

STATE OF INDIANA) BEFORE THE INDIANA
COUNTY OF MARION) SS:
ALCOHOL AND TOBACCO COMMISSION
CAUSE NO: EX18-011951

Boomzies,)
Permittee / Respondent)
Permit No.: TC13559001)
729 E Main St)
Richmond, IN 47374)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Comes now the duly appointed Hearing Judge for the Indiana Alcohol and Tobacco Commission (the “Commission”), pursuant to 905 IAC 1-37-9, and issues the following Findings of Fact, Conclusions of Law, and Order against Boomzies (“Respondent”).

Findings of Fact

1. Respondent holds a Tobacco Certificate under permit number TC13559001.
2. On September 12, 2018, the Prosecutor for the Commission filed a Notice of Violation against Respondent under Cause Number EX18-011951.
3. A copy of the above was mailed to Respondent at their address on file with the Commission on September 12, 2018.
4. A Notice of Hearing was also prepared and mailed to Respondent on the same date.
5. The Notice of Hearing stated that a prehearing conference was set in regard to the allegations of the Notice of Violation for October 18, 2018 at 10:00 a.m., at 302 W. Washington St, IGCS Room E114, Indianapolis, IN 46204.

6. The Notice of Hearing also stated that pursuant to 905 IAC 1-37-9, at any stage of a proceeding, if a permittee fails to attend or participate in a prehearing conference, the hearing judge may issue an order to show cause why the permit should not be revoked or any other sanctions to be imposed.
7. On October 18, 2018, Respondent did NOT appear for the scheduled prehearing conference.
8. On January 4, 2019, an Order to Show Cause was sent via certified mail to Respondent's address on file with the Commission. That order set the matter for a hearing on January 24, 2019 to determine if Respondent should be held in default.
9. On January 24, 2019, Respondent failed to appear for the Order to Show Cause Hearing.

Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Ind. Code § 7.1-1-2-2 and Ind. Code § 7.1-2-3-9.
2. The Hearing Judge may take judicial notice of the Commission file relevant to a case. 905 IAC 1-36-7(a).
3. At any stage of a proceeding, if a permittee fails to attend or participate in a prehearing conference, the hearing judge may issue an order to show cause why the permit should not be revoked and set a hearing on said order within thirty (30) days. 905 IAC 1-37-9(a).

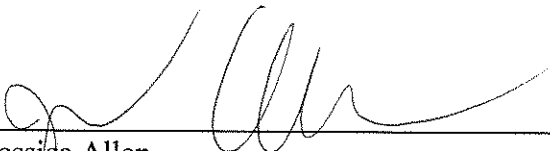
4. After the hearing, the hearing judge shall conduct any further proceedings necessary to complete the disposition of the violation. 905 IAC 1-37-9(c)

Proposed Order

THEREFORE, said Hearing Judge now makes the following Proposed Order:

1. Respondent shall be held in DEFAULT for failure to appear at either the October 18, 2018 prehearing conference or the January 24, 2019 Order to Show Cause Hearing.
2. Judgement shall be entered against Respondent.
3. The tobacco certificate, TC13559001, shall be **REVOKED**.

SO ORDERED this February 7, 2019.



Jessica Allen
Hearing Judge
Indiana Alcohol and Tobacco Commission

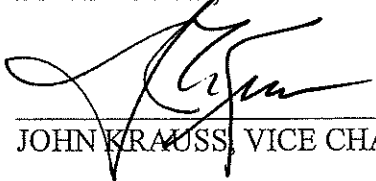
This Proposed Findings of Fact and Order has been sent to:

Boomzies
729 E. Main St
Richmond, IN 47374

Approved this 7 day of April, 2019.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN.



DALE GRUBB, COMMISSIONER

MARJORIE MAGINN, COMMISSIONER