



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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MEETING MINUTES

April 1, 2025

CALL TO ORDER/NOTING OF QUORUM

Chair Allen called the meeting to order and noted the quorum and the attendance. Vice Chair Payne, Commissioner Maginn, Commissioner Jones, Deputy Director Serak, and General Counsel Merritt were in attendance.

DISPOSITION OF MINUTES

Vice Chair Payne moved to approve the minutes from the March 18, 2025 meeting. Commissioner Maginn seconded. The motion was unanimously approved.

PROSECUTOR'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chair Payne moved to approve the Parties' Agreed Dispositions, submitted by Prosecutor Wignall. Seventy-three (73) dispositions were submitted with fines totaling \$50,000.00. Commissioner Maginn seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Jones 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 move for approval of the same, pending any escrow hearings, and the inclusion of these lists as part of the minutes. Vice Chair Payne seconded. The motion was unanimously approved.

Commissioner Jones moved to approve and incorporate by reference the list 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 Chair Payne seconded. The motion was unanimously approved.

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

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

WAIVERS OF FEES – LETTERS OF EXTENSION

Vice Chair Payne moved to approve the fee waived letters of extension issued in the preceding weeks. Commissioner Jones seconded. The motion was unanimously approved.

ITEMS FOR DISCUSSION

DL11-33019 JATINDER KUMAR – Chair Allen noted this is a transfer with the local board voting 3-0 to approve with remonstrators present, continued from the 3/18/25 meeting.

Commissioner Maginn stated one of the remonstrators alleged he has a church close to the location of this proposed premises. She asked the legal staff to send a letter to the remonstrators asking for an affidavit that provides more detailed information regarding the church and showing the church was operational prior to this application being submitted.

Chair Allen stated the statute the commission relies on regarding churches states a church is more than just a place to worship. There are other items that should be part of being a church, as well.

Commissioner Maginn moved to continue this until the 4/15/25 meeting. Commissioner Jones seconded. The motion was unanimously approved.

RR36-41784 SALSA STREET LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny for failure to appear.

Commissioner Maginn moved to continue this until 4/15/25, because she was not able to review the local board recording. Commissioner Jones seconded. The motion was unanimously approved.

DL41-32220 FRANKLIN SMOKE TIME INC – Chair Allen noted this matter was continued from the 3/18/25 meeting and the 3/4/25 meeting. At the 3/4/25 meeting, the Commission asked for confirmation that the business was operating as a grocery store. The attorney representing the business requested this matter be continued for more time to provide that information. Since then, no further information has been provided.

Commissioner Maginn stated this permit is a grocery permit, but it appears the business has been operating as a tobacco store that sells cold beer and hard seltzers, which is not allowed under the scope of a grocery permit.

Commissioner Maginn moved to deny the extension request. Commissioner Jones seconded. The motion was unanimously approved.

RR02-23790 ROBERT HAWKINS – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated this business has pending violations. The business has a history of police runs for shots fired, serving intoxicated patrons, public nuisance, etc., and was previously placed on Proactive Alcohol Compliance Enforcement (PACE) program. No corrective action plan has been filed.

Commissioner Maginn moved to deny the extension request. Vice Chair Payne seconded. Chair Allen voted to deny. Commissioner Jones abstained because he is the hearing judge for the pending violations. The motion was approved 3-0 with 1 abstention.

RR49-39282 AND CT49-32468 ICE BAR AND LOUNGE LLP – Chair Allen noted that this was continued from the 3/18/25 meeting for an extension request.

Commissioner Maginn stated there are pending violations that are scheduled for hearing. The corrective action plan that was submitted is not adequate to address the alleged violations. The catering permit also has pending violations and is currently expired.

Commissioner Maginn moved to approve the request on the condition that an amended corrective action plan is filed that addresses the pending issues. Vice Chair Payne seconded.

Chair Allen stated she is not comfortable with asking the permittee to admit to violations in a corrective action plan that are still pending and scheduled for hearing.

Commissioner Maginn moved to amend the motion based on the Chair's statement. Vice Chair Payne seconded the amended motion. Chair Allen voted to approve. Commissioner Jones abstained because he is the hearing judge regarding the violations. The motion was approved 3-0 with 1 abstention.

RR49-38051 OHSR ENTERPRISE LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee has pending violations with a prehearing conference scheduled. A corrective action plan has been submitted, but the Commission had other issues that needed to be addressed. The permittee has hired counsel, and new information has been provided.

Commissioner Maginn moved to approve a 2-week extension to allow time for the amended corrective action plan to be submitted. Vice Chair Payne seconded.

Commissioner Jones stated he will vote for the extension because counsel has been hired and new information has been provided. He was going to vote against it due to number and type of police runs to the business.

Chair Allen stated she will make the added information part of the record. The motion was approved 4-0.

RH29-21402 HAMILTON HOTEL PARTNERS LLC – Chair Allen stated this is on for an extension request.

Commissioner Maginn stated this permittee has ownership issues.

Commissioner Maginn moved to approve the extension request. Commissioner Jones seconded because ownership information has been submitted and is being reviewed by the legal staff. The motion was unanimously approved.

RR10-37341 SUCCESS FOODS MANAGEMENT GROUP LLC - Chair Allen noted this is on for an extension request.

Commissioner Maginn stated there are continuing ownership issues with this permittee.

Commissioner Maginn moved to approve the extension request. Commissioner Jones reluctantly seconded the motion because the permittee has been working with our legal staff to get this worked out.

Vice Chair Payne stated he will vote no to remain consistent with his feelings that the permittee should know who the owners are and 3 extensions are too many.

Chair Allen voted to approve. The motion passed 3-1.

RR29-35596 RIVERIERA MAYA CROSSPOINT LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn moved to approve a fee-waived extension due to processing errors. Commissioner Jones seconded. The motion was unanimously approved.

RH29-30172 FISHERS 96 HOTEL LLC – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee has ownership issues.

Commissioner Maginn moved to approve the extension request. Commissioner Jones reluctantly seconded. Chair Allen voted to approve. Vice Chair Payne voted no. The motion passed 3-1.

DL19-04108 and DL19-89066 HOOK-SUPERX LLC – Chair Allen noted these are on for extension requests.

Commissioner Maginn moved to approve fee-waived extensions due to processing errors. Commissioner Jones seconded. The motion was unanimously approved.

RR49-27664 EL CHISPAS NO 2 LLC – Chair Allen noted this is on for an extension request, following denial of the renewal on 3/18/25. A timely appeal was filed.

Commissioner Maginn stated this permittee has had several violations. There is no corrective action plan on file. An appeal was filed along with notice that the permittee would like to be allowed to transfer the permit.

Commissioner Maginn moved to approve an extension until 4/15. Vice Chair Payne seconded. Chair Allen voted to approve. Commissioner Jones abstained because he is the hearing judge regarding the appeal. The motion was approved 3-0 with 1 abstention.

Chair Allen also noted she requested additional information from the attorney on how continuing to operate fits into our rule that we may allow the permit to be placed into escrow to transfer it. She made that email part of the record. The Chair would like legal staff to look into that statute and how the request fits into our rule, recognizing that if we do not allow it, there may still be appeals with corrective action plans and extensions where permittees are selling behind the scenes without telling us, to get around an interpretation that you can only sell it if you put in escrow.

RR49-11398 TRI-ENTERTAINMENT – Chair Allen noted this is on for approval to file a transfer and withdraw the appeal, following denial of the permit.

Commissioner Maginn stated there is a pending violation. A prehearing was held prior to the commission meeting.

Commissioner Maginn moved to continue this matter indefinitely until the violation is settled. Commissioner Jones seconded. Vice Chair Payne abstained because he is the hearing judge in the appeal.

Chair Allen noted that 905 IAC 1-17-4 limits the transfer of a permit with a pending violation until it is settled, so she supported the motion. The motion passed 3-0 with 1 abstention.

RR49-35771 EL FANDANGOS INC. – Chair Allen noted this is a request for remand by the permittee.

Commissioner Maginn stated the permittee has submitted documents showing the business would like to completely change the operations from a bar to a family restaurant without a dance floor and reduce its hours of operation.

Commissioner Maginn moved to approve the request. Vice Chair Payne seconded. Chair Allen voted to approve. Commissioner Jones abstained because he is the hearing judge for the denial. The motion passed 3-0 with 1 abstention.

Chair Allen wanted to make clear that the remand does not mean she is directing the local board to change their vote. She just thinks the permittee has the right to be heard.

RR49-96302 MORNING STAR GOLF CLUB INC. – Chair Allen noted this is on for an extension request, added by consent.

Commissioner Maginn stated the permittee is working on ownership issues.

Commissioner Maginn moved to approve the extension request. Commissioner Jones seconded. The motion was unanimously approved.

INACTIVE FILES

Chair Allen moved to remove permit MM64-30291 from the list. Commissioner Jones seconded. The motion was unanimously approved.

Commissioner Maginn moved to make 23 permits dead that were previously posted on the March 18, 2025 meeting agenda. Vice Chair Payne seconded. The motion was unanimously approved.

Commissioner Maginn stated it is important for permittees to provide correct contact information to us and to make sure and respond to notifications regarding their permits.

Chair Allen announced there are currently ten (10) permits posted to be made dead at the April 15, 2025 meeting.

ANNOUNCEMENTS

2025 AMENDED COMMISSION MEETING DATES – Chair Allen stated the next 2025 Amended Meeting Dates are:

Wednesday, May 28, 2025 (escrow hearing)
Wednesday, September 3, 2025 (commission meeting)
December 2025 (no escrow hearing)

ADJOURNMENT

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

Approved this 15th day of April, 2025.

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Jessica Allen

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Jessica Allen, Chair

Signed by:

James Payne

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James W. Payne, Vice Chair

Signed by:

Marjorie Maginn

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Marjorie Maginn, Commissioner

Signed by:

Mark Jones

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Mark A. Jones, Commissioner