

# State Office of Administrative Hearings

Shelia Bailey Taylor  
Chief Administrative Law Judge

March 18, 2008

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

**VIA REGULAR MAIL**

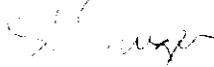
**RE: Docket No. 458-08-1155; Texas Alcoholic Beverage Commission v. Sokha Kuon  
Nos D/B/A 707 Grocery Store & Kolache**

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,



Stephen J. Burger  
Administrative Law Judge

SJB/jh  
Enclosure

cc: Docket Clerk, State Office of Administrative Hearings- **VIA REGULAR MAIL**  
Ramona 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**  
Sokha Kuon Nos d/b/a 707 Grocery Store & Kolache, 18547 Hwy 105 West, Montgomery, TX 77536 -**VIA**  
**REGULAR MAIL**

MAR 24 2008

2020 North Loop West, Suite 111 ♦ Houston, Texas 77018  
(713) 957-0010 Fax (713) 812-1001  
<http://www.soah.state.tx.us>



Respondent: the time, place and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; and a reference to the statutes and rules involved. Additionally, 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, which contained the notice of this hearing, and Exhibit No. 2, the TABC file of Respondent.

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

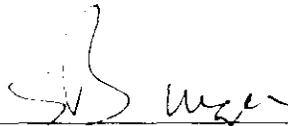
## II. FINDINGS OF FACT

1. Respondent, Sokha Kuon Nos, d/b/a 707 Grocery Store & Kolache, 18547 Hwy. 105 West, Montgomery, Montgomery County, Texas, holds License No. BF621051 and Permit No. Q621050, issued by the TABC.
2. On December 20, 2007, the TABC sent notice to Respondent of the hearing to be held January 18, 2008, at 9:00 a.m., regarding the alleged violation.
3. The December 20, 2007, notice from the TABC was sent via certified mail to the Respondent's address of record, 18547 Highway 105 West, Montgomery, Texas, 77356.
4. The hearing on the merits convened January 18, 2008, 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. On or about April 4, 2007, 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.

### III. CONCLUSIONS OF LAW

1. The TABC has jurisdiction over this matter pursuant to subchapter B of Chapter 5, §§ 6.01, 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 §§ 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 license and permit is warranted.
7. Pursuant to TEX. ALCO. BEV. CODE § 11.64, Respondent should be allowed to pay a \$1,500 civil penalty (\$150 per day) in lieu of suspension of its license and permit.

**SIGNED March 18, 2008.**



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