

MINUTES
ALCOHOL AND TOBACCO COMMISSION
AUGUST 18, 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, Commissioner Garver, Prosecutor Wignall, General Counsel Beaucaire and Senior Attorney Daphne Whitmire were in attendance.

DISPOSITION OF MINUTES

Vice Chairman Payne moved to approve the minutes for the August 4, 2026 meetings. Commissioner Garver 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. Forty-nine dispositions were submitted with fines totaling \$33,200.00. Commissioner Garver seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

RR49-34931 BSL ENTERTAINMENT LLC – Chairwoman Allen noted this permittee was denied renewal and an appeal was filed. Since that time, Excise cited them again for another violation that is currently pending. The permittee filed a Motion for Leave to Place Permit in Escrow, Filing of Transfer and Withdraw Appeal. A new purchaser has been identified, and it would be an arm's length transfer.

Vice Chairman Payne stated the violation that the occurred prior to the current one was the most egregious that he recalls during his time with the Commission. He believes the business should be closed down. The management is not showing the ability to run the business correctly. He will vote to uphold the Motion.

Commissioner Maginn stated she is happy the business will be closed. The possible new owners do not have any alcohol business experience, so there is a concern because this business has a history of problems. The new owners will be on a tight rope. The Commission expects the owners to have an operating plan, procedure manuals, and processes in place for carding and not overserving. The current business name has a reputation, and consideration should be given to possibly change the name and the Commissioner feels that if this Motion is approved, the current extension should be revoked.

Chairwoman Allen voiced concern about the location of the business because of the reputation it has developed. Because the transferee is inexperienced there is list of expectations and questions that need to be answered and those are: written employee manuals, expectations of people working the door, who and how are they monitored, is there carding at the door and at the bar, who is supervising, how often are the owners going to be present and what is their role going to be, will the current employees---who appeared to not take their job seriously---remain and how much training will take place. Chairwoman Allen stated

the customers, IMPD and neighbors do not deserve what has been happening there and hopes that this is a lesson learned that if her gut tells her a permit needs to be revoked, it should be revoked.

Vice Chairman Payne commented that the new owners should maintain good communication with Excise and the Commission.

Commissioner Garver added background checks should be completed to hopefully prevent what happened with a previous security guard who shot two patrons.

Chairwoman Allen stated what happens on Friday and Saturday nights will determine whether the permit remains active.

Commissioner Maginn moved to approve the Motion and to revoke the extension. Commissioner Garver seconded.

Finally, Chairwoman Allen stated all of the expectations/answers to questions discussed need to come from the applicant at the local board hearing, not the attorney. She also suggested the applicant meet with IMPD to discuss these matters and find out their concerns and how to address them.

The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Garver 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. Vice Chairman Payne seconded. The motion was unanimously approved.

Chairwoman Allen moved to remove permit #RR49-40371 and continue it to the September 1st meeting due to a pending violation. Commissioner Maginn seconded. The motion was unanimously approved.

Commissioner Garver 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. Vice Chairman Payne seconded. The motion was unanimously approved.

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

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

ITEMS FOR DISCUSSION

RR49-91276 KB CO LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to approve.

Commissioner Maginn stated there was a remonstrator present at the local board hearing, who feels the zoning is not correct for this business. The local board noted they have a zoning approval document.

Commissioner Maginn moved to uphold the local board's recommendation. Commissioner Garver seconded.

Chairwoman Allen stated the Commission did receive verification from Business and Neighborhood Services that the zoning is approved.

The motion was unanimously approved.

RR49-38160 N-ZONE BAR AND GRILL LLC – Chairwoman Allen noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated the business has been closed since May 18, 2026. There have been problems at this establishment, and the owner would like to be able to transfer the permit.

Commissioner Maginn moved to approve the renewal and allow the filing of a transfer sooner rather than later. Commissioner Garver seconded.

Vice Chairman Payne commented that he is impressed with how the local boards handle these problem situations and reiterated that 820 permits were approved, so it is possible for permittees to operate properly with good management of the business.

The motion was unanimously approved.

RR49-04389 RCI DINING SERVICES INC. – Chairwoman Allen noted this is a renewal with the local board voting 2-2.

Commissioner Maginn stated a patron, who entered the business with another person's ID, killed another patron in the parking lot. Remonstrators were present. This owner does own several other businesses, and those businesses do not have violation problems. This particular permit was approved for a 1-year renewal last year, and if approved, this would be a 2nd 1-year approval. A third would not likely be approved.

Commissioner Maginn moved to approve a 1-year renewal with strict compliance. Commissioner Garver seconded.

Commissioner Garver stated that while camera footage was provided to the police as requested, it was not provided in a timely manner. She would like to see businesses be more responsive to those requests.

The motion was unanimously approved.

RR50-02170 MAYFLOWER INC. – Chairwoman Allen noted this is a renewal with the local board voting 3-0 to deny.

Commissioner Maginn stated the local board questioned whether the owner was able to operate the business.

Commissioner Maginn moved to uphold the local board's recommendation to deny. Commissioner Garver seconded.

Vice Chairman Payne mentioned an additional local board hearing where the owner stated he was going to retire but got into an altercation with his brother about what to do with the business.

Chairwoman Allen noted she listened to several of the previous local board hearings in this matter. The local board previously expressed their concern about his ability to operate the business in those hearings, as well. The owner would not answer any questions about what he wanted to do with the permit in the most recent hearing so the board felt there was nothing they could do but recommend denial.

The motion was unanimously approved.

RR47-43871 OM NAMA SHIVAY 2 LLC – Chairwoman Allen noted this is a new application with the local board voting 2-1 to deny with 1 abstention.

Commissioner Maginn stated the local board voted to deny based on character of the owner, who has a misdemeanor conviction on his record for obstruction of justice. This owner was approved for a permit in Monroe County earlier this year.

Commissioner Maginn moved to overturn the denial and approve for one year with strict compliance. Vice Chairman Payne seconded. The motion was unanimously approved.

RR48-39651 AGAVE BUSINESS LLC – Chairwoman Allen noted this is on for reconsideration of denial following failure to appear for two escrow hearings. However, it seems that there was a request for a continuance for one of the hearings that was missed by the Commission.

Commissioner Maginn moved to grant one additional opportunity to appear at the September 22, 2026 hearing. Commissioner Garver seconded. The motion was unanimously approved.

RR83-34228 LOS PRIMOS INC. – Chairwoman Allen noted this permit was denied escrow.

Commissioner Maginn stated this permit was denied escrow for failure to appear for two escrow hearings.

Commissioner Maginn moved to deny the renewal. Commissioner Garver seconded. The motion was unanimously approved.

DL10-24083 SAV-A-STEP FOOD MARTS INC. - Chairwoman Allen noted this is on for jurisdiction conversion consideration.

Commissioner Maginn moved to approve the jurisdiction conversion. Commissioner Garver seconded. The motion was unanimously approved.

RR10-19620 KANSAI JAPANESE STEAKHOUSE LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated transfer paperwork was submitted, and a Manager's Questionnaire was filed.

Commissioner Maginn moved to approve an extension until September 15th. Commissioner Garver seconded. The motion was unanimously approved.

RR79-42169 LOS POTRILLOS MEXICAN RESTAURANT GRILL & BAR, INC. – Chairwoman Allen noted this on for an extension request.

Commissioner Maginn stated a corrective action plan has not been submitted as requested.

Commissioner Maginn moved to approve the remainder of the current extension conditioned upon receipt of the corrective action plan. Vice Chairman Payne seconded. The motion was unanimously approved.

RR75-42306 BEACHSIDE TAVERN LLC - Chairwoman Allen noted this on for an extension request.

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

MM08-29942 DTA FARMS LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated one of the owners has died and the estate is tied up in court. She asked that legal send notice regarding the status of the estate.

Commissioner Maginn moved to approve an extension until September 1st, to allow time to receive information regarding the status. Commissioner Garver seconded.

Vice Chairman Payne stated he is opposed to approving more than two extensions, but because this is stuck in court, he will support the extension.

The motion was unanimously approved.

RR32-36239 THE STELLAR EXPERIENCE LLC - Chairwoman Allen noted this is on for an extension request.

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

RR71-41741 BILLY GOAT 9 & DINE INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there is a tax protest on this permit.

Commissioner Maginn moved to approve a 90-day extension when the tax protest is cleared. Commissioner Garver seconded. The motion was unanimously approved.

RR29-42397 BBQ CHICKEN CARMEL LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn stated there is an issue with the Secretary of State's Office and she would like to request notice be sent to notify the permittee.

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

TC16249001 TOBACCO KINGS, TC15568001 TOBACCO KINGS INC., TC17780001 TOBACCO KINGS II INC., TC16485001 TOBACCO KINGS III INC., TC15114001 CIGARETTE & TOBACCO OUTLET INC. – Chairwoman Allen noted these are on for the Order on Revocation and the Corrective Action Plan.

Commissioner Maginn stated the Commission held an extension hearing regarding these certificates. The permittee would like two of the permits to be operated by different owners and because the certificates cannot be transferred, the new owners would have to apply for a new certificate. The current owner would like to continue to operate two of the other certificates. A corrective action plan was submitted but at the hearing, the Commission Garver requested the training includes checking IDs, if customers appear to be under 21, to make sure no one under 21 enters the store.

Commissioner Maginn moved to overturn the revocation, accept the corrective action plan and advise the new owners to apply for a certificate. Commissioner Garver seconded.

Vice Chairman Payne stated the issues regarding this case are very egregious but feels this solution is a good one.

Chairwoman Allen noted she was not present for the second hearing but has reviewed the record and is prepared to vote.

The motion was unanimously approved.

**** Chairwoman Allen noted the following permits were added to the agenda by consent.

RR79-33235 SENOR TACOS LLC - Chairwoman Allen noted this is on for an extension request.

Commissioner Maginn state the permittee failed to appear for two local board hearings. They have been scheduled for an additional hearing and are expected to appear.

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

RR49-40959 BBQ CHICKEN LLC - Chairwoman Allen noted this is on for an extension request. The Form 1 is still missing, and the corporation is pending expiration with the Secretary of State, not as previously stated for permit # RR29-42397 BBQ Chicken Carmel LLC.

Chairwoman Allen moved to approve a 90-day extension. Commissioner Maginn seconded. The motion was unanimously approved.

INACTIVE FILES

Chairman Payne moved to make 15 permits dead that were previously posted on the August 4, 2026 meeting agenda. Commissioner Garver seconded. The motion was unanimously approved.

Chairwoman Allen stated there are 7 permits posted to be made dead at the September 1, 2026 meeting, that have failed to be renewed.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

ROUND TABLE DISCUSSION - Chairwoman Allen stated there will be a round table discussion with industry members on September 1, 2026, after the Commission Meeting, in the hearing room. The discussions appear to be more fruitful when held in person. However, there will also be a link provided if needed.

2026 AMENDED COMMISSION MEETING DATE – Chairwoman Allen stated the amended meeting date for 2026 is:

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

ADJOURNMENT

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

Approved the 15th day of September 2026 by a vote of 3-0.