

DOCKET NO. 589949

IN RE RENEWAL APPLICATION	§	BEFORE THE
COCKTAILS ARE US, INC.	§	
D/B/A THE CASBAH	§	
PERMIT NOS. MB450842, LB450843,	§	TEXAS ALCOHOLIC
PE450844	§	
DALLAS COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-01-0452)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 2nd day of February, 2001, the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge Robert F. Jones, Jr. The hearing convened and adjourned on December 5, 2000. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on January 12, 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.

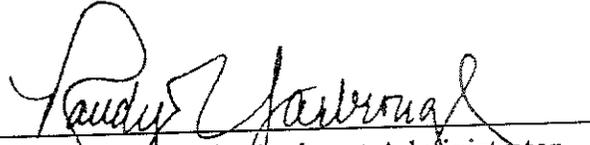
IT IS THEREFORE ORDERED, by the Assistant Administrator of the Texas Alcoholic Beverage Commission, pursuant to Subchapter B of Chapter 5 of the Texas Alcoholic Beverage Code and 16 TAC §31.1, of the Commission Rules, that renewal of Permit Nos. MB450842, LB450843, and PE450844 are herein **GRANTED**.

This Order will become final and enforceable on February 23, 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 2nd day of February, 2001.

On Behalf of the Administrator,


Randy Yarbrough, Assistant Administrator
Texas Alcoholic Beverage Commission

TEG/bc

The Honorable Robert F. Jones, Jr.
Administrative Law Judge
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Licensing Division
Dallas District Office

DOCKET NO. 458-01-0452

TEXAS ALCOHOLIC BEVERAGE
COMMISSION

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BEFORE THE STATE OFFICE

VS.

OF

COCKTAILS ARE US, INC.
D/B/A THE CASBAH
DALLAS COUNTY, TEXAS
(TABC CASE NO. 589949)

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Cocktails Are Us, Inc. d/b/a the Casbah (Respondent or the Casbah) sought renewal of a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit. The Staff of the Texas Alcoholic Beverage Commission (Staff) joined in protest of two persons, and sought non-renewal of the permits. This proposal finds that there are not reasonable grounds to believe the place or manner in which Respondent conducts its business warrants refusal of the permits. The Administrative Law Judge (ALJ) recommends the permits be renewed.

I. PROCEDURAL HISTORY & JURISDICTION

On May 12, 2000, Respondent filed a renewal application for a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit with the Texas Alcoholic Beverage Commission (TABC). Staff informed Respondent that TABC had received a protest against renewing the permits. The matter was referred to the State Office of Administrative Hearings. On December 5, 2000, a public hearing was convened before ALJ Robert F. Jones Jr., at 6333 Forest Park Road, Suite 150-A, Dallas, Dallas County, Texas. Staff was represented by Timothy E. Griffith, an attorney with the TABC Legal Division. Respondent appeared through its President Ali Nazary and its counsel, David C. Hill and Steve Shaw. Nineteen exhibits were admitted into evidence. The record was closed on December 20, 2000. Because notice and jurisdiction were not contested issues, those matters are addressed only in the Findings of Fact and Conclusions of Law.

II. DISCUSSION

A. Applicable Law

The TABC may refuse to issue an original permit if it has "reasonable grounds to believe" and finds that "the place or manner in which the applicant may conduct his business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency." §11.46(a)(8) of the Code. The TABC may "cancel an original or renewal permit" if "the place or manner in which the permittee conducts his business warrants the cancellation or suspension of the permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency." § 11.61(b)(7) of the Code. Generally, to

deny a permit to a qualified applicant to operate a lawful business in a wet area, some "unusual condition or situation must be shown so as to justify a finding that the place or manner in which the applicant may conduct his business warrants a refusal of a permit." *Texas Alcoholic Beverage Com'n v. Mikulenska*, 510 S.W.2d 616, 619 (Tex.Civ.App.-San Antonio 1974); *Elliott v. Dawson*, 473 S.W.2d 668, 670 (Tex.Civ.App.--Houston [1 Dist.] 1971).

The Code does not define how the place or manner in which a business might be operated would jeopardize the general welfare, health, peace, morals, or sense of decency of the people, giving the TABC discretion in making this decision. There is no "set formula." For example, the location and surroundings of a proposed business can be proper grounds for refusal of a license based on the general welfare. *Brantley v. Texas Alcoholic Beverage Com'n*, 1 S.W.3d 343, 347 (Tex.App.--Texarkana 1999); see, e.g., *Helms v. Texas Alcoholic Beverage Com'n*, 700 S.W.2d 607, 611 (Tex.App.--Corpus Christi 1985); *Ex parte Velasco*, 225 S.W.2d 921, 923 (Tex.Civ.App.-Eastland 1949) (location and surroundings of proposed premises and number of such licensed establishments in community are proper considerations and may be basis for refusal of license); but see *Carson v. State*, 216 S.W.2d 836, 836-37 (Tex.Civ.App.--Fort Worth 1949) (to the contrary). Traffic conditions around the proposed premises can constitute an "unusual condition or situation." *Bavarian Properties, Inc. v. Texas Alcoholic Beverage Com'n*, 870 S.W.2d 686, 688-90 (Tex.App.--Fort Worth 1994); *Dienst v. Texas Alcoholic Beverage Com'n*, 536 S.W.2d 667, 670-71 (Tex.Civ.App.--Corpus Christi 1976); but see *Kermit Concerned Citizens Committee v. Colonial Food Stores, Inc.*, 650 S.W.2d 208, 210 (Tex.App.--El Paso 1983) (to the contrary). On the other hand, noise may not be an unusual condition or situation. *In re Simonton Gin, Inc.*, 616 S.W.2d 274, 276 (Tex.Civ.App.-Houston [1st Dist.] 1981). In any case the evidence concerning the unusual condition or situation must be more than mere conclusions. *Id.* at 276.

B. Evidence

Karen Andreason, Ken Turetzky, Ali Nazary, Clarence Qualls, Kenneth Wilkins, Jarret Swan, Chau Nguyen, Thomas Castro, Marissa Dawson, and Scott Dawson were sworn and testified. Ms. Andreason and Mr. Turetzky spoke against the renewal. Mr. Dawson and Mrs. Dawson spoke for the renewal. Dallas Police officers Clarence Qualls, Kenneth Wilkins, Chau Nguyen, and Thomas Castro testified as to their experience with the Respondent. Jarret Swan, investigator of noise complaints for the City of Dallas Environmental & Health Services, testified as to his investigation of Respondent.

1. The Licensed Premises

The Casbah is located at 5039 Willis Avenue, Suite A, Dallas, Dallas County, Texas (the premises). It consists of space in single story building. The Casbah is a discotheque, and features recorded music and dancing. Since the Casbah has current licenses, the ALJ assumes that premises are located in within an area of Dallas, Texas, and Dallas County where sales of mixed beverages are legal, and that Respondent is legally qualified to receive a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit. See TABC Exhibit No. 2 (certified copies of Respondent's permits).

The building is located on the north side of Willis Avenue on a triangular block. It is bounded on the south by Willis Avenue and on the west by Central Expressway; Willis and Central Expressway meet at a right angle. Henderson runs northwest to southeast from Central Expressway to Willis. Pershing, the street on which Ms. Andreason, Mr. Turetzky, and Mr. and Mrs. Dawson live, runs south from Willis to the west of the Willis-Henderson intersection. Henderson is the frontage street for a number of commercial businesses. In particular, the "Barley House," the "Cuba Libre," and the "Old Monk" front upon Henderson. Each establishment features liquor sales and music. The Old Monk is bounded north, west, and east by (respectively) Willis, Pershing, and Henderson. The Old Monk is no more than one hundred feet from the Casbah, which is west of Pershing on Willis. Pershing Street is residential and is a part of the Cochran Heights neighborhood.

2. The Protestants

Ms. Andreason and Mr. Turetzky reside on Pershing, and spoke against the renewal. In addition, eighteen residents of Pershing signed a petition "to deny mixed beverage permit renewal for the Casbah." No moral opposition was expressed to the consumption of alcohol. Instead, complaints were made of past experiences with the premises. Specifically, Protestants pointed to noise, parking problems leading to trespass, acts of public drunkenness, and other nuisances as reasons why Applicant should be denied a renewal.

a. Witness Testimony

Ms. Andreason currently resides at 5122 Pershing. She had lived at 5214 Pershing, but moved to 5122, five hundred feet further from the Casbah, in early 2000. She moved because of noise from the Casbah which affected her sleep. Ms. Andreason testified that since the Casbah opened in 1999 there has been a "chronic" problem with noise, mainly the noise of music, from the Casbah. She asserted that the Casbah is the sole source of the noise problem, that the other local establishments such as the Old Monk are not the cause of loud music, and that there were no problems with loud music before the Casbah opened. Ms. Andreason described the neighborhood as an historic area and that she is a part of a movement to obtain a conservation district designation for Cochran Heights. In her opinion, the Casbah affects the property values in the neighborhood, and the quality of life. Ms. Andreason also complained of patrons, allegedly from the Casbah, parking on Pershing, in violation of a no parking ban posted on the street. She also said that patrons from the premises left trash and drug paraphernalia in the neighborhood yards and urinate outdoors.

Ms. Andreason asserted she had taken her complaints to Mr. Neinhast and Mr. Nazary of the Casbah. She described them as polite but unhelpful. She called the Dallas Police "many, many, many" times, to no avail. Ms. Andreason claimed that employees of the Casbah, ostensibly outside the premises to valet park patron vehicles, saw the police approaching, and caused the music to be turned down. When the police left, the music would then be turned back up to an objectionable level.

Ms. Andreason acknowledged owning three lots on Pershing, 5122 where she currently resides, 5214 where she used to reside, and 5203. She denied attempting to organize the neighborhood against the Casbah. She agreed that the Old Monk has outside seating, and outside speakers over which music was played, but disagreed that the Old Monk was the source of most of

the loud music. She asserted that Mr. Neinhast and Mr. Nazary always tried to blame the Old Monk for the noise caused by the Casbah. Ms. Andreason estimated she had called the police forty to fifty times. She had called to complain about the Barley House once, but never has complained about the Cuba Libre or the Old Monk.

Mr. Turetzky resides at 5215 Pershing, across the street from Ms. Andreason's old residence. He has lived in the neighborhood for nine years. Mr. Turetzky's complaints mirrored Ms. Andreason's. He stated, "Six nights a week, from 10 p.m. to 2 a.m., and even later, the Casbah sends out loud music, with an emphasis on pounding bass, into our homes." TABC Exhibit No. 4.

c. Documentary Evidence

Protestants offered TABC Exhibit No. 3, a Neighborhood Petition. The petition was gathered by Mr. Turetzky, and was signed by eighteen residents on Pershing. The petition is entitled "Petition to deny Mixed Beverage Permit renewal for the Casbah." The petition was admitted with a cover sheet addressed to the TABC which states, "We ask that you reject the application for renewal of a Mixed Beverage Permit for [the Respondent], and find that The Casbah has violated Sec. 28.11 of the Texas Alcoholic Beverage Code, 'Breach of Peace.'"

TABC Exhibit No. 4, a letter to the TABC, was written by Mr. Turetzky. This letter, dated May 12, 2000, complains that the Casbah has disturbed the quality of life in the neighborhood. He complained that the club played music with a heavy pounding bass line six nights a week. He alleged that the Casbah's customers were frequently drunk and disorderly, parked illegally, raced their vehicles up and down the street, had loud arguments, and left trash behind. Mr. Turetzky asserted that other businesses serving mixed drinks at the Casbah's location never caused a noise problem.

TABC Exhibit Nos. 5 and 5A are telephone logs kept by Mr. Turetzky from August 6, 1999 to April 21, 2000, and from November 3, 2000 to November 30, 2000. The telephone logs document sixty-one complaints Mr. Turetzky lodged with the Dallas Police. In particular, on November 5, 1999, Mr. Turetzky documented a police officer asking him if, in fact, the noise he was complaining about came from the Old Monk.

3. The TABC Staff's Position

In its posthearing brief, Staff noted that Ms. Andreason and Mr. Turetzky have made a "place and manner" protest of the Casbah's renewal application. Staff joined in the protest, and sought cancellation of Casbah's permits under §§11.46(a)(8) and 11.61(b)(7) of the Code. The Staff asserted that Ms. Andreason's and Mr. Turetzky's testimony are evidence of public urination, adverse impact on police resources, traffic congestion, parking problems, adjacency to a residential area, decrease in quality of life, decrease in property values, trash, criminal activity related to drugs, and noise as factors which demonstrate the code has been violated. The Staff noted that the "adverse impact" on the Cochran Heights neighborhood has continued over a substantial time period after Respondent was notified of the complaints.

4. The Applicant

a. Witness Testimony

Officer Clarence Qualls, Dallas Police Department (DPD), was called as a witness by the Casbah. Officer Qualls is a two-year veteran of the DPD. He has responded to noise complaints concerning the Casbah, and was on a special patrol in the area. The special patrol took place in the summer and fall of 1999, for approximately three months. During the patrol Officer Qualls was in the neighborhood from 10:00 p.m. to 2:00 a.m. on Fridays and Saturdays. He parked on Pershing next to the Old Monk, monitored parking violations in the Pershing neighborhood, and generally watched the area. Officer Qualls testified he often heard loud music from the Old Monk. He acknowledged he would hear music from the Casbah, but only when the door was opened. He responded to six or eight loud music complaints concerning the Casbah. When he was on patrol in the area, Officer Qualls would get out of his car and walk over to the Casbah. He would have to approach within thirty feet before hearing any music from the Casbah.

Sergeant Kenneth Wilkins, DPD, was in tactical command of the Casbah neighborhood between November 1998 and March 2000. Sergeant Wilkins initiated the "special patrols" in the area. On one occasion, Officer Qualls called him to the area with respect to a noise complaint at the Casbah. Officer Qualls told the sergeant he could not hear any music coming from the Casbah. Sergeant Wilkins testified that he did not hear music from the Casbah, but did hear music from the Old Monk.

DPD Officers Chau Nguyen and Thomas Castro also patrolled the area. Officer Nguyen identified the Old Monk as the noisiest establishment in the neighborhood and denied that the Casbah turned the volume of its music down, then up, as described by Ms. Andreason and Mr. Turetzky. Officer Castro responded to a call by Mr. Turetzky. Mr. Turetzky complained about music noise, but Officer Castro testified he personally could not hear it.

Jarret Swan, Dallas Environmental & Health Services, testified he monitored the Casbah for sound levels on November 11-12, 1999 (Friday night into Saturday morning), as the result of a complaint made by Mr. Turetzky. Mr. Swan set up his equipment in a vacant lot behind the Old Monk on Pershing. This position, according to Mr. Swan, blanked out the noise emanating from the Old Monk. The ambient noise level in the area was 57 decibels. Of the four measurements taken of the Casbah, three were under or equal to the ambient level, and one was over the ambient level, but well within the allowable level of 62 decibels. *See* Respondent Exhibit No. 5, page 4. Mr. Swan closed his investigation without issuing a violation to the Casbah. Mr. Swan acknowledged his instruments would not measure bass line sound.

Marissa and Scott Dawson reside at 5211 Pershing, next door to Mr. Turetzky. They have lived in the neighborhood for six years and have a one-year-old baby. Neither has a complaint concerning loud music from the Casbah. Both testified the loudest music comes from the Old Monk. Mrs. Dawson testified that Ms. Andreason had urged the neighborhood to call the police on the Casbah at every opportunity. Ms. Andreason denied making such a statement. Mr. Dawson works part-time at the Casbah and knows the head bartender there. However, the Dawsons denied that their

association with the Casbah would affect their testimony.

Mr. Ali Nazary testified as a representative of the Casbah. He is an officer of and a stockholder in Cocktails Are Us, Inc. d/b/a the Casbah. The Casbah is a discotheque.

According to Mr. Nazary, the Casbah has taken measures to reduce the noise coming from the premises. First, entry to the premises is through a side door and a fifty-foot hallway, so that music will not flow out as patrons enter the club. The exit to the premises is through two sets of doors with a dead space between the door sets, to again reduce the noise escaping from the club. The dance floor and speakers are in the rear of the club, away from the Willis side of the building. A lounge area provides further space to absorb noise and separates the dance floor and speakers from the exit doors. To reduce parking congestion, the Casbah offers valet parking away from the premises, near Central Expressway.

C. Analysis, Conclusion, and Recommendation

The ALJ finds that Respondent is legally qualified to possess a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit. The Casbah has no criminal history and no administrative history with the TABC. To deny a permit to Applicant some unusual condition or situation must be shown so as to justify a finding that the place or manner in which the applicant conducts its business warrants a refusal or cancellation of a permit. The refusal must also be based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency.

Although the Protestants made *pro forma* complaints concerning parking violations, trash, drug paraphernalia, and public urination, no evidence was admitted proving that *only* the Casbah's patrons parked illegally, made trash, sold or used drugs, or otherwise violated the law. These complaints were general in nature and the evidence connecting these complaints to the Casbah was anecdotal. For example, trash or drug paraphernalia are found or seen on the street, and their presence is simply ascribed to patrons of the Casbah, as opposed to patrons of the Barley House, the Cuba Libre, and the Old Monk, or a passerby. These complaints are mere conclusions, and cannot be a basis for the refusal of the Casbah's permits. *In re Simonton Gin, Inc.*, 616 S.W.2d 274, 276 (Tex.Civ.App.-Houston [1st Dist.] 1981). The true complaint lodged against the Casbah is the noise complaint.

The Staff argued that the police witnesses on "special patrol" admitted they parked in view of the Casbah, and thus gave the Casbah an opportunity to lower the volume of noise coming from the premises, at least while they were present. Since Mr. Nazary was aware of Jarret Swan's investigation, Staff inferred that Respondent turned down the volume to skew the results. The Staff complained that the Dawsons were obviously biased, and that Respondent failed to call every police officer who worked the area. Respondent's contention that the Old Monk was the source of the noise in the area was "typical but implausible." The Staff urged that it is unreasonable to believe that Ms. Andreason and Mr. Turetzky were mistaken as to the source of the noise, and would stay up to the early morning hours to make complaints about the wrong bar.

The Respondent countered that the Staff offered no evidence to show it had investigated the claims made by Ms. Andreason and Mr. Turetzky. Staff issued no warnings to the Respondent. See TABC Exhibit No.2. The Respondent noted that a violation of § 11.69(b)(9), which prohibits a "noisy, lewd, disorderly, or unsanitary establishment," calls for a three-day suspension for a first offense, and only calls for cancellation on a third violation. See Standard Penalty Chart, 16 TEX. ADMIN. CODE § 37.60. Respondent offered that while it called four police officers to testify, the Staff called none and then complained that Respondent did not call every available officer. Respondent pointed out that the burden of proof on this "place and manner" protest did not rest with the Respondent.

Without disparaging the credibility of Ms. Andreason and Mr. Turetzky on the one hand and the Dawsons and Mr. Nazary on the other, the ALJ notes that five witnesses with no interest in anything but objective facts described the Casbah as not contributing to the noise level of the Pershing neighborhood. Mr. Swan's scientific measurements showed the Casbah was not violating the Dallas noise ordinance. Officers Qualls, Wilkins, Nguyen, and Castro either were specifically on location to monitor noise or called to investigate a complaint. Their business was to enforce the law, and none of them ever issued a citation to the Casbah. All of the police, as well as Mr. Swan, pointed out that the Old Monk was a greater source of noise than the Casbah.

The Protestants have failed to demonstrate the issuance or renewal of the requested permits would be inconsistent with the public's safety or contrary to the public's general welfare, peace, morals, and public sense of decency. Reissuance of the permits would be consistent with the public's safety and the other considerations set forth in §§ 11.46(a)(8) and 11.61(b)(7) of the Code. Accordingly, the application should be granted in its entirety.

IV. FINDINGS OF FACT

1. On May 12, 2000, Cocktails Are Us, Inc. d/b/a the Casbah (Respondent) filed a renewal application for a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit with the Texas Alcoholic Beverage Commission (TABC) for a premise located at 5039 Willis Avenue, Suite A, Dallas, Dallas County, Texas (the premises).
2. Protests to the application were filed by Karen Andreason and Ken Turetzky alleging the place or manner in which the Applicant may conduct its business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency. The Staff of the TABC (Staff) joined in the protest.
3. On October 11, 2000, Staff issued a notice of hearing notifying all parties that a hearing would be held on the application and informing the parties of the time, place, and nature of the hearing, of the legal authority and jurisdiction under which the hearing was to be held, giving reference to the particular sections of the statutes and rules involved, and including a short, plain statement of the matters asserted.
4. The hearing was held on December 5, 2000, in Dallas, Dallas County, Texas, before Robert

F. Jones Jr., an administrative law judge with the State Office of Administrative Hearings (SOAH). Staff was represented by Timothy E. Griffith, an attorney with the TABC's Legal Division. Respondent appeared through its President Ali Nazary and its counsel, David C. Hill and Steve Shaw. Protestants Karen Andreason and Ken Turetzky appeared. The record was closed on December 20, 2000.

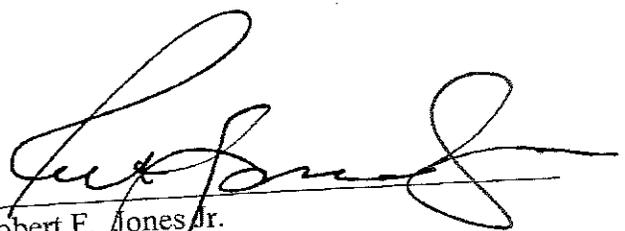
5. Respondent is legally qualified to receive a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit.
6. The Casbah has taken measures to reduce the noise coming from the premises.
7. The Casbah is constructed so that barriers and dead spaces prevent the escape of music out of the premises.
8. The Casbah is constructed so that the dance floor and music speakers are in the rear of the club, away from the Willis side of the premises.
9. The Casbah offers valet parking away from the premises to reduce parking congestion.
10. The Casbah is not louder than the noise level allowed by law in the neighborhood.
11. The Old Monk is a louder source of noise in the neighborhood than the Casbah.
12. There was no evidence admitted aside from general complaints that the place or manner in which the Casbah conducts its business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency.

V. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Chapter 5 of the Texas Alcoholic Beverage Code (the Code).
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with 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).
4. Based on the foregoing findings, issuance of the requested permits will not adversely affect the general welfare, peace, or morals of the people or violate the public sense of decency, pursuant to §11.46(a)(8) of the Code.

5. Based on the foregoing findings, issuance of the requested permits will not adversely affect the general welfare, peace, or morals of the people or violate the public sense of decency, pursuant to §11.61(b)(7) of the Code.
6. Based on the foregoing findings and conclusions, the application of Cocktails Are Us, Inc. d/b/a the Casbah for renewal of its Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit should be granted.

SIGNED January 12, 2001.



Robert F. Jones Jr.
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS