



# **Texas Lottery Commission**

## **October 1, 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 October 1, 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://txlottery.zoom.us/j/98929768368?pwd=eHB5T1BDUFoyWHVSSTYxUytGSTZiZz09>

(Passcode: 519458; Webinar ID: 989 2976 8368).

If you would like to join by phone, call +1 346 248 7799. When prompted, enter the Webinar ID: 989 2976 8368 and press #; then enter the Passcode: 519458 and press #.

If you wish to provide public comment at the meeting, notify Bob Biard, General Counsel, by email at [bob.biard@lottery.state.tx.us](mailto:bob.biard@lottery.state.tx.us) or by phone at 512-344-5127 no later than 5:00 p.m. on Wednesday, September 30, 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. 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 Rivera 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 prior to the meeting:

[https://www.txlottery.org/export/sites/lottery/About\\_Us/Meetings/Commission\\_Meeting\\_Agenda/](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 October 2 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.	Robert G. Rivera, Chairman
II.	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, Chairman, Bingo Advisory Committee
III.	Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for drawing studio and production services.	Mike Fernandez, Administration Division Director
IV.	Report, possible discussion and/or action on agency prime contracts, including amendment, renewal, extension or execution of the trademark license and promotional agreement with the Houston Texans and the contract for promotional products.	Mike Fernandez, Administration Division Director
V.	Report, possible discussion and/or action on agency prime contracts, including the procurement for the contract for security management system and monitoring services.	Mike Fernandez, Administration Division Director
VI.	Report, possible discussion and/or action on the Annual Contract Status Report and Supplemental Information for all major and prime agency contracts.	Mike Fernandez, Administration Division Director
VII.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §402.200 (General Restrictions on the Conduct of Bingo), §402.300 (Pull-Tab Bingo), §402.301 (Bingo Card/Paper), §402.400 (General Licensing Provisions), §402.401 (Temporary License), §402.404 (License Classes and Fees), §402.408 (Designation of Members), §402.420 (Qualifications and Requirements for Conductor's License), §402.450 (Request for Waiver), §402.451 (Operating Capital), §402.502 (Charitable Use of Net Proceeds Recordkeeping), §402.511 (Required Inventory Records), §402.601 (Interest on Delinquent Tax), §402.602 (Waiver of Penalty, Settlement of Prize Fees, Rental Tax, Penalty and/or Interest), §402.700 (Denials; Suspensions; Revocations; Hearings), §402.702 (Disqualifying Convictions), and §402.703 (Audit Policy).	Tyler Vance, Assistant General Counsel
VIII.	Report, possible discussion and/or action on lottery sales and revenue, game performance, new game opportunities,	Kathy Pyka, Controller

	advertising, promotional activities, market research, trends, and game contracts, agreements, and procedures.	
IX.	Report, possible discussion and/or action on transfers to the State.	Kathy Pyka, Controller
X.	Report, possible discussion and/or action on the FY 2022-23 Legislative Appropriations Request.	Kathy Pyka, Controller
XI.	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, including the Fiscal Year 2020 Annual Internal Audit Report and the Charitable Bingo Operations Division Implementation of HB 914 Audit Report.	Darlene Brown, McConnel & Jones LLP
XII.	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, Charitable Bingo Operations Division Director
XIII.	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 Grief, Executive Director
XIV.	Consideration of the status and possible approval of orders in enforcement cases:  <u>Lottery NSF License Revocation Cases (Default)</u> A. Docket No. 362-20-3672 – Express Mart #5 B. Docket No. 362-20-3815 – Icebox 4882 <u>Lottery Agreed Orders</u> C. Case No. 2020-445 – Bob's Meat and Grocery D. Case No. 2020-447 – Alvin Food Mart #2 <u>Other Lottery Cases</u> E. Docket Nos. 362-20-3500 and 362-20-3501 – Times Market #105 and #102	Bob Biard, General Counsel
XV.	Public comment.	Robert G. Rivera, Chairman
XVI.	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 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	Robert G. Rivera, Chairman

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):

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 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.

- XVII. 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.

- XVIII. 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.

Robert G. Rivera, Chairman

Robert G. Rivera, Chairman

## **Simpson, MaryBeth**

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**From:** Jamieson, Debbie  
**Sent:** Wednesday, September 23, 2020 12:06 PM  
**To:** Sanchez, Sheila; Simpson, MaryBeth  
**Cc:** Biard, Bob  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Attachments:** 10012020.doc

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>  
Sent: Wednesday, September 23, 2020 12:04 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: 10/01/2020 10:00 AM "TRD# 2020005463"

Notice posted: 09/23/20 12:04 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2020005463](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2020005463)



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- 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:

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