

ALCOHOL AND TOBACCO COMMISSION

September 1, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 18, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

599 renewals

32 new/transfers

4 catering

21 new/renewal carriers

8 new/renewal direct wine shippers

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

7. Applications for Discussion –

DL10-32083 Old Salem Liquor, LLC – transfer with LB voting 2-1 to deny (cont. from 8/18)

RR72-36659 Cracker Barrel – new with LB voting 2-1 to approve

RR67-36700 Heritage Lake Property Owners Association, Inc. – new with LB voting 4-0 to approve

CH49-30084 05 Arena, LLC – zoning issue

RR39-36117 Lupitas, LLC – denied escrow

CH25-30083 Empeiria 110, LLC – denied escrow

DL06-05706 John Cunningham & Associates

8. Inactive Files –

19 permits not subject to auction

1 permit subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Letters of Authority

Appointments/Filing applications and Extensions

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

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 1, 2020

**CALL TO ORDER/NOTING OF QUORUM**

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present remotely were Vice Chairman Krauss, 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**

Vice Chairman Krauss moved to approve the minutes from the August 18, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 15 Parties' Agreed Dispositions, totaling \$9,725.00 in fines, for the Commission's approval.

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

Vice Chairman Krauss 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 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.

### **RENEWAL LETTERS AND WAIVERS OF FEES**

Vice Chairman Krauss moved to approve the renewal and fee waived letters of extension issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL10-32083 OLD SALEM LIQUOR, LLC – Chairman Cook noted this is a transfer with the local board voting 2-1 to deny. This matter was continued from 8/18/20.

Chairman Cook stated after his review, he noted that there were communications from the attorney for the permittee/applicant to the Commission, after the local board meeting, that were not shared with the attorney for the remonstrator. The Chairman wants those shared and wants to give the remonstrator time to respond.

Commissioner Maginn moved to continue this until October 7, 2020 meeting, to allow time for the remonstrator to respond. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chairman Cook will send a letter to both sides regarding this decision.

RR72-36659 CRACKER BARREL – Chairman Cook noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated the applicant advised the local board that all employees will be trained before serving and servers will be supervised by someone over 21.

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

RR67-36700 HERITAGE LAKE PROPERTY OWNERS ASSOCIATION, INC. – Chairman Cook noted this is a new application with the local board voting 4-0 to approve. Remonstrators were present.

Commissioner Maginn stated there were questions about whether the applicant qualifies to hold a permit. Also, there were issues brought up by the remonstrators that do not fall under the purview of the Commission. The business will be operated by Sahn's under a Manager's Questionnaire, providing more of a restaurant than a bar. They also plan to do some catering.

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

CH49-30084 05 ARENA, LLC – Chairman Cook noted this permit was previously approved by the Commission. The Commission has learned the location is not zoned for this type of establishment, which is a catering hall.

Commissioner Maginn stated applicants are required to have zoning approval prior to the local board meeting, but due to the current situation with Covid 19, that zoning was not provided.

Commissioner Maginn moved to rescind the previous Commission approval and deny this permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR39-36117 LUPITAS, LLC – Chairman Cook noted this permittee was denied escrow and was put on the agenda for consideration of the permit.

Commissioner Maginn stated the Commission denied escrow to this permittee for failing to appear at the escrow hearing.

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

CH25-30083 EMPEIRIA 110, LLC - Chairman Cook noted this permittee was denied escrow and was put on the agenda for consideration of the permit.

Commissioner Maginn stated the Commission denied escrow to this permittee for failing to appear at the escrow hearing.

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

#### **INACTIVE FILES**

Vice Chairman Krauss moved to make twenty (20) permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **ANNOUNCEMENTS**

LETTERS OF AUTHORITY – Chairman Cook stated because the Government Center is now open to the public, the Commission will no longer be issuing Letters of Authority to permittees who filed applications late. Late filing of renewals will require applicants to file for an Extension. The Extensions will be processed in the order they are received, and no preferential treatment will be given.

Even though we are open to the public, the Commission asks that whenever possible, schedule an appointment. It allows customers to be spread out during the day to allow for social distancing, prepares the staff for the day and decreases wait times in the lobby or hallway.

Also, we ask that customers monitor their own health and not come to the office in person, if they are having symptoms. The staff will not meet you at the door, or at your car.

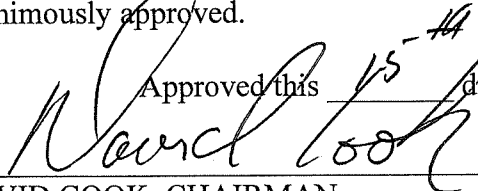
We all need to work together during this time to keep things moving as efficiently and safely as possible.

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

**ADJOURNMENT**

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

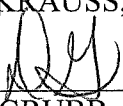
Approved this 15<sup>th</sup> day of September, 2020.



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DAVID COOK, CHAIRMAN



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JOHN KRAUSS, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER