

PRISM LOGIC CORPORATION	§	BEFORE THE TEXAS
D/B/A TEXAS BAR AND GRILL	§	
PERMIT NO. MB-234515, LB	§	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.

PRISM LOGIC CORPORATION (“Permittee”) is the holder of a mixed beverage permit, and a mixed beverage late hours permit (“Permits”). The permitted premises is known as TEXAS BAR AND GRILL, located at 14611 Burnet Road Suite 100, Austin, Travis County, Texas 78728-4211, 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 July 9, 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. 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 7/12/2020

Bentley Nettles

A. Bentley Nettles, 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 on this, the 7/11/2020.

Amada Clopton

Amada Clopton, Legal Assistant
Texas Alcoholic Beverage Commission

PRISM LOGIC CORPORATION
D/B/A TEXAS BAR AND GRILL
14611 Burnet Road Suite 100,
Austin, Texas 78728-4211
VIA HAND DELIVERY

Legal Services Division

TABC HQ Enforcement Division

TABC HQ Licensing Division

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Amada Clopton, Legal Assistant
Texas Alcoholic Beverage Commission

PRISM LOGIC CORPORATION
D/B/A TEXAS BAR AND GRILL
14611 Burnet Road Suite 100,
Austin, Texas 78728-4211
VIA HAND DELIVERY

Legal Services Division

TABC HQ Enforcement Division

TABC HQ Licensing Division

Jerome Berman

DOB **REDACTED**

Owner 7-B-2020 @ 3524 pm

[Signature]

DOCKET NO. 661207

PRISM LOGIC CORPORATION	§	BEFORE THE TEXAS
DBA TEXAS BAR AND GRILL	§	
	§	
PERMIT NO. MB234515 (LB)	§	ALCOHOLIC
	§	
	§	
TRAVIS COUNTY, TEXAS	§	BEVERAGE COMMISSION

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.

PRISM LOGIC CORPORATION (“Respondent”) holds a Mixed Beverage Permit and a Mixed Beverage Late Hours Permit (“Permits”). The licensed premise is known as TEXAS BAR AND GRILL, is located at 14611 Burnet Road, Suite 100, Austin, Travis County, Texas, 78728 (the “Premises”), and has the same mailing address.

My name is JERRY BERMAN, VICE PRESIDENT of Respondent. I have the 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 July 9, 2020, Respondent or Respondent’s agent, servant, or employee engaged in conduct, permitted conduct, and/or failed to prevent or control certain conduct on the Premises, in violation of Code § 11.61(b)(7).

Respondent’s Permits were suspended by the Commission by Emergency Suspension Order dated July 12, 2020, 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).

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 listed above.

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

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

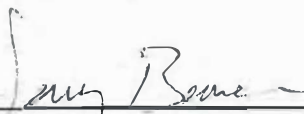
RESPONDENT UNDERSTANDS that this Agreement settles only the violation and matters stated herein and does not affect the authority of the Commission to enforce the Code and Rules for future violations.

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

SIGNATURE PAGE FOLLOWS


Agreed to and signed by JERRY BERMAN, acting on behalf of Respondent, on this 16th day of July 2020.

PRISM LOGIC CORPORATION
RESPONDENT



JERRY BERMAN
VICE PRESIDENT OF RESPONDENT

ACCEPTED by the Texas Alcoholic Beverage Commission on this 16th day of July 2020.



MATTHEW E. CHERRY
ATTORNEY FOR THE COMMISSION
Texas Alcoholic Beverage Commission
Legal Services Division

DOCKET NO. 661207**PRISM LOGIC CORPORATION
DBA TEXAS BAR AND GRILL****PERMIT NO. MB234515, LB****TRAVIS COUNTY, TEXAS**§
§
§
§
§
§**BEFORE THE TEXAS****ALCOHOLIC****BEVERAGE COMMISSION****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.

PRISM LOGIC CORPORATION ("Respondent") holds a Mixed Beverage Permit and a Mixed Beverage Late Hours Permit ("Permits"). The licensed premises, known as TEXAS BAR AND GRILL, is located at 14611 Burnet Road, Suite 100, Austin, Travis County, Texas, 78728 ("Premises"), and has the same mailing address.

Respondent has waived its rights in the attached Settlement Agreement and Waiver of Hearing ("Agreement") for the violation listed below. The Agreement is 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 Respondent on July 12, 2020, be cancelled and the suspension lifted immediately.

IT IS FURTHER ORDERED that the alleged violation of Texas Alcoholic Beverage Code § 11.61(b)(7) be dismissed.

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.

7/20/2020

SIGNED ON _____


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

Attachments:

Settlement Agreement and Waiver of Hearing

Prism Logic Corporation
dba Texas Bar and Grill
14611 Burnet Road, Suite 100
Austin, Texas 78728

VIA ELECTRONIC MAIL: **REDACTED**

Matthew E. Cherry
ATTORNEY FOR THE COMMISSION
TABC Legal Services Division

TABC Headquarters Licensing Division

TABC Enforcement Regional Office
Austin, Texas