

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

**IN THE MATTER OF
THE PERMIT OF:**

Devan Whitaker

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Applicant No. 3400096

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

**I.
BACKGROUND OF THE CASE**

The Applicant, Devan Whitaker, Applicant Number 3400096 (“Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her application on June 10, 2020. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5. The dates of the convictions are as follows:

1. Conviction under cause number 03D02-1611-CM-005935 on February 15, 2017;
and
2. Conviction under cause number 40D01-1907-F6-000235 on March 12, 2020.

Applicant appealed the denial of her permit and the matter was set for a hearing on August 24, 2020.

**III.
EVIDENCE BEFORE THE ATC**

1. No individuals testified before the ATC in favor of the Applicant in this cause.

IV.

FINDINGS OF FACT

1. The Applicant, Devan Whitaker, is the Applicant for an Alcohol and Tobacco Commission employee permit. (ATC File.)
2. The Applicant had two unrelated convictions for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years, and a case pending before the court. (ATC File.)
3. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

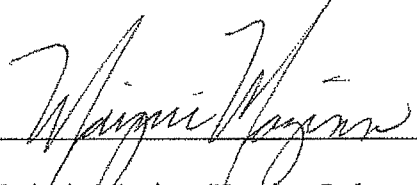
V.

CONCLUSIONS OF LAW

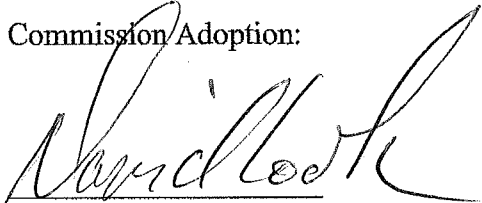
1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(h) because Applicant had two unrelated convictions for operating while intoxicated.
2. Applicant will be eligible for an employee permit on April 7, 2022, subject to change with pending case.
3. Application fee shall be refunded.
4. Any conclusion 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 3400096 is in compliance with the law. The eligibility date for Applicant is April 7, 2022, subject to change with pending case.

DATED: 11/2/20

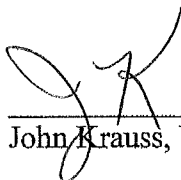


Marjorie Maginn, Hearing Judge

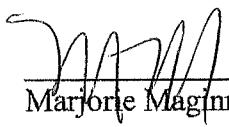
Commission Adoption:


David Cook, Chairman


Date: 12-1-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner