



it contained the language in 12-point type required by the State Office of Administrative Hearings (“SOAH”) default rule.

At the hearing, the TABC presented Exhibit No. 1, the return receipt for a certified letter sent to the Respondent’s address of record, and Exhibit No. 2, the TABC’s license and permit history of Respondent.

The ALJ proposes the following Findings of Fact and Conclusions of Law.

## II. FINDINGS OF FACT

1. Respondent, James Curtis House, d/b/a The Dixie Pool Hall, Jefferson County, Texas, holds a Wine and Beer Retailer’s Permit, BG554675, which includes the Retail Dealer’s On-Premise Late Hours License, BL554676, issued by the TABC.
2. On August 1, 2006, the TABC sent notice to Respondent by certified mail, return receipt requested, of the hearing to be held September 22, 2006, at 9:00 a.m., regarding the alleged violations.
3. The August 1, 2006, notice from the TABC was sent to the Respondent’s mailing address of record, 2900 N. Twin City Hwy., Nederland, Texas 77627.
4. The hearing on the merits convened September 22, 2006, 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 Sandra Patton. The Respondent did not appear and was not represented at the hearing. The record closed the same day.
5. On April 28, 2006, and on February 2, 2006, Respondent or Respondent’s agent, servant, or employee, gave a check or draft for the purchase of beer that was dishonored when presented for payment, in violation of TEX. ALCO. BEV. CODE §§ 61.73 and 102.31.

## III. CONCLUSIONS OF LAW

1. The TABC has jurisdiction over this matter pursuant to subchapter B of Chapter 5, §§ 11.46, 11.61, 61.71 and 61.73 of the TEX. ALCO. BEV. CODE.
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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 §§ 61.73 and 102.31.
5. Based on the Findings of Fact and Conclusions of Law, the TABC is entitled to a default decision against Respondent pursuant to 1 TAC § 155.55.
6. Based on the foregoing Findings and Conclusions, a 10 day suspension of Respondent's permit and license is warranted.
7. Based on the foregoing Findings and Conclusions, Respondent should be allowed to pay a \$150 per day civil penalty in lieu of suspension of its permit and license.

**SIGNED November 20, 2006.**

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

# State Office of Administrative Hearings



**Shelia Bailey Taylor**  
**Chief Administrative Law Judge**

November 20, 2006

Alan Steen  
Administrator  
Texas Alcoholic Beverage Commission  
5806 Mesa Drive  
Austin, Texas 78731

VIA REGULAR MAIL

**RE: Docket No. 458-06-3021; Texas Alcoholic Beverage Commission vs. James Curtis House D/B/A The Dixie Pool Hall**

Dear Mr. Steen:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.59(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

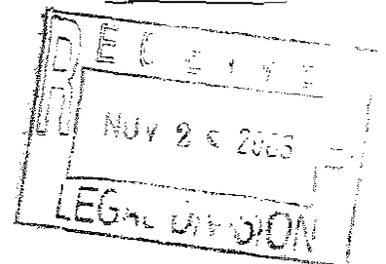
Sincerely,

A handwritten signature in black ink that reads "S J Burger".

Stephen J. Burger  
Administrative Law Judge

SJB/jh  
Enclosure

xc: Docket Clerk, State Office of Administrative Hearings- VIA REGULAR MAIL  
Sandra K. Patton, Attorney, Texas Alcoholic Beverage Commission, 427 W. 20<sup>th</sup> Street, Suite 600, Houston, TX 77008  
VIA REGULAR MAIL  
Lou Bright, Director of Legal Services, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731-  
VIA REGULAR MAIL  
James Curtis House D/B/A The Dixie Pool Hall, 2900 N. Twin City Hwy, Nederland, TX 77627 -VIA REGULAR MAIL



**DOCKET NO. 535078**

JAMES CURTIS HOUSE	§	BEFORE THE TEXAS
d/b/a THE DIXIE POOL HALL	§	
PERMIT/LICENSE NO(s). BG554675,	§	ALCOHOLIC
BL554676	§	
	§	
JEFFERSON COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-06-3021)	§	BEVERAGE COMMISSION

**WAIVER ORDER**

On this day the above-numbered and styled case came on for consideration. The following findings of fact and conclusions of law are hereby made:

JAMES CURTIS HOUSE, Respondent, is the holder of a Wine and Beer Retailer's On Premise Permit and a Retail On Premise Late Hours License, issued by the Texas Alcoholic Beverage Commission ("Commission") for the premises known as THE DIXIE POOL HALL, located at 2900 N. Twin City Hwy, Nederland, Jefferson County, Texas 77627 and whose mailing address is the same.

Respondent has waived hearing on the violation(s) listed on the attached Settlement Agreement and Waiver of Hearing, and accepts the penalty assessed below.

It is found that Respondent violated Sections 61.73 and 102.31 of the Texas Alcoholic Beverage Code.

**In accordance with the agreed waiver, Respondent's permit and license will be CANCELLED FOR CAUSE, EFFECTIVE IMMEDIATELY.**

**IT IS THEREFORE ORDERED** that the Respondent's permit and licenses will be **CANCELLED FOR CAUSE, EFFECTIVE IMMEDIATELY.**

This Order is final and enforceable on the date it is signed.

On this date of signature, service shall be made upon parties in the manner indicated below.

**SIGNED** on November 29, 2006.

On Behalf of the Administrator,



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Jeanne Fox, Assistant Administrator  
Texas Alcoholic Beverage Commission

James Curtis House  
d/b/a The Dixie Pool Hall

**RESPONDENT**

2900 N Twin City Hwy  
Nederland, TX 77627

***CERTIFIED MAIL NO. 7003 0500 0003 1524 4145***

***RETURN RECEIPT REQUESTED***

Sandra K. Patton

**ATTORNEY FOR THE COMMISSION**

Legal Services Division

Licensing Division

Beaumont District Office