

Conclusion of Law No. 4 is modified to read:

4. Respondent violated Code §§11.61(c)(2) and 61.712(2).

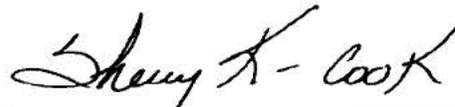
This modification to Conclusion of Law No. 4 is to correct an error of law, i.e., the omission of the violation applicable to Respondent's license. The same conduct (being "... shown on the records of the Comptroller of Public Accounts as being subject to a final determination of taxes due and payable ...") is grounds for refusing to renew both Respondent's permit and Respondent's license.

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 Respondent's application for renewal of Permit No. Q706595 and License No. BF706596 is hereby **DENIED**.

This Order will become final and enforceable on the 12 day of May, 2015, unless a Motion for Rehearing is filed by the 11 day of May, 2015.

SIGNED this the 17 day of April, 2015, 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 17 day of April, 2015.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

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

Insha Enterprises Inc.
d/b/a Greens Parkway Food Mart
RESPONDENT
1421 Greens Parkway
Houston, TX 77067
VIA REGULAR MAIL, CMRRR # 7012 0470 0001 3300 9894

Monique Parker
Texas Comptroller of Public Accounts
PROTESTANT
1919 North Loop West, Suite 311
Houston, TX 77008
VIA REGULAR MAIL, CMRRR # 7012 0470 0001 3300 9887

Ramona Perry
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: Ramona.perry@tabc.texas.gov

State Office of Administrative Hearings



OCT 29 2014

Cathleen Parsley
Chief Administrative Law Judge

October 27, 2014

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

VIA REGULAR MAIL

RE: SOAH Docket No. 458-15-0227; Texas Alcoholic Beverage Commission vs. Insha Enterprises Inc. d/b/a Greens Parkway Food Mart

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 that reads "Lindy Hendricks".

Lindy Hendricks
Administrative Law Judge

LH/mr
Enclosure

xc Ramona 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**
Insha Enterprises Inc., d/b/a Greens Parkway Food Mart, 1421 Greens Parkway, Houston, TX 77067 - **VIA REGULAR MAIL**
Monique Parker, Texas Comptroller of Public Accounts, 1919 North Loop West, Suite 311, Houston, TX 77008 - **VIA REGULAR MAIL**

2. On September 18, 2014, Staff of the TABC issued a notice of hearing by regular mail and certified mail, return receipt requested, to Respondent at Respondent's last known mailing address setting the hearing on the merits for October 17, 2014. The notice was received as evidenced by the signed green card.
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 October 17, 2014, before Administrative Law Judge Lindy Hendricks 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.
7. The allegations contained in the notice are deemed admitted as true.
8. Respondent is shown on the records of the Comptroller of Public Accounts as being subject to a final determination of taxes due and payable in violation of the Texas Alcoholic Beverage Code.

II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code (Code) Chapter 5 and § 11.61.
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. Respondent violated Code § 11.61(c)(2).
5. Based on the foregoing Findings of Fact and Conclusions of Law, Respondent's renewal application should be denied.

SIGNED October 27, 2014.



LINDY HENDRICKS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS