



# Texas Lottery Commission

## February 10, 2022

### 8:30 a.m.

I.	The Texas Lottery Commission will call the meeting to order. Pledge of Allegiance to the U.S. and Texas flags.  Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."	Robert G. Rivera, Chairman
II.	Report, possible discussion and/or action on FY 2021 Financial Audit.	Kathy Pyka, Controller
III.	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 Trace Smith III, Chairman, Bingo Advisory Committee
IV.	Report, possible discussion and/or action on agency prime contracts, including the procurements for contracts for Promotional Products and Retailer Bonus Payment Management Services.	Mike Fernandez, Administrative Division Director
V.	Report, possible discussion and/or action on agency prime contracts, including amendment, renewal or extension of the contract for Internal Control System and Related Services.	Mike Fernandez, Administrative Division Director
VI.	Report, possible discussion and/or action on agency major contracts, including amendment, renewal or extension of the contract for Internal Audit Services.	Mike Fernandez, Administrative Division Director
VII.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §401.304 (Draw Game Rules (General)), §401.305 ("Lotto Texas" Draw Game Rule), §401.307 ("Pick 3" 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), and §401.320 ("All or Nothing" Draw Game Rule).	Kyle Wolfe, Assistant General Counsel
VIII.	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
IX.	Report, possible discussion and/or action on transfers to the State and the agency's budget status.	Kathy Pyka, Controller
X.	Report, possible discussion and/or action on external and internal audits and/or reviews relating to the Texas	Darlene Brown, McConnell & Jones LLP

XI.	<p>Lottery Commission, and/or on Internal Audit activities.</p> <p>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.</p>	LaDonna Castañuela, Charitable Bingo Operations Director
XII.	<p>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.</p>	Gary Grief, Executive Director
XIII.	<p>Consideration of the status and possible approval of orders in enforcement cases:</p>	Bob Biard, General Counsel
<p><u>Lottery NSF License Revocation Cases (Default)</u></p> <p>A. Docket No. 362-22-0618 – Quick Corner Store</p> <p>B. Docket No. 362-22-0851 – Fina Food Mart</p> <p><u>Lottery Agreed Orders</u></p> <p>C. Case No. 2021-747 – Arp Food Store</p> <p>D. Case No. 2022-21 – Circle S Grocery</p> <p>E. Case No. 2022-24 – Sammy Food Mart</p> <p>F. Case No. 2022-68 – Skytop Food Mart</p> <p><u>Bingo Agreed Order</u></p> <p>G. Case No. 2021-770 – Joseph M. Downs (Manufacturer)</p>		
XIV.	<p>Public comment.</p>	Robert G. Rivera, Chairman
XV.	<p>Commission may meet in Executive Session:</p> <p>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.</p> <p>B. To deliberate the duties of the General Counsel pursuant to §551.074 of the Texas Government Code.</p> <p>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:</p> <p><u>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.);</u></p> <p>Legal advice regarding the Governor's March 13, 2020 COVID-19 state of disaster declaration (as renewed thereafter) and related Texas Lottery</p>	Robert G. Rivera, Chairman

<p>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.</p> <p><u>Legal advice regarding any item on this open meeting agenda.</u></p> <p>XVI. 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.</p> <p>XVII. Adjournment.</p> <p>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.</p>	<p>Robert G. Rivera, Chairman</p> <p>Robert G. Rivera, Chairman</p>
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**From:** [Jamieson, Debbie](#)  
**To:** [Simpson, MaryBeth](#); [Zamora, Myra](#)  
**Cc:** [Blard, Bob](#)  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Date:** Wednesday, February 2, 2022 12:11:58 PM

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>  
Sent: Wednesday, February 2, 2022 12:10 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: 02/10/2022 08:30 AM "TRD# 2022000683"

Notice posted: 02/02/22 12:09 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2022000683](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2022000683)

VIDEOCONFERENCE: Pursuant to Texas Government Code Section 551.127(c), the member of the Texas Lottery Commission presiding over the meeting noticed herein will be physically present at the following meeting location, which will be open to the public during the open portions of the meeting: Texas Lottery Commission auditorium, 611 East 6th Street, Austin, Texas. Other Commission members and staff may participate by videoconference.

- I. The Texas Lottery Commission will call the meeting to order.  
Pledge of Allegiance to the U.S. and Texas flags.  
Texas Pledge: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”
- II. Report, possible discussion and/or action on FY 2021 Financial Audit.
- III. 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.
- IV. Report, possible discussion and/or action on agency prime contracts, including the procurements for contracts for Promotional Products and Retailer Bonus Payment Management Services.
- V. Report, possible discussion and/or action on agency prime contracts, including amendment, renewal or extension of the contract for Internal Control System and Related Services.
- VI. Report, possible discussion and/or action on agency major contracts, including amendment, renewal or extension of the contract for Internal Audit Services.
- VII. Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §401.304 (Draw Game Rules (General)), §401.305 (“Lotto Texas” Draw Game Rule), §401.307 (“Pick 3” 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), and §401.320 (“All or Nothing” Draw Game Rule).
- VIII. 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.
- IX. Report, possible discussion and/or action on transfers to the State and the agency’s budget status.
- X. 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.
- XI. 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.
- XII. 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.
- XIII. Consideration of the status and possible approval of orders in enforcement cases:  
Lottery NSF License Revocation Cases (Default)
  - A. Docket No. 362-22-0618 – Quick Corner Store
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- D. Case No. 2022-21 – Circle S Grocery
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- Bingo Agreed Order
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- XIV. Public comment.
- XV. 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 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.);
    - 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.
- XVI. 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.
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