

**DOCKET NO. 535304**

ROSA ANA MAINER	§	BEFORE THE TEXAS
D/B/A CHARLIE'S POOL HALL	§	
PERMIT NOS. MB463921, LB463922	§	
	§	ALCOHOLIC
HARRIS COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-06-3023)	§	BEVERAGE COMMISSION

**ORDER**

**CAME ON FOR CONSIDERATION** this 12<sup>th</sup> day of January 2007, 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 on October 6, 2006 and adjourned on the same date. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on December 4, 2006. The Proposal For Decision, attached hereto as Exhibit "A", 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, that 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 the renewal of Respondent's permits and licenses be **DENIED**.

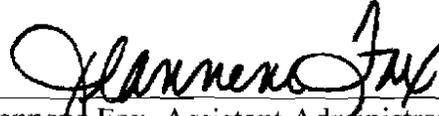
This Order will become final and enforceable on February 15, 2007 unless a Motion for Rehearing is filed **before** that date.

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By copy of this Order, service shall be made upon all parties in the manner indicated below.

**SIGNED** on this 12th day of January 2007, at Austin, Texas.

On Behalf of the Administrator,



Jeannene Fox, Assistant Administrator  
Texas Alcoholic Beverage Commission

**ADMINISTRATIVE LAW JUDGE**  
State Office of Administrative Hearings  
2020 North Loop West, Suite 111  
Houston, Texas 77018  
**VIA FACSIMILE: (713) 812-1001**

Rosa Ana Mainer  
d/b/a Charlie' s Pool Hall  
**RESPONDENT**  
22225 Katy Freeway  
Katy, Texas 77450  
**VIA CMRRR NO. 7005 3110 0000 6411 4270**

Ramona M. Perry  
**ATTORNEY FOR PETITIONER**  
TABC Legal Section

Licensing Division

Houston District Office

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At the hearing, the TABC presented Exhibit No. 1, the notice of hearing letter sent to Respondent's address on record that was returned to sender, 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, Rosa Ana Mainer, d/b/a Charlie's Pool Hall, Harris County, Texas, holds a Mixed Beverage Permit, MB-463921, and Mixed Beverage Late Hours Permit, LB-463922, issued by the TABC.
2. On August 30, 2006, the TABC sent notice to Respondent by certified mail, return receipt requested, of the hearing to be held October 6, 2006, at 9:00 a.m., regarding the alleged violation.
3. The August 30, 2006, notice of hearing from the TABC was sent to the Respondent's mailing address of record, 22225 Katy Freeway, Katy, Harris Co., Texas.
4. The hearing on the merits convened October 6, 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 Ramona Perry. The Respondent did not appear and was not represented at the hearing. The record closed the same day.
5. Respondent is indebted to the State of Texas for taxes, fees, or payment of penalties.

## 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.
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)(2) and 11.61(b)(5).
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, the renewal of Respondent's two licenses, Mixed Beverage Permit, MB-463921, and Mixed Beverage Late Hours Permit, LB-463922, is denied.

**SIGNED December 4, 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**

December 4, 2006

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

**VIA REGULAR MAIL**

**RE: Docket No. 458-06-3023; Texas Alcoholic Beverage Commission v. Rosa Ana Mainer d/b/a Charlie's 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. Burger".

Stephen J. Burger  
Administrative Law Judge

SJB/jh  
Enclosure

xc: Docket Clerk, State Office of Administrative Hearings- **VIA REGULAR MAIL**  
Ramona M. Perry, 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**  
Rosa Ana Mainer d/b/a Charlie's Pool Hall, 22225 Katy Freeway, Katy, Texas 77450 -**VIA REGULAR MAIL**

