

ALCOHOL AND TOBACCO COMMISSION

March 21, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 7, 2023

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

530 renewals
68 news/transfers
31 catering
10 direct wine sellers
44 carriers

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

7. Applications for Discussion –

RR44-39735 Shawna Atwater – new with LB voting 4-0 to approve

RR29-35822 AV Nail Spa Hamilton LLC – renewal with LB voting 4-0 to deny

RR49-33721 Kalakutah Republic Grill LLC – renewal with LB voting 4-0 to deny

RR49-36593 4444 Harding Club LLC – renewal with LB voting 4-0 to deny

DL27-32987 Bourbon Liquor Store, Inc. – transfer with LB voting 3-0 to approve

8. Inactive Files –

7 permits to be made inactive

9. Old Business -

10. New Business –

11. Policy Determinations –

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

MARCH 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

Vice Chairman Payne moved to approve the minutes from the March 7, 2023 meeting. Commissioner Maginn 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. Ninety-six dispositions were submitted with fines totaling \$70,250.00. Commissioner Maginn 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 carrier applications. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine seller applications. Vice Chairman Payne seconded. The motion was unanimously approved.

RENEWAL LETTERS AND WAIVERS OF FEES

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

RR08-30951 MG DUTTON – Commissioner Maginn noted this permittee submitted a request for a second Extension Letter. The business has been cited for serving alcohol to an intoxicated person three times. The last one is under appeal.

Commissioner Maginn moved to deny the request for a second Extension. Vice Chairman Payne seconded. The motion was unanimously approved.

M 76-29833 AND RR76-34460 CHAPMAN CIDER COMPANY LLC – Commissioner Maginn noted this permittee submitted second Extension Letter requests for both entities. Their applications have missing items, but they have been in contact with us and are trying to clear up the issues.

Commissioner Maginn moved to continue this matter to give time for the submission of the needed items and to also grant a second Extension Letter until the April 4, 2023 meeting to check status. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-34161 2280 SOUTH MERIDIAN STREET LLC – Commissioner Maginn noted the renewal of this permit was recently denied because the permit had been in escrow for the maximum amount of time allowed, but is still not ready to open. An appeal of the denial and a Request for Extension were filed.

Commissioner Maginn moved to deny the request for Extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-34539 EL CHILA SPORTS BAR – Chair Allen noted this permittee has filed a second Request for Extension.

Commissioner Maginn stated this permittee has open violations from 2021 and outstanding tax issues. There is also a criminal matter pending that the permittee states is the reason why the ATC violations have not been settled.

Chair Allen stated by statute, the Commission can only issue one Extension when there are outstanding tax issues with the Department of Revenue.

Vice Chairman Payne provided that a remedy to settle the criminal matter is to request a speedy trial, which he feels has not been done.

Commissioner Maginn moved to deny the request for a second Extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR46-31787 MBK HOLDINGS INC – Commissioner Maginn stated this permittee is requesting a second Extension Letter, but there is a tax protest on this permit, which prohibits the issuance of a second Extension, by statute.

Commissioner Maginn moved to conditionally approve the second Extension Letter request, pending receipt of a tax clearance. Vice Chairman Payne seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR44-39735 SHAWNA ATWATER – Chair Allen noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn stated this business has a new business concept similar to a food truck with a walk-up window. There is seating inside the business, as well.

Chair Allen clarified that while it is similar to a food truck, this is not mobile. It is a permanent structure.

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

RR29-35822 AV NAIL SPA HAMILTON LLC – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business was cited for minimum food service required, no employee permit, no employee required training and retail to retail sales. There is also a question as to who owns the permit.

Commissioner Maginn moved to continue this until April 18, 2023, and ask the legal department to get in contact with the business to help clear up these issues and report back to the Commission by that date. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-33721 KALAKUTAH REPUBLIC GRILL LLC – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business has had numerous violations from Excise and IMPD. Violations included selling unauthorized alcoholic beverages, failure to remove smoking paraphernalia, no employee permits, hindering enforcement, to name a few.

Vice Chairman Payne stated he was moved by the testimony of the neighborhood groups and the police department.

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

RR49-36593 4444 HARDING CLUB LLC – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business has been cited for numerous violations. Those violations included failure to clear bar service and times when sales unlawful, no record of employee permits, shots fired, smoking paraphernalia, drugs being sold in bar, prostitution, and other things. The Commissioner also noted the owner stated at the local board hearing that he wants to change the current business operation to a totally new concept.

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

DL27-32987 BOURBON LIQUOR STORE INC – Vice Chairman Payne noted this is a transfer with the local board voting 3-0 to approve.

Commissioner Maginn stated there was a remonstrator from Liberty Baptist Church who seemed to be opposed to alcohol in general, not just this transfer. There were also petitions submitted that were for and against. Some petitions did not have addresses listed.

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 seven permits inactive. 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

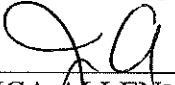
2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

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.

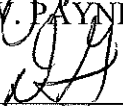
Approved this 4th day of April, 2023.




JESSICA ALLEN, CHAIR



JAMES W. PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER