



ADMINISTRATIVE CASES & WARNINGS

Enforcement Division
Policy Number: LE 6.02.00

Effective Date: 2/1/08

POLICY

The TABC authorizes certified peace officers (CPOs) to, in their discretion, initiate administrative cases and warnings and void when necessary.

PROCEDURES

a. Initiating an Administrative Case or Warning.

1. A CPO will, in his or her discretion, initiate an administrative case or warning against a permittee or licensee for violations of the Alcoholic Beverage Code and Commission Rules.
2. To initiate an administrative case or warning, a CPO will complete an *Administrative Notice* in a complete and legible manner.
3. The CPO will explain to the permittee or licensee the reason for the administrative case or warning and will offer to answer any questions that the permittee or licensee may have. If the permittee or licensee is not a manager or is not in charge of operations at the location, the CPO will attempt to make contact with and explain the case or warning to the manager or person in charge of operations.
4. The CPO will make multiple copies of the *Administrative Notice*, keep a copy for himself or herself, give one copy to the permittee or licensee, and reserve two copies for his or her sergeant or supervisor.

b. Voiding an Administrative Case or Warning.

1. A CPO will, in his or her discretion, void an administrative case or warning when necessary.
2. To void an administrative case or warning, the CPO will write "VOID" in large letters across each copy of the *Administrative Notice*.
3. If a CPO has already distributed copies of an administrative case or warning that he or she intends to void, the CPO will attempt to retrieve those copies.
4. If a CPO wishes to void an administrative case or warning that has already been entered into the agency computer system, the CPO will notify his or her sergeant or supervisor. The sergeant or supervisor will ensure that all copies of the administrative case or warning are voided in the agency computer system and that the permittee or licensee has been notified.

c. Supervisory Review and Submission of an Administrative Case or Warning.

1. The CPO will enter an *Administrative Notice* into the agency computer system before the end of the CPO's next shift.

2. The CPO will submit two copies of the administrative case or warning to his or her sergeant or supervisor for review as soon as reasonably possible. Outpost CPOs, for example, may require extra time to submit copies to their local district office.
3. Sergeants or supervisors will review administrative cases or warnings for completeness and accuracy and to ensure that the case supports each element of the violation charged. The sergeant or supervisor will, in his or her discretion, approve the administrative case or warning, return it to the CPO for correction, or void it.
4. Administrative Warnings.

The sergeant or supervisor will submit one copy of an approved *Administrative Notice* to Enforcement Headquarters and ensure that one copy is placed in the permit or license folder in the district office.

5. Administrative Cases.

- A. After approving an administrative case, the sergeant or supervisor will enter the case in the *Administrative Case Log* and ensure that the CPO who issued the *Administrative Notice* completes a case report.
- B. The CPO will submit the completed case report to the sergeant or supervisor within seven days. The sergeant or supervisor will approve the report or return it to the CPO for correction.
- C. The sergeant or supervisor will submit one copy of an approved *Administrative Notice* and the approved case report to Enforcement Headquarters.
- D. The sergeant or supervisor will ensure that a copy of the *Administrative Notice* and the case report is placed in the “seven day folder” in the district office. The lieutenant or his or her designee is responsible for maintaining the “seven day folder” and moving files to their related permit or license folders in the district office after seven days have passed.
- E. The sergeant or supervisor will ensure that the permit or license holder against whom the administrative case is filed is notified of the pending administrative case. The sergeant or supervisor will attempt to arrange a meeting with the permit or license holder or his or her authorized representative.

FORMS

Administrative Notice, Form 4-46
Administrative Case Log, Form 4-17
