

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 19, 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

****Chairwoman Allen** stated she misspoke at the August 5, 2025 regarding paperwork being submitted for permit RR49-40045 Miami's Garden LLC, with an incorrect permit number. The paperwork was correct.

Commissioner Maginn moved to approve the minutes from the August 5, 2025 meeting. Vice Chairman Payne 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-one dispositions were submitted with fines totaling \$31,550.00. Commissioner Jones seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR29-35378 SAMANOS II LLC – Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for a violation. Several hearings to settle the violation were scheduled but the permittee failed to attend the hearings and did not settle the violation.

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

TC15265001 HUFF, PUFF N' STUFF, LLC – Vice Chairman Payne, who sat as hearing judge, stated a violation hearing was held. The Vice Chairman prepared Proposed Findings of Fact for recommendation to the Commission. The permittee filed objections to the Proposed Findings.

Vice Chairman Payne moved to adopt the Proposed Findings and revoke the certificate. Commissioner Jones seconded.

Chairwoman Allen stated she found nothing compelling in the objections that would sway her to not adopt the Proposed Findings.

Commissioner Jones agreed with the Chairwoman.

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 removed permit CH29-30274 from 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

RR45-06950 SUSKO CORPORATION – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated this business has a history of violations that include public nuisance, and falsification of records, among other things.

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

RR61-42583 THE RED BARN SALOON MANSFIELD LLC – Chairwoman Allen noted this is a new application with the local board voting 3-0 to approve.

Commissioner Maginn stated there were remonstrators present at the hearing. Their complaints dealt with parking and shared sewer lines. A petition was also submitted, but many of the signatures were

from people who did not live in the area. None of the complaints were against the character of the applicant.

Commissioner Maginn moved to uphold the local board's recommendation to approve the new permit. Commissioner Jones seconded. The motion was unanimously approved.

RR49-42332 WINEBRARY LLC – Chairwoman Allen noted this is a new application with the local board voting 3-0 to deny for failure to appear.

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

DL29-23425 MAC'S CONVENIENCE STORES LLC – Chairwoman Allen noted this is on for a jurisdiction conversion.

Commissioner Maginn stated the location has been annexed.

Commissioner Maginn moved to approve the conversion. Commissioner Jones seconded. The motion was unanimously approved.

RR45-38177 and CT45-32485 CSA ENTERPRISE INC. – Chairwoman Allen noted this is a request for reconsideration of the denial and to remand to the local board.

Commissioner Maginn stated this permittee failed to appear at the local board hearing multiple times, so the renewal was denied. There is also a history of the business operating without a permit.

Commissioner Maginn would like for the permittee to file an escrow request because the permit has been expired since December. Also, renewals, proof of insurance and a tax clearance need to be filed. The Commissioner would like Excise to check whether the business has been operating since December.

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

Commissioner Jones stated there is evidence the business was still operating after the permit expired and the permittee did not file for an extension until a few days after being cited by Excise. He will vote to deny the remand.

Vice Chairman Payne agreed with Commissioner Jones. He noted his frustration with permittees not appearing at meetings and not following the rules and regulations. The Vice Chair stated the staff spends a lot of time and effort processing paperwork and preparing for these meetings.

Chairwoman Allen wants the local board to consider the history of operating without a permit, not timely addressing violations, whether the permittee has attempted to comply with statutes and if they believe they will comply in the future.

The motion to remand passed 2-2.

RR45-40949 MARCELL JACKSON – Chairwoman Allen noted this is a request to reconsider the denial.

Commissioner Maginn stated this permit was purchased at auction. The applicant failed to appear before the local board four times, so the application was denied. The applicant sent a notice saying because the business was not ready to open, he did not think he needed to attend. However, this applicant holds another permit, so he should be aware of the rules.

Commissioner Maginn moved to approve the remand, but it be a one chance only to appear. Vice Chairman Payne seconded with an amendment stating the application has to be complete and everything in order prior to the local board hearing. Commissioner Maginn accepted the amendment.

Commissioner Jones stated his reluctance to remand but would vote to approve.

Chairwoman Allen was also reluctant, however, when the permit was purchased at auction, this applicant was the only bidder. Knowing another bidder was not blocked from having the chance of owning this permit made the decision to approve the request easier.

Commissioner Maginn amended the motion once more by adding the permit was purchased at the 2023 auction, so if the permit is approved after remand, the permit will be placed in escrow with the start date of Marh 6, 2024.

Chairwoman Allen remarked the denial notice that was sent by certified mail was never picked up and signed for by the applicant, making it hard to state that the applicant was on notice of the denial and not out of appeal time. The applicant is now on notice.

The amended motion was unanimously approved.

RR49-09245 MCDUFF INC. – Chairwoman Allen noted this is a request to reactivate the permit.

Commissioner Maginn stated this permit was made inactive pending auction at the August 5, 2025 meeting. The permittee has a buyer so a request to reactivate for purposes of transfer only was filed.

Commissioner Maginn moved to approve the request to reactivate the permit for purposes of transfer and the transfer must be filed in 30 days. Vice Chairman Payne seconded.

Chairwoman Allen noted permittee was filing documents for this permit under the wrong permit number because they have another corporation and possibly confusing the two.

The motion was unanimously approved.

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

Commissioner Maginn stated this was continued from the 8/5/25 meeting. The permittee has not submitted a corrective action plan and proof of insurance. Nothing has been submitted.

Commissioner Maginn moved to keep this on the future agendas until information is submitted. Vice Chairman Payne seconded.

Commissioner Jones stated the minutes from the last meeting stated this was to be placed on the 9/3/25 meeting.

Commissioner Maginn amended her motion to show permittee was given until the 9/3/25 meeting to submit needed documents. Commissioner Jones seconded. 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 a new floor plan, a corrective action plan and proof of insurance is needed.

Commissioner Maginn moved to approve an extension until the 9/3/25 meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

RC61-89135 AMVETS PARKE COUNTY POST #61 INC. – Chairwoman Allen noted this is on for an extension request.

Vice Chairman Payne stated an appeal hearing was held regarding this permit, but the current extension has expired.

Vice Chairman Payne moved to approve a 30-day extension, to allow time for the Findings to be completed. Commissioner Maginn seconded. The motion was unanimously approved.

RC45-13415 SOUTHERN LAKE CO CONSERVATION CLUB – Chairwoman Allen noted this is on for an extension request.

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

RR71-41741 BILLY GOAT 9 & DINE INC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones 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 this corporation has been dissolved with the Secretary of State's office. Proof of insurance is needed.

Commissioner Maginn moved to approve an extension until 9/3/25 to allow time for these matters to be fixed. Vice Chairman Payne seconded.

Commissioner Jones asked if the tax protest had been cleared and it has been. The motion was unanimously approved.

RR90-37402 BARNES ENTERPRISES LLC – Chairwoman Allen noted this is on for an extension request.

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

DL33-33562 JV SINGH INC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee recently settled violations.

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

***The following permits were added to the agenda by consent of the Commission.

RC45-00033 AMERICAN LEGION POST 20 – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the missing renewal items were received.

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

DL64-07722 PAT'S LIQUORS INC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated missing items were received.

Commissioner Maginn moved to approve a 90-day extension. 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 this permittee had a couple of serious violations in the last couple of years. The renewal is scheduled for a local board hearing on 9/3/25. The Commissioner asked that the permittee submit a corrective action plan.

Commissioner Maginn moved to approve a 2-week extension. Vice Chairman Payne seconded.

Commissioner Jones asked if the extension should be longer because the local board date is the same as the next Commission meeting.

Commissioner Maginn stated she wanted to see how the local board votes on the renewal.

Chairwoman Allen questioned how long the Commission would want it set out without submission of a corrective action plan. Based on the plan, the Commission could decide to extend the time on 9/3/25. The motion was unanimously approved.

RH53-30080 THE TRUSTEES OF INDIANA UNIVERSITY – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated all missing items were received.

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

INACTIVE FILES

Chairwoman Allen asked, by consent, that permit #RR49-35827 be removed from the list to be made dead. Consent was granted.

Commissioner Maginn moved to make 13 permits dead that were previously posted on the August 5, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 10 permits posted to be made dead at the September 3, 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:

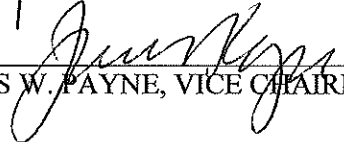
Wednesday, September 3, 2025 (commission meeting)
December 2025 (no escrow hearing)

ADJOURNMENT

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

Approved this 3rd day of September, 2025.


JESSICA ALLEN, CHAIRWOMAN


JAMES W. PAYNE, VICE CHAIRMAN


MARJORIE MAGINN, COMMISSIONER


MARK A. JONES, COMMISSIONER