

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

IN THE MATTER OF)
THE PERMIT OF:)
)
JANE GRACE) **Permit No. BR1762987**
)

PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

I. BACKGROUND OF THE CASE

The Applicant, Jane Grace, Permit number BR1762987, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her renewal application on November 6, 2019. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 and is still on probation for the second conviction. Renewal application for BR1762987 was denied. Applicant timely filed an appeal of the denied permit application. An appeal hearing was held on February 13, 2020.

II. EVIDENCE BEFORE THE ATC

A. The following individuals testified before the ATC in favor of the Applicant in this cause:

1. Jane Grace, BR1762987.

B. The following documents were present to the ATC in favor of the Applicant in this cause:

1. Letter from State Representative Tom Saunders, February 5, 2019.

2. Letter from Betty Hancock, Addictions Therapist, Meridian Health Services, February 6, 2020.
3. Letter from Stephanie Cook, part owner The Back Porch Bar, February 7, 2020.

III. FINDINGS OF FACT

1. The Applicant, Jane Grace, permit number BR1762987, is the Applicant for renewal of Alcohol and Tobacco Commission employee permit. (ATC File).
2. The Alcohol and Tobacco Commission is bound by the employee permit restrictions in IC 7.1-3-18-9, Employee's Permit, and has no discretion outside of the statutory restrictions for the issuance of an employee permit application.
3. The Applicant has two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 in the past ten years and is still on probation for the second conviction. Probation is scheduled to be completed in November 2021.
4. The Applicant's first conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5 in a ten year period was on April 30, 2012.
5. The Applicant will be eligible to hold and employee permit on April 30, 2022, ten years after the first conviction for operating while intoxicated.
6. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

IV. CONCLUSIONS OF LAW

1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(g) because Applicant had two convictions for

operating while intoxicated as defined by IC 7.1-1-3-13.5 within the past ten (10) years and is still serving a sentence of probation for the second conviction.

2. Applicant's current eligibility date is April 30, 2022.
3. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for permit number BR1762987 is in compliance with the law and is upheld.

DATED: February 13, 2020

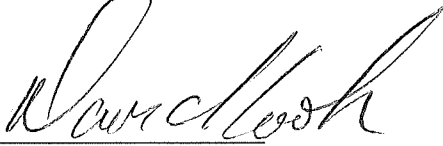


Jessica Allen, Hearing Judge

Distribution:

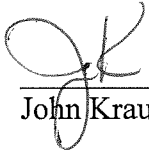
Jane Grace
1414 Michigan Street
New Castle, IN 47362

Commission Adoption:



David Cook, Chairman

Date: 5-5-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner