

ALCOHOL AND TOBACCO COMMISSION

May 18, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

May 4, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR71-26941 SDTG, Inc. – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

610 renewals

76 new/transfers

13 catering

8 new/renewal carriers

17 new/renewal direct wine shippers

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

7. Applications for Discussion –

RR74-36860 Brothers Grub, LLC – denied escrow/appeal request

RR55-37243 C & C Real Estate Holdings, LLC – new with LB voting 3-0 to deny

RR55-37408 Mynatt Events, LLC – new with LB voting 2-1 to approve

8. Inactive Files --

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Roundtable dates – 5/18 package stores, 6/15 non-package store dealers, 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries

## 13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 18, 2021

**CALL TO ORDER/NOTING OF QUORUM**

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Krauss, Commissioner Maginn, Commissioner Grubb, Commission Counsel Hyer, Prosecutor Harrison and Sgt. Stewart were virtually present.

By consent, the Commission gave Kim Chew permission to initial approval for the commissioners.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the May 4, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 83 Parties' Agreed Dispositions, with fines totaling \$38,800.00, for the Commission's approval.

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**

RR71-26941 SDTG, INC. – By consent, the Commission continued this matter to the June 2, 2021 meeting because they have not had time to review the record.

**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.

Commission moved application #RR29-37490 from "New/Transfer Applications" to "Applications for Discussion".

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 applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine shipper applications. Commissioner Maginn seconded. The motion was unanimously approved.

By consent, the Commission added the transfer application #ELM180000008.

Commissioner Grubb moved to approve the transfer of an e-liquid permit. 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 issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR74-36860 BROTHERS GRUB, LLC – Chair Allen noted this is a denial of escrow and the permit, for failure to appear before the Commission. Applicant requested one more opportunity to appear.

Commissioner Maginn moved to allow one more opportunity for the applicant to appear for an escrow hearing on June 22<sup>nd</sup>. Commissioner Krauss seconded. The motion was unanimously approved.

RR55-37243 C & C REAL ESTATE HOLDINGS, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated there are concerns regarding the ownership of this permit. The owner is listed as Amber Kavanaugh on the application. Ryan Greb is listed as manager. Ms. Kavanaugh worked with Mr. Greb at an establishment he used to own. When asked by Excise, people involved with this establishment state Mr. Greb is the owner. Also, records show that he purchased items for this business, and he has paid the bills.

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

RR55-37408 MYNATT EVENTS, LLC - Chair Allen noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated there is an issue with paperwork that needs to be cleaned up, which is why one local board member voted to deny the application. That member was assured the permit would not be issued until the paperwork is correct.

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

RR29-37490 IBEACH31, LLC – Chair Allen noted this is a new application with the local board voting 4-0 to approve. They are applying to be considered a sports arena with volleyball courts. The attorney for the applicant has been working with the Sgt. Stewart regarding floor plan issues and qualifications to be a sports arena. Also, the applicant receives money from two liquor manufacturers as part of a court sponsorship, which is prohibited.

Commissioner Maginn stated this is a work in progress. There are still issues that need to be straightened out regarding this business, part of that includes restrooms being on the premises and room for tables and chairs.

Vice Chairman Krauss stated that there is a lot to be done to make sure it qualifies to be a restaurant/sports arena.

Commissioner Grubb agreed with the other commissioners, stating all qualifications need to be met to qualify under statute.

Commissioner Maginn moved to continue this to the June 2<sup>nd</sup> meeting. Vice Chairman Krauss seconded. The motion was unanimously approved.

#### **INACTIVE FILES**

Vice Chair Krauss moved to make two (2) permits inactive that are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **ANNOUNCEMENTS**

JUNE COMMISSION MEETING DATE – Chair Allen stated the next meeting will be Wednesday, June 2, 2021, due to the Memorial Day holiday.

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions in May and June will be held virtually. Those dates are: 5/18 package stores and 6/15 non-package store dealers. Information regarding 7/20 wholesalers, 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries will be forthcoming.

If the roundtable discussions are held virtually, a link will be sent closer to the date of the discussion.

**ADJOURNMENT**

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

Approved this 2nd day of June, 2021.

  
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JESSICA ALLEN, CHAIR

  
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JOHN KRAUSS, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER