

ALCOHOL AND TOBACCO COMMISSION

May 21, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 8, 2019

3. Prosecutor's Recommendations –

PAD Forms

BR1587463 Stephen Ongley – 6 month letter

4. Hearing Judge's Recommendations –

RR49-28688 Tienda Morelos Stores, Inc. – Findings of Fact and Conclusions of Law

BR1889412 Kayla Pirtle - Findings of Fact and Conclusions of Law

BR1765677 Travis Stonebraker - Findings of Fact and Conclusions of Law

BR1846062 Maitlin Doyle Craig - Findings of Fact and Conclusions of Law

VB1742630 Jacob Everett Mercer - Findings of Fact and Conclusions of Law

BR1422991 Ralph Stiles, Jr. - Findings of Fact and Conclusions of Law

VB1726478 Marty L. Hall - Findings of Fact and Conclusions of Law

5. Consideration of Applications -

590 renewals

93 new/transfers

4 catering

7 1st year escrow

3 2nd year escrow

4 3rd year escrow

3 4th year escrow

2 5th year escrow

13 carrier

34 direct wine shipper

4 new e-liquid

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

7. Applications for Discussion –

DL49-28508 Dolgencorp, LLC – transfer with LB voting 4-0 to approve

RR29-35332 Gray Goat Bicycle Company – new with LB voting 3-1 to approve

8. Inactive Files –

1 permit subject to auction
4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Extension Letters

Round Table Dates: wholesalers 5/21; vintners 6/18; retailers 7/16; non-package store dealers
8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 21, 2019

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.

Greg Genrich, Katie Beth Maddox, Brooke Burnett, Mark Webb, Matt Brase, Matt Bell, Scott Carr, Jim Purucker, Jenny Drewry, Scott Bedwell, Jeff McKean, Mitch Heppenheimer, Phil Terry, 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 May 8, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 110 Parties' Agreed Dispositions, totaling \$39,800.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: DL64-08359, 3rd service to minor and an employee permit violation, \$1,150.00 fine; RR82-30366, over-service of individual who later died in car accident with BAC in excess of .2, \$1,000.00 fine; RR02-31196, shots fired, hindering enforcement, history of violations, now put on PACE Program, \$1,000.00 fine; RR64-32578, sales to intoxicated person (BAC .25) still being served, bar tabs, \$1,800.00 fine; RR49-98496 2nd service to minor and minor gaming violation, \$1,000.00 fine; TC12375001, single cigarette sales, \$1,000.00 fine; TC09885001, single cigarette sales, \$1,000.00 fine; TC03692001, single cigarette sales, \$1,000.00 fine; TC09538001, single cigarette sales, 10 day suspension. Any further violations could result in revocation.

Commissioner Maginn moved to approve the PAD forms submitted by the Prosecutor. Commissioner Grubb seconded. The motion was unanimously approved.

BR1587463 STEPHEN ONGLEY – Prosecutor Harrison recommended the Commission, pursuant to IC 7.1-3-18-9.5, order this employee permit holder(s) to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission.

Commissioner Maginn moved to uphold the recommendation of the Prosecutor. Vice Chairman Krauss seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-28688 TIENDA MORELOS STORES, INC. – Executive Secretary Allen stated this permit was at the end of the 5th year of escrow without the permit being put into use. Proposed Findings of Fact and Conclusions of Law were sent, revoking the permit. Before the Commission adopted these Findings, the law changed allowing additional escrow time for permits placed in escrow prior to July 1, 2016. The Executive Secretary recommended the Commission allow the withdrawal of the Findings and allow new Findings to be prepared allowing the additional escrow, per statute.

Vice Chairman Krauss moved to allow the Findings to be withdrawn. Commissioner Maginn seconded. The motion was unanimously approved.

Chairman Cook noted the matter will be continued until June 4, 2019 to vote on new Findings.

BR1889412 KAYLA PIRTLE; BR1765677 TRAVIS STONEBRAKER; BR1846062 MAITLIN DOYLE CRAIG; VB1742630 JACOB EVERETT MERCER; BR1422991 RALPH STILES, JR.; VB1726478 MARTY L HALL – Hearing Judge Allen noted there is a typo in Proposed Findings of Fact and Conclusions of Law for each of these permittees. The order to appear date should be February 21, 2109. The Hearing Judge asked the Commission approve the amendment.

Commissioner Grubb moved to approve the amendment. Commissioner Maginn seconded. The motion was unanimously approved.

Hearing Judge Allen noted each of these permittees failed to appear for their pre-hearing conference and order to show cause hearing, regarding their violation. The Hearing Judge now submits Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to revoke the permits. Commissioner Maginn 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 and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine shipper renewal 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.

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

DL49-28508 DOLGENCORP, LLC – Chairman Cook noted this is a transfer of location with the local board voting 4-0 to approve.

Vice Chairman Krauss stated there were 2 remonstrators present, who stated there are enough alcohol establishments in the area, but provided no evidence.

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

RR29-35332 GRAY GOAT BICYCLE COMPANY – Chairman Cook noted this is a new application with the local board voting 3-1 to approve.

Vice Chairman Krauss stated this is a business that sells and services bicycles. They would like to provide beer to bicyclists after group rides. There is no physical bar. The beer would be served by server at tables. One local board member was concerned about minors inside the store and did not support the application.

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

INACTIVE FILES

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

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

EXTENSION LETTERS – Chairman Cook announced that extension requests brought into the office after 4:15 will not be processed that day. The State has very strict rules on employees working after 4:30, so it is necessary that they finish work by that time. The Chairman also noted that in an emergency situation only, there may be someone available to issue the extension after 4:15.

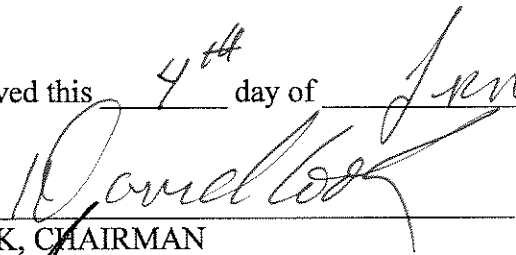
GROUP PURCHASING AGREEMENTS/ESCROW PROCEDURES - Chairman Cook noted there will be a discussion regarding group purchasing agreements and the changes to escrow, pursuant to House Enrolled Act 1518, after today’s wholesaler roundtable discussion.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: vintners 6/18; retailers 7/16; non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

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

Approved this 4th day of July, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER