

ALCOHOL AND TOBACCO COMMISSION  
JUNE 21, 2022  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 7, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

530 renewals  
86 new/transfers  
11 catering  
13 new/renewals carriers  
82 new/renewals direct wine sellers

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

7. Applications for Discussion –

DL88-30370 Apples Tree Top Liquor LLC – requesting reactivation

RR03-38723 Cultura Entertainment LLC – new with LB voting 4-0 to approve

RR29-38277 The Harbour's Club Management, LLC - Conversion from 209 to 210

8. Inactive Files –

1 permit 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/transfer submitted by the drop-dead date.

New Form - SF53022 Application for Temporary Craft Manufacturer Hospitality Permit

Round Table Discussions --

Farm Wineries/Vintners – Tuesday, July 26th @ Daniel's Vineyard  
Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams  
Brewers – September 20 @ 1:30 p.m. via Microsoft Teams  
Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams  
Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams  
Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams  
Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 21, 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, and Commissioner Grubb were present.

**DISPOSITION OF MINUTES**

Vice Chairman Payne moved to approve the minutes from the June 7, 2022 meeting. Commissioner Grubb 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 32 dispositions with fines totaling \$13,550.00. Commissioner Grubb seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations

**CONSIDERATION OF APPLICATIONS**

Eighteen additional renewals were added to the list by consent.

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.

One additional catering permit was added to the list by consent.

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. Vice Chairman Payne seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL88-30370 APPLES TREE TOP LIQUOR, LLC – Chair Allen noted this is an expired permit that was made dead and continued from the last meeting to allow time for the permittee to provide documentation from the doctor regarding health issues that have been plaguing him.

Commissioner Maginn stated the Commission did receive a letter from a doctor regarding the health issues. The Commissioner restated her frustration with permittees who fail to comply, but feels that she is leaning toward granting the request to reactivate the permit.

Chair Allen commented that staff informed the permittee how to rectify this situation in August 2021. A dead letter was sent in December 2021. He reached out in January 2022 and was informed again what steps had to be taken, but nothing was done. A couple of months later he scheduled an appointment to come to the ATC, but did not show. The Chair noted that an exceptional amount of time and resources of ATC staff have been devoted to assisting this permittee. By statute, a permit should not be left expired for more than six months, which this one exceeded that amount of time. Chair Allen stated she is leaning towards leaving the permit deactivated because there comes a time when a line must be drawn because staff time, resources and statutory requirements matter.

Vice Chairman Payne stated he comes from a previous job as a judge where time limits and deadlines were very important. There was a business here that closed and no one followed through with what was required to meet the deadlines. He noted that the doctor's statement made reference to this man's family and friends helping him compensate for his inability to work during his illness. However, with that, no one followed through. The Vice Chairman stated his inclination is to not allow the reactivation.

Commissioner Maginn moved to grant the reactivation of this permit. There was no second.

Vice Chairman Payne moved to deny the reactivation of the permit. Commissioner Grubb seconded. Chair Allen voted to deny. Commissioner Maginn voted no to the motion. Motion passed 3-1 to deny.

RR03-38723 CULTURA ENTERTAINMENT LLC – Chair Allen noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn stated there was one remonstrator present at the local board hearing. She noted there is an extensive security plan for the business that includes off-duty police officers. The Commissioner felt the applicant seemed to be concerned about the business being run in a safe manner.

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

RR29-38227 THE HARBOUR'S CLUB MANAGEMENT, LLC – Chair Allen noted this is a request for a conversion of this type 209 permit into a type 210 permit, due to the location being annexed.

Commissioner Maginn moved to approve the conversion. Vice Chairman Payne seconded. The motion was unanimously approved.

RR71-36885 GALLOPS PARTY STORE, LLC – By consent, this permit was added to the agenda.

Chair Allen noted this is a request for a conversion of this type 209 permit to a type 210 permit, due to the location being annexed.

Commissioner Maginn moved to approve the conversion. Vice Chairman Payne seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Maginn moved to make one permit dead that is not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **POLICY DETERMINATIONS**

No Policy Determinations

#### **ANNOUNCEMENTS**

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. She also stated if applicants should contact Excise to schedule the final inspections to make sure those are completed timely.

TEMPORARY CRAFT MANUFACTURER HOSPITALITY PERMIT APPLICATION – Chair Allen stated State Form #SF53022 is now available on our website.

ROUND TABLE DISCUSSIONS- Chair Allen stated round table discussions dates are set.

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Artisan Distillers – August 16 @ 1:30 p.m. via Microsoft Teams  
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Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

CHAIR ALLEN MATERNITY LEAVE – Chair Allen stated she will be on maternity leave beginning on July 7, 2022. All issues that would normally be directed to her should be directed to Clark Kirkman.

1<sup>ST</sup> JULY COMMISSION MEETING- Chair Allen stated the next meeting of the Commission will be held on Wednesday, July 6, 2022 at 10:00 a.m.

**ADJOURNMENT**

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

Approved this 6<sup>th</sup> day of July, 2022.

  
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JESSICA ALLEN, CHAIR

  
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JIM PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER