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RR49-34750 BEVERAGE SMITHS, LLC
D/B/A RAGNAROK AXE THROWING
COMMISSION MEETING
NOVEMBER 7, 2018

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Chairman Cook

We have two here, RR49-34677 Bad Axe Throwing USA, Inc. and RR49-34750 Beverage Smiths, LLC, d/b/a Ragnarok Axe Throwing. The full commission has reviewed the video tapes of the October 1, 2018 local county alcohol board meeting regarding these two applications, both seeking alcohol possession and sale privilege for the establishments that feature axe throwing. Because this was a unanimous vote to approve and no remonstrators appeared to testify, neither of these applications were slated for discussion by the full commission and; therefore, were approved and issued without further vetting by the commission. While the Alcohol and Tobacco Commission has no direct authority to regulate sporting events, the commission consensus is that public safety concerns at an alcohol permitted premises reasonably falls within the general scope of protecting the health and people of the State. In reviewing some of the disclaimers, the permittees acknowledge that axe throwing can be hazardous and a present danger to participants and requires a liability disclaimer that the participant acknowledges and accepts the activity is inherently risky and dangerous and exposes the participant to the possibility of personal injury, death, property damage, and/or loss resulted therefrom. Consequently, the mixing of alcohol and handling of and throwing for sport a lethal weapon, such as axes, at an alcohol permitted premises, in the opinion of the commission requires a heightened level of inquiry. We were not satisfied that the Marion

49 County Local Board inquired appropriately the public safety concern,
50 and; therefore, I think that the consensus of the commission is that there
51 needs to be some additional record made regarding especially the public
52 safety concerns. In all fairness, we think this should have been done at
53 the local board, and while it's not, in order to further minimize the
54 inconvenience to the permitted parties, my recommendation is that we
55 reach out to those entities and ask them to submit written responses to
56 our public safety concerns so that we may be able to make a record on
57 that so they don't have to show up for additional hearings. I have been
58 notified that---your name, sir?

59 Richard Smith Richard Smith.

60 Chairman Cook Richard, Mr. Smith, you're from...

61 Richard Smith Ragnarok

62 Chairman Cook Ragnarok---is here to respond to that. While we normally don't take
63 that type of testimony here, I would be open, by consensus, to give this
64 gentleman, Mr. Smith, a few minutes to address some of our concerns.
65 I think he has some stuff to submit to us, so if you'd like...

66 Vice Chairman Krauss Yep.

67 Commissioner Maginn Consent.

68 Commissioner Grubb Yep.

69 Chairman Cook Do you want to raise your right hand? Do you solemnly swear that the
70 testimony you are about to give in this proceeding will be the truth, the
71 whole truth and nothing but the truth, so help you God?

72 Richard Smith I do.

73 Chairman Cook

74 Okay. Have a seat. So Mr. Smith, thank you very much for
75 volunteering to appear here today. We just were concerned, certainly,
76 by the mixing of alcohol and your activities there. As responsible
77 public servants, we need to make kind of a better record about your
78 safety issues there and have some questions answered, so I'll give you
79 the floor here and then the commission may have some questions for
you.

80 Richard Smith

81 All right. We kind of ran into this problem in Columbus, as well. And,
82 Paul Kulwinski asked that we write a letter and so we did. We outlined
83 in that letter that we do have 11 facilities open and the procedures in
84 which our employees are to follow. Someone who is already
85 intoxicated is not allowed into the facility. People who become
86 intoxicated in the facility to the point where, you know, beyond that
87 legal threshold are not allowed to continue to throw axes. Nobody is
88 allowed to have open-toed shoes. Participants must have our signed
89 liability waiver. In our waiver, we do address the consumption of
90 alcohol and that they are taking responsibility for that, as well. If
91 there's any threat, physical or verbal threat, the show is immediately
92 stopped across the board. Throughout the entire facility, if one of my
93 experts say, hey I need to stop this show, all shows stop. All employees
94 are then, there to help control that situation and move forward with
95 asking those people to leave politely. Let's see here---so no one is
96 allowed to throw an axe or enter the axe throwing arena without an
employee's permission. They are not allowed to retrieve the axes

97 without the employee's permission. We do discourage, through a
98 funny, punny joke, that people not try to catch the axes. Nobody here is
99 a professional ninja, right? And they are all like, no. Okay, then we
100 don't want to catch the axes, but I have a bucket of spare parts though,
101 if you do, but please don't. So it's all about that entertainment factor.
102 We go through it and inject that positivity and start to project that
103 positivity to the attendees to where we get rid of any of that negativity
104 that might still be lingering. Three months of doing this so far everyone
105 is like, oh my gosh! This is so much fun. They come in and they are
106 kind of hesitant and they are like, I thought this was going to be so
107 much more dangerous. Seventy-four year old women come in and
108 throw axes and absolutely love it and go home feeling great and
109 excited.

110 Greg Genrich What is the ratio of employees to participants?

111 Richard Smith So, it's 1 to 12. One employee for up to 12 individuals at a time, plus a
112 person on point at all times. So if I have 4 ranges, that's 4 employees
113 and 1 point person, so that's 5 employees for 48 people.

114 Vice Chairman Krauss Can you help me understand if I come into your facility, what do I do?
115 What happens to me? What's the event?

116 Richard Smith The first thing we do is greet you. Say, hello. Thank you for coming
117 out to Ragnarok. Find out what party you are a part of.

118 Vice Chairman Krauss Do I pay something to come in?

119 Richard Smith Normally you would pay online. So you would book a party in
120 advance. We do accept walk-ins, so if you walk-in, that's acceptable,

121 as well. We have 2 different types of shows, essentially. One is an
122 open throw show, which lasts an hour. My axperts go in and take you
123 to a range and go through all of the safety procedures and rules with
124 you, specifically, and teach you how to throw an axe, get you throwing
125 an axe and let you throw at your own pace. They would be right there
126 observing, making sure you are safe.

127 Vice Chairman Krauss And will I have consumed---have I gotten a drink?

128 Richard Smith That would totally be up to you.

129 Vice Chairman Krauss So I could go in and start watching the show, having a drink in my
130 hand, or having had a drink?

131 Richard Smith Well, I mean, if you come in with an alcoholic beverage we ask you
132 to...

133 Vice Chairman Krauss I purchase one.

134 Richard Smith Yeah, if you purchase one, yeah. For sure.

135 Chairman Cook I think where he is headed is is alcohol consumption allowed in your
136 throwing lanes?

137 Richard Smith Not in the lane, specifically, but in the participant lobby area. Each
138 range has its own cordoned area. It's about a 10x10 square where while
139 you are waiting to go throw...

140 Vice Chairman Krauss Are you serving food there?

141 Richard Smith Yeah.

142 Vice Chairman Krauss What kind of food?

143 Richard Smith Sandwiches. Soups. Things like that.

144 Vice Chairman Krauss So, then I go in and the experts show me how to throw it.

145 Richard Smith Correct.

146 Vice Chairman Krauss So, that lasts 5 minutes? 10 minutes? Or what?

147 Richard Smith Give or take about 15 minutes.

148 Vice Chairman Krauss For the instruction?

149 Richard Smith For the instruction. Give or take 15 minutes. We get everyone out and

150 get practiced and then we begin the show itself. Ten to 15 minutes we

151 get through everybody. Make sure they all know the rules. We repeat

152 the rules to each pair that come out on the range.

153 Vice Chairman Krauss Is it like a firing range?

154 Richard Smith Very similar

155 Vice Chairman Krauss Like a tunnel?

156 Richard Smith Like a bowling alley. They participate in that and after 10 or 15

157 minutes of safety rules and going over rules, we repeat that over and

158 over and over again to engrain it, and we say it not just to the 2 people

159 coming up, but to the entire group. So, it sinks in. And then we begin

160 the games, where you'll participate in 4 different games on 2 different

161 teams and you'll compete for prizes and glory, which are these little

162 plastic trophies, right, and they take it back and put it up and at the

163 end...

164 Vice Chairman Krauss So, I'm throwing the axe to hit something?

165 Richard Smith Yeah. Hit the target.

166 Vice Chairman Krauss To hit a bullseye?

167 Richard Smith Yeah. It's a 4x4, or 4x5, sorry, pieces of white pine. We've marked a

168 target out and you're aiming at the center bullseye.

169 Vice Chairman Krauss How many chances do I have to go through?

170 Richard Smith You'll throw 2 times and then we'll bring the next 2 participants up.

171 Vice Chairman Krauss Do you have a copy of the liability waiver that you ask them to sign?

172 Richard Smith I sent that to Mr. Bell. I do not have a copy of it with me today.

173 Chairman Cook I have it and I can provide it.

174 Vice Chairman Krauss Okay. How long have you been establishing---have you established
175 these in other states?

176 Richard Smith Yes. So there are 11 different axe throwing locations we are all a part
177 of: Columbus Axe Throwing; Cincinnati; Cleveland; Dallas; Lucky X
178 in Atlanta; St. Louis; Lumberjack in St. Louis; Houston; Chicago; Ohio
179 in Powell; and here in Indianapolis.

180 Vice Chairman Krauss What have the regulatory agencies in the other states required of you, if
181 anything?

182 Richard Smith So far the only ones who kind of like asked for any real rebuttal was in
183 Powell, where they asked for this letter, which I provided for you guys,
184 as well.

185 Vice Chairman Krauss How many instances, if any, have you had in any of those states?

186 Richard Smith I believe we have 2.

187 Vice Chairman Krauss What were they and what was the resolution?

188 Richard Smith That. I'm not 100% sure of.

189 Vice Chairman Krauss Not sure of the resolution or not sure of what happened?

190 Richard Smith I'm not sure of either one of those instances actually. Those were
191 outside of my prevue before I was an employee.

192 Vice Chairman Krauss It would be helpful to know just out of circumstances of what the
193 average operation...

194 Richard Smith What I did provide is a list of the other places that do have their alcohol
195 permit.

196 Vice Chairman Krauss I'd like to know what happened in the other states and what was the
197 resolutions of those. I'm not implying it's serious. I just don't know.

198 Richard Smith Right. Right. Right.

199 Chairman Cook So, is alcohol consumption allowed in the lanes, or just...

200 Richard Smith Just in the lobby area.

201 Chairman Cook In the lobby area and when it's your turn you step up---but you can't
202 take your drink?

203 Richard Smith Absolutely not. It would be like trying to take your beer out and trying
204 to bowl at the same time. Not conducive.

205 Chairman Cook I get it. And you have physical separation in these lanes?

206 Richard Smith Yes.

207 Chairman Cook Is it wall to ceiling?

208 Richard Smith It's a 4 foot barrier from the lounge to the lane and between each lane
209 there is a 10 foot metal partition.

210 Chairman Cook That separates all those lanes?

211 Richard Smith Correct.

212 Chairman Cook Do you sponsor axe throwing drinking games?

213 Richard Smith No.

214 Chairman Cook And do you allow participants to have individual drinking games as it
215 relates to competition?

216 Richard Smith Oh, no. Absolutely not.

217 Chairman Cook So these folks that are your coaches, or mentors...

218 Richard Smith Axperts.

219 Chairman Cook What do you call them?

220 Richard Smith Axperts.

221 Chairman Cook Axperts. Do they have actual, any training that relates to overserving?

222 Do they have employee permits?

223 Richard Smith We do have our own safety manual. We are going to require that they

224 have serving permits.

225 Chairman Cook So they are going to have serving permits?

226 Richard Smith Correct.

227 Chairman Cook Where is the actual alcohol outlet? Is it a booth area, or...

228 Richard Smith We have actually walled off an area. It has a 4 foot opening to go into

229 and then there will be a closed and locked refrigerator that is essentially

230 the bar area. As Officer Bell explained.

231 Chairman Cook Does that have separation from the other places?

232 Richard Smith It does.

233 Chairman Cook That's a totally 21 and over area?

234 Richard Smith Correct.

235 Chairman Cook How about minors? How are you controlling the alcohol and minors

236 and axe throwing and all?

237 Richard Smith It will be the responsibility of each axpert on a lane to card everyone in

238 their party. Over 21 will get a handstamp. Everyone under 21 will not

239 get a handstamp. If someone is seen having a drink without a

240 handstamp, the show will immediately stop and that person will be
241 asked to leave.

242 Vice Chairman Krauss What kind of insurance do you have for your facility? What is the
243 extent of the liability insurance? I'm just interested in your insurability
244 and blanket policies.

245 Richard Smith I know our insurance is pretty good. I don't know the details on how it
246 works for the alcohol being involved, as well. I do know we had to
247 increase our policy barring getting the permit, so I do know we had to
248 change it.

249 Vice Chairman Krauss It would be helpful to have a summary of just what it is.

250 Chairman Cook Are there drink limits for people who are throwing axes?

251 Richard Smith So everybody is a little different, right? We've kind of been talking
252 about that and we're pretty sure that if someone can drink more than 2
253 or 3 beers during a show, they're an impressive specimen. It is an
254 ongoing thing. We don't give you a whole lot of time to sit around and
255 lollygag. Even with 12 people in a range, an hour and a half is not a lot
256 of time and we try to cycle through those pretty quickly. Give or take 2
257 or 3 beers is probably all you're going to get.

258 Chairman Cook But, you don't have any policy?

259 Richard Smith Not specifically. No. We haven't really put that into saying, okay, no
260 more than 3, or---I asked Officer Bell about that. He was pretty
261 confident after I kind of showed him how the show works, he was like,
262 okay, they're going to be busy the whole time.

263 Vice Chairman Krauss So if I'm one of the 12, I stay in the room while the others are
264 competing, or can I go out and...

265 Richard Smith You absolutely can leave.

266 Vice Chairman Krauss I can get a drink and I can come back?

267 Richard Smith Yeah.

268 Commissioner Grubb There's only one person in that entire area in that party that would have
269 an axe in their hand at any given moment?

270 Richard Smith Two people. Each range has slots for 2 participants to throw at the
271 same time. The expert is kind of positioned between the two of them
272 when they are instructing them to throw. So every time they have an
273 axe in their hand the expert has invited them out to the range and
274 instructed them to get their axe, step into position and the expert counts
275 off 1, 2, 3, essentially and then throw.

276 Commissioner Grubb How much distance is there from the thrower to the target?

277 Richard Smith It depends. It can be 12 to 15 feet.

278 Commissioner Grubb You don't get much rebound?

279 Richard Smith There is. There can be. I mean, I've seen axes hit the ground and slide
280 almost all the way back to someone's foot.

281 Commissioner Grubb That's what I was wondering what the probability of someone catching
282 a rebound shot like that.

283 Richard Smith I have never seen one come back far enough to hit someone, but they do
284 slide.

285 Chairman Cook So did you ask for a beer and wine?

286 Richard Smith Beer and wine.

287 Chairman Cook That's all?

288 Richard Smith Yep.

289 Chairman Cook Does the commission have any other questions?

290 Vice Chairman Krauss No. I just have general curiosity and concern that safety is met. It's
291 unusual.

292 Richard Smith It is. I will say that a 1 ¼ pound axe isn't actually sharp. That's the
293 other thing. All of the axes are blunted. We change the profile on the
294 axe. So the normal axe, the profile has a real fat head and a real blunted
295 tip. It's meant to divide and separate wood. All the axes, I actually
296 take the profile down so they're slimmer so they slide into the wood
297 and blunt the front of the axe so they're not really sharp. I show that to
298 people that are afraid by rubbing it on my arm to show that it doesn't
299 cut. So it's the illusion of doing something more dangerous than
300 throwing darts or bowling, but the reality is it is less dangerous than
301 throwing darts and about the same as bowling.

302 Commissioner Grubb When you're a real good pool player you bring your cue with you. Is
303 there anyone who brings axes?

304 Richard Smith We don't currently allow people to bring their own axes because our
305 insurance doesn't cover that.

306 Vice Chairman Krauss How much does this experience cost me if I come in for a show?

307 Richard Smith So for the show it's \$32 per person. \$20 for the hour for the open
308 throw.

309 Vice Chairman Krauss 32 plus 20?

310 Richard Smith No. \$32 for the show experience, which is the the hour and a half/hour
311 and forty-five minutes and the \$20 is the different session, which is the
312 open throw, which lasts an hour.

313 Commissioner Grubb Are you busy?

314 Richard Smith Pretty. Pretty busy. Last month we had 974 participants come through
315 our door.

316 Commissioner Grubb You wouldn't allow someone to put their ex's picture on the target?

317 Richard Smigh To be honest with you, I thought that would be funny and I was like,
318 wait! There's a liability issue there.

319 Vice Chairman Krauss What are your hours?

320 Richard Smith We are open from noon to 10 pm. Actually the last show starts at 8 and
321 goes to 10.

322 Chairman Cook Are there any more questions?

323 Vice Chairman Krauss I just appreciate some the information that we asked for.

324 Greg Genrich The incidents and the (inaudible).

325 Vice Chairman Krauss The Chairman has a copy of the waiver.

326 Chairman Cook I have a copy of the waiver. So if you could...

327 Vice Chairman Krauss Instances of what other people might have imposed restrictions on the
328 license.

329 Chairman Cook I agree to a consensus that Mr. Smith has properly answered the
330 concerns that we had and relieved from any further obligation, other
331 than what you agreed to as far as the prior incidents and so on. Thank
332 you very much for coming here and submitting yourself to additional
333 questions.

334 Richard Smith I appreciate it.

335 Chairman Cook I agree with you that axe throwing may not be any more dangerous
336 individually than dart throwing and bowling, but put a couple of beers
337 in there and the next thing you know people are doing some pretty
338 weird things. We just wanted to make sure...

339 Richard Smith I totally understand.

340 Chairman Cook you were prepared for that. I think that you are. Thank you very much.

341 Commissioner Maginn Thank you.

342 Chairman Cook I'll contact the Bad Axe Throwing USA and ask them to submit to us,
343 answers to some of the concerns that we've had.