



# SUMMARY SUSPENSION

Enforcement Division  
Policy Number: LE 6.01.00

Effective Date: 2/1/08

## POLICY

The Texas Alcoholic Beverage Commission (TABC) may suspend a permit or license without an administrative hearing according to the provisions of the Alcoholic Beverage Code.

## RULES

### **Texas Alcoholic Beverage Code § 11.61. Cancellation or Suspension of Permit.**

The commission or administrator without a hearing may for investigative purposes summarily suspend a mixed beverage permit or a wine and beer retailer's permit for not more than seven days if the commission or administrator finds that a shooting, stabbing, or murder has occurred on the licensed premises which is likely to result in a subsequent act of violence. Notice of the order suspending the permit shall be given to the permittee personally within 24 hours of the time the violent act occurs. If the permittee cannot be located, posting a copy of the order on the front door of the licensed premises shall provide notice.

### **Texas Alcoholic Beverage Code § 11.613. Summary Suspension of Private Club Permit.**

The commission or administrator without a hearing may for investigative purposes summarily suspend a permit issued under Chapter 32 or 33 for not more than seven days if the commission or administrator finds that a shooting, stabbing, or murder has occurred on the licensed premises that is likely to result in a subsequent act of violence. Notice of the order suspending the permit shall be given to the permittee personally within 72 hours of the time the violent act occurs. If the permittee cannot be located, posting a copy of the order on the front door of the licensed premises shall provide notice.

### **Texas Alcoholic Beverage Code § 61.71(e). Grounds for Cancellation or Suspension: Retail Dealer.**

The commission or administrator without a hearing may for investigative purposes summarily suspend a retail dealer's on-premise license for not more than seven days if the commission or administrator finds that a shooting, stabbing, or murder has occurred on the licensed premises which is likely to result in a subsequent act of violence. Notice of the order suspending the license shall be given to the licensee personally within 24 hours of the time the violent act occurs. If the licensee cannot be located, posting a copy of the order on the front door of the licensed premises shall provide notice.

## PROCEDURES

### **a. Basis for a Summary Suspension.**

1. A CPO may, under certain circumstances, recommend the following permits and license for summary suspension:
  - a mixed beverage permit,
  - a wine and beer retailer's permit,
  - a private club permit, or

- a retail dealer’s on-premise license.
2. A CPO will only request a summary suspension if he or she finds that:
    - a shooting, stabbing, or murder has occurred on the licensed premises; and
    - the shooting, stabbing, or murder is likely to result in a subsequent act of violence.

**b. Issuing a Summary Suspension.**

1. Time Constraints. CPOs must issue and provide the permittee or licensee notice of the summary suspension within designated time periods.

Mixed Beverage Permit	Within 24 hours of the violent act
Wine & Beer Retailer’s Permit	Within 24 hours of the violent act
Private Club Permit	Within 72 hours of the violent act
Retail Dealer’s On-Premise License	Within 24 hours of the violent act

2. If a CPO learns of a shooting, stabbing, or murder that has occurred on a licensed premises, the CPO will enter a *complaint* into the agency computer system according to *Investigations*, § 1.01.00 of this manual.
3. If the CPO determines that a summary suspension is necessary, the CPO will immediately notify his or her sergeant or supervisor. The sergeant or supervisor will notify the captain and request approval for the summary suspension.
4. The sergeant or supervisor or his or her designee will create the *Emergency Summary Suspension Order* using the agency computer system and submit it to Enforcement Headquarters.
5. The captain will notify the assistant chief as soon as possible and will ensure that the *Emergency Summary Suspension Order* is submitted to Enforcement Headquarters.
6. The sergeant or supervisor or his or her designee will ensure that the permittee or licensee is notified of the summary suspension. If the permittee or licensee cannot be located, posting a copy of the *Emergency Summary Suspension Order* on the front door of the licensed premises shall provide notice.
7. The CPO will file a copy of the completed *Emergency Summary Suspension Order* form in the permit or license folder in the district office and will forward a copy of the completed form to the assistant chief of enforcement and the permit or license holder or an authorized representative.

**FORMS**

*Emergency Summary Suspension Order*