

ALCOHOL AND TOBACCO COMMISSION

January 17, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

January 4, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR32-01070 R. & M Industrial Supply, Inc. – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

715 renewals  
71 new/transfers  
8 catering  
16 1<sup>st</sup> year escrow  
18 2<sup>nd</sup> year escrow  
5 3<sup>rd</sup> year escrow  
1 4<sup>th</sup> year escrow  
1 5<sup>th</sup> year escrow  
1 6<sup>th</sup> year escrow  
8 new/renewal carriers  
4 new direct wine shippers

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

7. Applications for Discussion –

RR71-18326 The Brew Pub, Ltd. – Requesting conversion from 209 to 210

RR33-30103 Adhoyee, LLC – Renewal with LB voting 3-0 to deny

DL16-98202 Rattan Enterprises, Inc. – Renewal with LB voting 3-0 to deny

RR12-00982 Mick and Debs Animal House – Renewal with LB voting 3-0 to deny

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 –  
BR1539616 Angela Gordon – 1 conviction

BR1666872 Deanna Crumb – 1 conviction  
BR1833817 Alexander James Berna – 3 convictions

11. Policy Determinations –

12. Announcements -

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

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 17, 2017

**CALL TO ORDER/NOTING OF QUORUM**

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Commissioner Maginn and Commissioner Grubb. Prosecutor Mader, Commission Counsel Allen, Executive Secretary Rothenberg, Corporal Lynch and Superintendent Strittmatter, were also in attendance.

Brooke Burtnett, Jane Gentry, Teri Quimby, Mark Webb, George Douglas, Pat Flynn, Jr., Schuyler Culver, Matt Brase, Sarah Stegmeyer, Stan Zihlerl and Davey Neal were present as observers.

**DISPOSITION OF MINUTES**

Commissioner Maginn moved to approve the minutes from the January 4, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 67 Parties' Agreed Dispositions that were submitted, totaling \$23,575.00 in fines.

Commissioner Grubb moved to approve the Dispositions that were submitted for the January 17, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**HEARING JUDGE'S RECOMMENDATIONS**

RR32-01070 R & M INDUSTRIAL SUPPLY, INC. – Executive Secretary Rothenberg noted this was an appeal on a denial of a renewal. The denial was based on the permittee having four violations over an eight year period. The permittee's attorney provided information that numerous permits were approved for renewal with the same or more violations, even in the same county as this permittee. The Hearing Judge recommended the renewal be approved for one year under strict compliance.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to renew the permit for one year under strict compliance. Commissioner Grubb 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 one permit for sixth year escrow. It is currently pending before the court of appeals. Commissioner Maginn seconded. The motion was unanimously approved.

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

Seven hundred fifteen (715) renewals approved, seventy-one (71) new and/or transfer applications approved, eight (8) permits approved for catering, sixteen (16) permits approved for first year escrow, eighteen (18) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, one (1) permit approved for sixth year escrow, twelve (12) new and renewal carrier permits approved and four (4) new direct wine shipper permits approved.

#### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Maginn 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**

RR71-18326 THE BREW PUB, LTD. – Executive Secretary Rothenberg stated this permittee is requesting the type 209 permit be converted to a type 210 permit. When this permit was originally issued, the location was outside of the city limits. Over the years, unbeknownst to the owners, the location was annexed, but was continued to be renewed as a permit outside the city limits. The permittee is getting ready to file a transfer, so they were made aware of the annexation. The conversion will make the city over quota by one.

Commissioner Maginn moved to approve the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

RR33-30103 ADHOYEE, LLC – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny. The permittee did not appear at the local board meeting as required, due to violations.

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

DL16-98202 RATTAN ENTERPRISES, INC. – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny. The permittee did not appear at the local board meeting as required, due to violations.

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

RR12-00982 MICK AND DEBS ANIMAL HOUSE – Chairman Cook noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated the owner is a non-managing owner. There have been numerous issues involving over-serving patrons, fights and serving past serving hours at the establishment. The owner has made no effort to address any of these matters.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal. 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. Commissioner Maginn 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 July 5, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1539616 Angela Gordon and BR1666872 Deanna Crumb

REVOCAION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the employee permit for the following permittee, who has three (3) convictions for OWI. Commissioner Maginn seconded. The motion was unanimously approved.

BR1833817 Alexander James Berna

**POLICY DETERMINATIONS**

No Policy Determinations

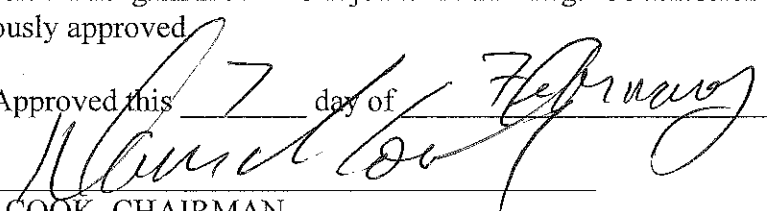
**ANNOUNCEMENTS**

NCSLA REGIONAL CONFERENCE COMMITTEE MEETING – Chairman Cook stated the meeting will be held today at 1:30.

**ADJOURNMENT**

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

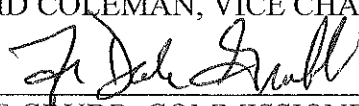
Approved this 7 day of February, 2017.



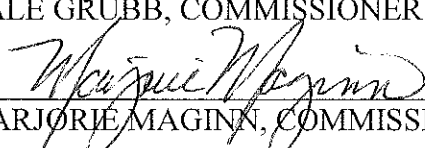
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DAVID COOK, CHAIRMAN



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DAVID COLEMAN, VICE CHAIRMAN



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DALE GRUBB, COMMISSIONER



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MARJORIE MAGINN, COMMISSIONER