

ALCOHOL AND TOBACCO COMMISSION

April 3, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

March 20, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

372 renewals

40 new/transfer

9 catering

7 1<sup>st</sup> year escrow

2 2<sup>nd</sup> year escrow

1 3<sup>rd</sup> year escrow

4 new e-liquid

43 new/renewal direct wine shipper

14 new/renewal carrier

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

7. Applications for Discussion –

8. Inactive Files –

15 permits not subject to auction

1 permit subject to auction

9. Old Business -

RR29-29535 Phat Investments LLC – 6<sup>th</sup> year escrow continued from 2/20/18 meeting

RR45-29825 Francisco Ortega – 6th year escrow continued from 3/20/18

Remove from probationary status – proof of treatment

BR1789949 Steve King

Revocation of employee permit - no proof of treatment

BR1566756 Courtney White

BR1779537 Aubrey Fisher

BR1688783 Bryan Stephens

BR1837923 Brittany Ward – 2 OWI convictions 2017 & 2018

10. New Business --

RR45-28552 Alan D. Krygier – 6<sup>th</sup> year escrow

Probationary status employee permit --

BR1793246 Sara Spicuzza – 1 conviction

BR1797708 Brandon White – 1 conviction

BR1794881 Erica Sardella – 1 conviction

BR1810111 Ashley Lynch – 1 conviction

11. Policy Determinations --

Non-rule policy 23 – Escrow procedures

Non-rule policy 24 – Permit processing procedures

12. Announcements -

Carryout Form Update

2018 Proposed Roundtable Dates:

Package Stores – April 12, 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

APRIL 3, 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. Prosecutor Harrison, Executive Secretary Allen, Communications Director Devlin and Industry Liaison Stewart were also in attendance.

David Rothenberg, Cody Eckert, Katie Maddox, Justin Hage, Brooke Burnett, Davey Neal and Garrett Linton were present as observers.

Chairman Cook introduced and welcomed Josh Harrison, the new prosecutor of the Alcohol and Tobacco Commission.

**DISPOSITION OF MINUTES**

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

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – There were 25 Parties' Agreed Dispositions submitted, totaling \$8,250.00 in fines.

Vice Chairman Krauss moved to approve the Dispositions submitted for the April 3, 2018 meeting. Commissioner Maginn 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 new e-liquid permits. 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 new and renewal carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Three hundred seventy-two (372) renewals approved, forty (40) new and/or transfer applications approved, nine (9) permits approved for catering, seven (7) permits approved for first year escrow; two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, four (4) new e-liquid permits approved, forty-three (43) new and/or renewal direct wine shipper permits approved, and fourteen (14) 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**

No Applications for Discussion

#### **INACTIVE FILES**

Vice Chairman Krauss moved to make sixteen (16) permits inactive. Fifteen permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

RR29-29535 PHAT INVESTMENTS LLC – Executive Secretary Allen stated she is still working on getting documents. She noted that there was a delay in requesting the more detailed information the Commission wanted. She recommended the Commission continue this until April 17, 2018.

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

RR45-29825 FRANCISCO ORTEGA – Executive Secretary Allen stated she has been in touch numerous times with Mr. Ortega and Dean Hidalgo, by phone and letter, regarding 6<sup>th</sup> year escrow of this permit. She received a written notice that a lease has been acquired. The notice also stated it will take time to hire an engineer and to get zoning approval. The Executive Secretary requested documentation that paperwork was filed for zoning approval and engaging an engineer, but has not received any proof. She recommended the Commission continue this until April 17, 2018.

Vice Chairman Krauss feels the permittee is not taking our instructions seriously. He noted seven times over the last month where instructions were given as to what was needed, but no official documentation has been provided.

Commissioner Grubb inquired as to whether the location of this permit is below, at, or over quota. Executive Secretary Allen stated it was at quota, so if denied, the permit would go to auction. She also noted the expiration date of the permit and the 5<sup>th</sup> year of escrow is June 19, 2018.

Vice Chairman Krauss moved to deny the request for 6<sup>th</sup> year escrow. Commissioner Maginn seconded. The motion was unanimously approved.

REMOVAL FROM PROBATIONARY STATUS – Commissioner Grubb moved to remove the following permittee from probationary status. The permittee provided proof of completing an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1789949 Steve King

REVOCAION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permits. The permittees did not provide proof of completing of an alcohol treatment program, or are ineligible due to OWI convictions. Commissioner Maginn seconded. The motion was unanimously approved.

BR1566756 Courtney White; BR1779537 Aubrey Fisher; BR1688783 Bryan Stephens; BR1837923 Brittany Ward

### **NEW BUSINESS**

RR45-28552 ALAN D. KRYGIER – Executive Secretary Allen stated this permittee is requesting 6<sup>th</sup> year escrow for purposes of transfer. Both applications are on file at this time. This permit was obtained at auction and there appears to be no speculation. The permittee could not find a location. The Executive Secretary recommended the Commission approve the 6<sup>th</sup> year of escrow.

Commissioner Maginn moved to uphold the recommendation of the Executive Secretary. Commissioner Grubb seconded. The motion was unanimously approved.

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 2, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1793246 Sara Spicuzza; BR1797708 Brandon White; BR1794881 Erica Sardella; BR1810111 Ashley Lynch

**POLICY DETERMINATIONS**

NON-RULE POLICIES 23 AND 24 – Chairman Cook noted copies of these proposed non-rule policies are available for review. Non-rule policy 23 establishes specific escrow request procedures and non-rule policy 24 establishes specific guidelines for accepting and/or returning applications based on completeness. If anyone has any comments, they should submit those to Executive Secretary Allen before the April 17<sup>th</sup> meeting.

**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.


- 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 17<sup>th</sup> day of April, 2018.

  
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DAVID COOK, CHAIRMAN

  
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JOHN KRAUSS, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER