

DOCKET NO. 573357

TEXAS ALCOHOLIC BEVERAGE COMMISSION	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
LAWRENCE JONES III	§	
LAWRENCE JONES JR.	§	
D/B/A LAWRENCE'S CASH GROCERY	§	ALCOHOLIC
LICENSE NO(s). BG400078	§	
	§	
	§	
HARRIS COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-08-4005)	§	BEVERAGE COMMISSION

**ORDER ADOPTING PROPOSAL FOR DECISION**

**CAME ON FOR CONSIDERATION** on this 10<sup>th</sup> day of October 2008, the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge Carrie K. McLarty. The hearing convened on August 15, 2008 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 August 28, 2008. The 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.

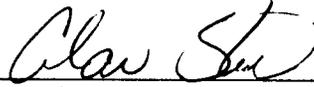
The Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge, that are contained in the Proposal For Decision and incorporates those Findings of Fact and 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 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 Respondent's license be **CANCELED FOR CAUSE**.

This Order will become final and enforceable on November 3, 2008 unless a Motion for Rehearing is filed before that date.

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

**SIGNED** this the 10<sup>th</sup> day of October, 2008, at  
Austin, Texas.



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Alan Steen, 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**

Lawrence Jones III  
Lawrence Jones Jr.  
d/b/a Lawrence's Cash Grocery  
**RESPONDENT**  
6709 Sherwood St.  
Houston, Texas 77021  
**VIA FIRST CLASS MAIL**

Lawrence Jones III  
Lawrence Jones Jr.  
d/b/a Lawrence's Cash Grocery  
**RESPONDENT**  
2919 Dowling Street  
Houston, Texas 77004  
**VIA FIRST CLASS MAIL**

Sandra K. Patton  
**ATTORNEY FOR PETITIONER**  
TABC Legal Section

Licensing Division

Houston Enforcement Office

SKP/aa

# State Office of Administrative Hearings

Cathleen Parsley  
Chief Administrative Law Judge

August 28, 2008

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

**VIA REGULAR MAIL**

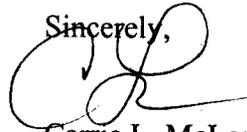
**RE: Docket No. 458-08-4005; Texas Alcoholic Beverage Commission vs. Lawrence Jones, Jr. and Lawrence Jones, III d/b/a Lawrence's Cash Grocery**

Dear Mr. Steen:

Please find enclosed an Amended 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,



Carrie L. McLarty  
Administrative Law Judge

CLM/mr  
Enclosure

xc: Docket Clerk, State Office of Administrative Hearings- **VIA REGULAR MAIL**  
Sandra Patton, Staff 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**  
Lawrence Jones, Jr. and Lawrence Jones, III, 6709 Sherwood Street, Houston, TX 77021 -**VIA REGULAR MAIL**

SOAH DOCKET NO. 458-08-4005

TEXAS ALCOHOLIC BEVERAGE  
COMMISSION,

Petitioner,

VS.

LAWRENCE JONES, III, AND  
LAWRENCE JONES, JR., D/B/A  
LAWRENCE'S CASH GROCERY

Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**AMENDED PROPOSAL FOR DECISION**

The Texas Alcoholic Beverage Commission (Petitioner) seeks to cancel the permit of Lawrence Jones, III, and Lawrence Jones, Jr., d/b/a Lawrence's Cash Grocery (Respondent), for failure to file an approved performance surety bond in the amount of \$2,000. Respondent failed to appear at the August 15, 2008 hearing in this case, and Petitioner moved for a default judgment. The Administrative Law Judge (ALJ) agrees with Petitioner's proposed cancellation of Respondent's permits

**I. PROCEDURAL HISTORY, JURISDICTION, AND NOTICE**

The hearing in this case was held on August 15, 2008, at the State Office of Administrative Hearings (SOAH), 2020 N. Loop W, Houston, Texas, before Carrie L. McLarty, ALJ. Petitioner appeared through Sandra Patton, Staff Attorney. Respondent did not appear at the hearing. Petitioner requested a default judgment based on Respondent's failure to appear.

Petitioner has jurisdiction over this matter pursuant to TEX. ALCO. BEV. CODE ANN. § 11.61. SOAH has jurisdiction over matters related to the hearing in this proceeding, including issuing this Proposal for Decision, pursuant to TEX. GOV'T CODE ANN. § 2003.021.

Petitioner sent a notice letter to Respondent on July 29, 2008, by certified mail, return receipt requested, article number 7006 0810 0000 2143 5364. The notice letter was received by Respondent as evidenced by signature on the certified mail green card.

Petitioner's notice letter complied with all requirements of 1 TAC § 155.55; accordingly, all of the allegations in Petitioner pleadings were deemed true without need of any testimony or additional evidence by Petitioner. As deemed admitted, the findings support the conclusion that the permit should be cancelled.

## II. PROPOSED FINDINGS OF FACT

- The hearing in Docket No. 458-08-4005 was held on August 15, 2008, before Administrative Law Judge Carrie L. McLarty in Houston, Texas. The Texas Alcoholic Beverage Commission (Petitioner) appeared through Staff Attorney Sandra Patton. Lawrence Jones, III, and Lawrence Jones, Jr., d/b/a Lawrence's Cash Grocery (Respondent) failed to appear at the hearing.
2. Petitioner sent a notice letter to Respondent on July 29, 2008. The letter provided the date, time, and location of the hearing, stated the legal authority under which the Petitioner was proceeding, stated the legal basis for Petitioner's determination, and gave a short, plain statement of the matters asserted. The letter also stated that, if Respondent failed to appear, the factual allegations in the notice would be deemed admitted as true, and the relief sought may be granted by default.
  3. The notice letter was mailed to Respondent by certified mail return receipt requested, article number 7006 0810 0000 2143 5364. The notice letter was received by Respondent as evidenced by signature on the certified mail green card.
  4. Respondent holds Wine and Beer Retailer's Permit BG400078 from TABC
  5. On September 6, 2007, Respondent applied for a renewal permit but failed to file an approved performance surety bond in the amount of \$2,000, as required by TEX. ALCO. BEV. CODE ANN. §§ 11.61(b)(1) and 61.71(l).