

STATE OF INDIANA

THE INDIANA ALCOHOL AND TOBACCO COMMISSION

THE PERMIT OF)	
BLACKERBY'S HANGAR 5 RESTAURANT INC)	RR03-35098
4770 RAY BOLL BLVD)	EX-24-002217
COLUMBUS INDIANA 47203)	
PERMITTEE		

ORDER ON HEARING FOR 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 May 22, 2025 at 9:30 am.
3. The Permittee had previously failed to appear after appropriate notice was given pursuant to 905 IAC1-27-9, for Notice of Violation and Settlement Offer.
4. That the Hearing Judge set this matter for Rule to Show Cause Hearing on May 22, 2025 at 9:30 am which order was sent to the Permittee by certified mail.
5. That the Notice indicated that if the Permittee failed to appear, a default judgment shall be issued against the permit and a sanction imposed which could include suspension or revocation of the permit.
6. The Notice in the letter of the Order to Show Cause was dated May 6, 2025, and sent by certified mail to the Permittee at the address stated above.
7. The Indiana State Excise Police report of the incident number EX-24-002217 was offered and received into evidence as Exhibit #1.
8. Evidence revealed in Exhibit #1, offered and received into evidence without objection, that the Indiana Excise Police received a report of a false record of a beverage permit being used for a business in operation under the above Permittee's name.
9. On investigation, the Excise officer found no permit issued as indicated and a permit issued at that address had expired, had not been renewed and that a counterfeit permit was altered or modified.
10. The investigation revealed what appears to be an elaborate scheme of fraudulent activity regarding the application and communication process between the ATC and its licensed applicants and licensed holders.
11. On August 22, 2024, the Excise Officer interviewed the owner of the permit listed above and had an extensive recorded interview which in more detail outlines the extent of the false and fraudulent permit that is the subject of the investigation.

12. The full extent of the fraudulent nature of the permit and its use by the above Permittee is included herein, the same as if it is written and contained in pages 6, 7, and 8 of Exhibit #1, the Excise report under EX-24-002217.
13. Based upon the totality of information and documents as outlined in Exhibit #1, the Hearing Judge finds the following violations constitute a public nuisance:
 - a. Counterfeiting/forgery 905 IAC 1-27-2
 - b. Possession of a counterfeit permit IC 7.1-5-4-5
 - c. Statement records IC 7.1-5-6-4
 - d. Determination of reputation and character 905 IAC 1-27-1
14. Since no one on behalf of or from the Permittee has appeared for this Order to Show Cause Hearing, the Hearing Judge finds by a preponderance of the evidence contained in Exhibit #1, EX-24-002217, that the violations filed in this matter are true and warrant the revocation of the above-entitled permit.
15. 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 Title 7.1 or a rule or regulation of the Commission which must be found by a preponderance of the evidence, which has been done
16. 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 6, 2025, and which notice also informed the Permittee of the time and place of the hearing to be held regarding the proposed revocation.
17. The hearing on May 22, 2025, was held in the manner prescribed under IC 7-1-3-23-6.
18. Under IC 7.1-3-23-9, the Permittee is hereby advised that it may seek judicial review of this action by following IC 4-21.5-5 and has 15 days to appeal this revocation.
19. Based upon the information and evidence presented at the hearing on May 22, 2025, the above-mentioned permit issued to Blackerby's Hangar 5 Restaurant, Inc., permit #RR03-35098, by the ATC is hereby revoked.
20. This revocation order will be scheduled for a final hearing before the ATC.

IT IS THEREFORE ORDERED that the permit issued to Blackerby's Hangar 5 Restaurant, Inc., permit #RR03-35098, is hereby revoked, subject to a hearing before the ATC.

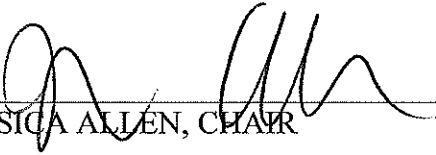
All of which is ordered this 22nd day of May 2025.



James W Payne, Hearing Judge

Cc: Prosecutor Wignall
Blackerby's Hangar 5 Restaurant, Inc.

Approved this 15th day of July, 2025


JESSICA ALLEN, CHAIR


JAMES PAYNE, VICE CHAIRMAN

MARJORIE MAGINN, COMMISSIONER


MARK A. JONES, COMMISSIONER