



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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Indianapolis, IN 46204
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MEETING MINUTES

February 18, 2025 | 10:00 A.M.

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 February 4, 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. Sixty-three (63) dispositions were submitted with fines totaling \$38,000.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL83-33588 CASEY'S MARKETING COMPANY – Commissioner Jones, who sat as hearing judge in this matter, stated this was a new application that was denied by the local board and upheld by the Commission. An appeal was timely filed and a hearing was held. The two remonstrators present at the local board hearing rescinded their remonstrance prior to the appeal hearing stating their business would not be affected by a permit granted to the applicant. The Hearing Judge submits the Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission with one amendment. The date on finding #15 should be December 19, 2023.

Commissioner Jones moved to uphold the findings and the amendment. 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 Jones seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

RR02-35375 DG PROPERTIES LLC – Chair Allen noted this is a denied escrow request/reconsideration of the prior approval of the renewal following failure to appear at escrow hearings.

Commissioner Maginn stated the Commission received a request for an additional opportunity to appear for an escrow hearing. The permittee provided documentation showing he has been out of the country.

Commissioner Maginn moved to allow one additional opportunity to appear at the March 25, 2025 escrow hearing. Commissioner Jones seconded. The motion was unanimously approved.

RR71-03567 LINN CORPORATION – Chair Allen noted this is a reconsideration of approval of the renewal.

Commissioner Maginn stated this permit had violations and the renewal was inadvertently approved without going before the local board.

Commissioner Maginn moved to rescind the approval of the renewal and remand the renewal to the local board. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-06959 H.A.T. ENTERPRISES – Chair Allen noted this is a request to transfer a denied permit and a request for extension.

Commissioner Maginn stated the renewal was denied and the business has been closed. There were serious issues with this business which led to the denial of the permit.

Commissioner Maginn moved to approve filing a transfer. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones stated he was impressed with the work that has been done regarding this location since the denial of the permit.

Commissioner Maginn moved to deny the request for extension under the current ownership. Vice Chairman Payne seconded. Chair Allen voted to deny. Commissioner Jones abstained from voting on

the extension request because he is the hearing judge for the appeal. The motion passes 3-0 with 1 abstention.

RR79-30018 JOHNLEEBOARD LLC – Chair Allen noted this is on for an extension request. However, the renewal was approved today, so the extension is no longer needed.

RR49-37227 AND CT49-31679 THE SALTY LEMON – Chair Allen noted that this on for an extension request.

Commissioner Maginn stated renewal was denied and an appeal was filed.

Commissioner Maginn moved to approve the extension request. Vice Chairman Payne seconded. Chair Allen voted to approve. Commissioner Jones abstained because he is the hearing judge in the appeal. The motion passed 3-0 with 1 abstention.

Chair Allen noted granting this extension does not in any way dictate how the appeal will go. The appeal will be decided by whether it is found the local board's recommendation was arbitrary or capricious. The Chair stated a good corrective action plan was filed but there is an additional concern not addressed in the plan that deals with how long video footage remains before being deleted at the business. She suggested possibly looking into that.

Vice Chairman Payne stated he was happy with how detailed the plan was in comparison to many others that have been filed.

RR49-36592 8501 PENDLETON CLUB LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal of this permit was scheduled for the January 2025 local board, but the weather caused the meeting to be cancelled and rescheduled for February. The permittee was required to appear due to a violation but failed to appear. The matter was continued until the March 2025 hearing.

Commissioner Maginn moved to approve an extension to March 18, 2025, and stated depending on the outcome of the local board hearing, a corrective action plan may be required if further extensions are requested. Commissioner Jones seconded. The motion was unanimously approved.

RR49-36594 7259 PENDLETON CLUB LLC – Chair Allen stated this is on for an extension request.

Commissioner Maginn stated the renewal of this permit was scheduled for the January 2025 local board, but the weather caused the meeting to be cancelled and rescheduled for February. The permittee was required to appear due to a violation but failed to appear. The matter was continued until the March 2025 date.

Commissioner Maginn moved to approve an extension to March 18, 2025, and stated depending on the outcome of the local board hearing, a corrective action plan may be required if further extensions are requested. Commissioner Jones seconded. The motion was unanimously approved.

RC71-07828 CIVIC & DEMOCRATIC CLUB OF CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, INC. – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee is required to appear before the local board due to violations. Also, a new Form 1 must be submitted with the complete name of the permittee listed. The

Commissioner noted the Extension Request was signed by someone not listed as someone able to sign for the permittee, so that needs to be corrected.

Chair Allen noted that with clubs, the officers change frequently, which may be the reason for this issue, and it needs to be corrected.

Commissioner Maginn moved to approve the extension request. Commissioner Jones seconded. The motion was unanimously approved.

DL28-94299 KOCOLENE MARKETING LLC - Chair Allen noted this is on for an extension request.

Commissioner Maginn stated there were ownership updates that needed to be filed. Updates have been filed, however, they have not been reviewed.

Commissioner Maginn moved to approve the extension request. Commissioner Jones seconded. The motion was unanimously approved.

INACTIVE FILES

Chair Allen stated she was informed renewals are supposed to be filed on permit #RR29-35551, so it was removed from the list posted on February 4, 2025, and moved to the March 4, 2025 list in case renewals are not filed.

Commissioner Maginn moved to make 41 permits dead that were previously posted on the February 4, 2024 meeting agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

Chair Allen stated there are 15 permits posted to be made dead at the March 4, 2025 meeting. The Chair asked that any renewals being filed on any of these permits be filed prior to March 4, 2025.

POLICY DETERMINATIONS

NON-RULE POLICY #24 REVISION – Chair Allen stated again the reason for the revision is due to incomplete applications being filed that consume an enormous amount of the ATC's time trying to get paperwork filed that should have been filed with the initial application or renewal.

Commissioner Maginn moved to approve the revised non-rule policy. Commissioner Jones seconded. The motion was unanimously approved.

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 & CLOSING

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

Approved this 4.00 day of March, 2025.

DocuSigned by:

Jessica Allen

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Jessica Allen, Chair

Signed by:

James Payne

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James W. Payne, Vice Chair

Signed by:

Marjorie Maginn

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Marjorie Maginn, Commissioner

Signed by:

Mark Jones

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Mark A. Jones, Commissioner