

MINUTES
ALCOHOL AND TOBACCO COMMISSION
SEPTEMBER 15, 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 Garver, 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 for the August 18, 2026 and September 1, 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-eight dispositions were submitted with fines totaling \$28,800.00. Commissioner Garver seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

No Hearing Judge's Recommendations

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 asked that permit #RR54-43293 be removed from the agenda and remanded, by consent. The Commission also stated the permittee should be present at the local board hearing. Consent was granted.

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

RR49-04646 BUCKEYE BEVERAGE CORP. – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Chairwoman Allen stated this establishment has a history of violations and has been placed on PACE twice. The settlement offer for the most recent violation allowed for an arm's length transfer to be filed. The permittee told the local board that the transferee was going to be his cousin, which was not part of the agreement.

Vice Chairman Payne moved to uphold the local board's recommendation to deny the renewal. Commissioner Garver seconded. The motion was unanimously approved.

RR49-37630 THAT PLACE BAR LLC – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Chairwoman Allen stated the permittee previously owned two permits in Beech Grove that were problem permits and have been transferred to new owners. This permit has a history of police runs for intoxication, weapons and violent acts and was cited for public nuisance for an incident with a patron, who had a gun, was beaten, security stomped on his head while he was unconscious, and 911 was not called until the individual required CPR. A corrective action plan was filed.

Vice Chairman Payne moved to uphold the local board's recommendation to deny. Commissioner Garver seconded. The motion was unanimously approved.

RR41-44061 NANEK SWEETS CATERING LLP – Chairwoman Allen noted this is a new application with the local board voting 3-0 to approve.

Chairwoman Allen stated this business is currently operating without any alcoholic beverages. The permit is for beer and wine. Remonstrators were present citing issues with trash, parking, closeness to a daycare, a possible employee of the restaurant watching pornography in front of the daycare, and the location becoming a nightclub. The applicant stated it is a restaurant with seating for 30.

Vice Chairman Payne stated he has some concerns but moved to uphold the local board's recommendation to approve the new permit. Commissioner Garver seconded. The motion was unanimously approved.

RR20-33358 EL SABINAL LLC – Chairwoman Allen noted this is a renewal with the local board voting 2-1 to deny.

Chairwoman Allen stated this business has a history of calls for service and has three public nuisance violations from the Excise Police. They were placed on PACE in 2025. Changes have been made at the business including a new scanner, closing at 2 am, increased security and no reentry after 2 am, but will allow reentry prior to that because their patrons like to barhop. After the local board hearing, letters from the police department and the mayor were submitted in support of the permit.

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

Vice Chairman Payne noted permittees who have been on PACE should realize that even when PACE expires, the corrected operations at the establishment should continue.

Commissioner Garver stated it is a problem that there were 17 police calls in 24 days and the business is only open on Friday and Saturday and that maybe they are not learning from their mistakes.

Chairwoman Allen feels there have been too many years with public nuisance to roll the dice and see what might happen in another year.

The motion was unanimously approved.

RR45-14706 PALMIRA GOLF AND COUNTRY CLUB – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny for failure to appear and an extension request.

Chairwoman Allen stated the extension request does not address the reason for failing to attend the local board hearing on multiple occasions due to a violation. There is no mention of possibly an incorrect mailing address or something else.

Chairwoman Allen moved to continue this matter and approve an extension until October 6th. Commissioner Garver seconded. The motion was unanimously approved.

RR79-42169 LOS POTRILLOS MEXICAN RESTAURANT GRILL & BAR INC. – Chairwoman Allen noted this is a renewal with the local board voting 4-0 to deny.

Chairwoman Allen stated this permittee received this beer and wine permit one year ago. Violations for scope of permit, dealing in unauthorized beverages, public nuisance, among other things have been issued. The manager, right after being sworn, lied to the local board.

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

Vice Chairman Payne finds this very egregious and asked if the allegations of lying to the local board could be investigated.

Chairwoman Allen stated it can be referred to Excise. She also stated that it seems permittees feel what they state on an application or before the local board, even though it is under the penalties of perjury, does not matter. They just want the permit.

The motion was unanimously approved.

RR71-43728 ONE VINE LLC – Chairwoman Allen noted this is a new application with the local board voting 4-0 to deny for failure to appear.

Chairwoman Allen moved to uphold the local board's recommendation to deny the new permit. Commissioner Garver seconded. The motion was unanimously approved.

DL56-32358 JMC FOODMART INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Garver stated the renewal was approved today so the extension is no longer needed.

RR49-03182 BENIHANA NATIONAL CORP – Chairwoman Allen noted this on for an extension request.

Commissioner Garver moved to approve a 90-day extension, noting the Form 1 is still needed. Vice Chairman Payne seconded. The motion was unanimously approved.

RR76-40140 SUN NG JELLY-BARTON LAKE RV LLC – Chairwoman Allen noted this is on for an extension request.

Commissioner Garver moved to approve a 90-day extension, noting we still need list of officers and shareholders. Vice Chairman Payne seconded.

Vice Chairman Payne stated ownership should not be a problem, and it needs to be fixed.

The motion was unanimously approved.

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

RR01-21712 DECATUR GOLF COURSE INCORPORATED - Chairwoman Allen noted this is on for an extension request.

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

RR06-35320 SHE DE CULTURE INC. - Chairwoman Allen noted this is on for an extension request.

Commissioner Garver moved to approve a 90-day extension when the Extension Request is submitted. Vice Chairman Payne seconded. The motion was unanimously approved.

RR49-37583 UNION HOUSE BEVERAGE LLC – Chairwoman Allen noted this is on for a request to be designated a catering hall. The permittee stated there will be some events open to the public and will adhere to the notice requirements for those events.

Chairwoman Allen moved to approve the request. Commissioner Garver seconded. The motion was unanimously approved.

INACTIVE FILES

Chairwoman Allen stated there are zero permits to be made dead

Chairwoman Allen stated there are 36 permits posted to be made dead at the October 6, 2026 meeting, that have failed to be renewed.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

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

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

Approved the 6th day of October 2026 by a vote of 3-0 .