

ALCOHOL AND TOBACCO COMMISSION

October 18, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

October 4, 2016

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

608 Renewals
56 New/Transfers
11 Catering
18 1st Year Escrow
7 2nd Year Escrow
5 3rd Year Escrow
8 4th Year Escrow
1 5th Year Escrow
13 New/Renewal Carrier permits

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

7. Applications for Discussion –

DL02-28759 Country Oasis, Inc. – Conversion from an incorporated permit to an unincorporated permit – error on county verification form

RR34-11177 Rock Bottom Saloon, LLC – Renewal with LB voting 3-1 to deny

RR45-32669 The Man Cave Niteclub, LLC – New with LB voting 4-0 to deny

RR18-32224 The Silo, LLC – Renewal with LB voting 4-0 to approve for 1 yr

RR32-32491 El Volcan Corporation – New application with LB voting 3-0 to deny

DL49-24031 Mac's Convenience Stores, LLC – New application with LB voting 3-1 to deny

8. Inactive Files –

3 Permits Not Subject to Auction

9. Old Business -

Revocation of Employee permits –

BR1705578 Andrew Spear – did not provide proof

Proof of Alcohol Treatment Program –

BR1742684 Jeremiah J Krieg – provided proof

10. New Business –

11. Policy Determinations –

Non-rule policy 19 – Artisan Distiller Applications

Non-rule policy 18 – Type II gaming renewals

12. Announcements -

Spirited Sales Court Order

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 18, 2016

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

Brooke Barnett, Brooke Litherland, Mark Webb, Marc Carmichael, Anthony Mitson, Matt Brase, Davey Neal, Jeff McKean, Katie Maddox and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the October 4, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 21 Parties' Agreed Dispositions that were submitted, totaling \$8,975.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the October 18, 2016 meeting. Commissioner Maginn 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.

Six hundred eight (608) renewals approved, fifty-six (56) new and/or transfer applications approved, eleven (11) permits approved for catering, eighteen (18) permits approved for first year escrow, seven (7) permits approved for second year escrow, five (5) permits approved for third year escrow, eight (8) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, and thirteen (13) new and 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

DL02-28759 COUNTRY OASIS, INC. – Commission Counsel Allen noted the Commission was recently notified that the original county verification form that was submitted for this permit stated the permit was inside the city limits; however, the location of the permit is outside the city limits. The permit needs to be converted. With that conversion, an opening will be created on the quota. Counsel Allen recommended the Commission allow the quota opening on a first come first served basis and not hold the spot for next year's auction, because the quota spot should not have been taken in the first place.

Commissioner Maginn moved to convert the permit and to allow the quota spot to open. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR34-11177 ROCK BOTTOM SALOON, LLC – Chairman Cook noted this is a renewal with the local board voting 3-1 to deny. The permit is subject to a possible sale. He recommended continuing this matter to the November 1, 2016 meeting.

Vice Chairman Coleman moved to continue the matter to November 1, 2016. Commissioner Maginn seconded. The motion was unanimously approved.

RR45-32669 THE MAN CAVE NITECLUB, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny. The Commission was notified of a formal complaint for violation of the Open Door Policy Law being filed with the Public Access Counsel, by the applicant. A response was filed by the Commission. The matter is pending before the Public Access Counsel. The Chairman recommended the Commission continue this to the next meeting to determine what happens with the Public Access Counsel.

Vice Chairman Coleman moved to continue this to November 1, 2016. Commissioner Maginn seconded. The motion was unanimously approved.

RR18-32224 THE SILO, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve for 1 year.

Vice Chairman Coleman moved to uphold the local board's recommendation and approve the 1 year renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RR32-32491 EL VOLCAN CORPORATION – Chairman Cook noted this is a new application with the local board voting 3-0 to deny. In August, the Commission remanded this to the local board to determine whether or not the applicant is a citizen of the United States, or permanent residents.

Commissioner Maginn noted originally there were two individuals listed as part of this corporation. There is now only one. The one remaining only holds a work visa and does not have any resident documentation and; therefore, does not qualify to hold this permit.

Chairman Cook stated that a work authorization does not change legal status. The only way to change status is to become a citizen, or obtain a green card as a permanent resident.

Commissioner Maginn moved to deny the new permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

DL49-24031 MAC'S CONVENIENCE STORES, LLC – Chairman Cook noted this is a new application with the local board voting 3-1 to deny.

Commissioner Maginn noted she reviewed Mac's business policies and procedures for carding. They have a system that scans IDs and licenses for all 50 states and a good security system, which are the right things to have. However, the community members who came to remonstrate stated there are enough outlets to purchase alcoholic beverages in the area, so there is no need for the services. A state representative, a councilman and neighborhood associations were present to remonstrate.

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

INACTIVE FILES

Commissioner Grubb moved to make three (3) permits inactive. All three of the permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

BRI742684 JEREMIAH J KRIEG – Commissioner Grubb moved to remove this employee from probationary status because he provided proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

REVOCAION OF PROBATIONARY EMPLOYEE PERMITTEES – Commissioner Grubb moved to revoke the employee permit of the following permittee; due to the fact no proof of completion of an alcohol treatment program was provided to the Commission, as required. Commissioner Maginn seconded. The motion was unanimously approved.

BR1705578 Andrew Spear

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY 18 TYPE II GAMING RENEWALS AND NON-RULE POLICY 19 ARTISAN DISTILLER APPLICATIONS – Vice Chairman Coleman moved to approve non-rule policy 18 and non-rule policy 19. Commissioner Maginn seconded. The motion was unanimously approved.

ANNOUNCEMENTS

2016 ALCOHOL AND TOBACCO COMMISSION AUCTION – Chairman Cook stated the auction is scheduled for November 2, 2016. Today is the last day to prequalify if you want to bid.

SPIRITED SALES COURT ORDER – Chairman Cook noted this matter is on appeal. The Commission has filed a request for a stay with the court of appeals.

INTRODUCTION OF OFFICER BRIAN STEWART – Superintendent Strittmatter introduced Officer Brian Stewart as the new trade relations officer beginning at the first of the year.

ADJOURNMENT

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

Approved this 1 day of November, 2016.

David Cook

DAVID COOK, CHAIRMAN

David H. Coleman

DAVID COLEMAN, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER