

ALCOHOL AND TOBACCO COMMISSION

March 17, 2015

10:00 A.M.

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

March 3, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

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RC84-23902 Amvets Post 222 – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

656 Renewals  
62 New/Transfers  
8 Catering  
1 1<sup>st</sup> Year Escrow  
3 2<sup>nd</sup> Year Escrow  
6 3<sup>rd</sup> Year Escrow  
6 4<sup>th</sup> Year Escrow  
13 New Direct Wine Shippers  
1 Renewal Direct Wine Shipper  
7 New Carriers  
7 Renewal Carriers

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

7. Applications for Discussion –

RR82-18048 Los Bravos, Inc. – Annexation

RC37-01547 Curtis Creek Country Club – Requesting conversion from a club permit to a restaurant permit

8. Inactive Files –

3 Permits Subject to Auction  
6 Permits Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

11. Policy Determinations –

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MARCH 17, 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. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Jenny Drewry, Lisa McKinney, Patrick Tamm, Mark Webb, Alex Intermill, Marc Carmichael, Bart Herriman, Deb Scott, Greg Genrich, and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the March 3, 2015 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 104 Parties' Agreed Dispositions that were submitted, totaling approximately \$33,200.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the March 17, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

RC84-23902 AMVETS POST 222 - Hearing Judge Rothenberg recommended the Commission find the permittee guilty of violating IC 7.1-5-12-4(c) failure to remove ashtrays (March 14, 2014; March 29, 2014; April 7, 2014), with fines totaling \$400.00.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation. 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, 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. 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 were either recommended for approval by local boards or where a quorum was not present, and

reviewed by at least two Commissioners. Commissioner Maginn 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. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine shipper permits. Commissioner Maginn 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.

Six hundred fifty-six (656) renewals approved, sixty-two (62) new and/or transfer applications approved, eight (8) permits approved for catering, one (1) permit approved for first year escrow, three (3) permits approved for second year escrow, six (6) permits approved for third year escrow, six (6) permits approved for fourth year escrow, thirteen (13) permits approved for new direct wine shippers, one (1) permit approved for a direct wine shipper renewal, seven (7) new carrier permits approved and seven (7) renewal carrier 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. Vice Chairman Coleman seconded. The motion was unanimously approved.

#### **APPLICATIONS FOR DISCUSSION**

RR82-18048 LOS BRAVOS, INC. – Commission Counsel Allen noted the permittee requested this permit be converted due to annexation. The original Notice of Annexation was published on January 9, 2008. This permit was applied for on August 9, 1999, approximately nine years prior to the Notice of Annexation. Counsel recommended the Commission approve the request for conversion from a type 209 permit to a type 210 permit.

Commissioner Maginn moved to uphold Counsel's recommendation to convert the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RC37-01547 CURTIS CREEK COUNTY CLUB – Commission Counsel Allen stated the permittee requested this permit be converted from a type 211-3 permit to a type 209 permit.

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

## **INACTIVE FILES**

Commissioner Grubb moved to make nine (9) permits inactive. Six permits are not subject to auction and three permits are subject to auction. Vice Chairman Coleman seconded. The motion was unanimously approved.

## **OLD BUSINESS**

No Old Business

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## **NEW BUSINESS**

### **REVOCACTION OF EMPLOYEE PERMITS**

--- Commissioner Grubb stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Christopher J. Goble, permit #BR1672046. Mr. Goble will not be eligible to hold an employee permit until February 28, 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: Melissa S. Crill, permit #BR1732623. Ms. Crill will not be eligible to hold an employee permit until March 4, 2016.

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

## **POLICY DETERMINATIONS**

No Policy Determinations

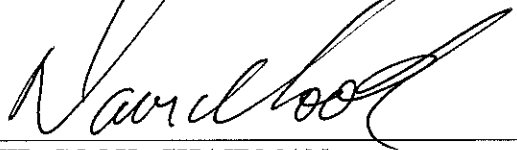
## **ANNOUNCEMENTS**

AGENCY POLICY/PROCEDURE FOR ANSWERING INDUSTRY QUESTIONS – Chairman Cook stated, effective today, a new policy for posing questions to the Commission and also for responding to those questions is posted on our website. The Chairman hopes to index these questions and responses by topic so the industry will be better served with guidance they can rely on.

## **ADJOURNMENT**

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

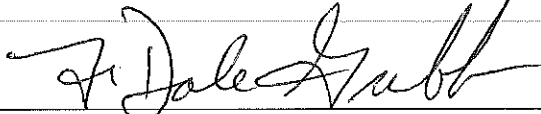
Approved this 7<sup>th</sup> day of April, 2015.



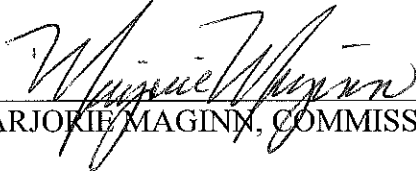
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER