

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 16, 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, General Counsel Beaucaire and Senior Attorney Daphne Whitmire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the December 2, 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. Sixty-one dispositions were submitted with fines totaling \$41,800.00. 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

CH49-30252 AND CT49-32617 THE BLISS SPACE LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny for failure to appear.

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

Chairwoman Allen also noted there is a valid extension until December 18, 2025, but stated any catering events held after December 18, 2025, would not be authorized for alcohol service.

RR45-36364 PLAYO'S NIGHTCLUB LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn noted remonstrators were present at the local board hearing from the police department and the city of Gary, who stated this business is a drain on city resources and seems to be a crime magnet.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Commissioner Jones seconded.

Chairwoman Allen stated a list of questions was provided to the permittee prior to the local board hearing regarding their establishment, from the Commission. The permittee did not appear to have any answers to those questions.

The motion was unanimously approved.

RR29-30044 PANCAKE HOUSE INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated the business had been cited for employees not having permits and not completing training in 2024. It appears that training has still not been completed. Also, the manager was unable to tell the local board where the alcohol was purchased for the business.

Commissioner Maginn moved to continue this until January 21, 2026, grant a three-day Letter of Authority, and require submission of proof of employee permits, training and a corrective action plan prior to that date. Commissioner Jones seconded.

Vice Chairman Payne stated the permittee seems to have very little knowledge of the rules and regulations regarding the holding of an alcoholic beverage permit. He is reluctant to approve the motion.

Chairwoman Allen agreed stating the permittee was cited for violations but failed to correct them and provided no knowledge to the local board of business operations. The Chairwoman voted against the motion.

The motion passed 3-1.

RR63-42924 Highbanks LLC – Chairwoman Allen noted this is on for a catering hall designation.

Commissioner Maginn moved to approve the catering hall designation request. Commissioner Jones seconded. The motion was unanimously approved.

RR71-31075 Filling Station Bar & Grill Inc. – Chairwoman Allen noted this is on for a request for remand.

Commissioner Maginn stated the Excise Officer who sits on the local board requested this renewal be remanded for further investigation of the low food sales figures for this business.

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

DL24-25982 Pavey's Grocery Inc. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the issues with the paperwork have been resolved.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded.

Commissioner Jones noted the importance of reading the application closely and timely providing all the information required for the applications to cut down on unnecessary delays and extra work for the ATC staff.

The motion was unanimously approved.

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 and appealed. The appeal hearing was held and is currently under advisement.

Commissioner Maginn moved to approve a 60-day extension. Commissioner Jones seconded. Chairwoman Allen voted to approve. Vice Chairman Payne abstained. The motion was approved 3-0 with 1 abstention.

RR49-36592 8501 Pendleton Club LLC – Chairwoman Allen noted this is on for an extension review. The permittee is currently operating on an extension and has been cited for a new violation.

Commissioner Maginn stated the new violation is the fifth in a two-year period---two since October. The newest violation includes charges for public nuisance, battery, and public indecency among other things.

Commissioner Maginn moved to have the extension picked up and brought to the ATC office. Commissioner Jones seconded.

Chairwoman Allen stated there seems to be repeats of the same violations, which is a big concern leaving the extension in place. Permittees need to operate in a manner that does not require excessive use of law enforcement resources.

Commissioner Jones made note that a complaint was filed which is why law enforcement visited the business.

The motion was unanimously approved.

RR39-30300 & CT39-31774 MISS LIBBY'S ON MAIN INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated paperwork has been updated as required.

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

RR02-41719 PEANUTS LLC – Chairwoman Allen noted this is on for an extension request continued from December 2nd.

Commissioner Maginn stated the tax protest has been cleared. The business has been cited twice in 2025 for public nuisance and is currently on PACE. The Commissioner would like the permittee to submit a corrective action plan.

Commissioner Maginn moved to approve an extension until January 6, 2026. Commissioner Jones seconded. The motion was unanimously approved.

RR02-01930 WHOLESALERS INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permit expired in January 2025 and the Certificate of Existence is not valid with the Secretary of State.

Commissioner Maginn moved to approve a 90-day extension to allow time for them to update their Certificate of Existence. Commissioner Jones seconded.

Vice Chairman Payne noted if they no longer exist as a corporation there is a possibility personal liabilities could occur, so they need to get this matter taken care of this week.

Chairwoman Allen stated the extension request states they have been and are currently working on this issue with the Secretary of State.

The motion was unanimously approved.

RR49-04230 WARFLEIGH WINOS LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the renewal paperwork is now complete.

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

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

RR52-33372 BLACK ENTERPRISES LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there were a couple of issues regarding this permit that have been resolved.

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

RR49-38160 N-ZONE BAR AND GRILL LLC – Chairwoman Allen noted this is on for an extension request. She abstained from the vote because she is sitting as hearing judge and turned the discussion over to Vice Chairman Payne.

Commissioner Maginn stated there is a pending violation scheduled for a prehearing conference and counsel has been hired. A corrective action plan was submitted and there is a tax protest.

Commissioner Maginn moved to approve a 90-day extension once the tax protest is clear. Commissioner Jones seconded reluctantly.

Vice Chairman Payne stated the corrective action plan was extensive but understands the reluctance.

The motion passes 3-0 with 1 abstention.

DL73-32384 INDY QUICK STOP INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated an incomplete renewal was filed on 7/3/25 and missing item notices have been sent to the permittee several times, to no avail. Also, the permittee may be using a tobacco certificate that is not issued to them.

Commissioner Maginn moved to grant an extension until January 6, 2026, to allow time for the renewal to be completed. Vice Chairman Payne seconded.

Commissioner Jones stated the permittee was informed several times that the renewal was incomplete and it is still incomplete. The stated reason the extension was requested was for late filing of the renewal. The permittee intends to be more careful in the future. The Commissioner reiterated the importance of reading and knowing what is required so unnecessary work is not put upon the ATC staff. He intends to vote against the extension.

Chairwoman Allen noted there has not been a tobacco certificate in the permittee's name since June 30, 2025, so no tobacco should be sold at that location until a valid certificate has been issued.

The motion passed 3-1.

INACTIVE FILES

Chairwoman Allen stated renewals were filed so #RR79-36028, RR29-19483, DL08-28764 and RR06-40826 were removed from the dead list.

Commissioner Jones moved to make 35 permits dead that were previously posted on the December 2, 2025 meeting agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 13 permits posted to be made dead at the January 6, 2025 meeting, who have failed to submit renewals.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

SENIOR ATTORNEY DAPHNE WHITMIRE – Chairwoman Allen happily announced the promotion of Melissa Beaucaire to General Counsel and the hiring of Daphne Whitmire as Senior Attorney. Her background is in criminal prosecution and litigation.

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

December 2025 (no escrow hearing)

2026 AMENDED COMMISSION MEETING DATES – Chairwoman Allen stated the amended meeting dates for 2026 are:

Wednesday, January 21 (MLK, Jr. Day on the 19th)

Wednesday, May 6 (Primary Election Day on the 5th)

Wednesday, May 27 (Memorial Day on the 25th) - Escrow Hearing

Wednesday, November 4 (General Election Day on the 3)

ADJOURNMENT

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

Approved the 6th day of January 2026, by a vote of 3-0.