

ALCOHOL AND TOBACCO COMMISSION  
September 6, 2023  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 15, 2023

3. Prosecutor's Recommendations –

PAD Forms

Watson Holdings, Inc.

4. Hearing Judge's Recommendations –

5. Consideration of Applications –

505 renewals  
38 new/transfers  
77 catering  
39 carriers  
6 direct wine sellers

6. Waivers of Fees for Letters of Extension -

7. Items for Discussion –

RR49-38969 GPX, LLC –

RR44-40228 Blue Gate Catering, LLC – new with LB voting 3-1 to approve

RR79-31044 Three O Eight, LLC – Extension request – appeal filed

8. Inactive Files –

16 permits to be made inactive

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements –

LSA Document #23-613

LSA Document 23-624

2023 Amended Commission Meeting Dates -

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

SEPTEMBER 6, 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 Grubb, General Counsel Merritt, and Prosecutor Wignall were in attendance.

#### DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the August 15, 2023 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. One hundred thirteen dispositions were submitted with fines totaling \$58,625.00. Commissioner Grubb seconded. The motion was unanimously approved.

RR32-38871, RR06-38752, RR29-38747, RR29-38748, RR29-38865, RR79-38749 WATSON HOLDINGS, INC. – Chair Allen stated the issue of falsification of documents regarding these permit violations will not be resolved with the Parties' Agreed Dispositions. The franchisees have no intention of selling alcohol at the locations.

Vice Chairman Payne moved to put the permits into escrow for 2 years to allow time for resolution of the issues between the permit holder and franchisee. 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. Vice Chairman Payne 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. Vice Chairman Payne 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.

### **WAIVERS OF FEES – LETTERS OF EXTENSION**

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

### **ITEMS FOR DISCUSSION**

RR49-38969 GPX, LLC – Vice Chairman Payne stated there is an agreement between Prosecutor Wignall and the permittee that the renewal should be remanded to the local board for reconsideration.

Vice Chairman Payne moved to remand this to the local board on October 2, 2023. Commissioner Grubb seconded. The motion was unanimously approved.

RR44-40228 BLUE GATE CATERING LLC – Chair Allen noted this is a new application with the local board voting 3-1 to approve.

Vice Chairman Payne stated this issue continues to come before the Commission and could have tremendous ramifications in this local community. This establishment hosts activities, such as concerts that helps promote tourism. There were letters submitted in favor of this permit and also remonstrators present at the hearing. The Vice Chairman stressed that there would be no carry-out privileges at this business.

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

RR79-31044 THREE O EIGHT, LLC – Chair Allen noted the renewal of this permit was denied and is now under appeal. The permittee is requesting an Extension.

Vice Chairman Payne stated the permittee is on the PACE Program and also noted the permittee's submission of an extensive, corrective action plan to address the numerous violations that have taken place at the business recently.

Vice Chairman Payne moved to approve the Extension request. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-34173 THE ROUND TABLE LLC – The Commission added this item to the agenda by consent.

Chair Allen noted this is a request for an Extension. The renewals and Extension were filed, and a local board date set that would have made the Extension not needed. However, a violation was issued during that time which postponed the local board date. The permit is now expired.

Vice Chairman Payne moved to approve the Extension to October 17, 2023, which is the date of a Commission meeting following the local board hearing. Commissioner Grubb seconded. The motion was unanimously approved.

MM49-30060 DAREDEVIL BREWING CO, LLC - The Commission added this item to the agenda by consent.

Chair Allen noted this is a second Extension request. The request was vague, but it appears that ownership changes are being worked through and the documentation for that has not been submitted, preventing renewal of the permit.

Vice Chairman Payne moved to approve the Extension until October 17, 2023. Commissioner Grubb seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Grubb moved to make sixteen 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**

LSA DOCUMENT #23-613 AND LSA DOCUMENT #23-624 – Chair Allen stated the Commission has filed two rules, LSA Documents #23-613 and #23-624. Both are on the ATC website for review. The Commission will accept comments until September 22, 2023. Those can be submitted to General Counsel Ashley Merritt.

#### 2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

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**

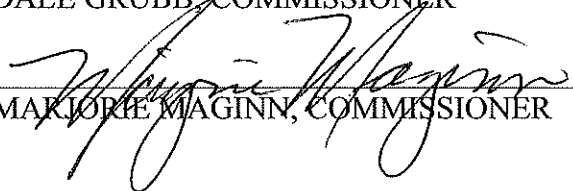
Commissioner Grubb moved to adjourn the meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

Approved this 19<sup>th</sup> day of September, 2023.

  
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JESSICA ALLEN, CHAIR

  
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JAMES W. PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER