



# Texas Lottery Commission

## October 13, 2016

### 10:00 a.m.

<p>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."</p>	<p>J. Winston Krause, Chairman</p>
<p>II. Report, possible discussion and/or action on overview of the 2016 Survey of Employee Engagement, presented by Dr. Noel Landuyt, University of Texas Institute for Organizational Excellence.</p>	<p>Jan Thomas, Human Resources Director</p>
<p>III. Report, possible discussion and/or action on the Commission's award submission to the World Lottery Association for Best Innovation in Responsible Gaming.</p>	<p>Teresa Edwards, Retailer Development Coordinator</p>
<p>IV. Report, possible discussion and/or action on agency contracts, including the status of major, prime and operational contracts.</p>	<p>Michael R. Fernandez, Administration Division Director</p>
<p>V. Report, possible discussion and/or action on agency major contracts, including extension and amendment of the lottery operator contract, and whether discussion relating to the negotiation of the lottery operator contract in an open meeting would have a detrimental effect on the Commission's position in the negotiations.</p>	<p>Michael R. Fernandez, Administration Division Director</p>
<p>VI. Report, possible discussion and/or action on agency prime contracts, including the procurements for the contract for security officer services and document management services.</p>	<p>Michael R. Fernandez, Administration Division Director</p>
<p>VII. Report, possible discussion and/or action on agency major contracts, including the procurement for the contract for internal audit services.</p>	<p>Michael R. Fernandez, Administration Division Director</p>
<p>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.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>IX. Report, possible discussion and/or action on transfers to the State.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>X. Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §401.317 ("Powerball®" On-Line Game Rule).</p>	<p>Deanne Rienstra, Assistant General Counsel</p>
<p>XI. 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 Internal Audit status report, approval of the</p>	<p>Darlene Brown, McConnell Jones Lanier &amp; Murphy LLP</p>

<p>Fiscal Year 2016 Annual Internal Audit Report, and approval of the Fiscal Year 2017 Internal Audit Plan.</p> <p>XII. Report by the Charitable Bingo Operations Director and possible discussion and/or action on the Charitable Bingo Operations Division's activities, including update on Docket No. 362-15-5571.B (Habitable Spaces), licensing, accounting and audit activities, pull-tab review, bingo advisory committee, and special projects.</p> <p>XIII. 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>XIV. Consideration of the status and possible approval of orders in enforcement cases:</p>	<p>Alfonso D. Royal III, Charitable Bingo Operations Division Director</p> <p>Gary N. Grief, Executive Director</p> <p>Robert F. Biard, General Counsel</p>
<p><u>Lottery NSF License Revocation Cases (Default Unless Otherwise Noted)</u></p> <p>A. Docket No. 362-16-4064 – Sunny's Beverage Zone</p> <p>B. Docket No. 362-16-4065 – Oak Hills Center</p> <p>C. Docket No. 362-16-4066 – Santa Fe Express Mart #2</p> <p>D. Docket No. 362-16-4234 – Franco's Corner</p> <p>E. Docket No. 362-16-4900 – Bengal Mart</p> <p>F. Docket No. 362-16-4902 – Brother's \$ Store</p> <p>G. Docket No. 362-16-5091 – Moon Mart</p> <p>H. Docket No. 362-16-5600 – AM Food Mart</p> <p>I. Docket No. 362-16-5601 – Bellfort CITGO</p> <p>J. Docket No. 362-16-5602 – Price Super Mart</p> <p><u>Lottery Agreed Orders</u></p> <p>K. Case No. 2016-179 – J &amp; S Food Mart</p> <p>L. Case No. 2016-658 – Family Grocery</p> <p>M. Case No. 2016-829 – Cedar Park Quick Mart</p> <p>N. Case No. 2016-848 – 7-Eleven #32812</p> <p><u>Bingo Commercial Lessor Revocation</u></p> <p>O. Docket No. 362-16-1513.B – Julam Investments, Inc.</p>	
<p>XV. Public comment.</p> <p>XVI. 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 the Charitable Bingo Operations Director pursuant to Section 551.074 of the Texas Government Code.</p> <p>B. To deliberate the duties of the General Counsel and/or the Human Resources Director pursuant to §551.074 of the Texas Government Code.</p> <p>C. To receive legal advice regarding pending or</p>	<p>J. Winston Krause, Chairman</p> <p>J Winston Krause, Chairman</p>

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 and potential litigation regarding Fun 5's Scratch Ticket Game #1592, including Travis Co. District Court Cause No. D-1-GN-14-005114, Third District Court of Appeals Cause No. 03-16-00172-CV (Steele, et al. v. GTECH Corp.); Dallas Co. District Court Cause No. DC-14-14838, Fifth District Court of Appeals Cause No. 05-15-01559-CV (Nettles v. GTECH Corp. and Texas Lottery Commission); and El Paso County Court Cause No. 2014-DCV-4113 (McDonald v. GTECH Corp.). State of Texas v. Equal Employment Opportunity Commission et al.

Legal advice regarding Texas Government Code Chapters 466 (State Lottery Act) and 467, 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.

XVII. 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 prior to Executive Session.

J. Winston Krause, Chairman

XVIII. Adjournment.

J. Winston Krause, 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 Debbie Jamieson at (512) 344-5038 at least four (4) work days prior to the meeting so that appropriate arrangements can be made.

## Simpson, MaryBeth

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**From:** Jamieson, Debbie  
**Sent:** Wednesday, October 05, 2016 12:12 PM  
**To:** Simpson, MaryBeth; Sanchez, Sheila  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Attachments:** 10132016 Final.doc

Good afternoon,

The attached agenda has been filed with the Texas Register. Please let me know if you have any questions.

Thanks,  
Debbie Jamieson

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

From: Texas Register [mailto:TexReg@sos.texas.gov]  
Sent: Wednesday, October 05, 2016 12:08 PM  
To: Jamieson, Debbie  
Subject: S.O.S. Acknowledgment of Receipt

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: 10/13/2016 10:00 AM "TRD# 2016006772"

Notice posted: 10/05/16 12:07 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z TRD=2016006772](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z TRD=2016006772)

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- 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.
- X. Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §401.317 ("Powerball®" On-Line Game Rule).
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- XII. Report by the Charitable Bingo Operations Director and possible discussion and/or action on the Charitable Bingo Operations Division's activities, including update on Docket No. 362-15-5571.B (Habitable Spaces), licensing, accounting and audit activities, pull-tab review, bingo advisory committee, and special projects.
- XIII. 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.
- XIV. Consideration of the status and possible approval of orders in enforcement cases:

Lottery NSF License Revocation Cases (Default Unless Otherwise Noted)

- A. Docket No. 362-16-4064 – Sunny's Beverage Zone
- B. Docket No. 362-16-4065 – Oak Hills Center
- C. Docket No. 362-16-4066 – Santa Fe Express Mart #2
- D. Docket No. 362-16-4234 – Franco's Corner
- E. Docket No. 362-16-4900 – Bengal Mart
- F. Docket No. 362-16-4902 – Brother's \$ Store
- G. Docket No. 362-16-5091 – Moon Mart

- H. Docket No. 362-16-5600 – AM Food Mart
- I. Docket No. 362-16-5601 – Bellfort CITGO
- J. Docket No. 362-16-5602 – Price Super Mart

Lottery Agreed Orders

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- B. To deliberate the duties of the General Counsel and/or the Human Resources Director 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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