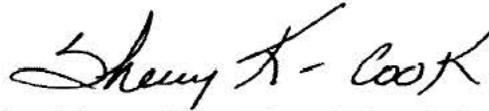


IT IS THEREFORE ORDERED that Respondent's Wine and Beer Retailer's Off-Premise Permit BQ758138, is hereby **CANCELLED**.

This Order will become final and enforceable on the 15 day of May, 2015, unless a Motion for Rehearing is filed by the 14 day of May, 2015.

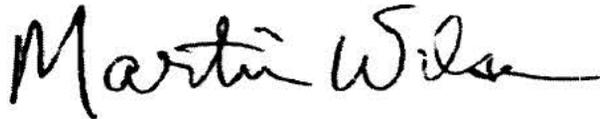
SIGNED this the 20 day of April, 2015, at Austin, Texas.



Sherry K-Cook, Executive Director
Texas Alcoholic Beverage Commission

CERTIFICATE OF SERVICE

I certify that the persons listed below were served with a copy of this Order in the manner indicated below on this the 20 day of April, 2015.



Martin Wilson, Assistant General Counsel
Texas Alcoholic Beverage Commission

Brenda Coleman
ADMINISTRATIVE LAW JUDGE
State Office of Administrative Hearings
6333 Forest Park Road, Suite 150A
Dallas, TX 75235
VIA FACSIMILE: (512) 322-2061

Kamardeen Ogunleye
d/b/a K S O Dollar Mart
RESPONDENT
1918 Martin Luther King Jr. Blvd.
Dallas, TX 75215
VIA FIRST CLASS MAIL, CMRRR # 7012 0470 0001 3300 9979

Edgar Korzeniowski
ATTORNEY FOR PETITIONER
TABC Legal Division
VIA E-MAIL: edgar.korzeniowski@tabc.texas.gov

Alejandra Argueta
TABC Legal Division
VIA E-MAIL: alejandra.argueta@tabc.texas.gov

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

NOV 3 2014

October 31, 2014

Sherry Cook
Administrator
Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, Texas 78731

VIA INTRAGENCY MAIL

RE: SOAH Docket No. 458-14-3482; *In the Matter of Kamardeen O. Ogunleye d/b/a KSO Dollar Mart*

Dear Ms. Cook:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Coleman".

Brenda Coleman
Administrative Law Judge

BC/me
Enclosure

Xc: Lisa Crissman, Staff Attorney, Texas Alcoholic Beverage Commission, Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Austin, Texas 78731-**VIA REGULAR MAIL**
Karmadeen Ogunleye d/b/a K S O Dollar Mart, 1918 Martin Luther King Blvd., Dallas, Texas 75215-**VIA REGULAR MAIL**

3. The notice issued by first class mail is presumed to have been received. The notice issued by certified mail, return receipt requested, was returned marked "return to sender vacant unable to forward."
4. The notice of hearing informed Respondent of the time, date, and location of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and the matters asserted.
5. The notice also contained language in 12-point, bold-face type informing Respondent that if it failed to appear at the hearing, the factual allegations against it would be deemed admitted as true, and the relief sought in the notice might be granted by default.
6. The hearing on the merits convened September 4, 2014, at the State Office of Administrative Hearings (SOAH) field office in Dallas, Dallas County, Texas, before Administrative Law Judge (ALJ) Brenda Coleman. Petitioner was represented at the hearing by Lisa Crissman, Staff Attorney. Respondent did not appear and was not represented at the hearing.
7. Petitioner moved for a default, which was granted, and the record closed at the conclusion of the hearing.
8. The allegations contained in the notice of hearing are deemed admitted as true.
9. On or about September 25, 2013, Respondent, or Respondent's agent, servant, or employee conducted Respondent's business against the public's general welfare, health, peace, morals, safety, and sense of decency. Respondent, or Respondent's agent, servant, or employee used or allowed others to use the premises to commit or conspire to commit or participate in profits for/from Organized Criminal Activity in violation of the Texas Alcoholic Beverage Code and TABC administrative rules.

II. CONCLUSIONS OF LAW

1. TABC has jurisdiction over this matter pursuant to Texas Alcoholic Beverage Code ch. 5 and § 61.71.
2. SOAH has jurisdiction to conduct the hearing in this matter and to issue a proposal for decision containing findings of fact and conclusions of law pursuant to Texas Government Code ch. 2003.
3. Respondent received proper and timely notice of the hearing pursuant to the Administrative Procedure Act, Texas Government Code ch. 2001, and 1 Texas Administrative Code ch. 155.

4. Respondent violated Texas Alcoholic Beverage Code § 61.71(a)(2), (a)(17), and 16 Texas Administrative Code § 35.31(c).
5. Respondent's permits should be cancelled. Tex. Alco. Bev. Code § 61.71.

SIGNED October 31, 2014.


Brenda Coleman
Administrative Law Judge
State Office of Administrative Hearings