

ALCOHOL AND TOBACCO COMMISSION

August 4, 2020

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 21, 2020

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

386 renewals

19 new/transfers

3 catering

13 new/renewal direct wine shippers

18 new/renewal carriers

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

7. Applications for Discussion –

RC34-00619 IBPO Elks Lodge #429 – renewal with LB voting 4-0 to deny – FTA

RR34-04738 RIJUBO, LLC – renewal with LB voting 4-0 to deny

DL71-31611 Vishav, Inc. – county verification

RR72-26983 2JR Pizza Enterprises, LLC – consider reinstatement

RR75-33239 The Honey Hole, LLC – renewal with LB voting 3-1 to deny

8. Inactive Files –

3 permits not subject to auction

1 permit subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Reinstating Non-Package Store Dealers round table discussion

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

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 4, 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. Industry Liaison Stewart, Prosecutor Harrison, Executive Secretary Allen and Commission Counsel Hyer were remotely.

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 July 21, 2020 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Chairman Cook stated Prosecutor Harrison submitted 14 Parties' Agreed Dispositions, totaling \$5,100.00 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 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 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC34-00619 IBPO ELKS LODGE #429 – Chairman Cook noted this is a renewal with the local board voting 4-0 to deny.

Chairman Cook stated Excise Officer Gillam received a call this morning from the permittee stating the lodge has been closed and the mail had not be opened, so he was unaware of the local board meetings.

Commissioner Maginn moved to remand the renewal to the local board for another opportunity to appear. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-04738 RIJUBO, LLC – Chairman Cook noted this is a renewal application with the local board voting 4-0 to deny.

Commissioner Maginn stated there was a shooting in the parking lot, business was open and serving alcohol after hours, and employees hindered enforcement.

Chairman Cook stated he sees no reason to overturn the denial.

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

DL71-31611 VISHAV, INC. – Chairman Cook noted this application was submitted with the County Surveyor Verification Form stating the location was inside the city limits and not in the county. However, it appears that form is incorrect. The location is outside the city. The permit was approved by the Commission previous to this information being submitted.

Commissioner Maginn moved to continue this to the September 1, 2020 meeting, to allow time to contact the applicant and let inform them of the situation with the location. Vice Chairman Krauss seconded. The motion was unanimously approved.

Chairman Cook stated he would contact the applicant.

RR72-26983 2JR PIZZA ENTERPRISES, LLC – Chairman Cook noted the permittee notified the ATC that they were going to surrender their permit on August 15, 2020. The Commission made the permit dead on July 21, 2020, in error.

Commissioner Maginn moved to reinstate the permit until August 15, 2020, as requested by the permittee, and reset the matter for September 1, 2020. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR75-33239 THE HONEY HOLE, LLC – Chairman Cook noted this is a renewal with the local board voting 3-1 to deny.

Commissioner Maginn stated there are issues with this one regarding noise, litter, non-compliance and lack of minimum annual food sales. The Sheriff was present for the meeting, but was unable to provide testimony on the record. And, the local board did not address the lack of food sales.

Commissioner Maginn moved to remand this to the local board to address the lack of food sales and to allow the opportunity for the Sheriff to speak and to see if the permittee can meet with the Sheriff, Excise and the remonstrators and maybe find a resolution other than denial of the permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make four (4) permits inactive. Three are not subject to auction and one is 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

NON-PACKAGE STORE DEALERS ROUND TABLE – Chairman Cook stated he was going to hold this meeting virtually on Teams on August 18th, but canceled and the rescheduling will be determined at a later date.

ROUND TABLE DISCUSSIONS – Non-Package Store Dealers - TBD; Artisan Distillery - 9/15; Wholesalers - TBD; Vintner's Conference - TBD; Retailers - TBD;

ADJOURNMENT

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

Approved this 18th day of August, 2020.

DAVID COOK, CHAIRMAN

[Signature] [Signature]
JOHN KRAUSS, VICE CHAIRMAN

[Signature] [Signature] 8/18/20
DALE GRUBB, COMMISSIONER

[Signature] [Signature] 8/18/20
MARJORIE MAGINN, COMMISSIONER