

TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 16 TAC §34.2(e)

Description	Code and Rule Citation	1st Violation	2nd Violation	3rd Violation
<u>Age Related Violations</u>				
Employing a minor to sell, serve, prepare, or otherwise handle alcoholic beverages	§§61.71(a)(11), 106.09	5-7 days	10-14 days	30 days-Cancel
Permitting a minor to possess or consume an alcoholic beverage	§106.13	3-5 days	6-10 days	18 days-Cancel
Selling an alcoholic beverage to a minor	§106.03	8-12 days	16-24 days	48 days-Cancel
Prohibited Activities by Persons Younger Than 18	§106.15	5 days	60 days	Cancel
Presence or Employment of Certain Minors at Sexually Oriented Business	§106.17	30 days	60 days	Cancel
<u>Breach of the Peace Violations</u>				
Conducting business in a manner as to allow a simple breach of the peace with no serious bodily injury or deadly weapon involved (as defined in the Texas Penal Code)	§§22.12, 24.11, 28.11, 32.24, 69.13, 71.09	3-5 days	6-10 days	18 days-Cancel
Conducting business in a manner as to allow an aggravated breach of the peace with a serious bodily injury, death or involving a deadly weapon (as defined in the Texas Penal Code)	§§22.12, 24.11, 28.11, 32.24, 69.13, 71.09	25-35 days	Cancel	Cancel
Failure to report a breach of the peace	§§11.61(b)(21), 61.71(a)(30)	2-5 days	4-10 days	12 days-Cancel

<u>Place / Manner - Assaultive Offenses</u>	<u>§§11.61(b)(7), 61.71 (a)(16); Rule 34.3(c)(5)</u>	<u>3-5 days</u>	<u>6-10 days</u>	<u>18 days- Cancel</u>
<u>Narcotics Violations</u>				
Possession of, sale or delivery of, or permitting the sale or delivery of narcotics or synthetic cannabinoids by a licensee or permittee or possession of any equipment used or designed for the administering of narcotics or synthetic cannabinoids	§104.01	25-35 days	Cancel	Cancel
<u>Intoxication Violations</u>				
Selling or serving an alcoholic beverage to an intoxicated person – no associated bodily injury or death	§§11.61(b)(14), 61.71(a)(6), 101.63	8-12 days	16-24 days	Cancel
Intoxication of the license or permit holder or any employee on a licensed premise	§§11.61(b)(13), 104.01(a)(5)	17-25 days	34-50 days	Cancel
<u>Place / Manner - Over Serving</u>	<u>§§11.61(b)(7), 32.17(a)(8), 61.71 (a)(16);</u>	<u>8-12 days</u>	<u>16-24 days</u>	<u>Cancel</u>
<u>Solicitation Violations</u>				
Soliciting any person to buy drinks for consumption by the retailer or any of its employees, servants, or agents	§104.01(a)(4)	30 days- Cancel	Cancel	Cancel
<u>Trafficking and Prostitution Violations</u>				
Trafficking of an adult with intent that adult engage in forced labor or services or		Cancel	Cancel	Cancel

receiving a benefit including labor or services per §20A.02(1-2) of the Penal Code; Trafficking an adult through force, fraud, coercion, causing prostitution-related conduct, receiving a benefit, or engaging in sexual conduct with an adult per §20A.02(3-4) of the Penal Code; Trafficking of one child with intent that child engage in forced labor or services, or receiving a benefit of such trafficking, including labor or services per §20A.02(5-6) of the Penal Code; Trafficking of one child causing child to engage in, be victim of, or conduct prohibited by sexual offenses described in §20A.02(7), received benefit, or participation in sexual conduct with a child trafficked per §20A.02(7-8) of the Penal Code; Continuous trafficking of persons under §20A.03 of the Penal Code				
Prostitution		30 days - Cancel	Cancel	Cancel
Promotion of prostitution		Cancel	Cancel	Cancel
<u>Inspection and Business Records Violations</u>				
Refusing inspection of premises	§101.04	10-14 days	30-Cancel	Cancel

Failure to timely provide records, including videos, related to violation not involving serious bodily injury or death or any smuggling or trafficking-related offense	§§5.32, 5.44, 11.61(b)(2), 61.71(a)(1)	8-12 days	16-24 days	Cancel
Failure to timely provide records, including videos, related to violation involving serious bodily injury or death or any smuggling or trafficking-related offense	§§5.32, 5.44, 11.61(b)(2), 61.71(a)(1)	30 days	60 days	Cancel
<u>Knowingly making a false statement in an application, document, report, etc.</u>	<u>§101.69</u>	<u>Cancel</u>		
<u>Prohibited Hours Violations</u>				
Selling, serving, or delivering alcoholic beverages during prohibited hours or consuming or permitting consumption of an alcoholic beverage during prohibited hours on a licensed premises	§§11.61(b)(22), 61.71(a)(17), 105.01-105.10	8-12 days	16-24 days	Cancel
<u>Premises Violations</u>				
Permitting public lewdness, sexual contact, or obscene acts, or exposure of a person or permitting a person to expose themselves on a licensed premises	§§61.71(a)(10), 104.01(a)	5-7 days	10-14 days	Cancel
Rudely displaying or permitting a person to rudely display a weapon in a retail establishment	§104.01 (a)(3)	5-7 days	10-14 days	30-Cancel

Failure to Meet Testing Requirements	Rule 50.26(b)(19)	\$250
Failure to Meet Requirements-Sch/Pgm Certification	Rule 50.13	\$250
Failure to Properly Prepare/File Session Reports	Rule 50.10(e)	\$250
Tax, Stamp, and Bond Violations		
Failure to Pay State Franchise Tax	§§11.61(b)(5), 61.712	\$250
Failure to Pay State Hotel Tax	§§11.61(b)(5), 61.712	\$250
Failure to Maintain Acceptable Gross Receipts or Sales Tax Bond	§28.17	\$250
Failure to Maintain Acceptable Alco. Bev. Excise Tax Bond	§§204.01 - .03	\$250
Failure to Maintain Acceptable Conduct Surety Bond	§§11.11 (a)(2) , 61.13; Rule 33.41	\$250
Poss. of Distilled Spirits w/o ID Stamp (Local Dist. Stamp)	§§28.15(a); 32.20(a)	\$500
Failure to Maintain Acceptable State Sales Tax Bond	§11.61(b)(8)	\$250
Failure to Invalidate ID Stamps	§28.09(a); Rule 41.60(h)	\$500
Failure to Pay State Sales Tax	§§11.61(c)(2), 61.712	\$250
Failure to Pay or Report Mixed Bev. Gross Receipts or Sales Tax	§§11.61(b)(5), 61.712	\$250
Failure to Maintain Performance Bond	§§11.61(b)(8), 61.71(a)(1)	\$250
Failure to Complete or File Excise Tax Report	§5.32, Rule Ch. 41, Subch. C	\$250
Failure to Maintain ID Stamp Reports	Rule 41.60	\$500
Possess Un-Affixed ID Stamps	§§28.151, 32.201	\$500

Unauthorized Repackaging of Alco. Bev.	§104.05	\$500
Marketing Practices Violations		
Illegal Interior Signage	§61.74(a)(1); Rule 45.113(d)	\$1,000
Outdoor Advertising Violation	Code Chapter 108	\$250
On-Premises Promotions	Rule 45.103	\$500
Illegal Sampling / Tasting Event	§§16.01(c), 24.12, 26.08, 37.01	\$1,000
Engage in Promotional Activity w/o License/Permit	§§35.01, 36.01, 50.001	\$500
Unauthorized Market Research	§§102.07, 108.06; Rule 45.113(b)(4)	\$500
Unauthorized Sweepstakes Contest	§§102.07(e), 108.061; Rule 45.106	\$500
Unauthorized Coupon	§§102.07(d), 108.06; Rule <u>45.101</u> 45.113	\$500
Illegal Bar Spending	§§102.07(g)(2), 102.15(b)(2); Rules 45.113(b)(3), 45.117(b)(3).	\$500
Seller Server Violations		
Ineffective Instruction	Rules 50.3(e), 50.4(b), 50.5(b)	\$1,000
Session Class Size Exceeds 50	Rules 50.6(a), 50.26(b)(1), (b)(17)	\$500
Program Taught by Uncertified Trainer	Rule 50.25(c)	\$1,000
Failure to Meet Trainer Standards and Certification Requirements	Rule 50.26(b)	\$250
In-House Program Certified Non-Employees	Rule 50.8	\$1,000
Failure to Properly Issue Trainee Certificates	Rule 50.9(b), (c)	\$250
Failure to Properly Schedule/Cancel Training Session	Rule 50.10(a), (b)	\$250

Illegal Contract/Alternating Brewing/Manufacturing	§62.14	\$1,000
Illegal Contract Distilling – Spirits	§§11.06; 14.01 <u>14.10; 37.011</u>	\$1,000
Possession of Alco. Bev. Unfit for Consumption	§103.07	\$500
Acquired Alco. Bev. from Another Retailer	§§69.09, 71.05	\$500
Purchase of Alco. Bev. while on Delinquent List	§102.32; Rule 45.130(g)	\$500
Prohib. Relationship with Different Levels of Industry	§§102.01; 102.07; 102.15	\$1,000
Failure to Operate under the Required Tradename	§§61.05, 108.52(c)	\$250
Failure to Place Retailer on Delinquent List	Rule 45.130	\$500
Failure to Report Cash Law Violation	§102.31(c); Rule 45.131(e)	\$500
Failure to Report Credit Law Violation	§102.32(d); Rule 45.130(e)	\$500
Exclusive Outlet	§§102.13, 109.08	\$1,000
Commercial Bribery	§102.12	\$1,000
Prohibited Interest	§§22.06, 51.06, 102.03, 102.04, 102.09, 102.10, 102.11, 102.18	\$1,000
Delinquent Wholesaler	§102.33; Rule 45.132	\$250
Illegal Stocking/ Shelving/ Product Rotation	§102.20; Rule 45.109	\$500
Failed to Meet Labeling Requirements	§§37.07, 101.67	\$500
Illegal Refund/ Exchange by Wholesaler/ Distributor	§§11.61(b)(2), 61.74(a)(1), 104.05(d), (e)	\$500
Possess/ Transport/ Store Illicit Beverage	§103.01	\$500

Food Items Not Prepared/ Assembled on Premises	Rule 33.5(c)	\$500
Alcohol Sale Hours Beyond Food Sale Hours	Rule 33.5(d)	\$500
Food Service Not Available/ Adequate (Private Club)	§32.03(g); Rule 41.55	\$500
Alco. Bev. Not In Tamper-proof Container	§§28.1001(a)(2)(C), 32.155(a)(2); Rule 41.16	\$500
Recordkeeping Violations		
Failure to Timely File Monthly Report	§§201.075 (DS & Wine), 203.13 (Malt Bev)	\$250
Failure to Report Corporate Change	§28.04 and Rule 33.94	\$250
False/Misleading Statement in Application, Document, Report Etc.	§§11.46 (a)(4), 11.61(b)(4), 61.43(a)(4), and/or 61.71(a)(4) and (11)	\$1000
Failure to Timely Provide Records	§§5.32, 5.44 (a)(6); Rule 41.2	\$250
Failure to Maintain or Properly Document Invoices	§5.32; Rule 41.2	\$250
Food & Bev. Permit Holder: Incomplete / Missing Records	§5.32; Rule 33.5 (f), (k)	\$250
Records Incomplete or Missing	§32.13; Rule 41.6	\$500
Trade Practices Violations		
Cash Law	§§61.73 and 102.31; Rule 45.131	\$500
Conspiracy to Receive Unlawful Benefit	§104.03	\$1,000
Credit Law	§102.32; Rule 45.130	\$500
Inducement	§§102.04(b)(6); 102.07(a)(8); 102.12; 108.06; Rule 45.110	\$1,000
Unlawful Agreement	§102.16	\$1,000

Private Club - Storage of Alco. Bev. not Owned by Members	§32.01(a)(1); Rule 41.56	\$500
Possession of Unauthorized Alco. Bev.	§§25.09, 26.01(a), 69.12, 71.04	\$250
Sell/Deliver Alco. Bev. while under Suspension	§11.68	\$1,000
Operating without Required License or Permit	§§11.01, 61.01	\$1,000
Mixed Bev. – Possession of Un-invoiced/Unauthorized Alco. Bev.	§28.06(a), (b)	\$500
Store Alco. Bev. Off Licensed Premise	§§69.10, 71.06	\$1,000
Sell/Deliver Alco. Bev. in Open Container	§§22.11, 24.10	\$500
Sale away from Licensed Premise	§§11.06, 61.06, 32.17(a)(4)	\$500
No Permanent Food Service Facility at Addressed Location	§§25.13, 28.18, 32.23, 69.16; Rule 33.5(c)	\$1,000
Transporting w/o Required Invoice	§§22.08, 23.04, 24.04; Rule 41.14	\$500
Membership/Membership Committee Violations	§§32.09, 32.16; Rules 41.51, 41.56	\$500
Unauthorized Manufacturing/Brewing Activity	§§11.01, 61.01	\$1,000
Improper Financial Transactions	§32.06; Rules 41.53, 41.54	\$500
Transporting Liquor w/out Required Transport Permit	§§11.01, 41.01, 43.03	\$1,000
Unauthorized Sale/Brew Products for On-Premise Consumption	§ 62.12 , 62.122	\$1,000
Adequate Food Service Not Available	Rule 33.5(c)	\$500
Place / Manner - Violated Waiver Order	§§11.61(b)(7), 61.71(a)(167); Rule 34.3	\$1,000

Figure: 16 TAC §34.10(g)

Description	Code and Rule Citation	Base Penalty
Age Related Violations		
Permit Minor in Package Store	§109.53	\$500
Premises Violations		
Failure to Display License or Permit	§§11.04 and 61.01	\$250
Inspection Refusal	§§32.42 17(a)(2), 61.71(a)(13), 61.74(a)(7), 101.04	\$500
Maintaining a Noisy Establishment	§11.61(b)(9)	\$500
Maintaining an Unsanitary Establishment	§11.61(b)(9)	\$500
Refilling Distilled Spirits Bottle on Licensed Premise	§28.08	\$1,000
Brand Substitution w/o Customer Consent	§§28.081; 104.04; 61.74(a)(13)	\$500
Permitting Removal of Alco. Bev. from Premise	§§28.10, 32.17(a)(4)	\$1,000
Permit Consumption of Malt Beverage at Off- Premise Location	§71.01	\$1,000
Failure to Post Required Sign	§§11.042, 26.05, 61.111, 71.10, 104.07; Rule 31.4	\$250
No Written Consent to Scan DL/ID	§109.61(b); Rules 41.51(f), 41.56	\$500
Place / Manner – Assaultive Offenses	§§11.61(b)(7), 32.17(a)(8), 61.71(a)(17); Rule 34.3	\$1,000
Place / Manner – Over Serving	§§11.61(b)(7), 32.17(a)(8), 61.71(a)(17); Rule 34.3	\$1,000
License and Permit Violations		
Open Saloon - Sale to Non-Member	§§32.01(a), 32.17(a)(1) and 32.17(b)	\$1,000

Figure: 43 TAC §28.160(c)(6)(C)

