

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 7, 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, 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 September 16, 2025 meeting. Commissioner Maginn 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. Ninety-three dispositions were submitted with fines totaling \$55,650.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

TC17006001 MANSI 4 EVER INC – Chairwoman Allen noted this is on for Proposed Findings of Fact.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge regarding this matter. The issues regarding this business are whether the business is considered to be a new business and whether the 1000 feet of a school rule applies. The application was filled out correctly stating it was within 1000 feet of a school, and the tobacco certificate was issued.

Vice Chairman Payne moved to uphold the Findings and approve the issuance of the tobacco certificate. Commissioner Maginn seconded.

Chairwoman Allen stated there have been issues with selling to minors at businesses that are close to schools and that the permittee is on notice that there should be no violations of Title 7.1.

The motion was unanimously approved.

TC16395001 AVON TOBACCO & MORE LLC – Chairwoman Allen noted this is on for Proposed Order on Show Cause Hearing for violations.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge regarding this matter. The Order shows the permittee failed to appear at the hearing.

Vice Chairman Payne moved to uphold the Order to revoke the tobacco certificate. Commissioner Maginn seconded. The motion was unanimously approved.

RC61-89315 AMVETS PARKE COUNTY POST #61 INC. – Chairwoman Allen noted this is on for Proposed Findings of Fact.

Vice Chairman Payne, who sat as hearing judge in this matter, stated this renewal was denied at the local board hearing and the Commission upheld the denial, based on recent violations that occurred at the location. An appeal was filed. At the appeal hearing testimony was given regarding the help to veterans and the philanthropic programs the post provides to the community. The post also provided a corrective action plan that is very extensive, changing hours of operation, the size of drinks, and policies regarding the bartenders.

Vice Chairman Payne moved to overturn the denial and approve the renewal for one year. Commissioner Maginn seconded. The motion was unanimously approved.

RR03-38723 CULTURA ENTERTAINMENT LLC – Chairwoman Allen noted this is on for a Proposed Order on Show Cause Hearing for violations.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge regarding this matter. The Order shows the permittee failed to appear at the hearing.

Vice Chairman Payne moved to uphold the Order to revoke the permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR20-34980 FIVE STAR DIVE BAR, INC. – Chairwoman Allen noted this is on for a Proposed Order on Show Cause Hearing for violations.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge regarding this matter. The Order shows the permittee failed to appear at the hearing.

Vice Chairman Payne moved to uphold the Order to revoke the permit. Commissioner Maginn seconded. The motion was unanimously approved.

DL49-33441 CENTRAL INDIANA PACKAGE GROUP LLC – Chairwoman Allen noted this is on for reconsideration of the ability to operate during the appeal.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge in this matter. The Commissioner recommended the granting of the request to operate during the appeal and to schedule the appeal hearing withing 45 days for all three of the appeals regarding these owners.

Vice Chairman Payne moved to uphold the recommendation of Commissioner Jones. Commissioner Maginn seconded.

Commissioner Maginn stated she is reluctantly voting to approve. She is concerned about the owners being mindful of all the laws and regulations of the Commission, especially because they purchased many permits and have quite a large group of businesses.

Vice Chairman Payne stated even though he presented this case for Commissioner Jones, he is going to vote to deny the request. He feels there is too much history of violations and the lack of commitment to

the privilege they have of holding these permits. The Vice Chairman said there seems to be a callous disregard for management and the follow-through of the requirements for the State of Indiana regarding the sale of alcoholic beverages.

Chairwoman Allen stated she is also torn on this matter, as well. There were tax issues and to solve those issues a forged clearance was submitted.

The motion to approve was denied 2-1.

**Chairwoman Allen asked the Commissioners to add the following matter to the agenda by consent. Consent was granted.

TC14800001 AND DL41-32220 FRANKLIN SMOKE TIME INC. – Chairwoman Allen noted this is on for an Order on Show Cause Hearing for violations.

Vice Chairman Payne stated Commissioner Jones sat as hearing judge in this matter. The Order shows the permittee failed to appear.

Vice Chairman Payne moved to uphold the recommendation of Commissioner Jones and revoke the tobacco certificate and alcohol permit. Commissioner Maginn seconded.

Vice Chairman Payne stated he is astounded at the number of permittees who fail to appear regarding problems they have. Instead of coming to the Commission to explain, they just ignore.

Chairwoman Allen noted the violations involved the sale of nitrous. Nitrous is not a commodity you can sell for purposes of intoxication. She stressed that it is dangerous and businesses that are selling this product should think about whether they are a valued part of the community, or if they are creating harm in the community. The Chairwoman stated anything involving the illegal sale of nitrous is unacceptable.

The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

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

Vice Chairman Payne 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.

Chairwoman Allen asked the Commission to add #CT06-32848 to the agenda by consent. Consent was granted.

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

Vice Chairman Payne moved to approve the direct wine shipper applications. Commissioner Maginn 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 Maginn 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. At these meetings, the Commission has requested items be submitted. A corrective action plan with dates when the corrections will be completed. The copies of permits for every employee and training certificates are still outstanding. The permit expired a year ago and the permittee is still not compliant.

Commissioner Maginn moved to deny the extension request and to continue the renewal until October 21, 2025. Vice Chairman Payne seconded.

Vice Chairman Payne commented that the corrective action plan sounds like a wish list and not a plan. He would like there to be more of a commitment to change and not just a should change.

Chairwoman Allen made note that one of the training certificates submitted for one employee was a food handler's permit and not for serving alcoholic beverages. That employee was supposed to have completed the alcohol training by October 13, 2024. Some of the copies of the employee permits were not applied for until October 1, 2025. Those employees have 120 days to complete server training. The Chair stated the local board approved the renewal 3-1 based on testimony of the level of compliance and commitment of the permittee. This two-week period is the time the permittee needs to show there is actually a level of compliance and commitment with Title 7.1.

The motion was unanimously approved.

RR49-11398 TRI-ENTERTAINMENT CORPORATION – Chairwoman Allen noted this on to approve the renewal for purposes of transfer. The transfer was approved by the local board on October 6, 2025, and will come before the Commission on October 21, 2025.

Chairwoman Allen moved to approve the renewal for one year for purposes of transfer only. Commissioner Maginn seconded. The motion was unanimously approved.

RR41-94243 D & B KELLER ENTERPRISES, INC. – Chairwoman Allen noted this is on for conversion from a type 209 permit to a type 210 permit due to annexation of the location.

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

RR49-37692 38TH ST SPORTS BAR & GRILL CORP – Chairwoman Allen noted this is on for a request to reinstate the permit.

Commissioner Maginn stated this permit expired on September 5, 2022, and sometime after that was made “pending auction”. An attorney has been hired and several of the missing items have been submitted.

Commissioner Maginn moved to reinstate the permit conditioned upon four complete renewals with payment and three years of detailed Escrow Requests being submitted by October 13th, noting non-compliance will result in the permit reverting to the Commission. Chairwoman Allen seconded.

Vice Chairman Payne stated he is concerned that this is sending the wrong message to other permittees that they can ignore the processes and responsibilities that go along with being a permit holder. He feels this is setting a bad precedent to throw out all of the work that has been done by the employees at the Commission over the years and the time spent trying to assist, but the permittee still did not follow through. The Vice Chairman thinks this sends a message that is unsatisfactory to those who diligently follow the rules and regulations.

Chairwoman Allen stated she is torn on what to do with this case. Counsel did a good job explaining the recent matters related to the permit. The Chair agreed much work has gone into this permit by commission employees. It has also been advertised to be on the auction in November. She is reluctantly going to vote to reinstate the permit.

Vice Chairman Payne asked if this needs to be continued for a Commission vote to revert, if all paperwork is not complete and not submitted by October 13th.

Chairwoman Allen stated if the reinstatement is approved and the status remains as “pending auction”, if everything is not submitted by October 13th, the permit will remain on the auction list, so it would not be necessary for a vote.

Commissioner Maginn amended the motion to approve the reinstatement but keep the status as “pending auction” so if everything is not received, the permit will remain on the auction list. Chairwoman Allen seconded. Vice Chairman Payne voted against the motion. The motion passed 2-1.

RR46-41539 LICKITY SPLITZ INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated a previous business (JD’s) at this location was a problem location with overservice and an incident that resulted in a death. There have been two owners since that time using a new D/B/A. The current owner obtained the permit by stock transfer and has recently changed the D/B/A back to JD’s. This owner also hired someone who worked for the business back when there were numerous problems. At the local board hearing there were questions concerning the duties of this employee and whether the service of alcohol was included in those duties and the owner stated it was not part of the job duties. However, Excise witnessed this employee serving drinks. The Commissioner noted a corrective action plan was submitted by the previous owner is still in effect because the new

ownership was due to a stock transfer. She would like Excise to monitor the business in an undercover capacity to make sure the business is running properly. There will be zero tolerance for problems with employee training and overservice.

Commissioner Maginn moved to overturn the local board and approve the permit for one year. Vice Chairman Payne seconded.

Vice Chairman Payne stated the Commission has a system that works. Thousands of permits go through this process and if the rules are followed it runs very smoothly. The staff is always available if there is a question.

Chairwoman Allen noted that this owner does not inherit the problems of the first owner but does inherit the testimony of the owner who transferred the stock, that being the intention to distance the business from JD's. The current owner stated extensive background checks will be completed and if there are problems, that person may be hired to do something other than serving alcohol. The Chair cautioned the permittee about the D/B/A switch back to JD's and the possibility of that inviting the same issues that caused the business to close previously. There is a high standard to prove this owner will operate in a lawful manner.

The motion was unanimously approved.

RR45-38177 CSA ENTERPRISES INC. – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated in June this permit was denied renewal for failure to appear. The Commission remanded the renewal to the local board for one additional opportunity to appear. The permit expired on May 20, 2024. Evidence submitted to the local board indicates the establishment has been in operation at least five times since expiration.

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

Chairwoman Allen noted this business continued operating without a permit and failed to appear at the local board hearing. She is concerned by the fact that they had reasons for not appearing but still operated with alcohol.

The motion was unanimously approved.

RR45-20186 SHADES OF TIME INC. – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated a tax protest was placed on this permit on December 22, 2023, and is still not settled.

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

RR45-42303 DAVID ANGUIANO – Chairwoman Allen noted this is a transfer of permit #RR45-20186 that was unclear whether a vote was taken to deny because the permit being transferred was denied renewal.

Commissioner Maginn moved to deny because there is no permit to transfer. Vice Chairman Payne seconded. The motion was unanimously approved.

DL37-04928 RED BARON LIQUORS INC. – Chairwoman Allen noted this is on for an extension request.

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

RR49-93208 THE MUCKY DUCK PUB LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this business has had an extremely large number of police runs lately and has a pending violation. Prosecutor Wignall has placed the permit on PACE and has sent a settlement offer to the permittee regarding the violation. Counsel has been retained and provided a corrective action plan.

Commissioner Maginn moved to approve a 30-day extension to allow time for the violation to be settled. Vice Chairman Payne seconded.

Vice Chairman Payne noted the corrective action plan was extensive and stated the permittee would meet with other establishments in the area to try and get on the same ID scanners that can cross-reference patrons. He feels it is a good approach sharing information and making it more of a community system instead of an individual one.

Chairwoman Allen stated there has not been unnecessary delays with this renewal. The timing of the violation, along with the local board hearing has caused the delay.

The motion was unanimously approved.

RR49-33618 JOHALRAN INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated that incomplete forms were submitted.

Commissioner Maginn moved to conditionally approve an extension when completed forms are received. Vice Chairman Payne seconded. The motion was unanimously approved.

CH45-20984 ST GEORGE SERBIAN ORTHODOX CHURCH – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated all missing items have been submitted.

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

RC71-05769 ST JOSEPH YOUNG MEN SOCIETY INC OF SOUTH BEND IND – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there is confusion regarding the actual name of this organization and that it is in the process of being worked out between Commission staff and permittee's counsel.

Commissioner Maginn moved to approve one additional 30-day extension. Vice Chairman Payne seconded.

Vice Chairman Payne reluctantly seconded. He feels this should be a quick fix that should only take a couple of weeks.

The motion was unanimously approved.

RR71-04660 STUDIO RUMBA 305 INC. – 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. Vice Chairman Payne seconded. The motion was unanimously approved

RR49-39282 ICE BAR AND LOUNGE - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal of this permit was denied and one extension has been denied. New information has been provided to the Commission that may impact this issue.

Commissioner Maginn moved to allow a two-week extension to allow time for review of the new information. Vice Chairman Payne seconded. The motion was unanimously approved.

RR45-41247 TANIA'S RESTAURANT 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. Vice Chairman Payne seconded. The motion was unanimously approved

RR45-05308 BLANCO INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated a floor plan affidavit, or a final inspection must be submitted.

Commissioner Maginn moved to conditionally approve an extension upon receipt of floor plan approval. Vice Chairman Payne seconded. The motion was unanimously approved.

RR48-14318 BEARVON CORPORATION - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated ownership information and a corrective action plan have been received.

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

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

Commissioner Maginn stated there is a pending violation. A corrective action plan was submitted, but the specifics of the plan need to be clarified.

Commissioner Maginn moved to approve a two-week extension. Vice Chairman Payne seconded.

Vice Chairman Payne stated parts of the corrective action plan are fine, but there are terms and policies that are not clear and need to be explained in more detail.

Chairwomen Allen felt like the permittee was trying to address the overservice issue, but there needs to be follow-through.

The motion was unanimously approved.

RR53-37838 YATAGARASU RAMEN INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the corporation has been dissolved with the Secretary of State and there is a tax protest on file.

Commissioner Maginn moved to deny the extension request and continue it until November 4th to allow time to fix these issues. Vice Chairman Payne seconded.

Vice Chairman Payne noted that if the corporation has been administratively dissolved, it does not exist. If it does not exist, a permit cannot be held by that entity. He is puzzled by the number of these that occur.

The motion was unanimously approved.

RR20-31180 MIGUEL RUIZ OCAMPO - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated a floor plan affidavit, or a final inspection must be submitted.

Commissioner Maginn moved to conditionally approve an extension upon receipt of floor plan approval. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-27664 EL CHISPAS NO 2 LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this is a third extension request and it is under appeal from the denial of the renewal. The permittee asked for approval to file a transfer. The request was granted.

Commissioner Maginn moved to grant a 90-day extension if the transfer is filed by October 14th. Vice Chairman Payne seconded.

Chairwoman Allen stated the renewal was denied and she reluctantly approved the perspective purchaser to operate the business on a Manager's Questionnaire while waiting for the transfer to be filed. She is ready to see the transfer filed and the process completed.

The motion was unanimously approved.

***Chairwoman Allen asked the commissioners to add the following permits to the agenda by consent. Consent was granted.

RR32-36374 VALENTIN ENTERPRISES LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated they have had a violation for serving a minor, so she wants a corrective action plan to be submitted.

Commissioner Maginn moved to approve a 90-day extension conditioned upon receipt of an approved corrective action plan. Vice Chairman Payne seconded.

Vice Chairman Payne stated he would like to see a clear, specific reason why there is a need for an additional extension.

The motion was unanimously approved.

RR49-98027 EL RODEO MEXICAN RESTAURANT #2 INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee has submitted all missing items.

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

RR64-35393 3FOR1 LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the Form 1 is still missing from the renewal.

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

RR22-40056 WIMSATT SOAP COMPANY LLC - Chairwoman Allen noted this is on for an extension request.

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

INACTIVE FILES

Chairwoman Allen stated #DL49-31524 and #DL49-33813 were removed from the list of permits to be made dead. Renewals were submitted.

Commissioner Maginn moved to make 8 permits dead that were previously posted on the September 16, 2025 meeting agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 22 permits posted to be made dead at the October 21, 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)

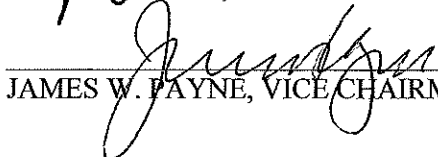
ADJOURNMENT

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

Approved this 21st day of October, 2025.


JESSICA ALLEN, CHAIRWOMAN


MARJORIE MAGINN, COMMISSIONER


JAMES W. PAYNE, VICE CHAIRMAN


MARK A. JONES, COMMISSIONER