



INTEROFFICE MEMO

Ryan Mindell, Executive Director

LaDonna Castañuela, Charitable Bingo Operations Director

To: Robert G. Rivera, Chairman
Cindy Fields, Commissioner
Mark A. Franz, Commissioner
Clark E. Smith, Commissioner
Jamey Steen, Commissioner

From: Bob Biard, General Counsel 

Date: August 7, 2024

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 7, 2024

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 7, 2024

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. 24-0039

Date: AUGUST 7, 2024

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 7TH day of AUGUST 2024.

Entered this 7TH day of AUGUST 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0039

Date: AUGUST 7, 2024

ATTACHMENT A

TAB NO.	SOAH DOCKET NO.	TICKET SALES AGENT NAME	TICKET SALES AGENT ADDRESS	LOTTERY LICENSE NO.
A.	362-24-15840	Premier Gateway LLC d/b/a Shell Gateway 9	3203 S. Interstate Highway 45 Ennis, TX 75119	194674
B.	362-24-16335	Metro Foods LLC d/b/a Food Bazaar	2103 Presidio Cir. Eules, TX 76040	185729
C.	362-24-18167	Pearland Express Mart Inc. d/b/a Handi Stop #99	7218 Broadway St. Pearland, TX 77581	180652
D.	362-24-18655	Aadhya Enterprises LLC d/b/a Pit Stop One	1201 Red Tailed Dr. Flower Mound, TX 75028	193178
E.	362-24-19127	Amor Y Vida, LLC d/b/a Amor Y Vida LLC	109 Jade Lynn St. Weslaco, TX 78599	194727

ACCEPTED
362-24-15840
5/23/2024 1:51:20 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-24-15840
5/23/2024 1:47 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

SOAH Docket No. 362-24-15840

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
PREMIER GATEWAY LLC D/B/A SHELL GATEWAY 9,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On May 23, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Tyler Vance appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Premier Gateway LLC d/b/a Shell Gateway 9 (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted and demonstrated adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was **GRANTED**, and the

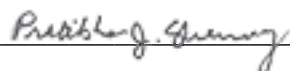
¹ 1 Tex. Admin. Code § 155.501(b).

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 May 23, 2024

ALJ Signature:

A handwritten signature in cursive script, appearing to read "Pratibha J. Shenoy", is written over a horizontal line.

Pratibha J. Shenoy

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, .058(d-1).

SOAH Docket No. 362-24-16335

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS LOTTERY COMMISSION,
PETITIONER
v.
METRO FOODS LLC DBA FOOD BAZAAR,
RESPONDENT

ORDER GRANTING MOTION FOR DEFAULT

On May 30, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Tyler Vance appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Metro Foods LLC dba Food Bazaar (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted and demonstrated 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, 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 MAY 30, 2024

ALJ Signature:

A handwritten signature in dark ink that reads "Rebecca S. Smith". The signature is written in a cursive, slightly slanted style. Below the signature is a solid horizontal line.

Rebecca Smith

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, .058(d-1).

ACCEPTED
362-24-18167
6/21/2024 9:50:11 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-24-18167
6/21/2024 9:46 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

SOAH Docket No. 362-24-18167

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
PEARLAND EXPRESS MART INC DBA HANDI STOP #99,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On June 20, 2024, 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. Pearland Express Mart Inc dba Handi Stop #99 (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 Order Upholding Summary Suspension, 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 Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed JUNE 21, 2024

ALJ Signature:

A handwritten signature in dark ink, appearing to read "Daniel Wiseman", is written over a horizontal line.

Daniel Wiseman

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).

FILED
362-24-18655
6/27/2024 12:17 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

SOAH Docket No. 362-24-18655

Suffix: TLC

ACCEPTED
362-24-18655
6/27/2024 12:20:10 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

TEXAS LOTTERY COMMISSION,
PETITIONER
V.
AADHYA ENTERPRISES LLC DBA PIT STOP ONE,
RESPONDENT

DEFAULT DISMISSAL ORDER

On June 27, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Tyler Vance appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Aadhya Enterprises LLC d/b/a Pit Stop One (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1, 2, and 3 were admitted. 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

¹ 1 Tex. Admin. Code § 155.501(b).

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 27, 2024

ALJ Signature:



Meghan Bailey

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, .058(d-1).

SOAH Docket No. 362-24-19127

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER**

V.

**AMOR Y. VIDA, LLC D/B/A AMOR Y. VIDA, LLC,
RESPONDENT**

DEFAULT DISMISSAL ORDER


On July 3, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Assistant General Counsel Kyle Wolfe appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Amor Y. Vida LLC dba Amor Y. Vida, LLC (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 Order Upholding Summary Suspension 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 Texas Lottery Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed July 3, 2024.

ALJ Signature:



Linda J. Burgess
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).

Commission Order No. 24-0040

Date: AUGUST 7, 2024

Case No. 2024-268

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
SK RETAILERS LLC	§	
D/B/A BAYSIDE MINI MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 180036	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and SK Retailers LLC d/b/a Bayside Mini Mart (Bayside Mini Mart) 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. Bayside Mini Mart holds Texas Lottery Ticket Sales Agent License No. 180036.
2. Nikunj Kumar Patel is a managing member of Bayside Mini Mart, which is located at 1599 FM 136, Bayside, TX 78340.
3. On July 31, 2023, the Commission received a complaint that Bayside Mini Mart charged a fee for using a debit card to purchase Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. On September 21, 2023, a Commission investigator attempted to purchase a lottery ticket with a debit card at Bayside Mini Mart. Govind Panchal, a Bayside Mini Mart employee, told the investigator that the store charged an additional \$1.25 to purchase tickets with a debit card.

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. Bayside Mini Mart 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 close supervision over the lottery.

10. The Texas Lottery Ticket Sales Agent License of Bayside Mini Mart is subject to suspension or revocation pursuant to Tex. Gov’t Code §466.155(a)(5), as a result of Bayside Mini Mart’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, Bayside Mini Mart 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. Bayside Mini Mart 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, Bayside Mini Mart 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, Bayside Mini Mart 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 Bayside Mini Mart's Ticket Sales Agent License is posted.

5. Bayside Mini Mart 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 Bayside Mini Mart's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

6. Bayside Mini Mart 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.

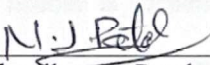
7. Bayside Mini Mart agrees that if, after a formal hearing on the sole issue of compliance with the Memorandum of Agreement and Consent Order, it is found that Bayside Mini Mart has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be taken against Bayside Mini Mart, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Bayside Mini Mart 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 Bayside Mini Mart will be charged for tickets sold on or before that date. Bayside Mini Mart 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:

SK Retailers LLC
d/b/a Bayside Mini Mart

By:

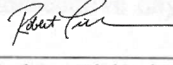

Nikunj Kumar Patel
Managing Member

DATE

6/3/24

Texas Lottery Commission
Lottery Operations Division

By:


Robert Tirloni
Director

6/3/2024

DATE

Commission Order No. 24-0040

Date: AUGUST 7, 2024

Case No. 2024-268

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
SK RETAILERS LLC	§	
D/B/A BAYSIDE MINI MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 180036	§	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 SK Retailers LLC d/b/a Bayside Mini Mart (Bayside Mini Mart), 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, Bayside Mini Mart 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, Bayside Mini Mart 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 Bayside Mini Mart's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 24-0040

Date: AUGUST 7, 2024

(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 Bayside Mini Mart has failed to comply with the terms of this Order, disciplinary action shall be taken against Bayside Mini Mart, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

(4) IT IS FURTHER ORDERED by the Commission that Bayside Mini Mart 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 Bayside Mini Mart will be charged for the tickets sold on or before that date. Bayside Mini Mart 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. 24-0040

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0041

Date: AUGUST 7, 2024

Case No. 2024-270

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
PANJWANI ENERGY LLC	§	LOTTERY COMMISSION
D/B/A STAR STOP 33	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 596178	§	

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Panjwani Energy LLC d/b/a Star Stop 33 (Star Stop) 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. Star Stop holds Texas Lottery Ticket Sales Agent License No. 596178.
2. Feroz Panjwani is the president of Star Stop, which is located at 6161 Savoy Dr., Ste. 1111, Houston, TX 77036.
3. On September 24, 2023, the Commission received a complaint that Shailendra Yadav, a Star Stop 33 employee, paid a customer for a prize-winning Texas Lottery scratch ticket and retained the customer's ticket. The Commission initiated an investigation into this claim.
4. On September 28, 2023, Mr. Yadav told a Commission investigator that he loaned the customer \$375 to enable the customer to purchase additional tickets and kept the customer's \$1,000 winning ticket as collateral.
5. Mr. Yadav is no longer employed at Star Stop.

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. Star Stop 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 §466.305(a) states, in pertinent part:

A sales agent or an employee of a sales agent commits an offense if the person intentionally or knowingly sells a ticket to another person by extending credit or lending money to the person to enable the person to purchase the ticket.

5. 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.

6. 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.

7. 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:

- ...
- (9) licensee fails to follow validation procedures, including, but not limited to, paying a claim without validating the ticket, failing to pay a valid prize after

validating a customer's winning ticket, or retaining a customer's winning ticket that has not been validated.

...

(25) licensee intentionally or knowingly sells a ticket by extending credit or lends money to enable a person to buy a ticket;

...

(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.

8. 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.

9. 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.

10. 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).

11. 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.).

12. 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 close supervision over the lottery.

13. The Texas Lottery Ticket Sales Agent License of Star Stop is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Star Stop's violation of Tex. Gov't Code §§ 466.305(a), 466.310(a), and 466.402(b) and 16 Tex. Admin. Code §§ 401.158(b)(9), (25) and (33), 401.360, and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Star Stop 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. Star Stop agrees that, as a result of its violation of Tex. Gov't Code §§ 466.305(a), 466.310(a), and 466.402(b) and 16 Tex. Admin. Code §§ 401.158(b)(9), (25) and (33), 401.360, and 401.366, its Ticket Sales Agent License will be suspended for a period of thirty (30) 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, Star Stop 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, Star Stop 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 Star Stop's Ticket Sales Agent License is posted.

5. Star Stop 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 Star Stop's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

6. Star Stop 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. Star Stop 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 Star Stop has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be taken against Star Stop, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Star Stop 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 Star Stop will be charged for tickets sold on or before that date. Star Stop 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:

Panjwani Energy LLC
d/b/a Star Stop 33

By:



Feroz Panjwani
President

06/03/24

DATE

Texas Lottery Commission
Lottery Operations Division

By:



Robert Tirloni
Director

6/3/2024

DATE

Commission Order No. 24-0041

Date: AUGUST 7, 2024

Case No. 2024-270

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
PANJWANI ENERGY LLC	§	LOTTERY COMMISSION
D/B/A STAR STOP 33	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 596178	§	

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 Panjwani Energy LLC d/b/a Star Stop 33 (Star Stop), the license is suspended for a period of thirty (30) 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, Star Stop 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, Star Stop 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 Star Stop's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 24-0041

Date: AUGUST 7, 2024

(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 Star Stop has failed to comply with the terms of this Order, disciplinary action shall be taken against Star Stop, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

(4) IT IS FURTHER ORDERED by the Commission that Star Stop 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 Star Stop will be charged for the tickets sold on or before that date. Star Stop 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. 24-0041

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0042

Date: AUGUST 7, 2024

Case No. 2024-434

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ALMUTX LLC	§	LOTTERY COMMISSION
D/B/A MR. JOE’S FOOD MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO.191814	§	

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Almutx LLC d/b/a Mr. Joe’s Food Mart (Mr. Joe’s Food Mart) 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. Mr. Joe’s Food Mart holds Texas Lottery Ticket Sales Agent License No. 191814.
2. Altaf Hirani is a limited partner of Mr. Joe’s Food Mart, which is located at 2937 Motley Drive, Mesquite, TX 75150.
3. On October 23, 2023, the Commission received a complaint that Mr. Joe’s Food Mart charged a fee for using a debit card to purchase Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. On November 1, 2023, Mr. Hirani told a Commission investigator that the store charges an additional 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. Mr. Joe's Food Mart 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 Lottery Ticket Sales Agent License of Mr. Joe's Food Mart is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Mr. Joe's Food Mart'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, Mr. Joe's Food Mart 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. Mr. Joe's Food Mart 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, Mr. Joe's Food Mart 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, Mr. Joe's Food Mart 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 Mr. Joe's Food Mart's Ticket Sales Agent License is posted.

5. Mr. Joe's Food Mart 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 Mr. Joe's Food Mart's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

6. Mr. Joe's Food Mart 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. Mr. Joe's Food Mart 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 Mr. Joe's Food Mart has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be taken against Mr. Joe's Food Mart, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Mr. Joe's Food Mart 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 Mr. Joe's Food Mart will be charged for tickets sold on or before that date. Mr. Joe's Food Mart 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:

Almutx LLC
d/b/a Mr. Joe's Food Mart

Texas Lottery Commission
Lottery Operations Division

By:


Altaf Hirani
Limited Partner

6-12-24

DATE

By:

Robert Tirloni
Director

DATE

6. Mr. Joe’s Food Mart 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. Mr. Joe’s Food Mart 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 Mr. Joe’s Food Mart has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be taken against Mr. Joe’s Food Mart, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Mr. Joe’s Food Mart 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 Mr. Joe’s Food Mart will be charged for tickets sold on or before that date. Mr. Joe’s Food Mart 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:

Almutx LLC
d/b/a Mr. Joe’s Food Mart

Texas Lottery Commission
Lottery Operations Division

By:

By:



7/1/2024

Altaf Hirani
Limited Partner

DATE

Robert Tirloni
Director

DATE

Commission Order No. 24-0042

Date: AUGUST 7, 2024

Case No. 2024-434

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ALMUTX LLC	§	LOTTERY COMMISSION
D/B/A MR. JOE’S FOOD MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO.191814	§	

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 Almutx LLC d/b/a Mr. Joe’s Food Mart (Mr. Joe’s Food Mart), 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, Mr. Joe’s Food Mart 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, Mr. Joe’s Food Mart 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 Mr. Joe’s Food Mart’s Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 24-0042

Date: AUGUST 7, 2024

(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 Mr. Joe's Food Mart has failed to comply with the terms of this Order, disciplinary action shall be taken against Mr. Joe's Food Mart, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

(4) IT IS FURTHER ORDERED by the Commission that Mr. Joe's Food Mart 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 Mr. Joe's Food Mart will be charged for the tickets sold on or before that date. Mr. Joe's Food Mart 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. 24-0042

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0043

Date: AUGUST 7, 2024

Case No. 2024-516

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
JK SONS LLC	§	LOTTERY COMMISSION
D/B/A KINGS FOODSTORE	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 189357	§	

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and JK Sons LLC d/b/a Kings Foodstore (Kings Foodstore) 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. Kings Foodstore holds Texas Lottery Ticket Sales Agent License No. 189357.
2. Ramandeep Soodan is the managing member of Kings Foodstore, which is located at 1029 S. US Highway 77 Byp., Kingsville, TX 78363.
3. On December 15, 2023, the Commission received a complaint that Kings Foodstore required a \$1 fee for using a debit card to purchase Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. On December 28, 2023, a Commission investigator attempted to purchase a lottery ticket with a debit card at Kings Foodstore. Saraswatha Kadarle, a Kings Foodstore employee, told the investigator that there was a \$1 fee for the purchase of lottery tickets with a debit card.

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. Kings Foodstore 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; [and]

(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 close supervision over the lottery.

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

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Kings Foodstore 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. Kings Foodstore 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)(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, Kings Foodstore 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, Kings Foodstore 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 Kings Foodstore's Ticket Sales Agent License is posted.

5. Kings Foodstore 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 Kings Foodstore's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

6. Kings Foodstore 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. Kings Foodstore 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 Kings

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

8. Kings Foodstore 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 Kings Foodstore will be charged for tickets sold on or before that date. Kings Foodstore 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:

JK Sons LLC
d/b/a Kings Foodstore

Texas Lottery Commission
Lottery Operations Division

By:



6/21/2024

Ramandeep Soodan
Owner

DATE

By:



6/21/2024

Robert Tirloni
Director

DATE

Commission Order No. 24-0043

Date: AUGUST 7, 2024

Case No. 2024-516

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
JK SONS LLC	§	LOTTERY COMMISSION
D/B/A KINGS FOODSTORE	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 189357	§	

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 JK Sons LLC d/b/a Kings Foodstore (Kings Foodstore), 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, Kings Foodstore 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, Kings Foodstore 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 Kings Foodstore's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 24-0043

Date: AUGUST 7, 2024

(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 Kings Foodstore has failed to comply with the terms of this Order, disciplinary action shall be taken against Kings Foodstore, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

(4) IT IS FURTHER ORDERED by the Commission that Kings Foodstore 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 Kings Foodstore will be charged for the tickets sold on or before that date. Kings Foodstore 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. 24-0043

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0044

Date: AUGUST 7, 2024

Case No. 2024-1

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ANDREW MCINTYRE	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Charitable Bingo Operations Division (Division) of the Texas Lottery Commission (Commission) and Andrew McIntyre, make the following Agreed Findings of Fact, Agreed Conclusions of Law, and Memorandum of Agreement, and enter into the following Consent Order.

AGREED FINDINGS OF FACT

1. On August 4, 2023, the Commission received Mr. McIntyre's application to be listed on the Registry of Bingo Workers (Application). On October 31, 2023, the Commission sent Mr. McIntyre a notice of intent to deny the Application and notice of opportunity for a hearing, based on a disqualifying criminal offense.

2. On April 12, 2021, in the 262nd District Court of Harris County, Texas, in Case No. 166109601010, Mr. McIntyre received deferred adjudication for Burglary of Habitation, a second-degree felony, and was placed on probation for a period of three (3) years. The date of the offense was January 18, 2020.

3. Mr. McIntyre has provided the Commission two letters of recommendation: a letter from the operations manager at Triple Crown Bingo, where Mr. McIntyre is currently employed, and a letter from a friend.

AGREED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Tex. Occ. Code ch.

2001 (Bingo Enabling Act), Tex. Gov't Code ch. 467, and 16 Tex. Admin. Code ch. 402 (Charitable Bingo Rules).

2. Andrew McIntyre is obligated to follow the provisions of the Bingo Enabling Act and the Charitable Bingo Rules when applying for listing on the Registry of Bingo Workers (Registry).

3. Tex. Occ. Code §2001.0541 provides that the Commission shall adopt rules and guidelines as necessary to comply with Tex. Occ. Code ch. 53 when using criminal history record information under the Bingo Enabling Act to issue or renew a bingo license or to list or renew the listing of an individual on the Registry.

4. Tex. Occ. Code §2001.313 states, in pertinent part:

(a) To minimize duplicate criminal history background checks by the commission and the costs incurred by organizations and individuals, the commission shall maintain a registry of individuals on whom the commission has conducted a criminal history background check and who are approved to be involved in the conduct of bingo or to act as a bingo operator.

...

(e) The commission may refuse to add an individual's name to, or remove an individual's name from, the registry established by this section if, after notice and, if requested by the individual, a hearing, the individual is finally determined to have:

...

(7) participated in any violation of this chapter or rules adopted by the commission for the administration of this chapter.

5. Tex. Occ. Code §53.021 states, in pertinent part:

(a) Subject to Section 53.0231, 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.

...

(d) 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.

6. Tex. Occ. Code §53.022 states:

In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (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;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

7. Tex. Occ. Code §53.023 states:

(a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021:

- (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;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the person's fitness, including letters of recommendation.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).

8. 16 Tex. Admin. Code §402.702 states, in pertinent part:

(a) The Commission shall determine, consistent with the requirements of Chapters 53 and 2001, Occupations Code, whether criminal convictions affect the eligibility of an applicant for a new or renewal license or listing in the registry of approved bingo workers under the Bingo Enabling Act (BEA). The Director of the Charitable Bingo Operations Division (Director) shall have the authority to make such determinations pursuant to this section.

...

(c) For criminal convictions that do not fall under the categories addressed in subsection (b) of this section, the Commission may determine an applicant to be ineligible for a new or renewal license or a registry listing based on a criminal conviction for:

- (1) An offense that directly relates to the duties and responsibilities of the licensed or registered activity.

...

(e) 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:

...

- (1) Penal Code, Chapter 30, Burglary and Criminal Trespass.

...

(h) If the Commission determines that an applicant has a criminal conviction directly related to the duties and responsibilities of the licensed occupation, the Commission shall consider the following in determining whether to take an action against the applicant:

- (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 efforts while incarcerated or after release;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the person's fitness, including letters of recommendation and veteran's status, including discharge status.

9. In accordance with Tex. Occ. Code §§ 2001.313, 53.021, 53.022 and 53.023 and 16 Tex. Admin. Code §402.702, the Commission has discretionary authority to approve or deny Mr. McIntyre's Application.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Andrew McIntyre agrees to its 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. Mr. McIntyre agrees to not act as a bingo chairperson, manager, operator, bookkeeper, cashier or designated agent for any licensed bingo conductor organization for a period of three (3) years following the effective date of this Order. Mr. McIntyre may deliver prize money and sell bingo cards and pull-tabs as an usher or salesperson, but he may not be responsible for recording those transactions.

4. Mr. McIntyre 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 removal of Mr. McIntyre from the Registry, for any further violations of the Bingo Enabling Act and/or the Charitable Bingo rules.

5. Mr. McIntyre acknowledges and agrees that this Memorandum of Agreement and Consent Order, and the Agreed Findings of Fact and Agreed Conclusions of Law contained herein, may be admitted in any future administrative action initiated against him by the Commission. This Memorandum of Agreement and Consent Order shall not, however, form the basis for, nor be used as, evidence against Mr. McIntyre in any future Registry renewal applications absent other alleged violations.

6. Mr. McIntyre 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 Mr. McIntyre has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action will be taken against Mr. McIntyre, up to and including removal of Mr. McIntyre from the Registry.

AGREED AS TO FORM AND SUBSTANCE:

Andrew McIntyre

By: 
Andrew McIntyre

Date: 5-21-2024

**Texas Lottery Commission
Charitable Bingo Operations Division**

By: 
LaDonna Castañuela, Director

Date: 5/28/24

Commission Order No. 24-0044

Date: AUGUST 7, 2024

Case No. 2024-1

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ANDREW MCINTYRE	§	LOTTERY COMMISSION

CONSENT ORDER

NOW, THEREFORE, IT IS ORDERED by the Texas Lottery Commission (Commission), based on the above Agreed Findings of Fact, Agreed 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 Andrew McIntyre's Application for Registry of Bingo Workers is approved with the following conditions: Mr. McIntyre shall not act as a bingo chairperson, manager, operator, bookkeeper, cashier or designated agent for a licensed bingo conductor for a period of three (3) years from the date this Consent Order (Order) is signed by the Commission. Mr. McIntyre may deliver prize money and sell bingo cards and pull-tabs as an usher or salesperson, but he shall not be responsible for recording those transactions.

(2) 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 Mr. McIntyre has failed to comply with the terms of this Order, disciplinary action shall be taken against Mr. McIntyre, up to and including removal of Mr. McIntyre from the Registry of Bingo Workers.

Commission Order No. 24-0044

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 24-0045

Date: AUGUST 7, 2024

**Case Nos. 2024-76, 2024-77, 2024-78,
2024-79 and 2024-80**

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
DEPARTMENT OF TEXAS VETERANS	§	LOTTERY COMMISSION
OF FOREIGN WARS OF US, VFW POST	§	
3377, GAINING ACADEMIC PROGRESS	§	
PRE K-K LEARNING CENTER	§	
(GAP-PLC), IMPROVED ORDER OF RED	§	
MEN OF TEXAS 24 PAWNEE COUNCIL,	§	
AND RED MEN TRIBE 19 APACHE	§	

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Charitable Bingo Operations Division (Division) of the Texas Lottery Commission (Commission) and Department of Texas Veterans of Foreign Wars of US, VFW Post 3377, Gaining Academic Progress Pre K-K Learning Center (GAP-PLC), Improved Order of Red Men of Texas 24 Pawnee Council, and Red Men Tribe 19 Apache (each, an "Organization", and collectively, "Organizations") make the following Agreed Findings of Fact, Agreed Conclusions of Law, and Memorandum of Agreement, and enter into the following Consent Order.

AGREED FINDINGS OF FACT

1. The Organizations are the members of Ben White Bingo Unit (Unit), a bingo accounting unit subject to Tex. Occ. Code §§ 2001.431–.439 (Unit Accounting). Each Organization is licensed by the Commission to conduct bingo under the following taxpayer numbers: Department of Texas Veterans of Foreign Wars of US – 17409644659, VFW Post 3377 – 17422500508, Gaining Academic Progress Pre K-K Learning Center (GAP-PLC) – 14650223226, Improved Order of Red Men of Texas 24 Pawnee Council – 12600684679, Red Men Tribe 19 Apache – 17520140140.

2. The Organizations conduct bingo at B-12 Bingo located at 2101 W. Ben White Blvd., Austin, TX 78704-7516.

3. The Division conducted a compliance audit of the Unit and its members for the period from April 1, 2022 through June 30, 2022, and determined the following:

a. The Unit paid rent and rent-related expenses to someone who is not a licensed commercial lessor. Specifically, the Unit paid \$75,100.00 in rent and \$14,361.66 in rent-related expenses to WC 2101 W Ben White LP, the property owner, instead of Bingo Rocks, Inc., the Unit's commercial lessor.

b. The Organizations failed to maintain sufficient funds in the bingo checking account to cover all checks written and electronic fund transfers. Specifically, the Unit incurred \$690.00 in overdraft fees and returned items fees due to insufficient funds in the Unit's bingo bank account to cover expenditures, which is not a reasonable or necessary expense.

AGREED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to Tex. Occ. Code ch. 2001 (Bingo Enabling Act), Tex. Gov't Code ch. 467, and 16 Tex. Admin. Code ch. 402 (Charitable Bingo rules).

2. The Organizations are obligated to follow the provisions of the Bingo Enabling Act and the Charitable Bingo rules to maintain their licenses.

3. Tex. Occ. Code §2001.151 states:

A person who leases premises on which bingo is conducted directly to a licensed authorized organization must be a licensed commercial lessor.

4. Tex. Occ. Code §2001.453 states, in pertinent part:

A licensed authorized organization may withdraw funds from its bingo account only for:

(1) the payment of necessary or reasonable bona fide expenses, including compensation of personnel, as permitted under Section 2001.458 incurred and paid in connection with the conduct of bingo.

5. Tex. Occ. Code §2001.458(a) states:

An item of expense may not be incurred or paid in connection with the conduct of bingo except an expense that is reasonable or necessary to conduct bingo, including an expense for:

- (1) advertising, including the cost of printing bingo gift certificates;
- (2) security;
- (3) repairs to premises and equipment;
- (4) bingo supplies and equipment;
- (5) prizes;
- (6) stated rental or mortgage and insurance expenses;
- (7) bookkeeping, legal, or accounting services related to bingo;
- (8) bingo chairpersons, operators, managers, salespersons, callers, cashiers, ushers, janitorial services, and utility supplies and services;
- (9) health insurance or health insurance benefits for bingo chairpersons, operators, managers, salespersons, callers, cashiers, and ushers, as provided by Subsection (b);
- (10) attending a bingo seminar or convention required under Section 2001.107; and
- (11) debit card transaction fees and electronic funds transfer fees.

6. Tex. Occ. Code §2001.459(a) states:

The following items of expense incurred or paid in connection with the conduct of bingo must be paid from an organization's bingo account:

- (1) advertising, including the cost of printing bingo gift certificates;
- (2) security during a bingo occasion;
- (3) the purchase or repair of bingo supplies and equipment;
- (4) prizes, other than authorized cash prizes;
- (5) stated rental expenses;
- (6) bookkeeping, legal, or accounting services;
- (7) fees for callers, cashiers, and ushers; and
- (8) janitorial services.

7. Tex. Occ. Code §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.

8. Tex. Occ. Code §2001.602(a) states:

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.

9. 16 Tex. Admin. Code §402.506(f) states:

A licensed authorized organization or unit shall maintain sufficient funds in the bingo checking account to cover all checks written and electronic fund transfers. Bank fees incurred because the organization fails to maintain sufficient funds in its account to cover expenditures from the bingo account may not be considered a reasonable or necessary expense.

10. Each Organization's license to conduct bingo is subject to suspension or revocation pursuant to Tex. Occ. Code §2001.554(a), as a result of the Unit's violations of Tex. Occ. Code §§ 2001.151, 2001.453(1), 2001.458(a), and 2001.459(a) and 16 Tex. Admin. Code §402.506(f).

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, the Organizations agree to its 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. The Organizations agree to collectively pay an administrative penalty in the amount of \$1,000 within thirty (30) days of the date the Order is signed by the Commission.

4. The Organizations agree to redeposit \$90,151.66 into the Unit's bingo bank account within six (6) months of the date the Order is signed by the Commission, as follows: The Organizations agree to redeposit a minimum of \$15,025.28 each month beginning within thirty (30) days after the date the Order is signed by the Commission and provide proof of each redeposit

to the Division within thirty (30) days of the redeposit until the full amount of \$90,151.66 has been redeposited.

5. The Organizations agree to timely and accurately file all quarterly reports and all supplements, as required by the Bingo Enabling Act and the Charitable Bingo rules for a period of one (1) year following the date the Order is signed by the Commission.

6. The Organizations agree that if they fail to comply with any requirement of this Memorandum of Agreement and Consent Order, then, upon notice by the Division, the Organizations agree to surrender their conductor licenses within ten (10) days of the notice without further notice or hearing.

7. The Organizations agree that if they are required to surrender their conductor licenses pursuant to paragraph 6 of this Memorandum of Agreement and fail to do so within ten (10) days of being notified by the Division, each Organization's conductor license will be immediately revoked without further notice or hearing.

8. The Organizations agree this Memorandum of Agreement and Consent Order apply only to the facts and circumstances stated herein. The Commission reserves the right to take additional disciplinary action, up to and including revocation of each Organization's license, for any further violations of the Bingo Enabling Act and/or the Charitable Bingo rules.

9. The Organizations acknowledge and agree that this Memorandum of Agreement and Consent Order, and the Agreed Findings of Fact and Agreed Conclusions of Law contained herein may be admitted in any future administrative action initiated against the Organizations by the Commission. This Memorandum of Agreement and Consent Order shall not, however, form the basis for, nor be used as, evidence against the Organizations in any future renewal applications absent other alleged violations.

AGREED AS TO FORM AND SUBSTANCE:

Department of Texas Veterans of Foreign Wars of US

By: 
Wayne Cooley, Bingo Chairperson

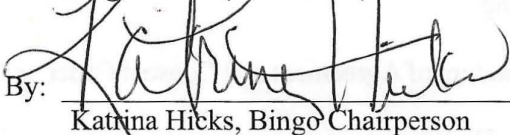
Date: 7-1-24

VFW Post 3377

By: 
Martin Pack, Bingo Chairperson

Date: 7-1-24

Gaining Academic Progress Pre K-K Learning Center (GAP-PLC)

By: 
Katrina Hicks, Bingo Chairperson

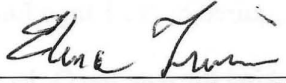
Date: 6-3-24

**Texas Lottery Commission
Charitable Bingo Operations Division**

By: 
LaDonna Castañuela, Director

Date: 7/3/2024

Improved Order of Red Men of Texas 24 Pawnee Council

By: 
Elena Trevino, Bingo Chairperson

Date: 6-4-24

Red Men Tribe 19 Apache

By: 
Michael Golden, Bingo Chairperson

Date: 7-2-24

Commission Order No. 24-0045

Date: AUGUST 7, 2024

**Case Nos. 2024-76, 2024-77, 2024-78,
2024-79 and 2024-80**

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
DEPARTMENT OF TEXAS VETERANS	§	LOTTERY COMMISSION
OF FOREIGN WARS OF US, VFW POST	§	
3377, GAINING ACADEMIC PROGRESS	§	
PRE K-K LEARNING CENTER	§	
(GAP-PLC), IMPROVED ORDER OF RED	§	
MEN OF TEXAS 24 PAWNEE COUNCIL,	§	
AND RED MEN TRIBE 19 APACHE	§	

CONSENT ORDER

NOW, THEREFORE, IT IS ORDERED by the Texas Lottery Commission (Commission), based on the above Agreed Findings of Fact, Agreed 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 Department of Texas Veterans of Foreign Wars of US, VFW Post 3377, Gaining Academic Progress Pre K-K Learning Center (GAP-PLC), Improved Order of Red Men of Texas 24 Pawnee Council, and Red Men Tribe 19 Apache (each, an "Organization", and collectively, "Organizations") shall collectively pay an administrative penalty in the amount of \$1,000 within thirty (30) days of the date this Consent Order (Order) is signed by the Commission (effective date).

(2) IT IS FURTHER ORDERED by the Commission that the Organizations shall redeposit \$90,151.66 into the Unit's bingo bank account within six (6) months of the effective date, as follows: The Organizations shall redeposit a minimum of \$15,025.28 each month beginning within thirty (30) days after the date this Order is signed by the Commission and provide

Commission Order No. 24-0045

Date: AUGUST 7, 2024

proof of each redeposit to the Charitable Bingo Operations Division (Division) within thirty (30) days of the redeposit until the full amount of \$90,151.66 has been redeposited.

(3) IT IS FURTHER ORDERED by the Commission that the Organizations shall timely and accurately file all quarterly reports and all supplements, as required by the Bingo Enabling Act and the Charitable Bingo rules for a period of one (1) year following the effective date of this Order.

(4) IT IS FURTHER ORDERED by the Commission that if the Organizations fail to comply with any requirement of this Memorandum of Agreement and Consent Order, then, upon notice by the Division, each Organization will surrender its conductor license within ten (10) days of the notice without further notice or hearing.

(5) IT IS FURTHER ORDERED by the Commission that if the Organizations are required to surrender their conductor licenses pursuant to paragraph 4 of this Order and fail to do so within ten (10) days of being notified by the Division, each Organization's conductor license will be immediately revoked without further notice or hearing.

Commission Order No. 24-0045

Date: AUGUST 7, 2024

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 7TH day of AUGUST, 2024.

Entered this 7TH day of AUGUST, 2024.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER