

ALCOHOL AND TOBACCO COMMISSION
SEPTEMBER 7, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –
August 16, 2022
3. Prosecutor’s Recommendations –
PAD Forms
4. Hearing Judge’s Recommendations –
RR49-37006 Marabou Lakay Restaurant Corp. – Proposed Findings of Fact
5. Consideration of Applications -
708 renewals
68 news/transfers
47 catering
27 new/renewal carriers
9 new/renewal direct wine sellers
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –
RR45-35086 Summer Winds Commercial LLC – escrow denied
RR71-39028 Leo’s Family Restaurant – new with LB voting 3-0 to approve
MM53-30596 Lost in the Woods, LLC – previously denied
8. Inactive Files –
3 permits not subject to auction
9. Old Business -
10. New Business –
11. Policy Determinations –
12. Announcements -
Adopt a Rule - LSA Document #22-263
ATC Fall Permit Auction – November 10, 2022
Round Table Discussions – 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

SEPTEMBER 7, 2022

CALL TO ORDER/NOTING OF QUORUM

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

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the August 16, 2022 meeting. Commissioner Maginn 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 84 dispositions with fines totaling \$46,900.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-37006 MARABOU LAKAY RESTAURANT CORP. – Vice Chairman Payne noted this permittee has numerous violations that have not been settled. The permittee failed to appear for the Pre-Hearing Settlement Conference and also the Order To Show Cause Hearing.

Vice Chairman Payne moved to find the permittee in default and to revoke the permit. 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 Payne moved to approve the renewal and fee waived letters of extension issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-35085 and RR45-35086 SUMMERWINDS COMMERCIAL LLC – Chair Allen noted this is a denial of escrow and consideration of renewal.

Commissioner Maginn stated this permittee was scheduled for an escrow hearing on two separate occasions and failed to appear both times. Escrow was denied.

Commissioner Maginn moved to revoke the permits. Vice Chairman Payne seconded. The motion was unanimously approved.

RR71-39028 LEO'S FAMILY RESTAURANT- Chair Allen noted this is a new application with the local board voting 3-0 to approve.

Commissioner Maginn stated this establishment has been in business for a long time without alcohol service. There were remonstrators present at the local board hearing stating their fear of drunk drivers and lack of safety. The remonstrators are members of a church that is nearby, but more than 200 feet from the establishment.

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

MM53-30596 LOST IN THE WOODS, LLC – Chair Allen noted this is a new application that was previously denied by the Commission. The Commission allowed the original application to be withdrawn to give the owner time to make necessary changes to the location. The application has been resubmitted and is now ready for consideration.

Commissioner Maginn stated the location has been investigated by Excise to make sure the location meets qualifications to hold the permit. The Commissioner stated that the very minimum qualifications have been met.

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

INACTIVE FILES

Vice Chairman Payne moved to make three 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 #22-263 ADOPTION A RULE – General Counsel Merritt stated Notice of Intent to Adopt a Rule was filed on August 24, 2022. Language of the rule will soon be posted on the website.

ATC FALL PERMIT AUCTION – Chair Allen stated the Fall auction will be November 10, 2022.

ANNOUNCEMENTS

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

- 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

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

Approved this 20th day of September, 2022.

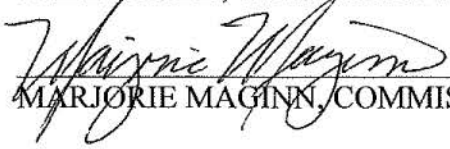


JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER