

ALCOHOL AND TOBACCO COMMISSION

June 7, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

May 17, 2016

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

931 Renewals

55 New/Transfers

21 Catering

14 1st Year Escrow

3 2nd Year Escrow

7 3rd Year Escrow

3 4th Year Escrow

2 5th Year Escrow

18 New/Renewal Carrier Permits

27 New/Renewal Direct Wine Shippers

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

7. Applications for Discussion –

RR44-20382 Dondar Property Management, LLC – Renewal with LB voting 4-0 to deny.

DL64-16910 Zip Foods Corp – Renewal with LB voting 2-0 to deny.

Probationary Employee Permit

Benjamin Wagner, BR1552786 – 1 conviction

Christina Michelle Ziegler, BR1822007 – 1 conviction

Ellison A Smith, BR1814313 – 1 conviction

Jessica Hellman, BR1636135 – proof of alcohol treatment provided

Revocation

Mary Ann Phillips, BR1776261 – 2 convictions

Conor W Hart, BR1780285 – 2 convictions

8. Inactive Files –

13 Permits Not Subject to Auction

3 Permits Subject to Auction

9. Old Business -

Readoption of Rules

10. New Business –

E-Liquid Rule Discussion

11. Policy Determinations –

12. Announcements -

Wholesaler Round Table – Conference room 2

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 7, 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 and Commissioner Grubb. Executive Secretary Rothenberg, Prosecutor Mader, Commission Counsel Allen, Superintendent Strittmatter, Corporal Lynch and Master Officer Bedwell were also in attendance.

Matt Brase, Greg Genrich, Daniel DeRoziere, Jake German, Peter Rusthoven, Patrick Tamm, Brooke Barnett, Katie Maddox, Diane Masariu, Davey Neal, Chip Garver, Marc Carmichael, Alex Intermill, Bart Herriman, Robert Caputo, Jake Brattain and Jim Purucker were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the May 17, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 99 Parties' Agreed Dispositions that were submitted, totaling approximately \$43,700.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the June 7, 2016 meeting. Commissioner Grubb 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. Vice Chairman Coleman 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. Vice Chairman Coleman seconded. The motion was unanimously approved.

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

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

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

Nine hundred thirty-one (931) renewals approved, fifty-five (55) new and/or transfer applications approved, twenty-one (21) permits approved for catering, fourteen (14) permits approved for first year escrow, three (3) permits approved for second year escrow, seven (7) permits approved for third year escrow, three (3) permits approved for fourth year escrow, two (2) permits approved for fifth year escrow, eighteen (18) new and renewal carrier permits approved, and twenty-seven (27) new and renewal 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR44-20382 DONDAR PROPERTY MANAGEMENT, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to disapprove.

Chairman Cook stated the permittee does not meet the required food sales figures to hold this permit, by quite a substantial amount.

Vice Chairman Coleman also stated the permittee was to appear before the local board, but failed to do so.

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

DL64-16910 ZIP FOODS CORP. – Chairman Cook noted this is a renewal with the local board voting 2-0 to deny.

Chairman Cook stated he listened to the recording of the local board meeting, but could not understand who voted on this renewal or why they voted the way they did. He feels the renewal should be remanded to the local board.

Vice Chairman Coleman moved to remand the renewal to the local board. Commissioner Grubb seconded. The motion was unanimously approved.

PROBATION 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 reschedule for the December 6, 2016 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

Benjamin Wagner, BR1552786; Christina Michelle Ziegler, BR1822007; Ellison A Smith, BR1814313

PROBATIONARY EMPLOYEE PERMITS – Commissioner Grubb stated the Commission received proof of completion of an alcohol treatment program for probationary employees Jessica Hellman, BR1636135.

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

Mary Ann Phillips, BR1776861 and Conor W Hart, BR1780285

INACTIVE FILES

Commissioner Grubb moved to make sixteen (16) permits inactive. Thirteen permits are not subject to auction and three permits are subject to auction. Vice Chairman Coleman seconded. The motion was unanimously approved.

OLD BUSINESS

READOPTON OF RULES – Executive Secretary Rothenberg stated the Commission readopted the following rules in error a couple of months ago. The rules are now ready to be readopted. They have been published as required, prior to readoption.

905 IAC 1-11.1; 905 IAC 1-35.1; 905 IAC 1-44; 905 IAC 1-46; 905 IAC 1-47; 905 IAC 1-53.

Vice Chairman Coleman moved to readopt the rules. Commissioner Grubb seconded. The motion was unanimously approved.

NEW BUSINESS

E-LIQUID RULE – Commission Counsel Allen stated a public hearing was held on 6-2-16 and public comments were taken, but there was an issue with the notice of the hearing. Another public hearing is scheduled for 7-6-16 at 1 p.m., for anyone who did not receive notice of the first hearing.

POLICY DETERMINATIONS

MINIMUM PRICING OF CIGARETTES – Chairman Cook made a statement of the new policy that will come before the Commission for approval at the 6-21-16 meeting. A copy of that statement is part of the minutes as an attachment.

ANNOUNCEMENTS

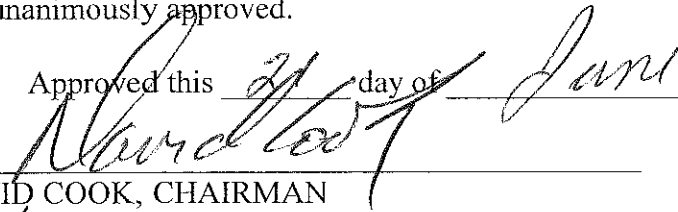
WHOLESALE ROUND TABLE – Executive Secretary Rothenberg stated the wholesaler roundtable is today at 1:30, in the Conference Center.

INDIANA STATE EXCISE POLICE ANNUAL REPORT 2015 – Superintendent Strittmatter stated the Indiana State Excise Police Annual Report is available for review. He pointed out that there was a 15% increase in notices of violations; 80% increase in warnings issued, indicative of the preferred direction of education, instead of just constantly writing tickets, 40% decrease in businesses selling to minors and also a 20% reduction in SAC non-compliance.

ADJOURNMENT

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

Approved this 21 day of June, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER