



# Texas Lottery Commission

## October 10, 2019

### 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 Commissioner training, including ethics, administrative procedure, and open government laws pertaining to the Texas Lottery Commission.	Robert F. Biard, General Counsel
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 Smith, III, President, Bingo Advisory Committee
IV.	Report, possible discussion and/or action on the Annual Contract Status Report and Supplemental Information for all major and prime agency contracts.	Michael R. Fernandez, Administration Division Director
V.	Report, possible discussion and/or action on agency major and prime contracts, including amendment, renewal or extension of the Dallas Cowboys trademark license and promotional agreements with Pro Silver Star, LTD and Frisco Management, LP.	Michael R. Fernandez, Administration Division Director
VI.	Report, possible discussion and/or action on agency prime contracts, including amendment, renewal or extension of the contracts for the trademark license and promotional agreement with the Houston Texans and Promotional Products.	Michael R. Fernandez, Administration Division Director
VII.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§402.401 (Temporary License), 402.413 (Military Service Members, Military Veterans, and Military Spouses), and 402.422 (Amendment to a Regular License to Conduct Charitable Bingo).	Tyler Vance, Assistant General Counsel
VIII.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §401.153 (Qualifications for License).	Kyle Wolfe, Assistant General Counsel
IX.	Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §403.101 (Open Records).	Deanne Rienstra, Special Counsel
X.	Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC	Tyler Vance, Assistant General Counsel

<p>§§ 402.200 (General Restrictions on the Conduct of Bingo), 402.203 (Unit Accounting), 402.300 (Pull-Tab Bingo), 402.402 (Registry of Bingo Workers), 402.500 (General Records Requirements), 402.503 (Bingo Gift Certificates), 402.511 (Required Inventory Records), 402.702 (Disqualifying Convictions), and 402.706 (Schedule of Sanctions).</p>	
<p>XI. Consideration of and possible discussion and/or action, 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>Robert F. Biard, General Counsel</p>
<p>XII. 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>XIII. Report, possible discussion and/or action on transfers to the State.</p>	<p>Katheryn J. Pyka, Controller</p>
<p>XIV. 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 approval of the Fiscal Year 2019 Annual Internal Audit Report.</p>	<p>Darlene Brown, McConnell &amp; Jones LLP</p>
<p>XV. 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, implementation of H.B. 914, and special projects.</p>	<p>Michael P. Farrell, Charitable Bingo Operations Division Director</p>
<p>XVI. 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>XVII. Consideration of the status and possible approval of orders in enforcement cases:  <u>Lottery NSF License Revocation Cases (Default)</u>  A. Docket No. 362-19-4862 – Alvin Food Stop  B. Docket No. 362-19-5159 – Perk’s Convenience Store  C. Docket No. 362-19-5519 – Bayou Land Liquor  D. Docket No. 362-19-5967 – Super Handi Stop  E. Docket No. 362-19-5968 – Mary’s Food Mart  F. Docket No. 362-19-6083 – Handi Stop 108  <u>Lottery Agreed Orders</u>  G. Case No. 2019-660 – Z &amp; M Food Mart &amp; Deli  H. Case No. 2019-747 – Mr T’s  I. Case No. 2019-748 – Nick’s Mart</p>	<p>Robert F. Biard, General Counsel</p>

- J. Case No. 2019-840 – The Liquor Store 5
- K. Case No. 2019-911 – Rowe’s Chevron LLC
- L. Case No. 2019-915 – Step In 2
- M. Case No. 2019-917 – Big’s 3807
- N. Case No. 2019-919 – Quick Track
- O. Case No. 2019-965 – 7-Eleven Convenience Store #35384
- P. Case No. 2019-966 – The Depot Discount Liquor

XVIII. Public comment.

XIX. 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 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 litigation regarding Fun 5’s Scratch Ticket Game #1592, including Tex. Supreme Court Docket No. 18-0159 (Steele, et al. v. GTECH Corp.) and Tex. Supreme Court Docket No. 17-1010 (Nettles v. GTECH Corp. and Texas Lottery Commission).

State of Texas v. Equal Employment Opportunity Commission, et al. (U.S. Fifth Circuit Court of Appeals Docket No. 18-10638);

State of Texas v. C.D. (On Petition for Review to Texas Supreme Court - Docket No. 18-0808);

Maryam Jamilah v. Gary Grief (Brazoria Co. District Court Cause No. 104075-CV).

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.

J. Winston Krause, Chairman

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Legal advice regarding any item on this open meeting agenda.

XX. 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.

XXI. 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.

J. Winston Krause, Chairman

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**Simpson, MaryBeth**

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**From:** Jamieson, Debbie  
**Sent:** Wednesday, October 2, 2019 12:07 PM  
**To:** Sanchez, Sheila; Simpson, MaryBeth  
**Cc:** Biard, Bob  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Attachments:** 10102019.doc

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

From: TexReg@sos.texas.gov <TexReg@sos.texas.gov>  
Sent: Wednesday, October 2, 2019 12:05 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: 10/10/2019 10:00 AM "TRD# 2019005856"

Notice posted: 10/02/19 12:04 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2019005856](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2019005856)

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Lottery Agreed Orders

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