

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

IN THE MATTER OF)	
THE PERMIT OF)	
)	
Kayla McGuire)	PERMIT NO. BR1845428
135 Cedar Run Rd, Apt B)	VIOLATION NO: EX19010394
Brownsburg IN 46112)	
)	
Permittee.)	

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFAULT
JUDGMENT ORDER**

I. BACKGROUND OF THE CASE

Kayla McGuire, permit number BR1845428 (Permittee), is the holder of an employee permit issued by the Alcohol and Tobacco Commission (ATC). The ATC staff determined that Permittee had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5, specifically Permittee was convicted on December 22, 2014 and July 10, 2019 (Convictions). Convictions disqualified Permittee from continuing to hold an employee permit. IC 7.1-3-18-9. Hearing judge issued an order to show cause scheduling the matter for hearing. Permittee failed to appear for order to show cause hearing.

II. FINDINGS OF FACT

1. An order to show cause was mailed to Permittee at the address on record setting the matter for a hearing on August 29, 2019.
2. Permittee failed to appear at the order to show cause hearing.
3. Permittee has not been in contact regarding order to show cause.
4. Prosecutor was present for the order to show cause hearing on August 29, 2019, at which time he made a request for revocation of permit number BR1845428.

5. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Ind. Code § 7.1-1-2-2 and § IC 7.1-2-3-4.

2. Hearing judge issued an order to show cause to Permittee which ordered Permittee to appear on August 29, 2019. 905 IAC 1-37-9.

3. Permittee failed to appear for Order to Show Cause hearing.

4. Default judgment is appropriate to complete the disposition of the violations. 905 IAC 1-37-9.

5. Permittee was sentenced to 545 days in jail with 540 days suspended and one day credit. Permittee was released from custody on July 18, 2019.

6. Permittee is eligible to hold an employee permit on July 18, 2021.

7. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

IV. DEFAULT JUDGMENT ORDER

Permittee failed to appear for the order to show cause hearing in this matter.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the permittee is found in default for a violation of IC 7.1-3-18-9, employee permit qualifications. Permit BR1845428 is hereby REVOKED.

DATE: November 18, 2019.



Jessica Allen, Hearing Officer

Distribution:

Josh Harrison, Prosecutor
302 W. Washington Street, Room E114
Indianapolis, Indiana 46205

Kayla McGuire
135 Cedar Run Rd, Apt B
Brownsburg IN 46112

ADOPTION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
DEFAULT JUDGMENT ORDER

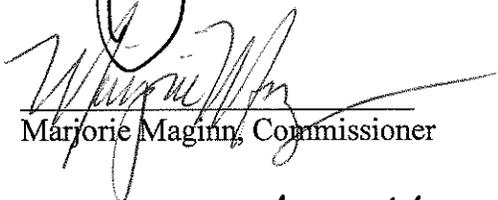


David Cook, Chairman

Dated: 1-7-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner