

ALCOHOL AND TOBACCO COMMISSION

December 20, 2016

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

December 6, 2016

Meritorious Service Awards

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

664 renewals

60 new/transfers

1 catering

2 1st year escrow

6 2nd year escrow

3 3rd year escrow

2 4th year escrow

12 new/renewal carriers

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

7. Applications for Discussion –

RC45-12084 Oak Knoll Country Club – Requesting conversion from social club to restaurant

RC45-01037 Summertree Country Club, Inc. – Requesting conversion from social club to restaurant

RC22-98444 Regulators Club, Inc. – Renewal with LB voting 4-0 to deny

RR71-28886 Joanne McCune/RR71-32897 Matthew Darr – Renewal and transfer of ownership with LB voting 3-0 to deny

RR49-05552 Buckingham Properties, LLC – Continued from 11-15-16

RR34-11177 Rock Bottom, LLC – Continued from 11-15-16

BR1803218 Jasmine Overman

8. Inactive Files –

1 permit subject to auction

3 permits not subject to auction

9. Old Business -

10. New Business –

Probation/Revocation of Employee permits –

BR1835688 Shawna Mitchem – 1 conviction
BR1638165 Steffanie Jourdain – 1 conviction
BR1839773 Robert Jones – 2 convictions

11. Policy Determinations –

12. Announcements -

NCSLA Regional Conference Committee – January 17, 2017 at 1:30

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 20, 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. Prosecutor Mader, Commission Counsel Allen, Executive Secretary Rothenberg, Superintendent Strittmatter, Corporal Lynch and Master Officer Bedwell were also in attendance.

Brooke Burtnett, Jeff McKean, Patrick Tamm, Jenny Drewry, Greg Genrich, Schuyler Culver, Marc Carmichael, Matt Brase, Tony Mitson, Davey Neal, Katie Maddox and Alex Intermill were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the December 6, 2016 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

MERITORIOUS SERVICE AWARD – Superintendent Strittmatter noted that this is Master Officer Scott Bedwell's last Commission meeting and presented him with his retirement credentials. The Superintendent thanked him for his years of service.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 37 Parties' Agreed Dispositions that were submitted, totaling \$12,100.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the December 20, 2016 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. 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 renewal carrier permits. Vice Chairman Coleman seconded. The motion was unanimously approved.

Six hundred sixty-four (664) renewals approved, sixty (60) new and/or transfer applications approved, one (1) permit approved for catering, two (2) permits approved for first year escrow, six (6) permits approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow and twelve (12) 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC45-12084 OAK KNOLL COUNTRY CLUB – Commission Counsel Allen stated this permittee requested the permit be converted from a social club permit to a restaurant permit. Because they share the same quota, Counsel recommended approval of the conversion.

Vice Chairman Coleman moved to approve the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

RC45-01037 SUMMERTREE COUNTRY CLUB, INC. – Commission Counsel Allen stated this permittee requested the permit be converted from a social club permit to a restaurant permit. Because they share the same quota, Counsel recommended approval of the conversion.

Commissioner Grubb moved to approve the conversion. Vice Chairman Coleman seconded. The motion was unanimously approved.

RC22-98444 REGULATORS CLUB, INC. – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny, due to the fact that the permittee did not appear at the local board meeting, as required. The matter had been continued multiple times.

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

RR71-2886 JOANNE MCCUNE AND RR71-32897 MATTHEW DARR – Chairman Cook noted this is a transfer of ownership with the local board voting 3-0 to deny. The renewal was previously denied and is under appeal.

Chairman Cook stated there have been many police runs to this establishment since 2009. The building is in disrepair and the parking lot is in terrible shape.

Vice Chairman Coleman stated there have been shootings, batteries, marijuana possession, etc. at the business; therefore, he moved to uphold the local board's recommendation to deny the transfer. Commissioner Grubb seconded.

Executive Secretary Rothenberg wanted to make sure the Commission was voting on the transfer and not the renewal. He stated the vote should be based on whether or not the transferee is qualified and not the history of the establishment.

Chairman Cook stated that was understood.

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

RR49-05552 BUCKINGHAM PROPERTIES, LLC – Chairman Cook noted this was continued from the November 15, 2016 meeting, regarding escrow and a transfer.

Commission Counsel Allen stated there was a question as to when the five years of escrow ended. The Commission revived the permit and allowed a period of time for a transfer to be filed. That has been done. Counsel Allen recommended the Commission allow the transfer to go through the normal local board process.

Vice Chairman Coleman moved to allow the transfer to be processed. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-11177 ROCK BOTTOM, LLC – Chairman Cook noted the local board recommended denial of this renewal and the Commission's vote has been continued several times, to give time to correct paperwork filed with the Secretary of State's office. It has been resolved favorably.

Vice Chairman Coleman moved to overturn the local board's recommendation and approve the renewal. Commissioner Grubb seconded. The motion was unanimously approved.

BR1803218 JASMINE OVERMAN – Prosecutor Mader noted this employee permit was revoked by the Commission for not providing proof of an alcohol treatment program, as required. The permittee was not aware providing proof was required because she moved and did not receive the notice. The Prosecutor stated Ms. Overman has provided that proof showing the program was completed prior to the revocation of the permit.

Prosecutor Mader suggested the Commission put a change of address form on the website that might make the process easier for permittees to notify us of those changes.

Vice Chairman Coleman moved to reinstate the permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make four (4) permits inactive. Three permits are not subject to auction and one permit is subject to auction. Vice Chairman Coleman seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

PROBATIONARY 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 June 6, 2017 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

BR1835688 Shawna Mitchem and BR1638165 Steffanie Jourdain

REVOCAION OF EMPLOYEE PERMIT - Commissioner Grubb moved to revoke the following permit because the permittee has two convictions for DUI. Vice Chairman Coleman seconded. The motion was unanimously approved.

BR1839773 Robert Jones

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

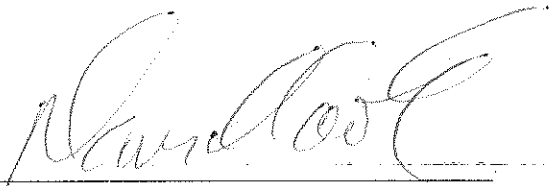
NCSLA REGIONAL CONFERENCE COMMITTEE - Chairman Cook stated there will be a meeting regarding the October 2017 NCSLA regional conference on January 17, 2017 at 1:30 pm, in this room, for those who would like to be a part of the planning.

JANUARY COMMISSION MEETING - Chairman Cook stated the first 2017 meeting of the Alcohol and Tobacco Commission will be on Wednesday, January 4th.

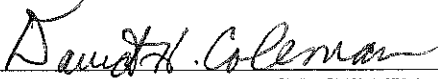
ADJOURNMENT

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

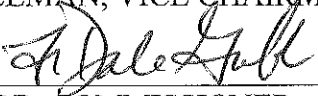
Approved this 7 day of January, 2017.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER