

STATE OF INDIANA

BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF )  
THE PERMIT OF )  
J AND B HIDEAWAY, LLC ) RR71-33908  
237 MARTIN LUTHER KING JR BLVD E ) EX22-000397  
SOUTH BEND, INDIANA 46601 )  
PERMITTEE

ORDER ON RULE TO SHOW CAUSE

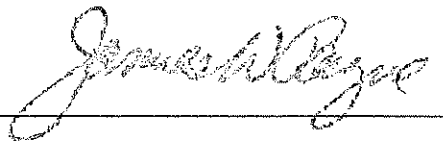
Comes now the Hearing Judge for the Indiana Alcohol and Tobacco Commission (ATC) and for the Order on Rule to Show Cause states as follows:

1. Andrew Wignall appears as prosecutor.
2. No appearance was filed, and no one appeared for the Show Cause hearing on June 8, 2023, at 11:00 AM.
3. The Permittee had previously failed to appear, after appropriate notice was given pursuant to 905 IAC 1-27-9, for a Notice of Violation and Settlement Offer on March 14, 2023.
4. Evidence was submitted that the Permittee had received an Order to Show Cause Notice sent by certified mail, with a return notice indicating delivery was left at Permittee's address on May 22, 2023.
5. That the Order to Show Cause Notice indicated that the nature of the hearing on June 8, 2023 would be to determine if the Permittee's certificate or permit should be fined, suspended or revoked.
6. That the Notice also indicated that if the Permittee failed to appear on May 30, 2023, that a default judgment shall be issued against the permit and a sanction imposed which could include suspension or revocation of the permit.
7. Evidence revealed is Exhibit #1 offered and received into evidence without objection that on January 22, 2022, the Indiana Excise Police conducted a compliance check at the Permittee premises accompanied by a 20-year-old female who purchased for \$12.84, two beers and that the bartender did not ask for identification or ask her age.

8. Under Indiana Law and the rules and regulations of the ATC an individual under the age of 21 is not allowed to be served an alcoholic beverage nor are they allowed to be in a bar area with limited separation. IC 7.1-5-7-8(A) and IC 7.1-5-7-10(B).
9. Since no one on behalf of or from the Permittee has appeared for either the Settlement Offer hearing or this Order to Show Cause Hearing, the Hearing Judge finds that the violations filed in this matter warrant the revocation of the permit in the above-entitled permit.
10. Pursuant to IC 7.1-3-23-5 the Commission shall revoke a permit of any type on account of the violations of or refusal to comply with a provision of IC Title 7.1 or a rule or regulation of the Commission, which must be found by a preponderance of the evidence.
11. Pursuant to IC 7.1-3-23-6 the Commission shall give at least 10 days' notice to the holder of the permit proposed to be revoked, which notice was given by the letter sent on April 26, 2023, which notice shall also inform the Permittee of the time and place of the hearing to be held regarding the proposed revocation.
12. The hearing on June 8, 2023, was held in the manner prescribed under IC 7.1-3-23-6.
13. Based upon the information and evidence presented at the hearing on May 30, 2023, the above-mentioned permit issued to J and B Hideaway LLC by the ATC is hereby revoked.
14. This revocation order will be scheduled for a final hearing before the ATC Commission.
15. The Hearing Judge notes that there are other issues with this permit in that this permit expired on or about January 4, 2023, and there is some indication that some one or some entity may be operating at the location above under this or another permit and that this should be investigated by the staff of ATC and perhaps the Indiana Excise Police.

IT IS THEREFORE ORDERED that the permit of J and B Hideaway LLC issued by the ATC under RR71-33908 is hereby revoked, subject to a hearing before the ATC Commission.

All of which is ordered this 8th day of June 2023.



James W. Payne, Hearing Judge

Cc: Andrew Wignall

J and B Hideaway LLC

237 Martin Luther King Jr Blvd E, South Bend Indiana 46601

Approved this 5<sup>th</sup> day of July, 2023.

  
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JESSICA ALLEN, CHAIR

  
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JAMES PAYNE, VICE CHAIRMAN

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DALE GRUBB, COMMISSIONER

  
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MARJORIE MAGINN, COMMISSIONER