

**STATE OF INDIANA
INDIANA ALCOHOL & TOBACCO COMMISSION**

IN THE MATTER OF)	
THE PERMIT OF:)	
)	
JOHALRAN INC.)	PERMIT NO. RR49-33618
d/b/a INDIA PALACE RESTAURANT)	
4213 LAFAYETTE ROAD)	
INDIANAPOLIS, IN 46254)	

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Johalran Inc. d/b/a India Palace Restaurant (“Permittee”) and its owner Lakhvir Johal appeared by counsel Clark Kirkman before the Indiana Alcohol and Tobacco Commission (“ATC” or “Commission”), Commissioner Mark A. Jones Hearing Judge presiding. This matter involves Permittee’s appeal of the ATC’s vote upholding the Marion County Local Alcoholic Beverage Board’s (“MCLB’s”) denial of the renewal of Permittee’s Type 210 beer wine and liquor restaurant permit, Permit No. RR49-33618 (“Permit”), which is located at 4213 Lafayette Road, Indianapolis, IN 46254 (the “Premises”). The MCLB held a hearing on September 3, 2024, and voted 3-1 to deny the renewal application. The ATC adopted the MCLB’s recommendation on September 17, 2024, at its regular public meeting.

Permittee filed a timely Notice of Appeal. An appeal hearing was held on May 8, 2025 (“Appeal Hearing”), and at that time witnesses were sworn and evidence was received. At the conclusion of the hearing, Mr. Kirkman was given time to file his proposed findings and conclusions, at which time the matter would be considered to be under advisement; Mr. Kirkman has done so. The Hearing Judge, having reviewed the transcript of the LB Hearing, the evidence submitted at the Appeal Hearing, the contents of the entire ATC file, and having taken judicial notice of the same as well as 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.

PROCEDURAL HISTORY

1. On September 3, 2024, the MCLB considered Permittee's renewal application (the "Renewal") for the Permit and recommended to the Commission by a vote of 3-1 that Permittee's renewal application be denied. (ATC File)
2. On September 17, 2024, the Commission adopted the recommendation of the MCLB and denied renewal of the Permit. (ATC File)
3. On September 18, 2024, 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. (ATC File)
4. On September 26, 2024, Permittee timely filed its Objections and Notice of Appeal at the ATC. (ATC File)
5. On May 8, 2025, the Hearing Judge conducted the *de novo* Appeal Hearing regarding Permittee's appeal, at the conclusion of which counsel was given time to file proposed findings, which he has done. (ATC File)

WITNESSES BEFORE THE COMMISSION

1. Officer Randy Lane, a Wayne Township Deputy Constable and Pike Township School Resource Officer who also provides private security services.
2. Mary Clark, Executive Director of the International Marketplace Coalition and Executive Director of the Global Village.
3. Lakhvir Johal, President and owner of Johalran, Inc.
4. No one testified against Permittee.

EXHIBITS BEFORE THE COMMISSION

1. Letter of Support from Judge Gerald Coleman (Exhibit 1).
2. Letters of Support from various tenants in Universal Plaza (Exhibit 2).
3. Aerial photograph of the area in and around Universal Plaza and India Palace (Exhibit 3).
4. List of other permits associated with Lakhvir Johal (Exhibit 4).
5. Email message from ATC Prosecutor Andrew Wignall (Exhibit 5).
6. Notice of Violation and Settlement Offer Letter #EX24001350 (Exhibit 6).
7. Corrective Action Plan filed with ATC regarding Permit (Exhibit 7).
8. Copies of employee permits and server training certificates (Exhibit 8).
9. Exterior photos of Premises depicting “no smoking” signage (Exhibit 9).
10. Interior photo of Premises depicting limited separation (Exhibit 10).
11. Case Law: *Microvote Gen. Corp. v. Ind. Election Comm'n*, 924 N.E.2d 184 (Ind. Ct. App. 2010) (Exhibit 11).
12. Case Law: *Towne & Terrace v. City of Indianapolis*, 170 N.E.3d 659 (Ind. Ct. App. 2021) (Exhibit 12).
13. Findings of Fact and Conclusions of Law executed by the ATC on November 19, 2019, In Re The Matter of the Permit of Jimmy's Nail Spa, LLC, Permit No. 49-32843 (hereinafter “*Jimmy's Nail Spa*”) (Exhibit 13).
14. Indianapolis Metropolitan Police Department Calls for Service Run Details (Exhibit 14).
15. Findings of Fact and Conclusions of Law dated March 26, 2012, though unsigned, In Re the Matter Of The Permit of Sabor Bohemio, LLC, Permit No. 49-21637 (hereinafter “*Sabor Bohemio*”) (Exhibit 15).

16. ATC denial letters and associated Notices of Violation and Settlement Offer Letters for calendar years 2020-2024 (Exhibits 16A-16E).

17. Case Law: *Cmt. Care Ctrs. Inc. vs. Ind. Dep't of Pub. Welfare*, 523 N.E.2d 448 (Ind. Ct. App. 1988) (Exhibit 17).

18. Case Law: *The Office of Util. Consumer Counselor vs. Bd. of Dirs. For Utils. of The Dep't of Pub. Utils. of the City of Indianapolis*, 678 N.E.2d 1127 (Ind. Ct. App. 1997) (Exhibit 18).

19. Transcript of the MCLB hearing held on the Renewal on September 3, 2024 (“MCLB Hearing Transcript”) (Attachment 1).

20. Indiana State Excise Police Incident Report EX-24-001350 (Attachment 2).

21. Indiana Alcohol and Tobacco Commission Local Board Handbook (Attachment 3).

22. 905 IAC Rule 27 Selected Sections (Attachment 4).

FINDINGS OF FACT

1. Permittee is located at 4213 Lafayette Road, Indianapolis, IN 46254, in a multi-tenant building called Universal Plaza. Universal Plaza has thirteen (13) tenants. Permittee's parking lot sits adjacent to the parking lot for Lafayette Square Mall in the International Marketplace Neighborhood. (ATC File; Hearing Testimony; Exhibit 3)

2. Permittee has held alcoholic beverage licenses in Indiana since 2016. In addition to India Palace, Mr. Johal owns three other restaurants in the Indianapolis area. (Hearing Testimony; Exhibit 4)

3. Mr. Johal arrived in the United States in 1996 after emigrating from India and worked seven days a week for many years in order to obtain the funds necessary to purchase India Palace, which was his first restaurant and alcoholic beverage license. He has never been charged

with a felony or misdemeanor. (Hearing Testimony)

4. India Palace is a full-service restaurant featuring Indian cuisine with an attached event center (“Event Center”). The restaurant maintains hours from 11:00 a.m. until 9:30 p.m.

5. The Event Center can be rented for private events. (Hearing Testimony)

6. Most of the private events that occur at the Event Center are weddings, birthday parties, and ring ceremonies, which is an engagement party common in the Indian community. (Hearing Testimony)

7. Mr. Johal actively manages the restaurant and private event operation. He personally approves ninety-nine percent (99%) of the events at the Premises, is often at the business, and he personally oversees the operation for most events held at the Event Center. (Hearing Testimony)

8. Permittee normally employs security including off-duty law enforcement at its private events. Most times, the off-duty law enforcement security is coordinated by Officer Randy Lane. (Hearing Testimony)

9. In mid-April 2024, while Mr. Johal was not in the country, some individuals approached India Palace through its employee, Vikramjeet Singh, about hosting a private event at the Event Center. The individuals explained that they had recently lost their original event space due to a flood and asked if they could host their event on April 20, 2024. They paid the first half of the total \$4,000 payment and took the contract with them to fill out. (Hearing Testimony)

10. Permittee never received the second half of the total payment and did not receive a completed contract. (Hearing Testimony)

11. On April 20, 2024, the individuals planning the event arrived and took over the Event Center. Permittee’s staffer on site, Daljit Singh, declined to confront the individuals and

instead went to his car, where he eventually fell asleep. (Hearing Testimony)

12. The individuals hosting the party brought in their own alcoholic beverages and covered the smoke detectors to facilitate smoking hookah. (Hearing Testimony; ATC File)

13. At approximately 3:18 a.m. the following morning there was a shooting in the parking lot at the Premises in which a female was shot in the abdomen. (Hearing Testimony; ATC File)

14. On April 26, 2024, Permittee was cited for a number of violations of Indiana's alcoholic beverage laws stemming from the events of April 20 and 21, 2024. On May 31, 2024, the ATC Prosecutor issued a Notice of Violation and Settlement Offer Letter (the "NOV") to Permittee noting several violations. (Attachment 2; Exhibit 6)

15. The NOV is the first violation Mr. Johal has received from the Indiana State Excise Police ("Excise") across any of the licenses he owns and operates. (Hearing Testimony; Exhibit 5)

16. Shortly after he received the NOV, Mr. Johal called and spoke with one of the preparers he had hired for his earlier applications for the Permit; Mr. Johal was told that the violations were his responsibility, that he should pay for it.

17. Permittee quickly settled the NOV and paid the fine without consulting counsel and prior to meeting with the ATC Prosecutor to discuss settlement. (Hearing Testimony)

18. Permittee filed a Corrective Action Plan ("CAP") with the Commission declaring under penalty of perjury that Mr. Singh had been fired as soon as Mr. Johal became aware of what had occurred. (Exhibit 7)

19. The CAP states that all required smoking signage is posted and that smoking is not allowed at India Palace. It further states that Permittee has employee permits and server training

certificates on file. The CAP also provides that the previous renewal application noting no limited separation was an error, that the most recent renewal correctly noted the business has limited separation, and that the same renewal also indicated that the business sold \$310,000.00 in food, which is well over the minimum to have limited separation. (Exhibit 7)

20. Permittee also stated in the CAP that all alcohol at India Palace is obtained through a licensed wholesaler and that guests are not allowed to bring alcohol onto the Premises. (Exhibit 7)

21. Evidence was presented at the Appeal Hearing confirming the contents of the CAP regarding smoking signage, employee permits and server training certificates, and the presence of limited separation. (Exhibits 8-10).

22. Mr. Johal does not allow guests to bring in alcohol and obtains all alcohol from Republic National Distributing Company, LLC (“RNDC”) and Monarch Distributing, LLC. (Hearing Testimony)

23. At the Appeal Hearing, evidence was received regarding Mr. Johal’s character. Mary Clark provided testimony regarding Permittee’s character and his business operations. Ms. Clark is both the Executive Director of the International Marketplace Coalition, which is the registered neighborhood association for the area, and the Executive Director of the Global Village, one of the tenants in Universal Plaza. Ms. Clark indicated that she has previously testified both for and against alcoholic beverage permittees at MCLB hearings. (Hearing Testimony)

24. Ms. Clark has known Mr. Johal since he opened India Palace in 2017 and holds his character in high regard. She always relies on Mr. Johal as a food vendor for neighborhood events that she organizes, and he has been a great neighbor. At the outset of the COVID pandemic, Mr. Johal contacted her and asked her to advertise that he was holding free food events for anyone who

needed a hot meal. (Hearing Testimony)

25. Ms. Clark has observed Mr. Johal very frequently at the business; he is very hands-on with the management of the restaurant. (Hearing Testimony)

26. Ms. Clark has never observed any issues stemming from the clientele or business operation at the Premises and was very surprised when she learned about the events leading to the NOV.

27. Events at Permittee's Premises are usually weddings for persons of Indian heritage, political events, and other cultural events. (Hearing Testimony)

28. Ms. Clark does not consider Permittee to attract a criminal element or otherwise constitute a public nuisance; it would be a severe loss to the community were Permittee to close. (Hearing Testimony)

29. Ms. Clark prepared a letter of support for Permittee that was admitted into evidence. She also obtained letters of support from other tenants of Universal Plaza, including H&N Luxury Furniture, Lafayette Road Nutrition Spot, Star Boulevard LLC, and Barry's African Restaurant. (Exhibit 2)

30. H&N Luxury Furniture wrote that Mr. Johal "and his crew have been very respectful and considerate neighbors. Throughout their time in our building, Johal has consistently demonstrated a high level of responsibility and respect for others. They have never caused any disturbances or issues within our community. We believe that Johal Lakvir [sic] is a valuable member of our community, and we fully support their efforts to maintain their license." Exhibit 2.

31. Mr. Alhassane Barry with Barry's African Restaurant wrote that his "restaurant has been a neighbor of India Palace for at least 5 years," that he "can't say that [he has] ever heard of

any bad things happening at the restaurant,” and that Mr. Johal “is always willing to support our area.” *Id.*

32. The other letters note that the people at India Palace “are lovely people who have been good neighbors in this un universal [sic] plaza” and that “JOHAL LAKVIR [sic], the owner of India Palace, who is a good neighbor. Never been in trouble with anybody in the neighborhood. I’m here to support the India Palace Restaurant.” *Id.*

33. Officer Randy Lane, Deputy Wayne Township Constable and Pike Township School Resource Officer, has known Mr. Johal for about seven or eight years. He occasionally helps Mr. Johal to arrange for security at India Palace, and he also has held events at India Palace. (Hearing Testimony)

34. Mr. Johal has allowed Officer Lane the use of India Palace to host many community events. These events include court access events featuring Judge Coleman of the Wayne Township Small Claims Court and local prosecutors, eviction expungement workshops, and “Power Club” events, which is an outreach group run by the Indianapolis Metropolitan Police Department. (Hearing Testimony)

35. Officer Lane believes in Mr. Johal’s good character and reputation in the community. He also obtained a letter of support from Judge Coleman stating that “Mr. Johal is well respected in the community, and I know that he endeavors to run his businesses the right way.” Exhibit 1. (Hearing Testimony)

36. At both the MCLB Hearing and the Appeal Hearing, Mr. Johal took responsibility for the incident on April 20, 2024, and showed contrition. (Hearing Testimony; Attachment 1)

37. Permittee has operated for over a year since the incident of April 20, 2024, without any issues noted by Excise or the Indianapolis Metropolitan Police Department (“IMPD”).

(Hearing Testimony; ATC File)

38. The Local Board vote was 3-1 to deny renewal, with the Local Board president voting that the permit be renewed for one year. Notably, the Local Board split on the reasons the members identified in voting to deny renewal.

39. Any Finding of Fact that may be considered a Conclusion of Law should be so considered.

CONCLUSIONS OF LAW

1. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

2. The ATC has jurisdiction over this matter pursuant to Ind. Code § 7.1-1-2-2; Ind. Code § 7.1-2-3-9.

3. The application for the Permit was properly submitted pursuant to I.C. § 7.1-3-1-4.

4. The ATC is commissioned to act upon proper application. *Id.*

5. The Hearing Judge conducted a *de novo* review of the appeal on behalf of the ATC, including a public hearing. 905 IAC 1-36-7; I.C. § 7.1-3-19-11.5.

6. The Hearing Judge may consider as evidence all documents in the ATC File, including the transcript of proceedings and exhibits before the MCLB. 905 IAC 1-36-7(a).

7. The Hearing Judge may also consider as evidence Commission orders and any codes and standards that have been adopted by an agency of this state. 905 IAC 1-36-8(e).

8. Evidence at the Appeal Hearing was received in accordance with the Indiana Administrative Code and the Commission's rules. The findings here are based exclusively upon the substantial and reliable evidence in the record of proceedings and on matters officially noted in the proceedings. 905 IAC 1-36-8(e); I.C. § 4-21.5-3-27(d).

9. In reviewing a renewal application, the following factors as set forth in 905 IAC 1-27-1 and 905 IAC 1-27-2 shall be considered: 1) whether the applicant is of good moral character; 2) whether the permit premises has become a public nuisance; and 3) whether any criminal offenses have taken place at the premises. (Attachment 3; Exhibit 15)

10. The MCLB split 3-1 on whether to renew the Permit, with the MCLB president having voted to approve a one-year renewal. Regarding the votes of the three members to deny, the members split on which basis be applied for the denial, in which none of the bases garnered a majority vote. Thus, though there is a majority recommendation to deny the renewal, in this case there is not a “recommendation of a majority of the members” of the Local Board based on a particular reason. I.C. § 7.1-3-19-11.

11. First, regarding moral character, there was extensive evidence presented at the Appeal Hearing regarding Mr. Johal’s reputation in the community. Mr. Johal’s character is held in high esteem by many in the community and there is substantial support for him to continue to hold his permit.

12. Mr. Johal has made the Event Center available free of charge on many occasions to hold community events, including court access events and events benefitting underprivileged youth. Though the event that led to the NOV was horrendous, the evidence is that Permittee is not a public nuisance.

13. 905 IAC 1-27-1 also provides that the Commission may consider “whether acts or conduct of the applicant, permittee or his employees or agents, would constitute” state or federal criminal offenses. Here, there is nothing in the record to indicate that anyone affiliated with India Palace has committed criminal acts. Moreover, Mr. Johal has never been charged with or convicted of a felony or misdemeanor. (Hearing Testimony)

14. In considering a permittee's moral character, "such assessment . . . may reasonably be inferred from police reports . . .". 905 IAC 1-27-1. Certain police runs were noted in the Incident Report associated with the NOV; Permittee provided Calls for Service Run Details ("Run Details") associated with those police runs at the Appeal Hearing. (Exhibit 14)

15. The use of police runs as evidence of poor character or poor repute may only be considered where there is a nexus between the police runs and conduct at the permit premises. Police runs in and around the area of the permit premises with no connection to the permit premises are not evidence of bad acts by the permit holder. Exhibit 15 at page 5 (citing *Hanley v. Eastern Ind. Inv. Corp.*, 706 N.E.2d 576 (Ind Ct. App. 1999), *trans. denied*).

16. The Run Details detail eighteen police runs over a five (5) year period. Outside of the Run Detail related to April 20, 2024, only two (2) of the Run Details resulted in a case report being filed by an officer. Both case reports, filed regarding CFS Number IP2211000001257 and IP21020800001129, involved a theft from a vehicle that was parked in the parking lot of Universal Plaza. In each case, there is no nexus to India Palace's permit premises. (Exhibit 14)

17. The remaining Run Details include directed patrols from IMPD and a few incidents that were initiated by India Palace. The Hearing Judge concludes that such Run Details are not evidence of poor moral character. (Exhibit 14)

18. Based on the totality of the evidence presented at the Appeal Hearing, the Hearing Judge concludes that a decision that Mr. Johal is of poor moral character is not supported by the evidence.

19. Regarding denying renewal based on public nuisance for "criminal offenses" at the premises, as discussed above the record reveals that the events of April 20, 2024, are not part of a pattern of nuisance or criminal activity at the premises.

20. Permittee's nexus to the shooting in the parking lot is attenuated in that there is no evidence in the record that the gun was in the Event Center, there is no evidence that the shooter had been in the Event Center, and there is no evidence that intoxication played a role. There is, however, reason to believe that had Permittee's employee exercised proper supervision over the entire event, the incident may have been avoided.

21. Further, in considering whether to renew a permit, the Commission shall consider the efforts the owner of the business took to abate the public nuisance. I.C § 7.1-2-6-1(c). (Exhibit 13 at Conclusion 9) As detailed above, Permittee has made significant efforts to demonstrate compliance with Indiana's alcoholic beverage laws to address the issues that were identified in the NOV. These efforts are detailed in the Corrective Action Plan and testimony at the Appeal Hearing.

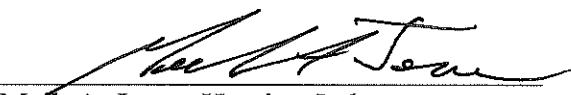
22. Permittee admitted into evidence the ATC's Findings and Conclusions in Jimmy's Nail Spa, LLC, Permit No. RR49-32843. (Exhibit 13) In that matter, the Commission observed that it shall take into account efforts to abate a public nuisance and that the efforts demonstrated by the owner in that case "resulted in the full elimination of any matters giving rise to the public nuisance." Based thereon, the Commission approved a one-year renewal of the permit. *Id.*

23. Permittee has continued to operate the premises for thirteen months since the incident and has not received additional violations from Excise or been the subject of police activity. Permittee and Mr. Johal have similarly not received any violations at any of their other establishments.

24. The Hearing Judge accordingly concludes that, based on the foregoing, the Local Board's decision to deny Permittee's renewal is unsupported by substantial evidence. I.C. § 7.1-3-19-11.

IT IS THEREFORE RECOMMENDED to the full Alcohol and Tobacco Commission
that the decisions of the Marion County Local Board and the Commission to deny the renewal application for Johalran Inc. under permit number RR49-33618 be reversed and the application of Johalran Inc. for the renewal of a Type 210 beer, wine and liquor retail permit in an incorporated area be APPROVED for a one-year period, understanding that Johalran Inc. shall fully comply with all local ordinances, state laws, and regulations.

DATED: 07 August 2025



Mark A. Jones, Hearing Judge

ADOPTION OF THE PROPOSED FINDINGS AND CONCLUSIONS

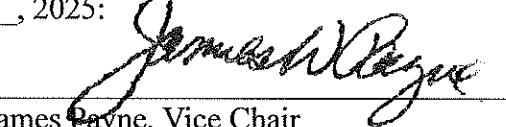
The Alcohol and Tobacco Commission hereby adopts the above Proposed Findings of Fact and Conclusions of Law on Appeal of Denial of Renewal: Johalran Inc., grants the appeal, and GRANTS RENEWAL of Permit No. RR49-33618.

SO ORDERED this 16th day of September, 2025:



Jessica Allen, Chair

Marjorie Maginn, Commissioner



James Payne, Vice Chair



Mark A. Jones, Commissioner

cc: Clark Kirkman, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204, via USPS certified mail, return receipt requested
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