

ALCOHOL AND TOBACCO COMMISSION  
AUGUST 15, 2017  
10:00 A.M.

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

August 1, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR46-31859 Mickey's Bar & Grill, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

582 renewals  
71 new/transfer  
11 catering  
2 1<sup>st</sup> year escrow  
8 2<sup>nd</sup> year escrow  
5 3<sup>rd</sup> year escrow  
6 4<sup>th</sup> year escrow  
1 5<sup>th</sup> year escrow  
16 new/renewal carrier  
16 new e-liquid

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

7. Applications for Discussion –

DL22-03560 Your Liquor Cabinet, LLC – Transfer of location with LB voting 4-0 to approve

DL53-81573 Kroger Limited Partnership – Renewal with LB voting 3-1 to approve

RR29-33259 Cicero Party Rental, LLC – New with LB voting 4-0 to deny

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

DL53-30862 Kishu, Inc. d/b/s Lakeside Market – Transfer not filed

Removal of Probationary Status - Alcohol Treatment Program –

BR1829055 Mary Wolff

BR1662598 Julie E McMaster

Revocation of employee permit

BR1826792 Harlie Michelle Hickman – no alcohol treatment program

BR1766383 Joseph Barrett Dill – no alcohol treatment program

BR1767437 Leah Dawn Burton – no alcohol treatment program

10. New Business –

Probationary status of employee permits –

BR1809105 Tiffany Green – 1 conviction

BR1687622 Breanna Schuster – 1 conviction

BR1816560 Chelcea Fosnaugh – 1 conviction

Revocation of employee permit

BR1861071 James Sanders – 3 convictions for OWI

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 15, 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, Superintendent Strittmatter and Prosecutor Mader, were also in attendance.

Brooke Burtnett, Schuyler Culver, Matt Brase, Scott Bedwell, Cody Eckert, Greg Genrich, Davey Neal, Marc Carmichael, Jeff McKean, Mark Webb and Bart Herriman, were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Coleman moved to approve the minutes from the August 1, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 47 Parties' Agreed Dispositions that were submitted, totaling \$12,200.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the August 15, 2017 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

RR46-31859 MICKEY'S BAR & GRILL, LLC – Hearing Judge Rothenberg noted this was a denial of renewal by the local board and the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The establishment had numerous violations in a short period of time, including overserving a patron who right after exiting the premises was struck and killed by a train. The permittee did not provide any information regarding substantial changes to the operation of the business to help prevent violations from occurring in the future. The permittee submitted a letter to the Commission summarizing his thoughts on the proposed findings. The Chairman made that part of the record. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law recommending upholding the denial of the renewal.

Commissioner Maginn moved to uphold the recommendation of the Hearing Judge to deny the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

**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 e-liquid permit applications. Commissioner Maginn seconded. The motion was unanimously approved.

Five hundred eighty-two (582) renewals approved, seventy-one (71) new and/or transfer applications approved, eleven (11) permits approved for catering, two (2) permits approved for first year escrow, eight (8) permits approved for second year escrow, five (5) permits approved for third year escrow, six (6) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, sixteen (16) new and renewal carrier 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**

DL22-03560 YOUR LIQUOR CABINET, LLC – Chairman Cook noted this is a transfer of location application with the local board voting 4-0 to approve.

Vice Chairman Coleman stated the one remonstrator was concerned about his dance studio being near the liquor store, with children, ages 3-18, coming and going. However, the dance studio is not a church or school, so there is no statutory prohibition with proximity.

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

DL53-81573 KROGER LIMITED PARTNERSHIP – Chairman Cook noted this is a renewal with the local board voting 3-1 to approve.

Commissioner Maginn stated this establishment was cited for selling alcohol in too large of a quantity on two separate occasions. The Commission was notified the employee is no longer working at the business and the manager has made sure the employees know the quantity limits for selling alcohol.

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

RR29-33259 CICERO PARTY RENTAL, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Vice Chairman Coleman stated the applicant is not one of the owners. He is purchasing this permit on contract. Applicant failed to appear before the local board.

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

#### **INACTIVE FILES**

Commissioner Grubb moved to make five (5) permits inactive. All five permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

DL53-30862 KISHU, INC., D/B/A LAKESIDE MARKET – Chairman Cook noted that on June 20, 2017, the transfer was approved. A short time later, it was discovered the location is within 200 feet of a church, even though the application indicated it was not. The Commission revoked the transfer, but stated they would allow a transfer back to the original location, so the permit was reinstated into escrow status, pending transfer. However, as of this date, no transfer has been filed.

Commissioner Maginn moved to reinstate the revocation of the transfer. Vice Chairman Coleman seconded. The motion was unanimously approved.

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

BR1829055 Mary Wolff; BR1662598 Julie McMaster; BR1767437 Leah Dawn Burton

REVOCAION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the following employee permits. Permittees did not provide proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1826792 Harlie Michelle Hickman and BR1766383 Joseph Barrett Dill

#### **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 February 6, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1809105 Tiffany Green; BR1687622 Breanna Schuster; BR1816560 Chelcea Fosnaugh

REVOCAION OF EMPLOYEE PERMIT – OWI CONVICTIONS – Commissioner Grubb moved to revoke the following employee permit. Permittee has been convicted of three OWIs in the last ten years. Commissioner Maginn seconded. The motion was unanimously approved.

BR1861071 James Sanders

**POLICY DETERMINATIONS**

No Policy Determinations

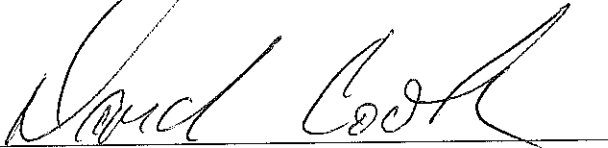
**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

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

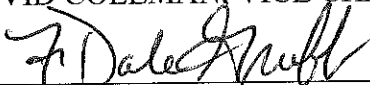
Approved this 5 day of SEPTEMBER, 2017.



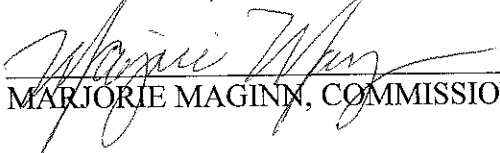
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER