

ALCOHOL AND TOBACCO COMMISSION
December 21, 2021
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

December 7, 2021 *K/16*

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

333 renewals
53 new/transfers
9 catering
15 new/renewal carriers
2 new/renewal direct wine sellers

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

7. Applications for Discussion –

DL49-32628 RSM Oil, Inc. – transfer with LB voting 2-1 to approve

RR49-38102 Mike's Speedway Lounge Group LLC – transfer with LB voting 2-1 to approve

RR79-34880 El Torito Mexican Restaurant – renewal with LB voting 4-0 to deny

RR03-13705 T A Gilham – renewal with LB voting 3-0 to approve for 1 year

8. Inactive Files –

9 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

2022 Spring Auction – April 7, 2022

Expired Permit List – On website at in.gov/atc

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 21, 2021

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Krauss (virtually present), Commissioner Maginn and Commissioner Grubb were present.

Mark Webb observed.

DISPOSITION OF MINUTES

Vice Chairman Krauss moved to approve the minutes from the December 7, 2021 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Krauss stated Prosecutor Harrison submitted 26 Parties' Agreed Dispositions, with fines totaling \$14,350.00, 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. 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.

Chair Allen noted two additional direct wine seller applications that need approval and were added to the list to approve. The permit numbers are DW0001238 and DW0000590.

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 Grubb seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-32628 RSM OIL, INC. – Chair Allen noted this is a transfer with the local board voting 2-1 to approve.

Commissioner Maginn stated there were remonstrators present at the local board hearing. The applicant is making a large investment in the area where the permit is to be located and has met with the neighbors to help ease their concerns. The issue is not the owner, but that it is a liquor store permit being placed there.

Vice Chairman Krauss stated he hopes that this endeavor will prove to be a positive addition to the area that has been in bad shape for a long time.

Commissioner Maginn moved to uphold the local board's recommendation to approve the transfer for one year, due to the neighbors' concerns. Vice Chairman Krauss seconded. The motion was unanimously approved.

RR49-38102 MIKE'S SPEEDWAY LOUNGE GROUP LLC – Chair Allen noted this is a transfer with the local board voting 2-1 to approve.

Commissioner Maginn stated there were no remonstrators present at the local board hearing, but the applicants hold another permit, which had problems with illegal activities right after that permit was issued. The Commissioner did not feel the applicant took seriously the issues with the previous permit and had concerns about granting another permit to the same owners.

Vice Chairman Krauss shared the same concerns with Commissioner Maginn and was surprised by the vote of the local board, but he acknowledged it was approved.

Vice Chairman Krauss moved to uphold the local board's recommendation to approve the transfer, but for only one year. Commissioner Grubb seconded. Chair Allen approved and Commissioner Maginn voted to deny.

RR79-34880 EL TORITO MEXICAN RESTAURANT – Chair Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated the local board had questions regarding the ownership of this permit. The permittee was to appear at the local board hearing to provide answers to those questions but failed to do so.

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

RR03-13705 T A GILHAM – Chair Allen noted this is a renewal with the local board voting 3-0 to approve for 1 year.

Commissioner Maginn stated this business started having issues during the pandemic, with increased police runs and activities that concerned the community. The permittee recognized the problems and hired counsel to help get them back on track. Their alcohol violations resulted in fines and a suspension but also allowed an opportunity to work with Prosecutor Harrison to come up with a corrective plan to help in the future.

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

INACTIVE FILES

Commissioner Grubb moved to make nine (9) permits dead. All 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

ATC 2022 SPRING PERMIT AUCTION – Chair Allen noted the Alcohol and Tobacco Commission 2022 Spring Permit Auction will be held on April 7, 2022.

EXPIRED PERMIT LIST – Chair Allen stated the list of permits that have been expired for at least 6 months is on the website. Those permits are subject to reversion to the Commission if they are not renewed.

ADJOURNMENT

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

Approved this 4th day of January, 2022.




JESSICA ALLEN, CHAIR



JOHN KRAUSS, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER