

ALCOHOL AND TOBACCO COMMISSION

December 15, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

December 1, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR45-18940 Juliana Dye - Findings of Fact

5. Consideration of Applications -

557 renewals

65 new/transfers

9 catering

6 new direct wine shippers

17 new/renewal carriers

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

7. Applications for Discussion –

RR34-04739 RIJUBO, LLC – requesting permission to file transfer

RR22-34359 NA Mainstreet, LLC

RR49-36902 Manuel Romo – transfer with the 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 -

ATC Auction date – December 16th at 10 am.

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 15, 2020

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Also present virtually were Vice Chairman Krauss, Commissioner Maginn, Commissioner Grubb, Executive Secretary Allen, Prosecutor Harrison, Commission Counsel Hyer, and Sgt. Stewart.

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 December 1, 2020 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 44 Parties' Agreed Dispositions, with fines totaling \$13,950.00, for the Commission's approval.

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

RR45-18940 JULIANA DYE –Chairman Cook turned the meeting over to Vice Chairman Krauss regarding this matter.

Chairman Cook, as hearing judge, stated this was a denial by the Lake County Local Board for renewal of a permit. The issues of the denial dealt with low food sales figures. This permit requires the business to maintain a certain amount of food sales to be eligible to hold the permit. The permittee filed a timely appeal, the matter was set for hearing, and a hearing was held. Executive Secretary Allen heard the appeal and requested additional documentation regarding the sales figures. Nothing additional was submitted. On July 1, 2020, Chairman Cook became Hearing Judge in the matter. He now submits Proposed Findings of Fact and Conclusions of Law for consideration by the Commission. Objections were filed by the permittee and were made part of the record.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation to deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

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 applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new 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

RR34-04739 RIJUBO, LLC – Chairman Cook noted this renewal is currently under appeal from the denial by the Commission. The permittee has requested the ability to file a transfer of ownership.

Commissioner Maginn stated the information provided by the permittee looks like an arm's length transaction.

Vice Chairman Krauss stated he agrees that it appears to be arm's length.

Commissioner Maginn moved to set aside the denial and allow a transfer to be filed. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR22-34359 NA MAINSTREET, LLC – Chairman Cook noted this permit was erroneously renewed in October. Information regarding residency requirements and food sales figures were not included, as required, when the renewal was approved. The Chairman sent notice to the permittee requesting the missing information. No information has been provided.

Commissioner Maginn moved to set aside the approval from October and deny the renewal. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR49-36902 MANUEL ROMO – Chairman Cook noted this is a transfer of ownership application with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant owns several properties around the location of the application. This location, which was previously an alcohol establishment, has been a problem over the years. The local board questioned the applicant about how he would run the business and what kind of upgrades would be made. The applicant did not provide much information regarding their concerns.

Chairman Cook noted the president of a local neighborhood association was present at the local board hearing to remonstrate.

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

INACTIVE FILES

Vice Chairman Krauss moved to make three permits inactive. All three permits are not 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. Most bids will occur in-person, however, we are asking that bidders bidding on permits where they are the only bidder or people just wishing to view the auction, join virtually via Microsoft Teams. The link for the Microsoft Teams meeting is available on the ATC website.

In-person bidders will be required to wear a face mask at all times when present at the auction. The face mask must cover both the mouth and nose. Bidders will be required to follow additional procedures to ensure social distancing and contactless exchange of documents. We also ask that only one representative for a bidder be present at the auction to limit the number of people in the room. These requirements are available on the ATC website and will be sent by email to all in person bidders.

We appreciate everyone's cooperation with these requirements to ensure the health and safety of the ATC staff and other bidders at the auction.

ADJOURNMENT

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

Approved this 5th day of January, 2021.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER