

ALCOHOL AND TOBACCO COMMISSION

March 6, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

February 20, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR41-32861 LaRosa Mexican Restaurant, LLC – Remand Order
RR31-21028 Lisa LeSaux & Stanley Kingsley – Remand Order

5. Consideration of Applications -

403 renewals
40 ~~39~~ new/transfer
7 catering
9 1st year escrow
2 2nd year escrow
5 3rd year escrow
5 new e-liquid
24 new/renewal direct wine shipper
13 new/renewal carrier

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

7. Applications for Discussion –

8. Inactive Files –

3 permits not subject to auction

9. Old Business -

Remove from probationary status – proof provided

BR1705845 Kimberly Scott

BR1707990 Deanna Johnson

BR1470248 Peter Surfus

Revocation of employee permits – proof not provided

BR1734451 Sandra Williams-Humphrey

BR1737221 Sierra Boyd

BR1781419 Jessica Rene Storey

BR1784680 Nathan Michael Mahan

BR1559742 James H Collins

10. New Business –

Probationary status employee permit –
BR1838593 Sylvia Marie Moses – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

Brewer's Guild – March 20, 2018
Package Stores – April 17, 2018
Convenience Stores – May 15, 2018
Wholesalers – June 19, 2018
Vintner's Conference – July 17, 2018
Retailers – August 21, 2018
Non-Package Store Dealers – September 18, 2018
Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 6, 2018

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Krauss, Commissioner Maginn and Commissioner Grubb. Executive Secretary Allen, Communications Director Devlin and Industry Liaison Stewart were also in attendance.

David Rothenberg, Greg Genrich, Alex Intermill, Abigail Smith, Marc Carmichael, Brooke Burtnett, Schuyler Culver, Matt Brase, Rico Fonseca, Davey Neal and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the February 20, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Maginn noted there were 67 Parties' Agreed Dispositions submitted, totaling \$17,200.00 in fines.

Commissioner Maginn moved to approve the Dispositions submitted for the March 6, 2018 meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR41-32861 LAROSA MEXICAN RESTAURANT, LLC – Hearing Judge Allen noted this renewal was denied by the local board and the Commission for not appearing before the local board, as required when a violation has occurred in the renewal period. An appeal was filed timely. Due to the circumstances of the denial, the Hearing Judge recommended the matter be remanded to the local board for their reconsideration.

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

RR31-21028 LISA LESAUX& STANLEY KINGSLEY - Hearing Judge Allen noted this renewal was denied by the local board and the Commission for not appearing before the local board, as required when a violation has occurred in the renewal period. An appeal was filed timely. Due to the circumstances of the denial, the Hearing Judge recommended the matter be remanded to the local board for their reconsideration.

Commissioner Grubb moved to uphold the Hearing Judge's recommendation to remand the renewal to the local board. Commissioner Maginn 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 the new e-liquid applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct 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 three (403) renewals approved, forty (40) new and/or transfer applications approved, seven (7) permits approved for catering, nine (9) permits approved for first year escrow; two (2) permits approved for second year escrow, five (5) permits approved for third year escrow, five (5) new e-liquid permits approved, twenty-four (24) new and/or renewal direct wine shipper permits approved, and thirteen (13) new and/or renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Krauss 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

RR45-00653 DICK'S RESTAURANT AND TAP, INC. – Executive Secretary Allen noted this permittee requested this permit be converted from a type 209 to a type 210, due to annexation. The annexation took place in 1979. Our records for the history of this permit do not go back that far and,

therefore, it is uncertain whether this permit was originally applied for prior to the notice of annexation. Because of that, the Executive Secretary recommended the conversion be granted.

Vice Chairman Krauss moved to uphold the Executive Secretary's recommendation to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make three (3) permits inactive. All three permits are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

EMPLOYEE PERMITS – REMOVE FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittee(s) from probationary status. Permittee provided proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1705845 Kimberly Scott; BR1707990 Deanna Johnson; BR1470248 Peter Surfus

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permit(s), pursuant to IC 7.1-3-18-9.5, for not providing proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1734451 Sandra Williams-Humphrey; BR1737221 Sierra Boyd; BR1781419 Jessica Rene Storey; BR1784680 Nathan Michael Mahan; BR1559742 James H Collins

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 September 4, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1838593 Sylvia Marie Moses

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

Brewer's Guild – March 20, 2018

Package Stores – April 17, 2018
Convenience Stores – May 15, 2018
Wholesalers – June 19, 2018
Vintner’s Conference – July 17, 2018
Retailers – August 21, 2018
Non-Package Store Dealers – September 18, 2018
Artisan Distillery – October 16, 2018

ADJOURNMENT

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

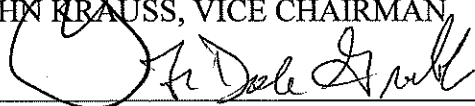
Approved this 20th day of March, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER