



# **COMMISSION MEETING**

***June 28, 2007***

Texas Alcoholic Beverage Commission  
5806 Mesa Drive  
Austin, Texas 78731

*John T. Steen, Jr., Chairman  
San Antonio*

*Gail Madden, Member  
Dallas*

*Jose Cuevas, Jr., Member  
Midland*

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# **AGENDA**

## **REGULAR COMMISSION MEETING**

**10:30 a.m. – June 28, 2007**

5806 Mesa Drive  
Austin, Texas 78731



Alan Steen  
Administrator

TEXAS ALCOHOLIC BEVERAGE COMMISSION  
5806 Mesa Drive, Suite 185  
Austin, Texas 78731

John T. Steen, Jr.  
Chairman-San Antonio

Gail Madden  
Member-Dallas

José Cuevas, Jr.  
Member-Midland

Thursday, June 28, 2007  
10:30 a.m.

AGENDA

1. Call to Order	John T. Steen, Jr.
2. Approval of Commission Meeting Minutes of May 31, 2007	John T. Steen, Jr.
3. Administrator's Report: Administrator and Agency Activities, Budget Issues, Staff Achievements	Alan Steen
4. Shattered Dreams Awards	Christina Guerra
5. Legislative Update	<b>Jeannene Fox</b>
6. Enforcement Division Update	Joel <b>Moreno</b>
7. Third Quarter Performance Measures	Joel <b>Moreno</b> Amy Harrison Diana <b>Gonzalez</b>
8. Future Commission Meeting Dates--Discussion, Comment, and Possible Vote: - Friday, July 27, 2007 - Friday, August 24, 2007 - Friday, September 28, 2007 - Friday, October 26, 2007 - Friday, November 30, 2007 - Tuesday, December 18, 2007	John T. Steen, Jr.
9. Public Comment	John T. Steen, Jr.
10. Executive Session to Consult with Legal Counsel Regarding Pending and Anticipated Litigation Against the Agency and <b>Office</b> of Professional Responsibility Personnel Investigations and to Discuss the Duties, Responsibilities, and Evaluation of the Administrator (Govt. Code 5551.071, 5551.074)	John T. Steen, Jr.
11. Adjourn	John T. Steen, Jr.

- Note - Items may not necessarily be considered in the order they appear on the agenda.*
- Executive session for advice of Counsel (pursuant to §551.071 of the Government Code) may be called regarding any agenda item.
  - Action may be taken on any agenda item.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services (such as interpreters for persons who are deaf, hearing impaired readers, large print, or Braille) are requested to contact Renee Johnston at (512) 206-3217 (voice) (512) 206-3203 (fax), or (512) 206-3270 (TDD), at least three (3) days prior to the meeting so that appropriate arrangements can be made.



# **MINUTES**

## **REGULAR COMMISSION MEETING**

**10:30 a.m. – June 28, 2007**

5806 Mesa Drive  
Austin, Texas 78731



## **COMMISSION MEETING MINUTES**

**June 28, 2007**

The Commissioners of the Texas Alcoholic Beverage Commission (TABC) met in Regular Session on Thursday, June 28, 2007, at the Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Suite 185, Austin, Texas.

**PRESIDING:** John T. Steen, Jr.

**COMMISSIONERS**

**PRESENT:** Jose Cuevas, Jr.

**STAFF PRESENT:** Alan Steen, Administrator

Mona Appling, Data Administrator, Information Resources

Carolyn Beck, Public Information Officer, Executive

Lou Bright, General Counsel, Legal Services

Loretta Doty, Director of Human Resources

Del Drake, Captain, Office of Professional Responsibility

Jeannene Fox, Assistant Administrator

Buck Fuller, Director of Compliance

Diana Gonzalez, Assistant Director of Compliance

Christina M. Guerra, Lieutenant, San Antonio

Amy Harrison, Director of Licensing

Joe Iagnemmo, System Support Specialist, Information Resources

Amy Igo, Legal Assistant/Open Records/Legal Services

Linda Jackson, Administrative Assistant, Executive

Charlie Kerr, Director of Business Services

Joel Moreno, Acting Chief of Enforcement

Santos Saldana, Jr., Program Supervisor, POE/HQ

Tana Travis, Agent, Fort Worth

Karen Smith, Lieutenant, Fort Worth

Art Valdez, Sergeant, Houston

Rod Venner, Deputy Assistant Chief of Enforcement

***GUESTS PRESENT:***

Amanda Ballard, Student, Medina Valley High School  
Andrea Bergia, Legislative Aide, Representing Mignon  
McGarry  
Sherri Demmer, Trauma Outcomes Manager, Wilford  
Hall Medical Center  
Vincente Galloway, Deputy, Travis County Sheriff's  
Office  
Emily Hardt, Medina Valley High School  
Val Hardt, Medina Valley High School  
Nick Lovelace, Student, Medina Valley High School  
Rebecca Jewkes, Teacher, La Porte Independent  
School District  
Cheryl Jones, Medina Valley High School  
Keith Jones, Teacher, Medina Valley High School  
James Kitchens, Deputy Sheriff, Travis County  
Sheriffs Office  
Joanne Kolius, Principal, La Porte High School  
Molly Kresta, Teacher, El Campo High School  
Casey Legan, Visitor, Medina Valley High School  
Jack Martin, Attorney, Jack Martin and Associates  
Kyle Mill, Attorney, Jack Martin and Associates  
Alfonso Royal, Budget Analyst, Office of the Governor  
Paul Shannon, Captain, Wharton Fire Department  
Katie Selph, Medina Valley High School  
Diann Srubar, Principal, El Campo High School  
Freddie Villarreal, Tejano Center, Houston  
Lizette Villarreal, Project Coordinator, UT Health  
Science Center at San Antonio  
Anntoinetta Whitewolfe, Social Science Research  
Associate, UT Health Science Center at San  
Antonio  
Brian Whitfield, Medina Valley High School  
Denise Whitfield, Parent, Medina Valley High School  
Alfonso Yanez, Officer, Houston Police Department

**CALL TO ORDER**

Chairman John T. Steen, Jr., called the meeting of the Texas Alcoholic Beverage Commission to order.

## **APPROVAL OF COMMISSION MEETING MINUTES OF MAY 31, 2007**

There being no additions or corrections, Commissioner Jose Cuevas moved that the minutes of May 31, 2007, be approved as presented. Chairman Steen seconded. The motion carried.

## **ADMINISTRATOR'S REPORT**

Chairman Steen called upon Administrator Alan Steen to provide the Administrator's report on Administrator and agency activities, budget issues, and staff achievements. Administrator Steen reported the following:

- Staff met with the Greater Houston Retailers Association and other retailer associations from around the state to discuss licensing, public safety, and enforcement initiatives. TABC meets periodically with the different retailer associations and has developed a good working relationship with them. Staff also met with the El Paso Bar Owners Association (ELBOA). Staff have been working closely with this association, and TABC enjoys a good working relationship with the association. ELBOA members recognized Lieutenant Marc Decatur with an award during the ELBOA meeting.
- Staff continue to analyze passed legislation amending the Alcoholic Beverage Code. Administrator Steen stated that Assistant Administrator Jeannene Fox would go into more detail on the legislative update later in the agenda. **Administrator Steen stated that he and Business Services Director Charlie Kerr would meet with Commissioner Cuevas prior to the July Commission meeting to review the 2008-2009 budget.**
- Interviews for the vacant agent positions have been completed. Administrator Steen noted that there was a very impressive pool of applicants around the state, noting the group was well experienced and diverse. The agents will start work with the agency on September 4, 2007.

Administrator Steen asked General Counsel Lou Bright to introduce a new staff member in Legal Services. Mr. Bright introduced Amy Igo, Legal Services Open Records Coordinator. The Commissioners welcomed Ms. Igo to the agency.

## **SHATTERED DREAMS AWARDS**

Chairman Steen called upon Christina Guerra, Lieutenant of Region 5, to commence the Shattered Dreams award presentation (Attachment 1).

Lieutenant Guerra thanked the Commissioners and staff for giving time on the agenda for recognition of the Shattered Dreams program. She introduced Lizette

Villarreal and Annie Whitewolf with the South Texas Injury Prevention and Research Center affiliated with the University of Texas Health Science Center at San Antonio, and Sherri Demmer of the Wilford Hall Medical Center at Lackland Air Force Base. Ms. Demmer began the announcements of the awards:

### Passionate Educator Award

The Passionate Educator Award honors exceptional school employees who have worked feverishly in their school to make the Shattered Dreams program a success.

Nominees:

- Molly Kresta, El Campo High School
- Joanne Kolius, La Porte High School
- Tina Jones, **Burnet** Independent School District
- Kim Couvillion, El Campo High School
- Elizardo Hernandez, Robert G. Cole Jr/Sr High School
- Carlos Rodriguez, Raul Yzaguirre School for Success

Ms. Demmer announced that the 2007 Passionate Educator was Elizardo Hernandez, Assistant Principal of the Robert Cole High School in San Antonio. Lieutenant Guerra stated that Mr. Hernandez had a conflict and could not be in attendance; however, she wanted to point out that this project was the first ever conducted on a military base. The nominees in attendance were then recognized by the Commissioners and presented a plaque.

### Outstanding Follow-Up Project

The Outstanding Follow-Up Project Award honors a project that was created as an extension of the Shattered Dreams program to continue educating students, parents, and the community on the problems of underage drinking and impaired driving.

Nominees:

- **DrugFree** Greenville (Board of Directors)
- Robert G. Cole High School Shattered Dreams Song (Michelle **McClendon** and James Phillips)
- Medina Valley High School SADD Follow-Up Project (Amanda **Ballard**, Gerri Butler, Cheryl Jones, Nick Lovelace, Kathy Moody, Doug Northern, Kevin Rakoski, Katie Selph, and Brian **Whitfield**)

Ms. Demmer announced that the winner of the Outstanding Follow-Up Project was the Medina Valley High School SADD Follow-Up Project. Lieutenant Guerra recognized Emily Hardt and Cheryl Jones, noting that they were the ones who initiated this student-led project.

### Catalyst Award

The Catalyst Award honors outstanding community individuals who have worked to promote the Shattered Dreams program in their community.

Nominees:

- Emily Hardt, Medina Valley High School
- Margaret Perez, Raul Yzaguirre School for Success
- Jason Horn, Rader Funeral Home
- Gil Jones, District Judge
- Freddie Villareal, Raul Yzaguirre School for Success.

Ms. Demmer announced Freddie Villareal, Intervention Specialist at Raul Yzaguirre School for Success, to be the winner of the Catalyst Award.

### Public Servant Award

The Public Servant Award honors individuals from the TABC, fire department, EMS, police department, and law enforcement who go above and beyond to provide support to a community's Shattered Dreams program.

Nominees:

- Paul Shannon, Wharton Volunteer Fire Department
- Art Valdez, TABC Enforcement Division - Houston
- Jim Shock, Crosbyton City Police Department
- Tana Travis, TABC Enforcement Division – Fort Worth
- John Erskine, Burnet Fire Marshall
- Sam Rodriguez, Memorial Hermann Hospital
- Sherri Demmer, Wilford Hall Medical Center

Lieutenant Guerra announced that Paul Shannon, Mock Crash Coordinator/Captain at the Wharton Volunteer Fire Department, was the 2007 Public Servant.

Lieutenant Guerra stated that there were two nominees that could have been in all of the award categories. For one of them, a special award category was chosen this year to recognize that individual. The special award is the Most Visible Agent Award, which recognizes the hard work and dedication an individual from TABC has put into ensuring that the Shattered Dreams program was executed flawlessly. She announced that Tana Travis, TABC Agent at the Fort Worth Enforcement Division, was the winner of the Most Visible Agent Award.

Another award category that will be given periodically is the Shattered Dreams Lifetime Achievement Award. This award is used to express gratitude for the hard work and dedication an individual has placed into the Shattered Dreams program throughout his or her career. Lieutenant Guerra announced that Art Valdez, TABC Sergeant at the Houston Enforcement Division, was the Shattered Dreams Lifetime Achievement Award winner. She noted Sergeant Valdez' commitment during his tenure at TABC to reducing underage drinking and stated that he would be retiring this year.

The Commissioners expressed their appreciation to all of the nominees. Chairman Steen thanked Lieutenant Guerra for her efforts in the Shattered Dreams program.

### **LEGISLATIVE UPDATE**

Chairman Steen asked Charlie Kerr, Director of Business Services, the status of the 2007 budget. Mr. Kerr responded that while there were a few more retirements than anticipated, the budget was fine.

Chairman Steen called upon Jeannene Fox, Assistant Administrator, to provide the legislative update.

Ms. Fox stated that the agency had 22 bills that had been signed by the Governor. She stated she would review all but one of those bills in her presentation. The one bill—Senate Bill 904, which is the agency's Sunset bill—would be reported separately by mail, which will address each section along with the management issues and implementation dates. Ms. Fox briefly reviewed the bills amending the Alcoholic Beverage Code that had been passed and sent to the Governor (Attachment 2). She stated that there may be six or seven rules that the agency may need to pass this summer or early fall. Chairman Steen asked why there were different effective dates on some of the bills. Ms. Fox explained that September 1<sup>st</sup> is generally the effective date for most bills. However, some bills that are passed by over a certain number of votes in the Senate and the House would be effective the date the bills were signed by the Governor.

**Ms. Fox stated that she would report at the next Commission meeting on bills that were passed that impact TABC but that do not amend the Alcoholic Beverage Code.**

### **ENFORCEMENT DIVISION UPDATE**

Chairman Steen called upon Joel Moreno, Acting Chief of Enforcement, to provide an update on the Enforcement Division.

Chief **Moreno** displayed a framed House Resolution sponsored by Representative Rick Noriega in appreciation of **TABC's** assistance with Hurricane Katrina. A framed resolution is being provided to the **offices** of Austin, Beaumont, Bryan, Corpus Christi, Victoria and the Houston area as well as the Headquarters Enforcement Division and Commission Conference Room.

Chief **Moreno** provided a brief history of his 23-year-career with the agency. He then provided an update on his recent activities:

- Chief **Moreno** traveled to Houston and met with staff to discuss agency direction, obtain feedback, and answer questions about legislative bills. While in Houston, he also met with the Greater Houston Retailers Association and other statewide retailer associations.
- The Chief also met with El **Paso** office staff.
- Chief **Moreno** noted that a major topic of discussion among staff has been the physical requirement bill passed this last legislative session. Chief **Moreno** explained that **TABC** staff have met with staff at the Department of Public Safety (DPS) and the Texas Parks and Wildlife to hire a law enforcement consultant. This consultant would then survey **TABC** agents to determine the physical requirements. Chief **Moreno** noted that his position is exempt from the physical requirements; however, he will voluntarily undergo the testing requirement. Chairman Steen asked Chief **Moreno** to further explain the bill. Chief **Moreno** stated that the bill requires that Class C Schedule employees be tested under the agency's physical requirement policy. In addition, the agency must report by November 2008 to the Governor's, Lieutenant Governor's, and Speaker's offices on those who did not pass the physical requirement test. Chairman Steen asked what DPS' policy currently requires. Chief **Moreno** responded that DPS requires annual testing of such physical requirements as push-ups, sit-ups, and running a mile. DPS will work with those **officers** who did not pass the test; DPS is currently at an 80% pass rate. Chief **Moreno** added that the bill allows for exemptions based on individual cases, including whether an officer was injured in the line of duty.
- Staff continue to work on the promotional process which will be conducted each September. Staff are working to ensure that the process is consistent.
- Chief **Moreno** reported that the Licensing Standards Investigation section has been doing a great job these past few months, noting that the staff have developed a monthly tracking system for the field and Headquarters and has been involved in numerous training sessions, such as identify theft. The staff have also been working closely with Target and Randall's in investigating the theft of alcoholic beverages that are being resold in convenience and package stores.

## THIRD QUARTER PERFORMANCE MEASURES

Chairman Steen called upon Chief **Moreno**; Amy Harrison, Licensing Director; and Diana Gonzalez, Assistant Director for Compliance, to discuss the third quarter performance measures for their divisions.

Chief **Moreno** reported on the Enforcement Division's performance outcomes for September 2006 through May 2007 (Attachment 3).

Ms. Harrison reported on the third quarter key measures for the Licensing Division (Attachment 3).

Commissioner Cuevas asked about the overtime being worked by the Licensing Division staff. Ms. Harrison was happy to report that division staff are catching up on the backlog. She stated she has an incredible group of staff, which are goal-oriented and competitive to get the workload down. Commissioner Cuevas asked Ms. Harrison if staff were getting "burned out" and if there was anything the Commission could do to help. Ms. Harrison stated that the Health and Safety Committee sponsored an employee barbeque yesterday, which was a great opportunity for Licensing staff to take a break from their everyday activities. The event was enjoyed by everyone. Ms. Fox added that the vast majority of the workload consists of renewals that came in last Friday, and there is a group of renewals with changes on them that came in from May; therefore, staff are almost caught up. Commissioner Cuevas stated he understood the agency was getting into a busy season, and he wanted to be sure that the work was not piling up. Ms. Harrison assured him that staff realize the season trends and that staff have volunteered to work overtime so that they can take their summer vacations. Commissioner Cuevas agreed with Ms. Harrison that she has a great bunch of folks in Licensing, and reiterated that he did not want staff to be "burned out." He asked Ms. **Harrison** to make sure her staff know that the Commission understands the pressure they have been under during the last two years since the agency made the conversion, and the Commission wanted to make sure staff have the resources they need.

Commissioner Cuevas asked how Versa was working for Licensing staff. Ms. Harrison responded that there were some outstanding issues being worked on with IRD staff. Staff have implemented some new processes, but the majority of the "learning curve" is over. The agency will deal with the staff training of those outstanding issues that are corrected by Versa before implementation. Commissioner Cuevas asked what was still outstanding in Versa. Ms. Harrison discussed conduct surety bonds. She explained that there are certain exemptions to the requirement of the bonds; therefore, it would be a matter of appropriating the system to understand when a conduct surety bond needs to be posted so that it can be programmatically handled. Commissioner Cuevas asked when this is expected to be resolved. Ms. Harrison stated that Versa has given

the agency a code drop for testing; because it is a complicated issue, it will take several weeks to test. Staff will know more after the testing period.

Commissioner Cuevas asked what the other issues were. Ms. Harrison stated that there were a few issues with the way that money and temporary receipts are handled. Staff are meeting with Steve Haddix of Versa to address these issues. In response to Commissioner Cuevas' question, Ms. Harrison responded that Mr. Haddix has been very responsive to the agency, that it was helpful to have his presence here at the agency, and that these meetings with Mr. Haddix are moving the projects forward.

Commissioner Cuevas asked if there were any outstanding issues that needed himself or Administrator Steen or Assistant Administrator Fox to be involved in to resolve quickly. Ms. Harrison stated that Mr. Steen and Ms. Fox were assisting, and that she would leave it up to Mr. Steen and Ms. Fox to determine if any assistance would be needed from Commissioner Cuevas.

Chairman Steen asked if the conduct surety bond issue was the most serious outstanding issue. Ms. Harrison responded that it was.

Chairman Steen asked Ms. Harrison to comment about Senate Bill 1217 concerning two-year renewals. Ms. Harrison stated that while there are long-term positive effects of this bill on the agency, there is concern over the revenue stream and how to implement it from the short-term point of view. It would require system changes that may be complicated. Ms. Harrison's advice to staff is to move forward cautiously and to think through the changes in order to ensure that they do not affect other requirements of the Alcoholic Beverage Code. Chairman Steen asked about the staff time needed to address the issues involved. He stated that it would seem less people would be needed because of two-year renewals; however, it appeared that more people would be needed because of the issues involved. Ms. Harrison reiterated that there would be benefits in the long-term. Initially, however, monitoring will be required and staff would need to look at other requirements of an application that don't fall in a two-year category. Also, phone calls would increase for a period of time and education and training would be needed.

Chairman Steen called upon Diana Gonzalez, Assistant Director of Compliance. Ms. Gonzalez reported the Compliance Division performance measures fiscal year to date (Attachment 3). One item of interest noted was that with the \$1 increase in cigarette tax since January, cigarette package container importation is down approximately 44% as compared to last year, yet revenue has increased by approximately 9% because of the tax increase.

## FUTURE COMMISSION MEETING DATES: DISCUSSION, COMMENT, AND POSSIBLE VOTE

Chairman Steen called for a motion on the future Commission meeting dates as listed on the agenda. Commissioner Cuevas so moved, and Chairman Steen seconded. The motion carried.

The future Commission meeting dates are:

- July 27, 2007
- August 24, 2007
- September 28, 2007
- October 26, 2007
- November 30, 2007
- December 18, 2007

## PUBLIC COMMENT

As no one registered or expressed a desire to provide public comment, Chairman Steen began the announcement for the executive session.

## EXECUTIVE SESSION

Chairman Steen made the corrected announcement that the regular open session of the Texas Alcoholic Beverage Commission would be recessed, the time being **11:52** am., June 28, 2007, and an executive session would be held to consult with Legal Counsel regarding pending and anticipated litigation against the agency and the Office of Professional Responsibility personnel investigations and to discuss the duties, responsibilities, and evaluation of the Administrator, pursuant to Texas Government Code, **§§551.071** and 551.074.

Chairman Steen announced that the Texas Alcoholic Beverage Commission had concluded its executive session and was in open session, the date being June 28, 2007, and the time, **1:51** p.m. No final action, decision, or vote was made in the executive session.

## ADJOURNMENT

Chairman Steen called for a motion to adjourn. Commissioner Cuevas so moved, and Chairman Steen seconded. The motion carried, and Chairman Steen announced that the meeting was adjourned.

# **Attachment 1**

**Shattered Dreams Awards**

# Shattered Dreams



A publication of the South Texas Injury Prevention and Research Center supported by the Texas Alcoholic Beverage Commission and the University of Texas Health Science Center at San Antonio

Drinking <sup>Driving</sup> Ends All Dreams

VOL. 7 NO. 2

MAY 2007

## Coalition Efforts Make Huge Impact in Reducing Underage Drinking and Drinking and Driving

article by Lizette Villarreal, STIPRC

As another academic school year comes to a close, we look back on the combined efforts of individuals and communities that came together to ensure that our youth recognized and were made aware of the hazards, risks, and importance of making responsible decisions related to issues of underage drinking and drinking and driving. This very message was delivered to numerous communities across the state. Community efforts were complimented by the resources and expertise provided by members of our statewide coalition which continued to grow (currently numbering over 400 individuals).

However, these events and activities would not have been possible without the energy, dedication, and efforts of individuals and agencies, both private and public who took time out of their demanding schedules in order to partner and bring the Shattered Dreams program to their school and community. Year in and year out, these individuals and agencies that are on the frontlines of helping to prevent our youth from becoming injured or killed in motor vehicle crashes.

Due to the overwhelming excitement of last year's award ceremony, the South Texas Injury Prevention and Research

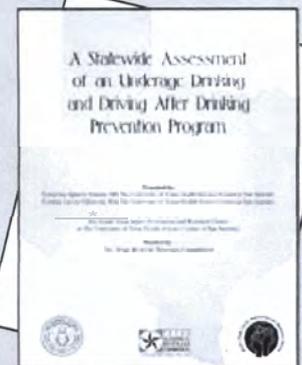
Center, in order to recognize efforts to reduce underage drinking and drinking and driving in Texas, announced that nominations would be accepted once again for the Shattered Dreams Awards. This announcement was circulated through our statewide coalition as well as through other agencies and organizations. Through this process, persons and or organizations could be nominated for one of four of the following categories: The Catalyst Award, The Passionate Educator Award, The Public Servant Award, and The Outstanding Follow-up Project Award.

Responses to these nominations have been wonderful. The description provided in the nomination statements further document the perseverance, strength, and dedication that are needed to have and sustain a successful program. Because of the wonderful commentary provided on behalf of nominees, we are dedicating the entire issue to them. We feel very privileged to be a part of this process and applaud their efforts and yours in helping to keep your communities free from the tragedy associated with underage drinking and driving. Have a safe summer and remember to continue your work in **saving the lives of our community members.**

### Shattered Dreams Statewide Evaluation Now Available Online

Interested in learning about the impact of the Shattered Dreams program? The Shattered Dreams Statewide evaluation is now available online at [www.stiprc.org](http://www.stiprc.org)

In addition to this evaluation report, the Shattered Dreams website allows individuals to download program information which includes the planning guide, quarterly newsletters, DWI/DIE class curriculum, and coalition membership forms.



The Shattered Dreams Coalition would like to honor individuals and organizations that have made a tremendous effort towards reducing underage drinking and drinking and driving in their community.



# CATALYST

The Catalyst Award honors outstanding community individuals who have worked to promote the Shattered Dreams program in their community. This individual is recognized for their great efforts and continued involvement in reducing underage drinking and impaired driving in their community. Through hard work and determination this individual worked to make their Shattered Dreams program a success.



**Freddie Villareal**  
*Intervention Specialist at Raul Yzaguirre School for Success, Houston, TX*  
"As the Shattered Dreams coordinator for the first charter school in the country to present the Shattered Dreams, Freddie worked for more than nine months with community leaders,

non-profit organizations, and businesses to acquire the resources necessary to bring this project to fruition. As a result of Freddie's tireless efforts, the RYSS Shattered Dreams program turned out to be one of the most successful and professionally executed events of its kind in the area, and was highly commended by the TABS, HPD, and HFD representatives who participated."



**Emily Hardt**  
*Project Coordinator/ Student of Medina Valley HS, Castroville, TX*  
"If Oscars were given for high school productions, MVHS Senior Emily Hardt would have one. Her complex and ambitious production of "Shattered Dreams" was so realistic it brought tears to the eyes of onlookers and so well scripted and scheduled that it went off without a discernible hitch."



**Margaret Perez**  
*Administrative Assistant at Raul Yzaguirre School for Success, Houston, TX*  
"After completing and organizing the Shattered Dreams program at a previous school, Margaret Perez brought the idea to the CEO and principal. They accepted the idea and she devoted many hours to the project and continues to have a positive influence on the kids who participated in the event and outside children."



**Jason Horn**  
*Funeral Director of Rader Funeral Home, Longview, TX*  
"Jason has been absolutely fantastic in his support of Shattered Dreams. Jason's enthusiasm for this project has spurred my students to be more creative than ever! His dedication and caring have shown them that our community is concerned and cares enough to "put their money where their mouths are"! His expertise has been invaluable."



**Judge Gil Jones**  
*District Judge, Burnet, TX*  
"Judge Jones takes part in our program by providing a courtroom, high drama, and real life experiences for the students and community during Shattered Dreams. He coordinates attorneys, families, and staff to stage a drama that makes "believers" out of our students and parents. We appreciate his passion for this program."



# OUTSTANDING FOLLOW-UP PROJECT

The Outstanding Follow-up Project Award honors a project that was created as an extension of the Shattered Dreams program to continue educating students, parents, and the community on the problems of underage drinking and impaired driving. The follow-up project uses the momentum from the program to increase awareness and continue promoting change.

Medina Valley High School SADD follow-up project: Amanda Ballard, Gerri Butler, Cheryl Jones, Nick Lovelace, Kathy Moody, Doug Northern, Kevin Rakoski, Katie Selph, and Brian Whitfield Medina Valley High School Individuals, Castroville, TX  
"Beginning with a data-base made up of those who signed Alcohol Free Pledges on the second day of Shattered Dreams, personalized invitations were sent to students to join a new SADD chapter at MVHS. Due to strong endorsements, 244 students signed up for the chapter in addition to the 21 students already serving on its executive board. The entire Research Design and Development class spent the last two months producing three anti drunk-driving videos to be used in the coming years as part of SADD activities."



# OUTSTANDING FOLLOW-UP PROJECT

CONTINUED...



**Shattered Dreams Song:** Michelle McClendon & James Phillips; Students at Robert G. Cole Jr/Sr High School, San Antonio, TX

"The contribution that Michelle and James made to the Robert G. Cole Jr./Sr. High School Shattered Dreams program was unique, inspiring, and will last for years to come. Through their song, they soulfully portrayed all I wanted them to capture and did so in beautiful style with eloquence and grace."

## DrugFree Greenville Board of Directors of Drug Free Greenville, Greenville, TX

"This outstanding organization has taken on the enormous challenge of producing an array of unique follow-up projects and continues to facilitate ongoing community and school DWI/MIP prevention programs. As an agent with TABC, I have observed Shattered Dreams programs across the state, and o n testify that the follow-up programs conducted by DrugFree Greenville are not only impressive, but also effective. Upon completion of the Shattered Dreams events, students continue to hear the message of the consequences of drinking and driving through year-round prevention programs."



## PASSIONATE EDUCATOR

The Passionate Educator Award honors exceptional school employees who have worked feverishly in their school to make the Shattered Dreams program a success. This enthusiastic individual is recognized for their passion of education and love for students that drives them to promote programs in their school that will raise awareness about underage drinking and impaired driving among their students.



**Joanne Kolius**  
Principal of La Porte High School, La Porte, TX

"There is no single factor in putting together a massive program like Shattered Dreams, but it takes dedicated leaders to put the right people together, to inspire those creative ideas, and to encourage persistence when the way grows difficult. Mrs. Kolius epitomizes such dedication."



**Tina Jones**  
Nursing Staff Director of Burnet Consolidated ISD, Burnet, TX

"During her 20 year tenure with Burnet ISD, Tina has promoted awareness for teenage drinking and driving year round, with specific emphasis on Shattered Dreams. The coordination and success of our Shattered Dreams program can be attributed to her dedication and tireless months of planning and preparation."



**Kim Couvillion**  
Math Teacher/National Honor Society sponsor at El Campo H.S., El Campo, TX

"Her utmost concern is always about the students of El Campo High School. She believes in the youth and wants them to achieve their dreams. She demonstrates her love for the students and promotes many programs at our school, including the Shattered Dreams Program."



**Molly Kresta**  
Yearbook Advisor/Speech Teacher at El Campo H.S., El Campo, TX

"Mrs. Kresta strives at 100% to meet the students' needs so that the students are successful. She truly believes in the youth and wants them to achieve their dreams."



**Elizardo Hernandez**  
Assistant Principal-Student Services of Robert G. Cole Jr/Sr H.S., San Antonio, TX

"When I first heard of Shattered Dreams, I immediately turned to Mr. Hernandez for his assistance. That "assistance" quickly turned into him spearheading the entire project. His passion for the message behind the program and his genuine care and affection for our students served as the catalyst behind his tireless efforts to create a memorable experience for our students."



**Carlos Rodriguez**  
Principal of Raul Yzaguirre School for Success, Houston, TX

"He has helped Tejano Center really take a hold of this new program and set the bar. He is helping us spread the word and importance to many other charter schools. He also understands the real importance of this program and is all about making sure the students continue to understand this could be them. There dreams could be shattered but they still have the option."





## PUBLIC SERVANT

The Public Servant Award honors individuals from the Texas Alcoholic Beverage Commission, Fire Department, EMS, Police Department, and Law Enforcement who go above and beyond to provide support to a community's Shattered Dreams program. This individual is recognized for their effort to promote the program and provide ongoing assistance in the planning process.



**Sherrilee Demmer**  
*Trauma Outcomes Manager at Wilford Hall Medical Center; Lackland AFB, San Antonio, TX*  
 "As the student coordinator of Shattered Dreams, I could not have asked for a better person to work with. There truly are no words to express the help that she was, and

this project would not have been what it is today without her. She is a model of public service."

### STUDENT Point of View

MY feelings about Shattered

Dreams were good. The whole experience taught me a lot. I'm glad I was a part of the program.

I think the crash had an impact on some of the kids. Some of the kids in the stands took it serious even though it wasn't real. Just seeing how the families reacted to hearing that their child died was really hard. I couldn't imagine how my mother would have taken it.

Going to the retreat was real fun. Hearing the speakers talk to us was touching. We had fun without alcohol! We don't need to get high or drunk to have a good time. To end this letter, I'm going to say the program should be done in every school.

Samantha Faniel  
 El Campo High School



**Paul Shannon**  
*Mock Crash Coordinator/Captain at the Wharton Volunteer Fire Dept., Wharton, TX*

"With the kinds of challenges he had to face for this went, on top of coordinating, planning, training, and contacting the Wharton public safety departments, even a veteran Hollywood Movie Director would have thrown in the towel. Not Captain Paul Shannon, he just took it in stride because as he put it, "The Show Must Go On"!!!!!"



**Art Valdez**  
*TABC Sergeant at the Houston Enforcement Division, Houston, TX*

"Sergeant Valdez has been on every planning committee for every one of our programs. While on these committees, he has been involved with every aspect of the decision making process for Shattered Dreams. I witnessed first hand his dedication and commitment to the young people of our community. If there is a person more deserving of this award, I would truly like to meet them."



**Jim Shock**  
*Chief of Police/Crosby City Police Department, Crosbyton, TX*

"He expresses to them the importance of following your dreams. Jim has been behind our school from the beginning to do this program. When we hit obstacles and could not do the program he stood by us until we were able to fulfill our dream. He believes that we can make a difference in our community. He stands behind us and cares about the youth."



**Tana Travis**  
*TABC Agent, Fort Worth, TX*

"Agent Travis has proven her abilities to assist, set up, and facilitate any program she is involved in. She has worked tirelessly this year on 11 programs in our community. In addition to this initiative, Shattered Dreams has become the stepping-stone to developing a new project organization. Tana participated in everything from organizational meetings to the mock memorial."



**John Erskine**  
*Fire Marshall, Burnet, TX*

"John could be described by many as a man of action and dedication to the students of our community. His tireless time in coordination of the accident scene, his oversight with life-flight, EMS, Burnet Fire Department, Burnet Police Department and the Department of Transportation prove to be invaluable for real-life staging of this event. Mr. Erskine is a valuable asset in promoting Shattered Dreams in our community."



**Sam Rodriguez**  
*Life Flight at Memorial Hermann Hospital, Houston, TX*

"Sam devoted many hours of his precious time on a monthly basis to make our project happen. He not only went out of his way to make sure the kids got the full effect of a real life alcohol related crash, but he also spent time speaking with our students to make sure they grasped the concept of what the true reality was."

Feel free to contact us with any questions or comments.



The University of Texas Health Science Center at San Antonio  
 South Texas Injury Prevention and Research Center  
 7703 Floyd Curl Drive, MSC 7791  
 San Antonio, TX 78229-3900



Phone: 210-567-7826  
 Fax: 210-567-7855  
 www.stiprc.org

# **Attachment 2**

**Legislative Update**

**Bills Amending AB Code  
Passed and Sent to Governor  
80th Legislative Session**

Bill No.	Author	Caption	Summary	Effective Date
HB 1248	Taylor	Relating to the sale of mixed beverages aboard certain passenger vessels.	Allows passenger vessels of a certain size that are eligible for a beer and wine permit to obtain a mixed beverage permit. Clarifies that the permit for an excursion boat is inoperative in a dry area.	9/1/2007
HB 1365	Flores / Kuempel	Relating to residency requirements for holders of a promotional alcoholic beverage permit.	Provides that the holder of a promotional permit does not have to be a Texas resident. Renumbers this chapter in the Code.	6/15/2007
HB 1541	Carl Isett	Relating to preannouncement of certain promotional events and purchases by certain alcoholic beverage permit holders.	Authorizes retailers, manufacturers and wholesalers to preannounce to the consumer a promotion taking place on the premises of a retailer, including the purchase of wine or distilled spirits for a consumer. Does not change the types of promotional activities that permittees are allowed to conduct.	9/1/2007
HB 1667	Geren	Relating to the amount of the fee for issuing certain alcoholic beverage permits.	Changes the annual fee for holders of a BG to \$275 and a BE to \$250 with two exceptions: The fee for fraternal or veterans remains \$175 for BG's and \$150 for BE's. In a population of 1.4 million or more, the fee for a BG or BE that does not hold a food and beverage certificate remains \$1000 for the original and \$750 for each renewal.	VETOED
HB 1734	Goolsby	Relating to cancellation or suspension of an alcoholic beverage license or permit.	Requires notice of cancellation or suspension of a license or permit be given to the licensee or permittee personally or by first class mail, instead of by registered or certified mail. Cancellation or suspension is final and effective as provided by Section 2001.144, Government Code.	9/1/2007
HB 2348	Thompson	Relating to prohibiting alcoholic beverage license or permit application by certain persons.	A person within the fourth degree by consanguinity or affinity of a licensee or permittee whose license or permit was canceled may not apply for a license or permit in connection with an establishment at the same location as the establishment whose license or permit was canceled for a period of <u>three</u> years instead of the current two year requirement.	6/15/2007
HB 2350	Thompson	Relating to eligibility of certain persons for an alcoholic beverage license or permit.	If an applicant had a prior <u>permit/license</u> that expired or was voluntarily surrendered before the hearing was held on a protest involving allegations of prostitution or a shooting, stabbing or other violent act or offense involving drugs, the commission or administrator shall refuse to issue a permit or license to that applicant for any location for a period of three years.	9/1/2007

**Bills Amending AB Code  
Passed and Sent to Governor  
80th Legislative Session**

Bill No.	Author	Caption	Summary	Effective Date
HB 2605	Hochberg, W oolley, Hernandez, Farrar, Bohac	Relating to licensing or permitting of an alcoholic beverage business or establishment.	Applies to on-premises retailers who do not hold an F&B certificate. Allows the Commission to deny an application or cancel or suspend a license or permit if the permittee maintains, or allows others to maintain, a public nuisance on the licensed premises. Allows the Commission, after notice and hearing, to impose such additional conditions on licensees and permittees as are necessary to abate a common nuisance on the premises. Violations of orders imposing these special conditions are grounds for cancellation or suspension of the license or permit. <del>Authorizes the Commission or the County Judge or the</del> <del>hearings officer to impose similar orders during the pendency of a contested case before the administrative law judge, after notice and hearing.</del>	611512007
HB 2723	Thompson	Relating to the sampling of malt beverages on the premises of certain manufacturers and retailers.	Allows manufacturers and retailers who are authorized to produce or sell malt beverages to conduct tastings of these products on the premises of a retailer. Requires those manufacturers to purchase the products intended to be sampled from the retailer on whose premises the tasting would occur. Prohibits the manufacturer <b>and/or</b> retailer from collecting a fee from consumers for tastings conducted at <b>off-premise retail accounts</b> .	9/1/2007
HB 2724	Thompson	Relating to the hours for the wholesale delivery or sale of beer.	Changes the hour that a distributor may begin sales and delivery activity from <b>5:00 a.m. to 4:00 a.m.</b> on any day except Sunday in a county with a population of 1.8 million or more people and in any county adjacent to such a county.	611512007
HB 2727	Goolsby	Relating to storage of certain imported alcoholic beverages.	Creates a new manufacturer's agent's warehousing permit applicable for a malt beverage entity that meets certain criteria. Allows permit holder to receive malt beverages from holders of a nonresident brewer's permit or a nonresident manufacturer's license and store those malt beverages on their premises. Allows the permit holder to ship, sell or <b>transfer malt beverages to permitted distributors or</b> wholesalers as designated by the assigned territorial agreement issued by the actual manufacturer of the brands. Allows permit holder to return malt beverages to <b>manufacturer/brewer</b> from which it was received. Allows permit holder to store malt beverages that are not labeled and approved for sale in this state and ship them to qualified persons in other states or jurisdictions where its sale is legal. Monthly reports to TABC are required. Employees must hold agent's beer licenses or manufacturer's agent's permits.	9/1/2007

**Bills Amending AB Code  
Passed and Sent to Governor  
80th Legislative Session**

<b>Bill No.</b>	<b>Author</b>	<b>Caption</b>	<b>Summary</b>	<b>Effective Date</b>
HB 3123	Miles	Relating to involvement in charitable events by holders of alcoholic beverage licenses and permits.	Authorizes license and permit holders at different levels of the industry to simultaneously or jointly sponsor a civic, religious, or charitable event, including providing or lending money, services or other things of value directly to a civic, religious, or charitable entity in conjunction with the event. Any license or permit to sell or serve alcoholic beverage at the event must be held by a retailer who is independent of the sponsors. Retail sponsors of the event may not receive any direct benefit or service because of joint sponsorship by a wholesaler or manufacturer of alcoholic beverages.	9/11/2007
HB 3167	Swlnford	Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature.	Renumbers and reletters sections of the AB Code. Also amends Elections Code chapter on local option elections to reflect those amendments made to Chapter 251 of the AB Code during the 79th legislative session.	9/1/2007
SB 904	Brimer	Relating to the continuation and functions of the Texas Alcoholic Beverage	Sunset Bill	9/1/2007
SB 952	Watson	Relating to designation of certain areas as the premises of a mixed beverage permit holder.	Authorizes mixed beverage permit holders who hold a food and beverage certificate to designate as part of the permit holder's premises, a secured noncontiguous area located on a public sidewalk adjoining the premises if the designation is authorized by city ordinance. The ordinance may specify and limit the areas of the municipality in which this subsection is applicable. Alcoholic beverages may be delivered by an employee of the permit holder to patrons for consumption in the designated sidewalk area.	6/15/2007
SB 1215	Gallegos	Relating to the quantity of beer or malt liquor a distributor or wholesaler may withdraw from a retailer.	Increases the number of cases a holder of a distributor's license, wholesaler's permit, or class B wholesaler's permit is authorized to withdraw, with the permission of the retailer, from the equivalent of 15 cases to the equivalent of 25 cases of 24 12-ounce containers of beer, ale, or malt liquor to assure and control product quality.	9/11/2007

**Bills Amending AB Code  
Passed and Sent to Governor  
80th Legislative Session**

Bill No.	Author	Caption	Summary	Effective Date
SB 1217	Gallegos	Relating to fees for and terms of permits and licenses issued by the Texas Alcoholic Beverage Commission.	Provides that TABC will issue a license or permit for a period of two years, except that TABC may issue permits for less than two years due to the permit holder's violation history, or to maintain a reasonable annual distribution of work. Also, removes the \$500 fee and <b>10-day</b> prior notice required for substantial changes of ownership of an MB held by a corporation. Substantial changes for an MB will still be required to be reported before the change is to occur. The county judge's waiver on permit application will no longer be required.	9/1/2007
SB 1229	Gallegos	Relating to certain shipments by package stores and wine only package stores to customers.	Allows P's and Q's who are in or within two miles of a city's limits to deliver or ship within the county or city or within two miles out of the <b>city/county</b> limits. Allows P's and Q's to deliver to persons outside the state who are authorized to receive such products.	9/1/2007
SB 1238	Ellis	Relating to <b>local</b> regulation of distance requirements for businesses selling alcoholic beverages near certain institutions.	Allows cities or counties to prohibit the possession of an open container, or public consumption of <b>alcoholic</b> beverages, on a public <b>street/alley/sidewalk</b> within 1,000 feet of the property line of a homeless shelter or substance abuse treatment center that is not located in a central business district. Authorizes these governing entities to enact regulations allowing suspensions of the regulations for special temporary events.	9/1/2007
SB 1257	Averitt	Relating to the definition of hotel under the Alcoholic Beverage Code.	Modifies the definition of a hotel to include facilities with at least five guest lodging rooms, provided that facility has been designated as an "historic structure."	9/1/2007
SB 1287	Van de Putte	Relating to providing certain notices to be posted on the premises of alcoholic beverage retailers.	Requires posting of national human trafficking <b>hotline</b> number in English and Spanish in certain licensed premises: BG, BQ, MB, N, BE, BG other than the holder of a food and beverage certificate.	9/1/2007
SB 1426	Averitt	Relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit.	Allows TABC to exempt permittees who are concessionaires in public entertainment venues, such as sports stadiums and convention centers, from the requirement that food service be the primary business on the premises in order to obtain a food and beverage certificate.	9/1/2007
SB 1828	Whitmire	Relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol related laws.	Current law says that a person may access electronically readable information on a driver's license for the purpose of preventing a sale to minor. <b>SB1828</b> says that if the information accessed is required to be retained by rule of the commission, it may be printed with a time and date stamp or transferred to an electronic record and then scanned information may be cleared from the device or any memory in the device. It is a defense to prosecution for criminal violation of sale to minor if the scan device identified the purchaser's license as valid and over 21 and the defendant relied on the information in <b>good</b> faith.	6/15/2007

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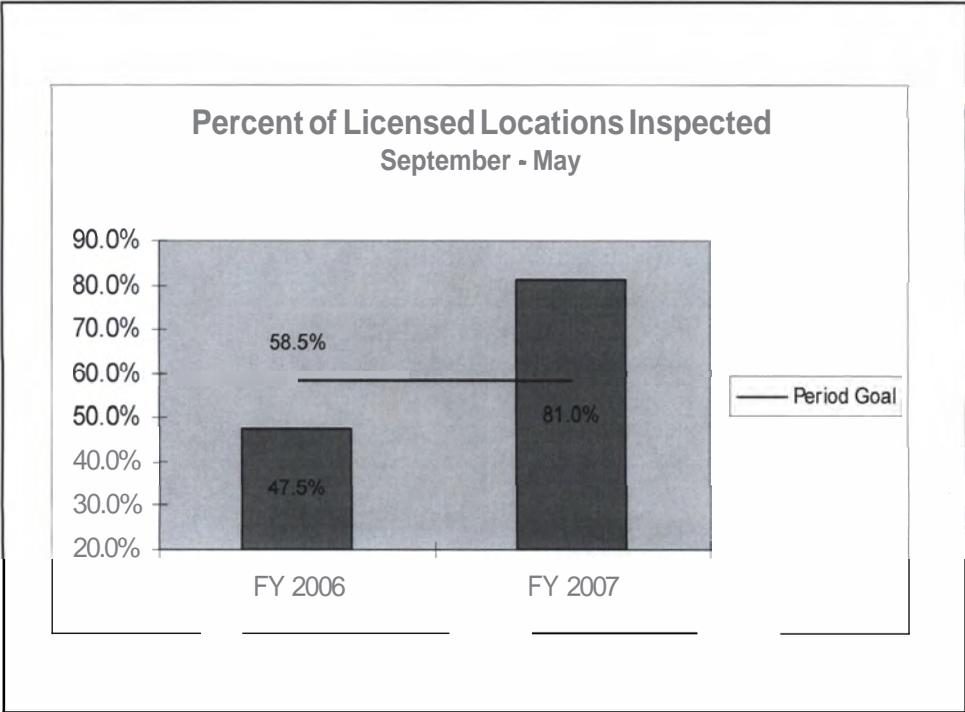
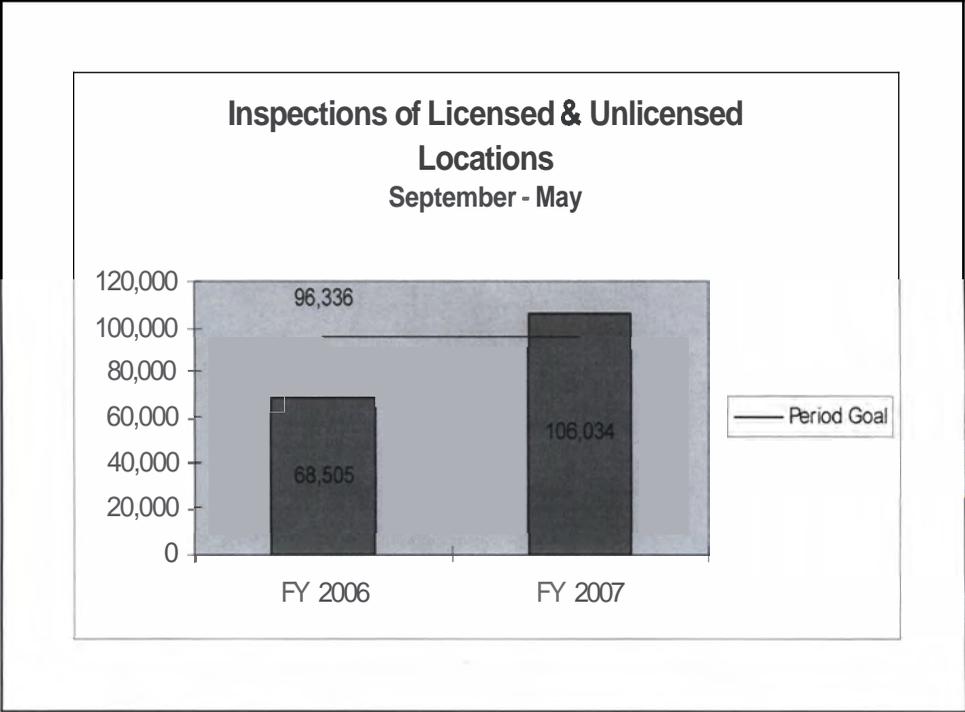
# **Attachment 3**

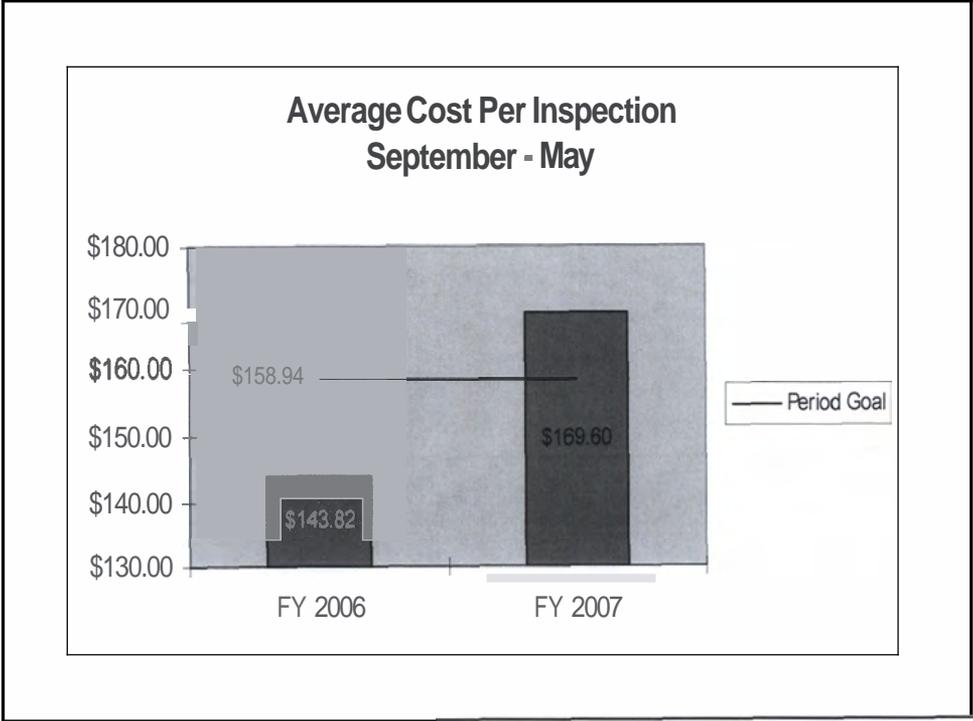
## **Performance Measures**

# **Enforcement Division**

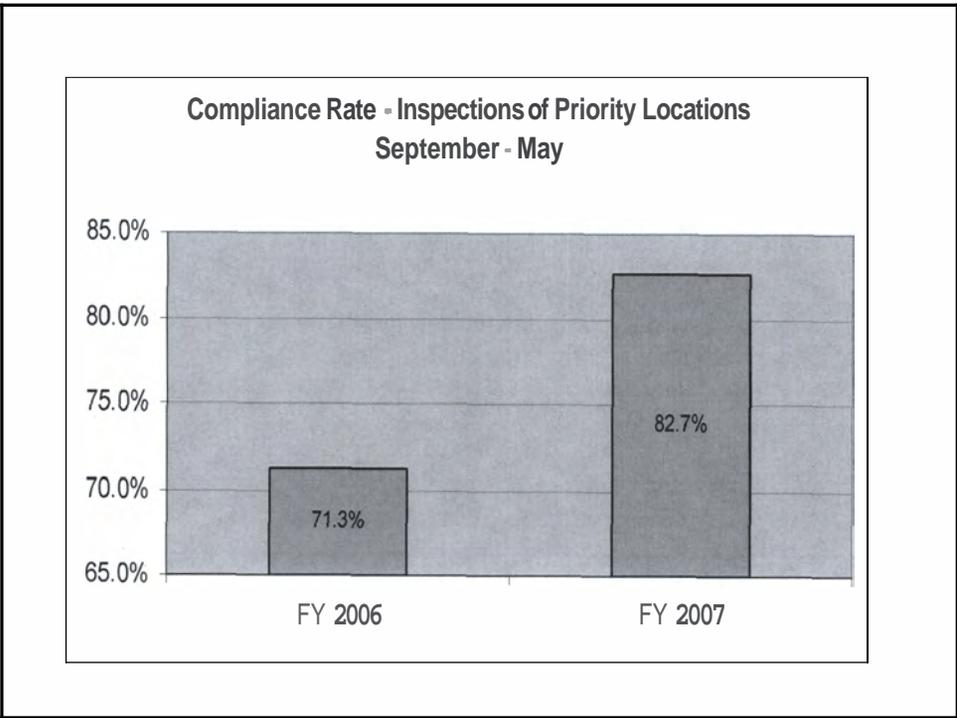
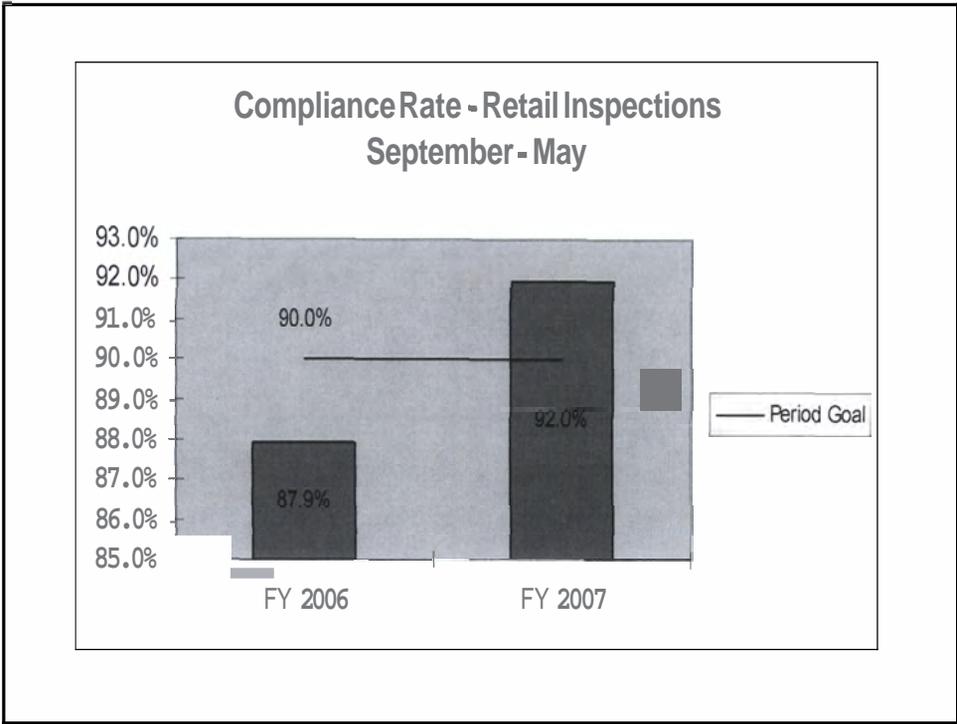
**Performance Outcomes**

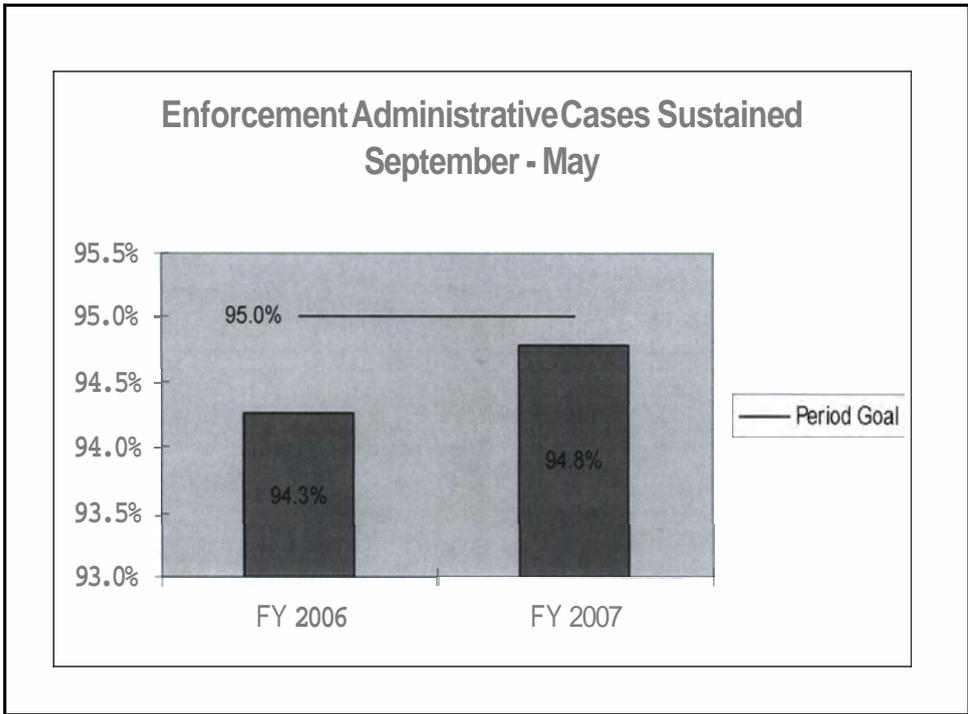
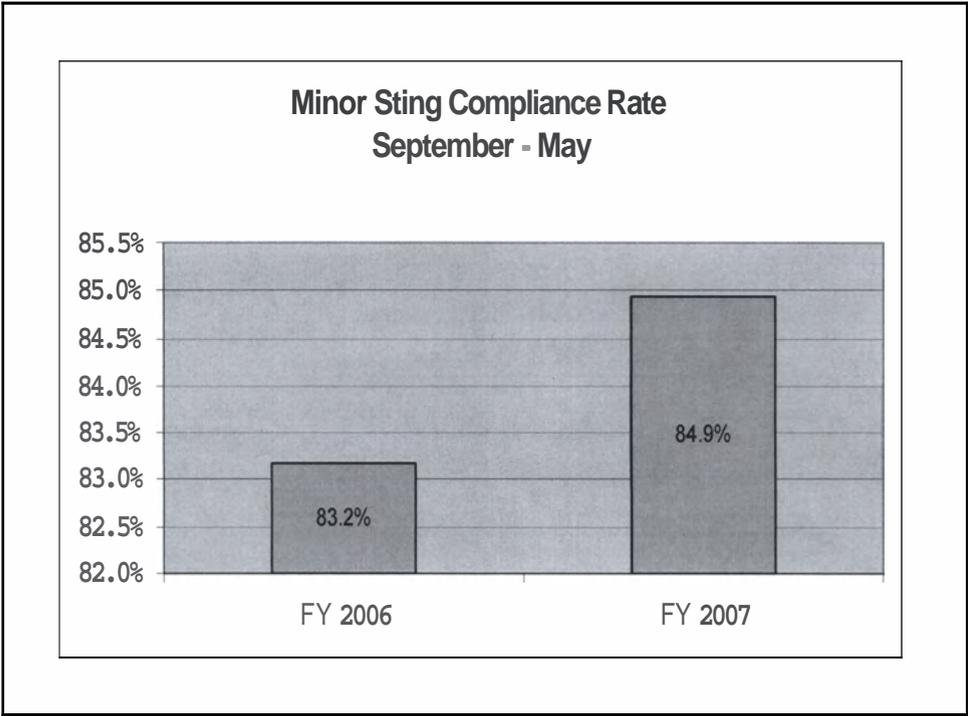
**Key Measures**

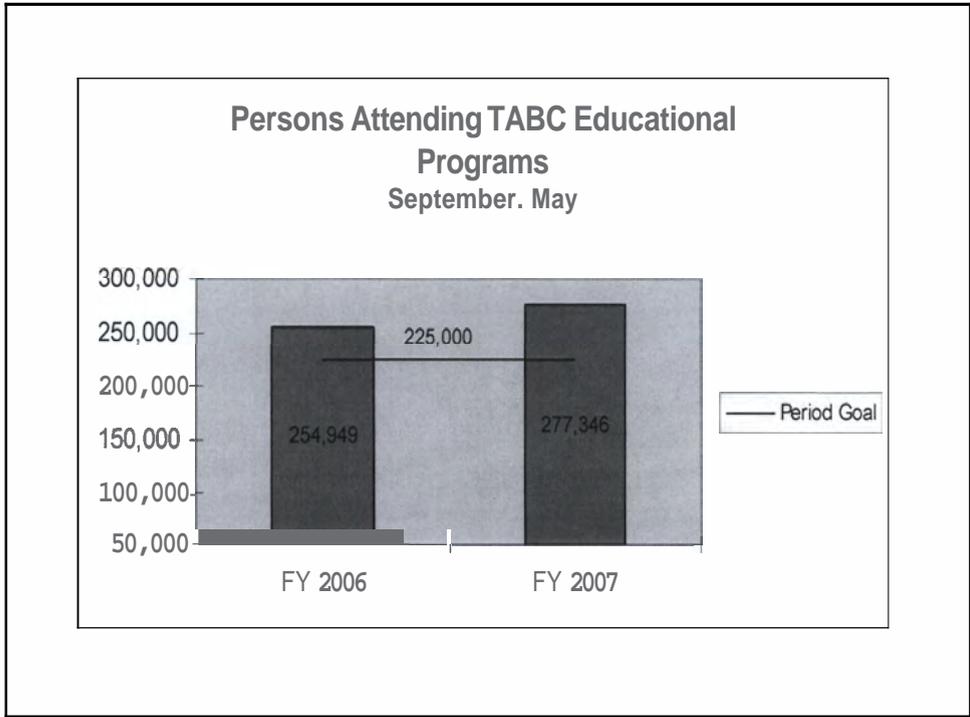
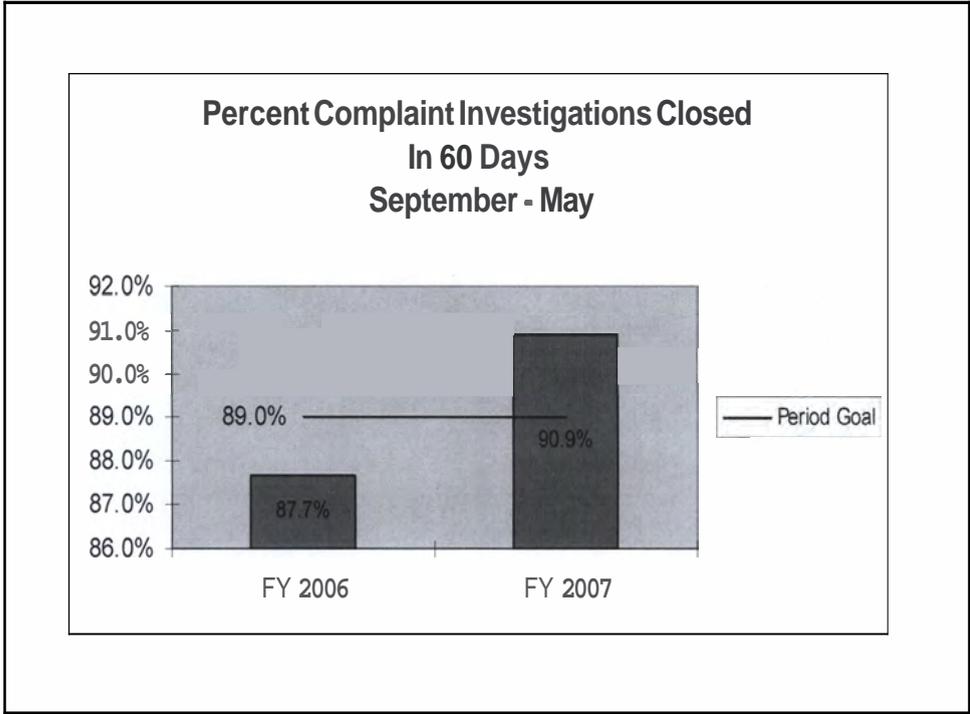




## Quality Measures

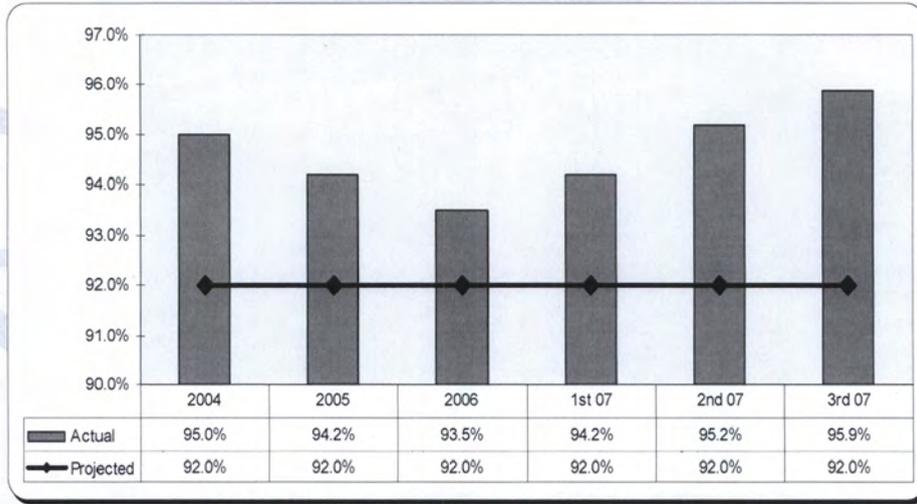




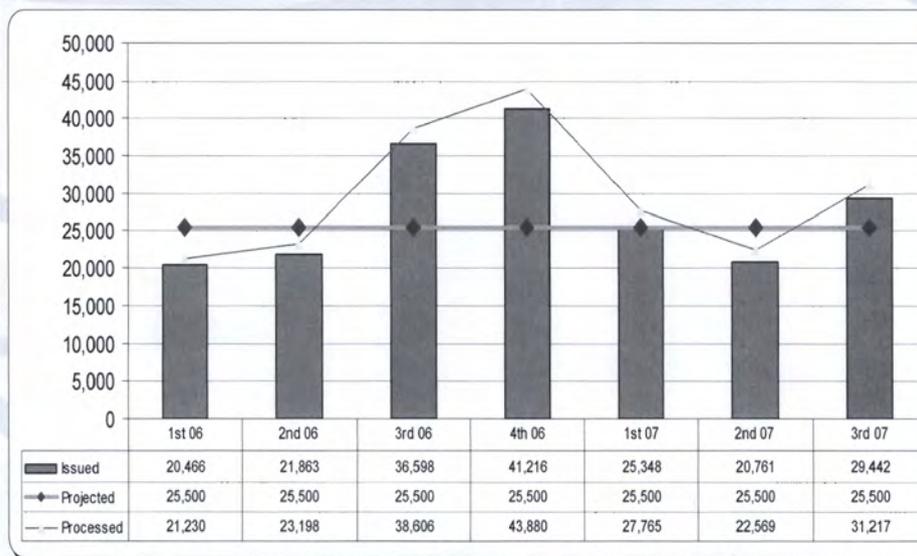




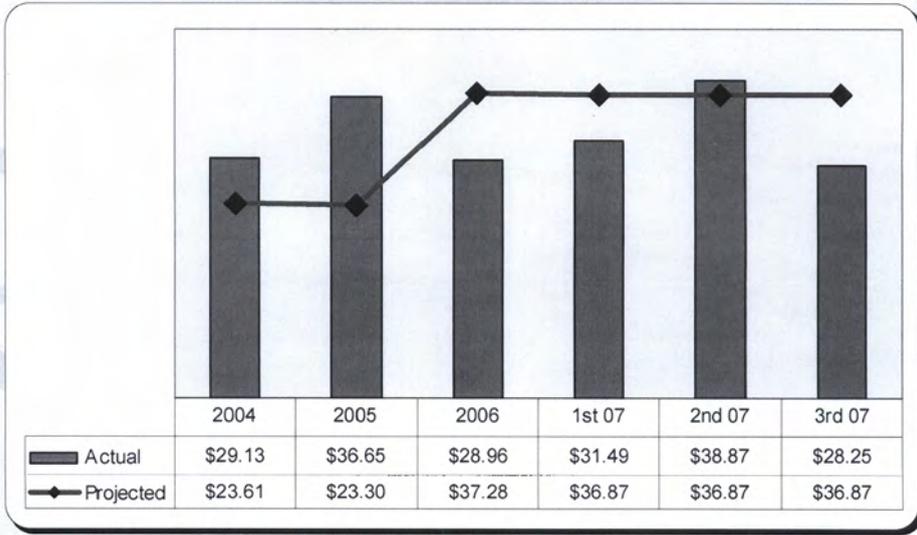
## Percent of Agency Clients Expressing Satisfaction with Licensing Process



## License/Permits Issued



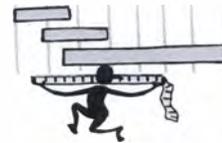
## Average Cost per License/Permit Processed



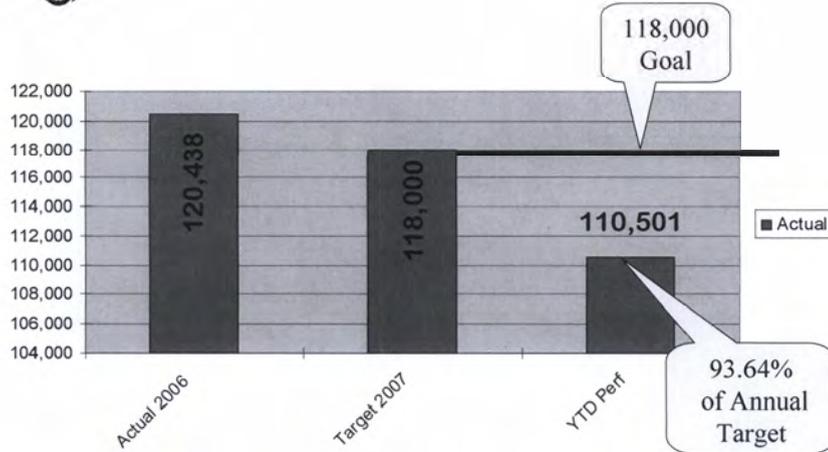
# COMPLIANCE DIVISION

## Third Quarter 2007

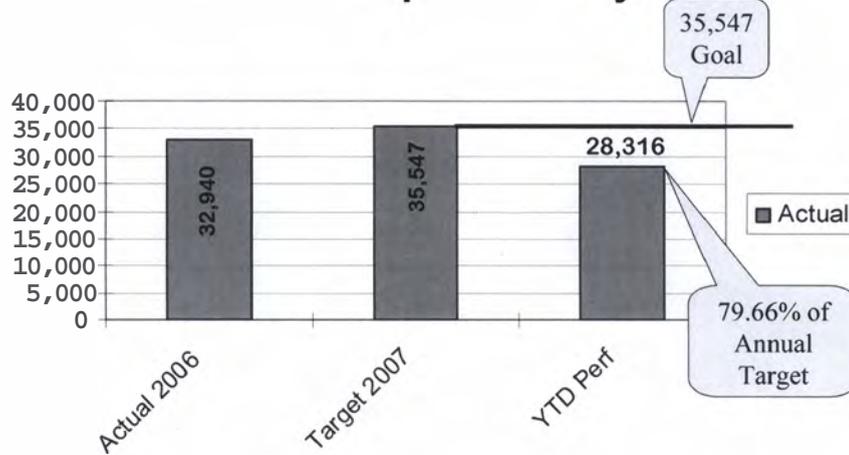
### measuring performance



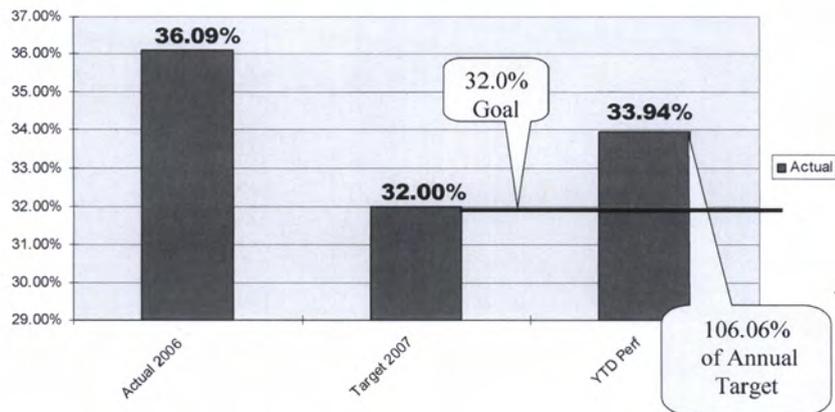
## Number of Inspections, Analyses, & Compliance Activities



## Number of Reports Analyzed

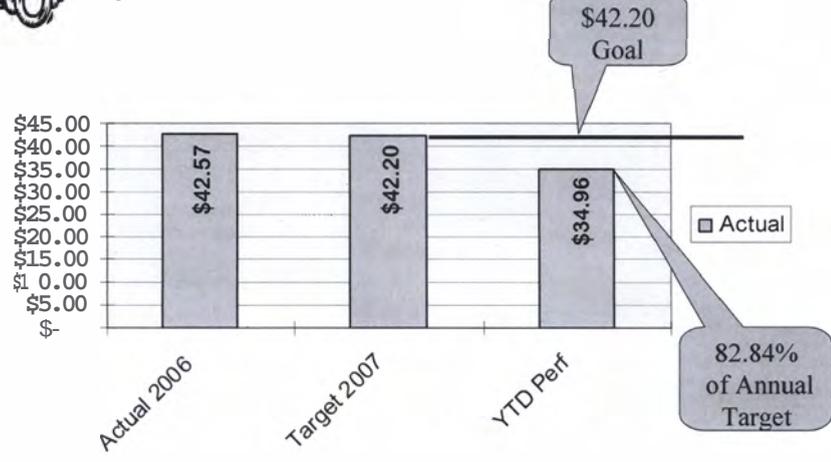


## Percentage of Inspections/Compliance Activities Resulting in Administrative or Compliance Actions



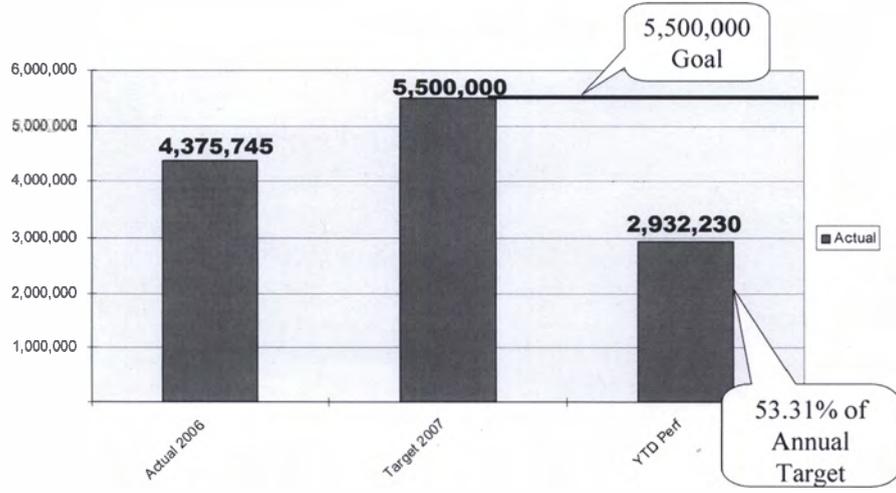


## Average Cost per Inspection, Analyses, & Compliance Activities



## Ports of Entry

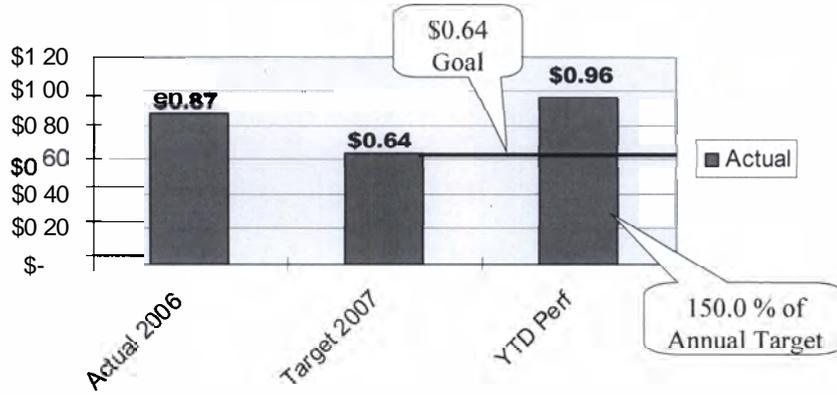
### Number Of Alcoholic Beverage Containers & Cigarette Packages Stamped



# Ports of Entry



Average Cost per Alcoholic Beverage Container or Cigarette Package Stamped





# **CERTIFICATION**

## **REGULAR COMMISSION MEETING**

**10:30 a.m. – June 28, 2007**

5806 Mesa Drive  
Austin, Texas 78731



STATE OF TEXAS

COUNTY OF TRAVIS

This certifies that the attached is a true copy of the proceedings of the Texas Alcoholic Beverage Commission meeting held on June 28, 2007.

Alan Steen  
Administrator

Sworn and subscribed before me this the 24<sup>th</sup> day of July 2007.

Renee G. Johnston  
Renee G. Johnston  
Notary in and for Travis County

