

ALCOHOL AND TOBACCO COMMISSION
APRIL 5, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –
March 15, 2022
3. Prosecutor’s Recommendations –
PAD Forms
4. Hearing Judge’s Recommendations –
5. Consideration of Applications -
444 renewals
37 news/transfers
6 catering
57 new/renewal direct wine sellers
41 new/renewal carriers
5 renewal E-liquids
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –
RR49-10231 Bar Indy, LLC –
RR58-36017 Los Amigos Real Estate, LLC – escrow denied
8. Inactive Files –
5 permits not subject to auction
9. Old Business -
10. New Business –
11. Policy Determinations –
12. Announcements -
2022 Spring Permit Auction – April 7, 2022
6/30/2022 Escrow Drop Dead Date – Permits need to be made active or a transfer submitted by the drop-dead date.
13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 5, 2022

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Grubb, Executive Secretary Kirkman, General Counsel Merritt, and Prosecutor Wignall were present.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the March 15, 2022 meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. There were 72 dispositions with fines totaling \$41,850.00. 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. Vice Chairman Payne 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 and renewal direct wine seller applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the e-liquid renewal applications. 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

RR49-10231 BAR INDY, LLC - Vice Chairman Payne stated at the March 15, 2022 meeting, he made a statement regarding the owner of this establishment as being untruthful to the Commission. The Vice Chair wanted to clear the record because this statement was meant for a different permittee that was also on the agenda for that meeting. Vice Chairman Payne asked that his statements from the March 15, 2022 meeting be stricken from the record.

By consent, the Commission upheld the request to strike the statements from the record.

RR58-36017 LOS AMIGOS REAL ESTATE, LLC – Executive Secretary Kirkman stated this permittee failed to appear at the February and the March Escrow Hearings and was denied escrow. However, it appears that notice was sent to the permittee, in error, stating escrow was approved in February. Notice of Continuance to the March Escrow Hearing was also sent to the permittee, but the permittee did not appear. After that hearing, there were also some mixed messages sent to the permittee. Those have been corrected by Manager Jeff Coyle.

Based on this confusion and miscommunication, Executive Secretary Kirkman recommended the Commission schedule this matter for the April Escrow Hearing and have the notifications sent by him to make sure there is no confusion.

Commissioner Maginn moved to uphold the recommendation of the Executive Secretary and schedule this for the April Escrow Hearing. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make five permits that are not subject to auction dead. Vice Chairman Payne seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2022 SPRING PERMIT AUCTION – Chair Allen stated the permit auction is scheduled for April 7, 2022 at 10:00 am. Registration begins at 8:30 a.m. and bidding will begin at 10:00 am. There will be a lunch break from 12:30 p.m. to 1:00 p.m. The bidder list will be posted on the website. There will not be copies available at the auction. Also, there are more bidders than seats in the auditorium, so two overflow rooms will be available.

6/30/2022 ESCROW DROP DEAD DATE – Chair Allen stated that permittees who have 6/30/2022 as a drop-dead for their escrowed permits must have the permit put into use, or a valid transfer on file by that drop-dead date. The Chair noted that waiting until the last minute is risky. If a transfer is filed and is denied, there will not be another opportunity to file another transfer.

ADJOURNMENT

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

Approved this 19th day of April, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER