

ALCOHOL AND TOBACCO COMMISSION

October 20, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

October 6, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL71-95055 B & B Petroleum – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

790 Renewals

63 New/Transfers

13 Catering

4 1st Year Escrow

6 2nd Year Escrow

3 3rd Year Escrow

3 4th Year Escrow

13 New/Renewal Carriers

10 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion –

DL06-30424 HK Petroleum, LLC – New application with the LB voting 4-0 to deny

RR79-95180 Norris Dowden – Renewal with the LB voting 3-1 to approve

DL45-30290 Lincoln Highway Liquors, Inc. – Renewal with LB voting 2-1 to approve

DL02-07947 SCL Corporation – Transfer with the LB voting 4-0 to approve

8. Inactive Files –

1 Permit Not Subject to Auction

9. Old Business -

10. New Business -

Revocation of Employee Permits

Amber R Hornberger – 1 conviction

Laurie Ferrell – 1 conviction

Excise Promotions

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 20, 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.

Mark Webb, Marc Carmichael, Alex Intermill, Rhett Tauber, Jared Tauber, Bart Herriman, Mike Maxwell, Matt Brase, Jeff McKean and Anthony Mitson were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the October 6, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Rothenberg recommended the Commission approve the 111 Parties' Agreed Dispositions that were submitted, totaling approximately \$64,950.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the October 20, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL71-95055 B & B PETROLEUM – Hearing Judge Rothenberg stated this was a recommended denial by the local board and an upholding of that denial by the Commission. The permittee filed a notice of appeal and the matter was set for hearing.

The Hearing Judge recommended a one-year renewal with strict compliance. They have made improvements, installed new systems and required employees to attend training.

Vice Chairman Coleman moved to uphold the recommendation of the Hearing Judge and approve the permit for one year. Commissioner Maginn seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Maginn 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 Grubb seconded. The motion was unanimously approved.

Commissioner Maginn 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 Grubb seconded. The motion was unanimously approved.

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

Commissioner Maginn 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 Grubb seconded. The motion was unanimously approved.

Commissioner Maginn moved to approve the new and renewal carrier permits. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Maginn moved to approve the new and renewal direct wine shipper permits. Commissioner Grubb seconded. The motion was unanimously approved.

Seven hundred ninety (790) renewals approved, sixty-three (63) new and/or transfer applications approved, thirteen (13) permits approved for catering, four (4) permits approved for first year escrow, six (6) permits approved for second year escrow, three (3) permit approved for third year escrow, three (3) permit approved for fourth year escrow, one (1) new carrier permit approved, twelve (12) renewal carrier permits approved, three (3) 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

DL06-30424 HK PETROLEUM, LLC – Commission Counsel Allen noted this is a transfer application with the local board voting 4-0 to deny.

Counsel Allen stated questions were raised at the local board regarding a violation that occurred at the business during the transfer process. She recommended the Commission continue this matter for further investigation.

Commissioner Grubb moved to uphold the recommendation of Commission Counsel Allen and continue the transfer until the November 4, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

RR79-95180 NORRIS DOWDEN – Commission Counsel Allen noted this is a renewal with the local board voting 3-1 to approve.

Because the Commission has not been able to review the local board record, Counsel Allen recommended the Commission continue this until the November 4, 2015 meeting.

Commissioner Grubb moved to uphold the recommendation of Commission Counsel Allen. Commissioner Maginn seconded. The motion was unanimously approved.

DL45-30290 LINCOLN HIGHWAY LIQUORS, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve.

The Chairman stated Superintendent Strittmatter and Prosecutor Mader are conducting an inquiry into this business, stemming from complaints by competitors. The local board chose to vote on the renewal even though an inquiry was being conducted. The Superintendent requested the Commission continue this until the November 4, 2015 meeting.

Vice Chairman Coleman moved continue this renewal until the November 4, 2015 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

DL02-07949 SCL CORPORATION – Commission Counsel Allen noted this is a transfer with the local board voting 4-0 to approve.

Because the Commission has not been able to review the local board record, Counsel Allen recommended the Commission continue this until the November 4, 2015 meeting.

Commissioner Grubb moved to uphold the recommendation of Commission Counsel Allen. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make one (1) permit inactive. The one permit is not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS - Commissioner Maginn moved to revoke the following employee permit that does not fall under IC 7.1-3-18-9.5. Commissioner Grubb seconded. The motion was unanimously approved.

Kevin A. Cherry II, BR1812456

Commissioner Maginn 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 April 19, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Amber Hornberger, BR1709866; Laurie Ferrell, BR1579562; Andrew Gillies, BR1812456

INDIANA STATE EXCISE POLICE PROMOTIONS – Superintendent Strittmatter stated several officers were promoted last month and he wanted those officers to be recognized. They are as follows:

- Sergeant Travis Thickstun promoted to Lieutenant and District Commander
- Corporal Brandon Thomas promoted to District Commander
- Senior Officer Richard Swallow promoted to Sergeant
- Officer Josh Mosier promoted to Sergeant
- Officer Charles Butler promoted to Corporal
- Officer Nick Canal promoted to Corporal
- Master Officer Heather Lynch promoted to Public Affairs Officer

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

Chairman Cook stated the next Commission meeting will be held on Wednesday, November 4, 2015 at 10:00 a.m.

ADJOURNMENT

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

Approved this 4th day of NOVEMBER, 2015.

David Cook
DAVID COOK, CHAIRMAN

David H. Coleman
DAVID COLEMAN, VICE CHAIRMAN

Dale Grubb
DALE GRUBB, COMMISSIONER

Martorie Maginn
MARTORIE MAGINN, COMMISSIONER