

ALCOHOL AND TOBACCO COMMISSION

July 7, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

June 23, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

665 Renewals

54 New/Transfers

7 Catering

11 1<sup>st</sup> Year Escrow

6 2<sup>nd</sup> Year Escrow

3 3<sup>rd</sup> Year Escrow

2 4<sup>th</sup> Year Escrow

15 New/Renewal Carrier

35 Renewal Direct Wine Shipper

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

7. Applications for Discussion –

RR45-29938 Wail Odtallah – Renewal with the local board voting 3-0 to disapprove.

RC53-18339 Bloomington Amvets Post 2000 at the Gathering – Local board denied.

DL53-30343 BBQTRAIN1, LLC – Local board denied.

8. Inactive Files –

2 Permits Subject to Auction

4 Permits Not Subject to Auction

9. Old Business -

10. New Business -

11. Policy Determinations –

12. Announcements -

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JUNE 23, 2015

#### 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. Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Jenny Drewry, Marc Carmichael, Melissa Coxey, Anne Ricchiuto, Norman Hellmers, Patricia Hellmers, Bart Herriman, Jim Zink, Jeff McKean, Stephanie Bexue, Anthony Mitson, Diane Masariu, Mark Webb and Greg Genrich were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the June 2, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 162 Parties' Agreed Dispositions that were submitted, totaling approximately \$67,500.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the June 23, 2015 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, either with or without a quorum at the local board meeting, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. 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, pending final floor plan inspection by the Indiana State Excise Police, which were either recommended for approval by local boards or where a quorum was not present, and reviewed by at least two Commissioners. Commission 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. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier permits. Commissioner Maginn seconded. Chairman Cook voted to approve. Vice Chairman Coleman voted to deny carrier permit for EF Transit, Inc., permit #C1644297, but approved all others. Motion passed.

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

Eight hundred fifty-four (854) renewals approved, eighty-one (81) new and/or transfer applications approved, twenty-three (23) permits approved for catering, one (1) permit approved for first year escrow, five (5) permits approved for second year escrow, seven (7) permits approved for third year escrow, five (5) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, three (3) new carrier permits approved, thirty-four (34) renewal carrier permits approved and twenty-three (23) direct shipper wine new and renewal permits approved.

#### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Maginn 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**

Chairman Cook stated rumors are going around that there has been improper influence, in some way with the Commission, regarding at least one of the permits on the agenda today. The Chairman reminded the commissioners of their responsibility to recuse themselves in the event they feel there has been improper influence, or if they are unqualified to vote on a particular matter.

RR45-29938 WAIL ODTALLAH – Commission Counsel Allen noted she has not had time to review the record of the local board and recommended the Commission continue this matter until July 7, 2015.

Commissioner Grubb moved to continue this matter. Commissioner Maginn seconded. The motion was unanimously approved.

RR46-06543 1103-05, INC. – Commission Counsel Allen stated this is a renewal with the local board voting 4-0 to disapprove.

Commissioner Maginn stated that in reviewing the record, she noted the police chief reported shootings and stabbings occurring at the establishment.

Chairman Cook he was very impressed by the police chief, who noted over 70 calls for service of a violent nature at the business.

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

DL82-30281 SHAAN LIQUOR, INC. – Commission Counsel Allen noted this is a transfer application with the local board voting 3-0 to disapprove. Applicant failed to appear before the local board.

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

RR64-31493 PAVILION PARTNERS, LLC – See transcript for discussion. Matter was continued until the July 21, 2015 meeting.

RR29-91227 EVENTS TO REMEMBER, LLC – Commission Counsel Allen stated the permittee requests the permit be converted from a type 209 permit to a type 210 permit, due to annexation.

Vice Chairman Coleman moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Commissioner Grubb moved to make twenty-eight (28) permits inactive. Twenty-five permits are not subject to auction and three permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

#### REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Mattie K. Kearney, permit #BR1724356. Ms. Kearney will not be eligible to hold an employee permit until September 23, 2016.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Gary R. Nobbe, permit #BR1673094. Mr. Nobbe will not be eligible to hold an employee permit until April 30, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Derek J. Himes, permit #BR1801990. Mr. Himes will not be eligible to hold an employee permit until July 30, 2017.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Dillon M. Mills, permit #BR1806206. Mr. Mills will not be eligible to hold an employee permit until December 20, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Nicole R. Arthur, permit #BR1729008. Ms. Arthur will not be eligible to hold an employee permit until December 5, 2018.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Richard R. Kingery, permit #BR1784895. Mr. Kingery will not be eligible to hold an employee permit until May 27, 2016.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Caryn L. Hilderbrand, permit #BR1694148. Ms. Hilderbrand will not be eligible to hold an employee permit until December 1, 2015.

Commissioner Grubb moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Maginn seconded. The motion was unanimously approved.

HUMAN TRAFFICKING SIGNAGE – The Commission, by consensus, approved the signage to be posted regarding the new legislation on human trafficking.

## **POLICY DETERMINATIONS**

No Policy Determinations

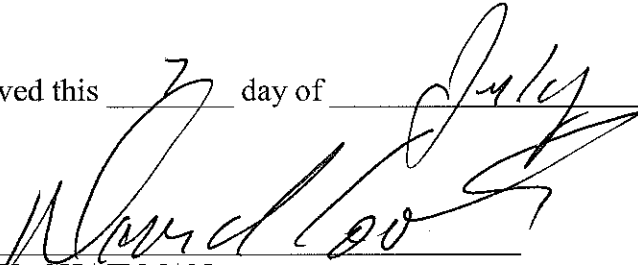
## **ANNOUNCEMENTS**

NEW LEGISLATION – Commission Counsel Allen stated there is a memorandum available regarding procedures for obtaining letters of authority. Also, information regarding other new legislation will be available on the website very soon.

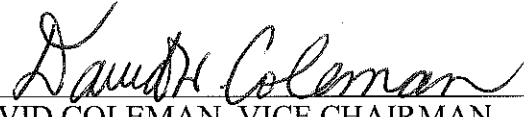
**ADJOURNMENT**

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

Approved this 7 day of July, 2015.



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DAVID COOK, CHAIRMAN



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DAVID COLEMAN, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER