

ALCOHOL AND TOBACCO COMMISSION

March 21, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes

March 7, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

721 renewals
49 new/transfers
12 catering
10 1st year escrow
4 2nd year escrow
6 3rd year escrow
4 4th year escrow
6 5th year escrow
3 6th year escrow
11 new/renewal carriers

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

7. Applications for Discussion –

DL45-30852 Netra Foods, LLC – New with LB voting 4-0 to deny

RR46-31859 Mickey's Bar & Grill, LLC – Renewal with LB voting 3-0 to deny

RR49-33134 American Pizza Company, Inc. – New with the LB voting 3-0 to approve

8. Inactive Files –

63 permits not subject to auction
8 permits subject to auction

9. Old Business -

Probationary Employee Permit - proof of treatment provided

BR1756735 Leslie C Skinner
BR1760780 Melani J Vella

10. New Business –

Probation/Revocation of Employee permits –

BR1770807 Sabrina Lynn Reeves – 1 conviction -
BR1797067 Macee Fellers – 1 conviction
BR1662050 Jessika Meyer – 1 conviction
BR1765012 Alexandria Montanez – 1 conviction
BE1812351 Melanie Elizabeth Deenihan – 1 conviction

11. Policy Determinations –

12. Announcements -

ATC Spring Auction – May 17, 2017
Auction list available early April
Pre-bid applications due May 2

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 21, 2017

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, Executive Secretary Rothenberg, Industry Liaison Stewart and Corporal Lynch were also in attendance.

Sarah Stegmeyer, Schuyler Culver, Dan DeRoziere, Greg Genrich, Matt Brase, Brooke Burnett, Davey Neal, Rachel Bibler, Ron Breymer, Alex Intermill, Diane Masariu, Marc Carmichael, Mark Webb, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the March 7, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 62 Parties' Agreed Dispositions that were submitted, totaling \$19,225.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the March 21, 2017 meeting. Commissioner Grubb 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.

Chairman Cook stated he removed permit #RR50-33147 Northside Vendors Market and permit #RR45-33111 WNC of Fort Wayne from the list of new and transfer permits, for purposes of further investigation.

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.

Executive Secretary Rothenberg mentioned (3) sixth year escrow requests that no longer needed approval because the Commission just approved their transfers.

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

Seven hundred twenty-one (721) renewals approved, forty-seven (47) new and/or transfer applications approved, twelve (12) permits approved for catering, ten (10) permits approved for first year escrow, four (4) permits approved for second year escrow, six (6) permits approved for third year escrow, four (4) permits approved for fourth year escrow, six (6) permits approved for fifth year escrow, and eleven (11) new and renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS 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

DL45-30852 NETRA FOODS, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny. This was continued from the last meeting.

Vice Chairman Coleman stated several remonstrators were present at the hearing. There are many churches in the area and this permit would disrupt the peace and comfort of the neighborhood.

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

RR46-31859 MICKEY'S BAR & GRILL, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated she reviewed the local board record. The business has had several violations within the last few months. One customer left the business and was hit by a train.

The Chairman also reviewed the record and stated there were five violations in a 9 month period, in addition to the over-serving of the patron who was hit by the train.

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

RR49-33134 AMERICAN PIZZA COMPANY, INC. – Chairman Cook noted this is a new application with the local board voting 3-0 to approve.

Officer Glen Bell stated the applicant complied with all rules regarding posting of the sign and notifying neighbors. No remonstrators were present. Because it was scheduled for the local board yesterday, Officer Bell was not able to get it scheduled for today's Commission meeting.

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

INACTIVE FILES

Commissioner Grubb moved to make seventy-one (71) permits inactive. Sixty-three are not subject to auction and eight are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REMOVAL OF PROBATIONARY STATUS OF EMPLOYEE PERMITS – Commissioner Grubb moved to remove the following permittees from probationary status because they provided proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1756735 Leslie C. Skinner and BR1760780 Melani J. Vella

NEW BUSINESS

PROBATIONARY EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holder(s) 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 to reschedule for the September 19, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1770807 Sabrina Lynn Reeves, BR1797067 Macee Fellers, BR1662050 Jessika Meyer, BR1765012 Alexandria Montanez, BR1812351 Melanie Elizabeth Deenihan

POLICY DETERMINATIONS

No Policy Determinations

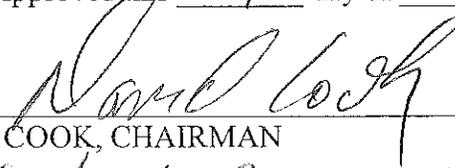
ANNOUNCEMENTS

ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list will be available in early April, with pre-bid applications due on May 2, 2017.

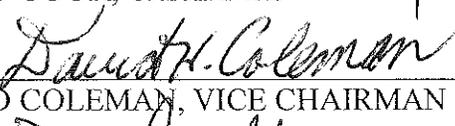
ADJOURNMENT

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

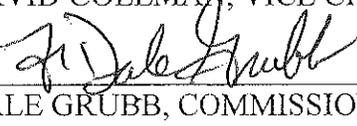
Approved this 4 day of April, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER