

DOCKET NO. 624272

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
JOSE ANTONIO BECERRIL D/B/A NIGHT CLUB MONTE CARLO, Respondent	§	ALCOHOLIC
	§	
	§	
PERMIT/LICENSE BG808882, BL	§	
	§	
HARRIS COUNTY, TEXAS (SOAH DOCKET NO. 458-14-3226)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 22nd of April, 2015, the above-styled and numbered cause.

After proper notice was given, this case was heard by the State Office of Administrative Hearings (SOAH), with Administrative Law Judge Stephen Burger presiding. The hearing convened on July 18, 2014, and the SOAH record closed on that same date. Respondent did not appear and was not represented at the hearing. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on August 1, 2014. 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. No exceptions were filed.

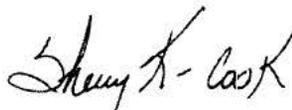
After review and due consideration of the Proposal for Decision, I adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Proposal for Decision, and incorporate those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein.

All motions, requests for entry of Proposed Findings of Facts and Conclusions of Law, and any other requests for general or specific relief submitted by any party are denied, unless specifically adopted herein.

IT IS THEREFORE ORDERED that Conduct Surety Bond No. 5134681, issued by SureTec Insurance Company as Surety and with Respondent as Principal, be **FORFEITED** to the State of Texas.

This Order will become final and enforceable on the 16th day of May, 2015, unless a Motion for Rehearing is filed on or before the 15th day of May, 2015.

SIGNED this the 22nd day of April, 2015, at Austin, Texas.



Sherry K-Cook, Executive Director
Texas Alcoholic Beverage Commission

CERTIFICATE OF SERVICE

I certify that the persons listed below were served with a copy of this Order in the manner indicated below on this the 22nd day of April, 2015.



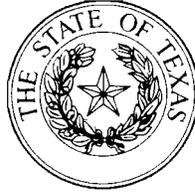
Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

Stephen Burger
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
2020 North Loop West, Suite 111
Houston, TX 77018
VIA FACSIMILE: (512) 322-2061

Jose Antonio Becerril
d/b/a Night Club Monte Carlo
RESPONDENT
19923 Cypresswood Square
Spring, TX 77373
VIA FIRST CLASS MAIL, CMRRR #70120470000133035183
AND
VIA REGULAR FIRST CLASS MAIL (NOT CERTIFIED)

Sandra K. Patton
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: sandra.patton@tabc.texas.gov

State Office of Administrative Hearings



AUG 4 2014

Cathleen Parsley
Chief Administrative Law Judge

August 1, 2014

Sherry Cook
Administrator
Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, Texas 78731

VIA REGULAR MAIL

RE: SOAH Docket No. 458-14-3226; Texas Alcoholic Beverage Commission vs. Jose Antonio Becerril d/b/a Night Club Monte Carlo (TABC CASE No. 624272)

Dear Ms. Cook:

Please find enclosed a Proposal for Decision in this case. It contains my recommendations and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "S. Burger".

Stephen Burger
Administrative Law Judge

SB/cj
Enclosure

xc Sandra K. Patton, Staff Attorney, Texas Alcoholic Beverage Commission, 427 W. 20th Street, Suite 600, Houston, TX 77008 - **VIA REGULAR MAIL**
Emily Helm, General Counsel, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - **VIA REGULAR MAIL**
Judith Kennison, Senior Attorney, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - **VIA REGULAR MAIL**
Jose Antonio Becerril d/b/a Night Club Monte Carlo; 19923 Cypresswood Square; Spring, TX 77373 - **VIA REGULAR MAIL**

3. The notice of hearing informed Respondent of the time, date, and location of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and included a short, plain statement of the matters asserted.
4. The notice of hearing also contained language in 12-point, bold-face type informing Respondent that if he failed to appear at the hearing, the factual allegations against he would be deemed admitted as true, and the relief sought in the notice might be granted by default.
5. The hearing convened on July 18, 2014, before Administrative Law Judge Stephen Burger at the State Office of Administrative Hearings (SOAH) office in Houston, Texas. Staff was represented by Staff Attorney, Sandra K. Patton. Respondent did not appear and was not represented at the hearing.
6. Staff moved for a default, which was granted.
7. The allegations contained in the notice are deemed admitted as true.
8. On or about February 6, 2014, Respondent's permit and/or license were cancelled for cause by the Commission.

II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code (Code) Chapter 5 and § 11.61.
2. SOAH has jurisdiction over all matters related to conducting a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to Texas Government Code Chapter 2003.
3. Proper and timely notice of the hearing was provided as required by Texas Government Code §§ 2001.051 and 2001.052.
4. Respondent violated Code §§ 11.11 and 16 TAC-§ 33.24.
5. Based on Finding of Fact No. 8, forfeiture of Respondent's conduct surety bond or alternative form of surety is proper pursuant to Code § 11.11 and 16 Texas Administrative Code § 33.24(l).
6. Based on the foregoing Findings of Fact and Conclusions of Law, Respondent's conduct surety bond, certificate of deposit or letter of credit is forfeited.

SIGNED August 1, 2014.


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