

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

IN THE MATTER OF)
THE PERMIT OF:)
)
Sarah McMahon) **Permit No. BR1622305**
)

PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

I.
BACKGROUND OF THE CASE

The Applicant, Sarah McMahon, BR1622305, (“Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit.¹ The Applicant filed her application on May 19, 2020. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5. The dates of the convictions are as follows:

1. Conviction under cause number 41H02-1101-CM-000024 on April 20, 2011; and
2. Conviction under cause number 49G10-1812-CM-043991 on March 1, 2019.

Applicant appealed the denial of her permit and the matter was set for a hearing on August 24, 2020.

III.
EVIDENCE BEFORE THE ATC

1. The following individuals testified before the ATC in favor of the Applicant in this cause:

¹ Permit expired in 2020 and Applicant is requesting reinstatement.

- a. Sarah McMahon, applicant.

IV.

FINDINGS OF FACT

1. The Applicant, Sarah McMahon, is the Applicant for an Alcohol and Tobacco Commission employee permit. (ATC File.)
2. The Applicant had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years. (ATC File.)
3. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

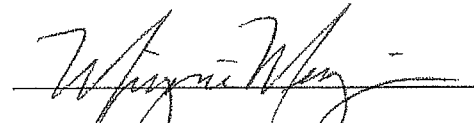
V.

CONCLUSIONS OF LAW

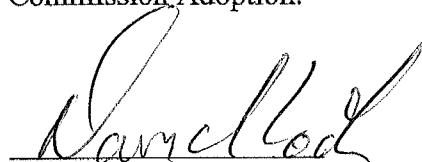
1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(h) because Applicant had two unrelated convictions for operating while intoxicated.
2. Applicant will be eligible for an employee permit on April 20, 2021.
3. Application fee was already refunded.
4. 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 denial of the application for BR1622305 is in compliance with the law. The eligibility date for Applicant is April 20, 2021.


DATED: 11/2/20



Marjorie Maginn, Hearing Judge

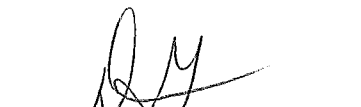
Commission Adoption:


David Cook, Chairman

Date: 12-7-20


John Krauss, Vice Chairman


Marjorie Maginn, Commissioner


Dale Grubb, Commissioner