

ALCOHOL AND TOBACCO COMMISSION

March 3, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum --

2. Disposition of Minutes

February 17, 2015

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

604 Renewals

41 New/Transfers

6 Catering

4 2nd Year Escrow

1 3rd Year Escrow

3 New Carriers

14 Renewal Carriers

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

7. Applications for Discussion --

RR41-31089 Morrison Management Specialists, Inc. -- New Liquor, Beer and Wine application with the local board voting 1-1, with 1 abstention. Continued from last meeting.

RR28-31056 Kathy May -- New application with the local board voting 4-0 to approve.

RC20-10943 Maplecrest Country Club of Goshen, Inc. -- Requesting conversion from a social club permit to a retailer permit

8. Inactive Files --

20 Permits Not Subject to Auction

8 Permits Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations --

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 3, 2015

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman and Commissioner Maginn. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter.

Tom Ristine, Alex Intermill, Melissa Coxey, Marc Carmichael, Diane Masariu, Bart Herriman, Deb Scott, Greg Genrich, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the February 17, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 96 Parties' Agreed Dispositions that were submitted, totaling approximately \$35,575.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the March 3, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Vice Chairman Coleman moved to approve the renewal, new, transfer and catering applications that were submitted. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Coleman moved to approve the list of permits to be placed in escrow. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Coleman moved to approve the renewal and new carrier applications that were submitted. Commissioner Maginn seconded. The motion was unanimously approved.

Six hundred four (604) renewals approved, forty-one (41) new and/or transfer applications approved, six (6) permits approved for catering, four (4) permits approved for second year escrow, one (1) permit approved for third year escrow, three (3) new carrier permits approved and fourteen (14) renewal carrier permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Maginn moved to approve the renewal and fee waived letters of extension for the preceding weeks. Vice Chairman Coleman seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR41-31089 MORRISON MANAGEMENT SPECIALISTS, INC. – See attached transcript.

RR28-31056 KATHY MAY – Commission Counsel Allen noted this is a new application with the local board voting 4-0 to approve. There was a question regarding the proximity of this permit location to a church. However, the building has not held church services for more than a year. Counsel also stated the fire marshal feels this building is not safe and should not be used.

Chairman Cook stated he and the Commission have reviewed this matter. The utilities have been turned off and the conditions are deplorable. He also stated there is no visible congregation.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

RC20-10943 MAPLECREST COUNTRY CLUB OF GOSHEN, INC. – Commission Counsel Allen stated this permittee requests the permit be converted from a social club permit to a restaurant permit.

Vice Chairman Coleman moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make twenty-eight (28) permits inactive. Twenty permits are not subject to auction and eight permits are subject to auction. Vice Chairman Coleman seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jonathan R. Bowling, permit #BR1703186. Mr. Bowling will not be eligible to hold an employee permit until February 21, 2016.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Tori A. Meneely, permit #BR1793003. Ms. Meneely will not be eligible to hold an employee permit until January 12, 2016.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Candice R. Bernier, permit #BR1772021. Ms. Bernier will not be eligible to hold an employee permit until January 4, 2018.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Holly A. Carter, permit #BR1716734. Ms. Carter will not be eligible to hold an employee permit until February 23, 2016.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: David A. Rose, permit #BR1532568. Mr. Rose will not be eligible to hold an employee permit until April 8, 2016.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Ryan C. Davidson, permit #BR1783899. Mr. Davidson will not be eligible to hold an employee permit until February 26, 2016.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

--- Commissioner Maginn stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Shaun A Slinkard, permit #BR1625946. Mr. Slinkard will not be eligible to hold an employee permit until August 5, 2018.

Commissioner Maginn moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

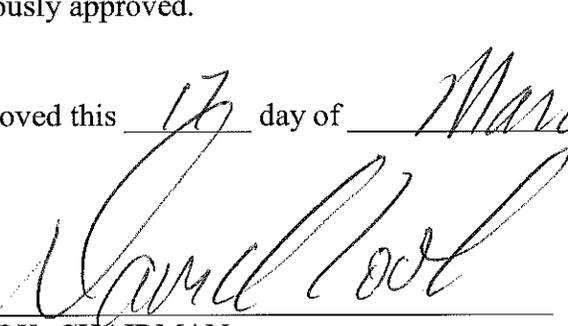
ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

Approved this 17 day of March, 2015.



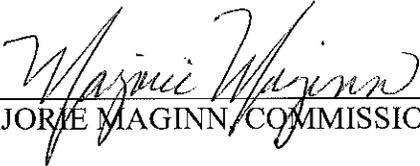
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER

1 Commission Counsel Allen Permit #RR41-31089 Morrison Management Specialists, Inc. This was
2 continued from the last meeting. It was a 1-1 tie at the local board, with
3 1 abstention. I believe that the 1 "no" vote was based on a statute,
4 which I believe you have all done research on and made conclusions on.
5 At this time, I recommend voting based on that research.

6 Chairman Cook All right. Any discussion, or first of all, is there a motion?

7 Vice Chairman Coleman Mr. Chairman, I move that we approve the application. In my opinion,
8 the location was not a church. It was not tax exempt for church
9 purposes. There is no system of governments. No officers. No
10 members of the church, as such. So, I move that we approve the
11 application.

12 Commissioner Maginn Second.

13 Cook Any discussion? I would like to add, in order that we provide some
14 framework for this, that we all did considerable research on 7.1-3-21-
15 11. Noting that generally case law made it clear that church is more
16 than just a place to---for its people, a place to worship, but, there is a
17 considerable amount other things that go in to making something a
18 church. I agree with Judge Coleman and would add these additional
19 things: that the area for this chapel is not exclusively used for church
20 purposes; that the chapel was under the control and supervision of the
21 Indiana Masonic Home, not associated with, or controlled by an
22 organized denomination; that many of the residents who attend
23 maintain their prior church affiliation and attend as a matter of
24 convenience, or a necessity because of the location or medical issues;

25 that the services there were not open for public worship, although they
26 are under the same roof as the Masonic Home; that home generally is
27 used for secular purposes, such as residency, kitchen storage facilities,
28 and office and other recreational facilities. We could not identify any
29 actual congregation from the evidence submitted to the board. No
30 collections were taken. I agree with Judge Coleman that it doesn't fit
31 the definition of a church for tax purposes. It doesn't fit the definition
32 of a church for zoning purposes. There was no remonstrance at the
33 local board. For that purpose, I think we have come to conclusion. So,
34 it's been moved and seconded that we approve the actual permit
35 request. Is there any further discussion? All in favor say, aye.

36 Coleman

Aye.

37 Maginn

Aye.

38 Cook

Opposed say, no. Motion then carries.