

MINUTES
ALCOHOL AND TOBACCO COMMISSION
JULY 7, 2026

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Payne called the meeting to order and noted the quorum and the attendance. Commissioner Maginn, Commissioner Garver, Prosecutor Wignall, Deputy Director Serak, General Counsel Beaucaire and Senior Attorney Daphne Whitmire were in attendance.

DISPOSITION OF MINUTES

Commissioner Garver moved to approve the minutes for the June 16, 2026 meetings. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS - Commissioner Garver moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Seventy-eight dispositions were submitted with fines totaling \$58,000.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

TC16898001 OC MART – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 and 2026 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$1000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Maginn seconded. The motion was unanimously approved.

TC16359001 GEIST RETAIL – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 and 2026 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$2000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

TC16404001 CAMBY RETAIL INC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 and 2026 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$2000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

TC16866001 POST RETAIL DISCOUNT INC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2023 and 2025 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$1000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

TC16559001 SHREE UMIYA NAV SHKTI LLC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$1000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

TC17730001 THE CAVE LLC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$1000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

TC17254001 THE CAVE LLC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations in 2025 that have not been settled. A pre-hearing conference was scheduled, and the permittee failed to appear and was subsequently scheduled for a Show Cause hearing and the permittee also failed to appear.

Vice Chairman Payne moved to impose a \$2000 fine, indefinitely suspend this certificate, and allow Excise to enter the business to confiscate all tobacco products. Commissioner Garver seconded. The motion was unanimously approved.

RR45-38177 CSA ENTERPRISE INC – Vice Chairman Payne, who served as hearing judge in this matter, stated the renewal of this permit was denied and a timely appeal was filed. The Hearing Judge submits the Proposed Findings of Fact and Conclusions of Law for consideration by the commissioners.

Vice Chairman Payne moved to deny the renewal. Commissioner Garver seconded. The motion was unanimously approved.

RR45-36364 PLAYO'S NIGHTCLUB LLC – Vice Chairman Payne, who served as hearing judge in this matter, stated the renewal of this permit was denied and a timely appeal was filed. The Hearing Judge submits the Proposed Findings of Fact and Conclusions of Law for consideration by the commissioners. Objections were filed and reviewed.

Vice Chairman Payne moved to deny the renewal. Commissioner Garver seconded. The motion was unanimously approved.

RR49-39978 FUZION INC. – Vice Chairman Payne, who served as hearing judge in this matter, stated the renewal of this permit was denied and a timely appeal was filed. At the appeal hearing, the permittee requested the ability to submit an affidavit summarizing a proposed new business plan that would change the business hours, change the operation from a nightclub to a sports bar, and add arcade games. Because the affidavit substantially changed the business plan as heard by the local board, the Vice Chairman wanted the local board to have the ability to review this. The Proposed Findings allow the permittee the ability to request a remand for the purpose of allowing the local board to review and consider only the affidavit that was submitted, to see if that would change their original recommendation to deny. Otherwise, if the remand is not requested, the denial of the renewal will stand.

Vice Chairman Payne moved to uphold the Proposed Findings of Fact and Conclusions of Law. Commissioner Maginn seconded.

Commissioner Maginn asked how long the permittee has to file the request for remand. She also feels the new concept of a sports bar would fit the changes in the area of the location of this business.

Vice Chairman Payne stated the permittee has 15 days to file the request for remand.

The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Garver moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Garver moved to approve and incorporate by reference these lists of permit applications for a new permit or application for changes in location, ownership, or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same, pending final floor plan approval by the Indiana State Excise Police and escrow, if needed, and inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Garver moved to approve the catering applications. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Garver moved to approve the direct wine shipper applications. Commissioner Maginn seconded. The motion was unanimously approved.

WAIVER OF FEES – LETTERS OF EXTENSION

Commissioner Garver moved to approve the fee-waived letters of extension that were issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

RR49-43795 OUTSIDE NOMA, LLC - Vice Chairman Payne noted this is a request for a catering hall conversion.

Commissioner Maginn moved to approve the request. Commissioner Garver seconded. The motion was unanimously approved.

RR55-36111 and RR55-36112 GILLISPIE’S CIGAR BAR INC. – Vice Chairman Payne noted this is a request to reinstate.

Commissioner Maginn moved to approve the request if complete renewals and fees are filed by July 17th. Commissioner Garver seconded. The motion was unanimously approved.

RR45-38937, RR45-38939, RR45-38936 SAUCE HOLDINGS LLC – Vice Chairman Payne noted this is a request to reinstate.

Commissioner Maginn stated there were technical issues not caused by the permittee that produced the problem.

Commissioner Maginn moved to approve the request. Commissioner Garver seconded. The motion was unanimously approved.

RR45-06950 SUSKO CORPORATION – Vice Chairman Payne noted this is a request to renew and to file a transfer.

Commissioner Maginn stated the renewal was denied by the local board and the Commission.

Commissioner Maginn moved to approve the renewal request for transfer only. Commissioner Garver seconded. The motion was unanimously approved.

DL29-34270 INDY LIQUORS LLC – Vice Chairman Payne noted this is a request for remand.

Commissioner Maginn stated the renewal was denied. One of the owners---who is an ex-husband---had problems with a tobacco certificate that he owns. Per the request, he no longer has any ownership in this permit. The wife filed a no trespass order with the police department.

Commissioner Maginn moved to approve the remand. Commissioner Garver seconded.

Vice Chairman Payne noted that he was pleased that she went to the local police to file a no trespass order.

The motion was unanimously approved.

RR39-40100 RIVERTOWN EATERY INC. – Vice Chairman Payne noted this is a request for an additional opportunity to appear for an escrow hearing.

Commissioner Maginn stated this permittee failed to appear, as required, for two escrow hearings so the renewal was denied.

Commissioner Maginn moved to allow one additional chance to appear at the July 28th escrow hearing. Commissioner Garver seconded.

Vice Chairman Payne noted he does not understand why permittees fail to follow the rules and attend hearings.

The motion was unanimously approved.

DL49-13408 COX ENTERPRISES INC. – Vice Chairman Payne noted this is a request to convert the jurisdiction of this permit from Indianapolis to Cumberland due to a change in the law.

Commissioner Maginn moved to approve the request based on the new law. Commissioner Garver seconded. The motion was unanimously approved.

MM48-30635 CULTURED URBAN WINERY LLC – Vice Chairman Payne noted this is a request for an extension.

Commissioner Maginn noted this would be the 5th extension request for this permittee. The permittee appealed the property taxes that are owed, and a renewal needs to be filed. The permittee submitted an offer to the assessor as to the amount they are willing to pay but have not received any response.

Commissioner Maginn moved to approve the extension, provided the renewal is filed by July 20th. Commissioner Garver seconded.

Vice Chairman Payne stated he believes the taxes should be paid to get it cleared and then an appeal can be filed. He intends to vote no on the extension request.

The motion passes 2-1.

RR84-42176 SERVICIOS DOMINGUEZ LLC - Vice Chairman Payne noted this is an extension request.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Garver seconded. The motion was unanimously approved.

****Vice Chairman Payne noted the following permits were added to the agenda by consent.

RR49-04389 RCI SERVICES (INDIANA), INC. - Vice Chairman Payne noted this is on for an extension request.

Commissioner Maginn stated this permittee has had several violations. Remonstrators appeared at the local board hearing, so it was continued to August.

Commissioner Maginn moved to grant an extension until August 18th to allow time for the renewal to be heard by the local board. Commissioner Garver seconded. The motion was unanimously approved.

DL49-32035 RAJA OIL INC. - Vice Chairman Payne noted this is on for an extension request.

Commissioner Maginn stated this permittee failed three times to appear before the local board as required due to violations. The local board is now scheduled for August.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Garver seconded.

Vice Chairman Payne stated if this permit returns for an additional extension, he will vote no. It is the permittee's responsibility to appear.

The motion was unanimously approved.

RR10-39593 FIRESIDE LLC – Vice Chairman Payne noted this permit is on for an extension request.

Commissioner Maginn stated the permittee failed to appear at the local board hearing. It is now scheduled for the August hearing.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Garver seconded. The motion was unanimously approved.

RR64-29637 LIQUOR LICENSE R US P10 LLC - Vice Chairman Payne noted this is on for an extension request.

Commissioner Maginn stated this permittee has had violations in the past. A corrective action plan has been submitted.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Garver seconded. The motion was unanimously approved.

INACTIVE FILES

Permits #RR64-33225 and RR64-33224 were removed from the list by consent.

Commissioner Maginn moved to make 6 permits dead that were previously posted on the June 16, 2026 meeting agenda. Commissioner Garver seconded. The motion was unanimously approved.

Commissioner Maginn stated there are 18 permits posted to be made dead at the July 21, 2026 meeting, that have failed to submit renewals.

OLD BUSINESS

No Old Business

NEW BUSINESS

CONDITIONALLY APPROVED PERMIT BACKLOG – Commissioner Maginn stated there is a list of permits posted that were conditionally approved by the Commission, some as far back as 3 years, that have not filed missing items—Form 1, tax hold, etc.---preventing the permit from being issued. Notices have been sent multiple times regarding these issues. The approvals will be reconsidered on August 4, 2026, if the missing items have not been submitted.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

LEGISLATIVE UPDATES – Deputy Director Serak stated the legislative changes are outlined in two webinars available on our website under “Legal and Policy Resources”. He highlighted some of the updates: permit applications have been updated---paper and online; no paper applications for new permit types---online only; limited separation removal affidavits available in actions tool linked to permit; e-liquid products fully or with component parts manufactured in a foreign country, are illegal in Indiana.

2026 AMENDED COMMISSION MEETING DATE – Vice Chairman Payne stated the amended meeting date for 2026 is:

Wednesday, November 4 (General Election Day on the 3)

ADJOURNMENT

Commissioner Garver moved to adjourn the meeting. Commissioner Maginn seconded. The motion was unanimously approved.

Approved the 21st day of July 2026 by a vote of 4-0