

**There have been 348 submitted inquiries representing at least:**

- **64 Arkansas Counties**
- **2 Texas Counties**
- **1 Mississippi County**
  
- **118 Arkansas Cities**
- **2 Texas Cities**
- **1 Mississippi City**

**With a potential of 1,092 retailer locations**

# Summary of information on Lottery Retailer submissions

348 Submissions as of 12:00 AM, June 30, 2009

## 118 Arkansas Cities:

Akkadelphia	Fort Smith	Mountain Home
Alma	Gamaliel	Mountain View
Alpena	Gassville	Mountainburg
Altus	Gentry	Mt. Ida
Arkadelphia	Goshen	Mulberry
Batesville	Greenwood	North Little Rock
Bearden	Greers Ferry	Osceola
Benton	Gurdon	Ozark
Bentonville	Hamburg	Palestine
Bigelow	Harrisburg	Paris
Blytheville	Harrison	Perryville
Boles	Haskell-Benton	Pine Bluff
Booneville	Hazen	Plainview
Bryant	Heber Springs	Plumerville
Cabot	Hickory Ridge	Pocahontas
Camden	Highland	Prairie Grove
Centerton	Hope	Prescott
Clarendon	Hot Springs	Rogers
Clarksville	Hot Springs Village	Royal
Conway	Huntsville	Russellville
Corning	Jacksonville	Scranton
Cove	Jessieville	Searcy
Danville	Jonesboro	Sheridan
De Queen	Knoxville	sherwood
Decatur	Lamar	Shirley
Dermott	Little Rock	Sparkman
DeWitt	Luxora	Springdale
Dierks	Malvern	Stuttgart
El Dorado	Manila	Taylor
Elizabeth	Marianna	Texarkana
Elkins	Marmaduke	Tontitown
Emerson	Maumelle	Trumann
Eureka Springs	Mayflower	Tuckerman
Farmington	McGehee	Van Buren
Fayetteville	Mena	Waldron
Fordyce	Monticello	Walnut Ridge
Forrest City	Morrilton	Ward
	Morrow	Warren

West Helena	Crawford	Ozark
West Memphis	Crittenden	Perry
Wilmot	Cross	Phillips
Wynne	Dallas	Poinsett
Yellville	Desha	Polk
<b><u>2 Texas Cities:</u></b>	Faulkner	Pope
Texarkana	Franklin	Prairie
Tyler	Garland	Pulaski
<b><u>1 Mississippi City:</u></b>	Grant	Randolph
Tupelo	Green	Saline
<b><u>64 Arkansas Counties:</u></b>	Heampstead	Scott
Arkansas	Hot Spring	Sebastain
Ashley	Howard	Sevier
Baxter	Independence	Sharp
Benton	Jackson	Smith
Boone	Jefferson	St. Francis
Bowie	Lawrence	Stone
Bradley	Lee	Union
Carroll	Logan	Van Buren
Choicot	Lonoke	Washington
Clark	Madison	White
Clay	Marion	Yell
Cleburne	Miller	<b><u>2 Texas Counties:</u></b>
Columbia	Mississippi	Bowie
Conway	Monroe	<b><u>1 Mississippi</u></b>
Craighead	Montgomery	<b><u>County:</u></b>
	Drew	Lee
	Nevada	
	Ouachita	

**There were 1,092 sales locations being inquired about:**

Single site	257	Sixteen Sites	1
Two sites	24	Twenty Two	1
Three sites	12	Twenty Three sites	2
Four sites	5	Twenty Four	1
Five sites	13	Twenty Eight sites	3
Six sites	5	Twenty Nine sites	1
Seven sites	10	Thirty sites	2
Eight Sites	2	Thirty One sites	2
Nine sites	2	Fifty Eight sites	1
Ten Sites	2	Ninety Seven	1
Fourteen sites	1		

State of Arkansas  
ARKANSAS LOTTERY COMMISSION

Little Rock, Arkansas

ADDENDUM

TO: Vendors  
FROM: Arkansas Lottery Commission  
DATE: 06/30/09  
SUBJECT: SP-09XXXX Online Lottery Game Services and Lottery Gaming System and Services

The following change(s) to the above referenced Request for Proposal have been made as designated below:

- Change of specification(s)
- Additional specification(s)
- Change of bid opening time and date
- Other

CHANGE OF SPECIFICATIONS

- **PAGE 1, RFP NUMBER:** Delete "SP-09XXXX" and substitute "ALC-090002"
- **THROUGHOUT THE RFP:** The mailing address and phone number for the Arkansas Lottery Commission offices and for delivery of proposal documents and written questions is changed to:

**Arkansas Lottery Commission  
500 President Clinton Ave., #215  
Little Rock, Arkansas 72201**

**(501) 683-2000**

- **PAGE 2, EQUAL OPPORTUNITY POLICY:** Delete this paragraph and substitute the following: "In compliance with Section 5 of the Arkansas Lottery Commission Major Procurement Rules, the Office of State Procurement of the Department of Finance and Administration is required to have a copy of the Vendor's Equal Opportunity Policy prior to issuing a contract award. EO Policies may be submitted in electronic format to the following e-mail address: [camber.thompson@dfa.arkansas.gov](mailto:camber.thompson@dfa.arkansas.gov) or as a hard copy accompanying the solicitation response. The Office of State Procurement and the Arkansas Lottery Commission will maintain a file of all Vendor EO policies submitted in response to solicitations issued by this office. The submission is a one time requirement but Vendors are responsible for providing updates or changes to their respective policies and of supplying EO policies upon request to other state agencies that must also comply with this requirement."
- **PAGE 8, SECTION 1.17:** This section should read as follows: "In accordance with Arkansas Code Annotated § 23-115-503(b), the ALC may cancel the Contract after notice and a right to a hearing if:

- The Vendor commits a violation of this Arkansas Code Annotated § 23-115-501 et seq. or a rule of the Commission;
  - The Vendor commits any fraud, deceit, or misrepresentation;
  - The Vendor files for or is placed in bankruptcy or receivership; or
  - In its sole discretion, the ALC finds a material change in any matter considered by the ALC in executing the Contract with the Vendor."
- **PAGE 15, SECTION 3.0.1.1:** Delete "up to three thousand two hundred (3,200) color monitors" and substitute "up to four hundred (400) color monitors"
  - **PAGE 22, SECTION 3.1.5:** Delete "up to three thousand two hundred (3,200) color monitors" and substitute "up to four hundred (400) color monitors"

### **ADDITIONAL SPECIFICATIONS**

- **PAGE 2, MINORITY-OWNED AND FEMALE-OWNED BUSINESS POLICY:** Insert the following as a new second paragraph:

"Female-owned business' is defined at Arkansas Code Annotated § 23-115-103(5) as 'a business: (A) Whose management and daily business operations are under the control of one (1) or more females; and (B) Either: (i) Individually owned by a female who reports as her personal income for Arkansas income tax purposes the income of the business; (ii) Which is a partnership in which a majority of the ownership interest is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the income of the partnership; or (iii) Which is a corporation organized under the laws of this state in which a majority of the common stock is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the distributed earnings of the corporation'."

- **PAGE 2:** Insert the following new paragraph after the paragraph entitled "Equal Opportunity Policy" and before the paragraph entitled "Act 157 of 2007 Employment of Illegal Immigrants":

#### **"TECHNOLOGY ACCESS FOR THE BLIND**

Please reference Section 508 of the federal Rehabilitation Act, 29 U.S.C. 794d and Arkansas Code Annotate § 25-26-201 et seq. The Vendor expressly acknowledges that State funds may not be expended in connection with the purchase of information technology unless that system meets certain statutory requirements, in accordance with the State of Arkansas technology policy standards, relating to accessibility by persons with visual impairments.

Accordingly, the Vendor represents and warrants to the Arkansas Lottery Commission that the technology provided to the Arkansas Lottery Commission for purchase is capable either by virtue of features included within the technology or because it is readily adaptable by use with other technology of:

- Providing equivalent access for effective use by both visual and non-visual means;
- Presenting information, including prompts used for interactive communications, in formats intended for non-visual use; and
- After being made accessible, it can be integrated into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired.

For purposes of this paragraph, the phrase "equivalent access" means a substantially similar ability to communicate with or make use of the technology, either directly by features incorporated within technology or by other reasonable means such as assistive devices or services which would constitute reasonable accommodations under the Americans with Disabilities Act or similar state or federal laws. Examples of methods by which equivalent access may be provided include, but are not limited to, keyboard alternatives to mouse commands and other means of navigating graphical displays, and customizable display appearance."

- **PAGE 5, SECTION 1.3, PARAGRAPH 4.:** Paragraph 4. should read as follows: "For a proposal to be considered, an official authorized to bind the Vendor to a resultant contract must have signed the proposal and the Official Proposal Price Sheet."
- **PAGE 5, SECTION 1.3:** Insert an additional paragraph 7. to read as follows:

"The Official Price Proposal Sheet is posted and may be downloaded at [www.lotterycommission.arkansas.gov/](http://www.lotterycommission.arkansas.gov/) .

**Bid opening date and time will remain the same.**

The specifications by virtue of this addendum become a permanent addition to the above-referenced Request for Proposal. FAILURE TO RETURN THIS SIGNED ADDENDUM MAY RESULT IN REJECTION OF YOUR BID. BIDS WILL BE ACCEPTED UNTIL THE TIME AND DATE SPECIFIED. THE BID ENVELOPE MUST BE SEALED AND SHOULD BE PROPERLY MARKED WITH THE BID NUMBER, DATE, AND HOUR OF BID OPENING AND BIDDER'S RETURN ADDRESS. IT IS NOT NECESSARY TO RETURN "NO BIDS" TO THE ARKANSAS LOTTERY COMMISSION.

Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State of Arkansas  
ARKANSAS LOTTERY COMMISSION

Little Rock, Arkansas

ADDENDUM

TO: Vendors  
FROM: Arkansas Lottery Commission  
DATE: 06/30/09  
SUBJECT: SP-09XXXX Instant Ticket Lottery Game Services

The following change(s) to the above referenced Request for Proposal have been made as designated below:

- Change of specification(s)
- Additional specification(s)
- Change of bid opening time and date
- Other

CHANGE OF SPECIFICATIONS

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500 President Clinton Ave., #215  
Little Rock, Arkansas 72201**

**(501) 683-2000**

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  - The Vendor commits any fraud, deceit, or misrepresentation;
  - The Vendor files for or is placed in bankruptcy or receivership; or
  - In its sole discretion, the ALC finds a material change in any matter considered by the ALC in executing the Contract with the Vendor."

ADDITIONAL SPECIFICATIONS

- **PAGE 2, MINORITY-OWNED AND FEMALE-OWNED BUSINESS POLICY:** Insert the following as a new second paragraph:

"Female-owned business' is defined at Arkansas Code Annotated § 23-115-103(5) as 'a business: (A) Whose management and daily business operations are under the control of one (1) or more females; and (B) Either: (i) Individually owned by a female who reports as her personal income for Arkansas income tax purposes the income of the business; (ii) Which is a partnership in which a majority of the ownership interest is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the income of the partnership; or (iii) Which is a corporation organized under the laws of this state in which a majority of the common stock is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the distributed earnings of the corporation'."

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- Presenting information, including prompts used for interactive communications, in formats intended for non-visual use; and
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- **PAGE 4, SECTION 1.3, PARAGRAPH 4.:** Paragraph 4. should read as follows: "For a proposal to be considered, an official authorized to bind the Vendor to a resultant contract must have signed the proposal and the Official Proposal Price Sheet."
- **PAGE 4, SECTION 1.3:** Insert an additional paragraph 7. to read as follows:

"The Official Price Proposal Sheet is posted and may be downloaded at [www.lotterycommission.arkansas.gov/](http://www.lotterycommission.arkansas.gov/) .



**Bid opening date and time will remain the same.**

The specifications by virtue of this addendum become a permanent addition to the above-referenced Request for Proposal. FAILURE TO RETURN THIS SIGNED ADDENDUM MAY RESULT IN REJECTION OF YOUR BID. BIDS WILL BE ACCEPTED UNTIL THE TIME AND DATE SPECIFIED. THE BID ENVELOPE MUST BE SEALED AND SHOULD BE PROPERLY MARKED WITH THE BID NUMBER, DATE, AND HOUR OF BID OPENING AND BIDDER'S RETURN ADDRESS. IT IS NOT NECESSARY TO RETURN "NO BIDS" TO THE ARKANSAS LOTTERY COMMISSION.

Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**MOTION**  
**(Agenda Item V)**

I move that the Arkansas Lottery Commission adopt Resolution No. 1 and authorize the immediate publication of the Instant Ticket Lottery Game Services Request for Proposal Addendum and the Online Lottery Game Services and Lottery Gaming System and Services Request for Proposal Addendum, including the Official Proposal Price Sheet form.

**RESOLUTION NO. 1**  
**(Agenda Item V)**

THE COMMISSION FINDS THAT:

Arkansas Code § 23-115-205 (a)(12) authorizes the Arkansas Lottery Commission to "select and contract with vendors";

AND

Arkansas Code § 23-115-701 (c)(2) states that the Arkansas Lottery Commission "shall arrange for the solicitation and receipt of competitive bids for major procurement contracts";

AND

Effective June 19, 2009, the Commission has in place on an emergency basis Major Procurement Rules concerning the Request for Proposal process for solicitation and award of major procurement contracts;

AND

Under Section (7)(C)(vii) of the Major Procurement Rules, the Commission has the "right, at its sole discretion, to amend an RFP in writing at any time";

AND

The Arkansas Lottery Commission finds it necessary to make certain amendments to both the Instant Ticket Lottery Game Services RFP and the Online Lottery Game Services and Lottery Gaming System and Services RFP;

THEREFORE, BE IT RESOLVED THAT:

The Arkansas Lottery Commission hereby authorizes the immediate publication of the Instant Ticket Lottery Game Services Request for Proposal Addendum and the Online Lottery Game Services and Lottery Gaming System and Services Request for Proposal Addendum, including the Official Proposal Price Sheet form.

## OFFICIAL PROPOSAL PRICE SHEET

The undersigned agrees to provide \_\_\_\_\_ Services to the Arkansas Lottery Commission in accordance with the Request for Proposal, and any amendments or addendums thereto for proposal no. ALC - \_\_\_\_\_. *Proposer is required to provide the lump sum price, in the format shown below, as well as to attach hereto an itemized listing of the pricing for each of the component parts and services that comprise the lump sum price.*

DESCRIPTION	LUMP SUM PRICE (Written in Words and Number)
_____ Services	_____ _____ _____ \$ _____

**1. BY SUBMISSION OF A PROPOSAL, THE PROPOSER CERTIFIES:**

- 1.1 Prices in this proposal have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition.
- 1.2 No attempt has been made nor will be by the proposer to induce any other person or firm to submit a proposal for the purpose of restricting competition.
- 1.3 The person signing this proposal certifies that he/she is authorized to represent the company and is legally responsible for the decision as to the price and supporting documentation provided as a result of this advertisement.
- 1.4 Proposer will comply with all Federal regulations, policies, guidelines, and requirements.
- 1.5 Prices in this proposal have not been knowingly disclosed by the proposer and will not be prior to award to any other proposer.

**2. GENERAL INFORMATION:**

Proposer Name \_\_\_\_\_ Phone ( ) \_\_\_\_\_

**VERIFICATION**

I certify under penalty of perjury, that I am a responsible official (as identified above) for the business entity described above as Proposer, that I have personally examined and am familiar with the information submitted in this disclosure and all attachments, and that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including criminal sanctions, which can lead to imposition of a fine and/or imprisonment.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title) (Typed or Printed)

\_\_\_\_\_  
(Date)

**Lottery  
Commission Budget  
Request**

Description	Appropriation Per Act 1237	Anticipated Budget Required	BTC Request
Commitment Item 00 - Regular Salaries	\$ 3,000,000	\$ 3,000,000.00	\$ -
Commitment Item 02 - Operating Expenses	\$ 50,000	\$ 2,645,600.00	\$ 2,595,600.00
Commitment Item 03 - Personal Service Matching	\$ 750,000	\$ 750,000.00	\$ -
Commitment Item 09 - Travel - Conferences	\$ -	\$ 25,000.00	\$ 25,000.00
Commitment Item 10 - Prof. Fees & Serv.	\$ 5,690,000	\$ 200,000.00	\$ (3,360,600.00)
Commitment Item 11 - Capital Outlay	\$ 10,000	\$ 750,000.00	\$ 740,000.00
Totals	\$ 9,500,000.00	\$ 7,370,600.00	\$ -

**ARKANSAS ADMINISTRATION STATEWIDE INFORMATION SYSTEM  
REQUEST FOR BUDGET CLASSIFICATION TRANSFERS (BCT)  
FY2010**

Business Area: 0085 Business Area Title: Arkansas Lottery Commission  
 Funds Center: 56L Funds Center Title: Arkansas Lottery Commission - Operations  
 Fund: TLC0000 Fund Title: Arkansas Lottery Commission Trust Fund  
 Functional Area: ChST

Line-Item Classifications	Authorized Appropriation	Actual Expenditures ** FY2009	Transfer From		Transfer To	
			CI	Fund Amount	CI	Fund Amount
502:00:02 Operating Expenses	\$50,000	\$11,657			502:00:02	TLC0000 \$2,595,600
505:00:09 Conference & Travel Expenses	\$0	\$0			505:00:09	TLC0000 \$25,000
506:00:10 Professional Fees	\$5,690,000	\$0	506:00:10	TLC0000 \$3,360,600		
512:00:11 Capital Outlay *	\$10,000	\$0			512:00:11	TLC0000 \$740,000
509:00:12 Data Processing *	\$0	\$0				

**Reason for Transfer:**

To reallocate authorized appropriation to cover anticipated budget needs for the first six months of the new fiscal year.

Agency Director

Budget Approval

DFA IGS State Technology Planning  
(approval only needed if applicable \*\*\*)

\* Transfers may not be made from the capital outlay (512:00:11) or data processing (509:00:12) sub classifications unless specific authority for such transfers is provided by law. (ACA 19-4-522(C)(1))  
 \*\* For transfers requested during the month of July 2009 use the agency's fiscal year 2009 expenditures as of April 30, 2009 for each of the Maintenance & Operations commitment items. For transfers requested during the month of June 2010 use the agency's fiscal year 2010 expenditures as of April 30, 2010.  
 \*\*\* Transfers requested for the purchase of information technology related items must be in compliance with the agency's Information Technology Plan submitted to DFA IGS State Technology Planning.

TO: Arkansas Lottery Commission  
FROM: Ernie Passailaigue, President/CEO  
DATE: June 30, 2009  
SUBJECT: Request to Staff the Arkansas Scholarship Lottery

Commissioners, it is my philosophy to operate the Arkansas Scholarship Lottery (ASL) in a very prudent manner with integrity and hard work at the core of ASL's work ethic. The success of any organization depends primarily and to some extent *exclusively* on the caliber of the people that it employs. It is my intent to hire the best and the brightest people available to ensure the quick start-up and long term success of this Lottery. In doing so, we will operate in an environment that is non-partisan and in keeping with the directives of this Board of Commissioners who have been entrusted by the citizens of Arkansas to establish the Arkansas Scholarship Lottery.

As we did in South Carolina and in start-ups around the country, we will have to have employees with lottery experience in some positions. However, the majority of positions will be filled with Arkansans. We have taken a close look at a successful organizational structure and streamlined it even further to meet the needs of Arkansas as much as can be anticipated at this juncture. The statute allows ASL to employ 95 employees and the initial structure including the Internal Auditor is for 88 employees.

In accordance with § 23-115-307 which reads

“The Arkansas Lottery Commission is authorized an expansion pool of sixty (60) positions not to exceed the career service grade C130 and fifteen (15) positions not to exceed the professional and executive grade N922 to be used to establish additional positions of the proper title and salary if the commission does not have sufficient positions available to address growth needs.”<sup>1</sup>

Therefore, I am requesting of the Legislative Oversight Committee on your behalf eighty-eight (88) positions inclusive of the twenty (20) positions authorized in the Act. The following is a synopsis of the request from the expansion pool:

- Career Service Grade: Thirty (30) new positions
- Professional & Executive Grade: Seven (7) new positions

Attached for your review is the organizational structure and positions of the Arkansas Scholarship Lottery.

---

<sup>1</sup> § 23-115-307. Expansion pool



TITLE	GRADE	SALARY	POSITIONS FT/PT	TOTAL	Lottery Exp.
Accountant	C122	43,693	6 FT	262,158	
Admin. Analyst	C115	40,367	2 FT	80,734	
Admin. Supp.	C112	26,824	1 FT	26,824	
Admin. Supv.	C113	40,000	1 FT	40,000	
Adv. & Marketing Director	N913	130,279	1 FT	130,279	Yes
Banking& Claims Director	N917	138,279	1 FT	138,279	Yes
Claims Assistant	C112	26,824	6 FT	160,944	
Claims Center Manager	C122	43,693	3 FT	131,079	
Comm.& App. Supp. Spec.	C125	50,580	2 FT	101,160	
Computer Operator	C113	36,614	1 2 PT	36,614	
Controller	N903	79,092	1 FT	79,092	
Copy Editor	C117	34,234	1 FT	34,234	
Draw Manager	C121	41,612	1 2 PT	41,612	
Executive Director/CEO	SSA	324,000	1 FT	324,000	Yes
Graphic Specialist	C114	29,573	2 FT	59,146	
Graphic Web Coordinator	C117	44,505	1 FT	44,505	
HR Generalist	C121	41,612	1 FT	41,612	
HR Manager	C130	64,554	1 FT	64,554	
Internal Auditor	SSA			0	
IT Director - Infrastructure	N910	92,515	1 FT	92,515	
IT Gaming Director	N919	156,836	1 FT	156,836	Yes
IT Security Analyst	C128	70,849	1 FT	70,849	
Licensing Manager	C124	48,171	1 FT	48,171	
Licensing Specialist	C115	31,052	3 FT	93,156	
Marketing Sales Representative	C120	40,000	20 FT	800,000	
Network Engineer	C130	76,819	1 FT	76,819	
Paralegal	C126	53,109	1 FT	53,109	
Payroll Specialist	C120	39,631	1 FT	39,631	
Postal Courier	C110	31,142	1 FT	31,142	
PR,Leg.& Comm. Director	N909	105,000	1 FT	105,000	
Procurement Specialist	N908	85,957	1 FT	85,957	
Product Developer	C130	76,819	1 FT	76,819	Yes
Product Specialist	C121	41,612	1 FT	41,612	
Promotion & Event Coord.	C117	34,234	3 FT	102,702	
Promotions Manager	C124	48,171	1 FT	48,171	
Publication Specialist	C117	34,234	1 FT	34,234	
QA System Analyst	C128	58,553	2 FT	117,106	
Regional Sales Manager	C130	64,554	2 FT	129,108	
Sales Director	N910	104,080	1 FT	104,080	Yes
Sales Training Coordinator	C126	53,109	1 FT	53,109	Yes
Security Director	N910	104,080	1 FT	104,080	
Security Deputy	N907	92,526	1 FT	92,526	Yes
Security Specialist	C120	39,631	2 FT	79,262	
SMB Project Coordinator	C126	65,324	1 FT	65,324	
Sr. Data Base Admin.	C130	76,819	1 FT	76,819	
Staff Attorney	N910	104,080	1 FT	104,080	
VP Admin./COO	SSA	225,000	1 FT	225,000	Yes
VP Gaming Operations	N922	225,000	1 FT	225,000	Yes
		3,515,242	88	5,129,043	

## ARKANSAS SCHOLARSHIP LOTTERY POSITION REQUEST

In accordance with § 23-115-307 which reads as follows:

"The Arkansas Lottery Commission is authorized an expansion pool of sixty (60) positions not to exceed the career service grade C130 and fifteen (15) positions not to exceed the professional and executive grade N922 to be used to establish additional positions of the proper title and salary if the commission does not have sufficient positions available to address growth needs."

Therefore, the Arkansas Lottery Commission is requesting in addition to the positions authorized in the Act the following number of positions from the expansion pool:

- Career Service Grade: Thirty (30) new positions
- Professional & Executive Grade: Seven (7) new positions
- Two (2) requests for lower grades and two (2) requests for higher grades than stated in the Act

Title	Dept.	Grade	Expansion Pool	Slots	Comments
1. ASL <sup>2</sup> Executive Director/CEO	Executive Office			1	Special Salary Allowance
2. ASL Internal Auditor	ASLC			1	Special Salary Allowance
3. ASL PR, Legislative & Commission Liaison Director	Executive Office	N909	✓	1	Arkansas Political Experience & Knowledge Required
4. ASL VP Gaming Operations	Gaming	N922	✓	1	Lottery Experience & Knowledge Required
5. ASL VP Administration	Admin.	N922		1	Lottery Experience & Knowledge Required - SSA
6. ASL Administrative Analyst	All	C115		2	
7. ASL IT Gaming Director	Gaming	N919	✓	1	Lottery Experience Required
8. ASL Staff Attorney	Gaming	N910		1	Arkansas Bar
9. ASL Security Director	Gaming	N910	✓	1	High level law enforcement experience
10. ASL Sales Director	Gaming	N910		1	Lottery Experience Preferred - higher grade
11. ASL Human Resource Manager	Admin.	C130	✓	1	Knowledge of Arkansas Policies
12. ASL Banking/Claims & Licensing Manager	Admin.	N917	✓	1	Lottery Experience Required- 3 major divisions
13. ASL IT Director - Infrastructure	Admin.	N910		1	Lower grade from N912
14. ASL Advertising & Marketing Director	Gaming	N913		1	Lottery Experience Preferred - higher grade - 2 major divisions

<sup>1</sup> § 23-115-307. Expansion pool

<sup>2</sup> "ASL" means Arkansas Scholarship Lottery

## ARKANSAS SCHOLARSHIP LOTTERY POSITION REQUEST

15. ASL QA System Analyst	Gaming	C128	✓	2	
16. ASL Network Engineer	Gaming	C130	✓	1	
17. ASL Sr. Data Base Administrator	Gaming	C130	✓	1	
18. ASL Paralegal	Gaming	C126	✓	1	
19. ASL Security Deputy	Gaming	N907	✓	1	Lottery Experience & Knowledge Required
20. ASL Draw Manager	Gaming	C121	✓	2 PT	
21. ASL Security Specialist	Gaming	C120	✓	1	
22. ASL Regional Sales Manager	Gaming	N901	✓	2	Sales and supervisory experience
23. ASL Marketing Sales Representatives	Gaming	C120	✓	20	
24. ASL Promotion & Event Coordinator	Gaming	C117	✓	2	
25. ASL Product Developer	Gaming	N904	✓	1	Lottery Experience & Knowledge required
26. ASL Graphic Specialist	Gaming	C114	✓	2	
27. ASL Graphic Web Coordinator	Gaming	C117	✓	1	
28. ASL Publication Specialist	Gaming	C117	✓	1	
29. ASL HR Generalist	Admin.	C121	✓	1	
30. ASL Administrative Support Specialist	Admin.	C112		2	
31. ASL SMB Project Coordinator	Admin.	N901	✓	1	
32. ASL Postal Courier	Admin.	C110	✓	1	
33. ASL Accountant	Admin.	C122	✓	6	
34. ASL Claims Center Manager	Admin.	C122	✓	3	
35. ASL Licensing Specialist	Admin.	C115	✓	3	
36. ASL IT Security Analyst	Admin.	C128	✓	1	
37. ASL Computer Operator	Admin.	C113	✓	2 PT	
38. ASL Comm. & Application Support Specialist	Admin.	C125	✓	2	
39. ASL Payroll Specialist	Admin.	C120	✓	1	
40. ASL Procurement Director/Specialist	Admin.	N908		1	Would prefer to lower this position to a comparable C grade /or exchange for another position
41. ASL Claims Assistant	Admin	C112	✓	6	
42. ASL Controller	Admin.	N903	✓	1	CPA Preferred
43. ASL Copy Editor	Gaming	C117	✓	1	
44. ASL Promotions & Events Manager	Gaming	C124	✓	1	
45. ASL Product	Gaming	C121	✓	1	

## ARKANSAS SCHOLARSHIP LOTTERY POSITION REQUEST

Specialist					
16. ASL Administrative Support Supervisor	Admin.	C113		1	
47. ASL Sales Training & Retailer Relations Coordinator	Gaming	N904	✓	1	Lottery Experience & Knowledge Required

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# ARKANSAS LOTTERY COMMISSION

## RULES OF PRACTICE AND PROCEDURE

1  
2 **I. STATEMENT OF ORGANIZATION AND OPERATIONS**

3 **A. Operations**

4 The Arkansas Lottery Commission is an agency of state government created by Act  
5 606 of 2009, Ark. Code Ann. §23-115-201 et seq. The legislature has delegated to the  
6 Commission regulatory authority over the establishment and operation of one or more  
7 lotteries for the benefit of funding and providing for scholarships and grants to citizens fo  
8 the State of Arkansas enrolled in public and private nonprofit two-year and four-year  
9 colleges and universities located within the State. The Commission staff, which may  
10 consist of a director, internal auditor, chief operating officer, information technology  
11 director, administrative and operations director, chief legal counsel, chief fiscal officer,  
12 marketing and product development director, sales/retail relations director, procurement  
13 director and others, acts as administrator and operating entity of the Commission. This  
14 staff, or members thereof, may make office administrative procedure, act as spokesperson  
15 for the Commission, receive correspondence and correspond on behalf of the Commission,  
16 provide legal and other research to the Commission, investigate allegations of violations of  
17 laws under the Commission's jurisdiction, and perform such other functions as the  
18 Commission deems appropriate. Unless otherwise provided for in these rules or in the Act,  
19 these rules of practice and procedure shall govern all proceedings before the Commission  
20 and shall be applicable to any complaints filed or initiated after the effective date hereof.  
21 In accordance with Ark. Code Ann. §25-15-204(c), any person may petition the  
22 Commission for the issuance, amendment, or repeal of any rule.

23 **B. Commission Organization**

24 1. The Commission shall consist of nine (9) Commissioners who shall be  
25 appointed as follows:

- 26 a. three (3) members by the Governor of the State of Arkansas;  
27 b. three (3) members by the Speaker of the Arkansas House of  
28 Representatives; and  
29 c. three (3) members by the President Pro Tempore of the Arkansas  
30 Senate.

31 2. Of the initial appointees to the Commission, each appointing authority  
32 shall designate one appointee to serve a term of two (2) years; one appointee to serve a  
33 term of four (4) years; and one appointee to serve a term of (6) years. All succeeding  
34 appointees to the Commission shall be appointed for terms of six (6) years. All  
35 Commissioners shall continue to serve until their successors have been appointed and  
36 have taken the official oath. No person shall serve more than two (2) terms on the  
37 Commission.

1 **C. Staff Organization**

2 1. Director

3 a. The Commission shall employ a Director who shall serve at the will  
4 and pleasure of the Commission.

5 b. The Director shall employ a staff to assist in the administration of  
6 the Commission's office.

7 c. The Director shall be responsible to the full Commission and shall  
8 not be answerable to any member thereof. The Director shall ensure, however, that the  
9 Chairperson of the Commission is advised of the progress and conduct of the employees  
10 and operation of the Commission office.

11 2. Internal Auditor

12 a. The Commission shall employ an Internal Auditor who shall serve  
13 at the will and pleasure of the Commission.

14 b. The Internal Auditor shall establish internal controls and  
15 procedures to prevent and detect fraud, including without limitation a system of internal  
16 audits.

17 c. The Internal Auditor shall be responsible to the full Commission  
18 and shall not be answerable to any member thereof.

19 **C. Conflicts of Interest**

20 Members of the Commission and the Commission's staff shall maintain constant  
21 vigilance against conflicts of interest and against the appearance of conflicts of interest.  
22 Applicable provisions of the Arkansas Scholarship Lottery Act and the Disclosure Act for  
23 Lobbyists and State and Local Officials, Ark. Code Ann. § 21-8-401 through -407, -601  
24 through -607, and -801 through -804 shall be in full force.

25 **II. INFORMATION FOR PUBLIC GUIDANCE**

26 The Commission shall make available a list of persons holding certain  
27 responsibilities for handling Freedom of Information Act requests, responding to licensing  
28 questions, and addressing complaints against licensees so that the public may obtain  
29 information about the Commission or make submissions or requests. The names, mailing  
30 addresses, telephone numbers, and electronic addresses can be obtained from the  
31 Commission's office or Web site.

32 The Commission shall maintain a list of official forms used by the Commission and  
33 a list of all formal, written statements of policy and written interpretative memoranda, and  
34 orders, decisions and opinions resulting from adjudications may be obtained from the  
35 Commission's office or Web site.

1 Copies of all forms used by the Commission, written statements of policy and  
2 written interpretive memoranda, and all orders issued by the Commission may be obtained  
3 from the Commission's office or Web site.

### 4 III. GENERAL ORGANIZATION

#### 5 A. Officers

6 The officers of the Commission shall be the Chairperson, Vice-Chairperson,  
7 Secretary/Treasurer, and such other officers as a majority of the Commissioners choose.  
8 The Commission shall elect at its first meeting following May 1 of each year a  
9 chairperson, vice chairperson, and secretary/treasurer.

10 1. The Chairperson shall be a member of the Commission and (1) shall  
11 preside at the meetings of the Commission with the authority to vote, (2) shall call special  
12 meetings as required, (3) shall appoint or provide for the election of all committees; and  
13 (4) shall perform such other duties as may be prescribed by law or by action of the  
14 Commission.

15 2. The Vice-Chairperson shall be a member of the Commission and shall  
16 perform the duties and have the powers of the Chair during the absence or disability of the  
17 Chairperson.

18 3. The Secretary/Treasurer shall be a member of the Commission and shall  
19 attest the official actions of the Commission.

#### 20 B. Meetings

21 The business of the Commission shall be conducted in public meetings pursuant to  
22 the Arkansas Freedom of Information Act and guided by Robert's Rules of Order.  
23 Regular meetings will be held quarterly. Special meetings will be held on the call of the  
24 Chairperson or (4) four Commission members.

#### 25 C. Quorum

26 A majority of the total membership of the Commission, whether present in the  
27 meeting room, via telephone, teleconference or similar technology, constitutes a quorum for  
28 the transaction of business.

#### 29 D. Committees

30 The Commission may create standing and ad hoc committees. The Chairperson  
31 will select members of committees. A quorum for the transaction of committee business is  
32 a majority of the number of voting members of the committee.

#### 33 E. Agenda

34 The Chairperson shall prepare a proposed agenda for each regular meeting, and the  
35 proposed agenda shall be distributed to the Commission members and made available to the



1 public in advance of the meeting. Any Commissioner may add items to the agenda by  
2 notification to the Chairperson before the scheduled meeting date time. Any item may be  
3 added to the agenda during the meeting upon the majority vote of the Commissioners present  
4 at the meeting.  
5

#### 6 IV. RULE-MAKING

##### 7 A. Authority

8 Pursuant to Ark. Code Ann. §23-115-207, the Commission has been authorized by  
9 the Legislature to promulgate rules. The Commission follows the procedural requirements  
10 of the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-201 et seq. except  
11 that the Commission shall not be required to file rules under Ark. Code Ann. §10-3-309  
12 but the Commission shall file its rules with the Arkansas Lottery Commission Legislative  
13 Oversight Committee at least thirty (30) days prior to the expiration of the public  
14 comment period.

##### 15 B. Initiation of rule-making

16 The process of adopting a new rule or amending or repealing an existing rule  
17 (hereinafter referred to "rule-making") may be initiated by request of the Commission that  
18 the staff submit proposed drafts. Additionally, staff of the Commission may request  
19 permission of the Commission to initiate rule-making. Third persons outside the  
20 Commission may petition for the issuance, amendment, or repeal of any rule.

##### 21 C. Petition to initiate rule-making

22 1. Third parties may initiate a rule-making proceeding to adopt, amend, or  
23 repeal a rule by filing a petition with the Commission to initiate rule-making. The petition  
24 must contain the name, address, and telephone number of the petitioner, the specific rule or  
25 action requested, the reasons for the rule or action requested, and facts showing that the  
26 petitioner is regulated by the Commission or has a substantial interest in the rule or action  
27 requested.

28 2. The petition to initiate rule-making shall be filed with the Director.

29 3. Within thirty (30) days after submission of the petition, the Commission  
30 shall either deny the petition, stating its reasons in writing, or initiate rule-making. A  
31 special meeting will be called if necessary to meet this time frame.

##### 32 D. Public Input

33 1. Before finalizing language of a proposed new rule or an amendment to, or  
34 repeal of, an existing rule, the Commission shall receive public input through written  
35 comments and/or oral submissions. The Commission shall designate in its public notice  
36 the format and timing of public comment.

37 2. Any public hearing will provide affected persons and other members of the

1 public a reasonable opportunity for presentation of evidence, arguments, and oral  
2 statements within reasonable conditions and limitations imposed by the Commission to  
3 avoid duplication, irrelevant comments, unnecessary delay, or disruption of the  
4 proceedings.

5 3. The Chairperson, any member of the Commission, or any person designated  
6 by the Commission may preside at the public hearing. The Commission must ensure that  
7 the Commission personnel responsible for preparing the proposed rule or amendment are  
8 available, and will notify third parties initiating rule changes to be available to explain the  
9 proposal and to respond to questions or comments regarding the proposed rule.

10 4. The Commission shall preserve the comments made at the public hearing  
11 by a certified court reporter or by recording instruments.

12 5. Any person may submit written statements within the specified period of  
13 time. All timely, written statements will be considered by the Commission and be made a  
14 part of the rule-making record.

15 **E. Notice of rule-making**

16 The Commission shall give notice of proposed rule-making pursuant to Ark. Code  
17 Ann. §25-15-204. The notice will set any written comment period and will specify the  
18 time, date, and place of any public hearing.

19 **F. The decision to adopt a rule**

20 1. The Commission shall not finalize language of the rule or decide whether to  
21 adopt a rule until the period for public comment has expired.

22 2. Before acting on a proposed rule, the Commission shall consider all of the  
23 written submissions and/or oral submissions received in the rule-making proceeding or any  
24 memorandum summarizing such oral submissions, and any regulatory analysis or fiscal  
25 impact statement issued in the rule-making proceedings.

26 3. The Commission may use its own experience, specialized knowledge, and  
27 judgment in the adoption of a rule.

28 **G. Variance between adopted rule and published notice of a proposed rule.**

29 1. The Commission shall not adopt a rule that differs from the rule proposed in  
30 the published notice of the intended rule-making on which the rule is based unless:

31 a. the final rule is in character with the original scheme and was a  
32 logical outgrowth of the notice and comments stemming from the proposed rule; or

33 b. the notice fairly apprised interested persons of the subject and the  
34 issues that would be considered so that those persons had an opportunity to comment.

35 2. In determining whether the final rule is in character with the original

1 scheme and was a logical outgrowth of the notice and comments, and that the notice of  
2 intended rule-making provided fair warning that the outcome of that rule-making  
3 proceeding could be the rule in question, the Commission must consider the following  
4 factors:

5 a. the extent to which persons who will be affected by the rule should  
6 have understood that the rule-making proceeding on which it is based could affect their  
7 interests; and

8 b. the extent to which the subject matter of the rule or issues  
9 determined by the rule are different from the subject matter or issues contained in the  
10 notice of intended rule-making; and

11 c. the extent to which the effects of the rule differ from the effects of  
12 the proposed rule contained in the notice of intended rule-making.

#### 13 **H. Concise statement of reasons**

14 1. When requested by an interested person, either prior to the adoption of a  
15 rule or within thirty (30) days after its adoption, the Commission shall issue a concise  
16 statement of the principal reasons for and against its adoption of the rule. Requests for  
17 such a statement must be in writing and be delivered to the Director. The request should  
18 indicate whether the statement is sought for all or only a specified part of a rule. A request  
19 will be considered to have been submitted on the date on which it is received by the  
20 Commission.

21 2. The concise statement of reasons must contain:

22 a. the Commission's reasons for adopting the rule;

23 b. an indication of any change between the text of the proposed rule  
24 and the text of the rule as finally adopted, with explanations for any such change; and

25 c. the principal reasons urged in the rule-making procedure for and  
26 against the rule, and the Commission's reasons for overruling the arguments made against  
27 the rule.

#### 28 **I. Contents**

29 The Commission shall cause its rules to be published and made available to  
30 interested persons. The publication must include:

31 1. the text of the rule; and

32 2. a note containing the following:

33 a. the date(s) the Commission adopted or amended the rule;

34 b. the effective date(s) of the rule;

1 c. any findings required by any provisions of law as a prerequisite to  
2 adoption for effectiveness of the rule; and

3 d. citation to the entire specific statutory or other authority authorizing  
4 the adoption of the rule;

5 3. The publication of the rule(s) must state the date of publication.

6 **J. Incorporation by reference**

7 By reference in a rule, the Commission may incorporate all or any part of a code,  
8 standard, rule, or other matter if the Commission finds that copying the matter in the  
9 Commission's rule would be unduly cumbersome, expensive, or otherwise inexpedient.  
10 The reference in the Commission rule shall fully and precisely identify the incorporated  
11 matter by title, citation, date, and edition, if any, briefly indicate the precise subject and  
12 general contents of the incorporated matter, and state that the rule does not include any  
13 later amendments or editions of the incorporated matter. The Commission may  
14 incorporate such a matter by reference in a proposed or adopted rule only if the  
15 Commission makes copies of the incorporated matter readily available to the public. The  
16 rules must state how and where copies of the incorporated matter may be obtained at cost  
17 from this Commission, and how and where copies may be obtained from an Commission  
18 of the United States, this state, another state, or the organization, association, or persons  
19 originally issuing that matter. The Commission must retain permanently a copy of any  
20 materials incorporated by reference in a rule of the Commission.

21 **K. Filing**

22 1. After the Commission formally adopts a new rule or amends a current  
23 rule or repeals an existing rule, and after the rule has been reviewed by the Arkansas  
24 Lottery Commission Legislative Oversight Committee, the staff shall file final copies of  
25 the rule with the Secretary of State, the Arkansas State Library, and the Bureau of  
26 Legislative Research, or as otherwise provided by Ark. Code Ann. §25-15-204(d).

27 2. Proof of filing a copy of the rule, amendment, or repeal with the Secretary of  
28 State, the Arkansas State Library, and the Bureau of Legislative Research will be kept in a  
29 file maintained by Chief Legal Counsel of the Commission.

30 3. Notice of the rule change will be posted on the Commission's Web page.

31 **V. EMERGENCY RULE-MAKING**

32 **A. Request for emergency rule-making**

33 The proponent of a rule may request the Commission to adopt an emergency rule.  
34 In addition to the text of the proposed rule or amendment to an existing rule and any other  
35 information required by Rule IV (C), the proponent will provide a written statement setting  
36 out the facts or circumstances that would support a finding of imminent peril to the public

1 health, safety, or welfare.

2 **B. Finding of an Emergency**

3 Upon receipt of the written statement requesting an emergency rule-making and  
4 documents or other evidence submitted in support of the assertion that an emergency  
5 exists, the Commission shall make an independent judgment as to whether the  
6 circumstances and facts constitute an imminent peril to the public health, safety, or  
7 welfare requiring adoption of the rule upon fewer than 30 days notice. If the Commission  
8 determines that the circumstances warrant emergency rule-making, it will make a written  
9 determination that sets out the reasons for the Commission's finding that an emergency  
10 exists. Upon making this finding, the Commission may proceed to adopt the rule without  
11 any prior notice or hearing, or it may determine to provide an abbreviated notice and  
12 hearing.

13 **C. Effective date of emergency rule**

14 The emergency rule will be effective immediately upon filing, or at a stated time  
15 less than ten (10) days thereafter, if the Commission finds that this effective date is  
16 necessary because of imminent peril to the public health, safety, or welfare. The  
17 Commission will file with the rule its written findings justifying the determination that  
18 emergency rule-making is appropriate and, if applicable, the basis for the effective date of  
19 the emergency rule being less than ten days after the filing of the rule pursuant to Ark.  
20 Code Ann. §25-15-204(e). The Commission shall take appropriate measures to make  
21 emergency rules known to persons who may be affected by them.

22 **VI. DECLARATORY ORDERS**

23 **A. Purpose and use of declaratory orders**

24 A declaratory order is a means of resolving a controversy or answering questions or  
25 doubts concerning the applicability of statutory provisions, rules, or orders over which the  
26 Commission has authority. A petition for declaratory order may be used only to resolve  
27 questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's  
28 particular circumstances. A declaratory order is not the appropriate means for determining  
29 the conduct of another person or for obtaining a policy statement of general applicability  
30 from the Commission. A petition or declaratory order must describe the potential impact of  
31 statutes, rules, or orders upon the petitioner's interests.

32 **B. The Petition**

33 The process to obtain a declaratory order is begun by filing with the Director a  
34 petition that provides the following information:

35 1. The caption shall read: Petition for Declaratory Order Before The Arkansas  
36 Lottery Commission.

37 2. The name, address, telephone number, and facsimile number of the

1 petitioner.

2 3. The name, address, telephone number, and facsimile number of the attorney  
3 of the petitioner.

4 4. The statutory provision(s), Commission rule(s), or Commission order(s) on  
5 which the declaratory order is sought.

6 5. A description of how the statutes, rules, or orders may substantially affect  
7 the petitioner and the petitioner's particular set of circumstances, and the question or issue  
8 on which petitioner seeks a declaratory order.

9 6. The signature of the petitioner or petitioner's attorney.

10 7. The date.

11 8. Request for a hearing, if desired.

12  
13 **C. Commission Disposition**

14 1. The Commission may hold a hearing to consider a petition for declaratory  
15 order. If a hearing is held, it shall be conducted in accordance with Ark. Code Ann. §25-  
16 15-208 and §25-15-213.

17 2. The Commission may rely on the statements of fact set out in the petition  
18 without taking any position with regard to the validity of the facts. Within ninety (90)  
19 days of the filing of the petition, the Commission will render a final order denying the  
20 petition or issuing a declaratory order.

21

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23