

ALCOHOL AND TOBACCO COMMISSION

July 3, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 19, 2018

3. Prosecutor's Recommendations –

PAD Forms

Adriana Ballou – pending employee permit

BR1736847 Marija Losic – pending employee permit

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

447 renewals

24 new/transfer

9 catering

15 1st year escrow

2 2nd year escrow

4 3rd year escrow

2 new e-liquid

32 renewal direct wine shipper

19 new/renewal carrier

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

7. Applications for Discussion –

RR49-34362 545 Kentucky Venue, LLC – Request for catering hall designation

8. Inactive Files –

14 permits not subject to auction

9. Old Business -

6th year escrow requests:

RR29-29535 Phat Investments LLC

DL45-29754 GJG LLC

RR45-29825 Francisco Ortega

Remove from Probationary Status – proof provided

BR1433722 Debbie Hathaway

BR1794607 Jewel Taylor

10. New Business –

Revocation of employee permit – no proof

BR1783290 Tara Cook

BR1783849 Alyssa Short

BR1848020 Dale Horn

BR1848020 Jason King

BR1789714 Misty Hayes

Probationary status employee permit –

BR1775551 Daniel Hull – 1 conviction

BR1786639 Jesus Guerrero – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

Vintner's Conference – July 17, 2018 (Brown County Inn, 51 SR 46, Nashville, IN from 3:45-4:45 p.m.)

Retailers – August 21, 2018

Non-Package Store Dealers – September 18, 2018

Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 3, 2018

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Commissioner Maginn and Commissioner Grubb. Communications Director Devlin, Prosecutor Harrison and Industry Liaison Stewart were also in attendance.

Quentin Collins, Brooke Burtnett, Eddie Anderson, Greg Genrich, Matt Brase, Carmen Pratts Porter, Scott Bedwell, Sarah Stegmeyer, Emily Fautless, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the June 19, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 56 Parties' Agreed Dispositions, totaling \$21,125.00 in fines. The Prosecutor pointed out permit #RR45-32580 submitted the signed Settlement that not only included a fine of \$2,500, but also a seven (7) day suspension.

Vice Chairman Krauss moved to approve the Dispositions submitted for the July 3, 2018 meeting. He also stated that he is happy the matter has been settled regarding the offer for permit #RR45-32580, which was previously pulled at his request. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICANT #2558039 ADRIANA BALLOU – Prosecutor Harrison noted this applicant does not qualify for an employee permit, due to two (2) OWI convictions. He requested the Commission deny her employee permit request.

Commissioner Maginn moved to deny the new application. Commissioner Grubb seconded. The motion was unanimously approved.

BR1736847 MARIJA LOSIC – Prosecutor Harrison noted this renewal applicant is currently on probation for an OWI. She was set to be taken off probation, however, due to some violations, she is now set for a revocation hearing on July 26th. The Prosecutor asked that the Commission continue this matter until after the revocation hearing.

By consent, the Commission continued this matter until August 7, 2018.

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.

Four hundred forty-seven (447) renewals approved, twenty-four (24) new and/or transfer applications approved, nine (9) permits approved for catering, fifteen (15) permits approved for first year escrow; two (2) permits approved for second year escrow, four (4) permits approved for third year escrow, two (2) new e-liquid permits approved, thirty-two (32) direct wine shipper permit renewals approved, and nineteen (19) 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 that were issued for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-34362 545 KENTUCKY VENUE, LLC – Chairman Cook noted this permittee is requesting approval of the renewal and also approval to be designated as a catering hall.

Commissioner Maginn moved to approve the renewal and the catering hall designation. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make fourteen (14) permits inactive. All fourteen permits are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

RR64-23125 QSL, LLC – Chairman Cook noted this renewal was continued from the June 19, 2018 meeting, due to non-payment of fees. The fees have been paid.

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

SIXTH YEAR ESCROW REQUESTS – Commissioner Maginn stated the Commission is putting all permit holders who are already out of escrow time or will reach the end of the statutorily allowable five years of escrow before the end of the 2018 calendar year on notice that they have until December 31, 2018 to make their permits active or transfer them in an arms-length transfer. IC 7.1-3-1-3.5 allows permits to be deposited in escrow for a period of up to one year, starting from the most recent expiration date, with the option for four additional one year escrow terms. The list of permit holders effected by this is available today and will be posted on the website. Each of these permit holders will be sent a letter and order from the Commission to the mailing address on file with the Alcohol and Tobacco Commission.

Permits that are less than one year expired, or current, will be set for review at the January 3, 2019 Commission meeting to determine if the permit was made active or transferred in an arms-length transaction. If the permit is not active or transferred, it will revert to the Commission.

If the permit is more than one year expired, it is subject to reverting to the Commission if it is not timely renewed pursuant to IC 7.1-3-1-3(a). These permits will be set for review at the September 4, 2018 Commission meeting for a determination on whether the permit was timely renewed. If a renewal of the permit is not on file by the September 4, 2018 Commission meeting, the permit will revert to the Commission. If the permit is renewed by the September 4, 2018 Commission meeting, it will be reset for review at the January 3, 2019 Commission meeting to determine whether the permit was made active or transferred in an arms-length transaction.

Commissioner Maginn stressed to the attendees that it is very important that they contact their clients regarding this information. In the future, no additional escrow time, past the statutory allowance, will be approved.

Commissioner Maginn moved to incorporate into the record this list of permits, with the exception of permit #RR49-09235, and order that the permittees renew immediately if the permit is expired and make the permit active or transfer the permit in an arms-length transaction. Vice Chairman Krauss seconded. The motion was unanimously approved.

Vice Chairman Krauss moved to add permit #RR49-09235 to the list under the same escrow conditions mentioned above. Commissioner Grubb seconded. Chairman Cook approved the motion. Commissioner Maginn abstained from the vote, due to a conflict of interest.

Chairman Cook noted RR29-29535 Phat Investments, LLC; DL45-29754 GJG, LLC; and RR45-29825 Francisco Ortega are included in this list of 5th year escrow permits.

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

BR1783290 Tara Cook; BR1783849 Alyssa Short; BR1848020 Dale Horn; BR1699300 Jason King; BR1789714 Misty Hayes

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

BR1433722 Debbie Hathaway and BR1794607 Jewel Taylor

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 January 3, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1775551 Daniel Hull and BR1786639 Jesus Guerrero

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, with the exception of the Vintner’s Conference, which will be held at the Brown County Inn from 3:45-4:45 pm.

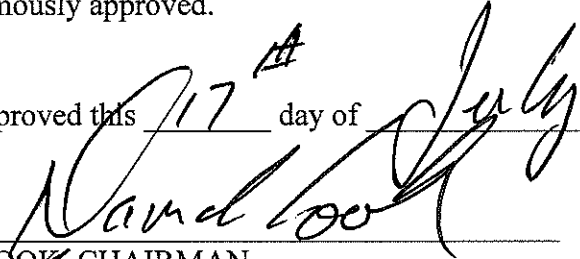
Vintner’s Conference – July 17, 2018
Retailers – August 21, 2018

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 17th day of July, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER