

ALCOHOL AND TOBACCO COMMISSION

August 21, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 7, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR45-32813 Starbar, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

563 renewal

74 new/transfer

6 catering

19 1st year escrow

10 2nd year escrow

6 3rd year escrow

2 4th year escrow

1 5th year escrow

4 new e-liquid

19 direct wine shipper renewal

7 new/renewal carrier

18 employee denial

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

7. Applications for Discussion –

DL49-31408 Liquor Palace LLC – Transfer with LB voting 4-0 to approve

8. Inactive Files –

57 permits not subject to auction

4 permits subject to auction

9. Old Business -

RR10-33307 La Villita LLC – Reconsideration of denial

10. New Business –

Probationary status employee permit – 1 conviction (6 months - February 19, 2019)

BR1517116 Kevin Nolan

BR1811043 Alexander Macy Cox

BR1783989 Sydney Samantha Tilford

BR1538074 Hollie Boznak
BR1809819 Amanda Kay Krutz
BR1692637 Brandi Jefferson
BR1731622 Hollee Cordilla
BR1602690 Michael Eichhorn
BR1873423 Steven Sullivan
BR1808433 Cody Harris
BR1810267 Sydney Ouding

11. Policy Determinations –

Non-Rule Policy 25

12. Announcements -

September Commission Meeting – Wednesday, September 5th at 10 am

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

2018 Proposed Roundtable Dates:

Retailers – 8/21/2018; Non-Package Store Dealers – 9/18/2018; Artisan Distillery – 10/16/2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 21, 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 Prosecutor Harrison were also in attendance.

Jenny Drewry, Mark Webb, Greg Genrich, Jeff McKean, Marc Fortney, Kevin Walter, Marc Fortney, Jr., Patrick Tamm, Brooke Burtnett, Katie Beth Maddox, Carmen Pratts Porter, Marc Carmichael, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the August 7, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 74 Parties' Agreed Dispositions, totaling \$19,150.00 in fines for the Commission's approval

Commissioner Maginn moved to approve the Dispositions submitted for the August 21, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-32813 STARBAR, LLC and BR1751877 MELISSA ESTRELLA – Communications Director Devlin stated there are separate issues regarding this matter. The first issue being the violation of falsification of records. Neither party appeared for the prehearing conference nor the order to show cause hearing. The Hearing Judge recommends revocation of permits for both parties.

The second issue is the 3-1 recommendation from the local board to approve the renewal of the permit for Starbar, LLC. Excise was the vote against approval of the renewal. Based on the aforementioned violation, the Hearing Judge recommends the Commission overturn the local board's approval because it is not in accordance with the law and is in excess of statutory jurisdiction.

Commissioner Maginn moved to uphold the Hearing Judge's recommendations. Vice Chairman Krauss seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

The Commission, by consent, removed permit #RR48-25975 from the renewal list due to the check submitted to the ATC was returned with "insufficient funds". This renewal will be reheard at the September 5, 2018 meeting.

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 renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Prosecutor Harrison recommended the Commission deny 18 applicants for an employee permit because they do not qualify to hold the permit, due to OWI convictions.

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

Five hundred sixty-two (562) renewals approved, seventy-four (74) new and/or transfer applications approved, six (6) permits approved for catering, nineteen (19) permits approved for first year escrow; ten (10) permits approved for second year escrow, six (6) permits approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow; four (4) new e-liquid permits approved, nineteen (19) direct wine shipper permit renewals approved, seven (7) new and renewal carrier permits approved and eighteen (18) 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

DL49-31408 LIQUOR PALACE LLC – Commissioner Maginn stated the Commission received a withdrawal of the consent to transfer this permit.

Vice Chairman Krauss noted the transferee lacks the qualifications to hold the permit.

Commissioner Maginn moved to revoke the consent to transfer. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chairman Cook noted that the local board vote on the transfer is now moot.

INACTIVE FILES

Vice Chairman Krauss moved to make sixty (60) permits inactive. Fifty-six permits are not subject to auction and four permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

RR10-33307 LA VILLITA LLC – Commissioner Maginn moved to overturn the denial of this renewal because the permittee submitted a Cashier's Check for the amount due to the Commission. Commissioner Grubb 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.

BR1517116 Kevin Nolan; BR1811043 Alexander Macy Cox; BR1783989 Sydney Samantha Tilford; BR1538074 Hollie Boznak; BR1809819 Amanda Kay Krutz; BR1692637 Brandi Jefferson; BR1731622 Hollee Cordilla; BR1602690 Michael Eichhorn; BR1873423 Steven Sullivan; BR1808433 Cody Harris; BR1810267 Sydney Ouding

Commissioner Maginn moved to uphold the recommendation and to also reschedule the matter for the February 19, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

NON-RULE POLICY #25 – Chairman Cook noted the proposed non-rule policy was made available last week for review by the public. The Commission has not received any comments or concerns.

Commissioner Maginn moved to adopt the new policy. Vice Chairman Krauss seconded. The motion was unanimously approved.

ANNOUNCEMENTS

SEPTEMBER COMMISSION MEETING – Chairman Cook noted the next meeting will be held on Wednesday, September 5, 2018 at 10 a.m.

2018 ATC PERMIT AUCTION – Chairman Cook stated the auction will be held on Thursday, November 29, 2018. Auction lists will be available on or about October 24, 2018.

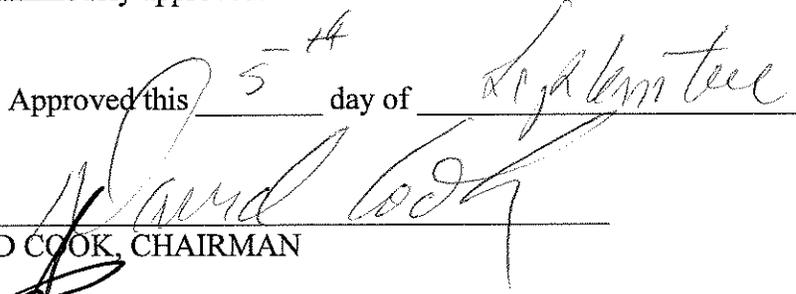
2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

- Retailers – August 21, 2018
- Non-Package Store Dealers – September 18, 2018
- Artisan Distillery – October 16, 2018

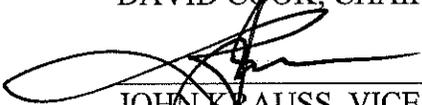
ADJOURNMENT

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

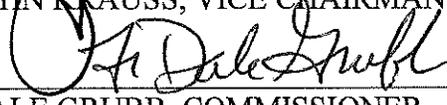
Approved this 5th day of September, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER