

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

**IN THE MATTER OF
THE PERMIT OF:**

Shelbi Kristina Henry

)
)
)
)
)

Applicant No. BR1744295

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

**I.
BACKGROUND OF THE CASE**

The Applicant, Shelbi Kristina Henry, Applicant Number BR1744295 (“Applicant”) is the Applicant for renewal of an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her renewal on February 24, 2022. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had an unrelated conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5. The date of the conviction is as follows: Conviction under cause number 54D02-23108-CM-002239 on November 4, 2022. Applicant appealed the denial of the renewal of her alcohol permit and the matter was set for a hearing on April 4, 2022.

**II.
FINDINGS OF FACT**

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

a) Shelbi Kristina Henry, applicant.

**III.
EVIDENCE BEFORE THE ATC**

1. Applicant submitted a copy of the details of Montgomery Superior Court 2, Cause No. 54D02-2108-CM-002239, stating that the court wrote into the order that applicant could continue to work as a bartender at her current employer serving alcohol.

**IV.
FINDINGS OF FACT**

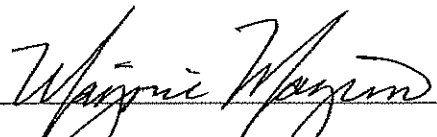
1. The Applicant, Shelbi Kristina Henry, is the Applicant for renewal of an Alcohol and Tobacco Commission employee permit. (ATC File.)
2. The Applicant had a conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years, conviction filed date being November 4, 2021 and is serving probation until November 4, 2022. Applicant is not eligible for an alcohol permit until she is no longer on probation, under IC 7.1-3-18-9. (ATC File.)
3. Document submitted, Cause No 54D02-2108-CM-002239, under Standard Conditions of Probation #4 states "You shall maintain employment..." and #11 states "You shall not consume or possess any alcoholic beverages, nor enter any liquor stores, bars and taverns". "Except (name of business illegible) for employment". Nothing in the Standard Conditions allows or requires Applicant to work as a bartender or server of alcoholic beverages.
4. 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(h) because Applicant had a conviction for operating while intoxicated for which she is still on probation.
2. Applicant will be eligible for an employee permit on November 4, 2022, unless released from probation earlier.
3. Application fee shall be refunded.
4. Any conclusion of law may be considered a finding of fact if the context so warrants.

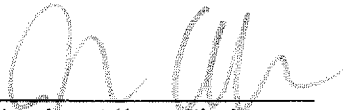
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for BR1744295 is in compliance with the law. The eligibility date for Applicant is November 4, 2022, subject to the court releasing her from probation earlier.

DATED: 8/4/22



Marjorie Maginn, Hearing Judge

Commission Adoption:



Jessica Allen, Chair

Date: 1/7/22



James Payne, Vice Chairman

Marjorie Maginn, Commissioner

Dale Grubb, Commissioner