

ALCOHOL AND TOBACCO COMMISSION

May 4, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

April 19, 2016

3. Prosecutor's Recommendations –

PAD Forms

Jeremy Allen Robb – Request for employee permit

4. Hearing Judge's Recommendations –

RR34-11177 Rock Bottom Saloon

5. Consideration of Applications -

820 Renewals

37 New/Transfers

20 Catering

9 1st Year Escrow

3 2nd Year Escrow

3 3rd Year Escrow

3 4th Year Escrow

9 New/Renewal Carriers

2 E-Liquid Manufacturers

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

7. Applications for Discussion –

RR15-29278 Meyert & Company – Request to withdrawal Consent to Transfer

DL29-30662 Bapshree, LLC – New with LB voting 3-0 to deny

8. Inactive Files –

2 Permits Not Subject to Auction

9. Old Business -

10. New Business –

Probationary Employee Permit/Revocation

Amy Beck, BR1736287 – 1 conviction

Jessica Hellman, BR1636135 – 1 conviction

Tina Showecker, BR1830518 – 1 conviction

Kyle G. Blair, BR1666075 – 2 convictions

Brandon Cooper, VB1732953 – proof of alcohol treatment provided

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 4, 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, Corporal Lynch and Superintendent Strittmatter were also in attendance.

Michael Leppert, Jeff McKean, Mark Webb, Matt Pheffer, Brad Meyer, Jake Gorman, Peter Rusthoven, Jenny Drewry, Diane Masariu, Kevin Thompson, Davey Neal, Brooke Burnett, Bart Herriman, Greg Genrich, and Schuyler Culver were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the April 19, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 86 Parties' Agreed Dispositions that were submitted, totaling approximately \$40,575.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the May 4, 2016 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

JEREMY ALLEN ROBB – Prosecutor Mader noted this is an applicant for an employee permit. This applicant, not only falsified the employee permit application regarding OWI convictions, he has been convicted of numerous felonies and misdemeanors. Prosecutor Mader recommended the Commission deny this application based on character and reputation of the applicant.

Commissioner Grubb moved to uphold the Prosecutor's recommendation to deny the application. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR34-11177 ROCK BOTTOM SALOON – Hearing Judge Rothenberg noted this permit is currently under appeal for denial of the renewal. The denial was based on the fact that Dan Dumoulin is part owner of this permit. Paperwork was submitted proving Mr. Dumoulin is no longer a member of the LLC. The Hearing Judge recommended the Commission remand this renewal to the local board for further investigation, due to the change in ownership.

Vice Chairman Coleman moved to uphold the Hearing Judge's recommendation to remand this to the local board. Commissioner Maginn seconded. The motion was unanimously approved.

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 e-liquid manufacturer permits. Commissioner Maginn seconded. The motion was unanimously approved.

Eight hundred twenty (820) renewals approved, thirty-five (35) new and/or transfer applications approved, twenty (20) permits approved for catering, nine (9) permits approved for first year escrow, three (3) permits approved for second year escrow, three (3) permits approved for third year escrow, three (3) permits approved for fourth year escrow, nine (9) new and renewal carrier permits approved, and two (2) new e-liquid manufacturer 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

DL29-30662 BAPSHREE, LLC – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Vice Chairman Coleman stated the evidence shows the business appears to be more of a tobacco store than a grocery store.

Commissioner Maginn also noted that there is signage stating patrons must be over 18 to enter the store, which is required by a tobacco store.

Chairman Cook reviewed the evidence and agreed with the Commissioners that there are not enough groceries sold in the store to be considered a grocery.

Vice Chairman Coleman moved to uphold the local board and deny the new permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR15-29278 MEYER & COMPANY- Commissioner Maginn stated she reviewed the request to withdraw the Consent to Transfer. A transfer of ownership was filed. The local board recommended approval of the transfer and a final inspection was completed. The request for the withdrawal was made after the transfer completed the process for issuance.

Chairman Cook stated he feels that sometimes permittees/applicants want the Commission to litigate their contractual issues; however, that is not the job of the Commission.

Commissioner Maginn moved to deny the request to withdraw the consent. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR15-32303 & RR15-32304 KIRK THOMAS HOLDINGS, LLC – Commissioner Maginn moved to uphold the local board's 4-0 recommendation to approve these transfers. The final inspection has been completed. Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make two non-auction permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

There is no Old Business

NEW BUSINESS

PROBATION/REVOCAION OF EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holder(s) 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 to rescheduled for the November 1, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Amy Beck, BR1736287; Jessica Hellman, BR1636135; Tina Showecker, BR1830518

REVOCAION OF EMPLOYEE PERMIT - Commissioner Grubb moved to revoke the following employee permit that does not fall under IC 7.1-3-18-9.5. Vice Chairman Coleman seconded. The motion was unanimously approved.

Kyle G. Blair, BR1666075

PROBATIONARY EMPLOYEE PERMITS – Commissioner Grubb stated the Commission received proof of completion of an alcohol treatment program for probationary employee Brandon Cooper, VB1732953. Mr. Cooper is no longer on probationary status.

POLICY DETERMINATIONS

No Policy Determinations

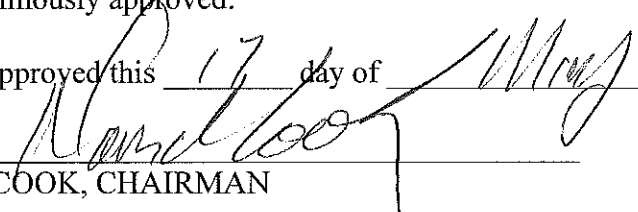
ANNOUNCEMENTS

ARTISAN DISTILLER ROUNDTABLE – Executive Secretary Rothenberg stated the artisan distiller roundtable will be May 17, 2016, immediately following the Commission meeting.

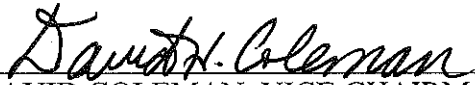
ADJOURNMENT

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

Approved this 17 day of May, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER