

ALCOHOL AND TOBACCO COMMISSION

December 3, 2019

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 19, 2019

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

231 renewals

21 new/transfers

4 catering

2 direct wine shipper renewals

11 new/renewal carriers

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

7. Applications for Discussion –

RR07-33781, Big Woods Brewing Company, LLC – annexation

RR84-35603 James Coleman – transfer with LB voting 4-0 to deny

RR45-31703 Guillermo Delgado – escrow denied

DL27-31597 Manjit Singh Nagra – escrow denied

DL27-31596 Manjit Singh Nagra – escrow denied

RR45-35644/RR45-35645 Midway Beverages, LLC – escrow denied

RR46-32922 Rios Family, Inc. – escrow denied

RR29-31788 Casablanca, LLC – escrow denied

RR12-35672 Fire and Ice Foods, LLC – escrow denied

8. Inactive Files –

11 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

RMC requirement

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 3, 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. Prosecutor Harrison, Industry Liaison Stewart, Executive Secretary Allen and Commission Counsel Hyer were in attendance.

Jenny Drewry, Katie Beth Maddox, Joseph Bookwalter, Davey Neal, Manjit Nagra, Tyler Starkey, Toban Singh, Alex Intermill, David Rothenberg, Tony Mitson, Carmen Batts-Porter, Rachel Grubb, Brooke Burtnett, Sarah Quinn and Gretchen White were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the November 19, 2019 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 15 Parties' Agreed Dispositions, totaling \$6,650.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: RR34-04738, retail to retail, no minimum food service, times when sales unlawful, no manager's questionnaire, \$1,450.00 fine; RR71-06933, 2nd sale to minor, \$1,000.00 fine; DL64-23412, 2nd sale to minor, \$1,000.00 fine; RR53-34129, 2nd sale to minor, \$1,000.00 fine.

Vice Chairman Krauss asked what the next step would be as far as penalties for businesses when violations become repetitive. The prosecutor stated there is a maximum penalty of \$1,000.00 fine per charge. There was discussion about whether \$1,000.00 was a high enough maximum fine. Commissioner Grubb noted that suspensions seem to get the attention of permittees better than fines. Prosecutor Harrison stated suspension were a possibility, but that has not been utilized by the Commission often and only for the most egregious offenders. Chairman Cook stated he would like for the Prosecutor to look into incorporating suspensions into the penalties for violations of a repetitive nature.

Commissioner Grubb moved to approve the PAD forms submitted by the Prosecutor. Commissioner Maginn 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 new and 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

RR07-33781 BIG WOODS BREWING COMPANY, LLC – Executive Secretary Allen noted this permittee is requesting the permit be converted from a type 209 permit to a type 210 permit, due to annexation. The permit was applied for on September 22, 2017. Notice of annexation was published on October 11, 2017. The Executive Secretary recommended the Commission approve the conversion, to become effective on December 6, 2019.

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

RR84-35603 JAMES COLEMAN – Chairman Cook noted this is a transfer application with the local board voting 4-0 to deny.

Commissioner Maginn noted the applicant failed to appear at the local board, as required.

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

RR45-31703 GUILLERMO DELGADO – Commissioner Maginn noted this permit was put into escrow on October 21, 2015. For each renewal after that date, the permittee indicated the location was under construction. They are now requesting the ability to transfer the permit. Permittee failed to appear at two escrow hearings. The notices for the hearings were sent to the mailing address of record. The Commission denied the escrow request.

Vice Chairman Krauss moved to deny the application. Commissioner Maginn seconded. The motion was unanimously approved.

Chairman Cook stressed the importance of providing proper mailing addresses to the Commission. The last known mailing address is sufficient for us to claim legal service of the notification. It is not our responsibility to try and find you.

DL27-31597/DL27-31596 MANJIT SINGH NAGRA – Chairman Cook stated the Commission denied the request for escrow, for failure to appear at two escrow hearings. The Chairman noted receiving a notice from the permittee as to why he did not appear for the escrow hearings.

Commissioner Maginn stated because these are pending applications, she moved to reverse the denial of escrow and give the applicant one more opportunity to appear at the December 10, 2019 escrow hearing at 9 a.m. Commissioner Grubb seconded. The motion was unanimously approved.

RR45-35644/RR45-35645 MIDWAY BEVERAGES, LLC – Chairman Cook stated the Commission denied the request for escrow, for failure to appear at two escrow hearings. The Commission has received no explanation from the applicant regarding the failure to appear.

Commissioner Maginn moved to deny the application. Commissioner Grubb seconded. The motion was unanimously approved.

RR46-32922 RIOS FAMILY, INC. – Chairman Cook stated the Commission denied the request for escrow, for failure to appear at two escrow hearings.

Commissioner Maginn stated there has been correspondence with a preparer and this may also have been a situation regarding addresses. Therefore, the Commissioner moved to reverse the denial of escrow and give the applicants one more opportunity to appear at the December 10, 2019 escrow hearing at 9 a.m. Commissioner Grubb seconded. The motion was unanimously approved.

RR29-31788 CASABLANCA, LLC – Chairman Cook stated the Commission denied the request for escrow, for failure to appear at two escrow hearings. Attorney Davey Neal now represents the applicant. Mr. Neal provided documents meant to explain the issues regarding this situation.

Commissioner Maginn stated she found the paperwork to be confusing. She also stressed, again, the importance of keeping the Commission informed of addresses and important details regarding permits.

Commissioner Maginn moved, because this is an initial escrow request, to reverse the denial of escrow and give the applicants one more opportunity to appear at the December 10, 2019 escrow hearing at 9 a.m. Commissioner Grubb seconded. The motion was unanimously approved.

RR12-35672 FIRE AND ICE FOODS, LLC – Chairman Cook stated the Commission denied the request for escrow, for failure to appear at two escrow hearings.

Commission Counsel Hyer noted there was confusion between Excise Officer Gillam and the applicant regarding attendance at the escrow hearings. The final inspection has been completed and the business is ready to open. Counsel Hyer also noted we need a proper mailing address for this business because the notification of denial of escrow was returned to this office.

Commissioner Maginn moved to reverse the denial of escrow and approve the issuance of this permit, if we receive proper mailing address information. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make eleven (11) permits inactive. All are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

SALE OF DISTRIBUTION RIGHTS – Chairman Cook stated the Commission will continue to receive public comments regarding this matter until January 1, 2020. The Commission will discuss and vote on this matter at the January 7, 2020 Commission meeting.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

RETAIL MERCHANT CERTIFICATES – Chairman Cook stated that as of this date, the Commission no longer requires submission of retail merchant certificates.

ANNOUNCEMENTS

No Announcements

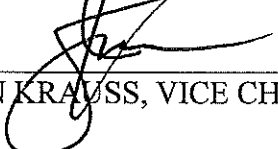
ADJOURNMENT

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

Approved this 17 day of November, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN

A handwritten signature in black ink, appearing to read "Dale Grubb". The signature is written in a cursive style with a large initial "D".

DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER