

ALCOHOL AND TOBACCO COMMISSION

September 1, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum --

2. Disposition of Minutes

August 18, 2015

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

838 Renewals

49 News/Transfers

6 Catering

1 1<sup>st</sup> Year Escrow

5 2<sup>nd</sup> Year Escrow

1 3<sup>rd</sup> Year Escrow

2 4<sup>th</sup> Year Escrow

10 New/Renewal Carriers

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

7. Applications for Discussion --

DL45-12699 Cask-N-Cellar -- Escrow expired

DL47-30368 Mac's Convenience Stores, LLC -- Did not appear at LB

DL47-30369 Mac's Convenience Stores, LLC -- Did not appear at LB

RR25-01239 Putman Family LLC -- Renewal with LB voting 2-2

RR71-89268 Montgomery Woodland Inn Corp -- Renewal with LB voting 4-0 to disapprove

8. Inactive Files --

3 Permits Subject to Auction

2 Permits Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

David Miles -- 1 conviction

Brandon Cooper -- 1 conviction

Lucille A Allen -- 2 convictions

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 1, 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, Commissioner Grubb and Commissioner Maginn. Commission Counsel Allen, Prosecutor Mader, Executive Secretary Rothenberg, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Katie Maddox, Murray Clark, Patrick Tamm, Mike Maxwell, Jim Purucker, Shadi Khoury, Claire Dickinson, Diane Masariu, Tony Mitson, Marc Carmichael, Dan DeRoziere and Greg Genrich were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the August 18, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Executive Secretary Rothenberg recommended the Commission approve the 91 Parties' Agreed Dispositions that were submitted, totaling approximately \$27,800.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the September 1, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

#### CONSIDERATION OF APPLICATIONS

Commissioner Grubb moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the commission and hereby move for approval of same and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb 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 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 inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

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

Commissioner Grubb 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 and hereby move for approval of same and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Eight hundred thirty-eight (838) renewals approved, forty-nine (49) new and/or transfer applications approved, six (6) permits approved for catering, one (1) permit approved for first year escrow, five (5) permits approved for second year escrow, one (1) permit approved for third year escrow, two (2) permits approved for fourth year escrow, two (2) new carrier permits approved and eight (8) renewal carrier permits approved.

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

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

#### **APPLICATIONS FOR DISCUSSION**

DL45-12699 CASK-N-CELLAR – Chairman Cook stated this permit has been in escrow for five years. The permittee has requested the permit be allowed an extended period of escrow.

The Chairman met with each individual commissioner and with the permittee's attorney regarding this matter and would like to allow an additional 90 days of escrow, to allow time to sell the permit for no profit.

Vice Chairman Coleman moved to allow the permittee 90 days to sell the permit and to reschedule this consideration for December 1, 2015. Commissioner Maginn seconded. The motion was unanimously approved.

DL47-30368 MAC'S CONVENIENCE STORES, LLC – Commission Counsel Allen stated the local board recommended denial of this renewal because the permittee did not appear at the local board meeting, as required, due to a violation in the last year.

Commissioner Grubb moved to uphold the local board's recommendation to deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

DL47-30369 MAC'S CONVENIENCE STORES, LLC - Commission Counsel Allen stated the local board recommended denial of this renewal because the permittee did not appear at the local board meeting, as required, due to a violation in the last year.

Commissioner Grubb moved to uphold the local board's recommendation to deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RR25-01239 PUTMAN FAMILY, LLC – Commission Counsel Allen stated this permittee has been charged with a felony that would disqualify him from holding this permit. The judge in the criminal case is holding the verdict until 9-16-15. The local board voted 2-2 on the renewal. Commission Counsel recommended the Commission delay voting on the local board's recommendation until 10-6-15.

Vice Chairman Coleman moved to delay the vote until the 10-6-15 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

RR71-89268 MONTGOMERY WOODLAND INN CORP – Commission Counsel Allen noted this is a renewal with the local board voting 4-0 to disapprove.

The local board stated the holder of this permit died, the business is closed and the phone is disconnected. They feel the permit is no longer desired.

Vice Chairman Coleman moved to uphold the local board's recommendation and deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RC45-08362 INDIAN RIDGE COUNTRY CLUB, INC. – Commission Counsel Allen stated the permittee submitted a request for this permit to 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.

DL76-30467 DOLGENCORP, LLC – Executive Secretary Rothenberg stated this is an applicant for a new permit. The orange sign that is required to be posted prior to the county local board meeting was posted with an incorrect meeting time. Two remonstrators appeared late to the meeting and were not heard. The Executive Secretary recommended the Commission remand this new application to the local board for reinvestigation.

Commissioner Grubb moved to uphold the recommendation of the Executive Secretary and remand this new application. Commissioner Maginn seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Grubb moved to make five (5) permits inactive. Two permits are not subject to auction and three permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

**NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMITS

Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holders to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission. The Commissioner further moved that these revocations be rescheduled for the February 2, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

David Miles, BR1718341; Brandon L. Cooper, VB1732953

Commissioner Grubb moved to revoke the following employee permits that do not fall under IC 7.1-3-18-9.5. Commissioner Maginn seconded. The motion was unanimously approved.

Lucille A Allen, BR1773716

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

LIFE SAVING AWARD – Superintendent Strittmatter stated Indiana State Excise Police Officer Steve Toleos responded to a call on dispatch from Boone County regarding a female who had been dumped on someone’s lawn and was found unresponsive. Officer Toleos’ response was significant in helping save this woman’s life. Because of this, Superintendent Strittmatter recognized Officer Toleos with a Life Saving Award.

**ADJOURNMENT**

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

Approved this 15 day of September, 2015.

  
\_\_\_\_\_  
DAVID COOK, CHAIRMAN

  
\_\_\_\_\_  
DAVID COLEMAN, VICE CHAIRMAN

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

A handwritten signature in cursive script, appearing to read "Marjorie Maginn", written over a horizontal line.

MARJORIE MAGINN, COMMISSIONER