

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 5, 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, General Counsel Merritt, Prosecutor Wignall and Senior Attorney Beaucaire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the July 15, 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. Eighty-seven dispositions were submitted with fines totaling \$54,050.00. Commissioner Jones seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

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.

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

DL82-33715 GTBE LLC – Chairwoman Allen noted this is a renewal with the local board voting 2-1 to deny. This matter was continued from the July 15, 2025 meeting.

Commissioner Jones stated the Commission has received numerous legal documents regarding the issues surrounding this permit. Since the last meeting, was discovered that the advertising notice of the transfer in 2024 was not published in the newspaper as required.

Commissioner Jones moved to withdraw approval of the transfer and remand it to the local board for consideration of the transfer. Commissioner Maginn seconded.

Commissioner Maginn stated there was not an issue with the orange sign posting last year and that should not be considered.

Chairwoman Allen also stated that there was no issue with the posting of the sign. It is not reasonable for the Commission to say that new or transfer permits cannot be placed in areas with construction is taking place. The sign can still be displayed.

Vice Chairman Payne noted how detailed the application process is and how important each of those details are, including the newspaper advertisement.

Chairwoman Allen mentioned that this was one of the issues she asked counsel to look into at the last meeting and because they were very thorough in the search, were able to find this.

The motion was unanimously approved.

RR71-12620 UNIVERSITY OF NOTRE DAME DU LAC – Chairwoman Allen noted this is a request to be designated as a catering hall.

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

RR49-11398 TRI-ENTERTAINMENT LLC – Chairwoman Allen noted this is a request for permission to file a transfer. This matter was previously on our agenda. It was tabled indefinitely due to a pending violation. The violation is now settled.

Commissioner Maginn stated the violations are settled. Part of the settlement agreement was for an arm's length transfer of ownership and location. The current address will be changed to "location pending".

Commissioner Maginn moved to approve the request and allow 30 days to file a transfer. Vice Chairman Payne seconded.

Commissioner Jones stated he has trouble with this. The history of violations regarding this permittee is lengthy and serious. Some of the violations are failure to disclose interested parties, falsification of records, reputation and character, etc. He acknowledged that the Commission has approved this request in the past, however, at some point there should be a line drawn and permittees need to be aware this request may not always be granted and they may lose their permit.

Chairwoman Allen stated she understands the argument that allowing these transfers keeps permits active and provides economic development, however, so far it has not lessened the violence at bars. Maybe the deterrent nature of the consequences needs to be increased. Patrons who intend to commit violence see the lack of businesses following the laws and regulations as an opportunity for that behavior to be allowed.

Chairwoman Allen reluctantly voted yes. Commissioner Jones voted no.

The motion passed 3-1.

RR91-42601 SANDBAR RESTAURANT & GRILL LLC – Chairwoman Allen noted this is a request for remand by the local board.

Commissioner Maginn stated new information regarding an investigation into this application surfaced and the local board wants an additional opportunity to discuss it with the applicant.

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

RR46-31995 BNG ENTERPRISES LLC – Chairwoman Allen noted this is a request for remand by the local board.

Commissioner Maginn stated this matter came before the local board for renewal, however, information about undisclosed convictions against an owner has surfaced.

Commissioner Maginn moved to approve the request for remand. Commissioner Jones seconded. The motion was unanimously approved.

RR20-31631 NUMARA INC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee was previously on PACE and did very well, but since PACE ended some problems have occurred. The corrective action plan that was submitted was very proactive, but the Commissioner would like to know when the plan will be implemented.

Commissioner Maginn moved to approve a 30-day extension to allow time for the permittee to provide a timetable for implementation of the plan. Commissioner Jones seconded. The motion was unanimously approved.

RR49-37264 317 BBQ LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there are ownership issues to be taken care of.

Commissioner Maginn moved to approve a 30-day extension. Commissioner Jones seconded.

Chairwoman Allen stated the issue concerns a consent to transfer stock/shares. If there is a problem getting a signature on the ATC form, shareholder meeting minutes, court order, or other documents that show how many shares and where they went can be considered as a replacement.

The motion was unanimously approved.

RC21-10883 AMVETS POST 11 – 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.

RR40-28815 CELAYA INCORPORATED – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there was a problem with obtaining proper insurance. They now have the insurance and are scheduled for local board.

Commissioner Maginn move to approve a 90-day extension. Vice Chairman Payne seconded.

Commissioner Jones stated the extension form is not filled out with a reason the extension is needed. There is a need for the form to be filled out, so the commission is aware of what is being considered.

The motion was unanimously approved.

RR53-33898 COPPER CREEK GRILL INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this business has been closed for more than 30 days, so an inspection or floor plan affidavit needs to be submitted. The tax protest is clear, and the renewal is set for local board.

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

RR49-40045 MIAMI'S GARDEN LLC – Chairwoman Allen noted this is on for an extension request. The renewal was denied, and an appeal was filed. The Chair mentioned that in the appeal documents the wrong permit number was referenced, but the information in the appeal references this permittee.

Commissioner Maginn stated we have received a corrective action plan that was very detailed. She hopes they will adhere to this plan.

Commissioner Maginn moved to approve the extension request. Commissioner Jones seconded.

Commissioner Jones stated he is voting to approve because the corrective action plan is good, and Excise has visited the location and found them to be operating properly with the changes.

Chairwoman Allen made note that the permittee fired the security company and retained a new one. Another incident occurred a few months later where employees and/or security were in the parking lot pointing firearms. A female was also detained and hit in the face. The Chair stated that permittees need to be serious as to what training is required and use of force policies concerning their security. Excise has those training policies.

Commissioner Jones agreed. He also stated that his vote on the extension has no effect on a decision regarding the appeal.

Vice Chairman Payne voted to approve. Chairwoman Allen voted to deny.

The motion passed 3-1.

RR43-19043 GREEN GOLF PARTNERS LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there are some ownership issues.

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

Commissioner Jones stated the permittee needs to get the paperwork in order before this extension expires.

The motion was unanimously approved.

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

Commissioner Maginn stated there is a pending violation scheduled for a prehearing conference. She would like a corrective action plan to be submitted by September 3rd.

Commissioner Maginn moved to approve an extension until September 3rd. Commissioner Jones seconded.

Vice Chairman Payne mentioned the reason stated on the form as to the need of an extension is due to the new insurance requirement law and that it was hard to find. The Vice Chairman noted this law is a year old.

Chairwoman Allen noted the law was adjusted to only require having liability insurance based on each business' need, not a minimum of \$500,000. When notice is sent, it should provide clarification that there is no minimum amount of coverage, just having coverage is required.

The motion was unanimously approved.

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

DL49-32087 ROYAL PETROLEUM 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.

RR49-34236 ECKCEED ECKSPECTATIONS LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the Property Tax Form 1 needs to be submitted. The renewal is scheduled for a local board hearing.

Commissioner Magin moved to approve a 90-day extension conditioned upon receipt of the Form 1. Commissioner Jones seconded. The motion was unanimously approved.

INACTIVE FILES

Chairwoman Allen asked, by consent, that permit #RR49-41544 and permit #RR89-03714 be removed from the list to be made dead. Consent was granted.

Commissioner Maginn moved to make 11 permits dead that were previously posted on the July 15, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 14 permits posted to be made dead at the August 19, 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:

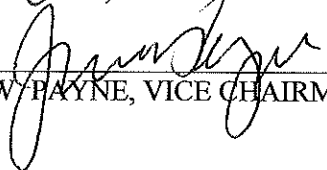
Wednesday, September 3, 2025 (commission meeting)
December 2025 (no escrow hearing)

ADJOURNMENT


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

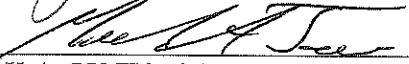
Approved this 19th day of August, 2025.



JESSICA ALLEN, CHAIRWOMAN


JAMES W. PAYNE, VICE CHAIRMAN



MARJORIE MAGINN, COMMISSIONER


MARK A. JONES, COMMISSIONER