

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

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|-------------------------------|---|------------------------------|
| IN THE MATTER OF |) | |
| THE PERMIT OF |) | |
| |) | |
| DON MARCOS, INC. |) | |
| 4779 N. POST ROAD |) | PERMIT NO. RR49-28239 |
| INDIANAPOLIS, IN 46226 |) | |

**ORDER REMANDING CASE TO LOCAL BOARD
FOR REHEARING AND FURTHER INVESTIGATION**

Background of the Case

The Applicant, Don Marcos, Inc., 4779 N Post Road, Indianapolis, Indiana, RR49-28239 ("Applicant"), submitted its renewal application for a beer and wine restaurant permit (the "Permit") on or about October 17, 2019. The Marion County Local Alcoholic Beverage Board ("Local Board") conducted hearings on December 2, 2019, January 6, 2020 and February 3, 2020. The Applicant failed to appear at three local board hearings. On February 3, 2020, the Local Board voted four (4) to zero (0) to recommend denial of the application based on the failure of the Applicant to appear. The Alcohol and Tobacco Commission ("Commission") adopted the recommendation of the Local Board on February 18, 2020. The Applicant appealed the Commission's decision.

Findings and Conclusions Pertinent to Remand

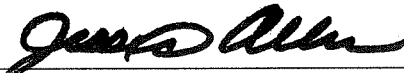
From the review of the record and the Applicant's appeal ("Record") and contents of the entire Commission file ("ATC File"), certain facts pertinent to the disposition of the appeal were discovered as follows:

1. The Local Board denied the Applicant's application based on failure of the Applicant to appear at four scheduled Local Board hearings.
2. The Applicant is still interested in renewing the Permit.

3. The circumstances warrant remand for substantive hearing on the renewal of the Permit.

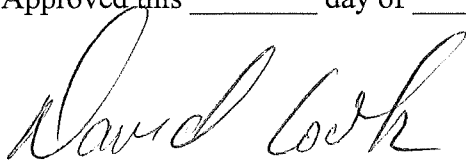
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the application of Don Marcos, Inc., 4779 N Post Road, Indianapolis, Indiana, permit #RR49-28239, is hereby remanded to the Local Board for rehearing and upon completion of its investigation and rehearing on this case, the Local Board is to make its recommendation to the Commission whether to approve or deny the application. The Applicant is required to attend the local board hearing set ^{June, 1} ~~April 6, 2020~~ at 9:30 am at the **City County Building, Room 260, Indianapolis, Indiana.**

Date 3/4/20



Jessica Allen
Executive Secretary/Hearing Judge

Approved this 5 day of May, 2020.



DAVID COOK, CHAIRMAN



JOHN KRAUSS, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER

