

IN RE ORIGINAL APPLICATION	§	BEFORE THE
OF YETI INVESTMENT, LLC	§	
D/B/A KIRANNA 101	§	COUNTY JUDGE OF
COLLIN COUNTY, TEXAS	§	COLLIN COUNTY, TEXAS
TABC DOCKET NO. 639326	§	

### NOTICE OF HEARING

The Texas Alcoholic Beverage Commission (Commission), Petitioner, is the state agency with authority to administer and enforce the Texas Alcoholic Beverage Code (“Code”) and the administrative rules, 16 Tex. Admin. Code § 31.1 et seq., (“Rules”) adopted by the Commission to implement the Code. The manufacture, sale, distribution, transportation, and possession of alcoholic beverages are governed exclusively by the Code, except where the Code provides otherwise. (Code §§ 1.06, 5.01, and 5.31) The County Judge is authorized to conduct hearings and issue orders for beer licenses and permits under Chapters 25, 26, 61 and 69 of the Code.

Jurisdiction before the County Judge is established at §61.32 of the Code. The procedural rules of the State Office of Administrative Hearings apply to this hearing. (1 Tex. Admin. Code, Chapter 155) The local rules of this court also apply to this hearing.

This action relates to an application for a license or a permit for Wine and Beer Retailer’s Off Premise Permit (BQ).

Yeti Investments, LLC, Applicant, has filed an application for a Wine and Beer Retailer’s On Premise Permit, for the premises to be operated as Kiranna 101, located at 2452 FM 3364 Princeton, TX 75407.

A protest has been filed against the applicant’s right to secure a license. This protest alleges that the Applicant is in violation of the Code and Rules, as follows:

#### **Allegation 1**

The place or manner which the applicant for a retail dealer’s license may conduct its business warrants the refusal of a license based on the general welfare, health, peace, morals, safety of the people, and sense of decency of the people, contrary to Tex. Alco. Bev. Code § 61.42(a)(3), *to wit*:

- a. The proposed location is near Culleoka Baptist Church;
- b. The proposed location may cause an increase in traffic, which may pose unreasonable risk to the safety of parishioners of the Culleoka Baptist Church; and

- c. The proposed location may cause an increase in traffic, which may cause an increase in noise level that is disruptive to church services and functions.

## **Allegation 2**

The applicant for a retail dealer's license will conduct business in a manner contrary to law or in a place or manner conducive to a violation of the law, contrary to Tex. Alco. Bev. Code § 61.43 (a)(9), *to wit*:

- a. Approving the Applicant's application for retail dealer's license would result in allowing them to operate in a dry area, contrary to Tex. Elec. Code § 501 *et seq.*, and Tex. Loc. Gov't Code § 43 *et seq.*
  - i. The City of Princeton and Collin County unlawfully certified the location of the premises as wet for the sale of wine and beer for off-premises consumption under Tex. Alco. Bev. Code § 61.37 (b).
  - ii. The premise at issue is located in a dry unincorporated area of Collin Co. that was unlawfully annexed.
  - iii. Any local option election allowing the sale of alcohol in the City of Princeton is *void ab initio* with respect to the unlawfully annexed territory.

On **Thursday, October 6, 2016 at 1:30 p.m.**, a hearing will be held in the County Court at Law 6 Courtroom, Collin County Courthouse 2100 Bloomdale Road, McKinney, TX 75071. The purpose of this hearing will be to determine if the above allegations are true. If the allegations are found to be true, the above referenced permit or license, may be denied, refused or not renewed.

You may appear at the hearing and have witnesses testify for you. You have the right to an attorney. You may waive this right and represent yourself. **If you fail to appear at the hearing, the allegations in this notice will be deemed admitted as true and the other side's requested relief (i.e., application granted or denied) may be granted by default.**



Keith Self  
County Judge  
Collin County Administration Building  
2300 Bloomdale Rd., Suite 4192  
McKinney, TX 75071  
972-548-4631

cc:

Stacey Kemp, County Clerk, 2300 Bloomdale Rd., Ste. 2104, McKinney, TX 75071 INTER-AGENCY

Yeti Investment LLC, Applicant, 2602 Howlite Lane, Rosharon, TX 77583 VIA CERTIFIED MAIL

William Dufour, Attorney for Applicant, Law Office of William C. Dufour, 3301 Northland Dr., Ste. 213, Austin, TX 78731 VIA CERTIFIED MAIL

Nina Rettberg, Protestant, 102 County Road 1010, Princeton, TX 75407-4921 VIA CERTIFIED MAIL

Brother Roger Berghauser, Protestant, Culleoka Baptist Church, 3052 FM 982, Princeton, TX 75407-5078 VIA CERTIFIED MAIL

Trish Donaghey, Protestant (Group Representative), P.O. Box 35, Allen, TX 75013 VIA CERTIFIED MAIL

Derek Borg, City Manager-Princeton, 123 W. Princeton Dr., Princeton, TX 75407 VIA CERTIFIED MAIL

Sheriff Terry Box, Sheriff- Collin County, 4300 Community Ave., McKinney, TX 75071 INTER-AGENCY

Edgar Korzeniowski, TABC, Legal Services Division, 427 W. 20<sup>th</sup> St., Ste. 600, Houston, TX 77008 VIA EMAIL