

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 3, 2025

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 Jones, Deputy Director Serak, Prosecutor Wignall and Senior Attorney Beaucaire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the August 19, 2025 meeting. Commissioner Jones 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. Seventy-nine dispositions were submitted with fines totaling \$49,750.00. Commissioner Jones seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR82-41323 1313 NEWTON HOLDINGS LLC – Chairwoman Allen moved to continue this to the September 16, 2025 meeting to allow time to review the proposed findings and the documents filed by the permittee. Commissioner Jones seconded. The motion was unanimously approved.

RR49-34837 J&J PROMOTIONAL GROUP LLC – Commissioner Jones, who sat as hearing judge for the appeal of the renewal, stated a transfer of this permit was filed and approved the month prior to the renewal being heard at the local board. The transferee (who was operating the business) told the local board the business was going to be a brunch place and began operating on a Manager's Questionnaire, not as a brunch place, but a late-night club where shootings occurred. The permittee did not appear the next month when the renewal came before the local board and it was denied, and the approval of the transfer was rescinded. An appeal was filed for the renewal and transfer.

Commissioner Jones stated after hearing the testimony at the renewal appeal hearing, reviewing all of the evidence, taking into account the confusion as to who was to resolve the violation because the transferee was operating the business, not the permittee, and confusion as to whether the permittee was to be present at the local board hearing, the Commissioner recommended the renewal be remanded to the local board for reconsideration. He was clear that this remand is in no way a recommendation as to how the local board should vote.

Commissioner Jones moved to remand the renewal to the local board. Commissioner Maginn seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Jones 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.

By consent, the Commission added permit RR49-42574 to the list of new applications to be approved.

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

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

WAIVERS OF FEES – LETTERS OF EXTENSION

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

ITEMS FOR DISCUSSION

DL20-23176 SANGHA LLC – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to approve for 1 year.

Commissioner Maginn stated the permittee did have two violations for selling to a minor. The clerks at the business had the ability to override the ID scanner and the owner was aware of this.

Commissioner Maginn moved to uphold the local board's recommendation. Vice Chairman Payne seconded.

Commissioner Jones agrees with the officer at the local board hearing that there does not seem to be a need for alcohol to be sold at this business because there are numerous alcohol establishments in the area and that the owner is aware and seemed to have no problem with the ability to override the ID scanner is troublesome.

Chairwoman Allen agrees that the ability to override the ID scanner is a problem. But three of the local board members voted to approve for 1 year, so she is cautiously voting to approve in the hopes the owner takes this matter seriously.

Motion to approve passed 3-1.

RR69-04809 BEN WILSON ENTERPRISES, INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there were missing items that have now been submitted.

Commissioner Maginn moved to approve the remainder of the 90-day extension. Commissioner Jones seconded.

Chairwoman Allen noted the permittee just settled a violation that included a 3-day suspension. That suspension will still be served next week even though the extension was approved.

The motion was unanimously approved.

RR49-92173 M & T INVESTMENT GROUP LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee needs to provide a tax clearance and a Form 1.

Commissioner Maginn moved to conditionally approve the 90-day extension when those items are received. Vice Chairman Payne seconded. The motion was unanimously approved.

RR02-31336 TAQUERIA EL RANCHITO LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee needs to provide proof of insurance.

Commissioner Maginn moved to conditionally approve the remainder of the 90-day extension after receipt of the proof of insurance. Commissioner Jones seconded. The motion was unanimously approved.

RR45-36364 PLAYO'S NIGHTCLUB LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the corrective action plan that was submitted was written with statements using “should” instead of “shall or must” train, card, etc.

Commissioner Maginn moved to approve a 2-week extension to allow time for the corrective action to be amended. Commissioner Jones seconded.

Vice Chairman Payne agreed stating this is not a wish list. It is a must that the procedures listed in the plan are followed.

Chairwoman Allen stated the ATC has training that is readily available on our website.

The motion was unanimously approved.

RR10-40224 NMA INVESTMENTS LLC – Chairwoman Allen noted this is a request for a first extension.

Commissioner Maginn stated there is a tax protest on the permit.

Commissioner Maginn moved to approve the extension. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones asked if the approval should be conditional upon receipt of a tax clearance.

Chairwoman Allen noted it is a first extension and that there is a statute allowing a first extension if a tax protest is on file, but she was not sure if the statute used “may” or “shall” issue an extension.

Commissioner Maginn stated the Commission has approved other first extension requests when a tax protest is on file.

The motion was unanimously approved.

RR30-41254 MENSER ENTERPRISES LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated all missing items have been received.

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

***Chairwoman Allen asked the Commission to add the following two permits to the agenda by consent. Consent was granted.

RC71-05769 ST. JOSEPH YOUNG MEN SOCIETY INC. OF SOUTH BEND – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there are questions and confusion concerning the permittee’s name. An attorney has been hired.

Commissioner Maginn moved to approve a 30-day extension to allow time to get this straightened out and reschedule for the October 7th meeting. She also commended ATC employee Jeff Coyle for his help with this.

Commissioner Jones asked if the motion was an extension from August 28th through October 7th, which would be more than 30 days.

Commissioner Maginn stated the 30 days would begin September 3rd.

Commissioner Jones stated 30 days would extend the permit until October 3rd.

Commissioner Maginn amended the motion to allow for an extension until the October 7th meeting. Commissioner Jones seconded.

Vice Chairman Payne stated he is always troubled with ownership issues regarding permits, but this is even more troublesome because the correct name is not known by the permittee. So, he is reluctantly approving the extension.

The motion was unanimously approved.

DL25-31347 AKRON LIQUOR STORE LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the missing items from the renewal have been received.

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

INACTIVE FILES

Commissioner Maginn moved to make 10 permits dead that were previously posted on the August 19, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 16 permits posted to be made dead at the September 16, 2025 meeting, who have failed to submit renewals.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2025 AMENDED COMMISSION MEETING DATE - Chairwoman Allen stated the next 2025 Amended Meeting Dates are:

December 2025 (no escrow hearing)

LSA DOC 24-567 – Chairwoman Allen stated comments on rule readoption are due September 26th. This is posted on the website.

ADJOURNMENT

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

Approved the 16th day of September 2025 by a vote of 4-0.