

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN RE THE TOBACCO CERTIFICATE OF:)	CERTIFICATE NO: TC16395001
)	MASTER NO: TC16395000
AVON TOBACCO & MORE LLC)	
10532 E. U.S. HIGHWAY 36)	VIOLATION NOS:
AVON, IN 46123)	EX-24-002558
PERMITTEE)	EX-24-003565

PROPOSED ORDER ON SHOW-CAUSE HEARING OF AUGUST 12, 2025

A show-cause hearing was held on August 12, 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 AVON TOBACCO & MORE LLC (“Permittee” OR “Certificate Holder”) though they had been given proper notice of the hearing. Judicial notice was taken of the IATC’s records regarding the above-captioned certificates, including the Excise Incident Reports for EX-24-002558 and EX-24-003565, and the Orders of April 17, 2025, June 5, 2025, July 29, 2025, and November 12, 2024.

1. Permittee failed to appear for settlement conferences on September 23, 2024, and December 23, 2024.
2. Mr. Wignall sent Permittee a letter on February 6, 2025, which advised Permittee of the possibility of a show-cause hearing and possible license revocation if Permittee failed to appear at the upcoming virtual pre-hearing conference on April 17, 2025.
3. Permittee failed to appear at the virtual pre-hearing conference on April 17, 2025.
4. The Order of April 17, 2025, ordered Permittee to appear in person and show cause on June 5, 2025; Mr. Sulemiiman Aljahmi appeared for Permittee on June 5, 2025,

admitted to both violations and agreed to pay civil penalties of \$500.00 that day for violation EX-24-002558, and \$2,000.00 for EX-24-003565 within the next sixty (60) days. Mr. Aljahmi was advised at the hearing that a status conference was set for July 29, 2025, to ensure that the amounts were paid.

5. Permittee did pay \$500.00 on June 5, 2025, for violation EX-24-002558, which occurred on July 24, 2024, and included violations of Indiana Code § 35-46-1-11.7(a), Permitting Minor To Enter Tobacco Retail Establishment (the 19-year-old clerk working at the store), and I.C. § 35-46-1-11.7(c), Failure to Post Notice In A Retail Establishment That Minors Can't Enter. Given the payment of that agreed-to civil penalty, EX-24-002558 is now considered CLOSED.

6. The events of EX-24-003565 occurred on September 25, 2024, and include violations of I.C. § 7.1-3-18.5-11, Tobacco or Electronic Cigarette Sales at Site of Nuisance or Criminal Activity; I.C. § 35-46-1-11.7(a), Permitting Minor To Enter Tobacco Retail Establishment (the same 19-year-old clerk working at the store); and I.C. § 35-46-6-3, Using or Distributing Nitrous Oxide.

7. Permittee failed to appear for or otherwise participate in the virtual status conference on July 29, 2025; consequently, another show-cause hearing was set for August 13, 2025, and proper notice of the hearing was sent to Permittee.

8. Permittee failed to appear for or otherwise participate in the show-cause hearing on August 13, 2025.

9. Since the show-cause hearing of June 5, 2025, and as of the hearing on August 13, 2025, Permittee has neither paid for the violation under EX-24-003565 nor contacted Mr. Wignall.

10. The Commission “may suspend the certificate of a person who fails to pay a civil

penalty imposed for violating ... IC 35-46-1-11.7...”. (I.C. §7.1-3-18.5-5)

11. I.C. § 35-46-1-11.7 provides, in pertinent part:

- (a) A retail establishment in which tobacco products account for at least eighty-five percent (85%) of the retail establishment's gross sales may not allow an individual who is less than twenty-one (21) years of age to enter the retail establishment.
- (b) An individual who is less than twenty-one (21) years of age may not enter a retail establishment described in subsection (a).
- (c) A retail establishment described in subsection (a) must conspicuously post on all entrances to the retail establishment the following:
 - (1) A sign in boldface type that states “NOTICE: It is unlawful for a person less than 21 years old to enter this store.”.
 - (2) A sign printed in letters and numbers at least one-half (½) inch high that displays a toll free [sic] phone number for assistance to callers in quitting smoking, as determined by the Indiana department of health.

* * * *

Ind. Code Ann. § 35-46-1-11.7 (West)

12. Avon Tobacco & More LLC is “[a] retail establishment in which tobacco products account for at least eighty-five percent (85%) of the retail establishment's gross sales ...”, as referenced above in I.C. § 35-46-1-11.7. (ATC files)

13. I.C. § 7.1-3-18.5-10 provides, in pertinent part:

- (a) If a certificate holder fails to attend or participate in a hearing without good cause, the hearing judge may recommend to the commission that the commission suspend or revoke the certificate holder's certificate or impose a fine on the certificate holder of up to one thousand dollars (\$1,000).

* * * *

Ind. Code Ann. § 7.1-3-18.5-10 (West)

14. I.C. § 7.1-3-18.5-11, as it was at the time of the violations herein, provides:

- (a) If a certificate holder sells or distributes tobacco products or electronic cigarettes at a location:
 - (1) determined to be a public nuisance; or
 - (2) at which conduct or acts that are crimes or infractions under IC 35 occur;

the commission may impose sanctions against the certificate holder under IC 7.1-2-3-33 and section 5 [IC 7.1-3-18.5-5] of this chapter.

Ind. Code Ann. § 7.1-3-18.5-11 (West)

15. Mr. Aljahmi admitted at the hearing on June 5, 2025, that Permittee violated I.C. § 7.1-3-18.5-11, I.C. § 35-46-1-11.7(a), and I.C. § 35-46-6-3; further, Permittee failed to attend or otherwise participate in the settlement conferences on September 23, 2024, and December 23, 2024, a virtual pre-hearing conference on April 17, 2025, and the status hearing on July 29, 2025, and the show-cause hearing on August 13, 2025.

16. 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)

17. 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)

18. Based on the foregoing, Mr. Wignall requested that both the master certificate, TC16395000, and the location certificate, TC16395001, be revoked.

19. The undersigned finds that revocation is appropriate given the failure to pay the civil penalty, the failures to appear, and the admitted violations and relevant statutes.

20. 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.

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

IT IS HEREBY RECOMMENDED to the full Commission of the Indiana Alcohol and Tobacco Commission that both the master certificate, TC16395000, and the location certificate, TC16395001, of Avon Tobacco & More LLC be revoked.

DATED: 18 August 2025


Mark A. Jones
Commissioner/Hearing Judge, IATC

cc: Andrew Wignall, IATC Prosecutor, via email to: awignall@atc.in.gov
Avon Tobacco & More LLC via USPS certified mail, return receipt requested: 10532 E
US Highway 36, Avon, IN, 46123
Avon Tobacco & More LLC via USPS: 10532 E US Highway 36, Avon, IN, 46123
Mujeeb Aljahmi, via USPS certified mail, return receipt requested: 10532 E US Highway
36, Avon, IN, 46123
Avon Tobacco & More LLC via e-mail to: avontobacco@gmail.com

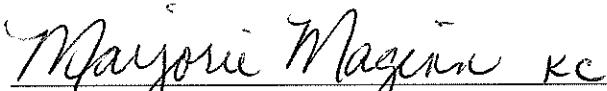
Approved this 7th day of October, 2025



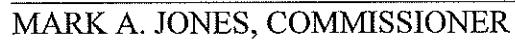
JESSICA ALLEN, CHAIR



JAMES PAYNE, VICE CHAIRMAN



MARJORIE MAGINN, COMMISSIONER



MARK A. JONES, COMMISSIONER