



# Texas Lottery Commission

## December 7, 2017

### 10:00 a.m.

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."	J. Winston Krause, Chairman
II.	Report, possible discussion and/or action on external audits and/or reviews relating to the Texas Lottery Commission, including the FY 2017 annual financial audit.	Katheryn J. Pyka, Controller
III.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§402.400 (General Licensing Provisions), 402.401 (Temporary License), 402.402 (Registry of Bingo Workers), 402.404 (License and Registry Fees), 402.405 (Temporary Authorization), 402.407 (Unit Manager), 402.410 (Amendment of a License – General Provisions), 402.411 (License Renewal), 402.413 (Military Service Members, Military Veterans, and Military Spouses), 402.420 (Qualifications and Requirements for Conductor's License), 402.422 (Amendment to a Regular License to Conduct Charitable Bingo), 402.424 (Amendment of a License by Electronic Mail, Telephone or Facsimile), and 402.603 (Bond or Other Security).	Ryan S. Mindell, Assistant General Counsel
IV.	Consideration of and possible discussion and/or action on a financial report from bingo licensees.	Alfonso D. Royal III, Charitable Bingo Operations Division Director
V.	Consideration of and possible discussion and/or action on the status of grandfathered bingo commercial lessors and the transfer of commercial lessor licenses.	Alfonso D. Royal III, Charitable Bingo Operations Division Director
VI.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§401.158 (Suspension or Revocation of License), 401.160 (Standard Penalty Chart), 401.301 (General Definitions), 401.302 (Instant Game Rules), 401.304 (On-Line Game Rules (General)), 401.307 ("Pick 3" On-Line Game Rule), 401.308 ("Cash Five" On-Line Game), 401.312 ("Texas Two Step" On-Line Game), 401.316 ("Daily 4" On-Line Game Rule), 401.320 ("All or Nothing" On-Line Game Rule), 401.322 ("Texas Triple Chance" Lottery Game), 401.353 (Retailer Settlements, Financial Obligations, and Commissions), 401.361 (Required Purchases of Lottery	Ryan S. Mindell, Assistant General Counsel

<p>Tickets), 401.364 (Training), and 401.370 (Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost).</p>	
<p>VII. Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §401.317 ("Powerball®" On-Line Game Rule).</p>	<p>Deanne Rienstra, Assistant General Counsel</p>
<p>VIII. Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §401.305 ("Lotto Texas" On-Line Game Rule).</p>	<p>Deanne Rienstra, Assistant General Counsel</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>Katheryn J. Pyka, Controller</p>
<p>X. Report, possible discussion and/or action on transfers to the State and the agency's budget status.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>XI. Report, possible discussion and/or action on the FY 2018 Itemized Operating Budget.</p>	<p>Katheryn J. Pyka, Controller</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.</p>	<p>Darlene Brown, McConnell Jones Lanier &amp; Murphy LLP</p>
<p>XIII. Report, possible discussion and/or action on the Charitable Bingo Operations Division quarterly finance data, including charitable distributions.</p>	<p>Desira Glenn, Licensing and Accounting Services Manager</p>
<p>XIV. 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, pull-tab review, and special projects.</p>	<p>Alfonso D. Royal III, Charitable Bingo Operations Division Director</p>
<p>XV. 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>Gary N. Grief, Executive Director</p>
<p>XVI. Consideration of the status and possible approval of orders in enforcement cases:</p>	<p>Robert F. Biard, General Counsel</p>
<p><u>Lottery NSF License Revocation Cases (Default)</u></p>	
<p>A. Docket No. 362-18-0213 – N J K Smoke N More LLC</p>	
<p>B. Docket No. 362-18-0214 – Fuel Mart 2</p>	
<p>C. Docket No. 362-18-0215 – Fuel Mart</p>	
<p>D. Docket No. 362-18-0390 – Oscar Lloyd's Beer and Wine</p>	
<p>E. Docket No. 362-18-0391 – Liberty Crossing</p>	
<p><u>Lottery Agreed Orders</u></p>	
<p>F. Docket No. 362-17-5465 – The Corner Spot</p>	
<p>G. Case No. 2017-931 – Harlows 121</p>	
<p>H. Case No. 2017-1213 – Oasis Baytown</p>	
<p>I. Case No. 2017-1293 – Sherry's Mart</p>	

Bingo Agreed Orders

- J. Case No. 2017-728 – P&W Enterprises, Inc. (Commercial Lessor)
- K. Case No. 2017-1076 – American Legion Unit 594 Aux.
- L. Case No. 2017-1077 – City Wide Club of Clubs Chapter 3 Community Service Center
- M. Case No. 2017-1078 – SPX Boosters Club
- N. Case No. 2017-1079 – SPX Parents Assoc.
- O. Case No. 2017-1080 – Knights of Columbus 4577
- P. Case No. 2017-1161 – David Baimbridge (Bingo Worker)
- Q. Case No. 2017-1197 – Jorge Mendez (Bingo Worker)
- R. Case No. 2017-1371 – Adrian Gomez (Bingo Worker)

Bingo License Revocation and/or Denial Cases

- S. Docket No. 362-17-4986.B – Iowa Park Optimist Club
- T. Docket No. 362-17-5939.B – Teens Addressing the Community Today (T.A.C.T.) (Default)

XVII. Public comment.

XVIII. 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 the Charitable Bingo Operations Director pursuant to §551.074 of the Texas Government Code.
- 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:

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.); and 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

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Lottery Commission).

Julam Investments, Inc. v. Texas Lottery Commission (Travis Co. District Court Cause No. D-1-GN-16-006124)

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.

XIX. 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

XX. 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, November 29, 2017 12:19 PM  
**To:** Directors; Legal Services; Media Relations  
**Cc:** Media Relations; Austin, Casey; Bland, Angie; Harris, Felicia; Neal, Worlanda; Hendrix, Andrea; Sanchez, Sheila; Zamora, Myra; Villasenor, Melissa; Simpson, MaryBeth; Reinig, Fritz  
**Subject:** 12-07-17 Texas Lottery Commission Meeting  
**Attachments:** 12072017.doc

Good afternoon,

The attached agenda has been filed with the Texas Register. The meeting scheduled for Thursday, December 7, 2017 will begin at 10:00 AM in the TLC Auditorium.

Please don't hesitate to call or email if you have any questions.

Thank you,

Debbie Jamieson  
Texas Lottery Commission  
Legal Services Division  
(512) 344-5038  
[Debbie.jamieson@lottery.state.tx.us](mailto:Debbie.jamieson@lottery.state.tx.us)

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Texas Pledge: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”
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