



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204

Telephone (317) 232-2430
Fax (317) 233-6114
www.IN.gov/atc

NOTICE OF INVESTIGATORY HEARING

Pursuant to Indiana Code § 7.1-2-3-4, the Indiana Alcohol and Tobacco Commission (“ATC” or “Commission”) will hold an investigatory hearing in order to gather evidence and ascertain the facts involving the business operations and business relationships of D&E Spirits, LLC, which holds a wine wholesaler permit (WH49-30104) and liquor wholesaler permit (WH49-30105).

The purpose of the investigatory hearing is to explore the following issues and/or subject matters:

- (1) whether D&E Spirits, LLC satisfies the “character of the business” test set forth in Ind. Code 7.1-3-1-19; and
- (2) whether any business practice, relationship, and/or dealing by or between D&E Spirits, LLC and another permit holder is a violation of, or inimical to, a provision of Title 7.1 of the Indiana Code and/or a rule or regulation of the Commission, as contemplated under Ind. Code 7.1-2-3-22.

In order to increase public participation, interested parties are invited to submit written comments and to attend the hearing in-person or virtually via Microsoft Teams (link below):

Date	Tuesday, November 19 th , 2024
Time	1:00 p.m. (ET)
Location	Register here to attend. In-Person: Indiana Government Center South Building 302 W. Washington Street, Room E-114 Indianapolis, IN 46204 Virtual: Join Meeting

The investigatory hearing will be open to the public and will continue until all in attendance wishing to speak have provided comment, or 4:30 p.m. (whichever is latest). If another hearing needs to be scheduled, the Commission will provide notice of the subsequent hearing date.

Please submit all written comments to General Counsel & Communications Director, Ashley Merritt, at amerritt@atc.in.gov or the physical address above. The Commission will accept written comments transmitted by e-mail if sent to the e-mail address set forth above. Comments sent to e-mail addresses other than those designated in this notice will not be accepted. Please note that under the Indiana Access to Public Records Act (Ind. Code 5-14-3 *et seq.*), all written and oral comments will become part of the public record and can be released to the public upon request.

STATEMENT OF PURPOSE

The Indiana Alcohol and Tobacco Commission (“ATC” or “Commission”) conducts investigative hearings to assist in obtaining information necessary to determine the facts and circumstances of a particular subject matter under investigation and to make recommendations to improve laws and regulations pertaining to alcohol and tobacco. An investigative hearing is a fact-finding proceeding during which the ATC may examine witnesses and secure facts pertaining to the subject matter under investigation and surrounding circumstances and conditions from which the Commission may determine probable cause and may formulate recommendations and/or other documents for corrective or preventative action.

Indiana Code § 7.1-2-3-4 sets forth the general powers of the Commission and states that it shall have the power to:

- 1) hold hearings before the Commission or its representative;
- 2) take testimony and receive evidence;
- 3) conduct inquiries with or without hearings;
- 4) receive reports of investigators or other governmental officers and employees;
- 5) administer oaths;
- 6) subpoena witnesses and to compel them to appear and testify;
- 7) issue and enforce subpoenas duces tecum;
- 8) take or institute proceedings to enforce subpoenas, the rules and regulations, orders, or requirements of the Commission or its representative;
- 9) fix the compensation paid to witnesses appearing before the Commission;
- 10) establish and use a seal of the Commission;
- 11) certify copies of records of the commission or any other document or record on file with the Commission;
- 12) fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided in this title;
- 13) issue letters of extension as authorized by [IC 7.1-3-1-3.1](#); and
- 14) hold permits on deposit as authorized by [IC 7.1-3-1-3.5](#) and [IC 7.1-3-1.1](#).

Prior to the investigatory hearing, the Commissioner will communicate with stakeholders and other interested persons inviting them to provide information in response to the Commissioner’s specific questions in advance of the hearing. Additionally, in advance of an investigative hearing, the ATC will:

- designate parties to the proceeding who contribute a variety of perspectives and views on the issues the Commission will address at the hearing.
 - o A party may be any person or entity whose participation in the hearing is deemed necessary in the public interest and whose special knowledge will contribute to the development of relevant evidence.
- identify, as hearing witnesses, individuals or representatives of organizations who possess information that: (1) the ATC has not already discovered; (2) needs clarification; and/or (3) should be publicly vetted in an open forum.

Investigators of the Indiana State Excise Police, ATC legal staff, and members of the Commission may ask questions of witnesses, who testify under oath, during a hearing. Ultimately, the investigative hearing process ensures that the issues explored in a hearing reflect a variety of perspectives on the subject matter. Questions are limited to the predetermined subject matter(s) of the hearing.