

ALCOHOL AND TOBACCO COMMISSION
NOVEMBER 1, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 18, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

TC14685001 Black Diamond Smoke Shop – Proposed Findings of Fact
TC15353001 Dina 3 Inc. – Proposed Findings of Fact
TC14953001 Tokas LLC – Proposed findings of Fact

5. Consideration of Applications -

336 renewals
35 news/transfers
22 new/renewal caterings
22 new/renewal carriers
3 new/renewal direct wine sellers

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

7. Applications for Discussion –

8. Inactive Files –

7 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

Non-Rule Policy – Local Board ethics training

12. Announcements -

ATC Fall Permit Auction – November 10, 2022

Round Table Discussions –

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

NOVEMBER 1, 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 October 18, 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. Thirty-nine dispositions were submitted with fines totaling \$24,900.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

TC14685001 BLACK DIAMOND SMOKE SHOP – Chairwoman Allen, who sat as hearing judge, stated this establishment was cited for tobacco violations. The certificate holder failed to appear for the Pre-Hearing Settlement Conference and the Order to Show Cause Hearing. Chair Allen recommended the Commission revoke the certificate.

Commissioner Maginn moved to uphold the recommendation and revoke the certificate. Vice Chairman Payne seconded. The motion was unanimously approved.

TC15353001 DINA 3 INC. – Chairwoman Allen, who sat as hearing judge, stated this establishment was cited for tobacco violations. The certificate holder failed to appear for the Pre-Hearing Settlement Conference and the Order to Show Cause Hearing. Chair Allen recommended the Commission revoke the certificate.

Commissioner Grubb moved to uphold the recommendation and revoke the certificate. Commissioner Maginn seconded. The motion was unanimously approved.

TC14953001 TOKAS LLC – Chairwoman Allen, who sat as hearing judge, stated this establishment was cited for tobacco violations. The certificate holder failed to appear for the Pre-Hearing Settlement Conference. After numerous emails and phone conversations between the Prosecutor and the certificate holder, still no one settled the violation or appeared at the Order to Show Cause Hearing. The Default Judgment with a recommendation of revocation of the certificate was mailed. The certificate holder returned the Default Judgment with a check for the amount of the original fine for the violation, but did not include the signed Settlement Agreement. Prosecutor Wignall reached out again and informed the

certificate holder the signed Settlement Agreement must be submitted to clear the violation. It has not been received. Chairwoman Allen recommended the certificate be revoked for failure to resolve the matter or appear for hearings as ordered by the Commission.

Commissioner Maginn moved to uphold the recommendation. Vice Chairman Payne 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

No Applications for Discussion

INACTIVE FILES

Commissioner Maginn moved to make seven 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

NON-RULE POLICY – LOCAL BOARD ETHICS TRAINING – By consent the Commission agreed to vote on this Policy at the November 15, 2022 Commission Meeting.

ANNOUNCEMENTS

ATC FALL PERMIT AUCTION – Chair Allen stated the Fall auction will be November 10, 2022. The list of permits is on the website.

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

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 -

- 1st week of January 2023, Wednesday January 4
- 3rd week of January 2023, Wednesday January 18
- 1st week of May 2023, Wednesday May 3
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- 1st week of November 2023, Wednesday November 8
- 4th week of December 2023, Wednesday December 27

ADJOURNMENT

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

Approved this 15th day of November, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER