

## **MINUTES**

### **ALCOHOL AND TOBACCO COMMISSION**

OCTOBER 21, 2025

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairwoman Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Jones, Deputy Director Serak, Prosecutor Wignall and Senior Attorney Beaucaire were in attendance.

#### **DISPOSITION OF MINUTES**

Vice Chairman Payne moved to approve the minutes from the October 7, 2025 meeting. Commissioner Jones 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. Forty-three dispositions were submitted with fines totaling \$30,900.00. Commissioner Jones seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

No Hearing Judge's Recommendations.

#### **CONSIDERATION OF APPLICATIONS**

Commissioner Jones 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 the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones 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. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the catering applications. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the direct wine shipper applications. Vice Chairman Payne seconded. The motion was unanimously approved.

## **WAIVERS OF FEES – LETTERS OF EXTENSION**

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

## **ITEMS FOR DISCUSSION**

RR45-36364 PLAYO'S NIGHTCLUB LLC – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to approve for 1 year and an extension request.

Commissioner Maginn stated this matter has been on our agenda for several meetings. An amended corrective action plan was received along with all copies of permits for every employee and training certificates. However, new issues have surfaced. The permittee's name on the permit is different than what is filed with the Secretary of State's Office. Also, a flyer has circulated regarding an event scheduled at the business that appears to be exactly what the owner said would no longer happen because of the problems those events cause.

Commissioner Maginn moved to continue this to November 4<sup>th</sup> to allow time for an investigation of the new developments. Commissioner Jones seconded.

Vice Chairman Payne stated the updated corrective action plan is less detailed than the original one. He would like to see more details like the original one, but without the "should do" and more "will do" statements.

Chairwoman Allen commented that she is fine with the continuance because this information is new and there has not been time for review, but noted that if this keeps happening, a remand to the local board for a hearing may be warranted.

Commissioner Maginn amended her motion to include having legal send a letter asking about the flyer showing the scheduled event and why it is being held when the local board was told these events would no longer take place. Vice Chairman Payne seconded the amended motion. The motion was unanimously approved.

DL49-32456 VP51 INC. – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated the business had violations in the past with the most recent violation involving the sale of nitrous oxide, which is illegal and dangerous.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal. Vice Chairman Payne seconded.

Chairwoman Allen noted in January 2025, all tobacco certificate holders were sent notification regarding the prohibited sale of nitrous oxide. So, they were put on notice about the repercussions of selling this product.

The motion was unanimously approved.

RR49-04451 D & E GROVES LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business has a history of violations. The local board feels it has become a public nuisance.

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

RR49-39978 FUZION INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to deny.

Commissioner Maginn stated remonstrators, including IMPD, were present at the local board hearing. The location has a history of police runs. Not all were directly tied to this business but were from the general area. The permittee provided testimony regarding policies that were going to change to help keep the business running properly. Better security, closing earlier, dress code, and no more promoters are part of the changes being made.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Vice Chairman Payne seconded.

Vice Chairman Payne stated that mention was made at the local board hearing that the rule regarding health department requirements dealing with food service had sunsetted. However, that section, 905 IAC 1-9-5, is still valid.

Chairwoman Allen noted that rule is up for readoption.

Commissioner Jones stated he will vote to approve a one-year renewal based on comments made by the president of the local board regarding the fact that many of the police runs are not directly related to the business, such as, thefts of weapons from cars. Considering Indiana law does not require a permit to own a gun, it should not surprise those who have guns in their cars having them stolen. The Commissioner stated the permittee seems to have done a lot of things to curb the problems at the establishment.

Chairwoman Allen agreed that she also cannot find fault with the business for weapons being stolen from cars and maybe it shows security at the bar is working as far as weapons not being brought into the bar. She finds the fights inside the bar that were not reported by the bar, but by the victims after being taken to the hospital for injuries concerning, along with the last report for a fatal DUI.

The motion was approved 3-1 to uphold the local board's recommendation to deny.

RR49-36287 TAQUERIA LA CHELA LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to approve.

Commissioner Maginn stated the remonstrator argued that zoning is not proper for this permit at the location. A proper zoning notice was presented at the time of the original application showing the zoning approved. Also, after the hearing, the Bureau of Property Maintenance and Services provided two old variances showing the location is zoned for a restaurant.

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

RR45-40006 EILEEN BUTCHER – Chairwoman Allen noted this permittee was denied escrow so now the renewal is on for consideration.

Commissioner Maginn moved to deny the renewal. Commissioner Jones seconded. The motion was unanimously approved.

MM45-30646 18<sup>TH</sup> STREET BREWERY LLC – Chairwoman Allen noted this is a request to consider reactivating a permit.

Commissioner Maginn stated this type of permit is not a quota permit. The permit was made dead due to renewals not being filed.

Commissioner Maginn moved to allow the reactivation of the permit. Vice Chairman Payne seconded.

Commissioner Jones stated the permittee was sent numerous notices regarding the renewal of the permit and they failed to act on them. He does not want to encourage more of this to happen.

Chairwoman Allen agreed, however, because this is not a quota permit and has not prevented anyone else from applying and processing a new application is more work for the staff than a reactivation, she will vote to approve the reactivation.

Vice Chairman Payne agreed with the comments made by Commissioner Jones.

The motion passed 3-1 to approve the reactivation of the permit.

RR49-39282 ICE BAR AND LOUNGE LLP – Chairwoman Allen noted this is on for an extension request. This was continued from the last meeting due to last-minute information submitted to the Commission regarding a violation being issued to this owner at a different establishment and insufficient time to review that information.

Commissioner Maginn stated Excise recently cited the owner of Ice Bar for a violation at Bar Group LLC, permit #RR49-88385, which she apparently has been operating since February without a Manager's Questionnaire on file and now has a violation.

Commissioner Maginn moved to deny the extension request. Commissioner Jones seconded. Vice Chairman Payne abstained because he is hearing judge regarding the appeal.

Chairwoman Allen noted permittee's attorney provided information to the Commission prior to today addressing one of the failures to appear at the local board hearing. That information can be presented to the hearing judge at the appeal hearing along with possibly addressing the additional failures to appear after clear communication as to the date of the meeting.

The motion was approved 3-0 with 1 abstention.

RR45-38308 TSA PROPERTIES LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated we received an updated corrective action plan. There is a pending violation. The prosecutor and counsel for the permittee are in discussion regarding the violation. The Commissioner asked Excise to check out the business to see if it may need to be placed on PACE.

Commissioner Maginn moved to approve an extension until November 18<sup>th</sup> to allow time for Excise to report back on PACE and the status of the violation. Commissioner Jones seconded.

Vice Chairman Payne stated a concern for him is the corrective action plans are not dated, and the wording is different, so it is difficult to know which one is the updated plan.

Commissioner Maginn moved to amend her motion to include submitting a more specific corrective action plan.

The motion was unanimously approved.

MM48-30635 CULTURED URBAN WINERY LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated a previous request for an extension was granted conditioned upon receipt of the Form 1. This is an additional extension request, but the Form 1 has not been submitted.

Commissioner Maginn moved to approve a 90-day extension conditioned upon receipt of the Form 1. Commissioner Jones seconded. The motion was unanimously approved.

RR82-34405 GRAVITY GARDENS BREWING COMPANY LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated all missing items have been received.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. The motion was unanimously approved.

RR49-40088 7802 CORPORATION – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee is missing a Form 1 and there is a discrepancy between the address on our records and the one on the Certificate of Insurance which needs to be corrected.

Commissioner Maginn moved to approve a 90-day extension conditioned upon the items being submitted and corrected. Commissioner Jones seconded. The motion was unanimously approved.

RR09-36799 POLSINELLIS BAR & GRILL LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the business has had three violations in the last year. One is still pending. The last two happened within a month of each other and both were dealing unauthorized beverages.

Commissioner Maginn moved to approve an extension until November 18<sup>th</sup>, to allow time for the violation to be settled. Vice Chairman Payne seconded.

Commissioner Jones stated he will vote no to the extension due to the repetitive nature of the violations. The owner continued to buy from a non-wholesaler and lied to Excise even though there was a receipt showing where it was purchased. The Commissioner commended the officer for his knowledge of product distribution and knowing one item located was new and not available prior to the permittee being placed on the "no ship" list.

Chairwoman Allen stated if the business is caught again while operating on this extension, she would be inclined to pull the extension.

The motion was approved 3-1.

\*\*\*Chairwoman Allen asked the Commissioner to add the following permit to the agenda by consent. Consent was granted.

RR18-32416 LIMBIRD BROTHERS LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there is a tax protest on this permit.

Commissioner Maginn moved to approve a 90-day extension conditioned upon the tax protest being cleared. Commissioner Jones seconded. The motion was unanimously approved.

### **INACTIVE FILES**

Chairwoman Allen noted #DL69-33576 was removed from the list of permits to be made dead.

Chairwoman Allen stated an attorney reached out to her regarding permit #RR45-34038, asking for a month to allow time for his client to try and persuade the owner to renew this permit so his client can submit a transfer. The 2023-2024 renewal was submitted piece by piece over a period of time after notices were sent. The Chair noted her sympathy for the buyer who is also having trouble getting the permittee to act so that they may be able to put the permit into use.

Chairwoman Allen moved to place the permit on the November 18<sup>th</sup> list to be made inactive, and if a complete renewal, including all forms, and fees have not been received, the Commission can consider it at that time. Commissioner Jones seconded. The motion was unanimously approved.

Commissioner Maginn moved to make 20 permits dead that were previously posted on the October 7, 2025 meeting agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 19 permits posted to be made dead at the November 4, 2025 meeting, who have failed to submit renewals.

### **OLD BUSINESS**

No Old Business

## NEW BUSINESS

No New Business

## POLICY DETERMINATIONS

No Policy Determinations

## ANNOUNCEMENTS

2025 AMENDED COMMISSION MEETING DATE - Chairwoman Allen stated the next 2025 Amended Meeting Dates are:

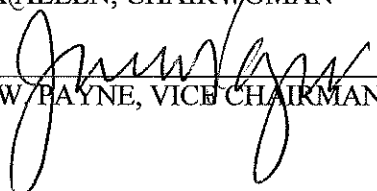
December 2025 (no escrow hearing)

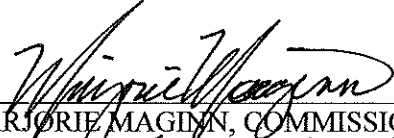
## ADJOURNMENT

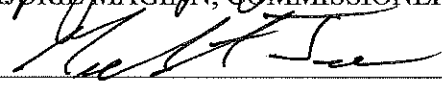
Commissioner Jones moved to adjourn the meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

Approved this 4<sup>th</sup> day of November, 2025.

  
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JESSICA ALLEN, CHAIRWOMAN

  
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JAMES W. PAYNE, VICE CHAIRMAN

  
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MARJORIE MAGINN, COMMISSIONER

  
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MARK A. JONES, COMMISSIONER