

ALCOHOL AND TOBACCO COMMISSION

July 2, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

June 18, 2019

3. Prosecutor's Recommendations –

PAD Forms

6 Month Letters (employees)

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

382 renewals

25 new/transfers

8 catering

1 3rd year escrow

20 new/renewal carrier

30 renewal direct wine shippers

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

7. Applications for Discussion –

RR71-35363 Sur, LLC – new with LB voting 2-1 to approve

RR84-35144 Ruth + Bick Incorporated – transfer with LB voting 3-0 to deny

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

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

JULY 2, 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, Prosecutor Harrison and Industry Liaison Stewart were also in attendance.

Greg Genrich, David Rothenberg, Katie Maddox, Alex Intermill, Matt Brase, Mark Webb, Andrew Alvarez, Sarah Quinn, Carmen Pratts Porter, and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the June 18, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 52 Parties' Agreed Dispositions, totaling \$11,700.00 in fines, for the Commission's approval.

Prosecutor Harrison highlighted one disposition: TC02838001, 6th violation for sales of individual cigarettes, \$1,000.00 fine. Permittee has been put on notice that further violations will result in suspensions.

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

6 MONTH LETTERS (EMPLOYEE PERMIT HOLDERS) - Prosecutor Harrison recommended the Commission, pursuant to IC 7.1-3-18-9.5, 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.

Vice Chairman Krauss moved to uphold the Hearing Judge's recommendation. Commissioner Maginn seconded. The motion was unanimously approved.

BR1864096 Heather Harris; BR1832995 Samantha Anne Wright; BR1745679 Kelsey Anne Ancil; BR1832082 Natasha Rae Mistak; BR1832411 Bryanna Brooks; BR1840293 Whitney Smith; BR1708233 Scott McGill

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 said staff with the authority of the Commission, and hereby move for approval of same, pending any escrow hearings, 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 application for changes in location, 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 escrow, if needed, 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.

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

RR71-35363 SUR, LLC – Chairman Cook noted this is a new application with the local board voting 2-1 to approve. This was continued from the June 18, 2019 meeting.

Commissioner Maginn stated this applicant currently operates a restaurant. They have a patio that seats 20 and would like to obtain a riverfront/seasonal alcohol permit. The Commissioner noted that after speaking with counsel, it was pointed out that the General Assembly removed seasonal permits from 7.1, so the issuance of this type of permit would no longer be legal.

Vice Chairman Krauss made a point during the commission meeting to commend Officer Traugher on her handling of the local board investigation and for pointing out the issues that should be considered.

Commissioner Maginn moved to overturn the local board's recommendation to approve and deny the new permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR84-35144 RUTH + BICK INCORPORATED – Chairman Cook noted this is a transfer with the local board voting 3-0 to deny.

Chairman Cook stated he was not able to listen to the entire recording of the local board meeting.

Commissioner Maginn stated she did listen to the entire recording and she stated the zoning has not been approved.

Vice Chairman Krauss commented that after listening to the recording, there was a lot of ambiguous information provided and it appears the applicant was not forthright.

Commissioner Grubb moved to uphold the local board's recommendation to deny the transfer. Vice Chairman Krauss seconded. Commissioner Maginn voted to deny. Chairman Cook abstained from voting. The motion to deny was upheld.

INACTIVE FILES

Vice Chairman Krauss moved to make five (5) permits inactive and not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

NON-RULE POLICY #23 – Commissioner Maginn moved to approve Non-Rule Policy #23. Vice Chairman Krauss seconded. The motion was unanimously approved.

ANNOUNCEMENTS

TRANSFER OF PERMITS/PURCHASE AGREEMENTS – Chairman Cook stated a person purchasing an existing permit from another permit holder is now required to submit an executed purchase agreement, along with the request to transfer the permit. This agreement, signed by the applicant and permit holder, must include an itemization of all personal and real property being sold and details of the sale and terms for each item. Because the Commission is aware that some transfers do not include a purchase agreement, the ATC form Affidavit of Purchase Price will be accepted. The Commission has no discretion to waive this requirement, so no requests for a waiver will be considered. The purchase agreement is confidential except for the type of permit, the permit price and the jurisdiction in which the permit is located, because the Commission must publish a report containing these items. The Chairman also stated that any concerns about the release of this report must be addressed legislatively.

UPDATED NEW AND/OR TRANSFER APPLICATION FORMS – Chairman Cook stated copies of the updated forms are available for review. The application for manufacturers and wholesalers is now a separate form. Any comments or suggestions should be submitted in writing to Executive Secretary Allen by Wednesday, July 10th.

EXTENSION FEES – Chairman Cook noted, as of July 1st, the fee for extension letters has increased from \$50.00 to \$200.00.

PROPOSED ROUNDTABLE MEETINGS 2019 – Vice Chairman Krauss 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

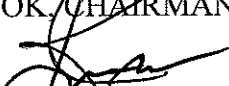
ADJOURNMENT

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


Approved this 16th day of July, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER