

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

IN THE MATTER OF)
THE PERMIT OF:)
)
Ethan Rodgers) **Permit No. 1812024**
)

PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

I. BACKGROUND OF THE CASE

The Applicant, Ethan Rodgers, Permit number 1812024, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed his application on December 20, 2021. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5. The cause numbers and dates of convictions are as follows:

1. Conviction under cause number 49F10-1304-CM-02263 on October 4, 2013; and
2. Conviction under cause number 53C05-1912-F6-001487 on June 25, 2020.

Application for permit number 1812024 was denied.

Applicant filed an appeal of the denied permit application. An appeal hearing was held on April 4, 2022.

II. EVIDENCE BEFORE THE ATC

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

1. Ethan Rodgers, Applicant; and
2. Darla Brown, Attorney for Ethan Rodgers.

III. FINDINGS OF FACT

1. The Applicant, Ethan Rodgers, Permit number 1812024, is the Applicant for an Alcohol and Tobacco Commission employee permit. (ATC File).
2. The Applicant has two convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years.
3. Applicant's current eligibility date for an employee permit is October 4, 2023.
4. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

IV. EVIDENCE BEFORE THE ATC

1. Ms. Brown submitted on behalf of her client a copy of the Judgment of Conviction and Sentencing Judgment for 53C05-1912-F6-001487, showing a Level A Misdemeanor charge, and a probationary term that ended on June 20, 2021 for the latest operating while intoxicated.

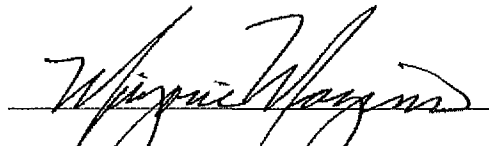
CONCLUSIONS OF LAW

1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(f) because Applicant had two unrelated convictions for operating while intoxicated, the first conviction occurring less than ten years before the date of the applicant's application.

2. IC 7.1-3-18-9(f) imposes the denial based upon a conviction for operating while intoxicated, and not based upon level of conviction.
3. Applicant will be eligible for an employee permit on October 4, 2023.
4. Application fee shall be refunded.
5. Any conclusion of law may be considered a finding of fact if the context so warrants.

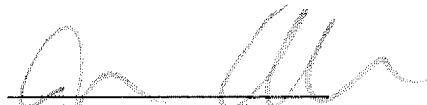
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for Permit number BR1812024 is in compliance with the law.

DATED: 5/4/22




Marjorie Maginn, Hearing Judge

Commission Adoption:




Jessica Allen, Chair

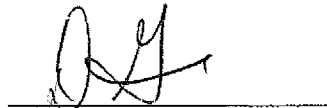
Date: 6/7/22



James Payne, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner

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