

DOCKET NO. 618872

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE TEXAS
	§	
VS.	§	
	§	
BONITA RIDEAUX LIPSCOMB D/B/A BONITA'S KOZY KORNER, Respondent	§	ALCOHOLIC
	§	
PERMIT/LICENSE BG823714, BL	§	
	§	
HARRIS COUNTY, TEXAS (SOAH DOCKET NO. 458-14-0622)	§	BEVERAGE COMMISSION

ORDER

CAME ON FOR CONSIDERATION this 16th of May, 2014, 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 Bennie Brown presiding. The hearing convened on January 10, 2014, and the SOAH record closed on that same date. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on February 4, 2014. 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.

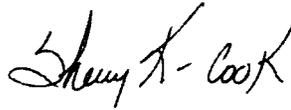
After review and due consideration of the Proposal for Decision, I adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Proposal for Decision, and incorporate those Findings of Fact and Conclusions of Law into this Order, as if such were fully set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

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

IT IS THEREFORE ORDERED that Conduct Surety Bond No. 5148317, issued by SureTec Insurance Company as Surety and with Respondent as Principal, be **FORFEITED** to the State of Texas.

This Order will become final and enforceable on the 10th day of June, 2014, unless a Motion for Rehearing is filed on or before the 9th day of June, 2014.

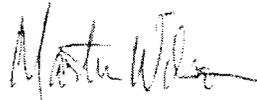
SIGNED this the 16th day of May, 2014, at Austin, Texas.



Sherry K-Cook, Executive Director
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 16th day of May, 2014.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

Bennie Brown
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
2020 North Loop West, Suite 111
Houston, Texas 77018
VIA FACSIMILE: (512) 322-2061

Bonita Rideaux Lipscomb
d/b/a Bonita's Kozy Korner
RESPONDENT
5622 Park Village
Houston, Texas 77088
VIA FIRST CLASS MAIL, CMRRR #70120470000133009528
AND
VIA REGULAR FIRST CLASS MAIL (NOT CERTIFIED)

Ramona M. Perry
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: ramona.perry@tabc.state.tx.us

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

February 4, 2014

FEB 6 2014

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

VIA REGULAR MAIL

RE: SOAH Docket No. 458-14-0622; Texas Alcoholic Beverage Commission vs. Bonita Rideaux Lipscomb d/b/a Bonita's Kozy Korner; TABC Case No. 618872

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,

A handwritten signature in black ink, appearing to read "B. Brown".

Bennie Brown
Administrative Law Judge

BB/cj

Enclosures

xc Ramona M. Perry, 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)
Bonita Rideaux Lipscomb d/b/a Bonita's Kozy Korner; 5622 Park Village; Houston, TX 77088 - **VIA REGULAR MAIL**

2020 North Loop West Suite 111 Houston, Texas 77018
713.957.0010 (Telephone) 713.812.1001 (Fax)
www.soah.state.tx.us

**SOAH DOCKET NO. 458-14-0622
TABC CASE NO. 618872**

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE STATE OFFICE
	§	
	§	
	§	
	§	
v.	§	
	§	
	§	OF
BONITA RIDEAUX LIPSCOMB D/B/A BONITA'S KOZY KORNER PERMIT/LICENSE NO(s): BG823714, BL Respondent	§	
	§	
	§	
	§	
	§	
HARRIS COUNTY, TEXAS (TABC CASE NO. 618872)	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Staff of the Texas Alcoholic Beverage Commission (TABC) brought this enforcement action against Bonita Rideaux Lipscomb d/b/a Bonita's Kozy Korner (Respondent), alleging that Respondent engaged in conduct prohibited by or in violation of the Texas Alcoholic Beverage Code (Code). Respondent did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge (ALJ) finds that the relief requested by Staff of the TABC should be granted on a default basis.

I. FINDINGS OF FACT

1. Bonita Rideaux Lipscomb d/b/a Bonita's Kozy Korner (Respondent) held a Wine and Beer Retailer's On Premise Permit and a Retail Dealer's On Premise Late Hours License issued by the Texas Alcoholic Beverage Commission (TABC) for the premises located at 920 ½ Lucky Street, Houston, Harris County, Texas, 77088 and whose mailing address is 5622 Park Village, Houston, Texas 77088.
2. On October 22, 2013, Staff of the TABC issued a notice of hearing by certified mail, return receipt requested, to Respondent at Respondent's last known mailing address setting the hearing on the merits for January 10, 2014. The notice was returned and marked "return to sender unclaimed unable to forward."

3. The notice of hearing informed Respondent of the time, date, and location of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and included a short, plain statement of the matters asserted.
4. 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 might be granted by default.
5. The hearing convened on January 10, 2014, before Administrative Law Judge Bennie Brown at the State Office of Administrative Hearings (SOAH) office in Houston, Texas. TABC was represented by Staff Attorney, Ramona M. Perry. Respondent did not appear and was not represented at the hearing.
6. Staff moved for a default, which was granted, and the record closed at the conclusion of the hearing.
7. The allegations contained in the notice are deemed admitted as true.
8. On May 31, 2013, Respondent's above-referenced permit issued by the TABC was cancelled.

II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code (Code) Chapter 5 and § 11.11.
2. SOAH has jurisdiction over all matters related to conducting a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to Texas Government Code Chapter 2003.
3. Proper and timely notice of the hearing was provided as required by Texas Government Code §§ 2001.051 and 2001.052.
4. Based on Findings of Fact No. 8, forfeiture of Respondent's conduct surety bond or alternative form of surety is proper pursuant to Code § 11.11 and 16 Texas Administrative Code § 33.24(I).

SIGNED: February 4, 2014.



BENNIE BROWN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS