

BEFORE THE INDIANA
ALCOHOL AND TOBACCO COMMISSION

Robert Hawkins
dba Hawkins House of Fish
Permittee
Permit No.: RR0223790
2619 Weisser Park Ave.
Fort Wayne, Indiana, 46803

Comes now the Hearing Judge for the Indiana Alcohol and Tobacco Commission (“Commission”) and submits to the Commission, pursuant to 905 IAC 1-37-12, this Proposed Findings of Fact, Conclusions of Law, and Order against Robert Hawkins (“Hawkins”).

1. Robert Hawkins (Permittee or Hawkins) holds a beer and wine retail permit under permit number RR0223790 (Permit) and is located at 2619 Weisser Park Ave., Fort Wayne, Indiana 46803 (Licensed Premises or Premises).
2. On June 13, 2025, the Prosecutor filed a Notice of Violation against Robert Hawkins under cause number EX25-001076. That Notice of Violation alleged the following violations: Public Nuisance (905 IAC 1-27-2).
3. On June 20, 2025, the Prosecutor filed Notice of Violation against Robert Hawkins under cause number EX25-001289. That Notice of Violation alleged the following violations: Expired Business Permit (IC 7.1-3-1-3).
4. Service of papers during permit violation procedures shall be by United States Mail or personal service. If the current address of a permittee is not ascertainable, service shall be mailed to the last known address where the person resides or has a

principal place of business as shown by the commission's records. 905 IAC 1-37-2(b) and (d).

5. A copy of both of the above Notices of Violation were sent by United States mail to Hawkins at his address on file with the Commission.
6. Hawkins or a representative talked to ATC Prosecutor Drew Wignall about the notices of violation on July 2, 2025, and sent a letter asking how to fix the issues.
7. Settlement conference for EX25001076 was scheduled for July 11, 2025 and no one representing Hawkins appeared.
8. Settlement conference for EX25001289 was scheduled for July 28, 2025, and no one representing Hawkins appeared.
9. Following both failures to appear at settlement conferences, the matters were consolidated and set for prehearing conference on August 21, 2025, and no one representing Hawkins appeared.
10. Following the failure to appear for prehearing conference, the matter was set for show cause hearing for the permittee to show cause why the permit should not be revoked for failing to appear on September 25, 2025. Both Robert Hawkins and Kordell Greene appeared for the show cause hearing.
11. On October 16, 2025, an evidentiary hearing was held, evidence presented, and the matter was taken under advisement.

Evidence and witnesses

Witnesses on behalf of ATC Prosecutor:

1. Officer Marcus Oster, Indiana State Excise Police

Witnesses on behalf of Permittee:

1. Robert Hawkins, Permittee
2. Kordelle Greene, Manager

Evidence on behalf of ATC Prosecutor:

1. Exhibits 1- 9, photographs depicting damage from bullets and trajectory of bullets
2. Exhibit 10, photograph of point of sale system showing alcohol sales on 4/4/25

Findings of Fact

12. The hearing judge took judicial notice of the entire file, including all violation reports, settlement agreements, corrective actions, and petitions, relating to permit RR0223790.
13. Permittee was previously issued a violation for Public Nuisance (905 IAC 1-27-2) and Scope of Permit (IC 7.1-3-4-6) on September 30, 2024 under complaint number EX24003593.
 - a. Fort Wayne Police Department (FWPD) notified Indiana State Excise Police (Excise) that there were concerns relating to an increase in police activity at the permit premises.
 - b. Excise initiated an investigation and found 21 police activities between 9/1/23 and 9/1/24, including 16 in the 82 days immediately proceeding 9/1/24. These police activities included shots fired, multiple situations of intoxicated people at the premises threatening other patrons and security, and an intoxicated female at the premises driving a car at security after being asked to leave.

- c. On 9/30/24, an Excise officer met with the owner, manager, and bartender to issue the public nuisance citation, explain that they would be placed on PACE¹, and explain steps the business could take to correct the nuisance behavior, including closing earlier, not serving people to the point of intoxication, and maintaining a ban list.
 - d. While at the location, Excise officer located a bottle of tequila liquor purchased at a retail location. Manager Greene admitted that he will buy beer from other retailers when he runs out. A citation was also issued for purchasing alcohol from other retailers and exceeding the scope of a beer and wine retail permit by serving liquor.
14. Permittee admitted both violations and agreed to a \$1,500 civil penalty and to serve a three-day suspension of the permit.
15. Permittee was placed on PACE.
16. On March 15, 2025, multiple gunshots were fired immediately outside the premises location.
17. Bullets entered a nearby house, one through a window into a living area and another was lodged outside in the siding.
18. Fort Wayne Police Department report of the event indicated that males exchanged gun fire outside the premises and security for the premises returned fire.
- a. Statements from witnesses, including the security personnel, described that the location closed at 2:30 am and security was advising people to

¹ PACE stands for Proactive Alcohol Compliance Enforcement. The ATC prosecutor uses PACE to put permittees on notice that their business is, or runs the risk of becoming, a public nuisance. The objective of the PACE designation is to correct behaviors that are disruptive, violent, and/or criminal, including over service of alcoholic beverages, disrespect of the peace and quietude of a surrounding community, and allowing public nuisance.

leave the area when approximately six different vehicles had occupants that were shooting each other.

- b. Security originally stated they returned gunfire, then stated they did not return gunfire, and then one security guard stated he did return three shots and retrieved those shell casings and put them in his pocket. He removed the shell casings from his pocket and gave them to police.
19. Manager Greene testified that security did not return fire but his testimony is contradicted by security personnel's admission and retrieval of shell casings from his own pocket.
20. The neighborhood is primarily residential and includes a daycare and a convenience store that are both closed for late night hours when the disturbances are occurring.
21. The licensed premises is the only business open in the area at the time of the disturbances.
22. On 4/4/25, Indiana State Excise Police determined the permit expired on 4/1/25 but was still selling alcoholic beverages.
23. Hawkins and Manager Greene testified that there was an error with submitting the paperwork.
24. On or about July 25, 2025, Permittee submitted document to the commission labeled Petition for continued support of Bob Hawkins House of Fish beer and wine license.

- a. Document included a letter signed by Hawkins indicating that he has held a permit at the Premises since 1979 and has not had any issues until recent years.
- b. Hawkins cited to the following changes in business operations in support of maintaining the permit:
 - i. Changed/reduced hours,
 - ii. Security,
 - iii. Surveillance around the property, and
 - iv. Implementation of an age limit after a certain hour.
- c. Petition captioned "Petition to: ATC/Indianapolis, IN. We, the undersigned, do hereby the petition the Beer/Wine License for/to Hawkins House of Fish."
 - i. The petition includes 115 signatures. Six of the signatures included addresses in the area of the Premises. Another 90 signatures included no address but a phone number with a 260 area remaining signed either did not include contact information or included only phone numbers with area codes issued outside the Fort Wayne area.
 - ii. The Commission gives greater weight to comments from people who live or own property or a business within 1000 feet of a premises. *See* IC 7.1-2-4-22.

25. Any finding of fact may be a conclusion of law.

Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Indiana Code 7.1-1-2-2 and Indiana Code 7.1-2-3-9.
2. The Hearing Judge may take judicial notice of the Commission file relevant to a case.
905 IAC 1-36-7(a).
3. The Commission may:
 - a. Fine or suspend or revoke the permit of; or
 - b. Fine and suspend or revoke the permit of;a permittee for the violation of a provision of this title or of a rule or regulation of the commission. *See* IC 7.1-3-23-2.
4. The commission shall have the discretionary authority to issue, deny, suspend, revoke, or not renew all permits and certificates authorized by this title, unless the exercise of discretion or authority is limited by applicable provisions of Title 7.1. *See* IC 7.1-2-3-9.
5. If a licensed premises becomes a public nuisance, or the licensed premises becomes the scene of acts or conduct which are prohibited by the Indiana Penal Code or the law of the United States, the premises shall be subject to the sanctions specified in IC 7.1-2-6-1 through IC 7.1-2-6-14. *See* 905 IAC 1-27-2. (*See also* 255 *Morris, LLC v. Ind. Alcohol and Tobacco Comm.*, 93 N.E. 3d 1149, (Ind. App. Ct. 2018) affirming a public nuisance where shots were fired causing a neighboring garage to be riddled with bullet holes, public nudity outside and tavern, and assaults in the tavern parking lot).
6. At a minimum the shots fired outside the Premises amounted to criminal recklessness. *See Woods v. State*, 768 N.E.2d 1024, 1027-1028 (Ind. Ct. App. 2002).
7. The remedies provided for in IC 7.1-2-6 shall not limit or remove the power of the commission to revoke a permit. *See* IC 7.1-2-6-14.

8. The commission shall revoke a permit of any type only on account of the violation of, or refusal to comply with, a provision of this title or of a rule or regulation of the commission. *See IC 7.1-3-23-5.*
9. Permittee was previously issued a citation for and admitted to being a public nuisance. A fine and three-day suspension were assessed.
10. Permittee was placed on PACE and was on notice of the issues that needed to be addressed.
11. The premises continued to be a public nuisance.
12. Revocation is appropriate that this time as prior suspension and fine have not resolved the issue.
13. Any conclusion of law may also be a finding of fact.

Proposed Order

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that permittee allowed the premises to become and continue to be a public nuisance (905 IAC 1-27-2) and continued selling alcoholic beverages on an expired permit (IC 7.1-3-1-3). No fines will be assessed for the violation of IC 7.1-3-1-3 under EX25001289. Permit shall be **revoked** for the violation of 905 IAC 1-27-2.



Jessica Allen
Hearing Judge
Indiana Alcohol and Tobacco Commission

This Proposed Findings of Fact and Order has been sent to:

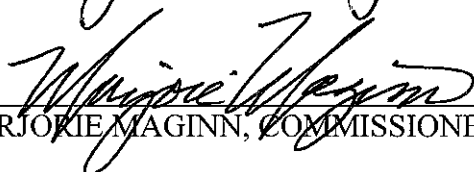
Robert Hawkins
2619 Weisser Park
Fort Wayne, IN 46803

Drew Wignall
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Approved this 4th day of August, 2026


JESSICA ALLEN, CHAIRWOMAN


JAMES PAYNE, VICE CHAIRMAN


MARJORIE MAGINN, COMMISSIONER


MEGAN GARVER, COMMISSIONER