

NOTICE REGARDING JUDICIAL REVIEW

The above order is a final agency action. You may appeal this final agency action, pursuant to IC 4-21.5-5-1 et. Seq., by filing a petition for review in the appropriate court within thirty (30) days after the date of notice of this agency's action, pursuant to IC 4-21.5-5-5. You also have an obligation to transmit to the court where filing the petition for review, the original or a certified copy of the agency record of the agency action, pursuant to IC 4-21.5-5-13. If you need assistance and/or advice concerning this notice, its contents and meaning, you should consult an attorney of your choosing.

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF

)

THE PERMIT OF

)

PLAYO'S NIGHTCLUB LLC

)

PERMIT NO. RR45-36364

1700 GRANT STREET

)

GARY, INDIANA 46404

)

PERMITTEE

PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Comes now James W, Payne, Hearing Judge, having presided over the appeal hearing in the above-mentioned matter on May 11, 2026, recommends the following findings and orders:

I. BACKGROUND

On December 3, 2025, Belinda Cooper (hereinafter referred to as "Cooper") filed on behalf of the Permittee, Playo's Nightclub LLC (hereinafter referred to as "Playo's") filed its Formal Appeal and Request for Administrative Review of the denial of the renewal of the above-mentioned permit by the Lake County Local Alcohol Board (hereinafter referred to as: Local Board") for a business located at 1700 Grant Street, Gary Indian 46404.

Playo's filed for renewal of its alcohol permit and did not appear at the July 2, 2025 hearing on that renewal. Remonstrators appeared for the hearing which was continued and heard September 3, 2025. At that hearing, remonstrators appeared as they had for the previous hearing. Playo's appeared at that hearing with two attorneys and witnesses, primarily consisting of security officers. There were Remonstrators who appeared along with witnesses for the Permittee. At the end of the hearing on September 3, 2025, motion was made to grant a one-year renewal of the permit to "... give (Playo's) a chance to prove that you can do better."

As required, the matter was referred to the ATC full Commission hearing which then remanded the matter to the local board with instructions to investigate and consider four items. It also requested that the owner/manager appear to address certain issues. That hearing was held on December 3, 2025. At that hearing, Belinda Cooper appeared on behalf of Playo's and Jerry Haymon appeared

since the full Commission requested that the ownership be addressed and he appeared as to his role in the corporation. After the hearing concluded, the local board voted 4-0 to deny the renewal of the permit. This appeal hearing was then heard on May 11, 2026. The Hearing Judge, after reviewing the testimony and evidence presented, and pursuant to 905 IAC 1-36, reviewed the records of ATC associated with the permit of Playo's.

II. EVIDENCE BEFORE THE LOCAL BOARD

A. The following individuals testified before the Local Board in favor of the Permittee:

1. Belinda Cooper, Owner of Playo's
2. Officer (name inaudible) as security for Playo's
3. Several other officers as security for Playo's

B. The following evidence was introduced and admitted before the Local Board in favor of the Permittee:

1. NONE

C. The following Individuals testified before the local Board against Permittee:

1. Carla Morgan, City Attorney for the City of Gary
2. Ellis Dumas, Chief of Staff for the City of Gary
3. Justin Clark, Commander for the Gary Police Department
4. Celona Hayes, City Attorney for the City of Gary

D. The following evidence was introduced and admitted before the local board in opposition to the Permittee by Remonstrators

1. Letter of intention of the City of Gary to oppose renewal
2. August 2, 2022, letter of Angel Lockett to Playo's accepting safety plan
3. June 18, 2025, list of service calls by Gary Police to Playo's

III. EVIDENCE BEFORE THE COMMISSION

A. The following individuals testified at the ATC hearing in favor of the Permittee:

4. Belinda Cooper, Owner of Playo's
5. Jerry Haymon, Jr., Various Positions with Playo's

C. The following Exhibits were introduced and received into evidence at the ATC hearing in favor of the Permittee:

1. Exhibit A- record of vote at the local board meeting of September 3, 2025
2. Exhibit B- timeline of renewal approval
3. Exhibit C- summary of IC Sec 7.1-3-19-11
4. Exhibit D- record of vote on December 3, 2025
5. Exhibit E- notice from ATC denying the renewal and appeal rights
6. Exhibit F -August 1, 2022, letter from Angela Lockett, corporation counsel for the City of Gary, Indiana
7. Exhibit G -Playo's nightclub safety plan tax clearance forms
8. Exhibit H- Several documents about Playo's and the issues of 8-1-22

D. The following individuals testified at the ATC hearing in opposition to the Permittee:

1. NONE

E. The following evidence was introduced at the Commission hearing in opposition to the Applicant:

1. NONE

IV. FINDINGS OF FACT

1. Plato's nightclub LLC is an Indiana Corporation having a restaurant located at 1700 Grant St., Gary, IN, 46404.
2. According to testimony, it began operations in the year 2020.
3. There were some issues and concerns which escalated in 2022.
4. In 2022, there was a shooting at the location which resulted in two deaths and four injuries.
5. As a result of that and other concerns, the Permittee was placed on PACE---a program through ATC for those with significant problems and issues to address, being monitored very closely through the program and during the term of placement on that program.
6. As result of those occurrences, and the resulting monitoring, on or about August 2, 2022, Angela Lockett, Corporation Counsel for the city of Gary, issued a letter lifting an order for closure. Although there has never been submitted or correction made to Exhibit F demonstrating on the letterhead of the City of Gary that the letter is genuine, it has been admitted and evidence.

7. Playo's filed its renewal request to the ATC and the matter was set for hearing before the Local Board in Lake County.
8. On July 2, 2025, Playo's did not appear for the renewal hearing before the Local Board, while a number of Remonstrators appeared.
9. On September 3, 2025, Playo's appeared before the Local Board for its renewal hearing as did a number of Remonstrators, with several members of the City of Gary through the Mayor's office and the Police Department.
10. At that hearing, Playo's was represented by two attorneys, John Cantrell, Esq. and Amanda Hires, Esq.
11. Testimony was heard and argument was made.
12. Ellis Dumas, Chief of Staff of the City of Gary, testified that the location has a troubled history of incidents endangering both patrons and the surrounding community and stated that Indiana code 7.1 indicates an alcohol licensee must demonstrate that the operation of the establishment will not adversely affect health, safety and morals of the community. He specifically pointed out that as a result of the incident of June 12, 2022, two people were killed and four were wounded.
13. Brian Evans, Deputy Chief of the Gary Police Department, testified that the location has a serious increase of patrols in police manpower including 12 incidences since 2022, some of which resulted in death, sexual assault, and firearms incidents. He indicated they have had to extend the patrols in the area when there are activities ongoing, monitoring Facebook and social media brought about entertainment promoting violent lyrics or violent things.
14. Justin Clark, Commander with the Gary Police Department, indicated that he has personally responded to some of the calls at that location and it puts a great strain on the Gary Police Department and their resource funding. He indicated that the reports recorded do not show all the times they go out there and it is his position that the location is a danger to the public.
15. Attorneys for Playo's made arguments regarding the incident of June 2022, an agreement with the city of Gary in August 2022, and that in 2025, there were two incidents, one was on July 5th and the other was on July 7th and gave explanation for those, including the one incident of the stolen purse. They also argued that the difference in actions regarding Playo's was a change in administration in the mayor's office.

16. It was brought up that Playo's was placed on PACE, a program with ATC, providing intensive supervision and services by the Indiana Excise Police and that they are no longer on the Pace program.
17. Testimony showed that Playo's has added security - some of whom are working at the ~~Indiana state prison.~~
18. At the end of the hearing, a motion was made to renew the permit for one year, which motion was seconded and voted 3 for a one-year renewal and 1 against.
19. The matter was then referred to the full ATC Commission which then referred the matter back to the Lake County Local Board with instructions to address issues which included the issue of ownership and involvement with Jerry Haymon.
20. The second hearing was then held before the Lake County Local Board on December 3, 2025, with Playo's appearing by Belinda Cooper as owner and Jerry Haymon as manager.
21. Justin Clark, Commander of Investigations with the Gary Police Department, stated that while they agreed to change entertainment, recently Playo's planned a concert for November 1, 2025, with Chicago drill rapper, YFG Fatso, which was advertised but ultimately canceled. YFG Fatso talks about shooting and violence and "things like that."
22. ~~Solena Hayes~~, an attorney for the city of Gary, questioned the position of Jerry Haymon with Playo's- it has been variously stated he served as marketing and booking agent, manager, registered agent, CEO, principal of the business, cook (the wings recipe is his) and at times referred to as an owner - also Jerry Haymon stated that this is a family business and he is the fiancée of Belinda Cooper. He also stated that August 28, 2025, the City of Gary was trying to have a meeting under a Mayor's Executive Order Code Section 2 - 54 with the Mayor intending to close the business he considers problematic. That meeting had been continued.
23. Jerry Haymon testified that a Manager's Questionnaire was recently submitted identifying him as the manager. He testified that they have tried to vet the history of any performers through Google and other means.
24. Any Finding of Fact herein that should more appropriately be a Conclusion of Law is hereby denominated.

V. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to IC 7.1-1-2-2 and IC 7.1-2-3-9.

2. The permit application was submitted pursuant to IC 7.1-3-1-4.
3. The Commission is authorized to act upon proper applications. Id.
4. The Hearing Judge conducted a *de novo* review of the appeal from the decision of the Lake County Local Alcohol Board #5 on behalf of the Commission, including a public hearing, and a review of the records and documents in the Commission's ATC file and evidence and testimony. IC 7.1-3-19-1 1a; 905 IAC 1-36-7 and 8; and 905 IAC 1-37 (2).
5. The Hearing Judge may take and did take judicial notice of all the Commission's files relevant to the case, including the transcript of proceedings and the exhibits and the Indiana Court records before the local board. 905 IAC 1-36-7(a).
6. The Findings are based exclusively upon substantial and reliable evidence in the record of the proceedings, the ATC files, and all matters officially noticed in the proceedings. 905 IAC 1-36(7(a)).
7. The ATC has absolute discretion in granting or denying the application for a permit. IC 7.1-2-3-9, IC 7.1-3-19-1, and IC 7.1-3-19-10.
8. The Commission may overturn the recommendation of the Local Board if it finds that the decision of the Local Board is : 1- arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law; 2- contrary to a constitutional right, power, privilege or immunity; 3- in excess of or contrary to statutory jurisdiction, authority, limitations or rights; 4- without observance of procedure required by law, or; 5- unsupported by substantial evidence, IC 7.1-3-19-11.
9. The substantial evidence standard is met if "a reasonable person would conclude that the evidence and the logical and reasonable inferences there form such a substantial character and probative value so as to support the administrative determination."
Indiana Alcoholic Beverage Commission v. Edwards, 659 N.E.2d 631 (1995) (citing *Civil Rights Commission v. Weigart, Inc.*, 588 N.E.2d 1288, 1289 (ind. 1992).
10. The substantial evidence standard requires a lower burden of proof than the preponderance of evidence test, yet more than a scintilla of evidence test. *Burke v. City of Anderson*, 612 N.E.2d 559, 565, n.1 (Ind. Ct. App. 1993).
11. Based upon the evidence and the testimony before the Hearing Judge, the records of ATC and the Local Board hearing, the violations filed by the Indiana State Excise police, the Hearing Judge concludes that the findings and recommendation of the Lake County Local Alcohol Board are not arbitrary, capricious or an abuse of discretion or any other