

ALCOHOL AND TOBACCO COMMISSION

January 19, 2016

10:00 A.M.

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

January 5, 2016

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-30353 21st Corner, LLC – Proposed Findings of Fact and Conclusions of Law

RR20-22666 3L's, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

767 Renewals
62 New/Transfers
11 Catering
13 1st Year Escrow
9 2nd Year Escrow
1 3rd Year Escrow
4 4th Year Escrow
3 5th Year Escrow
7 New/Renewal Carriers
2 New Direct Wine Shippers

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

7. Applications for Discussion –

RR82-22520 Los Portales Mexican Cuisine LLC – Request for conversion from 209 to 210

RR82-21313 Nagasaki Inn, Inc. – Request for conversion from 209 to 210

RR71-26941 SDTG, Inc. – Renewal with LB voting 4-0 to deny

DL45-30290 Lincoln Highway Liquors, Inc.

RR84-25353 LZB, LLC – Request for extension of escrow

RR71-05732 Piano Bar, Inc. – Request for extension of escrow

BR1732775 Chelsea B Carter – Request for employee permit

8. Inactive Files –

9. Old Business -

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 19, 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, Commissioner Grubb and Commissioner Maginn. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Corporal Lynch, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Brooke Burnett, Tony Mitson, Jake German, Emily Waldron, Diane Masariu, 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 5, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 94 Parties' Agreed Dispositions that were submitted, totaling approximately \$33,500.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the January 19, 2016 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-30353 21ST CORNER, LLC – Vice Chairman Coleman moved to uphold the recommendation of the Hearing Judge. Commissioner Maginn seconded. The motion was unanimously approved.

RR20-22666 3 L'S, INC. – Commissioner Maginn moved to uphold the recommendation of the Hearing Judge. Vice Chairman Coleman 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 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. 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 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. Commissioner Maginn seconded. The motion was unanimously approved.

Executive Secretary Rothenberg stated there were two transfers (W 49-22763 and W 49-22764) that did not make the list, but are ready for approval. Commissioner Grubb moved to approve the transfers. Commissioner Maginn seconded. The motion was unanimously approved.

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

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

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

Seven hundred sixty-seven (767) renewals approved, sixty-four (64) new and/or transfer applications approved, eleven (11) permits approved for catering, thirteen (13) permits approved for first year escrow, nine (9) permits approved for second year escrow, one (1) permit approved for third year escrow, four (4) permits approved for fourth year escrow, three (3) permits approved for fifth year escrow, seven (7) new and renewal carrier permits approved, and two (2) 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-22520 LOS PORTALES MEXICAN CUISINE LLC – Chairman Cook noted this is a request for conversion from a type 209 permit to a type 210 permit.

Commission Counsel Allen stated the original permit was issued in 2006 and the notice of annexation was published in 2009. She recommended the Commission approve the conversion.

Commissioner Maginn moved to approve the conversion of the type 209 permit to a type 210 permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR8221313 NAGASAKI INN, INC. – Chairman Cook noted this is a request for conversion from a type 209 permit to a type 210 permit.

Commission Counsel Allen stated the original permit was issued in 2004 and the notice of annexation was published in 2008. She recommended the Commission approve the conversion.

Vice Chairman Coleman moved to approve the conversion of the type 209 permit to a type 210 permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR71-26941 SDTG, INC. – Chairman Cook stated this is a renewal with the local board voting 4-0 to deny.

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

DL45-30290 LINCOLN HIGHWAY LIQUORS, INC. – Executive Secretary Rothenberg stated that at the December 16, 2015 meeting, the renewal and transfer of location for this permit were denied by the Commission. They were mistakenly placed on agenda together and not separately. There was no remonstrance or any problems with the renewal of the permit. The Executive Secretary recommended the Commission overturn their denial of the renewal.

Vice Chairman Coleman moved to adopt the recommendation of the Executive Secretary and approve the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RR84-25353 LZB, LLC – Chairman Cook stated this permittee requested an extension of escrow. The extension would put this in seventh year escrow. The Chairman noted that the permittee has sent progress reports each year to keep the Commission informed. Those reports continue to say that the permit will be put into use the following spring or summer. Excise was sent out to check on the progress and it appears that the building will not be ready during a seventh year of escrow.

Vice Chairman Coleman moved to deny the request for additional escrow. Commissioner Maginn seconded. The motion was unanimously approved.

RR71-05732 PIANO BAR, INC. – Commissioner Maginn stated this permit has been in escrow for five years, as of November 2015. The permittee is in the process of transferring the permit. A transfer is on file and is scheduled to go before the local board later this month.

Commissioner Maginn moved to extend escrow for 90 days to allow the transfer process to be completed. Vice Chairman Coleman seconded. The motion was unanimously approved.

BR1732775 CHELSEA B. CARTER – Prosecutor Mader stated this permittee was charged with sales to intoxicated persons, allowing a minor to loiter and furnishing alcohol to a minor. In 2014, she accepted the offer of revocation regarding these violations. The reason for the offer of revocation was due to the fact that the person over-served was a minor (tested 2.9 b.a.c.), who was involved in an accident which involved a mom and an eight month old baby. Ms. Carter recently applied for a renewal of the permit. When she filled out the application, she incorrectly answered the question regarding whether she has had a permit revoked, by answering "no". Also, the prosecutor checked into her past criminal record and found a conviction for receiving stolen property and possession of a controlled substance.

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

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

PROBATION/REVOCATION OF EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holders to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission. The Commissioner further moved that these revocations be rescheduled for the July 5, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Trevor Schiro, BR1821257

Commissioner Grubb moved to revoke the following employee permits that do not fall under IC 7.1-3-18-9.5. Commissioner Maginn seconded. The motion was unanimously approved.

Pilar Ramos, BR1621700; Nicole Schlapp, BR1823290

PROBATIONARY EMPLOYEE PERMITS – Commission Counsel Allen stated after checking to see if letters were sent to Chantel Longfield, Terrill May, and Jasmin Overman regarding the alcohol treatment program, it was discovered that they were sent. None of them notified the Commission of completion; however, after checking court records, it appears that Chantel Longfield did successfully complete a program.

Commissioner Grubb stated he feels it is the responsibility of the permittees to notify the Commission when the program is completed and not the responsibility of the Commission to check with the court. Chairman Cook agreed and noted that a new letter has been composed that stresses the responsibility of the permittee to notify the Commission. Starting today, the new letter will be sent.

Commissioner Grubb moved to approve the permit for Chantel Longfield and reschedule Terrill May and Jasmin Overman for the February 16, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

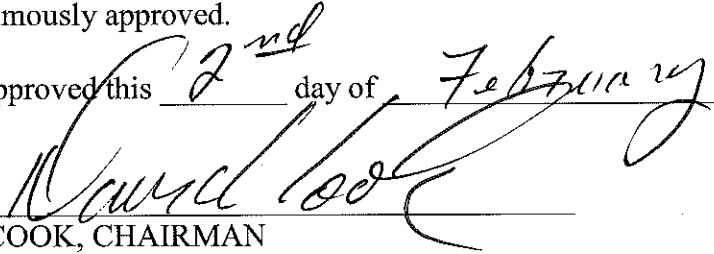
ANNOUNCEMENTS

INTRODUCTION OF INDIANA STATE EXCISE POLICE RECRUITS – Superintendent Strittmatter introduced the State Excise Police recruits. The recruits are: Cliff Cole, Diane Graffitti-Jackson, Zach Wildman, Markus Oster, Josh Cary, Collin Fogle and Adam Morris.

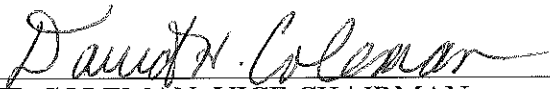
ADJOURNMENT

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

Approved this 2nd day of February, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER