

DOCKET NO. 588466

IN RE CAM GROUP INC.	§	BEFORE THE
D/B/A THE HOGG GRILL	§	
PERMIT NO. MB423894, LB423895,	§	
PE423896 & CB423897	§	TEXAS ALCOHOLIC
	§	
HARRIS COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-00-2253)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 1st day of June, 2001, 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 October 20, 2000, and adjourned October 20, 2000. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on May 9, 2001. 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 Permit Nos. MB423894, LB423895, PE423896, CB423897, are herein **SUSPENDED**.

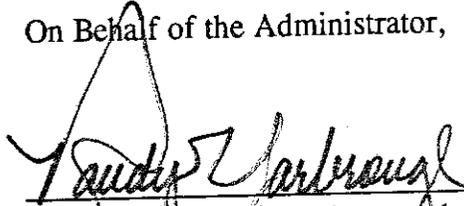
IT IS FURTHER ORDERED that unless the Respondent pays a civil penalty in the amount of \$750.00 on or before the 1st day of August, 2001, all rights and privileges under the above described permits will be **SUSPENDED** for a period of five (5) days, beginning at 12:01 A.M. on the 8th day of August, 2001.

This Order will become final and enforceable on June 22, 2001, 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 1st day of June, 2001.

On Behalf of the Administrator,



Randy Yarborough, Assistant Administrator
Texas Alcoholic Beverage Commission

KGG/vr

The Honorable Rex A. Shaver
Administrative Law Judge
State Office of Administrative Hearings
VIA FACSIMILE (713) 812-1001

Cam Group Inc.
d/b/a The Hogg Grill
P. O. Box 1331
Houston, TX 77251
CERTIFIED MAIL NO. 7000 1530 0003 1927 4880

Gayle Gordon
ATTORNEY FOR PETITIONER
TABC Legal Section

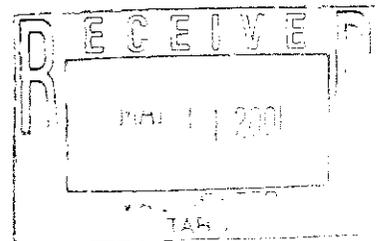
Licensing Division
Houston District Office

III. FINDINGS OF FACT

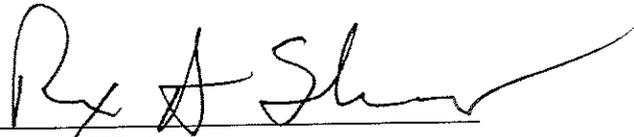
1. Respondent, Cam Group Inc. d/b/a The Hogg Grill, 711 Prairie, Houston, Harris County, Texas, holds Permit Nos. MB-423894, LB-423895, PE-423896 & CB-423897, issued by the TABC.
2. On August 30, 2000 the TABC sent notice to Respondent by certified mail, return receipt requested, of the hearing to be held October 20, 2000, at 9:00 a.m., regarding the alleged violation of the Code. The receipt indicates delivery to addressee on September 8, 2000.
3. The notice was sent to the Respondent's address of record, Cam Group Inc. d/b/a The Hogg Grill, Box 1331, Houston, TX 77251.
4. The hearing on the merits convened October 20, 2000, at 9:00 a.m., at the offices of the State Office of Administrative Hearings, 2020 North Loop West, Suite 111, Houston, Texas. The TABC was represented by attorney Gayle Gordon. The Respondent did not appear and was not represented at the hearing. The record closed the same day.
5. On December 25, 1999, February 4, 2000 and February 10, 2000 Respondent failed to timely pay for liquor from a wholesale dealer. in violation of TEX. ALCO. BEV. CODE § 1.01 et seq (Vernon 1995 & Supp. 2000) ("Code"), or the Texas Alcoholic Beverage Commission Rules 16 TAC § 31.1 et seq (West 2000).

IV. CONCLUSIONS OF LAW

1. The TABC has jurisdiction over this matter pursuant to subchapter B of Chapter 5, and §§6.01 and 11.61, of the TEX. ALCO. BEV. CODE.
2. SOAH 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.
3. Notice of the hearing was provided as required by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§2001.051 and 2001.052.
4. Based on Findings of Fact Nos. 1- 4, and Conclusion of Law No. 3, the TABC is entitled to a default decision against Respondent pursuant to 1 TAC § 155.55.
5. Respondent failed to timely pay for liquor from a wholesale dealer. in violation of TEX. ALCO. BEV. CODE § 1.01 et seq (Vernon 1995 & Supp. 2000) ("Code") and the Texas Alcoholic Beverage Commission Rules 16 TAC § 31.1 et seq (West 2000).
6. Based on the foregoing findings and conclusions, Respondent's permits Nos. MB-423894, LB-423895, PE-423896 & CB-423897 should be suspended for a period of 5 days or payment of a fine of \$750.00 or \$150.00 for each day of suspension pursuant to § 11.64 of the TEX. ALCO. BEV. CODE.



SIGNED this 9th day of May, 2001.



REX A. SHAVER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

