



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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MEETING MINUTES

April 15, 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, General Counsel Merritt, Prosecutor Wignall and Senior Attorney Beaucaire were in attendance.

DISPOSITION OF MINUTES

Vice Chair Payne moved to approve the minutes from the April 1, 2025 meeting. Commissioner Jones 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. Fifty-three (53) dispositions were submitted with fines totaling \$35,550.00. Commissioner Jones 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 moved 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 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 moved 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 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 4/1/25 meeting. A letter has been sent to the applicant regarding the definition of a church.

Commissioner Maginn moved to continue this to the May 6th meeting to allow time for the applicant to respond to the qualifications of being a church. 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 uphold the local board's recommendation to deny. Vice Chair Payne seconded. The motion was unanimously approved.

RR71-03567 LINN CORP – Chair Allen noted this is a renewal with the local board voting 3-1 to approve for one-year.

Commissioner Maginn stated this is a renewal with a violation. The permittee mentioned at the local board hearing that they are looking to sell the permit. Due to some of the problems, a corrective action plan has been submitted stating there will be extra security and reduced service hours. The Commissioner noted the corrective action plan will follow any new owners.

Commissioner Maginn moved to approve the renewal for one year. Commissioner Jones seconded. The motion was unanimously approved.

RR79-42178 THE COZY KITCHEN LLC – Chair Allen noted this is a new application with the local board voting 3-0 to deny.

Commissioner Maginn stated testimony was provided by Excise and other business owners regarding the character of the applicant. The Commissioner also noted that information was provided to the Commission by the applicant that has not been reviewed.

Commissioner Maginn moved to continue this to the May 6th meeting. Commissioner Jones seconded. The motion was unanimously approved.

RR49-39638 VIP LOUNGE LLC – Chair Allen noted this is a renewal with the local board voting 2-1 to approve.

Commissioner Maginn stated this is a renewal with violations. Also, a transfer of this permit was approved by the board prior to the renewal coming before the board.

Commissioner Maginn moved to approve the renewal. Commissioner Jones seconded.

Chair Allen stated the Excise officer sitting on the board is the member who voted to deny because the current owner failed to disclose felony convictions on the application and the Officer does not think that person should benefit from the sale of the permit. Chair Allen noted that she completely understands that thought. Applicants and permittees need to be truthful on their applications.

The motion was unanimously approved.

DL49-33827 DUGGAL BROTHER LLC – Chair Allen noted this is a transfer with the local board voting 3-0 to deny.

Chair Allen stated prior to the meeting; she was told a Notice to Withdraw has been submitted but has not been reviewed.

By consent, the Commission removed this permit from the agenda.

RR49-12231 BDH MANAGEMENT INC. – Chair Allen stated this is a renewal with the local board voting 2-1 to approve for two years. The vote to deny was because that local board member would only vote for a one-year renewal.

Commissioner Maginn stated this is a renewal with a violation. During the investigation, it was noted that the permittee was very cooperative with Excise.

Commissioner Maginn moved to approve a 2-year renewal. Commissioner Jones seconded. The motion was unanimously approved.

Chair Allen noted that it was also mentioned at the local board hearing that Excise had made undercover visits since the violation and found no evidence of prostitution.

RR49-03055 WATERVILLE ASSOCIATES LLC – Chair Allen noted this is a renewal with the local board voting 2-1 to deny.

Commissioner Maginn stated this is a renewal with violations. There were numerous police calls and hindrance issues. The business is now in escrow.

Commissioner Maginn moved to deny the renewal. Vice Chair Payne seconded. The motion was unanimously approved.

Chair Allen noted the next two permits are similarly owned and will be taken together, but separately.

RR49-38386 CARNICERIA Y TIENDA MI MEXICO LLC – Chair Allen noted this is a renewal with the local board voting 3-1 to approve for one-year.

Commissioner Maginn stated this permittee had violations for falsification of records due to convictions not being disclosed. The records have been corrected.

Commissioner Maginn moved to approve the renewal for one year. Commissioner Jones seconded. The motion was unanimously approved.

Chair Allen noted there are no violations for the next permit on the agenda (RR49-40288 Carniceria Mi Mexico 3 LLC) for falsification of records because the applicant submitted the application correctly and disclosed the convictions.

RR49-40288 CARNICERIA MI MEXICO 3 LLC – Chair Allen noted this is a renewal with the local board voting 2-1 to approve for one-year.

Commissioner Maginn moved to approve the renewal for one year, based on the character considerations of the previous permit. Commissioner Jones seconded. The motion was unanimously approved.

MM45-30095 AND MM45-30257 18TH STREET BREWERY LLC – Chair Allen noted these were previously made dead.

Commissioner Maginn stated the owner had some medical issues and he did not renew the permits. The owner is requesting the permits be reactivated. Neither of these permits are quota permits.

Commissioner Maginn moved to reactivate the permits. Commissioner Jones seconded. The motion was unanimously approved.

DL20-33929 STAR 004 LLC – Chair Allen noted this is a request for remand.

Commissioner Maginn stated the applicant marked the location as unincorporated on the application; however, the location is in the incorporated area and there are no permits available.

Commissioner Maginn moved to deactivate this permit that was previously issued in error. 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. This matter was continued from the March 18th meeting. The renewal was denied, and an appeal was filed.

Commissioner Maginn stated we received a corrective action plan with detailed changes to their operation. They are looking for a buyer for the permit.

Commissioner Maginn moved to approve the extension request. Vice Chair Payne seconded the motion and stated he is very happy with the corrective action plans that have been submitted lately. He said the attorneys and permittees are doing a good job.

Commissioner Jones stated the appeal has not been assigned yet, so he will vote to approve, but noted that granting the extension has no bearing on the appeal.

Vice Chair Payne concurred with Commissioner Jones.

Chair Allen agreed and stated that the appeal will be its own determination. She advised the permittee of their issues, including blaming security on more than one occasion. She appreciates the fact that there is new security, but noted it is up to the permittee to maintain compliance.

The motion was unanimously approved.

RR49-40638 RESTAURANT & TORTILLERIA LA MEGA BALEADA LLC – Chair Allen noted this was on for an extension request, however the permittee requested this be continued to the April 22, 2025 escrow hearing.

By consent, the Commission continued this to the 4/22/2025 escrow hearing.

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

Commissioner Maginn stated we received an updated corrective action plan that includes training for employees, no in and out privileges, enhanced security and new scanners among other changes to help keep the business in compliance.

Commissioner Maginn moved to approve the remaining time left of the 90 days on the current extension. Vice Chair Payne seconded. Commissioner Jones voted to deny based on the number and nature of the runs by IMPD. Chair Allen voted to approve. The motion passed 3-1.

Chair Allen again emphasized it is the responsibility of the permittee to maintain compliance.

RR45-03748 CROWN POINT TAVERN CORP – Chair Allen noted this is on for an extension request.

Commissioner Maginn stated this permittee had a violation for overservice that has been settled. A corrective action plan has not been submitted.

Commissioner Maginn moved to approve a 2-week extension to allow time for a corrective action plan to be submitted. Vice Chair Payne seconded. Chair Allen voted to approve. Commissioner Jones voted to deny because of the nature of the violation for overservice where an accident occurred and the patron's BAC was .253 and cocaine was also in the bloodstream. The motion was approved 3-1.

DL49-32133 RAJSURU INC. – Chair Allen noted this is on for an extension request. The renewal was denied, and an appeal was filed.

Commissioner Maginn stated the permittee had violations, some for hinderance, which means they are not allowing Excise to do their job.

Commissioner Maginn moved to approve the extension. Vice Chair Payne seconded. Chair Allen voted to approve. Commissioner Jones stated he would vote to deny due to the nature of the hindrance.

Chair Allen stressed the fact that if you are fortunate enough to be granted the privilege to hold an alcohol permit or tobacco certificate, that means you must allow Excise access at all times to the business. If you are not willing to do that, you should not hold either of these permits. The lack of cooperation, especially in convenience stores where clerks refuse to identify themselves or give false information is becoming more frequent. Because of that, an ID is required for them to work at these establishments.

Vice Chair Payne stated granting the extension has no bearing on results of the appeal hearing regarding the denial of the renewal.

The motion was approved 3-1.

MM64-30291 LAMBSTONE CELLARS INC. – Chair Allen asked the Commission to add this to the agenda by consent for an extension request. Permit was added.

Chair Allen stated this permit was removed from the dead list. The Commission was contacted by the attorney who represents the permittee, but not on the annual renewals. They are working on missing items and updating floor plans. The Chair noted this is not a quota permit.

Chair Allen moved to approve the extension. Vice Chair Payne seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Maginn moved to make 10 permits dead that were previously posted on the April 1, 2025 meeting agenda. Commissioner Jones seconded. The motion was unanimously approved.

Chair Allen stated there are 13 permits posted to be made dead at the May 6, 2025 meeting.

ANNOUNCEMENTS

2025 AMENDED COMMISSION MEETING DATE - 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 Chair Payne seconded. The motion was unanimously approved.

Approved on this 6th day of May, 2025.

DocuSigned by:

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