

ALCOHOL AND TOBACCO COMMISSION

August 1, 2023

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes –

July 18, 2023

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

5. Consideration of Applications –

428 renewals
35 news/transfers
51 catering
32 carriers
11 direct wine sellers

6. Waivers of Fees for Letters of Extension -

7. Items for Discussion –

RR42-02468 Sparks Liquor Services, LLC – requesting catering hall designation

DL44-32843 Lakeville Liquor Store, Inc. – transfer with LB voting 2-2

DL67-30742 Downtown Marathon LLC – renewal with LB voting 4-0 to deny – FTA (4 times) - violation

RR49-40179 Heartland Film Inc. – requesting catering hall designation

RR53-32765 El Ranchero Mexican Restaurant LLC – Extension request

RR45-33798 Southlake Bar I, LLC – Motion to reconsider

TC15103001 Express gas 1@food mart LLC – Motion to reconsider

8. Inactive Files –

2 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

AUGUST 1, 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 and Commissioner Grubb were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the July 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. Sixty-eight dispositions were submitted with fines totaling \$47,350.00. 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.

WAIVERS OF FEES – LETTERS OF EXTENSION

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

ITEMS FOR DISCUSSION

RR42-02468 SPARKS LIQUOR SERVICES, LLC – Chair Allen noted this permittee is requesting to be designated as a catering hall.

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

Chair Allen noted there is also a request for an Extension. The pending violations were cleared with the approval of the catering hall designation.

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

DL44-32843 LAKEVILLE LIQUOR STORE, INC. – Chair Allen noted this is a transfer of location application with the local board voting 2-2.

Commissioner Maginn stated this was a remonstrated hearing. Owners gave testimony as to the operation of the business. Remonstrators were present testifying there is no need or desire for this permit in the community and also provided a petition with 1200 signatures.

Commissioner Maginn moved to deny the transfer application. Vice Chairman Payne seconded. The motion was unanimously approved.

DL67-30742 DOWNTOWN MARATHON LLC – Chair Allen noted this is a renewal application with the local board voting 4-0 to deny for failure to appear four times at the local board hearing due to a violation.

Commissioner Maginn stated the applicant's attorney contacted the Commission regarding this denial, and provided information as to why there were failures to appear.

Commissioner Maginn moved to allow only one more time for the applicant to appear before the local board. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-40179 HEARTLAND FILM INC. – Chair Allen noted this permittee is requesting approval for a catering hall designation.

Commissioner Maginn moved to approve the request to be considered a catering hall. Vice Chairman Payne seconded. The motion was unanimously approved.

RR53-32765 EL RANCHERO MEXICAN RESTAURANT LLC – Chair Allen stated this is an Extension request. The permit does not expire until 8/18/23 and their signed Settlement Agreement was approved by the Commission today.

Commissioner Maginn stated the local board hearing on the renewal is scheduled for 8/2/23 and moved to approve the issuance of an Extension. Vice Chairman Payne seconded.

Chair Allen added that the next commission meeting is 8/15/23 and there may not be a need for an Extension if the permit is approved that day.

Commissioner Maginn amended her motion by continuing this matter to the 8/15/23 meeting, if needed. Vice Chairman Payne seconded the amended motion. The motion was unanimously approved.

RR45-33798 SOUTHLAKE BAR 1, LLC – Chair Allen noted the Commission revoked this permit at the last meeting, due to failure to appear for a violation. The permittee has filed a Motion to Reconsider.

Commissioner Maginn moved to reinstate the permit. Chair Allen asked if a deadline should be established for the violation to be settled, however the violation was settled 7/31/23. Vice Chairman Payne seconded. The motion was unanimously approved.

Chair Allen reiterated how important it is for permittees to provide the Commission with accurate information regarding addresses, etc.

Vice Chairman Payne agreed with the Chair and mentioned how this is the permittee's livelihood and should be taken seriously. The Vice Chair also stated he would be preparing an Order for the reinstatement of the license.

TC15103001 EXPRESS GAS 1@FOOD MART LLC – Chair Allen noted this was also a revocation for failure to appear for an Order to Show Cause hearing.

Commissioner Maginn stated this was an issue where the permittee said paperwork was sent to an incorrect address.

Commissioner Maginn moved to reinstate the tobacco certificate. Vice Chairman Payne seconded.

Chair Allen noted there are still pending violations and asked Commissioner Maginn if she would agree to an amendment to the original motion.

Commissioner Maginn moved to amend her motion to give the permittee until the September 6, 2023 meeting to settle the violations and at that time, the permit will be reinstated. Vice Chairman Payne seconded the amended motion. The motion was unanimously approved.

Vice Chairman Payne stated he will do an Order on the reinstatement.

RR46-01558 BLACKHAWK INN, INC. – Chair Allen stated this is a second Extension request. The Commission added this to the agenda by consent. The permit expires on August 9th and the local board hearing is on August 3rd, which would cause lag time between the expiration and Commission approval.

Commissioner Maginn stated because there have been violations, she moved to allow an Extension until only until August 15th to see how the local board votes and at that time decide if the renewal of the permit will be granted. Vice Chairman Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make two 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 15th day of August, 2023.



JESSICA ALLEN, CHAIR



JAMES W. PAYNE, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER