

ALCOHOL AND TOBACCO COMMISSION

February 5, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 15, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

541 renewals

25 new/transfers

8 catering

7 1st year escrow

3 2nd year escrow

6 3rd year escrow

1 4th year escrow

1 5th year escrow

20 new/renewal carriers

9 new/renewal direct wine shippers

2 new e-liquids

1 employee permit denial

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

7. Applications for Discussion –

RR29-97169 Buds and Suds Enterprises, Inc. – conversion due to annexation

RR76-30320 B&B Hamilton Holdings, Inc. - 6th year escrow request continued from 12/18

RR49-34335, Xi Yang Yang Inc. – non-payment of fees

8. Inactive Files –

13 permits not subject to auction

2 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Proactive Alcohol Compliance Enforcement

Round Table Dates: brewers 2/19; package stores 3/19; convenience stores 4/16; wholesalers 5/21; vintners 6/18; retailers 7/16; non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 5, 2019

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, Commission Counsel Hyer, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

Greg Genrich, Brooke Burtnett, Stan Zihlerl, Dyna Martinez, Mark Webb, Carmen Pratts Porter, George Douglas, Davey Neal, Jenny Drewry, Pat Flynn and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the January 15, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 72 Parties' Agreed Dispositions, totaling \$124,200.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR18-07266, high and fine reputation and public nuisance, excessive police runs, \$1,000.00 fine and 3 day suspension; RR71-08036, 3rd service to minors, \$1,000.00 fine; DL45-30620 , scope of permit, solicitation, failure to meet qualifications, manager's questionnaire, floor plan, \$100,000.00 fine and permit must be transferred.

The prosecutor also requested the Commission vacate the previous settlement agreement for permit #RR49-33455 to allow transfer and now revoke permit. Permittee signed the agreement for the revocation.

Commissioner Maginn moved to approve the Dispositions submitted for the February 5, 2019 meeting. Commissioner Grubb 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.

By consensus, the Commission added permit #CT41-31277 to the catering list for approval.

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

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

Commissioner Grubb moved to approve the new e-liquid permit. Commissioner Maginn seconded. The motion was unanimously approved.

Prosecutor Harrison recommended the Commission deny the employee permit application submitted, pursuant to IC 7.1-3-18-9. Commissioner Maginn moved to uphold the recommendation of the Prosecutor. Commissioner Grubb seconded. The motion was unanimously approved.

Five hundred forty-one (541) renewals approved, twenty-five (25) new and/or transfer applications approved, nine (9) permits approved for catering, seven (7) permits approved for first year escrow; three (3) permits approved for second year escrow, six (6) permit approved for third year escrow, one (1) permit approved for fourth year escrow, one (1) permit approved for fifth year escrow, twenty (20) new and renewal carrier permits approved, nine (9) new direct wine shipper permits approved, two (2) new e-liquid permits approved and one (1) employee permit denied.

RENEWAL LETTERS AND WAIVERS OF FEES

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

APPLICATIONS FOR DISCUSSION

RR29-97169 BUDS AND SUDS ENTERPRISES, INC. – Executive Secretary Allen noted the Commission received a request to convert this permit from a type 209 permit to a type 210 permit, due to the location being annexed into the city limits. The permit was issued in 1997 and the notice of

annexation was issued in 2007. The Executive Secretary recommended the Commission approve the conversion.

Commissioner Maginn moved to approve the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

RR76-30320 B&B HAMILTON HOLDING, INC. – Chairman Cook noted this is a 6th year escrow request that was continued from the December 18, 2018 meeting.

Executive Secretary Allen stated the Commission denied the escrow request in December, but gave the permittee until today to make the permit active. The permit is not active as of this date. The Executive Secretary recommended the Commission deny the renewal of the permit.

Commissioner Maginn moved to deny the renewal of the permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR49-34335 XI YANG YANG, INC. – Executive Secretary Allen noted this is a situation where the permittee submitted payment in the form of a business check, however, the check was not endorsed properly. Accounting has made three attempts to request valid payment, but as of today, payment has not been made. The phone number has been disconnected and a Google search of the business shows it is closed. The Executive Secretary recommended the Commission deny the renewal of the permit.

Commissioner Grubb moved to deny the renewal of the permit. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make fifteen (15) permits inactive. Thirteen permits are not subject to auction and two permits are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

PROACTIVE ALCOHOL COMPLIANCE ENFORCEMENT (PACE) – Chairman Cook noted that today, the Agency is rolling out a new program. Because the Excise Police and local law enforcement have limited resources, this project will help coordinate these resources regarding alcohol permit

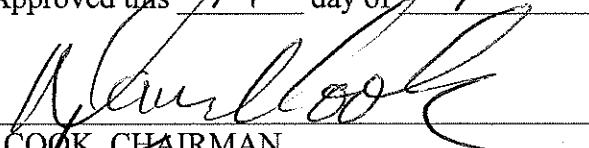
premises that have become public nuisances. Superintendent Strittmatter will be sending a letter to police chiefs and sheriffs across the state to begin this program. The details of the program are on the website.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: brewers 2/19; package stores 3/19; convenience stores 4/16; wholesalers 5/21; vintners 6/18; retailers 7/16; non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

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

Approved this 19 day of February, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER