

DOCKET NO. 591060

TEXAS ALCOHOLIC BEVERAGE	§	BEFORE THE TEXAS
COMMISSION	§	
	§	
VS.	§	
	§	ALCOHOLIC
ROSINA L. DEVEAU	§	
D/B/A GEORGE WASHINGTON LOUNGE	§	
PERMIT NOS. BG-257713 & BL-257714	§	
EL PASO COUNTY, TEXAS	§	
(SOAH DOCKET NO. 458-01-1577)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 21st day of June, 2001, the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge Louis Lopez. The hearing convened on April 9, 2001, and adjourned April 9, 2001. The Administrative Law Judge made and filed a Proposal For Decision containing Findings of Fact and Conclusions of Law on May 22, 2001. This 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.

The Assistant Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision, Transcripts, and Exhibits, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge, which are contained in the Proposal For Decision and incorporates those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein. All Proposed Findings of Fact and Conclusions of Law, submitted by any party, which are not specifically adopted herein are denied.

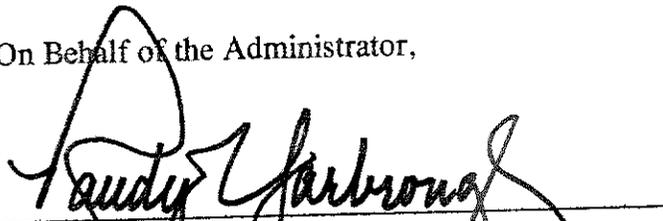
IT IS THEREFORE ORDERED, by the Assistant Administrator of the Texas Alcoholic Beverage Commission, pursuant to Subchapter B of Chapter 5 of the Texas Alcoholic Beverage Code and 16 TAC §31.1, of the Commission Rules, that all rights and privileges under the above described permit and license will be **SUSPENDED** for a period of sixty (60) days, beginning at 12:01 A.M. on the 21st day of August, 2001.

This Order will become final and enforceable on July 12, 2001, unless a Motion for Rehearing is filed before that date.

By copy of this Order, service shall be made upon all parties by facsimile and by mail as indicated below.

WITNESS MY HAND AND SEAL OF OFFICE on this the 21st day of June, 2001.

On Behalf of the Administrator,


Randy Farbrough, Assistant Administrator
Texas Alcoholic Beverage Commission

DAB/yt

H. Doug Pruett
ATTORNEY FOR RESPONDENT
P. O. BOX 10252
Austin, Texas 78766
**VIA FACSIMILE: (512) 452-6538 AND
REGULAR MAIL**

Administrative Law Judge
State Office of Administrative Hearings
El Paso, Texas
VIA FACSIMILE: (915) 834-5657

Dewey A. Brackin
ATTORNEY FOR PETITIONER
Texas Alcoholic Beverage Commission
Legal Division

El Paso District Office
Licensing Division

DOCKET NO. 458-01-1577

TEXAS ALCOHOLIC BEVERAGE
COMMISSION

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BEFORE THE STATE OFFICE

VS.

OF

ROSINA L. DEVEAU
D/B/A GEORGE WASHINGTON LOUNGE
BG-257713, BL-257714
EL PASO COUNTY, TEXAS
TABC NO. 591060

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Texas Alcoholic Beverage Commission (the Staff) brought this action against Rosina L. Deveau doing business as the George Washington Lounge (Respondent). The Staff alleged that Respondent had committed three violations of the Texas Alcoholic Beverage Code (Code) and requested cancellation of Respondent's permits. This proposal finds one violation and recommends that Respondent's permits be suspended for a total of 60 days.

The hearing on the merits was held on April 9, 2001, at the State Office of Administrative Hearings, 401 East Franklin Avenue, Suite 580, El Paso, Texas. The Staff appeared through attorney Dewey Brackin. Respondent appeared in person and was represented by attorney H. Douglas Pruett. Administrative Law Judge Louis Lopez presided. The record was closed on the same day.

Since there were no contested issues related to jurisdiction or notice, those matters are set out below in the Findings of Fact and Conclusions of Law.

I. LEGAL PROVISIONS

The following provisions are relevant to this case:

CODE §61.71(a)(6) (Vernon 2000). **GROUND FOR CANCELLATION OR SUSPENSION: RETAIL DEALER.** (a) The commission or administrator may suspend for not more than 60 days or cancel an original or renewal retail dealer's on- or off-premise license if it is found, after notice and hearing, that the licensee:

(6) sold, served, or delivered an alcoholic beverage to an intoxicated person;

CODE §104.01(Vernon 2000). **LEWD, IMMORAL, INDECENT CONDUCT.** No person authorized to sell beer at retail nor his agent, servant, or employee, may engage in or permit conduct on the premises of the retailer which is lewd, immoral, or offensive to public decency, including, but not limited to, any of the following acts:

.....

(5) being intoxicated on the licensed premises;

.....

(9) possession of a narcotic . . .

CODE §11.64(a)(Vernon 2000). **ALTERNATIVES TO SUSPENSION, CANCELLATION.** (a) When the commission or administrator is authorized to suspend a permit or license under this code, the commission or administrator shall give permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended, unless the basis for the suspension is a violation of Section . . . 61.71(a)(6) . . . , in which case the commission or administrator shall determine whether the permittee or licensee may have the opportunity to pay a civil penalty rather than have the permit or license suspended. The commission shall adopt rules addressing when suspension may be imposed pursuant to this section without the opportunity to pay a civil penalty. In adopting rules under this subsection, the commission shall consider the type of license or permit held, the type of violation, any aggravating or ameliorating circumstances concerning the violation, and any past violations of this code by permittee or licensee. In cases in which a civil penalty is assessed, the commission or administrator shall determine the amount of the penalty and in doing so shall consider the economic impact a suspension would have on the permittee or licensee. The amount of the civil penalty may be not less than \$150 or more than \$25,000 for each day the permit or license was to have been suspended.

16 TEXAS ADMINISTRATIVE CODE (TAC) §37.61 (West 2000).
Suspensions.

(b) In determining whether to deny a licensee or permittee the right to pay a civil penalty in lieu of a suspension, the administrator shall consider:

- (1) the type of permit or license held by the violating licensee or permittee and whether the sale of alcoholic beverages constitutes the primary or partial source of the licensee or permittee's business;
- (2) the type of violation or violations charged;
- (3) the licensee's or permittee's record of past violations; and
- (4) any aggravating or ameliorating circumstances.

(c) Aggravating or ameliorating circumstances may include but are not limited to:

- (1) whether the violation was caused by intentional or reckless conduct by the licensee or permittee;
- (2) the number, kind and frequency of violations of the Alcoholic Beverage Code and rules of the commission committed by the licensee or permittee;
- (3) whether the violation caused the serious bodily injury or death of another; and/or
- (4) whether the character and nature of the licensee's or permittee's operation are reasonably calculated to avoid violations of the Alcoholic Beverage Code and rules of the commission.

II. EVIDENCE

The Staff had two exhibits admitted into evidence: (1) a set of documents related to Respondent's permits and past history of violations and (2) a laboratory analysis of two substances found to be cocaine. The Staff witnesses were Marc Decatur and Manuel Rios. Both were agents of the Texas Alcoholic Beverage Commission (TABC). Respondent's witnesses were (1) the Respondent, (2) Inez Serrao (the night manager), and (3) Carmen Salas (a waitress).

The Staff alleged that Respondent had committed two Code violations when a woman, who was supposedly employed as a dancer, was intoxicated on the premises and was found to be in possession of cocaine. A third violation allegedly occurred when a bartender served an intoxicated man.

Violations by Alleged Employee

In the early hours of Friday, August 25, 2000, TABC Agent Manuel Rios went into Respondent's establishment, the George Washington Lounge, for a routine inspection. It was about 1:30 A.M., one-half hour before closing time. He saw a young woman go to the restroom, and as she entered, she hit her head on the door frame. He later observed her having difficulty maintaining her balance while sitting on a bar stool. When Agent Rios asked to talk to her, he noticed she had a strong odor of an alcoholic beverage on her breath, bloodshot eyes, and slurred speech. When they went outside to talk, he noticed she had could not walk steadily. He had her perform standardized field sobriety tests, which confirmed she was intoxicated. On the Horizontal Gaze Nystagmus test, she scored

the maximum of six clues. She could not stand in place with one foot in front of the other touching the heel of her front foot with the toe of the back foot. On the Walk and Turn test, she did not touch heel to toe as required. Agent Rios placed her under arrest for public intoxication. At the police station, a white powder was found in her brassiere. After laboratory analysis, the powder was found to be cocaine. The woman was identified as Veronica Munoz. Respondent did not dispute the intoxication of Ms. Munoz. None of her witnesses testified that they had noticed Ms. Munoz at any time preceding her arrest.

The point that Respondent did assert vehemently was that Ms. Munoz was not an employee. Agent Rios testified that he had asked Ms. Munoz if she was an employee when he first talked to her inside the bar. At that point, she declined to say anything and instead said she preferred to talk outside. When they talked outside, she claimed she was an employee. She explained that each alcoholic drink cost \$5, with \$2 going to the bar and \$3 going to the waitress. Upon being told she was going to jail, Ms. Munoz went to a locker in the restroom. She took an athletic sweat suit out of a back pack in the locker and changed into it. She had been wearing a black dress and high-heel shoes. To the Staff, this was another indication that she was an employee. The agent, however, never saw Ms. Munoz either dancing or serving drinks or doing anything else that would make her appear to be working for Respondent.

Agent Rios said he talked to the night manager, Inez Serrao, at the time of the Munoz arrest, and she clearly denied that Ms. Munoz was an employee. At the hearing, Respondent herself testified unequivocally that Ms. Munoz was not an employee. Ms. Munoz was the sister of Roxina Munoz who was an employee at the time. Respondent testified that the lockers in the restroom did not have locks and were not assigned to specific employees. As an employee, Roxina Munoz was allowed to use a locker, but patrons could also deposit items in the lockers if they chose.

At the hearing, Ms. Serrao stated again unequivocally that Veronica Munoz had never been an employee of the establishment but that her sister Roxina had been one. She was acquainted with Veronica Munoz because the latter came into the lounge periodically as a customer. Ms. Serrao said it would be plausible for a mere patron to come in, change into a dress, and place her street clothes in a locker. She testified she herself had been employed at the George Washington Lounge for three and one-half years.

Carmen Salas, a waitress at the lounge, also testified that Veronica Munoz was not an employee. She said she had overheard part of the conversation that took place between Ms. Munoz and Agent Rios and that she had heard Ms. Munoz tell the agent that she was *not* an employee of the lounge.

Serving an Intoxicated Person

TABC Agent Marc Decatur testified that around 9:00 P.M. on Friday, August 25, 2000, he visited the George Washington Lounge in an undercover capacity. This was about 20 hours after the arrest of Veronica Munoz. While there, he saw a male patron

sitting at the table next to his who was making errors in his speech, was walking into chairs, and had glassy and bloodshot eyes. Other people were laughing at the man because of his trouble walking. This patron went to the bar and purchased three bottles of Budweiser beer. Two of the bottles were for two other men who were sitting at his table. There were nine empty beer bottles on the table which indicated how much beer the men had drunk. Agent Decatur said he had extensive experience in observing intoxicated persons in his employment as a peace officer since 1985, and before that, as a paramedic. As an example of how much contact he had experienced with intoxicated persons, he estimated he had performed the Horizontal Gaze Nystagmus test for assessing intoxication at least 500 times. The intoxicated man was identified as Mario Barrosa and was arrested for public intoxication. The bartender who served him was identified as Yolanda "Yoli" Mendoza.

On the other side of the issue, Respondent testified she saw Mr. Barrosa early in the evening but that he was sitting at the bar, not at a table. She did not believe he was intoxicated when she saw him. Respondent did, however, seem confused in her recall of what night it was that she saw him. Ms. Serrao testified that Mr. Barrosa was one of two customers who liked to come into the George Washington Lounge and pretend he was drunk as a means of humor. She did not opine that his playing around was the reason for his getting arrested on that particular night. She did not even testify that she remembered seeing him that night before his arrest, although she was present.

Agent Decatur also testified that he observed two other patrons that same night who were intoxicated. One of them was so inebriated that, after standing up, he reached to support himself by trying to place his hand on the back of his chair but missed and fell to the floor. He had to be helped up by the dancer who was sitting at his table. A third patron showed signs of intoxication including abnormal speech. When Agent Decatur called the officers who were working with him to come in to make arrests, he indicated Mr. Barrosa as well as the other two men. All three men were arrested for public intoxication. The reason the Staff did not file violations against Respondent based on the other two intoxicated patrons was that they had been served by a second bartender who snuck out a door before the officers had a chance to secure it.

III. DISCUSSION

Violations by Alleged Employee

The evidence is on the side of Respondent on the issue of whether Veronica Munoz was an employee. The Staff presented no evidence that she was an agent or servant. Agent Rios never saw her performing any of the expected duties of a bar employee such as dancing, waiting on tables, serving drinks, or even sitting with customers. The fact that she changed from a black dress into a sweat suit may have seemed unusual, but the action was open to explanations other than that she was a dancer at the George Washington Lounge, an assumption urged by the Staff. She could have been allowed by her sister Roxina, who worked at the lounge, to leave her backpack in a locker. One

possible explanation is that rather than go home after a day of work or shopping, Ms. Munoz decided to carry her black dress with her and change into it that night at the lounge.

Agent Rios said Ms. Munoz did not want to discuss whether she was an employee of the lounge until after they had gone outside. This casts doubt on her credibility. A waitress, Carmen Salas, testified positively that she heard Ms. Munoz tell the agent that she was not employed at the George Washington Lounge. The Staff placed great credence on the fact Ms. Munoz told Agent Rios how drinks were charged, but she could have easily learned those details from her sister.

There is a final factor that is very important in assessing whether Ms. Munoz was an employee, and that was her level of intoxication. Agent Rios recited numerous details about the physical condition of Ms. Munoz, including that she had slurred speech. The testimony was successful in proving that Ms. Munoz was highly intoxicated, but that same evidence has to count against her judgment, her audibility, and her veracity. It may well be that her inebriated state made her think that it would be to her benefit, when confronted by a police officer, to state that she was an employee when she was not. It may also be the case that her slurred speech made Agent Rios incorrectly hear her say she was an employee. The Staff did not subpoena Ms. Munoz to testify.

Serving an Intoxicated Person

While the evidence was in favor of Respondent on the question of whether Ms. Munoz was an employee, it was heavily in favor of the Staff on the serving of an intoxicated person by bartender Yolanda Mendoza. Under Agent Decatur's credible description, Mario Barrosa was visibly intoxicated. The agent had a good point of observation since he was seated at the table adjacent to Mr. Barrosa's.

Respondent testified that she saw Mr. Barrosa sitting at the bar early in the evening and that he was not intoxicated. If she did see Mr. Barrosa on the same night he was arrested, her observation may be more helpful to the Staff's position than to hers, since it would tend to confirm that Mr. Barrosa was sober at the George Washington Lounge earlier in the evening and became intoxicated there by 9:00 P.M. Although Ms. Serrao testified that Mr. Barrosa had a habit of acting like he was intoxicated, she did not specify that he was acting drunk on that night.

Sanction

Only one of the violations charged by the Staff can be the basis for sanctions against the Respondent: serving an intoxicated person. The underlying circumstances must still be examined in determining the proper sanction to be imposed. It is clear that Mr. Barrosa was highly intoxicated. The bartender should not have served him, and the management should have been alert enough to prevent the situation. There was sound evidence that three other intoxicated persons were present at the George Washington Lounge on August

25, 2000. These other incidents cannot be counted as violations, but they can be considered in examination of the surrounding circumstances.

Agent Decatur was confident in his observation of two other intoxicated men at the time he was in the lounge. He saw a second bartender serve those other two men. He intended to file two additional violations of serving an intoxicated person based on those observations but was thwarted when the unidentified bartender slyly left the establishment. The two men were arrested for public intoxication. The situation showed that both of the bartenders working at that time were careless in serving inebriated customers. That both bartenders served intoxicated persons tended to indicate that they had not been trained or adequately supervised in deciding when to stop serving customers.

While Veronica Munoz was not an employee, she was an intoxicated patron. Agent Rios said he saw her sitting at the bar when he arrived. Respondent's witnesses said she went to the George Washington Lounge as a patron. No witness stated that they observed any employee actually serve Ms. Munoz an alcoholic beverage, but circumstantially at least, there was some evidence that she was served while intoxicated. Ms. Munoz was found intoxicated on a different night from the night the three intoxicated men were observed. This tends to indicate that the night the three men were arrested cannot simply be explained as an unusual night. There appeared to be laxness in serving patrons on two different nights.

These facts tend to show that the serving of Mr. Barrosa was not an isolated incident. It seemed, instead, that there was a lack of concern for whether intoxicated persons were served. In fact, Respondent did not even try to claim that the Barrosa violation was unusual.

The Staff requested a cancellation of Respondent's permits based on the three violations alleged. In the alternative, the Staff asked for a suspension of 60 days for each violation. The Staff urged a cancellation based on Respondent's past record of violations which went back as far as 1990. While there is nothing that prevents consideration of violations going back that far, it would appear that the most recent violations would be more important, and the record since October 1996 has shown marked improvement. Respondent's efforts to increase compliance with the law should not be overlooked. It appears that she made a good decision in hiring Ms. Serrao three and one-half years ago since that appears to be about the time that compliance improved dramatically. There was a violation involving a sale to an intoxicated person in June 1996, but that is the only such violation in eleven years before the one involved in this case. The other types of violations which were occurring prior to October 1996 have not recurred. The offenses which occurred prior to October 1996 will not be given much weight. In addition, Agent Decatur testified that he had gone to the George Washington Lounge—in his professional capacity—from four to ten times other than August 25, 2000, yet he did not mention that he had issued any citations for violations during those other visits. Cancellation will not be recommended.

The intoxicated persons in Respondent's bar on August 25 nevertheless present a serious problem for her. The violation of serving an intoxicated person is one for which the Code allows denial to a permittee of the right to pay a civil penalty in lieu of suspension. That serves to indicate the seriousness of the charge. The TABC rules delineate the considerations to be reviewed in allowing the payment of a civil penalty, 16 TAC §37.61 (b) and (c), *supra*. Those considerations that apply to this case will now be discussed.

Respondent holds a Wine and Beer Retailer's Permit as well as a Retail Dealer's On-Premise Late Hours License. It is important that Respondent be especially careful to avoid aiding persons in becoming intoxicated in view of her being open for business at late hours. The George Washington Lounge is the primary source of Respondent's business. The type of violation found here is one that clearly aids and abets a customer in violating a law: public intoxication. It could further involve a customer in committing other crimes, such as driving while intoxicated. As discussed above, Respondent has numerous violations, but almost all are more than five years old. There was a violation in February 1999: refusing inspection. It was done by an employee and not by the Respondent herself. Such a violation is still serious because it implies Respondent's employees had something to hide.

Although Respondent's conduct in serving intoxicated people was not intentional and fell short of being reckless, the presence of four intoxicated persons on the premises certainly showed a high degree of negligence by the bartenders and by management. The intoxicated customers showed obvious signs that they had drunk too much alcohol. This should have been readily recognized by any bartender, and management should have kept a close enough vigil that night to have prevented any further service of the patrons. A well-managed establishment could go further and insure that intoxicated persons not remain on the premises and take measures to aid them in getting home safely. The violation did not cause serious bodily injury or death, but there was a potential for it. These are all aggravating circumstances.

At the hearing, after Ms. Serrao was asked how the employees were instructed to avoid serving intoxicated persons, all she said was that they were told to take a close look at the patron's eyes. She made no mention of telling the servers to look at a person's walk, manner of talking, or odor. She did not mention that any training was given to new employees or that there were wall signs or clearly written instructions for them to follow. She did not state whether servers were subject to dismissal for serving intoxicated persons. Nor did she mention her own methods of supervision for preventing this or any other type of violation.

Even more important, Respondent and her witnesses made no reference to any measures taken since August 2000 to prevent similar incidents. There was no mention of any lessons learned from the night in question. In Respondent's favor, she has not been charged by peace officers for any violations since that night, including that of serving an intoxicated person.

IV. CONCLUSION

Based on a preponderance of the evidence, Respondent committed one violation of the Code. It is proposed that Respondent's permits be suspended for 60 days without the opportunity to pay a civil penalty in lieu of suspension.

FINDINGS OF FACT

1. Rosina L. Deveau doing business as the George Washington Lounge (Respondent) is the holder of Wine and Beer Retailer's Permit No. BG-257713 and Retail Dealer's On-Premise Late Hours License No. BL-257714, issued by the Texas Alcoholic Beverage Commission (TABC) on August 17, 1990. The permits have been continuously renewed
2. On October 4, 2000, the staff of TABC (the Staff) sent a notice to Respondent that TABC was seeking to cancel or suspend Respondent's permits based on three violations.
3. On January 26, 2001, the Staff sent a Notice of Hearing by certified mail to Respondent. The hearing notice specified the time, place, and nature of the hearing; the legal authority for the hearing; and the matter to be determined. The State Office of Administrative Hearings notified Respondent of the hearing in an Order Setting Prehearing Conference on February 1, 2001.

Violations

4. On Friday, August 25, 2000, at 1:30 A.M., Veronica Munoz was sitting on a bar stool in Respondent's establishment, the George Washington Lounge.
5. Ms. Munoz was not seen performing any tasks normally performed by a dancer or waitress.
6. Ms. Munoz did not state that she was an employee of the George Washington Lounge.
7. Ms. Munoz was not an employee of Respondent.
8. On Friday, August 25, 2000, about 9:00 P.M., a man in the George Washington Lounge walked into chairs, made errors in his speech, and had glassy, bloodshot eyes. There were nine bottles of beer at the table where he was sitting with two other men.
9. The man was intoxicated.

10. At that time, the man, whose name was Mario Barrosa, was served three bottles of Budweiser beer by one of Respondent's bartenders, Yolanda Mendoza.

Criteria in 16 TAC §37.61

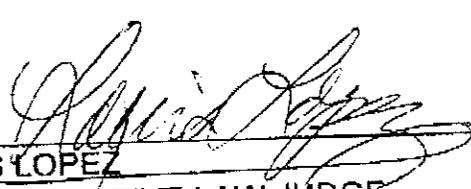
11. Respondent has a license that allows the sale of alcoholic beverages at late hours.
12. The sale of alcoholic beverages is the primary source of Respondent's business.
13. Serving an intoxicated person is a violation that can have serious consequences, including the violation of other laws by the intoxicated person.
14. Respondent has numerous past violations.
15. Only three violations occurred between September 1996, and August 2000, when Respondent committed one violation (refusing inspection) and received two citations for minor violations.
16. On August 25, 2000, the bartenders and the management of the George Washington Lounge showed great negligence in serving alcoholic beverages to intoxicated persons.
17. There was no serious bodily injury or death, but the potential for it was there.
18. There were, and still are, no plans in the operation of the George Washington Lounge reasonably calculated to avoid violations of the Code and rules, in particular the violation of serving an intoxicated person.
19. On Friday, August 25, 2000, at 1:30 A.M., Veronica Munoz had difficulty maintaining her balance while sitting, and she had a strong odor of an alcoholic beverage on her breath, bloodshot eyes, and slurred speech. She could not walk steadily. On the standardized field sobriety test known as the Horizontal Gaze Nystagmus test, she scored the maximum six clues. She could not stand in place with one foot in front of the other touching the heel of her front foot with the toe of the back foot. On the Walk and Turn test, she did not touch heel to toe. All of this indicated that she was intoxicated.
20. On Friday, August 25, 2000, at 9:00 P.M., a third patron of the George Washington Lounge was so inebriated that he reached to support himself by trying to place his hand on the back of his chair, while standing next to it, but missed and fell to the floor. He had to be helped up by the dancer who was sitting at his table. He was arrested for public intoxication.
21. At that same time, a fourth patron of the George Washington Lounge showed signs of intoxication including abnormal speech. He was arrested for public intoxication.

22. The third and fourth patrons were both served by a second, unidentified bartender of the George Washington Lounge.

CONCLUSIONS OF LAW

1. The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to TEX. ALCO. BEV. CODE ANN. [CODE] §§5.31–5.44 (Vernon 2000).
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding pursuant to CODE §5.43(a) and TEX. GOVT. CODE ANN. §§2003.021 and 2003.042 (Vernon 2000).
3. Service of proper notice of the hearing was made on Respondent pursuant to CODE §11.63 and the Administrative Procedure Act, TEX. GOVT. CODE ANN. §§2001.051 and 2001.052 (Vernon 2000).
4. On August 25, 2000, Respondent violated CODE §61.71(a)(6) by serving an intoxicated person.
5. Under the criteria in CODE §11.64(a) and 16 TEXAS ADMINISTRATIVE CODE §37.61 (West 2000), Respondent is not entitled to pay a civil penalty in lieu of a suspension.
6. Based on the foregoing Findings of Fact and Conclusions of Law, it is proposed that Respondent's permit and license both be suspended for a period of 60 days without the opportunity to pay a civil penalty in lieu of a suspension.

SIGNED this 22nd day of May 2001.



LOUIS LOPEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS