

ALCOHOL AND TOBACCO COMMISSION

January 4, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes –  
December 20, 2022
3. Prosecutor’s Recommendations –  
PAD Forms
4. Hearing Judge’s Recommendations –  
RR54-91395 Touch of Class – Proposed Findings of Fact and Conclusions of Law  
TC14207001 Good Food Mart, Inc. – Proposed Findings of Fact and Conclusions of Law
5. Consideration of Applications -  
291 renewals  
27 new/transfers  
10 catering  
11 new/renewal carriers  
2 renewal direct wine sellers
6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –  
RR84-20634 Top Hat, Inc. – renewal with LB voting 3-0 to deny  
RR29-34189 Vicky Pham – revocation of permit  
RR55-39331 Tequila Bar & Grill LLC – new with LB voting 3-0 to deny. FTA
8. Inactive Files –  
2 permits to be made inactive
9. Old Business -
10. New Business –
11. Policy Determinations –  
New Non-Rule Policy Document #29 Extensions – Comments due by January 11, 2023
12. Announcements -  
2023 Amended Commission Meeting Dates -

1st week of January 2023, Wednesday January 4  
3rd week of January 2023, Wednesday January 18  
1st week of May 2023, Wednesday May 3  
1st week of July 2023, Wednesday July 5  
1st week of September 2023, Wednesday September 6  
1st week of November 2023, Wednesday November 8  
4th week of December 2023, Wednesday December 27 (Escrow Hearing)

### 13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 4, 2023

**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, Deputy Director Kirkman, General Counsel Merritt, and Prosecutor Wignall were present.

**DISPOSITION OF MINUTES**

Vice Chairman Payne moved to approve the minutes from the December 20, 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. Forty-two dispositions were submitted with fines totaling \$27,800.00. Commissioner Grubb seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

RR54-91395 TOUCH OF CLASS – Vice Chairman Payne, who sat as hearing judge in this matter, stated this was a denial of renewal and an appeal of that denial by the permittee. The main issue regarding the denial was based on undisclosed ownership. Vice Chairman Payne now submits Proposed Findings of Fact and Conclusions of Law. Objections to the Proposed Findings were filed by the permittee.

Vice Chairman Payne moved to uphold the denial of this renewal. Commissioner Maginn seconded. The motion was unanimously approved.

TC14207001 GOOD FOOD MART, INC. – Vice Chairman Payne, who sat as hearing judge in this matter, stated this is an appeal of a violation for selling to a minor. A prehearing conference was held and an appeal hearing date was agreed upon by the parties. The certificate holder did not appear at the appeal hearing, but the hearing was held and testimony was given by the Indiana State Excise Police. Vice Chairman now submits Proposed Findings of Fact and Conclusions of Law.

Vice Chairman Payne moved to revoke the certificate. 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 carrier applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the 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**

RR84-20634 TOP HAT, INC. – Chair Allen stated the commissioners have not had the opportunity to review the local board record in this matter.

Commissioner Maginn moved to continue until the January 18<sup>th</sup> meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

RR29-34189 VICKY PHAM – Chair Allen noted the Commission is considering revocation of the permit.

Commissioner Maginn stated this permittee submitted an Escrow Request. The form was not complete, the permit is expired, permittee has no lease and the permittee has failed to communicate with us.

Commissioner Maginn moved to revoke the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR55-39331 TEQUILA BAR & GRILL LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny for failure to appear.

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

**INACTIVE FILES**

Commissioner Grubb moved to make two permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

NON-RULE POLICY #29- EXTENSION LETTERS – Chair Allen stated the Commission will vote on the policy at the January 18, 2023 meeting. Chair Allen also noted the Commission will allow comments regarding this policy to be submitted prior to January 11, 2023.

**ANNOUNCEMENTS**

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

- 3rd week of January 2023, Wednesday January 18
- 1st week of May 2023, Wednesday May 3
- 1st week of July 2023, Wednesday July 5
- 1st week of September 2023, Wednesday September 6
- 1st week of November 2023, Wednesday November 8
- 4th week of December 2023, Wednesday December 27

**ADJOURNMENT**

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

Approved this 18th day of January, 2023.

  
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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