

DOCKET NO. 458-99-1513
(TABC NO. 584764)

TEXAS ALCOHOLIC BEVERAGE
COMMISSION

VS.

VICTOR LUIS MIRANDA dba BLUE ROOM
PERMIT NO. BG-431329
LICENSE NO. BL-431330
EL PASO COUNTY, TEXAS

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BEFORE THE STATE OFFICE



ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC), Petitioner, brought this action against VICTOR LUIS MIRANDA dba BLUE ROOM, Respondent, to determine whether the conditions had been met for the forfeiture of Respondent's conduct surety bond

At the hearing, there was a stipulation by the parties to the evidence

FINDINGS OF FACT

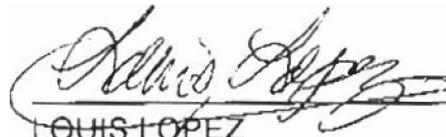
1. Victor Luis Miranda dba The Blue Room is located at 8149 Alameda Avenue, El Paso, El Paso County, Texas. Respondent was issued Wine and Beer Retailer's Permit No. BG-431329 and Retail Dealer's On-Premise Late Hours License No. BL-431330 by the Texas Alcoholic Beverage Commission (TABC) on May 1, 1998, and these have been regularly renewed.
2. On September 8, 1999, a hearing was held before Administrative Law Judge Louis Lopez in El Paso. Petitioner was represented by attorney Gayle Gordon, and Respondent was represented by attorney Luis Aguilar. The parties stipulated to the sufficiency of jurisdiction and that the notice of hearing was proper. The Respondent stipulated to the admission of exhibits offered by Petitioner and did not present any evidence.
3. Respondent committed violations of the Code on respective dates as follows: (a) sold an alcoholic beverage between the hours of 2 a.m. and 12 noon on Sunday, July 25, 1998; (b) permitted consumption during prohibited hours on September 13, 1998; and (c) permitted a minor to possess an alcoholic beverage on September 13, 1998.

CONCLUSIONS OF LAW

1. The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to any or all of the following: Texas Alcoholic Beverage Code [Code] Sections 5.31--5.44, 6.01, 11.61, 61.71, and 32.01.

- 2 Service of proper notice of the hearing was made on Respondent pursuant to Code Section 11.63 and the Administrative Procedure Act, Texas Government Code Sections 2001.051 and 2001.052.
- 3 The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding pursuant to Code Section 5.43(a) and the Tex. Govt. Code Chapter 2003.
- 4 Based on Respondent's three violations of the Code since September 1, 1995, as set out in Finding of Fact No. 3, the criteria have been met for the forfeiture of Respondent's conduct surety bond in accordance with Texas Alcoholic Beverage Commission Rule 33.24(j)(1).

SIGNED this 21st day of October, 1999.



LOUIS LOPEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS