

ALCOHOL AND TOBACCO COMMISSION

November 7, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 16, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

Applicant #3123558 Melissa Toomey – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

423 renewals  
39 new/transfers  
4 catering  
6 1<sup>st</sup> year escrow  
2 2<sup>nd</sup> year escrow  
9 3<sup>rd</sup> year escrow  
1 4<sup>th</sup> year escrow  
3 5<sup>th</sup> year escrow  
4 new e-liquid  
11 new/renewal direct wine shipper  
18 new/renewal carrier

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

7. Applications for Discussion –

RR49-34677 Bad Axe Throwing USA, Inc.

RR49-34750 Beverage Smiths, LLC, d/b/a Ragnarok Axe Throwing

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

Revocation of Employee Permit – no proof of treatment

BR1799211 Karlie Elizabeth Leyba

10. New Business –

11. Policy Determinations –

12. Announcements -

2018 ATC Auction – November 29, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 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 Hyer, and Prosecutor Harrison were also in attendance.

Elise Shrock, Brooke Burnett, Dan DeRoziere, Greg Genrich, Tony Mitson, Rik Smith, Mark Webb, Carmen Pratts Porter, Davey Neal and Marc Carmichael were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the October 16, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 135 Parties' Agreed Dispositions, totaling \$40,200.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: DL09-05457, 3rd furnishing alcohol to minor violation with \$1,200 fine; RC71-16526, 3<sup>rd</sup> furnishing alcohol to minor violation with \$1,000 fine, RR19-29986, \$1,200 penalty – retail to retail, service up setups, no employee permits, simply do not appear to understand rules; RR65-31723, using retailer permit as dealer permit, no food, character of business, \$500 fine and revocation.

Commissioner Maginn moved to approve the Dispositions submitted for the November 7, 2018 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

APPLICANT #3123558 MELISSA TOOMEY – Hearing Judge Allen noted this applicant has applied for an employee permit and has two convictions for OWI in the last 10 years. The first was in 2010 and the second was in 2017. The Commission denied her application and she filed an appeal. The matter was set for hearing, however, Ms. Toomey did not appear. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law, showing Ms. Toomey not eligible to hold a permit until March 2020, for recommendation to the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation. Vice Chairman Krauss 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 new and 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.

Four hundred twenty-three (423) renewals approved, thirty-nine (39) new and/or transfer applications approved, four (4) permits approved for catering, six (6) permits approved for first year escrow; two (2) permits approved for second year escrow, nine (9) permits approved for third year escrow, one (1) permit approved for fourth year escrow, three (3) permits approved for fifth year escrow; four (4) new e-liquid permits approved, eleven (11) new and renewal direct wine shipper permits approved, and eighteen (18) 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

RR49-34677 BAD AXE THROWING USA, INC. – Chairman Cook stated he will notify this permittee and ask that they submit answers to the concerns of the Commission regarding this establishment.

RR49-34750 BEVERAGE SMITHS, LLC, D/B/A RAGNAROK AXE THROWING - See attached transcript regarding details of the discussion between the Commission and the permittee, regarding this establishment.

## INACTIVE FILES

Vice Chairman Krauss moved to make five (5) permits inactive. All five are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

## OLD BUSINESS

BR1799211 KARLIE ELIZABETH LEYBA – Prosecutor Harrison recommended the Commission revoke the above-referenced employee permit because proof that the permittee completed alcohol treatment was not provided.

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

## NEW BUSINESS

No New Business

## POLICY DETERMINATIONS

No Policy Determinations

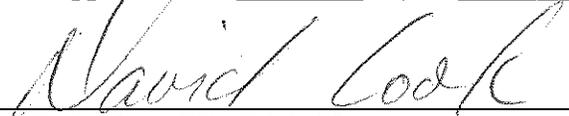
## ANNOUNCEMENTS

2018 ATC PERMIT AUCTION – Chairman Cook stated the auction will be held on Thursday, November 29, 2018.

## ADJOURNMENT

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

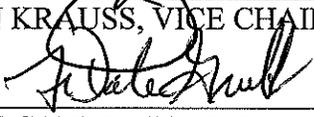
Approved this 20<sup>th</sup> day of November, 2018.

  
\_\_\_\_\_  
DAVID COOK, CHAIRMAN



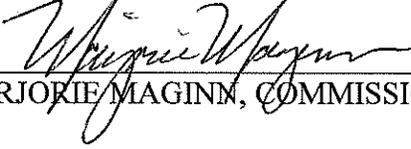
---

JOHN KRAUSS, VICE CHAIRMAN



---

DALE GRUBB, COMMISSIONER



---

MARJORIE MAGINN, COMMISSIONER