

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

<b>IN THE MATTER OF</b>	)	
<b>THE PERMIT OF</b>	)	
	)	
<b>Jiffy Mart</b>	)	<b>PERMIT NO. TC12903001</b>
<b>2304 E 25<sup>th</sup> Street</b>	)	<b>VIOLATION NO: EX19007316</b>
<b>Indianapolis IN 46218</b>	)	
	)	
<b>Permittee.</b>	)	

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

**I. BACKGROUND OF THE CASE**

Jiffy Mart, permit number TC12903001 (Permittee), 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 prehearing conference. Permittee failed to appear for prehearing conference. Hearing judge issued an order to show cause scheduling the matter for hearing. Permittee again failed to appear for order to show cause hearing.

**II. FINDINGS OF FACT**

1. Prosecutor Josh Harrison (Prosecutor) sent notice of violations to permittee at the address of record on June 17, 2019 which included notice of a pre-hearing conference on August 8, 2019.
2. Violations alleged in the notice of violation include:
  - a. IC 7.1-6-2-3, violation of requirement that cigarettes must be sold in unopened packages; and
  - b. IC 22-14-7-12, violation of requirements for selling cigarettes.
3. Permittee failed to appear for the pre-hearing conference on August 8, 2019.

4. An order to show cause was mailed to the permittee at the address on record setting the matter for a hearing on August 29, 2019.
5. Permittee failed to appear at the order to show cause hearing.
6. Permittee has not been in contact regarding order to show cause.
7. Prosecutor was present for the order to show cause hearing on August 29, 2019 at which time he made a request for revocation of permit number TC12903001.
8. 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. Prehearing conference was held pursuant to 905 IAC 1-37-6 and Permittee had had opportunity to participate in the prehearing conference but failed to appear.
4. Hearing judge issued an order to show cause to Permittee, which ordered Permittee to appear on August 29, 2019. 905 IAC 1-37-9.
5. Permittee failed to appear for Order to Show Cause hearing.
6. Default judgment is appropriate to complete the disposition of the violations. 905 IAC 1-37-9.
7. 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 pre-hearing conference and order to show cause hearings in this matter. A default judgment is entered against Permittee for the following violations:

1. IC 7.1-6-2-3, violation of requirement that cigarettes must be sold in unopened packages; and
2. IC 22-14-7-12, violation of requirements for selling cigarettes.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the permittee is found in default. Permit TC12903001 is hereby REVOKED.

DATE: November 18, 2019.



---

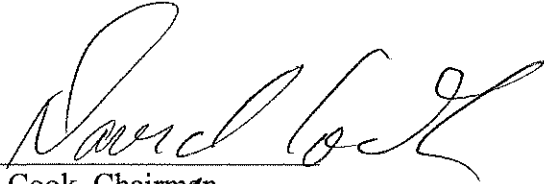
Jessica Allen, Hearing Officer

Distribution:

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

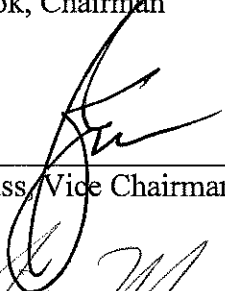
Jiffy Mart  
2304 E 25<sup>th</sup> Street  
Indianapolis IN 46218

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

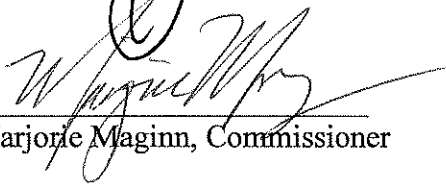


David Cook, Chairman

Dated: 1-7-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner