

Texas Lottery Commission

October 12, 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 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
III.	Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for lottery operations and services.	Angela Zgabay-Zgarba, Administration Division Director
IV.	Report, possible discussion and/or action on agency major and prime contracts, including Dallas Cowboys trademark license and promotional agreements with Pro Silver Star, LTD, and Frisco Management, LP.	Angela Zgabay-Zgarba, Administration Division Director
V.	Report, possible discussion and/or action on the Annual Contract Status Report and Supplemental Information for all major and prime agency contracts.	Angela Zgabay-Zgarba, Administration Division Director
VI.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§ 401.152 (Application for License), 401.302 (Scratch Ticket Game Rules), 401.362 (Retailer’s Financial Responsibility for Lottery Tickets Received and Subsequently Damaged or Rendered Unsaleable, for Winning Lottery Tickets Paid and for Lottery-Related Property), and 401.370 (Retailer’s Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost).	Tyler Vance, Assistant General Counsel
VII.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §§ 402.200 (General Restrictions on the Conduct of Bingo), 402.203 (Unit Accounting), 402.400 (General Licensing Provisions), 402.401 (Temporary License), 402.404 (License Classes and Fees), 402.405 (Temporary Authorization), 402.413 (Military Service Members, Military Veterans, and Military Spouses), 402.420 (Qualifications and Requirements for Conductor’s License), 402.451 (Operating Capital), 402.452 (Net Proceeds), 402.503 (Bingo Gift Certificates), 402.600 (Bingo Reports and Payments), 402.706 (Schedule of Sanctions), and 402.707 (Expedited Administrative Penalty Guideline).	Tyler Vance, Assistant General Counsel
VIII.	Consideration of and possible discussion and/or action,	Deanne Rienstra, Special Counsel

<p>including publication, of Notice of Intent to Review the Commission's rules set forth in 16 TAC Chapter 401, relating to Administration of State Lottery Act; Chapter 402, relating to Charitable Bingo Operations Division; and Chapter 403, relating to General Administration.</p> <p>IX. 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.</p> <p>X. Report, possible discussion and/or action on transfers to the State and the agency's budget.</p> <p>XI. Report, possible discussion and/or action on the Sunset review process involving the agency.</p> <p>XII. 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 FY 2023 Annual Internal Audit Report and approval of the proposed FY2024 Annual Internal Audit Plan.</p> <p>XIII. 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> <p>XIV. 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> <p>XV. Consideration of the status and possible approval of orders in enforcement cases:</p> <p><u>Lottery NSF License Revocation Cases (Default)</u></p> <p>A. Docket No. 362-23-23812 – Sam's Corner Store</p> <p>B. Docket No. 362-23-24974 – BGB Corner Store, LLC</p> <p>C. Docket No. 362-23-24979 – Doctor's Pantry</p> <p><u>Lottery Agreed Orders</u></p> <p>D. Case No. 2023-25 – Checkered Flag #29</p> <p>E. Case No. 2023-897 – Country Mart</p> <p><u>Bingo Agreed Orders</u></p> <p>F. Case No. 2023-778 – American GI Forum - Rockport</p> <p>XVI. Public comment.</p> <p>XVII. The 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</p>	<p>Annika Guarnero, Acting Controller and Will Russ, Products Manager</p> <p>Annika Guarnero, Acting Controller</p> <p>Ryan Mindell, Deputy Executive Director</p> <p>Darlene Brown, Partner, McConnell Jones</p> <p>LaDonna Castanuela, Charitable Bingo Operations Division Director</p> <p>Gary Grief, Executive Director</p> <p>Bob Biard, General Counsel</p> <p>Robert G. Rivera, Chairman</p> <p>Robert G. Rivera, Chairman</p>
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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 U.S. District Court (Western District-Austin) Docket No. 1:22-CV-578-RP (Texas Lottery Commission v. Ali Ansari).

Legal advice regarding 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.

- XVIII. 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.

- XIX. 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) workdays 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: Wednesday, October 4, 2023 1:11:10 PM
Attachments: [10122023.doc](#)

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>
Sent: Wednesday, October 4, 2023 1:10 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: 10/12/2023 10:00 AM "TRD# 2023005693"

Notice posted: 10/04/23 01:10 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2023005693](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2023005693)

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_MDZkODFIMDQtMmQ0Yy00NWY3LWI1NTYtZWZhMDc4ZGY0YmU5%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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