

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

**IN THE MATTER OF** )  
**THE PERMIT OF:** )  
 )  
**SYDNEY BREAZEALE** ) **Permit No. BR1819200**  
 )

**PROPOSED FINDINGS OF FACT**  
**AND**  
**CONCLUSIONS OF LAW**

**I.**  
**BACKGROUND OF THE CASE**

The Applicant, Sydney Breazeale, BR1819200, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her renewal application on November 12, 2018. 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 19D011510CM000801 on November 30, 2015;  
and
2. Conviction under cause number 26D011801F6000033 on February 12, 2018.

Applicant was ordered to complete five hundred forty (540) days of probation for cause number 26D011801F6000033. Applicant timely filed an appeal of the denial. An appeal hearing was held on February 18, 2019.

**III.**  
**EVIDENCE BEFORE THE ATC**

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

a. Sydney Breazeale.

#### IV.

#### **FINDINGS OF FACT**

1. The Applicant 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.

3. Applicant is still on probation for the second conviction under cause number 26D011801F6000033.

4. Applicant completed multiple programs in Gibson County to reduce her term of probation. Applicant testified that her probation is now scheduled to terminate on May 5, 2019.

5. 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(g) because Applicant has two unrelated convictions for operating while intoxicated within the past ten (10) years and the Applicant is still on probation for the second conviction.

2. Two years after the completion of probation will be approximately May 5, 2021.

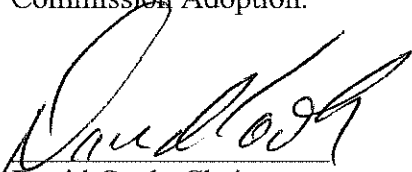
3. If Applicant is released from probation under cause number 26D011801F6000033 prior to the estimated date, she will be eligible sooner for an employee permit.
4. Pursuant to IC 7.1-3-19-12, twenty dollars (\$20) of the permit fee shall be returned to the Applicant. Twenty-five dollars (\$25) of the permit fee shall be disposed of pursuant to Title 7.1, Article 4 of the Indiana Code.
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 BR1819200 is in compliance with the law. The eligibility date for Applicant is approximately May 5, 2021. <sup>Forty-five</sup> ~~Twenty dollars (\$20)~~ of the permit fee shall be returned to the applicant.

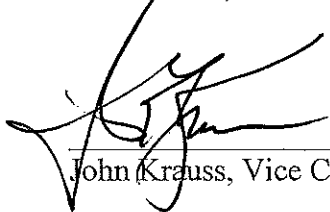
DATED: 2/18/19

  
\_\_\_\_\_  
Jessica Allen, Hearing Judge

Commission Adoption:

  
\_\_\_\_\_  
David Cook, Chairman

Date: 4-2-19

  
\_\_\_\_\_  
John Krauss, Vice Chairman

\_\_\_\_\_  
Marjorie Maginn, Commissioner

  
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Dale Grubb, Commissioner

