

ALCOHOL AND TOBACCO COMMISSION

March 20, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 6, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

652 renewals  
73 new/transfer  
9 catering  
5 1<sup>st</sup> year escrow  
11 2<sup>nd</sup> year escrow  
2 3<sup>rd</sup> year escrow  
1 4<sup>th</sup> year escrow  
5 5<sup>th</sup> year escrow  
13 new/renewal carrier

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

7. Applications for Discussion –

RR45-29825 Francisco Ortega – 6<sup>th</sup> year escrow for the purpose of transfer

RR49-32925 Smokey Doodle LLC – renewal with LB voting 4-0 to deny

RR71-04413 D & D Downtown Entertainment – renewal with the LB voting 2-2

RR45-33778 Janet Meade – transfer with LB voting 3-0 to deny

DL72-31233 Casey's General Store #3703 – new with LB voting 3-0 to deny

8. Inactive Files –

6 permits not subject to auction

9. Old Business -

RR29-29535 Phat Investments LLC - continued from 2/20/18 meeting

10. New Business –

Probationary status employee permit –

BR1666262 Abby Mowery – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

Brewer's Guild – March 20, 2018

Package Stores – April 12, 2018

Convenience Stores – May 15, 2018

Wholesalers – June 19, 2018

Vintner's Conference – July 17, 2018

Retailers – August 21, 2018

Non-Package Store Dealers – September 18, 2018

Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 20, 2018

**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. Superintendent Strittmatter, Executive Secretary Allen, Communications Director Devlin and Industry Liaison Stewart were also in attendance.

David Rothenberg, Greg Genrich, Katie Maddox, Jenny Drewry, Justin Russell, Brooke Burtnett, Matt Brase, Davey Neal and Mark Webb were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the March 6, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – There were 52 Parties' Agreed Dispositions submitted, totaling \$16,700.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions submitted for the March 20, 2018 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.

Six hundred fifty-two (652) renewals approved, seventy-three (73) new and/or transfer applications approved, nine (9) permits approved for catering, five (5) permits approved for first year escrow; eleven (11) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow, five (5) permits approved for fifth year escrow, and thirteen (13) 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**

RR45-29825 FRANCISCO ORTEGA – Executive Secretary Allen noted this permittee is requesting 6<sup>th</sup> years of escrow for purposes of transferring to a new location. The Executive Secretary requested plans from the engineer and for the build out, but nothing has been submitted. She recommended the Commission continue this until April 3, 2018.

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

RR49-32925 SMOKEY DOODLE LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated there has been a progression of increased police runs, from 7 to 31 per year, to this establishment over the last few years. In January of 2018, there were 5 people shot--2 of those people died. The owner closed the business after this incident and is looking at possibly changing the business to just a restaurant.

Vice Chairman Krauss stated after reviewing the record that this establishment is a menace to the neighborhood.

Chairman Cook stated the record showed that over the years there were other incidents where shots were fired, but no deaths.

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

RR71-04413 D & D DOWNTOWN ENTERTAINMENT – Chairman Cook noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated this establishment has had five separate charges of minors loitering. It appears that the minors were allowed in because the security personnel were accepting bribes. The owners continued to allow this even after being cited by Excise multiple times.

Chairman Cook stated that the owners, even after being cited, allowed these persons to be employed at the establishment for up to a year.

Commissioner Maginn moved to deny the renewal of this permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR45-33778 JANET MEADE – Chairman Cook noted this is a transfer of with the local board voting 3-0 to deny.

Commissioner Maginn stated this permit was purchased by someone who was not qualified to hold the permit, so the permit was transferred to someone who was not aware it was being transferred to him. There appears to be a false owner on our paperwork.

Vice Chairman Krauss stated he agrees it appears to be a shell game of who is on first for the ownership.

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

DL72-31233 CASEY'S GENERAL STORE #3703 – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated Scott County has a history of not wanting dealer permits issued, other than package store permits, in their county. They feel that additional permits would increase the substance abuse problems that already occur in this county. There were remonstrators present. The remonstrators have no problem with this business, they just do not want alcohol being sold there.

Chairman Cook stated there were many remonstrators present. They were very organized and submitted a petition with over 200 signatures in opposition to this permit.

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

### **INACTIVE FILES**

Vice Chairman Krauss moved to make six (6) permits inactive. All six permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

**OLD BUSINESS**

RR29-29535 PHAT INVESTMENTS LLC – Executive Secretary Allen stated she has not received documents that were requested. She recommended the Commission continue this until April 3, 2018.

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

**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 September 18, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1666262 Abby Mowery

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

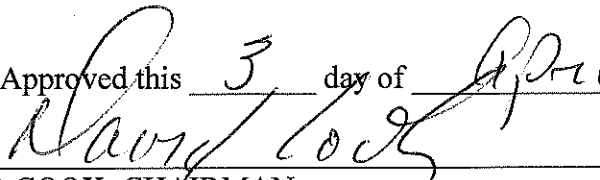
2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

- Brewer’s Guild – March 20, 2018
- Package Stores – April 17, 2018
- Convenience Stores – May 15, 2018
- Wholesalers – June 19, 2018
- Vintner’s Conference – July 17, 2018
- Retailers – August 21, 2018
- Non-Package Store Dealers – September 18, 2018
- Artisan Distillery – October 16, 2018

**ADJOURNMENT**

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

Approved this 3 day of April, 2018.



DAVID COOK, CHAIRMAN



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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER