

ALCOHOL AND TOBACCO COMMISSION

April 4, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

March 21, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

699 renewals
28 new/transfers
15 catering
4 1st year escrow
1 2nd year escrow
2 3rd year escrow
4 5th year escrow
23 new/renewal direct wine shippers
11 new/renewal carriers

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

7. Applications for Discussion –

RR29-26465 Conosur, Inc., d/b/a Mexico City Grill – Renewal with LB voting 2-0

DL48-11944 Phillip E. Miller – Renewal with LB voting 4-0 to approve

8. Inactive Files –

52 permits not subject to auction

19 permits subject to auction

9. Old Business -

10. New Business –

Probationary status of Employee permits –

BR1648314 Amanda Skaggs – 1 conviction

BR1756533 Alice Delaney – 1 conviction

BR1762602 Loren Davis – 1 conviction

11. Policy Determinations –

12. Announcements -

ATC Spring Auction – May 17, 2017
Auction list available early April
Pre-bid applications due May 2

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 4, 2017

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 and Industry Liaison Stewart were also in attendance.

Matt Bell, Schuyler Culver, Dan DeRoziere, Greg Genrich, Matt Brase, Brooke Burtnett, Davey Neal, Rachel Bibler, Katie Beth Maddox, Diane Masariu, Mark Webb, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the March 21, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 49 Parties' Agreed Dispositions that were submitted, totaling \$21,350.00 in fines.

Vice Chairman Coleman moved to approve the Dispositions that were submitted for the April 4, 2017 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

CONSIDERATION OF APPLICATIONS

Chairman Cook made a statement concerning the issuance of "RR" permits. A transcript of that statement is attached.

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.

Three hundred sixty-seven (367) renewals approved, twenty-five (25) new and/or transfer applications approved, fifteen (15) permits approved for catering, four (4) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, four (4) permits approved for fifth year escrow, twenty-three (23) new and renewal direct wine shipper permits approved, and eleven (11) new and renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS 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

RR29-26465 CONOSUR, INC., D/B/A MEXICO CITY GRILL – Chairman Cook noted this is a new application with the local board voting 2-0 to deny.

Vice Chairman Coleman stated there were only two local board members present at the meeting, which does not constitute a quorum.

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

DL48-11944 PHILLIP E. MILLER – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve.

Vice Chairman Coleman stated he reviewed the record. There was a remonstrator/competitor present at the meeting basically stating they would like this permit. Mr. Miller owns both permits on the quota for Elwood, so there is not another one available. The Vice Chairman stated there are no issues with this permittee.

Chairman Cook also reviewed the record and saw no reason to not approve this renewal.

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

INACTIVE FILES

Commissioner Grubb moved to make seventy-one (71) permits inactive. Fifty-two are not subject to auction and nineteen are 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 October 3, 2017 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

BR1648314 Amanda Skaggs; BR1756533 Alice Delaney; BR1762602 Loren Davis

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

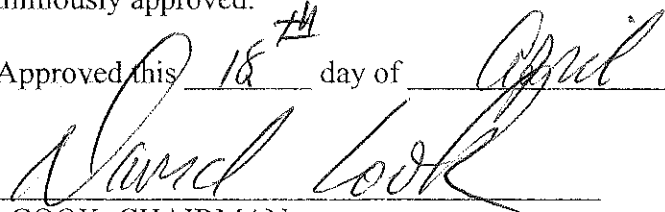
Commissioner Grubb stated to the preparer's in attendance that any alcoholic beverage applications received by this office with questions not answered, or required information not submitted, will be returned and not processed until all information is received.

ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list will be available in early April, with pre-bid applications due on May 2, 2017.

ADJOURNMENT

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

Approved this 18th day of April, 2017.



DAVID COOK, CHAIRMAN

David W. Coleman

DAVID COLEMAN, VICE CHAIRMAN

Dale Grubb

DALE GRUBB, COMMISSIONER

Marjorie Maginn

MARJORIE MAGINN, COMMISSIONER

1 Chairman Cook I'm going to address the 699 renewals and the 28 new and transfer
2 permits independently. Due to the recent and ongoing concern about
3 the issuance of certain RR restaurant permits and in light of the fact that
4 there is presently---pending in both the house and the senate---bills that
5 if passed in their present form, could have impact on existing permits.
6 And, in attempt to allow the Indiana legislature the time to take
7 whatever action they deem appropriate, but not interfere with Indiana
8 business, the agency is taking the following action: Renewals – no
9 official agency action will be taken on RR permits on this agenda; all
10 RR permits will be granted 90 day extensions in order to allow
11 continuation of business; all extended permits will be reset as soon as
12 possible, but no later than the May 16th calendar for final agency action;
13 staff has advised me that the agency computer system can be updated
14 no later than by the end of business tomorrow to reflect these
15 extensions. Priority in updating the computer list will be given to those
16 permits who have expiration dates before the end of the week of April
17 7. If there are any issues that need to be dealt with immediately, I ask
18 you to contact Angie Willis at 317-234-6521, in order to have the
19 individual situation resolved. As it relates to new and transfers---the 28
20 new and transfers on the calendar today---the following permits are set
21 for further investigation and will be reset on the agency's calendar as
22 soon as possible, but no later than May 16, 2017: Woody's LLC,
23 RR42-23314; American Multi Cinema, Inc., RR02-32947; and, Joan &
24 Yogi's One Stop, RR84-33197.

25 Vice Chairman Coleman Do you need a motion on that Mr. Chairman?

26 Chairman Sure. Why not?

27 Vice Chairman Coleman So moved.

28 Commissioner Grubb Second.

29 Chairman It's been moved and seconded that the action set out by the agency be
30 approved by the Commission. Is there any discussion? All in favor
31 say, aye.

32 Vice Chairman Coleman Aye.

33 Commissioner Grubb Aye.

34 Chairman Aye. Opposed say, no. Motion carries. With that, we will now move
35 to the adjusted, or amended application calendar.