

ALCOHOL AND TOBACCO COMMISSION
February 21, 2023
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 7, 2023

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

595 renewals
55 new/transfers
44 catering
37 carriers
3 direct wine sellers

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

7. Applications for Discussion –

RR82-39518 Munchies Smoke Shop, Inc. – transfer with LB voting 2-1 to deny

RR49-34161 2280 South Meridian Street LLC – renewal with LB voting 2-2

DL45-30405 41st Avenue Liquors – transfer with LB voting 4-0 to approve

8. Inactive Files –

1 permit to be made inactive

9. Old Business -

10. New Business –

11. Policy Determinations –

Non-Rule Policy #29 – Adoption (amended)

Non-Rule Policy #30

12. Announcements -

2023 Amended Commission Meeting Dates -
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

FEBRUARY 21, 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

Commissioner Maginn moved to approve the minutes from the February 7, 2023 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. Sixty-five dispositions were submitted with fines totaling \$53,050.00. 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.

Chair Allen stated she received information concerning a dispute regarding the property ownership where permit #RR83-39613 is located. She would like time to review this information. Vice Chairman Payne moved to continue. 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

Vice Chairman Payne moved to approve the renewal and fee waived letters of extension issued the preceding weeks. Commission Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-39518 MUNCHIES SMOKE SHOP, INC. – Chair Allen noted this is a transfer application with the local board voting 2-1 to deny.

Commissioner Maginn stated the local board voiced concerns about this establishment because it is mainly a hookah shop. Inside the business there were cases of drug paraphernalia. The owner has removed those items and stated he would no longer sell those items. This application is for a restaurant where only the minimum amount of food service required will be available.

Chair Allen stated it is the owner's responsibility to make sure no illegal activity occurs in the establishment. There will be a zero-tolerance policy for that activity, based on discussions at the local board.

Commissioner Maginn moved to overturn the local board's recommendation and approve the transfer. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-34161 2280 SOUTH MERIDIAN STREET LLC – Chair Allen noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated this permit has been in escrow for over five years, which is the maximum amount of time for a permit to be in escrow. The owner has communicated to the Commission that he would be opening the business. He was told multiple times that the permit must be made active by June 30, 3022, however, the permit is still not in active use.

Commissioner Maginn moved to deny the renewal application. Vice Chairman Payne seconded. The motion was unanimously approved.

DL45-30405 41ST AVENUE LIQUORS - Chair Allen noted this is a transfer with the local board voting 4-0 to approve.

Commissioner Maginn stated there were people present at the local board in favor and against the transfer of the permit.

Chair Allen noted there were documents presented to the Commission by remonstrators after the local board hearing. Those documents were made part of the record.

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

INACTIVE FILES

Commissioner Grubb moved to make one permit 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 (AMENDED) – Commissioner Grubb moved to adopt Non-Rule Policy #29 as amended. Vice Chairman Payne seconded. The motion was unanimously approved.

NON-RULE POLICY #30 – Chair Allen stated Non-Rule Policy #30 is on our website for review. The Commission will vote on this at a future meeting.

ANNOUNCEMENTS

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

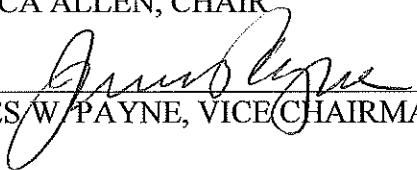
- 1st week of May 2023, Wednesday May 3
- 1st week of July 2023, Wednesday July 5
- 1st week of September 2023, Wednesday September 6
- 1st week of November 2023, Wednesday November 8
- 4th week of December 2023, Wednesday December 27

ADJOURNMENT

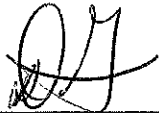
Commissioner Grubb moved to adjourn the meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

Approved this 7th day of March, 2023.

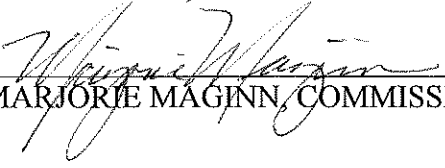
JESSICA ALLEN, CHAIR



JAMES W. PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER