

ALCOHOL AND TOBACCO COMMISSION

December 4, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 20, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

293 renewals

16 new/transfers

3 catering

9 1st year escrow

10 2nd year escrow

4 3rd year escrow

6 renewal direct wine shipper

17 new/renewal carrier

11 employee permit denials

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

7. Applications for Discussion –

DL49-00318 AER Enterprises, Inc. - Reinstate
RR49-34677 Bad Axe Throwing USA, Inc.

8. Inactive Files –

1 permit not subject to auction

9. Old Business -

Revocation of employee permits –

BR1802290 Kelsey Schwier

BR1799538 Katherine Green

BR1791317 Megan McAfoose

10. New Business –

11. Policy Determinations –

12. Announcements -

1st Commission meeting in January – Thursday, January 3, 2019

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 4, 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, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

David Rothenberg, Brooke Burtnett, Katie Maddox, Greg Genrich, Mark Webb, Carmen Pratts Porter, Sarah Quinn, Matt Brase and Jenny Drewry were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the November 20, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 42 Parties' Agreed Dispositions, totaling \$15,150.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR45-07548, violation for prostitution with \$1,000.00 fine; RR45-22774, 3rd furnishing to minor violation with \$1,000.00 fine, RR02-33822, minimum food service, retail to retail with \$1,250.00 fine. The permittee seems to have trouble understanding the rules of holding an alcohol permit. He is not a native English speaker. Similar violations occurred in June and September. The permittee's daughter is helping and he has also reached out to District 2 for assistance.

Commissioner Maginn moved to approve the Dispositions submitted for the December 4, 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.

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 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. Commissioner Grubb seconded. The motion was unanimously approved.

Two hundred ninety-three (293) renewals approved, sixteen (16) new and/or transfer applications approved, three (3) permits approved for catering, nine (9) permits approved for first year escrow; ten (10) permits approved for second year escrow, four (4) permits approved for third year escrow, six (6) renewal direct wine shipper permits approved, seventeen (17) new and renewal carrier permits approved and eleven (11) 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

DL49-00318 AER ENTERPRISES, INC. – Chairman Cook noted he received a letter from Processor Rachel Grubb requesting the Commission consider reinstating this permit. It appears the permit was erroneously made inactive in August of 2018.

Vice Chairman Krauss stated after reading the letter, he feels the permit was made inactive through no fault of the permittee.

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

RR49-34677 BAD AXE THROWING USA, INC. – Chairman Cook noted this is a permit that was approved by the local board in November. The Commission felt that it was approved without proper vetting. A letter was sent by the Chairman to the permittee with questions and concerns. A rather detailed response was received from the permittee regarding those questions. The Chairman requested the Commission, by consensus, agree this response satisfies the inquiries they had. All Commission members consented.

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

REVOCAION OF EMPLOYEE PERMITS – Prosecutor Harrison recommended the Commission revoke the following employee permits, due to the permittees not providing proof of completing alcohol treatment, as required.

BR1802290 Kelsey Schwier; BR1799538 Katherine Green; BR1791317 Megan McAfoose

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

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

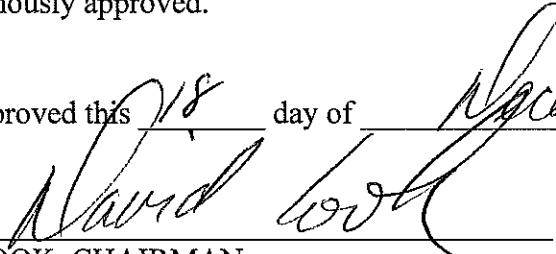
ANNOUNCEMENTS

JANUARY 2019 COMMISSION MEETING – Chairman Cook stated the first meeting of the Commission, in 2019, will be held on Thursday, January 3, 2019.

ADJOURNMENT

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

Approved this 18 day of December, 2018.



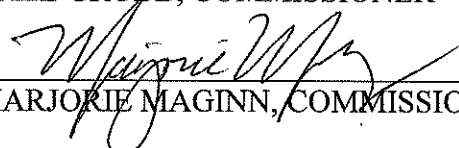
DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER