

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

**IN THE MATTER OF** )  
**THE PERMIT OF:** )  
 )  
**VICTORIA ALEXANDER-BEADLES** ) **Permit No. BR1818750**  
 )

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

**I.**  
**BACKGROUND OF THE CASE**

The Applicant, Victoria Alexander-Beadles, permit number BR1818750, (hereinafter referred to as “Applicant”) is the Applicant for the renewal of an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed the application on October 25, 2018. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two (2) unrelated conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5. The conviction date(s) is/are as follows:

1. Convicted under cause number 41D031707CM000677 on June 14, 2018; and
2. Entered diversion agreement in Kentucky under cause number 18M00400.

Applicant was sentenced to 365 days probation under cause number 41D031707CM000677. The terms of the diversion under cause number 18M00400 are unclear. Cause number 18M00400 is scheduled for Diversion Completion on June 27, 2019. Application was denied. Applicant timely filed an appeal of the denied permit application. An appeal hearing was held February 18, 2019 at 9:00 am for which the applicant failed to appear.

**III.**  
**EVIDENCE BEFORE THE ATC**

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

a. None.

**V.**  
**FINDINGS OF FACT**

1. Applicant is the applicant for an Alcohol and Tobacco Commission employee permit. (ATC File).
2. Applicant had two (2) prior unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years.
3. The first conviction was within the past ten years and Applicant is still on probation.
4. The completion of the sentence for the second conviction is unclear because the online records indicate that a diversion agreement was entered. (Exhibit 1.)
5. The applicant is scheduled to complete probation on the first conviction on June 14, <sup>2019</sup>~~2018~~.
6. The terms of the diversion agreement for the second conviction are unknown.
7. 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(g) because Applicant had was still serving

probation for a conviction of operating while intoxicated and entered a diversion agreement for another conviction of operating while intoxicated.

2. Applicant failed to appear for the appeal hearing so no additional information was available.

3. If the diversion agreement under cause number 18M00400 results in a conviction, applicant would be eligible for a permit two (2) years after the completion of the sentence under cause number 18M00400.

4. If the diversion agreement under cause number 18M00400 results in a dismissal of the charge of operating while intoxicated, applicant would be eligible for a permit when released from probation under cause number 41D031707CM000677, which is currently scheduled for June 14, 2019.

5. The denial of application was proper under IC 7.1-3-18-9.

6. If applicant wishes to reapply for a permit at the time when she becomes eligible, she should provide documentation demonstrating:

a. Either a dismissal or a completion of the sentence, including any term of probation, on cause number 18M00400; and

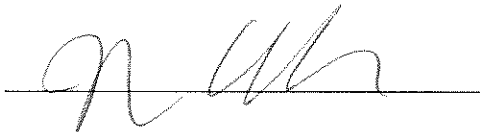
b. Evidence of the completion of probation on cause number 41D031707CM000677.

7. Pursuant to IC 7.1-3-19-12, twenty dollars (\$20) of the permit fee shall be returned to the Applicant. Twenty-five dollars (\$25) of the permit fee shall be disposed of pursuant to Title 7.1, Article 4 of the Indiana Code.

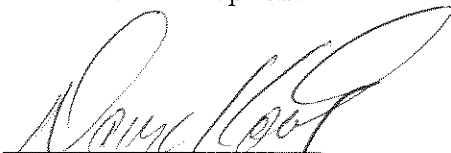
8. Any Conclusions of Law may be considered a Finding of Fact if the context so warrants.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for BR1818750 is in compliance with the law. Eligibility date cannot be determined without additional information relating to cause number 18M00400. Twenty dollars (\$20) of the permit fee shall be returned to the applicant.


DATED: February 18, 2019

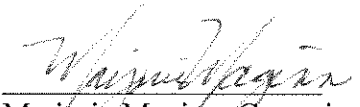
  
\_\_\_\_\_  
Jessica Allen, Hearing Judge

Commission Adoption:

  
\_\_\_\_\_  
David Cook, Chairman

Date: 4-16-19

  
\_\_\_\_\_  
John Krauss, Vice Chairman

  
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Marjorie Maginn, Commissioner

  
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Dale Grubb, Commissioner