

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JANUARY 21, 2026

### CALL TO ORDER/NOTING OF QUORUM

Chairwoman Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Commissioner Jones, Prosecutor Wignall, General Counsel Beaucaire and Senior Attorney Daphne Whitmire were in attendance.

### DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the January 6, 2026 meeting. Commissioner Jones seconded. The motion was unanimously approved.

### PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Forty-four dispositions were submitted with fines totaling \$32,900.00. Commissioner Jones seconded. The motion was unanimously approved.

### HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

### CONSIDERATION OF APPLICATIONS

Chairwoman Allen asked the Commission to remove permit #RR49-27664 from the list of renewals by consent. Consent was granted.

Commissioner Jones moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve and incorporate by reference these lists of permit applications for a new permit or application for changes in location, ownership, or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same, pending final floor plan approval by the Indiana State Excise Police and escrow, if needed, and inclusion of these lists as part of the minutes. Vice Chairman Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve the catering applications. Vice Chairman Payne seconded. The motion was unanimously approved.

## **WAIVERS OF FEES – LETTERS OF EXTENSION**

Vice Chairman Payne moved to approve the fee-waived letters of extension that were issued the preceding weeks. Commissioner Jones seconded. The motion was unanimously approved.

## **ITEMS FOR DISCUSSION**

RR32-42814 NHUNG THI CAO – Chairwoman Allen noted this is a new application with the local board voting 4-0 to deny for failure to appear.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Jones seconded. The motion was unanimously approved.

RR43-43083 AND RR43-43084 THE PUG PUB LLC – Chairwoman Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated the location is within 200 feet of a church.

Commissioner Maginn moved to uphold the local board's recommendation to deny the new permit. Commissioner Jones seconded. The motion was unanimously approved.

DL49-91005 SPEEDWAY LLC – Chairwoman Allen noted this is a renewal application with the local board voting 4-0 to deny for failure to appear, a request for remand, and an extension request.

Commissioner Maginn stated there seemed to be confusion as to whether someone needed to appear at the local board hearing due to a violation.

Commissioner Maginn moved to remand the renewal and grant a 90-day extension. Vice Chairman Payne seconded.

Chairman Payne recommended the permittee inform the local board as to why they missed four separate local board hearings.

Chairwoman Allen stated the information provided by counsel was there are issues with internal control of the corporation. The Commission will continue to use the current contact information and if correcting the internal control measures does not fix the problem then the permittee needs to address that.

The motion was unanimously approved.

RC49-04020 INDPLS. LODGE #17 LOYAL ORDER OF MOOSE – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to approve with remonstrators.

Commissioner Maginn stated members of the lodge informed the local board that the business was shut down and they left the hearing. The remonstrators noted noise and police runs as issues they have with the business. The Commission notified the permittee this matter would be continued to February 17, 2026, and they were to provide information as to why the business was closed prior to that date.

Commissioner Maginn moved to continue this matter until February 17<sup>th</sup>. Commissioner Jones seconded. The motion was unanimously approved.

RR29-30044 PANCAKE HOUSE INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny, continued from December 16<sup>th</sup>.

Commissioner Maginn stated we received a corrective action plan and employee permit records, as requested. The corrective action plan needs to be amended to state the plan will be put into use now and not just in the future and that employees must have a permit to work.

Chairwoman Allen noted the permittee cannot grant a 2-week period for the employees to work without a permit.

Commissioner Maginn moved to grant a 30-day extension to allow time for the corrective action plan to be amended. Commissioner Jones seconded. The motion was unanimously approved.

MM48-30635 CULTURED URBAN WINERY – Chairwoman Allen noted this is on for an extension request. Chairwoman Allen recused herself and turned the matter over to Vice Chairman Payne.

Commissioner Maginn stated this has been continued a couple of times. The Property Tax Clearance Form 1 has still not been submitted. The property taxes are currently under appeal.

Commissioner Maginn moved to approve a 60-day extension to allow time for an update on the appeal or for it to be settled. Commissioner Jones seconded.

Commissioner Jones stated these appeals can take a long time, but the permittee should be able to pay the tax bill and if successful in the appeal, receive a refund. He feels they must move this along and do something before the end of the 60 days.

The motion was approved 3-0 with 1 abstention.

RR79-34726 PURDUE RESEARCH FOUNDATION – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR45-31398 M & S INVESTMENTS INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the entity has been dissolved with the Secretary of State's Office. They were sent notice by Processor Kurt Smith regarding what needs to be done.

Commissioner Maginn moved to approve a 60-day extension to allow time for a Certificate of Existence to be submitted.

Commissioner Jones stated he believes the certificate has been submitted and the permit is ready to issue.

Chairwoman Allen agreed and noted the extension can be granted and in case there are any additional issues with the renewal, the permittee can continue to operate.

Commissioner Jones stated the renewal is on the current list of permit renewals to be approved.

Commissioner Maginn moved to remove this item from the agenda. Vice Chairman Payne seconded. The motion was unanimously approved.

RR71-36368 THE SOCIAL LLC – Chairwoman Allen noted this is on for an extension request. The Chair abstained from this matter because she is the hearing judge regarding the violation.

Commissioner Maginn stated there are three pending violations and the current extension does not expire until March 17<sup>th</sup>. A corrective action plan needs to be submitted.

Commissioner Maginn moved to continue this until March 17<sup>th</sup> to allow time to submit the corrective action plan and settle the violations. Vice Chairman Payne seconded.

Commissioner Jones stated the Commission needs to be cautious in how the letter notifying the permittee about submitting a corrective action plan is phrased, if the permittee is contesting guilt for the three violations, a corrective action plan may cause them to admit guilt that corrective action needs to be taken.

The motion was approved 3-0 with 1 abstention.

RR49-17130 JO-HN INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. The motion was unanimously approved.

RR57-17008 FOLLCO INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the corporation has been administratively dissolved with the Secretary of State's Office for 25 years. The new manager also needs to obtain an employee permit.

Commissioner Maginn moved to approve a 60-day extension to allow time to correct issues with the Secretary of State and for the manager to be licensed. Commissioner Jones seconded.

Commissioner Jones noted there may be additional issues with the permit because the entity has been dissolved for 25 years.

Chairwoman Allen stated we have allowed a transfer to a new corporation, even though it would be a transfer from a corporation that does not exist. These issues are being detected much earlier now.

The motion was unanimously approved.

RR50-35778 18571 STATE ROAD 10, LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. The motion was unanimously approved.

\*\*\*\*Chairwoman Allen asked the commissioners to add the following permits to the agenda by consent. Consent was granted.

RC40-04041 LOYAL ORDER OF MOOSE 576 – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Commissioner Jones seconded. The motion was unanimously approved.

RR49-27664 EL CHISPAS, NO 2 LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there was a question at the local board hearing as to whether the orange sign was posted at the location prior to the hearing, so the hearing was continued.

Commissioner Maginn moved to approve a 90-day, fee-waived extension. Vice Chairman Payne seconded.

Chairwoman Allen asked if the motion could be amended to approve the extension until February 17<sup>th</sup> since this was a denied renewal being allowed to transfer, making sure this is not delayed and continues to move forward.

Commissioner Maginn amended the motion to approve the extension until February 17<sup>th</sup>. Vice Chairman Payne seconded. Chairwoman Allen voted to approve. Commissioner Jones abstained because he is the hearing judge in a related case. The motion passed 3-0 with 1 abstention.

RC82-12568 FRATERNAL ORDER OF EAGLES 427 – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day, fee-waived extension due to not having a quorum at the local board hearing. Commissioner Jones seconded.

Chairwoman Allen noted that there were two failures to appear by the permittee prior to the no quorum. The permittee needs to make sure to appear.

The motion was unanimously approved.

RR82-41466 K.C. JACSON LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day, fee-waived extension due to not having a quorum at the local board hearing. Commissioner Jones seconded. The motion was unanimously approved.

## **INACTIVE FILES**

Chairwoman Allen stated renewals were filed so #RR46-38566 and RR49-42025 were removed from the dead list.

Commissioner Maginn moved to make 19 permits dead that were previously posted on the January 6, 2026 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 24 permits posted to be made dead at the February 3, 2026 meeting, who have failed to submit renewals.

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

No New Business

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

2026 AMENDED COMMISSION MEETING DATES – Chairwoman Allen stated the amended meeting dates for 2026 are:

Wednesday, May 6 (Primary Election Day on the 5th)

Wednesday, May 27 (Memorial Day on the 25<sup>th</sup>) - Escrow Hearing

Wednesday, November 4 (General Election Day on the 3)

## **ADJOURNMENT**

Commissioner Jones moved to adjourn the meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

Approved the 3<sup>rd</sup> day of February 2026 by a vote of 3-0