

Date: OCTOBER 13, 2022

DOCKET NO. 362-22-2158

TEXAS LOTTERY COMMISSION,
Petitioner,

v.

SAHIL VENTURES INC.
D/B/A PARADISE FOOD MART
TICKET SALES AGENT LICENSE
NO. 139835,
Respondent.

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BEFORE THE TEXAS

LOTTERY COMMISSION

ORDER OF THE COMMISSION

To: Sahil Ventures Inc.
d/b/a Paradise Food Mart

[REDACTED]
[REDACTED]

via certified and regular mail
via email at [REDACTED]

During an open meeting in Austin, Texas, the Texas Lottery Commission (Commission) heard the above-styled case in which Sahil Ventures Inc. d/b/a Paradise Food Mart (Respondent) did not appear at the scheduled hearing before the State Office of Administrative Hearings (SOAH) to respond to the allegations set forth in the Commission's notice of hearing.

I. Findings of Fact

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

Date: OCTOBER 13, 2022

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

3. The Commission, by and through its attorney of record, filed a motion to dismiss the case from the SOAH docket and to remand the case to the Commission for informal disposition, in accordance with Tex. Gov't Code §2001.058(d-1) and 1 Tex. Admin. Code §155.501(d).

4. The ALJ conditionally dismissed the case from the SOAH docket and remanded the case to the Commission for informal disposition under Tex. Gov't Code §2001.056, provided the Respondent did not file a motion to set aside the default no later than 15 days from the date of the ALJ's conditional order.

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

II. Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Tex. Gov't Code §466.155 and 16 Tex. Admin. Code ch. 401.

2. The Respondent violated Tex. Gov't Code ch 466 (the State Lottery Act) and/or Title 16 Tex. Admin. Code ch. 401 (Rules for the Administration of State Lottery Act) as set forth in the Commission's notice of hearing.

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

III. Order

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

Commission Order No. 23-0003

Date: OCTOBER 13, 2022

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

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

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

Entered this 13TH day of OCTOBER, 2022.



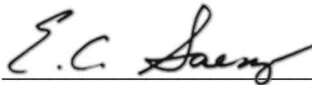
ROBERT G. RIVERA, CHAIRMAN



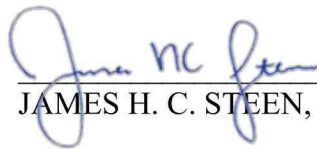
CINDY FIELDS, COMMISSIONER



MARK A. FRANZ, COMMISSIONER



ERIK C. SAENZ, COMMISSIONER



JAMES H. C. STEEN, COMMISSIONER

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

DEFAULT DISMISSAL ORDER

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


¹ 1 Tex. Admin. Code § 155.501(b).

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

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

SIGNED AUGUST 9, 2022.

ALJ Signature:

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

Linda H. Brite,
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(d)(1).

³ 1 Tex. Admin. Code § 155.501(e).

⁴ Tex. Gov't Code § 2001.056.



Texas Lottery Commission

Commissioners:

Robert G. Rivera, Chairman

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



LaDonna Castañuela
Director

March 22, 2022

Sahil Ventures Inc.
d/b/a Paradise Food Mart
[REDACTED]
[REDACTED]

via certified and regular mail
via email at [REDACTED]

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

Dear Mr. Amin:

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

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

**INSTRUCTIONS FOR
CALLING**

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

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

NOTICE OF HEARING

I.

Factual Matters Asserted

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

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

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

II.

Legal Authority and Jurisdiction

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

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

III.

Applicable Statutes and Rules

Tex. Gov't Code §466.151(e) states:

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

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

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

...

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

Tex. Gov't Code §466.310(a) states:

A person commits an offense if the person:

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

Tex. Gov't Code §466.402(b) states:

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

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

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

...

(33) licensee:

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

16 Tex. Admin. Code §401.360 states:

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

16 Tex. Admin. Code §401.366 states:

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

If you do not oppose the suspension or revocation of your license, your appearance at the SOAH hearing is not required. If you do oppose the suspension or revocation of your license, you have the right to appear and present evidence. You are entitled to be represented by a lawyer at the SOAH hearing, but it is your responsibility to obtain and pay for such representation. A court reporter may be present, and a record of the proceedings will be created. It is, however, the sole and exclusive responsibility of each party to request and pay for any printed transcript.

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

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

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

FAILURE TO FILE A WRITTEN ANSWER BY THIS DATE AND/OR TO APPEAR AT THE HEARING MAY RESULT IN THE ALLEGATIONS BEING ADMITTED AS TRUE AND THE RELIEF REQUESTED BEING GRANTED BY DEFAULT.

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

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

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

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

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

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

Respectfully,

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

CERTIFICATE OF SERVICE

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

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

cc: SOAH
Lottery Operations Division