

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN RE THE MATTER OF THE PERMIT OF:)	
)	
BERNICE CARTER)	PERMIT NO. RR45-06264
D/B/A TROCADERO LIQUORS & LOUNGE)	
5013 WEST 15 TH STREET)	VIOLATION: EX-24-002740
GARY, INDIANA 46406,)	
Permittee.)	

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

On May 13, 2025, this matter came before the undersigned Mark A. Jones, Commissioner and Hearing Judge of the Indiana Alcohol and Tobacco Commission (“IATC” or “Commission”) for a hearing on alleged violation EX-24-002740 (“Citation”), filed against the above-captioned Permittee Bernice Carter, d/b/a Trocadero Liquors & Lounge (“Permittee”). Permittee had entered into a Settlement Agreement on March 6, 2025, in which Permittee agreed to have committed the violation alleged and the parties agreed to set the matter for a hearing to determine penalties. Present for the hearing in addition to the undersigned and Ms. Chew, Court Reporter, were: Kevin Carter on behalf of Permittee; Jeff McKean, Counsel for Permittee; and IATC Prosecutor Andrew Wignall.

Mr. Carter was sworn, his testimony was heard, and evidence was received. No witnesses were called by IATC. Notice was taken of the entire Commission file for the Permit, both electronic and hard copies, and the electronic records of Lake Circuit Court, Cause No. 45C01-1505-ES-000075. Exhibits offered by Mr. McKean and admitted were:

- Exhibit #1: An email from Mr. McKean to Ashley Merritt and Chris Serak dated August 6, 2024.
- Exhibit #2: A letter from Mr. McKean to Chris Serak dated October 31, 2024
- Exhibit #3: A Written Consent to Continue Business from Chairwoman Jessica Allen dated November 15, 2025.

Exhibit #4: A Letter of Support and Recommendation from Vice-Precinct Committeeperson Patricia Lovick.

Exhibits offered by Mr. Wignall and admitted were:

Exhibit A in six (6) parts: Applications for renewals for Permittee for the years 2019, 2020, 2021, 2021, 2022, 2023 and 2024.

Following arguments, Mr. McKean was asked to file his proposed findings of fact and conclusions of law, after which Mr. Wignall would have two weeks to respond, at which time the matter would be taken under advisement.

The undersigned Hearing Judge, having reviewed the evidence submitted and the matters of which notice was taken, now tenders his Proposed Findings of Fact and Conclusions of Law to the full Commission for its consideration.

FINDINGS OF FACT

1. In 2002, a Type 210 Beer, Wine, & Liquor Restaurant Retailer Permit in the City of Gary, Permit No. RR45-06264 ("Permit") was issued to Ms. Bernice Carter and held individually in her name. (IATC files)

2. There were Administrative Violations filed against Permit in the following years:
- a. 2004 (records incomplete, violation unknown);
 - b. 2008 (EX-08-002367 - Minimum Food Requirements and Scope of Permit); and,
 - c. 2009 (EX09-004248 for Scope of Permit).

(IATC files)

3. In July 2011, a fire took place at the Permittee's place of business, and it became non-operational. (IATC files, testimony of Mr. Carter)

4. On August 21, 2012, Permit was placed in escrow. (IATC files)

5. Ms. Bernice Carter passed away on December 25, 2014; her estate was opened in the Lake Circuit Court on May 12, 2015, and closed on November 27, 2017. (IATC files, Mr. Carter's testimony, 45C01-1505-ES-000075)

6. On May 30, 2016, a letter was filed with the IATC requesting additional escrow time and signed by “Bernice Carter.” (IATC files)

7. On August 25, 2017, Mr. Edward Carter, as personal representative, filed in the Lake Circuit Court, by counsel John Henry Hall, a Petition For Termination of Further Proceedings Due To Insolvency and For The Discharge of the Personal Representative and An Order Approving the Certified Closing Statement to Terminate the Estate. 45C01-1505-ES-000075)

8. On November 27, 2017, Bernice Carter’s estate was closed. (IATC files, 45C01-1505-ES-000075)

9. A letter dated June 18, 2018, was submitted to IATC by attorney Robert L. Lewis on behalf of his “client”. The letter requested additional escrow time and included exhibits showing a building permit that had been issued on May 23, 2018, by the City of Gary, Building Division; the permit listed Bernice Carter as the owner of the property, that being the property that is the location of the Permittee’s business, Trocadero Liquors & Lounge. (IATC files)

10. On July 3, 2018, IATC notified the Permittee that escrow time had expired and the permit itself had expired. Additionally, the letter stated the permit was subject to being declared null and void unless a renewal application was filed within thirty (30) days and the permit was either made active or transferred by December 31, 2018. (IATC files)

11. On July 11, 2018, an application for renewal was filed listing Edward Carter as the manager with 0% interest in the permit, and Edward Carter signed the application as preparer. The application did not disclose any changes in the existing operation. (IATC files)

12. A letter signed by “Bernice / Edward Carter” on July 18, 2018, and received by IATC on July 23, 2018, had attached to it a death certificate for Ms. Bernice Carter and

documentation showing Edward Carter as the administrator of the Ms. Carter's estate.¹ The letter stated:

WE DO NOT WANT TO STAY IN ESCROW, AN ALSO, WE ARE
SENDING MORE INFORMATION [sic] THAT MIGHT BE HELPFUL
PERTAINING TO THE NAME THAT'S IN STEP 5 EDWARD
CARTER, THAT'S NOT ON YOUR SYSTEM, WE SENT
INFORMATION BE FORE, BUT WE WILL SEND IT AGAIN,
THANKS YOU FOR ALLOWING US TO MAKE THE CORRECTION.

(IATC files)

13. On August 6, 2018, a Request for Extension was filed and was signed by "Bernice / Edward Carter." (IATC files)

14. On or about March 9, 2019, an Initial Request for carry-out was filed, signed by "Bernice Carter" as both affiant and applicant on March 8, 2019. (IATC files)

15. On March 12, 2019, an application for renewal was filed listing Edward Carter as the manager and did not disclose any changes in the existing operation. Additionally, Edward Carter signed the document as the preparer and "Bernice Carter" signed as affidavit of applicant.

16. Also on March 12, 2019, part of an "Updated Application" for renewal for permit #RR4506264 was filed which listed Bernice Carter as the 100% owner of the permit.

17. On July 13, 2020, an application for renewal was filed listing Edward Carter as the President/Secretary with 50% ownership and Bernice Carter as the Treasurer with 50% ownership. Additionally, Edward Carter signed as affidavit of applicant.

18. Edward Carter passed away on September 8, 2020. (IATC files, Mr. Carter's testimony)

19. On June 10, 2021, an application for renewal was filed listing Bernice Carter as President with 100% ownership and "Edward Carter" signed the affidavit of applicant. (IATC files)

¹ Though the estate had been closed in 2017, that was not noted.

20. On May 16, 2022, a request for extension was filed and signed by “Edward Carter.” (IATC files)

21. On May 31, 2022, an application for renewal was filed listing Bernice Carter as President with 100% ownership and “Edward Carter” signed the affidavit of applicant. (IATC files)

22. On June 6, 2023, a request for extension was filed and signed by “Edward Carter.” (IATC files)

23. On June 23, 2023, an on-line application for renewal was submitted listing Edward Carter as Manager and Bernice Carter as the sole owner with 100% ownership. The application was signed by “Bernice Carter.” (IATC files)

24. On May 20, 2024, a request for extension was filed and signed by Kevin D. Carter. (IATC files, testimony of Mr. Carter)

25. On May 28, 2024, a renewal application was filed listing Bernice Carter as the sole owner with 100% ownership. The application was signed by “Bernice Carter.” (IATC files)

26. On August 2, 2024, a disclosure of interested parties was filed listing Shirley Carter as 100% owner of the permit. (IATC files)

27. In August 2024, a disclosure was filed showing Kevin Carter was sentenced to ten (10) years imprisonment for Conspiracy to Distribute a Controlled Substance through the United States 7th District Court in 2008. The disclosure stated he was released on March 4, 2016. (IATC files) (See 905 IAC 1-27-1)

28. On August 6, 2024, Jeff McKean, counsel for Permittee, e-mailed the IATC with information acknowledging what took place, offering full disclosure and transparency. (IATC files)

29. In August 2024, Indiana State Excise Police (ISEP”) opened an investigation into the falsified renewal applications under EX-24-002740. (IATC files)

30. The above-captioned violation was subsequently filed under EX-24-002740 for Falsification of Records under IC 7.1-5-6-4.

31. On September 30, 2024, the Lake Circuit Court granted Shirley Carter’s Petition To Approve Assignment and Transfer of Alcoholic Beverage Permit to Ms. Carter, which Petition had been filed on September 24, 2024. Part of that Order stated: “[t]he Chair of the Indiana Alcohol & Tobacco Commission is hereby AUTHORIZED to transfer the Permit to Shirley A. Carter, subject to any additional requirements of the ATC and pursuant to Indiana Code § 7.1-3-24-10.” (IATC files, 45C01-1505-ES-000075)

32. In October 2024, an application for renewal was filed listing Shirley Carter as the 100% owner of the permit. (IATC files)

33. On November 6, 2024, Ms. Jessica Allen, Chairwoman for the IATC, provided written consent to continue operation of the business. The business had been closed for a period of one hundred fifty-six (156) days before the written consent for the continuation of the business was issued. (IATC files, Mr. Carter’s testimony)

34. The closure of the business for those one hundred fifty-six days was financially detrimental to the Carter family. (Mr. Carter’s testimony)

35. On March 6, 2025, the Permittee, represented by counsel Jeff McKean, signed a settlement agreement with Mr. Wignall and the IATC in which Permittee admitted Falsification of Records under IC 7.1-5-6-4, in return for which it was agreed to request that the matter be set for a hearing to determine penalties. (IATC files)

36. On May 13, 2025, the matter was heard by the undersigned for a Penalties Hearing and the parties agreed there was no dispute of the facts presented. (IATC hearing)

37. Edward Carter, along with an accountant, Christopher Hal, was responsible for the filing of paperwork with the IATC after Ms. Carter's passing. When Edward Carter passed in 2020, that responsibility shifted to Kevin Carter and Mr. Hal. (IATC files, Mr. Carter's testimony)

38. The falsified signatures on some of the filed documents were signed by Mr. Hal, on behalf of Kevin D. Carter. (Mr. Carter's testimony)

39. The Permittee, by admission, took full responsibility for the falsified documents.

40. The Permit had been used to operate the family business in Gary for many years, and several family members were employed in the business. They had wanted to get the permit paperwork corrected following the death of their mother but didn't know what needed to be done. Prior to Mr. McKean, the family did not know how, and was unable to determine how, to correct the permit. (Mr. Carter's testimony)

41. The family of the deceased permit holder has provided information to the Commission concerning the events that transpired and has fully cooperated in the ISEP investigation. (IATC files, Mr. Carter's testimony)

42. There have been no operational or public-safety issues with the business since they reopened pursuant to the consent to continue operation of the business that was issued on November 6, 2024. (IATC files, Mr. Carter's testimony)

43. The business enjoys a good reputation in the community. (Mr. Carter's testimony, Exhibit #4)

44. A finding of fact may be considered a conclusion of law if so warranted.

CONCLUSIONS OF LAW

1. A conclusion of law may be deemed a finding of fact if so warranted.

2. The Commission has jurisdiction over this matter pursuant to Indiana Code § 7.1-1-2-2 and Indiana Code § 7.1-2-3-7.

3. The Commission has specific jurisdiction to hear matters of enforcement of its rules and regulations pursuant to IC § 7.1-2-3-7(4).

4. The violation proceedings followed 905 Indiana Administrative Code 1-37 of the Indiana Administrative Code.

5. The Hearing Judge conducted the hearing consistent with 905 IAC 1-37-10 and heard evidence consistent with 905 IAC 1-37-11.

6. The Hearing Judge took official notice of the records of the Commission and of the Lake Circuit Court, as permitted by 905 IAC 1-36-8.

7. Permittee committed Falsification of Records for Permit Application, Renewal, Etc., IC § 7.1-5-6-4, on multiple occasions between 2018 and 2024, by submitting annual alcohol permit renewal forms with forged signatures of the deceased owner, Bernice Carter.

8. Permittee also violated IC § 7.1-3-21-8 multiple times by failing to disclose any new ownership structure and/or interested parties as required. At the time, IC § 7.1-3-21-8 stated:

The Commission shall not issue an alcoholic beverage permit of any type to a person unless that person has on file with the Commission a verified list containing the name and address of each person or entity holding at least a two percent (2%) interest in the permit and the business conducted, or to be conducted, under it....

* * * *

At all times, a change in the list shall be filed by the applicant or permittee with the Commission within ten (10) days of the date when the change became effective....

9. IC § 7.1-3-23-20 provides:

The Commission shall deny the application, or revoke the permit, of a person who:

(1) includes on the list of interested parties required to be filed by IC 7.1-3-21-8, a:

(A) fictitious name; or

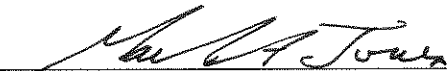
- (B) a person disqualified under this title from having an interest in an alcoholic beverage permit; or
(2) omits from the list the name of a person whose name should be on it.

The Commission shall take the same action if the applicant or permittee fails to keep the list current as required by that section.

10. The language of IC § 7.1-3-21-8 and IC § 7.1-3-23-20 is straight-forward and mandatory. As a result, the Commission's only remedy is to order revocation of the Permit #RR4506264.

IT IS HEREBY RECOMMENDED to the full Commission of the Indiana Alcohol and Tobacco Commission that it find the law and facts are in favor of the IATC Prosecutor and against Permittee, and that Permit No. RR45-06264, Permittee Bernice Carter d/b/a Trocadero Liquors & Lounge, be REVOKED.

SO RECOMMENDED this 2nd day of October 2025:

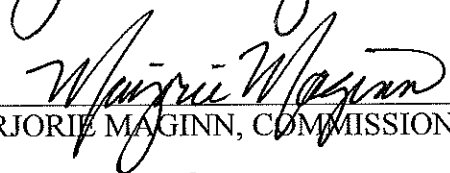

Mark A. Jones, Hearing Judge

cc: Jeffrey L. McKean, via US Certified Mail, return receipt requested;
Jeffrey L. McKean, via email;
Andrew Wignall, via email

Approved this 4th day of November, 2025


JESSICA ALLEN, CHAIR


JAMES PAYNE, VICE CHAIRMAN


MARJORIE MAGINN, COMMISSIONER


MARK A. JONES, COMMISSIONER