

TEXAS ALCOHOLIC BEVERAGE  
COMMISSION

VS.

BOBBY FRAUSTO MALDONADO  
GLORIA YOLANDA MALDONADO  
D/B/A OUTLAW SPORTS BAR  
PERMIT/LICENSE NO(s). BG651932, BL  
TARRANT COUNTY, TEXAS  
(SOAH DOCKET NO. 458-10-3070)

§ BEFORE THE TEXAS  
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§ ALCOHOLIC  
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§ BEVERAGE COMMISSION

**ORDER**

The above-styled and numbered cause is before the Assistant Administrator, Texas Alcoholic Beverage Commission for consideration and entry of the agency order.

After proper notice was given, this case was heard by Administrative Law Judge Phyllis W. Cranz. The hearing convened on the 23<sup>rd</sup> day of March, 2010 and adjourned the same day. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on the 11<sup>th</sup> day of May, 2010. The Proposal For Decision was properly served on all parties who were given an opportunity to file Exceptions and Replies. No exceptions were filed.

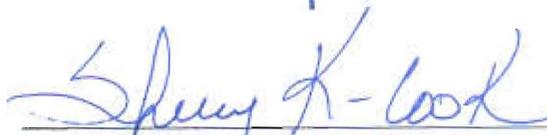
The Assistant Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision and Exhibits, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge.

**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 your license(s) is/are hereby CANCELLED.

This Order will become **final and enforceable** on the 26<sup>th</sup> day of July, 2010, unless a Motion for Rehearing is filed **before** that date.

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

**SIGNED** this the 2nd day of July, 2010, at Austin, Texas.

  
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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 the 2<sup>nd</sup> day of July, 2010.



Cecelia Brooks, Paralegal  
Texas Alcoholic Beverage Commission  
Legal Division

Honorable Judge Phyllis W. Cranz  
**ADMINISTRATIVE LAW JUDGE**  
State Office of Administrative Hearings  
Fort Worth, Texas  
**VIA FACSIMILE: (817) 377-3706**

Bobby Frausto Maldonado  
Gloria Yolanda Maldonado  
d/b/a Outlaw Sports Bar  
**RESPONDENT**  
1617 Lee Ave.  
Fort Worth, TX 76164  
**VIA REGULAR MAIL**

Judith L. Kennison  
**ATTORNEY FOR PETITIONER**  
TABC Legal Section

Licensing Division

Arlington District Office

**DOCKET NO. 458-10-3070**

**TEXAS ALCOHOLIC BEVERAGE  
COMMISSION, Petitioner**

**v.**

**BOBBY FRAUSTO MALDONADO AND  
GLORIA YOLANDA MALDONADO  
d/b/a/ OUTLAW SPORTS BAR  
Respondents  
TARRANT COUNTY, TEXAS  
(TABC No. 585969)**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

The Texas Alcoholic Beverage Commission (TABC) Staff brought this disciplinary action against Bobby Frausto Maldonado and Gloria Yolanda Maldonado d/b/a Outlaw Sports Bar (Respondents), alleging that they were subject to a final determination of taxes due and payable as shown on the records of the Texas Comptroller of Public Account, thus, in violation of the Texas Alcoholic Beverage Code. A hearing was scheduled and convened, however, the Respondents did not appear and were not represented. The Administrative Law Judge (ALJ) finds that TABC Staff's allegations are true and recommends that Respondents' license be suspended or cancelled.

**I. PROCEDURAL HISTORY**

On March 10, 2010, TABC Staff issued a Notice of Hearing to Respondents at their mailing address of record reflected on Respondents' permit and license, TABC No. BG651932 BL: 1617 Lee Avenue, Fort Worth, Texas 76164. The Notice of Hearing was sent by certified mail (7007 0710 0005 4782 8787), return receipt requested.

A hearing was convened as scheduled before ALJ Phyllis Cranz at the State Office of Administrative Hearings, at 6777 Camp Bowie Boulevard, Suite 400, Fort Worth, Texas 76107, on March 23, 2010. TABC Staff was represented at the hearing by Judith Kennison, a TABC Staff Attorney, via telephone conference call. Respondents did not appear and were not represented at the hearing.

During the hearing, documents were offered by TABC Staff and admitted into evidence to support a recommendation for default decision. The hearing concluded on March 23, 2010, and the record closed on that same day. The ALJ will proceed with consideration of TABC Staff's request for a default recommendation and forfeiture, as discussed below.

## II. REASONS FOR PROPOSED DECISION

Based on Respondents' failure to appear at the hearing, TABC Staff requested that the default provisions of 1 TEX. ADMIN. CODE § 155.501 be invoked. The ALJ finds that TABC Staff issued notice of the hearing in compliance with 1 TEX. ADMIN. CODE §§ 155.401 and 155.501, and TEX. ALCO. BEV. CODE. ANN. § 11.63. Pursuant to 1 TEX. ADMIN. CODE § 155.501, the allegations presented in the Notice of Hearing are deemed admitted as true. TABC Staff provided a copy of Respondents' licensing history, which is maintained by TABC Staff, in support of its request. Accordingly, the ALJ has incorporated these allegations into the Proposed Findings of Fact below. The findings support the requested penalty of cancellation or suspension of the permit and license.

## III. PROPOSED FINDINGS OF FACT

1. Bobby Frausto Maldonado and Gloria Yolanda Maldonado d/b/a Outlaw Sports Bar (Respondents) hold a Wine and Beer Retailer's On Premise Permit and Retailer's On Premise Late Hours License issued by the Texas Alcoholic Beverage Commission (TABC),

for the premises located at 115 Northwest 25<sup>th</sup> Street, Fort Worth, Tarrant County, Texas 76164.

2. On March 10, 2010, the TABC Staff issued a Notice of Hearing to Respondents at their mailing address of record reflected on Respondents' permit and license: 1617 Lee Avenue, Fort Worth, Texas 76164. This notice was sent by certified mail (7007 0710 0005 4782 8787), return receipt requested.
3. The Notice of Hearing contained a statement of the time, place and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a statement of the matters asserted.
4. The Notice of Hearing also properly disclosed in at least twelve-point, bold-face type that upon Respondents' failure to appear at the hearing, the factual allegations in the notice would be deemed as true, and the relief sought may be granted by default.
5. On March 23, 2010, a hearing was convened before ALJ Phyllis Cranz at the State Office of Administrative Hearings, at 6777 Camp Bowie Boulevard, Suite 400, Fort Worth, Texas 76107. TABC Staff was represented at the hearing by Judith Kennison, a TABC Staff Attorney via telephone conference call. Respondents did not appear and were not represented at the hearing.
6. Respondents were subject to a final determination of taxes due and payable under the Limited Sales, Excise and use Tax Act (Chapter 151, Texas Tax Code) as shown on the records of the Texas Comptroller of Public Account.

#### IV. PROPOSED CONCLUSIONS OF LAW

1. The Texas Alcoholic Beverage Commission has jurisdiction over this proceeding pursuant to TEX. ALCO. BEV. CODE ANN. ch. 5.
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to conducting a hearing in this proceeding, including the preparation of a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.
3. Based upon the above Proposed Findings of Fact, Staff issued its notice of hearing in compliance with 1 TEX. ADMIN. CODE §§ 155.401 and 155.501 and TEX. ALCO. BEV. CODE ANN §§ 5.43 and 11.015.
4. Based upon the above Proposed Findings of Fact, the hearing proceeded on a default basis as authorized by 1 TEX. ADMIN. CODE § 155.501.

5. Based upon Proposed Finding of Fact No. 6, Respondents violated TEX. ALCO. BEV. CODE ANN §§ 61.712 and 11.61(c).
6. Based upon Proposed Findings of Fact Nos. 6, Conclusion of Law No. 5, and TEX. ALCO. BEV. CODE ANN., Respondents' permit and license may be suspended or cancelled.

**SIGNED May 11, 2010.**



**P. W. CRANZ**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**