

ALCOHOL AND TOBACCO COMMISSION
SEPTEMBER 20, 2022
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

September 7, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

665 renewals
106 news/transfers
30 catering
17 new/renewal carriers
8 new/renewal direct wine sellers
1 renewal e-liquid

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

7. Applications for Discussion –

RR49-39086 First Watch Restaurants Inc – transfer with LB voting 4-0 to approve

RR45-38934 Top Notch Management Corp.- new with LB voting 2-1 to approve

RR0206315 Hall's Triangle Park – request removal of catering hall designation

LiquorLicense.com/ABC Server Training – approval request

8. Inactive Files –

4 permits not subject to auction

9. Old Business -

10. New Business –

11. Policy Determinations –

12. Announcements -

ATC Fall Permit Auction – November 10, 2022

Round Table Discussions – Brewers – September 20 @ 1:30 p.m. via Microsoft Teams

Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams

Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams
Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams
Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 20, 2022

CALL TO ORDER/NOTING OF QUORUM

Chairman Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Grubb, Deputy Director Kirkman, General Counsel Merritt, and Prosecutor Wignall were present.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the September 7, 2022 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. There were 34 dispositions with fines totaling \$21,600.00. 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.

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

Commissioner Grubb moved to approve the e-liquid renewal application. Commissioner Maginn seconded. The motion was unanimously approved.

RENEWAL LETTERS AND WAIVERS OF FEES

Vice Chairman Payne 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

RR49-39086 FIRST WATCH RESTAURANTS INC. – Chair Allen noted this is a transfer application with the local board voting 4-0 to approve.

Commissioner Maginn stated the school near the location, but not within 200 feet, was a remonstrator at the local board hearing.

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

RR45-38934 TOP NOTCH MANAGEMENT CORP.- Chair Allen noted this is a new application with the local board voting 2-1 to approve.

Commissioner Maginn stated the dance school, which shares a common wall with the location, remonstrated at the local board hearing. The dance school felt that because they are a school that the 200-foot rule applied; however, the statute requires the school to be an elementary or secondary school for this to apply.

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

RR02-06315 HALL'S TRIANGLE PARK – Chair Allen noted this permittee is requesting the catering hall designation be removed from the permit.

Commissioner Maginn moved to approve the removal of the catering hall designation. Commissioner Grubb seconded. The motion was unanimously approved.

LIQUORLICENSE.COM/ABC SERVER TRAINING – Chair Allen noted the Commission received a memo from Excise Sergeant Lynch regarding a request to approve this business to become a trainer for online server training. The Chair made the memo part of the record.

Commissioner Maginn stated this business is based out of Los Angeles. They meet the requirements in Indiana to be approved to provide online server training.

Commissioner Maginn moved to approve the request. Vice Chairman Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Payne moved to make four permits dead that are not subject to auction. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

ANNOUNCEMENTS

ATC FALL PERMIT AUCTION – Chair Allen stated the Fall auction will be November 10, 2022.

ROUND TABLE DISCUSSIONS- Round table discussions dates are set.

- Brewers – September 20 @ 1:30 p.m. via Microsoft Teams
- Non-Package Store Dealers – October 4 @ 1:30 p.m. via Microsoft Teams
- Package Stores – October 18 @ 1:30 p.m. via Microsoft Teams
- Wholesalers – November 15 @ 1:30 p.m. via Microsoft Teams
- Retailers – December 6 @ 1:30 p.m. via Microsoft Teams

ADJOURNMENT

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

Approved this 4th day of October, 2022.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER