



**For Immediate Release
Jan. 14, 2010**

Media Contact: Kyle Niederpruem, 317-509-7334, kyle@kylecommunications.com

**Indiana's Package Store Industry asks Courts to Interpret Alcohol Permit Laws
Permit Quotas at Issue as Local Hearings are Scheduled Statewide**

INDIANAPOLIS—The Indiana Association of Beverage Retailers (IABR) filed a complaint for declaratory judgment today seeking an injunction against the state's regulatory commission that issues alcohol permits for retailers.

IABR, the trade association representing the package store industry in Indiana, is seeking a court order to stop the Alcohol and Tobacco Commission (ATC) from issuing any permits until a judge can interpret and clarify state quota laws, which sets the available number of permits to sell alcohol per population.

According to IABR, a legislative compromise was struck in 2008 that set an established number of available permits – but the association believes the law has not been followed.

That compromise between retailers allowed the ATC to grant beer dealer permits to convenience stores, but capped the number of permits available by quota at a smaller and more limited number than existed before the compromise.

John Livengood, president and CEO of the 500-member association, said his group has met with three different chairmen of the ATC attempting to resolve the quota issue.

“We believe our interpretation is correct and we’re asking the courts for direction,” Livengood said Thursday. “Until the quota law changed in 2008, we did not realize state officials were miscounting permits. The commission is calculating the quota in a way that results in twice as many permits being considered than the law currently allows,”

Livengood said a flood of recent permit applications filed with the state brought the issue to light again. As of this week, the ATC has posted 97 permit requests for Walgreens alone on its Web site. Of those, 30 are scheduled for hearings this January at local boards. Only January hearing dates are posted online—many of those in Fort Wayne.

The complaint states that the city of Fort Wayne, by example, is currently over its quota limit of 35 beer dealer permits. “The same scenario,” according to the complaint, “is

occurring throughout the state, and permits have been issued, and will continue to issue, in violation of Ind. Code 7.1-3-22-4.”

The seven-page complaint was filed Thursday in Marion County Superior Court 2.

About the Indiana Association of Beverage Retailers (IABR)

The Indiana Association of Beverage Retailers is a statewide membership group for package store owners licensed and regulated by the state of Indiana. Founded in 1936, the association’s mission is to protect, promote and improve the package store industry in Indiana. The association represents Hoosier businesses with 8,000 employees.