

Texas Lottery Commission

February 15, 2023

10:00 a.m.

I.	<p>The Texas Lottery Commission will call the meeting to order.</p> <p>Pledge of Allegiance to the U.S. and Texas flags.</p> <p>Texas Pledge: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”</p>	Robert G. Rivera, Chairman
II.	Report, possible discussion and/or action on the FY 2022 Financial Audit.	Kelly Stuckey, Controller and Kevin Sanford, National Strategy Leader - Financial Services, Weaver LLP
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.	Consideration of and possible discussion and/or action, including adoption, of new 16 TAC §§ 402.331 (Shutter Card Bingo Systems – Definitions), 402.332 (Shutter Card Bingo Systems – Site System Standards), 402.333 (Shutter Card Bingo Systems – Shutter Card Station and Customer Account Standards), 402.334 (Shutter Card Bingo Systems – Approval of Shutter Card Bingo Systems), 402.335 (Shutter Card Bingo Systems – Licensed Authorized Organization Requirements), 402.336 (Shutter Card Bingo Systems – Distributor Requirements), 402.337 (Shutter Card Bingo Systems – Security Standards), and 402.338 (Shutter Card Bingo Systems – Inspections and Restrictions).	Tyler Vance, Assistant General Counsel
V.	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.	Kelly Stuckey, Controller and Robert Tirloni, Lottery Operations Division Director
VI.	Report, possible discussion and/or action on transfers to the State and the agency’s budget.	Kelly Stuckey, Controller
VII.	Report, possible discussion and/or action on the 88th Legislative Session.	Nelda Treviño, Governmental Affairs Division Director
VIII.	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 a report on the Physical Security New Office Operations internal audit.	Darlene Brown, McConnell & Jones

IX.	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.	LaDonna Castañuela, Charitable Bingo Operations Division Director
X.	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
XI.	Consideration of the status and possible approval of orders in enforcement cases:	Bob Biard, General Counsel
	<p><u>Lottery NSF License Revocation Cases (Default)</u></p> <ul style="list-style-type: none"> A. Docket No. 362-23-03558 – Charge Up 8 B. 362-23-06232 – A and B Grocery C. 362-23-06233 – Collins Food Mart <p><u>Lottery Agreed Orders</u></p> <ul style="list-style-type: none"> D. Case No. 2023-24 – Lilly Food E. Case No. 2023-28 – Raceway #6918 F. Case No. 2023-47 – Corner Stop G. Case No. 2023-48 – Pit Stop One H. Case No. 2023-50 – Tejas #6 I. Case No. 2023-212 – Mary's Food Mart <p><u>Other Lottery Cases</u></p> <ul style="list-style-type: none"> J. Docket No. 362-22-2563 – SA Food Mart <p><u>Bingo Agreed Order</u></p> <ul style="list-style-type: none"> K. Case No. 2023-76 – VFW Post 6899 Trinity County Memorial 	
XII.	Public comment.	Robert G. Rivera, Chairman
XIII.	<p>The Commission may meet in Executive Session:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> <u>Pending litigation regarding Fun 5's Scratch Ticket Game #1592, including Travis County</u> 	Robert G. Rivera, Chairman

District Court Docket No. D-1-GN-14-005114 (Steele, et al. v. GTECH Corp.); and U.S. District Court (Western District-Austin) Docket No. 1:22-CV-578-RP (Texas Lottery Commission v. Ali Ansari).

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.

- XIV. 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.

- XV. 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

From: [Jamieson, Debbie](#)
To: [Simpson, MaryBeth](#); [Zamora, Myra](#)
Cc: [Biard, Bob](#)
Subject: FW: S.O.S. Acknowledgment of Receipt
Date: Tuesday, February 7, 2023 12:09:13 PM

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Tuesday, February 7, 2023 12:08 PM
To: Jamieson, Debbie <Debbie.Jamieson@lottery.state.tx.us>
Subject: S.O.S. Acknowledgment of Receipt

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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: 02/15/2023 10:00 AM "TRD# 2023000757"

Notice posted: 02/07/23 12:07 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2023000757](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2023000757)

LIVESTREAM. The Commission open meeting may be viewed live online. Members of the public may access a livestream video of the meeting via the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmUxOTkxNWYtZGY3MC00ZTk3LTk3Y2ItZTFkNzdlMWRIYzhhh%40thread.v2/0?context=%7B%22Tid%22%3A%22c6270a15-feb3-48d6-ae19-52f87b499f5a%22%2C%22Oid%22%3A%22143b90a7-54c6-45b9-b719-e69d44bae9ee%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a

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- V. 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.
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Lottery Agreed Orders

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- F. Case No. 2023-47 – Corner Stop
- G. Case No. 2023-48 – Pit Stop One
- H. Case No. 2023-50 – Tejas #6
- I. Case No. 2023-212 – Mary’s Food Mart

Other Lottery Cases

- J. Docket No. 362-22-2563 – SA Food Mart

Bingo Agreed Order

- K. Case No. 2023-76 – VFW Post 6899 Trinity County Memorial

XII. Public comment.

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- 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:

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