

DOCKET NO. 592436

IN RE ELSA LLAMAS RODRIGUEZ	§	BEFORE THE
D/B/A LA CONASUPO	§	
PERMIT NO. BQ304225	§	
	§	TEXAS ALCOHOLIC
	§	
HARRIS COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-01-2143)	§	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 Stephen J. Burger. The hearing convened and adjourned on April 25, 2001. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on May 7, 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 No. BQ304225 shall be **CANCELED FOR CAUSE**.

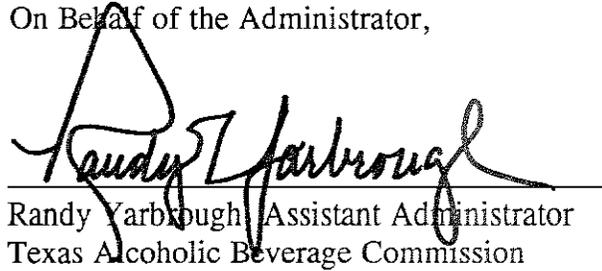
IT IS FURTHER ORDERED that unless all rights and privileges under the above described permit will be **CANCELLED FOR CAUSE**.

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 Yarbrough, Assistant Administrator
Texas Alcoholic Beverage Commission

CB/bc

The Honorable Stephen J. Burger
Administrative Law Judge
State Office of Administrative Hearings
Houston, Texas
VIA FACSIMILE (713) 812-1001

Elsa Llamas Rodriguez
d/b/a La Conasupo
RESPONDENT
4110 Woodcraft
Houston, Texas 77025
CERTIFIED MAIL NO. 7000 1530 0002 0152 6899

Christopher Burnett
ATTORNEY FOR PETITIONER
TABC Legal Section

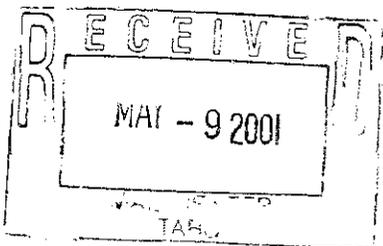
Licensing Division
Houston District Office

3. The notice was sent to the Respondent's address of record, 4110 Woodcraft, Houston, Texas 77025.
4. The hearing on the merits convened April 25, 2001, at 1:00 p.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 Christopher Burnett. The Respondent did not appear and was not represented at the hearing. The record closed the same day.
5. On or about October 25, 2000, Houston Police Officer J.M. Fondon, seized 7.2 pounds of marijuana at Respondent's licensed premises.

III. 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 upon Finding of Fact No. 5, the Respondent violated TEX. ALCO. BEV. CODE § 11.61(b)(7), and 16 TAC §35.31(b).
5. Based on Findings of Fact Nos. 2-4, and Conclusion of Law No. 3, the TABC is entitled to a default decision against Respondent pursuant to 1 TAC § 155.55.
6. Based on the foregoing findings and conclusions, Respondent's permit No. BQ304225 is canceled.

SIGNED this 7th day of May, 2001.




STEPHEN J. BURGER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS