

ALCOHOL AND TOBACCO COMMISSION

July 16, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 2, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

630 renewals

77 new/transfers

8 catering

24 new/renewal carrier

33 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR49-29538 Rickey Allen Skirvin – renewal with LB voting 3-1 to approve

RR49-35089 Mi Cholula, Inc. – new with LB voting 4-0 to deny

RR49-35273 Las Tinajitas Mexican Restaurant LLC – new with LB voting 4-0 to deny

RR32-19642 Johnson & Redick, LLC – renewal with LB voting 4-0 to deny

8. Inactive Files –

32 permits not subject to auction

11 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Advisory Opinions

Inventory Auction

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 16, 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. Industry Liaison Stewart was in attendance.

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

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the June 2, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Maginn noted there are 44 Parties' Agreed Dispositions, totaling \$12,550.00 in fines, for the Commission's approval.

Commissioner Maginn highlighted a few dispositions: DL92-07796, scope of permit violation, \$1,000 fine; RR49-20419, illegal gambling, revocation of permit; RR32-20437, sale to intoxicated individuals, with 2 prior warnings, \$1,000 fine; DL82-29967, 3rd service to minor, \$1,000.

Vice Chairman Krauss moved to approve the PAD forms submitted by the Prosecutor. 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 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 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

RR49-29538 RICKEY ALLEN SKIRVIN – Chairman Cook noted this is a renewal application with the local board voting 3-1 to approve.

Commissioner Maginn noted there were a couple of violations in the last year. The owner did not appear after several continuances, but sent someone in his place.

Vice Chairman Krauss stated that the business was informed that if there are any more issues, the permit may not be renewed next year.

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

RR49-35089 MI CHOLULA, INC. – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant failed to appear on multiple occasions. Notices were sent and also a phone call was made where the applicant stated that he would appear, but failed to do so.

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

RR49-35273 LAS TINAJITAS MEXICAN RESTAURANT, LLC – Chairman Cook noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant failed to appear on multiple occasions.

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

RR32-19642 JOHNSON & REDICK, LLC – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Chairman Cook stated that there is a corrective action plan/deferral on file with Prosecutor Harrison. The Chairman recommended this matter be continued until the next meeting so the Commission can speak to the prosecutor about the deferral.

Vice Chairman Krauss moved to continue this until the August 6, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make forty-three (43) permits inactive. Thirty-two are not subject to auction and eleven 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

ADVISORY OPINIONS – Chairman Cook stated in an effort to maintain consistent responses to inquiries posed to the legal staff, questions should be submitted on the Advisory Opinion Form, now on our website. Any additional questions can be directed to Commission Counsel Lindsay Hyer.

INVENTORY AUCTION – The Excise Police will be hosting an auction of seized alcoholic beverages. Bids will be accepted via email on July 24, 2019, and will stop being accepted on July 26, 2019 at 11:59 pm. More information can be found on our website.

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 20th day of August, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER