

STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION
IN THE MATTER OF)
THE PERMIT OF)
CSA ENTERPRISES, INC, nee) **RR45-38177**
CSA ENTERTAINMENT, INC.) **CT45-32485**

D/B/A QUE'S)
4469 BROADWAY)
GARY, INDIANA 46409)

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

CSA Enterprises, Inc. nee CSA Entertainment, Inc. (hereafter referred to as "Permittee") appears before the Indiana Alcohol and Tobacco Commission ("ATC" or "Commission"), on the ATC's vote upholding the denial by the Lake County Local Alcohol Board (the "Local Board") for the renewal (the permit had expired on May 20, 2024) Permits No. RR45-38177 and CT45-32485 (the "Permit") located at 4469 Broadway, Gary, Indiana 46409 (the "Premises"). The Local Board held a hearing on October 1, 2025 ("LB Hearing") and voted to deny the renewal application. The ATC adopted the Local Board's recommendation at its next regular public meeting on October 7, 2025.

Permittee filed a timely Notice of Appeal. An appeal hearing was held on March 26, 2026, at which time witnesses were sworn, evidence was received, and the matter was taken under advisement. The Hearing Judge in his order of March 26, 2026, gave the Permittee until April 26, 2026, to present additional documents and evidence that it had fully complied with the requirements of a complete review of the information necessary to renew a permit. The Permittee indicated that she was having difficulty getting things done as required by the ATC processor in a letter to the Permittee of March 26, 2026, and the Hearing Judge has delayed ruling on the appeal hearing until now.

The Hearing Judge, having reviewed the transcript of the LB hearing, the evidence submitted to the ATC at the Appeal Hearing, the documents submitted by the Permittee between March 26, 2026 and today, and the contents of the entire ATC file, as well as having taken judicial notice of the same and previous orders of the ATC and codes and standards adopted by

this state, now tenders his Proposed Findings of Fact and Conclusions of Law to the Commission for its consideration.

I. PROCEDURAL HISTORY

1. 11-5-24 Local Board hearing continued- no one present.
2. 12-4-24 Local Board continued pending violation
3. 1-8-25 Local Board continued – no one present
4. 2-5-25 Local Board continued pending violation
5. 3-5-25 Local Board continued- expired permit
6. 4-2-25 Local Board continued-
7. 5-7-25 Local Board continued- No one showed
8. 6-4-25 Local Board Continued no one showed
9. 7-2-25 Local Board denied renewal- No one showed
10. 8-19-25 ATC Commission remanded for more information
11. On October 1, 2025, the Local Board heard testimony and considered Permittee's renewal application for the Permit. The Local Board recommended to the Commission that Permittee's renewal application be denied.
12. On October 7, 2025, the Commission adopted the recommendation of the Local Board and denied renewal of the Permit.
13. On October 10, 2025, the Commission sent notice to Permittee of the Commission's decision and noted that the decision may be appealed by filing an objection and request for an appeal hearing within fifteen days of receipt of the Notice.
14. The Permittee timely filed its Objections and Notice of Appeal at the ATC.
15. On March 26, 2026, the Hearing Judge conducted the Appeal Hearing regarding Permittee's appeal.

II. EVIDENCE BEFORE THE COMMISSION

A. The following individuals testified or supported in favor of Permittee in this cause:

1. Clara Robinson
2. Alesia Owens.

B. The following individuals testified before the Commission against Permittee in this cause:

1. None.

C. The following evidence was provided to the Hearing Judge between the hearing on March 26, 2026, and the date of this order in favor of Permittee in this cause:

1. Letter of 3-26-26 from ATC processor on Missing Information
2. Exception From Smoking Ban
3. Escrow request in 2026 after closing in October 2025
4. Application for Renewal of permit- 3 years
5. Proof of payment of \$3000.00 for renewals
6. Secretary of State Certificate of Existence from September 1, 2020
7. Pictures of premises- 5 of them -dated 4-22-26
8. Pictures of premises- 4 of them- dates 4-22-26
9. Pictures of premises- 3 of them- dated 4-22-26
10. Statement dated 5-4-26 that property tax clearance has not been paid.

III. FINDINGS OF FACTS

1. Permittee's business is located at 4469 Broadway, Gary, Indiana.
2. The permit is in the name of Alesia Owens who has primary responsibility for conducting the business but has relied on her brother, Winfred Owens, to do so.
3. Alesia Owens testified that the intent was to open a neighborhood business- first a restaurant and that it was her first time having a business operation.
4. She indicated that she wanted her brother, Winfred, and she to work together.
5. It turned out it was she, her mother, sister, brother and brother-in-law, in different ways.
6. Eventually her brother decided to open a bar and that was how this business got started.
7. Alesia stated she works five days a week, full-time, with dementia patients and her brother was handling all the business matters- she also cares for her 88-year-old mother.
8. She was basically aware of things going on but she did not hear of many of them, particularly the violations and the requirements to keep the permit current.

9. She was relying on her brother to do things, and he did not keep her informed of the business nor of the problems that were ongoing.
10. Winfred Owens, testified at the local board hearing on October 1, 2025, that he was responsible for running the business but that he was spending a lot of time in Nicaragua since he wanted to start a cigar bar.
11. He indicated that they do not have a whole management staff and that when he was the bartender, he had difficulty with staff stealing things.
12. He indicated that he gave the keys to others when he was gone, and he realized that was a mistake.
13. While the permit expired in May 2024, it remained open and was even using social media to advertise that it was open for activities.
14. And stated several times at the local Board hearing, he spends a great deal of time in Nicaragua traveling back and forth, many times as long as 30 days away, and in fact after the local board meeting, he was going to be traveling to Nicaragua.
15. He acknowledged that the bar has remained open since May 2024.
16. Effectively, Alesia Owens has conducted very little of the business of this permit, has left the business in the hands of her brother Winfred, who she knows has been traveling extensively to Nicaragua to begin other business activities, and in the meantime, the business has been open, operating, even though the permit had expired, no renewals had been filed, and several violations have occurred.
17. Alesia Owens had contact with Clara Robinson from Illinois who has indicated she is advising Alesia and is willing to continue to help her with staffing issues, paperwork, and other business arrangements.
18. As long as Alesia Owens is still working full-time at another occupation and taking care of her mother, her involvement with the business will be limited and inconsistent.
19. At the conclusion of the hearing on March 26, 2026, the Hearing Judge instructed Alesia Owens to communicate with the ATC processor on what steps she could take to bring the permit current and do all necessary things to comply.
20. As a result of that, the ATC processor sent Alesia Owens a letter on March 26, 2026, identifying everything that has to be done to bring the permit current.

21. While she has tried to do a number of those things, she has not successfully completed all of those and in fact, as to property taxes at the local county, in a note on May 4, 2026, that there is an outstanding property tax balance of over \$20,000 that is still not resolved.
22. At the hearing on March 26, 2026, the Hearing Judge indicated that Alesia Owens would have 30 days to present further testimony, evidence, or documents regarding this corporation and the permit- she is not fully complied.
23. At this time, based upon the past failure to comply with the state laws, and the rules and regulations of the state of Indiana and ATC, there remains a failure to comply with those rules and regulations and a ruling on this matter is appropriate.
24. Any Finding of Fact that may be considered a Conclusion of Law should be so considered.

IV. CONCLUSIONS OF LAW

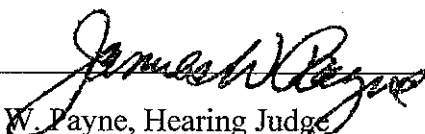
1. The Commission has jurisdiction over this, pursuant to IC 7.1-1-2-2 & IC 7.1-2-3-9.
2. The permit renewal application was properly submitted
3. The Commission is authorized to act upon proper applications. Id.
4. The Hearing Judge conducted a *de novo* review of the appeal from the decision of the Lake County Local Alcohol Board on behalf of the Commission, including a public hearing, 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(a); and 905 IAC 1-37 (2).
5. The Hearing Judge may take judicial notice of all the Commission's files relevant to a case, including the transcript of proceedings, testimony at a public hearing 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 renewal 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 from of 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 Hearing Judge states that the recommendation of the Lake County Local Alcohol Board is not arbitrary, capricious or an abuse of discretion and its recommendation is supported by substantial evidence.
12. The facts support the approval of the denial of permit RR45-38177 and CT45-32485 and the recommendation of the Lake County Local Alcohol Board to deny is Affirmed.
13. Any Conclusion of law may be considered a Finding of Fact if the context so warrants.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the recommendation of the Lake County Local Alcohol Board to DENY the renewal of the above-mentioned permits to CSA Enterprises, Inc. nee CSA Entertainment, Inc., is AFFIRMED.

All of which is dated this 21st day of May 2026.

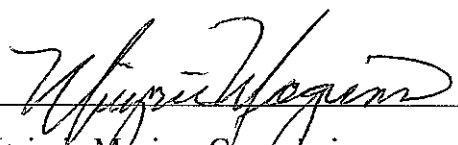

James W. Payne, Hearing Judge

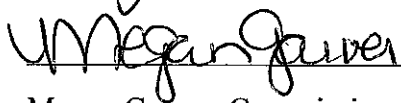
Commission Adoption:

Date: July 7, 2026

Jessica Allen, Chairwoman


James Payne, Vice Chair


Marjorie Maginn, Commissioner


Megan Garver, Commissioner

Cc: Alesia Owens
415 N Lake Street, Apt. H-103
Gary, Indiana 46403

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.