

ALCOHOL AND TOBACCO COMMISSION

August 20, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 6, 2019

3. Prosecutor's Recommendations –

PAD Forms

6 Month Letter – Employee permits

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

710 renewals

69 new/transfers

4 catering

16 new/renewal direct wine shippers

19 new/renewal carriers

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

7. Applications for Discussion –

RH49-30117 Midland Hotel Group LLC – new with LB voting 3-0 to deny

RR53-31583 Kilroy's on Kirkwood, LLC – renewal with LB voting 2-1 to approve

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

RR79-33854 Fowler House Kitchen – catering hall designation

8. Inactive Files –

14 permits not subject to auction

2 permits subject to auction

9. Old Business -

RR34-33082 Front Row Live Kokomo, Inc.

10. New Business –

11. Policy Determinations –

12. Announcements -

September Commission Meeting – Wednesday, September 4, 2019

Alcohol Auction – relisting from August 23rd through August 30th

Round Table Dates: non-package store dealers 8/20; artisan distilleries 9/17

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 20, 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, Executive Secretary Allen, Commission Counsel Hyer and Prosecutor Harrison were in attendance.

Jeff McKean, Jenny Drewry, Matt Brase, Greg Genrich, Mark Webb, Andrew Alvarez, Sarah Quinn, Carmen Pratts Porter, Brooke Burtnett, Lisa McKinney and Davey Neal were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the August 6, 2019 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 58 Parties' Agreed Dispositions, totaling \$15,050.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: BR1715724, 2 OWI convictions, revocation; DL45-02156, 4th service to minor, \$250 fine + 3 day suspension and also put on PACE Program; MM41-29934, delivery to expired permit premises, deferral; DL84-89333, 2nd service to minor, \$1,000.00 fine; TC12511001, working on expired permit, revocation.

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

EMPLOYEE PERMITTEE – 6 MONTH LETTERS - 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 Prosecutor's recommendation. Commissioner Maginn seconded. The motion was unanimously approved.

BR1907899 Adrianna Goldsberry; BR1605277 Michael Black; BR1876550 Geoffrey Howard; BR1809471 Jeanne Pope; BR1851338 Aubrey Parish; BR1824735 Dennise Daniels Johnston; BR1841870 Kevin Molinet; BR1836105 Fernando Zepeda; BR1888253 Jaydon Myers; BR1889111 Bradley Ellis

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

RH49-30117 MIDLAND HOTEL GROUP, LLC – Chairman Cook noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated this applicant failed to appear before the local board, after several continuances.

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

RR53-31583 KILROY'S ON KIRKWOOD, LLC – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve for 1 year.

Commissioner Maginn stated there were remonstrators present. It appears that there have been no new Excise violations and improvements have been made to the establishment.

Vice Chairman Krauss agreed improvements have been made. He stated that he hopes it continues to improve.

Commissioner Maginn moved to uphold the local board's recommendation to approve for 1 year. Vice Chairman Krauss 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. This was continued from 7/16/19 and 8/6/19.

Chairman Cook stated this permittee was cited recently for a violation. He recommended the Commission continue this matter to September 17th, to determine whether the violation is filed by the Prosecutor. This may affect their status on the Pace Program.

Vice Chairman Krauss stated he has concerns about this establishment.

Commissioner Grubb moved to continue this to the September 17, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

RR79-33854 FOWLER HOUSE KITCHEN – Executive Secretary Allen noted this permittee is requesting to be designated as a catering hall. She recommended the Commission approve the request.

Commissioner Maginn move to uphold the Executive Secretary's recommendation to designate this permittee as a catering hall. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make sixteen (16) permits inactive. Fourteen are not subject to auction and two are subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

RR34-33082 FRONT ROW LIVE KOKOMO, INC. – Chairman Cook noted this matter was scheduled to update Commission on transfer.

Hearing Judge Allen stated the transfer and renewal applications were received on August 19th as required. The County Verification Form was missing from the transfer, which would typically cause the application to be returned. However, in order to keep this process moving, the application was kept and the attorney was notified about submitting the form, immediately.

Attorney Mark Webb stated the 2016 County Verification Form was submitted, but understands the urgency of submitting the current form.

Commissioner Maginn requested an update be given at the September 4th meeting.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

SEPTEMBER COMMISSION MEETING - Commission meeting changed from Tuesday, September 3, 2019 to Wednesday, September 4, 2019.

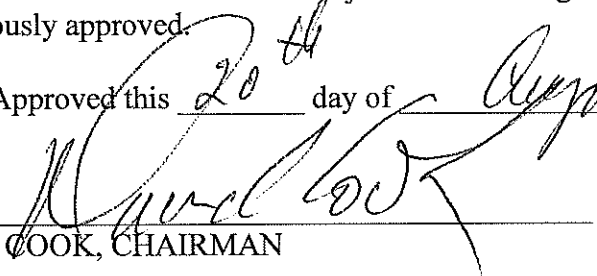
ALCOHOL AUCTION – Chairman Cook stated the alcohol auction will be relisted beginning August 23, 2019 and will run through August 30, 2019.

PROPOSED ROUNDTABLE MEETINGS 2019 – Chairman Cook stated the proposed schedule of roundtable meetings is as follows: non-package store dealers 8/20; artisan distilleries 9/17

ADJOURNMENT

Vice Chairman Krauss moved to adjourn the meeting. Commissioner Grubb 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