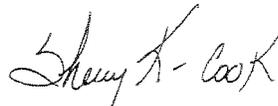


All motions, requests for entry of Proposed Findings of Fact and Conclusions of Law, and any other requests for general or specific relief submitted by any party are denied, unless specifically adopted herein.

IT IS THEREFORE ORDERED that Respondent's Mixed Beverage Permit MB239042, and the associated Mixed Beverage Late Hours Permit, are hereby **CANCELLED**.

This Order will become final and enforceable on the 13th day of November, 2015, unless a Motion for Rehearing is filed by the 12th day of November, 2015.

SIGNED this the 20th day of October, 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 20th day of October, 2015.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

George R. Lambright
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
10300 Heritage, Suite 250
San Antonio, TX 78216
VIA FACSIMILE: (512) 322-2061

One-O-Six Off Broadway, Inc.
d/b/a One-O-Six Off Broadway
RESPONDENT
106 Pershing
San Antonio, TX 78209 6505
VIA FIRST CLASS MAIL, CMRRR # 70090960000121491162

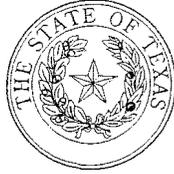
John W. Sedberry
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: john.sedberry@tabc.texas.gov

SIGNED: July 16, 2015.

A handwritten signature in black ink, appearing to read 'GRL', is written over a horizontal line.

**GEORGE R. LAMBRIGHT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge
July 16, 2015

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

VIA REGULAR MAIL

RE: TABC v.. One-O-Six Off Broadway, SOAH Docket No. 458-15-1969

Dear Ms. Cook:

Please find enclosed Changes to the Proposal for Decision Regarding Petitioner's Exceptions

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 "G.R. Lambright", written over a horizontal line.

**GEORGE R. LAMBRIGHT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

[ALJ/assistant INITIALS]

Enclosure

xc John W. Sedberry, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - 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 _ Hearing CD/s)

Mark Tubbs, One-O-Six Off Broadway, RESPONDENT, 106 Pershing, San Antonio, Texas 78209 VIA REGULAR MAIL

DOCKET NO. 458-15-1969

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Petitioner	§	BEFORE THE STATE OFFICE
	§	
V.	§	
	§	
ONE-O-SIX OFF BROADWAY INC. D/B/A ONE-O-SIX OFF BROADWAY, Respondent	§	OF
	§	
	§	
PERMIT/LICENSE NO(s). MB239042, LB BEXAR COUNTY, TEXAS (TABC CASE NO. 619022)	§	
	§	
	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The Texas Alcoholic Beverage Commission (Petitioner) requests a cancellation of the permit of One-O-Six Off Broadway Inc, d/b/a/ One-O-Six Off Broadway (Respondent) due to Respondent, or Respondent's agent, servant, or employee either selling, serving, or delivering an alcoholic beverage to an intoxicated person, or an obviously intoxicated person in violation of the Texas Alcoholic Beverage Code (Code). The Administrative Law Judge (ALJ) finds that there is sufficient evidence to prove the allegations and recommends that Respondent's license be cancelled.

I. JURISDICTION, NOTICE AND PROCEDURAL HISTORY

No contested issues of notice, jurisdiction, or venue were raised in this proceeding. Therefore, these matters are set out in the findings of fact and conclusions of law without further discussion here.

A hearing on this matter was convened on April 28, 2015, at the State Office of Administrative Hearings (SOAH) in San Antonio, Texas, before ALJ George R. Lambright.

Petitioner was represented by John W. Sedberry, Staff Attorney. Respondent appeared *pro se* through its sole owner, Mark Tubbs. The record closed the same date after the receipt of sufficient evidence to establish jurisdiction, notice, and resolve the issues as set forth in the findings of facts and conclusions of law.

II. LEGAL STANDARDS AND APPLICABLE LAW

The Commission or Administrator may suspend a permit if a permit holder's agent, servant, or employee sold, served, or delivered an alcoholic beverage to an intoxicated person in violation of Code §§ 61.71 (a)(1) and 61.71(a)(6). Intoxicated is defined as (A) not having the normal use of mental or physical facilities by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, or combination of two or more of those substances, or any combination of two or more of those substances, or any substance into the body, or (B) having an alcohol concentration of 0.08 or more. Texas Penal Code (TPC) § 49.01 (2)(A) and (B).

Additionally, providing, selling, or serving an alcoholic beverage may be made the basis of a revocation proceeding upon proof that at the time the act occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others, and the intoxication was the proximate cause of the damages suffered. Code § 2.02(b).

Petitioner has the burden of proof and must prove the allegations in the Notice of Hearing by a preponderance of the evidence. 1 Texas Administrative Code (TAC) § 155.427.

III. PETITIONER'S PLEADINGS

Petitioner alleges that on February 19, 2013, Respondent, or Respondent's agent, servant, or employee sold, served, or delivered an alcoholic beverage to an intoxicated person.

Petitioner also alleges that on the same date, Respondent or Respondent's agent, servant, or employee, provided, sold, or served an alcoholic beverage to an obviously intoxicated person, Ms. Amy Humphreys, and it was then apparent to the provider that the Ms. Humphreys was then obviously intoxicated to the extent that she presented a clear danger to herself and others; and said intoxication of Ms. Humphreys was a proximate cause of the damages suffered.

IV. EVIDENCE

Petitioner called five witnesses. The first witness, Mr. Thomas Zitelman, is employed by Respondent. Sergeant Raul Ruiz was the second witness. He is employed as a peace officer by Petitioner. Officer Andrew Chernak and Detective Charles Marcus are police officers employed by the San Antonio Police Department. Petitioner's last witness was Mark Tubbs sole owner of One-O-Six Off Broadway Inc. Petitioner also offered TABC Exhibits 1, 3, 5, 6, 7, 8, 3, 9, 10, 11, and 12 in that order without objection.

A. **Statement from Melissa Martinez, Contained in TABC Exhibit 8**

February 19, 2013, Ms. Martienz stated that on she was at the Valero Station getting out of her car when she heard another come "flying by" and then heard a loud thud. She ran towards the noise and saw a car rolling off a hill. As the car was rolling off the hill she heard a guy screaming, "You stupid bitch! You stupid bitch! You killed him!" Ms. Martinez then saw the "lifeless body" of Mr. Cedrych Carrisalez lying on the ground. She also identified Ms. Humphreys as the driver of the vehicle that hit Mr. Carrisalez. Ms. Martinez estimates Ms. Humphreys' vehicle was traveling at a speed of 50 miles per hour at the time of the accident.

B. Thomas Zitelman, Bartender for Respondent

Mr. Zitelman testified that on February 19, 2013, he was employed by Respondent as a bartender and worked the 7:00 p.m. to 2:00 a.m. shift. He stated that Ms. Humphreys is his friend and she picked him up at about 5:45 p.m. that day and gave him a ride to work. After arriving at One-O-Six, but before his shift started, he and Ms. Humphreys drank two shots of Jagermeister, an alcoholic beverage. Sometime before 8:00 p.m., Ms. Humphreys had another "two shots." Mr. Zitelman then testified that Ms. Humphreys went to Cheezy Janes to get something to eat. She returned after about an hour - sometime after 9:00 p.m. - then had another two or three "shots." Mr. Zitelman testified that Ms. Humphreys was not at One-o-Six at around 10:45. However, in his sworn statement, admitted as TABC Exhibit 3, Mr. Zitelman stated that the latest she would have left that night was 11:00 p.m. He characterized the volume of his shots by saying he counts to four while pouring, which results in about one-half ounce. Mr. Zitelman testified that he was the only person serving alcohol to Ms. Humphreys that night, and that she did not "slur or seem off balance" and did not appear "drunk or tipsy." He admitted that he was not certified by TABC on February 19, 2013, and that the bar did not institute any changes after that date.

C. Raul Ruiz, Sergeant, TABC

Sgt. Ruiz testified that shortly after February 19, 2013, he was assigned to investigate the circumstances surrounding a - one motor vehicle pedestrian crash that occurred in the 800 block of East Mulberry, San Antonio, Texas, resulting in the death of the pedestrian Mr. Carrisalez. His investigation focused on whether an employee of One-O-Six served an alcoholic beverage to Ms. Humphreys and whether she was intoxicated and/ or obviously intoxicated. He determined One-O-Six is located in San Antonio, Texas, and operates under Mixed Beverage Permit number MB239042 issued by Petitioner, and is located a little less than one mile from the scene of the collision. He also determined the drive time from One-O-Six to the crash scene to be just under 5 minutes. He testified that Ms. Humphreys, the driver of the vehicle that hit Mr. Carrisalez, had a blood alcohol

concentration of 0.26 grams of alcohol per 100 milliliters of blood at 12:47 a.m. on February 20, 2013. Ms. Humphreys' blood was taken at the hospital less than 20 minutes after the collision.

Sgt. Ruiz also took a sworn statement from Mr. Audie Spell on February 26, 2013. Mr. Spell told Sgt. Ruiz that he was also employed by One-O-Six on February 19, 2013, as a bartender. He stated he served Ms. Humphreys two or possibly three Jagermeister shots at about 6:00 p.m., before his shift ended at 7:00 p.m. Mr. Spell was unsure of the exact number of shots he served Ms. Humphreys.

Sgt. Ruiz determined through TABC records that Mr. Spell and Mr. Zitelman were not certified by Petitioner as seller/servers on February 19, 2013. Sgt. Ruiz does not believe that that One-O-Six had any posted policies or procedures for the employees regarding monitoring the number of drinks that should be served to patrons, or stating that patrons should not be served if intoxicated. Ms. Humphreys was found guilty of intoxication manslaughter and is currently serving her sentence.

D. Andrew Chernak, Police Officer for the San Antonio Police Department

Officer Chernak was one of the first officer's to arrive at the crash scene at 800 East Mulberry Ave., San Antonio, Texas. He was dispatched to the scene and arrived shortly after 11:41 p.m. Officer Chernak found Mr. Carrisalez in a grassy area between a parking lot and the wall of a building. He was unconscious and unresponsive. Ms. Humphreys was covered with blood, but told Officer Chernak she was going to be "alright." Ms. Humphreys admitted driving the car that struck Mr. Carrisalez, but refused to say where she was coming from and only stated, "It does not matter now." Officer Chernak stated that the second unit to arrive contained City of San Antonio paramedic Oscar Carrisalez, Cedrych Carrisalez's father. Mr. Carrisalez was transported to the hospital where he was pronounced dead at 3:10 a.m. due to injuries he sustained during the collision.

E. Charles Marcus, Detective for the San Antonio Police Department

Detective Marcus arrived at the scene after Officer Chernak in order to investigate the crash. He met Ms. Humphreys at the scene and noticed that she had an odor of intoxicants on her person. Ms. Humphreys admitted driving the vehicle at the time of the collision and had glassy bloodshot eyes, slurred speech and was confused and disoriented. She also admitted drinking. Ms. Humphreys was not given any field sobriety tests due to her being involved in a collision. During his investigation he determined that she drove her vehicle off the roadway into a parking lot where she struck Mr. Carrisalez. Detective Marcus stated speed limit in the 800 block of East Mulberry is 25 miles per hour. After hitting Mr. Carrisalez, Ms. Humphreys' vehicle continued in the same direction hitting poles that that were placed in the ground protecting a building.

F. Statement of Alexandra San Miguel admitted as TABC Exhibit 12

Ms. San Miguel works with Ms. Humphreys at Planet K, a store. On February 19, 2013, Ms. Humphreys, Ms. San Miguel, and Maqidah Jihad were working the 9:30 a.m. to 5:30 p.m. shift when they decided to drink while working. Ms. San Miguel stated that she, Ms. Humphreys, and Mr. Jihad got a bottle of vodka while at work that day and started having shots. Ms. San Miguel stated she had two shots and Ms. Humphreys had at least two shots. She does not know how many more shots Ms. Humphreys may have had. She also stated that Ms. Humphreys is a heavy drinker and drinks before, during, and after work all the time. She said that Ms. Humphreys smokes marijuana, but she could not remember if she smoked any that day.

G. Statement of Maqidah Jihad, TABC admitted as TABC Exhibit 11

Mr. Jihad's statement is consistent with that of Ms. San Miguel. However, he adds that at about 5:30 p.m., Ms. Humphreys gave him a ride to a bus stop. After arriving at the bus stop, Ms. Humphreys went to the 106 Bar that is located across the street. He stated that Ms. Humphreys goes

to the 106 Bar “every day.” He also said that, “We as in Planet K have been telling her for years to slow down and not drink so much.”

H. Mark Tubbs, Owner of One-O-Six

Mr. Tubbs was called by Petitioner as an adverse witness. He testified that he is the sole owner of One O Six and that he has no rules or procedures posted on the walls of One-O-Six regarding serving patrons. After the collision, staffing at the business remained the same and the only statement he made to employees was that they were not to serve intoxicated persons. Although he told his employees upon being hired that they needed training, he admitted he never monitored the situation to ensure they actually received any training from Petitioner. He also admitted he allows his staff to drink while on duty and knows Ms. Humphreys as a regular customer who lives in the neighborhood.

Mr. Tubbs declined the opportunity to testify after direct examination.

V. ANALYSIS

It is undisputed that Ms. Humphreys was served alcoholic beverages by Respondent’s employees on the night of February 19, 2013, and that Respondent was operating under Mixed Beverage Permit number MB239042 issued by Petitioner. It is also undisputed that shortly after Ms. Humphreys left the One-O-Six, she caused the death of Mr. Carrisalez by driving her vehicle off the roadway and striking him with her vehicle. Less than 20 minutes later, her blood alcohol concentration was 0.26 grams of alcohol per 100 milliliters of blood, more than three times the level to be considered intoxicated by law. The only issues are whether Ms. Humphreys was intoxicated when served by an employee, and whether she was obviously intoxicated when served.

The 41- minute difference between the time Mr. Zitelman testified that Ms. Humphreys left One-O-Six and the time Officer Chernak arrived at the scene of the collision clearly indicates Ms. Humphreys was intoxicated when she was served at One-O-Six. Further, Ms. Humphreys started drinking vodka before she left her job at Planet K, and possibly smoked marijuana, then left Planet K and went to another bar before going to One-O-Six. She then went to the One-O-Six and resumed her drinking. Mr. Zitelman stated he served six or seven more shots of alcoholic beverage to Ms. Humphreys that night. And this does not take into consideration the two, three, or more shots of alcoholic beverages that Mr. Spell served to Ms. Humphreys earlier that night. Although Mr. Zitelman said she did not “slur or seem off balance” and did not appear “drunk or tipsy,” it should be remembered that Mr. Zitelman was also drinking that night. Further, he has a clear motivation to mitigate his culpability and that of his employer.

The level of Ms. Humphreys’ intoxication and her poor driving are sufficient to circumstantially prove by a preponderance of the evidence that she was obviously intoxicated when served by Mr. Zitelman. Just minutes after leaving One-O-Six, she was so intoxicated she was incapable of keeping her car on the roadway, and was speeding approximately 50 miles per hour in a 25 mile per hour speed zone. Mr. Zitelman’s indication that Ms. Humphreys showed no signs of intoxication just minutes before the accident and while having more than three times the level of alcohol required for a showing of intoxication lacks credibility.

By her conduct, Ms. Humphreys presented a clear danger to herself and others; and her intoxication was the proximate cause of the death of the Mr. Carrisalez.

In aggravation of the facts stated above, Petitioner made no changes regarding the procedures and guidelines in order to insure that employees did not serve intoxicated persons.

V. FINDINGS OF FACT

1. One-O-Six Off Broadway Inc. d/b/a One-O-Six Off Broadway (One-O-Six) holds an active Mixed Beverage Permit number MB-239042, LB issued by the Texas Alcoholic Beverage Commission (Petitioner) for the premises One-O-Six with address 106 Pershing, San Antonio, Texas 78209. This permit was in effect from February 19, 2013, and is currently in effect.
2. On January 16, 2015, Respondent received the Notice of Hearing (NOH).
3. The NOH contained a statement of the location and the nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the allegations and the relief sought by the Petitioner.
4. On April 28, 2015, a hearing was convened in San Antonio, Texas before Administrative Law Judge (ALJ) George R. Lambright. Petitioner appeared through Staff Attorney John Sedberry. Respondent appeared *pro se* through its sole owner, Mark Tubbs. Sufficient evidence was presented to resolve the disputed issues whereupon the record was closed the same date.
5. On February 19, 2013, between 9:30 a.m. and 5:30 p.m., Ms. Humphreys drank at least two shots of vodka while at her workplace Planet K.
6. Ms. Humphreys went to the 106 Bar after leaving Planet K at approximately 5:30 p.m.
7. Ms. Humphreys goes to the 106 Bar every day.
8. Sometime before 6:00 p.m., Ms. Humphreys picked up Mr. Zitelman and they both went to One-O-Six.
9. On February 19, 2013, Mr. Zitelman was employed by Respondent as a bartender.
10. On February 19, 2013, Mr. Spell, who is employed by Respondent as a bartender served Ms. Humphreys two, possibly three or more Jagermeister shots at about 6:00 p.m., before his shift ended at 7:00 p.m. Mr. Spell was unsure of the exact number of shots he served Ms. Humphreys.
11. On February 19, 2013, between 7:00 p.m. and 11:30 p.m., Mr. Zitelman served more than six shots of alcoholic beverage to Ms. Humphreys.

13. Ms. Humphreys left One-of-Six shortly before 11:30 p.m. on February 19, 2013.
14. Less than 5 minutes after leaving One-O-Six and while driving a motor vehicle at a speed of 50 miles per hour in a 25 mile per hour speed zone, Ms. Humphreys drove off the roadway.
15. After leaving the roadway, Ms. Humphreys' vehicle struck and killed Mr. Carrisalez.
16. Less than 20 minutes after the crash, Ms. Humphreys had a blood alcohol concentration of 0.26 grams of alcohol per 100 milliliters of blood, more than three times the legal limit for intoxication.
17. Just minutes after leaving One-O-Six Ms. Humphreys was so intoxicated she was incapable of keeping her car on the roadway, and was speeding approximately 50 miles per hour in a 25 mile per hour speed zone.
18. After the crash, Ms. Humphreys had an odor of intoxicants on her breath, glassy bloodshot eyes, slurred speech and was disoriented and confused.
19. Ms. Humphreys is a heavy drinker and drinks before, during, and after work all the time.
20. Ms. Humphreys presented a clear danger to herself and others; and her intoxication caused the death of the Mr. Carrisalez.
21. After the death of Mr. Carrisalez, Mark Tubbs took no action to change the procedures and guidelines in order to insure that One-O-Six employees did not serve intoxicated persons.

VI. CONCLUSIONS OF LAW

1. Texas Alcoholic Beverage Commission (Petitioner) has jurisdiction over this proceeding pursuant to §§ and 61.71 (a)(1) and 61.71(a)(6). The Texas Alcoholic and Beverage Commission (Petitioner) has jurisdiction over this proceeding pursuant to Texas Alcoholic Beverage Code (Code) ch. 5 and § 61.71(a)(18).
2. The State Office of Administrative Hearings has jurisdiction over all matters related to conducting a hearing in this case, including the preparation of a proposal for decision with findings of fact and conclusions of law, under Code §§ 5.43 and 11.015 and Tex. Gov't. Code § 2003.021.
3. Proper and timely notice of the hearing was provided as required under the

Administrative Procedure Act, Texas Government Code §§ 2001.051 and 2001.052; CODE § 11.63; and 1 Tex Admin. Code §155.501.

4. On February 19, 2013, Respondent's employees served an alcoholic beverage to Ms. Humphreys, an intoxicated person in violation of Code §§ 11.61(b)(21) and 61.71(a)(31).
5. On February 19, 2013, Respondent's employees served an alcoholic beverage to Ms. Humphreys, an obviously intoxicated person who by her conduct presented a clear danger to herself and others; and whose intoxication was the proximate cause of the death of the Mr. Carrisalez. Code §§ 11.61(b)(21), 61.71(a)(31).
6. Based on the foregoing Findings of Fact and Conclusions of Law, Respondent's Permit should be cancelled. Code §§ 61.71 (a)(1) and 61.71(a)(6).

SIGNED: June 18, 2015.



**GEORGE R. LAMBRIGHT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge
June 18, 2015

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

VIA REGULAR MAIL

RE: SOAH Docket No. 458-15-1969

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 "G. Lambright", written over a horizontal line.

**GEORGE R. LAMBRIGHT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

Enclosure

xc John W. Sedberry, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - **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 _ Hearing CD/s)
Mark Tubbs, 106 Pershing, San Antonio, Texas 78206 -**VIA REGULAR MAIL**

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge
June 18, 2015

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

VIA REGULAR MAIL

RE: SOAH Docket No. 458-15-1969

Dear Ms. Cook:

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Sincerely,

A handwritten signature in black ink, appearing to be "CP", written over a horizontal line.

**IBRIGHT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

Enclosure

xc John W. Sedberry, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, TX 78731 - **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 _ Hearing CD/s)
Mark Tubbs, 106 Pershing, San Antonio, Texas 78206 **-VIA REGULAR MAIL**