

ALCOHOL AND TOBACCO COMMISSION

December 18, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

December 4, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

458 renewals
82 new/transfers
4 catering
16 1st year escrow
9 2nd year escrow
4 3rd year escrow
6 4th year escrow
2 new direct wine shipper
4 new e-liquid
6 new/renewal carrier
11 employee permit denials

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

7. Applications for Discussion –

RR49-25975 Tom Jewell Food Services, Inc. –

RR76-30320 B&B Hamilton Holdings, Inc. – 6th year escrow request

WH49-30038 Pepito & Miller Beverage Imports LLC – escrow request/no timeframe

DL34-23713 W.A.E., Inc. – Annexation

RR41-30016 RedRoof4 LLC - Annexation

RR49-34641 Sport Bar Los Primos LLC – new with LB voting

RR49-34760 MDG Enterprise LLC – transfer with LB voting 3-0 to deny

DL49-31471 AR13, Inc. – transfer with LB voting 3-0 to deny

DL49-29784 Dolgencorp, LLC – transfer with LB voting 3-0 to approve

RR47-33490 Main Street Bar N Grill, LLC – renewal with LB voting 3-0 to deny

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

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

David Rothenberg, Tim Button Greg Genrich, Mark Webb, Carmen Pratts Porter, Tony Mitson, Justin Hage and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the December 4, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 51 Parties' Agreed Dispositions, totaling \$16,800.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR82-26909, 4th service to minors, 3 day suspension; RR49-33455, numerous violent police runs, revocation with ability to transfer in arms-length transaction, RR82-83447, 3rd SAC violation, service by unlicensed minor, \$1,250.00 fine; TC07445004, 4th service of tobacco to minor, \$1,000.00 fine.

Commissioner Grubb moved to approve the Dispositions submitted for the December 18, 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 direct wine shipper permits. 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.

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.

Four hundred fifty-eight (458) renewals approved, eighty-two (82) new and/or transfer applications approved, four (4) permits approved for catering, fifteen (15) permits approved for first year escrow; nine (9) permits approved for second year escrow, four (4) permits approved for third year escrow, six (6) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, two (2) new direct wine shipper permits approved, six (6) new and renewal carrier permits approved, four (4) new e-liquid 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

RR48-25975 TOM JEWELL FOOD SERVICES, INC. – Commissioner Maginn noted the Commission has been dealing with this particular permittee since August regarding an insufficient funds check for the renewal fee. Three letters have been sent, but the permittee has not submitted the fees.

Commissioner Maginn moved to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR76-30320 B&B HAMILTON HOLDINGS, INC. – Executive Secretary Allen noted this is a request for 6th year escrow. The 5th year of escrow expires in February 2019. The Executive Secretary recommended the Commission deny the request and place this matter on the February 5, 2019 agenda to determine if permit is active.

Vice Chairman Krauss moved to approve the recommendation of the Executive Secretary. Commissioner Maginn seconded. The motion was unanimously approved.

WH49-30038 PEPITO & MILLER BEVERAGE IMPORTS LLC – Escrow request was withdrawn.

DL34-23713 W.A.E., INC. – Executive Secretary Allen noted this is a dealer permit location in an unincorporated area that has been annexed into the city limits. Statutes are clear about converting retail permit types if annexation occurs; however, nothing is mentioned regarding dealers. The Executive Secretary recommended the Commission convert this dealer permit to an incorporated area permit, due to annexation.

Commissioner Maginn moved to approve the recommendation of the Executive Secretary. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR41-30016 REDROOF4 LLC – Executive Secretary Allen noted this permit was originally issued 12/10/13 as an unincorporated beer and wine retailer restaurant permit. The permittee signed under penalties of perjury that the permit was in the unincorporated area of Johnson County and the surveyor form indicated that it was outside the unincorporated town of Waverly. Now the permittee provided documentation that the parcel was annexed into Bargersville in 2009 (five years before the initial application) and asking that this be converted to an incorporated permit. My recommendation would be to correct the jurisdiction and allow the permittee to continue operating under an unincorporated permit. Permittee will be able to transfer the permit as to ownership but not location. Also, permittee will not be eligible for a type 210-1 permit. The Executive Secretary stated the reasoning for that is to convert the permit would allow the permittee to benefit in a way that any other applicant would not. There were no permits available in the incorporated area of Bargersville in 2013 and the permit would not have been issued at all if accurate information was provided at the time of the application.

Commissioner Maginn moved to approve the recommendation of the Executive Secretary. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-34641 SPORT BAR LOS PRIMOS LLC – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new application, due to the fact that the applicant did not appear, as required. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR49-34760 MDG ENTERPRISES, LLC – Chairman Cook noted this is a transfer application with the local board voting 3-0 to deny.

Commissioner Maginn stated this location has been a problem in the past. This would be new owners, however, the applicant stated it would be a restaurant, but there is little evidence of that. There were

remonstrators present stating there is no desire in the community for another alcohol business. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL49-31471 AR13, INC. – Chairman Cook noted this is a transfer application with the local board voting 3-0 to deny.

Commissioner Maginn stated this applicant has other permits, but when asked about them by the local board, he could not state how many he has, where they are located, or any other information. He has been before the board 3 times and has been unprepared each time.

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

DL49-29784 DOLGENCORP, LLC – Chairman Cook noted this is a transfer application with the local board voting 3-0 to approve.

Commissioner Maginn stated this is a transfer of location, approximately 1 block down the street from the current location. There were 2 remonstrators present with no valid complaints regarding this matter. The applicant provided very detailed information regarding the new security system that will be installed at the new location.

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

RR47-33490 MAIN STREET BAR N GRILL, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn moved to uphold the local board's recommendation to deny, due to the applicant not appearing, as required. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make two (2) permits inactive. Both permits are 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

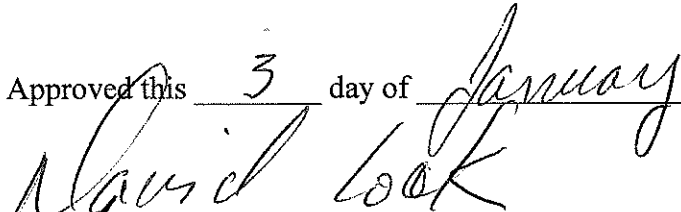
JANUARY 2019 COMMISSION MEETING – Chairman Cook stated the first meeting of the Commission, in 2019, will be held on Thursday, January 3, 2019.

Chairman Cook took time to publicly thank the Commission members and staff for all of the hard work over the last year.

ADJOURNMENT

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

Approved this 3 day of January, 2019.



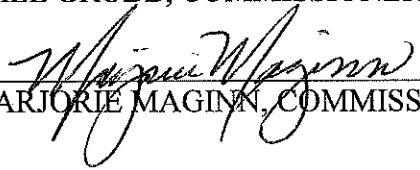
DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER