

ALCOHOL AND TOBACCO COMMISSION  
AUGUST 16, 2022  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 2, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL11-32603 JLS Family LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

693 renewals  
115 news/transfers  
19 catering  
39 new/renewal carriers  
10 new/renewal direct wine sellers

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

7. Applications for Discussion --

RR59-35772 Depot Tavern – renewal with LB voting 2-1 to deny

RR41-37178 J.W.G., Inc. – renewal with LB voting 2-2

RR53-10197 215 Bloomington Inc. -- renewal with LB voting 2-1 to approve

RR49-34114 KPK Ventures, LLC – requests removal of catering hall designation

RR18-38959 Griffin's Social Club, LLC – new with LB voting 3-0 to approve

RR10-38787 Louisville Timber and Wooden Products – new with LB voting 3-1 to deny

RR10-38790 EastMoor Acres Realty Company – new with LB voting 3-1 to deny

RR10-38792 Marshall Planning Mill -- new with LB voting 3-1 to deny

8. Inactive Files –

7 permits not subject to auction

9. Old Business -

10. New Business --

11. Policy Determinations –

LSA Document #22-224 Readoption of Rules

12. Announcements -

Round Table Discussions – Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams  
Brewers – September 20 @ 1:30 p.m. via Microsoft Teams  
Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams  
Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams  
Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams  
Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

AUGUST 16, 2022

#### CALL TO ORDER/NOTING OF QUORUM

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

#### DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the August 2, 2022 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS - Commissioner Maginn moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. There were 53 dispositions with fines totaling \$28,350.00. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Maginn also requested permit #RR6431386 Mexico Lindo 2, Inc. be placed on the October 18, 2022 Commission Agenda to make sure they are in compliance with the Agreed Disposition.

#### HEARING JUDGE'S RECOMMENDATIONS

DL11-32603 JLS FAMILY, LLC - Vice Chairman Payne noted this is an application for a new permit that was denied. Chairman Allen heard the appeal. The Proposed Findings of Fact and Conclusions of Law are now before the Commission.

Commissioner Maginn stated the applicant filed a timely appeal. There were petitions presented by the applicant and the remonstrators. The applicant does have another package store permit in a different location and has had no violations. But the remonstrators who live in the small town of Knightsville, where this permit would be located, have no desire for the services of a package liquor store and are concerned about the impact of it on other businesses in the community.

Commissioner Maginn moved to adopt the recommendation of the Hearing Judge to deny the new application. 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**

Commissioner Maginn 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**

RR59-35772 DEPOT TAVERN – Vice Chairman Payne noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated the permittee had a violation for serving a minor in the last renewal period, which was the basis for the two recommendations to deny.

Commissioner Maginn moved to overturn the local board's recommendation to deny the renewal and to approve for a one-year period. Commissioner Grubb seconded. The motion was unanimously approved.

RR41-37178 J.W.G., INC.- Vice Chairman Payne noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated there have been numerous police runs and complaints regarding this location, mostly related to noise and crowds of smokers gathering in parking lot. The permittee has started communicating with the police department and Excise to assist with their issues. They are going to make a smoking area for the customers, which would hopefully stop the back and forth to cars, which would no longer be allowed.

Commissioner Maginn moved to approve the renewal for one-year. Commissioner Grubb seconded with a strong warning that if things do not change, the vote will not be the same next year. The motion was unanimously approved.

RR53-10197 215 BLOOMINGTON INC. – Vice Chairman Payne noted this is a renewal with the local board voting 2-1 to approve.

Commissioner Maginn stated this business was cited for serving as minor, who was 16. Commissioner Maginn moved to uphold the local board's recommendation to approve the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-34114 KPK VENTURES, LLC – Vice Chairman Payne noted this permittee is requesting the catering hall designation be removed from the permit.

Commissioner Maginn moved to approve the request. Commissioner Grubb seconded. The motion was unanimously approved.

RR18-38959 GRIFFIN'S SOCIAL CLUB, LLC – Vice Chairman Payne noted this is a new application with the local board voting 3-0 to approve.

Commissioner Maginn stated there was a remonstrator present at the local board hearing who blames the patrons of the business for bullets being shot into her home, but no proof of that was presented.

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

RR10-38787 LOUISVILLE TIMBER AND WOODEN PRODUCTS - RR10-38790 EASTMOOR ACRES REALTY COMPANY - RR10-38792 MARSHALL PLANNING MILL – Vice Chairman Payne asked the commissioners, by consent, to hear these three applications together because the ownership is substantially the same. The commissioners gave consent. All three are new with the local board voting 3-1 to deny.

Commissioner Maginn stated the permits were obtained at the ATC auction. The applications that were submitted show criminal convictions that would have prohibited ownership; however, they are older than ten years, which is the standard that is followed. There is also one other owner who has warrants issued in two states other than Indiana.

Vice Chairman Payne also made note that the warrants are for felonies and if the permits were granted this person would be sharing in the profits of the businesses.

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

#### **INACTIVE FILES**

Commissioner Grubb moved to make seven 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

**POLICY DETERMINATIONS**

LSA DOCUMENT #22-224 READOPTION OF RULES – Commissioner Maginn moved to approve the readoption of rules, LSA Document #22-224. Commissioner Grubb seconded. The motion was unanimously approved.

**ANNOUNCEMENTS**

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

- Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams
- Brewers – September 20 @ 1:30 p.m. via Microsoft Teams
- Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams
- Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams
- Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams
- Retailers – December 6 @ 1:30 p.m. via Microsoft Teams


**ADJOURNMENT**

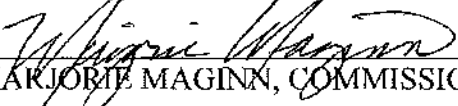
Commissioner Grubb moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 7<sup>th</sup> day of September, 2022.

  
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JESSICA ALLEN, CHAIR

  
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JIM PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER