

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JULY 15, 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

Commissioner Jones moved to approve the minutes from the July 1, 2025 meeting. Commissioner Maginn 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. One hundred dispositions were submitted with fines totaling \$70,700.00. Commissioner Jones seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

RR03-35098 BLACKERBY'S HANGAR 5 RESTAURANT INC. - Vice Chairman Payne, who sat as hearing judge in this matter, stated this permittee was cited for violations. The permittee failed to appear for any scheduled hearings and never made an attempt to settle the violations.

Vice Chairman Payne moved to revoke the permit. Commissioner Jones 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, permit #WH45-30139 was added to the list of new permits to approve.

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**

RR49-39282 AND CT49-32468 ICE BAR & LOUNGE LLP – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny and also a request for an extension.

Commissioner Maginn stated the permittee had a violation that was settled, and they filed a corrective action plan, however, they failed to appear multiple times at local board hearings to discuss these matters. Numerous notices, including a certified letter that was signed and accepted by the permittee, were sent advising the date and time of the local board hearings.

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

Chairwoman Allen noted there are four separate boards, with Lawrence being the first on the agenda. The permit was called 33 minutes into the meeting. That board had concluded reviewing its permits and no longer had a quorum by the time the permittee arrived. The Chairwoman also stated continuation of the extension was based on the appearance at the local board hearing. There is a lack of appearance, lack of accountability and lack of willingness to participate.

Commissioner Jones stated this was the third or fourth failure to appear.

DL82-33715 GTBE LLC – Chairwoman Allen noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated this is a renewal of a permit that has been issued for two years. The local board hearings were extensive. Some of the issues dealt with were whether the store had been open, escrow violations, and proper posting of the orange sign from two years ago. A large number of documents were submitted, and the Commissioner would like more time for review.

Commissioner Maginn moved to continue this to the August 5<sup>th</sup> meeting. Vice Chairman Payne seconded.

Chairwoman Allen asked that the attorney's review the policies of the orange sign posting. There was construction on the street during the time of the posting. Also, check to make sure the advertising was published, as required.

Commissioner Jones also asked for a check on the legal ground the Commission has to go back two years and redecide this issue. He also stated interested parties can submit any documentation they would like, but this meeting is not the time for that discussion.

The motion was unanimously approved.

RR49-40045 MIAMI'S GARDEN LLC – Chairwoman Allen noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated this permittee had numerous violations over the last couple of years that included a stabbing, battery, public nuisance and hindrance, etc.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Commissioner Jones seconded.

Chairwoman Allen stated Excise spent several weeks visiting businesses after the All-Star weekend, admonishing them on their responsibility to follow the law. Unfortunately, this was ignored. Compliance with the law is expected all of the time, even during big events in the city.

The motion was unanimously approved.

RR45-38177 & CT45-32485 CSA ENTERPRISE INC. – Chairwoman Allen noted this is a renewal 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 the renewal to deny the catering application. Commissioner Jones seconded. The motion was unanimously approved.

RR49-38892 ROYAL PALACE LLC – Chairwoman Allen noted this is on for failure to appear at two escrow hearings and denial of escrow.

Commissioner Maginn stated the permittee failed to appear for an escrow hearing, as required, causing the escrow status to be denied.

Commissioner Maginn moved to deny the renewal due to denied escrow status. Commissioner Jones seconded. The motion was unanimously approved.

DL49-32133 RAJSURU INC. – Chairwoman Allen noted this is on for a request to remand and an extension request following denial of the permit.

Commissioner Maginn stated since the denial, the permittee has hired counsel and believes there is information to present to the local board that would possibly change the denial.

Commissioner Maginn moved to grant the remand and extension requests. Vice Chairman Payne seconded. Chairwoman Allen approved. Commissioner Jones abstained.

RR49-06959 H.A.T. ENTERPRISES - Chairwoman Allen noted this is on for renewal of a denied permit.

Commissioner Maginn moved to approve the renewal for purposes of transfer only. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-27664 EL CHISPAS NO. 2 LLC – Chairwoman Allen noted this is on for an extension request. This was continued from the last meeting.

Commissioner Maginn stated the request is for the transfer applicant to be allowed the ability to operate the business on a Manager's Questionnaire during the transfer process. Extensive information was submitted regarding the new applicants. There was one issue that still needs to be addressed, and the permittee is aware.

Commissioner Maginn moved to approve an extension for one week. Vice Chairman Payne seconded.

Vice Chairman Payne commented that the security camera plan that was submitted shows 32 cameras. He would like to know how long the footage will be stored.

Commissioner Maginn noted that the applicant is required to abide by the corrective action plan submitted by the current owner while operating on the Manager's Questionnaire, if the request is granted. Strict compliance is expected.

Chairwoman Allen agreed with Commissioner Maginn regarding the strict compliance. Any issues that come up could affect the transfer and issuance of the extension.

The motion was unanimously approved.

RR57-40622 & CT57-32352 HAWPATCH TRADING COMPANY LLC - Chairwoman Allen noted this is on for an extension request.

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

RH29-26468 LEBANON & TREE CITY HOTEL ASSOCIATES LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve the extension request. Commissioner Jones second. The motion was unanimously approved.

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

Commissioner Maginn stated this permittee has had problems with violations. In the past, it was placed on PACE. There is a pending violation on file. The Commissioner wants the submission of a corrective action plan and movement on settling the pending violation.

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

Commissioner Jones noted that he is fine with approving the three-week extension, but is reluctant about extending that time, and is not sure if a corrective action plan is submitted it will be enough for him to approve any further extension. All commissioners agreed.

Chairwoman Allen said the business operated well while on PACE, showing they do know how to operate, but the business appears to have slipped back into prior operating habits.

The motion was unanimously approved.

RR54-21414 & CT54-30369 CRAWFORDSVILLE COUNTRY CLUB INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there was a holdup on their renewal regarding disclosure of interested parties, but it has been submitted.

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

- The following three permits were added to the Agenda by consent.

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

Commissioner Maginn stated there are ownership issues.

Commissioner Maginn moved to approve a one-week extension to allow time for the ownership issues to clear. Commissioner Jones seconded. The motion was unanimously approved.

RC05-08422 AMVETS HARTFORD CITY POST #23 INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there were several items missing on the renewal application. Those items have been submitted.

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

RR49-38086 MR. D GENERAL CONSTRUCTION LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated this business had several violations in the last few months that included shots fired (by security at business), hindering, and sales to intoxicated patrons. A corrective action plan needs to be filed that addresses these problems and also security issues. The permittee supposedly fired the security firm, however a later check showed that firm is still providing security.

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

Commissioner Jones stated he has serious concerns with how the business is running with all of the violence occurring. He also mentioned non-compliance with suggestions and requests from Excise and IMPD.

Chairwoman Allen would like to see what training has been done with the security company to make sure this is the correct path forward with security

Chairwoman Allen voted to approve. Commissioner Jones voted no.

The motion was approved 3-1.

### INACTIVE FILES

Commissioner Maginn moved to make 5 permits dead that were previously posted on the July 1, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 13 permits posted to be made dead at the August 5, 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:

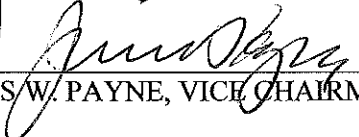
Wednesday, September 3, 2025 (commission meeting)  
December 2025 (no escrow hearing)

### ADJOURNMENT

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

Approved this 5<sup>th</sup> day of August, 2025.

  
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JESSICA ALLEN, CHAIRWOMAN

  
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JAMES W. PAYNE, VICE CHAIRMAN

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MARJORIE MAGINN, COMMISSIONER

  
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MARK A. JONES, COMMISSIONER