

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

IN THE MATTER OF)	
THE PERMIT OF)	
)	
Geoffrey Hager)	PERMIT NO. BR1919050
223 Story Rd)	VIOLATION NO: EX19009583
Franklin IN 46131)	
)	
Permittee.)	

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT
JUDGMENT ORDER**

I. BACKGROUND OF THE CASE

Geoffrey Hager, permit number BR1919050 (Permittee), is the holder of an employee permit issued by the Alcohol and Tobacco Commission (ATC). ATC Prosecutor sent notice of violation to permittee scheduling a prehearing conference. Permittee failed to appear for prehearing conference. Hearing judge issued an order to show cause scheduling the matter for hearing. Permittee again failed to appear for order to show cause hearing.

II. FINDINGS OF FACT

1. Prosecutor Josh Harrison (Prosecutor) sent notice of violations to permittee at the address of record on July 10, 2019 which included notice of a pre-hearing conference on August 8, 2019.
2. Notice of Violation included allegations of:
 - a. IC 7.1-3-18-9 – failure to meet employee permit requirements.
3. Allegations were based on Permittee having two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5.

4. Permittee was sentence for the second conviction on May 14, 2019. The maximum sentence would be 365 days.
5. The first conviction was on December 7, 2009.
6. Permittee failed to appear for the pre-hearing conference on August 8, 2019.
7. An order to show cause was mailed to the permittee at the address on record setting the matter for a hearing on August 29, 2019.
8. Permittee failed to appear at the order to show cause hearing.
9. Permittee has not been in contact regarding order to show cause.
10. Prosecutor was present for the order to show cause hearing on August 29, 2019 at which time he made a request for revocation of permit number BR1919050.
11. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Ind. Code § 7.1-1-2-2 and § IC 7.1-2-3-4.
2. Notice of violation was proper. 905 IAC 1-37-1 and 905 IAC 1-37-2.
3. Prehearing conference was held pursuant to 905 IAC 1-37-6 and Permittee had had opportunity to participate in the prehearing conference but failed to appear.
4. Hearing judge issued an order to show cause to Permittee, which ordered Permittee to appear on August 29, 2019. 905 IAC 1-37-9.
5. Permittee failed to appear for Order to Show Cause hearing.
6. Permittee's eligibility date for a permit is May 14, 2020.

7. Permittee's eligibility date could change if Permittee submits evidence that the sentence for the second conviction for operating while intoxicated concluded prior to May 14, 2020.

8. Default judgment is appropriate to complete the disposition of the violations.
905 IAC 1-37-9.

9. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

IV. DEFAULT JUDGMENT ORDER

Permittee failed to appear for the pre-hearing conference and order to show cause hearings in this matter.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the permittee is found in default for a violation of IC 7.1-3-18-9, employee permit qualifications. Permit BR1919050 is hereby REVOKED.

DATE: November 18, 2019.



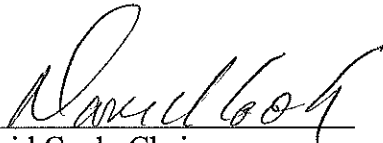
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Geoffrey Hager
223 Story Rd
Franklin IN 46131

ADOPTION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
DEFAULT JUDGMENT ORDER




David Cook, Chairman

Dated: 1-7-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner