

ALCOHOL AND TOBACCO COMMISSION

July 5, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

June 20, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

298 renewals
32 new/transfers
11 catering
5 1st year escrow
3 2nd year escrow
1 3rd year escrow
8 new carrier
24 new e-liquid

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

7. Applications for Discussion –

RR49-33275 Mile Square Bistro, Inc. – Reversal of transfer

RR46-29675 Caifeng Yang – Renewal with LB voting 4-0 to deny

DL42-22291 United PSM, Inc. – Renewal with LB voting 3-0 to deny

8. Inactive Files –

1 permit subject to auction
2 permits not subject to auction

9. Old Business -

Revocation of Employee Permit – no proof of treatment
BR1763229 Nathaniel David Addington
BR1829055 Mary T Wolff

10. New Business –

Probationary status of employee permits –
BR1777857 Evan Clark Lahee – 1 conviction
BR1678093 Alexia Horswood – 1 conviction
BR1838777 Daniel Jaime Zuluaga – 1 conviction

11. Policy Determinations –

Non-Rule Policy #21

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 5, 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 and Corporal Lynch were also in attendance.

Brooke Burtnett, Schuyler Culver, Sarah Stegmeyer, Mark Webb, and Daniel deRoziere, were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the June 20, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 64 Parties' Agreed Dispositions that were submitted, totaling \$32,575.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the July 5, 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.

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 renewal carrier permits, with one additional, permit #C 1644297 EF Transit. 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.

Two hundred ninety-eight (298) renewals approved, thirty-two (32) new and/or transfer applications approved, eleven (11) permits approved for catering, five (5) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, nine (9) renewal carrier permits approved, and twenty-four (24) 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

RR49-33275 MILE SQUARE BISTRO, INC. – Executive Secretary Rothenberg requested the Commission continue this matter until the July 18, 2017 meeting.

Vice Chairman Coleman moved to uphold the Executive Secretary's recommendation to continue. Commissioner Maginn seconded. The motion was unanimously approved.

RR46-29675 CAIFENG YANG – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated after reviewing the record, she feels the local board was arbitrary and capricious with their recommendation for denial. The only violations this permittee was cited for were minor loitering, lack of smoking exemption and a health department issue, which is not sufficient for denying a permit.

Chairman Cook stated the permittee's attorney submitted a letter to the Commission regarding the local board's recommendation and his client's violation record. The Chairman made that letter a part of the record.

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

DL42-22291 UNITED PSM, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Vice Chairman Coleman stated this permittee was cited five times in less than two years.

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

INACTIVE FILES

Commissioner Grubb moved to make three (3) permits inactive. Two permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits for not providing proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1763229 Nathaniel David Addington and BR1829055 Mary T Wolff

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 January 3, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1777857 Evan Clark Lahee; BR1678093 Alexia Horswood; BR1838777 Daniel Jaime Zuluaga; BR1820817 Alice Pearl Kuuleialoha Kaleimamahu

POLICY DETERMINATIONS

NON-RULE POLICY #21 – Copies of proposed non-rule policy #21 are available for review. Chairman Cook stated the Commission will vote on this rule at the July 18, 2017 meeting, so any comments need to be submitted prior to that meeting.

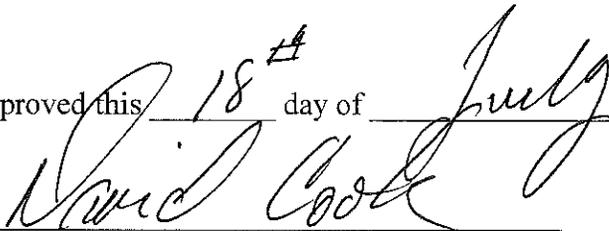
ANNOUNCEMENTS

No Announcements

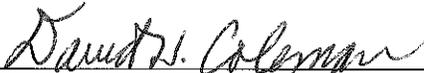
ADJOURNMENT

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

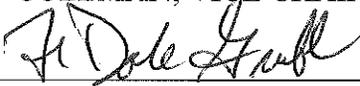
Approved this 18th day of July, 2017.



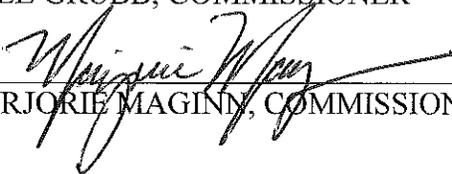
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER