

ALCOHOL AND TOBACCO COMMISSION

August 18, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 4, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

633 renewals

79 new/transfers

1 catering

24 new/renewal carriers

23 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR79-36140 Afresh Foods, Inc. –

DL10-32083 Old Salem Liquor, LLC – transfer with LB voting 2-1 to deny (1 abstention)

RR02-36544 Tatum Enterprises, LLC – new with LB voting 3-0 to deny

8. Inactive Files –

3 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Round Table Dates – Artisan Distillery - 9/15; Wholesalers - TBD; Vintner's Conference - TBD

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 18, 2020

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Krauss called the meeting to order and noted the quorum and the attendance. Present remotely were Commissioner Maginn and Commissioner Grubb. Trade Practice Investigator Crider, Prosecutor Harrison, Executive Secretary Allen and Commission Counsel Hyer were present remotely.

By consent, the Commission, regarding items on the agenda that require signatures, gave permission for Kim Chew to initial approval for the commissioners.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the August 4, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 11 Parties' Agreed Dispositions, totaling \$13,650.00 in fines, for the Commission's approval.

The Prosecutor submitted a summary of Noteworthy Violations, which was made part of the record by consent.

Commissioner Maginn 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. 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 the catering applications. 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 and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve one transfer of an e-liquid permit. 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 issued the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR79-36140 AFRESH FOODS, INC. – Commissioner Maginn noted this application was denied at the last Commission meeting for failure to appear before the local board. The Commission received correspondence from the applicant stating they did not receive the information regarding the dates of the local board meeting and asked for an additional chance to be heard.

Commissioner Maginn moved to remand this application to the local board for one more chance to appear. Commissioner Grubb seconded. The motion was unanimously approved.

DL10-32083 OLD SALEM LIQUOR, LLC – Vice Chairman Krauss noted this is a transfer application with the local board voting 2-1 to deny, with 1 abstention. This permit has been in escrow since 2016 and has never been put into use. He has concerns regarding whether or not speculation is involved.

Commissioner Maginn stated it appeared to the local board that there may be a connection between the transferor and transferee. There was a remonstrator present. The permit was offered to him at a very high price, however, because the permit has not been in use, it can only be sold for the purchase price because under the law, there can be no speculation. Commissioner Maginn wants to see the actual purchase agreement that money changed hands, how much money and bank records.

Commissioner Maginn moved to continue this matter until September 1, 2020 meeting, and send letter requesting documents to the applicant's attorney. Commissioner Grubb seconded. The motion was unanimously approved.

RR02-36544 TATUM ENTERPRISES, LLC – Vice Chairman Krauss noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant has a lengthy police record that spans many years and includes, dealing in controlled substance, tampering with evidence, maintaining common nuisance, dealing in narcotics, public intoxication, and violation of emergency order. The local board found the applicant could not maintain a high and fine reputation and has established a pattern of behavior not fitting of an alcoholic beverage permit holder.

Commissioner Maginn moved to uphold the local board’s recommendation to deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make three (3) permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

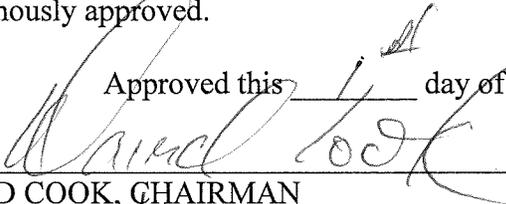
ANNOUNCEMENTS

ROUND TABLE DISCUSSIONS – Non-Package Store Dealers - TBD; Artisan Distillery - 9/15; Wholesalers - TBD; Vintner’s Conference - TBD; Retailers - TBD;

ADJOURNMENT

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

Approved this 1st day of SEPTEMBER, 2020.



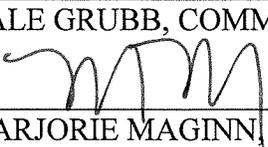
DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER