

ALCOHOL AND TOBACCO COMMISSION

December 1, 2015

10:00 A.M.

1. Call to Order and Noting of Quorum –

2. Disposition of Minutes

November 17, 2015

3. Prosecutor's Recommendations –

PAD Forms

4. Hearing Judge's Recommendations –

RR45-29938 Wail Odtallah – Proposed Findings of Fact and Conclusions of Law

5. Consideration of Applications -

679 Renewals

62 New/Transfers

3 Catering

12 1st Year Escrow

6 2nd Year Escrow

2 3rd Year Escrow

2 5th Year Escrow

9 New Direct Wine Shippers

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

7. Applications for Discussion –

DL45-30290 Lincoln Highway Liquors, Inc. – Renewal and transfer with LB voting 2-1 to approve

DL76-30467 Dolgencorp, LLC – New application with LB voting 4-0 to approve

DL50-29224 Amrit One Stop, Inc. – Renewal with LB voting 3-1 to approve

RH34-29984 FH-Hotel Kokomo Opco, LLC – Withdrawal of application

RR49-28421 PNC Bancorp LLC – Renewal with LB voting 4-0 to deny

8. Inactive Files –

9. Old Business -

10. New Business -

Adoption of Emergency Rule re: licensing requirements for e-liquid manufacturers

Revocation of Employee Permits

Tina Morgan, BR1817413 – 1 conviction

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 1, 2015

CALL TO ORDER/NOTING OF QUORUM

Chairman Cook called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Coleman, Commissioner Grubb and Commissioner Maginn. Executive Secretary Rothenberg, Commission Counsel Allen, Prosecutor Mader, and Superintendent Strittmatter were also in attendance.

Mark Webb, Katie Maddox, Patrick Tamm, Alex Intermill, Jane Gentry, Diane Masariu, Marc Carmichael, Matt Brase, Davey Neal, Greg Genrich, Bart Herriman, Mike Maxwell, Schuyler Culver, and Anthony Mitson were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Coleman moved to approve the minutes from the November 17, 2015 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Prosecutor Mader recommended the Commission approve the 100 Parties' Agreed Dispositions that were submitted, totaling approximately \$27,775.00 in fines.

Commissioner Maginn moved to approve the Dispositions that were submitted for the December 1, 2015 meeting. Vice Chairman Coleman seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR45-29938 WAIL ODTALLAH – Hearing Judge Rothenberg stated this permittee was operating outside of the scope of their permit--restaurant permit operating as a liquor store. The local board recommended the renewal be denied. The Commission upheld the denial. The permittee filed an appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Coleman moved to uphold the recommendation of the Hearing Judge to deny the renewal. 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 our staff with the authority of the commission and hereby move for approval of same 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 applications for changes in location or 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 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 applications for catering. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a commissioner as appropriate for escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Grubb moved to approve the new direct wine shipper permits. Commissioner Maginn seconded. The motion was unanimously approved.

Six hundred seventy-nine (679) renewals approved, sixty-three (63) new and/or transfer applications approved, three (3) permits approved for catering, twelve (12) permits approved for first year escrow, six (6) permits approved for second year escrow, two (2) permits approved for third year escrow, two (2) permits approved for fifth year escrow, and nine (9) new direct wine shipper permits approved.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Coleman moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL45-30290 LINCOLN HIGHWAY LIQUORS, INC. – Chairman Cook noted this is a renewal with the local board voting 2-1 to approve. This was continued from the last meeting.

Chairman Cook moved to continue this renewal until the December 16, 2015 meeting, to allow time for additional review. Vice Chairman Coleman seconded. The motion was unanimously approved.

DL76-30467 DOLGENCORP, LLC – Chairman Cook noted this is new application with the local board voting 4-0 to approve. This was continued from the last meeting.

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

DL50-29224 AMRIT ONE STOP, INC. – Chairman Cook noted this is a renewal with the local board voting 3-1 to approve. This was continued from the last meeting.

Commissioner Maginn moved to uphold the local board's recommendation to approve the renewal for one year. Vice Chairman Coleman seconded. The motion was unanimously approved.

RH34-29984 FH-HOTEL KOKOMO OPCO, LLC – Commission Counsel Allen stated this was a transfer of ownership. The transfer was approved by the local board and the Commission. However, the deal between owners fell through. They are requesting the Commission withdraw their approval and allow the permit to return to original owners.

Vice Chairman Coleman moved to deny the request to withdraw the approval of the transfer. Commissioner Maginn seconded. The motion was unanimously approved.

RR49-28421 PNC BANCORP, LLC – The Chairman noted this is a renewal with the local board voting 4-0 to disapprove.

Vice Chairman Coleman moved to uphold the local board and deny the renewal. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

No Old Business

NEW BUSINESS

ADOPTION OF EMERGENCY RULE FOR E-LIQUID MANUFACTURERS – Commission Counsel Allen recommended the Commission adopt the emergency rule regarding e-liquid manufacturers. The rule will go into effect January 1, 2016, and will remain in effect until a permanent rule is adopted.

Commissioner Maginn moved to adopt the emergency rule. Vice Chairman Coleman seconded. The motion was unanimously approved.

REVOCAION OF EMPLOYEE PERMITS - Commissioner Grubb moved, pursuant to IC 7.1-3-18-9.5, to order the following employee permit holders to complete an alcohol evaluation and treatment program within the next six months and provide proof of same to the Commission. The Commissioner further moved that these revocations be rescheduled for the June 3, 2016 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Tina Morgan, BR1817413

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

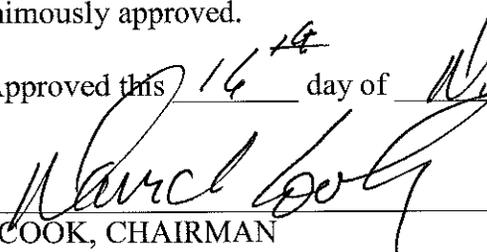
Chairman Cook stated the next Commission meeting will be held on Wednesday, December 16, 2016 at 10 a.m.

Chairman Coleman introduced Sola Egunyomi. Sola is the new controller for the ATC.

ADJOURNMENT

Vice Chairman Coleman moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved this 16th day of December, 2015.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER