

ALCOHOL AND TOBACCO COMMISSION

February 7, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

January 18, 2022

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications -

630 renewals
54 new/transfer
53 catering
75 carriers
6 direct wine sellers

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

7. Applications for Discussion –

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

DL92-30880 Dolgencorp, LLC – remand

DL79-12611 Village Liquors, LLC – renewal with LB voting 2-1 to approve

RR20-37119 Gallops Party Store – denied escrow

RR50-35875 Holston Development – denied escrow

DL12-33123 J & J Retail Investments Inc – transfer with LB voting 3-1 to approve

8. Inactive Files –

5 permits to be made inactive

9. Old Business -

10. New Business –

11. Policy Determinations –

LSA Document #22-263 Adoption

12. Announcements -

2023 Amended Commission 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 (Escrow Hearing)

13. Adjournment

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 7, 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 18, 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. Eighty-four dispositions were submitted with fines totaling \$57,050.00. 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 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

DL54-31053 AKG INVESTMENTS, LLC – Chair Allen noted this is a renewal with the local board voting 3-0 to deny. This was continued from the 1/18/23 meeting due to issues with the local board recording. Those issues have been corrected.

Commissioner Maginn stated that the local board felt the owner purchased the permit under false pretense and never intended to open a business himself, but only intended to sell the permit. Also, the five-year escrow period expired on June 30, 2022, and the permit is still not in use.

Chair Allen stated she felt that the permittee showed a lack of candor during escrow hearings regarding plans to put the permit into use. There is still not a building on the property.

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

DL92-30880 DOLGENCORP, LLC – Chair Allen noted this renewal was approved by the local board without consideration of a violation that was pending.

Commissioner Maginn moved to remand the renewal to the local board so the violation can be reviewed. Commissioner Grubb seconded. The motion was unanimously approved.

DL79-12611 VILLAGE LIQUORS, LLC – Chair Allen stated the Commission received a request to continue this matter for one meeting.

Vice Chairman Payne moved to continue. Commissioner Maginn seconded. The motion was unanimously approved.

RR20-37119 GALLOPS PARTY STORE – Chair Allen noted this permit was denied escrow in January, but there may have been an issue with the notice sent to the permittee regarding the hearing date.

Commissioner Maginn moved to reschedule this permittee for the February 28, 2023 escrow hearing. Motion seconded by Vice Chairman Payne. Motion was unanimously approved.

RR50-35875 HOLSTON DEVELOPMENT – By consent, the Commission removed this permit from the agenda. Permit has been issued.

DL12-33123 J & J RETAIL INVESTMENTS INC. – Chair Allen noted this is a transfer with the local board voting 3-1 to approve.

Commissioner Maginn stated the applicant has had several non-compliance issues regarding permits being in escrow and being put into use. Also, this applicant owns twelve liquor store permits in multiple counties. His establishments have a history of violations---loitering, minor sales, no ID checks. The Commissioner noted the applicant does not have a good system for checking IDs. She stated that with twelve liquors stores, the applicant should be aware of the laws and regulations and recommended the applicant have a written policy for his employees on training to work in a liquor store.

Commissioner Maginn moved to uphold the local board’s recommendation to approve the transfer and to send notice to the applicant regarding policies for training employees. Vice Chairman Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make five permits inactive. Commissioner Maginn seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

LSA DOCUMENT #22-263 ADOPTION – Vice Chairman Payne moved to adopt LSA Document #22-263 as written. 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

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

Approved this 21st day of February, 2023.



JESSICA ALLEN, CHAIR



JIM PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER