

## **MINUTES**

### **ALCOHOL AND TOBACCO COMMISSION**

**JANUARY 7, 2024**

#### **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 December 17, 2024 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. One hundred twenty-eight dispositions were submitted with fines totaling \$90,000.00. Commissioner Jones seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations

#### **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 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**

RR49-36448 18<sup>TH</sup> STREET BREWERY LLC – Chair Allen noted this is on for consideration of an expired permit.

Commissioner Maginn stated this permittee has had a tax hold since 2023. The permittee has found a buyer for the permit and would like to file a transfer. The transferee stated, after approval, the delinquent taxes will be paid. The permittee has put the permit in escrow and the transfer is on file.

Commissioner Maginn moved to allow the transfer to proceed with the understanding that the taxes will be paid by the transferee after approval. Commissioner Jones seconded. The motion was unanimously approved.

DL85-33894 MULTANI LIQUORS INC. AND DL85-33895 SUKHJINDER SINGH – Chair Allen noted these are new applications with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant would like to open a liquor store and a gas station at the same location but not connected. There were several remonstrators present at the local board hearing. The Commissioner noted the applicant has hired an attorney and now a petition has been circulated in the area looking for support. The applicant has requested the applications be remanded to the local board.

Commissioner Maginn moved to remand the applications. Commissioner Jones seconded. The motion was unanimously approved.

Chair Allen stated that because the remonstrators took the time to appear at the initial local board hearing, their testimonies will remain a part of the record and will not have to appear at the new hearing but can if they so choose.

HOOK-SUPERX PERMITS – Chair Allen noted this is on for extension requests continued from the December 23<sup>rd</sup> meeting.

Commissioner Maginn stated all renewals have been filed but some are still missing Property Tax Clearance Forms.

Commissioner Maginn moved to grant the remainder of the 90 days for the extensions. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-33618 JOHALRAN INC. – Chair Allen noted this is on for an extension request continued from December 23<sup>rd</sup>. The Commission asked for proof of insurance and a corrective action plan to be submitted. Those items have been received.

Commissioner Maginn stated the renewal was denied and is under appeal. The Commission granted a partial 90-day extension on December 23<sup>rd</sup> and requested proof of insurance and a corrective action to be filed.

Commissioner Maginn moved to approve the remainder of the 90-day extension that includes the catering supplemental permit. Vice Chairman Payne seconded.

Vice Chairman Payne commented that correction action plans should be clear in stating what is being done to continue correcting the problems, not just that they will comply.

Chair Allen stressed the using promoters to run your business is never a good idea. There is no such thing as renting your permit and not being held responsible for problems that occur. If you are the permit holder, you are always responsible for what happens there. The Chair expects strict compliance. Otherwise, future extensions may not be approved. Also, Chair Allen made clear that granting the extension has nothing to do with the appeal. They are separate.

Commissioner Jones stated he will abstain from voting because he is the hearing judge for the appeal.

The motion was approved 3-0 with 1 abstention.

RR10-37341 SUCCESS FOODS MANAGEMENT GROUP, LLC – Chair Allen noted that this is on for an extension request.

Commissioner Maginn stated this permittee is working on ownership issues.

Commissioner Maginn moved to approve a second extension. Vice Chairman Payne seconded.

Vice Chairman Payne reiterated his issue with businesses not knowing who the owners are. Commissioner Jones voiced the same concern.

The motion was unanimously approved.

RR11-26123 THE BOUNTY LOUNGE LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated there was a processing error regarding the local board schedule for the renewal. The tax protest needs to be cleared, and the Commission needs proof of insurance for this permittee.

Commissioner Maginn moved to grant a fee-waived, second extension as soon as the tax protest is clear, and proof of insurance is received. Vice Chairman Payne seconded. The motion is unanimously approved.

DL53-87314 SAHILDEEP CORPORATION – Chair Allen stated this is on for an extension. The violation has been settled and the extension request granted.

### INACTIVE FILES

Commissioner Maginn moved to make 16 permits dead previously posted on the December 17, 2024 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chair Allen stated there are 15 permits being announced today to be made dead at the January 22, 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 complete or incomplete applications. It will be 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 Commission Meeting Date:

Wednesday, January 22, 2025

### ADJOURNMENT

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

Approved this 22<sup>nd</sup> day of January, 2025.

  
JESSICA ALLEN, CHAIR

  
JAMES W. PAYNE, VICE CHAIRMAN

  
MARJORIE MAGINN, COMMISSIONER

  
MARK A. JONES, COMMISSIONER