

STATE OF INDIANA

THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF)
THE PERMIT OF)
KYLE BONE) PERMIT NO. BR-1988660
828 E. RAYMOND STREET) EV 07191
INDIANAPOLIS, INDIANA 46203)

PERMITTEE

ORDER ON RULE TO SHOW CASUE HEARING

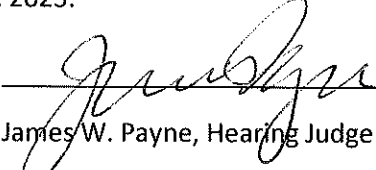
Comes now the Hearing Judge for the Indiana Alcohol and Tobacco Commission (ATC) and for the Order on Rule to Show Cause states as follows:

1. Andrew Wignall appears as prosecutor.
2. No appearance was filed, and no one appeared for the Show Cause hearing on October 12, 2023, at 10:30 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 July 24, 2023.
4. That the Hearing Judge in an order from the hearing of September 25, 2023, set this matter for Rule to Show Cause hearing on October 12, 2023, at 10:00 AM which order was sent to the Permittee by certified mail.
5. Permittee was previously advised that the nature of the hearing on October 12, 2023, would be to determine if the Permittee 's certificate or permit should be suspended or revoked.
6. That the Notice also indicated that if the Permittee failed to appear 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 in Exhibit #1, offered and received into evidence without objection, that on January 23, 2017, and then on May 16, 2022 the records of the Indiana Bureau of Motor Vehicles disclosed that the Permittee had two (2) unrelated convictions for operating a motor vehicle while intoxicated, and that the dates therefore qualify as being within five (5) years of each other.
8. IC 7.1-3-18-9 states that a Permittee may not hold a license to serve alcoholic beverages if the Permittee has two (2) unrelated convictions for operating a motor vehicle while intoxicated.

9. Since no one on behalf of or from the Permittee has appeared for this Order to Show Cause Hearing, the Hearing Judge finds that the convictions of the Permittee for two (2) unrelated offenses of operating a motor vehicle while intoxicated within five (5) years in this matter are true and warrant the revocation of 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, which has been done.
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 September 25, 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 October 12, 2023, was held in the manner prescribed under IC 7.1-3-23-6.
13. Under IC 7.1-3-23-9 the Permittee is hereby advised that he may seek judicial review of this action by following IC 4-21.5-5 and has 15 days to so appeal this revocation.
14. Based upon the information and evidence presented at the hearing on October 12, 2023, the above-mentioned permit issued to Kyle Bone under EV-1988660 by the ATC is hereby revoked.
15. This revocation order will be scheduled for a final hearing before the ATC Commission.

IT IS THEREFORE ORDERED that the permit of Kyle Bone under BR-1988660 issued by the ATC is hereby revoked, subject to a hearing before the ATC Commission.

All of which is ordered this 12th October, 2023.



James W. Payne, Hearing Judge

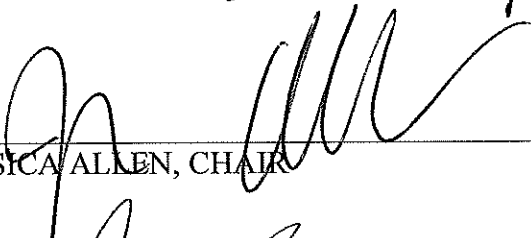
Cc Prosecutor Andrew Wignall Esq

Kyle Bone

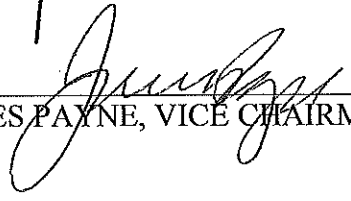
1828 E. Raymond Street

Indianapolis, Indiana 47203

Approved this 21st day of November, 2023.




JESSICA ALLEN, CHAIR



JAMES PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER