

DOCKET NO. 612953

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE TEXAS
	§	
	§	
VS.	§	
	§	
	§	
GLORIA ELENA TEJADA D/B/A AZTECA BEER, Respondent	§	
	§	ALCOHOLIC
	§	
PERMIT BF715228	§	
	§	
TARRANT COUNTY, TEXAS (SOAH DOCKET NO. 458-13-2785)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 8th day of October, 2013, the above-styled and numbered cause.

After proper notice was given, this case was heard by the State Office of Administrative Hearings (SOAH), with Administrative Law Judge Tanya Cooper presiding. The hearing convened on May 20, 2013 and the SOAH record closed on that date. The Administrative Law Judge filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on May 21, 2013. 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.

After review and due consideration of the Proposal for Decision, I adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Proposal for Decision, and incorporate those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein.

All motions, requests for entry of Proposed Findings of Fact and Conclusions of Law, and any other requests for general or specific relief submitted by any party are denied, unless specifically adopted herein.

THEREFORE, IT IS ORDERED that Respondent's Beer Retailer's Off Premise License be **CANCELLED**.

This Order will become **final and enforceable** on the 1st day of November, 2013, **unless a Motion for Rehearing is filed by the 31st day of October, 2013.**

SIGNED this the 8th day of October, 2013, at Austin, Texas.



Sherry K-Cook, Administrator
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 8th day of October, 2013.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

Tanya Cooper
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78701
VIA FACSIMILE: (512) 322-2061

Gloria Elena Tejada
d/b/a Azteca Beer
RESPONDENT
2320 Riverside Drive
Ft. Worth, Texas 76013
VIA FIRST CLASS MAIL, CMRRR # 70120470000133006923

Lisa Crissman
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: lisa.crissman@tabc.state.tx.us

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

May 21, 2013

RECEIVED

MAY 24 2013

TABC HOUSTON
LEGAL

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

VIA REGULAR MAIL

**RE: SOAH Docket No. 458-13-2785; TABC Case No. 612953
Texas Alcoholic Beverage Commission vs. Gloria Elena Tejada
D/B/A Azteca Beer, Permit No. BF715228**

Dear Ms. Cook:

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(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,


TANYA COOPER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

[TC/lml]

Enclosure

xc ✓ Lisa Crissman, Texas Alcoholic Beverage Commission, 427 W. 20th 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 (with Certified Evidentiary Record and 1 Hearing CD/s)

Gloria E. Tejada, Respondent, 2320 Riverside Drive, Fort Worth, TX 76013 - VIA REGULAR MAIL

300 W. 15th Street, Suite 502, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)
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4. The hearing was held and the record closed on May 20, 2013.
5. The Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. The referring agency's staff moved for a default, which was granted.
7. The factual allegations set out in the amended notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

II. CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
2. The referring agency has jurisdiction over this matter.
3. Proper and timely notice was provided to the Respondent in accordance with Tex. Gov't Code ch. 2001 and 1 Tex. Admin. Code ch. 155.
4. The allegations in the amended notice of hearing were properly deemed admitted. 1 Tex. Admin. Code § 155.501.
5. The referring agency staff has established the basis for sanction alleged in the amended notice of hearing, which is incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested and Respondent's Permit should be cancelled.

SIGNED May 20, 2013.


TANYA COOPER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

FT. WORTH OFFICE

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Fort Worth, Texas 76116

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SERVICE LIST

AGENCY: Alcoholic Beverage Commission, Texas (TABC)

STYLE/CASE: GLORIA E. TEJADA DBA AZTECA BEER

SOAH DOCKET NUMBER: 458-13-2785

REFERRING AGENCY CASE: 612953

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ TANYA COOPER**

REPRESENTATIVE / ADDRESS

PARTIES

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D/B/A AZTECA BEER

xc: Docket Clerk, State Office of Administrative Hearings
Emily Helm GENERAL COUNSEL, TABC, Fax No. 512-206-3498