

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
GOLDEN GATE CIVIC AND SOCIAL CLUB D/B/A GOLDEN GATE CIVIC AND SOCIAL CLUB, INC., Respondent	§	ALCOHOLIC
	§	
	§	
PERMIT NOS. MB421487, LB & PE JEFFERSON COUNTY, TEXAS (SOAH DOCKET NO. 458-10-4117)	§	BEVERAGE COMMISSION

ORDER

The above-styled and numbered cause is before the Assistant Administrator of the Texas Alcoholic Beverage Commission for consideration and entry of the agency order.

After proper notice was given, this case was heard by the State Office of Administrative Hearings, with Administrative Law Judge Timothy Horan presiding. The hearing convened on July 23, 2010 and adjourned the same day. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on September 14, 2010. The 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. No exceptions were filed.

The Assistant Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge that 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 that are not specifically adopted herein are denied.

IT IS THEREFORE ORDERED that the Mixed Beverage Permit, the Mixed Beverage Late Hours Permit, and the Beverage Cartage Permit of Golden Gate Civic and Social Club d/b/a Golden Gate Civic and Social Club, Inc. are hereby **CANCELLED**.

This Order will become final and enforceable on the 17 day of December, 2010, unless a Motion for Rehearing is filed **before** that date.

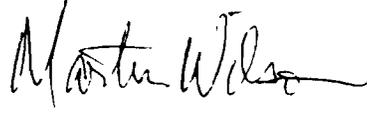
SIGNED on November 22, 2010, at Austin, Texas.



Sherry K-Cook, Assistant Administrator
Texas Alcoholic Beverage Commission

CERTIFICATE OF SERVICE

I certify that the parties listed below were served with a copy of the agency order in this matter as indicated below on November 22, 2010



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

Honorable Timothy Horan
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
2020 North Loop West, Suite 111
Houston, Texas 77018
VIA FACSIMILE: (713) 812-1001

Golden Gate Civic & Social Club
RESPONDENT
d/b/a Golden Gate Civic and Social Club Inc.
440 E. 6th St.
Port Arthur, TX 77640
VIA REGULAR MAIL

Lisa Crissman
ATTORNEY FOR PETITIONER
TABC Legal Section

Licensing Division

Social Club d/b/a Golden Gate Civic and Social Club, 440 E. 6th St., Port Arthur, Texas 77640 via certified mail, return receipt requested, to Respondent's last known mailing address and it was returned to TABC as "return to sender." After the taking of evidence, Staff moved for a default judgment pursuant to 1 TEX. ADMIN. CODE (TAC) § 155.501. Because the hearing proceeded on a default basis, Staff's factual allegations contained in the Notice of Hearing are deemed admitted as true; therefore, the ALJ has incorporated those allegations into the findings of fact without further discussion of the evidence.

II. FINDINGS OF FACT

1. Golden Gate Civic and Social Club d/b/a Golden Gate Civic and Social Club Inc., (Respondent), located at 440 E. 6th St., Port Arthur, Jefferson County, Texas, holds Mixed Beverage Permit MB-421487, which includes the Beverage Cartage Permit and the Mixed Beverage Late Hours Permit.
2. On May 25, 2010, Staff of the Texas Alcoholic Beverage Commission (TABC) timely sent a Notice of Hearing by certified mail, return receipt requested, to Respondent's last known mailing address at 440 E. 6th St., Port Arthur, Texas 77640. The Notice of Hearing contained information regarding the date, time, and place of the hearing; the statutes and rules involved; and the legal authorities under which the hearing would be held; and the matters asserted.
3. 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 of Hearing might be granted by default.
4. The hearing on the merits convened on July 23, 2010. Respondent did not appear at the hearing and the record was closed on the same day.
5. The hearing proceeded on a default basis, and the allegations contained in the Notice of Hearing were deemed admitted as true.
6. Respondent failed to pay Jefferson County, Texas fees for the renewal of its permits and failed to pay ad valorem taxes owed to Jefferson County, Texas.

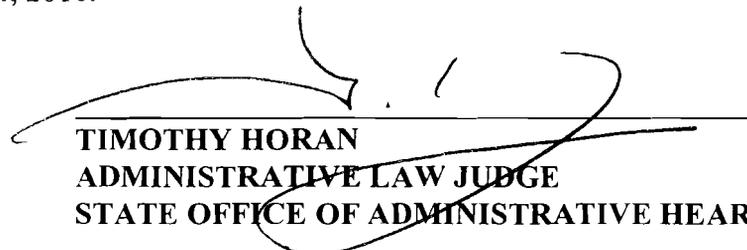
III. CONCLUSIONS OF LAW

1. The Texas Alcoholic Beverage Commission has jurisdiction over this matter pursuant to

Subchapter B of Chapter 5, § 11.61 of the Texas Alcoholic Beverage Code, TEX. ALCO. BEV. CODE ANN. § 1.01 *et seq.*

2. The State Office of Administrative Hearings has jurisdiction to conduct the administrative hearing in this matter and to issue a proposal for decision containing proposed findings of fact and conclusions of law pursuant to TEX. GOV'T CODE ANN. Ch. 2003.
3. Proper and timely notice of the hearing was provided as required by 1 TEX. ADMIN. CODE (TAC) §§ 155.401 and 155.501; and TEX. ALCO. BEV. CODE ANN. § 11.63.
4. Notice of the hearing was sufficient to allow entry of default judgment under State Office of Administrative Hearings Rules, 1 TAC §155.501.
5. Based on the above Findings of Fact, Respondent violated TEX. ALCO BEV. CODE ANN. §§11.38 and 11.61 (b) (2).
6. Based on the above Findings of Fact and Conclusions of Law, Staff is entitled to a default judgment against Respondent pursuant to 1 TAC § 155.501.
7. Based on the foregoing Findings of Fact and Conclusions of Law, the cancellation of Respondent's permits is warranted.

SIGNED September 14, 2010.



TIMOTHY HORAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

September 14, 2010

Alan Steen
Administrator
Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, Texas 78731

VIA REGULAR MAIL

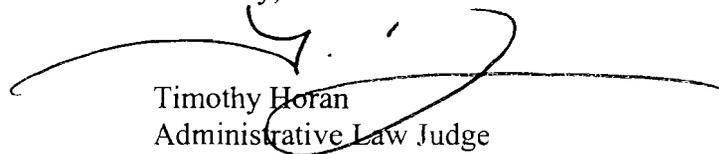
RE: Docket No. 458-10-4117; Texas Alcoholic Beverage Commission v. Golden Gate Civic and Social Club d/b/a Golden Gate Civic and Social Club, Inc.

Dear Mr. Steen:

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

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507, a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,



Timothy Horan
Administrative Law Judge

TH/rlm
Enclosure

xc: Docket Clerk, State Office of Administrative Hearings- **VIA REGULAR MAIL**
Lisa Crissman, Texas Alcoholic Beverage Commission, 427 W 20th Street, Suite 600, Houston, TX 77008- **VIA REGULAR MAIL** (with exhibits and cd)
Emily Helm, Director of Legal Services, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731- **VIA REGULAR MAIL**
Golden Gate Civic and Social Club d/b/a Golden Gate Civic and Social Club, Inc., 440 E. 6th Street, Port Arthur, TX 77640 -**VIA REGULAR MAIL**

2020 North Loop West, Suite 111 ♦ Houston, Texas 77018
(713) 957-0010 Fax (713) 812-1001
<http://www.soah.state.tx.us>