

## INTEROFFICE MEMO

*Gary Grief, Executive Director*

*Alfonso D. Royal III, Charitable Bingo Operations Director*

**To:** J. Winston Krause, Chairman  
Carmen Arrieta-Candelaria, Commissioner  
Doug Lowe, Commissioner  
Robert Rivera, Commissioner

**From:** Bob Biard, General Counsel *RSB*

**Date:** April 12, 2018

**Re:** Consideration of the Status and Possible Approval of Orders in Enforcement Cases

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The Legal Services Division staff recommends that the Commission approve each of the proposed orders presented under this item.

14-8 W7 2-12-18



Date: APRIL 12, 2018

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
	§	OF
THE REVOCATION OF CERTAIN	§	
LOTTERY RETAILER LICENSES	§	ADMINISTRATIVE HEARINGS

**ORDER OF THE COMMISSION**

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) heard the license revocation cases listed on Attachment A hereto, in which the Texas Lottery Ticket Sales Agent (Respondent) in each referenced case did not appear at the scheduled hearing before the State Office of Administrative Hearings (SOAH) to respond to the allegations set forth in the Commission's notice of hearing.

**I. Findings of Fact**

1. Timely and adequate notice of the hearings in the referenced cases before SOAH was provided to each Respondent, pursuant to TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052, and 1 TEX. ADMIN. CODE §§ 155.401 and 155.501(b). Each notice of hearing included a disclosure in at least 12-point, bold-face type, that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against the party that fails to appear at hearing.

2. After timely and adequate notice was given in each case, each case was heard by a SOAH Administrative Law Judge (ALJ). In each case, the Respondent did not appear at the hearing.

3. The Commission, by and through its attorney of record, filed a motion to dismiss each of the referenced cases from the SOAH docket and to remand each case to



**Date: APRIL 12, 2018**

the Commission for informal disposition, in accordance with TEX. GOV'T CODE ANN. § 2001.058(d-1) and 1 TEX. ADMIN. CODE § 155.501(d).

4. The ALJ conditionally dismissed the referenced cases from the SOAH docket and remanded these cases to the Commission for informal disposition under TEX. GOV'T CODE ANN. § 2001.056, provided the Respondent in each case did not file a motion to set aside the default within 15 days from the date of the ALJ's Order Remanding Case to Commission.

5. In each case, Respondent did not file a motion to set aside the default within the 15 days from the date of the ALJ's Order.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to TEX. GOV'T CODE ANN. § 466.155 and 16 TEX. ADMIN. CODE, Chapter 401.

2. The Respondent in each of the cases listed on Attachment A violated the State Lottery Act and the Commission's Rules as set forth in the Commission's notice of hearing applicable to such Respondent. Specifically, each Respondent failed to deposit money due to the State received from lottery ticket sales under the State Lottery Act, in violation of TEX. GOV'T CODE ANN. § 466.351; and 16 TEX. ADMIN. CODE §§ 401.351 and 401.352.

3. The relief sought by the Commission Staff is fair, reasonable, and adequately protects the public.

Date: APRIL 12, 2018

**III. Order**

NOW, THEREFORE, IT IS ORDERED that, after review and due consideration of the administrative record, each of the cases listed on Attachment A hereto, which is incorporated into this Order for all purposes, is hereby disposed by default, and:

1. All allegations set forth in each notice of hearing in the cases listed on Attachment A are deemed admitted; and
2. The Texas Lottery Ticket Sales Agent License for each Respondent in the cases listed on Attachment A is hereby revoked.

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 12<sup>TH</sup> day of APRIL, 2018.

Entered this 12<sup>TH</sup> day of APRIL, 2018.

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J. WINSTON KRAUSE, CHAIRMAN

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CARMEN ARRIETA-CANDELARIA,  
COMMISSIONER

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DOUG LOWE, COMMISSIONER

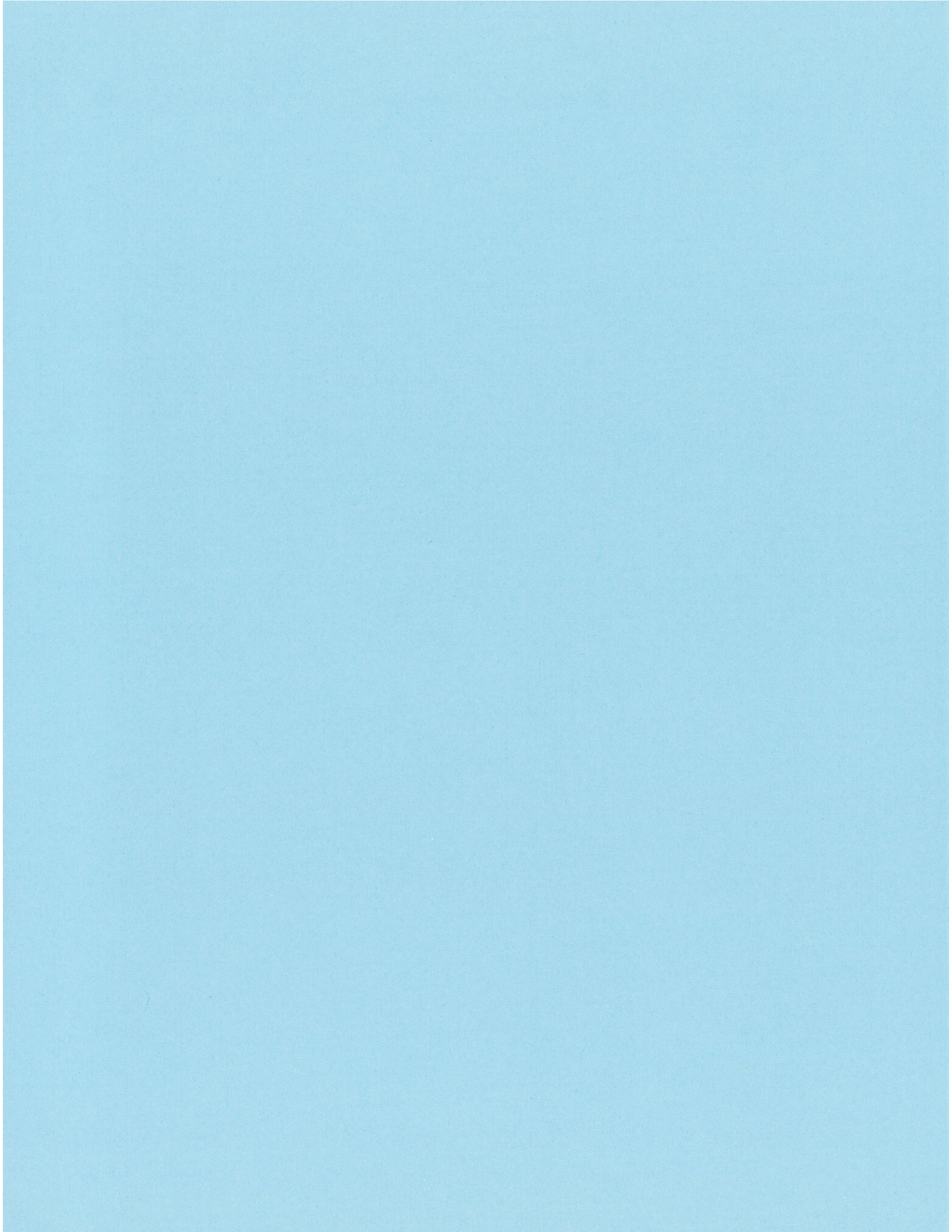
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ROBERT RIVERA, COMMISSIONER

Date: APRIL 12, 2018

**ATTACHMENT A**

<b>TAB NO.</b>	<b>SOAH DOCKET NO.</b>	<b>TICKET SALES AGENT NAME</b>	<b>TICKET SALES AGENT ADDRESS</b>	<b>LOTTERY LICENSE NO.</b>
A.	362-18-1602	M. Bashir Khan d/b/a Unique Liquor	4020 Synott Rd., Suite 65 Houston, TX 77082	183578
B.	362-18-1921	Rafmaya, Inc. d/b/a Lake City Food Mart	401 W. Lennon Dr. Emory, TX 75440	173094
C.	362-18-1925	Bright Future, Inc. d/b/a Super Stop	1125 Jefferson Dr. Port Arthur, TX 77642	179854
D.	362-18-1926	K&K Business Inc. d/b/a K&K Food Store	8302 Sultan Dr. Houston, TX 77078	181496
E.	362-18-1927	Fatima Ali LLC d/b/a F & A Food Mart	1820 Shiloh Rd., Suite 1209 Tyler, TX 75703	182550
F.	362-18-1928	Albert's Beverage and Market LLC d/b/a Albert's Beverage and Market LLC	10819 Elam Rd. Dallas, TX 75217	183073
G.	362-18-1929	Sri Gayathri LLC d/b/a Postal Annex	4523 Hodges Run Ln. Humble, TX 77396-1200	183941
H.	362-18-2181	SNA Investments Inc. d/b/a Corner C Store	1112 N. Collins St., Suite A Arlington, TX 76011	182875



SOAH DOCKET NO. 362-18-1602

TEXAS LOTTERY COMMISSION,  
Petitioner

v.

M. BASHIR KHAN d/b/a UNIQUE  
LIQUOR,  
Respondent

§  
§  
§  
§  
§  
§  
§

BEFORE THE STATE OFFICE

OF


ADMINISTRATIVE HEARINGS

ORDER NO. 1  
CONDITIONAL ORDER OF  
DEFAULT DISMISSAL AND REMAND

This matter was set for hearing on January 18, 2018, before Administrative Law Judge (ALJ) Sarah Starnes. Assistant General Counsel Ryan Mindell appeared on behalf of the staff (Staff) of the Texas Lottery Commission (Commission). M. Bashir Khan d/b/a Unique Liquor (Respondent) did not appear and was not represented at the hearing. Upon receiving Staff's Motion to Dismiss and admitting Exhibits A, B, and C showing proof of adequate notice to Respondent, the ALJ granted Staff's motion to dismiss.<sup>1</sup>

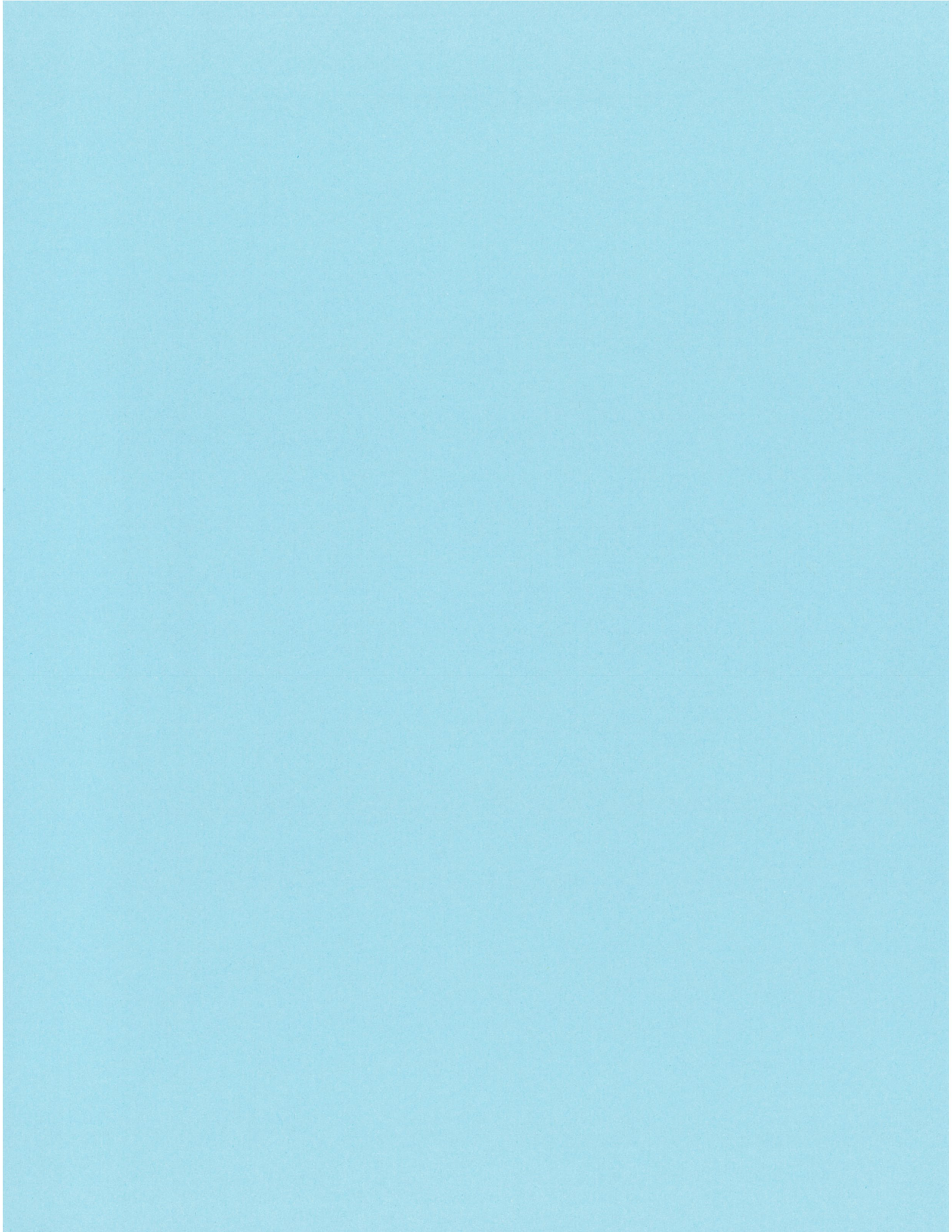
Due to Respondent's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code § 2001.056, in which case the factual allegations listed in the notice of hearing could be deemed admitted and the relief sought in the notice of hearing might be granted. **IT IS, THEREFORE, ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless Respondent files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

SIGNED January 23, 2018.

  
SARAH STARNES  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

<sup>1</sup> 1 Tex. Admin. Code § 155.501(d)(1). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.





**DOCKET NO. 362-18-1921**

<b>IN THE MATTER</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>OF THE REVOCATION OF</b>	§	
<b>RAFMAYA INC.</b>	§	<b>OF</b>
<b>D/B/A LAKE CITY FOOD MART</b>	§	
<b>LOTTERY LICENSE NO. 173094</b>	§	<b>ADMINISTRATIVE HEARINGS</b>

**ORDER REMANDING CASE TO COMMISSION**

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> Rafmaya Inc., Agent, d/b/a Lake City Food Mart, Lottery License No. 173094 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).

The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

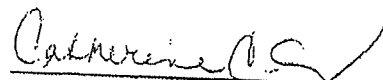
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<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

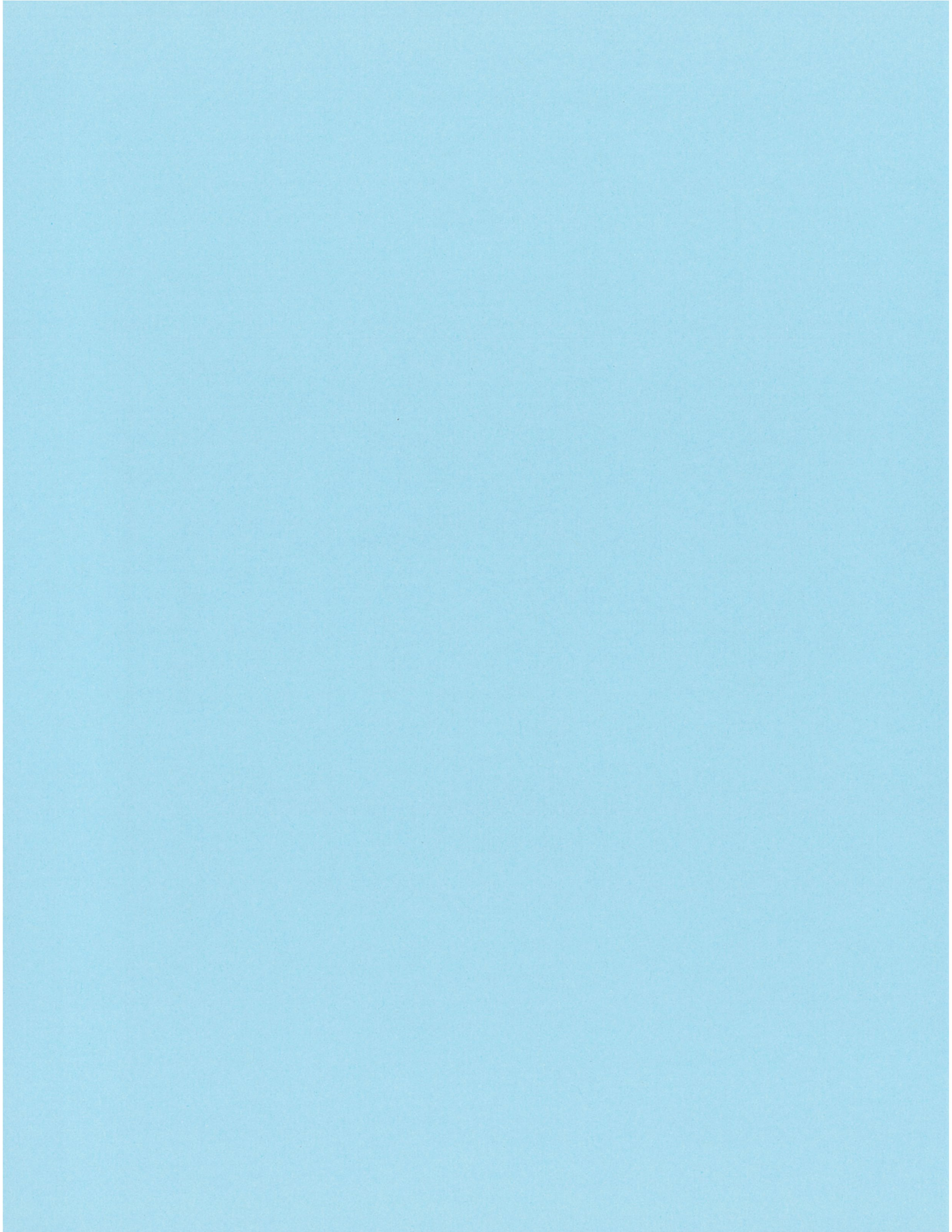
It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

**SIGNED February 21, 2018.**



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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS





**DOCKET NO. 362-18-1925**

<b>IN THE MATTER</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>OF THE REVOCATION OF</b>	<b>§</b>	
<b>BRIGHT FUTURE, INC.,</b>	<b>§</b>	<b>OF</b>
<b>D/B/A SUPER STOP</b>	<b>§</b>	
<b>LOTTERY LICENSE NO. 179854</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**ORDER REMANDING CASE TO COMMISSION**

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> Bright Future Inc., Agent, d/b/a Super Stop, Lottery License No. 179854 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).

The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

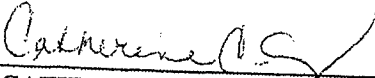
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<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

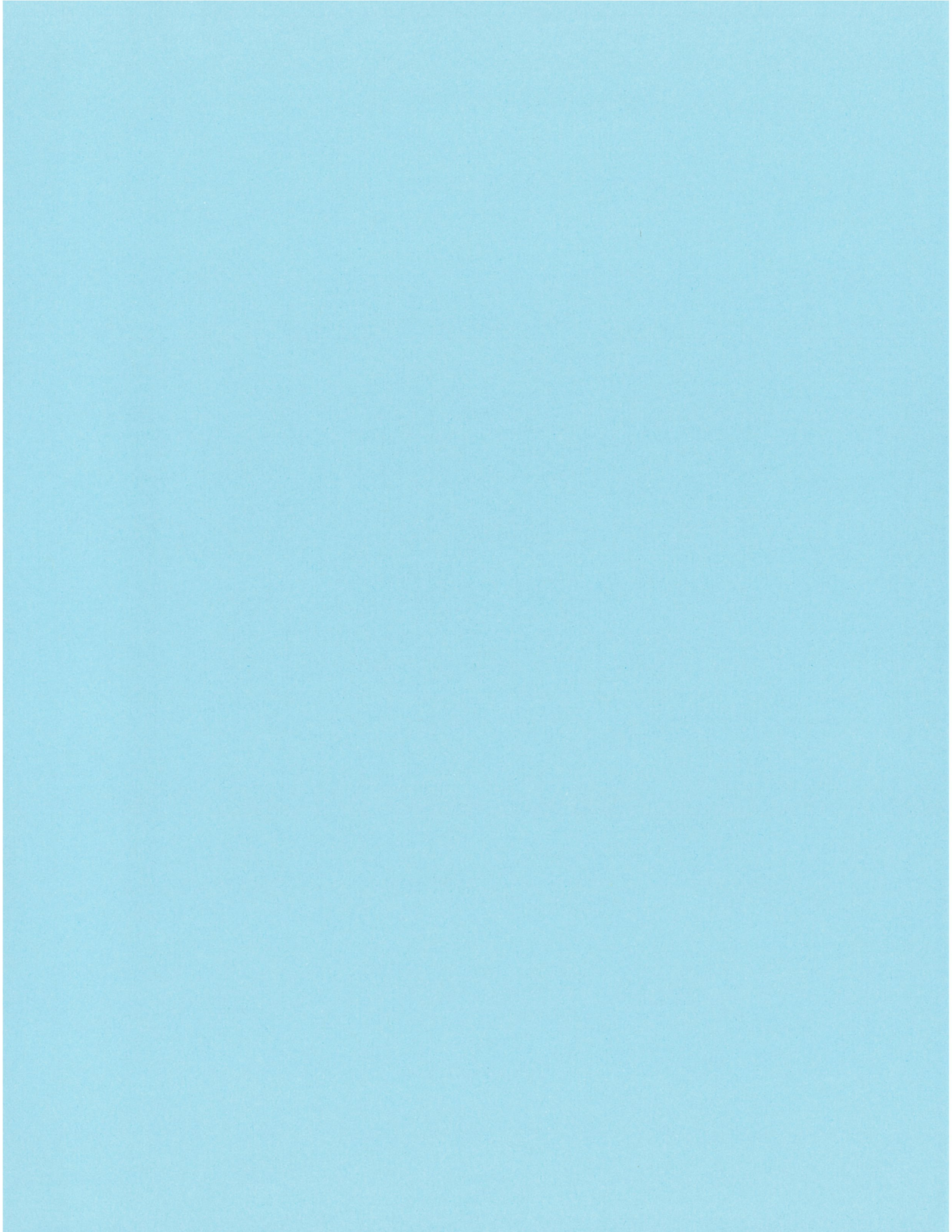
It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

**SIGNED February 22, 2018.**



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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS





**DOCKET NO. 362-18-1926**

<b>IN THE MATTER</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>OF THE REVOCATION OF</b>	<b>§</b>	
<b>K&amp;K BUSINESS, INC.,</b>	<b>§</b>	<b>OF</b>
<b>D/B/A K&amp;K FOOD STORE</b>	<b>§</b>	
<b>LOTTERY LICENSE NO. 181496</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**ORDER REMANDING CASE TO COMMISSION**

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> K&K Business Inc., Agent, d/b/a K&K Food Store, Lottery License No. 181496 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).


The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

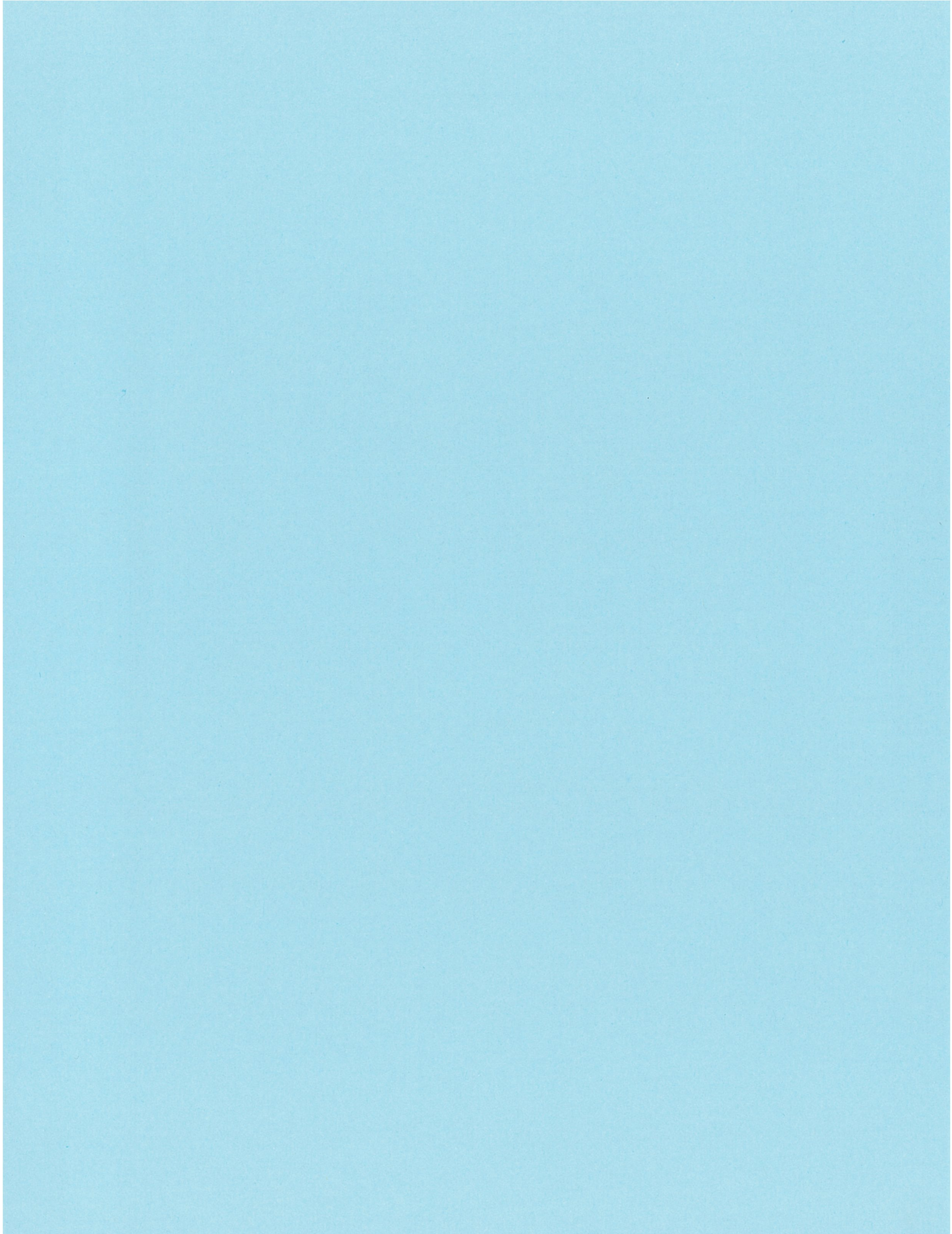
Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

**SIGNED February 23, 2018.**

  
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**CATHERINE C. EGAN**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**





**DOCKET NO. 362-18-1927**

<b>IN THE MATTER</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>OF THE REVOCATION OF</b>	<b>§</b>	
<b>FATIMA ALI LLC.,</b>	<b>§</b>	<b>OF</b>
<b>D/B/A F &amp; A FOOD MART</b>	<b>§</b>	
<b>LOTTERY LICENSE NO. 182550</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**ORDER REMANDING CASE TO COMMISSION**

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> Fatima Ali LLC., Agent, d/b/a F & A Food Mart, Lottery License No. 182550 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).

The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

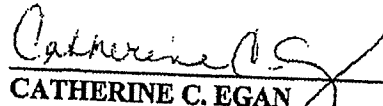
<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

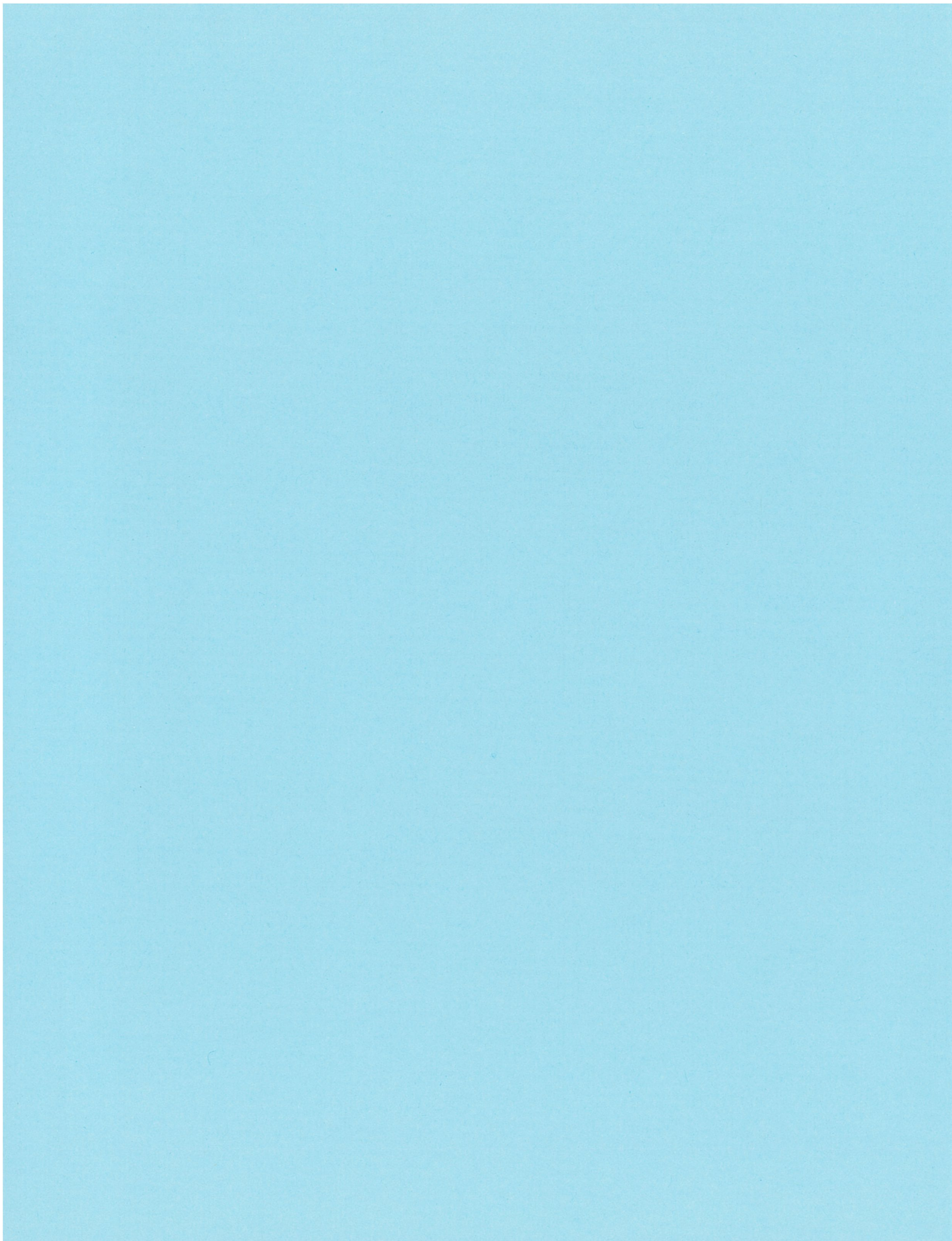


Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

**SIGNED February 23, 2018.**

  
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**CATHERINE C. EGAN**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**



## DOCKET NO. 362-18-1928

IN THE MATTER	§	BEFORE THE STATE OFFICE
OF THE REVOCATION OF	§	
ALBERT'S BEVERAGE AND	§	OF
MARKET LLC D/B/A ALBERT'S	§	
BEVERAGE AND MARKET L	§	
LOTTERY LICENSE NO. 183073	§	ADMINISTRATIVE HEARINGS

## ORDER REMANDING CASE TO COMMISSION

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> Albert's Beverage and Market LLC, Agent, d/b/a Albert's Beverage and Market L, Lottery License No. 183073 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).

The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type

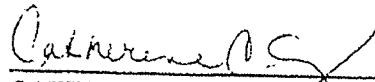
<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

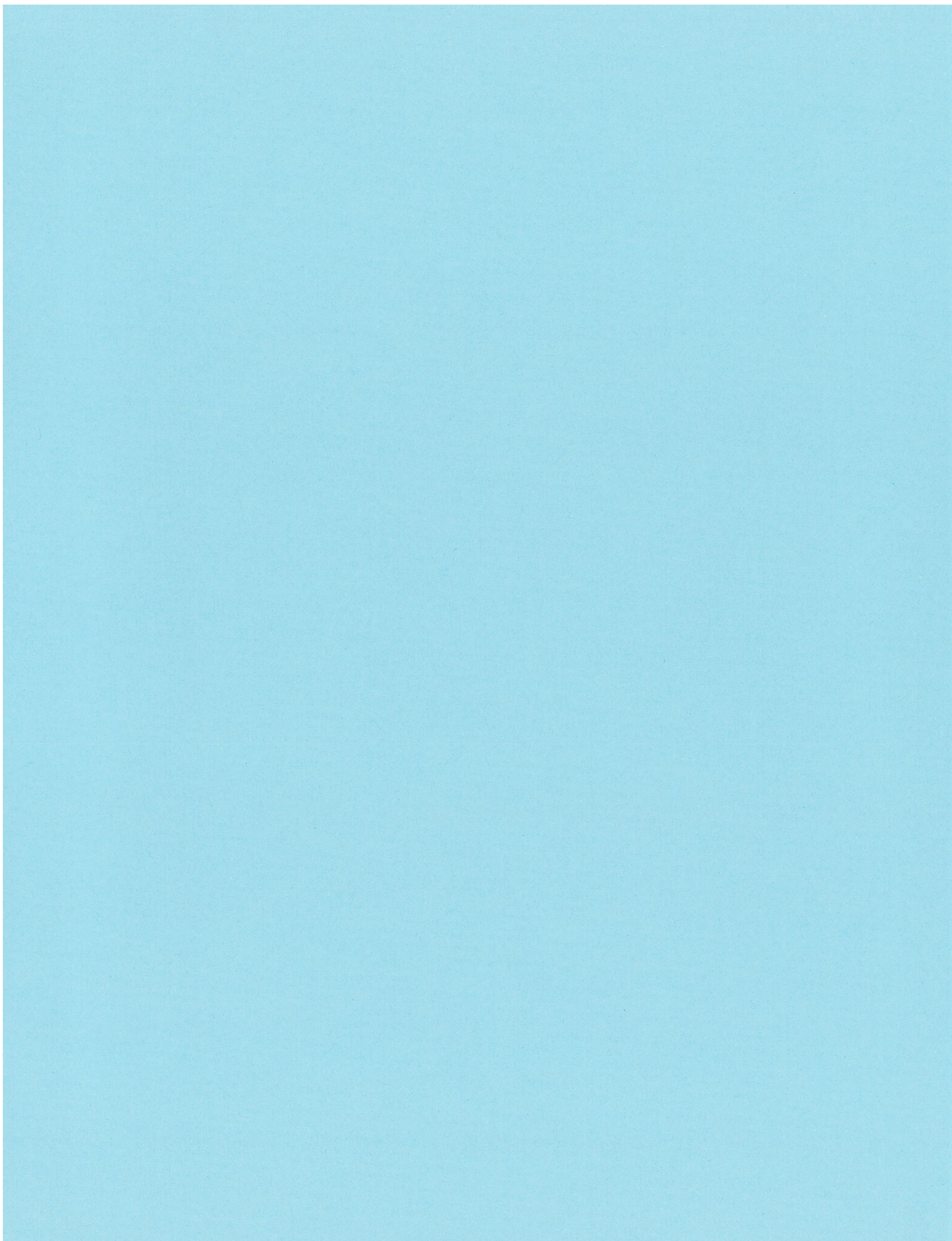
SIGNED February 23, 2018.



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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS





**DOCKET NO. 362-18-1929**

<b>IN THE MATTER</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>OF THE REVOCATION OF</b>	<b>§</b>	
<b>SRI GAYATHRI LLC.,</b>	<b>§</b>	<b>OF</b>
<b>D/B/A POSTAL ANNEX</b>	<b>§</b>	
<b>LOTTERY LICENSE NO. 183941</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**ORDER REMANDING CASE TO COMMISSION**

This matter was set for hearing on February 15, 2018, before Administrative Law Judge (ALJ) Catherine Egan at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Assistant General Counsel Stephen White represented the staff (Staff) of the Texas Lottery Commission (Commission).<sup>1</sup> SRI Gayathri LLC., Agent, d/b/a Postal Annex, Lottery License No. 183941 (Retailer) did not appear and was not represented at the hearing. Staff filed a motion to dismiss without prejudice and to remand to the Commission on a default basis (the motion).

Staff attached exhibits to the motion that were offered and admitted into evidence to establish jurisdiction and proper notice of the hearing. Commission Retailer Services Specialist Ida Ortiz testified that the information in the exhibits remained true and correct. These exhibits proved that Staff provided Retailer timely and adequate notice of the hearing in accordance with 1 Texas Administrative Code § 155.501(b)(2). The Commission served the notice of hearing via certified mail at Retailer's last known address as it appears in the Commission's records, as authorized by 16 Texas Administrative Code § 401.205(4).

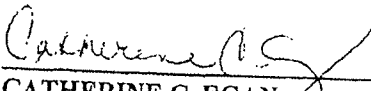
The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted. It also included a statement in at least 12-point, bold-face type that the factual allegations listed in the notice could be deemed admitted and the relief sought might be granted by default against a party that failed to appear at the hearing.

<sup>1</sup> Also in attendance at the hearing of the merits was Staff's party representative Ida Ortiz, a Retailer Service Specialist with the Commission's Lottery Operations Division.

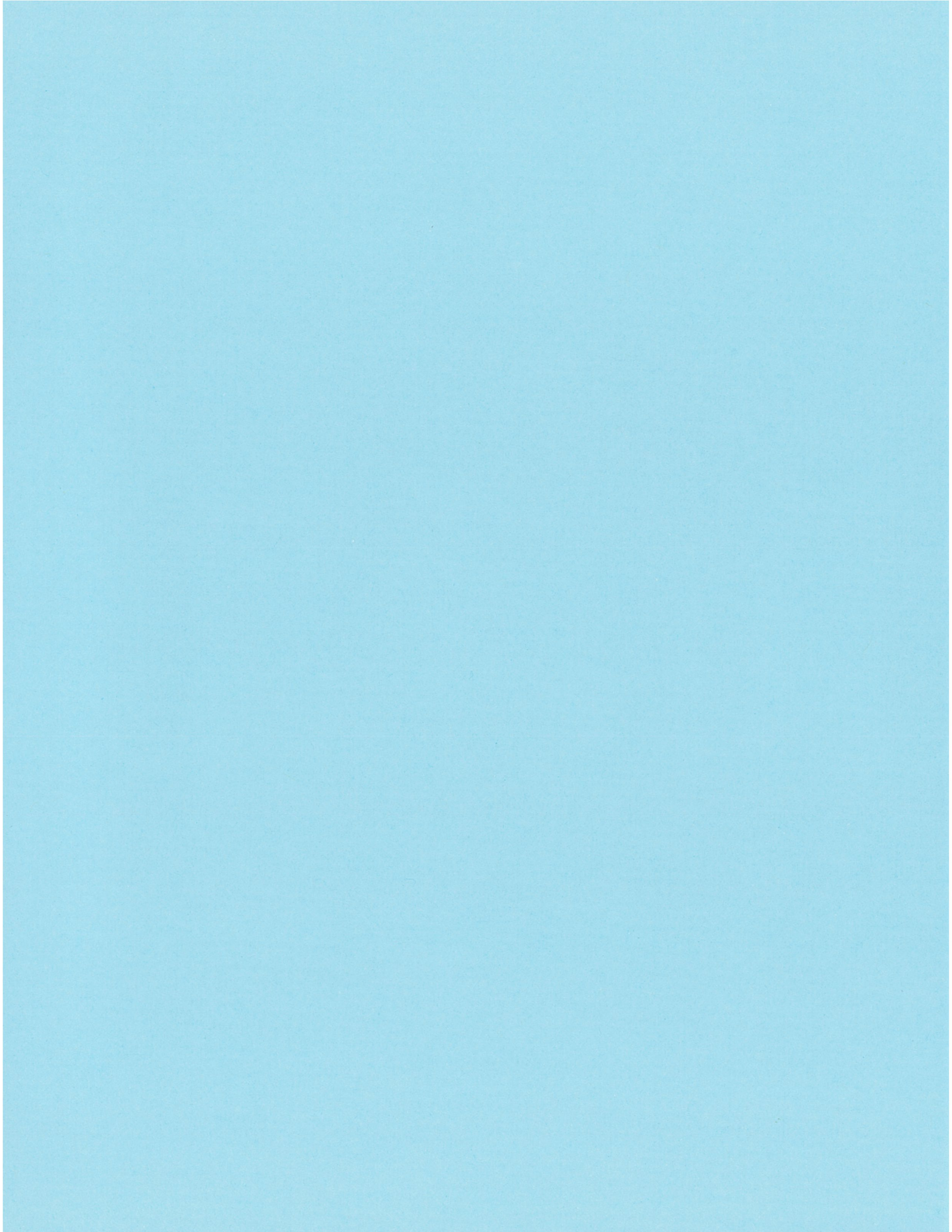
Due to the Retailer's failure to appear at the hearing, this matter may be dismissed from SOAH's docket and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code §§ 2001.056, .058(d-1) and 1 Texas Administrative Code § 155.501(d). The ALJ concludes that the motion has merit and should be granted.

It is, therefore, **ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** to the Commission pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless the Retailer files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

SIGNED February 23, 2018.

  
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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS







SOAH DOCKET NO. 362-18-2181

TEXAS LOTTERY COMMISSION,  
Petitioner

v.

CORNER C STORE,  
Respondent

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BEFORE THE STATE OFFICE

OF

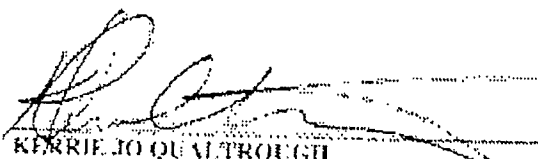
ADMINISTRATIVE HEARINGS

ORDER NO. 1  
CONDITIONAL ORDER OF  
DEFAULT DISMISSAL AND REMAND

This matter was set for hearing on March 1, 2018, before Administrative Law Judge (ALJ) Kerrie Qualtrough. Assistant General Counsel Stephen White appeared on behalf of the staff (Staff) of the Texas Lottery Commission (Commission). Corner C Store (Respondent) did not appear and was not represented at the hearing. Upon receiving Staff's Exhibits A, B, and C showing proof of adequate notice to Respondent, the ALJ granted Staff's oral motion for default.<sup>1</sup>

Due to Respondent's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code § 2001.056, in which case the factual allegations listed in the notice of hearing could be deemed admitted and the relief sought in the notice of hearing might be granted. **IT IS, THEREFORE, ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless Respondent files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

SIGNED March 14, 2018.

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

<sup>1</sup> 1 Tex. Admin. Code § 155.501(d)(1). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.





















Commission Order No. 18-0066

Date: APRIL 12, 2018

DOCKET NO. 362-18-0629.B

TEXAS LOTTERY COMMISSION	§	BEFORE THE TEXAS
PETITIONER	§	
	§	
V.	§	
	§	
CATHOLIC WAR VETERANS POST	§	
770, J.L. GARZA, INC.	§	
RESPONDENT	§	LOTTERY COMMISSION

**ORDER OF THE COMMISSION**

TO: Mr. Pedro Martinez  
Catholic War Veterans Post 770, J.L. Garza, Inc.  
1501 N. International Blvd.  
Weslaco, TX 78596-9196

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) finds that, after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a Proposal for Decision (PFD) containing the ALJ's Findings of Fact and Conclusions of Law. The PFD was properly served and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Commission, after review and due consideration of the PFD and exceptions and replies filed, if any, adopts the ALJ's Findings of Fact and Conclusions of Law as if fully set out and separately stated herein. All proposed Findings of Fact and Conclusions of Law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Catholic War Veterans Post 770, J.L. Garza, Inc.'s renewal license application to conduct bingo is hereby denied.

**Commission Order No. 18-0066**

**Date: APRIL 12, 2018**

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 12<sup>TH</sup> day of APRIL, 2018.

Entered this 12<sup>TH</sup> day of APRIL, 2018.

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J. WINSTON KRAUSE, CHAIRMAN

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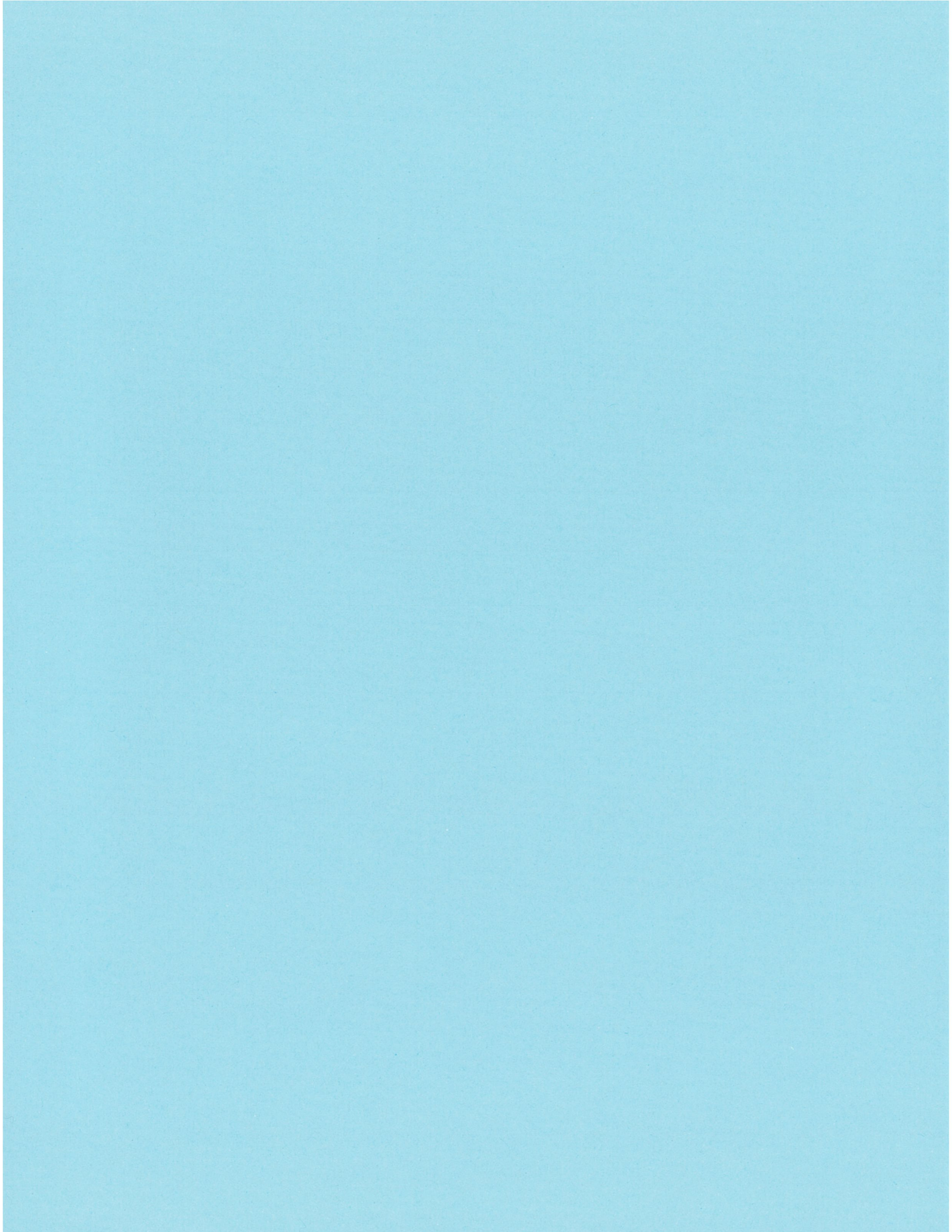
CARMEN ARRIETA-CANDELARIA,  
COMMISSIONER

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DOUG LOWE, COMMISSIONER

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ROBERT RIVERA, COMMISSIONER





**SOAH DOCKET NO. 362-18-0629.B**

**TEXAS LOTTERY COMMISSION,  
Petitioner**

**v.**

**CATHOLIC WAR VETERANS  
POST 770, J.L. GARZA, INC.,  
Respondent**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

Staff of the Charitable Bingo Operations Division (Staff) of the Texas Lottery Commission (Commission) proposes to deny the Application to Renew a License to Conduct Charitable Bingo (Application) of Catholic War Veteran's Post 770, J.L. Garza, Inc. (Respondent). Staff contends Respondent failed to have positive net proceeds during its previous license year, in violation of the Bingo Enabling Act (the Act)<sup>1</sup> and a Commission rule. The Administrative Law Judge (ALJ) recommends the Commission deny the Application.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

Jurisdiction and notice were not contested. Those matters are addressed in the Findings of Fact and Conclusions of Law. On May 5, 2017, Respondent filed its Application with the Commission. On May 11, 2017, Staff notified Respondent it was proposing to deny Respondent's Application for failing to comply with the Net Proceeds Requirement (NPR).

On May 24, 2017, Respondent filed a separate application with the Commission seeking waiver from the NPR. On July 12, 2017, Staff denied the waiver application. On July 27, 2017, Respondent filed an amended Application with the Commission. On August 9, 2017, Staff informed Respondent it was proposing to deny the amended Application, and Respondent timely requested a hearing to contest the denial of the amended Application. On October 18, 2017, this matter was referred to the State Office of Administrative Hearings (SOAH) for a hearing on the merits.

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<sup>1</sup> Tex. Occ. Code ch. 2001.

On November 14, 2017, SOAH Administrative Law Judge (ALJ) Steven M. Rivas convened a hearing at SOAH in Austin, Texas. Kristin Guthrie, Assistant General Counsel, represented Staff. Frances Juarez, Respondent's office manager, appeared for Respondent. The hearing adjourned that day, but the record closed on November 16, 2017, when Staff filed a letter clarifying evidence it presented the hearing.<sup>2</sup>

## II. APPLICABLE LAW

When an "authorized organization," including a veterans' organization,<sup>3</sup> wishes to conduct charitable bingo operations in Texas, it must first obtain a license from the Commission.<sup>4</sup> Licenses are generally effective for one year.<sup>5</sup> The Commission may deny a renewal application for a license to conduct bingo operations if the licensee has violated any provision of the Act or any Commission rule(s) adopted pursuant to the Act.<sup>6</sup>

Among many other requirements, the bingo operations of a licensed authorized organization must result in "net proceeds [as opposed to net losses] over the organization's license period."<sup>7</sup> The net proceeds of a license holder with a one-year license must be calculated based on the license holder's quarterly reports for the four calendar quarters immediately preceding the license expiration date.<sup>8</sup>

A licensed authorized organization may apply to the Commission for a waiver of various requirements, including a waiver of the NPR.<sup>9</sup> The Commission may grant such a waiver if the

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<sup>2</sup> Staff contended its witness confused documents contained in Staff Ex. 4 with Staff Ex. 9. Although Respondent filed no response, the ALJ found no harm done since all of Staff's exhibits were admitted without objection.

<sup>3</sup> Tex. Occ. Code § 2001.002(27).

<sup>4</sup> Tex. Occ. Code § 2001.101(a).

<sup>5</sup> Tex. Occ. Code § 2001.105(c). An organization must apply for renewal every year.

<sup>6</sup> Tex. Occ. Code § 2001.353(a).

<sup>7</sup> Tex. Occ. Code § 2001.451(g)(1).

<sup>8</sup> 16 Tex. Admin. Code § 402.452(b)(2).

<sup>9</sup> Tex. Occ. Code § 2001.451(k); 16 Tex. Admin. Code § 402.452(e).

applicant shows “good cause . . . that compliance with [the requirement for which a waiver is sought] is detrimental to the organization’s existing or planned charitable purposes.”<sup>10</sup>

“Good cause” is proven by providing to the Commission:

- (1) credible evidence of circumstances beyond the control of the organization, including force majeure;<sup>11</sup> or
- (2) a credible business plan for the organization’s conduct of bingo or the organization’s existing or planned charitable purposes.<sup>12</sup>

The Commission has adopted a rule specifying detailed and extensive requirements for a waiver application.<sup>13</sup> An application for a waiver must include the following:

- (A) the reason for the request;
- (B) an explanation of how compliance with the requirement is detrimental to the organization’s existing or planned charitable purposes;
- (C) the intended purpose of future charitable distributions;
- (D) the specific calendar quarter or license year for which the waiver is being requested, as applicable; and
- (E) either of the following:
  - (i) a credible business plan; or
  - (ii) [if applicable], documentation from outside sources supporting force majeure.<sup>14</sup>

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<sup>10</sup> Tex. Occ. Code § 2001.451(k).

<sup>11</sup> Force majeure is defined as “[s]ome unforeseen event beyond the control of the licensed authorized organization or unit that results in non-compliance with specific sections of the Act or Rules.” *See* 16 Tex. Admin. Code § 402.453(a)(1).

<sup>12</sup> Tex. Occ. Code § 2001.451(k).

<sup>13</sup> 16 Tex. Admin. Code § 402.450(b).

<sup>14</sup> 16 Tex. Admin. Code § 402.450(b)(2). Respondent did not claim force majeure as grounds for waiver.

### III. EVIDENCE PRESENTED

Respondent is an organization based in Weslaco, Texas, that advocates for veterans' rights. It holds an annually-renewed license to conduct bingo and is required to submit quarterly accounting reports to the Commission with regard to its bingo operation. Respondent's quarterly reports<sup>15</sup> from the four calendar quarters beginning with the second quarter of 2016 through the first quarter of 2017 (reporting period) indicate Respondent failed to comply with the NPR as shown below:

Period	Amount
2016 Q2	-\$4,111.15
2016 Q3	-\$4,567.40
2016 Q4	-\$3,828.65
2017 Q1	-\$4,731.25
<b>Total</b>	<b>-\$17,238.45</b>

Desira Glenn, Licensing and Accounting Manager for the Commission, testified on behalf of Staff. She stated that the purpose of the NPR was to ensure that charities did not lose money conducting bingo. She testified that organizations like Respondent may request a waiver from the NPR.

On May 11, 2017, Staff notified Respondent that it was proposing to deny Respondent's renewal application for not meeting the NPR.<sup>16</sup> In the letter, Staff stated that an application for a waiver from the NPR could be submitted to the Commission no later than May 25, 2017. Pedro Martinez, Respondent's Chairperson, timely filed an application for waiver from the NPR on May 24, 2017. However, other than Respondent's contact information, the application was blank.<sup>17</sup> Notably missing from the waiver application was: (1) Respondent's specific request for an NPR waiver; (2) specific reason(s) the waiver was needed; (3) an explanation of how compliance with the NPR was detrimental to Respondent's existing or planned charitable purposes; (4) the intended purpose of Respondent's future charitable distributions (at that time);

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<sup>15</sup> Staff Ex. 4.

<sup>16</sup> Staff Ex. 6.

<sup>17</sup> Staff Ex. 5.

(5) the specific calendar quarter(s) for which the waiver was being requested; and (6) a credible business plan that would have supported Respondent's future bingo operations and charitable purposes.<sup>18</sup>

Respondent was given the opportunity to provide additional information to support its request for an NPR waiver. Respondent submitted additional information consisting of bank statements and expense spreadsheets but contained no explanation of how these documents supported Respondent's waiver request.<sup>19</sup> Individual licensee, Jose "JL" Garza also submitted a letter, which outlined his business plan to generate revenue.<sup>20</sup> The plan suggested that Respondent's employees will advertise the bingo hall by passing out flyers, and that Respondent purchase less merchandise in order to save money. Ms. Glenn testified that Respondent failed to state in the application or within the additional information, any grounds existed to grant a waiver. On July 12, 2017, the Commission denied Respondent's waiver request.<sup>21</sup>

Respondent's office manager, Frances Juarez, testified Respondent's finances suffered due to a drop in attendance at its bingo operation. That decrease, according to Ms. Juarez, was caused by the influx of illegal slot machines at other bingo operations within Hidalgo County. Ms. Juarez testified that, during the reporting period, many of Respondent's clientele stopped attending Respondent's bingo hall in favor of other bingo establishments where patrons could play on illegal slot machines.

#### IV. ANALYSIS

There is no dispute that Respondent failed to have net proceeds for the four calendar quarters in question. As such, Respondent violated the NPR as set forth in the Act and in the

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<sup>18</sup> A licensee is required to demonstrate those elements in a waiver application under the Commission's rule found at 16 Tex. Admin. Code § 402.450(b).

<sup>19</sup> Staff Ex. 5.

<sup>20</sup> *Id.*

<sup>21</sup> Staff Ex. 7.



Commission's rules.<sup>22</sup> For this reason, the Commission is entitled to deny Respondent's renewal application.<sup>23</sup>

Respondent also failed to prove it was entitled to a waiver of the NPR based on the absence of all the required information on the waiver application, including Respondent's failure to submit a credible business plan. Respondent's scheme of passing out flyers to generate business may be noble; but, as Ms. Glenn pointed out, that method is unproven, unsustainable, and is not considered credible.

Respondent failed to meet the NPR and failed to establish good cause for excusing compliance with said requirement. On that basis, Respondent's renewal application should be denied.

## V. FINDINGS OF FACT

1. Catholic War Veteran's Post 770, J.L. Garza, Inc. (Respondent) holds an annually-renewed license to conduct charitable bingo in Weslaco, Texas.
2. The license held by Respondent is issued by the Charitable Bingo Operations Division of the Texas Lottery Commission (Commission).
3. Respondent uses the revenue from its bingo operations for charitable purposes, including community affairs and to advocate for veterans' rights.
4. On May 5, 2017, Respondent filed its Application to Renew a License to Conduct Charitable Bingo (Application).
5. On May 11, 2017, Commission Staff notified Respondent that it was proposing to deny Respondent's Application for not meeting the Net Proceeds Requirement (NPR) during the reporting period of April 1, 2016, through March 30, 2017, as required by law.
6. In that same letter, Staff stated that an application for a waiver from the NPR could be submitted to the Commission no later than by May 25, 2017.
7. On May 24, 2017, Respondent submitted an application for a waiver from the NPR.

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<sup>22</sup> Tex. Occ. Code § 2001.451(g)(1); 16 Tex. Admin. Code § 402.452(a).

<sup>23</sup> Tex. Occ. Code § 2001.353(a)(1).

8. The waiver application submitted by Respondent was blank except for Respondent's contact information.
9. Respondent submitted a business plan that was not credible.
10. On July 12, 2017, Commission Staff notified Respondent that its application for a waiver from the NPR was denied.
11. On August 9, 2017, Staff notified Respondent that it was proposing to deny Respondent's license renewal application.
12. On September 7, 2017, Respondent appealed the proposed denial and requested a hearing.
13. On October 18, 2017, the Commission referred this matter to the State Office of Administrative Hearings (SOAH) for a hearing on the merits.
14. On October 19, 2017, Staff issued a Notice of Hearing to Respondent.
15. 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 factual matters asserted.
16. On November 14, 2017, the hearing was held at SOAH in Austin, Texas, before Administrative Law Judge Steven M. Rivas. Assistant General Counsel Kristin Guthrie represented Staff. Frances Juarez, Respondent's office manager, appeared on behalf of Respondent. Evidence was taken and the hearing adjourned that day. The record closed on November 16, 2017, when Staff filed a letter clarifying evidence that was presented at the hearing.

## VI. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter. Tex Occ. Code ch. 2001.
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Staff has the burden of proving that the Commission is authorized to deny Respondent's renewal application. 1 Tex. Admin. Code § 155.427.
4. Respondent had the burden of proving that it was entitled to a waiver of statutory requirements. 1 Tex. Admin. Code § 155.427.

5. Adequate and timely notice of the hearing was provided. Tex. Gov't Code §§ 2001.051-.052.
6. The Commission may deny a license renewal application if the licensee has violated any provision of the Bingo Enabling Act or any Commission rules adopted pursuant to the Act. Tex. Occ. Code § 2001.353(a).
7. By failing to have positive net proceeds in the reporting period, Respondent violated Texas Occupations Code § 2001.451(g)(1) and 16 Texas Administrative Code § 402.452(a).
8. Respondent failed to prove that it was entitled to a waiver of the Net Proceeds Requirement. Tex. Occ. Code § 2001.451(k); 16 Tex. Admin. Code § 402.452(e).
9. Respondent's renewal license application should be denied.

**SIGNED January 24, 2018.**



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**STEVEN M. RIVAS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



Date: APRIL 12, 2018

**DOCKET NO. 362-18-1138.B**

TEXAS LOTTERY COMMISSION	§	BEFORE THE TEXAS
PETITIONER	§	
	§	
V.	§	
	§	
ALASHANDRA GARDLEY	§	
RESPONDENT	§	LOTTERY COMMISSION

**ORDER OF THE COMMISSION**

TO: Ms. Alashandra Gardley  
5901 Weber Rd., Apt. E-10  
Corpus Christi, TX 78413

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) heard the above styled case in which Alashandra Gardley (Respondent) did not appear at the scheduled hearing before the State Office of Administrative Hearings (SOAH) to respond to the allegations set forth in the Commission's notice of hearing.

**I. Findings of Fact**

1. Timely and adequate notice of the hearing in the referenced case before SOAH was provided to the Respondent, pursuant to TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052 and 1 TEX. ADMIN. CODE §§ 155.401 and 155.501(b). The notice of hearing included a disclosure in at least 12-point, bold-face type, that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against the party that fails to appear at hearing.

2. After timely and adequate notice was given to the Respondent, the case was heard by a SOAH Administrative Law Judge (ALJ). The Respondent did not appear at the hearing.



**Date: APRIL 12, 2018**

3. The Commission, by and through its attorney of record, filed a motion to dismiss the case from the SOAH docket and to remand the case to the Commission for informal disposition, in accordance with TEX. GOV'T CODE ANN. § 2001.058(d-1) and 1 TEX. ADMIN. CODE § 155.501(d).

4. The ALJ conditionally dismissed the case from the SOAH docket and remanded the case to the Commission for informal disposition under TEX. GOV'T CODE ANN. § 2001.056, provided the Respondent did not file a motion to set aside the default within 15 days from the date of the ALJ's Conditional Order of Default Dismissal and Remand.

5. The Respondent did not file a motion to set aside the default within the 15 days from the date of the ALJ's Conditional Order.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to TEX. OCC. CODE ANN., Chapter 2001; and 16 TEX. ADMIN. CODE, Chapter 402.

2. The Respondent violated the Bingo Enabling Act, (Chapter 2001, TEX. OCC. CODE ANN.); and/or the Charitable Bingo Administrative Rules, (Title 16 TEX. ADMIN. CODE, Chapter 402) as set forth in the Commission's notice of hearing.

3. The relief sought by the Commission Staff is fair, reasonable, and adequately protects the public.

**Date: APRIL 12, 2018**

**III. Order**

NOW, THEREFORE, IT IS ORDERED that, after review and due consideration of the administrative record of the above styled case, this matter is hereby disposed of by default, and:

1. All allegations set forth in the Commission's notice of hearing in the case are deemed admitted; and

2. Alashandra Gardley, Worker Registry No. 149081, is hereby removed from the Registry of Approved Bingo Workers.

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 12<sup>TH</sup> day of APRIL, 2018.

Entered this 12<sup>TH</sup> day of APRIL, 2018.

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J. WINSTON KRAUSE, CHAIRMAN

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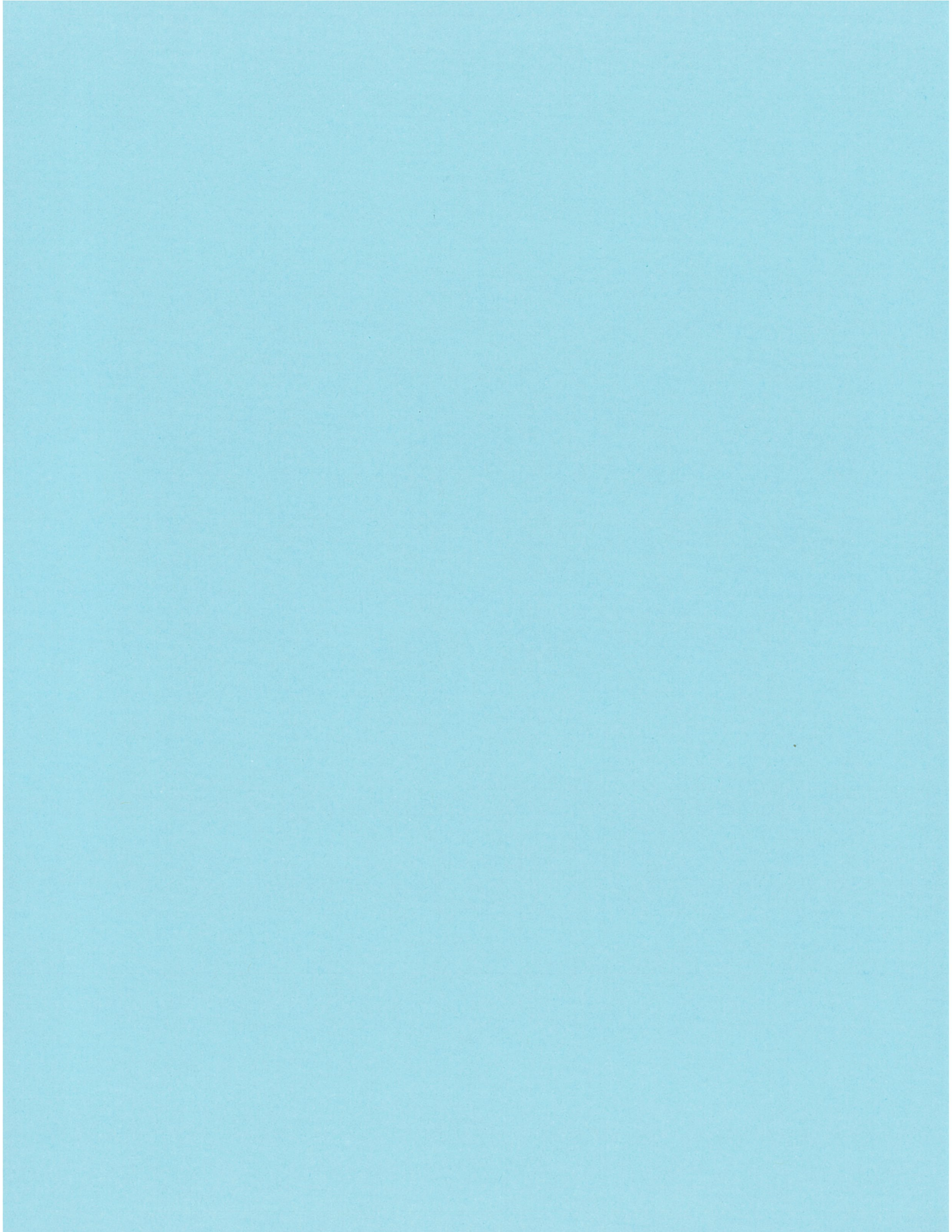
CARMEN ARRIETA-CANDELARIA,  
COMMISSIONER

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DOUG LOWE, COMMISSIONER

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ROBERT RIVERA, COMMISSIONER



## SOAH DOCKET NO. 362-18-1138.B

TEXAS LOTTERY COMMISSION,  
Petitioner

v.

ALASHANDRA GARDLEY,  
Respondent

§  
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§  
§  
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§  
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORDER NO. 1  
CONDITIONAL ORDER OF  
DEFAULT DISMISSAL AND REMAND

This matter was set for hearing on January 31, 2018, before Administrative Law Judge (ALJ) Casey A. Bell. Assistant General Counsel Kristen Guthrie appeared on behalf of the staff (Staff) of the Texas Lottery Commission (Commission). Alashandra Gardley (Respondent) did not appear and was not represented at the hearing. Upon admitting Staff's Exhibits 1, 2, and 3, which showed proof of adequate notice to Respondent, the ALJ granted Staff's motion for default.<sup>1</sup>

Due to Respondent's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code § 2001.056, in which case the factual allegations listed in the notice of hearing could be deemed admitted and the relief sought in the notice of hearing might be granted. **IT IS, THEREFORE, ORDERED** that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d)(1). **This order of dismissal will become final, without further action by the ALJ, unless Respondent files a motion to set aside the default not later than 15 days from the date of this order.** Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

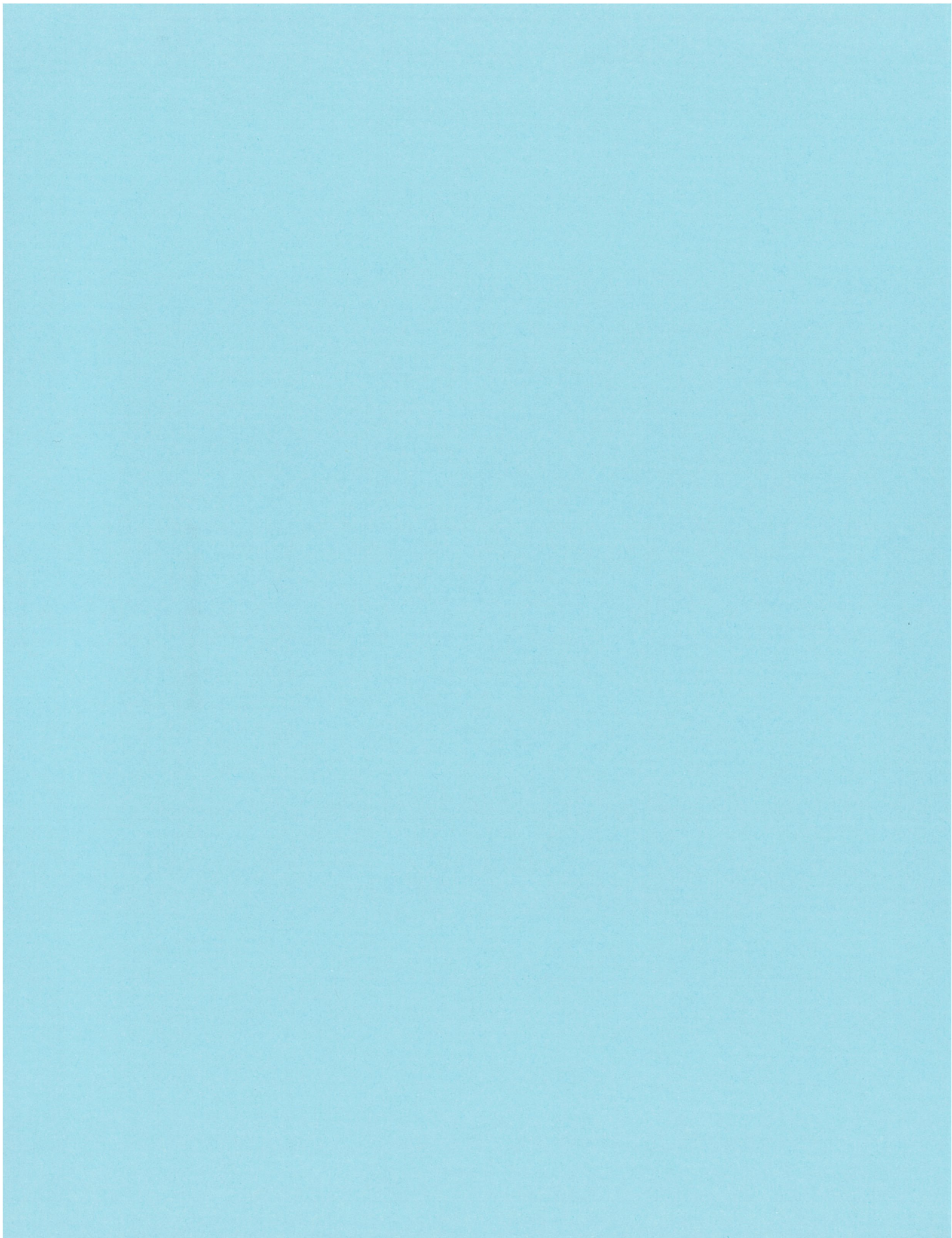
SIGNED January 31, 2018.



CASEY A. BELL  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

<sup>1</sup> 1 Tex. Admin. Code § 155.501(d)(1). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff's factual allegations.









# Texas Lottery Commission

Commissioners:

J. Winston Krause, Chairman • Carmen Arrieta-Candelaria

Doug Lowe • Robert Rivera



Alfonso D. Royal III  
Director

FIRST CLASS UNITED STATES MAIL  
and  
CERTIFIED MAIL NO. 91 7199 9991 7030 8545 1995

December 1, 2017

Ms. Alashandra Gardley  
5901 Weber Rd., Apt. E-10  
Corpus Christi, TX 78413

**RE: NOTICE OF HEARING CONCERNING REMOVAL FROM THE REGISTRY  
ALASHANDRA GARDLEY, BINGO WORKER  
WORKER REGISTRY NO. 149081  
DOCKET NO. 362-18-1138.B**

Dear Ms. Gardley:

Be advised that a public hearing will be held to consider whether the Texas Lottery Commission, Charitable Bingo Operations Division (Commission), should remove you from the Registry of Approved Bingo Workers, and/or assess administrative penalties, based on the violation of the Bingo Enabling Act, (TEX. OCC. CODE ANN. Chapter 2001); and/or the Charitable Bingo Administrative Rules, (Title 16 TEX. ADMIN. CODE, Chapter 402), as outlined below.

The hearing has been set as follows:

<b>TIME OF HEARING:</b>	<b>9:00 a.m.</b>
<b>DATE OF HEARING:</b>	<b>January 31, 2018</b>
<b>LOCATION OF HEARING:</b>	<b>State Office of Administrative Hearings William P. Clements Building 300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor Austin, Texas 78701</b>

**I.**

**Factual Matters Asserted**

On June 22, 2017, Alashandra Gardley, an individual not listed on the registry of approved bingo workers or provisionally employed acted as an operator, manager, cashier, usher, caller, bingo chairperson, bookkeeper or salesperson for American GI Forum Westport Women, in violation of TEX. OCC. CODE ANN. § 2001.313(d) and 16 TEX. ADMIN. CODE § 402.402(b). Specifically, Ms. Gardley worked the bingo occasion on June 22, 2017. However, Ms. Gardley's worker registry expired in October 2016.

Ms. Gardley was added to the registry on June 28, 2017. Ms. Gardley's worker registry is scheduled to expire on June 30, 2020.

**II.**

**Applicable Statutes and Rules**

TEX. OCC. CODE ANN. § 2001.313(d) states:

An individual who is not listed on the registry established by this section may not act, and a licensed authorized organization may not allow the individual to act, as an operator, manager, cashier, usher, caller, bingo chairperson, bookkeeper, or salesperson for the licensed organization.

16 TEX. ADMIN. CODE § 402.402(b) states in pertinent part:

Any individual who carries out or performs the functions of a caller, cashier, manager, operator, usher, salesperson, bookkeeper, or bingo chairperson as defined in subsection (a) of this section must be listed on the Registry of Approved Bingo Workers prior to being involved in the conduct of bingo.

TEX. OCC. CODE ANN. § 2001.601 states:

The Commission may impose an administrative penalty against a person who violates this chapter or a rule or order adopted by the commission under this chapter.

TEX. OCC. CODE ANN. § 2001.602 states in part:

The amount of the administrative penalty may not exceed \$1,000 for each violation. Each day a violation continues or occurs may be considered a separate violation for purposes of imposing a penalty.

All visitors to the William P. Clements Building without an agency or DPS issued ID card will be required to sign a log and receive a visitor's pass. Persons going to a hearing at the State Office of Administrative Hearings will need to identify to the security officer the hearing that they are attending. Persons must provide the officer with the SOAH docket number to be allowed access to the hearing room. Individuals should allow additional time to go through the security process. Failure to provide the docket number may result in delaying the individual's arrival to the hearing.

The hearing will be conducted in accordance with the Bingo Enabling Act, the Texas Government Code, Chapter 2001; the Texas Rules of Evidence; Title 16 of the Texas Administrative Code, Chapter 402; and the Rules of Procedure of the State Office of Administrative Hearings, Title 1, Texas Administrative Code, Chapter 155. You are entitled to be represented by a lawyer, but it is your responsibility to obtain and pay for such representation.

A court reporter will be present, and a record of the proceedings will be created. It is, however, the sole and exclusive responsibility of each party to request and pay for any printed transcript.

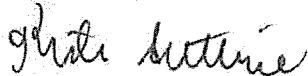
**TITLE 16 TEXAS ADMINISTRATIVE CODE § 401.207 REQUIRES THAT YOU FILE A WRITTEN ANSWER TO THE ALLEGATIONS IN THIS NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (BY FAX AT 512-322-2061) AND PROVIDE A COPY TO THE UNDERSIGNED (BY FAX AT 512-344-5189 OR EMAIL AT LEGAL.INPUT@LOTTERY.STATE.TX.US) AT LEAST TEN (10) CALENDAR DAYS BEFORE THE DATE OF THE HEARING. FAILURE TO FILE A WRITTEN ANSWER BY THIS DATE AND/OR TO APPEAR AT THE HEARING MAY RESULT IN THE ALLEGATIONS BEING ADMITTED AS TRUE AND RELIEF REQUESTED BEING GRANTED BY DEFAULT.**

The State Office of Administrative Hearings (SOAH) is now offering you the ability to receive service of orders and other documents issued by SOAH through email rather than mail or fax. To elect to receive service of SOAH-issued documents by email, go to the SOAH website ([www.soah.state.tx.us](http://www.soah.state.tx.us)), click on the "Service by Email" tab, and follow the instructions. **NOTE: Your request to receive SOAH-issued documents by email does not change the procedures you must follow in order to file documents with SOAH. The requirements for filing documents and providing copies to the other parties are set out in Sections 155.101 and 155.103 of SOAH's Procedural Rules, which are available on SOAH's website under the "Procedural Rules" tab.**

**Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.**

The Commission reserves the right to amend this Notice of Hearing.

Respectfully,

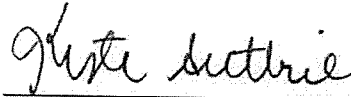


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KRISTEN GUTHRIE  
Assistant General Counsel  
Texas Lottery Commission

**CERTIFICATE OF SERVICE**

Pursuant to the Texas Rules of Civil Procedures, Rule 21a, I do hereby certify that on this the 1st day of December, 2017, a true and correct copy of the foregoing **NOTICE OF HEARING CONCERNING REMOVAL FROM THE REGISTRY**, Docket No. 362-18-1138.B, has been served by First Class United States Mail and Certified Mail No. 91 7199 9991 7030 8545 1995, by depositing each mailing in a post office or official depository under the care and custody of the United States Postal Service, enclosed in a postpaid wrapper properly addressed to Ms. Alashandra Gardley, 5901 Weber Rd., Apt. E-10, Corpus Christi, TX 78413.



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KRISTEN GUTHRIE  
Assistant General Counsel  
Texas Lottery Commission  
P.O. Box 16630  
Austin, Texas 78761-6630  
(512) 344-5475  
(512) 344-5189 Fax

cc: State Office of Administrative Hearings  
Charitable Bingo Operations Division

Ms. Yolanda Galindo  
American GI Forum Westport Women  
4510 Weiskopf Lane  
Corpus Christi, TX 78413





Date: APRIL 12, 2018

**DOCKET NO. 362-18-1834.B**

<b>TEXAS LOTTERY COMMISSION</b>	§	<b>BEFORE THE TEXAS</b>
<b>PETITIONER</b>	§	
	§	
<b>V.</b>	§	
	§	
<b>HAROLD ADAMS</b>	§	
<b>RESPONDENT</b>	§	<b>LOTTERY COMMISSION</b>

**ORDER OF THE COMMISSION**

TO: Mr. Harold Adams  
2602 78<sup>th</sup>  
Lubbock, TX 79423

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) heard the above styled case in which Harold Adams (Respondent) did not appear at the scheduled hearing before the State Office of Administrative Hearings (SOAH) to respond to the allegations set forth in the Commission's notice of hearing.

**I. Findings of Fact**

1. Timely and adequate notice of the hearing in the referenced case before SOAH was provided to the Respondent, pursuant to TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052 and 1 TEX. ADMIN. CODE §§ 155.401 and 155.501(b). The notice of hearing included a disclosure in at least 12-point, bold-face type, that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against the party that fails to appear at hearing.

2. After timely and adequate notice was given to the Respondent, the case was heard by a SOAH Administrative Law Judge (ALJ). The Respondent did not appear at the hearing.

**Date: APRIL 12, 2018**

3. The Commission, by and through its attorney of record, filed a motion to dismiss the case from the SOAH docket and to remand the case to the Commission for informal disposition, in accordance with TEX. GOV'T CODE ANN. § 2001.058(d-1) and 1 TEX. ADMIN. CODE § 155.501(d).

4. The ALJ conditionally dismissed the case from the SOAH docket and remanded the case to the Commission for informal disposition under TEX. GOV'T CODE ANN. § 2001.056, provided the Respondent did not file a motion to set aside the default within 15 days from the date of the ALJ's Conditional Order of Default Dismissal and Remand.

5. The Respondent did not file a motion to set aside the default within the 15 days from the date of the ALJ's Conditional Order.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to TEX. OCC. CODE ANN., Chapter 2001; and 16 TEX. ADMIN. CODE, Chapter 402.

2. The Respondent violated the Bingo Enabling Act, (Chapter 2001, TEX. OCC. CODE ANN.); and/or the Charitable Bingo Administrative Rules, (Title 16 TEX. ADMIN. CODE, Chapter 402) as set forth in the Commission's notice of hearing.

3. The relief sought by the Commission Staff is fair, reasonable, and adequately protects the public.

Date: APRIL 12, 2018

**III. Order**

NOW, THEREFORE, IT IS ORDERED that, after review and due consideration of the administrative record of the above styled case, this matter is hereby disposed of by default, and:

1. All allegations set forth in the Commission's notice of hearing in the case are deemed admitted; and

2. Harold Adams, Worker Registry No. 148140, is hereby removed from the Registry of Approved Bingo Workers.

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 12<sup>TH</sup> day of APRIL, 2018.

Entered this 12<sup>TH</sup> day of APRIL, 2018.

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J. WINSTON KRAUSE, CHAIRMAN

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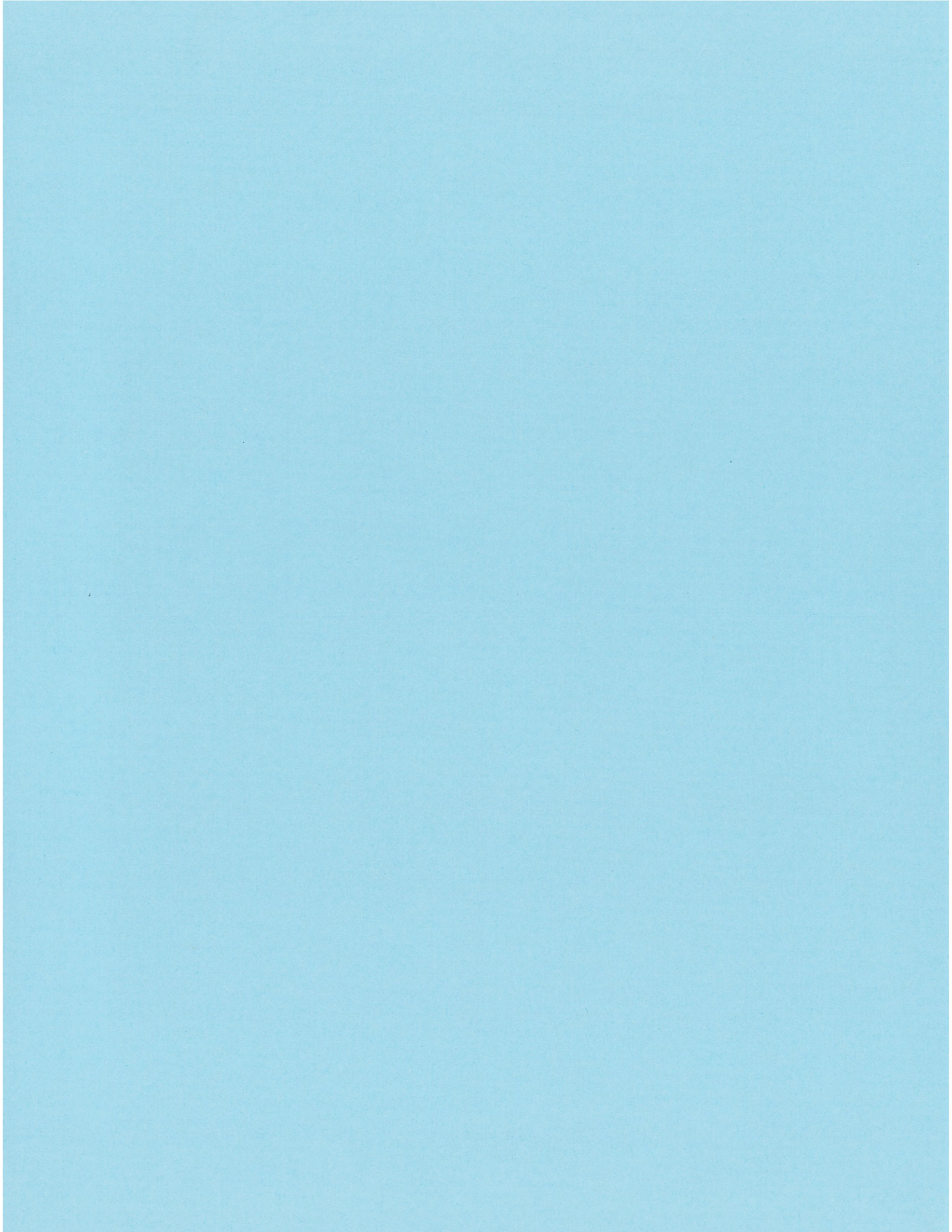
CARMEN ARRIETA-CANDELARIA,  
COMMISSIONER

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DOUG LOWE, COMMISSIONER

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ROBERT RIVERA, COMMISSIONER



## SOAH DOCKET NO. 362-18-1834.B

TEXAS LOTTERY COMMISSION,	§	BEFORE THE STATE OFFICE
Petitioner	§	
	§	
v.	§	OF
	§	
HAROLD ADAMS,	§	
Respondent	§	ADMINISTRATIVE HEARINGS


**ORDER NO. 1**  
**CONDITIONAL ORDER OF DEFAULT DISMISSAL AND REMAND**

This matter was set for hearing on February 21, 2018, before Administrative Law Judge (ALJ) Kerrie Jo Qualtrough. Assistant General Counsel Stephen White appeared on behalf of the Staff of the Texas Lottery Commission (Commission). Respondent Harold Adams did not appear and was not represented at the hearing. Upon reviewing Staff's Exhibits A and B admitted at the hearing to show proof of adequate notice to Mr. Adams, the ALJ conditionally grants Staff's written motion for remand.

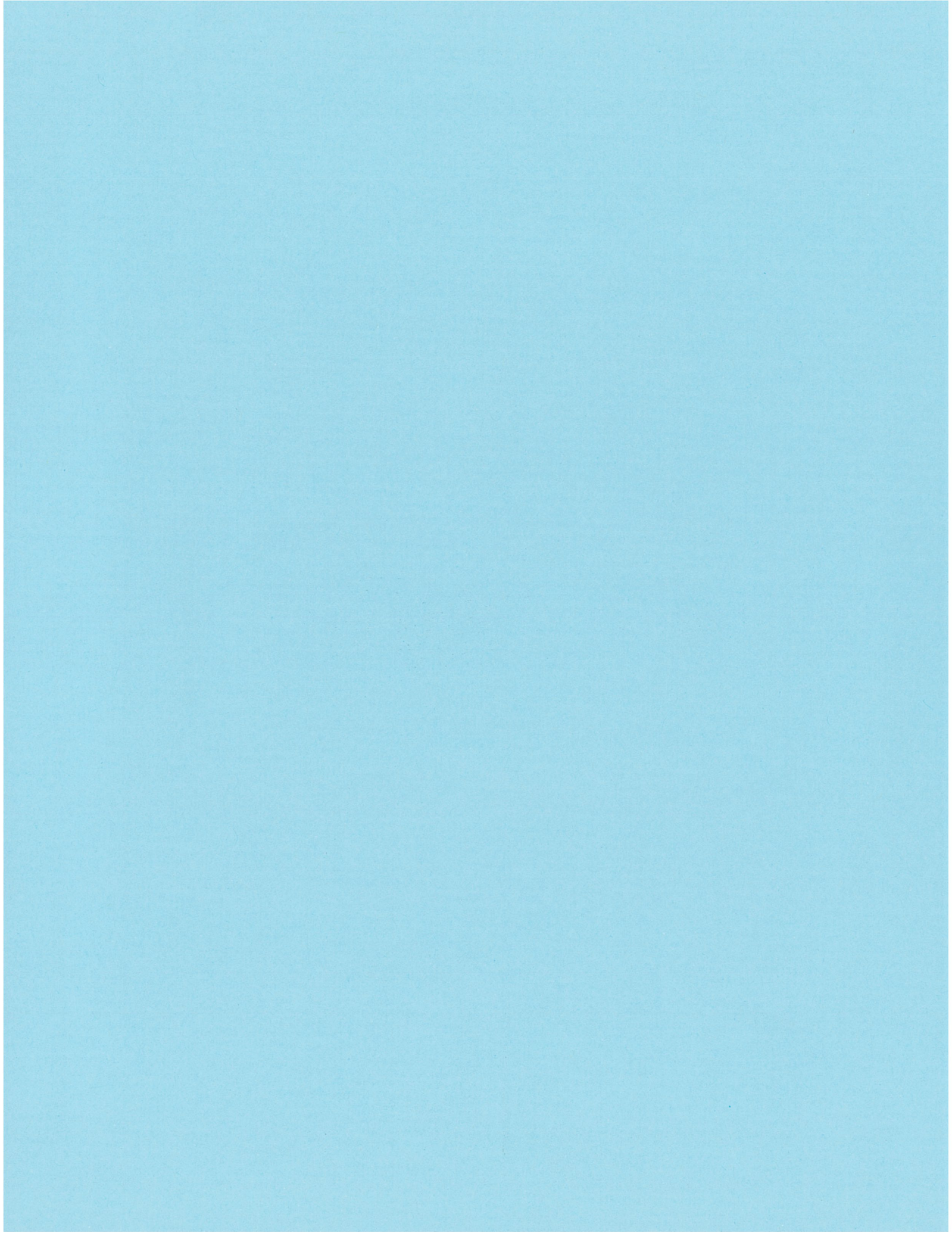
Due to Mr. Adam's failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Commission for informal disposition on a default basis in accordance with Texas Government Code § 2001.056. In that case, the factual allegations listed in the notice of hearing may be deemed admitted and that the relief sought in the notice of hearing may be granted.

IT IS, THEREFORE, ORDERED that this case is **CONDITIONALLY DISMISSED AND REMANDED** pursuant to 1 Texas Administrative Code § 155.501(d)(1). This order of dismissal will become final, without further action by the ALJ, unless Mr. Adams files a motion to set aside the default not later than 15 days from the date of this order. Such a motion must show good cause for reopening the hearing or that the interests of justice require setting aside the default dismissal.

SIGNED February 22, 2018.

  
 KERRIE JO QUALTROUGH  
 ADMINISTRATIVE LAW JUDGE  
 STATE OFFICE OF ADMINISTRATIVE HEARINGS





*Commissioners:*

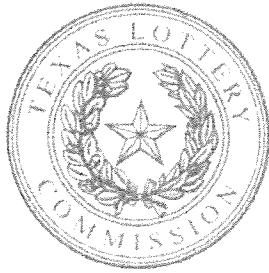
J. Winston Krause,

*Chairman*

Carmen Arrieta-Candelaria

Doug Lowe

Robert Rivera



# TEXAS LOTTERY COMMISSION

Gary Grief, *Executive Director*

Alfonso D. Royal III, *Charitable Bingo Operations Director*

FIRST CLASS UNITED STATES MAIL  
and  
CERTIFIED MAIL NO. 91 7199 9991 7031 1030 1097

January 24, 2018

Mr. Harold Adams  
2602 78<sup>th</sup>  
Lubbock, TX 79423

**RE: NOTICE OF REMOVAL AND NOTICE OF HEARING  
SOAH DOCKET NO. 362-18-1834.B  
HAROLD ADAMS, BINGO WORKER**

Dear Sir/Madam:

Be advised that this letter is a formal notice that a final public hearing to consider the suspension of the above-referenced lottery license, pursuant to the provisions of the TEX. GOV'T. CODE, Chapters 466, 2001, and 2003; 1 TEX. ADMIN. CODE 155; and 16 TEX. ADMIN. CODE, Chapter 401, will be held as follows:

<b>TIME OF HEARING:</b>	9:00 a.m.
<b>DATE OF HEARING:</b>	February 21, 2018
<b>LOCATION OF HEARING:</b>	State Office of Administrative Hearings William P. Clements Building 300 West 15 <sup>th</sup> St. 4 <sup>th</sup> Floor Austin, Texas 78701

**I.**

**Factual Matters Asserted**

On May 18, 2017, in the 364<sup>th</sup> District Court, Lubbock County, Texas, in Cause No. 2016-410,563, Harold Adams, was found guilty of theft less than \$2,500.00 two priors, a state jail felony. Mr. Adams was sentenced to two (2) days confinement in the Lubbock County Jail. The date of the offense was September 3, 2016.

On February 8, 2016, in the County Court at Law No. One, Lubbock County, Texas, in Cause No. 2015-484938, Harold Adams aka Harold Adams, Jr., was found guilty of theft in the amount of at least \$100.00 but less than \$750.00 and sentenced to five (5) days confinement in the Lubbock County Jail. The date of the offense was September 27, 2015.

On February 8, 2016, in the County Court at Law No. One, Lubbock County, Texas, in Cause No. 2015-483294, Harold Adams aka Harold Adams, Jr., was found guilty of theft in the amount of at least \$50.00 but less than \$500.00. Mr. Adams was sentenced to two (2) days confinement in the Lubbock County Jail. The date of the offense was May 23, 2015.

On August 20, 2004, in the 347<sup>th</sup> District Court, Nueces County, Texas, in Cause No. 04 CR 0380 Harold Adams, pleaded guilty to possession of methamphetamine, a state jail felony. Adjudication of guilt was deferred and Mr. Adams was placed on Community Supervision for a period of two (2) years. The date of the offense was January 31, 2004.

## **II.**

### **Legal Authority and Jurisdiction**

The Texas Lottery Commission has jurisdiction over this matter pursuant to the State Lottery Act, TEX. GOV'T CODE ANN. § 466.155, and 16 TEX. ADMIN. CODE, Chapter 401.

The State Office of Administrative Hearings has jurisdiction over this matter pursuant to TEX. GOV'T CODE ANN., Chapter 2003.

## **III.**

### **Applicable Statutes and Rules**

TEX. OCC. CODE ANN. § 2001.0541 states:

The Commission shall adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information under this chapter to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers.

TEX. OCC. CODE ANN. § 53.021(a) states:

A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of: (1) an offense that directly relates to the duties and responsibilities of the licensed occupation; (2) an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license; (3) an offense listed in Section 3g, Article 42.12.

Code of Criminal Procedure; or (4) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

TEX. OCC. CODE ANN. § 53.021(d) states:

A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if: (1) the person was charged with: (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or (B) an offense other than an offense described by Paragraph (A) if: (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and (2) after consideration of the factors described by Sections 53.022 and 53.023(a), the licensing authority determines that: (A) the person may pose a continued threat to public safety; or (B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.

TEX. OCC. CODE ANN. § 53.022 states:

In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

TEX. OCC. CODE ANN. § 53.023 states:

(a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and



- (6) other evidence of the person's fitness, including letters of recommendation from:
  - (A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
  - (B) the sheriff or chief of police in the community where the person resides; and
  - (C) any other person in contact with the convicted person.
- (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).
- (c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:
  - (1) maintained a record of steady employment;
  - (2) supported the applicant's dependents;
  - (3) maintained a record of good conduct; and
  - (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

TEX. ADMIN. CODE § 402.702(e) states:

Because the Commission has a duty to exercise strict control and close supervision over the conduct of Charitable Bingo to ensure that bingo is fairly conducted and the proceeds derived from bingo are used for an authorized purpose, and, because bingo games are largely cash-based operations providing opportunities for individuals to have access to cash and/or products that may be exchanged for cash, the Commission finds that prohibited acts under the BEA and convictions for offenses that call into question an applicant's honesty, integrity, or trustworthiness in handling funds or dealing with the public, directly relate to the duties and responsibilities of licensed and registered activities under the BEA. The Commission deems convictions (including deferred adjudications and/or nolo contendere pleas) for certain misdemeanor and felony offenses to directly relate to the fitness of a new or renewal applicant for a license or registry listing under the BEA. Such offenses include the following:... (2) **Penal Code, Chapter 31, Theft...**[emphasis added]

16 TEX. ADMIN. CODE § 402.702(h) states:

Pursuant to Chapter 53, Occupations Code, the Commission may consider mitigating factors in addition to criminal convictions to determine whether an applicant is eligible for a new or renewal license or registry listing. Such mitigating factors include:

- (1) Veteran's status, including discharge status;
- (2) Remoteness in time: e.g., if more than 10 years have elapsed since the last conviction;

- (3) Absence of violation history as a current bingo licensee or bingo worker registrant over an extended period of time;
- (4) Recommendations from law enforcement or community leaders; and
- (5) Whether an arrest resulted in a deferred adjudication rather than a conviction.

TEX. ADMIN. CODE § 402.702(i) states:

Upon notification of the Commission's intent to deny a new or renewal application or registry listing, an applicant may provide documentation of mitigating factors that the applicant would like the Commission to consider regarding its application. Such documentation must be provided to the Commission no later than 20 days after the Commission provides notice to an applicant of a denial, unless the deadline is extended in writing or through e-mail by authorized Commission staff.

TEX. OCC. CODE ANN. § 2001.052 states:

(a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section 53.021 and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.

(b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

All visitors to the William P. Clements Building without an agency or DPS issued ID card will be required to sign a log and receive a visitor's pass. Persons going to a hearing at the State Office of Administrative Hearings will need to identify to the security officer the hearing that they are attending. Persons must provide the officer with the SOAH docket number to be allowed access to the hearing room. Individuals should allow additional time to go through the security process. Failure to provide the docket number may result in delaying the individual's arrival to the hearing. **PLEASE NOTE:** This notice of hearing is not a summons. If you do not oppose the suspension of your license, your appearance at the hearing is not required. If you do oppose the suspension of your license, you have the right to appear and present evidence.

**TITLE 16 TEXAS ADMINISTRATIVE CODE § 401.207 REQUIRES THAT YOU FILE A WRITTEN ANSWER TO THE ALLEGATIONS IN THIS NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (BY FAX AT 512-322-2061) AND PROVIDE A COPY TO THE UNDERSIGNED (BY FAX AT 512-344-5189 OR EMAIL AT LEGAL.INPUT@LOTTERY.STATE.TX.US) AT LEAST TEN (10) CALENDAR DAYS BEFORE THE DATE OF THE HEARING. FAILURE TO FILE A WRITTEN ANSWER BY THIS DATE AND/OR TO APPEAR AT THE HEARING MAY RESULT IN THE ALLEGATIONS BEING ADMITTED AS TRUE AND RELIEF REQUESTED BEING GRANTED BY DEFAULT.**



The hearing is conducted under authority of the State Lottery Act, Texas Government Code Annotated, Chapters 466.155 and 466.160; together with Title 16 of the Texas Administrative Code, Chapters 401.153, 401.158-159, and 401.201-227.

The State Office of Administrative Hearings (SOAH) is now offering you the ability to receive service of orders and other documents issued by SOAH through email rather than mail or fax. To elect to receive service of SOAH-issued documents by email, go to the SOAH website ([www.soah.state.tx.us](http://www.soah.state.tx.us)), click on the "Service by Email" tab, and follow the instructions. **NOTE:** Your request to receive SOAH-issued documents by email does not change the procedures you must follow in order to file documents with SOAH. The requirements for filing documents and providing copies to the other parties are set out in Sections 155.101 and 155.103 of SOAH's Procedural Rules, which are available on SOAH's website under the "Procedural Rules" tab.

All hearings are formal due-process matters governed by and conducted in accordance with law, including the Texas Government Code, Chapters 2001 and 466, the Texas Rules of Civil Procedures, the Texas Rules of Civil Evidence, and Title 16 of the Texas Administrative Code, Chapter 401.

A court reporter will be present, and a record of the proceedings will be created. It is, however, the sole and exclusive responsibility of each party to request and pay for any printed transcript.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.

The Commission reserves the right to amend this Notice of Hearing.

Sincerely,



STEPHEN WHITE  
Assistant General Counsel  
Texas Lottery Commission

### CERTIFICATE OF SERVICE

Pursuant to TEX. R. CIV. PRO., Rule 21a, I certify that I mailed a copy of the foregoing Notice of Removal and Notice of Hearing concerning the removal of Respondent from the Registry of Approved Bingo Workers, Docket No. 362-18-1834.B by first class and certified U.S. Mail return receipt requested, to Mr. Harold Adams, 2602 78<sup>th</sup>, Lubbock, TX 79423, on January 24, 2018.



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STEPHEN WHITE  
Assistant General Counsel  
Texas Lottery Commission  
P.O. Box 16630  
Austin, Texas 78761-6630  
(512) 344-5465  
(512) 344-5189 Fax

cc: State Office of Administrative Hearings