

DOCKET NO. 599635

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
CONTENDER SPORTS BAR INC. D/B/A CONTENDER SPORTS BAR, Respondent/Renewal Applicant	§	ALCOHOLIC
	§	
PERMITS NO. MB715113, LB	§	
	§	
WILLIAMSON COUNTY, TEXAS (SOAH DOCKET NO. 458-12-3988)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION on this the 7th day of May, 2013, 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 John H. Beeler presiding. The hearing convened on September 10, 2012 and the SOAH record closed on the same date.. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on October 25, 2012. 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. As of this date no exceptions have been filed.

After review and due consideration of the Proposal for Decision, and **with the exception of Finding of Fact No. 7 and Conclusions of Law Nos. 5 and 6**, 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.

Finding of Fact No. 7 is modified to read:

Respondent may conduct its business in a place or manner contrary to the general welfare, health, peace, morals and safety of the people and against the public sense of decency.

Conclusion of Law No. 5 is modified to read:

The likelihood that Respondent may conduct its business in a place or manner contrary to the general welfare, health, peace, morals and safety of the people and against the public sense of decency warrants refusal of a permit.

Conclusion of Law No. 6 is modified to read:

Respondent's application for renewal of its permits should be denied.

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.

THEREFORE, IT IS ORDERED that Respondent's application for renewal of its Mixed Beverage Permit and Mixed Beverage Late Hours Permit is hereby **DENIED**.

This Order will become final and enforceable on the 31st day of May, 2013 unless a Motion for Rehearing is filed on or before the 30th day of May, 2013.

SIGNED this the 7th day of May, 2013, at Austin, Texas.



Sherry K-Cook, Administrator
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 7th day of May, 2013.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

John H. Beeler
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78711-3025
VIA FACSIMILE: (512) 322-2061

Contenders Sports Bar, Inc.
d/b/a Contenders Sports Bar
RESPONDENT
742 Nelson Ranch
Cedar Park, Texas 78613
VIA 1st CLASS MAIL

David T. Duncan, Jr.
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: david.duncan@tabc.state.tx.us

5. The Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. The referring agency's staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
2. The referring agency has jurisdiction over this matter.
3. Proper and timely notice was provided to the Respondent in accordance with Tex. Gov't Code ch. 2001 and 1 Tex. Admin. Code ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 Tex. Admin. Code § 155.501.
5. The referring agency staff has established the basis for sanction alleged in the notice of hearing, which is incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested and Respondent's Permit should be cancelled.

SIGNED October 25, 2012.



JOHN H. BEELER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS