold the permit due to the fact there are not 25 seats available.

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

RR79-95313 JANE'S GOURMET DELI & CATERING INC. – Chair Allen noted this permittee requested permission to be considered a catering hall.

Commissioner Maginn moved to approve the request for this business to be considered a catering hall. Commissioner Grubb seconded. The motion was unanimously approved.

RR84-37682 SODEXO SERVICES OF INDIANA, LP – Chair Allen noted this is a new application with the local board voting 2-2.

Commissioner Maginn stated Indiana State University is the applicant. They would like a permit to sell alcohol at Memorial Stadium. They have been using caterers to provide alcohol for events. Discussion at the local board hearing involved a previous request for a permit at the Holman Center and problems involved in that application. Excise asked for a letter from the University confirming it was okay to acquire a permit for the stadium and that letter was received.

Commissioner Maginn moved to approve the issuance of the permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR49-08126 JEH, INC. – Chair Allen noted this is a request to change shareholders.

Commissioner Maginn moved to remand the renewal with the list of new shareholders to the local board for their consideration. This is a grandfathered situation where a retail restaurant permit has carry-out privileges. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Grubb asked the Chair if there were many of these type permits and if there was a change in the law that removed the ability to hold such a permit. Chair Allen stated it was a rule change by the Commission.

MM22-30566 NEW VIBES WINE CO. – Chair Allen noted this is a new farm winery application that was continued from the October 5, 2021 meeting.

Commissioner Maginn stated Excise has reviewed this application and recommended approval.

Commissioner Maginn moved to uphold the recommendation of the Excise Police and grant the new permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

DW0001154 NEW VIBES WINE CO. – Chair Allen noted the applicant is currently working with Executive Secretary Kirkman on the business plan for this business. She recommended tabling this matter while the details are being worked out with the applicant.

Executive Secretary Kirkman stated a month should be enough time to work through this.

Commissioner Maginn moved to table this until December 7, 2021. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL32-32211 RNS, INC. – Chair Allen noted this permit was approved for transfer in May. The permit being transferred had a drop-dead date of September 30, 2020. The transfer was filed prior to that date, but was continued by the local board numerous times, which is why the Commission approval was delayed. The transfer was remanded to the local board because of information provided to Excise that the transfer may not have been an arm's length transaction. The applicant's attorney filed a Motion to Reconsider, which is now before the Commission.

Vice Chairman Krauss stated Excise has information that may show this is not an arm's length transaction and a crime may have been committed.

Vice Chairman Krauss moved to assign this matter to Prosecutor Harrison for investigation, to report back on December 7, 2021 and to rescind the remand. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make two (2) permits dead. Both are 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

2021 PERMIT AUCTION – Chair Allen stated the auction will be held on Tuesday, November 9, 2021 at 10 a.m.

ADJOURNMENT

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

Approved this 16th day of November, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER