

ALCOHOL AND TOBACCO COMMISSION

December 9, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

November 18, 2014

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

647 Renewals

50 New/Transfers

3 Catering

5 1st Year Escrow

5 2nd Year Escrow

3 3rd Year Escrow

3 New Direct Wine Shipper

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

7. Applications for Discussion –

RR89-19006 Carla Powell – Renewal with the local board voting 4-0 to disapprove.

DL83-30260 Uselman Foods, Inc. – New grocery application with the local board voting 4-0 to approve.

DL37-22416 AMS Trading and Services LLC – Renewal with the local board voting 3-0 to disapprove.

RR49-30958 Taqueria Mi Lindo Veracruz, LLC – New restaurant application with the local board voting 3-1 to disapprove.

RR49-30969 SPSP, LLC – New restaurant application with the local board voting 4-0 to approve.

RR49-30805 Gerardo Lemus – New application. Did not appear at local board.

RR49-28848 Tandoori King Indo-Park Restaurant – Renewal. Did not appear at local board.

RR20-27575 Gemini Bar & Grill, LLC – Renewal with the local board voting 4-0 to disapprove.

8. Inactive Files –

RR71-00532 Christopher Russell

9. Old Business -

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 9, 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, and Superintendent Strittmatter.

Chairman Johnson introduced David Cook, who will take over as chairman on January 5, 2015.

Keith Johnson, Shelby Trusty, Alex Intermill, Greg Genrich, Mark Webb, Diane Masariu and Katie Maddox were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the November 18, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 121 Parties' Agreed Dispositions that were submitted, totaling \$40,300 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the December 9, 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.

Six hundred forty-seven (647) renewals approved, fifty (50) new and/or transfer applications approved, three (3) permits approved for catering, five (5) permits approved for first year escrow, five (5) permits approved for second year escrow, three (3) permits approved for third year escrow and three (3) 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

RR89-19006 CARLA POWELL – Commissioner Coxey noted this is a renewal application with the local board voting 4-0 to disapprove.

Commissioner Coxey moved to uphold the local board and deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

DL83-30260 USELMAN FOODS, INC. – Commissioner Coxey noted this is a new permit application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL37-22416 AMS TRADING AND SERVICES, LLC – Commissioner Coxey noted this is a renewal application with the local board voting 3-0 to disapprove.

Commissioner Coxey moved to uphold the local board and deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30958 TAQUERIA MI LINDO VERACRUZ, LLC – Commissioner Coxey moved to continue this matter until next week. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30969 SPSP, LLC – Commissioner Coxey noted this is a new permit application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-30805 GERARDO LEMUS – Commissioner Coxey noted this is an application for a new permit. The applicant did not appear, as required, at the local board meeting.

Commissioner Coxey moved to deny the new application. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-28848 TANDOORI KING INDO-PARK RESTAURANT – Commissioner Coxey noted this is a renewal application. The permittee did not appear, as required, at the local board meeting.

Commissioner Coxey moved to deny the renewal application. Commissioner Grubb seconded. The motion was unanimously approved.

RR20-27575 GEMINI BAR & GRILL, LLC – Commissioner Coxey noted this is a renewal application with the local board voting 4-0 to disapprove.

Commissioner Coxey moved to uphold the local board and deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

MM49-30034 REDEMPTION ALEWERKS, LLC – Commissioner Coxey moved to approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-31022 REDEMPTION ALEWERKS, LLC – Commissioner Coxey noted this is a new application with the local board voting 4-0 to approve.

Commissioner Coxey moved to uphold the local board and approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

RR71-00532 CHRISTOPHER RUSSELL – Commissioner Grubb noted this permit was made inactive due to inactivity on a Settlement Offer for a violation. The Commission received correspondence from Mr. Russell, who stated he lives part time in Florida. It appears he may not have received notification from this office regarding the Settlement Offer. The Commissioner stated the permittee has been diagnosed with Congestive Heart Failure, also.

Commissioner Grubb moved to reactivate this permit and allow Mr. Russell the opportunity to address the violation. Commissioner Coxey seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Andrew W. Deller, permit #BR1789364. Mr. Deller will not be eligible to hold an employee permit until November 20, 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: Craig T. Shedlak, permit #BR1781802. Mr. Shedlak will not be eligible to hold an employee permit until November 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.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Michael R. Mankin, permit #VB1729449. Mr. Mankin will not be eligible to hold an employee permit until June 22, 2017.

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.

NEW 3RD PARTY ONLINE PROGRAM LIQUOREXAM.COM – Master Officer Heather Lynch stated she received a request for approval of a new online server training program. She has reviewed the content and made suggestions to the applicant regarding their program. She also stated the applicant's website has a lot of information that is state specific to Indiana and has very similar information to the other online courses the ATC has approved. Officer Lynch feels she has a good rapport with the owner, so any issues that may arise should be taken care of efficiently.

Commissioner Coxey moved to approve the new program. Commissioner Grubb seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

RECONVENE

Chairman Johnson reconvened the meeting to discuss permit #RR08-30951 M.G. Dutton, Inc. This is a transfer of ownership that was approved 4-0 by the local board. The transfer was never scheduled to come before the Commission for a final vote. The final inspection was approved.

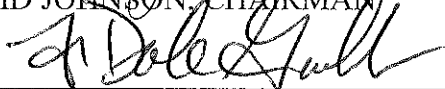
Commissioner Coxey moved to uphold the local board and approve the transfer. Commissioner Grubb seconded. The motion was unanimously approved.

The Commission also stated a Letter of Authority would be issued.

Approved this 16th day of December, 2014.



DAVID JOHNSON, CHAIRMAN



DALE GRUBB, COMMISSIONER



MELISSA COXEY, COMMISSIONER