

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 4, 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 21, 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-five dispositions were submitted with fines totaling \$33,300.00. Commissioner Jones seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

RR45-06264 BERNICE CARTER – Commissioner Jones, who sat as hearing judge, stated the business was cited for a violation of falsification of records. The owner of the business died in 2014, but for the next 10 years renewals and paperwork for the permit were submitted with Bernice Carter's signature. Pursuant to IC 7.1-3-21-8 and IC 7.1-3-23-20, Commissioner Jones stated the statutes are clear and mandatory that the only remedy is revocation of the permit.

Commissioner Jones moved to uphold the Findings to revoke the permit. Commissioner Maginn seconded.

Commissioner Jones also stated that he would not be opposed to a transfer being filed by Shirley Carter, who appeared to have no involvement in the falsification of records.

The motion was unanimously approved.

RR45-38015 VIBE HOOKAH LOUNGE & CATERING INC. – Vice Chairman Payne, who sat as hearing judge, stated this permittee has a pending violation. A violation hearing was scheduled and held. The permittee failed to appear, and the violation is still pending.

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

DL11-33019 JATINDER KUMAR – Vice Chairman Payne, who sat as hearing judge, stated this applicant was approved for a permit. Remonstrators were present at the local board hearing and one

remonstrator filed for and was granted intervenor status by the Commission. The appeal hearing was held. The basis of the remonstrator was the location was within 200 feet of a church that the remonstrator pastored. However, evidence presented at the hearing was not convincing to Vice Chairman Payne that this was a valid church---no utilities, no chairs, no accoutrements associated with a church.

Vice Chairman Payne moved to uphold the Findings to deny the appeal and approve the permit. Commissioner Jones seconded. The motion was unanimously approved.

Commissioner Jones commended Vice Chairman Payne on the Findings. He stated they were very extensive and well researched.

Chairwoman Allen agreed and noted that the purported church service moved to the house of the remonstrator if there were inclement weather, which would move the location of the permit further away. Also, the current building on the lot where the permit is going to be used is going to be demolished and a new building will be built, so it is difficult to determine the 200-foot rule.

### **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 has been on our agenda since August. This permittee has had problems with disclosing information regarding ownership and employees. The permittee has been cited for public nuisance violations.

Commissioner Maginn moved to remand the renewal for reinvestigation of the owner/manager. Vice Chairman Payne seconded.

Vice Chairman Payne stated a more acceptable corrective action plan was submitted, that addressed specifics of the operations.

Chairwoman Allen asked if the extension request was part of the original motion.

Commissioner Maginn amended the motion to also deny the extension request. Vice Chairman Payne seconded. The amended motion was unanimously approved.

RR55-38520 THE FARM HOUSE BREW – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated the owner of the business was not very forthcoming with answers to questions asked by the local board. There were questions as to how the permit is being used. The local board hearing was continued and the permittee failed to appear at the October hearing.

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

RR20-00853 BARNES & BARNES INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to approve for one year.

Commissioner Maginn stated the permittee has a history of violations and needs to provide a corrective action plan.

Commissioner Maginn moved to continue this until November 18<sup>th</sup> and directed the legal department to notify the permittee regarding the submission of a corrective action plan. Commissioner Jones seconded. The motion was unanimously approved.

RR84-01565 WABASH VALLEY HOSPITALITY INC. AND RR84-03694 WABASH VALLEY HOSPITALITY INC. – Chairwoman Allen noted these are renewals with the local board voting 3-0 to deny.

Commissioner Maginn stated these permits were put into escrow due to violations. One of the permits has a possible buyer. The owner has one other permit that is operational.

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

Vice Chairman Payne noted the local board asked the permittee what kind of security is provided and what kind of training security has. The owner said he hired a local truck driver but was not able to

provide any information regarding any training or experience information. The Vice Chairman stated it seems that permittees do not pay enough attention or respect the importance of having proper security.

Chairwoman Allen noted the local board acknowledged a possible buyer but did not want to approve the renewal in case the permittee decided to reopen and the transfer fell through. However, if the permittee files a timely appeal and a request is made under Rule 36, the Commission may consider a transfer.

The motion was unanimously approved.

RR49-36555 MIMI'S EVENT LOUNGE LLC – Chairwoman Allen noted this a renewal for the purpose of transfer. Transfer was submitted with renewal. An additional renewal and a notarized POA were needed and submitted. The tax protest has also been cleared.

Chairwoman Allen moved to approve the renewal for transfer purposes, only, and allow 30 days for the transfer to be completed. Vice Chairman Payne seconded. The motion was unanimously approved.

RR84-41351 THE ALAMO STEAKHOUSE LLC – Chairwoman Allen noted this is a request to schedule a local board hearing.

Commissioner Maginn stated the permittee had a violation in the last year and was mistakenly placed on the automatic renewal list instead of being scheduled for a local board hearing as required.

Commissioner Maginn moved to set aside the prior renewal and schedule a local board hearing. Commissioner Jones seconded. The motion was unanimously approved.

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

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

MM08-29942 DTA FARMS LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated one of the owners died and there are issues with the will being contested.

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

RR49-40045 MIAMI'S GARDEN LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal of this permit was denied. An appeal was filed, and the hearing is scheduled for January 22, 2026. A corrective action plan was submitted.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. Vice Chairman Payne abstained because he is the hearing judge for the appeal. Chairwoman Allen voted against the motion. Motion carries 2-1 with one abstention.

RR49-39978 FUZION INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal was denied and an appeal was filed, along with a corrective action plan.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. Vice Chairman Payne voted to approve. Chairwoman Allen voted against the motion. The motion was approved 3-1.

DL49-32087 ROYAL PETROLEUM INC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee is working on ownership issues.

Commissioner Maginn moved to approve a third 90-day extension. Commissioner Jones seconded. Chairwoman Allen voted to approve. Vice Chairman Payne voted against the motion. The motion was approved 3-1.

RR49-38051 OHSR ENTERPRISE LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal of this permit was denied. An appeal was filed. The appeal is scheduled for December 8, 2025. A corrective action plan was submitted.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. Vice Chairman Payne abstained because he is the hearing judge for the appeal.

Chairwoman Allen noted she feels the appeal process is taking too long, but because the appeal hearing has been scheduled, she will vote to approve the extension.

The motion was approved 3-0 with one abstention.

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

RC92-00454 COLUMBIA CITY LODGE #1417 B & P ORDER OF ELKS OF USA – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee had issues with their paperwork. Those issues have been cleared.

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

### **INACTIVE FILES**

Commissioner Maginn moved to make 19 permits dead that were previously posted on the October 21, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 19 permits posted to be made dead at the November 18, 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.

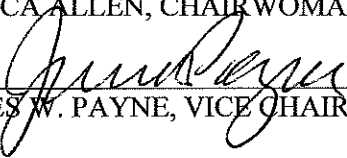
Approved this 18<sup>th</sup> day of November, 2025.



JESSICA ALLEN, CHAIRWOMAN



MARJORIE MAGINN, COMMISSIONER



JAMES W. PAYNE, VICE CHAIRMAN



MARK A. JONES, COMMISSIONER