

MINUTES
ALCOHOL AND TOBACCO COMMISSION
APRIL 21, 2026

CALL TO ORDER/NOTING OF QUORUM

Chairwoman Allen called the meeting to order and noted the quorum and the attendance. Vice Chairman Payne, Commissioner Maginn, Prosecutor Wignall, Deputy Director Serak, General Counsel Beaucaire and Senior Attorney Daphne Whitmire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes from the April 7, 2026 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS - Vice Chairman Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Seventy dispositions were submitted with fines totaling \$46,150.00. Commissioner Maginn seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-40045 MIAMI'S GARDEN LLC – Vice Chairman Payne stated he sat as Hearing Judge and this was a denied renewal and an appeal of that denial. The denial was based on several violations at the establishment in a short period of time. An appeal hearing was held. Evidence presented at the hearing shows new, trained security and no violations in over 1 ½ years. The Hearing Judge now submits Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Payne moved to approve the renewal for one year. Commissioner Maginn seconded.

Chairwoman Allen stated she still has concerns about the manager and operations at the establishment. She expects strict compliance during the one-year renewal. Otherwise, a revocation hearing will be scheduled.

The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Vice Chairman Payne moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve and incorporate by reference these lists of permit applications for a new permit or application for changes in location, ownership, or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same, pending final floor plan approval by the Indiana State Excise Police and escrow, if needed, and inclusion of these lists as part of the minutes. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve the catering applications. Commissioner Maginn seconded. The motion was unanimously approved.

Vice Chairman Payne moved to approve the direct wine shipper applications. Commissioner Maginn seconded. The motion was unanimously approved.

WAIVER OF FEES – LETTERS OF EXTENSION

Vice Chairman Payne moved to approve the fee-waived letters of extension that were issued the preceding weeks. Commissioner Maginn seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

DL49-32456 VP51 INC. - Chairwoman Allen noted this is a renewal with the local board voting 2-2 and an extension request.

Commissioner Maginn noted this was previously remanded to the local board from a prior denial due to violations that included selling nitrous oxide. The owner is taking a more active role in managing.

Commissioner Maginn moved to approve the renewal for one year, so no extension needed. Vice Chairman Payne seconded.

Chairwoman Allen voted no. She stated if a permit holder chooses to sell nitrous oxide, that permittee should not be selling any other intoxicating substances.

The motion was approved 2-1.

RR49-38051 OHSR ENTERPRISES LLC – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to approve for one year.

Commissioner Maginn moved to uphold the local board’s recommendation to approve for one year. Vice Chairman Payne seconded. The motion was unanimously approved.

CH49- 30097 AND RR49-43567 SOUKE ENTERTAINMENT LLC – Chairwoman Allen noted this is a renewal with the local board voting 3-1 to approve.

Commissioner Maginn stated the Excise officer who sits on the local board requested this be remanded for further investigation due to new information she received regarding this permit.

The catering hall permit is a new application with the same owners.

Commissioner Maginn moved to remand the renewal and new application to the local board. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-38992 INDY SUPER MART, INC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Commissioner Maginn stated there were remonstrators present from the neighborhood who stated the permittee had not held up the agreement made with the neighborhood.

Commissioner Maginn moved to uphold the local board's recommendation to deny the renewal. Vice Chairman Payne seconded.

Chairwoman Allen stated her concern regarding statements made by the permittee referring to the business as a package liquor store, when it is a restaurant permit.

The motion was unanimously approved.

RR91-43148 TOP NOTCH GOOD GUYS LLC - Chairwoman Allen noted this is a transfer with the local board voting 3-0 to deny.

Commissioner Maginn stated the local board held three hearings regarding this transfer and after that were still concerned with ownership.

Commissioner Maginn moved to uphold the local board's recommendation to deny the transfer. Vice Chairman Payne seconded.

Vice Chairman Payne stated it seems like the applicants tried very hard not to tell the truth when testifying before the local board.

The motion was unanimously approved.

RR45-43632 DANNY'S BANQUET HALL LLC - Chairwoman Allen stated this is a request to be designated as a catering hall.

Commissioner Maginn moved to approve the request. Vice Chairman Payne seconded. The motion was unanimously approved.

RR11-23795 MARIO BROS INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated the permittee submitted a corrective action plan.

Commissioner Maginn moved to approve an extension until May 6th, to allow time to review the CAP. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-38160 N-ZONE BAR AND GRILL - Chairwoman Allen noted this is on for an extension reconsideration following incidents at the establishment. The current extension was granted prior to the incident. Excise is reviewing video and just recently received the remainder of video that was requested, so it has not been reviewed. The Chairwoman received a letter from the permittee's attorney for the record.

Chairwoman Allen moved to continue this matter to the May 6th meeting to allow time for Excise to review the video. Commissioner Maginn seconded. The motion was unanimously approved.

RR32-40747 THE CLAX SHACK INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR76-32940 OVER THE TOP PARTIES AND EVENTS LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR46-01075 CASEY'S LANES INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension and noted the Form 1 needs to be submitted. Vice Chairman Payne seconded. The motion was unanimously approved.

RR10-42431 MUSTANGS SPORTS PUB LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RC71-93297 AMERICAN LEGION PULASKI POST #357 - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

***Chairwoman Allen asked the Commission to add the following permits to the agenda. Consent was granted.

MM48-30635 CULTURED URBAN WINERY LLC – Vice Chairman Payne noted this is on for an extension request.

Commissioner Maginn stated this permittee has had several extensions due to a property tax issue. The permittee has hired counsel to assist with this dispute.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. Chairwoman Allen recused herself from voting. The motion passed 2-0.

RR49-03885 MADAM WALKER LEGACY CENTER INC.– Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR71-38702 WESTERN LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a 90-day extension. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-04389 RCI DINING SERVICES (INDIANA) INC. – Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there is a pending violation. A corrective action plan was submitted.

Commissioner Maginn moved to approve an extension until May 19th to allow time for review of the CAP and the settling of the violation. Vice Chairman Payne seconded. The motion was unanimously approved.

RR43-43406 ROBERT T. CARTER – Chairwoman Allen noted this is a new application approved by the local board 3-0 and continued by the Commission from the April 7th meeting.

Commissioner Maginn stated the Commission received notices from several remonstrators showing concern about this applicant. The applicant has a history of holding permits without putting them into use.

Commissioner Maginn moved to remand the application to the local board for further investigation. Vice Chairman Payne seconded.

Chairwoman Allen said some of the remonstrator's concerns were due to the applicant holding permits without putting them into use. She would like the local board to inquire about what is needed for the building. Do they need to hire architects, contractors? Are those people secured? What is the timeline? What permits are needed and do they have them?

Vice Chairman Payne stated sending this back to the local board is proper because it is the job of the local board to investigate the applicants and to recommend to the Commission whether to approve permits.

The motion was unanimously approved.

INACTIVE FILES

Chairwoman Allen stated renewals were filed on permit #RH49-30161, however, there is a tax protest, so the permit was removed from the list. Consent was granted to continue this until the June 2nd meeting.

Vice Chairman Payne moved to make 22 permits dead that were previously posted on the April 7, 2026 meeting agenda. Commissioner Maginn seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 7 permits posted to be made dead at the May 6, 2026 meeting, who have failed to submit renewals.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

2026 AMENDED COMMISSION MEETING DATES – Chairwoman Allen stated the amended meeting dates for 2026 are:

Wednesday, May 6 (Primary Election Day on the 5th)

Wednesday, May 27 (Memorial Day on the 25th) - Escrow Hearing

Wednesday, November 4 (General Election Day on the 3)

ADJOURNMENT

Commissioner Maginn moved to adjourn the meeting. Vice Chairman Payne seconded. The motion was unanimously approved.

Approved the 6th day of May 2026 by a vote of 3-1