

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

IN THE MATTER OF)	
THE CERTIFICATE OF)	
)	
DINA 3, INC.)	CERTIFICATE NO.
TC15353001)	
1809 W. UNIVERSITY AVE.)	VIOLATION NO: EX220004793
MUNCIE, IN 47303)	
)	
CERTIFICATE HOLDER.)	

DEFAULT JUDGMENT ORDER

I. BACKGROUND OF THE CASE

Dina 3, Inc. certificate number TC15353001 (Certificate Holder), is the holder of a retail tobacco certificate issued by the Alcohol and Tobacco Commission (ATC). ATC Prosecutor sent notice of violation to Certificate Holder scheduling a prehearing conference. Certificate Holder failed to appear for prehearing conference. Prosecutor sent a letter with the settlement offer and order to appear for Order to Show Cause Hearing. Certificate Holder again failed to appear for order to show cause hearing.

II. FINDINGS OF FACT

1. ATC Prosecutor Andrew Wignall (Prosecutor) sent notice of violations to Certificate Holder at the address of record on June 3, 2022 which included notice of a pre-hearing conference on July 11, 2022.
2. Alleged violations are:
 - a. IC 35-46-1-10.2, Retail establishment's sale or distribution of tobacco to minors; and
 - b. IC 35-46-1-11.7, Failure to post proper signage; must be 18 to enter.

3. Certificate Holder failed to appear for the pre-hearing conference on July 11, 2022.

4. On September 20, 2022, an order to show cause was mailed to the Certificate Holder at the address on record setting the matter for an order to show cause hearing on October 6, 2022.

5. An attorney representing Certificate Holder in other matters indicated to the prosecutor that he was representing Certificate Holder in this matter.

6. Attorney does not have an appearance on file the ATC for this matter.

7. Attorney did not appear for the OSC hearing or otherwise attempt to continue the hearing.

8. Certificate Holder failed to appear at the order to show cause hearing.

9. Certificate Holder has not been in contact regarding order to show cause.

10. Prosecutor was present for the order to show cause hearing at which time he made a request for revocation of the retail tobacco certificate.

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 Certificate Holder had had opportunity to participate in the prehearing conference but failed to appear.

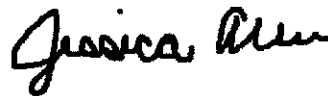
4. Hearing judge issued an order to show cause to Certificate Holder which ordered Certificate Holder to appear. 905 IAC 1-37-9.
5. Certificate Holder failed to appear for Order to Show Cause hearing.
6. Default judgment is appropriate. 905 IAC 1-37-9.
7. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

IV. DEFAULT JUDGMENT ORDER

Certificate Holder failed to appear for the pre-hearing conference and order to show cause hearings in this matter or otherwise participate in the process.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that retail tobacco certificate TC15353001 is REVOKED.

DATE: October 7, 2022.



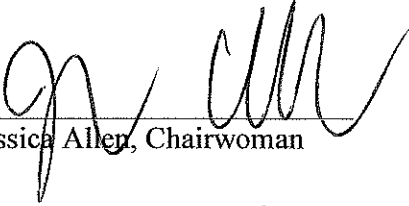
Jessica Allen
Chairwoman and Hearing Officer

Distribution:

Andrew Wignall
Prosecutor
Indiana Alcohol and Tobacco Commission
302 W. Washington Street, Room E114
Indianapolis, Indiana 46205

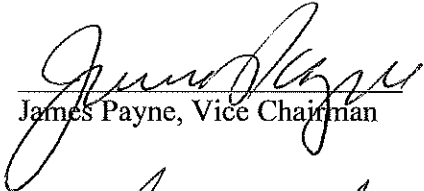
Dina 3, Inc.
1809 W. University Ave.
Muncie, IN 47303

ADOPTION OF DEFAULT JUDGMENT ORDER

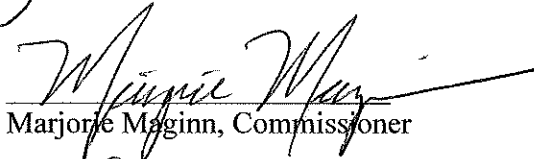


Jessica Allen, Chairwoman

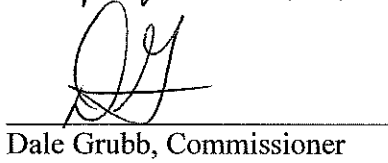
Dated: 11/1/22



James Payne, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner