

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF)

THE PERMIT OF)

OC MART)

TC16892001

815 N. OLIVE ST.)

EX-24-003448

SOUTH BEND, INDIANA 46628)

PERMITTEE

ORDER ON SHOW CAUSE HEARING

Comes now the Hearing Judge for the Indiana Alcohol and Tobacco Commission (ATC) and for the Order on Rule to Show Cause states as follows:

1. Andrew Wignall appears as prosecutor.
2. No appearance was filed, and no one appeared for the Show Cause Hearing on May 7, 2026, at 10:00 AM.
3. The Permittee had previously failed to appear, after appropriate notice was given, pursuant to 905 IAC 1-27-9, for a Notice of Violation and Settlement Offer.
4. This matter was then set for a Rule to Show Cause Hearing by the Hearing Judge, which order was sent to the Permittee by certified mail.
5. The Notice indicated that, if the Permittee failed to appear, a default judgment shall be issued against the permit and a sanction imposed which could include suspension or revocation of the permit.
6. The notice in the letter of the Order to Show Cause was sent by certified mail to the Permittee at the address stated above.
7. The Indiana State Excise Police report of the incident number EX-24-003448 was offered and received into evidence as Exhibit #1.
8. Evidence revealed in Exhibit #1, offered and received into evidence without objection, showed that Excise Officers conducted a permit visit to the business on September 25, 2025, after a complaint alleging drug activity was received. On inspection, the officers located several bottles of liquor, and an employee was actively smoking a cigarette. They also observed a small plastic bag with suspected cocaine and a small digital scale with a powder substance on it which tested positive for cocaine. Violations were written for

tobacco sale- public nuisance, sales of alcohol without a permit, prohibited smoking and nuisance drug sales. In addition, several criminal charges were filed against individuals at the premises.

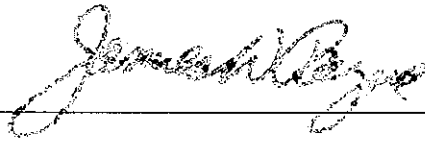
9. Since no one on behalf of the Permittee has appeared for this Order to Show Cause Hearing, the Hearing Judge finds by a preponderance of the evidence contained in Exhibit #1, EX-25-003448 filed in this matter are true.
10. Pursuant to IC 7.1-3-23-2 the Commission may: (a) (1) "...fine or suspend or revoke the permit or certificate ..." or (2) fine and suspend or revoke the permit or certificate "of a permittee for a violation of a provision of this title or of a rule or regulation of the commission
11. The hearing Judge therefore orders the above permit TC16898001 to be indefinitely suspended during which time the Permittee shall not sell or dispense, in any way, any tobacco or other related products that could be sold or dispensed under the above mentioned permit or certificate until hereafter authorized, in writing, by the Indiana Alcohol and Tobacco Commission.
12. Any Indiana Excise Office in the state of Indiana is authorized to enter onto the premises of the Permittee for the purpose of inspecting and enforcing this indefinite order of suspension.
13. An Excise Officer of the State of Indiana may seize and/or confiscate any and all items of tobacco or other products subject to the laws of the State of Indiana and/or the rules and regulations of the Indiana Alcohol Commission which the officer believes, in his own judgment, are being held out for sale or dispensation- displaying those items in public view in a place open to the public shall constitute reasonable cause for seizure or confiscation.
14. In addition, pursuant to IC 7.1-3-23-2 (a) (2) the Permittee is fined \$1,000.00 for the violation of EX-24-003448 as described above in paragraph 8.
15. Pursuant to IC 7.1-3-23-6 the Commission shall give at least 10 days' notice to the holder of the permit proposed to be suspended, which notice was given and which notice also informed the Permittee of the time and place of the hearing.
16. The hearing on May 7, 2026, was held in the manner prescribed under IC 7.1-3-23-6.
17. Under IC 7.1-3-23-9 the Permittee is hereby advised that it may seek judicial review of this action by following IC 4-21.5-5 and has 15 days to appeal this indefinite suspension.

18. Based upon the information and evidence presented at the hearing on May 7, 2026, the above-mentioned permit issued to OC Mart under TC16898001 is hereby indefinitely suspended.

19. This order of indefinite suspension will be scheduled for a final hearing and approval before the ATC Commission.

IT IS THEREFORE ORDERED that the permit issued to OC Mart under TC16898001 is hereby indefinitely suspended and is fined \$1,000.00, subject to a hearing before the ATC Commission.

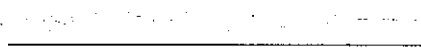
All of which is ordered this 7th day of May 2026.

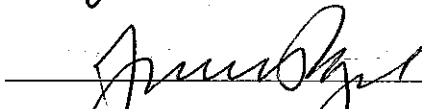


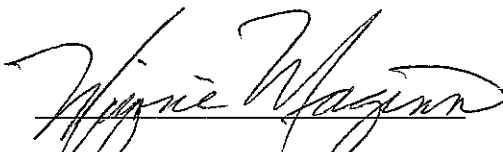
James W. Payne, Hearing Judge

Commission Adoption:

Date: July 7, 2026


Jessica Allen, Chair


James Payne, Vice Chairman


Marjorie Maginn


Megan Garver

Cc: Andrew Wignall, Esq Prosecutor

OC Mart

815 N. Olive St.

South Bend, Indiana 46628