

ALCOHOL AND TOBACCO COMMISSION

October 2, 2018

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 18, 2018

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

BR1637577 Ashley Covington – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

317 renewals
34 new/transfers
12 catering
7 1st year escrow
3 2nd year escrow
4 3rd year escrow
2 4th year escrow
1 5th year escrow
2 new e-liquid
7 new/renewal direct wine shipper
12 new/renewal carrier
6 employee permit denial

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

7. Applications for Discussion –

8. Inactive Files –

3 permits not subject to auction

1 permits subject to auction

9. Old Business -

Revocation of employee permits – no proof of treatment

BR1799723 Autum Alexander-Cavinder

BR1803438 Blair Alexis Brougher

10. New Business –

11. Policy Determinations –

Non-Rule Policy #26

12. Announcements -

2018 ATC Auction – November 29, 2018 – Auction list available on or about October 24th

2018 Proposed Roundtable Dates:

Artisan Distillery – 10/16/2018

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 2, 2018

CALL TO ORDER/NOTING OF QUORUM

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

Jenny Drewry, Mark Webb, Carmen Pratts Porter, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the September 18, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 105 Parties' Agreed Dispositions, totaling \$27,700.00 in fines for the Commission's approval.

The Prosecutor pointed out a few of the dispositions: DL5218855, 2nd furnishing alcohol to minor violation with \$700 fine; DL0325586, 2nd furnishing alcohol to minor violation with \$750 fine; RR7132388, 1st furnishing alcohol to minor, but also employing minor with \$700 fine; TC02646001, 2014 investigation for roll your own tobacco machines with \$750 fine and dropping civil suit on seized items; TC07445004, 3rd furnishing to tobacco to minor with \$750 fine.

Commissioner Maginn moved to approve the Dispositions submitted for the October 2, 2018 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

BR1637577 ASHLEY COVINGTON – Communications Director Hyer, who spoke in place of Hearing Judge Allen, noted this permittee was denied renewal due to her two convictions for OWI within ten years, pursuant to statute. She appealed the denial and the matter was set for hearing. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law for consideration by the Commission.

Commissioner Maginn moved to uphold the Hearing Judge's recommendation to deny renewal until October 18, 2018, and at that time, issue and renew the permit. 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 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 renewal carrier 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.

Prosecutor Harrison recommended the Commission deny the new and renewal applicants for an employee permit because they do not qualify to hold the permit, pursuant to IC 7.1-3-18-9.

Commissioner Maginn moved to deny the employee permits. Commissioner Grubb seconded. The motion was unanimously approved.

Three hundred seventeen (317) renewals approved, thirty-four (34) new and/or transfer applications approved, twelve (12) permits approved for catering, seven (7) permits approved for first year escrow; three (3) permits approved for second year escrow, four (4) permits approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow; two (2) new e-liquid permits approved, seven (7) new and renewal direct wine shipper permits approved, twelve (12) renewal carrier permits approved and six (6) employee permit applications denied.

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

No Applications for Discussion

INACTIVE FILES

Commissioner Grubb moved to make four (4) permits inactive. Three permits are not subject to auction and one permit is subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

REVOCAION OF EMPLOYEE PERMITS - Commissioner Grubb moved to revoke the following employee permits for not providing to the Commission proof that alcohol treatment was completed. Commissioner Maginn seconded. The motion was unanimously approved.

BR1799723 Autum Alexander-Cavinder and BR1803438 Blair Alexis Brougher

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY 26 – Vice Chairman Krauss noted there are copies of proposed non-rule policy #26 available for review. He noted this comes directly from suggestions made by the industry at one of the round table discussions. If anyone has any comments or suggestions, please direct them to Jessica. The Commission will vote on the policy at the October 18, 2018 meeting.

Mark Webb asked if this would be officially making the Commission's policy requiring final inspections for permits more than 30 days expired.

Commissioner Maginn stated it is removing the requirement for a final inspection for permits more than 30 days expired.

ANNOUNCEMENTS

2018 ATC PERMIT AUCTION – Vice Chairman Krauss stated the auction will be held on Thursday, November 29, 2018. Auction lists will be available on or about October 24, 2018.

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

Artisan Distillery – October 16, 2018

ADJOURNMENT

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

Approved this 16th day of October, 2018.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER