

ALCOHOL AND TOBACCO COMMISSION

July 18, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

July 5, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

594 renewals  
69 new/transfer  
8 catering  
4 1<sup>st</sup> year escrow  
7 2<sup>nd</sup> year escrow  
3 3<sup>rd</sup> year escrow  
4 4<sup>th</sup> year escrow  
1 5<sup>th</sup> year escrow  
9 new/renewal carriers  
51 new/renewal direct wine shipper  
7 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

RR82-02985 1348 Division Corp – Renewal with LB voting 2-2

DL79-98352 Village Pantry - conversion

8. Inactive Files –

7 permits not subject to auction

1 permit subject to auction

9. Old Business -

Revocation of Employee Permit –

VB1738626 James S Moore – 3 convictions

10. New Business –

Probationary status of employee permits –

BR1774948 Brittany Roberts – 1 conviction

11. Policy Determinations –

Non-Rule Policy #21

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 18, 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, Industry Liaison Stewart and Corporal Lynch were also in attendance.

Brooke Burtnett, Schuyler Culver, Matt Brase, Katie Maddox, Jim Purucker, Dylan Sluder, Greg Genrich, Davey Neal, Marc Carmichael, Diane Masariu, Mark Webb, and Daniel deRoziere, were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Coleman moved to approve the minutes from the July 5, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 56 Parties' Agreed Dispositions that were submitted, totaling \$22,925.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the July 18, 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 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.

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

Five hundred ninety-four (594) renewals approved, sixty-nine (69) new and/or transfer applications approved, eight (8) permits approved for catering, four (4) permits approved for first year escrow, seven (7) permits approved for second year escrow, three (3) permits approved for third year escrow, four (4) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, nine (9) new and renewal carrier permits approved, fifty-one (51) new and renewal direct wine shipper permits approved and seven (7) 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 stated this transfer was mistakenly approved by the local board and the Commission. The applicant owes personal taxes. There was a verbal withdrawal given, but nothing in writing at the local board meeting.

Commissioner Maginn moved to withdrawal the original approval of the transfer and place the permit back to permit #RR49-28636 and in the previous owner's name. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR82-02985 1348 DIVISION CORP – Chairman Cook noted this is a renewal with the local board voting 2-2. The Chairman made a letter from the Mayor of Evansville, Lloyd Winnecke, part of the record. The Mayor gave his support for the owner of this permit.

Commissioner Maginn stated the owner wanted to sell this permit on contract. The persons operating the business on a Manager's Questionnaire have had numerous violations in a three year period. On one particular day there were 17 different charges against the permit. The owner has taken back the operations of the business. In over 30 years of ownership, he has not been cited.

Commissioner Maginn moved to approve the renewal for one year. Vice Chairman Coleman seconded. The motion was unanimously approved.

DL79-98352 VILLAGE PANTRY – Commission Counsel Allen stated the location of this dealer permit was annexed into the city limits. IC 7.1-3-22-4, only gives guidance to the Commission regarding conversion of retailer permits.

The attorney representing the permittee provided an online notice of annexation from 2009. The permit was originally issued in 1998, so it was in operation several years prior to the annexation.

Counsel Allen recommended the Commission approve the conversion, due to the fact that notice of annexation was given years after the permit was issued and the statute is silent regarding conversion of dealer permits.

Commissioner Grubb moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously.

#### **INACTIVE FILES**

Commissioner Grubb moved to make eight (8) permits inactive. Seven permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permit. This permittee has been convicted of three OWIs in a ten year period. Commissioner Maginn seconded. The motion was unanimously approved.

VB1738626 James S Moore

#### **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 17, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1774948 Brittany Roberts and BR1684317 Callie Bolster

#### **POLICY DETERMINATIONS**

NON-RULE POLICY #21 – Chairman Cook stated the Commission has not received any public comments on this proposed non-rule policy.

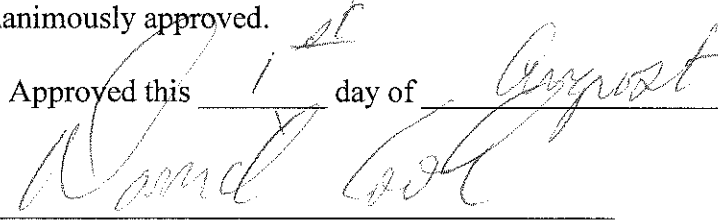
Vice Chairman Coleman moved to approve Non-Rule Policy #21. Commissioner Maginn seconded. The motion was unanimously approved.

**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

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

Approved this 1<sup>st</sup> day of August, 2017.  


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DAVID COOK, CHAIRMAN

  
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DAVID COLEMAN, VICE CHAIRMAN

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER