

Texas Lottery Commission

April 8, 2021

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 April 8, 2021 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/94732545994?pwd=eDc5bDZNRDlIR1pSa0ZyYWtoVmFBdz09> (Passcode: 712546; Webinar ID: 947 3254 5994).

If you would like to join by phone, call +1 346 248 7799. When prompted, enter the Webinar ID: 947 3254 5994 and press #; then enter the Passcode: 712546 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, April 7, 2021, 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 April 9 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 proposals for drawing studio and production services (RFP No. 362-2021-0002), including approval to execute contract.	Mike Fernandez, Administration Division Director
IV.	Report, possible discussion and/or action on HUB and/or minority business participation, including the agency's Fiscal Year 2020 Minority Business Participation Report.	Eric Williams, HUB Coordinator
V.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §403.101 (Open Records), §403.110 (Petition for Adoption of Rule Changes), §403.301 (Historically Underutilized Businesses), §403.600 (Complaint Review Process), and §403.800 (Savings Incentive Program).	Deanne Rienstra, Special Counsel
VI.	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
VII.	Report, possible discussion and/or action on transfers to the State and the agency's budget status.	Kathy Pyka, Controller
VIII.	Report, possible discussion and/or action on the 87th Legislative Session.	Nelda Trevino, Governmental Affairs Director
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 the records retention audit report, the vendor software change controls audit report, and the BOSS ledger reconciliation project.	Darlene Brown, McConnell & Jones LL
X.	Report by the Acting 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, BOSS ledger reconciliation, and special projects.	Tyler Vance, Acting Charitable Bingo Operations Director
XI.	Report by the Executive Director and possible discussion	Gary Grief, Executive Director

and/or action on the agency's operational status, major contracts, agency procedures, awards, and FTE status.

- XII. Consideration of the status and possible approval of orders in enforcement cases:

Bob Biard, General Counsel

Lottery NSF License Revocation Cases (Default)

- A. Docket No. 362-21-0884 – Cool Mart
- B. Docket No. 362-21-0887 – King Mart X
- C. Docket No. 362-21-1059 – Valero Istop
- D. Docket No. 362-21-1060 – Quick Stop Market
- E. Docket No. 362-21-1062 – 2B Grocery

Lottery Agreed Orders

- F. Case No. 2021-75 – Fastbreak 1
G. Case No. 2021-76 – Porky’s
H. Case No. 2021-171 – Uday #29
I. Case No. 2021-173 – Quik Shop
J. Case No. 2021-246 – Quick Stop

- ### XIII. Public comment.

Robert G. Rivera, Chairman

- XIV. Commission may meet in Executive Session:**

Robert G. Rivera, Chairman

- A. To deliberate personnel matters, including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director and/or Acting Charitable Bingo Operations Director, and the appointment and employment of a 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 Travis County District Court Docket No. D-1-GN-14-005114 (Steele, et al. v. GTECH Corp.) and Dallas County District Court Docket No. DC-14-14838 (Nettles v. GTECH Corp.);

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

Robert G. Rivera, Chairman

Copy Center

From: Jamieson, Debbie
Sent: Wednesday, March 31, 2021 8:12 AM
To: Sanchez, Sheila; Simpson, MaryBeth
Cc: Biard, Bob
Subject: FW: S.O.S. Acknowledgment of Receipt

Good morning. The attached agenda has been filed with the Texas Register. Let me know if you have any questions. Thank you.

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Wednesday, March 31, 2021 8:08 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.
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: 04/08/2021 10:00 AM "TRD# 2021001909"

Notice posted: 03/31/21 08:07 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2021001909](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2021001909)

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