

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

June 23, 2008

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-07-2361; TCEQ Docket No. 2006-1661-PST-E;
In Re: C.B. Express, Inc. d/b/a Discount Beer & Cigarettes

Dear Mr. Trobman:

The above-referenced matter is scheduled to be considered by the Commission on July 9, 2008.

After reviewing the exceptions and modifications filed by the Executive Director, I recommend the Commission grant Modifications Nos. 1-2, 4-7, 10-11, and 13. I recommend the Commission deny Modifications Nos. 3, 8-9, and 12 for the following reasons:

- No. 3. There was nothing in the record before me that supports the ED's suggested date and manner whereby the corporation ceased to exist.
- Nos. 8-9 The use of commas is a matter of style, not substance requiring modification. Moreover, according to the 4th Edition of *Write Right* (p.66), one should put commas both before **and** after the year when a date is written in month-day-year order.
- No. 12 As the proposed Order is now written, it is the Commission's imposition of an administrative penalty and Respondent's compliance with all the terms and conditions set forth in the Order, including payment of the penalty, that resolves the violations that are subject of the Order.

After reviewing the February 15, 2008, letter filed by C.B. Express, I recommend the Commission disregard any of Respondent's factual allegations or evidence not contained in the record.

Sincerely,

Carol Wood
Administrative Law Judge

2008 JUN 23 PM 3:33
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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STYLE/CASE: C.B. EXPRESS INC / DISCOUNT BEER & CIGARETTES
SOAH DOCKET NUMBER: 582-07-2361
REFERRING AGENCY CASE: 2006-1661-PST-E

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 HEARINGS**

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REGARDING:

EXCEPTIONS LETTER (BY ALJ)

DOCKET NUMBER:

582-07-2361

JUDGE CAROL WOOD

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