

ALCOHOL AND TOBACCO COMMISSION

June 4, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 21, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR49-34760 MDG Enterprises, LLC – Proposed Findings of Fact

5. Consideration of Applications -

260 renewals

33 new/transfers

15 catering

2 2nd year escrow

8 new/renewal carriers

58 new/renewal direct wine shippers

2 new e-liquid

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

7. Applications for Discussion –

RR02-35375 DG Properties 20 LLC – catering hall designation request

DL06-04535 John Cunningham & Associates, Inc. – escrow (continued from 4/16)

8. Inactive Files –

2 permits subject to auction

14 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Non-Rule Policy #27 – Update

Round Table Dates: retailers 7/16; ****vintners 7/22 (held at IWVA Summer Conference in Fort Wayne)**; non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 4, 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, Industry Liaison Stewart and Prosecutor Harrison were also in attendance.

Greg Genrich, Katie Beth Maddox, Brooke Burtnett, Mark Webb, Jenny Drewry, Scott Bedwell, Justin Hage, Sarah Quinn, Carmen Pratts Porter, Davey Neal and David Rothenberg were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the May 21, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison submitted 60 Parties' Agreed Dispositions, totaling \$21,375.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few of the dispositions: DL45-13043, 3rd service to minor, \$1,000.00 fine; RR49-14001, 3rd service to minor (Lucas Oil Stadium-use 3rd party vendors) and no employee permit, \$1,150.00 fine; RR32-19642, multiple police runs, high BAC of patrons, fights, will be put on PACE Program, \$1,000.00 fine and 1 day suspension; RR46-31859, high and fine reputation, sales to intoxicated individuals, \$1,500.00 fine. Transfer has been approved.

Commissioner Maginn moved to approve the PAD forms submitted by the Prosecutor. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-34760 MDG ENTERPRISES, LLC – Hearing Judge Allen stated the applicant applied for transfer of ownership. The transfer was a recommended denial by the local board. The Commission upheld the recommendation. The reason given by the local board for the recommendation to deny was lack of need and desire for services by the community. The remonstrators expressed concern over crime in the surrounding area and past history of this location.

The Hearing Judge stated because this is a transfer of ownership, the reasons to be considered in recommending approval or denial by the local board are whether the applicant is eligible to hold the permit, is of good moral character, is held in high esteem in the community and criminal history at the location. No evidence was presented against the applicant's character and no connection was made to the applicant and the history of criminal activity at the premises.

Hearing Judge Allen submitted Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation to overturn the local board and approve the transfer, but added, for one year. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Maginn noted for the record that applicants need to make sure to be prepared when going before the local board, as far as menus, leases, etc., to possibly prevent issues that may arise.

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

Commissioner Grubb moved to approve the direct wine shipper renewal 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.

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

RR02-35375 DG PROPERTIES 20, LLC. – Executive Secretary Allen noted this permit was approved in May 2019. The permittee is now requesting to be designated as a catering hall. The Executive Secretary recommended the Commission approve the request.

Vice Chairman Krauss moved to uphold the recommendation for approval. Commissioner Maginn seconded. The motion was unanimously approved.

DL06-04535 JOHN CUNNINGHAM & ASSOCIATES, INC. – Executive Secretary Allen noted this permit has reached the limit of time a permit can be in escrow, pursuant to the old statute. The matter was continued from the April 16, 2019 meeting to see if the escrow laws changed. Due to the change in statutes regarding escrow permits, the permittee now qualifies for an additional year of escrow. There is currently a transfer of location on file.

By consent, the Commission allowed the additional escrow and the filing of the transfer of location.

INACTIVE FILES

Vice Chairman Krauss moved to make sixteen (16) permits inactive. Two permits are subject to auction and fourteen permits are not 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

NON-RULE POLICY #27 - Chairman Cook noted this policy is being withdrawn and the Commission is going to begin the rule making process regarding this issue. The current method of deliveries should continue during this process.

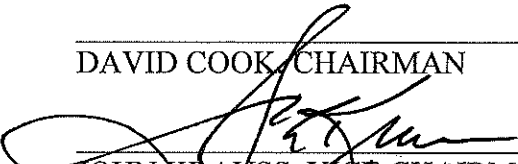
PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: retailers 7/16; vintners 7/22 (at IWVA Summer Conference in Fort Wayne); non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

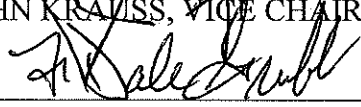
Vice Chairman Krauss moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 18 day of June, 2019.

DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER