

ALCOHOL AND TOBACCO COMMISSION

November 20, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 7, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

440 renewals  
63 new/transfers  
4 catering  
8 1<sup>st</sup> year escrow  
3 2<sup>nd</sup> year escrow  
2 3<sup>rd</sup> year escrow  
3 4<sup>th</sup> year escrow  
1 5<sup>th</sup> year escrow  
4 new/renewal direct wine shipper  
16 new/renewal carrier  
12 employee permit denials

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

7. Applications for Discussion –

DL79-31474 Quick Pantry – new LB voting 3-1 to approve

RR64-31218 Pek, Inc. – renewal LB voting 4-0 to deny

RR16-34579 Kickstand Saloon, Inc. – new LB voting 4-0 to approve

DL49-31432 Emerson Petroleum, Inc. – new LB voting 2-1 to approve

RR19-34831 Calumet Lake Events Plaza, LLC – catering hall designation

8. Inactive Files –

1 permit not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2018 ATC Auction – November 29, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 20, 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, Commission Counsel Hyer, and Prosecutor Harrison were also in attendance.

Jeff McKean, Brooke Burtnett, Katie Maddox, Greg Genrich, Mark Webb, Carmen Pratts Porter, and Marc Carmichael were present as observers.

**DISPOSITION OF MINUTES**

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

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 79 Parties' Agreed Dispositions, totaling \$19,750.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: DL33-06496, 2<sup>nd</sup> furnishing alcohol to minor violation with \$750.00 fine; RR18-07858, high and fine reputation violation with \$1,000 fine + 3 day suspension, RR49-28592, 3<sup>rd</sup> furnishing alcohol to minor with \$1,100.00 fine; RR45-33452, 1<sup>st</sup> furnishing alcohol to a minor and allowing minor to engage in underage gambling, \$750.00 fine.

Vice Chairman Krauss moved to approve the Dispositions submitted for the November 20, 2018 meeting. Commissioner Maginn 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.

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 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.

Prosecutor Harrison recommended the Commission deny the employee permit applications submitted, pursuant to IC 7.1-3-18-9. Commissioner Maginn moved to uphold the recommendation of the Prosecutor. Vice Chairman Krauss seconded. The motion was unanimously approved.

Four hundred forty (440) renewals approved, sixty-three (63) new and/or transfer applications approved, four (4) permits approved for catering, eight (8) permits approved for first year escrow; three (3) permits approved for second year escrow, two (2) permits approved for third year escrow, three (3) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow; four (4) new and renewal direct wine shipper permits approved, sixteen (16) renewal carrier permits approved and twelve (12) denied employee permits.

### **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**

DL79-31474 QUICK PANTRY – Chairman Cook noted this was a new application that was continued from previous meeting due to a possible issue with the 200 feet from a church regulation. After further review, Excise verified the permit premises is more than 200 feet from the church.

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

RR64-31218 PEK, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn noted there have been 53 calls for service in the last 2 years. The issues with the premises include public nuisance, service to minors, over-service and drugs.

Vice Chairman Krauss stated it seems the owner is overwhelmed and does not have a good handle on the situation.

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

RR16-34579 KICKSTAND SALOON, INC. – Chairman Cook noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn noted there were remonstrators present. There were issues discussed regarding the septic system (the ATC has no jurisdiction), altercations with owners and town council and remonstrators not wanting liquor served at the location, but the application is for beer and wine.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL49-31432 EMERSON PETROLEUM, INC. – Chairman Cook noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn noted this establishment has been in operation for five years. In the past, this applicant has held a permit and had no problems. The remonstrators do not want any additional alcohol outlets in this area.

Vice Chairman Krauss stated the remonstrators had general concerns, but nothing specific was brought to the attention of the board.

Chairman Cook concurred with the statements of the Commissioners.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR19-34831 CALUMET LAKE EVENTS PLAZA, LLC – Executive Secretary Allen noted this permittee requested permission to be designated as a catering hall. She recommended the Commission approve this request.

Commissioner Grubb asked what the benefit would be for this designation. The Executive Secretary stated one benefit would be that there is no limited separation if the designation is approved.

Commissioner Maginn moved to uphold the Executive Secretary's recommendation to approve the designation. Vice Chairman Krauss seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Krauss moved to make one (1) permit inactive. The permit is not 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.

**ADJOURNMENT**

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

Approved this 4 day of December, 2018.

  
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DAVID COOK, CHAIRMAN

  
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JOHN KRAUSS, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER