

ALCOHOL AND TOBACCO COMMISSION

November 4, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

October 20, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

768 Renewals

40 New/Transfers

9 Catering

11 1<sup>st</sup> Year Escrow

3 2<sup>nd</sup> Year Escrow

4 3<sup>rd</sup> Year Escrow

7 4<sup>th</sup> Year Escrow

1 5<sup>th</sup> Year Escrow

10 New/Renewal Carriers

11 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion –

DL06-30424 HK Petroleum, LLC – Transfer with the LB voting 4-0 to deny

RR79-95180 Norris Dowden – Renewal with the LB voting 3-1 to approve

DL45-30290 Lincoln Highway Liquors, Inc. – Renewal and transfer with LB voting 2-1 to approve

DL02-07949 SCL Corporation – Transfer with the LB voting 4-0 to approve

RR34-82296 Mike's Pizza, Inc. – Renewal with the LB voting 2-1 to approve

8. Inactive Files --

5 Permits Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

Kyle Miller, BR1803474 – 1 conviction

Bradley Coursel, BR1722957 – 1 conviction

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 4, 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. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Mark Webb, Katie Maddox, Patrick Tamm, Debbie Scott, Alex Intermill, Matt Bell, Kevin Duffy, Ross Freeman, Jane Gentry, Mindy Westrick, David Barrett, Maggie Prall, Liza Prall, Diane Masariu, Greg Genrich, Bart Herriman, Mike Maxwell, Schyler Culver, and Anthony Mitson were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Coleman moved to approve the minutes from the October 20, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 52 Parties' Agreed Dispositions that were submitted, totaling approximately \$25,400.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the November 4, 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.

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

Seven hundred sixty-eight (768) renewals approved, forty (40) new and/or transfer applications approved, nine (9) permits approved for catering, eleven (11) permits approved for first year escrow, three (3) permits approved for second year escrow, four (4) permits approved for third year escrow, seven (7) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, four (4) new carrier permits approved, six (6) renewal carrier permits approved, six (6) direct wine shipper renewal permits approved and five (5) new direct wine shipper 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**

DL06-30424 HK PETROLEUM, LLC – Chairman Cook noted this is a transfer application with the local board voting 4-0 to deny.

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

RR79-95180 NORRIS DOWDEN – Chairman Cook noted this is a renewal with the local board voting 3-1 to approve for one year.

Commissioner Maginn stated this is a renewal for the purpose of transferring the permit.

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

DL45-30290 LINCOLN HIGHWAY LIQUORS, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve.

Vice Chairman Coleman moved continue this renewal until the November 17, 2015 meeting to allow time for further review. Commissioner Maginn seconded. The motion was unanimously approved.

DL02-07949 SCL CORPORATION – Chairman Cook noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated there were remonstrators present at the local board meeting. She also stated that the applicant has a good history with the ATC and has obtained the proper zoning for this location.

Chairman Cook also reviewed the file and found that the remonstrators were from a local church and gave no legal reason not to approve the permit.

Commissioner Maginn moved to uphold the recommendation of the local board and approve the transfer. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR34-82296 MIKE'S PIZZA, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve for one year.

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

#### **INACTIVE FILES**

Commissioner Grubb moved to make five (5) permits inactive. The five permits are not 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 May 3, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Kyle Miller, BR1803474; Bradley Coursel, BR1722957

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

Nicole M. Piechna, BR1621730; Pedro Esparza-Mares, BR1791211

#### **POLICY DETERMINATIONS**

No Policy Determinations

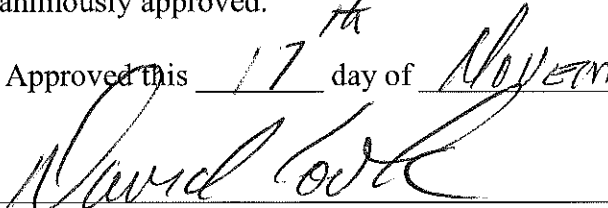
**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

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

Approved this <sup>th</sup> 17 day of November, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER