



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

José Cuevas, Jr.
Presiding Officer-Midland

Steven M. Weinberg, MD,
JD
Member-Colleyville

Melinda S.
Fredricks
Member-Conroe

Alan Steen
Administrator

November 19, 2010

Re: Protest of the Original Application for Airport Cabaret / Rick's Cabaret

Dear Protestants:

The Texas Alcoholic Beverage Commission (TABC) Legal Division is in receipt of your protest of the above Application after investigation by the Field Operations Division. It is the responsibility of this office to review all protest materials to ensure that the allegations levied against the Applicant are in fact, violations of the Texas Alcoholic Beverage Code (Code) and/or Rules, and are set out specifically enough to ensure that the Applicant will be given adequate notice of them. Specifically, Sections 11.46, 61.42 and/or 61.43 of the Code provide the majority of the grounds to refuse approval of a permit/license application.

We have investigated your protest and found that there is an insufficient basis for us to conclude that there will be an imminent threat to traffic safety or common nuisance issues. Nonetheless, TABC investigated the location for traffic conditions and criminal activity and found, according to the Fort Worth Police Department, there have been no calls for service to the area. Without some evidence that this applicant will violate the Code, an ordinance or risk the public safety, I must conclude that the application should not be contested at this time. In light of the above findings, TABC will not join in this protest. However, as required by Sec. 11.43 of the Code, the matter will be referred to the State Office of Administrative Hearings (SOAH) in Fort Worth for a hearing.

I hope I have been helpful in explaining my reasoning. If you have any questions, please contact me at 512-206-3490.

Sincerely,

Judith Kennison
Dep. General Counsel

cc: Applicant, TABC Field Operations Division – Arlington, TABC Licensing Division