

DOCKET NOS. 612464 & 616216

TEXAS ALCOHOLIC BEVERAGE COMMISSION	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	ALCOHOLIC
	§	
WALTON CAFE PARTNERSHIP LTD. D/B/A SEDONA GRILL PERMIT/LICENSE NO(s). MB484882 MIDLAND COUNTY, TEXAS (SOAH DOCKET NO. 458-07-0179)	§	
	§	
	§	BEVERAGE COMMISSION

ORDER

**CAME ON FOR CONSIDERATION** this day, in the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge Craig R. Bennett. The hearing convened on March 14, 2007 and adjourned the same date. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on March 22, 2007. 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. Exceptions and Replies 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 and incorporates those Findings of Fact and Conclusions of Law into this Order, except for the following modifications:

**Finding of Fact No. 6 is modified to read:** "In January 2004, Trent Walton submitted an application for renewal of a mixed beverage permit expiring 12-27-03 for Sedona Grill."

**Finding of Fact No. 7 is modified to read:** "The 2003 renewal application submitted in January 2004 specifically asked whether Trent Walton had been convicted of or received deferred adjudication for, among other things any felony offense. In response, Trent Walton indicated "no," signed the application under oath, and submitted to the Texas Alcoholic Beverage Commission."

**Finding of Fact No. 8 is modified to read:** "The permit was renewed based on the 2003 renewal application submitted in January, 2004."

**Finding of Fact No. 12 is modified to read:** "Respondent submitted a new permit renewal application on January 7, 2005, for the December 2004 renewal, removing Trent Walton as an owner and showing Janet Walton as the new present. Along with the application, Respondent submitted surety bond documents showing that the required surety bond had been obtained by Trent Walton as manager for Respondent."

**Conclusion of Law No. 6 is modified to read:** "All renewal applications should be denied as the mixed beverage permit, MB484882, is no longer a viable permit as the cancellation has ceased any opportunity to renew the permit."

**Conclusion of Law No. 7 is deleted.**

**Reasons for Modifications:**

Pursuant to Section 2001.058 of the Administrative Procedure Act, the reasons for modification of the Proposal for Decision are hereby stated:

The factual findings are modified merely to correct technical inaccuracies in the Proposal for Decision's interpretation of the Commission's licensing procedure.

The conclusions of law are modified because, once the conclusion has been made under Conclusion of Law No. 5 to cancel the mixed beverage permit, the permit no longer exists and further considerations are not necessary.

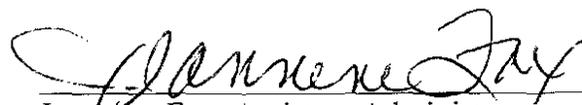
**IT IS THEREFORE ORDERED**, by the Assistant Administrator of the Texas Alcoholic Beverage Commission, pursuant to Subchapter B of Chapter 5 of the Texas Alcoholic Beverage Code and 16 TAC §31.1, of the Commission Rules, that your renewal application is hereby **DENIED** and your Permit No. MB484882 is hereby **CANCELLED FOR CAUSE**.

This Order will become final and enforceable on August 29, 2007, 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 August 3, 2007.

On Behalf of the Administrator,

  
Jeannene Fox, Assistant Administrator  
Texas Alcoholic Beverage Commission

The Honorable Craig R. Bennett  
Administrative Law Judge  
State Office of Administrative Hearings  
VIA FAX (512) 475-4994

Jud Walton  
WALTON CAFÉ PARTNERSHIP LTD.  
RESPONDENT  
D/b/a SEDONA GRILL  
2101 W. WADLEY #45  
MIDLAND, TX 79705  
CERTIFIED MAIL NO. 7001 2510 0000 7275 7783

W. Michael Cady  
ATTORNEY FOR PETITIONER  
TABC Legal Section

Licensing Division  
Enforcement Division

TEXAS ALCOHOLIC BEVERAGE  
COMMISSION

V.

WALTON CAFÉ PARTNERSHIP, LTD.  
d/b/a SEDONA GRILL  
(TABC CASE NOS. 612464 & 616216)

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

### PROPOSAL FOR DECISION

The Staff of the Texas Alcoholic Beverage Commission (TABC) brings this action against Walton Café Partnership, Ltd. d/b/a Sedona Grill (Respondent), seeking to cancel an existing permit and to deny a renewal permit. TABC alleges that Trent Walton—one of the principal owners of Respondent—was placed on deferred adjudication for possession of cocaine, a felony, and also lied on a renewal application by failing to disclose his criminal record. Further, TABC alleges that, after Trent Walton was no longer a principal owner of Respondent—he continued to serve as the manager for Respondent; therefore, TABC alleges that Respondent’s renewal application should be denied because of Trent Walton’s continued association with Respondent. After considering the evidence and arguments presented, the Administrative Law Judge (ALJ) recommends that Respondent’s existing permit be cancelled and also that the requested permit renewal be denied.

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

Respondent operates Sedona Grill, a restaurant located at 2101 W. Wadley in Midland, Texas. The restaurant is operated under the authority of Mixed Beverage Permit No. MB-484882 issued by the TABC. On December 6, 2004, TABC sent notice to Respondent that it intended to cancel the permit for Sedona Grill because of a criminal judgment of deferred adjudication entered against Trent Walton and the failure of Respondent to disclose that criminal matter on its most recent renewal application. On January 7, 2005, Respondent submitted a new renewal application that did not identify Trent Walton as an owner. However, the documents attached to the application reflected that Trent Walton continued to be a manager for the restaurant. Therefore, TABC also initiated a protest on the renewal application and referred both the cancellation action and the renewal protest to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing.

On March 14, 2007, a hearing convened before ALJ Craig R. Bennett, in Odessa, Texas. TABC was represented at the hearing by W. Michael Cady, staff attorney. Respondent appeared and was represented by Jud Walton, who is both an attorney and also one of the owners of Respondent. The hearing concluded and the record closed that same day.

TABC has jurisdiction over this matter under TEX. ALCO. BEV. CODE ANN. chs. 5 and 11. SOAH has jurisdiction over all matters related to conducting a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law, under TEX. ALCO. BEV. CODE ANN. §§ 5.43 and 11.015, and TEX. GOV'T CODE ANN. § 2003.021. There were no contested issues of notice or jurisdiction in this proceeding.

## II. APPLICABLE LAW

### A. Cancellation of a Permit

State law allows TABC to cancel a permit for numerous reasons. Among other things, TEX. ALCO. BEV. CODE ANN. § 11.61 provides, in pertinent part:

- (b) The commission or administrator may suspend for not more than 60 days or cancel an original or renewal permit if it is found, after notice and hearing, that any of the following is true:
  - (4) the permittee made a false or misleading statement in connection with his original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the commission, its officers, or employees;
  - \* \* \*
  - (6) the permittee is not of good moral character or his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad.

The Alcoholic Beverage Code and TABC rules further address what types of criminal actions will disqualify a person from being suitable for holding a permit. Specifically, TEX. ALCO. BEV. CODE ANN. § 109.532 provides, in pertinent part, that:

- (b) The commission may deny a license or permit or the renewal of a license or permit for an applicant if:
  - (1) the commission determines that a previous criminal conviction or deferred adjudication indicates that the applicant is not qualified or suitable for a license or permit.

TABC's rules, at 16 TEX. ADMIN. CODE § 33.1, elaborate on this by stating:

- (b) Final conviction or deferred adjudication for the following offenses may indicate that the applicant is not qualified or suitable to hold a permit or license under the Alcoholic Beverage Code, §109.532(b)(1), and may be grounds for cancellation or denial unless five years have elapsed since the termination of a sentence, parole, or probation served by the applicant for:
  - (1) any felony offense;
  - (2) any controlled substance offense.

Relying upon these provisions, TABC asserts that Respondent's existing permit should be cancelled because one of Respondent's owners was placed on deferred adjudication for cocaine possession and failed to disclose this on the renewal application that resulted in the issuance of the existing permit.

#### **B. Denial of a Renewal Permit**

State law also allows TABC to deny renewal permits for many reasons. TABC cites numerous statutory grounds for denying Respondent's renewal application. As set forth in more detail in the discussion section of this PFD, the ALJ finds that most of the statutes cited by TABC

do not apply to the facts of this case. Therefore, the ALJ will not restate those statutory provisions here, but rather simply addresses them below. However, of particular relevance to this case, TEX. ALCO. BEV. CODE ANN. § 11.46(c) provides that:

The commission or administrator shall refuse to issue for a period of one year after cancellation a mixed beverage permit or private club registration permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs.

The ALJ finds that this provision does apply to this case and, as discussed below, precludes issuance of the requested renewal permit under the facts of this case.

### III. DISCUSSION

#### A. Background Facts

The underlying facts of this case are generally undisputed. Respondent operates the restaurant known as Sedona Grill in Odessa, Texas. Respondent is essentially a family partnership that, until late 2004, consisted of four principal individual owners: (1) Trent Walton; (2) Janet Walton; (3) Jud Walton; and (4) Laura Walton. Trent Walton is the son of Janet and Jud Walton and was Respondent's president. Trent Walton had been in charge of the restaurant since its opening, and the other family members had limited involvement and knowledge about the restaurant or the restaurant business.

On April 22, 2003, Trent Walton was arrested for possession of cocaine, a state jail felony. He pled guilty to the criminal charge on September 11, 2003, and was placed on deferred adjudication probation. In January 2004, he submitted the mixed beverage permit renewal application for Sedona Grill to the TABC. The renewal application specifically asked whether he had been convicted of or received deferred adjudication for, among other things, any felony offense. In response, Trent Walton indicated "no," signed the application under oath, and submitted it to TABC. The permit was renewed at that time.

Later in 2004, TABC learned of the criminal action against Trent Walton, and the local district attorney filed a criminal charge against him for falsifying his renewal application. He pled guilty to that charge on March 15, 2005, and received deferred adjudication probation, which included jail time as a condition of his community supervision. In addition to the criminal charge brought by the district attorney against Trent Walton, TABC also initiated an enforcement action to revoke the permit of Sedona Grill.

The other owners of Respondent were not aware of Trent Walton's criminal history until late 2004, after TABC agents confronted him and he informed his family members of his criminal problems and the issues related to the restaurant's permit. Shortly thereafter, Respondent terminated Trent Walton's ownership interest in the restaurant and removed him as president. However, Respondent retained him as the manager of the restaurant. Respondent submitted a new permit renewal application in January 2005 without Trent Walton as an owner, and showing Janet Walton as the new president. Along with the application, Respondent submitted surety bond documents showing that the required surety bond had been obtained by Trent Walton, as the manager for Respondent. Because of Trent Walton's continued involvement with the restaurant, TABC initiated a protest to the application and referred the matter for a hearing.

At the evidentiary hearing, Respondent presented the testimony of Janet Walton and Jud Walton. They conceded that Trent Walton had been retained as a manager of the restaurant because they did not have any experience in the restaurant business and needed his expertise to help them with operations until they could try to sell the business. They explained that they were not trying to mislead the TABC nor do anything improper. They believed that by removing Trent Walton as an owner they were fulfilling the necessary requirements to comply with the law, so that the restaurant could continue to hold its mixed beverage permit. They further testified that they have been actively attempting to sell the restaurant, but they have been unable to do so with this administrative case pending. They indicated that a denial of their mixed beverage permit would likely end any chance of selling the restaurant.

In response, TABC argues that this permit is completely tainted and needs to be terminated in its entirety. TABC asserts that a completely new and independent entity might be able to come in and get a permit for this location, but that Trent Walton's association with Respondent and continued involvement with the restaurant shows that Respondent should not be able to continue to operate with its current permit or under any renewal permit.

## **B. The ALJ's Analysis**

There are two issues for the ALJ to address. First, whether the existing permit should be cancelled. Second, whether the pending permit renewal application should be denied. From considering the evidence and applicable law, it seems clear that the existing permit—which was issued based on a false renewal application and with Trent Walton as president and an owner of the restaurant—should be cancelled. Moreover, once this determination is reached, the ALJ also concludes that the Alcoholic Beverage Code mandates that the renewal permit application also be denied. The basis of these conclusions is set out below.

### **1. Cancellation of the Existing Permit**

First, it is undisputed that Trent Walton pled guilty to, and was placed on deferred adjudication for, cocaine possession. Once this occurred, he was a person who could be deemed “not qualified or suitable to hold a permit or license” under the Alcoholic Beverage Code.<sup>1</sup> As such, his permit renewal application would have been properly denied, had he truthfully identified his criminal history. Further, his existing permit could have been cancelled under Section 11.61(b)(6) because the permittee was “not of good moral character or his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad.”

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<sup>1</sup> 16 TEX. ADMIN. CODE § 33.1(b)(1)-(2); TEX. ALCO. BEV CODE ANN. §109.532(b)(1).

Moreover, because he lied on his application, he committed another criminal offense and a violation of the Alcoholic Beverage Code. This is a separate ground for cancelling the existing permit, under either Section 11.61(b)(2) which allows cancellation if the “permittee violated a provision of this code or a rule of the commission,” or under Section 11.61(b)(4), which allows cancellation if the “permittee made a false or misleading statement in connection with his original or renewal application. . . .” Also, his plea to the separate criminal charge of falsifying an application would implicate the same grounds for denial and cancellation mentioned in the previous paragraph—*i.e.*, he is a person not qualified or suitable to hold a permit and is not of good moral character.

Therefore, there are numerous grounds for cancellation of the existing permit issued to Respondent, and the ALJ recommends that such permit be cancelled.

## **2. Denial of the Renewal Permit**

Having reached this determination, the ALJ turns to the renewal application submitted by Respondent after removing Trent Walton as an owner and from his position as president. TABC argues a number of reasons why the renewal application should be denied. First, TABC contends that Respondent improperly allowed Trent Walton (an unauthorized person) to use or display a permit in the conduct of business, in violation of TEX. ALCO. BEV CODE ANN. § 11.05. However, the ALJ does not find that Respondent’s mere retention of Trent Walton as a manager constituted the improper use or display of Respondent’s permit. There is no evidence that Trent Walton did anything to use Respondent’s permit. Moreover, until the existing permit is cancelled, Trent Walton is still listed as the permittee and is lawfully allowed to use the permit. The renewal permit in issue has not been issued and, therefore, Trent Walton could not have used it improperly. Therefore, this argument by TABC fails.

TABC also asserts that Respondent maintained a subterfuge relationship with Trent Walton to allow him to continue to use the permit in violation of TEX. ALCO. BEV CODE ANN. § 109.53. However, that provision relates to the citizenship requirements of permittees and prohibits subterfuge relationships designed to allow non-citizens to have ownership in businesses holding permits issued by TABC. It does not appear in any way to apply to the facts of this case, where there are no citizenship issues, nor is there any evidence that Trent Walton has any ongoing ownership interest in Respondent's business. Therefore, that argument by TABC also fails.

TABC also cites to TEX. ALCO. BEV CODE ANN. § 104.03, which provides that "a retail dealer or his agent, servant, or employee commits an offense if he conspires with another person to violate or accepts the benefits of a violation of this code or a valid rule of the commission." The evidence presented at the hearing indicates that the other owners of Respondent did not have knowledge of Trent Walton's criminal history and, as soon as they found out, took the necessary steps to remove him from his position as president and to take away his ownership interest in the restaurant. As such, the ALJ is not aware of any specific conspiracy that Respondent engaged in to violate the law. TABC has not shown that merely retaining Trent Walton to manage the restaurant was a clear violation of the code or that Respondent had any conspiratorial or illicit intentions in retaining him in that regard. Therefore, the ALJ does not see how this provision applies to this case.

Finally, TABC cites to TEX. ALCO. BEV CODE ANN. § 11.61(b)(2) and (4) which allow cancellation for violating the Alcoholic Beverage Code or for submitting false or misleading statements in a permit application. Again, the ALJ is not aware of any specific provision of the law that Respondent violated by simply hiring Trent Walton as a manager for the restaurant after he was removed as president and an owner of the company. As Jud Walton and Janet Walton testified, they simply had no business knowledge on running a restaurant and needed his expertise to help them keep the restaurant running so they could sell it. Moreover, TABC has pointed to no false or misleading statements in the application submitted by Respondent after Trent Walton was removed as an owner. Therefore, the ALJ cannot conclude that Respondent violated TEX. ALCO. BEV CODE ANN. § 11.61(b)(2) or (4) in regard to the renewal application.

However, even though the ALJ does not find the grounds argued by TABC to be persuasive, the ALJ nonetheless believes that the permit renewal application should be denied. Specifically, the ALJ turns to TEX. ALCO. BEV. CODE ANN. § 11.46 which provides the general grounds for refusal of a permit. That section provides, in pertinent part, that:

The commission or administrator *shall refuse to issue* for a period of one year after cancellation a mixed beverage permit or private club registration permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs.<sup>2</sup>

The ALJ believes that this provision applies and mandates that the renewal permit application be denied. Specifically, the ALJ is recommending cancellation of the existing permit as a result of Trent Walton's guilty plea for possession of cocaine. Therefore, if the Administrator accepts this recommendation, then Respondent's mixed beverage permit will have been cancelled as a result of an offense involving drugs. In this scenario, Section 11.46(c) says that TABC "shall" (mandatory) refuse to issue a mixed beverage permit for the premises for one year. Accordingly, the ALJ believes that the renewal permit may not be issued by TABC in this situation.

Further, even if this provision did not clearly apply, the ALJ also is persuaded that the renewal permit would be properly denied on the basis of TEX. ALCO. BEV. CODE ANN. § 11.46(a)(8) which allows a permit to be denied if "the place or manner in which the applicant may conduct his business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency." In this case, Respondent had retained Trent Walton as the manager of the restaurant and readily admitted that he was needed because neither Jud Walton nor Janet Walton had the knowledge or experience to operate a restaurant. In such a situation, Trent Walton would have been the *de facto* operator. Having a person who is prohibited from individually obtaining a mixed beverage permit as the *de facto* operator of the premises that is subject to the permit flies in the face of the prohibition and calls into question the manner in which the business will be conducted. As such, the ALJ believes that a permit may properly be denied in this circumstance under the "place or manner" provisions of TEX. ALCO. BEV. CODE § 11.46(a)(8).

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<sup>2</sup> TEX. ALCO. BEV. CODE ANN. § 11.46(c). (emphasis added)

Therefore, for the reasons set forth above, the ALJ recommends that Mixed Beverage Permit No. MB- 484882 be cancelled and that the permit renewal application submitted by Respondent in January 2005 be denied. In support of these recommendations, the ALJ makes the following findings of fact and conclusions of law.

#### IV. FINDINGS OF FACT

1. Walton Café Partnership, Ltd. d/b/a Sedona Grill (Respondent) operates a restaurant located at 2101 W. Wadley in Midland, Texas. The restaurant is operated under the authority of Mixed Beverage Permit No. MB-484882 (the Permit) issued by the TABC.
2. Respondent is essentially a family partnership that, until late 2004, consisted of four principal individual owners: (1) Trent Walton; (2) Janet Walton; (3) Jud Walton; and (4) Laura Walton.
3. Trent Walton is the son of Janet and Jud Walton, and was Respondent's president until late 2004.
4. Trent Walton had been in charge of the restaurant since its opening in 2000, and the other family members had limited involvement and knowledge about the restaurant or the restaurant business.
5. On April 22, 2003, Trent Walton was arrested for possession of cocaine, a state jail felony. He pled guilty to the criminal charge on September 11, 2003, and was placed on deferred adjudication probation.
6. In January 2004, Trent Walton submitted a mixed beverage permit renewal application for Sedona Grill to the TABC.
7. The 2004 renewal application specifically asked whether Trent Walton had been convicted of or received deferred adjudication for, among other things, any felony offense. In response, Trent Walton indicated "no," signed the application under oath, and submitted it to TABC.
8. The Permit was renewed based upon the 2004 renewal application.
9. In the fall of 2004, TABC learned of the criminal action against Trent Walton, and the local district attorney filed a criminal charge against him for falsifying his renewal application.
10. On December 6, 2004, TABC sent notice to Respondent that it intended to cancel the Permit because of the criminal court order of deferred adjudication for possession of cocaine entered against Trent Walton and the failure of Respondent to disclose that criminal matter on its most recent renewal application.

11. In the fall of 2004, Respondent terminated Trent Walton's ownership interest in the restaurant and removed him as president. However, Respondent retained him as the manager of the restaurant.
12. Respondent submitted a new permit renewal application on January 7, 2005, removing Trent Walton as an owner, and showing Janet Walton as the new president. Along with the application, Respondent submitted surety bond documents showing that the required surety bond had been obtained by Trent Walton, as the manager for Respondent.
13. TABC initiated a protest to the application and referred both the cancellation action and the renewal protest to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing.
14. On March 15, 2005, Trent Walton pled guilty to the criminal charge of falsifying an application, and received deferred adjudication probation, which included jail time as a condition of his community supervision.
15. On November 8, 2006, TABC sent its Notice of Hearing to Respondent. This Notice of Hearing informed Respondent of the time, location, and the nature 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 allegations and the relief sought by TABC.
16. On March 14, 2007, an evidentiary hearing in this matter convened in Odessa, Texas, before Administrative Law Judge (ALJ) Craig R. Bennett. TABC was represented at the hearing by W. Michael Cady, staff attorney. Respondent appeared and was represented by Jud Walton, who is both an attorney and also one of the owners of Respondent. The hearing concluded and the record closed that same day.

## V. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter under TEX. ALCO. BEV. CODE ANN. chs. 5 and 11.
2. SOAH has jurisdiction over all matters related to conducting a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law, under TEX. ALCO. BEV. CODE ANN. § 5.43 and 11.015, and TEX. GOV'T CODE ANN. § 2003.021.
3. Proper and timely notice of the hearing was provided as required under the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052; TEX. ALCO. BEV. CODE ANN. § 11.63; and 1 TEX. ADMIN. CODE §155.55.

4. Trent Walton is not qualified or suitable to hold a mixed beverage permit because he has pled guilty to, and received deferred adjudication for, the felony offense of possession of cocaine, a controlled substance. TEX. ALCO. BEV. CODE ANN. § 109.532(b)(1); 16 TEX. ADMIN. CODE § 33.1(b)(1)-(2).
5. Respondent's existing Mixed Beverage Permit No. MB-484882 should be cancelled because Trent Walton made a false or misleading statement in connection with a renewal application, is not of good moral character, and his reputation for being a peaceable and law-abiding citizen in the community where he resides is bad. TEX. ALCO. BEV. CODE ANN. § 11.61(b)(4) and (6).
6. The permit renewal application submitted by Respondent on January 7, 2005, should be denied because Respondent's mixed beverage permit has been cancelled as a result of an offense involving drugs. TEX. ALCO. BEV. CODE ANN. § 11.46(c).
7. The permit renewal application submitted by Respondent on January 7, 2005, should be denied because "the place or manner in which the applicant may conduct his business warrants the refusal of a permit based on the general welfare, health, peace, morals, and safety of the people and on the public sense of decency." TEX. ALCO. BEV. CODE ANN. § 11.46(a)(8).

**SIGNED on March 22, 2007.**

  
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**CRAIG R. BENNETT**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**