

ALCOHOL AND TOBACCO COMMISSION

June 5, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 15, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-20922 La Posada – Findings of Fact and Conclusions of Law

5. Consideration of Applications -

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~~545~~ renewals
~~6059~~ new/transfer
14 catering
4 1st year escrow
8 2nd year escrow
3 3rd year escrow
6 4th year escrow
1 5th year escrow
8 direct wine shipper renewal
5 new e-liquid
19 new/renewal carrier

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

7. Applications for Discussion –

DL45-29754 GJG, LLC – 6th year escrow, continued from 5/15

DL45-29752 LQR1 LLC - 6th year escrow request

8. Inactive Files –

11 permits not subject to auction
1 permit subject to auction

9. Old Business -

Revocation of employee permit – no proof of treatment
BR1719903 Britney Rollins

Remove from probationary status – proof of treatment
BR1705433 Latona Cameron
BR1713812 Anna King
BR1587148 Brian Swan

BR1710509 Evan Bagley
BR1787647 Brian Egloff
BR1734451 Sandra Williams-Humphrey

10. New Business –

Probationary status employee permit –

BR1802290 Kelsey Lauren Schwier – 1 conviction

BR1799538 Katherine Susanne Green – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

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

JUNE 5, 2018

CALL TO ORDER/NOTING OF QUORUM

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

Katie Maddox, Anthony Mitson, Marc Carmichael, Scott Bedwell, Carmen Batts-Porter, George Douglas, Scott Bedwell, Greg Genrich, Matt Brase, Mark Rutherford, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the May 15, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 56 Parties' Agreed Dispositions, totaling \$18,150.00 in fines.

Commissioner Grubb moved to approve the Dispositions submitted for the June 5, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-20922 LA POSADA, INC. – Hearing Judge Allen noted the Commission adopted the recommendation of the local board and denied the renewal of this permit on September 5, 2017. The permittee filed an appeal and the matter was scheduled for hearing. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law to the Commission for consideration.

Hearing Judge Allen stated the basis for the denial was due to an excessive number of alcohol violations at the establishment. Most of them were repeats with one of the owners being present at the time the violations occurred.

Commissioner Maginn moved to adopt the Findings of Fact and Conclusions of Law and deny the renewal. Commissioner Grubb 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

Commissioner 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 carrier permits. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the direct wine shipper renewals. Commissioner Maginn seconded. The motion was unanimously approved.

Five hundred forty-four (544) renewals approved, sixty (60) new and/or transfer applications approved, fourteen (14) permits approved for catering, four (4) permits approved for first year escrow; eight (8) permits approved for second year escrow, three (3) permits approved for third year escrow, six (6) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, five (5) new e-liquid permits approved, eight (8) direct wine shipper permit renewals approved, and nineteen (19) new and/or renewal carrier permits approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Commissioner Grubb moved to approve the renewal and fee waived letters of extension that were issued for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL45-29754 GJG, LLC – Chairman Cook noted this is a 6th year escrow request that was continued from May 15, 2018, for the third time, due to a lack of information regarding the status. The Chairman made part of the record a letter that was submitted explaining what the possible plans are for this permit. However, the letter fails to give any indication as to a specific timeframe for the permit to be put into use.

Commissioner Maginn noted the law is very clear regarding the amount of time a permit can be held in escrow, which is five (5) years. She stated that with the adoption of Non-Rule Policy 23, the Commission is trying to get all permits in compliance with no more than 5 years of escrow.

The Commissioner also stated that she agreed with the Chairman with respect to the letter not being specific with details on the completion of this project and an anticipated date of operation. She feels it looks like a long way off.

Chairman Cook stated Executive Secretary Allen, by the July 3rd meeting, is going to put together a list of all permits that are nearing the end of the 5th year of escrow. The list will be made public and the permittees will have until the end of 2018 to put the permits into use. Any permit at the end of the 5th year of escrow, beginning January 1, 2019, will no longer be granted additional escrow time.

Executive Secretary Allen recommended the two (2) permits that were denied their additional escrow request earlier this year be allowed the same extension of time, until December 31, 2018, to be operational.

Commissioner Grubb moved that this permit and the two other permits (RR29-29535 and RR45-29825) be reconsidered at the July 3rd meeting. Commissioner Maginn seconded. The motion was unanimously approved.

DL45-29752 LQR1, LLC – Executive Secretary Allen stated the 6th year escrow request was withdrawn.

INACTIVE FILES

Commissioner Grubb moved to make twelve (12) permits inactive. Eleven 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(s) for not providing to the Commission, proof of completion of an alcohol treatment program. Commissioner Maginn seconded. The motion was unanimously approved.

BR1719903 Britney Rollins

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

BR1705433 Latona Cameron; BR1713812 Anna King; BR1587148 Brian Swan; BR1710509 Evan Bagley; BR1787647 Brian Egloff; BR1734451 Sandra Williams-Humphrey

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

BR1802290 Kelsey Lauren Schwier and BR1799538 Katherine Susanne Green

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

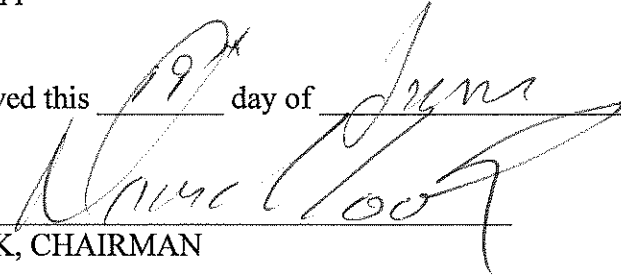
2018 ROUND TABLE DISCUSSIONS – Chairman Cook stated roundtable discussions regarding different areas of the alcohol industry will be held throughout 2018. The discussions will be held in our hearing room.

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

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

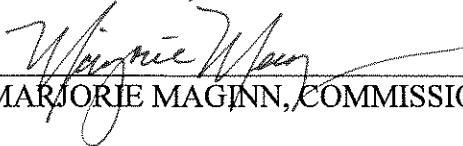
Approved this 19th day of June, 2018.


DAVID COOK, CHAIRMAN

JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER