

ALCOHOL AND TOBACCO COMMISSION

November 16, 2021

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

November 2, 2021

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

467 renewals

61 new/transfers

13 catering

16 new/renewal carriers

1 new direct wine seller

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

7. Applications for Discussion –

RR49-37750 La Ceiba Restaurant, LLC – new with LB voting 3-0 to deny – FTA

RR14-37590 Purple Joe's, Inc. – transfer with LB voting 4-0 to deny

DL11-32603 JLS Family LLC – new with LB voting 3-0 to deny

8. Inactive Files –

2 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 16, 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, Prosecutor Harrison, and Executive Secretary Kirkman were present.

Mark Webb was present as an observer.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the November 2, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 42 Parties' Agreed Dispositions, with fines totaling \$13,300.00, 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.

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 direct wine seller application. 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

RR49-37750 LA CEIBA RESTAURANT, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny for failure to appear.

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

RR14-37590 PURPLE JOE’S, INC. – Chair Allen noted this is a transfer with the local board voting 4-0 to deny.

Commissioner Maginn stated there is an issue with the ownership on this application. Two persons are listed as shareholders, however, one of them are now stating they are not an owner. This person is also listed as the manager on the application, signed the application and requested the orange sign that is to be posted at the location regarding the local board hearing.

Vice Chairman Krauss stated that the applicants seem to be confused as to what the responsibilities are as an owner and signing the paperwork, swearing the information is true and accurate.

Commissioner Maginn moved to continue this until the December 7, 2021 meeting, giving the owners time to clear up the paperwork. Vice Chairman Krauss seconded. The motion was unanimously approved.

DL11-32603 JLS FAMILY, LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated this is a package store application. Remonstrators were present stating their homes are very close and they do not want this type of business so close to their residences. One remonstrator stated his driveway is only 20 feet away. Also, remonstrators felt that the type of business may have been purposely hidden because when they inquired about it were only told it would be a store.

Commissioner Maginn moved to uphold the local board’s recommendation to deny the new permit because there is no need and desire for this business at that location. Vice Chairman Krauss seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Krauss moved to make two (2) permits dead. Both 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

No Announcements

ADJOURNMENT

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

Approved this 7th day of December, 2021.




JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER