

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

<b>IN THE MATTER OF</b>	)	
<b>THE PERMIT OF:</b>	)	
	)	
<b>LAPAZ QUICK MART</b>	)	<b>Permit No. TC13467001</b>
<b>840 S. MICHIGAN ST.</b>	)	<b>IRF# EX21004465</b>
<b>PLYMOUTH, IN 46220</b>	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

Comes now the the duly appointed Hearing Judge for the Indiana Alcohol and Tobacco Commission (the "Commission") this Proposed Findings of Fact, Conclusions of Law, and Order regarding the pending violation action against Lapaz Quick Mart ("Respondent") and submits them to the Commission for consideration.

**Procedural History**

1. Respondent holds a tobacco certificate under permit number TC13467001.
2. Iqbaal Singh Lall is the owner and operator of the permit location.
3. Respondent's permit premises is located at 840 S. Michigan St, Plymouth Indiana 46220.
4. Prosecutor filed a Notice of Violation against Respondent under cause EX21004465. That Notice of Violation alleged

that Respondent violated Indiana Code 35-46-1-10.2: Tobacco sales to minors by retail establishments.

5. On August 24, 2021, a final hearing was held in the hearing room at the Alcohol and Tobacco Commission. Respondent appeared in person and was not represented by counsel. Vice-Chairman John Krauss oversaw the hearing as the duly appointed Hearing Judge.

#### **Findings of Fact**

6. Respondent's permit location falls within the geographic jurisdiction of District 1 of the Indiana State Excise Police.
7. Respondent's location is a gas station and convenience store.
8. Lieutenant Nicholas Canal is an officer with the Indiana State Excise Police and is assigned to the District 1 office.
9. On March 29, 2021, Lieutenant Canal, along with Officer Michelle Traughber who is also with the Indiana State Excise Police, conducted a tobacco compliance check at Respondent's location.
10. Lieutenant Canal utilized a compliance minor for the tobacco compliance check at Respondent's location. The minor's true date of birth is February 9, 2004. This would make the minor seventeen years of age as of the date of the compliance check.

11. During routine compliance checks involving covert minors, the Indiana State Excise Police have a series of standard protocol control measures to ensure a fair and reliable check is conducted at the permit location. Those protocols include that the minor cannot be in possession of any form of identification, cannot lie about their age or date of birth, and that the minor is to be observed through the full transaction if possible.
12. During the compliance check at Respondent's location, Lieutenant Canal did observe all of the standard compliance check protocol measures.
13. Lieutenant Canal entered Respondent's location with the covert minor at approximately 4:18 pm.
14. Lieutenant Canal stood approximately ten feet away from the minor when she approached the sales counter. Lieutenant Canal could hear the minor request Maverick branded cigarettes. The minor had lowered her mask prior to making the request for the tobacco product.
15. Lieutenant Canal observed the clerk, who was later identified as the owner, Mr. Iqbaal Singh Lall, retrieve the tobacco products and pass the tobacco products across the counter to the minor. The minor then handed over the money to

complete the transaction. The minor then exited the permit premises.

16. At no time during the transaction did owner/clerk Singh Lall request that the minor show any identification or attempt in any way to verify the age of the minor.
17. Lieutenant Canal then reentered the permit location and spoke w/ owner/clerk Singh Lall. While speaking with Lieutenant Canal, owner/clerk Singh Lall did admit to selling the tobacco product to the minor without asking for any identification or verifying the age.

#### **Conclusions of Law**

18. The Commission has jurisdiction over this matter pursuant to Indiana Code 7.1-1-2-2 and Indiana Code 7.1-2-3-33.
19. The Hearing Judge may take judicial notice of the Commission file relevant to a case. *905 IAC 1-37-11(e)*
20. Pursuant to Indiana Code 7.1-3-23-2, the Commission may:
  - a. Fine, suspend, or revoke the permit or certificate of;
  - b. Fine and suspend, or revoke the permit or certificate of;a permittee for the violation of a provision of this title or of a rule or regulation of the commission.
21. Indiana Code 35-46-1-10.2(a) states “[a] retail establishment that sells or distributes tobacco or an electronic cigarette to

a person less than twenty-one (21) years of age commits a Class C infraction.”

22. Indiana Code 7.1-2-3-33 states that “[t]he commission is authorized to: (1) investigate a violation of; and (2) enforce a penalty for a violation of; IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, IC 35-46-1-11.5, IC 35-46-1-11.7, and IC 35-46-1-11.8.”
23. The testimony and evidence clearly show that Respondent’s location sold a tobacco product to a minor. Therefore, Respondent is in violation of Indiana Codes 35-46-1-10.2 as alleged.

**Order**

**THEREFORE**, I Order the following:

1. Judgement shall be entered against Lapaz Quick Mart, permit number TC13467001 on the following:
  - a. Count I: Tobacco Sales to Minors by Retail Establishments  
(IC 35-46-1-10.2)
2. Respondent shall pay a Civil Penalty in the amount of One Thousand Dollars (\$1000). Such civil penalty shall be due within Sixty (60) days of the adoption of this order.

**John L.  
Krauss**

Digitally signed by  
John L. Krauss  
Date: 2021.10.13  
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John L. Krauss  
Hearing Judge  
Indiana Alcohol and Tobacco  
Commission


Copies to:

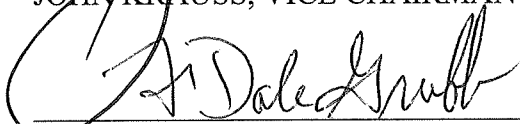
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Iqbaal Singh Lall  
Lapaz Quick Mart  
Via email ([lakap.ent@gmail.com](mailto:lakap.ent@gmail.com))

Approved this 2nd day of November, 2021.

  
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JESSICA ALLEN, CHAIR

  
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JOHN KRAUSS, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER