

**DOCKET NO. 590820**

TEXAS ALCOHOLIC BEVERAGE COMMISSION	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
REBECCA LOUISE WILKES	§	
D/B/A DOUBLE R'S HIDEOUT	§	ALCOHOLIC
PERMIT/LICENSE NO(s). BG645002, BL	§	
	§	
HARRIS COUNTY, TEXAS	§	
<b>(SOAH DOCKET NO. 458-10-3344)</b>	§	BEVERAGE COMMISSION

**ORDER ADOPTING PROPOSAL FOR DECISION**

**CAME ON FOR CONSIDERATION** this 27th day of July, 2010, the above-styled and numbered cause.

The hearing in the above matter was conducted by the State Office of Administrative Hearings, Administrative Law Judge Timothy Horan, presiding. The hearing convened on April 30, 2010, and the record was closed on the same date. The Administrative Law Judge made and filed a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law on June 1, 2010. The time for filing and ruling on any Exceptions and Replies to the PFD has passed.

The matter is before the Administrator, Texas Alcoholic Beverage Commission for review, consideration and entry of the final agency decision.

**It is Ordered** that the Findings of Fact and Conclusions of Law made and entered into the Proposal for Decision by the Administrative Law Judge are adopted by the Administrator as the Findings of Fact and Conclusions of Law of the Texas Alcoholic Beverage Commission.

**It is further Ordered** that the sanctions and penalties found to be warranted by the findings and conclusions of the Administrative Law Judge are adopted by the Administrator as the sanctions and penalties of the Texas Alcoholic Beverage Commission.

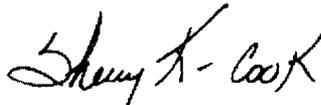
**IT IS THEREFORE ORDERED** that Respondent's permits and/or licenses be **CANCELED FOR CAUSE**.

This is a Final Order of the Commission. The terms of this Order will be enforced without further notice to the Respondent on August 20, 2010, 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 27th day of July, 2010, at  
Austin, Texas.

On behalf of the Administrator,



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Sherry K-Cook, Assistant Administrator  
Texas Alcoholic Beverage Commission

### **CERTIFICATE OF SERVICE**

I certify that each party or person with an interest in the above matter has been notified of the agency order in the manner indicated below on July 27, 2010.



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Joan C. Bates,  
Assistant General Counsel  
Texas Alcoholic Beverage Commission  
Legal Services Division

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

Rebecca Louise Wilkes  
d/b/a Double R's Hideout  
**RESPONDENT**  
15515 Garrett Road  
Houston, Texas 77044  
**VIA REGULAR MAIL**

Shelia A. Lindsey  
**ATTORNEY FOR PETITIONER**  
TABC Legal Section

Licensing Division

SAL/aa

# State Office of Administrative Hearings

RECEIVED

JUN 1 2010

TABC HOUSTON  
LEGAL

Cathleen Parsley  
Chief Administrative Law Judge

June 1, 2010

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

VIA REGULAR MAIL

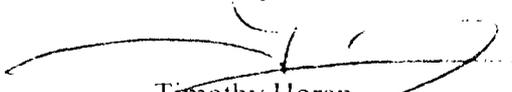
**RE: Docket No. 458-10-3344; Texas Alcoholic Beverage Commission v. Rebecca Louise Wilkes d/b/a Double R's Hideout**

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 § 155.507, a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,



Timothy Horan  
Administrative Law Judge

TH:rlm  
Enclosure

cc: Docket Clerk, State Office of Administrative Hearings- VIA REGULAR MAIL  
Shelia Lindsey, Staff Attorney, Texas Alcoholic Beverage Commission, 427 W 20<sup>th</sup> Street, Suite 600, Houston, TX 77008- VIA REGULAR MAIL (with exhibits and cd)  
Emily Helm, Director of Legal Services, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731- VIA REGULAR MAIL  
Rebecca Louise Wilkes d/b/a Double R's Hideout, 15515 Garrett Road, Houston, TX 77044 VIA REGULAR MAIL



On March 26, 2010, Petitioner issued its Notice of Hearing, directed to Rebecca Louise Wilkes d/b/a Double R's Hideout, 15515 Garrett Road, Houston, Texas 77044 via certified mail, return receipt requested, to Respondent's last known mailing address and it was returned to TABC as "unclaimed." After the taking of evidence, Staff moved for a default judgment pursuant to 1 TEX. ADMIN. CODE (TAC) § 155.501. Because the hearing proceeded on a default basis, Staff's factual allegations contained in the Notice of Hearing are deemed admitted as true; therefore, the ALJ has incorporated those allegations into the findings of fact without further discussion of the evidence.

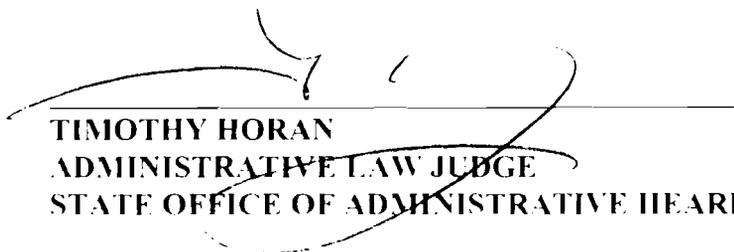
## II. FINDINGS OF FACT

1. Rebecca Louise Wilkes d/b/a Double R's Hideout (Respondent), located at 15515 Garrett Road, Houston, Harris County, Texas, holds Wine and Beer Retailer's On Premises Permit BG-645002, which includes the Retailer's On Premise Late Hours License.
2. On March 26, 2010, the staff of the Texas Alcoholic Beverage Commission (TABC) timely sent a Notice of Hearing by certified mail, return receipt requested, to Respondent's last known mailing address at 15515 Garrett Road, Houston, Texas 77044. The Notice of Hearing contained information regarding the date, time, and place of the hearing; the statutes and rules involved; and the legal authorities under which the hearing would be held; and the matters asserted.
3. The Notice of Hearing also contained language in 12-point, bold-face type informing Respondent that if she failed to appear at the hearing, the factual allegations against her would be deemed admitted as true, and the relief sought in the Notice of Hearing might be granted by default.
4. The hearing on the merits convened on April 30, 2010. Respondent did not appear at the hearing and the record was closed on the same day.
5. The hearing proceeded on a default basis, and the allegations contained in the Notice of Hearing were deemed admitted as true.
6. Respondent is shown on the records of the Comptroller of Public Account as being subject to a final determination of taxes due and payable under the Limited Sales, Excise and Use Tax Act (Chapter 151, Tex. Tax Ann) or is shown on the records of the Comptroller of Public Accounts as being subject to a final determination of taxes due and payable under Chapter 321, Tex. Tax Code Ann.

### III. CONCLUSIONS OF LAW

1. The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to Subchapter B of 5, § 11.61 of the Texas Alcoholic Beverage Code, TEX. ALCO. BEV. CODE ANN. § 1.01 *et seq.*
2. The State Office of Administrative Hearings has jurisdiction to conduct the administrative hearing in this matter and to issue a proposal for decision containing proposed findings of fact and conclusions of law pursuant to TEX. GOV'T CODE ANN. Ch. 2003.
3. Proper and timely notice of the hearing was provided as required by 1 TEX. ADMIN. CODE (TAC) §§ 155.401 and 155.501; and TEX. ALCO. BEV. CODE ANN. § 11.63.
4. Notice of the hearing was sufficient to allow entry of default judgment under State Office of Administrative Hearings Rules, 1 TAC §155.501.
5. Based on the above Findings of Fact, Respondent violated TEX. ALCO BEV. CODE ANN. 11.61 (c)(2).
6. Based on the above Findings of Fact and Conclusions of Law, Staff is entitled to a default judgment against Respondent pursuant to 1 TAC § 155.501.
7. Based on the foregoing Findings of Fact and Conclusions of Law, the cancellation of Respondent's permits is warranted.

**SIGNED June 1, 2010.**



**TIMOTHY HORAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**