

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

**IN THE MATTER OF
THE PERMIT OF:**

ROSE COOK

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Applicant No. 3237728

**PROPOSED FINDINGS OF FACT
AND
CONCLUSIONS OF LAW**

I. BACKGROUND OF THE CASE

The Applicant, Rose Cook, Applicant number 3237728, (hereinafter referred to as “Applicant”) is the Applicant for an Alcohol and Tobacco Commission (“ATC”) employee permit. The Applicant filed her application on April 24, 2019. Upon review of Applicant’s record with the Indiana Bureau of Motor Vehicles, ATC staff determined that Applicant had one conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5 and was still serving a sentence of probation. Application for applicant number 3237728 was denied. Applicant filed an appeal of the denied permit application. An appeal hearing was held on October 10, 2019.

III. EVIDENCE BEFORE THE ATC

A. The following individuals testified before the ATC in favor of the Applicant in this cause:

1. Rose Cook, Applicant.

IV. FINDINGS OF FACT

1. The Applicant, Rose Cook, applicant number 3237728, is the Applicant for an Alcohol and Tobacco Commission employee permit. (ATC File).

2. The Applicant has one conviction for operating while intoxicated as defined by IC 7.1-1-3-13.5 (conviction) in the past ten years and is still serving probation.
3. Applicant's current eligibility date for an employee permit is April 4, 2020.
4. The Applicant has a second charge for conviction for operating while intoxicated pending under cause number 29D051909F6008198 with a sentencing date set for February 3, 2020.
5. Applicant's eligibility date may change if cause number 29D051909F6008198 results in a conviction for operating while intoxicated.
6. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

V. CONCLUSIONS OF LAW

1. At the time of the application, Applicant was prohibited from holding an employee permit under IC 7.1-3-18-9(f) because Applicant was still serving a sentence of probation for the first conviction for operating while intoxicated.
3. Applicant's current eligibility date is April 4, 2020 but could change depending on the outcome of cause number 29D051909F6008198.

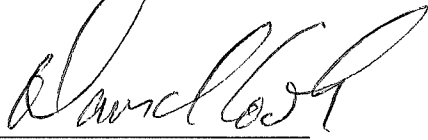
THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the denial of the application for applicant number 3237728 is in compliance with the law.

DATED: 12/20/19



Jessica Allen, Hearing Judge

Commission Adoption:

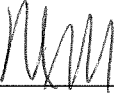


David Cook, Chairman

Date: 5-5-20



John Krauss, Vice Chairman



Marjorie Maginn, Commissioner



Dale Grubb, Commissioner