

Texas Lottery Commission

December 3, 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 December 3, 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/99311492504?pwd=aXNzUTU2N1hoTFJuVWxwYmFpcXhqZz09>

(Passcode: 163193; Webinar ID: 993 1149 2504).

If you would like to join by phone, call 1 346 248 7799. When prompted, enter the Webinar ID: 993 1149 2504 and press #; then enter the Passcode: 163193 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 or by phone at 512-344-5127 no later than 5:00 p.m. on Wednesday, December 2, 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/

An archived recording of the meeting will be available by the close of business on December 4 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, possible discussion and/or action on the biennial security study of the lottery.	Mike Fernandez, Administration Division Director Christopher S. Ellingwood, CISA, Senior Manager Information Technology Assurance Services
III.	Report, possible discussion and/or action on the 2020 demographic report on lottery players.	Ryan Mindell, Lottery Operations Director Dr. Gail Buttorffs, Co-Director, Survey Research Institute, Hobby School of Public Affairs, University of Houston
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, Chairman, Bingo Advisory Committee
V.	Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for internal audit services.	Mike Fernandez, Administration Division Director
VI.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §§ 401.305 ("Lotto Texas" Draw Game Rule), 401.312 ("Texas Two Step" Draw Game Rule), and 401.317 ("Powerball" Draw Game Rule).	Kyle Wolfe, Assistant General Counsel
VII.	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.	Kathy Pyka, Controller
VIII.	Report, possible discussion and/or action on transfers to the State and the agency's budget status.	Kathy Pyka, Controller
IX.	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 audits of the Charitable Bingo Operations Division Compliance Program and Texas Lottery Commission Warehouse Operations.	Darlene Brown, McConnel & Jones LLP

X.	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, ledger reconciliation, and special projects.	Tom Hanson, Charitable Bingo Operations Division Director
XI.	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
XII.	Consideration of the status and possible approval of orders in enforcement cases:	Bob Biard, General Counsel
	<u>Lottery NSF License Revocation Cases (Default)</u> A. Docket No. 362-20-4361 – Dona Maria Food Market B. Docket No. 362-20-4494 – Shaver 66 C. Docket No. 362-21-0093 – Orfield Grocery and Deli	
	<u>Other Lottery Cases</u> D. Docket Nos. 362-20-3500 and 362-20-3501 – Times Market #105 and #102 (Motion for Rehearing)	
	<u>Bingo Agreed Orders</u> E. Case Nos. 2020-338 and 2020-339 – Park Cities Lions Club and Elks Lodge 2552 Desoto Redbird	
XIII.	Public comment.	Robert G. Rivera, Chairman
XIV.	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 limited to legal advice regarding the following items: <u>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 the remand of these cases;</u>	Robert G. Rivera, Chairman

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.

- XV. 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.

- XVI. 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

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Copy Center

From: Simpson, MaryBeth
Sent: Monday, November 23, 2020 9:38 AM
To: Simpson, MaryBeth
Subject: FW: S.O.S. Acknowledgment of Receipt
Attachments: 12032020.doc; Shell Commission Meeting Agenda.doc

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

From: Jamieson, Debbie <Debbie.Jamieson@lottery.state.tx.us>
Sent: Monday, November 23, 2020 8:41 AM
To: Sanchez, Sheila <Sheila.Sanchez@lottery.state.tx.us>; Simpson, MaryBeth <MaryBeth.Simpson@lottery.state.tx.us>
Cc: Biard, Bob <Bob.Biard@lottery.state.tx.us>
Subject: FW: S.O.S. Acknowledgment of Receipt

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Monday, November 23, 2020 8:39 AM
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.

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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: 12/03/2020 10:00 AM "TRD# 2020006775"

Notice posted: 11/23/20 08:38 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z TRD=2020006775](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z TRD=2020006775)

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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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