



INVESTIGATIONS

Enforcement Division

Policy Number: LE 1.01.00

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Policy

The Texas Alcoholic Beverage Commission (TABC) shall investigate all suspected violations of and complaints related to violations of the Alcoholic Beverage Code, Commission Rules, and applicable laws.

The TABC generally classifies investigations into four categories: source investigations, licensing standards investigations, marketing practices investigations, and other investigations. Because all investigations begin in response to a complaint, the four categories of investigations may all be referred to as "complaint investigations."

The TABC strives to complete all complaint investigations within 60 days of the date that the allegations were first received. To ensure that all complaints receive proper investigation, certified peace officers (CPOs) will track complaints and ensure their resolution using the agency's computer system and these policies and procedures.

The TABC will maintain a database in its computer system that contains information on all investigations conducted by the different agency divisions. Certified peace officers, analysts, and other employees will use this database to track a complaint from the time it is received until it is resolved, to review trends, and to eliminate duplication of investigative work.

Note: This section does not apply to investigations of employee misconduct and other investigations conducted by the Office of Professional Responsibility.

Procedures

a. Receipt of the Complaint.

1. All TABC personnel will accept complaints in person, via telephone, e-mail, mail, fax, internet or other method of communication. TABC personnel may also generate complaints based on their own knowledge or observations.
2. Upon receiving or gaining complaint information, a TABC employee will complete a *Complaint Information* form, also referred to as a "complaint card." The employee will enter the complaint information into the computer system and then give the complaint card to the local sergeant or supervisor.

Exception: If the complaint alleges a violation in another district or a violation that is best handled by another division, then the employee will instead give the complaint information to a sergeant or supervisor to be forwarded to the appropriate district or division. The sergeant or supervisor in the receiving district or division will ensure that a complaint record is or has been created.

3. The sergeant or supervisor will review the complaint and determine whether there is sufficient information to warrant investigation by the TABC or another agency.

4. If there is not sufficient information to investigate the complaint, the sergeant or supervisor will close the electronic complaint record and will note in the comments section the reason for closing the complaint without investigation. The sergeant or supervisor will also ensure that a similar notation is made on the complaint card.
5. If the sergeant or supervisor determines that another agency is better suited for the investigation, the sergeant or supervisor will refer the information to that agency and note the referral in electronic complaint record and on the complaint card. The sergeant or supervisor will then close the electronic complaint record.

b. Assignment of the Complaint for Investigation.

1. If the sergeant or supervisor determines that the complaint provides sufficient information to proceed with an investigation at the TABC, the sergeant or supervisor will assign the complaint to a CPO in his or her own operating unit or transfer the complaint to the sergeant or supervisor of another operating unit—whichever is the most appropriate group to conduct the investigation.
2. The computer system will automatically assign an identification number to the record of the complaint. This number is referred to as the “complaint number.”
3. The sergeant or supervisor will record the basic complaint information in the office’s complaint log.

c. Investigation and Documentation.

1. If the complainant described the setting in which the alleged violations occurred, the investigating CPO should conduct the inspection or other enforcement operation during a similar setting. For example, if the complainant stated that the violations occurred on Thursdays during “happy hour” the CPOs should try to visit the location during that time.
2. The CPOs will provide a clear, concise, and accurate report to the sergeant or supervisor describing the findings and recommendations and summarizing any enforcement actions taken. The report may be delivered either orally or in writing at the discretion of the sergeant or supervisor, unless otherwise directed by a supervisor or these policies and procedures.

d. Closing the Complaint.

1. The sergeant or supervisor will determine the disposition of the complaint. He or she may choose:
 - to close the complaint because the evidence does not support further investigation or filing of charges;
 - to keep the complaint open and continue investigating the complaint;
 - to refer the evidence collected to another agency for further investigation; or
 - to close the complaint noting that administrative or criminal charges have been filed.
2. If the sergeant or supervisor decides to close the complaint, he or she will ensure that the complaint card and the electronic complaint record have been accurately updated and that the complaint card is appropriately filed.

3. The sergeant or supervisor will ensure that any known complainant is notified of the outcome of the investigation, if requested, and that notification is documented. [Texas Alcoholic Beverage Code § 5.54]

e. **Filing the Complaint Card.**

1. A sergeant or supervisor will ensure that the complaint card has been filed in the permit or license folder of the investigation target.
2. If the investigation target is an unlicensed location, the sergeant or supervisor will ensure that the complaint card is filed by month with other complaints on unlicensed locations.

Rules

Texas Alcoholic Beverage Code § 5.36. Investigation of Violations.

(a) The commission shall investigate violations of this code and of other laws relating to alcoholic beverages, and shall cooperate in the prosecution of offenders before any court of competent jurisdiction. The commission may seize alcoholic beverages manufactured, sold, kept, imported, or transported in violation of this code and apply for the confiscation of the beverages if required to do so by this code.

RESOURCES

The following provides a list of potential resources. CPOs should communicate with local supervisors to determine whether specific resources are available in their area.

- a. **Accurint** – Accurint is a web-based investigative tool. Accurint uses public records and nonpublic information to provide data including people's names, phone numbers, addresses, and work information. Accurint may help verify identity, visualize complex relationships, and detect fraud.
- b. **Comptroller** – The Comptroller maintains and will provide information regarding franchise tax, sales tax, mixed beverage tax, tobacco tax, and corporate names and addresses. The Comptroller makes information available on its website at <http://www.cpa.state.tx.us/>. Helpful information found on the website includes names of corporations, names of corporate officers and directors, corporate tax identification numbers, and certification of a corporation's franchise tax account status.
- c. **Computerized Criminal History System** – The CCH is the statewide repository of criminal history data reported to the Texas Department of Public Safety (DPS) by local criminal justice agencies in Texas. The CCH includes information on arrests, prosecutions, and the disposition of cases for persons arrested for a Class B misdemeanor or greater violation of Texas criminal statutes. The CCH can be accessed through the DPS website.
- d. **Dallas Computer Systems (DCS) Information Systems** – DCS offers a collection of publicly available information through an online database. Such information may be useful for verifying application information, locating assets, preventing and detecting fraud, and other investigative purposes.
- e. **Driver's License Image Retrieval System** – The Driver's License Image Retrieval System is a secure database maintained by the DPS. Users may access a Texas

driver's license image, the image date, and other related information.

- f. **Financial Crimes Enforcement Network (FinCEN)** – FinCEN is a database maintained by the U.S. Department of the Treasury to help safeguard the financial system from the abuses of financial crime, including terrorist financing, money laundering, and other illicit activity. FinCEN facilitates information sharing among law enforcement agencies as well as partners in the regulatory and financial communities.
- g. **PACER** - Public Access to Court Electronic Records is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index.
- h. **SARMA** - San Antonio Retail Merchants Association offers a wide array of products and services including credit reporting, bad debt collections, mortgage reporting, business reporting, tenant and employment screening, and many other information sources.
- i. **Secretary of State (Texas)** – The Secretary of State maintains information on all filing entities in Texas. A filing entity is a business organization that must file certain documents with the Secretary of State in order to exist in Texas. Filing entities include corporations, limited liability companies, limited partnerships, and others. Filing entities must have a registered agent that resides in Texas. The Secretary of State also maintains information on registered agents. The website of the Texas Secretary of State can be accessed at <http://www.sos.state.tx.us>.
- j. **Social Security Death Index (SSDI)** – The SSDI contains a listing of persons, including their names, social security numbers, and birthdates, who had a social security number, who are deceased, and whose death was reported to the Social Security Administration. The SSDI is available from a variety of free commercial services.
- k. **Texas Law Enforcement Telecommunication System (TLETS)** – TLETS provides access to both the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) databases. TCIC provides information regarding protective orders; wanted persons; stolen and wanted vehicles, boats, and guns; arrests; prosecutions; dispositions of cases; and other information. NCIC provides the same information, but on a national scale.
- l. **Texas Workforce Commission** – The Texas Workforce Commission maintains and provides information regarding personal wage history, worker's compensation claims, business wage history, total wages paid by employer, individuals employed at a business, wages earned at a business.

FORMS

Complaint Information, Form 4-64
Complaint Log
