

ALCOHOL AND TOBACCO COMMISSION

July 18, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 5, 2023

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR45-33798 Southlake Bar I, LLC – Order on Rule to Show Cause

TC15103001 Express Gas 1 @ Food Mart LLC – Order on Rule to Show Cause

5. Consideration of Applications –

652 renewals

82 new/transfers

41 catering

28 carriers

23 direct wine sellers

6. Waivers of Fees for Letters of Extension -

7. Items for Discussion –

RR02-35122 Las Lomas, LLC – Motion to Reconsider

CH49-30199 Lafayette Rooms LLC – new with LB voting 4-0 to approve

CH49-30198 600 East Events – new with LB voting 4-0 to approve

RR02-06097 Rongos, Inc. – Extension request

RR43-38210 Tap Root Brewhouse & Company LLC – Extension request

RC22-81013 Voiture 1250 40 & 8 – Extension request

RR22-34063 Toki Masubuchi, Inc. – Extension request

DL22-31796 Family Dollar Stores of Indiana, LLC – Extension request

8. Inactive Files –

4 permits to be made inactive

9. Old Business -

10. New Business --

11. Policy Determinations --

12. Announcements -

2023 Amended Commission Meeting Dates -

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

JULY 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, Executive Director Kirkman, Prosecutor Wignall, and General Counsel Merritt were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the July 5, 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. Fifty-four dispositions were submitted with fines totaling \$31,400.00. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-33798 SOUTHLAKE BAR I, LLC – Vice Chairman Payne, who sat as Hearing Judge, noted this was a violation where no one appeared for the settlement conference and the Order to Show Cause hearing.

Vice Chairman Payne moved to revoke this permit, admit seized products into evidence and have the products destroyed. Commissioner Maginn seconded. The motion was unanimously approved.

TC15103001 EXPRESS GAS 1@FOOD MART LLC – Vice Chairman Payne, who sat as Hearing Judge, noted this was a violation where no one appeared for the settlement conference and the Order to Show Cause hearing.

Vice Chairman Payne moved to revoke this permit. Commissioner Maginn 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.

WAIVERS OF FEES – LETTERS OF EXTENSION

Commissioner Maginn moved to approve the fee waived letters of extension issued the preceding weeks. Commissioner Grubb seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

RR02-35122 LAS LOMAS, LLC – Chair Allen noted this permit was revoked at the July 5, 2023 meeting for failure to appear at an Order to Show Cause Hearing. The permittee has filed a Motion to Reconsider and a Stay of the final order.

Commissioner Maginn stated the based on the information provided by the permittee, the certified mail notice was signed by a manager and not the owner of the business. There was also mention of a possible problem with the address.

Commissioner Maginn moved to allow one time to reinstate the permit. Commissioner Grubb seconded.

Vice Chairman Payne stated the Commission spends a lot of time on these cases to make sure we are operating by the book. It is the responsibility of the permittee to keep track of what is happening at the business, especially violations. He informed the rest of the Commission he would vote “no” to the reinstatement.

Chair Allen looked at the file and found that all paperwork was sent to the proper location as provided by the permittee. She reminded everyone the paperwork submitted is signed under the penalties for perjury and should be accurate when submitted.

Chair Allen, Commissioner Maginn and Commissioner Grubb voted to approve the motion and reinstate the permit. Vice Chairman Payne voted against the motion.

CH49-30199 LAFAYETTE ROOMS LLC – Chair Allen noted this is a new application with the local board voting 4-0 to approve with remonstrators present at the hearing.

Commissioner Maginn stated the applicant met with remonstrators before the local board meeting and a neighborhood agreement was signed. The commission cannot enforce the agreement; however, it could be considered if there are problems in the future and could be used to show an issue with character.

Chair Allen made note that the local board's approval was contingent on the floor plan approval for the required 250 seats, which is still a condition of the approval.

Commissioner Maginn moved to uphold the recommendation of the local board. Commissioner Grubb seconded. The motion was unanimously approved.

CH49-30198 600 EAST EVENTS – Chair Allen noted this is a new application with the local board voting 4-0 to approve with remonstrators present at the hearing.

Commissioner Maginn stated remonstrators have concerns about parking. Zoning has approved with the current number of parking places.

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

RR02-06097 RONGOS, INC. – Extension request. No longer needed.

RR43-38210 TAP ROOT BREWHOUSE & COMPANY LLC – Chair Allen stated this is a second Extension request.

Commissioner Maginn said there are questions on ownership of the permit and a need for documents providing clarification.

Commissioner Maginn moved to approve an additional 90-day Extension for time to gather documents. Commissioner Grubb seconded. The motion was unanimously approved.

RC22-81013 VOITURE 1250 40 & 8 – Chair Allen noted this is an Extension request due to the renewal not being timely scheduled for local board.

Commissioner Maginn moved to approve a fee waived, 90-day Extension. Commissioner Grubb seconded. The motion passed unanimously.

RR22-34063 TOKI MASUBUCHI, INC. – Chair Allen noted this is an Extension request due to the renewal not being timely scheduled for local board.

Commissioner Maginn moved to approve a fee waived, 90-day Extension. Vice Chairman Payne seconded. The motion was unanimously approved.

DL22-31796 FAMILY DOLLAR STORES OF INDIANA, LLC - Chair Allen noted this is an Extension request due to the renewal not being timely scheduled for local board.

Commissioner Maginn moved to approve a fee waived, 90-day Extension. Commissioner Grubb seconded. The motion passed unanimously.

DL35-30911 AND DL35-32029 JOHNSON PETROLEUM – Commission added these Extension requests to the agenda by consent.

Chair Allen stated during the process of the permittee compiling records of alcohol sales, the local board had to be continued.

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

Vice Chairman Payne wanted to compliment Chair Allen on the hard work that went into the Non-Rule Policy that was approved regarding the issuance of Extension letters. He said it shows the importance of reviewing and approving these letters.

INACTIVE FILES

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

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2023 AMENDED COMMISSION MEETING/ESCROW MEETING DATES -

1st week of September 2023, Wednesday September 6
1st week of November 2023, Wednesday November 8
4th week of December 2023, Wednesday December 27

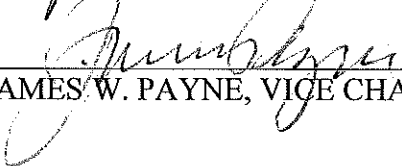
ADJOURNMENT

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

Approved this 1st day of August, 2023.



JESSICA ALLEN, CHAIR



JAMES W. PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER