

ALCOHOL AND TOBACCO COMMISSION  
MARCH 15, 2022  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 1, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

689 renewals  
72 new/transfers  
16 catering  
15 new/renewal carriers  
7 new/renewal direct wine sellers

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

7. Applications for Discussion –

RR54-37996/RR54-37997 Paulino Barahas Perez – new with LB voting 3-0 to deny

RR49-03759 Tad Indy, LLC – renewal with LB voting 4-0 to deny

RR49-10231 Bar Indy, LLC – renewal with LB voting 4-0 to approve – remonstrators

RR79-34150 Capital Connection, LLC – renewal with LB voting 4-0 to deny

RR2993172 BSR and MMR, INC. – requesting additional time to transfer

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2022 Spring Permit Auction – April 7, 2022

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MARCH 15, 2022

#### CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Grubb, Executive Secretary Kirkman, and Prosecutor Wignall were present.

#### DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the March 1, 2022 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. There were 31 dispositions with fines totaling \$18,025.00. 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 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 Payne 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**

RR54-37996 & RR54-37997 PAULINO BARAHAS PEREZ – Chair Allen noted these are new applications with the local board voting 3-0 to deny.

Commissioner Maginn stated this applicant previously owned a permit that had issues with violations. The local board recommended denial of these permits based on reputation of this applicant.

Chair Allen made a letter submitted by the applicant's attorney part of the record.

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

RR49-03759 TAD INDY, LLC – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated remonstrators were present at the local board hearing. This permittee has had numerous ATC violations and many police runs from IMPD. There are also questions regarding the owner of the business and possible falsification of records with the ATC.

Vice Chairman Payne commented that he listened to the hearing and went through the documents that were presented by IMPD. He noted that as far as the police runs, this establishment ranked first or second regarding the type and number of runs compared to the other businesses in the area.

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

RR49-10231 BAR INDY, LLC - Chair Allen noted this is a renewal with the local board voting 4-0 to approve for one-year.

Commissioner Maginn stated there were remonstrators present at the local board hearing. IMPD provided information regarding police runs to this location that dealt with firearms, overservice of alcohol, and fights that directly tie back to this business. The local board noted there are no Excise violations tied to this business. The Commissioner also noted that the permittee committed to taking steps that will hopefully help eliminate the problems with the establishment. Those include updating technology for scanning IDs, requiring additional server training, eliminating the smoking of illegal substances and changing the VIP line.

Vice Chairman Payne commented there are similarities between the police runs with Tad Indy, LLC and Bar Indy, LLC; however, the ranking of those police runs was lower for this establishment.

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

RR79-34150 CAPITAL CONNECTION LLC – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this establishment has numerous Excise violations. Those violations include repeated service of alcohol to minors, employees without permits, no business permit displayed, refilling alcohol bottles and no employee permit for manager.

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

RR29-93172 BSR AND MMR, INC. – Chair Allen noted the renewal of this permit was previously denied and is under appeal. A previous request was made to transfer the permit and the Commission allowed 90 days to file a transfer. The 90 days passed, and no transfer was filed. A new request has been filed for additional time to file a transfer.

Commissioner Maginn stated that no request for additional time came into the office until after the 90-day deadline.

Commissioner Maginn moved to deny the request for additional time to file a transfer. Commissioner Grubb seconded. The motion was unanimously approved.

Chair Allen noted the denial of renewal is still under appeal and will be scheduled for a pre-hearing conference as soon as possible.

#### **INACTIVE FILES**

Commissioner Maginn moved to make 2 permits that are not subject to auction dead. Commissioner Grubb seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

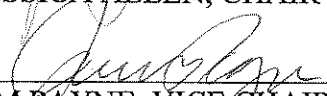
2022 SPRING PERMIT AUCTION – Chair Allen stated the permit auction is scheduled for April 7, 2022 at 10:00 am. Please review information on the website if you are interested in bidding.

**ADJOURNMENT**

Commissioner Grubb moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 5th day of April, 2022.

  
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JESSICA ALLEN, CHAIR

  
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JIM PAYNE, VICE CHAIRMAN

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

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MARJORIE MAGINN, COMMISSIONER