

ALCOHOL AND TOBACCO COMMISSION
DECEMBER 5, 2017
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

November 21, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

254 renewals
32 new/transfer
6 catering
9 1st year escrow
3 2nd year escrow
1 3rd year escrow
1 4th year escrow
5 new e-liquid
14 new/renewal carrier

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

7. Applications for Discussion –

8. Inactive Files –

15 Permits Not Subject to Auction
5 Permits Subject to Auction

9. Old Business -

Removal of probationary status – proof of alcohol treatment provided
VB1736244 DeAnne Maxwell

Revocation of employee permits – proof of alcohol treatment not provided
BR1845966 Brittany Connell
BR1775246 Melvin Ray Page, Jr.
BR1607589 Victoria Rhoads

10. New Business –

Pilot Program for emailed permits

Escrow permits

Probationary status employee permit –
BR1830498 Mary Mattingly – 1 conviction
BR1719903 Britney Rollins – 1 conviction

11. Policy Determinations –

12. Announcements -

Auction – January 10, 2018 at 10 a.m.

January Commission meeting – Wednesday, January 3, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 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 Krauss, Commissioner Maginn and Commissioner Grubb. Executive Secretary Allen, Industry Liaison Stewart and Prosecutor Coleman were also in attendance.

Brooke Burnett, Mark Webb, Greg Genrich, David Rothenberg, Katie Maddox, Cody Eckert, Matt Brase, Ron Brewer, Schuyler Culver, Marc Carmichael, and Davey Neal were present as observers.

Chairman Cook introduced and welcomed new employees to the agency. John Krauss is the new vice chairman. Lindsay Devlin is the new communications director. And, David Coleman, who was previously the vice chairman, is now the prosecutor.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the November 21, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Coleman recommended the Commission approve the 76 Parties' Agreed Dispositions that were submitted, totaling \$27,400.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions that were submitted for the December 5, 2017 meeting. Commissioner Maginn 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 e-liquid permit applications. Permit #ELM100149 was removed from the list. 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.

Two hundred fifty-four (254) renewals approved, thirty-two (32) new and/or transfer applications approved, six (6) permits approved for catering, nine (9) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow, four (4) new e-liquid permits approved, and fourteen (14) new and/or renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Krauss 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

Vice Chairman Krauss moved to make twenty (20) permits inactive. Fifteen permits are not subject to auction and five permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REMOVE FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittee from probationary status. Commissioner Maginn seconded. The motion was unanimously approved.

VB1736244 DeAnne Maxwell

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

BR1845966 Brittany Connell; BR1775246 Melvin Ray Page, Jr.; BR1607589 Victoria Rhoads

NEW BUSINESS

PILOT PROGRAM FOR EMAILED PERMITS – Executive Secretary Allen stated the Commission is exploring the possibility of emailing permits to permittees after approval. Because we don't want to go live with all permittees, she asked for volunteers to participate in the trial program. Those participating in the pilot program will still get a permit mailed to them and the processing time will be the same. The point of this is to weed out problems with permits going to spam folders, incorrect email addresses, that sort of thing. The program should take 60-90 days. Notify the Executive Secretary if you wish to participate.

NEW ESCROW POLICY – Chairman Cook put everyone on notice that the Commission is going to adhere more closely to the statutes, which allow 1-5 years of escrow. The Commission is giving a 120 day window for those who are getting to that 5 year time period to decide a course of action on those permits. By the end of March 2018, the escrow statutes will be strictly enforced.

The Chairman also mentioned that the alcohol study committee talked about possibly reducing the time limit for escrow to two years.

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 June 5, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1830498 Mary Mattingly and BR1719903 Britney Rollins

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ATC AUCTION – Chairman Cook stated the auction will be held on January 10, 2018 at 10 a.m.

JANUARY COMMISSION MEETING – Chairman Cook stated the first 2018 meeting of the Commission will be held on Wednesday, January 3, 2018.

PRESIDENT OF GARY COMMON COUNCIL – Councilman Ronald Brewer of Gary spoke to the Commission regarding alcohol permits at gas stations. A transcript of his remarks are part of the record, along with a letter submitted by Mr. Brewer.

STATEMENT BY ATTORNEY MARK WEBB – A transcript of Mr. Webb’s response to the councilman’s remarks is part of the record.

ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 19th day of December, 2017.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER

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ALCOHOL AND TOBACCO COMMISSION MEETING

PARTIAL TRANSCRIPT

RE: CITY COUNCILMAN RONALD BREWER

12/5/17

25 Prosecutor Coleman Mr. Chairman, this gentleman from Gary wants to address the board.

26 Chairman Yeah.

27 Ronald Brewer I'm Councilman Ronald Brewer, from the city of Gary and president of
28 the Gary Common Council. I'm coming because we've seen a number
29 of businesses applying for liquor licenses and they have gotten passed
30 the county council and brought the city into an outrage from the citizens
31 crying out with liquor being sold inside of gas stations. For the past 10
32 years, we've had only one that had liquor inside. At that time, I was not
33 on the council. It came before the council and went passed the council
34 knowing they got approved. We have had a few problems at that one
35 store there with the liquor being sold there. But, this time, Speedway
36 has built a brand new facility and the council was not aware that they
37 had applied for liquor to be sold there. Never once was that brought
38 (inaudible) plans to put liquor in there. But, it did get approved by the
39 Lake County board and the state board here. Dollar General went
40 before the liquor commission. It was Family Dollar. It was in
41 bankruptcy. It was sold. The city was not aware they were planning on
42 putting liquor inside there. Inside the city of Gary, pretty much every
43 dollar store has had some type of robbery, some type of incident, with
44 citizens was involved in the same thing. It is our opinion, as the city
45 council, that it would increase the number of violence that would
46 happen inside these venues. We have passed a resolution for the gas
47 stations that no alcohol beverages be sold inside the gas stations and
48 we're going back to the table to pass a resolution also on the Family

49 Dollar/Dollar Generals inside the city. What I'm asking this board and
50 this commission here to hear the plea of the city of Gary and the elected
51 officials---the mayor and especially the city council---that this is
52 something that we do not want to do, to have these types of...we do
53 understand that our city is not a dry city. The county is not dry and
54 definitely the state's not. We do have (inaudible) that we have
55 sometime and myself have wrote letters in support of these businesses
56 coming to our city, but we want to be fastidious about where these
57 business are opened up and where alcohol sales are being sold,
58 especially with our young people having access to them and going
59 inside and out of these facilities. What we have with our Dollar
60 General, especially, is Gary is blessed with a lack of grocery stores---
61 quite a few of them. And, Dollar General serves in a lot of aspects as
62 the corner store where you can go to get the specialties that you need.
63 To promote and to have kids go inside and see liquor there and to
64 sometimes make those purchases, we have enough problems at the gas
65 stations in the city selling cigarettes, other items that they should not be
66 selling and we have a strenuous problem with that. So, I'm asking this
67 board to support the city council and not allow these entities to come. I
68 would do more of a better job. We have talked with our representative
69 from the county aspect of the board to notify us when these different
70 ones come. The problem has been a lack of communication. I have
71 spoken to them also the same way I'm speaking with you. I do have a
72 letter from the city council to present to you all. We also have

73 forwarded the Resolution for the gas stations to this commission. So, I
74 would ask that this commission would support us on those aspects that
75 we're trying to make our city a safer city for everyone, not just the ones
76 inside the city, but the ones that have to come through our city at the
77 same time. Thank you all for giving me this space.

78 Chairman All right. That's fine. Thank you. Your comments certainly will be
79 noted as we look at other additional permits. I would recommend that
80 you communicate with Jessica Allen, our executive secretary, to ensure
81 that you understand the procedure for remonstrating at local boards.
82 That's the way that process really begins. So, I would suggest that you
83 do that. I will make your letter here a matter of the record and show
84 that you produced it. Thank you for coming in. Any other business?

85 Jessica Allen Chairman, just quickly. We're working on setting up meetings, since
86 we have the communications director, and that's a new position. We're
87 working on setting up meetings or...so after the next meeting, we'll just
88 stick around and plan on anybody that wants to stay and talk about
89 things we've done well and things we've done poorly with
90 communication in the past, suggestions you may have about
91 communicating to your clients, industry members. If you feel like you
92 have an organization where individuals would rather meet one on one,
93 we can set that up, too. Just let me know.

94 Chairman Yes?

95 Mark Webb Mr. Chairman, if I may, this is an unusual situation, but I'm going to
96 ask to rise, based on what I just heard, and indicate my opposition to

97 what was just said by the gentleman from Gary, in that this is not the
98 appropriate venue to raise these issues. I see it as an attempt to unfairly
99 prejudice permit holders in front of the commission without regard for
100 individual facts of the case. I also see this as an attempt for hearing
101 tried to, get the commission to make a separate rule for Gary that
102 doesn't apply any place else. I would encourage this gentleman that the
103 alcoholic beverage code is enforced throughout the State of Indiana
104 uniformly at the state level. Any concerns that the city of Gary might
105 have in that regard should be addressed to the General Assembly.
106 Permit holders should have the right to come, make their applications as
107 they see fit, and they ought to have the right to be judged by the local
108 community and then come down here without any undue influence.
109 Again, I rise for that reason. Thank you very much.
110 Chairman Your comments will also be noted.