

TEXAS COURT OF APPEALS, FIFTEENTH COURT OF APPEALS DISTRICT

In re Texas Alcoholic Beverage Commission

In re Texas Alcoholic Beverage Commission · No. 15-25-00151-CV · Decided February 24, 2026

SUMMARY

The Fifteenth Court of Appeals of Texas denied the Texas Alcoholic Beverage Commission’s petition for writ of mandamus challenging an order requiring production of certain TRACE investigation records concerning an alcohol-related fatal crash. The court held that the Commission had not shown a clear abuse of discretion, concluding that Texas Civil Practice and Remedies Code section 30.006 applied and that the Commission had not adequately addressed that statute or established that Texas Alcoholic Beverage Code section 5.48 barred discovery.

CASE DETAILS

COURT	Texas Court of Appeals, Fifteenth Court of Appeals District
WRITING FOR THE COURT	Scott A. Brister; Justice Field; Justice Farris
JURISDICTION	Texas Court of Appeals, Fifteenth Court of Appeals District
DECIDED	February 24, 2026
DOCKET	15-25-00151-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Texas Alcoholic Beverage Commission sought mandamus relief from an order compelling limited production of records concerning a TRACE investigation into an alcohol-related fatal crash.
STANDARD OF REVIEW	Mandamus relief requires a clear abuse of discretion and the absence of an adequate appellate remedy. When the trial court does not make findings of fact or conclusions of law, the appellate court implies findings and conclusions supported by the record, unless the order expressly rests on legal error.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Texas Alcoholic Beverage Commission v. Ashlie Dominguez, Orlando Hayward, Reyna Hayward, State of Texas

TOPICS

- discovery dispute
- writ of certiorari
- appellate procedure
- statutory interpretation
- administrative law

PRACTICE AREAS

civil procedure

appellate procedure

administrative law

statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court clearly abused its discretion by ordering TABC to produce incident-specific TRACE investigation documents despite TABC's asserted privilege under Texas Alcoholic Beverage Code section 5.48.
2. Whether section 5.48 of the Texas Alcoholic Beverage Code creates a mandatory blanket privilege that supersedes the discovery limitations and exception in Texas Civil Practice and Remedies Code section 30.006.
3. Whether TABC had an adequate appellate remedy from the order compelling production of allegedly privileged information.

HOLDINGS

1. TABC had no adequate appellate remedy because the trial court ordered production of information claimed to be privileged, but TABC failed to establish a clear abuse of discretion.
2. The court declined to hold that section 5.48 never applies to TRACE records, but held that TABC did not establish that section 5.48 barred production in this case. The statute applies by its text to private records of a permittee, licensee, or other person, while the TRACE investigative reports appeared to be records of TABC.
3. The statutes should be harmonized if possible, and section 30.006 applies to the discovery sought from TABC because TABC was not a party to the underlying civil action. Section 30.006 permits discovery after in camera inspection when the discovery is relevant and there is a specific need.

KEY QUOTATIONS

“TRACE investigative reports are records of the agency, not of a “permittee, licensee, or other person.”” (at 4)

“We thus deny TABC’s petition.” (at 6)

FACTUAL BACKGROUND

Niguel Hayward died in a head-on collision with Eduardo Moreno after Moreno allegedly consumed alcoholic beverages at Sandbaggers Pub and Molly's Pub. TABC peace officers investigated both establishments under the TRACE program to determine the source of the alcohol and whether it was served irresponsibly. In the plaintiffs' suit against the establishments, the plaintiffs subpoenaed TABC for TRACE-investigation documents and general agency policies and procedures.

PROCEDURAL HISTORY

The plaintiffs in an underlying wrongful-death-related action subpoenaed TABC for documents concerning a TRACE investigation of two pubs and for TABC's general TRACE policies and procedures. The district court

granted the motion to compel in part, ordering production of incident-specific TRACE documents subject to a limitation concerning an open prosecution, but denied discovery of TABC's general policies and procedures. TABC petitioned for mandamus and sought a stay; the appellate court granted a stay to preserve jurisdiction and denied mandamus relief.

DISPOSITION

writ_denied

CASES CITED

- In re AutoZoners, LLC, 694 S.W.3d 219, 223 (Tex. 2024)
- In re Silver, 540 S.W.3d 530, 538 (Tex. 2018)
- Retamco Operating, Inc. v. Republic Drilling Co., 278 S.W.3d 333, 337 (Tex. 2009)
- Sixth RMA Partners, L.P. v. Sibley, 111 S.W.3d 46, 52 (Tex. 2003)
- In re Lynd Co., 195 S.W.3d 682, 686 (Tex. 2006)
- Worford v. Stamper, 801 S.W.2d 108, 109 (Tex. 1990) (per curiam)
- In re Ayad, 655 S.W.3d 285, 289 n.3 (Tex. 2022)
- In re Freidman, 2025 WL 2087209, at *2 (Tex. App.—Austin July 25, 2025, orig. proceeding)
- Star-Telegram, Inc. v. Doe, 915 S.W.2d 471, 473 (Tex. 1995)
- Woolfolk v. Devore, 2022 WL 1420528, at *2 (Tex. App.—Fort Worth May 5, 2022, no pet.)
- Bertucci v. Watkins, 709 S.W.3d 534, 541-42 (Tex. 2025)
- Paxton v. Annunciation House, Inc., 719 S.W.3d 555, 578 (Tex. 2025)