

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF )  
THE PERMIT OF )  
SOUTHLAKE BAR I, LLC ) RR45-33798  
2124 SOUTHLAKE MALL ) EX-22-012231  
HOBART, INDIANA 46342 )

PERMITTEE

ORDER ON RULE TO SHOW CAUSE

Comes now the Hearing Judge for the Indiana Alcohol and Tobacco Commission (ATC) and for the Order on Rule to Show Cause states as follows:

1. Andrew Wignall appears as prosecutor.
2. No appearance was filed, and no one appeared for the Show Cause hearing on June 8, 2023, at 10:30 AM.
3. The Permittee had previously failed to appear, after appropriate notice was given pursuant to 905 IC 1-27-9, for a Notice of Violation and Settlement Offer on January 23, 2023.
4. Evidence was submitted that the Permittee had received an Order to Show Cause Notice sent by certified mail, with a return notice indicating delivery of the Notice occurring on May 22, 2023.
5. That the Order to Show Cause Notice indicated that the nature of the hearing on June 8, 2023 would be to determine if the Permittee's certificate or permit should be fined, suspended or revoked.
6. That the Notice also indicated that if the Permittee failed to appear on June 8, 2023, that a default judgment shall be issued against the permit and a sanction imposed which could include suspension or revocation of the permit.
7. Evidence was presented by a preponderance of evidence through Exhibit 1, which was offered and admitted into evidence, that on November 22, 2022, that the business was purchasing alcohol from Costco.
8. Upon investigation, Indiana State Excise Police Sgt. Thompson discovered approximately 40 bottles of alcohol bearing the brand name Kirkland, which indicates it was obtained from Costco and several others that contain the name of Member's Mark, which is from Sam's Club.

9. Sgt. Thompson also discovered that its alcohol permit must be posted in a conspicuous spot for the public to view and there was none posted.
10. The Hearing Judge incorporates by reference the approximately 37 bottles of liquor and three bottles of wine seized at the time of the inspection, and the same are incorporated herein.
11. Since no one on behalf of or from the Permittee has appeared for either the Settlement Offer hearing or this Order to Show Cause Hearing, the Hearing Judge finds that the violation filed in this matter warrants the revocation of the permit.
12. Pursuant to IC 7.1-3-23-5 the Commission shall revoke a permit of any type on account of the violations of or refusal to comply with a provision of IC Title 7.1 or a rule or regulation of the Commission, which must be found by a preponderance of the evidence.
13. Pursuant to IC 7.1-3-23-6 the Commission shall give at least 10 days' notice to the holder of the permit proposed to be revoked, which notice was given by the letter sent on May 17, 2023, which notice shall also inform the Permittee of the time and place of the hearing to be held regarding the proposed revocation.
14. The hearing on June 8, 2023, was held in the manner prescribed under IC 7.1-3-23-6.
15. Based upon the information and evidence presented at the hearing on May 30, 2023, the permit issued to Southlake Bar I, LLC by the ATC is hereby revoked.
16. This revocation order will be scheduled for a final hearing before the ATC Commission.
17. Further, the alcohol bottles of liquor and three bottles of wine seized by the Indiana State Excise Police from the permittee on November 22, 2022 in which are listed in the Exhibit 1 admitted into evidence at the hearing on June 8, 2023 are hereby ordered destroyed.

IT IS THEREFORE ORDERED him that the permit of Southlake Bar I, LLC, issued by the ATC under RR4533798 is hereby revoked, subject to a hearing before the ATC Commission.

All of which is ordered this 6<sup>th</sup> day of June 2023.

  
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James W. Payne, Hearing Judge

Cc: Andrew Wignall  
Prosecutor

Southlake Bar I, LLC  
2124 Southlake Mall, Hobart, Indiana 46342

Approved this 18<sup>th</sup> day of July, 2023.

  
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JESSICA ALLEN, CHAIR

  
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JAMES PAYNE, VICE CHAIRMAN

  
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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER