

ALCOHOL AND TOBACCO COMMISSION

July 17, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 3, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR71-33465 Saddle-Up Saloon, LLC – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

596 renewals
67 new/transfer
12 catering
8 1st year escrow
11 2nd year escrow
5 3rd year escrow
1 5th year escrow
1 new e-liquid
37 new/renewal direct wine shipper
6 new/renewal carrier

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

7. Applications for Discussion –

RR49-29483 Puerto Vallarta, Inc. – 6th year escrow request, with immediate transfer

RR45-26839 Dyer Pub, LLC – renewal with LB voting 4-0 to approve

DL45-31320 Cleveland Petroleum – new with LB voting 4-0 to deny

DL03-37099 Kroger Limited Partnership, LLC – renewal with LB voting 4-0 to deny

RR49-34256 Black Tie Event Catering, Inc. – new with LB voting 3-0 to deny

8. Inactive Files –

5 permits not subject to auction

5 permits subject to auction

9. Old Business -

Revocation of employee permit – no proof
BR1760810 Tracy Ann Thibodeau
BR1792931 Jeffrey A Hedman

10. New Business –

Probationary status employee permit –
BR1873027 Tess Jackson – 1 conviction
BR1803706 Krista Linscott – 1 conviction
BR1808500 Amber Dwyer – 1 conviction
BR1810521 Kyleigh Carpenter – 1 conviction

11. Policy Determinations –

12. Announcements -

2018 Proposed Roundtable Dates:

Vintner's Conference – July 17, 2018 (Brown County Inn, 51 SR 46, Nashville, IN from 3:45-4:45 p.m.)
Retailers – August 21, 2018
Non-Package Store Dealers – September 18, 2018
Artisan Distillery – October 16, 2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 17, 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 and Prosecutor Harrison were also in attendance.

Jenny Drewry, Brooke Burnett, Katie Beth Maddox, Greg Genrich, Matt Brase, Carmen Pratts Porter, Marc Carmichael, Garrett Lawton, Mark Webb, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the July 3, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 56 Parties' Agreed Dispositions, totaling \$28,550.00 in fines. The Prosecutor pointed out three settlements for businesses with serious violations. Permit #RR49-03358 paid a \$7,500 fine and must transfer the permit. Permit #RR49-32925 paid a \$1,500 fine and must transfer the permit. And, lastly, permit #TC11937001 will serve a 14 day suspension.

Vice Chairman Krauss moved to approve the Dispositions submitted for the July 17, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR71-33465 SADDLE-UP SALOON, LLC – Hearing Judge Allen stated this new application came before the local board in October 2017. The local board recommended denial and the Commission upheld that recommendation. The applicant filed an appeal and the matter was set for an appeal hearing.

The findings conclude that it would not be in accordance with law for the permit to be denied based on previous businesses at that location, the lack of experience of the applicant and the character of previous owners. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to approve the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

The Commission, by consent, removed permit #RR10-33307, due to the check being returned with insufficient funds and permit #RR41-34465, due to lack of a lease. These will be rescheduled for August 7, 2018.

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 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 ninety-five (595) renewals approved, sixty-six (66) new and/or transfer applications approved, twelve (12) permits approved for catering, eight (8) permits approved for first year escrow; eleven (11) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fifth year escrow; one (1) new e-liquid permit approved, thirty-seven (37) direct wine shipper permit renewals approved, and six (6) 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 that were issued for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-29483 PUERTO VALLARTA, INC. – Executive Secretary Allen stated this permittee is requesting 6th year escrow for the purpose of transfer. The purchaser is ready to file paperwork for the transfer.

Vice Chairman Krauss moved to approve the request. Commissioner Maginn seconded. The motion was unanimously approved.

RR45-26839 DYER PUB, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to approve.

Commissioner Maginn stated there was one remonstrator present, who was a disgruntled employee that had been fired.

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

DL45-31320 CLEVELAND PETROLEUM – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated there were remonstrators present and the applicant did not appear at the local board meeting, after multiple continuances, as required.

Vice Chairman Krauss also noted a petition with 135 signatures in opposition to the issuance of a new permit was submitted.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

DL03-07099 KROGER LIMITED PARTNERSHIP, LLC – Chairman Cook noted this is a renewal application with the local board voting 4-0 to deny.

Commissioner Maginn stated this matter was continued several times because the permittee did not appear. The permittee was required to appear due to a violation in the last renewal period. Additional continuances were given because the attorney who represents the permittee stated she would contact them about appearing. The permittee still did not appear.

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

RR49-34256 BLACK TIE EVENT CATERING, INC. – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated this new applicant did not appear at the local board meeting, as required.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make ten (10) permits inactive. Five permits are not subject to auction and five permit are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Grubb moved to revoke the following employee permit for not providing to the Commission proof that alcohol treatment has been completed. Commissioner Maginn seconded. The motion was unanimously approved. Jeffrey Hedman, permit #BR1792931, was listed on the agenda, but provided proof of treatment before the meeting.

BR1760810 Tracy Ann Thibodeau

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 January 15, 2018 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

BR1873027 Tess Jackson; BR1803706 Krista Linscott; BR1808500 Amber Dwyer; BR1810521 Kyleigh Carpenter

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, with the exception of the Vintner's Conference, which will be held at the Brown County Inn from 3:45-4:45 pm.

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 day of August, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER