

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

**IN THE MATTER OF
THE PERMIT OF:**

Alicia Baxter

)
)
)
)
)

Applicant No. BR1852836

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

**I.
BACKGROUND OF THE CASE**

The Applicant, Alicia Baxter, Applicant Number BR1852836 (“Applicant”) is the Applicant for renewal of an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her renewal on February 13, 2023, upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two (2) unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5. The date of the convictions are as follows: (1) Conviction from Marion Superior Court 19, under cause number 49D19-2101-CM-002653, decided August 16, 2022, Operating a Vehicle While Intoxicated; and (2) Conviction from Marion Superior Court 19, under cause number 49D19-2011-C033966, decided August 16, 2022, Operating a Vehicle While Intoxicated. Applicant appealed the denial of the renewal of her alcohol permit and the matter was set for a hearing on July 24, 2023.

II.
EVIDENCE BEFORE THE ATC

A. The following individual testified before the ATC un favor of the Applicant in
this cause:

1. Alisha Baxter, Applicant; and
2. Ryan O'Connell, applicant counsel.

III.
FINDINGS OF FACT

1. The Applicant, Alisha Baxter, is the Applicant for renewal of an Alcohol and Tobacco Commission employee permit. (ATC File.)

2. The Applicant had two (2) convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years. Those are:

(1) Filed date November 6, 2020, cause number 49D19-2011-CM-033966, decided August 16, 2022, Operating While Intoxicated; and

(2) Filed date January 25, 2021, cause number 49D19-2102-CM-002653, decided August 16, 2022, Operating While Intoxicated.

3. Applicant is not eligible for an alcohol permit until the end of the sentence for the second conviction, including probation, plus two (2) years, which will be August 16, 2025. (ATC File.)

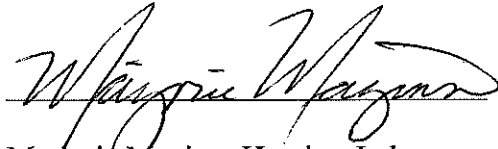
4. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

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(h) because Applicant had two (2) convictions for operating while intoxicated.
2. While the decided dates were the same for the two (2) Operating While Intoxicated convictions, the offenses happened on separate occasions in different years, and had separate cause numbers. Therefore, these two convictions for purposes of Indiana Code 7.1 are unrelated convictions.
3. Applicant will be eligible for an employee permit on August 16, 2025.
4. Twenty-five dollars (\$25) of the application fee shall be refunded according to IC 7.1-3-19-12.
5. 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 BR1852836 is in compliance with the law. The eligibility date for Applicant is August 16, 2025, and twenty-five dollars (\$25) of the application fee shall be returned to the applicant.

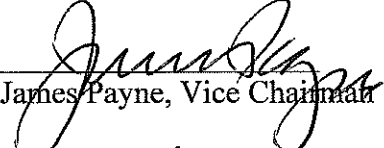
DATED: 8/1/23

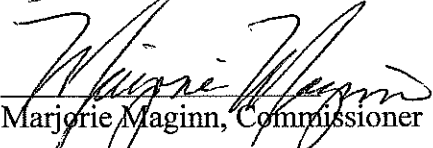

Marjorie Maginn, Hearing Judge

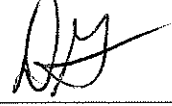
Commission Adoption:


Jessica Allen, Chair

Date: 9/19/23


James Payne, Vice Chairman


Marjorie Maginn, Commissioner


Dale Grubb, Commissioner

NOTICE REGARDING JUDICIAL REVIEW

The above order is a final agency action. You may appeal this final agency action, pursuant to IC 4-21.5-5-1 et. Seq., by filing a petition for review in the appropriate court within thirty (30) days after the date of notice of this agency action, pursuant to IC 4-21.5-5-5. You also have an obligation to transmit to the court where filing the petition for review the original or a certified copy of the agency record of the agency action, pursuant to IC 4-21.5-5-13. If you need assistance and/or advice concerning this notice, its contents and meaning, you should consult an attorney of your choosing.