

ALCOHOL AND TOBACCO COMMISSION

May 2, 2017

10:00 A.M.

1. Call to Order and Noting of Quorum –
2. Disposition of Minutes

April 18, 2017

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

41 new/transfers
20 catering
13 1st year escrow
8 2nd year escrow
2 3rd year escrow
1 4th year escrow
2 5th year escrow
66 renewal direct wine shippers
9 new/renewal carriers

6. Renewal Letters and Waivers of Fees for Letters of Extension -
7. Applications for Discussion –

RR84-33036 Irish Flounder, Inc. – Transfer with LB voting 3-1 to deny

RR50-33147 Northside Vendors Market, LLC – New with LB voting 4-0 to approve.

RR45-33111 WNC of Fort Wayne, LLC – New with LB voting 4-0 to approve.

8. Inactive Files –

1 permit subject to auction
4 permits not subject to auction

9. Old Business -

Revocation of Employee Permits – no proof of treatment

BR1760794 Michelle Bravo
BR1755937 Caitlin E Minor
BR1756023 Lauren E Kiel
BR1733325 Hannah M Cearing

10. New Business –

Probationary status of Employee permits –
BR1832144 Heather Gonzalez – 1 conviction

11. Policy Determinations –

12. Announcements -

ATC Spring Auction – May 17, 2017
Pre-bid applications due May 2

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 2, 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, Commissioner Maginn and Commissioner Grubb. Commission Counsel Allen, Executive Secretary Rothenberg, Prosecutor Mader, Superintendent Strittmatter, Corporal Lynch and Industry Liaison Stewart were also in attendance.

Jeff McKean, Greg Genrich, Katie Maddox, Diane Masariu, Grant Monahan, Jim Purucker, Schuyler Culver, Matt Norris, Matt Brase, Brooke Burnett, Davey Neal, Mark Webb, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the April 18, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 28 Parties' Agreed Dispositions that were submitted, totaling \$10,350.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the May 2, 2017 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. 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 renewal direct wine shipper permits. 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.

Four hundred six (406) renewals approved, forty-one (41) new and/or transfer applications approved, twenty (20) permits approved for catering, thirteen (13) permits approved for first year escrow, eight (8) permit approved for second year escrow, two (2) permit approved for third year escrow, one (1) permit approved for fourth year escrow, two (2) permits approved for fifth year escrow, sixty-six (66) renewal direct wine shipper permits approved, and nine (9) 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 Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR84-33036 IRISH FLOUNDER, INC. – Chairman Cook noted this is a transfer of ownership application with the local board voting 3-1 to deny.

Commissioner Maginn stated she reviewed the local board record and found there to be falsification problems on the application and communication issues with the applicant regarding operations.

Chairman Cook also reviewed the record and came to the same conclusions regarding misrepresentations and communications.

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

RR50-33147 NORTHSIDE VENDORS MARKET, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn stated she reviewed the record. There are problems with the location of the men's restroom. The applicant is in the process of fixing the problem.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR45-33111 WNC OF FORT WAYNE, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to approve.

Commissioner Maginn moved to continue this until the June 6, 2017 meeting. She would like to have more time to review the matter with regards to the . Vice Chairman Coleman seconded. The motion was unanimously approved.

INACTIVE FILES

~~Commissioner Grubb moved to make five (5) permits inactive. Four permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.~~

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits, for not providing proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1760794 Michelle Bravo; BR1755937 Caitlin E Minor; BR1756023 Lauren E Kiel; BR1733325 Hannah M Cearing

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 November 7, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1832144 Heather Gonzalez

POLICY DETERMINATIONS

No Policy Determinations

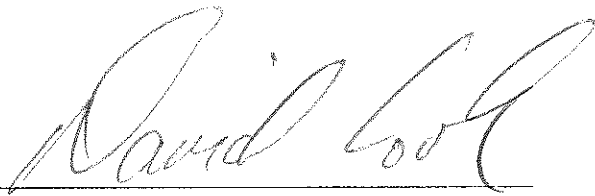
ANNOUNCEMENTS

ATC SPRING PERMIT AUCTION – Chairman Cook stated the Commission will hold a spring permit auction on May 17, 2017. The auction list is available. Pre-bid applications due today.

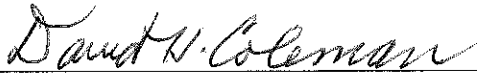
ADJOURNMENT

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

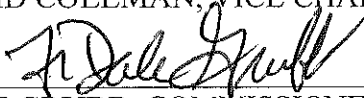
Approved this 16th day of May, 2017.



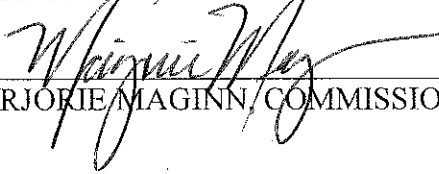
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER