



# Texas Lottery Commission

## October 29, 2024

### 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.	<p>Report by the Bingo Advisory Committee (BAC) Chairman; possible discussion and/or action on the BAC’s activities, including selection of the BAC Chairman for FY 2025 and the charitable bingo rule proposal package for this open meeting.</p>	Chairman, Bingo Advisory Committee
III.	<p>Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§ 401.158 (Suspension or Revocation of License) and 401.160 (Standard Penalty Chart).</p>	Bob Biard, General Counsel
IV.	<p>Report, possible discussion and/or action on approval of revised Commission Policy P-002, Division of Responsibilities.</p>	Bob Biard, General Counsel
V.	<p>Consideration of and possible discussion and/or action, including readoption, on the review of 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>	Bob Biard, General Counsel
VI.	<p>Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §§ 401.101 (Lottery Procurement Procedures), 401.102 (Protests of the Terms of a Formal Competitive Solicitation), 401.103 (Protests of Contract Award), 401.104 (Contract Monitoring Roles and Responsibilities), 401.153 (Qualifications for License), 401.158 (Suspension or Revocation of License), 401.160 (Standard Penalty Chart), 401.301 (General Definitions), 401.302 (Scratch Ticket Game Rules), 401.304 (Draw</p>	Kyle Wolfe, Assistant General Counsel

<p>Game Rules (General)), 401.355 (Restricted Sales), and 401.501 (Lottery Security).</p>	
<p>VII. Consideration of and possible discussion and/or action, including proposal, on repeal of existing 16 TAC §§ 402.301 (Bingo Card/Paper) and 402.303 (Pull-tab or Instant Bingo Dispensers); new 16 TAC §§ 402.105 (Postmarks, Timely Filing of Forms, Reports, Applications and Payment of Taxes and Fees), 402.301 (Approval of Pull-Tab Bingo Tickets), 402.302 (Pull-Tab Bingo Manufacturing Requirements), 402.303 (Pull-Tab Bingo Sales and Redemption), 402.304 (Pull-Tab Bingo Record Keeping), 402.305 (Pull-Tab Bingo Styles of Play), 402.306 (Bingo Card/Paper Definitions), 402.307 (Bingo Card/Paper Approval), 402.308 (Bingo Card/Paper Manufacturing Requirements), 402.309 (Bingo Card/Paper Record Keeping), 402.310 (Bingo Card/Paper Styles of Play), and 402.311 (Pull-Tab or Instant Bingo Dispensers); and amendments to 16 TAC §§ 402.100 (Definitions), 402.101 (Advisory Opinions), 402.102 (Bingo Advisory Committee), 402.103 (Training Program), 402.200 (General Restrictions on the Conduct of Bingo), 402.201 (Prohibited Bingo Occasion), 402.202 (Transfer of Funds), 402.203 (Unit Accounting), 402.210 (House Rules), 402.212 (Promotional Bingo), 402.300 (Pull-Tab Bingo), 402.324 (Card-Minding Systems--Approval of Card-Minding Systems), 402.325 (Card-Minding Systems--Licensed Authorized Organizations Requirements), 402.326 (Card-Minding Systems--Distributor Requirements), 402.334 (Shutter Card Bingo Systems - Approval of Shutter Card Bingo Systems), 402.400 (General Licensing Provisions), 402.401 (Temporary License), 402.402 (Registry of Bingo Workers), 402.404 (License Classes and Fees), 402.411 (License Renewal), 402.443 (Transfer of a Grandfathered Lessor's Commercial Lessor License), 402.500 (General Records Requirements), 402.502 (Charitable Use of Net Proceeds Recordkeeping), 402.600 (Bingo Reports and Payments), 402.601 (Interest on Delinquent Tax), 402.602 (Waiver of Penalty, Settlement of Prize Fees, Penalty and/or Interest), 402.702 (Disqualifying Convictions), 402.703 (Audit Policy), 402.706 (Schedule of Sanctions), and 402.707 (Expedited Administrative Penalty Guideline).</p>	<p>Tyler Vance, Assistant General Counsel</p>
<p>VIII. Consideration of and possible discussion and/or action, including adoption, on the proposed repeal of existing 16 TAC §401.315 ("Mega Millions" Draw Game Rule) and</p>	<p>Deanne Rienstra, Special Counsel</p>

	new 16 TAC §401.315 (“Mega Millions” Draw Game Rule).	
IX.	Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for internal audit services.	Angela Zgabay-Zgarba, Administration Division Director
X.	Report, possible discussion and/or action on agency prime contracts, including the procurement for the contract for promotional products.	Angela Zgabay-Zgarba, Administration Division Director
XI.	Report, possible discussion and/or action on agency major contracts, including the Houston Texans trademark license and promotional agreement with Houston NFL Holdings LP.	Angela Zgabay-Zgarba, Administration Division Director
XII.	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
XIII.	Report, possible discussion and/or action on the lottery operations and services procurement.	Angela Zgabay-Zgarba, Administration Division Director
XIV.	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.	Sergio Rey, Chief Financial Officer; Will Russ, Products Manager
XV.	Report, possible discussion and/or action on transfers to the State and the agency’s budget.	Sergio Rey, Chief Financial Officer
XVI.	Report, possible discussion and/or action on the Sunset review process involving the agency, including the Sunset Advisory Commission’s adopted motion directing the Sunset staff to evaluate agency leadership and to study the potential regulation of lottery courier companies.	Sergio Rey Chief Financial Officer
XVII.	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 2024 Annual Internal Audit Report, the Internal Auditor’s Annual Independence Disclosure, and summaries of the Procurement and Contracting Audit and Retailer Incentive Program Audit.	Darlene Brown, Partner, McConnell Jones
XVIII.	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; special projects; the FY 2025 Bingo Annual Audit Plan; and an October 1, 2024, Bingo Advisory Opinion request from Croatoan Inc. (aka Northeast Bingo) (commercial lessor).	LaDonna Castanuela, Charitable Bingo Operations Division Director

<p>XIX. 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>Ryan Mindell, Executive Director</p>
<p>XX. Consideration of the status and possible approval of orders in enforcement cases:</p> <p><u>Lottery NSF License Revocation Cases (Default)</u></p> <ul style="list-style-type: none"> <li>A. Docket No. 362-24-20030 – Adhiguru</li> <li>B. Docket No. 362-24-20031 – Stop N Go</li> <li>C. Docket No. 362-24-20905 – Sunshine Mart</li> <li>D. Docket No. 362-24-21303 – MA Food and Gas</li> <li>E. Docket No. 362-24-21620 – Tex Mex Food Mart</li> <li>F. Docket No. 362-24-22058 – Happy Liquor</li> <li>G. Docket No. 362-24-22553 – Mr. Lube</li> <li>H. Docket No. 362-24-24187 – Gaston Paradise</li> <li>I. Docket No. 362-24-24577 – Placedo Mini Mart</li> </ul> <p><u>Lottery Agreed Orders</u></p> <ul style="list-style-type: none"> <li>J. Docket No. 362-24-13399 – Speedy Mini Mart</li> <li>K. Docket No. 362-24-24459 – Cat Corner</li> <li>L. Case No. 2024-435 – JR Food Mart</li> <li>M. Case No. 2024-515 – Tiger Mart #65</li> <li>N. Case No. 2024-578 – 7-Eleven Convenience Store #35420B</li> <li>O. Case No. 2024-579 – All Star Grocery</li> <li>P. Case No. 2024-580 – Valley Mart #EP2401</li> <li>Q. Case No. 2024-582 – Billy's Food Mart</li> <li>R. Case No. 2024-583 – Fuel City Haltom City</li> <li>S. Case No. 2024-584 – H. K. Food Mart</li> <li>T. Case No. 2024-722 – Brooks Food Mart</li> <li>U. Case No. 2024-724 – Express Food Mart</li> </ul> <p><u>Bingo Agreed Orders</u></p> <ul style="list-style-type: none"> <li>V. Docket No. 362-21-2282.B – Monica Weber (Bingo Worker)</li> <li>W. Docket No. 362-24-16246.B – Elizabeth Lucio (Bingo Worker)</li> </ul>	<p>Bob Biard, General Counsel</p>

Other Bingo Cases

X. Docket No. 362-24-20805.B – Esmeralda Sevilla  
(Bingo Worker)

XXI. Public comment.

XXII. The 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 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.

XXIII. 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.

XXIV. Adjournment.

Robert G. Rivera, Chairman

Robert G. Rivera, Chairman

Robert G. Rivera, Chairman

Robert G. Rivera, Chairman

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 Tarah Lossman at (512) 344-5324 at least four (4) workdays prior to the meeting so that appropriate arrangements can be made.

## Simpson, MaryBeth

---

**From:** Lossman, Tarah  
**Sent:** Monday, October 21, 2024 4:58 PM  
**To:** Zamora, Myra; Simpson, MaryBeth  
**Cc:** Biard, Bob  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Attachments:** 10292024.doc

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>  
Sent: Monday, October 21, 2024 4:53 PM  
To: Lossman, Tarah <Tarah.Lossman@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: Tarah Lossman

The Office of the Secretary of State has posted

notice of the following meeting:

Board: Texas Lottery Commission

Committee: Texas Lottery Commission

Date: 10/29/2024 10:00 AM "TRD# 2024006210"

Notice posted: 10/21/24 04:53 PM

Proofread your current open meeting notice at:

[https://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2024006210](https://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2024006210)



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\\_YzlhY2MyM2UtZGJjMy00OTcyLWJkYmEtMzg5ZjcyYTBjNTUz%40thead.v2/0?context=%7b%22Tid%22%3a%22c6270a15-feb3-48d6-ae19-52f87b499f5a%22%2c%22Oid%22%3a%22143b90a7-54c6-45b9-b719-e69d44bae9ee%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzlhY2MyM2UtZGJjMy00OTcyLWJkYmEtMzg5ZjcyYTBjNTUz%40thead.v2/0?context=%7b%22Tid%22%3a%22c6270a15-feb3-48d6-ae19-52f87b499f5a%22%2c%22Oid%22%3a%22143b90a7-54c6-45b9-b719-e69d44bae9ee%22%7d)

- 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 by the Bingo Advisory Committee (BAC) Chairman; possible discussion and/or action on the BAC’s activities, including selection of the BAC Chairman for FY 2025 and the charitable bingo rule proposal package for this open meeting.
- III. Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§ 401.158 (Suspension or Revocation of License) and 401.160 (Standard Penalty Chart).
- IV. Report, possible discussion and/or action on approval of revised Commission Policy P-002, Division of Responsibilities.
- V. Consideration of and possible discussion and/or action, including readoption, on the review of 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.
- VI. Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §§ 401.101 (Lottery Procurement Procedures), 401.102 (Protests of the Terms of a Formal Competitive Solicitation), 401.103 (Protests of Contract Award), 401.104 (Contract Monitoring Roles and Responsibilities), 401.153 (Qualifications for License), 401.158 (Suspension or Revocation of License), 401.160 (Standard Penalty Chart), 401.301 (General Definitions), 401.302 (Scratch Ticket Game Rules), 401.304 (Draw Game Rules (General)), 401.355 (Restricted Sales), and 401.501 (Lottery Security).
- VII. Consideration of and possible discussion and/or action, including proposal, on repeal of existing 16 TAC §§ 402.301 (Bingo Card/Paper) and 402.303 (Pull-tab or Instant Bingo Dispensers); new 16 TAC §§ 402.105 (Postmarks, Timely Filing of Forms, Reports, Applications and Payment of Taxes and Fees), 402.301 (Approval of Pull-Tab Bingo Tickets), 402.302 (Pull-Tab Bingo Manufacturing Requirements), 402.303 (Pull-Tab Bingo Sales and Redemption), 402.304 (Pull-Tab Bingo Record Keeping), 402.305 (Pull-Tab Bingo Styles of Play), 402.306 (Bingo Card/Paper Definitions), 402.307 (Bingo Card/Paper Approval), 402.308 (Bingo Card/Paper Manufacturing Requirements), 402.309 (Bingo Card/Paper Record Keeping), 402.310 (Bingo Card/Paper Styles of Play), and 402.311 (Pull-Tab or Instant Bingo Dispensers); and amendments to 16 TAC §§ 402.100 (Definitions), 402.101 (Advisory Opinions), 402.102 (Bingo Advisory Committee), 402.103 (Training Program), 402.200 (General Restrictions on the Conduct of Bingo), 402.201 (Prohibited Bingo Occasion), 402.202 (Transfer of Funds), 402.203

(Unit Accounting), 402.210 (House Rules), 402.212 (Promotional Bingo), 402.300 (Pull-Tab Bingo), 402.324 (Card-Minding Systems--Approval of Card-Minding Systems), 402.325 (Card-Minding Systems--Licensed Authorized Organizations Requirements), 402.326 (Card-Minding Systems--Distributor Requirements), 402.334 (Shutter Card Bingo Systems - Approval of Shutter Card Bingo Systems), 402.400 (General Licensing Provisions), 402.401 (Temporary License), 402.402 (Registry of Bingo Workers), 402.404 (License Classes and Fees), 402.411 (License Renewal), 402.443 (Transfer of a Grandfathered Lessor's Commercial Lessor License), 402.500 (General Records Requirements), 402.502 (Charitable Use of Net Proceeds Recordkeeping), 402.600 (Bingo Reports and Payments), 402.601 (Interest on Delinquent Tax), 402.602 (Waiver of Penalty, Settlement of Prize Fees, Penalty and/or Interest), 402.702 (Disqualifying Convictions), 402.703 (Audit Policy), 402.706 (Schedule of Sanctions), and 402.707 (Expedited Administrative Penalty Guideline).

- VIII. Consideration of and possible discussion and/or action, including adoption, on the proposed repeal of existing 16 TAC §401.315 ("Mega Millions" Draw Game Rule) and new 16 TAC §401.315 ("Mega Millions" Draw Game Rule).
- IX. Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for internal audit services.
- X. Report, possible discussion and/or action on agency prime contracts, including the procurement for the contract for promotional products.
- XI. Report, possible discussion and/or action on agency major contracts, including the Houston Texans trademark license and promotional agreement with Houston NFL Holdings LP.
- XII. Report, possible discussion and/or action on the Annual Contract Status Report and Supplemental Information for all major and prime agency contracts.
- XIII. Report, possible discussion and/or action on the lottery operations and services procurement.
- XIV. 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.
- XV. Report, possible discussion and/or action on transfers to the State and the agency's budget.
- XVI. Report, possible discussion and/or action on the Sunset review process involving the agency, including the Sunset Advisory Commission's adopted motion directing the Sunset staff to evaluate agency leadership and to study the potential regulation of lottery courier companies.
- XVII. 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 2024 Annual Internal Audit Report, the Internal Auditor's Annual Independence Disclosure, and summaries of the Procurement and Contracting Audit and Retailer Incentive Program Audit.
- XVIII. 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; special projects; the FY 2025 Bingo Annual Audit Plan; and an October 1, 2024, Bingo Advisory Opinion request from Croatoan Inc. (aka Northeast Bingo) (commercial lessor).

XIX. 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.

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

Lottery NSF License Revocation Cases (Default)

- A. Docket No. 362-24-20030 – Adhiguru
- B. Docket No. 362-24-20031 – Stop N Go
- C. Docket No. 362-24-20905 – Sunshine Mart
- D. Docket No. 362-24-21303 – MA Food and Gas
- E. Docket No. 362-24-21620 – Tex Mex Food Mart
- F. Docket No. 362-24-22058 – Happy Liquor
- G. Docket No. 362-24-22553 – Mr. Lube
- H. Docket No. 362-24-24187 – Gaston Paradise
- I. Docket No. 362-24-24577 – Placedo Mini Mart

Lottery Agreed Orders

- J. Docket No. 362-24-13399 – Speedy Mini Mart
- K. Docket No. 362-24-24459 – Cat Corner
- L. Case No. 2024-435 – JR Food Mart
- M. Case No. 2024-515 – Tiger Mart #65
- N. Case No. 2024-578 – 7-Eleven Convenience Store #35420B
- O. Case No. 2024-579 – All Star Grocery
- P. Case No. 2024-580 – Valley Mart #EP2401
- Q. Case No. 2024-582 – Billy's Food Mart
- R. Case No. 2024-583 – Fuel City Haltom City
- S. Case No. 2024-584 – H. K. Food Mart
- T. Case No. 2024-722 – Brooks Food Mart
- U. Case No. 2024-724 – Express Food Mart

Bingo Agreed Orders

- V. Docket No. 362-21-2282.B – Monica Weber (Bingo Worker)
- W. Docket No. 362-24-16246.B – Elizabeth Lucio (Bingo Worker)

Other Bingo Cases

- X. Docket No. 362-24-20805.B – Esmeralda Sevilla (Bingo Worker)

XXI. Public comment.

XXII. The 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 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.

XXIII. 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.

XXIV. 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 Tarah Lossman at (512) 344-5324 at least four (4) workdays prior to the meeting so that appropriate arrangements can be made.