

**To the Mayor and Members of the City Council****February 6, 2024**

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**SUBJECT: PROTESTING A TABC LICENSE OR PERMIT APPLICATION**

The purpose of this report is to provide information on the process involved to protest a TABC (Texas Alcoholic Beverage Commission) permit or license application.

In 2020 the TABC adopted rules laying out requirements of the protest process including basic requirements of the protest, elements of a valid protest and who can file a protest, timelines, reasonable grounds or basis of the protest and required methods of submissions.

A protest is a written request for an administrative contested hearing in which the person protesting the TABC permit/license application will participate and present evidence as to why the TABC should not issue an original or renew a permit or license as proposed. The rules adopted by TABC limits protests to those members of the public who have legal standing to contest the issuance or renewal of certain original or renewal licenses or permits. Government Officials are not limited in the types of original or renewal permit or licenses that may be protested.

**Members of the public:**

Members of the public who live within 300 feet of the location that allows for the sale of alcohol for on-premise consumption have standing to protest certain license or permits. The permits or licenses that member of the public may protest are as follows:

- Mixed Beverage Permit (MB)
- Retail Dealer's On-Premise License (BE)
- Private Club Registration Permit (N)
- Wine and Malt Beverage Retailer's On-Premise Permit (BG)
- Original Mixed Beverage Permit, Private Club registration permit or Wine and Malt beverage Retailer's permits if a sexually oriented businesses is to be operated on the premises covered by the permit;
- Renewal of a mixed beverage permit, a private club registration permit, or wine and malt beverage permit if a sexually oriented business is to be operated on the premises covered by the permit and a petition signed by 50% of the residents within 300 feet is presented to TABC requesting a hearing

**Government Officials:**

Governmental Officials have standing to protest any type of original permit or license or any renewal of a license or permit. Governmental Officials include a state senator, a state representative, county commissioner, mayor or city council member who represents the area in which the proposed premise for the alcohol permit or license is located. Other Governmental Officials with standing include: the county judge, the sheriff or the district attorney of the county where the premise is located and the chief of police, city marshal or city attorney of the municipality in which the proposed premise is located.



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**Elements of a Protest:**

Protests from Government Officials must be in writing, contain all required information including the name of the official, the office held, a description of the geographic limits of the official's jurisdiction and the basis or bases of the protest. Protests from members of the public must also be in writing, include the name and address of the person who is eligible under the Texas Alcohol and Beverage Code and the reasonable grounds for the protest. Protests for both Government Officials and members of the public must make at least one allegation or concern that is within the TABC's jurisdiction that could be a reason for TABC to deny an application of the permit or license. Jurisdictional allegations or concerns regarding the issuance of the permit or license must be supported by credible evidence or information, and include circumstances described in [Texas Alcohol and Beverage Code Sections 11.46 through 11.481, 61.42 through 61.46, and 61.50](#). Examples of jurisdictional issues include allegation of drug activity, gang activity or violence or human trafficking or other public safety issues. Non-jurisdictional issues include noise, parking, or allegations of decrease in property values will find those issues to not be valid jurisdictional issue and may result in the rejection of the protest.

**Timelines:**

Protests of applications from Government Officials or members of the public for new original permits or licenses and/or changes of location must be submitted between 60 days prior to and 15 days after TABC receives a completed application in order to be considered to be timely filed with TABC. Protests of applications for renewals of a permit or license must be submitted 60 days prior to the expiration date of the permit or license, up to the expiration date.

**Methods of Submission:**

A protest may be submitted using one of the following:

- Online using TABC's website through their Alcohol Industry Management System
- Emailing the [protest submission form](#) provided by TABC to the Region 2 office in Arlington at [Protests\\_Reg2@tabc.texas.gov](mailto:Protests_Reg2@tabc.texas.gov)
- Mailing the form to TABC headquarters in Austin:

Texas Alcoholic Beverage Commission  
Attn: Licensing Protest Coordinator  
P.O. Box 13127  
Austin, TX 78711

Once filed TABC will make the determination if the protest is a valid protest. If a protest is determined to be valid and accepted, notice of the acceptance of the protest is given to the protestor and the applicant. Protests determined not to be valid are processed as complaints by TABC's enforcement division.

Protests are heard before the State Office of Administrative Hearings (SOAH) and the TABC Commissioners may affirm or deny the SOAH decision.



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If you have any questions concerning this information, please contact Melinda Ramos, Deputy City Attorney at 817-392-7631 or [melinda.ramos@fortworthtexas.gov](mailto:melinda.ramos@fortworthtexas.gov)

**David Cooke**  
**City Manager**