

STATE OF INDIANA  
BEFORE THE ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF  
THE PERMIT OF

KIMBERLY T. THOMAS  
6701 BLOOMFIELD DRIVE  
INDIANAPOLIS, IN 46259

Permittee.

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) PERMIT NUMER: BR1782694  
) VIOLATION: EX19018204  
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PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT  
JUDGMENT ORDER

**I. BACKGROUND OF THE CASE**

Kimberly T. Thomas (Permittee), permit number BR1782694 (Permit), is the holder of an employee permit issued by the Alcohol and Tobacco Commission (ATC). ATC Prosecutor sent notice of violation to permittee scheduling a show cause hearing. Permittee failed to appear for the show cause hearing.

**II. FINDINGS OF FACT**

1. Prosecutor Josh Harrison (Prosecutor) sent notice of violations to permittee at the address of record on 1/30/2020 which included a show cause hearing on 2/20/2020. (ATC file.)
2. Permittee failed to appear for the show cause hearing. (ATC hearing.)
3. Allegations were that permittee ceased to meet the qualifications to hold an employee permit because of multiple convictions for operating while intoxicated in the past ten years. (ATC file.)

4. Prosecutor was present for the show cause hearing at which time he made a request for revocation of Permit.

5. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

### **III. CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over this matter pursuant to Ind. Code § 7.1-1-2-2 and § IC 7.1-2-3-4.

2. Notice of violation was proper. 905 IAC 1-37-1 and 905 IAC 1-37-2.

3. Hearing judge set a show cause hearing ordering Permittee to appear on and show cause why permit should not be revoked for ceasing to meet qualifications. 905 IAC 1-37-9.

4. Permittee failed to appear for the show cause hearing.

5. Default judgment is appropriate to complete the disposition of the violations. 905 IAC 1-37-9.

6. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

### **IV. DEFAULT JUDGMENT ORDER**

Permittee failed to appear for the hearing in this matter and failed to show cause why Permittee is still qualified to hold Permit.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Permittee is found in default for a violation of IC 7.1-3-18-9, employee permit qualifications. Permit is hereby REVOKED.

DATE: February 24, 2020.



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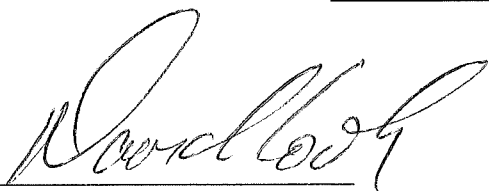
Jessica Allen, Hearing Officer

Distribution:

Josh Harrison  
Prosecutor  
Indiana Alcohol and Tobacco Commission  
302 W. Washington Street, Room E114  
Indianapolis, Indiana 46205

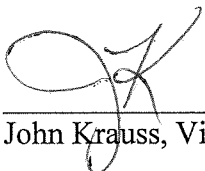
Kimberly T. Thomas  
6701 Bloomfield Drive  
Indianapolis, IN 46259

**ADOPTION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
DEFAULT JUDGMENT ORDER**

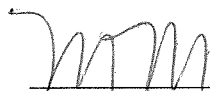


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David Cook, Chairman

Dated: 5-5-20



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John Krauss, Vice Chairman



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Marjorie Maginn, Commissioner



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Dale Grubb, Commissioner