

DOMAIN SPORTSBAR INC.	§	BEFORE THE TEXAS
D/B/A THE PARK @	§	
THE DOMAIN/SOMERSAULT	§	
PERMIT NO. MB-773342, 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.

DOMAIN SPORTSBAR INC. (“Permittee”) is the holder of a mixed beverage permit (“Permit”) and a mixed beverage late hours permit. The permitted premises is known as THE PARK @ THE DOMAIN/SOMERSAULT, located at 11601 Domaine Drive Suite 200, Travis County, Austin, Texas 78758, and its mailing address is 3100 Esperanza Crossing #6406, Austin, Texas 78758.

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 June 27, 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.

6/28/2020
SIGNED ON _____

A. 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 28th day of June 2020.

Taylor Fletcher

Taylor Fletcher, Legal Assistant
Texas Alcoholic Beverage Commission

DOMAIN SPORTSBAR INC.
D/B/A THE PARK @ THE DOMAIN/SOMERSAULT
11601 Domaine Drive Suite 200
Austin, Texas 78758
VIA HAND DELIVERY

Legal Services Division

TABC HQ Enforcement Division

TABC HQ Licensing Division

DOCKET NO. 661174

ACTIVE PARK LLC	§	BEFORE THE TEXAS
DBA PROSPECT PARK, RESPONDENT	§	
PERMITS NO. MB-682515 AND LB	§	
	§	ALCOHOLIC
	§	
	§	
HARRIS 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.

ACTIVE PARK LLC, Respondent, is the holder of a Mixed Beverage Permit, and Mixed Beverage Late Hours Permit ("Permits"). The licensed premise is known as PROSPECT PARK, located at 3100 Fountain View Dr., Houston, Harris County, Texas, 77057-6202 ("Premises"), and its mailing address is the same.

My name is ALBERT T. VAN HUFF, ATTORNEY for the 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 June 27, 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 June 28, 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 the 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 strictly 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 matter 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 ALBERT T. VAN HUFF, acting on behalf of Respondent, on this 9th day of July 2020.

**ACTIVE PARK LLC
RESPONDENT**


ALBERT T. VAN HUFF
ATTORNEY FOR THE RESPONDENT

ACCEPTED by the Texas Alcoholic Beverage Commission on this 9th day of July 2020.


EDGAR M. KORZENIOWSKI
ATTORNEY FOR THE COMMISSION
Texas Alcoholic Beverage Commission
Legal Services Division

DOCKET NO. 661174

ACTIVE PARK LLC	§	BEFORE THE TEXAS
DBA PROSPECT PARK, RESPONDENT	§	
PERMITS NO. MB-682515 AND LB	§	
	§	ALCOHOLIC
	§	
HARRIS COUNTY, TEXAS	§	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.

ACTIVE PARK LLC, Respondent, is the holder of a Mixed Beverage Permit, and Mixed Beverage Late Hours Permit ("Permits"). The licensed premise is known as PROSPECT PARK, located at 3100 Fountain View Dr., Houston, Harris County, Texas, 77057-6202 ("Premises"), and its mailing address is the same.

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 to Respondent on June 28, 2020, be cancelled and the suspension lifted.

IT IS FURTHER ORDERED that the violation alleging that on or about June 27, 2020, Respondent or Respondent's agent, servant, or employee violated Section 11.61(b)(7) of the Texas Alcoholic Beverage Code 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.

7/14/2020

SIGNED ON _____



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

Attachment:

Settlement Agreement and Waiver of Hearing

Albert T. Van Huff

ATTORNEY FOR RESPONDENT

Monshaugen & Van Huff, P.C.

1225 North Loop W Ste. 640

Houston, TX 77008-1757

VIA ELECTRONIC MAIL **REDACTED**

Edgar M. Korzeniowski

ATTORNEY FOR THE COMMISSION

TABC Legal Services Division

TABC Headquarters Licensing Division

TABC Enforcement Regional Office

Houston, Texas

DOCKET NO. 661175

DOMAIN SPORTSBAR INC.	§	BEFORE THE TEXAS
DBA THE PARK @ THE	§	
DOMAIN/SOMERSAULT	§	
PERMIT NO. BG773342, LB	§	ALCOHOLIC
	§	
TRAVIS COUNTY, TEXAS	§	BEVERAGE COMMISSION

DISMISSAL 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.

DOMAIN SPORTSBAR INC. ("Permittee") is the holder of a mixed beverage permit and a mixed beverage late hours permit. The permitted premises is known as THE PARK @ THE DOMAIN/SOMERSAULT, located at 11601 Domaine Drive Suite 200, Travis County, Austin, Texas 78758, and its mailing address is 3100 Esperanza Crossing #6406, Austin, Texas 78758.

That the suspension issued on June 28, 2020 be lifted and the alleged place or manner violation on June 28, 2020 be dismissed.

IT IS THEREFORE ORDERED that the emergency suspension is lifted **EFFECTIVE IMMEDIATELY**.

IT IS FURTHER ORDERED that the above styled matter is **DISMISSED**, in its entirety, **EFFECTIVE IMMEDIATELY**.

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 6/29/2020



Matthew R. Chaplin, LL.M.
Deputy 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 29th day of June 2020.

Amada Clopton

Legal Assistant
Texas Alcoholic Beverage Commission

Michael T. Parr
Attorney for Permittee
VIA E-MAIL

Legal Services Division

TABC HQ Enforcement Division

TABC HQ Licensing Division