

TEXAS TRANSPORTATION COMMISSION

FREESTONE County

MINUTE ORDER

Page 1 of 1

BRYAN District

On May 31, 2012, the Texas Department of Transportation considered the staff's proposed cancellation of Outdoor Advertising Permit Number 81694, held by Lamar Advantage Outdoor Company, LP (Lamar). Lamar requested an administrative hearing and the matter was referred to the State Office of Administrative Hearings. The proposal for decision concluded that the permit should not be canceled. Under the Administrative Procedure Act and the Texas Transportation Commission's (commission) rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED that the commission issues the attached order in the case of Lamar Advantage Outdoor Company, LP v. Texas Department of Transportation, Docket No. 601-11-7915, and directs that the department staff's proposed cancellation of Permit Number 81694 is withdrawn.

Submitted and reviewed by:

Bal Gunk
General Counsel

Recommended by:

P. D. ...
Executive Director

113120 MAY 31 12

Minute Number Date Passed

SOAH DOCKET NO. 601-11-7915

**LAMAR ADVANTAGE OUTDOOR
COMPANY, LP
Petitioner**

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TEXAS TRANSPORTATION

VS.

COMMISSION

**TEXAS DEPARTMENT OF
TRANSPORTATION,
Respondent**

ORDER

Came on for consideration this 31st day of May, 2012, the above-styled and numbered cause.

After proper notice was given to the parties, this matter was heard by an Administrative Law Judge who made and filed a proposal for decision containing the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

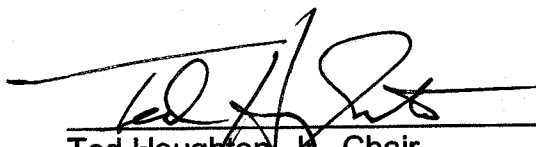
1. Lamar Advantage Advertising, LP (Lamar) holds Outdoor Advertising Sign Permit Number 81694, issued by the Texas Department of Transportation (TxDOT).
2. The permit was issued on August 15, 1988, and canceled by TxDOT on December 17, 2009.
3. After receiving notice of the cancellation, Lamar timely requested an administrative hearing.
4. The Administrative Law Judge's proposed finding of fact stated that TxDOT sent notice of the hearing to Lamar and Doug Sanford, DVM, on May 18, 2009. However, the electronic case file system operated by the State Office of Administrative Hearings shows that TxDOT sent the notice on August 8, 2011.
5. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The hearing before the State Office of Administrative Hearings (SOAH) was convened as scheduled on September 21, 2011. Lamar, Dr. Sanford, and TxDOT all participated.

The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies. Lamar filed no exceptions. Department staff (through the Office of the Attorney General) filed no exceptions.

After full and complete consideration of the proposal for decision, including the opinion, findings of fact, and conclusions of law of the Administrative Law Judge, the Texas Transportation Commission issues this Order. With the exception of the amended finding of fact No. 4 stated above, the findings of fact and conclusions of law of the Administrative Law Judge are adopted.

IT IS ORDERED that the department staff's proposed cancellation of Permit Number 81694 is withdrawn.

Signed this 31st day of May, 2012.



Ted Houghton, Jr., Chair
Texas Transportation Commission

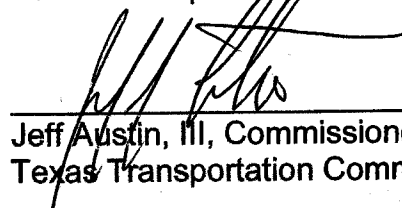


Ned S. Holmes, Commissioner
Texas Transportation Commission



Fred A. Underwood, Commissioner
Texas Transportation Commission

William W. Meadows, Commissioner
Texas Transportation Commission



Jeff Austin, III, Commissioner
Texas Transportation Commission