



# TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

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**Alan Steen**  
Administrator

January 7, 2011

MARKETING PRACTICES BULLETIN – MPB 43

16 TAC 45.121 Cash Law & 16 TAC 45.131 Credit Law – **Field Settlement Civil Penalty Chart**

To: Alcoholic Beverage Industry Members

In accordance with § 34.1(i) of the Texas Alcoholic Beverage Commission Rules, an authorized person of the Commission may deviate from the penalty sanctions in § 34.2 of the Texas Alcoholic Beverage Commission Rules with approval from the Administrator or his designee. Therefore, this bulletin announces penalty guidelines used by staff for field settlement of administrative cases for cash and credit law violations. Retailers receive written notification for any six (6) delinquent incidents within a 12-month period (rolling 12-month period). However, on the seventh (7) and subsequent delinquent incident within a 12-month period, Commission staff will open an administrative case and follow the below recommended sanctions for settlement of administrative cases at the field level.

Incident Number	Number of Administrative Cases Filed In 12-Month Period	Civil Penalty Per Individual Case	Number of Suspension Days
1-6	Mail Notification of Incident	0	0
7	1	\$300 (2 x 150.00)	2
8	2	\$600 (4 x 150.00)	4
9	3	\$1,800 (12 x 150.00)	12
10	4	\$1,900	13
11	5	\$2,000	14
12	6	\$2,100	15
13	7	\$2,200	16
14	8	\$2,300	17
15	9	\$2,400	18
16	10	\$2,500	19
17	11	\$2,600	20
18	12	\$2,700	21
19	13	\$2,800	22
20	14	\$2,900	23
21	15	\$3,000	24
22	16	\$3,100	25
23	17	\$3,200	26
24	18	\$3,300	27
25	19	\$3,400	28
26	20	\$3,500	29
27	21	\$3,600	30
28	22+	N/A	Cancellation

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**THIS CHART DOES NOT APPLY TO AN ADMINISTRATIVE CASE REFERRED TO THE LEGAL DIVISION FOR RESOLUTION.**

This bulletin is of the Commission, and it should be noted that any permittee/licensee may pursue a different opinion through administrative proceedings with the State Office of Administrative Hearings. The Commission will continue to monitor this issue and make necessary regulatory changes as statutorily applicable.

We hope this opinion will assist you in your endeavors. If you would like additional information or have questions regarding this bulletin, you may contact me in writing at P.O. Box 13127, Austin, TX 78711, by email at [marketing.practices@tabc.state.tx.us](mailto:marketing.practices@tabc.state.tx.us), by phone at 512-206-3302 or by facsimile at 512-206-3212.

Kindest Regards,

A handwritten signature in blue ink that reads "Dexter K. Jones". The signature is fluid and cursive, with the first name being the most prominent.

Dexter K. Jones  
Assistant Chief of Field Operations  
Compliance and Marketing Practices Division

xc: Alan Steen, Administrator  
Executive Management  
Regional Personnel