



**IT IS THEREFORE ORDERED** that the privileges granted by the Commission and the activities authorized under the above permit by the Code will be **SUSPENDED beginning at 12:01 a.m. on June 3rd, 2015** and shall remain suspended for **TEN (10) CONSECUTIVE DAYS, UNLESS** a civil penalty in the amount of **\$3,000.00 is paid ON OR BEFORE May 26th, 2015.**

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

**SIGNED** this the 22nd day of April 2015, 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 22nd day of April, 2015.



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Martin Wilson, Assistant General Counsel  
Texas Alcoholic Beverage Commission

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

Moko-Mudbugs NP  
d/b/a Mudbugs  
**RESPONDENT**  
4550 North Major Drive, #1223  
Beaumont, TX 77713  
***VIA FIRST CLASS MAIL, CMRRR #70120470000133035176***

Sandra Patton  
**ATTORNEY FOR PETITIONER**  
TABC Legal Division  
***VIA E-MAIL: [sandra.patton@tabc.texas.gov](mailto:sandra.patton@tabc.texas.gov)***

**TEXAS ALCOHOLIC BEVERAGE COMMISSION  
CIVIL PENALTY REMITTANCE**

**DOCKET NUMBER: 625817**

**REGISTER NUMBER:**

**NAME: Moko-Mudbugs NP**

**TRADENAME: Mudbugs**

**ADDRESS: 4550 North Major Drive, #1223, Beaumont, Texas**

**DUE DATE: May 26, 2015**

**PERMITS OR LICENSES: N855611, NL and PE**

**AMOUNT OF PENALTY: \$3,000.00**

Amount remitted \$ \_\_\_\_\_ Date remitted \_\_\_\_\_

You may pay a civil penalty rather than have your permits and licenses suspended if an amount for civil penalty is included on the attached order.

**YOU HAVE THE OPTION TO PAY THE CIVIL PENALTY ONLY IF YOU PAY THE ENTIRE AMOUNT ON OR BEFORE THE DUE DATE. AFTER THAT DATE YOUR LICENSE OR PERMIT WILL BE SUSPENDED FOR THE TIME PERIOD STATED ON THE ORDER.**

**Mail this form with your payment to:**

**TEXAS ALCOHOLIC BEVERAGE COMMISSION  
P.O. Box 13127  
Austin, Texas 78711  
Overnight Delivery Address: 5806 Mesa Dr., Austin, Texas 78731**

**You must pay by postal money order, certified check, or cashier's check. No personal or company check nor partial payment accepted. Your payment will be returned if anything is incorrect. You must pay the entire amount of the penalty assessed.**

**Attach this form and please make certain to include the Docket # on your payment.**

\_\_\_\_\_  
Signature of Responsible Party

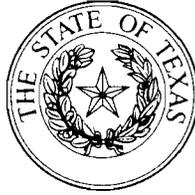
\_\_\_\_\_  
Street Address                      P.O. Box No.

\_\_\_\_\_  
City                      State                      Zip Code

\_\_\_\_\_  
Area Code/Telephone No.



# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge  
October 7, 2014

RECEIVED  
OCT 8 2014  
ADMINISTRATIVE  
LEGAL

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

VIA REGULAR MAIL

**RE: SOAH Docket No. 458-14-4972; Texas Alcoholic Beverage Commission vs. Moko-Mudbugs NP d/b/a Mudbugs (TABC Case No. 625817)**

Dear Ms. Cook:

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

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

Sincerely,

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

Stephen Burger  
Administrative Law Judge

SB/cj

Enclosure

xc Sandra K. Patton, Texas Alcoholic Beverage Commission, 427 W. 20<sup>th</sup> Street, Suite 600, Houston, TX 77008 - VIA REGULAR MAIL  
Emily Helm, General Counsel, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - VIA REGULAR MAIL  
Judith Kennison, Senior Attorney, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - VIA REGULAR MAIL  
Moko-Mudbugs NP d/b/a Mudbugs; 4550 North Major Drive #1223; Beaumont, Texas 77713 - VIA REGULAR MAIL



setting the hearing on the merits for September 26, 2014. The notice was returned and marked "return to sender unclaimed unable to forward."

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 on September 26, 2014, before Administrative Law Judge Stephen Burger at the State Office of Administrative Hearings (SOAH) office in Houston, Texas. TABC was represented by Staff Attorney, Sandra K. Patton. Respondent did not appear and was not represented at the hearing.
6. Staff moved for a default, which was granted.
7. The allegations contained in the notice are deemed admitted as true.
8. On or about May 9, 2014, Respondent or its agent, servant, or employee sold, served, or delivered an alcoholic beverage to an intoxicated person.

## II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code (Code) Ch. 5 and §11.61.
2. SOAH has jurisdiction over all matters related to conducting a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to Texas Government Code Ch. 2003.
3. Proper and timely notice of the hearing was provided as required by Texas Government Code §§ 2001.051 and 2001.052.
4. Respondent violated Code §§ 11.61(b)(14) and 32.17(a)(8).
5. Based on the foregoing Findings of Fact and Conclusions of Law, a 10-day suspension of Respondent's permits is warranted. Code § 11.61.
6. Pursuant to Code § 11.64, Respondent should be allowed to pay a \$300.00 per day fine in lieu of suspension of its permits.

SIGNED October 3, 2014.

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