

ALCOHOL AND TOBACCO COMMISSION

October 20, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 6, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

691 renewals

92 new/transfers

18 catering

23 new/renewal carriers

5 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR20-36402 Elkhart Mancinos, LLC – denied at last meeting for FTA, mailing address incorrect

DL74-32121 Dolgencorp, LLC – new with LB voting 4-0 to deny

DL58-97020 Singh & Pal Trading Company, LLC – renewal with LB voting 3-0 to deny. FTA

8. Inactive Files –

436 permits not subject to auction

80 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2020 Permit Auction – December 16, 2020 at 10 a.m. in the IGCS Auditorium

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 20, 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. 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 October 6, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 16 Parties' Agreed Dispositions, totaling \$7,600.00 in fines, for the Commission's approval.

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 carrier applications. 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

RR20-36402 ELKHART MANCINOS, LLC – Chairman Cook noted the denial for failure to appear of this new application by the local board was upheld by the Commission at the last meeting.

Commissioner Maginn stated that the mailing address entered in our system is incorrect, which could be the reason for the applicant not appearing at the local board hearing. The address had been corrected.

Commissioner Maginn moved to reverse the previous denial and remand the new application to the local board. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL74-32121 DOLGENCORP, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Chairman Cook began the discussion by stating that while listening to the recorded meeting, there was mention of a petition. However, the petition was never submitted and not considered by the board. Also, only two or three of the 25 remonstrators gave their addresses to the board. The addresses are necessary to verify they live in the area.

Vice Chairman Krauss noted the remonstrators were instructed to only give their phone numbers. He also made note that no community members spoke in favor of the issuance of the permit.

Kim Chew informed the Chairman that Officer Lutes is currently in the process of obtaining the mailing addresses for the remonstrators.

Commissioner Maginn stated Dollar General presented information regarding their business practices for carding, employee training and security. The Commission has not had many problems with this company in the past. However, there were 25 remonstrators who do not want alcohol sold at this business. They really like the store, but are against alcohol sales there.

Commissioner Maginn moved to continue this to the November 4, 2020 meeting to allow time to obtain and review the addresses of the remonstrators to see if they live in the area. Commissioner Grubb seconded. The motion was unanimously approved.

DL58-97020 SINGH & PAL TRADING COMPANY, LLC – Chairman Cook noted this is a renewal application with the local board voting 3-0 to deny.

Commissioner Maginn stated this business has been in operation for many years. They did obtain an Extension in October that is valid until January 2021, but no one appeared at local board meeting, as required.

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

INACTIVE FILES

Chairman Cook removed permit #DL49-27739 from the list. Renewals were filed on Friday.

Vice Chairman Krauss moved to make 515 permits inactive. Four hundred thirty-five permits are not subject to auction and 80 are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

ANNOUNCEMENTS

2020 ATC PERMIT AUCTION – Chairman Cook stated the auction is December 16, 2020 at 10 a.m. in the IGCS Auditorium. The first advertising will post on November 13th, the second will post on November 20th and pre-bid applications are due on December 2nd.

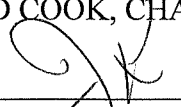
ADJOURNMENT

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


Approved this 14 day of NOVEMBER, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER