

ALCOHOL AND TOBACCO COMMISSION

December 17, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

December 3, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

424 renewals

76 new/transfers

5 catering

1 direct wine shipper renewals

12 new/renewal carriers

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

7. Applications for Discussion –

RR79-32633 El Pollo Feliz, LLC – renewal with LB voting 4-0 to deny

RR49-04575 3535 West, Inc. – renewal with LB voting 4-0 to deny

8. Inactive Files –

4 permits not subject to auction

2 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 17, 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 and Commissioner Grubb. Prosecutor Harrison, Industry Liaison Stewart, Executive Secretary Allen and Commission Counsel Hyer were in attendance.

Scott Bedwell, Mark Webb, Andrew Alvarez, David Rothenberg, Carmen Batts-Porter, Greg Genrich, Brooke Burtnett, Sarah Quinn and Gretchen White were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the December 3, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 21 Parties' Agreed Dispositions, totaling \$7,650.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: DL72-04833, sale to minor, 4 prior violations, \$1,000.00 fine and 3 day suspension; DL45-29126, 3rd sale to minor, \$2,000.00 fine.

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

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Vice Chairman Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Vice Chairman Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine shipper renewal permit. Vice Chairman Krauss 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR79-32633 EL POLLO FELIZ, LLC – Chairman Cook noted this is a renewal application with the local board voting 4-0 to deny.

Vice Chairman Krauss noted this establishment has an extensive history of violations. The permittee stated at the time the permit was initially granted, he had gone over the rules that needed to be followed in order to hold the permit; however, those have not been followed.

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

RR49-04575 3535 WEST, INC. – Chairman Cook noted this is a renewal application with the local board voting 4-0 to deny.

Vice Chairman Krauss stated there was extensive testimony given at the local board hearing. The permittee stated he has closed the establishment. Excise Officer Cruz mentioned past violations and one that is currently in negotiations with ATC Prosecutor Harrison. Two shootings have occurred at this establishment, which strongly concerned the local board.

Chairman Cook stated he feels there is no reason to overturn the local board's recommendation.

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

INACTIVE FILES

Vice Chairman Krauss moved to make six (6) permits inactive. Four are not subject to auction and two are 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

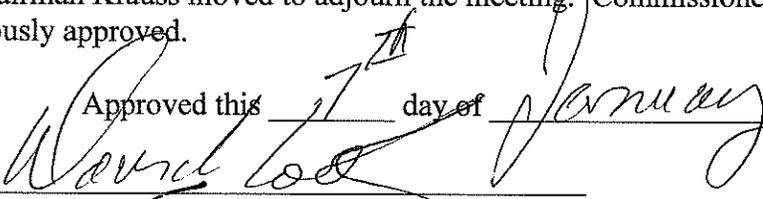
ANNOUNCEMENTS

No Announcements

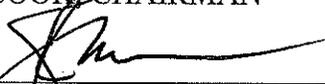
ADJOURNMENT

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

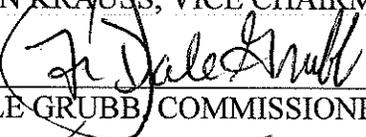
Approved this 17th day of January, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER