

TRANSCRIPT OF PROCEEDINGS

BEFORE THE

TEXAS LOTTERY COMMISSION

AUSTIN, TEXAS

BINGO ADVISORY COMMITTEE MEETING

JUNE 20, 2023

10:00 a.m.

AT

STEPHEN F. AUSTIN STATE OFFICE BUILDING  
1700 N. Congress Avenue, Room 170  
Austin, Texas 78701

Proceedings reported by electronic sound recording;  
transcript prepared by Verbatim Reporting & Transcription  
LLC.

## APPEARANCES

## COMMITTEE MEMBERS:

William T. Smith III (Trace), Chairman

Tommy Duncan, Jr.

Emile Bourgoyne

Corey Harris

Jason Pohl

Michael Anastasio

Veronica Uriegas

Melodye Green

## COMMISSION STAFF:

LaDonna Castañuela, Director of Charitable Bingo Operations

Vivian Cohn, Deputy Director of Charitable Bingo Operations

## PUBLIC:

Steve Bresnen, Bingo Interest Group

Stephen Fenoglio, Texas Charity Advocates

Stacey Johnston

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**P R O C E E D I N G S**

WEDNESDAY, JUNE 20, 2023 (10:00 a.m.)

AGENDA ITEM 1

CHAIRMAN SMITH: Since the court reporter is online, we'll go ahead and call the meeting to order. It is 10:06 a.m., June 20th, 2023. This is the Bingo Advisory Committee meeting at the Texas Lottery Commission. We will start off with item -- we've already done item number one.

AGENDA ITEM 2 AND 3

Let's do item number two; American Pledge, followed by the Texas Pledge and roll call.

(Pledges recited)

AGENDA ITEM 4

CHAIRMAN SMITH: All right. We're going to go ahead and take roll. Jason Pohl.

MR. POHL: Here.

CHAIRMAN SMITH: Emile Bourgoyne.

MR. BOURGOYNE: I'm here.

CHAIRMAN SMITH: All right. Michael Anastasio; he is on the meeting, but he can't talk yet. Corey?

MR. HARRIS: Here.

CHAIRMAN SMITH: Tommy?

MR. DUNCAN: Here.

CHAIRMAN SMITH: Veronica?

1 MS. URIEGAS: Here.

2 CHAIRMAN SMITH: Melodye?

3 MS. GREEN: Here.

4 CHAIRMAN SMITH: And I am here. All right.

5 All are present.

6 AGENDA ITEM 5

7 CHAIRMAN SMITH: Moving on to item number  
8 five, meeting minutes from April 12th, 2023. Is there any  
9 public comment on the minutes as written? If not, I need an  
10 approval for the minutes.

11 MR. HARRIS: I move the approval of the  
12 minutes.

13 MR. DUNCAN: Second.

14 CHAIRMAN SMITH: We have a motion and a second  
15 to approve the minutes from April 12th. All in favor, say  
16 aye.

17 (Chorus of "ayes")

18 CHAIRMAN SMITH: Any opposed?

19 (No response)

20 CHAIRMAN SMITH: All right. All in favor;  
21 meeting minutes are approved.

22 Item number -- before we get to item number  
23 six, we would like to thank the staff and Commissioner Fields  
24 for being here today. It's great to have a staff that cares  
25 about us, so we just wanted to say thank you for that. We

1 appreciate your attention very much.

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AGENDA ITEM 6

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CHAIRMAN SMITH: Item number five -- or six, I mean, legislative update from Steve Bresnen and Steve Fenoglio. And congratulations, by the way, sir.

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MR. BRESNEN: Thank you, Mr. Chairman. My name is Steve Bresnen. I'm here on behalf of the Bingo Interest Group.

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Before I discuss some of the high points of the legislation that passed, I want to say to Commissioner Fields and the staff that in the too long that I've been working on charitable bingo, this is the finest relationship that we'd ever had with the agency. That's to a credit to the atmosphere that the commission has established. LaDonna, you've come in and been a delight from the get go and your staff's been extremely helpful to us. I know Tyler's not here, and Bob's not here, but that goes all the way up and down the chain, including the government affairs staff. So thank you very much. I appreciate that.

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And it shows in the governor's office and in the legislature that folks are working together and pursuing common agendas, so we really, really appreciate that.

24

25

I want to say something first, just a general characterization about Senate Bill 643. It took going on

1 about five years worth of work to accomplish this through no  
2 fault of our own. Last session we got kiboshed in a  
3 legislative melee that had nothing to do with us, and we were  
4 right at the finish line.

5           This session, it went to the evening of the  
6 last day of the veto period. Again, nothing to do with us.  
7 A lot of bills were getting either vetoed or not signed  
8 because of politics between property tax reform, school  
9 vouchers, and other stuff that always goes on around the  
10 legislature.

11           The people in the charitable bingo world did  
12 everything right. We worked together. Where their language  
13 needed to be made more clear, we clarified it. We had a  
14 common understood agenda. We didn't overreach. And we  
15 touched every base. From the governor's office -- Trace, I  
16 want to say I appreciate you in particular. What y'all may  
17 not know is Trace came down four or five times during the  
18 session at his own expense and went door to door in the  
19 Capitol building with me and Tom and Steve, attended  
20 committee hearings, and all of that at his own expense. And  
21 it's no easy thing to come all the way from Texarkana to  
22 Austin to do those things, sometimes for multiple days.

23           So, to have people that are not the paid  
24 flacks show up that are, you know, what I call real Texans  
25 every day, and go door to door and explain to the legislature

1 how important things are to you, is -- you can't buy that.  
2 We're good for what we're good for, but we're not good for  
3 everything and that cannot be purchased. So very much  
4 appreciate you --

5 CHAIRMAN SMITH: Thank you.

6 MR. BRESNEN: -- doing that. And I hope y'all  
7 let Trace know that privately when you get a minute.

8 We had excellent contact with the Lieutenant  
9 Governor's Office, his Deputy General Counsel over there,  
10 Lola Fender; the Speaker's Office, Margo, his top legislative  
11 counsel; and Shakira, top policy person; with the staff, both  
12 Senator Zaffirini's office and Representative Thompson's,  
13 Chairwoman Thompson's office, and everybody else. When we  
14 got a setback because our bill got a point of order called on  
15 it and we had to go back to committee and fix some stuff, we  
16 weren't happy about it, we made it clear that we weren't  
17 happy about it, but we did it with a smile on our faces.  
18 That gentleman was neutralized. And so we made it to the  
19 promised land because some committee staff and Representative  
20 Thompson's staff knew how to back up, fix it, and get us back  
21 on to the calendar about as fast as it can be done.

22 So, it's a credit to all the organizations,  
23 the Bingo Interest Group, Texas Charity Advocates, Texans for  
24 Charitable Bingo, VFW, everybody showed up and did their  
25 part, and we really appreciate that. And both the product



1 and the result show.

2 Now, this is a 17 page bill on the -- or a 16  
3 page bill on the printout I have, or 15 pages of substance,  
4 and so I just want to hit some high points if I might, and  
5 then I'm happy to answer any questions. And I have Mr.  
6 Fenoglio here for the questions that I absolutely refuse to  
7 answer or I'm not smart enough to, to do so.

8 A lot of what's in this bill is fixing things  
9 that weren't exactly right, either -- as a result of prior  
10 sessions. Simple things like on the very first page  
11 correcting the cross-reference the old Texas Non-Profit  
12 Corporation Act and that Article 1396-1.01; that hasn't  
13 existed forever. It all got moved over into Business  
14 Organizations Code.

15 So simple things like that, you work around  
16 them, it's easy enough to work around them, but when people  
17 get -- are new to bingo and they're trying to study and  
18 they're trying to read the law and see, and they can look  
19 till hell freezes over and they ain't going to find that  
20 cross reference that was in the statute.

21 We did some things in here; some of this  
22 language reflects things that are intended and I hope will  
23 let the commission operate in a more efficient manner. It  
24 occurred to us there was a drafting error early in the bill  
25 that would have allowed the charities that had an annual

1 license to have no requirement to have net proceeds.  
2 Nobody's intention. We're all fully supportive of the legal  
3 requirement that the organizations have to have net proceeds.  
4 But after we poked around on it a little bit, we decided why  
5 do we have one year license anymore anyway. There's about  
6 130 of them that the commission staff has to go process  
7 renewals every year and if, you know, if people want to quit  
8 short of their two year license period, they could just quit.  
9 So, it made no sense at all. That was done originally  
10 because there was a license fee. Once we got rid of the  
11 license fee, it wasn't a problem for people to have a two  
12 year license.

13               So by working with staff, we were able to  
14 eliminate some things like that, that should make life  
15 easier. A goodly part of this bill really is just conforming  
16 to the statute, to the -- get rid of the annual license.

17               I'm going to flip real quick and make sure I  
18 hit the high points. Now, one of the most important things  
19 that we've been communicating to members of the Bingo  
20 Interest Group, members of Texas Charity Advocates, the -- I  
21 believe the Texas for Charitable Bingo Group are going to do  
22 the same thing; we sent them this message yesterday, although  
23 two of their lobbyists were out fishing in the Gulf, which  
24 although I'm not a fisherman, it seemed like a better deal  
25 than what I was doing. The -- so they'll have to get off

1 their fishing trip before they fully pull this off.

2 But the message was this; don't go out and go  
3 crazy. This is a new format. We've got new things to do.  
4 The 48 temps is going -- if everybody comes in all at once  
5 and asks for all the 48 temps, the commission cannot  
6 reasonably be expected to turn those things out overnight.  
7 So I have no doubt that what we've done is going to make it  
8 better, more efficient for the commission, more efficient for  
9 everybody, but nobody can turn around on a dime.

10 Same goes for moving the cap on regular bingo  
11 prizes from 2,500 to \$5,000. You can't go crazy. Just  
12 because you could give away \$5,000, doesn't mean you're --  
13 that you're going to have the revenue coming in the door in  
14 order to be able to do that. And I'm talking to bingo  
15 operators here, people who'd know.

16 But I strongly encourage you, and we talked to  
17 representatives of the distributors yesterday, we strongly  
18 encourage them to reach out to their customers and say, hey,  
19 you know, think about what you're doing. You still have to  
20 earn this revenue. You're on the hook for the prizes. And  
21 when you do that you've still got to make a profit because  
22 the net proceeds requirement is in place.

23 So we're asking everybody to kind of chill out  
24 a little bit. Don't get too excited. Don't think you're  
25 going to go dominate the market suddenly by doing something

1 that's uneconomic. And so that's a message that we're  
2 communicating.

3 The legislature has trusted us by giving us  
4 more flexibility and the ability to run our businesses more  
5 like a business. We have to repay that trust by doing things  
6 that make sense and not having people go belly up or get into  
7 the ditch because they did things that just didn't make any  
8 sense on a day-to-day basis.

9 If that sounds like a paternalistic attitude,  
10 I don't have any kids, so I missed Father's Day, so I'm  
11 making up for it, you know, today.

12 Let me just flip real quick, if I might.

13 CHAIRMAN SMITH: Well, those suggestions are  
14 well-founded.

15 MR. BRESNEN: Thank you, Trace.

16 There was some ambiguity previously on when  
17 there -- if somebody -- if an organization violated the rules  
18 or the statute, who paid the penalty, whether it went to all  
19 of -- if they were in a unit, whether it went to everybody in  
20 the unit or the individual violator; that's going to be  
21 cleared up. If it's an individual violator's responsibility,  
22 it'll be on them. If it's a unit's responsibility, it'll be  
23 on them.

24 We conformed the deposit time period within  
25 which proceeds have to be deposited for units from second to

1 third day, which we did for the individual organizations,  
2 seems like forever ago now. A couple sessions back. And it  
3 made no sense. We just -- that was just a mistake on my part  
4 we left it out.

5 I want to be real clear, there's some of this  
6 language in the version that's on the desk back there in  
7 pages, starting at the bottom, really starting on page 10 and  
8 running through page 11 and some of 12, this is what to do  
9 with and who gets the local portion of the prize fee.  
10 There's no change in law in this. I know that's a lot of  
11 words and a lot of underlying and striking through, but the  
12 previous -- number one, some of the previous statute's  
13 already been executed, so it could just be taken out. So  
14 part of it's cleanup. Part of it is the -- the prior  
15 language was not exactly artfully done and the commission,  
16 working with Chairwoman Thompson's office, administered the  
17 law for really a couple of sessions here consistent with her  
18 statement of legislative intent, which is entirely  
19 appropriate because the statute wasn't exactly clear.

20 So if you get questions from your local  
21 governments, it is clear that this statute has not changed  
22 what they get. And they -- we have a letter from Ms.  
23 Thompson's office that, working with the commission and me  
24 and Ms. Thompson's office, we issued, primarily to Travis  
25 County that had a question about that, but it is -- that

1 letter can be made available to any local government to say  
2 whatever they're getting now, not the dollar amount, but the  
3 percentage of the prize fee, whatever they're getting now is  
4 what they would continue to get.

5 The law. I would remind you that the law  
6 still allows the local government to opt out of receiving the  
7 local portion of the prize fee, and if they do, it goes to  
8 the charities. So, Melodye, you did a fantastic job of  
9 lobbying your group and we had some friends down in Harris  
10 County that lobbied the county down there. And can I mention  
11 an amount --

12 MS. GREEN: Yes.

13 MR. BRESNEN: -- that we talked about earlier?

14 MS. GREEN: Yeah.

15 MR. BRESNEN: That's about \$60,000 a year to  
16 the charities at one location that they get, rather than  
17 paying that money into the local government down there.  
18 That's not something to sneeze at.

19 MS. GREEN: No.

20 MR. BRESNEN: A lot of good work could be done  
21 with that money. So I would encourage you to follow up on  
22 that.

23 I think the rest of the bill is just  
24 implementation language and conforms parts of the bill to  
25 other parts (audio malfunction) so I'm happy to answer any

1 questions. If y'all can't tell, this is something that we  
2 enjoyed doing. It's (audio malfunction) or have been  
3 extraordinary watching the changes in your new building come  
4 up over there. I walked around earlier. That's going to be  
5 really nice to be in one of those new buildings over there,  
6 I'm sure.

7                   Anyway, that's all I've got unless anybody has  
8 any questions.

9                   MS. URIEGAS: Hi, this is Veronica. Good  
10 morning. Thank you for everything, all your hard work. I do  
11 have a question just because I'm not familiar with all this.  
12 I got the same email that probably everybody got yesterday  
13 saying this was approved. So, I just want to clarify for my  
14 purposes and anybody who else has a question, it says the law  
15 doesn't go into effect until September 1st. However, the  
16 Texas Lottery Commission is required to adopt rules to  
17 implement it by January 1st, 2024.

18                   So, like, will all of it wait till January  
19 1st, or how does that work?

20                   MR. BRESNEN: Well, the statute -- the legal  
21 answer is the statute's enforceable as it stands right now.  
22 But things like -- now I'm going to -- I'm going to -- this  
23 would be inappropriate time for you to comment, but just as  
24 somebody who used to help run a big state agency, the --  
25 getting the procedures in place for issuing 48 temporaries at

1 a time I think realistically has to -- is going to take a  
2 little while to get that in place.

3 Can you go apply for 48 right now? You know,  
4 I'm not going to give you legal advice about that; Steve can  
5 -- hire Steve, he'll give you legal advice. But the short  
6 answer, we're -- we wrote that letter the way we did because  
7 we want to be sensitive to our partners at the Lottery  
8 Commission. And so, you know, there's what you can do and  
9 what you should do, and so, I'll leave it at that. Is that  
10 okay?

11 MS. URIEGAS: I guess so. I just, you know, I  
12 have some of my managers going, oh, let's do this now. And  
13 I'm like, whoa, whoa. I'm like whoa, whoa.

14 CHAIRMAN SMITH: No.

15 MR. BRESNEN: They're clearly not doing  
16 anything before September.

17 MS. URIEGAS: Oh, no, no, no. I mean, getting  
18 prepared for by September 1st.

19 MR. BRESNEN: Yes.

20 MS. URIEGAS: So, I mean, it just says that by  
21 January 24th, some of these things will have to have that  
22 rule change, so, what do we know has to have the rule change  
23 and what doesn't?

24 MR. BRESNEN: Okay. Well, let -- may I put  
25 you on the spot?



1 MS. CASTAÑUELA: Yes. Well, I don't have the  
2 details right now, but I can tell you rulemaking just takes  
3 longer. It takes a little longer than by September 1st, so.

4 MS. URIEGAS: Okay.

5 MS. CASTAÑUELA: Yeah, that January 1st rule  
6 deadline is pretty normal still, but the effective date for  
7 the 48 temps and, you know, things like that, I believe is  
8 September 1. We are working with our IR to get that in  
9 place.

10 MS. URIEGAS: And --

11 MS. CASTAÑUELA: And he's not right now.

12 MS. URIEGAS: Oh, no, no, no. I'm not  
13 concerned about that. People are asking already. I have had  
14 customers like, months or weeks ago saying it was approved,  
15 you can do it now. And I'm like, no, that's not how it  
16 works.

17 MS. CASTAÑUELA: Right?

18 MS. URIEGAS: So like raising the limit to the  
19 \$5,000 per session is what everybody's already --

20 MS. CASTAÑUELA: Of course.

21 MS. URIEGAS: -- texting and Facebook and  
22 everything.

23 MR. BRESNEN: It's effective --

24 MS. URIEGAS: Everybody's already.

25 MS. CASTAÑUELA: Of course.

1 MR. BRESNEN: It's effective September 1st.

2 MS. URIEGAS: Okay.

3 MR. BRESNEN: This is -- what I'm about to say  
4 is not legal advice. I'm not your lawyer. Were I to give  
5 you legal advice and be your lawyer, I would suggest you not  
6 advertise a prize amount in excess of \$2,500 until at -- on  
7 or after September 1st. Steve, would you be willing to speak  
8 to that?

9 MR. FENOGLIO: Yeah. For the record, my name  
10 is Stephen Fenoglio. Mr. Bresnen is correct, that provision  
11 is not effective until September 1. After -- effective  
12 September 1, a bingo hall can award prizes consistent with  
13 the new law. I would not advertise or suggest in any way  
14 that you are going to do that or bingo hall's going to do  
15 before September 1. That could create deceptive trade  
16 practice issues that you really don't want to go into.

17 There are other provisions that the staff are  
18 going to have to draft rules for, we'll have an opportunity  
19 to review and comment as we always do, but that provision on  
20 the prizes is effective September 1. So, does that answer  
21 your question?

22 MS. URIEGAS: It does. Thank you.

23 MR. FENOGLIO: The other thing though is you  
24 need to be aware IRS regs require W-2G to be issued to anyone  
25 who wins \$1,200 or more in bingo, and that's a federal

1 statute.

2 MS. URIEGAS: Twelve hundred or a thousand?

3 MR. FENOGLIO: Twelve hundred.

4 MS. URIEGAS: Twelve hundred?

5 MR. FENOGLIO: Uh-huh. And while the Lottery  
6 Commission doesn't enforce federal tax law, that could, if  
7 you don't do it, number one, the IRS can come knocking, which  
8 has -- they have a pretty big stick. And historically, I  
9 know bingo players have been very reluctant to provide their  
10 identification for a variety of reasons. One, they don't  
11 want their spouse to know they're spending as much money as  
12 they are, and they're just superstitious. But my advice is  
13 that every hall have a sign, if you're going to award a  
14 prize, that's 1200 or more, that we must obtain your social  
15 security number and identification, or else the prize won't  
16 be awarded.

17 MS. URIEGAS: And one last question. I'm not  
18 trying to -- I just want to know is \$5,000, can you give away  
19 one game for \$5,000?

20 MR. FENOGLIO: Well, the statute say -- for  
21 regular bingo says prizes, plural. You may get some  
22 direction from staff at some point, but it could be 4,999 in  
23 (indiscernible).

24 MS. URIEGAS: Okay.

25 MR. FENOGLIO: Does that answer your question?

1 MS. URIEGAS: Yes, it does.

2 MR. BRESNEN: Just want to finish up real  
3 quick on that last question we do need to get some guidance,  
4 but my personal belief is that it would -- the example that  
5 Steve brought up would be an absurdity. And a general rule  
6 of statutory construction is the legislature never intends an  
7 absurdity. But you heard that first here, and I know you're  
8 not going to believe it, nobody else in America believes it  
9 either. So, doesn't mean they don't result in absurdities.  
10 But I -- we -- that's the sort of thing we need to get a  
11 little guidance for and don't nobody run off half-cocked.

12 Now, I'm not -- I don't want to -- I'm going  
13 to bring up something and I don't want to put anybody on the  
14 spot today and, but I'd like y'all to consider, and I don't  
15 know if this is an appropriate time or not, you got some time  
16 to consider it, but there needs to be some information that  
17 gets out to the conducting organizations about this federal  
18 tax issue. It's the sort of thing that I'm -- while we're  
19 saying to --

20 MS. URIEGAS: Right.

21 MR. BRESNEN: -- don't off half-cocked because  
22 all of a sudden you're going to have federal tax  
23 responsibilities that you're not used to. And even -- we had  
24 a discussion earlier, some of us in the cafeteria over here,  
25 about the ins and outs of doing that, that the casinos have

1 to deal with that are in this business, you know, full time.  
2 So, my -- in my dream world, there'd be some kind of  
3 communication without the commission telling the  
4 organization, giving them legal advice and telling them how  
5 to do it, but maybe a directive that they consult either  
6 their -- a lawyer or an accountant about the requirements of  
7 the federal tax compliance if you give away a prize of \$1,200  
8 or more.

9 And I think that's the end of what I've got to  
10 say unless y'all have more questions. Your questions are  
11 good questions and a lot of people are asking them, by the  
12 way.

13 MS. URIEGAS: Great. Thank you.

14 CHAIRMAN SMITH: Okay --

15 MR. HARRIS: Mr. Chairman?

16 CHAIRMAN SMITH: Yes, sir.

17 MR. HARRIS: What would that directive look  
18 like as far as the distribution of how we communicate that  
19 and -- without giving any kind of official advice, but in --  
20 in your imagination, what do you think that would look like?

21 MR. DUNCAN: Yes.

22 MR. BRESNEN: I think it could be as simple as  
23 a statement that, you know, something along the lines of, you  
24 know, given a new prize structure, we'd encourage conducting  
25 organizations to consult an attorney or an accountant before

1 they award a prize of \$1,200 or more.

2 MR. HARRIS: Sure. And would there be any  
3 verbiage in that on how they would communicate that to the  
4 customer as far as relaying their responsibilities for  
5 claiming --

6 MR. BRESNEN: Right.

7 MR. HARRIS: -- claiming that income, that  
8 prize income? Because I think the last thing any of us would  
9 want was -- would be hall supervisors and attendants speak  
10 about tax code, right? And giving tax advice.

11 MR. BRESNEN: Well, there -- it makes sense to  
12 me to have some uniform, safe way for the organizations to  
13 communicate that to the customers. Because you're going to  
14 have a problem if they come up and you say, I have to have  
15 this information or I can't give you this \$1,200 prize.

16 MR. HARRIS: Yeah.

17 MR. BRESNEN: The business is going to hit the  
18 fan at that point in time. So, you know, it may be an amount  
19 of for signage, it may be an announcement on a -- when you're  
20 calling a game that has that sort of prize. I think -- you  
21 know, I'm a government guy. I'm not an operational guy. So  
22 I think the community's going to have to come up with a way  
23 and trade some ideas and --

24 MR. HARRIS: Sure.

25 MR. BRESNEN: -- see about what the best way

1 to do that is.

2 MR. HARRIS: I agree.

3 MR. BRESNEN: We're just raising the flag and  
4 saying, take it easy, know what you're doing before you do  
5 it, and don't buy yourself trouble that you could avoid.

6 MR. HARRIS: I agree. I think if we could  
7 agree on what that verbiage is, get it approved, I think  
8 having it posted in the halls would provide a constructive  
9 notice. And then also for any winners or recipients,  
10 providing the notice at that time as well would certainly  
11 make them aware of any tax responsibilities they would have.

12 MR. BRESNEN: If your -- if you're -- if  
13 whoever you're representing on the BAC is a member of the  
14 Bingo Interest Group or Charity -- Texas Charity Advocates,  
15 they might look to one or both of those associations for some  
16 kind of guidance, because they -- they each have legal  
17 services available to them that might be able to advise them  
18 on some sort of a common, you know, uniform message without  
19 committing those legal services who might be hearing this as  
20 we sit in the room today.

21 MS. URIEGAS: I guess that's going to be my  
22 question, is that it can't come from the BAC, can it? Or can  
23 it?

24 MR. BRESNEN: I'm going to -- we're going to  
25 leave that --

1 MS. URIEGAS: Yeah.

2 MR. BRESNEN: Obviously, I'll leave that to  
3 the commission, but we're talking about advice on federal tax  
4 law, that's beyond the scope.

5 MS. URIEGAS: Yeah. So --

6 MR. BRESNEN: To tell somebody to go find out  
7 before you do it is one thing, to tell them how to do it is  
8 another.

9 MS. URIEGAS: Right. I just --

10 MR. FENOGLIO: Agreed.

11 MS. URIEGAS: I don't want to be responsible  
12 if somebody's --

13 MR. BRESNEN: Sure.

14 MS. URIEGAS: -- (indiscernible) frankly --

15 MR. BRESNEN: Right.

16 MS. URIEGAS: -- and like I say we did -- we  
17 advised that that's not how we do it, but we do want to get  
18 the message out there that, hey, maybe we could put something  
19 out that says, please go consult a CPA or something like  
20 that.

21 MS. BRESNEN: I think something to tell  
22 somebody to get advice is different from giving them advice.

23 And I would say this, not that I'm making a  
24 pitch for people to join one or more of these organizations,  
25 but you really it -- this is a good time to see what these



1 organizations have done for you and what they could do for  
2 you in the future. So to the extent anybody's hearing me out  
3 there, I would look to your organizations and see what you  
4 can do to get some organized advice on that.

5 Thanks a lot. That's a really -- this is a  
6 really good question. We don't have answers to all those  
7 right now.

8 CHAIRMAN SMITH: Steve, thank you very much.  
9 We appreciate you.

10 MR. BRESNEN: Sure. Did I leave anything out  
11 from your perspective?

12 MS. CASTAÑUELA: I don't think so.

13 MR. BRESNEN: Okay. Wonderful. Okay. Thank,  
14 y'all. Appreciate you.

15 CHAIRMAN SMITH: Thank you, Steve. Thank you.  
16 And we definitely want to thank Steve Fenoglio and Tom  
17 Stewart as well, who helped out on this effort. It was a  
18 huge team effort and it wouldn't have got done without  
19 everybody working as a team. So thank y'all both very much.  
20 We appreciate that.

21 Let's see. Where are we? Any other public  
22 comment on the legislative update? Any other questions?

23 AGENDA ITEM 7

24 CHAIRMAN SMITH: If not, we'll move on to item  
25 number seven, selection of a new member for -- to the BAC or

1 recommendation to the commission.

2 We had several applications. I think we had a  
3 total of nine, I believe it was. And I will read those names  
4 off. We had -- I'm just going to go down the list and if  
5 you're here or want to speak on this, we'd love to hear from  
6 you, and hear a little bit about you.

7 We have Teresa Johniken. Is Teresa here or  
8 online maybe? No. Okay.

9 The next one is Bricker C. Bruner. Nope.

10 Janie B. Johnson? No.

11 Keely Collier? No.

12 Harry Woodstrom?

13 David Walker?

14 Mark E. Myers?

15 Laura Westerman?

16 Marie Underdown? No.

17 And the last one we have is Stacey Johnston.

18 Stacey, you're here. Do you want to come up and tell us a  
19 little bit about yourself again? I know you've been to most  
20 of the meetings here in the past couple months. We  
21 definitely appreciate your participation and it definitely  
22 shows a lot of heart, shows that you want to be here.

23 MS. JOHNSTON: Again, I'm Stacey Johnston from  
24 Dallas. I work for the Team Bingo halls, chairperson for  
25 School of Faith. It's been really interesting coming down

1 here, by the way. Thank y'all for having me.

2 I'm excited at the opportunity being on BAC.  
3 I've learned a lot already, just coming the last few  
4 meetings, but anyway, excited, hope to have the opportunity.  
5 If not, it's still been interesting. I may still show up  
6 just to listen in.

7 CHAIRMAN SMITH: We definitely appreciate you  
8 coming in. All the applicants were very well qualified. The  
9 staff vetted all these before they sent them out to all of  
10 us. I made a couple of calls on these and I got a hold of  
11 some people and some people I didn't. But if anybody's got  
12 any questions for Stacey since she's here, feel free to ask  
13 away.

14 MS. GREEN: Stacey, what do you do for Team  
15 Bingo? Do you work at Jupiter or Arapahoe or Buckner or --

16 MS. JOHNSTON: I do.

17 CHAIRMAN SMITH: If you could come back to the  
18 mic. I'm sorry. That's all right.

19 MS. JOHNSTON: I do. I work at Jupiter,  
20 Arapahoe, and then we also have I-30 Bingo in Dallas; one in  
21 Richardson, one in Dallas. I'm assistant manager to Larry  
22 Whittington.

23 MS. GREEN: I know Larry.

24 MS. JOHNSTON: And I work primarily in the  
25 daytime, but I operate within the halls. (Indiscernible).

1 MS. GREEN: All right. How long have you been with  
2 him?

3 MS. JOHNSTON: I've been with Team Bingo for  
4 26 years.

5 MS. GREEN: Oh my. You get a medal.

6 CHAIRMAN SMITH: That's a long time to know  
7 Larry.

8 MS. GREEN: That is a lot of time to be in  
9 bingo.

10 MS. JOHNSTON: Yeah.

11 CHAIRMAN SMITH: Yes, it is. Yes, it is.

12 MS. GREEN: I would like to nominate Stacey  
13 just because she has -- she shows up, not just because, but  
14 you know, decisions are made by people who show up and that's  
15 half the battle.

16 MS. JOHNSTON: It is.

17 MS. GREEN: Right there.

18 MS. URIEGAS: I will second that as well.

19 MS. JOHNSTON: Thank you.

20 CHAIRMAN SMITH: Okay. We have a nomination  
21 and a second. All in favor?

22 (Chorus of "ayes")

23 CHAIRMAN SMITH: Any opposed?

24 MS. JOHNSTON: Thank you.

25 CHAIRMAN SMITH: Any opposed? All right.

1 Stacey, you are our nomination to the Commissioners tomorrow.  
2 We will submit your name tomorrow to the Commissioners.  
3 Commissioner Fields is here right now. She is our bingo  
4 Commissioner and we greatly appreciate her. She is very  
5 attentive to us and that's something that we haven't  
6 experienced in the past, so we're truly grateful for that.  
7 It's -- it's nice.

8 So we will submit your name tomorrow.

9 MS. JOHNSTON: Thank you so much.

10 CHAIRMAN SMITH: Thank you.

11 AGENDA ITEM 8

12 CHAIRMAN SMITH: All right. Moving on.

13 Number eight, old business. The last meeting we had, we  
14 talked about if an operator was good for one charity, could  
15 they be an operator for another charity without having to go  
16 through the whole process again? LaDonna and I talked about  
17 this the other day on the telephone. And I think what we  
18 agreed to do, if I may speak for you a little bit, we --  
19 Tyler is on vacation and we want to take a look at that  
20 legally, if we can even suggest that. And so we decided if  
21 we could, we'd wait till Tyler got back to formally put that  
22 on the agenda. If that's all right with you.

23 MS. CASTAÑUELA: Good.

24 MS. GREEN: I have something. When you said  
25 the whole process, what do you mean by the whole process?

1                   CHAIRMAN SMITH: So if you're an operator for  
2 one charity, instead of having to go through the vetting  
3 process for every charity and piling up the, what do you call  
4 it, the process, if you're an operator for one charity and  
5 you're I guess legally the operator for that charity or  
6 paperwork-approved for that charity, then you're  
7 automatically approved for all the rest of the charities in  
8 the hall, instead of having to go through that vetting  
9 process for all the --

10                   MS. GREEN: Fill out every --

11                   CHAIRMAN SMITH: Yes.

12                   MS. GREEN: -- sheet over and over again.

13                   CHAIRMAN SMITH: Yes.

14                   MS. GREEN: Extra work for them, too.

15                   CHAIRMAN SMITH: Yeah, absolutely. And just a  
16 simplification of the process. But I think there's some  
17 legal questions on whether or not we can do that by rule or  
18 if it has to be through statute or --

19                   MS. URIEGAS: The only comment I have is I  
20 know that, don't they have to be, I don't know -- don't they  
21 have to be voted on by the board? By the board of the  
22 organizations to submit that? They have to be --

23                   CHAIRMAN SMITH: That's one of the questions  
24 that we --

25                   MS. URIEGAS: Okay.

1 CHAIRMAN SMITH: -- need to find out the  
2 answer to. So, yeah. All right. So we will put that on for  
3 the next meeting and Tyler will be back. Tyler has probably  
4 got his feet in the sand and the sun in his air.

5 MS. URIEGAS: Hey.

6 CHAIRMAN SMITH: So we miss you, Tyler. All  
7 right. Any other old business? LaDonna?

8 MS. CASTAÑUELA: Just one comment. I don't  
9 know that I would call it old business, but it is an issue  
10 that has come up. (Audio malfunction)

11 UNIDENTIFIED VOICE: We've lost voice online.

12 MS. CASTAÑUELA: No, I didn't even touch it.  
13 Can you hear me?

14 CHAIRMAN SMITH: Can you hear us now?

15 UNIDENTIFIED VOICE: I hear you now. Yes.

16 CHAIRMAN SMITH: Okay. Excellent. So if  
17 you're on --

18 MS. CASTAÑUELA: Waivers that are in place  
19 right now are still good for whatever time period they're  
20 good for, of course. We will -- so the declaration ended, I  
21 think it was last week, so in the second quarter. So waivers  
22 for the second quarter will still be granted for force  
23 majeure if they cite COVID-19. Third quarter is when we'll  
24 start with the going back to the rule process.

25 CHAIRMAN SMITH: Will the process be any

1 different for people trying to apply for a waiver that have  
2 already been on waiver, say, since 2020? Will the process be  
3 any different or is it --

4 MS. CASTAÑUELA: No, they're going to need to  
5 comply with the rule. The rule requires, if they have a  
6 force majeure reason, they'll need to show us some  
7 documentation.

8 CHAIRMAN SMITH: Gotcha. Okay.

9 MS. URIEGAS: Like if, for instance, the staff  
10 has got COVID and they had to close down for that, then they  
11 could --

12 MS. CASTAÑUELA: No, I don't really want to  
13 speak to --

14 MS. URIEGAS: Okay.

15 CHAIRMAN SMITH: Not specific.

16 MS. CASTAÑUELA: -- each situation.

17 CHAIRMAN SMITH: Yeah.

18 MS. CASTAÑUELA: We'll look at the requests  
19 when they come in.

20 CHAIRMAN SMITH: Sure.

21 MS. CASTAÑUELA: Remember, I've not done them  
22 except under COVID, so.

23 CHAIRMAN SMITH: Surprise.

24 MS. CASTAÑUELA: Someone will teach me, I'm  
25 sure.



1 CHAIRMAN SMITH: All right. Any other old  
2 business? If not we'll go into the new business.

3 AGENDA ITEM 9

4 CHAIRMAN SMITH: The only new business that  
5 I'm aware of, LaDonna and I had a conversation last week, the  
6 annual report is coming up. We'll have to do the annual  
7 report again. I think we said that was due in September did  
8 you say it was?

9 MS. CASTAÑUELA: It's in August -- it'll be at  
10 the August meeting --

11 CHAIRMAN SMITH: August.

12 MS. CASTAÑUELA: -- because of course the BAC  
13 expires, unless the commission reappoints, it expires on  
14 August 31st. The commission meeting date is August 17th.

15 CHAIRMAN SMITH: Okay.

16 MS. CASTAÑUELA: So we'll be working on a work  
17 plan and nominations and --

18 CHAIRMAN SMITH: Okay. So we'll have the  
19 annual report and then the --

20 MS. CASTAÑUELA: Work plan.

21 CHAIRMAN SMITH: -- work plan, so, okay; in  
22 August. All right. And hopefully, the -- we will have a  
23 good report and hopefully the Commissioners will see fit to  
24 give us another go around.

25 All right. Any other new business?

1 MR. BOURGOYNE: I have some, Trace.

2 CHAIRMAN SMITH: Yes, sir. Is that Jason?

3 MR. BOURGOYNE No, it's Emile. I wanted to  
4 formally advise you that my intention is --

5 CHAIRMAN SMITH: Emile, oh.

6 MR. BOURGOYNE: My intention is to retire from  
7 the BAC at the end of this year, pending my early retirement  
8 from Pollard Banknote in early 2024.

9 CHAIRMAN SMITH: Well, congratulations, Emile.  
10 We hate to see you go. That's for sure.

11 MR. DUNCAN: We do.

12 CHAIRMAN SMITH: And you've been a valuable  
13 resource and a great friend over the years, so we definitely  
14 will miss you. We do wish you the best of luck, though, in  
15 your retirement. That's a feat that's not often accomplished  
16 nowadays. So, we're definitely going to miss you. Anybody  
17 else?

18 MR. BOURGOYNE: I'll be here till -- I'll be  
19 here till the end of the year, but thanks anyway.

20 CHAIRMAN SMITH: Yes, sir.

21 MR. FENOGLIO: Mr. Chairman?

22 CHAIRMAN SMITH: Yes, sir.

23 MR. FENOGLIO: This is Steve Fenoglio again.  
24 I wanted to raise an issue that I've spoken with LaDonna  
25 about, and y'all have discussed, we've all discussed

1 periodically, and that's the online filing.

2 MS. CASTAÑUELA: Oh, please.

3 MR. FENOGLIO: And there are some charities  
4 that still file a paper and that's a problem or a challenge  
5 for staff, as opposed to digital format. And I would suggest  
6 that the BAC look at that as a way of encouraging licensees  
7 to file online. It's certainly, we've got one issue, I'm not  
8 going to talk about the case, but sometimes mail gets  
9 misdirected when you send it, including certified. But also,  
10 you know, this internet thing is not just a toy that's going  
11 to die tomorrow. It's --

12 CHAIRMAN SMITH: You mean it's not a fad?

13 MR. FENOGLIO: It's not a fad.

14 MS. CASTAÑUELA: Not a fad.

15 MS. GREEN: I do have a comment, Steve. That  
16 was not me, that was Lori, but go ahead. Objection right  
17 there.

18 MR. FENOGLIO: And it's an efficiency for  
19 staff so that --

20 MS. GREEN: No, I agree.

21 MR. FENOGLIO: -- (indiscernible) take care of  
22 real business as opposed to scanning, et cetera. So that  
23 would be my thought for new business. Be happy to answer any  
24 questions. If not.

25 MS. CASTAÑUELA: Thank you, Mr. Fenoglio.

1 MR. FENOGLIO: You're welcome. Occasionally, I  
2 help.

3 CHAIRMAN SMITH: Thank you, Steve. So maybe  
4 we could look at maybe implementing some way, shape, or form  
5 to increase that again. I know we -- we went through that  
6 last time.

7 MS. CASTAÑUELA: We are sending email  
8 notifications to folks. I don't know, what is the schedule  
9 on that? Like a few weeks before they're due, the quarterly  
10 reports. They include a link to the manuals that are online.  
11 And of course, Alice is always happy to answer the phone and  
12 show you where the manuals are, or help you get on.

13 CHAIRMAN SMITH: We talked about that a while  
14 back.

15 MS. CASTAÑUELA: Yes.

16 CHAIRMAN SMITH: And I think it helped. I  
17 know we reached out through our own personal organization.

18 MS. CASTAÑUELA: That would be terrific. That  
19 was what Steve and I were talking about last week when it  
20 came up, yes.

21 CHAIRMAN SMITH: I know there are a lot of --  
22 I know there's always a second option, but I think there's a  
23 lot of places that have gone to you must file online unless  
24 you've got a reason not to. Is that something that the  
25 commission is --

1 MS. CASTAÑUELA: You know, I was hoping to get  
2 more, you know, get higher numbers with just asking people  
3 and getting these manuals online and now with the -- with the  
4 reminders, the email reminders, you know, we're certainly  
5 going to be talking about it.

6 The agency will be going through a Sunset  
7 review. It'll be listed on my part of it as something that  
8 would really help us. You know, changing the rule and  
9 requiring it is always a possibility. It has -- since I've  
10 been here for two years, everybody I've talked to, including  
11 people in this room and on this dais, have said, well, just  
12 change the rule.

13 CHAIRMAN SMITH: Right. Can you ballpark what  
14 percentage are done?

15 MS. CASTAÑUELA: I think our less numbers were  
16 what, 70 percent online?

17 UNIDENTIFIED VOICE: Yes.

18 MS. CASTAÑUELA: About 70 percent online.

19 CHAIRMAN SMITH: Still got about 30 percent?

20 MS. CASTAÑUELA: It was 50 percent when I got  
21 here.

22 CHAIRMAN SMITH: Yes.

23 MS. CASTAÑUELA: Not that much higher. It's  
24 still a lot. It -- how many reports are we having to do the  
25 data entry on?

1 CHAIRMAN SMITH: What's the math on that?

2 MS. CASTAÑUELA: We've got a thousand  
3 conductors, right, but the units, of course it's not as many.

4 MS. URIEGAS: I have a question.

5 CHAIRMAN SMITH: Veronica.

6 MS. URIEGAS: So it -- maybe some of it's kind  
7 of fear from the organization, so I don't know if there's a  
8 possibility like to do an example one so they can get on  
9 there and practice. I know that was --

10 MS. CASTAÑUELA: Have you looked at the  
11 manuals? The manuals have a lot of pictures and screenshots  
12 and --

13 MS. URIEGAS: I get that and I -- I mean, I do  
14 mine online, but I know there was fear on my end, like, I  
15 don't want to mess up or things like that. And I -- trust  
16 me, I've made my mistakes along the way and I've learned,  
17 but --

18 MS. CASTAÑUELA: Sure.

19 MS. URIEGAS: But I don't know if maybe  
20 there's like a practice thing that they can go in and enter.  
21 And I think that's kind of like maybe that's apprehen -- that  
22 was like my hold back is like I don't want to put in the  
23 wrong number and then what happens. And maybe -- I know that  
24 I've called Alice several times, hey, I did this wrong. She  
25 goes, okay, wait till tomorrow, tomorrow to amend. I think

1 maybe if there's something that we can write that says that  
2 if you make a mistake, you go in the next day.

3 Like I try to do it early just to make sure,  
4 because there will be mistakes.

5 MS. CASTAÑUELA: Thank you.

6 MS. URIEGAS: And go in and amend it the next  
7 day. And I think people don't know that there's that option.  
8 And so maybe it's something -- we can write something that  
9 makes people more comfortable doing it online. I know that  
10 helped me a lot after talking to Alice. She's like, just do  
11 it. You'll be fine. And --

12 MS. CASTAÑUELA: Just do it. Especially if  
13 you're doing it early, you can --

14 MS. URIEGAS: Yeah. And we can fix it online  
15 and amend it online and that kind of thing, so.

16 MS. CASTAÑUELA: Right.

17 MS. GREEN: As long as you have Alice.

18 MS. URIEGAS: Yeah.

19 CHAIRMAN SMITH: Yes.

20 MS. URIEGAS: She -- yeah.

21 CHAIRMAN SMITH: So the other question I was  
22 going to ask was, I just did some round figures, so if you're  
23 -- if you've got 30 percent of the licensees are filing  
24 paper.

25 MS. CASTAÑUELA: Yes.

1                   CHAIRMAN SMITH: That's well over a hundred  
2 licensees that are filing, that's a lot to do.

3                   MS. CASTAÑUELA: Yes.

4                   CHAIRMAN SMITH: So, of those --

5                   MS. CASTAÑUELA: And the staff of course is  
6 just doing data entry, plenty of room for human error and  
7 stuff, you know, it's --

8                   CHAIRMAN SMITH: Sure.

9                   MS. CASTAÑUELA: -- it's tough and it's, you  
10 know, we call it peek week, it's crazy, crazy busy.

11                  CHAIRMAN SMITH: So, out of those hundred or  
12 so applications that are on paper, do y'all have any idea how  
13 many of those are the single locations, like a small American  
14 Legion or a small VFW? Do y'all break it down like that at  
15 all? I'm just curious as -- because I think most of the --

16                  MS. CASTAÑUELA: But she can get it for me.

17                  CHAIRMAN SMITH: She's a wiz, yes.

18                  MS. CASTAÑUELA: So --

19                  CHAIRMAN SMITH: Okay. I was just curious  
20 because I know a lot of the single halls like that would  
21 probably be doing that. I -- and I've spoken to several of  
22 the VFWs --

23                  MS. CASTAÑUELA: Right.

24                  CHAIRMAN SMITH: -- that that's the way they  
25 do it, because they only have the one. I kind of understand



1 that mentality. I think most of the larger halls probably do  
2 it online. So it's --

3 MS. GREEN: They do, but there was -- now,  
4 there was a form that was not online. You could not file  
5 online if you played a temporary at a different location.

6 MS. CASTAÑUELA: Okay.

7 MS. GREEN: Is that still correct?

8 MS. COHN: Yes.

9 MS. GREEN: That's what I --

10 MS. CASTAÑUELA: Okay.

11 MS. COHN: So that's the reason. And besides  
12 the (indiscernible) dotnet, which is the new systems. So we  
13 still need to allocate a time for the IT staff which we have  
14 a very limited resource.

15 MS. CASTAÑUELA: It's on our wish list when we  
16 get to the new system. New platform, yes.

17 MS. GREEN: Okay. Would that --

18 MS. CASTAÑUELA: That is --

19 MS. GREEN: That is the only form that has to  
20 be mailed in, are there others?

21 MS. CASTAÑUELA: No, I don't know if it's the  
22 only. Is it?

23 MS. COHN: Currently for the --

24 MS. GREEN: Okay.

25 MS. COHN: -- (indiscernible) yes.

1 CHAIRMAN SMITH: Yes.

2 MS. GREEN: And mailing has really become a  
3 problem.

4 MS. CASTAÑUELA: Yes. It --

5 MS. GREEN: Because --

6 MS. CASTAÑUELA: There's all kinds of --

7 MS. GREEN: That report went around the world.

8 MS. CASTAÑUELA: Did it?

9 MS. GREEN: And it ended up in San Antonio.  
10 Well, anyway, yeah, it mail -- mail is rough, too.

11 CHAIRMAN SMITH: Yes.

12 MS. URIEGAS: So, I don't know how it  
13 happened, but Alice Banks gave my number out to a VFW, which  
14 she asked me, I just -- she did ask me. And it was on a  
15 gentleman at a VFW who needed help and I had him come to my  
16 hall and I walked him through it. So, I don't know if  
17 there's a way for people who do it all the time to volunteer  
18 and reach out, to let -- to help other people who don't do it  
19 all the time to get them comfortable with it.

20 And also signing up for the BA -- I mean, for  
21 the BSP, people have difficulty because they don't press  
22 submit and so --

23 MS. GREEN: Uh-huh.

24 MS. URIEGAS: -- I make sure when I'm watching  
25 one of the new people do the bingo worker badge, that they

1 actually hit the submit and it has to --

2 MS. CASTAÑUELA: Uh-huh.

3 MS. URIEGAS: -- so there's several different  
4 things that you don't do. So I mean, if we could say, okay,  
5 well, we'll be willing to come to my hall and I'll show you  
6 how to do it and help you. So, I mean, there's also that if,  
7 I mean, if other charities are willing to help others, you  
8 know, that'll help raise the numbers up for you guys.

9 CHAIRMAN SMITH: Awesome.

10 MS. GREEN: Uh-huh.

11 CHAIRMAN SMITH: All right. Any other new  
12 business? Nope? Anybody else want to add anything or?  
13 Nothing else to say? Okay.

14 AGENDA ITEM 10

15 CHAIRMAN SMITH: All right. We will move on  
16 to item number 10, set the date for the next meeting. I  
17 believe it's August 16th; is that correct?

18 MS. CASTAÑUELA: Yes, sir.

19 CHAIRMAN SMITH: So we will be here August  
20 16th at 10:00 a.m.

21 MS. CASTAÑUELA: That's a Wednesday. Just --

22 CHAIRMAN SMITH: It is a Wednesday; awesome.

23 MS. CASTAÑUELA: And the commission meeting is  
24 scheduled for August 17th.

25 CHAIRMAN SMITH: Excellent. Excellent. Okay.

1 And we will -- in the interim we'll be working on the work  
2 plan and the annual report and we will have that at the next  
3 BAC meeting and hope to send that to the Commissioners.

4 AGENDA ITEM 11

5 CHAIRMAN SMITH: All right. If nothing else,  
6 we'll adjourn the meeting. It's two minutes till 11:00.  
7 Meeting adjourned.

8 (Meeting adjourned)

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## C E R T I F I C A T E

STATE OF TEXAS       )  
                              )  
COUNTY OF HARRIS     )

I, Kimberly C. McCright, Certified Vendor in and  
for the State of Texas, do hereby certify that the  
above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were  
reported by me or under my supervision, later reduced to  
typewritten form under my supervision and control and that  
the foregoing pages are a full, true and correct  
transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and  
seal this 30th day of June, 2023.

/s/ Kimberly C. McCright  
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