

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

IN THE MATTER OF)	
THE PERMIT OF)	
)	
1103-05, INC.)	
d/b/a RODEO BAR)	PERMIT NO. RR46-06543
1103 FRANKLIN ST.)	
MICHIGAN CITY, IN 46360)	
)	
Applicant.)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. BACKGROUND OF THE CASE

1103-05, Inc. d/b/a Rodeo Bar, 1103 Franklin St., Michigan City, IN 46360 permit number RR46-06543 (Applicant), is the applicant for the renewal of a permit to sell beer, liquor, and wine, in a restaurant located in an incorporated area to be issued by the Alcohol and Tobacco Commission (Commission). The application was assigned to the Alcoholic Beverage Board of LaPorte County (Local Board). The Applicant's matter was heard on June 4, 2015, where it was denied by a vote of 4-0. On June 16, 2015, the Commission adopted the findings of the Local Board and denied the permit. On July 6, 2015, the Applicant filed for an appeal hearing regarding the Commission's denial, which was granted.

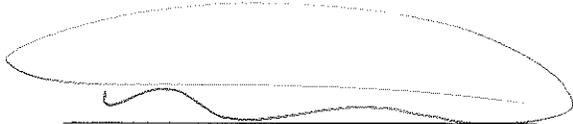
Before an appeal hearing was held, Applicant petitioned the Commission to allow him to sell his permit, on the condition that an acceptable purchaser was found. Applicant initiated transfer to Mark Newkirk under RR46-32097. The transfer was initially denied by the Local Board, the denial of which the Commission upheld. Newkirk appealed the decision and an appeal hearing was held on June 20, 2016. The recommendation by the Hearing Judge was to allow transfer of the permit to Mark Newkirk.

II. RECOMMENDATION

Contingent upon Commission approval of the recommendation concerning the successful transfer to Mark Newkirk under RR46-32097, this permit should be renewed and immediately transferred to Mark Newkirk, affording no opportunity for the Applicant to operate the premises.

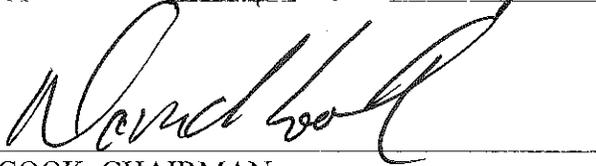
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the decision of the LaPorte County Local Board resulting in a 4-0 vote to deny the renewal for the permit number RR46-06543, should be reversed and the Alcohol and Tobacco Commission should approve said application. The application of 1103-05, Inc., 1103 Franklin Street, Michigan City, IN 46360, for a beer, liquor, and wine retail, was sufficient and the permit applied for herein is APPROVED.

DATE: August 8, 2016



David Rothenberg, Hearing Officer

Approved this 4 day of September, 2016.



DAVID COOK, CHAIRMAN



DAVID COLEMAN, VICE CHAIRMAN



DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER