

ALCOHOL AND TOBACCO COMMISSION
APRIL 19, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

April 5, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

CH49-30093 Elegant Events, LLC – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

778 renewals
78 new/transfers
3 catering
18 new/renewal carriers
48 new/renewal direct wine sellers

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

7. Applications for Discussion –

RR29-35146 Adel Gyros, LLC – renewal with LB voting 3-0 to deny

RR82-38201 Strom King, Inc. – new with LB voting 2-0 to deny - FTA

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

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 19, 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 April 5, 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 25 dispositions with fines totaling \$12,600.00. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

CH49-30093 ELEGANT EVENTS, LLC – Chair Allen noted this was a denial of a new application by the Marion County Local Board and an upholding of that denial by the Commission. The applicant filed a timely appeal and the matter was set for hearing. Chair Allen, after hearing the appeal, feels the local board's denial was not supported by substantial evidence and recommends the permit be approved for one year, noting it is incumbent upon the applicant to be in compliance with the alcoholic beverage laws regarding the events that are held.

Commissioner Maginn stated she has issues with this applicant's previous events where he used promoters and appeared to take a back seat in the operation of the supplemental catering authority that was issued. There were numerous issues with these events that got out of control and were open to the public.

Commissioner Grubb moved to uphold the recommendation of Chair Allen and approve the new permit for one year. Motion seconded by Vice Chairman Payne. Commissioner Maginn voted against. Motion was 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.

Chair Allen stated two transfer applications have been continued. Permit #RR1038327 and #RR1038378 asked for a continuance, which makes the total number of new and transfer applications for approval to be 76.

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 and renewal direct wine seller 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

RR29-35146 ADELE GYROS, LLC – Chair Allen noted this is a renewal with the local board voting 3-1 to deny.

Commissioner Maginn stated this permittee has been cited for numerous violations, including smoking inside the facility, serving liquor with only a beer and wine permit, and purchasing alcohol from establishments other than wholesalers just in the two years of operation. She feels there is no reason to overturn the local board's recommendation.

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

RR82-38201 STROM KING, INC. - Chair Allen noted this is a transfer application with the local board voting 2-0 to deny for failure to appear.

Commissioner Maginn stated the Commission received an email from the applicant stating the notices for the local board hearing were never received. The applicant requested another chance to appear before the local board.

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

INACTIVE FILES

Commissioner Maginn moved to make two permits that are not subject to auction dead. Commissioner Grubb 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 SUCCESSFUL BIDDER APPLICATIONS – Chair Allen stated the applications are due by end-of-business May 9, 2022. She stressed that it would behoove the applicants to get the applications in prior to that date so any issues can be addressed and corrected prior to May 9th. If an application is submitted and cannot be processed prior to May 9th, those applications will not be accepted. Please make sure to read the directions carefully.


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.

NEXT COMMISSION MEETING – Chair Allen stated the next Commission meeting will be held on Wednesday, May 4th, due to the Primary Election Day holiday.

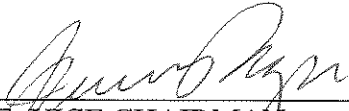
ADJOURNMENT

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

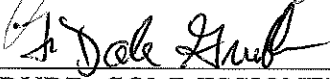
Approved this 4th day of May, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER