

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN RE THE MATTER OF THE PERMIT OF:)	
)	PERMIT NOS. RR84-06667
TEEPEE TAVERN INC)	GR84-30831
d/b/a TEEPEE TAVERN)	
1651 S 25 TH ST)	VIOLATION: EX23-021239
TERRE HAUTE, IN 47803,)	
Permittee.)	

ADOPTED
PROPOSED ORDER ON RULE TO SHOW CAUSE

This matter comes before Mark A. Jones, Commissioner and Hearing Judge of the Indiana Alcohol and Tobacco Commission (“IATC” or “Commission”), on the allegation by the Indiana State Excise Police (“ISEP”) that TEEPEE TAVERN INC, d/b/a TEEPEE TAVERN (“Permittee”), has violated the Indiana statutes and regulations of the State of Indiana and the Indiana Alcohol and Tobacco Commission as they pertain to a person who is the holder of a valid permit under Title 7.1 of the Indiana Code. The undersigned hereby takes judicial notice of the record of IATC and finds as follows:

1. IATC issued a permit to TEEPEE TAVERN INC d/b/a TEEPEE TAVERN by means of an approval of a license transfer on or about August 26, 2007.
2. Permittee last renewed its permit on June 6, 2023, with an expiration date of April 4, 2024.
3. Permittee also has a Gaming Endorsement, GR8430831.
4. Robert L. Mann, Jr., is listed as the 100% owner of Permittee, and the manager is Joshua A. Mann.
5. ISEP issued a Notice of Violation to Permittee on or about November 14, 2023, Incident EX-23-021239.
6. The violations included: Minimum Food requirements; Unauthorized Beverages; Scope of Liquor Permit; Taking Liquor Into a Restaurant; and Records of Alcohol Server Training.
7. The Complaint was entered by Mr. Andrew Wignall, Prosecutor for IATC, on or about November 28, 2023.

8. Mr. Wignall sent a settlement offer letter to the permit premises, 1651 S. 25th St., Terre Haute, Indiana, 47803, on December 20, 2023, which also notified Permittee of a settlement conference to be held virtually on February 12, 2024, at 10:00 A.M. The letter explained:

“... Information regarding the settlement conference as well as instructions on how to log into the virtual meeting can be found under the “Office of the Prosecutor” tab on the Alcohol and Tobacco Commission home page at <https://www.in.gov/atc/2861.htm>.”
9. Permittee failed to appear for the settlement conference and was then notified, by electronic message to their listed email address, of a pre-hearing conference to be held virtually on May 9, 2024, at 10:15 A.M.
10. On April 4, 2024, Ashley Mann, daughter of permit-owner Mr. Mann, contacted an IATC processor and stated that Mr. Mann had recently had a stroke and the restaurant was not currently active.
11. Since the last renewal of these permits in 2023, neither Permittee nor anyone on Permittee’s behalf has filed an application for renewal, a request for an extension of the permit or a request to put the permit in escrow; therefore, the permit expired on April 4, 2024.
12. Permittee failed to appear at the virtual pre-hearing conference on May 9, 2024, at which time this matter was set for a show-cause hearing on June 6, 2024, at 11:30 A.M.
13. The order setting the show-cause hearing included the following warning:

“TEEPEE TAVERN INC shall appear virtually on June 6, 2024, at 11:30 A.M., and show cause why its permit should not be revoked. At said hearing, evidence will be taken on the issue of Permittee’s failure to appear, and sanctions may be imposed including a fine, suspension, or revocation....”
14. The order setting the show-cause hearing was sent to Permittee at the permit premises and to Mr. Robert L. Mann, Jr., at his listed home address via U.S. certified mail, return receipt requested. IATC received certification that the order was received on May 17, 2024, at Mr. Mann’s home address.
15. Permittee failed to appear at the show-cause hearing on June 6, 2024, at which

time Mr. Wignall requested that the permit be revoked pursuant to 905 IAC 1-37-9, "Failure to Appear".

16. 905 IAC 1-37-9 provides:

(a) At any stage of a proceeding, if a permittee fails to attend or participate in a prehearing conference, hearing, or other stage of the proceeding, the hearing judge may issue an order to show cause why the permit should not be revoked and set a hearing on said order within thirty (30) days. The order shall include the date, time, and place of the hearing and the reason for the order. Said order shall be sent by certified mail to the permittee.

(b) At the hearing on the order to show cause, evidence will be taken on the issue of the permittee's failure to appear and sanctions may be imposed including a fine, suspension, or revocation.

(c) After the hearing and any subsequent order, the hearing judge shall conduct any further proceedings necessary to complete the disposition of the violation.

17. Notice was provided as required by rule and statute.


18. IATC has not received any communication from Permittee since Ms. Mann's communication about her father, which was on the same day as the expiration of the permit.

19. In light of all of the foregoing, revocation of Permit No. RR84-06667 and accompanying gaming endorsement GR84-30831 is appropriate and so ordered.

20. Permittee will have 15 days after service of this Order to file a response to this Proposed Order with the IATC. After that time has run, this Proposed Order On Rule To Show Cause and any response from Permittee will be scheduled for a final hearing before the Commission, notice of which hearing shall be provided to Permittee.

21. If the Proposed Order is adopted by the Commission, Indiana Code 7.1-3-23-9 provides that Permittee may seek judicial review of this action by following I.C. 4-21.5-5, except that the action for judicial review shall be filed in the circuit or superior court having jurisdiction in the County in which the licensed premises are located.

IT IS THEREFORE ORDERED that Permit No. RR84-06667 is REVOKED. IT IS FURTHER ORDERED that the accompanying Gaming Endorsement No. GR84-30831 is also REVOKED.

SO ORDERED THIS 20th DAY OF JUNE, 2024: 
Mark A. Jones
Hearing Judge, IATC

cc: TEEPEE TAVERN INC, 1651 S 25th St., Terre Haute, IN 47803, via Certified Mail
Robert L. Mann, Jr., 1930 S 19th St, Terre Haute, IN 47802, via Certified Mail


Approved this 20th day of August, 2024.



JESSICA ALLEN, CHAIR



JAMES PAYNE, VICE CHAIRMAN



MARJORIE MAGINN, COMMISSIONER



MARK A. JONES, COMMISSIONER