



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 "RB", is written over the name "Bob Biard".

Date: August 17, 2023

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: AUGUST 17, 2023

| | | |
|---------------------------|---|-------------------------|
| 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: AUGUST 17, 2023

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. 23-0031

Date: AUGUST 17, 2023

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 17TH day of AUGUST 2023.

Entered this 17TH day of AUGUST 2023.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

ERIK C. SAENZ, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Date: AUGUST 17, 2023

ATTACHMENT A

| TAB NO. | SOAH DOCKET NO. | TICKET SALES AGENT NAME | TICKET SALES AGENT ADDRESS | LOTTERY LICENSE NO. |
|----------------|------------------------|---|---|----------------------------|
| A. | 362-23-15803 | La Mexicana Meat Market Denison LLC d/b/a La Mexicana Meat Market | 2300 W. Morton St. #103 Denison, TX 75020 | 193085 |
| B. | 362-23-17423 | Jordan 1 Inc. d/b/a Classic Mart & 420 Shop | 5650 Grissom Rd. Apt. 1103 San Antonio, TX 78238 | 190357 |
| C. | 362-23-18502 | Roman's Texaco Inc. d/b/a Roman's Texaco | 13901 FM 624 Corpus Christi, TX 78410 | 133471 |
| D. | 362-23-20183 | Ghazala Holdings LLC d/b/a Quick Stuff | 6211 Hazel Valley Dr. San Antonio, TX 78242 | 189379 |
| E. | 362-23-20184 | Tyks Investments 2 LLC d/b/a Tyks Investments 2 LLC | 414 Broadway St. Maud, TX 75567 | 193191 |
| F. | 362-23-20560 | Ruiz Food Mart LLC d/b/a Ruiz Food Mart | 1054 Ruiz St. San Antonio, TX 78207 | 191076 |

FILED
362-23-15803
6/1/2023 3:26 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
362-23-15803
6/1/2023 3:28:36 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 362-23-15803

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
LA MEXICANA MEAT MARKET DENISON LLC D/B/A
LA MEXICANA MEAT MARKET,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On May 11, 2023, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this case via Zoom videoconference. Attorney Tyler Vance appeared on behalf of the staff (Staff) of the Texas Lottery Commission (Commission). La Mexicana Meat Market Denison LLC d/b/a La Mexicana Meat Market (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted. Collectively, these exhibits showed proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff

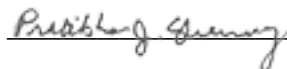
¹ 1 Tex. Admin. Code § 155.501(b).

moved for a default dismissal. Staff's motion was **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, 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 June 1, 2023.

ALJ Signature:



Pratibha J. Shenoy
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. 362-23-17423

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
JORDAN 1 INC DBA CLASSIC MART AND 420 SHOP,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On June 1, 2023, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Staff was represented by Tyler Vance, and Respondent did not appear—either personally or through counsel. Staff Exhibits 1–3 were admitted and demonstrated adequate notice to Respondent.¹ Staff thereafter moved for a default dismissal. That motion is GRANTED, and the factual allegations detailed in the Notice of Hearing and the incorporated documents are deemed admitted.²

¹ 1 Tex. Admin. Code § 155.501(b).

² 1 Tex. Admin. Code § 155.501(d)(1).

Respondent may file a motion to set aside this default within 15 days of the date of this order.³ Such motion must demonstrate 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 the motion should be denied, this case will be remanded to the Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed JUNE 1, 2023



Christiaan Siano
Presiding Administrative Law Judge

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

SOAH Docket No. 362-23-18502

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-23-18502
6/16/2023 10:12 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

ACCEPTED
362-23-18502
6/16/2023 10:13:32 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
ROMAN'S TEXACO INC DBA ROMAN'S TEXACO,
RESPONDENT**

ORDER GRANTING MOTION FOR DEFAULT

On June 15, 2023, the undersigned Administrative Law Judge (ALJ) convened a hearing on the merits in this matter. Attorney Kyle Wolfe appeared for the staff (Staff) of the Texas Lottery Commission (Commission). Roman's Texas Inc dba Roman's Texaco (Respondent) did not appear and was not represented at the hearing. Staff Exhibits Exhibit 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 Notice of Hearing and the documents incorporated within that

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

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 June 16, 2023.

ALJ Signature(s):

A handwritten signature in cursive script that reads "Rebecca S. Smith". The signature is written in dark ink and is positioned above a horizontal line.

Rebecca Smith,

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.

FILED
362-23-20183
7/20/2023 2:16 PM
STATE OFFICE OF
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Crystal Rosas, CLERK

ACCEPTED
362-23-20183
7/20/2023 2:18:07 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 362-23-20183

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS LOTTERY COMMISSION,
PETITIONER
v.
GHAZALA HOLDINGS LLC DBA QUICK STUFF,
RESPONDENT

ORDER GRANTING MOTION FOR DEFAULT DISMISSAL

On July 20, 2023, 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). Ghazala Holdings LLC d/b/a Quick Stuff (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 Notice of Hearing and the documents incorporated within that

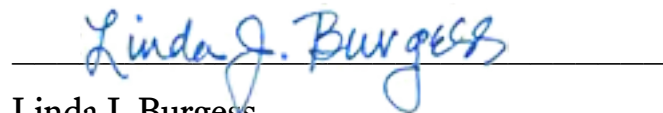
¹ 1 Tex. Admin. Code § 155.501(b).

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 20, 2023.

ALJ Signature:



Linda J. Burgess,

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.
TYKS INVESTMENTS 2 LLC DBA TYKS INVESTMENTS 2
LLC,
RESPONDENT**

ORDER GRANTING MOTION FOR DEFAULT DISMISSAL

On July 20, 2023, 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). Tyks Investments 2 LLC d/b/a Tyks Investments 2 LLC (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 Notice of Hearing and the documents incorporated

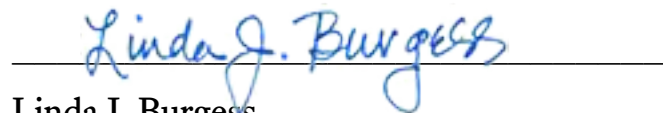
¹ 1 Tex. Admin. Code § 155.501(b).

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 20, 2023.

ALJ Signature:



Linda J. Burgess,

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
362-23-20560
7/20/2023 8:34 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Taina Tipton, CLERK

ACCEPTED
362-23-20560
7/20/2023 8:36:06 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Taina Tipton, CLERK

SOAH Docket No. 362-23-20560

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
RUIZ FOOD MART LLC DBA RUIZ FOOD MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On July 13, 2023, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Kyle Wolfe appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Ruiz Food Mary LLC d/b/a Ruiz Food Mart (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1, 2, and 3 were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the Notice of Hearing which set the hearing by Zoom videoconference and provided instructions for participating in the hearing. Collectively, these exhibits and orders showed

proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was **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, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Board for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed July 20, 2023

ALJ Signature:



Meghan Bailey

Presiding Administrative Law Judge

¹ 1 Tex. Admin. Code § 155.501(b).

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code §§ 2001.056, .058(d-1).