

**SOAH DOCKET NO. 458-99-0780**

TEXAS ALCOHOLIC BEVERAGE	§	BEFORE THE
COMMISSION	§	
	§	
VS	§	
	§	
AMBER ROSE, INC. D/B/A.	§	STATE OFFICE OF
FANNY'S COUNTRY BALLROOM	§	
PERMIT NOS. MB-244445, LB-244446	§	
& PE-244447	§	
HARRIS COUNTY, TEXAS	§	
(TABC CASE NO. 581050)	§	ADMINISTRATIVE HEARINGS

**ORDER**

**CAME ON FOR CONSIDERATION** this 10th day of August, 2000, the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge Rex A. Shaver. The hearing convened on December 1, 1999, and adjourned December 24, 1999. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on July 5, 2000. This Proposal For Decision was properly served on all parties who were given an opportunity to file Exceptions and Replies as part of the record herein. As of this date no exceptions have been filed.

The Assistant Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision, Transcripts, and Exhibits, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge, which are contained in the Proposal For Decision and incorporates those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein. All Proposed Findings of Fact and Conclusions of Law, submitted by any party, which are not specifically adopted herein are denied.

**IT IS THEREFORE ORDERED**, by the Assistant Administrator of the Texas Alcoholic Beverage Commission, pursuant to Subchapter B of Chapter 5 of the Texas Alcoholic Beverage Code and 16 TAC §31.1, of the Commission Rules, that the violations against Permit Nos. MB-244445, LB-244446 and PE-244447 are hereby **DISMISSED**.

This Order will become final and enforceable on August 31, 2000, unless a Motion for Rehearing is filed before that date.

By copy of this Order, service shall be made upon all parties by facsimile and by mail as indicated below.

**WITNESS MY HAND AND SEAL OF OFFICE** on this the 10th day of August, 2000.

On Behalf of the Administrator,



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Randy Yarbrough, Assistant Administrator  
Texas Alcoholic Beverage Commission

DAB/yt

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SOAH DOCKET NO. 458-99-0780

TEXAS ALCOHOLIC BEVERAGE COMMISSION	§	BEFORE THE STATE
	§	
	§	
V.S.	§	
	§	OFFICE OF
AMBER ROSE, INC. D/B/A	§	
FANNY'S COUNTRY BALLROOM	§	
PERMIT NOS. MB-244445, LB-244446	§	
PE-244447	§	
(TABC CASE NO. 581050)	§	ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION**

The Staff of the Texas Alcoholic Beverage Commission (the Petitioner) brought this action against Respondent, a permittee of the commission, alleging that on July 16, 1998, the permittee's agents, servants or employees did with criminal negligence sell, serve or deliver alcoholic beverages to three minors, and that on that same date permittee's agents, servants or employees did with criminal negligence, on the licensed premises, permit minors to possess and/or consume alcoholic beverages all of these acts being violations of §§106.04, 106.05 and 106.13 of the Texas Alcoholic Beverage Code. The Staff recommended that the permit be suspended for 60 days for each of the four violations alleged. The permittee appeared at the hearing by its authorized representative. Having found that none of the allegations were proven by a preponderance of the evidence, the Administrative Law Judge recommends that no action be taken against the permit and that no suspension be imposed.

**I. Procedural History**

On November 5, 1998, the Staff of the Commission (Staff) notified Amber Rose Inc. d/b/a Fanny's Country Ballroom of the proposed suspension or cancellation of the Respondent's License and Permit because its agents, servants or employees did with criminal negligence sell, serve or deliver alcoholic beverages to three minors and that on that same date permittee's agents, servants or employees did with criminal negligence permit minors to possess and/or consume alcoholic beverages on the licensed premises.

The hearing commenced on December 1, 1999, in the offices of the State Office of Administrative Hearings, 2020 North Loop West, Suite 111, Houston, Harris County, Texas. Mr. Dewey Brackin represented the Staff. The Respondent, Amber Rose Inc. d/b/a Fanny's Country Ballroom, was represented by its attorney, Mr. Ronald A. Monshaugen. After the taking of evidence,

the hearing was concluded, but the record was left open until December 24, 1999 at 5:00 p.m. for the filing of post hearing briefs, written closing argument and memorandum of law. Both the Staff and Respondent filed memorandum in support of closing argument and the record was then closed.

## **II. Jurisdiction and Notice**

The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to Tex. Alco. Bev. Code Ann. (the Code) §6.01 and Tex. Gov't. Code Ann. Chapter 2001 et seq.(1998). The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to Tex. Gov't. Code Ann. Chapter 2003. The parties stipulated on the record that the Respondent, Amber Rose Inc. d/b/a Fanny's Country Ballroom, was at the time of the alleged violations and on the date of hearing the holder of Texas Alcoholic Beverage Commission permit MB- 244445.

On April 30, 1999 this matter was set by the State Office of Administrative Hearings for hearing on July 22, 1999 and after subsequent pre-hearing conferences and motions for continuance, all parties were properly noticed for the hearing on December 1, 1999 in Houston, Texas. Both parties appeared and announced ready.

## **III. Evidence**

### **From the Staff:**

#### **Documentary Evidence:**

TABC Exhibit 1: *Harris County Sheriff Booking Sheet with photograph of Janelle Flores.*

TABC Exhibit 2: *Subpoena Issued for appearance of Janelle Flores.*

TABC Exhibit 3: *Subpoena Issued for appearance of Andrew James Brod.*

### **Testimony:**

#### **1. Rodney Meyer:**

Rodney Meyer testified that on July 16, 1998 he was employed as an Agent of the Texas Alcoholic Beverage Commission. Mr. Meyer testified that on that date he took part as an undercover officer during an enforcement operation at the licensed premises known as Fanny's Country Ballroom. Accompanied by Texas Alcoholic Beverage Agent Peek, he entered the premises. At the entrance

to the premises the doorman asked him for identification and proof of age. After presenting documents satisfactory to the doorman an orange colored tag was affixed to his shirt collar indicating that he was over the age of 21 years. Mr. Meyer stated that upon entering the premises he went to a bar located in the southwest portion of the building. At that location he noted in line for service one particular female patron who appeared to him to be under the age of twenty-one. This patron was later identified as Janelle Flores. The witness took a place in line and observed the young woman approach the bar and have some conversation with the bartender. Mr. Meyer testified that because of his distance from the patron and the bartender he was unable to hear any part of the conversation between them. He observed the bartender place two shot glasses containing a dark liquid on the bar. He believed it to be distilled spirits because of the color and shape of the bottle. The witness was not aware of any tests of the contents of the bottles or glasses involved and he had no personal knowledge that the contents were alcoholic beverages. He observed Ms. Flores consume the contents of one of the shot glasses. She then paid for and received two beers. The witness stated that he recalled that this was not a non-alcoholic beer but that he was unable to recall exactly what brand of beer it was. On cross-examination the witness testified that both alcoholic and non-alcoholic beer bottles look the same. He did not know if these were alcoholic or non-alcoholic beer and no tests were ever run to establish the alcohol content.

Mr. Meyer also testified that he observed a female patron later, identified as Angelina Wilkie, approach a bar in the establishment and receive a shot glass filled with liquid. He believed it to be distilled spirits because of the color and shape of the bottle. He was not aware of any tests of the contents of the bottle or glasses involved and he had no personal knowledge that the contents were alcoholic beverages. The bartender who served Ms. Flores was later identified to him as Mario Romero while the bartender who served Ms. Wilkie was identified as Taylor Wadley.

Mr. Meyer was unable to testify as to the age of either Ms. Flores or Ms. Wilke on the evening in question. He testified that a sheriff's deputy allegedly determined the age of Ms. Flores to be under 21 years. However the witness did not know how the deputy made this determination.

Mr. Meyer, went on to testify that on the evening in question the interior of the establishment was fairly dark with some areas being darker than others. He observed Mr. Van Alstine walking around the inside of the establishment and on occasion pass within 9 to 10 feet of Ms. Flores but without making any direct contact with her. Based upon his observations Mr. Meyer formed the opinion that the management and staff were unconcerned about the consumption of alcoholic beverages by minors.

On cross-examination the witness testified that he was 28 years of age on the evening in question and that he was required to show his driver's license upon entering the premises. He estimated there to be between 200 and 300 patrons in the establishment. The lighting was so low that in certain areas there was not enough light to read a newspaper. He saw an orange tag on Ms. Flores when she was served.

## **2. Chris Hamilton**

Chris Hamilton testified that on July 16, 1998 he was employed as an Agent of the Texas Alcoholic Beverage Commission. Mr. Hamilton testified that on that date he took part as an undercover officer during an enforcement operation at the licensed premises known as Fanny's Country Ballroom. At the entrance to the premises the doorman asked him for identification and proof of age. After presenting documents satisfactory to the doorman an orange colored tag was affixed to his shirt collar indicating that he was over the age of twenty-one. In general the patrons on the premises appeared youthful. Mr. Hamilton testified that he got into line at one of the bars and noticed a patron in line behind him who he felt presented a youthful appearance but was wearing an orange tag. He saw this patron, subsequently identified as James Brod, purchase what the witness believed was an alcoholic beverage. The bartender was later identified as Jose Mario Romero. Mr. Hamilton testified that the alcoholic beverage was a beer but that he did not know what kind. The witness testified that the bottle was not seized and the contents never tested. Mr. Brod's birth date was later confirmed to be July 7, 1980 and that on July 16, 1998 he was 17 years of age. The witness testified that a sheriff's deputy obtained this information from Mr. Brod's driver's license and that the witness himself was shown the license by the deputy. When the open agents entered the premises he saw Mr. Brod put down what the witness thought was an alcoholic beverage and pickup what the witness thought was a glass of water.

The witness further testified that there were between 150 and 200 people in the establishment on the evening of July 16, 1998. The witness estimated that 35 percent of the patrons did not have orange tags on their clothing. He did not know if Mr. Brod had any fake identification on him when arrested or if Mr. Brod presented any identification to the doorman. This witness did not see Mr. Van Alstyne that evening.

## **3. Angelina Wilkie**

Angelina Wilkie testified that she was present as a patron at the subject premises on the evening of July 16, 1998. She gave her date of birth as February 9, 1978. Ms. Wilkie testified that she did not have an orange tag on her clothing that evening. The witness denied ordering any alcoholic beverages that evening. Ms. Wilkie did testify that on that evening she did hold an alcoholic beverage, a beer, for a friend but she did not consume any of that beverage. Ms. Wilkie testified that she presented identification at the door to show she was above the minimum age of 17 years. She later took that identification out to her car because she had no pockets and did not want to carry it. She received a stamp on her hand so she could return to the club.

#### **4. Taylor Wadley**

Taylor Wadley testified that upon the advice of counsel he was asserting his Fifth Amendment right against self incrimination and refused to answer all questions other than his name.

#### **5. Michelle Carr**

Michelle Carr testified that on July 16, 1998, she was employed as an Agent of the Texas Alcoholic Beverage Commission. Ms. Carr testified that on that date she took part as an open officer during an enforcement operation at the licensed premises known as Fanny's Country Ballroom.

Ms. Carr further testified that on July 16, 1998 she was a part of the open team at the club. She wrote citations for minors in possession on that date. The witness testified that she had been at the premises previously, on June 18, 1998 as an undercover officer. On that date she was 29 years old. She was asked for identification and received a tag indicating she was over the age of 21 years. Agent Williams who was 29 or 30 years old accompanied her and was not asked for identification. On that date she observed that the crowd in the club was late teenage or early twenties. She testified that 50 percent of the patrons had no tags on their clothing to indicate they were over the age of 21 years. Ms Carr testified that she watched the front door and observed that some people identification was checked and some were not. Some people received a tag and some did not. She felt that some of the persons who were tagged looked youthful and under the age of 21 years. Some patrons appeared to be regulars who were not asked for identification. Ms. Carr testified that when the law enforcement officer's appeared many patrons took off the tags they were wearing and put them on the floor where employees of the club swept them up. The witness testified that some patrons with tags were later determined to be minors and were given citations by other officers. She formed the opinion that on June 18, 1998, the club management and employees encouraged the consumption of alcoholic beverages by minors.

The witness testified that on June 18, 1998, a confrontation between the sheriff deputies working as security for the club and agents of the Texas Alcoholic Beverage Commission took place in the parking lot of the club. The Administrative Law Judge determined that the testimony was not relevant to any issue in this hearing and further inquiry into that altercation was not made.

#### **From Respondent:**

##### **Documentary Evidence:**

**Respondent Exhibit 1:**        *Stipulation of Facts.*

**Respondent Exhibit 2:**        *First Section 106.14 Affidavit of Michael Van Alstine.*

**Respondent Exhibit 3:**      *Second Section 106.14 Second Affidavit of Michael Van Alstine.*

**Respondent Exhibit 5:**      *Receipt from TABC for surrendered identification cards*

**Offer of Proof**

**Respondent Exhibit 4:***Video Tape 6 hours in length showing activities at the door of the establishment on July 16, 1998.*

**Testimony:**

**1.      Michael Van Alstine**

This witness testified that on July 16, 1998, he was the manager of Fanny's Country Ballroom. He also testified that he is the sole shareholder of the licensee, Amber Rose, Inc. The establishment allows persons aged 17 years and over to enter the premises. Employees of the club are stationed at the front door to check identification to confirm the age of the patron. Mr. Van Alstine stated that in the case of regular customers whose ages are known to the staff proof of age may not be requested. Those patrons who are 21 years of age or over have a colored tag affixed by a staple to the left side of the shirt collar. A patron under the age of 21 years receives no tag but will have an ink stamp placed on their hand if they wish to leave and return to the premises. Different colored tags are used and old tags destroyed to avoid them being used by underage patrons. The witness denied ever allowing or encouraging employees to serve alcoholic beverages to minors.

Mr. Van Alstine further testified that employees of the establishment walk the floor to prevent anyone under age 21 from obtaining or consuming alcoholic beverages on the premises. Mr. Van Alstine testified that the bartenders were encouraged to ask for proof of age when they believed that a customer was under the age even if that customer had a collar tag. Non-alcoholic beverages are served in plastic cups. On the night in question, five deputies from the Harris County Sheriff's Office were working as paid security guards. Two deputies were stationed at the front door and three were inside of the club. The deputies are paid \$18 per hour by the licensees. On a normal day two deputies will work.

The entrance to the club is videotaped continually from 8:00 p.m. to 2:00 a.m. every night the club is open. In the past employees of the licensee have confiscated false identification presented as proof of age. These false documents (mostly driver's licenses) would then be forwarded to the Texas Department of Public Safety (DPS). After being informed that DPS no longer wanted such documents Mr. Van Alstine kept the documents. After accumulating over 400 such documents Mr Van Alstine forwarded them to the Texas Alcoholic Beverage Commission.

**2. Thomas G. Welsh**

This witness testified that he is a Harris county deputy sheriff. He worked an extra job as uniformed security at Fanny's Country Ballroom from late 1994 until February of 1999. His duties included enforcing the state liquor laws including those regarding minors in possession. At the request of Mr. Van Alstine he would patrol the parking lot and inside of the club to check for minors in possession and persons presenting false identification and would write tickets for any violations. This witness testified that he had on occasion observed Taylor Wadley ask a patron for proof of age even though the patron was wearing a collar tag indicating that proof of age had been presented at the door. It was the witnesses opinion that Mr. Van Alstine does not encourage violation of the laws concerning alcoholic beverages. On occasion, Mr. Van Alstine would point out to the deputy people who might be in violation of the law.

**3. Tommy L. Herndon**

This witness testified that he is a Harris county deputy sheriff. He has worked an extra job as uniformed security at Fanny's Country Ballroom for 13 years. On July 16, 1998 he was working security on the premises. His duties were to keep the peace and enforce the state liquor laws including those regarding minors in possession. At the request of Mr. Van Alstine he would patrol the parking lot and inside the club to check for minors in possession and persons presenting false identification and would write tickets for any violations. One deputy would be stationed at the door to check proof of age and at least one deputy would be inside the club to check for violations and to break up any disturbances. He has on one occasion issued a ticket to an employee of Fanny's Country Ballroom for sale of an alcoholic beverage to a minor. He stated that Mr. Van Alstine has never complained to him about any of the tickets he has written on the premises. Mr. Herndon stated that he confiscated hundreds of false or improper driver's licenses which were given to either the Department of Public Safety or the Texas Alcoholic Beverage Commission. The witness offered the opinion that Fanny's Country Ballroom was better than most clubs in enforcing the alcoholic beverage laws. He never saw Mr. Van Alstine take any action to encourage his employees to violate the law.

**IV. Statutory Criteria**

**1. Section 106.13 of the Tex. Alco. Bev. Code Ann. states, in part:**

(a) Except as provided in Subsections (b) and (c) of this section, the commission or administrator may cancel or suspend for not more than 60 days a retail license or permit...if it is found, on notice and hearing, that the licensee or permittee with criminal negligence sold, served, dispensed, or delivered an alcoholic beverage to a minor in violation of this code or with criminal negligence permitted a minor to violate Section 106.04 or 106.05 of this code on the licensed premises.

2. **Section 106.04 of the Tex. Alco. Bev. Code Ann.** states, in relevant part:

(a) Except as provided in Subsections (b) of this section a minor commits an offense if he consumes an alcoholic beverage.

3. **Section 106.05 of the Tex. Alco. Bev. Code Ann.** states, in relevant part:

(a) Except as provided in Subsections (b) of this section a minor commits an offense if he possesses an alcoholic beverage.

## **V. Discussion**

On July 16, 1998 agents of the Texas Alcoholic Beverage Commission conducted an operation at the premises of the licensee, Amber Rose, Inc. d/b/a Fanny's Country Ballroom. In the course of the operation undercover officers entered the establishment and observed the activities of the patrons and employees with particular attention to the sale of alcoholic beverages to those under age 21 years of age. After a period of time the "open" officers entered the premises. The undercover officers then pointed out to the "open" officers those patrons and employees who the undercover officers believed may have acted in violation of the Texas Alcoholic Beverage Code so that the "open" officers could gather information to support that belief.

At this hearing the Staff of the Texas Alcoholic Beverage Commission alleged that four violations had occurred. The sale by an agent, servant or employee of the licensee of an alcoholic beverages to the three minors Janelle Darlene Flores, Angelina Wilke and Jacob Brod. The fourth violation being that Michael Van Alstine the agent, servant or employee of Amber Rose, Inc. d/b/a Fanny's Country Ballroom did then and there on the licensed premises with criminal negligence permit the minors Janelle Darlene Flores, Angelina Wilke and Jacob Brod to possess and/or consume an alcoholic beverage. Each allegation will be discussed separately.

### **Janelle Darlene Flores**

As to the allegation that an agent, servant or employee of the licensee, one Mario Romero, sold, served or delivered an alcoholic beverage to Janelle Darlene Flores who was then a minor. There was no proof by way of either testimony or documents that the product sold to Ms. Flores was an alcoholic beverage. The bottle or glass was not seized and the content not identified. The age of Ms. Flores on the 16th day of July, 1998 was never established. The witness, Rodney Meyer, testified that he could not identify the contents of the glass but that it came from a bottle he thought looked like a distilled spirits bottle. The witness stated that he could not recall the brand of beer alleged to have been sold to the minor but that it was not a non-alcoholic brand of beer. He went on to admit that both alcoholic and non-alcoholic beer bottles look the same. Mr. Meyer admitted that he had no

personal knowledge of how old Ms. Flores was but that he believed that her age was determined to be under 21 years of age by some other unnamed officer.

### **Angelina Wilke**

As to the allegation that an agent, servant or employee of the licensee, one Taylor Wadley, sold, served or delivered an alcoholic beverage to Angelina Wilke who was then a minor. There was no proof by way of either testimony or documents that the product sold to Ms. Wilke was an alcoholic beverage. The bottle or glass was not seized and the content not identified. The witness Mr. Meyer testified that he could not identify the contents of the glass given to Ms. Wilke but that it came from a bottle he thought looked like a distilled spirits bottle. Ms. Wilke testified that her date of birth is February 9, 1978. She was under the age of 21 years on the 16th day of July, 1998. She testified that on the evening in question she did not order or consume any alcoholic beverages.

### **James Brod**

As to the allegation that an agent, servant or employee of the licensee, one Mario Romero, sold, served or delivered an alcoholic beverage to James Brod who was then a minor. There was no proof by way of either testimony or documents that the product sold to Ms. Wilke was an alcoholic beverage. The bottle was not seized and the content not identified. The witness, Chris Hamilton, testified that he could not identify the brand of beer alleged to have been served to the minor but he believes it was an alcoholic beverage. The Witness stated that he confirmed Mr. Brod's birth date as July 7, 1980 and this information came from Mr. Brod's driver's license. This means that on the date in question Mr. Brod would have been 17 years of age.

### **Michael Van Alstine**

As to the allegation that Michael Van Alstine the agent, servant or employee of Amber Rose, Inc. d/b/a Fanny's Country Ballroom did then and there on the licensed premises with criminal negligence permit the minors Janelle Darlene Flores, Angelina Wilke and Jacob Brod to possess and/or consume an alcoholic beverage. Rodney Meyer, testified that he saw Michael Van Alstine walking around the inside of the establishment. The witness Mr. Hamilton testified that he did not see Mr. Van Alstine that evening. The witnesses Mr. Welsh and Mr. Herndon testified that at no time had they ever seen Mr. Van Alstine encourage or permit violations of the Texas Alcoholic Beverage Code. There was testimony that the licensee's employees had confiscated more than 400 fake identification documents which were forwarded to the Texas Alcoholic Beverage Commission.

The evidence presented at this hearing was insufficient to establish that alcoholic beverages had been sold, served or delivered to the minors Angelina Wilke and Jacob Brod. There was no evidence that Janelle Darlene Flores was either a minor or was served an alcoholic beverage. There was also insufficient evidence to establish that Michael Van Alstine did then and there on the licensed

premises with criminal negligence, permit any minors to possess and/or consume an alcoholic beverage. It is recommended that no action be taken against the permit and that no suspension be imposed.

### **PROPOSED FINDINGS OF FACT**

1. On July 16, 1998, Angelina Wilke was under the age of 21 years.
2. On July 16, 1998, Jacob Brod was under the age of 21 years.
3. On July 16, 1998, Jose Mario Ramero was an employee of Amber Rose, Inc. d/b/a Fanny's Country Ballroom.
4. On July 16, 1998, Taylor Wadley was an employee of Amber Rose, Inc. d/b/a Fanny's Country Ballroom.
5. On July 16, 1998, Jose Michael Van Alstine was an employee of Amber Rose, Inc. , d/b/a Fanny's Country Ballroom.
6. On July 16, 1998, Jose Mario Ramero sold an unidentified beverage to Angelina Wilke.
7. On July 16, 1998, Jose Mario Ramero sold an unidentified beverage to Janelle D. Flores.
8. On July 16, 1998, Taylor Wadley sold an unidentified beverage to James Brod.
9. On July 16, 1998 ,Amber Rose, Inc., d/b/a Fanny's Country Ballroom was holder of Permit MB 244446.

### **PROPOSED CONCLUSIONS OF LAW**

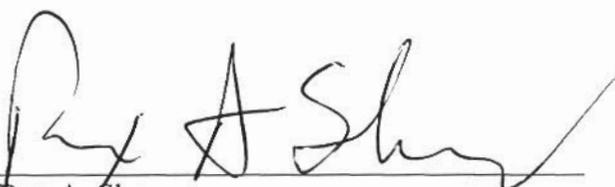
1. The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to Sections 106.13 and 11.61(b)(2) of the TEX. ALCO. BEV. CODE ANN (Vernon's 1999).
2. The State Office of Administrative Hearings has jurisdiction in matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to TEX. GOV'T. CODE ANN. Chapter 2003 (Vernon's).
3. Service of proper and timely notice of the hearing was given to the Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T. CODE ANN.,Chapter 2001 and 1 TEX. ADMIN. CODE, Chapter 155.

4. No violations of §§106.04, 106.05 or 106.13 of the TEX. ALCO. BEV. CODE ANN. were proven by a preponderance of the evidence.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law, the Administrative Law Judge recommends that no action be taken against the permit and that no suspension be imposed.

Signed this 5<sup>th</sup> day of July, 2000.

  
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Rex A. Shaver  
Administrative Law Judge