

ALCOHOL AND TOBACCO COMMISSION

September 15, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

September 1, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

790 Renewals

67 News/Transfers

18 Catering

7 1st Year Escrow

6 2nd Year Escrow

1 3rd Year Escrow

1 4th Year Escrow

11 New/Renewal Carriers

12 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion –

RR46-31369 Marquette Mall Properties

RR45-27284 Murphy's House of Pain Corp. – Renewal with LB voting 4-0 to deny

DL29-81507 Sahgill Oil, Inc. – Renewal with LB voting 4-0 to deny

RR92-27827 MNS, LLC – Renewal with LB voting 3-0 to deny

RR34-30504 Laugh House, LLC

8. Inactive Files –

6 Permits Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

Devin M Sipes – 1 conviction

Robert W Ellis, II – 1 conviction

Alyson F Drozynski – 2 convictions

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 15, 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.

Katie Maddox, Matt Brase, Jenny Drewry, Matt Morgan, Alex Intermill, Schuyler Culver, Jeff McKean, Bart Herriman, Natalie Gibbons, Mark Webb, Angela Krahulik, Marc Carmichael and Greg Genrich were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the September 1, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 96 Parties' Agreed Dispositions that were submitted, totaling approximately \$34,550.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the September 15, 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. Commissioner 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 new and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Seven hundred ninety (790) renewals approved, sixty-seven (67) new and/or transfer applications approved, nine (9) permits approved for catering, seven (7) permits approved for first year escrow, six (6) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow, three (3) new carrier permits approved, eight (8) renewal carrier permits approved, five (5) direct wine shipper renewal permits approved and seven (7) new direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Coleman 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

RR46-31369 MARQUETTE MALL PROPERTIES – This is a transfer of ownership with the local board recommending approval. Chairman Cook stated he received a request to withdraw the Consent to Transfer due to money being owed to the transferor by the transferee. The Chairman informed the parties that the Commission does not get involved in third party disputes. As of this date, the Chairman was notified by both parties assuring him that the money owed has been paid.

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

RR45-27284 MURPHY'S HOUSE OF PAIN CORP. – Commissioner Maginn stated the local board voted 4-0 to recommend denial of the renewal. The permittee did not appear at the meeting.

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

DL29-81507 SAHGILL OIL INC. – Commission Counsel Allen stated this was a renewal with the local board voting 4-0 to disapprove.

The local board was concerned with the fact that there were two violations for furnishing alcohol to a minor in back to back years, employment of persons under the age of 21 to manage this business and who is running the establishment.

Vice Chairman Coleman moved to uphold the local board's recommendation and deny the renewal. Commissioner Maginn seconded. Commissioner Grubb voted to deny the renewal and the Chairman abstained from the vote, due to a possible conflict.

RR92-27827 MNS, LLC – Commission Counsel Allen stated this is a renewal with the local board voting 3-0 to recommend denial because the permittee's food sales' figures are too low.

The local board discussed with and suggested that the permittee apply for a different type of permit that does not require sales' figures.

Commission Counsel Allen recommended the Commission continue this until the December 1, 2015 meeting, to look at the current sales' figures and to get an idea of what the permittee's intentions are with regard to the permit.

Commissioner Grubb moved to uphold the recommendation of Counsel and continue this matter. Commissioner Maginn seconded. The motion was unanimously approved.

RR34-30504 LAUGH HOUSE, LLC – Commission Counsel Allen recommended the Commission continue this matter until the October 6, 2015 meeting. She requested information from the permittee and has not received it, as of this date.

Commissioner Maginn moved to uphold the recommendation of Counsel and continue this matter. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make six (6) permits inactive. All six permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS

Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holders to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission. The Commissioner further moved that these revocations be rescheduled for the February 2, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Devin M Sipes, BR1718341; Robert W Ellis, II, BR1743349

Commissioner Grubb moved to revoke the following employee permits that do not fall under IC 7.1-3-18-9.5. Commissioner Maginn seconded. The motion was unanimously approved.

Alyson F Drozynski, BR1801407

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

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

Approved this 4th day of October, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER