

ALCOHOL AND TOBACCO COMMISSION

October 19, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

October 5, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

DL29-32452 Zionsville Fuel, LLC – Proposed Remand Order

5. Consideration of Applications -

658 renewals

58 new/transfers

5 catering

10 new/renewal carriers

3 renewal direct wine sellers

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

7. Applications for Discussion –

RR49-37549 El Rancho Grande LLC – new with LB voting 4-0 to deny. FTA

DL49-32607 AAP Corporation – transfer with LB voting 4-0 to approve

RR63-04193 Friends Corporation – renewal with LB voting 3-1 to approve for 1 yr

RR82-37616 B. Lanae Salon, LLC – new with LB voting 3-0 to deny. FTA

RC49-10139 White River Yacht Club, Inc. – conversion from social club to 210

8. Inactive Files –

3 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

Roundtable dates – 10/19 brewers

2021 AUCTION – November 9, 2021 at 10 am., IGCS Conference Room C. Pre-bid applications due October 25, 2021.

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 19, 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 Grubb, Commission Counsel Hyer, Prosecutor Harrison, and Executive Secretary Kirkman were present.

Sarah Quinn, Greg Genrich and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the October 5, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 48 Parties' Agreed Dispositions, with fines totaling \$38,050.00, for the Commission's approval.

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

Commissioner Grubb moved to approve the catering applications. Vice Chairman Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal carrier applications. Vice Chairman Krauss seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new and renewal direct wine seller applications. Vice Chairman Krauss 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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-37549 EL RANCHO GRANDE LLC – Chair Allen noted this is a new application with the local board voting 4-0 to deny.

Vice Chairman Krauss stated the applicant failed to appear at the local board hearing.

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

DL49-32607 AAP CORPORATION – Chair Allen noted this is a transfer with the local board voting 4-0 to approve.

Vice Chairman Krauss stated the local board received a letter from a church, which is located more than 200 feet from the establishment, stating their disapproval of alcohol sales.

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

RR63-04193 FRIENDS CORPORATION – Chair Allen noted this is a renewal with the local board voting 3-1 to approve for 1 year.

Vice Chairman Krauss stated the Indiana Department of Revenue contacted the Excise Police and Prosecutor Harrison regarding issues they were having with this establishment. The business was cited, and fines were paid. The permittee seems to have issues with keeping proper records. The Vice Chairman asked that the Prosecutor keep an eye on this business.

Vice Chairman Krauss moved to uphold the local board's recommendation to approve the renewal for one year. Commissioner Grubb seconded. The motion was unanimously approved.

RR82-37616 B. LANAE SALON, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Vice Chairman Krauss stated the applicant failed to appear at the local board hearing.

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

RC49-010139 WHITE RIVER YACHT CLUB, INC. – Chair Allen noted this permit is currently a social club permit. The Commission received a request to convert the permit to a type 210 restaurant permit, which is on the same quota as a social club.

Vice Chairman Krauss moved to approve the conversion. Commissioner Grubb seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make three (3) permits dead. All three are not subject to auction. Vice Chairman Krauss seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

ROUNDTABLE DISCUSSIONS – Chair Allen noted the roundtable for 10/19 brewers is virtual.

2021 PERMIT AUCTION – Chair Allen stated the auction will be held on Tuesday, November 9, 2021 at 10 a.m. The list of available permits is on the ATC website. Pre-bid applications are due by October 25th. The auction list is on the ATC website.

STAFF CHANGES – Chair Allen noted today is Lindsay Hyer's last meeting. She wished Lindsay well in her next adventure.

Vice Chairman Krauss stated this is a serious loss for the Commission and a gain for the Secretary of State.

ADJOURNMENT

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

Approved this 2nd day of November, 2021.



JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER