

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

IN THE MATTER OF)
THE PERMIT OF:)
)
Elinora Deveney) **Permit Number: BR1746434**
)

PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

I.
BACKGROUND OF THE CASE

The Applicant, Elinora Deveney, Permit Number BR1746434, (“Applicant”) is the Applicant for reinstatement of an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her application on May 13, 2022. 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 49G19-1708-CM-030241 on December 8, 2017;
and
2. Conviction under cause number 49D23-2006-F6-019375 on September 27, 2021.

Applicant appealed the denial of her employee permit, and the matter was set for a hearing on August 8, 2022.

II.
EVIDENCE BEFORE THE ATC

1. Elinora Deveney testified before the ATC in favor of the Applicant in this cause.

III.

FINDINGS OF FACT

1. The Applicant, Elinora Deveney, 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.


IV.

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 9/27/24, (this is the correct date and a different date was given during the hearing on 8/8/2022).
3. Pursuant to IC 7.1-3-19-12, twenty dollars (\$20) of the permit fee shall be returned to the Applicant. Twenty-five dollars (\$25) of the permit fee shall be disposed of pursuant to Title 7.1, Article 4 of the Indiana Code.
4. Any conclusion of law may be considered a finding of fact if the context so warrants.

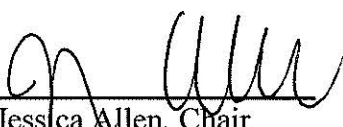
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the reinstatement of employee permit BR1746434 is in compliance with the law. The eligibility date for Applicant is September 27, 2024. Twenty dollars (\$20) of the permit fee shall be returned to the applicant.

DATED: 8/8/2022



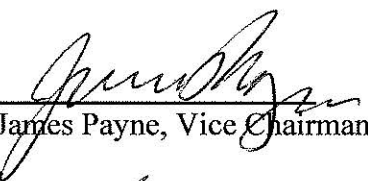
Marjorie Maginn, Hearing Judge

Commission Adoption:



Jessica Allen, Chair

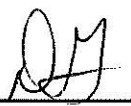
Date: 10/4/22



James Payne, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner

