

ALCOHOL AND TOBACCO COMMISSION

January 6, 2014

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

December 16, 2014

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR79-09761 LBVP, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

674 Renewals
40 New/Transfers
5 Catering
1 1st Year Escrow
4 2nd Year Escrow
2 3rd Year Escrow
24th Year Escrow
1 5th Year Escrow
3 New Direct Shippers

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

7. Applications for Discussion –

RR20-30276 Loida Chavarria – New application with the local board voting 3-0 to disapprove.

RR71-00532 Christopher Russell – Renewal with the local board voting 4-0 to disapprove.

8. Inactive Files –

3 Permits Subject to Auction
23 Permits Not Subject to Auction

9. Old Business -

RR02-19942 CBDD, LLC – Annexation

RR41-23178 BMS of Indiana, LLC – Annexation

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 6, 2015

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Chairman Cook, Commissioner Coxey and Commissioner Grubb. Also in attendance were Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, and Superintendent Strittmatter.

Matt Bell, Greg Genrich, Mark Webb, Jill Ritchie, Jenny Drewry, Sarah Correll, Mark Carmichael, Patrick Tamm, Will Gooden, Davey Neal and Mike Maxwell were present as observers.

DISPOSITION OF MINUTES

Commissioner Grubb moved to approve the minutes from the December 16, 2014 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 52 Parties' Agreed Dispositions that were submitted, totaling \$71,125.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the January 6, 2015 meeting. Commissioner Coxey seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR79-09761 LBVP, INC. – Hearing Judge Rothenberg stated this permittee was charged with IC 7.1-5-10-15 and 905 IAC 1-12.1-2. The Prosecutor made an offer to settle the matters, but the permittee did not accept and requested a hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission. The Hearing Judge noted that the permittee paid the fines that he proposed.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation. Commissioner Coxey seconded. The motion was unanimously approved.

SPIRITED SALES – Hearing Judge Rothenberg stated he issued his recommendations in December and the deadline for submitting objections was January 5th. He noted that he has not reviewed all of the objections, but he was made aware the applicant would like for the Commission to put off voting on the recommendations until after the end of January.

Commissioner Coxey asked if the recommendations were going to be scheduled for the January 20th meeting. The Hearing Judge stated it would be up to the Chairman. Chairman Cook responded that the

Commission should be able to make a determination by the end of the week, or the beginning of next week, as to whether they will be ready to vote on January 20th.

CONSIDERATION OF APPLICATIONS

Commissioner Coxey 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 Grubb seconded. The motion was unanimously approved.

Commissioner Coxey 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 were either recommended for approval by local boards or where a quorum was not present, and reviewed by at least two Commissioners. Commissioner Grubb seconded. The motion was unanimously approved.

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

Commissioner Coxey 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 Grubb seconded. The motion was unanimously approved.

Commissioner Coxey moved to approve and incorporate by reference this list of new direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Six hundred seventy-four (674) renewals approved, forty (40) new and/or transfer applications approved, five (5) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow and three (3) new direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

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

APPLICATIONS FOR DISCUSSION

RR20-30276 LOIDA CHAVARRIA – Commissioner Coxey noted this is a new application with the local board voting 3-0 to disapprove. The applicant did not appear and the local board stated there is no need for the services.

Commissioner Coxey moved to uphold the local board and deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR71-00532 CHRISTOPHER RUSSELL – Executive Secretary Rothenberg noted this is a renewal with the local board voting 4-0 to disapprove.

The Executive Secretary stated this permittee is scheduled for a January 15, 2015 settlement conference with the prosecutor regarding pending violations, so he recommended the Commission continue this until the January 20th meeting.

Commissioner Coxe moved to continue. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make twenty-six (26) permits inactive. Three permits are subject to auction and twenty-three permits are not subject to auction. Commissioner Coxe seconded. The motion was unanimously approved.

OLD BUSINESS

RR02-19942 CBDD, LLC and RR41-23178 BMS OF INDIANA, LLC – Commission Counsel Allen recommended the Commission continue these matters to allow time for Chairman Cook to review the files.

Commissioner Grubb moved to continue. Commissioner Coxe seconded. The motion was unanimously approved.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Desiree N. Robinson, permit #BR1760156. Ms. Robinson will not be eligible to hold an employee permit until December 2, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Phillip C. Ross, permit #BR1695025. Mr. Ross will not be eligible to hold an employee permit until December 16, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Alyssa K. Housty, permit #BR1698295. Ms. Housty will not be eligible to hold an employee permit until June 17, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Destiny J. Barbour, permit #RE1728254. Ms. Barbour will not be eligible to hold an employee permit until June 16, 2015.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Sarah M. Braun, permit #BR1784660. Ms. Braun will not be eligible to hold an employee permit until November 10, 2016.

Commissioner Grubb stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

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

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

PROSECUTOR MADER YEAR-END REVIEW – Prosecutor Mader stated in 2014, the total amount of money collected in fines was \$1,133,125.00. The prosecutor thanked Superintendent Strittmatter, Danna Johanningsmeier and Kim Chew for their assistance in this process.

ADJOURNMENT

Commissioner Grubb moved to adjourn the meeting. Commissioner Coxey seconded. The motion was unanimously approved.

Approved this 20th day of January, 2015.

David Cook

DAVID COOK, CHAIRMAN

David Johnson

DAVID JOHNSON, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Melissa Coxey

MELISSA COXEY, COMMISSIONER

