



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

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

Date: February 6, 2025

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: FEBRUARY 6, 2025

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: FEBRUARY 6, 2025

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. 25-0030

Date: FEBRUARY 6, 2025

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 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Date: FEBRUARY 6, 2025**ATTACHMENT A**

TAB NO.	SOAH DOCKET NO.	TICKET SALES AGENT NAME	TICKET SALES AGENT ADDRESS	LOTTERY LICENSE NO.
A.	362-25-01912	LDMC Corporation d/b/a L&M Quickstop	2518 Lovaire St. Nacogdoches, TX 75961	187159
B.	362-25-01914	LDMC Corporation d/b/a L&M Quickstop 2	2518 Lovaire St. Nacogdoches, TX 75961	190511
C.	362-25-02354	IBOM Mart LLC d/b/a IBOM Mart LLC	9710 S. Kirkwood Rd., Ste. 300 Houston, TX 77099	193565
D.	362-25-02357	SSS Stop LLC d/b/a Amigo Stop N Go	1305 E. 11 th St. Mercedes, TX 78570	195680
E.	362-25-02901	Regal 5 LLC d/b/a Joe's Future Food Mart	1336 Greenway Park Dr. Carrollton, TX 75007	194229
F.	362-25-03392	Angeles Enterprises Inc d/b/a Ed's Country Store	P.O. Box 917 Van Vleck, TX 77482	184721
G.	362-25-03824	Favaez Enterprises3 LLC d/b/a Robles Corner Mart	10607 Pommel Ln. Richmond, TX 77407	192913
H.	362-25-03825	Aaira Inc d/b/a Aaira Liquors	9888 Preserve Way Conroe, TX 77385	193810
I.	362-25-04982	Anj Enterprises LLC d/b/a Saddle Horn	711 W. Bennett St. Falfurrias, TX 78355	192842
J.	362-25-04983	BSZ Retail, Inc. d/b/a The Hills Grocery	1207 E. Red Bird Ln. Dallas, TX 75241	193736
K.	362-25-05755	Jensen Fortune Inc d/b/a 24 Seven #26	6815 Jensen Houston, TX 77093	181885

SOAH Docket No. 362-25-01912

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ACCEPTED
362-25-01912
11/7/2024 12:41:46 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-25-01912
11/7/2024 12:38 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
LDMC CORPORATION D/B/A L AND M QUICKSTOP,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On November 7, 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. LDMC Corporation d/b/a L and M Quickstop (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted. These exhibits showed proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was

¹ 1 Tex. Admin. Code § 155.501(b).

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 November 7, 2024

ALJ Signature:

A handwritten signature in black ink, appearing to read "Brent McCabe", written over a horizontal line.

Brent McCabe

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

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

FILED
362-25-01914
11/7/2024 12:45 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
362-25-01914
11/7/2024 12:48:19 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

SOAH Docket No. 362-25-01914

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
LDMC CORPORATION D/B/A L AND M QUICKSTOP 2,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On November 7, 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. LDMC Corporation d/b/a L and M Quickstop 2 (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted. These exhibits showed proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was **GRANTED**, and

¹ 1 Tex. Admin. Code § 155.501(b).

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 Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed November 7, 2024

ALJ Signature:

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

Brent McCabe

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

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

SOAH Docket No. 362-25-02354

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-25-02354
11/26/2024 11:47 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

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

ACCEPTED
362-25-02354
11/26/2024 1:50:36 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

DEFAULT DISMISSAL ORDER


On November 14, 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. IBOM MART LLC (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted, which include a notice of hearing which set the hearing by Zoom videoconference and provided instructions for participating in the hearing. Collectively, these exhibits showed proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default

¹ 1 Tex. Admin. Code § 155.501(b).

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 November 26, 2024



Holly Vandrovec
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. 362-25-02357

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

FILED
362-25-02357
11/26/2024 11:44 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
SSS STOP LLC d/B/A AMIGO STOP N GO,
RESPONDENT**

ACCEPTED
362-25-02357
11/26/2024 1:50:14 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

DEFAULT DISMISSAL ORDER


On November 14, 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. SSS Stop LLC d/b/a Amigo Stop N Go (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted, which include a notice of hearing which set the hearing by Zoom videoconference and provided instructions for participating in the hearing. 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 November 26, 2024



Holly Vandrovec
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. 362-25-02901

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ACCEPTED
362-25-02901
11/21/2024 1:21:03 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-25-02901
11/21/2024 1:14 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**TEXAS LOTTERY COMISSION,
PETITIONER
v.
REGAL 5 LLC DBA JOE'S FUTURE FOOD MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On November 21, 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. Regal 5 LLC d/b/a Joe's Future 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 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 NOVEMBER 21, 2024

ALJ Signature:

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

Rebecca Smith

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
362-25-03392
11/26/2024 3:13 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Giselle Quintero, CLERK

ACCEPTED
362-25-03392
11/26/2024 4:52:43 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Giselle Quintero, CLERK

SOAH Docket No. 362-25-03392

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
ANGELES ENTERPRISES INC DBA ED'S COUNTRY STORE,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On November 26, 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. Angeles Enterprises Inc dba Ed's Country Store (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 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 NOVEMBER 26, 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
362-25-03824
12/6/2024 1:51 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
362-25-03824
12/6/2024 1:54:58 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

SOAH Docket No. 362-25-03824

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER**

v.

**FAVAEZ ENTERPRISES 3 LLC DBA ROBLES CORNER MART,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On December 5, 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. Faveaz Enterprises 3 LLC d/b/a Robles Corner 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 order, 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

¹ 1 Tex. Admin. Code § 155.501(b).

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 Texas Lottery Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed December 6, 2024.

ALJ Signature:



Steve Rivas

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).

FILED
362-25-03825
12/6/2024 1:54 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
362-25-03825
12/6/2024 2:09:15 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

SOAH Docket No. 362-25-03825

Suffix: TLC

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
AAIRA INC DBA AAIRA LIQUORS,
RESPONDENT**

DEFAULT DISMISSAL ORDER

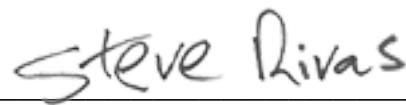
On December 5, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Kyle Wolfe appeared on behalf of the staff (Staff) of the Texas Lottery Commission. Aira Inc. d/b/a Aira Liquors (Respondent) did not appear and was not represented 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, 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 DECEMBER 6, 2024.

ALJ Signature:

A handwritten signature in black ink that reads "Steve Rivas". The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal line.

Steve Rivas

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).

SOAH Docket No. 362-25-04982

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ACCEPTED
362-25-04982
12/19/2024 3:27:42 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-25-04982
12/19/2024 2:52 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
ANJ ENTERPRISES LLC DBA SADDLE HORN,
RESPONDENT**

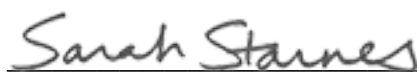
DEFAULT DISMISSAL ORDER

On December 19, 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. Anj Enterprises LLC d/b/a Saddle Horn (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the November 8, 2024 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 December 19, 2024



Sarah Starnes

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).

SOAH Docket No. 362-25-04983

Suffix: TLC

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ACCEPTED
362-25-04983
12/19/2024 3:33:57 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
362-25-04983
12/19/2024 3:09 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**TEXAS LOTTERY COMMISSION,
PETITIONER
v.
BSZ RETAIL, INC DBA THE HILLS GROCERY,
RESPONDENT**

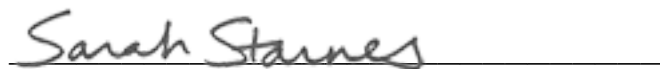
DEFAULT DISMISSAL ORDER

On December 19, 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. BSZ Retail, Inc. d/b/a The Hills Grocery (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1-3 were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the November 8, 2024 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 Lotter Commission for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁴

Signed December 19, 2024



Sarah Starnes

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).

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS LOTTERY COMMISSION,
PETITIONER
V.
JENSEN FORTUNE INC DBA 24 SEVEN No. 26,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On January 2, 2025, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Kristen Guthrie appeared on behalf of the staff (Staff) of the Texas Lottery Commission (Commission). JENSEN FORTUNE INC DBA 24 SEVEN No. 26 (Respondent) did not appear and was not represented at the hearing. Staff Exhibits 1, 2, and 3 were admitted showing proof of adequate notice to Respondent.¹ Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion is **GRANTED**,

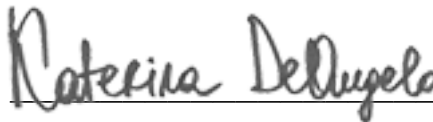
¹ 1 Tex. Admin. Code § 155.501(b).

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

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

Signed JANUARY 3, 2025.

ALJ Signature:

A handwritten signature in dark ink, reading "Katerina DeAngelo", is written over a horizontal line.

Katerina DeAngelo

Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(e)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.

Commission Order No. 25-0031

Date: FEBRUARY 6, 2025

Case No. 2024-581

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
AL MANSOOR CORP.	§	
D/B/A FRANKS CORNER	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 192012	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Al Mansoor Corp. d/b/a Franks Corner (Franks) 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. Franks holds Texas Lottery Ticket Sales Agent License No. 192012.
2. Ahmad Almansoor is the owner of Franks, which is located at 2150 E. Belt Line Rd., Richardson, TX 75081.
3. On February 21, 2024, the Commission received a complaint that Franks required a \$10 minimum for debit card purchases of lottery tickets. The Commission initiated an investigation into this complaint.
4. On April 1, 2024, Mr. Almansoor admitted to a Commission investigator that he required a \$10 minimum 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. Franks 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. 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:

...

(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.

5. 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.

6. The Texas Lottery Ticket Sales Agent License of Franks is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Franks' violation of 16 Tex. Admin. Code §§ 401.158(b)(23) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Franks 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. Franks agrees that, as a result of its violation of 16 Tex. Admin. Code §§ 401.158(b)(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, Franks 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, Franks 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 Franks' Ticket Sales Agent License is posted.

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

6. Franks 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. Franks 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 Franks has failed to comply with the terms of the Memorandum of Agreement and Consent Order, disciplinary action shall be

taken against Franks, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

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

Al Mansoor Corp.
d/b/a Franks Corner

Texas Lottery Commission
Lottery Operations Division

P...



12/10/2024

Ahmad Almansoor
Owner

DATE

P...



12/10/2024

Robert Tirloni
Director

DATE

Commission Order No. 25-0031

Date: FEBRUARY 6, 2025

Case No. 2024-581

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
AL MANSOOR CORP.	§	
D/B/A FRANKS CORNER	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 192012	§	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 Al Mansoor Corp. d/b/a Franks Corner (Franks), 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, Franks 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, Franks 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 Franks' Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0031

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Franks 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 Franks will be charged for the tickets sold on or before that date. Franks 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. 25-0031

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Bienkowska, Dorota

From: Biju Mathew [REDACTED]
Sent: Tuesday, January 14, 2025 10:15 AM
To: Bienkowska, Dorota
Subject: Re: Thank You

CAUTION: This email originated outside the Texas Lottery's email system.
DO NOT click links or open attachments unless you expect them from the sender and know the content is safe.

Respected, Texas lottery commissioner, I am humbly requesting to reduce our suspension period, because it's going to badly affect our total businesses, I accept all the mistakes happened from my side, and deeply apologize to the lottery commission. we did already removed members of staff who is involved with this allegation.

Thanks so much
Biju Mathew.

On Sat, Jan 11, 2025 at 7:41 PM Bienkowska, Dorota <Dorota.Bienkowska@lottery.state.tx.us> wrote:

Hello Mr. Mathew—I wanted to let you know that I just sent you the document via DocuSign. Please review it and let me know if you have any changes. If acceptable, please sign it no later than Jan. 17 so I may add it to the February Commission meeting agenda.

Thank you,

Dorota

From: Bienkowska, Dorota
Sent: Friday, December 13, 2024 11:21 AM
To: Biju Mathew [REDACTED]
Cc: Guthrie, Kristen <Kristen.Guthrie@lottery.state.tx.us>
Subject: RE: Thank You

We appreciate your speaking with us today.

From: Biju Mathew [REDACTED]
Sent: Friday, December 13, 2024 11:16 AM
To: Bienkowska, Dorota <Dorota.Bienkowska@lottery.state.tx.us>
Subject: Thank You

**CAUTION: This email originated outside the Texas Lottery's email system.
DO NOT click links or open attachments unless you expect them from the sender and know the content is safe.**

Dear Lottery Commission,

Thank you for giving me the opportunity to speak today at the teams meeting. I accept the mistakes that I made. I will make sure this scenario will not happen again.

Thank you so much,

Biju Mathew

Commission Order No. 25-0032

Date: FEBRUARY 6, 2025

Case No. 2025-25

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
WAYSIDE KNA GROUP LLC	§	
D/B/A WAYSIDE SUPER MARKET	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 194036	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Wayside KNA Group LLC d/b/a Wayside Super Market (Wayside Super Market) 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. Wayside Super Market holds Texas Lottery Ticket Sales Agent License No. 194036.
2. Biju Mathew is a managing member of Wayside Super Market, which is located at 5313 N. Wayside Dr., Houston, TX 77028.
3. On March 25, 2024, the Commission received a winner claim form in the mail from Mr. Mathew accompanied by a scratch ticket that was reported stolen. Based on an internal review, the Commission initiated an investigation into this claim.
4. On May 10, 2024, Mr. Mathew told a Commission investigator that the scratch ticket he mailed to the Commission was purchased for \$300 by a Wayside Super Market employee from a store customer.

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. Wayside Super Market 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 §466.308(a) states:

A person commits an offense if the person intentionally or knowingly:

- (1) claims a lottery prize or a share of a lottery prize by means of fraud, deceit, or misrepresentation; or
- (2) aids or agrees to aid another person or persons to claim a lottery prize or a share of a lottery prize by means of fraud, deceit, or misrepresentation.

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. 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;

...

(31) licensee intentionally or knowingly claims a lottery prize or a share of a lottery prize by means of fraud, deceit, or misrepresentation; or aids or agrees to aid another person or persons to claim a lottery prize or a share of a lottery prize by means of fraud, deceit, or misrepresentation;

...

(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.

7. 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.

8. The Texas Lottery Ticket Sales Agent License of Wayside Super Market is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Wayside Super Market's violation of Tex. Gov't Code §§ 466.308(a) and 466.310(a) and 16 Tex. Admin. Code §§ 401.158(b)(9), (31), (33) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Wayside Super Market 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. Wayside Super Market agrees that, as a result of its violation of Tex. Gov't Code §§ 466.308(a) and 466.310(a) and 16 Tex. Admin. Code §§ 401.158(b)(9), (31), (33) and 401.366, its Ticket Sales Agent License will be suspended for a period of ninety (90) 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, Wayside Super Market 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, Wayside Super Market 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 Wayside Super Market's Ticket Sales Agent License is posted.

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

6. Wayside Super Market 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. Wayside Super Market 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 Wayside Super Market has failed to comply with the terms of the Memorandum of Agreement and Consent

Order, disciplinary action shall be taken against Wayside Super Market, up to and including revocation of its Texas Lottery Ticket Sales Agent License.

8. Wayside Super Market 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 Wayside Super Market will be charged for tickets sold on or before that date. Wayside Super Market 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:

Wayside KNA Group LLC
d/b/a Wayside Super Market

Texas Lottery Commission
Lottery Operations Division

By:



1/13/2025

Biju Mathew
Managing Member

DATE

By:



1/13/2025

Robert Tirloni
Director

DATE

Commission Order No. 25-0032

Date: FEBRUARY 6, 2025

Case No. 2025-25

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
WAYSIDE KNA GROUP LLC	§	
D/B/A WAYSIDE SUPER MARKET	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 194036	§	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 Wayside KNA Group LLC d/b/a Wayside Super Market (Wayside Super Market), the license is suspended for a period of ninety (90) 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, Wayside Super Market 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, Wayside Super Market 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 Wayside Super Market's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0032

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Wayside Super Market 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 Wayside Super Market will be charged for the tickets sold on or before that date. Wayside Super Market 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. 25-0032

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 25-0033

Date: FEBRUARY 6, 2025

Case No. 2025-26

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ASANTE INC.	§	
D/B/A POTRANCO FOOD MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 132651	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Asante Inc. d/b/a Potranco Food Mart (Potranco 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. Potranco Food Mart holds Texas Lottery Ticket Sales Agent License No. 132651.
2. Mohammed Rahman is a managing member of Potranco Food Mart, which is located at 10775 Potranco Rd., San Antonio, TX 78251.
3. On May 7, 2024, the Commission received a complaint that Potranco Food Mart accepted a credit card as a form of payment for Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. On May 17, 2024, Mr. Rahman admitted to a Commission investigator that Potranco Food Mart charged a fee for the purchase of Texas Lottery tickets with credit and debit cards.

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. Potranco 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. Tex. Gov't Code §466.3052(a) states:

A person commits an offense if the person intentionally or knowingly sells a ticket and the person accepts anything other than the following as payment for the ticket:

(1) United States currency;

(2) a negotiable instrument in the form of a check that meets the requirements of Section 3.104, Business & Commerce Code;

(3) a debit made through a financial institution debit card;

(4) a coupon or voucher issued by the commission for purposes of purchasing a lottery ticket; or

(5) a mail order subscription on a mail order subscription form authorized by the commission.

6. 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;

...

(27) licensee intentionally or knowingly sells a ticket and accepts anything for payment not specifically allowed under the State Lottery Act.

7. 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.

8. The Texas Lottery Ticket Sales Agent License of Potranco Food Mart is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Potranco Food Mart's violation of Tex. Gov't Code §§ 466.302(a) and .3052(a) and 16 Tex. Admin. Code §§ 401.158(b)(22), (23) and (27) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Potranco 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. Potranco Food Mart agrees that, as a result of its violation of Tex. Gov't Code §§ 466.302(a) and .3052(a) and 16 Tex. Admin. Code §§ 401.158(b)(22), (23) and (27) 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, Potranco 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, Potranco 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 Potranco Food Mart's Ticket Sales Agent License is posted.

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

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

8. Potranco 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 Potranco Food Mart will be charged for tickets sold on or before that date. Potranco 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:

Asante Inc.
d/b/a Potranco Food Mart

Texas Lottery Commission
Lottery Operations Division

By:



12/3/2024

Mohammed Rahman
Managing Member

DATE

By:



12/3/2024

Robert Tirloni
Director

DATE

Commission Order No. 25-0033

Date: FEBRUARY 6, 2025

Case No. 2025-26

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
ASANTE INC.	§	
D/B/A POTRANCO FOOD MART	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 132651	§	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 Asante Inc. d/b/a Potranco Food Mart (Potranco Food Mart), 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, Potranco 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, Potranco 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 Potranco Food Mart's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0033

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Potranco 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 Potranco Food Mart will be charged for the tickets sold on or before that date. Potranco 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. 25-0033

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 25-0034

Date: FEBRUARY 6, 2025

Case No. 2025-71

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
STA1 ENTERPRISES INC.	§	
D/B/A SHOP N GO	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 146153	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Sta1 Enterprises Inc. d/b/a Shop N Go (Shop N Go) 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. Shop N Go holds Texas Lottery Ticket Sales Agent License No. 146153.
2. Dinesh Gyawali is a secretary of Shop N Go, which is located at 2900 Hillcroft St., Houston, TX 77057.
3. On May 15, 2024, at the Texas Lottery's Houston Claim Center, Mr. Gyawali attempted to claim a scratch ticket that was reported stolen. Mr. Gyawali told a Commission employee that he purchased the ticket from a store customer for \$900. Based on an internal review, the Commission initiated an investigation into this claim.
4. On May 31, 2024, Mr. Gyawali confirmed with a Commission investigator that he received the ticket from a store customer.

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. Shop N Go 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 §466.310(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.

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:

...

(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;

...

(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.

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 Shop N Go is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Shop N Go's violation of Tex. Gov't Code §466.310(a) and 16 Tex. Admin. Code §§ 401.158(b)(9), (33) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Shop N Go 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. Shop N Go agrees that, as a result of its violation of Tex. Gov't Code §466.310(a) and 16 Tex. Admin. Code §§ 401.158(b)(9), (33) and 401.366, its Ticket Sales Agent License will be suspended for a period of ninety (90) 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, Shop N Go 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, Shop N Go 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 Shop N Go's Ticket Sales Agent License is posted.

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

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

8. Shop N Go 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 Shop N Go will be charged for tickets sold on or before that date. Shop N Go 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:

Stal Enterprises Inc.
d/b/a Shop N Go

Texas Lottery Commission
Lottery Operations Division

By:



01/16/2025

Dinesh Gyawali
Secretary

DATE

By:



1/16/2025

Robert Tirloni
Director

DATE

Commission Order No. 25-0034

Date: FEBRUARY 6, 2025

Case No. 2025-71

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
STA1 ENTERPRISES INC.	§	
D/B/A SHOP N GO	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 146153	§	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 Sta1 Enterprises Inc. d/b/a Shop N Go (Shop N Go), the license is suspended for a period of ninety (90) 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, Shop N Go 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, Shop N Go 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 Shop N Go's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0034

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Shop N Go 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 Shop N Go will be charged for the tickets sold on or before that date. Shop N Go 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. 25-0034

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 25-0035

Date: FEBRUARY 6, 2025

Case No. 2025-72

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
PENGUIN ENTERPRISE INC	§	
D/B/A TIME MAXX #1	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 181695	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Penguin Enterprise Inc d/b/a Time Maxx #1 (Time Maxx) 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. Time Maxx holds Texas Lottery Ticket Sales Agent License No. 181695.
2. Lehjatali Momin is the president of Time Maxx, which is located at 16160 Interstate 10 E., Baytown, TX 77523.
3. On May 14, 2024, the Commission received a complaint that Time Maxx accepted a credit card as a form of payment for Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. The Commission investigation determined that a Time Maxx employee permitted the purchase of a Texas Lottery ticket with a credit card.
5. Lehjatali Momin denies the allegations.

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. Time Maxx 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 §466.3052(a) states:

A person commits an offense if the person intentionally or knowingly sells a ticket and the person accepts anything other than the following as payment for the ticket:

- (1) United States currency;
- (2) a negotiable instrument in the form of a check that meets the requirements of Section 3.104, Business & Commerce Code;
- (3) a debit made through a financial institution debit card;
- (4) a coupon or voucher issued by the commission for purposes of purchasing a lottery ticket; or
- (5) a mail order subscription on a mail order subscription form authorized by the commission.

4. 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:

- ...
- (27) licensee intentionally or knowingly sells a ticket and accepts anything for payment not specifically allowed under the State Lottery Act.

5. 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.

6. 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).

7. 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.).

8. 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.

9. The Texas Lottery Ticket Sales Agent License of Time Maxx is subject to suspension or revocation pursuant to Tex. Gov’t Code §466.155(a)(5) as a result of Time Maxx’s violation of Tex. Gov’t Code §466.3052(a) and 16 Tex. Admin. Code §§ 401.158(b)(27) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Time Maxx agrees to these terms, acknowledges understanding them, and waives all rights to procedural requirements for the entry of the 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 it is signed by the Commission.

3. Time Maxx agrees that, as a result of its violation of Tex. Gov't Code §466.3052(a) and 16 Tex. Admin. Code §§ 401.158(b)(27) 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 this Memorandum of Agreement and Consent Order is signed by the Commission. During the period of suspension, Time Maxx 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, Time Maxx 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 Time Maxx's Ticket Sales Agent License is posted.

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

6. Time Maxx 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. Time Maxx 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 Time Maxx has failed to


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

8. Time Maxx 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 Time Maxx will be charged for tickets sold on or before that date. Time Maxx 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:

Penguin Enterprise Inc
d/b/a Time Maxx #1

By:




Lejlati Momin
President

11/29/2024

DATE

Texas Lottery Commission
Lottery Operations Division

By:



Robert Tirloni
Director

12/3/2024

DATE

Commission Order No. 25-0035

Date: FEBRUARY 6, 2025

Case No. 2025-72

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
PENGUIN ENTERPRISE INC	§	
D/B/A TIME MAXX #1	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 181695	§	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 Penguin Enterprise Inc d/b/a Time Maxx #1 (Time Maxx), 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 is signed by the Commission. During the period of suspension, Time Maxx 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, Time Maxx 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 Time Maxx's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0035

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Time Maxx 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 Time Maxx will be charged for the tickets sold on or before that date. Time Maxx 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. 25-0035

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 25-0036

Date: FEBRUARY 6, 2025

Case No. 2025-74

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
FRUTERIA Y ABARROTES RUBY, LLC	§	
D/B/A FRUTERIA Y ABARROTES RUBY	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 189846	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Fruteria Y Abarrotes Ruby, LLC d/b/a Fruteria Y Abarrotes Ruby (Fruteria Y Abarrotes Ruby) 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. Fruteria Y Abarrotes Ruby holds Texas Lottery Ticket Sales Agent License No. 189846.
2. Esequiel Tovar is the president of Fruteria Y Abarrotes Ruby, which is located at 514 W. Elm St., Tyler, TX 75702.
3. On May 13, 2024, the Commission received a complaint that Fruteria Y Abarrotes Ruby charged a fee for Texas Lottery ticket purchases. The Commission initiated an investigation into this complaint.
4. On May 28, 2024, Mr. Tovar admitted to a Commission investigator that the store charged a fee for the purchase of Texas 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. Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Fruteria Y Abarrotes Ruby'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, Fruteria Y Abarrotes Ruby 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. Fruteria Y Abarrotes Ruby 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, Fruteria Y Abarrotes Ruby 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, Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby's Ticket Sales Agent License is posted.

5. Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby's Ticket Sales Agent License, for any further violations of the State Lottery Act or Commission rules.

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

8. Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby will be charged for tickets sold on or before that date. Fruteria Y Abarrotes Ruby 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:

Fruteria Y Abarrotes Ruby, LLC
d/b/a Fruteria Y Abarrotes Ruby

Texas Lottery Commission
Lottery Operations Division

By:



Esequiel Tovar
President

11/19/24

DATE

By:



Robert Tirloni
Director

11/20/2024

DATE

Commission Order No. 25-0036

Date: FEBRUARY 6, 2025

Case No. 2025-74

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
FRUTERIA Y ABARROTES RUBY, LLC	§	
D/B/A FRUTERIA Y ABARROTES RUBY	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 189846	§	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 Fruteria Y Abarrotes Ruby, LLC d/b/a Fruteria Y Abarrotes Ruby (Fruteria Y Abarrotes Ruby), 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, Fruteria Y Abarrotes Ruby 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, Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby's Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0036

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Fruteria Y Abarrotes Ruby 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 Fruteria Y Abarrotes Ruby will be charged for the tickets sold on or before that date. Fruteria Y Abarrotes Ruby 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. 25-0036

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin,
Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER

Commission Order No. 25-0037

Date: FEBRUARY 6, 2025

Case No. 2025-108

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
SHEIKH INVESTMENTS INC.	§	
D/B/A SHEIKH INVESTMENTS INC.	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 175632	§	LOTTERY COMMISSION

MEMORANDUM OF AGREEMENT AND CONSENT ORDER

The Texas Lottery Commission (Commission) and Sheikh Investments Inc. d/b/a Sheikh Investments Inc. (Sheikh Investments) 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. Sheikh Investments holds Texas Lottery Ticket Sales Agent License No. 175632.
2. Nomaan Sheikh is the director of Sheikh Investments, which is located at 1400 N. Central Pkwy., McKinney, TX 75070.
3. On July 24, 2024, the Commission received a complaint that Sheikh Investments charged a \$20 minimum to purchase Texas Lottery tickets. The Commission initiated an investigation into this complaint.
4. On August 7, 2024, Mr. Sheikh admitted to a Commission investigator that Sheikh Investments required a \$20 minimum to purchase 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. Sheikh Investments 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. 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:

...

(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.

5. 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.

6. The Texas Lottery Ticket Sales Agent License of Sheikh Investments is subject to suspension or revocation pursuant to Tex. Gov't Code §466.155(a)(5), as a result of Sheikh Investments' violation of 16 Tex. Admin. Code §§ 401.158(b)(23) and 401.366.

MEMORANDUM OF AGREEMENT

1. By signing this Memorandum of Agreement, Sheikh Investments 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. Sheikh Investments agrees that, as a result of its violation of 16 Tex. Admin. Code §§ 401.158(b)(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, Sheikh Investments 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, Sheikh Investments 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 Sheikh Investments' Ticket Sales Agent License is posted.

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

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

8. Sheikh Investments 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 Sheikh Investments will be charged for tickets sold on or before that date. Sheikh Investments 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:

Sheikh Investments Inc.
d/b/a Sheikh Investments Inc.

Texas Lottery Commission
Lottery Operations Division

By:



1/14/2025

Nomaan Sheikh
Director

DATE

By:



1/14/2025

Robert Tirloni
Director

DATE

Commission Order No. 25-0037

Date: FEBRUARY 6, 2025

Case No. 2025-108

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
SHEIKH INVESTMENTS INC.	§	
D/B/A SHEIKH INVESTMENTS INC.	§	
	§	
TEXAS LOTTERY TICKET SALES	§	
AGENT LICENSE NO. 175632	§	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 Sheikh Investments Inc. d/b/a Sheikh Investments Inc. (Sheikh Investments), 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, Sheikh Investments 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, Sheikh Investments 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 Sheikh Investments' Texas Lottery Ticket Sales Agent License is posted.

Commission Order No. 25-0037

Date: FEBRUARY 6, 2025

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

(4) IT IS FURTHER ORDERED by the Commission that Sheikh Investments 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 Sheikh Investments will be charged for the tickets sold on or before that date. Sheikh Investments 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. 25-0037

Date: FEBRUARY 6, 2025

Passed and approved at the regular meeting of the Texas Lottery Commission in Austin, Texas, on the 6TH day of FEBRUARY, 2025.

Entered this 6TH day of FEBRUARY, 2025.

ROBERT G. RIVERA, CHAIRMAN

CINDY FIELDS, COMMISSIONER

MARK A. FRANZ, COMMISSIONER

CLARK E. SMITH, COMMISSIONER

JAMES H. C. STEEN, COMMISSIONER