

STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN RE THE PERMIT OF:)	
)	PERMIT NO.: RR03-38723
CULTURA ENTERTAINMENT LLC)	
D/B/A THE VIBE)	VIOLATION NOS.:
2245 STATE STREET)	EX24-004053
COLUMBUS, IN 47201)	EX24-004550

PROPOSED ORDER ON SHOW-CAUSE HEARING OF AUGUST 21, 2025

A show-cause hearing was held on August 21, 2025. In addition to the undersigned, present at the hearing were Andrew Wignall, Prosecutor for the Indiana Alcohol and Tobacco Commission (IATC), and Ms. Kimberly Chew, court reporter. No one appeared at the hearing on behalf of CULTURA ENTERTAINMENT LLC d/b/a The Vibe (“Permittee”) though they had been given proper notice of the hearing. Mr. Wignall requested admission of Indiana State Excise Police (“ISEP”) Incident Reports EX24-004053 and EX24-004550 (collectively “Incident Reports”), which request was granted, and judicial notice was taken of the IATC’s records regarding the above-captioned permit.

1. On or about December 17, 2024, Mr. Wignall sent a settlement offer to Permittee under EX24-004053, which offer was for revocation of the permit but also set the violation for a virtual settlement conference on February 10, 2025.
2. Mr. Wignall and Permittee had some communications in early February of 2025, but Permittee failed to appear at the virtual settlement conference on February 10, 2025.
3. Mr. Wignall sent Permittee a revised settlement offer on February 11, 2025, which offered in lieu of revocation or suspension a civil penalty of \$1,000.00 and an agreement that Permittee not reopen the business and seek an immediate transfer of the permit to a new owner at a new location. Mr. Wignall received no response to this revised offer.

4. On February 13, 2025, Mr. Wignall sent Permittee a settlement offer on EX24-004550 to resolve that alleged violation for a civil penalty of \$1,000.00, which letter also set a settlement conference on March 10, 2025.

5. Permittee failed to appear at the virtual settlement conference on March 10, 2025.

6. Mr. Wignall sent Permittee a letter on April 24, 2025, which advised Permittee of the possibility of a show-cause hearing and possible license revocation if Permittee failed to appear at any stage of the proceedings.

7. Permittee was notified via the email address on record with the IATC of a virtual pre-hearing conference to be held on July 31, 2025.

7. On July 31, 2025, Permittee failed to appear for the pre-hearing conference; however, the manager for Permittee, Mr. Douglas, signed the settlement agreements on July 29th and emailed them to the IATC on July 31st, stating that he would be in to pay the civil penalties. No one appeared on Permittee's behalf to pay the penalties; the undersigned then issued an order to appear for a show-cause hearing on August 21, 2025, at 11:00 A.M., which Order was sent to Permittee at its address of record with the IATC via USPS certified mail, return receipt requested, and via e-mail.

8. Permittee failed to appear at the show-cause hearing and the hearing was thus held in Permittee's absence.¹

9. In addition to Permittee's signed admissions to the violations, the Incident Reports admitted into evidence without objection prove by a preponderance of the evidence that Permittee Cultura Entertainment LLC, Permit No. RR03-38723, violated various Indiana statutes and regulations under EX24-004053 and EX24-004550:

Indiana Code § 7.1.3.1.20 - Permit (display of permit);
IC § 7.1.3.9.9 - Scope of Permit - Liquor Retailer;

¹ Mr. Douglas appeared the morning of the show-cause hearing, but not in a capacity to represent Permittee; rather, he advised Mr. Wignall that he had tried to purchase the business from its owners, but the sale failed. He did not remain for the hearing.

IC § 7.1.5.10.1 - Times When Sales Unlawful;
IC § 7.1.5.10.25 - Alcoholic Beverages Sold for Carryout Prohibited;
IC § 7.1.5.3.4 - Bottles and Containers (refilling prohibited);
IC § 7.1.5.6.3 - Employee Permit (acting w/out permit - defenses);
IC § 7.1.5.8.5 - Taking alcoholic beverage on licensed premise;
905 Indiana Administrative Code 1-10-1 - Containers (removal after closing hours);
905 IAC 1-10-2 - Time for Consumption of AB after retail closing;
905 IAC 1-12-12.1-2 – Examination of Permit by Employer; display;
905 IAC 1-20-1- Food Requirement (minimum menu required);
905 IAC 1-27-2 - Public Nuisance - All Other Charges; and,
IC § 7.1.3.4.6 - Scope of Permit.

10. I.C. § 7.1.3.23.2 provides, in pertinent part:

(a) The commission may:
(1) fine or suspend or revoke the permit or certificate of; or
(2) fine and suspend or revoke the permit or certificate of;
a permittee for the violation of a provision of this title or of a rule or regulation of the commission. The commission may fine a permittee for each day the violation continues if the violation is of a continuing nature.
* * * *

Ind. Code Ann. § 7.1-3-23-2 (West)

11. 905 Ind. Admin. Code 1-37-9 provides:

(a) At any stage of a proceeding, if a permittee fails to attend or participate in a prehearing conference, hearing, or other stage of the proceeding, the hearing judge may issue an order to show cause why the permit should not be revoked and set a hearing on said order within thirty (30) days. The order shall include the date, time, and place of the hearing and the reason for the order. Said order shall be sent by certified mail to the permittee.
(b) At the hearing on the order to show cause, evidence will be taken on the issue of the permittee's failure to appear and sanctions may be imposed including a fine, suspension, or revocation.
(c) After the hearing and any subsequent order, the hearing judge shall conduct any further proceedings necessary to complete the disposition of the violation.

905 Ind. Admin. Code 1-37-9 (West)

14. Based on the foregoing, Mr. Wignall requested that Permit RR03-38723 be revoked.

15. The undersigned finds that revocation is appropriate given the failures to appear and the violations noted above.

16. Permittees are found in default for their failures to appear at the hearings as ordered.

17. 905 IAC 1-37- 13 provides, in part:

* * * *

(c) To preserve for judicial review, an objection to a proposed order of the hearing judge, a permittee must not be in default and must object to the proposed order in a writing that:

(1) identifies the basis of the objection with reasonable particularity; and

(2) is filed with the commission within fifteen (15) days after the proposed order is served on the permittee unless this period is extended with the written consent of the prosecutor or for good cause shown, as determined by the hearing judge.

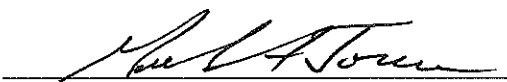
(d) A final order disposing of a proceeding or an order remanding a proposed order to the hearing judge for further proceedings shall be issued within seventy (70) days after the latter of the date that the order was issued unless the period is waived or extended with the written consent of all parties or for good cause shown, as determined by the commission.

* * * *

905 Ind. Admin. Code 1-37-13.

IT IS HEREBY RECOMMENDED to the full Commission of the Indiana Alcohol and Tobacco Commission that the permit of Cultura Entertainment LLC, Permit No. RR03-38723, be revoked.

DATED: 25 August 2025

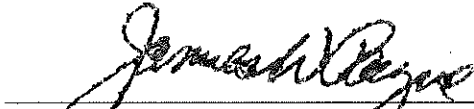


Mark A. Jones
Commissioner/Hearing Judge, IATC

cc: Andrew Wignall, IATC Prosecutor, via email to: awignall@atc.in.gov
Cultura Entertainment LLC via USPS certified mail, return receipt requested: 2245 State St., Columbus, IN 47201
Cultura Entertainment LLC via USPS mail: 2245 State St., Columbus, IN 47201
Alvie Rhymer via USPS mail: 4660 Willowbrook Dr., Columbus, IN 47203
Alisha Brown via USPS mail: 4660 Willowbrook Dr., Columbus, IN 47203

Approved this 7th day of October, 2025


JESSICA ALLEN, CHAIR


JAMES PAYNE, VICE CHAIRMAN


MARJORIE MAGINN, COMMISSIONER

MARK A. JONES, COMMISSIONER