

ALCOHOL AND TOBACCO COMMISSION

February 4, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 22, 2019

3. Prosecutor's Recommendations –

PAD Forms

Revocation of Permits - BR1892232 David L. Weaver; BR1903580 Nicole A Miller;
BR1914935 Jonalynn Masters

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

342 renewals
15 new/transfers
12 catering
23 new/renewal carriers
6 new/renewal direct wine shippers

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

7. Applications for Discussion –

Vape DGX, d/b/a Geisler Solutions – Qualifications of owner

RR02-84238 Robert & Doris Shopoff – conversion due to annexation

RR48-35696 Bir Enterprises – escrow denied/renewal

8. Inactive Files –

5 permits not subject to auction

2 permits subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Round Table Discussions

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 4, 2020

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Commissioner Maginn and Commissioner Grubb. Prosecutor Harrison, Industry Liaison Stewart, Executive Secretary Allen and Commission Counsel Hyer were in attendance.

Pat Flynn, Carmen Batts-Porter, Greg Genrich, Patrick Tamm, John Leetz, Jeff McKean, George Douglas, Brooke Burnett, Stan Zihlerl, Sarah Quinn, Davey Neal and Gretchen White were present as observers.

DISPOSITION OF MINUTES

Commissioner Maginn moved to approve the minutes from the January 22, 2020 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Harrison noted there are 53 Parties' Agreed Dispositions, totaling \$18,900.00 in fines, for the Commission's approval.

The Prosecutor highlighted a few dispositions: DL4511752, business across state lines, de facto wholesaler, retail to retail, revocation of permit; RR32-19642, sale to intoxicated patron, \$1,000.00 fine; RR53-34129, minors and no limited separation, \$300.00 fine and 5 day suspension.

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

REVOCAION OF PERMITS – Prosecutor Harrison stated the following employee permit holders failed to provide proof of alcohol treatment, due to their OWI convictions. He recommended the permits be revoked.

BR1892232 David L. Weaver; BR1903580 Nicole A. Miller; BR1914935 Jonalynn Masters

Commissioner Maginn moved to revoke the permits. 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 the catering applications. 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 new and renewal direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Commissioner Maginn moved to approve the renewal and fee waived letters of extension that were issued for the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

VAPE DGX, D/B/A GEISLER SOLUTIONS – Chairman Cook noted this is an application for an e-liquid permit.

Executive Secretary Allen stated the applicant has a criminal history with a conviction that would be a felony in Indiana, prohibiting him from qualifying for this permit.

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

RR02-84238 ROBERT & DORIS SHOPOFF – Chairman Cook noted this is a request for conversion due to annexation.

Executive Secretary Allen stated the location of this permit has been annexed into the city limits. The permit was originally issued in 1984 and the notice of annexation was published in 1996. She recommended approval.

Commissioner Grubb moved to approve the conversion. Commissioner Maginn seconded. The motion was unanimously approved.

RR48-35696 BIR ENTERPRISES – Chairman Cook noted this applicant was denied escrow for failure to appear at 2 escrow hearings.

Commission Counsel Hyer stated the applicant failed to appear as ordered for the escrow hearings. She also noted that the applicant stated on the Escrow Request Form that the business will never be operational and the plan is to sell the permit. Counsel Hyer recommended the Commission deny the application for failure to meet qualifications.

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

INACTIVE FILES

Commissioner Grubb moved to make seven (7) permits inactive. Five are not subject to auction and two 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

ROUND TABLE DISCUSSIONS - Commission Counsel Hyer provided the list of dates.

ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 18th day of FEBRUARY, 2020.

DAVID COOK, CHAIRMAN

JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER