

Texas Lottery Commission

June 11, 2020

10:00 a.m.

Due to Governor Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas because of the COVID-19 pandemic (renewed monthly thereafter) and pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the June 11, 2020 meeting of the Texas Lottery Commission will be conducted via Zoom webinar.

Members of the public will not be able to attend the open meeting in person. Instead, the public will have access and a means to participate in this meeting, by two-way audio, via the following link:

<https://zoom.us/j/99672600819?pwd=ZkRWNNVoTU56bWJZblhWQXIDTHZLdz09> (Password: 485174, Webinar ID: 996 7260 0819), or by calling +1 346 248 7799.

If you wish to provide public comment at the meeting, notify Bob Biard, General Counsel, by email at bob.biard@lottery.state.tx.us or by phone at 512-344-5127 no later than 5:00 p.m. on Wednesday, June 10, 2020, indicating your name, address and phone number; who you are representing, if applicable; the item on which you wish to provide public comment and whether your comments are for, against, or neutral regarding the item. Beginning June 5, members of the public may also register to provide public comment by following the instructions at the link directly below. When the Commission reaches the item noted for public comment, Chairman Krause will recognize you by name and give you an opportunity to speak. All public comments are limited to three minutes.

An electronic copy of the agenda is available at the following link, and an electronic copy of the meeting materials and instructions for access to the meeting will be available at this link by the close of business on June 5, 2020:

https://www.txlottery.org/export/sites/lottery/About_Us/Meetings/Commission_Meeting_Agenda/

An archived recording of the meeting will be available by the close of business on June 12 on the Commission's YouTube

channel at <https://www.youtube.com/user/TheTexasLottery>.

I.	The Texas Lottery Commission will call the meeting to order. Roll Call for Commissioners.	J. Winston Krause, Chair
II.	Report by the Executive Director and possible discussion and/or action on the agency's operational status, major contracts, agency procedures, awards, and FTE status.	Gary N. Grief, Executive Director
III.	Report by the Charitable Bingo Operations Director and possible discussion and/or action on the Charitable Bingo Operations Division's activities, including licensing, accounting and audit activities, reports, and special projects.	Tom Hanson, Acting Charitable Bingo Operations Division Director
IV.	Report by the Bingo Advisory Committee (BAC) Chairman; possible discussion and/or action on the BAC's activities, including removal and appointment of committee members.	William Smith, III, President, Bingo Advisory Committee
V.	Report, possible discussion and/or action on agency major contracts, including amendment, renewal or extension of the contract for Internal Audit Services.	Michael R. Fernandez, Administration Division Director
VI.	Report, possible discussion and/or action on HUB and/or minority business participation, including the agency's Fiscal Year 2019 Minority Business Participation Report.	Eric Williams, HUB Coordinator
VII.	Consideration of and possible discussion and/or action, including readoption, on the review of the Commission's rules set forth in 16 TAC Chapter 401, relating to Administration of State Lottery Act; Chapter 402, relating to Charitable Bingo Operations Division; and Chapter 403, relating to General Administration.	Robert F. Biard, General Counsel
VIII.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §401.158 (Suspension or Revocation of License), §401.160 (Standard Penalty Chart), §401.301 (General Definitions), §401.302 (Scratch Ticket Game Rules), §401.304 (Draw Game Rules (General)), §401.305 ("Lotto Texas®" Draw Game Rule), §401.307 ("Pick 3" Draw Game Rule), §401.308 ("Cash Five" Draw Game Rule), §401.312 ("Texas Two Step" Draw Game Rule), §401.315 ("Mega Millions" Draw Game Rule), §401.316 ("Daily 4" Draw Game Rule), §401.317 ("Powerball®" Draw Game Rule), §401.320 ("All or Nothing" Draw Game Rule), §401.321 (Instant Game Tickets Containing Non-English Words), §401.322 ("Texas Triple Chance" Draw Game Rule), §401.351 (Proceeds from Ticket Sales), §401.353 (Retailer Settlements, Financial Obligations, and	Kyle Wolfe, Assistant General Counsel

<p>Commissions), §401.355 (Restricted Sales), §401.363 (Retailer Record) §401.366 (Compliance with All Applicable Laws), and §401.368 (Lottery Ticket Vending Machines).</p>	
<p>IX. Report, possible discussion and/or action on the Commission's 2020 Census awareness initiatives.</p>	<p>Ryan Mindell, Lottery Operations Director</p>
<p>X. Report, possible discussion and/or action on the Commission's responsible gambling program.</p>	<p>Ryan Mindell, Lottery Operations Director</p>
<p>XI. Report, possible discussion and/or action on lottery sales and revenue, game performance, new game opportunities, advertising, promotional activities, market research, trends, and game contracts, agreements, and procedures.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>XII. Report, possible discussion and/or action on transfers to the State and the agency's budget status.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>XIII. Report, possible discussion and/or action on the agency FY 2021 Operating Budget.</p>	<p>Katheryn J. Pyka Controller</p>
<p>XIV. Report, possible discussion and/or action on external and internal audits and/or reviews relating to the Texas Lottery Commission, and/or on Internal Audit activities.</p>	<p>Darlene Brown, McConnell & Jones LLP</p>
<p>XV. Consideration of the status and possible approval of orders in enforcement cases:</p>	<p>Robert F. Biard, General Counsel</p>
<p><u>Lottery NSF License Revocation Cases (Default)</u></p>	
<p>A. Docket No. 362-20-0652 – Caddo Mills Food Mart</p>	
<p>B. Docket No. 362-20-1497 – Cap's Mini Mart</p>	
<p>C. Docket No. 362-20-1587 – Food Rite</p>	
<p>D. Docket No. 362-20-1588 – Waco Travel Stop</p>	
<p>E. Docket No. 362-20-1700 – Graford Service Center</p>	
<p>F. Docket No. 362-20-1784 – Pit Stop</p>	
<p>G. Docket No. 362-20-2366 – Persia Country Corner</p>	
<p>H. Docket No. 362-20-2878 – Shopper Mart</p>	
<p>I. Docket No. 362-20-2880 – CJ's One Stop</p>	
<p>J. Docket No. 362-20-2972 – Finer Foods Beer Wine</p>	
<p>K. Docket No. 362-20-3107 – Quick Track 48</p>	
<p>L. Docket No. 362-20-3108 – Cotulla Oner Stop</p>	
<p><u>Lottery Agreed Orders</u></p>	
<p>M. Case No. 2019-916 – Tristar #5</p>	
<p>N. Case No. 2020-81 – Quick Stop Food Mart</p>	
<p>O. Case No. 2020-82 – Dairy Way</p>	
<p>P. Case No. 2020-83 – Stoney's Liquor-Hearne</p>	
<p>Q. Case No. 2020-125 – Fidel's Grocery</p>	
<p>R. Case No. 2020-126 – EZ Stop #4</p>	
<p>S. Case No. 2020-131 – Wrangler</p>	
<p>T. Case No. 2020-222 – 7-Eleven Convenience Store</p>	

#20947

- U. Case No. 2020-223 – Pearsall Shell
- V. Case No. 2020-260 – S&L Beer, Wine and Grocery
- W. Case No. 2020-261 – Timewise Food Store #312
- X. Case No. 2020-365 – Quikin Food Mart
- Y. Case No. 2020-366 – Super Quik Sak

Other Lottery Cases

- Z. Docket No. 362-20-0062 – Times Market #102

Bingo Agreed Orders

- AA. Case No. 2019-905 – Robin Sanders
(Bingo Worker)
- BB. Case No. 2020-88 – Ryanna McBride
(Bingo Worker)

XVI. Public comment.

XVII. Commission may meet in Executive Session:

- A. To deliberate personnel matters, including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, Acting Charitable Bingo Operations Director and/or Charitable Bingo Operations Director pursuant to §551.074 of the Texas Government Code.
- B. To deliberate the duties of the General Counsel and/or the Human Resources Director pursuant to §551.074 of the Texas Government Code.
- C. To receive legal advice regarding pending or contemplated litigation or settlement offers, or other legal advice, pursuant to §551.071(1) and (2) of the Texas Government Code, including but not limited to legal advice regarding the following items:

Pending litigation regarding Fun 5's Scratch Ticket Game #1592, including Tex. Supreme Court Docket No. 18-0159 (Steele, et al. v. GTECH Corp.) and Tex. Supreme Court Docket No. 17-1010 (Nettles v. GTECH Corp. and Texas Lottery Commission); and

State of Texas v. C.D. (On Petition for Review to Texas Supreme Court - Docket No. 18-0808);

Legal advice regarding the Governor's March 13, 2020 COVID-19 state of disaster declaration (as renewed thereafter) and related Texas Lottery Commission matters, Texas Government Code Chapters 466 (State Lottery Act) and 467 (Texas Lottery Commission), the Bingo Enabling Act, the

J. Winston Krause, Chairman

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Open Meetings Act, the Public Information Act, the Administrative Procedure Act, employment and personnel law, procurement and contract law, evidentiary and procedural law, ethics laws, and general government law.

Legal advice regarding any item on this open meeting agenda.

XVIII. Return to open session for further deliberation and possible action on any matter posted for discussion in Executive Session. Any matter posted for Executive Session also may be the subject of discussion and/or action in open session.

XIX. Adjournment.

Notice of Assistance at Public Meetings. Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, should contact Debbie Jamieson at (512) 344-5038 at least four (4) work days prior to the meeting so that appropriate arrangements can be made.

J. Winston Krause, Chairman

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Copy Center

From: Jamieson, Debbie
Sent: Wednesday, June 3, 2020 12:20 PM
To: Sanchez, Sheila; Simpson, MaryBeth
Cc: Biard, Bob
Subject: FW: S.O.S. Acknowledgment of Receipt

-----Original Message-----

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Wednesday, June 3, 2020 12:18 PM
To: Jamieson, Debbie <Debbie.Jamieson@lottery.state.tx.us>
Subject: S.O.S. Acknowledgment of Receipt

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

Acknowledgment of Receipt

Agency: Texas Lottery Commission

Liaison: Debbie L. Jamieson

The Office of the Secretary of State has posted

notice of the following meeting:

Board: Texas Lottery Commission

Committee: Texas Lottery Commission

Date: 06/11/2020 10:00 AM "TRD# 2020002901"

Notice posted: 06/03/20 12:17 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2020002901](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2020002901)

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