

STATE OF INDIANA

ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF)
THE PERMIT OF) PERMIT # DL92-08528
)
CHURUBUSCO PACKAGE LIQUOR)
STORE, INC.)

AMENDED PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW

A hearing on Churubusco Package Liquor Store, Inc.'s ("Churubusco") Alcohol Permit #DL92-08528 ("Permit") was held at the Indiana Government Center South, 302 W. Washington Street, with Commissioner Frank Guthrie presiding on May 3, 2012. Present for Churubusco were: Jeffrey Parrish ("Parrish"), owner and officer of Churubusco, and Stephen E. Lewis, counsel. This matter is an appeal from a denial to renew the Permit by the Whitley County Local Board ("Board") on January 10, 2012.

I. EXHIBITS.

- A. The following exhibits were admitted:
1. The transcript of the Local Board hearing held January 10, 2012.
 2. Settlement Agreement In Re: Marriage of Amy Parrish v. Jeffrey Parrish.
 3. Surrendered Stock Certificate No. 4 to Churubusco Package Liquor Store, Inc. signed by Amy Parrish ("Amy").
 4. The Resignation of Amy as an officer, director, employee and agent of Churubusco.
 5. Consent of Board of Directors and Shareholder of Churubusco appointing Parrish as president, secretary and director of Churubusco.
 6. Stock Certificate No. 5 representing the sole ownership of Parrish in Churubusco.

7. Affidavit of Perry D. Shilts.
8. Professional opinion from Randall A. Schroeder, Ph.D. dated April 24, 2012.

II. FINDINGS OF FACT.

1. The Transcript of the Local Board hearing provided that:
 - a. Churubusco was found to have been operating on an expired Permit in January of 2011, and further failed to post a proper Permit in January of 2011.
 - b. The penalties assessed for those violations have been paid.
 - c. Churubusco had previously issued insufficient fund checks to suppliers.
 - d. Parrish, owner of Churubusco, appeared non-responsive and belligerent at the Local Board hearing.
 - e. The Local Board found that Churubusco had established a pattern of violations and lack of respect for the Alcohol and Tobacco Commission (“ATC”), and, accordingly, the Local Board denied the renewal of the Permit.

2. The testimony and exhibits in this matter established many new and relevant facts not presented at the Local Board hearing, as well as many facts which were not presented completely or clearly at the Local Board hearing, including but not limited to:
 - a. Churubusco has been owned and operated by the Parrish Family for at least three (3) generations.
 - b. The Parrish Dissolution Decree and Settlement Agreement provided that Parrish shall have Churubusco as his sole property.
 - c. Amy has surrendered her Stock Certificate No. 4 in Churubusco.

- d. Amy has resigned as an officer, agent and director of Churubusco.
- e. The Consent of Directors and Shareholder provides that Parrish is the sole officer and director of Churubusco.
- f. Stock Certificate No. 5 evidences the sole ownership of Churubusco by Parrish.
- g. Prior to her death in June of 2010, Sandra Parrish (mother of Parrish) owned and operated Churubusco.
- h. When Sandra Parrish suffered a stroke in September of 2009, it became necessary for Parrish and his then wife, Amy, to operate Churubusco on a day-to-day basis until Sandra's death on June 22, 2010. During this period of time, Amy would do all payroll, scheduling, payment of suppliers, and maintain all accounting functions for Churubusco.
- i. Parrish provided the day-to-day operations and management of Churubusco and has currently hired a general manager to assist in all of his business operations.
- j. That Glenn Parrish, father of Parrish, departed this life on February 3, 2010.
- k. That Parrish and Amy opened a business venture, a restaurant and tavern, on February 3, 2010, and Parrish and Amy were the sole managers of this restaurant and tavern.
- l. That the sole surviving grandparent of Parrish died February 28, 2010.
- m. Parrish filed for dissolution from Amy in June of 2010.
- n. That Parrish dismissed that dissolution in mid-July of 2010.
- o. That Parrish re-filed for dissolution in October of 2010, which dissolution continued until final resolution in January of 2012.
- p. That the subject of Parrish's concern during this dissolution was his son, Brian Parrish, now a fifth grade student.

- q. That Perry D. Shilts, attorney for Parrish in the dissolution, stated in paragraph 9 of his affidavit: “Because of Jeff’s wife’s actions involving their only child, age 8, and the positions she and her counsel took, during the 16 month divorce, Jeff’s emotional roller coaster ride was one of the worst I have ever witnessed.”
- r. Mr. Shilts cites other actions initiated by Amy, including her felony abuse of Parrish while their child was present, which created emotional difficulty for him. (Shilts Affidavit, ¶ 10).
- s. Parrish was the holder of a non-contact order against Amy, but she repeatedly called the police and initiated alleged violations. (Shilts Affidavit, ¶ 10).
- t. The opinion of Randall Schroeder, Ph.D. provides:
 - 1. Parrish commenced counseling in April 2009, because of the significant verbal and emotional abuse from his ex-wife.
 - 2. Parrish was physically abused by his ex-wife.
 - 3. Jeff had a very close relationship with grandmother and parents.
 - 4. The three (grandmother, mother and father) supported Parrish during his tumultuous marriage.
 - 5. In 2010, Parrish’s grandmother, father and mother died, leaving Parrish without his emotional support system.
 - 6. When Sandra Parrish passed, Parrish lost all her support and assistance in operating Churubusco.
 - (a) Generally “. . . the three deaths, along with the divorce, created general feelings of depression and anxiety. Jeff exhibited symptoms of agitation, irritability, lack of energy, confusion, concentration difficulties, lack of motivation and disorientation.”
- 3. Randall Schroeder further stated: “In my professional opinion, these numerous difficulties affected his ability to focus on business matters

and caused behavioral aberrations. It is also my professional opinion that his fractured emotional condition and the tremendous amounts of time and energy spent dealing with the divorce caused Jeff to miss important meetings sometimes intentionally and sometimes unintentionally.”

4. The fragile emotional condition which began in April of 2009 was exacerbated by the deaths of family members, was exacerbated by the dissolution which commenced in July of 2010 and continued throughout the period of the dissolution until it was finalized in January of 2012.
5. During all relevant times, Parrish was in a fractured emotional condition which created numerous difficulties in his focusing on business matters, caused inattentiveness to such matters, caused intentional and unintentional failures to attend to business and other matters and caused some emotional and unacceptable behavior.

III. CONCLUSIONS OF LAW.

1. Churubusco is owned solely by Parrish.
2. Any inappropriate responses to the ATC violations were caused by Parrish’s fractured emotional state.
3. Failure to attend meetings by Parrish and be responsive at local ATC hearings were caused by Parrish’s fractured emotional condition.
4. Any irresponsible and aberrant behavior toward any ATC members, or such actions at hearings, were caused by Parrish’s fractured emotional condition.
5. Parrish’s failure to attend to business matters were as a result of his fractured emotional state.

6. Taking into account the condition of Parrish and circumstances surrounding the actions of Parrish, it is apparent that his actions were not intended to be disrespectful of the ATC and its regulations.

7. Accordingly, it is now determined that the decision of the Local Board in denying the Permit was supported by substantial evidence. Subsequent evidence, introduced at the appeal hearing, has not explained the Applicant's behavior with sufficient certainty and leads this Hearing Officer to deny the appeal, uphold the Local Board and deny the renewal.

Dated: _____

Commissioner Frank Guthrie