

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 22, 2025

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 Jones, Prosecutor Wignall, Deputy Director Serak, General Counsel Merritt, and Senior Attorney Beaucaire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the January 7, 2024 meeting. Commissioner Jones 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. Seventy-one dispositions were submitted with fines totaling \$50,800.00. Commissioner Jones seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR71-40556 INDIANA TAP MISHAWAKA LLC – Chair Allen noted this is on for a Show Cause Order.

Commissioner Jones, who sat as hearing judge in this matter, stated a show cause hearing was held regarding an unsettled violation. Proper notice was given to the certificate holder, however, no one appeared for the hearing. Evidence was presented by Prosecutor Wignall, and a recommendation of revocation was requested.

Commissioner Jones moved to revoke the tobacco certificate. Vice Chairman Payne seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Jones 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 the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones 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. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the catering applications. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the carrier applications. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the direct wine shipper applications. Vice Chairman Payne seconded. The motion was unanimously approved.

WAIVERS OF FEES – LETTERS OF EXTENSION

Vice Chairman Payne moved to approve the fee waived letters of extension issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

DL71-33883 JASON PATEL – Chair Allen noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the proposed location for this permit is in an area called Indian Village that is only zoned residential. There is not a location that would be 500 feet from a residential area. One remonstrator was present at the hearing.

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

RC08-00541 CARROLL COUNTY VFW INC. – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated there was a processing error and the local board was not scheduled timely.

Commissioner Maginn moved to approve a fee-waived extension. Commissioner Jones seconded. The motion was unanimously approved.

RH82-98177 DRURY DEVELOPMENT CORPORATION – Chair Allen noted this is on for extension request.

Commissioner Maginn stated this would be a third extension. There are ownership issues.

Commissioner Maginn moved to approve a 90-day extension. Chair Allen seconded.

Vice Chairman Payne stated he has tried to be consistent in giving a warning of disapproval for a second request and denying a third request for extension when there are ownership issues, so he will vote against approval. He also made note that tax season is upon us and this permittee is going to have to clear up the problem with ownership.

The motion passed 3-1.

RR49-34362 and CT49-32357 545 KENTUCKY VENUE LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated this would be a second extension. There are ownership issues.

Commissioner Maginn moved to approve the extension request. Vice Chairman Payne seconded.

Vice Chairman Payne stated consistent with his previous statements, he will vote to approve a second extension but will not vote for a third.

Commissioner Jones noted the permit looks like the renewal was approved with ownership not clarified. He questioned whether or not the permit should have been renewed. He is opposed to granting these if permittees are not taking this process seriously.

Chair Allen stated that issue is part of what amended Non-Rule Policy #24 will address---accepting only complete applications.

The motion passed 3-1.

RR10-35790 JEFF PARLOUR LLC – Chair Allen noted that this is on for an extension request.

Commissioner Maginn stated the permittee had one violation last year that was settled.

Commissioner Maginn moved to approve the extension request. Vice Chairman Payne seconded.

Commissioner Jones noted this permittee is required to attend the local board hearing due to the violation but has missed three and it cannot keep happening.

Chair Allen and Vice Chairman Payne agreed with Commissioner Jones.

The motion passed 4-0.

DL29-97231 WORLD MARKET LLC – Chair Allen noted this was on for an extension request, however, all information was received, and the renewal was issued.

RH29-29990 WHI INDIANAPOLIS NORTH MANAGEMENT LLC – Chair Allen stated this is on for an extension.

Commissioner Maginn stated this is a third request for extension. There are ownership issues.

Commissioner Maginn moved to approve the extension. Chair Allen seconded. Vice Chairman Payne and Commissioner Jones voted, no. The motion passed 2-2.

DL32-30562 AND DL79-30560 HOOK-SUPERX LLC – Chair Allen asked the commission to add these to the agenda by consent. Consent was granted. They are on for extension requests.

Commissioner Maginn stated there were processing errors on these renewals.

Commissioner Magin moved to approve fee-waived extensions. Commissioner Jones seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make 14 permits dead that were previously posted on the January 7, 2024 meeting agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

Chair Allen stated there are 23 permits being announced today to be made dead at the February 4, 2025 meeting.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY #24 REVISION – Chair Allen noted the Commission is proposing amendments to Non-Rule Policy #24, which deals with receiving incomplete applications that are causing processing delays. At the time the incomplete application is received, notice is sent to the applicant regarding the missing items. The Chair stated there are 246 applications with holds for missing items on this agenda. After this meeting, another notice will be sent because the holds were not addressed. A conservated estimate of the amount of time that will be spent resending notices is 20.5 hours.

Vice Chairman Payne noted that while 246 sounds like a lot, there are hundreds more that have complied, so it should not be too hard to be in compliance. This is the right thing to do.

Chair Allen agreed, citing 75% of the applications are complete, but most of the time after this meeting will be spent on the 25% not in compliance.

The updated policy is posted on the ATC website. The Commission will consider the revisions at the February 4, 2025 meeting.

ANNOUNCEMENTS

2025 AMENDED COMMISSION MEETING DATE - Chair Allen stated the next 2025 Amended Meeting Dates are:

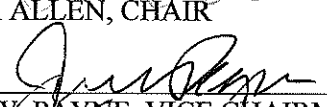
Wednesday, May 28, 2025 (escrow hearing)
Wednesday, September 3, 2025 (commission meeting)
December 2025 (no escrow hearing)

ADJOURNMENT


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

Approved this 4th day of February, 2025.


JESSICA ALLEN, CHAIR


JAMES W. PAYNE, VICE CHAIRMAN


MARJORIE MAGINN, COMMISSIONER


MARK A. JONES, COMMISSIONER