



INTEROFFICE MEMO

Gary Grief, Executive Director LaDonna Castañuela, Charitable Bingo Operations Director

To: Robert G. Rivera, Chairman
Cindy Fields, Commissioner
Mark A. Franz, Commissioner
Erik C. Saenz, Commissioner
Jamey Steen, Commissioner

From: Bob Biard, General Counsel

A handwritten signature in blue ink, appearing to be "RAB", is written over the name "Bob Biard".

Date: October 13, 2022

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

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

Date: OCTOBER 13, 2022

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 §§ 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 in each case requesting the ALJ issue a conditional order of default dismissal and remand to the Commission for informal disposition, in accordance with Tex. Gov't Code §2001.058(d-1) and 1 Tex. Admin. Code §155.501(d)-(e).

Date: OCTOBER 13, 2022

4. The ALJ dismissed the referenced cases from the SOAH docket and remanded these cases to the Commission for informal disposition under Tex. Gov't Code §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 the Commission.

5. In each case, Respondent did not file a motion to set aside the default within 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 §466.155 (State Lottery Act) and 16 Tex. Admin. Code Chapter 401 (Commission Rules).

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 §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.

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

Commission Order No. 23-0001

Date: OCTOBER 13, 2022

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 13TH day of OCTOBER, 2022.

Entered this 13TH day of OCTOBER, 2022.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

ERIK C. SAENZ, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Date: **OCTOBER 13, 2022**

ATTACHMENT A

TAB NO.	SOAH DOCKET NO.	TICKET SALES AGENT NAME	TICKET SALES AGENT ADDRESS	LOTTERY LICENSE NO.
A.	362-22-02832	Mehroz Enterprise Inc. d/b/a Nasa Food Mart	4024 Nasa Rd. 1 El Lago, TX 77586	185460
B.	362-22-04294	Paisano Mart LLC d/b/a Paisano Mart LLC	3502 Santa Ursula Ave. Laredo, TX 78041	156261
C.	362-22-05874	Quality Business Inc. d/b/a Fuel Zone	12800 Northborough Dr. Houston, TX 77067	188578
D.	362-22-05875	The Milestone Ventures LLC d/b/a Lakeway Country Store	4282 S. FM 2148 Texarkana, TX 75501	188907
E.	362-22-06853	Dilley SS Grocery LLC d/b/a Speedy Stop	2264 S. WW White Rd. San Antonio, TX 78222	190768
F.	362-22-07352	B Tex Inc. d/b/a Jedco Food Mart #24	2550 Culebra Rd. San Antonio, TX 78228	187156
G.	362-22-07353	AMJJK LLC d/b/a Grissom Food Mart	7125 Grissom Rd. San Antonio, TX 78238	190668
H.	362-22-07354	Dade Smoke Shops LLC d/b/a Perfects Gas N Go	1510 E. Tulane Lubbock, TX 79403	191616

SOAH Docket No. 362-22-02832

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-22-02832
7/28/2022 1:40 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

ACCEPTED
362-22-02832
7/28/2022 4:45 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
MEHROZ ENTERPRISE, INC. DBA NASA FOOD MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On July 21, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Kyle Wolfe appeared for the staff (Staff) of the Texas Lottery Commission (Commission). Mehroz Enterprises, Inc. d/b/a Nasa Food Mart (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual allegations detailed in the

¹ 1 Tex. Admin. Code § 155.501(b)

Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED JULY 28, 2022.

ALJ Signature:

A handwritten signature in dark ink, appearing to read 'B McCabe', is written over a horizontal line.

Brent McCabe,

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1)

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

SOAH Docket No. 362-22-04294

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
PAISANO MART LLC DBA PAISANO MART LLC,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On August 4, 2022, a hearing was held. Staff for Petitioner appeared and was represented by attorney Tyler Vance. Respondent did not appear. Staff requested a default dismissal and Exhibits 1, 2, and 3 were admitted into evidence showing adequate notice. Staff's motion is **GRANTED**, and the factual allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.¹

¹ 1 Tex. Admin. Code § 155.501(d)(1), as amended effective November 29, 2020.

Respondent may file a motion to set aside the default within 15 days of the date of this order.² The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.³

SIGNED AUGUST 4, 2022.

ALJ Signature(s):

A handwritten signature in dark ink, appearing to read 'Andrew Lutostanski', written over a horizontal line.

Andrew Lutostanski

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(e), as amended effective November 29, 2020.

³ Tex. Gov't Code § 2001.056.

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
QUALITY BUSINESS INC. DBA FUEL ZONE,
RESPONDENT**

ORDER OF DEFAULT DISMISSAL

On August 25, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Attorney Kyle Wolf appeared for the staff (Staff) of the Texas Lottery Commission (Commission). Quality Business Inc. d/b/a Fuel Zone (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual allegations detailed in the

¹ 1 Tex. Admin. Code § 155.501(b).

Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED August 30, 2022.

A handwritten signature in cursive script, reading "Susan Rodriguez", is written over a horizontal line.

Susan Rodriguez
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER**

V.

**THE MILESTONE VENTURES LLC DBA LAKEWAY COUNTRY STORE,
RESPONDENT**

ORDER OF DEFAULT DISMISSAL

On August 25, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Attorney Kyle Wolf appeared for the staff (Staff) of the Texas Lottery Commission (Commission). The Milestone Ventures LLC d/b/a Lakeway Country Store (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual

¹ 1 Tex. Admin. Code § 155.501(b).

allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED August 30, 2022.

A handwritten signature in cursive script, reading "Susan Rodriguez", is written over a horizontal line.

Susan Rodriguez
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

FILED
362-22-06853
9/2/2022 8:57 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
362-22-06853
9/2/2022 11:42:57 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 362-22-06853

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSIO,
PETITIONER
V.
DILLEY SS GROCERY LLC DBA SPEEDY STOP,
RESPONDENT**

DEFAULT DISMISSAL ORDER

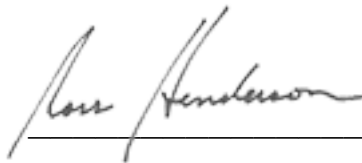
On September 1, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Attorney, Tyler Vance appeared for the staff (Staff) of the Texas Lottery Commission (Commission). Lottery Retailer Dilley SS Grocery LLC DBA Speedy Stop (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual

¹ 1 Tex. Admin. Code § 155.501(b), as amended effective November 29, 2020.

allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED SEPTEMBER 2, 2022.

A handwritten signature in cursive script, appearing to read "Ross Henderson", is written over a horizontal line.

Ross Henderson,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1), as amended effective November 29, 2020.

³ 1 Tex. Admin. Code § 155.501(e), as amended effective November 29, 2020.

⁴ Tex. Gov't Code § 2001.056.

SOAH Docket No. 362-22-07352

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER**

V.

**B TEX INC DBA JEDCO FOOD MART #24,
RESPONDENT**

FILED
362-22-07352
9/14/2022 2:06 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
362-22-07352
9/14/2022 2:19:49 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

DEFAULT DISMISSAL ORDER

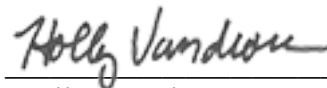
On September 8, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Texas Lottery Commission (Commission) Staff appeared. B TEX INC DBA JEDCO FOOD MART #24 (Respondent) did not appear and was not represented at the hearing. Staff Exhibits Exhibit Nos. 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual allegations detailed in the

¹ 1 Tex. Admin. Code § 155.501(b).

Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED SEPTEMBER 14, 2022



Holly Vandrovec,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

SOAH Docket No. 362-22-07353

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-22-07353
9/14/2022 3:05 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
362-22-07353
9/14/2022 3:31:24 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
AMJJK LLC DBA GRISSOM FOOD MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

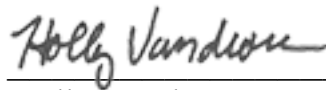
On September 8, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Texas Lottery Commission (Commission) Staff appeared. AMJJK LLC DBA GRISSOM FOOD MART (Respondent) did not appear and was not represented at the hearing. Staff Exhibits Exhibit Nos. 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual allegations detailed in the

¹ 1 Tex. Admin. Code § 155.501(b).

Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED SEPTEMBER 14, 2022



Holly Vandrovec,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

SOAH Docket No. 362-22-07354

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-22-07354
9/14/2022 3:12 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
362-22-07354
9/14/2022 3:52:09 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
DADE SMOKE SHOPS LLC DBA PERFECTS GAS N GO,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On September 8, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Texas Lottery Commission (Commission) Staff appeared. DADE SMOKE SHOPS LLC DBA PERFECTS GAS N GO (Respondent) did not appear and was not represented at the hearing. Staff Exhibits Exhibit Nos. 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**, and the factual allegations

¹ 1 Tex. Admin. Code § 155.501(b).

detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED SEPTEMBER 14, 2022



Holly Vandrovec,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

Commission Order No. 23-0002

Date: OCTOBER 13, 2022

Case No. 2022-225

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
H&A GOLDEN INC.	§	
D/B/A SUN MART 11	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 183130	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and H&A Golden Inc. d/b/a Sun Mart 11 (Sun Mart 11) make the following Agreed Findings of Fact, Agreed Conclusions of Law, and Memorandum of Agreement, and enter into this Consent Order.

AGREED FINDINGS OF FACT

1. Sun Mart 11 holds Texas Lottery Ticket Sales Agent License No. 183130.
2. Mohammad Khan is the president of Sun Mart 11, which is located at 908 Terrace Drive, Killeen, TX 76541.
3. On August 6, 2021, the Commission received a complaint that Sun Mart 11 charged a \$1.00 fee for the purchase of lottery tickets with a debit card. The Commission initiated an investigation into this complaint.
4. On August 19, 2021, Joseph Fabian, a Sun Mart 11 employee, admitted to a Commission investigator that he charges a \$1.00 fee for debit card purchases of lottery tickets.

AGREED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Tex. Gov't Code ch. 466 (State Lottery Act) and 16 Tex. Admin. Code ch. 401 (Commission rules).

2. Sun Mart 11 is obligated to follow the provisions of the State Lottery Act and the Commission rules to maintain its Texas Lottery Ticket Sales Agent License.

3. Tex. Gov't Code §466.155(a) states, in pertinent part:

After a hearing, the director shall deny an application for a license or the commission shall suspend or revoke a license if the director or commission, as applicable, finds that the applicant or sales agent:

...

(5) has violated this chapter or a rule adopted under this chapter.

4. Tex. Gov't Code §466.302(a) states:

A person commits an offense if the person intentionally or knowingly sells a ticket at a price the person knows is greater than that fixed by the commission or by the lottery operator authorized to set that price.

5. 16 Tex. Admin. Code §401.158(b) states, in pertinent part:

Without limiting the commission's ability to consider factors listed in §401.153(b) of this title as grounds for suspension or revocation of a license issued under this subchapter, the commission may also suspend or revoke a license for reasons including, but not limited to, any of the following:

...

(22) licensee intentionally or knowingly sells a ticket at a price the licensee knows is greater than the price set by the executive director;

(23) licensee charges a fee for lottery ticket purchases using a debit card and/or requires a minimum dollar amount for debit card purchases of only lottery tickets.

6. 16 Tex. Admin. Code §401.366 states:

Each retailer agrees to operate in a manner consistent with the State Lottery Act, applicable federal laws, Texas laws, local ordinances, with all terms and conditions related to the retailer's license, with all requirements set forth in the most recent Retailer Manual, the rules and regulations promulgated by the commission, and with his/her or its license from the Texas Lottery.

7. The Texas Legislature has mandated that the Commission "exercise strict control and close supervision over all lottery games conducted in this state to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the lottery." Tex. Gov't Code §466.014(a).

8. Under Texas law, an employer is liable, vicariously, for the acts of its servants committed in the course and scope of their employment. *GTE Southwest, Inc. v. Bruce*, 998 S.W.2d 605, 617–18 (Tex. 1999). An employee is acting within the scope of their employment if they are performing duties generally assigned to them, regardless of whether the employee acted intentionally and unlawfully. *Fink v. Anderson*, 477 S.W.3d 460, 468 (Tex. App.— Houston [1st Dist.] 2015, no pet.).

9. The State Lottery Act recognizes that a sales agent’s unlicensed employees may lawfully perform lottery-related duties of their licensee employers, including selling and handling lottery tickets and handling the revenue generated from ticket sales. Tex. Gov’t Code §§ 466.201(a)(7), 466.303(a), 466.305(a), 466.3051(a), and 466.353(a). Thus, the Commission’s ability to attribute employee violations committed within the course and scope of their employment to their licensee employer is within the Commission’s implied authority and is reasonably necessary to fulfill the Commission’s express duty to exercise strict control and supervision over the lottery.

10. The Texas Lottery Ticket Sales Agent License of Sun Mart 11 is subject to suspension or revocation pursuant to Tex. Gov’t Code §466.155(a)(5), as a result of Sun Mart 11’s violation of Tex. Gov’t Code §466.302(a) and 16 Tex. Admin. Code §§ 401.158(b)(22) and (23) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Sun Mart 11 agrees to these terms, acknowledges understanding them, and waives all rights to procedural requirements for the entry of the Consent Order (Order) consistent with the terms of this Memorandum of Agreement,

including but not limited to the right to notice of hearing, a formal hearing, a proposal for decision, a rehearing, and any right to seek judicial review of the Order.

2. The effective date of this Memorandum of Agreement and Consent Order shall be the date the Order is signed by the Commission.

3. Sun Mart 11 agrees that, as a result of its violation of Tex. Gov't Code §466.302(a) and 16 Tex. Admin. Code §§ 401.158(b)(22) and (23) and 401.366, its Ticket Sales Agent License will be suspended for a period of ten (10) consecutive days. The suspension period will begin within seven (7) days from the date the Order is signed by the Commission. During the period of suspension, Sun Mart 11 agrees that it will not sell Texas Lottery tickets of any kind, will not validate Texas Lottery tickets, and will not pay lottery prizes to customers.

4. During the entire period of suspension hereunder, Sun Mart 11 is required to post a notice of suspension in the form and at the location prescribed by the Commission, visible to store customers, in the same area where Sun Mart 11's Ticket Sales Agent License is posted.

5. Sun Mart 11 agrees this Memorandum of Agreement and Consent Order applies only to the facts and circumstances stated herein. The Commission reserves the right to take additional disciplinary action, up to and including suspension or revocation of Sun Mart 11's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

6. Sun Mart 11 acknowledges and agrees that this Memorandum of Agreement and Consent Order, and the Agreed Findings of Fact and the Agreed Conclusions of Law contained herein, may be admitted in any future administrative action initiated against it by the Commission.

7. Sun Mart 11 agrees that if, after a formal hearing on the sole issue of compliance with the Memorandum of Agreement and Consent Order, it is found that Sun Mart 11 has failed

to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be taken against Sun Mart 11, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Sun Mart 11 agrees to provide all active and settled tickets to the Commission or to an IGT representative on or before the date the suspension begins. It further agrees that these active tickets will settle on the date the suspension begins, and Sun Mart 11 will be charged for tickets sold on or before that date. Sun Mart 11 will be credited for any tickets that have been paid for in previous sweeps and that are returned to and received by the Commission on or before the date the suspension begins.

AGREED AS TO FORM AND SUBSTANCE:

H&A Golden Inc.
d/b/a Sun Mart 11

Texas Lottery Commission
Lottery Operations Division

By:



Mohammad Khan
President

09-16-2022

DATE

By:



Robert Tirloni
Director

9/21/2022

DATE

Commission Order No. 23-0002

Date: OCTOBER 13, 2022

Case No. 2022-225

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
H&A GOLDEN INC.	§	
D/B/A SUN MART 11	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 183130	§	LOTTERY COMMISSION

CONSENT ORDER

NOW, THEREFORE, IT IS ORDERED by the Texas Lottery Commission (Commission), based on the above Agreed Findings of Fact, Conclusions of Law and Memorandum of Agreement, which are hereby adopted and incorporated by reference as if fully set out and separately stated herein, as follows:

(1) IT IS ORDERED by the Commission that, in lieu of revocation of the Texas Lottery Ticket Sales Agent License of H&A Golden Inc. d/b/a Sun Mart 11 (Sun Mart 11), the license is suspended for a period of ten (10) consecutive days. The suspension period will begin within seven (7) days from the date this Consent Order (Order) is signed by the Commission. During the period of suspension, Sun Mart 11 shall not sell Texas Lottery tickets of any kind, shall not validate Texas Lottery tickets, and shall not pay lottery prizes to customers.

(2) IT IS FURTHER ORDERED by the Commission that, during the entire period of suspension, Sun Mart 11 shall post a notice of suspension, in the form and at the location prescribed by the Commission, visible to store customers, in the same area where Sun Mart 11's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 23-0002

Date: OCTOBER 13, 2022

(3) IT IS FURTHER ORDERED by the Commission that if, after a formal hearing on the sole issue of compliance with this Order, it is found that Sun Mart 11 has failed to comply with the terms of this Order, disciplinary action shall be taken against Sun Mart 11, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

(4) IT IS FURTHER ORDERED by the Commission that Sun Mart 11 shall provide all active and settled tickets to the Commission or to an IGT representative on or before the date the suspension begins, that these active tickets will settle on that date, and Sun Mart 11 will be charged for the tickets sold on or before that date. Sun Mart 11 will be credited for any tickets that have been paid for in previous sweeps and that are returned to and received by the Commission on or before the date the suspension begins.

Commission Order No. 23-0002

Date: OCTOBER 13, 2022

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 13TH day of OCTOBER, 2022.

Entered this 13TH day of OCTOBER, 2022.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

ERIK C. SAENZ, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Date: OCTOBER 13, 2022

DOCKET NO. 362-22-2158

TEXAS LOTTERY COMMISSION,	§	BEFORE THE TEXAS
<i>Petitioner,</i>	§	
	§	
v.	§	
	§	
SAHIL VENTURES INC.	§	
D/B/A PARADISE FOOD MART	§	
TICKET SALES AGENT LICENSE	§	
NO. 139835,	§	
<i>Respondent.</i>	§	LOTTERY COMMISSION

ORDER OF THE COMMISSION

To: Sahil Ventures Inc.
d/b/a Paradise Food Mart
18374 Hwy. 105 E.
Cleveland, TX 77328

via certified and regular mail
via email at mohammedamin41@yahoo.com

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) heard the above-styled case in which Sahil Ventures Inc. d/b/a Paradise Food Mart (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 Respondent, pursuant to Tex. Gov't Code §§ 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.

Date: OCTOBER 13, 2022

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

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 §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 §2001.056, provided the Respondent did not file a motion to set aside the default no later than 15 days from the date of the ALJ's conditional order.

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. Gov't Code §466.155 and 16 Tex. Admin. Code ch. 401.

2. The Respondent violated Tex. Gov't Code ch 466 (the State Lottery Act) and/or Title 16 Tex. Admin. Code ch. 401 (Rules for the Administration of State Lottery Act) 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.

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:

Commission Order No. 23-0003

Date: OCTOBER 13, 2022

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

2. The Texas Lottery Ticket Sales Agent license of Sahil Ventures Inc. d/b/a Paradise Food Mart is hereby suspended for a period of ninety (90) days.

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 13TH day of OCTOBER, 2022.

Entered this 13TH day of OCTOBER, 2022.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

ERIK C. SAENZ, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
SAHIL VENTURES INC. D/B/A PARADISE FOOD MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On August 2, 2022, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Attorney Kristen Guthrie appeared for the staff (Staff) of the Texas Lottery Commission (Commission). Sahil Ventures Inc. d/b/a Paradise Food Mart (Respondent) did not appear and was not represented at the hearing. Following the hearing, Staff filed a motion for default dismissal and remand to the Commission with Attachments A, B, and C, showing proof of adequate notice to Respondent.¹ The attachments are admitted as

¹ 1 Tex. Admin. Code § 155.501(b).

TLC Exhibits A, B, and C. Having established adequate notice, Staff's motion is **GRANTED**, and the factual allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.²

Respondent may file a motion to set aside the default within 15 days of the date of this order.³ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion to set aside, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

SIGNED AUGUST 9, 2022.

ALJ Signature:

A handwritten signature in cursive script, reading "Linda Brite", is written over a horizontal line.

Linda H. Brite,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.



Texas Lottery Commission

Commissioners:

Robert G. Rivera, Chairman

Cindy Fields • Mark A. Franz • Erik C. Saenz • Jamey Steen



LaDonna Castañuela
Director

March 22, 2022

Sahil Ventures Inc.
d/b/a Paradise Food Mart
18374 Hwy. 105 E.
Cleveland, TX 77328

*via certified and regular mail
via email at mohammedamin41@yahoo.com*

**RE: NOTICE OF FINAL HEARING CONCERNING SUSPENSION OR REVOCATION
OF LOTTERY LICENSE
SOAH DOCKET NO. 362-22-2158
TEXAS LOTTERY LICENSE SALES AGENT NO. 139835**

Dear Mr. Amin:

Be advised that a formal hearing to consider the Texas Lottery Commission's suspension or revocation of Sahil Ventures Inc. d/b/a Paradise Food Mart's Texas Lottery Ticket Sales Agent License, pursuant to the provisions of the Tex. Gov't. Code chs. 466, 2001, and 2003; 1 Tex. Admin. Code ch. 155; and 16 Tex. Admin. Code ch. 401, will be held at the State Office of Administrative Hearings (SOAH) as follows:

TIME OF HEARING: 10:00 a.m.
DATE OF HEARING: August 2, 2022
LOCATION OF HEARING: Telephonic SOAH Hearing

**INSTRUCTIONS FOR
CALLING**

At the time of the hearing, please call the dial-in number and, at the prompt, enter the conference ID number followed by the # sign. Please wait for the SOAH Administrative Law Judge to come on line and begin the hearing.

Toll dial-in number: (512) 807-0005
Toll-free dial-in number: (855) 999-5357
Conference Number: 207-6535

NOTICE OF HEARING

I.

Factual Matters Asserted

Sahil Ventures Inc. d/b/a Paradise Food Mart (Paradise Food Mart) holds Texas Lottery Ticket Sales Agent License No. 139835. Mohammed Amin is the managing member of Paradise Food Mart, which is located at 13796 FM 1314 Rd., Conroe, TX 77302.

On March 3, 2021, at the Houston Claim Center, Mr. Amin's wife Shazina Amin claimed two (2) Texas Lottery scratch ticket prizes with a cumulative value of \$2,000. Based on an internal review, the Commission initiated an investigation into those claims.

On April 19, 2021, Shazina Amin and Mohammed Amin admitted to a Commission investigator that Mr. Amin purchased the tickets from a store customer.

II.

Legal Authority and Jurisdiction

The Texas Lottery Commission (Commission) has jurisdiction over this matter pursuant to Tex. Gov't Code ch. 466 (State Lottery Act) and 16 Tex. Admin. Code ch. 401.

The State Office of Administrative Hearings (SOAH) has jurisdiction over this matter pursuant to Tex. Gov't Code ch. 2003 and 1 Tex. Admin. Code ch. 155.

III.

Applicable Statutes and Rules

Tex. Gov't Code §466.151(e) states:

The director may issue a license to a person only if the director finds that the person's experience, character, and general fitness are such that the person's participation as a sales agent will not detract from the integrity, security, honesty, and fairness of the operation of the lottery.

Tex. Gov't Code §466.155(a) states, in pertinent part:

After a hearing, the director shall deny an application for a license or the commission shall suspend or revoke a license if the director or commission, as applicable, finds that the applicant or sales agent:

...

(5) has violated this chapter or a rule adopted under this chapter.

Tex. Gov't Code §466.310(a) states:

A person commits an offense if the person:

- (1) induces another person to assign or transfer a right to claim a prize;
- (2) offers for sale the right to claim a prize; or
- (3) offers, for compensation, to claim the prize of another person.

Tex. Gov't Code §466.402(b) states:

The payment of a prize in an amount of \$600 or more may be made only by the director.

16 Tex. Admin. Code §401.158(b) states, in pertinent part:

Without limiting the commission's ability to consider factors listed in §401.153(b) of this title as grounds for suspension or revocation of a license issued under this subchapter, the commission may also suspend or revoke a license for reasons including, but not limited to, any of the following:

...

(33) licensee:

- (A) induces another person to assign or transfer a right to claim a prize;
- (B) initiates or accepts an offer to sell the right to claim a prize;
- (C) initiates or accepts an offer of compensation from another person to claim a lottery prize, or
- (D) purchases a lottery ticket from a person who is not a licensed lottery retailer.

16 Tex. Admin. Code §401.360 states:

Retailers may pay any lottery prize of less than \$600, after complying with established validation procedures. However, if a retailer validates a ticket of up to \$600, that retailer shall pay the prize amount on the ticket. Prizes of \$600 or more shall be paid by the Texas Lottery by mail or at a designated lottery claim center.

16 Tex. Admin. Code §401.366 states:

Each retailer agrees to operate in a manner consistent with the State Lottery Act, applicable federal laws, Texas laws, local ordinances, with all terms and conditions related to the retailer's license, with all requirements set forth in the most recent Retailer Manual, the rules and regulations promulgated by the commission, and with his/her or its license from the Texas Lottery.

If you do not oppose the suspension or revocation of your license, your appearance at the SOAH hearing is not required. If you do oppose the suspension or revocation of your license, you have the right to appear and present evidence. You are entitled to be represented by a lawyer at the SOAH hearing, but it is your responsibility to obtain and pay for such representation. A court reporter may 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.

The hearing is conducted under the authority of Tex. Gov't Code §466.155 and 16 Tex. Admin. Code §§ 401.158 and 401.201-.227.

All hearings are formal due process matters governed by and conducted in accordance with law, including Texas Government Code Chapters 466, 2001, and 2003; the Texas Rules of Civil Procedure; the Texas Rules of Evidence; Title 1 of the Texas Administrative Code Chapter 155; and Title 16 of the Texas Administrative Code Chapter 401.

AT LEAST TEN (10) CALENDAR DAYS BEFORE THE DATE OF THE HEARING, YOU ARE REQUIRED TO FILE A WRITTEN ANSWER TO THE ALLEGATIONS IN THIS NOTICE OF HEARING WITH SOAH. *SEE* 16 TEX. ADMIN. CODE §401.207(d). A GENERAL DENIAL OF THE ALLEGATIONS SHALL BE A SUFFICIENT ANSWER.

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 THE RELIEF REQUESTED BEING GRANTED BY DEFAULT.

IF YOU WISH TO HAVE AN IN-PERSON SOAH HEARING INSTEAD OF A TELEPHONIC SOAH HEARING, YOU MUST REQUEST AN IN-PERSON HEARING BY FILING A MOTION FOR CONTINUANCE THAT COMPLIES WITH SOAH'S RULES OR ANY APPLICABLE EMERGENCY ORDERS.

ANY WRITTEN ANSWER OR MOTION FOR CONTINUANCE MUST ALSO BE SENT TO THE COMMISSION. THE ANSWER OR MOTION CAN BE SENT VIA FAX AT 512-344-5189 OR EMAIL AT legal.input@lottery.state.tx.us.

PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF SOAH AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

FOR UNREPRESENTED PARTIES WHO CANNOT FILE DOCUMENTS ELECTRONICALLY WITH SOAH, DOCUMENTS MAY BE FILED: (1) BY MAIL ADDRESSED TO SOAH AT P.O. BOX 13025, AUSTIN, TEXAS 78711-3025; (2) BY HAND-DELIVERY TO SOAH AT 300 WEST 15TH STREET, ROOM 504; (3) BY FAX TO SOAH AT (512) 322-2061; OR (4) AT THE SOAH FIELD OFFICE WHERE THE CASE IS ASSIGNED, USING THE FIELD OFFICE ADDRESS OR FAX NUMBER, WHICH ARE AVAILABLE AT SOAH'S WEBSITE.

TO VIEW YOUR PUBLIC CASE FILE, GO TO THE SOAH WEBSITE (WWW.SOAH.TEXAS.GOV), CLICK THE "E-SERVICES" TAB, AND THEN CLICK THE "Public and Secure Case File Search" LINK.

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

Respectfully,

/s/ Kristen Guthrie
KRISTEN GUTHRIE
Assistant General Counsel
Texas Lottery Commission

CERTIFICATE OF SERVICE

I certify that on March 22, 2022, a true and correct copy of this *Notice of Final Hearing on Suspension or Revocation of Lottery License* was sent to Sahil Ventures Inc. d/b/a Paradise Food Mart at 18374 Hwy. 105 E., Cleveland, TX 77328, by regular and certified mail, and email.

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

cc: SOAH
Lottery Operations Division