



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Enforcement Division

*P.O. Box 12157 • Austin, Texas 78711 • (512) 539-5600 • (800) 803-9202 • fax (512) 539-5698
Web site: www.license.state.tx.us*

BEFORE

NOTICE OF DEFAULT

DATE

Name
Address
City, State ZIP

Subject: NAME, Complaint Number ELC*****L

Dear NAME:

On DATE, the Department sent you a Notice of Alleged Violation. Texas Occupations Code § 51.304 provides that “not later than the 20th day after the date the respondent receives the notice of alleged violation, the respondent may (1) accept the department's determination and recommended administrative penalty; or (2) make a written request for a hearing on that determination.”

You have neither accepted the Department’s determination nor made a written request for hearing. Under these circumstances, 16 TEX. ADMIN. CODE § 60.160(a) authorizes the Department to propose entry of a default order against you.

On DATE, the Department will present to the Commission of Licensing and Regulation a motion for default order along with a proposed default order. The Commission will consider the motion for default order at 9:00 a.m. in the TDLR Public Meeting Room 125E, located on the 1st floor of the East Tower, 1106 Clayton Lane, Austin, Texas. You may access the agenda for the meeting at <http://www.license.state.tx.us/agendas.htm> .

You may attend the meeting if you wish. A prosecutor will be available at the meeting to negotiate a settlement of your case. If you are unable to reach a settlement, the Commission may order your case set for hearing at a later date at the State Office of Administrative Hearings. You may not address the Commission on the merits of your case until after a hearing has been held.

Sincerely,

Prosecutor

I certify that a true and correct copy of the foregoing Notice of Default has been sent by U.S. regular mail and by U.S. certified mail, return receipt requested (#000000000) to NAME, at the address indicated on the first page of this document, on this ____ day of _____, 2009.



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AFTER

Date

NOTICE OF DEFAULT

Respondent Name

d/b/a Name if there is one

Address

Address

Subject: Respondent Name, Complaint Number ELC?????????D

Dear Mr. Respondent Name:

Why you are receiving this letter. We are sending this letter because you have not responded to a Notice of Alleged Violation mailed to you on <date>. That notice detailed an alleged violation and also provided you with options to settle the case within 20 days after receiving the notice:

- 1) accept the department's determination and recommended administrative penalty;
or
- 2) make a written request for a hearing on that determination.

You still have time to settle this case. Although we are authorized to propose an entry of a default order against you since you have not accepted TDLR's determination and penalty nor requested a hearing, you still have time to settle the case prior to the default order being issued. You can reach us directly by calling <Legal Assistant> at 512-539-???? or email at <legal assistants email>. If you do not contact us, a prosecutor will be available at the meeting described below to further explain your options.

Meeting information. We will present a motion for a default order to the Commission of Licensing and Regulation on April 6, 2010. The Commission will consider the motion for default order at 9:00 a.m. in the TDLR Public Meeting Room 125E, located on the 1st floor of the East Tower, 1106 Clayton Lane, Austin, Texas. You may access the agenda for the meeting at <http://www.license.state.tx.us/agendas.htm>. You may address the Commission at this meeting but only as to why you did not respond to the Notice of Alleged Violation that was mailed to you.

We hope you will take advantage of this last opportunity before the Commission Meeting on April 6, 2010.

Sincerely,

Prosecutor Name

Prosecutor

State Bar No. ????????

<p>I certify that a true and correct copy of the foregoing Notice of Default has been sent by U.S. regular mail and by U.S. certified mail, return receipt requested (# _____) to <Respondent Name>, at the address indicated on the first page of this document, on this ____ day of _____, 2010.</p> <p>_____</p>
