

OCEANVIEW BAR & GRILL LLC	§	BEFORE THE TEXAS
D/B/A LT CORNER PUB	§	
	§	
PERMIT NO. MB-747105, LB PE	§	ALCOHOLIC
	§	
TRAVIS COUNTY, TEXAS	§	BEVERAGE COMMISSION

**EMERGENCY ORDER OF SUSPENSION**

The Texas Alcoholic Beverage Commission ("Commission") is the state agency authorized to administer and enforce the Texas Alcoholic Beverage Code and the administrative rules adopted to implement the Code.

OCEANVIEW BAR & GRILL LLC ("Permittee") is the holder of a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit ("Permits"). The permitted premises is known as LT CORNER PUB, located at 1310 Ranch Road 620 S Suite B12, Lakeway, Travis County, Texas 78734, and its mailing address is the same.

On March 13, 2020, Governor Abbott issued a disaster proclamation certifying that the novel coronavirus ("COVID-19") poses an imminent threat of disaster for all Texas counties. Dr. John Hellerstedt, Commissioner of the Texas Department of State Health Services, has determined that COVID-19 represents a public health disaster within the meaning under Chapter 81 of the Texas Health and Safety Code.

On June 26, 2020, Governor Abbott issued Executive Order GA-28, which prohibits people from visiting bars and similar establishments that hold a permit or license from TABC that do not also qualify as a restaurant. Failure to comply with the executive order is subject to regulatory enforcement.

On or about September 3, 2020, Permittee failed to operate its business in accordance with GA-28 by allowing people to visit its premises. Permittee derives 51% or more of its gross receipts from the sale of alcoholic beverages and qualifies as a bar under GA-28. Therefore, Permittee was prohibited from allowing people to visit its premises after 12:00PM on June 26, 2020.

In light of the foregoing, I have determined that the continued operation of Permittee's business would constitute a continuing threat to the public welfare.

**IT IS THEREFORE ORDERED**, pursuant to Texas Alcoholic Beverage Code § 11.614, that Permittee's Permits are **suspended for thirty (30) days** effective immediately.

This Order is enforceable on the date it is signed. On that date, the Commission will serve notice to the parties listed below.

SIGNED ON 9/6/2020

Bentley Nettles  
A. Bentley Nettles, Executive Director  
Texas Alcoholic Beverage Commission

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*Bentley Nettles*

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A. Bentley Nettles, Executive Director  
Texas Alcoholic Beverage Commission

## OFFICER'S RETURN

Came to hand on the 6th day of September, 2020 and executed on the 6th day of September, 2020 at 6:30 a.m. or (p.m.) by delivering in person to the Permittee's or Permittee's representative, to-wit: a true copy of this Emergency Order of Suspension for Permit/License # MB747105.

### PERMITTEE'S REPRESENTATIVE

Maude Herndon

(Signature)

Maude Herndon, owner

(Printed Name & Title)

BY:

Rd #72128

(Signature TABC Agent)

Raul Ruiz

(Printed name)

**DOCKET NO. 661430**

<b>OCEANVIEW BAR &amp; GRILL LLC</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>DBA LT CORNER PUB, RESPONDENT</b>	<b>§</b>	
	<b>§</b>	
<b>PERMITS NO. MB-747105, LB, AND PE</b>	<b>§</b>	<b>ALCOHOLIC</b>
	<b>§</b>	
<b>TRAVIS COUNTY, TEXAS</b>	<b>§</b>	<b>BEVERAGE COMMISSION</b>

**SETTLEMENT AGREEMENT AND WAIVER OF HEARING**

The Texas Alcoholic Beverage Commission ("Commission") is the state agency with the authority to administer and enforce the provisions of the Texas Alcoholic Beverage Code ("Code") according to the rules in the Texas Administrative Code ("Rules").

On March 13, 2020, Governor Abbott issued a disaster proclamation certifying that the novel coronavirus ("COVID-19") poses an imminent threat of disaster for all Texas counties. Dr. John Hellerstedt, Commissioner of the Texas Department of State Health Services has determined that COVID-19 represents a public health disaster within the meaning under Chapter 81 of the Texas Health and Safety Code.

On June 26, 2020, Governor Abbott issued Executive Order GA-28, which prohibits people from visiting bars and similar establishments that hold a permit or license from TABC that do not also qualify as a restaurant under the terms of Executive Order GA-28. Failure to comply with the executive order is subject to regulatory enforcement.

OCEANVIEW BAR & GRILL LLC, ("Permittee") is the holder of a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit ("Permits"). The permitted premises is known as LT CORNER PUB, located at 1310 Ranch Road 620 S Suite B12, Lakeway, Travis County, Texas 78734 ("Premises"), and its mailing address is the same.

My name is DONALD LITTLE, ATTORNEY for Respondent. I have authority to enter into and bind Respondent to the terms of this Settlement Agreement and Waiver of Hearing ("Agreement").

The Commission alleges that, on or about September 3, 2020, Permittee failed to operate its business in accordance with GA-28 by allowing people to visit its premises. Permittee derives 51% or more of its gross receipts from the sale of alcoholic beverages and qualifies as a bar under GA-28. Therefore, Permittee was prohibited from allowing people to visit its premises after 12:00PM on June 26, 2020.

Respondent's Permits were then suspended by the Commission by Emergency Suspension Order dated September 6, 2020, and effective immediately.

To avoid the time and expense of formal proceedings, Respondent hereby agrees to accept and comply with the terms and conditions stated in this Agreement. In return, the Commission

agrees to issue an Order canceling the remaining days of suspension cited in the Emergency Suspension Order and dismiss the alleged violation of Code § 11.61(b)(7) / 61.71(a)(16).

**RESPONDENT UNDERSTANDS** the opportunity for a contested case hearing includes the right to be heard by an impartial person; the right to be represented by an attorney; and the right to respond and offer evidence and argument. **Respondent agrees to waive the opportunity for a hearing, including any right Respondent may have to a rehearing and the right to appeal concerning the violation(s) listed above.**

**RESPONDENT AGREES** to comply strictly with Governor Abbott's executive orders and all related protocols and checklists unless modified or rescinded.

**RESPONDENT ALSO AGREES** and acknowledges that Governor Abbott's executive orders and all related protocols and checklists are not suggestions but are requirements under the terms of this Agreement.

**RESPONDENT FURTHER AGREES** that any future violations of executive orders, protocols and checklists will be treated as 11.61(b)(7) or 61.71(a)(16) place or manner violations under the Code and will be subject to additional emergency orders.

**RESPONDENT UNDERSTANDS** that this Agreement settles only the violation(s) and matter(s) stated herein, and does not affect the authority of the Commission to enforce the Code and Rules for future violations, nor does it exclude the violations above from being used to enhance penalties for future violations of the Code and Rules.

**RESPONDENT AGREES** that this Agreement becomes final and enforceable on the date the Order is signed.

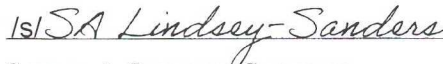
**SIGNATURE PAGE FOLLOWS**

**AGREED** to and signed by DONALD LITTLE, acting on behalf of Respondent, on this 11<sup>th</sup> day of September 2020.

**OCEANVIEW BAR & GRILL LLC**  
**RESPONDENT**

  
\_\_\_\_\_  
DONALD LITTLE  
**ATTORNEY FOR RESPONDENT**

**ACCEPTED** by the Texas Alcoholic Beverage Commission on this 11th day of September 2020. .

  
\_\_\_\_\_  
SHELIA A. LINDSEY-SANDERS  
**ATTORNEY FOR THE COMMISSION**  
Texas Alcoholic Beverage Commission  
Legal Services Division

**DOCKET NO. 661430**

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<b>TRAVIS COUNTY, TEXAS</b>	<b>§</b>	<b>BEVERAGE COMMISSION</b>

**WAIVER ORDER**

On this day, the above-numbered and styled cause came before the Texas Alcoholic Beverage Commission ("Commission") for resolution. After review and due consideration, the Commission now makes the following determinations.


OCEANVIEW BAR & GRILL LLC, ("Permittee") is the holder of a Mixed Beverage Permit, a Mixed Beverage Late Hours Permit, and a Beverage Cartage Permit ("Permits"). The permitted premises is known as LT CORNER PUB, located at 1310 Ranch Road 620 S Suite B12, Lakeway, Travis County, Texas 78734 ("Premises"), and its mailing address is the same.

Respondent has waived its rights for the violation listed in the Settlement Agreement and Waiver of Hearing attached hereto and incorporated herein for all purposes in its entirety.

**IT IS THEREFORE ORDERED** that the remaining days of suspension cited in the Emergency Suspension Order issued against the Respondent on September 6, 2020, be cancelled and the suspension lifted.

This Order is final and enforceable on the date it is signed. On that date, the Commission will serve notice to the parties listed below.

**SIGNED ON** 9/16/2020

  
\_\_\_\_\_  
Matthew R. Chaplin, LL.M.  
Deputy Executive Director  
Texas Alcoholic Beverage Commission

**Attachments:**

**Settlement Agreement and Waiver of Hearing**

**DONALD LITTLE**

**ATTORNEY FOR RESPONDENT**

**VIA ELECTRONIC MAIL donaldlittle1@msn.com**

**SHELIA A. LINDSEY-SANDERS**

**ATTORNEY FOR THE COMMISSION**

**TABC Legal Services Division**

**TABC Headquarters Licensing Division**

**TABC Enforcement Regional Office**

**Austin, Texas**