

ALCOHOL AND TOBACCO COMMISSION

January 15, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 3, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

In Re: the Matter of Emily Turner

5. Consideration of Applications -

481 renewals  
87 new/transfers  
6 catering  
10 1<sup>st</sup> year escrow  
9 2<sup>nd</sup> year escrow  
1 3<sup>rd</sup> year escrow  
4 4<sup>th</sup> year escrow  
2 5<sup>th</sup> year escrow  
3 new direct wine shipper  
1 new e-liquid  
15 denied employee permits

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

7. Applications for Discussion –

RR45-91330 NJARCO, Inc. – renewal with LB voting 4-0 to approve

RR29-34764 Kasai Sushi Bar & Kitchen Corp – new with LB voting 4-0 to deny

RR30-34651 Quality Huts Indianapolis, LLC – new with LB voting 3-0 to deny

8. Inactive Files –

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

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

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JANUARY 15, 2019

#### 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, Commission Counsel Hyer, Superintendent Strittmatter, 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, Alex Intermill and Matt Brase were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the January 3, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

#### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 56 Parties' Agreed Dispositions, totaling \$18,850.00 in fines for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: RR82-02534, 3rd service to minors and employees without permits, \$1,250.00 fine; RR45-26553, 3rd service to minors and underage gambling, \$1,250.00 fine; and RR53-10197, deferral for 1 yr. must comply with agreed stipulations.

Vice Chairman Krauss moved to approve the Dispositions submitted for the January 15, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

IN RE: THE MATTER OF EMILY TURNER – Commissioner Maginn noted “Appellant's Objections to Hearing Judge's Findings of Fact and Conclusions of Law” were submitted. She made this a part of the record.

Vice Chairman Krauss stated he acted as administrative law judge for this administrative hearing. He noted the Excise Police follows progressive discipline when dealing with employees. This employee has been disciplined in three Group III offenses. Mr. Krauss found the discipline to be appropriate and recommended it be upheld.

Chairman Cook recused himself from this matter.

Commissioner Grubb moved to uphold the recommendation. Commissioner Maginn 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 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 applications 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.

Four hundred eighty-one (481) renewals approved, eighty-seven (87) new and/or transfer applications approved, six (6) permits approved for catering, ten (10) permits approved for first year escrow; nine (9) permits approved for second year escrow, one (1) permit approved for third year escrow, four (4) permits approved for fourth year escrow, two (2) permits approved for fifth year escrow, three (3) new direct wine shipper permits approved, one (1) new e-liquid permit approved and fifteen (15) employee permits denied.

## **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

RR46-91330 NJARCO, INC. – Chairman Cook stated this is a renewal application with the local board voting 4-0 to approve. An online petition was submitted to the local board, however, it was not in proper form. There are no addresses---only names and cities are included, some from out of state. The Chairman made this a part of the record, even though he felt the local board should not have accepted it into the record.

Vice Chairman Krauss noted he reviewed the record in this matter. There was an instance at the bar involving the owner, where a bottle was thrown and a patron was injured. There is civil litigation ongoing regarding this. The local board did not want to consider this litigation until a determination is made by the court, so a one year renewal was granted.

Commissioner Maginn noted the owner stated he stopped drinking and now only works part time as a bartender and works most of the time in the kitchen.

Vice Chairman Krauss moved to uphold the local board's recommendation for a one year renewal. Commissioner Maginn seconded. The motion was unanimously approved.

RR29-34764 KASAI SUSHI BAR & KITCHEN CORP. – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated this applicant currently holds a beer and wine permit in Marion County. There have been numerous problems at that location. Liquor was found at the location, the ownership is unclear, employees were not permitted, and owners could not answer basic questions regarding rules and regulations of holding an alcoholic beverage permit.

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

RR30-34651 QUALITY HUTS INDIANAPOLIS, LLC – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the 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

No Inactive Files

## OLD BUSINESS

No Old Business

**NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

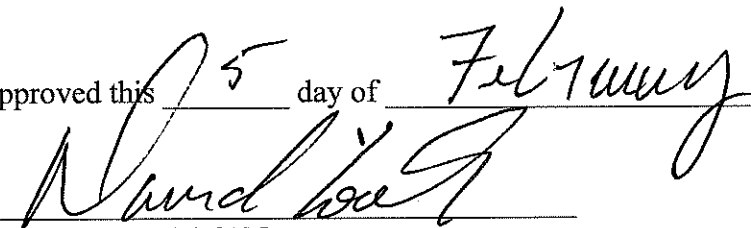
No Policy Determinations

**ANNOUNCEMENTS**

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

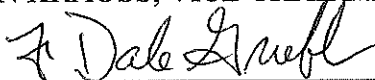
**ADJOURNMENT**

Vice Chairman Krauss moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 15 day of February, 2019.  


\_\_\_\_\_  
DAVID COOK, CHAIRMAN

\_\_\_\_\_  
JOHN KRAUSS, VICE CHAIRMAN



\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

  
\_\_\_\_\_  
MARJORIE MAGINN, COMMISSIONER