

STATE OF INDIANA

THE INDIANA ALCOHOL AND TOBACCO COMMISSION

IN THE MATTER OF)
THE PERMIT OF)
WILLIAM BERNARD) PERMIT NO. BR1947409
11211 ROLLING SPRINGS DR) EX23009047
CARMEL, INDIANA 46033)

PERMITTEE

ORDER ON RULE TO SHOW CAUSE 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 November 2, 2023 at 9:30 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 September 11, 2023.
4. That the Hearing Judge in an order from the hearing of September 28, 2023, set this matter for Rule to Show Cause hearing on November 2, 2023, at 9:30 AM which order was sent to the Permittee by certified mail.
5. Permittee was previously advised that the nature of the hearing on November 2, 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 February 15, 2023, a loss prevention officer at Payless Liquors in Carmel, Hamilton County Indiana had observed Permittee and another individual load alcohol being taken/stolen from Payless Liquors where the Permittee worked, the value of the alcohol being approximately \$15,396. The Permittee admitted to having alcohol from the business stored at his home with a value of approximately \$40,136. The Permittee is charged with a Level 6 Felony under Cause No. 29D07-2302-F6-001254.

8. There is substantial evidence that the Permittee has violated IAC 905-1-27-1.
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 violation of IAC 905-1-27-1 is true and warrants 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 October 20, 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 November 2, 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 November 2, 2023, the above-mentioned permit issued to Willim Bernard under BR1947409 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 Willim Bernard under BR1947409 issued by the ATC is hereby revoked, subject to a hearing before the ATC Commission

All of which is ordered this 2nd day of November 2023.



James W. Payne, Hearing Judge

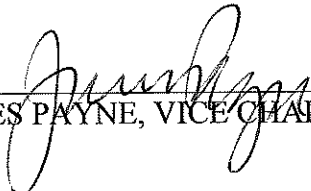
Cc Prosecutor Andrew Wignall Esq

William Bernard
11211 Rolling Springs Dr.
Carmel, Indiana 46033

Approved this 5th day of December, 2023.




JESSICA ALLEN, CHAIR



JAMES PAYNE, VICE CHAIRMAN

DALE GRUBB, COMMISSIONER



MARJORIE MAGINN, COMMISSIONER