

ALCOHOL AND TOBACCO COMMISSION
OCTOBER 4, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –
September 20, 2022
3. Prosecutor's Recommendations –
PAD Forms
4. Hearing Judge's Recommendations –
RR45-03852 MTM Services, Inc. – Proposed Findings of Fact and Conclusions of Law
Applicant #3723683 Season Weddle - Proposed Findings of Fact and Conclusions of Law
BR1746434 Elinora Deveney - Proposed Findings of Fact and Conclusions of Law
5. Consideration of Applications -
411 renewals
35 news/transfers
39 new/renewal catering
9 new/renewal carriers
14 new/renewal direct wine sellers
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –
RR82-39148 Warehouse 410, LLC – request catering hall designation
RR3403931 Dan the Man, LLC – renewal with LB voting 3-1 to deny
8. Inactive Files –
2 permits not subject to auction
9. Old Business -
10. New Business –
11. Policy Determinations –
12. Announcements -
New Form - Declaration Regarding Update to Corporate Ownership
ATC Fall Permit Auction – November 10, 2022

Round Table Discussions – 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

2023 Amended Commission Meeting Dates - 1st week of January 2023, Wednesday January 4
3rd week of January 2023, Wednesday January 18
1st week of May 2023, Wednesday May 3
1st week of July 2023, Wednesday July 5
1st week of September 2023, Wednesday September 6
1st week of November 2023, Wednesday November 8
4th week of December 2023, Wednesday December 27

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 4, 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, Deputy Director Kirkman, General Counsel Merritt, and Prosecutor Wignall were present.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the September 20, 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. Fifty-five dispositions were submitted with fines totaling \$27,250.00. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-03852 MTM SERVICES, INC. – Vice Chairman Payne, who sat as hearing judge, stated this permittee received a violation for serving after hours. The permittee appealed the Prosecutor's settlement offer and an appeal hearing was held.

Vice Chairman Payne moved to find the permittee in violation and assess a \$1,000.00 fine. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICANT #3723683 SEASON WEDDLE – Commissioner Maginn, who sat as Hearing Judge, stated this applicant for an employee permit was denied due to the fact that she was not eligible to hold the permit because of OWI convictions. The applicant appealed the denial, and the matter was set for hearing. Commissioner Maginn now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to adopt the Proposed Findings and deny the employee permit. Commissioner Grubb seconded. The motion was unanimously approved.

BR1746434 ELINORA DEVENNEY - Commissioner Maginn, who sat as Hearing Judge, stated this applicant filed for renewal of her employee permit and was denied due to the fact that she was not eligible to hold the permit because of OWI convictions. The applicant appealed the denial, and the matter was set for hearing. Commissioner Maginn now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to adopt the Proposed Findings and deny the employee 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

RR82-39148 WAREHOUSE 410, LLC – Chair Allen noted this permittee is requesting to be designated as a catering hall.

Commissioner Maginn moved to approve the request for a catering hall designation. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-03931 DAN THE MAN, LLC – Chair Allen noted this is a renewal with the local board voting 3-1 to deny.

Commissioner Maginn stated this renewal came before the local board with a violation for over-serving a patron, who crashed his vehicle after leaving the bar and died from his injuries.

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

INACTIVE FILES

Vice Chairman Payne moved to make two permits dead that 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

ANNOUNCEMENTS

DECLARATION REGARDING UPDATE TO CORPORATE OWNERSHIP FORM – Chair Allen stated this is now required to be submitted with all Disclosure of Interested Parties’ Forms. It is on the ATC website.

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

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

- 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

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES

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- 1st week of January 2023, Wednesday January 4
- 3rd week of January 2023, Wednesday January 18
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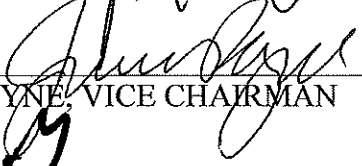
ADJOURNMENT

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

Approved this 18th day of October, 2022.



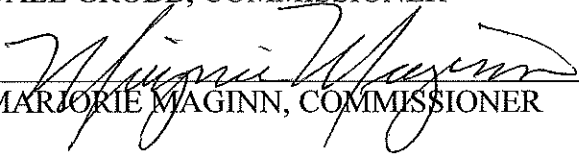
JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER