

ALCOHOL AND TOBACCO COMMISSION

August 18, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum --

2. Disposition of Minutes

August 4, 2015

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

781 Renewals

78 New/Transfers

19 Catering

1 5th Year Escrow

11 New/Renewal Carriers

11 Renewal Direct Wine Shippers

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

7. Applications for Discussion --

DL37-30213 True Mart, LLC -- Transfer with the local board voting 3-0 to disapprove

RR32-31450 Carmike Motion Pictures Indianapolis LLC -- New with the local board voting 4-0 to approve

8. Inactive Files --

1 Permit Not Subject to Auction

1 Permit Subject to Auction

9. Old Business -

10. New Business -

11. Policy Determinations --

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 18, 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, Executive Secretary Rothenberg, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Katie Maddox, Murray Clark, Lisa McKinney, Scott Chinn, Anne Ricchiuto, Schyler Culver, Diane Masariu, Bart Herriman, Tony Mitson, Matt Brase, Marc Carmichael, Jeff McKean, Mark Webb and Greg Genrich were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the August 4, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

Chairman Cook's statement regarding Indiana Beverage and Five Star Distributing – See transcript

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 93 Parties' Agreed Dispositions that were submitted, totaling approximately \$48,300.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the August 18, 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, 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. 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 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 renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Seven hundred eighty-one (781) renewals approved, seventy-eight (78) new and/or transfer applications approved, nineteen (19) permits approved for catering, one (1) permit approved for fifth year escrow, three (3) new carrier permits approved, eight (8) renewal carrier permits approved, and eleven (11) renewal 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL37-30213 TRUE MART, LLC – Commission Counsel Allen stated this transfer was filed on a permit that had been denied renewal by the Commission. The local board held off voting until it was clear whether or not an appeal was filed. No appeal was filed. They voted 3-0 to disapprove.

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

RR32-31450 CARMIKE MOTION PICTURES INDIANAPOLIS, LLC – Commissioner Maginn stated there was one remonstrator present at the local board meeting. His concerns dealt with minor's access to alcohol at the theater. The applicant addressed those issues and noted the training of employees and the security measures that would be taken to prevent the access to minors. The local board voted 4-0 to approve.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make two (2) permits inactive. One permit is not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this 1 day of September, 2015.

David Cook

DAVID COOK, CHAIRMAN

David Coleman

DAVID COLEMAN, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER

1 Chairman Cook The next order of business is prosecutor's recommendations. Before I
2 hear any motions, I want to read this into the record. Today the
3 commission is bringing one individual prosecutor's agreed disposition
4 form to the attention of the alcohol community---that being the
5 settlement of the alleged violations against Indiana Beverage, Inc. and
6 Five Star Distributing, Inc. I'm electing to single this settlement out
7 because the filing of the allegations was highly visible and generate a
8 considerable industry interest. In the interest of transparency, the
9 commission believes it is appropriate to acknowledge that this violation
10 process is being terminated by an agreed settlement. All of the parties
11 in this case have worked diligently and in good faith to resolve the
12 issues in this case. Counsel for the parties met with each commissioner
13 individually to review the terms of the settlement and to fully and
14 completely answer any and all questions the commissioners might have
15 had. I happy to report that today's PADs include the resolution of this
16 individual case. So, with that, I'll hear a motion.

17 Prosecutor Mader Mr. Chairman and Commissioners, you have before you 93 parties
18 agreed disposition forms totaling \$48,300.00. I would ask that...each
19 of you have reviewed these individually. I would now ask that you
20 approve them as the Commission.

21 Commissioner Maginn So moved.

22 Vice Chair Coleman Second.

23 Chairman It's been moved and seconded that the prosecutor's agreed disposition
24 forms be approved as submitted. Is there any discussion? All in favor,
25 then, say, aye.
26 Maginn Aye.
27 Grubb Aye.
28 Coleman Aye.
29 Cook Aye. Opposed, say, no. Motion carries.
30