

**STATE OF INDIANA  
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

**IN THE MATTER OF** )  
**THE PERMIT OF:** )  
 )  
**OLIVIA ANNE SZALAIY** ) **Applicant No: 3171433**  
 )

**PROPOSED FINDINGS OF FACT**  
**AND**  
**CONCLUSIONS OF LAW**

**I.**  
**BACKGROUND OF THE CASE**

The Applicant, Olivia Anne Szalaiy, applicant number 3171433, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her application on November 5, 2018. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had one conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5. Applicant was sentenced under cause number 30D021805CM988 on September 28, 2018. Applicant was ordered to complete three hundred sixty-five (365) days of probation. Applicant timely appealed the denial of her employee permit application. An appeal hearing was held on February 7, 2018.

**II.**  
**EVIDENCE BEFORE THE ATC**

1. The following individuals testified before the ATC in favor of the Applicant in this cause:

- a. Olivia Anne Szalaiy.

**III.**

## **FINDINGS OF FACT**

1. The Applicant is the applicant for an Alcohol and Tobacco Commission employee permit. (ATC File).
2. The Applicant has one (1) conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years.
3. The Applicant is still on probation for the conviction.
4. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

## **IV.** **CONCLUSIONS OF LAW**

1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(f) because Applicant one conviction for operating while intoxicated and is still on probation.
2. The Applicant is currently scheduled to complete probation on September 28, 2019 and will be eligible for a permit at that time.
3. If the court terminates probation prior to September 28, 2019, the Applicant will be eligible for a permit sooner.
4. Applicant requested that the Alcohol and Tobacco Commission hold her application until her eligibility date rather than deny and issue a partial refund.
5. The hearing judge in this matter finds that it would be inefficient to refund the application fee and process a new application since the eligibility date is less than one year from the date of these proposed findings.
6. Any conclusion of law may be considered a finding of fact if the context so warrants.

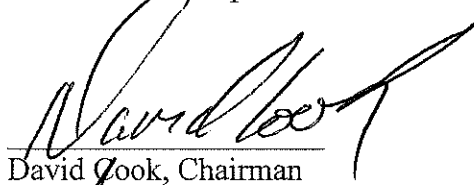
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for applicant number 3171433 is in compliance with the law. The eligibility date for Applicant is September 28, 2019. The Commission will hold the application and fee and issue at the eligibility date pending a follow check with the Indiana Bureau of Motor Vehicles. If Applicant is released from probation sooner, she shall notify the commission.

DATED: 2/18/19

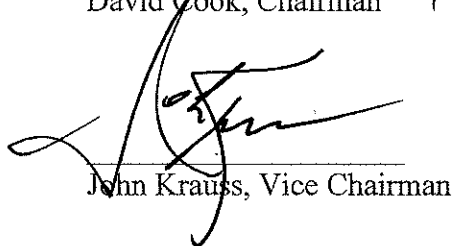


Jessica Allen, Hearing Judge

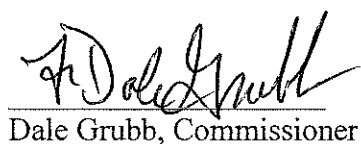
Commission Adoption:

  
David Cook, Chairman

Date: 4-2-19

  
John Krauss, Vice Chairman

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Marjorie Maginn, Commissioner

  
Dale Grubb, Commissioner

