

ALCOHOL AND TOBACCO COMMISSION  
August 17, 2021  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

August 3, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

574 renewals  
95 new/transfers  
12 catering  
22 new/renewal carriers  
11 new/renewal direct wine sellers

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

7. Applications for Discussion –

DL49-32066 Buy Rite – transfer with LB voting 3-0 to approve

RR45-37675 Thee Attraction LLC – request catering hall designation

RR30-37349 Tiki Coop, LLC – renewal with LB voting 3-0 to approve

DL29-32452 Zionsville Fuel, Inc. – new with LB voting 3-0 to deny

RR29-93172 BSR and MMR, Inc. – renewal with LB voting 3-0 to deny

RR06-34252 Danny Boy Beer Works – denied escrow

8. Inactive Files –

5 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

LSA Doc #21-227 Readoption of Rules

1<sup>st</sup> Commission Meeting in September – Wednesday, September 8, 2021 at 10:00 am

Roundtable dates – 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 17, 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, Executive Secretary Kirkman and Officer Crider were present.

David Symmes, Greg Genrich and Mark Webb were present as observers.

**DISPOSITION OF MINUTES**

Vice Chairman Krauss moved to approve the minutes from the August 3, 2021 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

**PROSECUTOR'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Chair Allen stated Prosecutor Harrison submitted 35 Parties' Agreed Dispositions, with fines totaling \$15,900.00, 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**

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.

By consent, DL32-32475 and DL32-32476 were removed from the new/transfer list.

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 seller applications. 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**

DL49-32066 BUY RITE, INC. – Chair Allen noted this is a transfer application with the local board voting 3-0 to approve.

Commissioner Maginn stated the location is in a building that is historic in nature. The remonstrators complained about zoning, traffic, delivery trucks, etc. The applicant provided information regarding existing permits in the area and online surveys showing need and desire. The owners have 18 stores currently and have a good reputation.

Vice Chairman Krauss stated he was very impressed with both sides in their presentation, especially with the applicant in their anticipation of questions that were asked by the local board and their preparation to answer the questions.

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

RR45-37675 THEE ATTRACTION, LLC – Chair Allen noted this is a request from the permittee to be considered a catering hall.

Commissioner Maginn moved to approve a catering hall designation for this permit. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR30-37349 TIKI COOP, LLC – Chair Allen noted this is a renewal with the local board voting 3-0 to approve.

Commissioner Maginn stated the remonstrator made arguments about need and desire that can only be considered as a new permit. There were questions concerning the conversion of the building, which should be directed to the city.

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

DL29-32452 ZIONSVILLE FUEL, INC. – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the applicant failed to appear at the local board hearing as required.

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

RR29-93172 BSR AND MMR, INC. – Chair Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated there was an incident at this establishment of overservice of alcohol. There is a video showing 23 beers being served in a 6-hour period to a patron. After leaving the establishment, the patron was involved in an accident and killed someone. The patron is a regular at this bar and is regularly overserved.

Vice Chairman Krauss stated that the owner was aware of the situation, but did nothing to remedy it.

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

RR06-34252 DANNY BOY BEER WORKS – Chair Allen noted this permittee was denied escrow for failure to appear at the escrow hearing. The Commission is considering the renewal.

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

DL43-32015 HAZERA BEGUM – Chair Allen noted this is a request to file a transfer of ownership and location on a denied permit that is under appeal. By consent, the commission added this to the agenda.

Commissioner Maginn stated this permittee has a history of violations. Counsel for the permittee has found a buyer for the permit, who also wants to transfer to a new location.

Vice Chairman Krauss asked whether the most recent violation has been settled. Chair Allen noted that if not, the transfer could not be completed until the violation has been taken care of.

Commissioner Maginn moved to renew the permit for transfer purposes only. Transfer is to be filed within 60 days. Vice Chairman Krauss seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Vice Chairman Krauss moved to make five (5) permits dead that are not subject to auction. Commissioner Grubb seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

**NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

No Policy Determinations

**ANNOUNCEMENTS**

LSA DOCUMENT #21-227 READOPTION OF RULES – Commissioner Maginn moved to readopt the rules. Vice Chairman Krauss seconded. The motion was unanimously approved.

SEPTEMBER COMMISSION MEETING – Chair Allen stated the first Commission meeting in September will be Wednesday, September 8, 2021 at 10 a.m., due to the Monday holiday.

CENSUS INFORMATION – Chair Allen stated the Commission has not received the Census numbers. When the information comes in, there is a substantial amount of work involved in analyzing that data regarding quota. The Commission has no idea where openings for new permits may be or how many there may be.

Also, the auction has not been scheduled at this time and won't be for a while.

ROUNDTABLE DISCUSSIONS – Chair Allen noted the dates for roundtable discussions: 8/17 retailers, 9/21 artisan distillers, 10/19 brewers, TBD farm wineries will be forthcoming.

A virtual link will be sent closer to the date of the discussion.

**ADJOURNMENT**

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

Approved this 8<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
JESSICA ALLEN, CHAIR

  
\_\_\_\_\_  
JOHN KRAUSS, VICE CHAIRMAN

  
\_\_\_\_\_  
DALE GRUBB, COMMISSIONER

  
\_\_\_\_\_  
MARJORIE MAGINN, COMMISSIONER