

MINUTES
ALCOHOL AND TOBACCO COMMISSION
JULY 21, 2026

CALL TO ORDER/NOTING OF QUORUM

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

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes for the July 7, 2026 meetings. Commissioner Garver seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS - Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Forty-two dispositions were submitted with fines totaling \$23,600.00. Commissioner Garver seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

DL54-32373 SASR ENTERPRISE LLC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations. 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. The violations have not been settled.

Vice Chairman Payne moved to revoke the permit. Commissioner Maginn seconded. The motion was unanimously approved.

RR84-03694 AND RR84-01565 WABASH VALLEY HOSPITALITY INC – Chairwoman Allen noted renewals of both permits were denied. An appeal was filed. The matter was set for a prehearing, and a hearing. The permittee did not appear for either. A courtesy email was sent asking whether the intention of the permit holder was still to pursue an appeal. No response was received. Proposed Findings of Fact and Conclusions of Law upholding the denials were prepared and mailed. Objections to the Findings were filed by the permit holder who stated the other notifications were not received. Chairwoman Allen stated that even though she feels all the notices were properly sent, courts frown on default judgments and prefer parties to be engaged in their appeals.

Chairwoman Allen moved to set aside the Proposed Findings and set the matter for a hearing on the merits of the appeal, one final time. The motion also included mailing the hearing notices to both mailing addresses by certified mail and first-class mail. If certified mail receipt notification is received, the hearing will proceed whether the permittee appears at the hearing or not. Commissioner Maginn seconded.

Vice Chairman Payne stated he will support the motion; however, it troubles him that the permittee failed to respond until the end.

The motion was unanimously approved.

RR02-01550 SUNSET CATERING INCORPORATED – Chairwoman Allen noted this is on following a revocation hearing order.

Vice Chairman Payne stated in January 2026, the status of this permit was changed to “pending auction” for failure to renew. A request was made to reinstate the permit into Escrow status. The request was granted. Ten days later, Excise cited the business for operating on an expired permit. A revocation hearing was held, and Proposed Findings of Fact were prepared upholding the revocation. Objections were filed acknowledging the facts of the case but proposing the permit be transferred to the previous owner.

Vice Chairman Payne moved to revoke the permit. Commissioner Maginn seconded.

Commissioner Maginn stated the permittee allowed the permit to lapse, it was made dead and the permittee requested the permit be reactivated and placed in escrow, knowing that escrow means no alcohol on the premises. The Commission approved the request. Ten days later, there is alcohol on the premises. It is unacceptable.

Chairwoman Allen noted in 2019, this permit lapsed for three years and was reinstated under the previous owner. The reason she voted to reinstate earlier this year was due to the ownership being different because a permittee should not be given a second reinstatement for not following the rules and not keeping the permit in good standing.

Vice Chairman Payne commented that the permit renewal process is not hard and thousands of permittees have no problem with it. The ATC staff is here to help and there is no reason for this to happen.

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. Vice Chairman Payne 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. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Garver moved to approve the catering applications. Vice Chairman Payne seconded. The motion was unanimously approved.

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

WAIVER OF FEES – LETTERS OF EXTENSION

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

ITEMS FOR DISCUSSION

DL46-32971 VIRK LIQUORS LLC – Chairwoman Allen noted this is a transfer of location with the local board voting 3-0 to deny.

Commissioner Maginn stated this permit was approved 4 ½ years ago in the jurisdiction of Trail Creek, that has a quota of one liquor store permit. However, there is another liquor store permit in the jurisdiction of Trail Creek that was issued 13 years ago, in the jurisdiction of Michigan City, but should have been in Trail Creek. When Virk Liquors applied, the quota showed an available permit. The error has been corrected, but if this permit is approved, the quota will be over by one. Because this permit was already approved, the Commissioner felt the permit should continue to be approved along with the transfer of location because the problem was not their fault.

Commissioner Maginn moved to overturn the local board's recommendation and approve the transfer. Commissioner Garver seconded

Vice Chairman Payne stated this is an interesting case. He agrees that this permittee is not at fault for this error and the permit should not be taken. The Commission is fixing the error that was made.

The motion was unanimously approved.

RR21-43999 EL COMPA LLC – Chairwoman Allen noted this is a new application with the local board voting 4-0 to deny.

Commissioner Maginn stated the applicant appears to have multiple identities, so there may be false ownership issues. Each of the identities have either a misdemeanor or infraction on record.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Commissioner Garver seconded. The motion was unanimously approved.

DL87-33710 RUDRAH INC. – Chairwoman Allen noted this is a renewal with the local board voting 2-1 to approve.

Commissioner Maginn stated this permittee did have a violation for selling illegal products at the establishment. The owner stated he was not aware the products were illegal and assured the local board he is not selling them now. The violation was settled.

Commissioner Maginn moved to uphold the local board's recommendation to approve. Commissioner Garver seconded.

Chairwoman Allen noted that she expects strict compliance, or in the future, her vote will change.

The motion was unanimously approved.

DL88-30370 APPLES TREE TOP LIQUOR LLC – Chairwoman Allen noted this is a request to renew.

Chairwoman Allen stated there was confusion on the escrow expiration date. The date of that expiration is September 13, 2026, so this is a valid renewal. However, the permit must be put into use or transferred by that date.

Chairwoman Allen moved to approve the renewal. Commissioner Maginn seconded.

Commissioner Maginn stressed the fact that the permit must be active or transferred by September 13, 2026, or it will be reverted to the State.

The motion was unanimously approved.

RR49-44040 T LEE ENTERTAINMENT LLC – Chairwoman Allen noted this is a request for remand.

Commissioner Maginn stated the local board requested this be remanded because the notices to neighbors were mailed late.

Commissioner Maginn moved to remand this to the local board. Commissioner Garver seconded. The motion was unanimously approved.

WH49-30104 AND WH49-30105 D & E SPIRITS LLC – Chairwoman Allen moved to continue this to the August 4th meeting. Commissioner Maginn seconded. The motion was unanimously approved.

CH188-30190 THE NORTH CHURCH VENUE LLC – Chairwoman Allen noted this on for an extension request.

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

RC28-00112 THE AMERICAN LEGION FRANK COURTNEY POST 22 – Chairwoman Allen noted this on for an extension request.

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

RR10-19620 KANSAI JAPANESE STEAKHOUSE LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee voluntarily dissolved the corporation with the Secretary of State on March 6, 2026. The Commission approved a 30-day extension on June 16th, to allow time to reinstate the corporation's name and provide the Certificate of Existence. That has not been done. However, the permittee may have changed the corporation's name. The Commissioner requested legal to send notice to the permittee explaining the Certificate must be in the current permittee's name.

Commissioner Maginn moved to approve an extension until August 4th to allow time for the corporation to be reinstated. Commissioner Garver seconded.

Chairwoman Allen stated she thinks the permittee may be attempting to transfer the permit; however, it's not a transfer until the transfer documents are approved by the Commission. She asked legal to include the transfer process information. There may be liability issues because the current entity is not valid and the new entity does not hold the permit.

The motion was unanimously approved.

RR12-40326 RIOS EVENTS LLC - Chairwoman Allen noted this on for an extension request.

Commissioner Maginn stated the renewal was denied, but an appeal was timely filed.

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

RR79-40427 BREWSCO LLC - Chairwoman Allen noted this on for an extension request.

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

**** Chairwoman Allen noted the following permit was added to the agenda by consent.

RR72-41099 JAVA STATION INC. – Chairwoman Allen noted this on for an extension request.

Commissioner Maginn stated the permittee has not provided proof of insurance.

Commissioner Maginn moved to approve a 90-day extension conditioned upon submission of a certificate of insurance. Commissioner Garver seconded. The motion was unanimously approved.

INACTIVE FILES

Vice Chairman Payne moved to make 18 permits dead that were previously posted on the July 7, 2026 meeting agenda. Commissioner Garver seconded. The motion was unanimously approved.

Vice Chairman Payne stated there are 2 permits posted to be made dead at the August 4, 2026 meeting, that have failed to submit renewals.

OLD BUSINESS

No Old Business

NEW BUSINESS

CONDITIONALLY APPROVED PERMIT BACKLOG – Chairwoman Allen 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

2026 AMENDED COMMISSION MEETING DATE – Chairwoman Allen stated the amended meeting date for 2026 is:

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

ADJOURNMENT

Vice Chairman Payne moved to adjourn the meeting. Commissioner Garver seconded. The motion was unanimously approved.

Approved the 4th day of August 2026 by a vote of 4-0