

ALCOHOL AND TOBACCO COMMISSION
SEPTEMBER 19, 2017
10:00 A.M.

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

September 5, 2017

3. Prosecutor's Recommendations --

PAD Forms

4. Hearing Judge's Recommendations --

5. Consideration of Applications -

499 renewals
77 new/transfers
8 catering
11 1st year escrow
12 2nd year escrow
3 3rd year escrow
1 4th year escrow
1 6th year escrow (transfer scheduled LB 10/11/17)
3 new e-liquid
8 new/renewal direct wine shipper
9 renewal carrier

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

7. Applications for Discussion --

RR46-28352 Cai Feng Yang -- Renewal with LB voting 3-1 to approve

RR06-33513 Gonzalez Holdings, LLC -- New with LB voting 2-1 to approve

8. Inactive Files --

8 permits not subject to auction
1 permit subject to auction

9. Old Business -

Revocation of employee permit -- no proof of alcohol treatment
BR1797067 Macee Fellers

10. New Business --

Probationary status of employee permits --
BR1559742 James H Collins -- 1 conviction
BR1784680 Nathan M Mahan -- 1 conviction

11. Policy Determinations –

Non-Rule Policy 22

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 19, 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 and Prosecutor Mader, were also in attendance.

Brooke Burtnett, Schuyler Culver, Katie Maddox, Matt Brase, Patrick Sanders, Randy Zion, Marc Carmichael, Matt Norris, Mark Webb, Matt Bell, Alex Intermill, Greg Genrich, Davey Neal, and Jeff McKean, were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the September 5, 2017 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 60 Parties' Agreed Dispositions that were submitted, totaling \$19,250.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the September 19, 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.

Executive Secretary Rothenberg noted there is a 6th year escrow request on the agenda. A transfer has been filed on this permit, but it will not go before the local board until 10/11/17. Commissioner Grubb moved to continue this until the 10/16/17 commission meeting to see if the transfer is approved by the local board. 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 new e-liquid permit applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine shipper permits. 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.

Four hundred ninety-nine (499) renewals approved, seventy-eight (78) new and/or transfer applications approved, eight (8) permits approved for catering, eleven (11) permits approved for first year escrow, twelve (12) permits approved for second year escrow, three (3) permits approved for third year escrow, one (1) permit approved for fourth year escrow, three (3) new e-liquid permits approved, eight (8) new and renewal direct wine shipper permits approved, and nine (9) 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

RR46-28352 CAI FENG YANG – Chairman Cook noted this is a new application with the local board voting 3-1 to approve.

Commissioner Maginn stated the local board had issues with this permittee regarding an overserved patron, who was almost killed after leaving the establishment. The permittee requested the renewal be approved for purposes of transferring this permit. The transfer paperwork was submitted to the local board.

Commissioner Maginn moved to uphold the local board's recommendation to approve the renewal, for transfer purposes only. Vice Chairman Coleman seconded. The motion was unanimously approved.

RR06-33513 GONZALEZ HOLDINGS, LLC – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve.

Commissioner Maginn stated the review of this record showed that the owner of this business has a couple of convictions---one was disclosed and one was not. Neither of the convictions are automatic disqualifiers for holding a license. The owners hold multiple permits and there have been no problems at the other locations.

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

INACTIVE FILES

Commissioner Grubb moved to make nine (9) permits inactive. Eight permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCATION OF EMPLOYEE PERMIT – Commissioner Grubb moved to revoke the following employee permit. Permittee did not provide proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1797067 Macee Fellers

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 March 6, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1559742 James H Collins and BR1784680 Nathan M Mahan

POLICY DETERMINATIONS

NON-RULE POLICY #22 – Executive Secretary Rothenberg stated he received a few comments regarding minor changes and those changes were made to the policy. Also, the policy requires e-liquid permittees to submit a report to the Commission on October 1st every year. Since that date is in a couple of weeks, the Executive Secretary suggested that for this year, the Commission allow more time for that submission.

Vice Chairman Coleman moved to adopt the non-rule policy. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Maginn moved to allow permittees, for this year only, until December 1, 2017 to submit the required report. Vice Chairman Coleman seconded. The motion was unanimously approved.

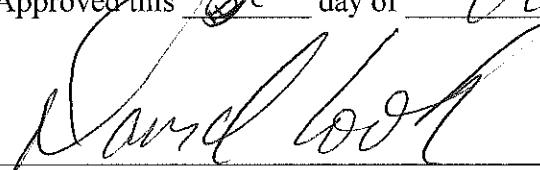
ANNOUNCEMENTS

CENTER FOR ALCOHOL POLICY MEETING – Prosecutor Mader stated he and the Chairman attended the Center for Alcohol Policy meeting in Chicago. Copies of the materials provided at that meeting are available upon request.

ADJOURNMENT

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

Approved this 3 day of October, 2017.



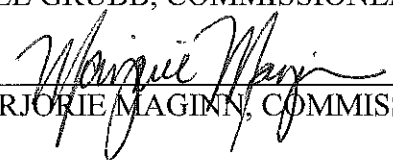
DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER