

ALCOHOL AND TOBACCO COMMISSION  
January 18, 2023  
10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 4, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RE1753031 Mosiah Kosinski – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

603 renewals  
87 new/transfers  
19 catering  
27 carriers  
5 direct wine sellers

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

7. Applications for Discussion –

RR84-20634 Top Hat, Inc. – renewal with LB voting 3-0 to deny

RR02-32885 Marry Me IN Fort Wayne: We Marry You LLC – request for catering hall designation

RR71-06035 Peaches, Inc. – denied escrow

RR34-03931 Dan the Man, Inc. – this is on appeal - request ability to file transfer

DL11-32213 Crawfordsville BP, LLC – new with LB voting 3-0 to deny – FTA

DL11-30261 Crawfordsville BP, LLC – renewal with LB voting 3-0 to deny – FTA (violation)

DL54-31053 AKG Investments, LLC – renewal with LB voting 3-0 to deny

8. Inactive Files –

5 permits to be made inactive

RR4506764 – permit was on 1/4/23 dead list in error.

9. Old Business -

10. New Business –

11. Policy Determinations –

New Non-Rule Policy Document #29 Extensions

12. Announcements -

2023 Amended Commission Meeting Dates -

3rd week of January 2023, Wednesday January 18

1st week of May 2023, Wednesday May 3

1st week of July 2023, Wednesday July 5

1st week of September 2023, Wednesday September 6

1st week of November 2023, Wednesday November 8

4th week of December 2023, Wednesday December 27 (Escrow Hearing)

13. Adjournment

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JANUARY 18, 2023

### CALL TO ORDER/NOTING OF QUORUM

Chair 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 January 4, 2023 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. Thirty-two dispositions were submitted with fines totaling \$24,900.00. Commissioner Grubb seconded. The motion was unanimously approved.

### HEARING JUDGE'S RECOMMENDATIONS

RE1753031 MOSIAH KOSINSKI – Vice Chairman Payne, who sat as hearing judge, stated this permittee was cited for a violation. The fine was not paid, and the permittee failed to appear for the settlement conference. An Order to Show Cause Hearing was scheduled, and the permittee failed to appear. Vice Chairman Payne now submits the Findings and Default Judgment Order, which prohibits the permittee from obtaining a permit for one-year.

Vice Chairman Payne moved to revoke the permit and prohibit the issuance of an employee permit for a period of one-year. Commissioner Grubb seconded. The motion was unanimously approved.

### 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 carrier applications. Commissioner Maginn seconded. The motion was unanimously approved.

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

### **APPLICATIONS FOR DISCUSSION**

RR84-20634 TOP HAT, INC. – Chair Allen noted this is a renewal with the local board voting 3-0 to deny. This was continued from the last meeting due to an issue with the local board recording. That issue has been corrected.

Commissioner Maginn stated there are questions with this permittee regarding the true ownership of the permit and business. The local board denied based on high and fine reputation.

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

RR02-32885 MARRY ME IN FORT WAYNE: WE MARRY YOU LLC – Chair Allen noted this permittee is requesting to be designated as a catering hall.

Commission Maginn moved to approve this request. Commissioner Grubb seconded. The motion was unanimously approved.

RR71-06035 PEACHES, INC. – Chair Allen noted this permittee was denied escrow for failure to appear for 2 escrow hearings.

Commissioner Maginn stated the owner has submitted a letter and confirmation that she was out of the country during those hearings and was not able to appear.

Commissioner Maginn moved to allow one additional chance to appear at the February 28, 2023 escrow hearing. Commissioner Grubb seconded. Chair Allen voted to allow the additional chance. Vice Chairman Payne voted against.

Vice Chairman Payne clarified his vote by stating that he will be looking very closely at permittees who seem to ignore their responsibilities as permit holders. While this permittee was out of the country, there was time before and/or after to notify this office and to make other arrangements. The ATC spends a lot of time preparing for these hearings and he feels the permittees should be equally diligent in regards to their responsibilities as owners of the business.

RR34-03931 DAN THE MAN, INC. – Chair Allen noted this renewal was denied and is under appeal. They have submitted a request to file a transfer.

Commissioner Maginn stated the current owner has an interested buyer, which is the previous owner of the business. The current establishment operates as an adult entertainment bar. The new concept, if the transfer is approved, would possibly be a country and western bar.

Commissioner Maginn moved to allow the transfer to be filed. Vice Chairman Payne seconded. The motion was unanimously approved.

Chair Allen stated due to the nature of the violation against this establishment, she would like to make sure on the transfer that the local board is comfortable and satisfied that the proposed operation of the business has procedures in place to prevent over-service and staff training.

Commissioner Grubb agreed with the Chair's statement regarding the history.

Vice Chairman Payne added that in the request to file the transfer it does state that the new vision is to have a country and western concept. He will be checking to make sure that, if transferred, the owner will follow through with statements made in the request.

DL11-30261 CRAWFORDSVILLE BP, LLC and DL11-32213 CRAWFORDSVILLE BP, LLC – Chair Allen asked the Commission to take these together by consent. Both were voted 3-0 to be denied by the local board for failure to appear.

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

DL54-31053 AKG INVESTMENTS, LLC – Chair Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated there was a problem with the audio file. It was not available for the Commissioner's review. Excise provided a detailed memo regarding the happenings at the local board hearing, but Commissioner Maginn wanted to possibly have another opportunity to listen to the audio.

Commissioner Maginn moved to continue this to the February 7, 2023 meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Commissioner Grubb moved to make five permits inactive. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Maginn moved to reinstate RR45-006764. It was put on the Inactive List at the last Commission meeting, in error. Commissioner Grubb seconded. The motion was unanimously approved.

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

No New Business

**POLICY DETERMINATIONS**

NON-RULE POLICY #29- EXTENSION LETTERS – Commissioner Maginn moved to continue the vote on the policy to the February 21, 2023 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

**ANNOUNCEMENTS**

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

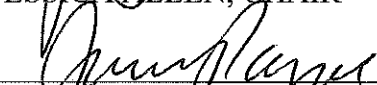
- 1st week of May 2023, Wednesday May 3
- 1st week of July 2023, Wednesday July 5
- 1st week of September 2023, Wednesday September 6
- 1st week of November 2023, Wednesday November 8
- 4th week of December 2023, Wednesday December 27

**ADJOURNMENT**

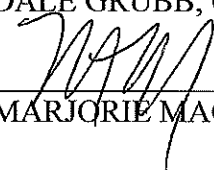
Vice Chairman Payne moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this 7<sup>th</sup> day of February, 2023.

  
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JESSICA ALLEN, CHAIR

  
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JIM PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER