

ALCOHOL AND TOBACCO COMMISSION

September 18, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 5, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

517 renewals

96 new/transfer

15 catering

20 1<sup>st</sup> year escrow

20 2<sup>nd</sup> year escrow

3 3<sup>rd</sup> year escrow

2 4<sup>th</sup> year escrow

7 5<sup>th</sup> year escrow

5 6<sup>th</sup> year escrow

2 7<sup>th</sup> year escrow

3 new e-liquid

7 new/renewal direct wine shipper

4 renewal carrier

4 employee permit denial

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

7. Applications for Discussion –

RR49-34685 More Cheers, LLC – transfer with LB voting 4-0 to approve

RR12-21760 Frankfort Sports Club – renewal with LB voting 3-1 to approve

DL48-27695 EMS of Indiana, Inc. – renewal with LB voting 3-0 to deny

DL53-31428 R & H Petroleum, Inc. – transfer with LB voting 3-0 to approve

DL18-31433 BCD, Inc.

8. Inactive Files –

31 permits not subject to auction

5 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2018 ATC Auction – November 29, 2018 – Auction list available on or about October 24<sup>th</sup>.

2018 Proposed Roundtable Dates:

Non-Package Store Dealers – 9/18/2018

Artisan Distillery – 10/16/2018

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 18, 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.

Greg Genrich, Marc Carmichael, Mark Webb, Grant Monahan, Brooke Burtnett, Jake German, Carmen Pratts Porter, Davey Neal and David Rothenberg were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the September 5, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 43 Parties' Agreed Dispositions, totaling \$9,500.00 in fines for the Commission's approval.

Commissioner Maginn moved to approve the Dispositions submitted for the September 18, 2018 meeting. Vice Chairman Krauss 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.

Chairman Cook noted a remonstrator appeared at the local board meeting regarding transfer permit #RR49-33326 Oakbridge Properties, LLC, but after hearing the business plan of the applicant, withdrew remonstrance.

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.

Executive Secretary Allen noted there are 6<sup>th</sup> and 7<sup>th</sup> year escrow permits on the list for approval. These permits are already on the list of escrow permits from July 3, 2018, where escrow is approved until December 31, 2018, but to be made active by that date, and rescheduled for January 3, 2019 meeting for review. The Commission consented to remove those from this agenda.

The Executive Secretary also submitted a list of permits from the July 3<sup>rd</sup> meeting that were more than a year expired with an escrow status. Permittees were sent notice that renewals had to be filed by the beginning of September, or the Commission would vote to make the permits dead. There are two on this list that are actively working to get the permits renewed. Executive Secretary Allen recommend the Commission make the permits on this list dead, with the exception of permit #RR15-02108 and permit #RR45-29825, to be continued to the October 2, 2018 meeting for consideration at that time.

Commissioner Maginn moved to make the permits dead. Commissioner Grubb 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 the new and renewal applicants for an employee permit because they do not qualify to hold the permit, pursuant to IC 7.1-3-18-9.

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

Five hundred seventeen (517) renewals approved, ninety-six (96) new and/or transfer applications approved, fifteen (15) permits approved for catering, twenty (20) permits approved for first year escrow; twenty (20) permits approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow, seven (7) permits approved for fifth year escrow; three (3) new e-liquid permits approved, seven (7) new and renewal direct wine shipper permits approved, four (4) renewal carrier permits approved and four (4) employee permit 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**

RR49-34685 MORE CHEERS, LLC – Chairman Cook noted this is a transfer with the local board voting 4-0 to approve.

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

RR12-21760 FRANKFORT SPORTS CLUB – Chairman Cook noted this is a renewal with the local board voting 3-1 to approve.

Commissioner Maginn stated this permit has been approved for one year renewals for the past three years. They have been cited for several violations in that time, most of which have been minor in nature. Excise noted at the meeting that the owner has been easy to deal with and seems to be very truthful, so hopefully things will improve.

Commissioner Maginn moved to uphold the local board's recommendation for another one year renewal. Commissioner Grubb seconded. The motion was unanimously approved.

DL48-27695 EMS OF INDIANA, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Chairman Cook stated the permittee failed to appear before the local board numerous times, as required.

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

DL53-31428 R & H PETROLEUM, INC. – Chairman Cook noted this is a transfer with the local board voting 3-0 to approve.

Commissioner Maginn stated there was a remonstrator who does not want alcohol being sold at the business. He also questioned the applicant's record of violations at his other business that sells alcohol and there have been no violations at that establishment.

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

DL18-31433 BCD, INC. – Chairman Cook received a request from the buyer and the seller to continue this transfer until the October 16, 2018 meeting. Those letters are a part of the record.

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

**INACTIVE FILES**

Vice Chairman Krauss moved to make thirty-six (36) permits inactive. Thirty-one permits are not subject to auction and five permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

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.

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 2 day of October, 2018.

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DAVID COOK, CHAIRMAN

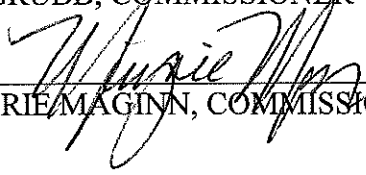
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JOHN KRAUSS, VICE CHAIRMAN

*Acty Chairman*



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER