

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS LOTTERY COMMISSION  
AUSTIN, TEXAS  
BINGO ADVISORY COMMITTEE MEETING

SEPTEMBER 20, 2018

10:00 a.m.

AT

TEXAS LOTTERY COMMISSION  
611 East 6th Street  
Austin, Texas 78701

Proceedings reported by electronic sound recording;  
transcript prepared by Verbatim Reporting & Transcription  
LLC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

COMMITTEE MEMBERS:

- William T. Smith III
- Kimberly Rogers
- Will Martin
- Tommy Duncan
- Jason Pohl
- Melodye Green
- Emile Bourgoyne

COMMISSION STAFF:

- Doug Love, Commissioner
- Michael P. Farrell, Director
- Bob Biard, General Counsel
- Deanne Rienstra, Special Counsel
- Elizabeth Godfrey-Weidig, Public Information Coordinator
- Angelica Navarro, Compliance Services Coordinator

PUBLIC:

- Kimberly L. Kiplin, Attorney
- Steve Bresnen, Attorney
- Sharon Ives

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TABLE OF CONTENTS

		PAGE
I.	Call to order.. . . . .	4
II.	Welcome, introductions, and overview of the Bingo Advisory Committee (BAC).. . . . .	4
III.	Public Information Act Training Session.. . . .	10
IV.	Discussion and selection of the Presiding Officer and the Presiding Officer's designation of a member to conduct meetings and general business in the Presiding Officer's absence.. . . . .	27
V.	Report, possible discussion and/or action on the annual workplan, including items previously determined by the Commissioners and possible additional items to be submitted to the Commissioners for their consideration and approval. . . . .	32
VI.	Report, possible discussion and/or action on establishing a web page for the BAC on the Charitable Bingo Operations Division website. . .	72
VII.	Report, possible discussion and/or action on scheduling future meeting dates.. . . . .	79
VIII.	Report, possible discussion and/or action on BAC quarterly and annual reports to the Commission and possible presentations at Texas Lottery Commission meetings.. . . . .	85
IX.	Public comment. . . . .	86
X.	Adjournment.. . . . .	100

P R O C E E D I N G S

AGENDA ITEM I

COMMISSIONER LOWE: So I'm going to call this meeting to order. Welcome, everybody here. And as our tradition is, I think it's important to say The Pledge of Allegiance. And I'd ask Brother Will there to lead us in The Pledge of Allegiance to the United States flag and the Texas flag.

(Pledges recited)

AGENDA ITEM II

COMMISSIONER LOWE: So welcome, everybody to the first Bingo Advisory Committee meeting. We refer to it as BAC, but I will tell you as an old prosecutor, BAC means to me, Blood Alcohol Content, so let's watch it. So I'm the Bingo Designated Commissioner. I was appointed by Governor Abbott to be a Lottery Commissioner back in 2015, so I guess this is -- I guess this is the end of three years I've been doing this. And I've enjoyed it and I've enjoyed working with the people that are a part of this industry. You're important to Texas, you're important to the Governor, and you're important to me. So thank you for agreeing to be a part of this committee.

And so before we begin the festivities, I want everybody to introduce -- to know everybody else, and so with that, William, why don't you to introduce yourself?

1 MR. SMITH: My name is William T. Smith III.  
2 I go by Trace to everybody that knows me. I've been in the  
3 bingo industry for about 30 years now. I started out washing  
4 tables, picking up trash after the sessions were over.  
5 Worked my way up to floor worker, calling, cage work,  
6 management, charity rep, the whole nine yards.

7 I'm very happy to be here. I think this is  
8 going to be a really productive panel. We've got great  
9 representation from all around the State and the industry, so  
10 I'm really looking forward to this.

11 MS. ROGERS: Good morning. My name is  
12 Kimberly Rogers. I go by Kim Rogers. I've been in the bingo  
13 industry only about 20 years. At this time I am a  
14 bookkeeper. We have halls in San Antonio. And I've ran,  
15 cashiered, done everything except calling. Never found that  
16 bug. I really think the BAC is something that will help  
17 assist the bingo industry everywhere in the State of Texas.  
18 So I'm really looking forward to this and I think it's a  
19 great, great move. And thank you.

20 MR. MARTIN: I'm Will Martin. I wear a lot of  
21 different hats. I'm Co-Executive Director of Conservative  
22 Texans and Charitable Bingo. I'm also the chairman of the  
23 Legislative Commission for the American Legion Department of  
24 Texas.

25 I'm happy to be here with BAC working to help

1 the bingo industry. Bingo is the lifeblood of a lot of  
2 veterans organizations and we do a lot with the money that we  
3 can raise through bingo to help our veterans. Thank you.

4 MR. DUNCAN: I'm Tommy Duncan. I'm with  
5 Goodtime Action Games. I've been with them for 19 years as a  
6 Sales Rep and now Vice President. I started as a delivery  
7 driver. Enjoyed working with the charities, helping them  
8 increase their revenue, and really looking forward to the  
9 BAC.

10 MR. POHL: I'm Jason Pohl. I'm with Brazos  
11 Bingo. I've been there since '99. I worked the floor,  
12 called, cashiered, all the works, management. Really looking  
13 forward to being on the BAC.

14 MR. FARRELL: I'm Michael Farrell. I'm the  
15 Director of Charitable Bingo. I've been with bingo for ten  
16 weeks. I'm looking forward to working with everybody and  
17 consider it a team effort that we help the charities; that's  
18 my goal. The goal is that we need to help the charities and  
19 that's where the focus should be.

20 MS. GREEN: My name is Melodye Green. I  
21 started with the charity back in 1989, and our charity was  
22 trying to raise money in bingo and we just didn't care for  
23 the way the bingo -- the lessors was really doing anything,  
24 and it wasn't really doing much. So we sort of started  
25 stepping up from there. So that's how I became a lessor.

7  
1 There's a lot of this industry. We worked with the  
2 Commission for years, and I'm really looking forward to this.  
3 It's going to be great.

4 MR. BOURGOYNE: My name is Emile Bourgoyne.  
5 I'm from Louisiana. I'm a retired Lieutenant with the  
6 Louisiana State Police, and one of my duties there was I was  
7 the Founding Director of the Charitable Gaming Division for  
8 the State Police in Louisiana. Since my retirement in 1989,  
9 I've been in work as a Director of Government Relations for  
10 International Gamco, and since February 1st, Pollard Games  
11 acquisition of Gamco, I now do the same job for both  
12 International Gamco and American Games. And I'm also here as  
13 sitting President of the National Association of Fundraising  
14 Ticket Manufacturers that represent the manufacturers that  
15 make predominantly most of the bingo paper and pull tabs in  
16 the state of Texas. And I'm happy to be here.

17 COMMISSIONER LOWE: Excellent. So -- and we  
18 have two members who are not present today, and tell me their  
19 names.

20 MS. NAVARRO: Brian Malone and Laveda Brown.

21 COMMISSIONER LOWE: Oh yeah. And Laveda is  
22 the public member; is that right?

23 MS. NAVARRO: Yes.

24 COMMISSIONER LOWE: And Brian is -- what is  
25 his background?

1 UNIDENTIFIED VOICE: Charity lessor.

2 COMMISSIONER LOWE: Okay. All right. And so  
3 hopefully that they'll be with us next time for this  
4 important organization. And I will tell you that I  
5 appreciate you guys' commitment because even though that  
6 you're here, the Governor and the Legislature decided you're  
7 not entitled to any reimbursement for expenses, so it's on  
8 your nickel, and I think everybody should know that and  
9 appreciate your commitment in spite of the lack of  
10 reimbursement for your time and your expenses.

11 I will say that this is not my meeting. I'm a  
12 Commissioner. I'm not on this committee. So it's your thing  
13 to get going and to handle as you see fit. I have asked  
14 Kimberly though to be our acting presiding officer until you  
15 guys have a chance to decide who you want that to be on a  
16 permanent basis, and so after we have our Information Act  
17 training, I'm going to pass the reins over to Kim so she can  
18 push this along, and that's -- she can -- she acts as long as  
19 y'all say she can act. If you want somebody else to be the  
20 presiding officer, you can.

21 All right. So with that, is there -- all  
22 right. So we talked about that.

23 So the Texas Public Information Act; it's sort  
24 of -- it's a good thing because it creates transparency in  
25 government, but it's a bad thing in that if you violate it,

1 you could be subject to some penalties. And so we've had --  
2 this is required training in the law, isn't it, Bob? Where's  
3 Bob?

4 MR. BIARD: I'm here.

5 COMMISSIONER LOWE: Okay. It's required under  
6 the law; is that right?

7 MR. BIARD: Well, we think it's a prudent  
8 thing to do because what you are doing when you're on the  
9 Committee, is you're generating public information and so if  
10 someone makes a Public Information Act request and if you  
11 want to know who has experience with that, you might talk to  
12 Steve Fenoglio.

13 He -- we have to produce the information even  
14 if it's not here. Even if it's in y'all's computers and on  
15 y'all's phones. So we want to make sure you understand when  
16 you generate something written, some information about the  
17 BAC, that it's subject to the Act. There are exceptions to  
18 it, but we want to have this training so y'all know in case  
19 we reach out to you and say do you have any emails related to  
20 such-and-such, that you'll know that you need to turn those  
21 over to us.

22 COMMISSIONER LOWE: Well, I guess it was  
23 required for a Commissioner and --

24 MR. BIARD: Yeah.

25 COMMISSIONER LOWE: -- when I was District

1 Attorney it was required.

2 MR. BIARD: It's required for public officials  
3 and although we're very grateful to your service here, I  
4 think officially you are not public officials. You are good,  
5 upstanding volunteers to do this.

6 COMMISSIONER LOWE: And so with that, I'll  
7 turn it over to Bob for your presentation or it's actually --

8 AGENDA ITEM III

9 MS. GODFREY-WEIDIG: Hello, everyone. My name  
10 is Elizabeth Godfrey-Weidig. I'm the Public Information  
11 Coordinator here at the Lottery. Thank you for your time  
12 this morning. I'm going to do a quick presentation. We're  
13 going to talk about the Texas Public Information Act.

14 So the Texas Public Information Act was  
15 adopted in 1973. It's also known as the Open Records Act.  
16 It gives the public a right to request access to government  
17 information. The presumption is that the information is  
18 public and that the information belongs to the people. The  
19 Texas Government Code is Chapter 552.

20 So what is public information? Public  
21 information is information that's collected, assembled,  
22 maintained, under a law, ordinance or in connection with a  
23 transaction of commission business of a governmental body.  
24 We are a governmental body.

25 The public information is information that we

1 receive, create, forms we fill out out, as well as database  
2 information that we input as part of our jobs.

3 So examples of public information, electronic  
4 documents, emails, microfilm, notes, paper documents,  
5 photographs, sound recordings and text messages. So anything  
6 that we're creating information-wise is subject to the Act.

7 So who's subject to the Act governmental body-  
8 wise? Cities, counties, executive and legislative branches  
9 state of the government, non-governmental entities supported  
10 by public funds and school districts. Those are just  
11 examples of, there are several more.

12 So requirements of a Public Information Act  
13 request. So this is what we are required to have. The  
14 request must be in writing. A verbal request does not  
15 trigger the Act and its protection, so if somebody calls you  
16 and says I want to make a public information request over the  
17 telephone, we would ask that that be in writing.

18 It doesn't have to reference the Act, there is  
19 no magical language, they just need to say what documents  
20 they'd like and we go from there.

21 A request must ask for information that's  
22 already in existence. They can't have a request that asks  
23 for two weeks of information that hasn't been created yet.  
24 So it has to already be in existence.

25 There's no requirement to create new

1 documents, answer questions or perform legal research under  
2 the Act. However, collecting information stored  
3 electronically is not considered creating a new document. So  
4 if we have a database and somebody wants database  
5 information, getting and exporting that information is not  
6 considered creating a new document.

7           So we see a range of examples of public  
8 information, I won't read these to you, but anywhere from  
9 winners' lists, Bingo organization information, emails,  
10 contracts, if you can think about it, it's probably been  
11 requested.

12           When we receive a request for public  
13 information, we have an obligation to relate the request to  
14 the information that we hold. So now I said we didn't have  
15 to answer questions, but we have a good faith effort to say I  
16 would like the winners of this or who won the winners of  
17 this, to give that document over; we're going to do a good  
18 faith effort for that.

19           We may not ask why the requesters want the  
20 information, however, if the request is voluminous, we can  
21 ask to narrow or clarify.

22           Also, when we receive a request, we may charge  
23 for reasonable fees to provide the copies. We must treat  
24 each requester equally. One request may not be expedited  
25 over another request. They come in order, it's how it goes

1 out. Information is released in the order in which the  
2 information is received. So if Request A comes in and then  
3 Request B comes in and I get the information for Request B  
4 first, I'm not going to wait for Request A information to  
5 come in before I release Request B.

6 We must release the information promptly  
7 unless an exception applies.

8 So employee roles dealing with public  
9 information. Agency staff receives or creates information  
10 during the course of business that may be subject to the  
11 public information request just in their normal day to day  
12 business. We have Division liaisons who are the point of  
13 contact within the Division that collects responsive  
14 documents from staff and coordinates with P.I.C., which is  
15 myself, on clarifications and cost estimates.

16 The Public Information Coordinator is the  
17 point of contact for public information requests for the  
18 Agency; coordinates, gathers documents, monitors request  
19 deadlines, and communicates with the requester. So I'm just  
20 the pipeline.

21 The open records attorney which is Deanne  
22 Rienstra, she's here today, reviews documents and briefs the  
23 Office of the Attorney General on the information we consider  
24 confidential under the Act. That's where those exceptions  
25 come in. The Office of the Attorney General maintains

1 uniformity in application, operation and interpretation of  
2 the Act, rules on whether or not we can or cannot withhold  
3 information. So it's not up to us if we want to withhold  
4 information, the office of the attorney general will make  
5 that ruling.

6 I want to emphasize this is a very basic  
7 process of how our public information requests work. It  
8 starts on the left, we receive a request, it's reviewed and  
9 sent to the liaisons, the division liaison sends its staff,  
10 the appropriate staff for gathering documents. Staff  
11 provides the documents to the liaison, the liaison reviews  
12 those documents and sends them back to the public information  
13 coordinator. The Public Information Coordinator and the open  
14 records attorney review those documents and either they're  
15 determined if they can be released without exception or if  
16 we're going to write the Attorney General's Office.

17 Now, this is just the basic process. There  
18 are some requests where we release some documents for  
19 request, and we don't release all, so Bob had a --

20 MR. BIARD: So this -- in this case, they're  
21 not staff.

22 MS. GODFREY-WEIDIG: Right.

23 MR. BIARD: So we're going to have to modify  
24 our process a little bit to get the word out, probably and  
25 we'll have to think about that, and maybe for the chairman of

1 the BAC or maybe just to -- maybe -- we might need to just  
2 communicate to each of the members.

3 MS. GODFREY-WEIDIG: Did everybody hear what  
4 he said about communications? Okay.

5 MR. BIARD: Because there's not going to be a  
6 staff person for us to go to to ask if all these guys have  
7 emails or documents that are responsive to an information  
8 request.

9 MS. GODFREY-WEIDIG: Right. So you'll  
10 probably either be reaching -- I'll reach out to you  
11 directly, say I need this information, we've received a  
12 request, and I'll give you a deadline.

13 COMMISSIONER LOWE: So what happens if say Kim  
14 gets an email from somebody send me your cell phone bill  
15 related to your work in the BAC? Well, what is she supposed  
16 to do?

17 MS. GODFREY-WEIDIG: What is she supposed to  
18 do? That's perfect. Because what do you do when you receive  
19 a public information request? So what you're going to do is  
20 if you receive a request in writing, somebody mails you a  
21 hard copy document, and says I would like documents for this,  
22 this and this, and they give you an address, it's stamped,  
23 it's snail mail, what you're going to do is get that to me.  
24 You're going to either email it to me, send it interagency  
25 mail if you can, or just mail it directly to me.

1           Please write the date that you received it and  
2 make sure you include the original envelope with that and  
3 that will go to me. So date stamp the envelope and letter,  
4 immediately scan and email a copy to the -- our official open  
5 records, openrecords@lottery.state.tx.us, it's an email inbox  
6 that I maintain. You're going to mail the original envelope  
7 and letter to me or the Public Information Coordinator, and  
8 then the original request is maintained in that file.

9           So let's do another scenario.

10           MR. BIARD: The more likely thing is it's  
11 going to come in to us here.

12           MS. GODFREY-WEIDIG: Yes.

13           MR. BIARD: Not to one of y'all.

14           MS. GODFREY-WEIDIG: Yes. More --

15           MR. BIARD: In which case we'll let you all  
16 know that --

17           MS. GODFREY-WEIDIG: More than likely, I'll be  
18 reaching out to you saying we received a request, here's a  
19 copy of the request, here's the requester, this is what I  
20 need. If you all have questions at that point, feel free to  
21 email me back, call me, anything you need to do to make it an  
22 easier process for gathering those documents.

23           So if someone reaches out to you by email,  
24 please just kindly reply back to them and say please use --  
25 send your request directly to

1 openrecords@lottery.state.tx.us. That's on my business card,  
2 that's on our website, that's on this PowerPoint that you  
3 have. If you can't remember it, you can call me, you can  
4 call Deanne, you can call anybody in Legal.

5 MR. BIARD: To make it easy, just give us a  
6 call if anyone whether it's (indiscernible) or me Bob Biard.

7 MS. GODFREY-WEIDIG: Absolutely.

8 MR. BIARD: And we -- we don't want to put a  
9 bunch of extra work on you, we'll walk you through this whole  
10 process. More likely thing is it's going to come in to us  
11 here.

12 MS. GODFREY-WEIDIG: Uh-huh (affirmative).  
13 That's what I'm here for. Please do not forward the request.  
14 That's not considered received, it's deadline sensitive,  
15 until it's received by that email address, the open records  
16 email address. If you get it by fax, oddly enough we still  
17 do have faxes that come in, there is an official fax number  
18 which is here also on my business card, you can direct that  
19 sender to send their request to this 512-344-5189 number.

20 All right. Let's talk about deadlines real  
21 quickly. So our first deadline is promptly. We must release  
22 the information promptly. That's terminology that's in the  
23 Act itself. It's something that we just want to do a  
24 turnaround. My stance is there's one request right behind  
25 the one in front of it and one behind that and one behind

1 that. So it's just a process to get them out.

2 So you also want to do within a reasonable  
3 amount of time. If a request is asking for a voluminous  
4 amount of information it's going to take time to gather that  
5 information and I understand that. So if we need more time,  
6 just let me know.

7 The five business days is an internal  
8 deadline, it's the amount of time for staff work, that's that  
9 deadline I'll give y'all if I reach out to you. To locate  
10 the final responsive information, that'll give you a chance  
11 to gather it, review it, send it over to us, and that way we  
12 have a -- we've got business days to meet the ten day  
13 deadline.

14 So our ten day business days we must submit a  
15 request for decision from the Office of the Attorney General  
16 for information we consider confidential. That's a hard  
17 deadline, we can't miss it if we're going to want to withhold  
18 information. We must respond to the requester in writing if  
19 there's going to be a delay in providing information.

20 So our ten business day comes, we don't have  
21 our information ready, I just certify to the requester in  
22 writing your information will be available on or before, you  
23 know, September 25th.

24 The 15th business day is a deadline that we  
25 must submit arguments and documents to the Office of the

1 Attorney General for information we consider confidential.  
2 So we have our ten days, and we have our 15 days. Fifteen  
3 days is when we've got to get all of our documents into the  
4 office of the Attorney General if we're trying to withhold  
5 anything under an exception.

6           When we must start counting ten business days?  
7 We start counting the first business day after the request is  
8 received. Exceptions to the calculation of ten business  
9 days, requests that are received after business hours, on the  
10 weekends, holidays, skeleton crew days, weekends -- did I say  
11 weekends -- inclement weather days for headquarters don't  
12 count, so they become -- if I receive a request on Sunday, we  
13 receive it officially on Monday, and we start counting our  
14 ten business days from there.

15           UNIDENTIFIED VOICE: Ma'am, backing up to the  
16 submission of the open record request, if it's not submitted  
17 to you that -- from the email address, say I get something  
18 hypothetically, I'm then to respond to that that it must be  
19 submitted to the open records email address?

20           MS. GODFREY-WEIDIG: Yes, sir. That's what we  
21 ask.

22           Can we charge for our time and resources?  
23 Absolutely. Under certain circumstances we can. We must  
24 follow the cost provisions stated in the Public Information  
25 Act. We must provide a cost estimate if the charge is going

1 to be over \$40.

2           The fee rates for labor, copying, programming,  
3 disc, CDs, are all set by the Office of the Attorney General.  
4 It's in the Act itself.

5           If we are pursuing a cost estimate, and that  
6 will be clearly stated if we get a large, voluminous request,  
7 we'll say up-front, we're going to pursue a cost estimate,  
8 please do not gather the entire information. There'll be  
9 further instructions at that point about doing a sample or  
10 doing an estimate of how many pages, how much time it's going  
11 to take to gather those documents.

12           Are there penalties for violating the Public  
13 Information Act? Yes. There are. There may be criminal and  
14 civil penalties for failing to comply with a public  
15 information request. The willful destruction, mutilation,  
16 removal of that information, alteration of public record, is  
17 punishable by a time in a county jail, for a maximum six  
18 months or a fine of \$1000 or both.

19           Just to wrap up, if this is what y'all take  
20 away, the request for information must be in writing, the  
21 request must be for information that's already in existence,  
22 the information is stored in many different types of formats.  
23 Be aware of our legal deadlines and coordinate with the  
24 Division Liaison and the Public Information Coordinator if  
25 you have any questions.

1 Does anyone have any questions? Yes, sir?

2 MR. SMITH: How often does that happen? How  
3 often are we expected to get that? If so, what are they  
4 going to be requesting; our emails, our -- can you go into  
5 that a little bit?

6 MS. GODFREY-WEIDIG: Well, so, I've gone back  
7 and looked at previous requests for the BAC and when it was  
8 in existence before, things like emails, the workbook, your  
9 opinions, things like that. So --

10 MR. SMITH: They can request our opinion?

11 MS. GODFREY-WEIDIG: They can request  
12 anything.

13 COMMISSIONER LOWE: If it's in writing. If  
14 you have the --

15 MR. SMITH: If we've already written it.

16 COMMISSIONER LOWE: If it's a document. If  
17 it's a document.

18 MR. SMITH: Okay.

19 MS. GODFREY-WEIDIG: Yes, it has to --

20 COMMISSIONER LOWE: In existence.

21 MS. GODFREY-WEIDIG: -- be a document.

22 MR. SMITH: Okay.

23 MS. GODFREY-WEIDIG: Now, if you had a verbal  
24 recording, let's say of your meeting, that could be subject  
25 to the Act.

1 MR. SMITH: But y'all do that anyway, right?

2 MS. GODFREY-WEIDIG: Yeah.

3 MR. FARRELL: Working documents, drafts are  
4 exempt, are they not? It's the final document, is it not?  
5 So if a draft goes around between what they want to talk  
6 about, that's --

7 MS. GODFREY-WEIDIG: Right.

8 MR. FARRELL: -- not subject to -- it's the  
9 final version that's published.

10 MS. RIENSTRA: Unless a draft is never made  
11 final.

12 MR. FARRELL: Okay.

13 MS. RIENSTRA: Then it could be -- then it  
14 could be considered a public document. But most of the time,  
15 if a draft ends up in a final document, we would submit the  
16 draft, someone were to request for a draft of a document that  
17 was circulated among all of y'all, we would submit that to  
18 the Officer of the Attorney General.

19 MR. BIARD: We still need to get the drafts.

20 MS. GODFREY-WEIDIG: Yeah.

21 MR. FARRELL: Yeah.

22 MS. ROGERS: And our minutes and everything  
23 will be posted online like they were before, for everyone to  
24 see?

25 MR. BIARD: Yes.

1 MR. BOURGOYNE: Just a quick for  
2 clarification. If there was a request certain information on  
3 product submittal from a manufacturer, for example, and we --  
4 you still give us an opportunity to say -- to come back to  
5 you and say that's proprietary, we don't want that released?  
6 We still have that option?

7 MS. RIENSTRA: Yes.

8 MR. BIARD: Sure.

9 MR. BOURGOYNE: I know it's a bit --

10 MR. BIARD: I'm not sure that BA -- that --  
11 that there might not be --

12 MR. BOURGOYNE: It may not be BAC related, I  
13 just wanted to clarify in case a product thing --

14 MR. BIARD: Whenever a third party commercial  
15 interest are involved we notify the third party. And let me  
16 also say, that stuff you use just for like your own notes to  
17 remember stuff, just for your own use, there's no requirement  
18 to keep those forever or for any particular amount of time or  
19 -- if you're just using those to sort of help you keep track  
20 of things, whenever you're done with them, you can just throw  
21 those away. So there's not a requirement for you to maintain  
22 all of your records about BAC. So, you know, we have them  
23 all.

24 MS. RIENSTRA: But if you do, they could be  
25 subject to the -- to the open records act.

1 MR. BIARD: But if you do keep -- we could --  
2 we get a request as of that day, you can't all of a sudden  
3 decide oh, now I'm going to destroy them. You've gotta -- so  
4 it kind of freezes at that point.

5 MS. RIENSTRA: The other main concern would be  
6 the emails. If y'all end up discussing a subject here and it  
7 goes -- y'all have a discussion with somebody else about the  
8 same subject, they may ask for any of your emails that you --  
9 in which you have discussed this subject. So you would need  
10 to turn those emails over to us.

11 MR. SMITH: I'm going to have a different  
12 email than what you have listed on this, just for BAC work.

13 MS. GODFREY-WEIDIG: Okay.

14 MR. SMITH: All right. So I'll get that --  
15 I'll get that to you.

16 MS. GODFREY-WEIDIG: Okay. Wonderful.

17 MR. SMITH: All right.

18 COMMISSIONER LOWE: And following up on that,  
19 say he has an email that says williamsmithbac.gmail, can he  
20 set a trigger on that that his email's deleted after 30 days?  
21 Is that legal to do that, so he can my policy for this email  
22 account is that I delete my emails after 30 days? Could he  
23 do that?

24 MS. RIENSTRA: If he doesn't have them, he  
25 doesn't have them.

1 COMMISSIONER LOWE: So you can do that.

2 MS. RIENSTRA: I mean, it's --

3 MR. SMITH: I really don't have any problem  
4 with it. I just want to separate it from my regular email  
5 account.

6 COMMISSIONER LOWE: Yeah, you can have it  
7 separate.

8 MR. FARRELL: It'll make your life easier.

9 MR. SMITH: Yes.

10 COMMISSIONER LOWE: And then so -- let me --  
11 so I'm clear on this; if they got a request directly to  
12 Kimberly, for example, timeline -- the ten days does not  
13 trigger until they make the request directly to the agency.  
14 And so what happens if some -- she tells somebody you -- I'm  
15 not the person you could ask this from, you gotta ask -- and  
16 nothing happens, we're okay?

17 MS. GODFREY-WEIDIG: If we do not receive it  
18 through open records, we haven't received it.

19 MS. RIENSTRA: If she received it via email  
20 and she sends an email back and said I'm not the person,  
21 here's where you need to send it, and we never get it through  
22 our official email, then there's nothing we need to do.

23 COMMISSIONER LOWE: So what a letter -- is it  
24 different for a letter?

25 MS. RIENSTRA: Yes, it is different for a

1 letter.

2 COMMISSIONER LOWE: It is different for a  
3 letter.

4 MS. RIENSTRA: But I'm -- but -- so she would  
5 need to get that letter, handwritten letter, which it would  
6 be -- it would be very unusual for her to receive a hard copy  
7 written letter, but she might. But she would need to get it  
8 to Elizabeth as soon as possible.

9 COMMISSIONER LOWE: And do the ten days  
10 trigger from when -- if it's a written letter it's a  
11 different trigger?

12 MS. RIENSTRA: Yes.

13 MS. GODFREY-WEIDIG: And feel free to share my  
14 contact information with folks that reach out to you that  
15 have questions about public information. I can absolutely  
16 walk them through what the necessary steps are.

17 MR. BIARD: And just to be clear, I'm not  
18 expecting for y'all to be in direct contact -- contacted  
19 directly by people wanting to get information.

20 MS. RIENSTRA: They usually send it --

21 MR. BIARD: I think it's going to come to us,  
22 so I know we're dwelling on this a whole lot about what  
23 happens if you get contacted directly, I think the chance of  
24 that happening is pretty small.

25 MS. RIENSTRA: Right.

1 MR. BIARD: So really, if you get one, just  
2 call us and we'll tell you what to do. So you don't have to  
3 remember a whole bunch of stuff right now.

4 COMMISSIONER LOWE: All right.

5 MR. SMITH: That was the plan all along.

6 COMMISSIONER LOWE: Sorry. Sorry to go down  
7 the rabbit trail.

8 MS. GODFREY-WEIDIG: All right. Wonderful.  
9 Any other questions? Well, thank you so much for your time  
10 today. I appreciate it. Again, I'm here to help you in any  
11 way I can and thank you. And y'all have a wonderful day.

12 MS. ROGERS: Thank you.

13 COMMISSIONER LOWE: Thank you.

14 MR. BIARD: Thank you, Liz.

15 AGENDA ITEM IV

16 COMMISSIONER LOWE: All right. So, I think  
17 we're down to number four, so right? The presiding officer  
18 and Kim, Kimberly's the acting presiding officer, so I'll let  
19 -- I'm going to turn it over to Kim.

20 MS. ROGERS: Thank you very much. And as he  
21 said, I'm acting as presiding officer until someone else or  
22 we vote to go further with however we do.

23 There are a couple of things while I'm  
24 presiding officer that I would like to go over that I learned  
25 in the past from a BAC, and there's two things. And I

1 believe the gentleman in the back is legal that I would ask.

2 COMMISSIONER LOWE: Yeah, Bob Biard.

3 MS. ROGERS: Bob, okay. Always remember that  
4 this type of Board there is a quorum. When there's five or  
5 more of us gathered, correct? Because we're a board of nine.  
6 So if you go afterwards, after the meeting. I know we were  
7 always told about this, I want to make sure this still  
8 applies. If y'all all decide to go to lunch afterwards, it  
9 cannot be more than -- five of y'all or more, correct?

10 MR. BIARD: That's wrong.

11 MS. ROGERS: That's wrong?

12 MR. BIARD: The rules were different --

13 MS. ROGERS: Okay.

14 MR. BIARD: -- last time.

15 MS. ROGERS: Okay. I want to make sure.

16 MR. BIARD: We are not -- we are not treating  
17 you like a governmental body.

18 MS. ROGERS: Okay.

19 MR. BIARD: Which is technically how BAC was  
20 treated last time.

21 MS. ROGERS: Okay.

22 MR. BIARD And that everything was subject to  
23 open meetings act. But you're not anymore, because that's  
24 not legally required.

25 MS. ROGERS: Okay.

1 MR. BIARD: That was a deliberate decision  
2 that was made, so y'all are advisory only. You cannot make  
3 any -- you cannot make any decisions that are actually going  
4 to be implemented. So for that case, in essence, there's --  
5 y'all don't need to worry.

6 MS. ROGERS: Wonderful. Then never mind what  
7 I just said.

8 UNIDENTIFIED VOICE: Good point.

9 MR. BIARD: This incarnation of the BAC --

10 UNIDENTIFIED VOICE: We were already concerned  
11 about that. We had already talked about that, yeah.

12 MS. ROGERS: Okay. Well wonderful. The  
13 second thing, one of my very first BAC meetings we had a  
14 facilitator in here and I was really taken back as to what  
15 her job was, but she did a great job. And she taught us not  
16 to speak over someone. Let them completely finish what  
17 they're talking about, whether you completely agree or you  
18 completely disagree. Whether it's getting your blood boiling  
19 or it's not. Let them completely finish their speech and  
20 then you'll have your turn. So those are just two advisal  
21 things that I could give out there.

22 At this time, is there anyone that would like  
23 to step forward to be chair or nominate someone to be the  
24 chair and we can take a vote and go through that process?

25 MS. GREEN: Well, I'd like to nominate Trace.

1 MS. ROGERS: Okay.

2 MS. GREEN: Is this something that you wanted  
3 to do, too? I don't --

4 MS. ROGERS: I am perfectly okay with someone  
5 else taking the reins.

6 COMMISSIONER LOWE: Now, you have to have a --  
7 you have to have an acting --

8 MR. BIARD: It's -- that's up to the board.

9 COMMISSIONER LOWE: Okay.

10 MS. ROGERS: Do I have to be acting for a  
11 certain timeline?

12 COMMISSIONER LOWE: No, I'm talking about  
13 somebody that's --

14 UNIDENTIFIED VOICE: I'm thinking about if he  
15 can't be here, an acting is somebody to conduct the meetings.

16 MS. ROGERS: Yes. What we can do --

17 UNIDENTIFIED VOICE: I think it said that in  
18 here.

19 COMMISSIONER LOWE: I think you need to have a  
20 chair --

21 UNIDENTIFIED VOICE: I'll second that motion.

22 MR. DUNCAN: Yeah. I think if he's not here,  
23 someone should lead --

24 MS. ROGERS: Yes.

25 MR. DUNCAN: -- the meetings.

1                   COMMISSIONER LOWE: Yeah, I think you ought to  
2 take care of that now.

3                   MS. ROGERS: You're okay with going ahead and  
4 --

5                   COMMISSIONER LOWE: Y'all are -- it's y'all's  
6 meeting.

7                   MS. ROGERS: If you are -- if you do take this  
8 position, then yes, you will need to have someone that can  
9 run the meetings when you are not here.

10                  MR. SMITH: Would you like to be --

11                  MS. ROGERS: Well, let's get -- let's -- let's  
12 move first on you. So Melodye Green would like to make a  
13 nomination for Trace.

14                  MR. BOURGOYNE: I'll second it.

15                  MS. ROGERS: You'll -- Emile will second it  
16 and Will will second it. All those in favor?

17                  (Chorus of "ayes")

18                  MS. ROGERS: For the record, all those  
19 opposed? None for the record. Congratulations.

20                  MR. SMITH: Well, I would like to make a  
21 motion that you be the second presiding officer.

22                  MS. ROGERS: I accept.

23                  MS. GREEN: I second.

24                  MR. SMITH: Melodye's got a second. All in  
25 favor?

1 (Chorus of "ayes")

2 MS. ROGERS: Thank you.

3 MR. SMITH: All right. Good deal. Well,  
4 guess that sums that up then, doesn't it?

5 MS. ROGERS: Threw you right into that.  
6 Didn't we?

7 MR. SMITH: Right. I'm telling you what, just  
8 no warning.

9 MS. ROGERS: Yeah.

10 MR. SMITH: All right. Well, I guess that's -  
11 - number 4 is taken care of. I guess we'll go on to number  
12 5.

13 AGENDA ITEM V

14 MR. SMITH: Report, possible discussion and/or  
15 action on the annual work plan including items previously  
16 determined by the Commissioners and possible additional items  
17 to be submitted to the Commissioners for their consideration  
18 and approval.

19 The annual work plan that we're supposed to go  
20 by that the Commission has so graciously given us, number one  
21 is conduct a review of Charitable Bingo administrative rules,  
22 Chapter 402, and recommend for the statutory required rule  
23 review proposed changes.

24 All right. Does anyone have anything they  
25 want to bring forward on that?

1 MR. BOURGOYNE: Yes, I'd like to bring  
2 something forward.

3 MR. SMITH: All right.

4 MR. BOURGOYNE: Prior to disbanding the former  
5 work group, we submitted a request to change the rule  
6 regarding the sale of instant tickets that would allow the --  
7 I'm trying to find it here. It deals with Section E, sales  
8 and redemption of tickets, paragraph 9. It says, a licensed  
9 organization's gross receipts from the sale of pull tab bingo  
10 tickets must be included in the reported total gross receipts  
11 for the organization once the deal is withdrawn from play.  
12 That's the language we would like to add; once the deal is  
13 withdrawn from play.

14 Currently, in the sale of instant tickets,  
15 they -- they're sold session to session and they have to be  
16 reported for each session and it's too cumbersome and that's  
17 why we've seen the sale of instant tickets fall by the  
18 wayside to -- to bingo event tickets.

19 It's our thinking that if we only had to  
20 account for the deal when it was pulled from play, it'd be  
21 one session you had to report that deal and it might spur the  
22 sales of instant -- more instant tickets and also spur the  
23 use of more vending machines at the clubs.

24 MR. SMITH: So what you're saying is, is the  
25 way we do it right now, if you sell a partial deal, you have

1 to report that on your session data.

2 MR. BOURGOYNE: That's my understanding.

3 MR. SMITH: And what you're wanting to do is  
4 not report that partial sale on that session data and then  
5 report it when it's --

6 MR. BOURGOYNE: When it's removed from play.

7 MR. SMITH: When it's removed from play.

8 MR. BOURGOYNE: With either sold out or -- or  
9 removed from play, never to be played again, then -- then a  
10 reporting is done at that session.

11 MR. SMITH: So what do you do with the money  
12 that you accrued from that session? Do you hold it in a  
13 special account or --

14 MR. BOURGOYNE: I don't know.

15 MR. SMITH: You don't know.

16 MR. BOURGOYNE: I don't know the answer to  
17 that.

18 MS. ROGERS: And if I could say something.  
19 This is probably where you'd want to form some type of work  
20 group to get some research on this to bring it forward so  
21 everyone could have something to look at, because --

22 MR. BOURGOYNE: I'd be happy to --

23 MS. ROGERS: -- I think what -- I think what  
24 you're talking about is going to be a little bit -- it would  
25 only qualify for units maybe because then you have licensed

1 times, they own their own instance, you can't run from one  
2 over to the other. You know what -- you understand what I'm  
3 saying?

4 MR. BOURGOYNE: Uh-huh (affirmative).

5 MS. ROGERS: I -- I believe that's what we  
6 would have to do, is then you would have to get staff  
7 involved to give us the legal on that. And we'd have to  
8 bring that forward at the next -- so form a work group that  
9 will look into this and yes, sir?

10 UNIDENTIFIED VOICE: Can y'all tell us what  
11 rule number you're talking about so the public can follow?

12 MR. BOURGOYNE: It's under -- I don't have the  
13 whole rules in front of me, but it's under sales and  
14 redemptions which is at paragraph E under pull tab bingo, and  
15 then it's at subsection 9. That's the only thing I have; I'm  
16 sorry.

17 MS. ROGERS: And this would be the exact point  
18 when you bring it --

19 MR. BOURGOYNE: Right.

20 MS. ROGERS: -- at the next meeting, bring  
21 this up.

22 MR. BOURGOYNE: I'd be happy to.

23 MS. ROGERS: We would have everything that  
24 everyone could look at on the screen.

25 MR. BOURGOYNE: Yeah, we had brought it up in

1 the work group and -- and it was in the process of moving  
2 forward and then the directors changed and it just got left  
3 off in limbo, that's --

4 MS. ROGERS: It -- it's wonderful to bring up,  
5 you know, something of that nature, if that would help.

6 MR. SMITH: Okay. So we want to form a work  
7 group to look at that rule. Emile, obviously you want to be  
8 in that work group?

9 MR. BOURGOYNE: Yes, sir.

10 MR. SMITH: Anyone else want to be in that  
11 work group particularly? Tommy maybe?

12 MS. ROGERS: Yeah, I would strongly --

13 MR. SMITH: Anyone else? I'll be in on that  
14 as well if that's all right with you, Emile.

15 MS. ROGERS: Okay.

16 MR. DUNCAN: Yeah, the daily cash reports are  
17 going to be a problem with that.

18 MS. ROGERS: I do have a question. Are there  
19 any proposed changes to different rules on the dockets right  
20 now with staff?

21 UNIDENTIFIED VOICE: No.

22 MS. ROGERS: No? Okay.

23 UNIDENTIFIED VOICE: I don't think so.

24 MR. SMITH: Okay.

25 MR. BOURGOYNE: I had one more. Sorry.

1 MS. ROGERS: Uh-huh (affirmative). Don't be  
2 sorry.

3 MR. BOURGOYNE: This same work group could  
4 handle this one, I believe. And I apologize again for --  
5 it's under the event tickets, section (H)(6), currently bingo  
6 event tickets have to have more than two instant winners in  
7 them and this requires manufacturers to have a separate  
8 inventory for Texas bingo events versus the other states  
9 bingo events who don't require the instant winners, and so we  
10 -- and so we'd like to remove that language, if possible, as  
11 long as it doesn't put bingo event tickets in a -- in a  
12 category that's no longer pull tab bingo. Because we want to  
13 keep the exemption to session limitations where pull tab  
14 bingo is not counted.

15 So as long as we could do that, if we could  
16 remove the requirement to have three instant winners no bingo  
17 event tickets, we would reduce -- not have a separate --

18 MR. SMITH: Two winners or three winners?

19 MR. BOURGOYNE: Well, it's more than two. The  
20 language reads more than two.

21 MS. ROGERS: Once again, that would require  
22 I'm sure legal for research to look back and make sure --

23 MR. BOURGOYNE: Yeah, I don't know the history  
24 of why that language --

25 MS. ROGERS: Exactly.

1 MR. BOURGOYNE: -- was put on there from the  
2 beginning, but it doesn't exist in another state, which --

3 MS. ROGERS: Okay.

4 MR. BOURGOYNE: -- requires us to use  
5 different insides for the Texas bingo event market versus the  
6 insides for the rest of the states bingo event markets.

7 MS. ROGERS: So I -- I would strongly agree  
8 that this same work group could take that on, too.

9 MR. SMITH: Absolutely.

10 COMMISSIONER LOWE: Could I ask a question,  
11 Bob? Are you going to have somebody available -- is there a  
12 person that you want them to contact about questions in this  
13 regard?

14 MR. BIARD: For legal?

15 COMMISSIONER LOWE: Legal.

16 MR. BIARD: Tyler Vance over here, who has a  
17 lot of experience with occupational licensing and other  
18 boards, has a lot of good experience, he's going to be a  
19 point person for BAC. I'm certainly going to be involved and  
20 stay involved, but I think he's probably your first for legal  
21 questions, it'd be Tyler.

22 MS. ROGERS: Can you tell me his last name  
23 again?

24 MR. BIARD: Vance.

25 MS. ROGERS: Vance?

1 MR. BIARD: V-a-n-c-e.

2 MS. ROGERS: Okay. Wonderful.

3 MR. BIARD: He came to us from the dental  
4 board and before that he was at the vet?

5 MR. VANCE: Pharmacy and veterinary board, so  
6 it's all occupational licensing.

7 MS. ROGERS: Wonderful.

8 MR. SMITH: Awesome. Do we have anything else  
9 from anyone?

10 I'd like to talk about the net proceeds issue  
11 that we're having right now. I don't know if anybody else is  
12 aware of that. Melodye, I'm probably sure you are.

13 MS. GREEN: Uh-huh (affirmative).

14 MR. SMITH: It's my understanding that the net  
15 proceeds is causing some of the charities to go into the  
16 legal process where they aren't making their net proceeds for  
17 their rolling 12 months. Is it 12 months, right?

18 UNIDENTIFIED VOICE: Uh-huh (affirmative).

19 MR. SMITH: Yeah, rolling 12 month quarter.  
20 Fortunately, I'm not very familiar with that, but I know a  
21 lot of halls are. But I think that's something that we may  
22 want to address and at least talk about getting on the table  
23 and try to -- try to get some things rolling for either rule  
24 changes or legislative changes, something like that.  
25 Melodye, do you want to comment?

1 MS. ROGERS: I completely agree, because I  
2 will say that we have been -- run into that process at one of  
3 our places and reading the legal -- what the Bingo Enabling  
4 Act says is slightly different from what the rules say. It  
5 kind of throws you -- not different I shouldn't say it that  
6 way. They're -- a lot more people get thrown into it because  
7 of the rule versus the Act.

8 MR. SMITH: Okay.

9 MS. ROGERS: So looking at the rule would be a  
10 great thing. If you'd like to head it, I would definitely be  
11 there to help you.

12 MS. GREEN: Okay.

13 MR. SMITH: All right. We'll get a work group  
14 going with Melodye and then Kim obviously.

15 MR. POHL: I'd like to be a part of it as  
16 well.

17 MS. ROGERS: Okay.

18 MR. SMITH: Excellent, Jason. All right.  
19 Good deal. And I don't know, this may -- this may be a weird  
20 question to ask, but are we allowed to take suggestions from  
21 the audience, from staff, as well as the -- the attending  
22 public or --

23 COMMISSIONER LOWE: Well, it's you guys'  
24 meeting. If you -- you know, we have a -- at the end, we  
25 have a --

1 MS. ROGERS: Uh-huh (affirmative).

2 COMMISSIONER LOWE: -- agenda item for public  
3 comment.

4 MS. ROGERS: Public comment.

5 MR. SMITH: Okay. Is that where --

6 COMMISSIONER LOWE: I think it's appropriate  
7 you have -- if you need an opinion from somebody that has  
8 expertise in a particular area, I don't think it'd be  
9 inappropriate if you'd want to say hey Steve, what do you  
10 think about this or Tyler. I just -- be mindful of y'all's  
11 time to get -- to -- it's your job, y'all can do it.

12 MR. SMITH: Okay.

13 MS. ROGERS: You always do have down at the  
14 bottom the public comment. But it was also wonderful to have  
15 public involved.

16 COMMISSIONER LOWE: Uh-huh (affirmative).

17 MS. ROGERS: Because sometimes you have people  
18 that do a lot of books in the public that could offer quite a  
19 bit of assistance.

20 MR. SMITH: And the reason I ask that is I  
21 know there's a lot of people that have a lot of ideas in  
22 their heads and sometimes, when you get to a certain point,  
23 they don't want to lose their train of thought, so --

24 MS. ROGERS: Uh-huh (affirmative).

25 MR. SMITH: -- I get scatterbrained myself

1 sometimes.

2 COMMISSIONER LOWE: I think the only thing --  
3 comment I would have is if you get somebody recognized in the  
4 audience that you have them say their name so we have the  
5 court --

6 MS. ROGERS: Exactly.

7 COMMISSIONER LOWE: -- reporter knows --

8 MR. SMITH: Okay.

9 COMMISSIONER LOWE: -- who's talking.

10 MR. SMITH: Excellent.

11 COMMISSIONER LOWE: He can tell from looking  
12 at the cards who's talking here, but not out in the audience.

13 MR. SMITH: Right. Okay. Excellent. Okay.  
14 Well, is there any recommendations from staff or anything  
15 like that, that they would like to see addressed or something  
16 we can help the staff with then?

17 MR. FARRELL: I don't have anything further at  
18 this point.

19 COMMISSIONER LOWE: Not the time. I think  
20 we're -- we're kind of -- you know, Michael's sort of new.  
21 We're -- we've got new lawyer working with us, and so I think  
22 at this point in time, we're not prepared to go forward with  
23 any -- any rule changes. My -- my only bugaboo though is  
24 this issue about loans to the hall from lessors and how it  
25 effects their ability to have a -- have a net proceeds and

1 some sort of transparency in that regard.

2 You know what I'm talking about there?

3 MS. ROGERS: So commercial lessors allowed to  
4 loan money to a --

5 COMMISSIONER LOWE: Well, that -- well, it's  
6 not really loan money, it's --

7 MR. SMITH: I think they're --

8 MS. ROGERS: I'm like --

9 UNIDENTIFIED VOICE: I didn't think they  
10 could.

11 COMMISSIONER LOWE: It's --

12 MR. VANCE: The issue is at what point does a  
13 deferred rent become a loan?

14 COMMISSIONER LOWE: Right. The rent issue.

15 MR. SMITH: Oh.

16 COMMISSIONER LOWE: The rent issue and the  
17 legislature allows that.

18 MR. SMITH: Yeah, that's on my list as well.

19 MS. ROGERS: Uh-huh (affirmative).

20 COMMISSIONER LOWE: And so, I think that you  
21 guys want transparency from us and so I think that -- I think  
22 that that needs to be an issue we'd like to know how much  
23 rent's being deferred. And I don't think that's  
24 unreasonable.

25 So we could say okay, this is \$20,000 from

1 three years, there's a problem. The hall's really not doing  
2 it, not -- not really -- not getting there. So that's the  
3 only issue I'd like to bring to the forefront is --

4 MR. SMITH: Back rent?

5 COMMISSIONER LOWE: -- that. Is back  
6 deferred. And I didn't know -- loan's the wrong word. But  
7 I'm a simple person, so --

8 MR. SMITH: Yes, sir.

9 COMMISSIONER LOWE: -- it's deferred rent.

10 MS. ROGERS: Uh-huh (affirmative). Deferred.

11 MR. SMITH: Well, if your simple level is  
12 here, mine is down there. Don't be afraid to use the big red  
13 crayon with me.

14 COMMISSIONER LOWE: And before the session you  
15 couldn't -- you know, it was happening, was not supposed to  
16 be happening, but the session kind of -- kind of changed  
17 that, so anyway. That -- if y'all want to start -- if y'all  
18 want to make that part of your work plan.

19 MR. SMITH: We do.

20 COMMISSIONER LOWE: I'd be happy to volunteer  
21 Michael to be on that.

22 MR. SMITH: Okay. All right.

23 MR. FARRELL: Thank you, sir.

24 COMMISSIONER LOWE: And I'll be a part of it,  
25 because that's -- that's one of my things.

1 UNIDENTIFIED VOICE: Deferred rent, not loan.

2 MR. SMITH: All right.

3 COMMISSIONER LOWE: Deferred rent.

4 MS. ROGERS: So deferred rent or rent  
5 abatement I believe I've heard.

6 COMMISSIONER LOWE: What's it called?

7 MS. ROGERS: Abatement.

8 COMMISSIONER LOWE: Abatement?

9 MS. ROGERS: Rent abatement.

10 MR. VANCE: The issue is that a lessor can't  
11 extend credit to a charity.

12 MS. ROGERS: Right.

13 MR. SMITH: Right.

14 MR. VANCE: So theoretically at some point it  
15 becomes credit. It's not defined anywhere, but like you  
16 said, we can all agree that if three years later \$100,000  
17 that's credit, but --

18 COMMISSIONER LOWE: Yeah.

19 MR. VANCE: -- a lessor -- when does it become  
20 credit.

21 MR. SMITH: So you're wanting to put maybe a -  
22 - a cap on the timeframe; is that what I'm understanding?

23 MR. VANCE: Probably time and money I think is  
24 the --

25 MR. FARRELL: Yeah, again it -- it goes back

1 to -- for me is it goes back to how are we helping a charity  
2 if you let them defer rent for six or nine months or  
3 whatever, it -- it just -- you're not helping the charity at  
4 all. You know, if they're not making enough money to -- to  
5 cover the rent over a reasonable period of time, how are we  
6 helping the charity?

7 MR. SMITH: Right.

8 MS. ROGERS: And that's always the question, a  
9 reasonable amount of time.

10 MS. GREEN: Right. Because bingo is seasonal.

11 MR. FARRELL: It is -- I'm not going to argue  
12 that, I -- I've looked at lots of books, I've looked at lots  
13 of audits, I've looked at the --

14 MS. ROGERS: Yeah.

15 MR. FARRELL: -- quar -- monthly reports and  
16 things, that you do run into seasonal, which is why it's a  
17 12-month period, that's my understanding. But again, is we  
18 have to run into does the bingo hall have a -- the equivalent  
19 of Black Friday, all those kinds of things.

20 MS. ROGERS: Exactly.

21 MR. SMITH: Right.

22 MS. ROGERS: Okay.

23 MR. SMITH: Yeah. So you want to be on that  
24 group, correct, sir?

25 MR. FARRELL: Do I want to be on that group?

1 I think so.

2 MR. SMITH: Steve?

3 MR. BRESNEN: May I make a suggestion? I'll  
4 hold my comment -- my substantive comments to the -- to the  
5 time period, but I think this is a good place where -- to  
6 reserve -- and it may not be here or whoever you want to  
7 appoint, but for a member of the public who works in this,  
8 that may not be on the BAC, to also participate in that.

9 UNIDENTIFIED VOICE: It's your call.

10 MR. BRESNEN: So if you'd -- if you'd keep a  
11 spot open to have a member of the -- another person who may  
12 not be here.

13 MR. BIARD: And I just want to interject for a  
14 minute, and we are -- we have a court reporter here, who's  
15 taking the minutes and everything.

16 MR. BRESNEN: Steve --

17 MR. BIARD: I just want to make sure that he's  
18 -- are you able to hear the conversation okay?

19 THE COURT REPORTER: It would be better if  
20 they were closer to a mic, because I only mic'd the center  
21 tables, not realizing that the audience is going to be  
22 speaking.

23 MR. BIARD: Okay.

24 THE COURT REPORTER: I can hear them very  
25 quietly.

1 MR. BIARD: Okay. So one thing to make it  
2 easier on the minutes, just make sure you all speak up and if  
3 you're speaking from the audience, just identify who you are.  
4 Thanks.

5 UNIDENTIFIED VOICE: You don't have another --  
6 you don't have a portable mic with you or anything, do you?

7 THE COURT REPORTER: No, sir.

8 UNIDENTIFIED VOICE: Okay.

9 MR. SMITH: Yeah, if y'all are going to speak  
10 or interject, please be sure to state your name very clearly  
11 so he can get that and we'll --

12 MS. ROGERS: Is -- can I ask a question? Is  
13 there anyone in the public that would like to volunteer to be  
14 on this work group? Would you please stand up and say your  
15 name for the record? Thank you.

16 MS. IVES: Sharon Ives, that's I-v-e-s.

17 MS. ROGERS: Thank you, Ms. Ives.

18 MS. IVES: Thank you.

19 MR. SMITH: Is there anybody else that would  
20 like to be on the work group on that? I'm going to help on  
21 that as well.

22 All right. Is there any other pressing  
23 matters that y'all would like to address? No?

24 MS. ROGERS: All right.

25 MR. SMITH: Okay. Those are the top three to

1 four items.

2 All right. So we'll go on to review  
3 components of the bingo annual report and recommend elements  
4 and information to be included in future annual reports.  
5 Well, I think that's --

6 MR. FARRELL: We don't have an annual report  
7 ready for you.

8 MR. SMITH: Okay.

9 MR. FARRELL: The intent was to have one ready  
10 for you. Unfortunately, there was a -- bottom line was there  
11 was an editing problem that -- moved some sections around in  
12 the wrong pieces and we couldn't get it printed in time to  
13 get it to you.

14 The intent is it will be ready, I'm going to  
15 say within ten days, but it will be posted on our website.  
16 We'll notify everybody on the BAC that it gets posted so you  
17 can see the final version. Because I wanted to try to hand  
18 out a draft version, but it just -- it didn't look right.

19 MR. SMITH: Okay.

20 MR. FARRELL: And so rather than --  
21 pictorially kind of -- and rather than -- and a lot of  
22 questions and why does it look this way, want to make sure  
23 it's done right.

24 MR. SMITH: Okay.

25 MR. FARRELL: But the other I would say is

1 along those lines is that that's the bingo annual report,  
2 it's -- oh, it's number four and we'll -- I'll wait -- I'll  
3 withhold until number four.

4 MR. SMITH: I don't have a problem with you  
5 skipping to number four if nobody else has a problem with it.

6 MS. ROGERS: No.

7 MR. FARRELL: One of the things that's on the  
8 agenda, if you look on the agenda for the commission hearing  
9 meeting, excuse me, is the BAC should be making a report to  
10 the commission based upon what their meeting is. So I know  
11 you're not local, so you may want to -- you may want to  
12 either have a written report that gets entered in the record  
13 or you may want to have somebody here to speak to what  
14 happened at the BAC meeting, because the BAC meeting is  
15 yours, not mine or not the Commissioners'. So you -- I would  
16 recommend you have somebody who does report out at the -- at  
17 the Commission hearing meeting.

18 It doesn't have to be extensive, it could be  
19 just very short and sweet, what you're working on so the  
20 Commission knows. Is there anything else --

21 COMMISSIONER LOWE: Like in the past, what --  
22 was that -- were they done?

23 MS. ROGERS: Basically -- a basic recap of  
24 what we talked about, what we're looking at, doing our work  
25 groups that we formed. Yes.

1 MR. SMITH: So my question would be it -- it's  
2 talking about an annual report and the annual work plan, but  
3 are you -- do you not want updates as y'all have meetings?  
4 Wouldn't you rather have that as well or are you wanting both  
5 or do you just want the annual report?

6 MR. FARRELL: No, my recommendation is, and  
7 it's -- is that you report out at the next Commission hearing  
8 meeting after you have your quarterly meeting, it's supposed  
9 to be quarterly. That you report that out to the Commission  
10 and say these are the things we discussed about. I -- you --  
11 forgive me if I'm wrong or -- Bob, correct me if I'm wrong,  
12 can they -- they can be on the schedule in-between their  
13 quarterly meetings, can they not? On the Commission  
14 schedule? If they had something they wanted to talk about?

15 MR. BIARD: To the Commissioners?

16 MR. FARRELL: To the Commissioners, the BAC?

17 MR. BIARD: Well, we are going to start  
18 posting -- and our next Commission meeting is October 3rd.  
19 We're going to have a standing item on the Commission agenda  
20 in case the -- the BAC chairperson wants to address the  
21 Commission. Or anyone else. And there's also always the  
22 public comment, you know, item, but we're going to have a  
23 specific item in case there's anything the committee wants to  
24 review.

25 MR. FARRELL: So you don't have to do it

1 quarterly, you could --

2 MS. ROGERS: Right. I believe what you're  
3 talking about is a work plan to come forward to the  
4 Commissioners at the meeting, their meeting after ours, that  
5 would let them know what we discussed, what we talked about,  
6 what we're looking into, and if we had anything of that  
7 nature. And I believe I'm probably the closest one. I would  
8 be happy to do that.

9 MR. SMITH: Absolutely.

10 MS. ROGERS: If that's -- now, I believe  
11 that's different, though, than an annual report.

12 MR. FARRELL: Right. The annual report's a  
13 different thing. This is -- and that's why I said it's --  
14 it's really not the annual report, it's a report to the  
15 Commission on the status.

16 Since this is the first meeting of it, I think  
17 it'd be beneficial for the Commission as a whole to hear from  
18 you how -- what you -- what's important to you, what you're  
19 working on, and that they can ask you questions in particular  
20 about if there's some -- if they have any questions. And --  
21 and that's an open forum.

22 MS. ROGERS: So I would draft up a paper and  
23 list everyone that's on the work groups, what they're going  
24 to -- what they're looking into, what research they're going  
25 to reach out to find, and things of that nature.

1 MR. SMITH: Absolutely.

2 MS. ROGERS: And then of course I would submit  
3 that to the Lottery also when I email it to all the members  
4 so they have it.

5 MR. FARRELL: Do you want to get it, Bob?

6 MS. ROGERS: Would that be something that you  
7 would want copies of so that it could be a copy for the  
8 Commissioners at their meeting --

9 MR. BIARD: That's --

10 MS. ROGERS: -- so they can look at?

11 MR. BIARD: We'd be happy to include it if we  
12 have it in time.

13 MR. FARRELL: Yes.

14 MS. ROGERS: I will.

15 MR. BIARD: We'd be happy to provide that --

16 MS. ROGERS: Of course.

17 MR. FARRELL: Yeah.

18 MS. ROGERS: Of course.

19 MR. BIARD: And even if we don't have it in  
20 time for the notebooks, we'd be happy to take it and make  
21 sure that we hand it out to them.

22 MS. ROGERS: Okay. Okay.

23 MR. SMITH: Does that satisfy everybody?

24 MR. FARRELL: Oh, absolutely. I'm -- I just  
25 want to make sure you knew what the expectations were.

1 MR. SMITH: Absolutely. Yes. Yes.

2 MR. BIARD: And obviously, this -- one more  
3 thing about the Open Meetings Act, I'm not sure if y'all are  
4 going to -- how much y'all are going to be emailing  
5 Commissioners, but I would be real careful, because when you  
6 have three commissioners communicate, you do have an Open  
7 Meetings Act.

8 MS. ROGERS: Right. I was just going to email  
9 it straight to the young lady that spoke earlier.

10 MR. BIARD: Okay. That's correct.

11 MS. ROGERS: That was going to be it. I  
12 wasn't going to email the Commissioners.

13 MR. BIARD: That's correct.

14 MR. SMITH: Okay. Let's skip back up to --  
15 anybody else got anything they want to add on that? Let's  
16 skip back up to number three then.

17 Identify recommended statutory changes.  
18 Anybody want to delve off into that? Y'all have anything --

19 MS. ROGERS: I think they said they didn't  
20 have anything at this time, right?

21 COMMISSIONER LOWE: No, we don't have a --

22 MS. ROGERS: No.

23 COMMISSIONER LOWE: -- legislative agenda  
24 right now.

25 MS. ROGERS: No.

1                   COMMISSIONER LOWE: I think we're probably in  
2 reactive mode is where we are.

3                   MR. BOURGOYNE: I'd like to throw one out  
4 there.

5                   MS. ROGERS: Okay.

6                   MR. BOURGOYNE: Just from my perspective, it  
7 seems kind of funny to me that we have a provision for having  
8 progressive pull tabs, but we still have a top tier of 750  
9 and we're not allowed to take any of that prize money and  
10 carry it on from deal to deal, so I'd like to look at Section  
11 201.420 under prizes to see if we can put an exception for  
12 progressive pull tab games to exceed -- not to exceed 2500.

13                   I know it's out -- I know it's a statute  
14 change and it's probably not going to be the easiest thing in  
15 the world to do, but it just seems to me if you --  
16 progressive pull tabs are legal, but you can't have a  
17 progressive jackpot prize, it makes no sense.

18                   MS. GREEN: You want to stop it at 2500?

19                   MR. SMITH: Not to exceed 2500; is that what  
20 you said?

21                   MR. BOURGOYNE: I -- I think that's probably  
22 the lowest in the country.

23                   MS. GREEN: Oh, I agree. I'm just saying it  
24 was not --

25                   MR. BOURGOYNE: I mean, I'd love to --

1 MS. GREEN: -- to ask for more.

2 MR. BOURGOYNE: I'd love to see us ask for  
3 more.

4 MS. GREEN: Right.

5 MR. BOURGOYNE: I'm just trying to be  
6 conservative.

7 MS. GREEN: Uh-huh (affirmative).

8 MS. ROGERS: Emile --

9 MS. GREEN: That is low.

10 MS. ROGERS: You're saying look in having  
11 progressive that can go above 2500?

12 MR. BOURGOYNE: We -- we take -- well, right  
13 now you have to cap it at 750.

14 MR. DUNCAN: Actually, you're capped at 599,  
15 unless you -- it's a \$3, \$2, \$3 ticket.

16 UNIDENTIFIED VOICE: Yeah.

17 MR. BOURGOYNE: I'll throw out the amount  
18 whatever you think is reasonable to -- to think we could get  
19 out of the legislature. I'm all for anything.

20 MS. ROGERS: I was just asking for  
21 clarification because we didn't understand if you were  
22 talking about exactly what numbers you were talking about.

23 MR. BOURGOYNE: Right. I --

24 MR. SMITH: Well, there's always another work  
25 group if you'd like to do that, and I'm sure there'll be

1 plenty of people that would love to help you with that.

2 Tommy?

3 MR. DUNCAN: We're already working on that.

4 MR. BOURGOYNE: I'd be happy to.

5 MR. MARTIN: I'm on it.

6 MS. GREEN: Will Martin.

7 MR. SMITH: Put Will on that.

8 MR. POHL: I'd like to be on that as well.

9 MR. SMITH: Okay. Jason. All right. So  
10 we've got Tommy, Emile, Will and Jason on that. All right.

11 Anyone else on statutory changes at the  
12 moment? I'm sure there'll be some during the public comment  
13 period, I'm sure.

14 MR. BOURGOYNE: I had a question I just wanted  
15 to bring up about statute changes and I was looking at them  
16 and I asked our sales people to look at them as well from  
17 both companies to see if they knew something -- anything they  
18 thought would change that would help spur more ticket sales  
19 if you will. And one of the things that was pointed out to  
20 me, that under the definition of Bingo Occasion, it says pull  
21 tab bingo tickets are conducted on the day and at the time --  
22 this is on the license issued to a licensed organization.

23 And then under Section 2001.055, regulations  
24 of the game, it says the Commission by rule may establish the  
25 number and type of bingo games that may be played during a

1 bingo occasion.

2 So I pose the question why couldn't by rule we  
3 allow a charity like the American Legion or VFW, who own  
4 their own building, play pull tabs beyond their bingo  
5 session? Why couldn't we -- under existing statute, could we  
6 not go through a rule change to allow them to do that?

7 MR. SMITH: Anybody want to take a stab at  
8 that?

9 MR. BIARD: That would require a rule review  
10 analysis.

11 (Laughter)

12 MS. ROGERS: That's --

13 MR. SMITH: Anyone want to jump in with both  
14 feet? Okay.

15 COMMISSIONER LOWE: I would say on the  
16 legislative stuff, we don't want anything to happen that  
17 threatens our budget or makes us do more work.

18 (Laughter)

19 MR. BOURGOYNE: Well, that narrows it down.

20 (Laughter)

21 MS. ROGERS: Exactly, but isn't it written  
22 that you can't do anything outside your license times?

23 MR. BOURGOYNE: But the time is established by  
24 the Commission --

25 MS. ROGERS: And the time is only four hours.

1 MR. BOURGOYNE: But they could exempt that  
2 four hours if you owned your own building, et cetera. They  
3 could make that -- their own rule. We could do it by rule.

4 MS. ROGERS: True. But --

5 UNIDENTIFIED VOICE: I could only see a --

6 MS. ROGERS: But then you're affecting -- and  
7 that's one of the things that we have to always remember on  
8 the BAC, Texas is a huge state. We have to not do something  
9 in Austin that affects Amarillo that does -- affects  
10 negatively in McAllen that affects positively in Houston, but  
11 negative in Dallas.

12 So you know, you're -- you're talking about  
13 that if they own their own building. You're throwing out a  
14 lot of bingo halls that wouldn't be able to do that. So it's  
15 not something that would be for everyone.

16 MR. BOURGOYNE: I think --

17 MS. ROGERS: I mean, I'm all for looking into  
18 it if that's -- if that's something that everyone wants to  
19 do.

20 MR. BOURGOYNE: Well, it's something we see  
21 across the country in other states that --

22 MS. ROGERS: I'm just talking about Texas.

23 MR. BOURGOYNE: -- that we don't see here in  
24 Texas. I'm just pointing that out.

25 MS. ROGERS: Okay.

1 MR. SMITH: Well, and I know from just a  
2 charity standpoint, I think what that does is it creates an  
3 unfair advantage for some charities over other charities.  
4 And I don't believe that would be consistent with what BAC  
5 could support and the staff can support. I'm going to speak  
6 for you a little bit, but -- if I may, I think what we want  
7 to do is create a level playing field for everyone in Texas.  
8 and that -- I like your idea; I think we might be able to  
9 modify it a little bit maybe to make some headway, I'm not  
10 sure, but I would like to see maybe if you're going to let  
11 one charity do it, let all the charities do it. I'm not  
12 saying I'm a proponent of that, because that creates a lot of  
13 work, especially for us down here.

14 MR. BOURGOYNE: I was taking baby steps.

15 MR. SMITH: Right. But I think that's  
16 something that maybe we may want to consider and think about  
17 if we could create a level playing field for all the  
18 charities, because we're not just representative of one group  
19 of charities or one group of halls. We have to -- like Kim  
20 said -- we have to make it level across the state. I would --  
21 -- I would feel better representing something that benefitted  
22 all the charities.

23 MR. BIARD: I'd just say if -- my gut sort of  
24 tells me that there may be some people out there -- some  
25 folks out there -- who might say that's starting to expand

1 gaming a little bit. Some folks out there just sort of --  
2 play these -- play these sort of bingo games outside their  
3 bingo occasions, so I just would be sensitive to that as a  
4 policy matter.

5 MR. SMITH: Okay. Anything else on the  
6 statutory changes?

7 MS. GREEN: Last time at our meeting we -- we  
8 -- last week we talked about adding more temporaries or  
9 Patricia and I did a temporaries on demand. When you get --  
10 you have a big, big crowd, for some reason you don't think,  
11 you know, it surprises you, and you can play another session.  
12 It doesn't have to be a whole 2500, but anyway, that's --  
13 those were the -- we were trying to get input before we got  
14 here about what -- what the industry's wanting and we have  
15 several requests for that.

16 MS. ROGERS: That's something unique.

17 MS. GREEN: Uh-huh (affirmative).

18 MR. SMITH: Yeah.

19 MS. ROGERS: Temporaries on demand.

20 MS. GREEN: Uh-huh (affirmative).

21 MR. SMITH: It's my understanding that there  
22 are other jurisdictions that allow you to do that on demand.  
23 I'm not familiar with them, but I -- you know, through  
24 talking with people in the industry I've heard people say  
25 well, if we can have it on demand, you know, we could have a

1 big crowd one night and we don't want to turn them loose  
2 because Tuesday was bad, but it's Thursday now and  
3 everybody's got their checks or they've got, you know, it was  
4 payday that week for that industry in that town or if  
5 whatever they want to make a snap judgment call and be able  
6 to play bingo and that's definitely maximizing the charities'  
7 returns and I -- I get it.

8 MR. DUNCAN: Rather than have one scheduled  
9 and only 80 people show up.

10 MR. SMITH: Yes. Yes.

11 MS. ROGERS: I would think that would  
12 definitely warrant a work group to look into is that  
13 legislative, is that rule, is that --

14 MS. GREEN: I don't know.

15 MS. ROGERS: How we could go about something  
16 like that to work in with the bingo portal system, something  
17 of that nature.

18 MS. GREEN: Because that would definitely just  
19 help the charities. That's one thing that, you know, you do  
20 -- we're not asking for more money, we're --

21 MR. SMITH: Right.

22 MS. GREEN: -- whether the -- on demand and  
23 maybe some more temporaries.

24 MR. SMITH: You want to be on that work group,  
25 Kim?

1 MS. ROGERS: Sure.

2 MR. SMITH: Melodye?

3 MS. GREEN: Sure.

4 MS. ROGERS: Yes.

5 MS. GREEN: And Kim.

6 MR. SMITH: Anyone else want to help out on  
7 that? Will, do you want to help out on that, sir?

8 MR. MARTIN: No.

9 MR. SMITH: No? Okay.

10 MR. GREEN: That's not his wheelhouse.

11 (Laughter)

12 MR. SMITH: Anything else? All right. We'll  
13 come back to that in a minute I feel like.

14 So let's consider any other items? Is there  
15 anything else that maybe y'all want to address?

16 MS. ROGERS: The annual report used to be,  
17 doesn't have to be anymore, whatever you decide. It used to  
18 be, if I'm recalling correctly, a recap for the Commissioners  
19 to let them know -- and I don't know if maybe staff already  
20 gives them this -- how bingo's doing as a whole over the past  
21 year. It's numbers that we would put together; sales, how  
22 many licenses, et cetera, letting them know just kind of a  
23 general recap of this is what happened in '17 to bingo; it  
24 went up, it went down, nothing real elaborate. I mean, some  
25 of them would get pretty in depth depending on how -- who you

1 have working with numbers. But just to give them something  
2 at the following meeting. And it was usually at a time -- I  
3 want to say it was like their August meeting or maybe March  
4 meeting, of the year prior.

5 So you may want to see if anyone -- if that's  
6 something y'all still want or does staff -- do you know,  
7 Michael, if y'all do something like that already?

8 MR. FARRELL: We do, but it -- if I go back to  
9 the -- and -- administrative code -- at the first Commission  
10 meeting held prior to September 1st of each year, the BAC  
11 will provide to the Commission a report. So it's in the code  
12 that you need to do that.

13 MS. ROGERS: Yeah. Sometimes I -- I seem to  
14 recall it would fall in August or something, at the meeting.

15 MR. FARRELL: Yeah, this one says prior to  
16 September 1st, and usually it's the August Commission  
17 meeting.

18 COMMISSIONER LOWE: But you're wanting to know  
19 as far as content, we -- would you be wanting to put  
20 statistics in there, like a state of the industry? I think  
21 we -- our report does that as far as sales and -- and -- and  
22 data that's useful, so I -- I don't -- I don't think y'all  
23 have to do it. I think that really what we're -- you're kind  
24 of -- we want y'all to gather the pulse of the industry so  
25 that -- so that that message is coming to the Commission and

1 so we can say Michael, go -- we need this data on this piece  
2 of the puzzle, so yeah --

3 MS. ROGERS: Very good. I didn't know if  
4 y'all were already covered on that, if y'all would want it.

5 MR. FARRELL: What we're -- we're very black  
6 and white. It's -- if it goes up, it goes up. If it goes  
7 down, it goes down. And then there's a percentage attached  
8 to it. But what I think -- what I think is we can't give you  
9 the state of the industry. We can tell you what the numbers  
10 are, but I can't give you the state of the bingo industry.

11 MR. SMITH: Right.

12 MR. FARRELL: I can't tell you that, you know,  
13 why maybe Victoria is -- I can't make a value judgment saying  
14 Harvey destroyed the bingo industry in Port Aransas. I can  
15 say the numbers went down in Port Aransas, but I'm not going  
16 to tie it to Harvey. Where I think as you as the BAC can tie  
17 it to and make -- and make statements that say this is how  
18 the bingo -- this is kind of how the bingo industry works.

19 MR. SMITH: So are you looking for in -- in  
20 that report that you're talking about, are you looking more  
21 of the why and the hows?

22 MR. FARRELL: I think you need -- I think what  
23 you need to do is you need to say your -- your first --  
24 you're going to report your activities as related to the work  
25 plan and I would say you -- you would say what you perceive

1 the state of the bingo industry to be, is from your  
2 perspective. Is that --

3 MR. BIARD: I just want to interject her for a  
4 second. I'm sorry.

5 MR. FARRELL: That's fine.

6 MR. BIARD: I'd like to interject.

7 COMMISSIONER LOWE: You can have a chair right  
8 here.

9 MR. FARRELL: You want my chair and I'll --

10 MR. BIARD: The rule speaks to the report and  
11 it does include, you know, the duty -- the activities as it  
12 relates to the work plan. But I think you have a copy of the  
13 rule in your materials, but at -- on the second page of it,  
14 it's Section N(2).

15 MR. FARRELL: Yeah, N(2), yeah.

16 MR. BIARD: You know, well, in there it says  
17 the BAC must report their activities quarterly to the  
18 Commission, although, the Commission may require reporting  
19 more frequently, and that's why we're going to always have a  
20 standing item at the Commission meetings.

21 MS. ROGERS: Okay.

22 MR. BIARD: The second item says the BAC will  
23 report annually to the Commission the BAC's perspective on  
24 the state of the charitable bingo industry in Texas, with  
25 specific comments on the following: Adjust gross receipts,

1 net receipts, charitable distributions, expenses, attendance,  
2 and then any other matter requested by the Commission.

3 MS. ROGERS: And that's what my question was.  
4 I didn't know if y'all already put something like this for  
5 the Commissioners or not? If we need to -- before we skip to  
6 the next item, if we need to put somebody in charge of the  
7 annual report, an actual report for the Commissioners.

8 MR. FARRELL: Well, here's where I think we --  
9 we'll have to have -- get back to you on a little bit. One  
10 is, we may -- we may have those numbers, but you report them  
11 to us, so I mean, it's the same. We can -- we may have those  
12 numbers, but we won't have specific comments on them. And  
13 that's what I'm saying is.

14 MR. SMITH: So the whys.

15 MR. FARRELL: Yeah, it's I -- I can tell you  
16 that attendance went down in Port Aransas over the last year  
17 50 percent let's say, right? But I can't tell you the why or  
18 I'm not going to make a comment on it, I'm just going to say  
19 it went down.

20 MR. SMITH: Right.

21 MR. FARRELL: Right? I think that's -- if I'm  
22 not mistaken, so that's --

23 MR. BIARD: So we're here to be support, to  
24 provide information on --

25 MR. FARRELL: Yeah, we can give you the

1 numbers that we have, that's not the issue. The issue is  
2 what are they meaning to the industry?

3 MS. ROGERS: Right.

4 MR. FARRELL: Because that's where you -- I  
5 think that's where the specific comments on the bingo  
6 industry.

7 MS. ROGERS: And I don't -- I can't recall who  
8 it was, who sent an email back that asked about the net  
9 proceeds and to get some information from the -- the emails  
10 that we were receiving from staff. No? No one?

11 UNIDENTIFIED VOICE: I didn't get that email.

12 MS. ROGERS: Okay. I thought there was  
13 someone. If these numbers -- and that's what I used to do is  
14 pull them off of the internet because they're there.

15 MR. FARRELL: Uh-huh (affirmative).

16 MS. ROGERS: Y'all put them in because we tell  
17 you what they are. So pulling them in. I would be happy to  
18 put that in my report to the Commissioners, and then also,  
19 I'll reach out to y'all -- I believe I'm okay to do this --  
20 reach out to each one of you if you see any ups or downs or  
21 anything of that nature, so I can combine that into a reoprt,  
22 reduce it down of course, a quick synopsis for the  
23 Commissioners to say this is why we've seen numbers drop in  
24 this area, it was because of this, because you are all from  
25 different areas. Is that okay?

1 UNIDENTIFIED VOICE: Absolutely.

2 MS. ROGERS: Okay.

3 MR. SMITH: The only thing that I would think  
4 that we might want to include in that report that the two  
5 things that really stand out to me and one really affects me  
6 and the other one doesn't, but the first one would be the  
7 illegal gaming or eight liners, I know that's a four letter  
8 word sometimes.

9 MS. ROGERS: Uh-huh (affirmative).

10 MR. SMITH: But I think that affects a lot of  
11 the bingo industry.

12 UNIDENTIFIED VOICE: Uh-huh (affirmative).

13 MR. SMITH: In a lot of areas. And it's very  
14 hurtful. I think we ought to try to address that in some  
15 way, shape or form, even if it's just a one line the reason  
16 this area is down and the other's X, and also the other thing  
17 is the out of state gaming; Oklahoma, Arkansas, Louisiana,  
18 and then I think it's New Mexico out in El Paso. We have  
19 bingo out there still.

20 MS. ROGERS: Well, and when I reach out to  
21 y'all to say okay, this is the annual report that I'm going  
22 to present to the Commissioners, is there any comments that  
23 y'all would like to add, those of you that are on the border  
24 and it's effecting your area, let me know.

25 MR. SMITH: Okay.

1 MS. ROGERS: And I'll combine that into a  
2 quick, small comment for them.

3 MR. DUNCAN: Well, I think that illegal gaming  
4 goes back to net proceeds in certain areas.

5 MR. SMITH: Absolutely.

6 MR. DUNCAN: When she says why was the net  
7 proceeds down, you know, because I don't think the Lottery  
8 allows you to put that in the waiver request. Isn't it more  
9 of a business plan to --

10 MR. FARRELL: A business plan.

11 MR. DUNCAN: -- you say and you know, there's  
12 really not one to combat that.

13 MR. FARRELL: Well, yeah, it's a business plan  
14 or it -- unusual circumstances I think --

15 MS. ROGERS: Force majeure.

16 MR. FARRELL: Force majeure they talk about.

17 MR. DUNCAN: Okay.

18 MR. FARRELL: Yeah, that's -- that's the  
19 Harvey, that's the flooding --

20 MR. DUNCAN: So you can include that then?

21 MR. FARRELL: Right.

22 MS. ROGERS: So force majeure --

23 MR. DUNCAN: When you make that request.

24 MS. ROGERS: -- does not only have to be  
25 natural.

1                   COMMISSIONER LOWE: Yeah, back on the  
2 legislative side, that I think Steve, y'all are going to push  
3 that bill again, right? The bill to withhold money from  
4 counties?

5                   MR. BRESNEN: We're going to lean on the 28th  
6 to make a decision about that, but if they listen to my  
7 advice, that's what we will be pushing.

8                   COMMISSIONER LOWE: And I think Will's got  
9 some ideas, too. Maybe increasing the penalties to state  
10 jail felonies for illegal gambling, which is what you need to  
11 have happen. Pardon me?

12                  MR. DUNCAN: I think you brought on the State  
13 Sheriff's Association on that.

14                  MR. MARTIN: Yeah, we've got the State  
15 Sheriff's Association behind us and working on getting the  
16 District Attorneys Association behind.

17                  UNIDENTIFIED VOICE: Good luck.

18                  MR. DUNCAN: Yeah, I know.

19                  MS. ROGERS: Have to start somewhere.

20                  MR. MARTIN: That's right.

21                  MR. SMITH: That's right.

22                  MR. DUNCAN: It's been done two or three times  
23 I think.

24                  MR. SMITH: All right.

25                  MS. ROGERS: Sorry about that.

1 MR. SMITH: So we're clear on that and you'll  
2 --

3 MS. ROGERS: Uh-huh (affirmative).

4 MR. SMITH: Any assistance you need, let me  
5 know and I'll be glad to help you with anything.

6 MS. ROGERS: Okay.

7 MR. SMITH: All right. So that's going to  
8 bring us down to our next item, Item 6.

9 AGENDA ITEM VI

10 MR. SMITH: Report and possible discussion  
11 and/or action on establishing a web page for the BAC on the  
12 Charitable Bingo Operations Division website. That is a  
13 fantastic idea and I'm sure that was your idea, Michael.

14 MR. FARRELL: I'm going to take credit for it,  
15 yes, sir.

16 MR. SMITH: All right. Good. Good.

17 MR. FARRELL: No, actually, I've gotta leave  
18 it up to the folks sitting in. But we'll be happy to put  
19 that on. Our intent is to put the transcript of the meetings  
20 on there, put whatever else that need -- your bios on it and  
21 pictures, so that -- and your point -- your contact  
22 information, which should be -- is public information. So if  
23 you give your home address, that -- if I'm not mistaken, we  
24 can't redact that, so it's -- if you can -- you know, your  
25 business address or your mailing address is what -- so how

1 they can get a hold of any one of you and -- and you know, a  
2 brief bio.

3                   That's -- it's not going to be a very dynamic  
4 page, so I'm saying is, is that we're probably going to need  
5 something from you saying if you have questions about the  
6 BAC, email it here. That doesn't mean we can't create a BAC  
7 email address. I think we have one already, but I can't --  
8 I'm not sure we have one, but we can't create a BAC email  
9 address and have it sent to like Kim or Trace or Will or  
10 somebody to be the field -- that's okay with us, but it -- it  
11 can't come -- it's not going to be in our division to talk  
12 about what the BAC is doing.

13                   MR. SMITH: Right.

14                   MR. FARRELL: Because we have to maintain that  
15 separation. But we're happy to support you that way.

16                   MS. ROGERS: I would like to say I think  
17 that's awesome. That's great for the public to be able to  
18 have somewhere to go to reach out to hey, we would like to  
19 see this in our area or that in our area.

20                   Is there a timeframe that you're looking at so  
21 we can -- it was a great idea I think that Trace said to do  
22 our own email -- a different email so it doesn't link to our  
23 personal.

24                   MR. POHL: I agree.

25                   MS. ROGERS: And everything is so public

1 nowadays. I don't know that I would want my personal cell  
2 phone on that web page, but --

3 MR. FARRELL: No. No, we'll put on --

4 MS. ROGERS: -- just that email -- that email  
5 address.

6 MR. FARRELL: What we're going to put on --  
7 what we'll do is we're going to put your name -- we'll put  
8 your name on it, we'll put your bio on it if you've got it,  
9 and then we will -- we'll create a email address right now  
10 that's -- it's -- it's a BAC@bingo.org or whatever the heck --  
11 - lottery.whatever. And then we'll create that and then  
12 somebody will tell me that Trace or Kim, you'll tell me who --  
13 - who's going to get it, who -- who we'll forward that email  
14 to, because we can set up an email that will forward to you,  
15 so we're -- I think we can do that. J.D., am I speaking out  
16 of turn here?

17 J.D.: No, sir.

18 MR. FARRELL: Okay.

19 J.D.: Doing great.

20 MR. FARRELL: Thanks. So we'll get -- we'll  
21 get that to you and then we can update -- we'll update the  
22 page for you as you get information. So what I'm saying is,  
23 is if you -- Trace, you've got your -- you know, Trace --  
24 BACTrace@ whatever, we'll put that in. If your email -- if  
25 your information changes, we'll -- we'll make the update to

1 the -- we'll update the page to -- if it changes.

2 Like your mailing address could change. I  
3 mean, that happens.

4 MR. SMITH: Right. Uh-huh (affirmative).

5 MR. FARRELL: Right? We'll do those updates  
6 for you for the nine folks. If your bio changes and you want  
7 that, we'll -- just let us know and we'll update it.

8 We also have our commun -- our communications  
9 -- that's not the right word, but okay -- our communication  
10 staff said they'd be happy to if you want them to look at  
11 your bio and edit it and/or -- or help you out writing your  
12 bio, they said they'd be happy to help us so that we get it  
13 consistent and it looks right and -- and it's -- I know they  
14 did mine, so they turned it in to English, so it's -- it was  
15 you know, so we can get that taken care of that way. So we --  
16 -- we're happy to provide support, reasonable -- I'm going to  
17 use the word reasonable. We're happy to provide some  
18 reasonable support for you and just understand that we can't  
19 do -- in the Division we can't do the BAC's job. We can give  
20 you information and like, but you folks have to --

21 MS. ROGERS: Uh-huh (affirmative).

22 MR. FARRELL: It's -- and you report directly  
23 to the Commissioners, not through me.

24 MS. ROGERS: Thank you.

25 MR. SMITH: Okay. Well, I think that was an

1 excellent idea.

2 MS. ROGERS: Uh-huh (affirmative).

3 MR. SMITH: We certainly appreciate that. I  
4 think that's going to be a big help.

5 MS. ROGERS: Yes. Before we move on to the  
6 next thing, I'm sorry, can I jump back to --

7 MR. SMITH: Absolutely.

8 MS. ROGERS: I don't know which one it would  
9 fall under, but work groups; making a work group.

10 I would like to see that somehow on the bingo  
11 portal system if you would like to opt out of a mailed  
12 quarterly report, that you can do that, because I think  
13 that's -- and I don't know if that's even possible, but I  
14 would like to head up a work group to look at that. Similar  
15 to like your CPS bill. You don't -- you can opt out of  
16 receiving paper bills. And you can just pay it online.

17 All of our quarterly reports that I do I pay  
18 them online. I file them online. So when I receive this big  
19 beautiful packet from staff, it goes in the back of the  
20 folder. The papers, I don't -- there's no reason for them.  
21 I don't have any reason for them. And I think that might be  
22 something -- I'd like to look further into it -- that would  
23 help staff, maybe lessen a lot of the burden on them. I  
24 don't know what legal ramifications we would have to look at  
25 to say okay, you chose this, so you -- you are responsible

1 for filing October 25th, it's yours. But I would look into  
2 something like that.

3 Is there anyone who would like to assist me on  
4 that work group? And I apologize for jumping backwards. No?

5 MR. SMITH: Is there anybody from the general  
6 public that might want to get in on that? Sharon Ives.

7 (Laughter)

8 MR. SMITH: Said she would like to volunteer.

9 MS. IVES: Do I need to stand up and repeat my  
10 name again?

11 MR. SMITH: No, I think we got it.

12 MS. IVES: Okay.

13 MS. ROGERS: Do you not -- but you agree, I  
14 mean, it -- you understand where I'm coming from?

15 MR. SMITH: You want a go paperless option.

16 MR. FARRELL: Can I -- can I back up? Can you  
17 frame it again, because I missed the -- I missed -- I  
18 misunderstood your initial statement, so that's -- that's why  
19 I'm trying to frame that.

20 MS. ROGERS: Just speaking for myself, just  
21 completely for myself --

22 MR. FARRELL: Right.

23 MS. ROGERS: -- as a bookkeeper, I would log  
24 on as the bookkeeper for (Indiscernible), and I would have  
25 somewhere on my bingo portal system, because I have access to

1 all their records, that I can click, sign whatever it may be  
2 nowadays in this technology world, and I am opting out of  
3 receiving the big, beautiful package from the Lottery.

4 So every quarter, I do what I normally do; I  
5 go on my bingo portal system and I file all my quarterly  
6 reports. There's no -- we're wasting paper. We're wasting  
7 someone's time to put that package together. We're wasting a  
8 computer to make copies. I don't know if it's possible, but  
9 I'd like to explore the idea of it.

10 MR. SMITH: Is that --

11 MR. FARRELL: Okay. I understand the -- I  
12 understand the framing now. I'd missed -- misunderstood at  
13 the beginning.

14 MR. DUNCAN: it's just a go paperless option  
15 --

16 MR. FARRELL: Yeah.

17 MR. DUNCAN: -- for these bookkeepers.

18 MR. SMITH: Is that statute or rule that y'all  
19 have to send that out?

20 MR. FARRELL: Well, I'd have to research that  
21 a little bit, whether the requirement requires a wet  
22 signature or we can do electronic signatures or any of that.  
23 We -- I'd have to do some research on that, but I don't think  
24 it's a bad topic to look at and then it -- I will say this,  
25 if it -- depending upon what the overhead is to make it

1 happen, it may not be -- it'd be something to consider in the  
2 future. Because if it makes your life easier, I'm all for  
3 that.

4 MS. ROGERS: Wonderful.

5 MR. SMITH: Okay.

6 MR. FARRELL: But again, I'm going to  
7 reiterate saying is -- research needs to be done.

8 MR. SMITH: No problem.

9 MS. ROGERS: Completely understand.

10 MR. SMITH: No problem. Okay. All right.  
11 Ready? All right.

12 AGENDA ITEM VII

13 MR. SMITH: Let's go on down to Item VIII  
14 (sic), report and possible discussion and action on  
15 scheduling future meeting dates. Does the staff have any  
16 dates in mind that would help coincide with the Commission  
17 meetings?

18 MR. FARRELL: Next meeting's on third --  
19 when's the meeting after the 3rd of October?

20 UNIDENTIFIED VOICE: December. It's every  
21 other month, so December, February, April.

22 MR. FARRELL: So you -- you -- your next  
23 meeting would be in January my guess is we -- if we do it  
24 kind of that way. Right? November?

25 MS. ROGERS: Because when's the next

1 Commissioner's meeting?

2 MR. FARRELL: You're supposed to have  
3 quarterly meetings. The next Commissioners' meeting is  
4 October 3rd, and the one after that is the first Thursday in  
5 December.

6 MR. BIARD: It might actually be --

7 MR. FARRELL: I didn't bring my --

8 MS. ROGERS: So we would need to --

9 MR. SMITH: We probably need to have one --

10 MS. ROGERS: -- meet in November.

11 MR. SMITH: -- in-between. Yeah.

12 MR. DUNCAN: We're required to meet once a  
13 quarter. If we want to meet more, I guess that's up to us,  
14 right?

15 MR. FARRELL: Yeah.

16 MR. SMITH: Yeah.

17 MR. FARRELL: December 13th would be the next  
18 one and then after that, there'd be one in February. So if --  
19 -- and to September, October, November, December would be the  
20 next -- would be the -- the quarter.

21 MR. SMITH: Steve Bresnen?

22 MR. BRESNEN: I'd recommend that you do one  
23 before December if you can and because you're going to have  
24 legislative items. If you wait until January or February  
25 it'll be too late.

1 MS. ROGERS: I completely agree. We need to  
2 meet in November so I can present and talk to the  
3 Commissioners, if necessary.

4 MR. SMITH: All right.

5 MR. FARRELL: So the only date I would say is  
6 you don't want to do it on the 22nd, 23rd or 24th.

7 MR. SMITH: Agreed.

8 (Laughter)

9 MR. FARRELL: Unless you're bringing the  
10 turkey.

11 MR. SMITH: The -- sometime the week of the  
12 11th through the -- or the 12th through the 16th work?

13 MR. MARTIN: Not the 12th.

14 MR. SMITH: Not the 12th?

15 MR. MARTIN: That's still spilling over --

16 MR. SMITH: Oh, that's right. Okay.

17 MS. ROGERS: I would vote to keep it on  
18 Thursday.

19 MR. SMITH: Okay.

20 MS. ROGERS: Is that still good with everyone?

21 MR. SMITH: Yes.

22 MS. ROGERS: Okay.

23 MR. SMITH: So maybe the 15th? November 15th?

24 MS. GREEN: November 15th, Thursday, that's --

25 MR. FARRELL: That's okay with me right now.

1 I don't see that being a problem.

2 MR. SMITH: Everybody okay with that?

3 MR. BOURGOYNE: 10:00 a.m.?

4 MR. FARRELL: Yeah, I wouldn't do it any --  
5 start it any earlier than 10:00 a.m. and I would also only  
6 plan for two hours, because otherwise you guys -- it just  
7 gets on and on.

8 MR. SMITH: Would it -- is 10:00 a.m., is that  
9 a set time that -- could it be a little later, could it --

10 MR. FARRELL: You could do it in the afternoon  
11 if you want if that's -- if you're looking at travel, is --  
12 if you -- if you're looking at starting at like 1:00, I don't  
13 think that's a problem, we'd just have to get the room. But  
14 yeah, that's -- it's -- the time is up to you.

15 MS. ROGERS: 10:00 a.m. for me I will -- I'll  
16 speak, is --

17 MR. BOURGOYNE: I've got to come in the day  
18 before, so that --

19 MS. ROGERS: -- is fine. Exactly.

20 MR. SMITH: Yeah, me too.

21 MS. ROGERS: And if you go in the afternoon,  
22 getting out of Austin sometimes, if we do run late is  
23 completely a booger.

24 MR. FARRELL: I would -- you can go earlier  
25 than 10:00 a.m. if you want, but I --

1 MR. SMITH: No --

2 MS. ROGERS: Please don't.

3 MR. FARRELL: Yeah, but it's -- yeah.

4 MR. SMITH: Some of us are night owls and we  
5 work at night --

6 MR. FARRELL: Oh, is that what you want? No.

7 MR. SMITH: Yeah.

8 (Laughter)

9 MR. SMITH: If we could have the meeting about  
10 9:00 p.m., that'd be great.

11 MR. FARRELL: That works for me. I'm okay  
12 with that.

13 MS. ROGERS: We're bingo, remember?

14 MR. SMITH: Right?

15 MR. BOURGOYNE: It'd be entertaining.

16 MR. SMITH: All right. So --

17 MR. FARRELL: So what's --

18 MR. SMITH: -- 10:00 a.m. the 15th of  
19 November. And we would like to extend the invitation to the  
20 Commissioner. If he'd like to make it, we'd love to have  
21 you. We do really appreciate your input and we definitely  
22 thank you for being here today.

23 COMMISSIONER LOWE: You're welcome. Thank  
24 you.

25 MS. ROGERS: Uh-huh (affirmative).

1 MR. FARRELL: Oh, and let me -- let me throw  
2 this out, is the agenda items, when you get the agenda items,  
3 you post those, right? So they would send to you or to us,  
4 they post them publicly? The agenda items for the next  
5 meeting?

6 MR. BIARD: Add items?

7 MR. FARRELL: It's a standing agenda; is that  
8 -- what I'm getting at is, when we -- we post -- we're going  
9 to post this before they have their next meeting in November.  
10 How soon does it have to be posted before the meeting?

11 MR. BIARD: Ten days.

12 MR. FARRELL: Ten days. So you need your --  
13 you need to have the agenda done ten days before so we can  
14 post the agenda.

15 MS. ROGERS: And that one's on you.

16 MR. SMITH: Yes, ma'am.

17 MR. FARRELL: Yeah. But I just want to make  
18 sure that came out so that we --

19 MS. ROGERS: Yes.

20 MR. SMITH: So if there's anything that y'all  
21 want on the agenda or want to talk about at the next meeting,  
22 please have that to me --

23 MR. DUNCAN: Well, I agree with Steve; it's  
24 probably going to be legislative items, right? At that  
25 point?

1 MR. SMITH: Yeah. So if you've got something,  
2 please get it to me as soon as possible so we can get that  
3 agenda to the staff in way plenty of time. I don't like to  
4 wait until the last second. I know sometimes it goes that  
5 way and I'm guilty, but I'd rather have it in early than  
6 late. I was always told if you're on time you're late and if  
7 you're late, you're dead, so.

8 MS. ROGERS: Goodness.

9 MR. SMITH: It's the way I grew up.

10 All right. Anything else on the meetings?

11 All right. We're going to number 8.

12 MR. FARRELL: Oh, can I just --

13 MR. SMITH: Yes, sir.

14 MR. FARRELL: Oh, sorry. Forgive me, it's  
15 number 8. I'm not reading well today. What can I tell you.

16 MR. SMITH: Okay.

17 MR. FARRELL: Only two cups of coffee.

18 AGENDA ITEM VIII

19 MR. SMITH: Report and possible discussion  
20 and/or action on the BAC quarterly and annual reports to the  
21 Commission and possible presentations at the Texas Lottery  
22 Commission meetings. Yes, sir.

23 MR. FARRELL: I was going to say, if you're  
24 going to meet in November, I would definitely say -- suggest  
25 you do something for their December meeting.

1 MR. SMITH: Yes.

2 MR. FARRELL: Okay.

3 MR. SMITH: Absolutely. Absolutely. I think  
4 it would be in our best interest and you'll -- maybe might  
5 agree with me, that if we have a meeting and then they have  
6 the meeting afterwards, that we present something to --

7 MS. ROGERS: Well --

8 MR. SMITH: -- show our --

9 MR. DUNCAN: I think that's what you just  
10 covered, didn't you?

11 MS. ROGERS: Right. I will take it on to do  
12 it for the next year, that after every one of our meetings I  
13 will put together -- not the annual report, of course, that  
14 will only be once a year --

15 MR. SMITH: Right.

16 MS. ROGERS: -- annual. But what we've talked  
17 about and what we're looking at doing.

18 MR. DUNCAN: In case they ask her to speak,  
19 right?

20 MS. ROGERS: Exactly.

21 MR. SMITH: Okay. Anything else on that? All  
22 right.

23 AGENDA ITEM IX

24 MR. SMITH: Number 9, public comment. Steve  
25 Bresnen.

1 MR. BRESNEN: Bresnen, B-r-e-s-n-e-n. Steve.  
2 Thank you all. First thing I want to do is thank  
3 Commissioner Lowe and his colleagues for re-upping the BAC.  
4 I think it's going to be extremely useful. I appreciate all  
5 y'all being willing to serve and coming ready to actually get  
6 into some meaty items.

7 The net proceeds deal was the number one thing  
8 on the bingo interest groups' agenda that I represent and so  
9 I think that's hugely important and it has both a statutory  
10 and a rule component to it. Obviously, the Agency could do  
11 the rules faster than the legislature's going to meet, so to  
12 the extent that those things that are in the Agency's  
13 prerogative I -- my recommendation would be that you focus on  
14 that.

15 I'd also suggest that you move the public  
16 comment period to the top of the agenda each time. The -- I  
17 -- in many agencies, it's at the bottom of the agenda like it  
18 is today, but I think that -- you know, I get paid to be  
19 here, so if I'm here, it's -- it's neither here nor there,  
20 but members of the public that have to wait until the end,  
21 it's not the most satisfying experience for them and  
22 sometimes you'll be past an agenda item when they've had  
23 something that they wanted to say.

24 In addition to that, I think you might have to  
25 make some time when you come to the agenda, specific agenda

1 items, it'll be helpful to you if you'll let them talk some.  
2 I fully agree with you, Commissioner Lowe, that you have to  
3 be careful because your time can get away from you if it  
4 becomes a great big group around a particular agenda item.

5           Bingo interest group will meet September 28th.  
6 I'm hoping that they give me my marching orders at that  
7 meeting so your November meeting to talk about legislation  
8 will have a substantive agenda that I think you'll find not  
9 only substantive, but substantial.

10           And that's all I've got to say and thanks for  
11 letting me participate. I've got to go meet with the  
12 Attorney General's people, I'm going to run out of the room.  
13 Very much appreciate all of y'all and the work you've agreed  
14 to do.

15           MS. ROGERS: Mr. Bresnen --

16           MR. BRESNEN: Yes, ma'am.

17           MS. ROGERS: -- would you have any problem if  
18 we needed anything legal from you in reference to the net  
19 proceeds, for us contacting you?

20           MR. BRESNEN: I'm happy to help. I don't --

21           MS. ROGERS: Okay.

22           MR. BRESNEN: -- want to lawyer for you, we --  
23 we'll get Steve Fenoglio involved --

24           MS. ROGERS: Gotcha.

25           MR. BRESNEN: -- and Kim as well, but I'm

1 happy to help you all at any time. This is --

2 MS. ROGERS: Thank you.

3 MR. BRESNEN: -- this is more than a  
4 professional involvement with me. Y'all know I've been  
5 working on bingo for a long time, it's important to me. So  
6 anybody can call me at any time, I'll be happy to work with  
7 you.

8 MS. ROGERS: Thank you.

9 MR. BRESNEN: Okay? Thank you, all.

10 UNIDENTIFIED VOICE: Good luck on your test.

11 UNIDENTIFIED VOICE: See you, Steve.

12 (Laughter)

13 MR. SMITH: All right. Is there anyone else  
14 that would like to provide public comment or any further  
15 comment on any of the agenda items?

16 COMMISSIONER LOWE: So I just found a sticky  
17 note that -- this sends a friendly reminder -- which I forgot  
18 to remind myself to do, but so let me pass out --

19 UNIDENTIFIED VOICE: Want me to help out?

20 COMMISSIONER LOWE: Yeah, if you don't mind.

21 And I apologize. The legislature -- one of the things we're  
22 required to do is to report -- to make recommendations on  
23 criminal history issues, and I think that's something that  
24 y'all have talked about before, right? Criminal history  
25 issues? And so we'd like to have the Committee maybe you'd

1 want to have a work group on this -- everybody got one?

2 MR. SMITH: Sure.

3 COMMISSIONER LOWE: A work group on dealing  
4 with this. It's actually number D -- D -- excuse me, B, I  
5 had to borrow my wife's glasses today. Yep, B. Each  
6 licensing agency shall make a recommendation. So can y'all -  
7 - can -- can y'all -- can you add this, Trace, to your list  
8 of things that the work group's going to cover?

9 MR. SMITH: Yeah, each licensing authority  
10 shall for each license issued by the authority that has an  
11 eligibility requirement related to an applicant's criminal  
12 history, review the requirement and make a recommendation  
13 regarding whether the requirement should be retained,  
14 modified or repealed.

15 COMMISSIONER LOWE: Yes.

16 MR. SMITH: And you're wanting to change  
17 repealed?

18 COMMISSIONER LOWE: Well, no, I -- well, I  
19 want your input on this. I want the Committee's input on  
20 this. So I'm sorry, I didn't bring this up earlier, but Bob,  
21 do you want to speak to it?

22 MR. BIARD: Yes. So this is a one time  
23 requirement by this bill from last session and it goes away  
24 after this report. But this report is due December 1st, so  
25 we're kind of on a short timeframe. We're not -- we're not

1 suggesting that any changes need to be made to the statutes,  
2 but we did want -- we had a system -- we didn't want the  
3 Commission to run off and file a report with the BAC  
4 convening right now without making y'all aware of it and  
5 giving y'all an opportunity if you have any thoughts about  
6 whether any other criminal history and eligibility standards  
7 ought to be changed in the statutes.

8 COMMISSIONER LOWE: Okay.

9 MR. SMITH: And this is for the license that's  
10 issued to the charity?

11 MR. BIARD: This would be for each of the four  
12 tiers of licenses. They all have eligibility requirements --

13 MR. SMITH: Right.

14 MR. BIARD: -- under certain types of crimes  
15 and convictions that will disqualify you from being a  
16 licensee.

17 MS. ROGERS: So this says repealed. So if we  
18 all came and said yes, then you would take it away? You  
19 would --

20 MR. BIARD: Oh, this would just be -- this is  
21 just a report to the legislature.

22 COMMISSIONER LOWE: It's a recommendation from  
23 our Agency to the legislature on this issue.

24 MR. DUNCAN: They're just asking our opinion.

25 MR. BIARD: Do we think any eligibility

1 requirements with respect to criminal history need to be  
2 changed.

3 MR. SMITH: Okay. Big red crayon on this for  
4 me. I apply for a license and there's something on my  
5 criminal history, how would this affect my application?

6 MR. BIARD: Well -- well, it depends on the  
7 kind of -- whatever -- if it's a crime, you know, right now  
8 there's only certain types of crimes that would -- would  
9 render you ineligible --

10 MR. SMITH: Right.

11 MR. BIARD: -- for a license. So I mean, this  
12 is -- what this report is, is to just tell the legislature  
13 whether we think any of those standards ought to change,  
14 whether we should be more lenient or whether we should be  
15 more strict. Should we include more types of crimes or  
16 should -- should we --

17 MS. ROGERS: So they're asking for our opinion  
18 on a suggestion when they give their report to the  
19 legislature if we think the -- right now a Class A -- a  
20 gambling offense or something of that nature would stop you  
21 from getting your license, do we think that's fair, should it  
22 be more lenient, should it be stricter?

23 MR. BOURGOYNE: They want our opinion on --

24 MS. ROGERS: They want our opinion.

25 MR. BOURGOYNE: Our opinion on what the bingo

1 statute -- what it prohibits --

2 MR. FARRELL: Right. Should it be forever,  
3 should it be ten years, should it be --

4 MR. SMITH: When is the -- when do you need an  
5 opinion by? And does it need to be an opinion from the whole  
6 BAC or individuals on the BAC?

7 MR. BIARD: We're just asking for input, so it  
8 doesn't really matter to us what format it comes in, we just  
9 need to have it soon enough so that we can get our report to  
10 the legislature --

11 MR. FARRELL: Right. Is it --

12 MR. BIARD: -- by December 1st.

13 MR. FARRELL: If it's gotta be -- if it's  
14 gotta be in by December 1st, it really needs to be out by --

15 MR. SMITH: When do you need an opinion by?

16 MR. FARRELL: I'd prefer --

17 MR. SMITH: In your best -- in your perfect  
18 world?

19 MR. FARRELL: My perfect world, it'd be  
20 somewhere the end of October, because we'd have to take a  
21 look and see what you were saying.

22 MS. ROGERS: And my suggestion would be that  
23 everyone on the BAC reads what the rules -- what the -- what  
24 the crimes are that stop you from getting a license at this  
25 time. Each one of us could email you and then you put it --

1 comprise it down and put it in one opinion, not -- don't send  
2 --

3 MR. SMITH: If I'm -- if I may, I would -- if  
4 I may, I would probably like to talk with probably Kim Kiplin  
5 and Steve Fenoglio --

6 MR. FARRELL: Oh, absolutely.

7 MR. BIARD: Right.

8 MR. FARRELL: And that's why I'm saying like  
9 you say, Halloween is when, you know, we --

10 MR. SMITH: Get it in by Halloween?

11 MR. FARRELL: Yeah.

12 MR. SMITH: Okay.

13 COMMISSIONER LOWE: It doesn't have to be  
14 formal either. It doesn't have to be anything formal. This  
15 --

16 MR. DUNCAN: Just an opinion.

17 COMMISSIONER LOWE: -- just some bullet points  
18 would be --

19 MR. FARRELL: Yeah, and who the point of  
20 contact is on the bullet points so that -- so that if -- what  
21 I'm getting at is, Trace, if you -- if you send something in,  
22 but it's really Kim has got -- is the expert on that --

23 MR. SMITH: Right.

24 MR. FARRELL: -- if I have a question on it,  
25 I'm -- or we have a question on it, we may go to Kim rather

1 than trying to get you to talk to -- just because we're going  
2 to have to expedite it, because there's not going to be a big  
3 turnaround on my part, because I'm going to have to turn it  
4 around in a week.

5 MR. SMITH: Well, we'll try to get that to you  
6 before Halloween.

7 MR. FARRELL: Okay. I appreciate that.

8 MR. SMITH: I like early better than on time.

9 MR. FARRELL: All right. Yep.

10 MR. SMITH: All right. We have a member of  
11 the public wanting to speak. Ronnie Baker.

12 MR. BAKER: Yeah, I'm with Roy Bingo Supplies.  
13 Bob, just a quick question for you. Recognizing that there's  
14 different criminal violations, what's the -- what's the  
15 accepted statute of limitation on somebody that's been  
16 convicted? Is that spelled out? Because I haven't read  
17 that, but as past president of the soccer association and  
18 having to go back and look at past criminal histories, we  
19 lost a lot of people and I've had several people at various  
20 bingo halls that we knew that they had a -- a run-in with the  
21 law, they had been processed, done their time if you will,  
22 and the question always came back when can we be involved.  
23 Does this -- does this whole thing center around a specific  
24 violations of gaming or do you -- or is it open for all types  
25 of violations?

1 MR. BIARD: I remember several sessions ago  
2 the legislature took the ten year restriction out, so now it  
3 goes back ostensibly forever. When we have some guidelines  
4 that we follow that sort of determine whether particular  
5 types of crimes, how they really impact the licensee --

6 MR. BAKER: Well, the question that Doug  
7 brought up, you being a prosecutor and me being an ex-felony  
8 probation officer, one of the things I always adhered to is  
9 that, you know, if you've done the crime and you've done your  
10 time, you've rehabilitated, sometimes when you go back "X"  
11 number of years and you start looking at histories, it has a  
12 tendency to -- if you will, bring out things that -- that  
13 probably shouldn't be brought up, in my opinion. Because  
14 it's been adjudicated in the people, so -- and Trace, in you  
15 all's consideration of this, if the legislature's taken away  
16 the ten year requirement, I'm interested in the types of  
17 violations and how many year -- how many years are you going  
18 to go back and how many years does the House and Senate want  
19 us to go back and look at somebody's criminal history? I  
20 mean, you know, there's current events right now, how far do  
21 you go back?

22 MR. BIARD: Yeah, that -- that's a really good  
23 point and I could just use an example for conductors. So  
24 it's 2001.105(A)(6) says no person under whose name bingo  
25 will be conducted and no person working at the proposed bingo

1 has been convicted of a gambling offense or criminal fraud.  
2 So you're talking about convictions; a gambling offense or  
3 criminal fraud.

4 That could be something that happened in 1979.  
5 We used to just have a ten year look back. But now we're  
6 having to go back further.

7 MR. SMITH: So are you trying to shorten that?

8 MR. BIARD: Well, that's -- that would be --  
9 that would be the perfect kind of comment that we might --  
10 that we would think about including in a recommendation.

11 MR. DUNCAN: A timeframe. Because right now  
12 there is one. They did change that; they can go back as far  
13 as they want.

14 MR. SMITH: Right. Well, and I -- and we've  
15 run into that as well, you know, getting the people just  
16 approved on the -- the registry, the people that have had  
17 stuff that have gone way back and they're like no, you can't  
18 do that and they're like but that was in 1980-whatever, and  
19 they're like sorry about your luck, you know.

20 MR. BIARD: And there are a lot of people who  
21 might have -- who might have pled to a deferred adjudication  
22 or something, but they were technically convicted.

23 MR. BAKER: That's correct.

24 MR. SMITH: Yes.

25 MR. BIARD: And so and -- but they did that

1 because at the time under the statute as it existed, they'd  
2 be okay, they'd be eligible. But when that statute changed,  
3 they suddenly became ineligible. That caused problems for  
4 some people.

5 MR. SMITH: Yes, it did. All right. And I'm  
6 sorry for trying to get you to big red crayon it for me, I  
7 just --

8 MR. BIARD: No, that's --

9 MR. SMITH: -- I'm just a simple guy.

10 MR. BIARD: No, that's great. I love it.  
11 that's fine.

12 MR. SMITH: All right. Well, I think we can -  
13 - Emile, you said you wanted to help on that work group?

14 MR. BOURGOYNE: Yes. Definitely.

15 COMMISSIONER LOWE: You've got a member of the  
16 public back there that wants to help, too.

17 MR. SMITH: You're a step ahead of me, sir.  
18 Ronnie, would you like to --

19 MR. BAKER: I would love to.

20 MR. SMITH: Okay.

21 MR. BAKER: Thank you.

22 MR. SMITH: And Kim, I'm sure that we'll be  
23 talking to you about that.

24 MS. KIPLIN: I'm happy to weigh in.

25 MR. SMITH: Okay. Excellent.

1 MR. BIARD: And Kim's a great resource on  
2 that.

3 MR. SMITH: Sir?

4 MR. BIARD: Kim's a great resource.

5 MR. SMITH: I agree. I agree. Okay.

6 MS. ROGERS: Before we leave that, may I ask a  
7 question? Are you wanting us to give them our opinion also  
8 or are y'all going to do a work group just to put something  
9 together for the Commissioners?

10 MR. SMITH: I think it'd be good to get  
11 everybody's input on this. If you want to send that to my  
12 email, you're more than welcome to. I will be having a new  
13 email set up.

14 MR. POHL: I'm going to.

15 UNIDENTIFIED VOICE: I'm going to as well.

16 MR. SMITH: So if you want to wait about four  
17 or five days to send anything on that.

18 MR. BOURGOYNE: I plan to contact all the  
19 manufacturers.

20 MR. SMITH: Sir?

21 MR. BOURGOYNE: I plan to contact all the  
22 manufacturers that I represent because they're all going to  
23 want to weigh in on this.

24 MR. SMITH: Sure. I'm sure. And, you know,  
25 any input is -- is good input, whether it's for or against

1 something because you tend to start to see all sides of the  
2 equation.

3 MS. ROGERS: Uh-huh (affirmative).

4 MR. SMITH: So if you want to send that to me,  
5 I'll have my email operational in a couple of days so -- and  
6 then the work group as it will, we can formulate something  
7 and tag our names to it and get it to Michael as soon as  
8 possible. I don't want to wait too long and -- and kind of  
9 put the noose around your neck, so we'll get something  
10 quickly. All right.

11 All right. Anything else? Anything else, at  
12 all? Okay.

13 AGENDA ITEM X

14 MR. SMITH: Well, let's adjourn our first  
15 Bingo Advisory Committee meeting and once again, would like  
16 to thank you, Commissioner, for showing up for this --

17 COMMISSIONER LOWE: Thank you.

18 MR. SMITH: -- and helping us get this put  
19 back together. I -- I personally think it's a wonderful,  
20 wonderful thing for the industry. I think we're going to be  
21 able to get input from all sides and that's a huge thing.

22 Michael, thank you for coming, we appreciate  
23 it, and of course, Lottery staff as well. Thank y'all for  
24 coming and our members of the BAC. And we'll adjourn at  
25 11:45.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER LOWE: Excellent.  
MR. SMITH: Yeah.  
(Adjourned and concluded at 11:46 a.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF HARRIS )

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of October, 2018.

/s/ Kimberly C. McCright  
Kimberly C. McCright  
Certified Vendor and Notary Public

Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600