

ALCOHOL AND TOBACCO COMMISSION

May 1, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

April 17, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

331 renewals
33 new/transfer
7 catering
8 1st year escrow
2 2nd year escrow
5 3rd year escrow
1 4th year escrow
1 5th year escrow
3 new e-liquid
9 new/renewal carrier

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

7. Applications for Discussion –

WH29-30019 Wineworks Distributors, LLC – floor plan

DL4529754, GJG, LLC – 6th year escrow request

RR36-04497 Soto-Cat Alan, Inc. – renewal with LB voting 4-0 to deny

8. Inactive Files –

17 permits not subject to auction

9. Old Business -

Revocation of employee permit – no proof of treatment
BR1789157 John Raymond Frigge
BR1787677 Brian Thomas Rex
BR1601076 Tamara D Rutledge-Keller

Remove from probationary status – proof of treatment
BR1830498 Mary Mattingly

10. New Business –

Probationary status employee permit –

BR1705433 Latonia Cameron – 1 conviction

BR1803438 Blair Alexis Brougher 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

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

MAY 1, 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. Communications Director Devlin and Industry Liaison Stewart were also in attendance.

Katie Maddox, Anthony Mitson, Jeff McKean, Marc Carmichael, Alex Intermill, Brooke Burnett, Davey Neal and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the April 17, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – There were 31 Parties' Agreed Dispositions submitted, totaling \$11,675.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions submitted for the May 1, 2018 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 permits. 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.

Three hundred thirty-one (331) renewals approved, thirty-three (33) new and/or transfer applications approved, seven (7) permits approved for catering, eight (8) permits approved for first year escrow; two (2) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, three (3) new e-liquid permits approved, and nine (9) 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

WH29-30019 WINEWORKS DISTRIBUTORS, LLC – Chairman Cook noted this was conditionally approved on November 7, 2017, pending final inspection. Excise has concerns about the location and the business relationship of the parties.

Commissioner Maginn stated she reviewed the photographs and information regarding this applicant. It appears to be a home with very minimal space designated as storage/business. The Commissioner has numerous questions as to the operation of the office. Where are the supplies kept and from where are they ordered? Where is the phone? How will the distribution/marketing parts run? Who handles the manufacturer contracts, etc?

Vice Chairman Krauss agreed with Commissioner Maginn. He stated the photographs have the appearance of a home garage.

Commissioner Maginn moved to continue this until the June 5, 2018 meeting, and to send a letter to the applicant regarding the questions and concerns the Commission has about the business operation. Vice Chairman Krauss seconded. The motion was unanimously approved.

By consent, the Commission agreed for the Chairman to mail the letter he prepared regarding these issues.

DL45-29754 GJG, LLC – Chairman Cook noted this is a 6th year escrow request. Executive Secretary Allen was not present at the meeting, but she provided the Commission with an email that states the permittee is getting very close to providing exhibits that would demonstrate putting this permit into use.

Vice Chairman Krauss moved to continue this until the May 15, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

RR36-04497 SOTO-CAT ALAN, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny. The renewal was mistakenly placed on the automatic renewal list on November 7, 2017 and was approved and issued. The permittee had a violation that needed to be vetted by the local board. It has since been scheduled for local board and continued several times, but the permittee has not appeared, so it was denied.

Commissioner Maginn moved to remand the renewal to the local board and have the Excise officer personally notify the permittee to appear before the local board regarding the violation. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chairman Cook stated he will prepare the letter.

INACTIVE FILES

Vice Chairman Krauss moved to make seventeen (17) permits inactive. All seventeen permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

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

BR1789157 John Raymond Frigge; BR1787677 Brian Thomas Rex; BR1601076 Tamara D Rutledge-Keller

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

BR1830498 Mary Mattingly

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 October 2, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1705433 Latona Cameron and BR1803438 Blair Alexis Brougher

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

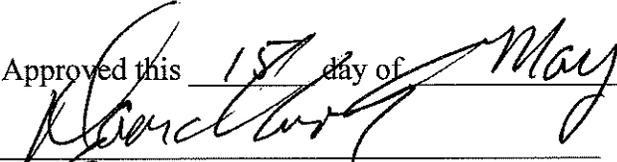
2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

- 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.

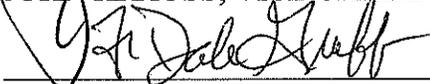
Approved this 15th day of May, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER