

ALCOHOL AND TOBACCO COMMISSION

August 7, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 17, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR12-00982 Mick and Deb's 400 Club, Inc.

RR71-04413 D & D Downtown Entertainment, Inc.

DL03-07099 Kroger Limited Partnership – Remand

RR49-34256 Black Tie Event Catering, Inc. – Remand

5. Consideration of Applications -

549 renewals
54 new/transfer
12 catering
12 1st year escrow
6 2nd year escrow
5 3rd year escrow
1 5th year escrow
6 new e-liquid
35 new/renewal direct wine shipper
16 renewal carrier
13 denied employee

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

7. Applications for Discussion –

RR45-32813 Starbar, LLC – continued from 6/19

RR41-92093 Masco Entertainment (renewal) and RR41-34456 Pfendler Investents (transfer) -
continued from 7/17

RR10-33307 La Villita, LLC – continued from 7/17

8. Inactive Files –

134 permits not subject to auction
20 permits subject to auction

9. Old Business -

Revocation of employee permits – no proof

BR1797804 Sarah Sanders

BR1831467 Raelynn Wheaton

BR1791752 Teresa Busse

BR1794199 David Pawloski

BR1680522 Christina Craig

BR1700577 Jared Allen

BR1772413 Kaitlyn Smith

10. New Business –

Probationary status employee permit – 1 conviction

BR1599612 Beth Singer

BR1738697 Kimberly Johnson

11. Policy Determinations –

Non-Rule Policy 25

12. Announcements -

2018 ATC Auction – November 29, 2018 – Auction list available on or about October 24th

2018 Proposed Roundtable Dates:

Retailers – August 21, 2018

Non-Package Store Dealers – September 18, 2018

Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 7, 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. Executive Secretary Allen, Communications Director Devlin, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

Tom Ristine, Brooke Burtnett, Katie Beth Maddox, Matt Brase, Carmen Pratts Porter, Marc Carmichael, Robert Wildman, Tim Button, Jake Kelse, Anthony Mitson, Jake German, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

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

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 68 Parties' Agreed Dispositions, totaling \$18,125.00 in fines for the Commission's approval

Commissioner Maginn moved to approve the Dispositions submitted for the August 7, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR12-00982 MICK AND DEB'S 400 CLUB, INC. – Hearing Judge Allen stated this permit renewal was denied and is under appeal. The permittee requested that the Commission allow the permit to be placed in escrow for one year and transferred.

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

RR71-04413 D & D DOWNTOWN ENTERTAINMENT, INC. - Hearing Judge Allen stated this permit renewal was denied and is under appeal. The permittee requested that the Commission allow the permit to be placed in escrow for one year and transferred.

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

DL03-07099 KROGER LIMITED PARTNERSHP I – Hearing Judge Allen stated this permit renewal was denied after numerous continuances for not appearing at the local board hearing, as required, due to a violation. They have filed an appeal and a request for remand to the local board for reconsideration.

Commissioner Grubb moved to approve the request for remand. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-34256 BLACK TIE EVENT CATERING, INC. - Hearing Judge Allen stated the new permit was denied after numerous continuances for not appearing at the local board hearing, as required. They have filed an appeal and a request for remand to the local board for reconsideration.

Commissioner Grubb moved to approve the request for remand. Commissioner Maginn seconded. The motion was unanimously approved.

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 renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Prosecutor Harrison recommended the Commission deny 13 applicants for an employee permit because they do not qualify to hold the permit, due to OWI convictions.

Commissioner Grubb moved to deny the employee permits. Commissioner Maginn seconded. The motion was unanimously approved.

Five hundred forty-nine (549) renewals approved, fifty-four (54) new and/or transfer applications approved, twelve (12) permits approved for catering, twelve (12) permits approved for first year escrow; six (6) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fifth year escrow; six (6) new e-liquid permits approved, thirty-five (35) direct wine shipper permit renewals approved, sixteen (16) renewal carrier permits approved and thirteen (13) employee applications denied.

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

RR45-32813 STARBAR, LLC – Prosecutor Harrison stated the permittee did not appear at the settlement conference or the order to show cause hearing. An Order is in the process of being prepared regarding this matter, but is not ready at this time.

The Commission, by consent, continued this until the August 21, 2018 meeting.

RR41-92093 MASCO ENTERTAINMENT AND RR41-34456 PFENDLER INVESTMENTS – Chairman Cook reviewed the transfer and noted there was no lease agreement at the time of application. At this time, there is still no lease agreement. The consent to transfer has been amended to “location pending” and is scheduled to go before the local board on September 10, 2018.

Vice Chairman Krauss moved to remand the transfer to the local board. Commissioner Maginn seconded. The motion was unanimously approved.

RR10-33307 LA VILLITA, LLC – Commissioner Maginn stated the Commission notified this permittee that they had until today’s meeting to pay all fees owed because the initial check was returned with “insufficient funds”. As of today, payment has not been made.

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

INACTIVE FILES

Vice Chairman Krauss moved to make one hundred fifty-three (153) permits inactive. One hundred thirty-four permits are not subject to auction and nineteen permits are subject to auction. Permit #RR45-32035 was removed from the list and was continued to the August 21, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS – Prosecutor Harrison recommended the Commission revoke the following employee permits for not providing proof that alcohol treatment was completed.

BR1797804 Sarah Sanders; BR1831467 Raelynn Wheaton; BR1791752 Teresa Busse; BR1794199 David Pawloski; BR1680522 Christina Craig; BR1700577 Jared Allen; BR1772413 Kaitlyn Smith

Commissioner Maginn moved to uphold the Prosecutor’s recommendation to revoke the permits. Vice Chairman Krauss seconded. The motion was unanimously approved.

NEW BUSINESS

PROBATIONARY EMPLOYEE PERMITS – Prosecutor Harrison recommended the Commission, pursuant to IC 7.1-3-18-9.5, 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.

BR1599612 Beth Singer and BR1738697 Kimberly Johnson

Commissioner Maginn moved to uphold the recommendation and to also reschedule the matter for the February 5, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

NON-RULE POLICY #25 – Chairman Cook noted there are copies of the policy available for review. If anyone has any comments regarding the policy, they should be submitted to Executive Secretary Allen. The Commission will vote on the policy at the August 21, 2018 meeting.

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.

- 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 _____ day of _____, 2018.

David Cook

DAVID COOK, CHAIRMAN

John Krauss

JOHN KRAUSS, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER