

ALCOHOL AND TOBACCO COMMISSION

November 18, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum --
2. Disposition of Minutes

November 5, 2014

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

589 Renewals  
71 New/Transfers  
6 Catering  
3 1<sup>st</sup> Year Escrow  
4 2<sup>nd</sup> Year Escrow  
2 4<sup>th</sup> Year Escrow  
1 6<sup>th</sup> Year Escrow  
4 New Direct Shipper

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

7. Applications for Discussion --

RR06-30852 Artistry Incorporated -- New beer and wine application with the local board voting 2-2.

RR29-30981 Four Day Brewing Company, LLC --

RR41-23178 BMS of Indiana, LLC -- Conversion from type 209 permit to a type 210 permit

8. Inactive Files --

4 Permits Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

3<sup>rd</sup> Party Online Program

11. Policy Determinations --

12. Announcements -

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 18, 2014

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell, Corporal Thomas and Superintendent Strittmatter.

Peter Rusthoven, Marc Carmichael, Jenny Drewry, Alex Intermill, Lisa McKinney, Jeff McKean, Matt Brase, Greg Genrich, Mark Webb, Diane Masariu and Matt Bell were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the November 5, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 60 Parties' Agreed Dispositions that were submitted.

Commissioner Grubb moved to approve the Dispositions that were submitted for the November 18, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

#### CONSIDERATION OF APPLICATIONS

Commissioner Coxey moved to approve and incorporate by reference these lists of permits for renewal, either with or without a quorum at the local board meeting, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference these lists of permit applications for a new permit, or applications for changes in location or ownership or both of existing permits, which were either recommended by local boards or where a quorum was not present, and reviewed by at least two Commissioners. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference this list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Five hundred eighty-nine (589) renewals approved, seventy-one (71) new and/or transfer applications approved, six (6) permits approved for catering, three (3) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for sixth year escrow and four (4) new direct wine shipper permits approved.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Grubb moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Coxey seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR06-30852 ARTISTRY INCORPORATED – Commissioner Grubb noted this is a new beer and wine application with the local board voting 2-2.

Commissioner Grubb stated this permittee had a permit that was not renewed. Several violations were issued to the old permit and those were satisfactorily disposed of and approved by the Commission.

Commissioner Grubb moved to deny the new application and notify the applicant that they must renew the permit that has expired. Commissioner Coxey seconded. The motion was unanimously approved.

RR29-30981 FOUR DAY BREWING COMPANY, LLC – Commission Counsel Allen stated this new application was approved by the local board, but the location given on the application for this establishment is owned by the town of Fishers and Fishers stated they did not wish to have an alcoholic beverage permit there. However, Fishers has been talking to the applicant and may be ready to sell the parcel of land to the applicant. Counsel Allen recommended the Commission continue this matter.

Commissioner Coxey moved to continue. Commissioner Grubb seconded. The motion was unanimously approved.

RR41-23178 BMS OF INDIANA, LLC – Commission Counsel Allen stated the permittee is requesting this permit be converted from a type 209 to a type 210 permit. She recommended the Commission continue this matter because the documentation regarding the original publication date of the Notice of Annexation on this location has not been provided to her.

Commissioner Grubb moved to continue this matter. Commissioner Coxey seconded. The motion was unanimously approved.

## INACTIVE FILES

Commissioner Grubb moved to make four (4) permits inactive. All four permits are not subject to auction. Commissioner Coxey seconded. The motion was unanimously approved.

## OLD BUSINESS

No Old Business

## NEW BUSINESS

### REVOCAION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Christopher L. Harris, permit #BR1782849. Mr. Harris will not be eligible to hold an employee permit until November 4, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Coxey seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Cheryl A. Jones, permit #VB1724257. Ms. Jones will not be eligible to hold an employee permit until August 18, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Coxey seconded. The motion was unanimously approved.

## POLICY DETERMINATIONS

No Policy Determinations

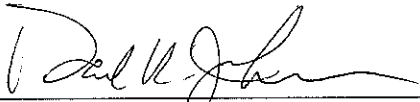
## ANNOUNCEMENTS

STATE ETHICS RULES REGARDING HOLIDAY GIFTS – Commission Counsel Allen stated she has copies available of the ethics rules regarding holiday gifts.

## ADJOURNMENT

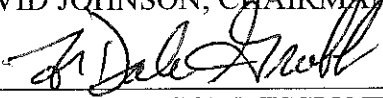
Commissioner Grubb moved to adjourn the meeting. Commissioner Coxey seconded. The motion was unanimously approved.

Approved this 9<sup>th</sup> day of December, 2014.



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DAVID JOHNSON, CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MELISSA COXEY, COMMISSIONER