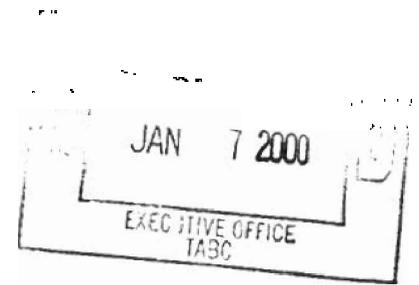


State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

January 5, 2000



Doyme Bailey
Administrator
Texas Alcoholic Beverage Commission
5806 Mesa Drive, Suite 160
Austin, Texas 78731

VIA CERTIFIED MAIL Z 283 051 878
Return Receipt Requested

RE: Docket No. 458-98-2431; Texas Alcoholic Beverage Commission vs. LMI VIN, Inc. d/b/a La Madeleine, (TABC Case No. 584608)?

Dear Mr. Bailey:

Enclosed please find a Proposal for Decision in the above-referenced cause for the consideration of the Texas Alcoholic Beverage Commission. Copies of the proposal are being sent to Timothy Griffith, attorney for Texas Alcoholic Beverage Commission, and to LMI VIN, Inc, d/b/a La Madeleine. For reasons discussed in the proposal, I recommend Respondent's application for renewal of permits previously issued by the Commission, should be denied pursuant to Tex. Alco. Bev. Code Ann. §28.04 (Vernon 2000).

Pursuant to the Administrative Procedure Act, each party has the right to file exceptions to the proposal, accompanied by supporting briefs. Exceptions, replies to the exceptions, and supporting briefs must be filed with the Commission according to the agency's rules, with a copy to the State Office of Administrative Hearings. A party filing exceptions, replies, and briefs must serve a copy on the other party hereto.

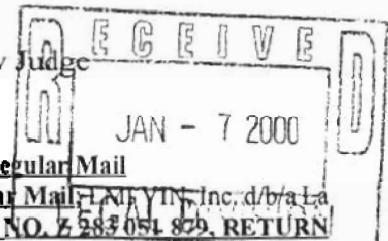
Sincerely,

Tanya A. Cooper
Administrative Law Judge

TC:ds

Enclosure

xc: Shanee Woodbridge, State Office of Administrative Hearings, Austin, Texas - Regular Mail
Timothy Griffith, Staff Attorney, Texas Alcoholic Beverage Commission - Regular Mail LMI VIN, Inc, d/b/a La Madeleine 5340 Alpha Road, Dallas, Texas 75240-4318 - CERTIFIED MAIL NO. Z 283 051 878, RETURN RECEIPT REQUESTED



On October 26, 1999, the Commission's Staff sent, by certified mail, return receipt requested, a Notice of Hearing to Respondent, which contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the statutes and rules involved; and a statement of the matters asserted.

a. The Notice of Hearing was sent to Respondent at its mailing address of record, 5340 Alpha Road, Dallas, Texas 75240-4318 by certified mail, return receipt requested (No. Z 473 039 057), and it was received at that address on October 27, 1999.

b. The Notice disclosed, in 10-point, bold-face type, that upon Respondent's failure to appear at the hearing the factual allegations in the Notice would be deemed as true, and the relief sought could be granted.

3. The hearing convened December 10, 1999, at 6300 Forest Park Road, Suite B-230, Dallas, Dallas County, Texas, before Tanya Cooper, Administrative Law Judge (ALJ). Commission Staff was represented by Timothy E. Griffith, but Respondent failed to appear at the hearing.
4. On or about May 6, 1999, Respondent made an application for renewal of its permits previously issued by the Commission and listed in Finding of Fact No. 1.
5. On or about May 6, 1999, more than fifty percent (50%) of the legal or beneficial ownership of the stock of LMI VIN, Inc., d/b/a La Madeleine, had changed since Respondent's original permit was issued.

IV. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to TEX. ALCO. BEV. CODE ANN. (the Code) ch. 5, §§ 6.01, 28.04, and 61.71 (Vernon 2000).
2. The State Office of Administrative Hearings has jurisdiction to conduct the hearing in this matter and to issue a proposal for decision containing findings of fact and conclusions of law pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon 2000).
3. Notice of the hearing was provided as required by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052 (Vernon 2000) and 1 TEX. ADMIN. CODE §§155.27 and 155.55.
4. Based upon the foregoing, Respondent's application for renewal of permits previously issued by the Commission, and referenced in Finding of Fact No. 1, should be denied pursuant to TEX. ALCO. BEV CODE ANN. § 28.04 (Vernon 2000).

SIGNED this 5th day of January, 2000.


TANYA COOPER

Administrative Law Judge

State Office of Administrative Hearing