

FILE NUMBER 1678742

TEXAS ALCOHOLIC BEVERAGE COMMISSION	§	IN THE COUNTY COURT
	§	
PETITIONER	§	
	§	
BEE COUNTY SHERIFF CARLOS CARRIZALES, JR.; VELMA RODRIGUEZ; NORMA L. PENA; MARI ALEMAN; ORALIA GARCIA; BEATRICE M. PENA	§	
	§	
PROTESTANTS	§	OF
VS.	§	
	§	
ORIGINAL APPLICATION OF ALICIA ARISMENDEZ VELA D/B/A AL'S FRIENDLY DRIVE-INN BG	§	
	§	
RESPONDENT	§	
BEE COUNTY, TEXAS	§	
	§	
(TABC CASE NO. 574756)	§	BEE COUNTY, TEXAS

ORDER

Came on the 4th day of June, 2008 to be heard the above matter and after due consideration of the evidence submitted makes the following Findings of Fact and Conclusions of Law.

ALICIA ARISMENDEZ VELA, Respondent, has filed an original application for a Wine and Beer License with the Texas Alcoholic Beverage Commission ("Commission") for the premises known as AL'S FRIENDLY DRIVE-INN, located at 517 CRD 619, Skidmore, Texas 78389-9998, and whose mailing address is the same.

After review and due consideration, the Court finds the following:

1. On or about September 2007 to February 28, 2008, the licensed establishment located at 517 CRD 619, Skidmore, Texas 78389-9998 had numerous vehicles parked up and down the side of the 500 block of narrow county road 619 creating congestion and dangerous road conditions. [Testimony of Sheriff Carrizales, TABC Agents Bobby Pickett and Brian Tullis,

- Petitioner's Exhibits 3a and 3b (Bee County Sheriff's "Calls For Service – Call Information Sheet"),
2. That while under the previous permit and applicant's management, on numerous occasions of loud music and noisy customers on the premises, well past authorized hours for serving or selling alcoholic beverages. [Testimony of Sheriff Carrizales, TABC Agents Bobby Pickett and Brian Tullis, Petitioner's Exhibits 3a and 3b (Bee County Sheriff's "Calls For Service – Call Information Sheet")],
 3. That the customers of the licensed premises have urinated in public. [Testimony of Sheriff Carrizales, TABC Agents Bobby Pickett and Brian Tullis, Petitioner's Exhibits 3a and 3b (Bee County Sheriff's "Calls For Service – Call Information Sheet"), verified statement of protest filed by Ms. Rodriguez and signed by Norma Pena Mari Aleman, Oralia Garcia and Beatrice Pena, testimony of Respondent Alicia Vela].
 4. That Mr. Albino Torres, the former permit holder of A & R Drive Inn, is compromised by his mental and physical capacity. [Testimony of Respondent Alicia Vela]
 5. That there is insufficient evidence that Respondent ultimately gave a false statement to TABC Agent Bobby Pickett.
 6. That there is insufficient evidence that Applicant had an interest in the license issued to Mr. Torres. [Testimony of Respondent Alicia Vela and Applicant's witness Elmyra Casner, Respondents Exhibits 1 through 5].
 7. Applicant, Alicia Vela asserts she can abate the noise, parking, and public urination issues if given the opportunity. [Testimony of Alicia Vela].
 8. Applicant has abated the noise, parking, and public urination issues as verified by reports and pictures presented by TABC Agent Bobby Pickett. [Report of TABC Agent Bobby Pickett with pictures]

IV. CONCLUSIONS OF LAW

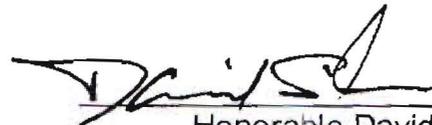
1. Proper and timely notice was provided to all parties.

2. The licensed premise under Applicant's management operated in a manner that created public nuisances against the public's general welfare, health, peace, morals, safety, and sense of decency in violation of Texas Alcoholic Beverage Code §61.42(a)(3).

3. The public nuisances found by the Court have been abated on the licensed premises as reported by TABC.

4. IT IS THEREFORE ORDERED THAT Respondent's original application for a Wine and Beer Retailers' Permit BE GRANTED.

Signed this 1 day of July 2008.



Honorable David Silva
Bee County Court Judge

Alicia Arismendez Vela
RESPONDENT
D/B/A Al's Friendly Drive-Inn
517 CRD 619
Skidmore, TX 78389-9998
VIA Regular U.S. Mail

PROTESTANTS:
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Bee County, 105 W. Corpus Christi, Room 110
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VIA FAX: (361) 362-3270

Bee County Sheriff
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Skidmore, TX 78389
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