

ALCOHOL AND TOBACCO COMMISSION

February 2, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum --
2. Disposition of Minutes

January 19, 2016

-
3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

719 Renewals
35 New/Transfers
7 Catering
4 1st Year Escrow
3 2nd Year Escrow
1 3rd Year Escrow
1 4th Year Escrow
13 New/Renewal Carriers
4 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion --

RR49-28144 Latitude 39 Group, LLC -- Renewal with LB voting 3-0 to deny

RR49-28625 Moh, Inc. -- Renewal with LB voting 3-0 to deny

RR52-32081 D & N Davis, LLC -

8. Inactive Files --

9. Old Business -

10. New Business -

Probation/Revocation of Employee Permits
Steven Ippolito, BR1631841- 2 convictions
Chelsea Harper, BR1736918- 2 convictions

Probationary Employee Permits/Alcohol Evaluation Program

11. Policy Determinations --

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 2, 2016

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman and Commissioner Grubb. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Brooke Burnett, Jeff McKean, Schuyler Culver, Katie Maddox, Jenny Drewry, Jim Purucker, Bart Herriman, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the January 19, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 41 Parties' Agreed Dispositions that were submitted, totaling approximately \$10,425.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the February 2, 2016 meeting. Vice Chairman Coleman 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 our staff with the authority of the commission and hereby move for approval of same and the inclusion of these lists as part of the minutes. Vice Chairman Coleman 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 applications for changes in location or 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 inclusion of these lists as part of the minutes. Vice Chairman Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of applications for catering. Vice Chairman Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a commissioner as appropriate for escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes. Vice Chairman Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Vice Chairman Coleman seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new direct wine shipper permits. Vice Chairman Coleman seconded. The motion was unanimously approved.

Seven hundred nineteen (719) renewals approved, thirty-five (35) new and/or transfer applications approved, seven (7) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow, thirteen (13) new and renewal carrier permits approved, and four (4) new direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Coleman moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-28144 LATITUDE 39 GROUP, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

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

RR49-28625 MOH, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Chairman Cook recommended the Commission continue this matter until 2-16-16. There seems to be some confusion about the local board approving the last year's renewal, with a violation, but denying the current renewal after considering the same violation.

Vice Chairman Coleman moved to continue this until 2-16-16. Commissioner Grubb seconded. The motion was unanimously approved.

RR52-32081 D & N DAVIS, LLC – Chairman Cook stated the local board Excise officer requested this be remanded to the local board for reconsideration.

Commissioner Grubb moved to remand this renewal to the local board for reinvestigation. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMIT - Commissioner Grubb moved to revoke the following employee permits that do not fall under IC 7.1-3-18-9.5. Vice Chairman Coleman seconded. The motion was unanimously approved.

Steven Ippolito, BR1631841; Chelsea Harper, BR1736918

PROBATIONARY EMPLOYEE PERMITS – Commissioner Grubb stated we have a list of all probationary permittees from July 2015, showing which permittees have been sent the letter notifying them an alcohol treatment program must be completed and provide the Commission with the completion certification. Chairman Cook has prepared an amended letter that will be sent to everyone on the list.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

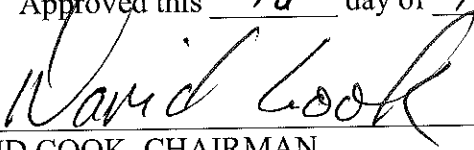
E-LIQUID MANUFACTURER APPLICATION – Commission Counsel Allen stated the e-liquid manufacturer application is now online.

ATC/INDUSTRY DISCUSSIONS – Chairman Cook stated the Commission would like to start holding small, informal discussions with the industry to help maintain a dialogue of any issues or concerns that may be need to be addressed. At the February 16, 2016 meeting, a series of discussions will be announced regarding the different tiers and issues there may be with them.

ADJOURNMENT

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

Approved this 16th day of FEBRUARY, 2016.



DAVID COOK, CHAIRMAN

David H. Coleman

DAVID COLEMAN, VICE CHAIRMAN

F. Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER