

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 4, 2019

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Commissioner Maginn and Commissioner Grubb. Executive Secretary Allen, Commission Counsel Hyer and Prosecutor Harrison were in attendance.

Jenny Drewry, Katie Beth Maddox, David Rothenberg, Andrew Alvarez, Sarah Quinn, Carmen Pratts Porter, Brooke Burtnett, Lisa McKinney and Brad Baughn were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the August 20, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 60 Parties' Agreed Dispositions, totaling \$21,650.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: RR02-14184, furnishing to minor employees during training for the establishment, \$1,000.00 fine; DL49-18686, 2nd service to minor, \$1,000.00 fine; DL11-27758, 3rd service to minor, \$2,000.00; DL45-30540, 3rd service to minor, \$2,000.00 fine; TC11782001, 4th sale of single cigarettes, \$1,000.00.

Commissioner Grubb moved to approve the PAD forms submitted by the Prosecutor. 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 said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, 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 application for changes in location, 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 escrow, if needed, 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 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.

RENEWAL LETTERS AND WAIVERS OF FEES

Commissioner Maginn moved to approve the renewal and fee waived letters of extension that were issued for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-35290/RR45-35289 VAN RISTOVSKI – Commissioner Maginn noted this applicant requested escrow. Escrow hearings were scheduled, but applicant failed to appear on two separate occasions.

Commissioner Maginn moved to deny the application for a permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR64-33434 CR@VE, LLC – Commissioner Maginn noted this applicant requested escrow. Escrow hearings were scheduled, but applicant failed to appear on two separate occasions.

Commissioner Maginn moved to deny the application for a permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR41-35149 JASHAN INDIAN CUISINE, INC. – Commissioner Maginn noted this applicant requested escrow. Escrow hearings were scheduled, but applicant failed to appear on two separate occasions.

Commissioner Maginn moved to deny the application for a permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-35350 HOMIE SHABU SHABU 2, LLC – Commissioner Maginn noted this applicant requested escrow. Escrow hearings were scheduled, but applicant failed to appear on two separate occasions. However, the applicant spoke with an Excise officer and informed him he has the inspections scheduled for Fire and Health, which are the only things holding up the final inspection with Excise and issuance of the permit.

Commissioner Maginn moved to schedule an additional escrow hearing on October 8, 2019, in case the matters have not been cleared and if not clear, applicant must appear on October 8th. Commissioner Grubb seconded. The motion was unanimously approved.

RR38-35440 TAQUERIA EL AGAVE AZUL, INC. - Commissioner Maginn noted this applicant requested escrow. Escrow hearings were scheduled, but applicant failed to appear on two separate occasions. The Commission later found out that the applicant mistakenly appeared where the Jay County Local Board meets, which is not the location of the escrow hearings. The Commission was not informed at the time of the missed escrow hearing that the applicant was told the escrow hearing would be continued.

Commissioner Maginn moved to continue this to the October 8, 2019 escrow hearing, at which time if the permit has not been issued, the applicant must appear at that hearing. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make four (4) permits inactive. Two are not subject to auction and two are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

RR34-33082 FRONT ROW LIVE KOKOMO, INC. – Chairman Cook noted this matter was scheduled to update Commission on transfer.

Hearing Judge Allen stated a current County Verification Form was submitted to complete the transfer paperwork.

Commissioner Maginn moved to renew the permit for transfer purposes only. Commissioner Grubb seconded. The motion was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY #26 – Chairman Cook stated there are copies available for review of this policy. Some of the suggestions were included in this version and some were not. The Commission will vote on this policy at the September 17, 2019 meeting.

UPDATE ON GROUP PURCHASING RULE CHANGES – Chairman Cook noted the Commission has been given preliminary approval to amend this rule. We are waiting for final approval, so the process can move forward.

ANNOUNCEMENTS

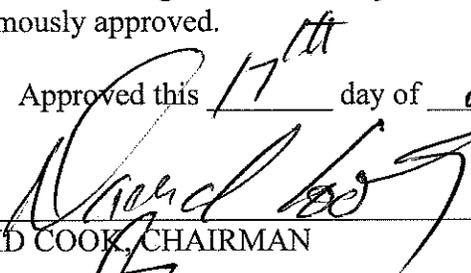
ATC PERMIT PROCESSORS – Chairman Cook introduced the processors who handle the business permits in the state. Those processors are: Doug Devine, District 1; Monica Davis, District 2; Jeff Coyle, District 3; Luz Aviles, District 4; temporary, Beth Coffman, District 5 (Suzanne Kenney permanent); Andrea Ramirez and Gema Medina, District 6.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of the final roundtable meeting is as follows: artisan distilleries 9/17

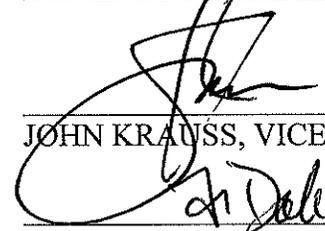
ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

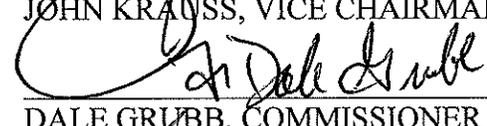
Approved this 17th day of September, 2019.



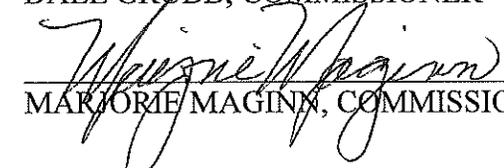
DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER