

ALCOHOL AND TOBACCO COMMISSION

May 16, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

May 2, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR32-31471 Doss Ranch – Proposed Findings of Fact

5. Consideration of Applications -

84 new/transfers

14 catering

6 1st year escrow

8 2nd year escrow

3 3rd year escrow

5 4th year escrow

5 5th year escrow

3 6th year escrow

32 new/renewal direct wine shippers

16 new e-liquid

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

7. Applications for Discussion –

8. Inactive Files –

9. Old Business -

Removal of Probationary Status for employee – Proof of treatment provided

BR1450271 Matthew Figg

10. New Business –

Probationary status of Employee permits –

BR1780245 Megan Donnelly – 1 conviction

BR1773694 Adam Davis – 1 conviction

BR1582638 Deborah Dykstra – 1 conviction

New Supplemental Application for Retail Permit Carry-Out

11. Policy Determinations –

12. Announcements -

ATC Spring Auction – May 17, 2017

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 16, 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. Commission Counsel Allen, Executive Secretary Rothenberg, Prosecutor Mader, Corporal Lynch and Industry Liaison Stewart were also in attendance.

Jeff McKean, Katie Maddox, Diane Masariu, Scott Miley, Marc Carmichael, Jenny Drewry, Schuyler Culver, Matt Norris, Matt Brase, Brooke Burtnett, Davey Neal, Mark Webb, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the May 2, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 16 Parties' Agreed Dispositions that were submitted, totaling \$2,725.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the May 16, 2017 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR32-31471 DOSS RANCH – Hearing Judge Rothenberg stated the local board recommended denial of this renewal. The Commission upheld the denial. The applicant filed a timely appeal. The Hearing Judge noted the permittee, who has only been open approximately two years, was cited for a few violations, all occurring on the same night. At the appeal hearing, the permittee gave information regarding changes that have been made to correct the problems that resulted in the violations. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Coleman moved to uphold the Hearing Judge's recommendation to approve the permit for one year. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-10659 ROCK HOUSE, INC. - Executive Secretary Rothenberg noted this permit was made dead, due to non-renewal. A transfer was in the process of being executed, but the owner's wife became ill and the permit was not renewed. The permittee sent a letter requesting the permit be reactivated for purposes of transfer.

Vice Chairman Coleman moved to reactivate this permit so it can be transferred. Commissioner Maginn seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Chairman Cook stated that today, the Commission was to consider the permits that have been held back since April 4, 2017, due to new legislation. However, he continued this until the June 6, 2017 meeting, so the Commission has time to completely understand the legislation before voting on the permits that are on hold.

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 (3 sixth year for transfer purposes only), 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 renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new e-liquid permit applications. Commissioner Maginn seconded. The motion was unanimously approved.

Four hundred fifty-three (453) renewals approved, eighty-four (84) new and/or transfer applications approved, fourteen (14) permits approved for catering, six (6) permits approved for first year escrow, eight (8) permits approved for second year escrow, three (3) permits approved for third year escrow, five (5) permits approved for fourth year escrow, five (5) permits approved for fifth year escrow, thirty-two (32) new and renewal direct wine shipper permits approved, and sixteen (16) new e-liquid 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

No Applications for Discussion

INACTIVE FILES

No Inactive Files

OLD BUSINESS

REMOVAL OF PROBATIONARY STATUS FOR EMPLOYEE PERMITS – Commissioner Grubb moved to remove the following permittee from probationary status for providing proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1450271 Matthew Figg

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 November 7, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1780245 Megan Donnelly; BR1773694 Adam Davis; BR1582638 Deborah Dykstra

NEW SUPPLEMENTAL APPLICATION FOR RETAIL CARRY OUT PERMIT - Chairman Cook stated we have created a new supplemental carry-out application, in compliance with HB 1496, for those retail permittees who would like to have carry-out privileges. There are copies available for review. The Chairman noted if anyone has any comments regarding the form, please contact Jessica Allen.

Executive Secretary Rothenberg noted that the local board officers will be handing these new applications out at their meetings because the law came into effect on June 14, 2017.

Commissioner Grubb reiterated that any applications coming into the ATC need to be filled out completely.

E-LIQUID FORM – Chairman Cook noted the new e-liquid application is on the website.

POLICY DETERMINATIONS

No Policy Determinations

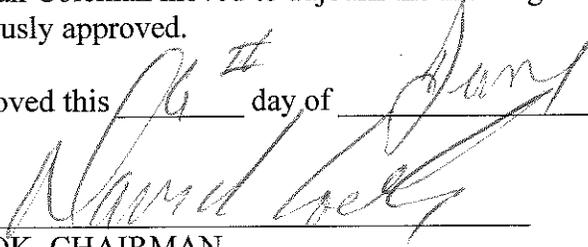
ANNOUNCEMENTS

ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction, tomorrow, May 17, 2017.

ADJOURNMENT

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

Approved this 16th day of January, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER