

MINUTES
ALCOHOL AND TOBACCO COMMISSION
AUGUST 4, 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 21, 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. Fifty-five dispositions were submitted with fines totaling \$39,700.00. Commissioner Garver seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-39560 GEORGIA STREET RHYTHM & BLUES LOUNGE INC. – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations. Prosecutor Wignall and the Permittee could not agree on a settlement, so the matter was set for hearing. The hearing was held. The Hearing Judge, finding the violations to be true, now submits Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Payne moved to fine the permittee \$1000 as a settlement for the violations. Commissioner Maginn seconded. The motion was unanimously approved.

RR02-23790 ROBERT HAWKINS – Chairwoman Allen sat as hearing judge in this matter. The permittee was cited for violations and also has a history of violations. Prosecutor Wignall offered revocation for the settlement of the violations due to their violent nature and the history of the business operation. The permittee requested a hearing on the violations. The hearing was held. The Hearing Judge, finding the violations to be true, now submits Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Chairwoman Allen moved to revoke the permit. Commissioner Maginn seconded. 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

WH49-30104 & WH49-30105 D & E SPIRITS LLC – Chairwoman Allen stated this is on for renewal after investigation by the State Excise Police and an investigatory hearing regarding whether the wholesaler meets the character of business test to hold these types of permits. After listening to the testimony and evidence provided, it does not appear that the permittee meets the character of business test to be the holder of a liquor wholesaler's permit and wine wholesaler's permit.

Chairwoman moved to issue a Notice of Intent to Deny a Renewal, pursuant to IC 7.1-3-23-32. Vice Chairman Payne seconded.

Vice Chairman Payne noted after reviewing his notes and the video from the hearing he agrees that D & E Spirits LLC does not meet the qualifications to hold a liquor and wine wholesaler's permit.

Commissioner Garver stated even though she has only been here for a few months, she reviewed the hearing video and documents provided in this matter and feels comfortable voting on this issue.

The motion was unanimously approved.

Chairwoman Allen moved to approve a 90-day extension to allow time for the public hearing to be held. Commissioner Maginn seconded. The motion was unanimously approved.

Chairwoman Allen noted that several additional related issues came to light during this process. She addressed those, as well.

Copper Mountain Beverage – Excise is to investigate whether Copper Mountain brands or other brands associated with Copper Mountain, including brands listed on their website, are still entering the Indiana marketplace and if so, what primary source is being used, who is wholesaling the products, what are the practices involved, and what if any relationship still remains with Dale Stewart.

Best Vineyards – Legal is to send letter reminding the business that Indiana Law does not permit contract manufacturing. Anything manufactured by a distillery, even though it is manufactured from a formula by a third party, is a product owned by and in control of the permitted distillery.

Total Wine – Legal is to send a letter reminding them Indiana law requires all alcoholic beverages to be sold through the 3-tier system.

Primary Sources – Legal is to send a letter notifying the primary sources associated with D & E Spirits of today's decision and that decision is subject to a public hearing, requesting they preserve all contracts, orders, invoices, etc. with D & E Spirits, Copper Mountain and Indiana Beverage Wholesaler, LLC and making them aware that one factor in the decision is products were picked and sorted per Indiana location before arriving at the Indiana wholesaler and that all product must move through the 3-tier system in Indiana, including through an Indiana wholesaler.

Online Records – Many manufacturers offer ship directly to consumers in Indiana. Excise is to investigate online retailers and proceed accordingly if manufacturers, primary sources, out-of-state retailers are shipping directly to consumers in Indiana.

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

Commissioner Maginn stated this permittee no longer exists with the Secretary of State. Two notices have been sent by this office requesting this to be taken care of.

Commissioner Maginn moved to deny the extension request. Commissioner Garver seconded.

Chairwoman Allen stated she just received notice that the permittee has hired counsel to help get the transfer filed and processed.

Commissioner Maginn questioned whether to change her motion to allow time to work through this now that an attorney is involved.

Vice Chairman Payne asked how this information was presented from counsel, as far as orally or by document.

Commissioner Maginn amended the motion to allow two weeks for the transfer to be filed and things to be put in order. She also stated this will probably be the last extension she will vote for unless things change. Commissioner Garver seconded.

Vice Chairman Payne stated he may check with the Secretary of State's office to see how easy the process works to reinstate a corporation. He also questioned whether the permittee can get insurance if the corporation does not exist. His vote will be no to the motion.

Chairwoman Allen reminded the Vice Chairman that this permittee voluntarily surrendered it, probably putting the cart before the horse in the transfer process.

The motion passed 3-1.

RR18-02644 BIG SHOTS PUB, INC. – Chairwoman Allen noted this is on for an extension request.

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

RR49-05428 URBAN AMENITIES INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee is having trouble with their certificate of existence, and a renewal needs to be filed. Notices have been sent advising them of these issues.

Commissioner Maginn moved to conditionally approve the remainder of the 90-days of the current extension if the renewal is filed and the steps that are being taken to obtain the certificate of existence are provided and are satisfactory with our legal staff. Commissioner Garver seconded. Chairwoman Allen voted to approve, and Vice Chairman Payne voted against.

RR49-04646 BUCKEYE BEVERAGE CORP. – Chairwoman Allen noted this is on for an extension request.

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

RR71-36368 THE SOCIAL LLC – Vice Chairman Payne noted this is on for an extension request.

Commissioner Maginn stated a hearing was held regarding the pending violations and the Findings from the hearing have not been completed. A transfer may be filed.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Garver seconded. Vice Chairman Payne voted to approve. Chairwoman Allen abstained.

**** Chairwoman Allen noted the following permits were added to the agenda by consent.

DL49-32087 ROYAL PETROLEUM, INC. – Chairwoman Allen noted this on for an extension request.

Commissioner Maginn stated that updated ownership information needs to be submitted, along with a Form 1, and the pending violation needs to be settled or set for hearing.

Commissioner Maginn moved to approve a 30-day extension. Commissioner Garver seconded. The motion was unanimously approved.

RR52-30714 ALAN HUNTER ENTERPRISES, INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee has had problems with ownership.

Commissioner Maginn moved to approve a 30-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR79-42169 LOS POTRILLOS MEXICAN RESTAURANT GRILL & BAR, INC. – Chairwoman Allen noted this on for an extension request.

Commissioner Maginn stated violent acts have taken place at this establishment with violations issued. Those have been settled. Because of those violations, the Commissioner would like a corrective action plan to be submitted.

Commissioner Maginn moved to approve a two-week extension to allow time for the submission of the corrective action plan. Commissioner Garver seconded. The motion was unanimously approved.

RR66-00768 DIAMOND LILL'S, INC. - Chairwoman Allen noted this on for an extension request. There is a pending violation that is set for a prehearing conference. A corrective action plan, dated in 2024, was submitted with the extension request. The processor requested an updated plan.

Commissioner Maginn stated a new corrective action plan was submitted right before this meeting, so there has been no time to review.

Commissioner Maginn moved to approve a 30-day extension to allow time for review and the settling of the violation. Vice Chairman Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Chairwoman Allen noted permit #RR89-04798 was removed from the list.

Chairman Payne moved to make 4 permits dead that were previously posted on the July 21, 2026 meeting agenda. Commissioner Maginn seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 15 permits posted to be made dead at the August 18, 2026 meeting, that have failed to be renewed.

OLD BUSINESS

No Old Business

NEW BUSINESS

CONDITIONALLY APPROVED PERMIT BACKLOG – Chairwoman Allen stated this list has been announced for the last couple of months that the renewals of these permits will be reconsidered today.

Chairwoman Allen asked that the following permits that have complete renewals on file and are scheduled for a local board hearing be removed from the list by consent. Consent was granted.

RR82-34560, RR71-30975, RR49-39918, RR49-07877, RR45-37321, RR22-40555, RR02-35811, DL71-33633, DL49-31524, DL05-33542

Chairwoman Allen moved that the following permits be made dead. Vice Chairman Payne seconded. The motion was unanimously approved.

RR92-32366, RR64-16930, RR49-35078, RR46-31995, RR45-40041, RR45-40087, RR45-05016, RR26-35464, RR15-41782, RR02-40159

Chairwoman Allen moved to continue the following permits to the August 18th meeting since they have partially complied with the order to make renewals complete and expects full compliance. Commissioner Maginn seconded. The motion was unanimously approved.

RR67-37308, Certificate of Existence is still missing; RR49-40889, Form 1 is still missing; DL75-32850 renewals filed but have not been reviewed.

Commissioner Maginn moved to continue the following permits to the August 18th meeting because the status is undetermined and to allow further review. Vice Chairman Payne seconded. The motion was unanimously approved.

DL85-33906, RR45-39290

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

ROUND TABLE DISCUSSION - Chairwoman Allen stated there will be a round table discussion with industry members on September 1, 2026, after the Commission Meeting.

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

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

Approved the 18th day of August 2026 by a vote of 4-0