

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

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

**Terrance Wray**

)  
)  
)  
)  
)

**Permit No. BR1889257**

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

**I.  
BACKGROUND OF THE CASE**

The Applicant, Terrance Wray, Permit Number BR1889257 (“Applicant”) is the Applicant for renewal of an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed his renewal, 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 Hamilton Superior Court 5, under cause number 29D05-2201-F6-000083, 05/10/2022, Operating a Vehicle While Intoxicated; and (2) Hamilton Superior Court 5, under cause number 29D05-2105-CM-002773, decided 5/11/2022, Operating a Vehicle While Intoxicated. Applicant appealed the denial of the renewal of his alcohol permit and the matter was set for a hearing on May 13, 2024.

**II.  
EVIDENCE BEFORE THE ATC**

1. Applicant failed to appear for the requested appeal hearing on May 13, 2024.

2. Applicant submitted a letter before the hearing, dated April 2, 2024. Letter states that he has had lapses in judgement, provides no evidence that the two convictions for operating a vehicle while intoxicated are not valid convictions.
3. worked there for 9 years and needs an alcohol server's permit to continue in this position.
4. Lastly, records from Applicant's attorney were provided which mostly involved legal matters related to Applicant's minor daughter.

### **III.**

#### **FINDINGS OF FACT**

1. The Applicant, Terrance Wray, is the Applicant for renewal of an Alcohol and Tobacco Commission employee permit BR1889257. (ATC File.)
2. The Applicant had two (2) unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years, conviction dates being 05/10/2022 and 5/10/2022. Under Indiana law, Applicant is not eligible for an alcohol permit until he is no longer serving probation and after probation that 2 years have passed. (ATC File.)
3. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

### **IV.**

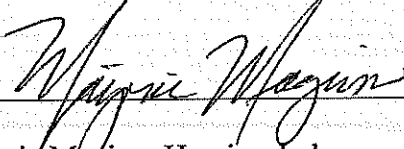
#### **CONCLUSIONS OF LAW**

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.

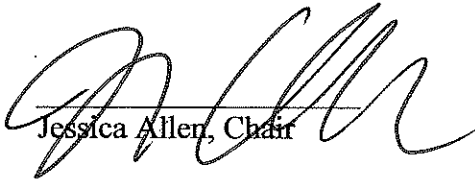
2. Applicant will be eligible for an employee permit on May 10, 2025.
3. Twenty dollars (\$20) of the application fee shall be refunded to the Applicant according to IC 7.1-3-19-12. Twenty-five dollars (\$25) of the permit fee shall be disposed of pursuant to Title 7.1, Article 4 of the Indiana Code.
4. 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 BR1889257 is in compliance with the law. The eligibility date for Applicant to reapply for an employee permit is May 10, 2025, and twenty dollars (\$20) of the application fee shall be returned to the applicant.

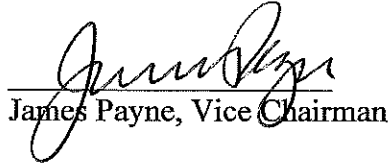
DATED: 5-4-24

  
\_\_\_\_\_  
Marjorie Maginn, Hearing Judge

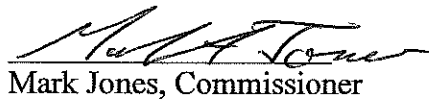
Commission Adoption:

  
Jessica Allen, Chair

Date: July 2, 2024

  
James Payne, Vice Chairman

  
Marjorie Maginn, Commissioner

  
Mark Jones, Commissioner