



# Texas Lottery Commission

## February 11, 2021

### 10:00 a.m.

Due to Governor Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas because of the COVID-19 pandemic (renewed monthly thereafter) and pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the February 11, 2021 meeting of the Texas Lottery Commission will be conducted via Zoom webinar.

Members of the public will not be able to attend the open meeting in person. Instead, the public will have access and a means to participate in this meeting, by two-way audio, via the following link:

<https://txlottery.zoom.us/j/98728048873?pwd=RTZjdXc4YVpzbHBnYkJPZ2RxNTNydz09>

(Passcode: 517408; Webinar ID: 987 2804 8873).

If you would like to join by phone, call +1 346 248 7799. When prompted, enter the Webinar ID: 987 2804 8873 and press #; then enter the Passcode: 517408 and press #.

If you wish to provide public comment at the meeting, notify Bob Biard, General Counsel, by email at [bob.biard@lottery.state.tx.us](mailto:bob.biard@lottery.state.tx.us) or by phone at 512-344-5127 no later than 5:00 p.m. on Wednesday, February 10, 2021, indicating your name, address and phone number; who you are representing, if applicable; the item on which you wish to provide public comment and whether your comments are for, against, or neutral regarding the item. Members of the public may also register to provide public comment by following the instructions at the link directly below. When the Commission reaches the item noted for public comment, Chairman Rivera will recognize you by name and give you an opportunity to speak. All public comments are limited to three minutes.

An electronic copy of the agenda is available at the following link, and an electronic copy of the meeting materials and instructions for access to the meeting will be available at this link prior to the meeting:

[https://www.txlottery.org/export/sites/lottery/About\\_Us/Meetings/Commission\\_Meeting\\_Agenda/](https://www.txlottery.org/export/sites/lottery/About_Us/Meetings/Commission_Meeting_Agenda/)

An archived recording of the meeting will be available by the close of business on February 12 on the Commission's YouTube channel at <https://www.youtube.com/user/TheTexasLottery>.

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| I.    | The Texas Lottery Commission will call the meeting to order.<br>Roll Call for Commissioners.  | Robert G. Rivera, Chairman  |
| II.   | Report, possible discussion and/or action on external audits and/or reviews relating to the Texas Lottery Commission, including the FY 2020 annual financial audit.   | Kathy Pyka, Controller<br>Kevin Sanford, Partner, Weaver and Tidwell, LLP |
| 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, Chairman, Bingo Advisory Committee                    |
| IV.   | Report, possible discussion and/or action on agency major contracts, including amendment, renewal or extension of the contracts for instant ticket manufacturing and services.  | Mike Fernandez, Administration Division Director                          |
| V.    | Report, possible discussion and/or action on agency major contracts, including the 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.               | Mike Fernandez, Administration Division Director                          |
| VI.   | Consideration of and possible discussion and/or action, including adoption, on amendments to 16 TAC §§ 401.305 ("Lotto Texas" Draw Game Rule), 401.312 ("Texas Two Step" Draw Game Rule), and 401.317 ("Powerball" Draw Game Rule).   | Kyle Wolfe, Assistant General Counsel                                     |
| VII.  | 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.   | Kathy Pyka, Controller  |
| VIII. | Report, possible discussion and/or action on transfers to the State and the agency's budget status.   | Kathy Pyka, Controller  |
| IX.   | Report, possible discussion and/or action on the 87th Legislative Session.  | Nelda Trevino, Governmental Affairs Director                              |
| X.    | 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 revised FY 2021 Annual Internal Audit Plan, the CAPPS Payroll Processes Audit Report, and a Charitable Bingo Operations Division Ledger Account | Darlene Brown, McConnel & Jones LLP                                       |

<p>Reconciliation Update.</p> <p>XI. 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, BOSS ledger reconciliation, and special projects.</p> <p>XII. 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>XIII. 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. 362-21-0104 – Quikin Food Mart</p> <p><u>Other Lottery Cases</u></p> <p>B. Docket No. 362-21-0068 – 7-ABC Beer to Go</p> <p><u>Bingo Agreed Orders</u></p> <p>C. Case Nos. 2020-250, 2020-253, and 2020-254 – Friends of Everman Police, Polytechnic Main Street Project Inc., and Variety Wheelchair Arts and Sports Association</p> <p>D. Case Nos. 2020-285, 2020-286, 2020-287, 2020-288, 2020-289, and 2020-380 – American Legion Audie Murphy Post #336, American Legion Unit 2 Aux., Catholic War Veterans Post 1907, Kingsbury Volunteer Fire Department, LULAC Council 4483, and Landlord Green LLC</p> <p>E. Case Nos. 2020-341, 2020-342, 2020-343, 2020-344, and 2020-431 – American GI Forum of Texas Inc., the Department of TX Veterans of Foreign Wars of the US Aux., Red Men Tribe 19 Apache, Leander FFA Alumni, and North Austin Bingo Association</p> <p>XIV. Public comment.</p> <p>XV. 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 Acting Charitable Bingo Operations Director, and the appointment and employment of a Charitable Bingo Operations Director, pursuant to §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>Tyler Vance, Acting Charitable Bingo Operations 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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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 Dallas County District Court Docket No. DC-14-14838 (Nettles v. GTECH Corp.);

Legal advice regarding the Governor's March 13, 2020 COVID-19 state of disaster declaration (as renewed thereafter) and related Texas Lottery Commission matters, 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.

XVI. 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.

XVII. 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.

Robert G. Rivera, Chairman

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## Copy Center

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**From:** Jamieson, Debbie  
**Sent:** Wednesday, February 3, 2021 12:04 PM  
**To:** Sanchez, Sheila; Simpson, MaryBeth  
**Cc:** Biard, Bob  
**Subject:** FW: S.O.S. Acknowledgment of Receipt  
**Attachments:** 02112021.doc

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

From: [TexReg@sos.texas.gov](mailto:TexReg@sos.texas.gov) <[TexReg@sos.texas.gov](mailto:TexReg@sos.texas.gov)>  
Sent: Wednesday, February 3, 2021 12:03 PM  
To: Jamieson, Debbie <[Debbie.Jamieson@lottery.state.tx.us](mailto:Debbie.Jamieson@lottery.state.tx.us)>  
Subject: S.O.S. Acknowledgment of Receipt

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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: 02/11/2021 10:00 AM "TRD# 2021000720"

Notice posted: 02/03/21 12:02 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z TRD=2021000720](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z TRD=2021000720)



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