

ALCOHOL AND TOBACCO COMMISSION

May 15, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 1, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

618 renewals
98 new/transfer
9 ~~8~~ catering
21 1st year escrow
13 2nd year escrow
3 3rd year escrow
3 4th year escrow
1 5th year escrow
2 new e-liquid
9 new/renewal carrier
45 renewal direct wine shipper

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

7. Applications for Discussion –

DL45-29754 GJG, LLC – 6th year escrow, continued from 5/1

RR29-34165 Pho VN Vietnamese Restaurant LLC – new with LB voting 3-1 to deny

DL45-31295 Family Express Corp – new with LB voting 2-1 to approve

RR49-33879 Alissa Weaver – transfer of ownership with LB voting 3-0 to deny

8. Inactive Files –

7 permits not subject to auction

1 permit subject to auction

9. Old Business -

Revocation of employee permit – no proof of treatment
BR1880761 Tristan Scott Mockler

Remove from probationary status – proof of treatment
BR1797708 Brandon White

BR1779537 Aubrey Fisher
BR1666872 Deanna Crumb

10. New Business –

Probationary status employee permit –
BR1799211 Karlie Elizabeth Leyba – 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 15, 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, Prosecutor Harrison and Industry Liaison Stewart were also in attendance.

Katie Maddox, Anthony Mitson, Jeff McKean, Marc Carmichael, Scott Bedwell, Carmen Batts-Porter, Garrett Lanton, Jenny Drewry, Cody Eckert, Matt Norris, Brad Baugh, Greg Genrich, Kennedy Alman, Matt Brase, Grant Monahan, Mark Rutherford, Davey Neal and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the May 1, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 57 Parties' Agreed Dispositions, totaling \$17,575.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions submitted for the May 15, 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.

Commissioner Grubb moved to approve the direct wine shipper renewals. Commissioner Maginn seconded. The motion was unanimously approved.

Six hundred eighteen (618) renewals approved, ninety-eight (98) new and/or transfer applications approved, nine (9) permits approved for catering, twenty-one (21) permits approved for first year escrow; thirteen (13) permits approved for second year escrow, three (3) permits approved for third year escrow, three (3) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, two (2) new e-liquid permits approved, forty-five (45) direct wine shipper permit renewals 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

DL45-29754 GJG, LLC – Chairman Cook noted this is a 6th year escrow request that was continued from May 1, 2018. Executive Secretary Allen was not present at the meeting, but she provided the Commission with an update.

Commissioner Maginn noted there are still a few more items the permittee needs to provide to the Commission. The 5th year of escrow expires on May 22, 2018, so there is still a little time for the information to be submitted.

Commissioner Maginn moved to continue this until the June 5, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Vice Chairman Krauss stated it seems we have trouble just inching over the line, so he hopes the information is provided in time.

RR29-34165 PHO VN VIETNAMESE RESTAURANT LLC – Chairman Cook noted this is a new application with the local board voting 3-1 to deny.

Commissioner Maginn stated this applicant was operating the business with no Manager's Questionnaire/transfer on file, and without obtaining a new permit. They were purchasing alcohol from retail businesses. Excise and the last owner of the business previously spoke with the applicant regarding the alcohol laws and procedures, but to no avail.

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

DL45-31295 FAMILY EXPRESS CORP. – Chairman Cook noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated the city attorney was a remonstrator because of zoning issues with this location. The zoning is under appeal at this time, but this has no impact on whether or not to approve the alcohol permit. If zoning is ultimately denied, the location can change. The Commissioner commended the local board on how they thoroughly weighed the issues before making their recommendation

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-33879 ALISSA WEAVER – Chairman Cook noted this is a transfer of ownership application with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant did not appear before the local board after multiple continuances, as required.

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

INACTIVE FILES

Vice Chairman Krauss 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

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

BR1880761 Tristan Scott Mockler

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

BR1797708 Brandon White; BR1779537 Aubrey Fisher; BR1666872 Deanna Crumb

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 November 6, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1799211 Karlie Elizabeth Leyba

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

CARRY-OUT FORM – Chairman Cook stated the updated carry-out renewal form is available on our website.

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.

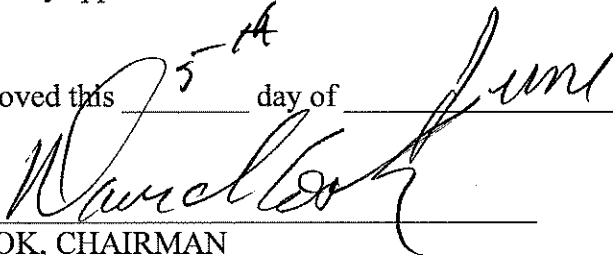
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ADJOURNMENT

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

Approved this 7th day of June, 2018.



DAVID COOK, CHAIRMAN

JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER