

ALCOHOL AND TOBACCO COMMISSION

March 1, 2016.

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

February 16, 2016

3. Prosecutor's Recommendations –

PAD Forms

Paula Lynette Perkins – Employee application

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

774 Renewals

27 New/Transfers

7 Catering

2 1<sup>st</sup> Year Escrow

6 2<sup>nd</sup> Year Escrow

2 3<sup>rd</sup> Year Escrow

1 4<sup>th</sup> Year Escrow

5 5<sup>th</sup> Year Escrow

7 New/Renewal Carriers

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

7. Applications for Discussion –

RR49-23314 El Rodeo, LLC – Renewal with LB voting 3-0 to deny

RR45-14427 Franco's of Highland, Inc. – Renewal with LB voting 2-1 to deny

RR49-20688 Nuestro Club, LLC – Renewal with LB voting 3-0 to deny

RR49-02204 The Golden Nugget, Inc. – Renewal with LB voting 3-0 to deny

RR49-31122 Allstate Entertainment, LLC – Renewal with LB voting 3-0 to deny

RR49-18089 The Stables, Inc. – Requesting to be designated a catering hall

8. Inactive Files –

9. Old Business -

Roundtables

10. New Business -

Probationary Employee Permits/Alcohol Evaluation Program – proof provided

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 1, 2016

**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 Maginn and Commissioner Grubb. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, Master Officer Bedwell and Superintendent Strittmatter were also in attendance.

Brooke Burnett, Katie Maddox, Peter Rusthoven, Jeff McKean, Davey Neal, Carol Tietz, Mark Clark, Greg Genrich, Tony Mitson, and Mark Webb were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Coleman moved to approve the minutes from the February 16, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 119 Parties' Agreed Dispositions that were submitted, totaling approximately \$39,975.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the March 1, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PAULA LYNETTE PERKINS – Prosecutor Mader stated in his review of this employee permit application, he found that this applicant has been convicted of nine misdemeanors and five felonies. He recommended the Commission deny this application.

Vice Chairman Coleman moved to uphold the Prosecutor's recommendation and deny the employee permit. Commissioner Maginn 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.

Seven hundred seventy-four (774) renewals approved, twenty-seven (27) new and/or transfer applications approved, seven (7) permits approved for catering, two (2) permits approved for first year escrow, six (6) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow, five (5) permits approved for fifth year escrow, and seven (7) new and renewal carrier 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**

RR49-23314 EL RODEO, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated she reviewed the record. The owner is under house arrest for 10 felony counts regarding the under-reporting of tax and was not able to attend the local board meeting. The meeting was attended by the manager.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal for failure to maintain high and fine reputation. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR45-14427 FRANCO'S OF HIGHLAND, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to deny.

Vice Chairman Coleman stated after a review of the record, he noted there was a stabbing inside the location and numerous police runs to the location.

Commissioner Maginn noted that the permittee was advised that new and better security measures should be taken, but that did not happen until just prior to renewal.

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

RR49-20688 NUESTRO CLUB, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated the Commission received a letter from Senator Delph, stating his concern for this establishment.

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

RR49-02204 THE GOLDEN NUGGET, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Chairman Cook stated Attorney Davey Neal requested the Commission continue this until they have had time to review the entire record. The Commissioners stated they reviewed the record and are prepared to move forward.

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

RR49-31122 ALLSTATE ENTERTAINMENT, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated this permittee appears to be out of business and failed to appear before the local board.

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

RR49-18089 THE STABLES, INC. – Commission Counsel Allen stated this permittee would like to be designated as a catering hall. She recommended the Commission approve this request.

Commissioner Maginn moved to uphold the recommendation of Counsel Allen and approve the request. Vice Chairman Coleman seconded. The motion was unanimously approved.

### **INACTIVE FILES**

No Inactive Files

### **OLD BUSINESS**

TIER ROUNDTABLES– Executive Secretary Rothenberg stated the following are the roundtable discussions currently scheduled:

Brewer's Guild, 3/5/16; Artisan Distillers, 5/17/16; Wholesalers, 6/7/16; Vintners, 7/19/16; Package Stores, 8/9/16; Convenience Stores, 8/23/16; Grocers, 9/20/16

**NEW BUSINESS**

PROBATIONARY EMPLOYEE PERMITS – Commissioner Grubb stated the Commission received proof of completion of an alcohol treatment program for probationary employee Laura Brikmanis, BR1532879. Ms. Brikmanis will no longer be on probationary status.

**POLICY DETERMINATIONS**

Non-rule Policy 17 – Commissioner Maginn stated only one change was made to the Policy that was presented at the last meeting. The policy now includes new permits and renewal permits.

Vice Chairman Coleman moved to approve Non-Rule Policy 17. Commissioner Maginn seconded. The motion was unanimously approved.

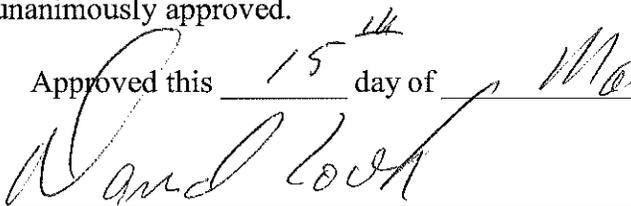
**ANNOUNCEMENTS**

No Announcements

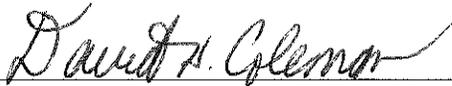
**ADJOURNMENT**

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

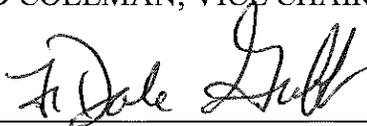
Approved this 15<sup>th</sup> day of March, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER