

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF

)

THE PERMIT OF

)

THE CAVE LLC

)

TC17254001

2603 E. BROADWAY

)

EX-25-003977

ALTON, ILLINOIS 62002

)

EX-25-004137

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 21, 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-25-004137 was offered and received into evidence as Exhibit #1 and incident number EX-25-003977 was offered and received into evidence as Exhibit # 2.
8. Evidence revealed in Exhibit #1, offered and received into evidence without objection, was that Excise Officers conducted a permit visit to the business at 1425 Fort Harrison Road, Terre Haute, Vigo County, Indiana on November 9, 2025, to serve a suspension order when he observed what he believed to be smokable hemp in a vending machine on the sales floor in

a glass vending machine; he also noticed that the products has the odor of marijuana and seized the items he observed to be smokable hemp.

9. Evidence revealed in Exhibit #2, offered and received into evidence without objection, was that Excise Officers conducted an investigation at 1425 Fort Harrison Road, Terre Haute, Vigo County, Indiana on October 24, 2025. On entering the building, he observed what he believed to be smokable hemp on display and saw a customer purchasing smokable hemp pre-rolls. All of the items of smokeable hemp were seized- approximately 235 separate items for the smokable hemp products and that no no-smoking signs were posted. The same clerk was there as in the other Excise report above.
10. Since no one on behalf in person or for 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-25-004137 and Exhibit #2 EX-25-003977 that the violations filed in this matter are true.
11. 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."
12. The hearing Judge therefore orders the above permit TC17254001 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.
13. 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.
14. 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.
15. In addition, pursuant to IC 7.1-3-23-2 (a) (2), the Permittee is fined \$1,000.00 for each of the violations, EX-25-004137 and EX-25-003977, as described above in paragraphs 8 and 9.

16. 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 to be held.

17. The hearing on May 21, 2026, was held in the manner prescribed under IC 7.1-3-23-6.

18. 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.

19. Based upon the information and evidence presented at the hearing on May 21, 2026, the above-mentioned permit issued to The Cave LLC, under TC17254001, is hereby indefinitely suspended.

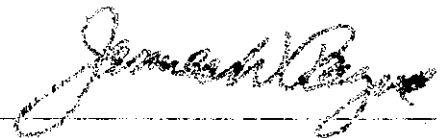
20. This order of indefinite suspension will be scheduled for a final hearing and approval before the ATC Commission.

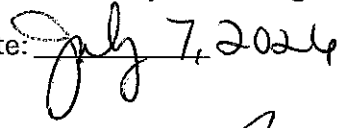
IT IS THEREFORE ORDERED that the permit issued to The Cave LLC under TC17254001 is hereby indefinitely suspended, and fined \$1,000.00 for each violation for a total of \$2,000.00 subject to a hearing before the ATC Commission.

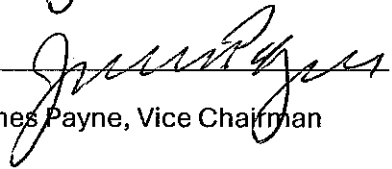
All of which is ordered this 21st day of May 2026.

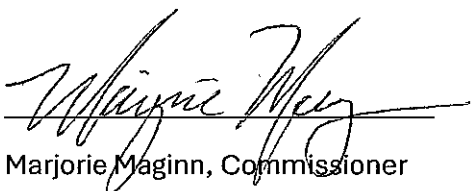
Commission Adoption:

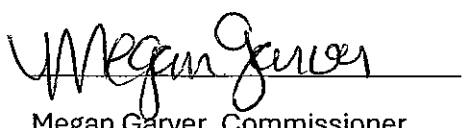
Jessica Allen, Chair


James W. Payne, Hearing Judge

Date: 


James Payne, Vice Chairman


Marjorie Maginn, Commissioner


Megan Garver, Commissioner

Cc Judge

Cc: Andrew Wignall, Esq Prosecutor

The Cave LLC, 2603 E. Broadway, Alton, Illinois 62002