



**IT IS THEREFORE ORDERED** that Respondent's Wine and Beer Retailer's Off-Premise Permit BQ823467, 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.

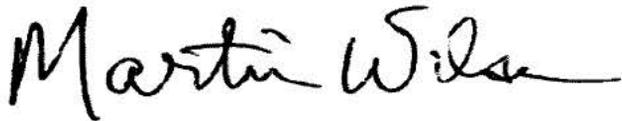


---

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 Store

**RESPONDENT**

110 Long Branch Drive, Suite B

Dallas, TX 75217

***VIA FIRST CLASS MAIL, CMRRR # 7012 0470 0001 3300 9955***

Edgar Korzeniowski

**ATTORNEY FOR PETITIONER**

TABC Legal Division

***VIA E-MAIL: [edgar.korzeniowski@tabc.texas.gov](mailto:edgar.korzeniowski@tabc.texas.gov)***

Alejandra Argueta

TABC Legal Division

***VIA E-MAIL: [alejandra.argueta@tabc.texas.gov](mailto:alejandra.argueta@tabc.texas.gov)***

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

RECEIVED

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. 458-14-3483; *In the Matter of Kamardeen O. Ogunleye d/b/a KSO Store***

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](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in black ink 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 Store, 110 Long Branch Drive Suite B, Dallas, Texas 75217-VIA REGULAR MAIL



3. The amended notice issued by first class mail is presumed to have been received. The U.S. Postal Service unsuccessfully attempted to deliver the amended notice issued by certified mail, return receipt requested, on August 18, 2014. As of September 4, 2014, the amended notice had neither been picked up by Respondent nor returned to TABC.
4. The amended 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 amended 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 possessed or permitted others to possess a narcotic on the licensed premises 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 and 104.01.
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)(1), 104.01(9),

and 16 Texas Administrative Code § 35.41(b).

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