

ALCOHOL AND TOBACCO COMMISSION

May 19, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 5, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

TC01887002 KTKSB Enterprises, LLC – Proposed Order to Set Aside Default Judgment

5. Consideration of Applications -

844 renewals

97 new/transfers

6 catering

17 new/renewal carriers

92 new/renewal direct wine shipper

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

7. Applications for Discussion –

RR54-91395 Touch of Class, Inc. – renewal with LB voting 2-1 to deny

RH20-30141 Sunny, LLC – denied escrow for failure to appear

8. Inactive Files –

7 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Round Table Dates – Wholesalers - TBD; Vintner's Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 19, 2020

**CALL TO ORDER/NOTING OF QUORUM**

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

By consent, the Commission, regarding items on the agenda that require signatures, gave permission for the Chairman to sign and for Kim Chew to initial for the other commissioners.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the May 5, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 45 Parties' Agreed Dispositions, totaling \$37,700.00 in fines, for the Commission's approval.

The Prosecutor submitted to the commission a summary of Noteworthy Violations, which was made part of the record by consent.

Vice Chairman Krauss commended the Prosecutor and Excise for their work regarding permit #DL53-31337, which has been a problem.

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

**HEARING JUDGE'S RECOMMENDATIONS**

TC01887002 KTKSB ENTERPRISES, LLC – Chairman Cook noted Hearing Judge Allen submitted a Proposed Order to Set Aside Default Judgment and Revocation regarding this permit, for recommendation to the Commission.

Vice Chairman Krauss moved to accept the recommendation of the Hearing Judge. Commissioner Maginn seconded. The motion was unanimously approved.

**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.

Chairman Cook removed four (4) permits from the new/transfer list: RR32-36472, RR32-36473, RR32-36475 and RR32-36474

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**

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**

RR54-091395 TOUCH OF CLASS, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated the local board recommended denial due to whether the applicant is of good moral character, based on evidence presented at the local board showing the business being operated under false ownership and paperwork being falsified, so permittee could qualify for the permit. When the majority owner was asked questions regarding this permit, he knew very few details regarding the running of this business. When the local board asked for paperwork regarding ownership, the information provided was sketchy and included very few details.

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

RH20-30141 SUNNY, LLC– Chairman Cook noted this permittee was denied escrow for failure to appear at two escrow hearings. The permittee has made no contact with the Commission regarding this matter.

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

**INACTIVE FILES**

Vice Chairman Krauss moved to make seven (7) permits inactive. All seven are not 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**

Chairman Cook noted that June 3, 2020 will be the next Commission Meeting.

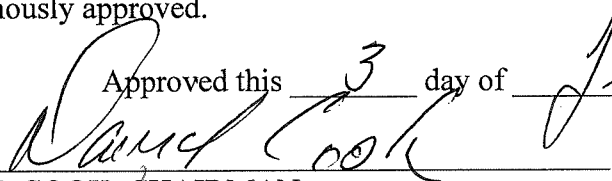
APPOINTMENTS – Chairman Cook stated the Commission is now accepting appointments. Information regarding the process can be found on our website. [www.in.gov/atc](http://www.in.gov/atc)

ROUND TABLE DISCUSSIONS - Wholesalers - TBD; Vintner’s Conference - TBD; Retailers - 7/21; Non-Package Store Dealers - 8/18; Artisan Distillery - 9/15

**ADJOURNMENT**

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

Approved this 3 day of June, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER