



After review and due consideration of the Proposal for Decision, and with the following modification to Finding of Fact No. 7 and Conclusion of Law No. 4, I adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained therein and incorporate those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein. The modification to Finding of Fact No. 7 is made to clarify the language, and not to change the substance, of the Administrative Law Judge's finding. The modification to Conclusion of Law No. 4 corrects an incorrect legal citation.

**Finding of Fact No. 7 is modified to read as follows:**

No. 7. On or about December 6, 2013, Respondent, or Respondent's agent, servant or employee, failed to timely pay for beer or malt liquor from a distributor or wholesale dealer.

**Conclusion of Law No. 4 is modified to read as follows:**

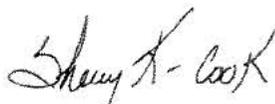
No. 4. Based on Findings of Fact Nos. 6-7, cancellation of Respondent's permits is proper pursuant to Code §§28.12, 11.61(b)(2), 61.73, 102.31, 102.32; 45 Texas Administrative Code §45.131; and 1 Texas Administrative Code §155.501.

All motions, requests for entry of Proposed Findings of Fact 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 Respondent's Mixed Beverage Permit No. MB633670, and the associated Mixed Beverage Late Hours Permit, are hereby **CANCELLED**.

**This Order will become final and enforceable on the 13th day of January, 2015, unless a Motion for Rehearing is filed by the 12th day of January, 2015.**

**SIGNED** this the 18th day of December, 2014, at Austin, Texas.



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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 18th day of December, 2014.



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Martin Wilson, Assistant General Counsel  
Texas Alcoholic Beverage Commission

Steven M. Rivas  
**ADMINISTRATIVE LAW JUDGE**  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701  
**VIA FACSIMILE: (512) 322-2061**

Joey G's Sports Bar LLC  
d/b/a Joey G's Sports Bar  
**RESPONDENT**  
8751 Grissom Rd.  
San Antonio, Texas 78251  
**VIA FIRST CLASS MAIL, CMRRR # 70050390000575497209**

David T. Duncan, Jr.  
**ATTORNEY FOR PETITIONER**  
TABC Legal Division  
**VIA E-MAIL: [david.duncan@tabc.texas.gov](mailto:david.duncan@tabc.texas.gov)**



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 it failed to appear at the hearing, the factual allegations against it would be deemed admitted as true, and the relief sought in the notice might be granted by default.
5. The hearing convened as scheduled on June 13, 2014, at the State Office of Administrative Hearings in San Antonio, Texas, before ALJ Steven M. Rivas. TABC was represented by Staff Attorney, David T. Duncan, Jr. Respondent did not appear and was not represented at the hearing.
6. Staff moved for a default, which was granted, and the record closed at the conclusion of the hearing.
7. The allegations contained in the notice are deemed admitted as true.

## II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code (Code) Chapter 5 and § 11.015.
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. Based on Findings of Fact Nos. 6-7, cancelation of Respondent's permit is proper pursuant to Code §§ 28.12, 61.71(a)(1), 61.73, 102.31, 102.32; 45 Texas Administrative Code § 45.131; and 1 Texas Administrative Code § 155.501.

**SIGNED July 21, 2014.**



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STEVEN M. RIVAS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS