



Publisher
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Nov 6, 2016

The Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P.O. Box 12548
Austin, Texas 78711

RE: Complaint- Excessive/Inflated Open Records Costs - TLC

To Whom It May Concern,

It is my opinion that the Texas Lottery is inflating costs for an open records request I made regarding sales. Below is a timeline of events leading to my well founded complaint. Please note that my initial request was made on Oct 2, 2016 and this is Nov 6, 2016. On Oct 28, 2016, they gave me 10 days to pay their inflated costs so I am in some what of a hurry for your assistance.

Timeline of events leading to my complaint:

On October 2, 2016, I requested: *"Would you please send me whatever document would show Lone Star Line Up \$5 per ticket draw sales since the promotion began on Sept 25, 2016."* Exhibit A-1

On October 17, 2016, Ms Powers replied: *"According to our Office of the Controller, Lone Star Line Up draw sales are captured at the individual game level. We would need to ask IGT if they can provide a report on the number of promotions triggered. Would you like to pursue a cost estimate to retrieve that information?"* Exhibit A-2

On October 18, 2016, I replied: *"Yes, I would like to receive a cost estimate to obtain Lone Star Line Up sales. I will then decide if it's worth it to pay for public information that the TLC should already have at its fingertips so they can be analyzing the effectiveness of the promotion."* Exhibit A-3

On October 28, 2016: Ms. Powers wrote: *"This email is in response to your Public Information Request received October 3, 2016. With respect to your request, we have determined that the cost to produce such information will be in excess of \$40.00. Pursuant to Texas Government Code, Chapter § 552.2615 we have attached an estimate of the cost to provide the documents."* Exhibit B-4

Attached was an invoice in the amount of \$456. Exhibit C

On October 28, 2016, I replied: *"I need to clarify what information you are planning to provide to me for this price. There must be some kind of problem as I'm only asking for daily sales since Sunday, Sept 25th that was brought in as a direct result of this promo (Lone Star Lineup).*

In other words, was Lone Star Lineup sales for Sept 26th \$20K, \$50K or \$100K, or \$1 Million? Is this what you understand or are you thinking something else?"
Exhibit B-5

As of the date of this writing, I've had no "clarification" response from the TLC that I requested on Oct 28, 2016. Therefore, I'm filing a complaint due to a 10 day deadline.

The cost quoted, \$456, is completely asinine and ridiculous. Here's the facts in support of my allegation.

First, please understand that "Lone Star Line Up" is a "promotion." For a cost of \$5, players receive \$6 in lottery tickets. To participate, a player must ask a store clerk for a "Lone Star LineUp" ticket - there are no playslips. In return, he receives one \$2 All or Nothing ticket; one \$2 Texas Triple Chance ticket; one \$1 Cash 5 ticket; one 50 cent Pick3 ticket and one 50 cent Daily 4 ticket. There are four (4) Pick3, Daily 4 and All or Nothing draws per day.

Prior to the start of this promotion, I asked the TLC which game was going to be FREE and how I could obtain total daily sales. They replied sales would NOT be posted, 50 cent Daily 4 and .50 cent Pick3 tickets were the FREE lottery games players would receive and free sales will be posted in the Pick3 & Daily 4 "Winners Summary Reports."

I have just provided all necessary facts to compute Lone Star daily sales and transactions. It is what I'd call a simple "word problem" as was defined in 5th grade. I created my spreadsheet in ten (10) minutes. The TLC, on the other hand, is quoting "16 hours for programming at \$28.50 per hour." Let me show you how to figure daily sales though I feel strongly that whoever is reading this complaint already knows how and does not need me to draw a picture but I will.

How to Figure Lone Star Daily Sales

Fact: Oct 29, 2016 - Pick3 - FREE 50 cent tickets

Morning	Day	Evening	Night	Daily Total
\$352.50	\$331.00	\$736.50	\$631.00	\$2,051.00

Fact: Oct 29, 2016 - Daily 4 - FREE 50 cent tickets

Morning	Day	Evening	Night	Daily Total
\$352.50	\$331.00	\$736.50	\$631.00	\$2,051.00

If we add Pick3 and Daily 4 free sales, we determine the total number of \$1 tickets = \$4,102. Critical info.

By taking the total number of \$1 tickets and multiplying it by \$5 - we know Lone Star daily sales for Oct 29 should have been \$20,510. (*This is contingent upon 100% of all Pick3 and Daily 4 free tickets originated from Lone Star Line Up and NOT any another promotion where the Texas Lottery was giving away free tickets.*)

If we want to know Cash 5 sales, it would be the number of \$1 tickets - \$4,102 as Cash 5 tickets are \$1 each. If we want to know Triple Chance and All or Nothing sales, we'd multiply the number of \$1 tickets by two because these tickets costs \$2 each = \$8,204 for each of these two games.

# of \$1 Tickets	Total Sales	Triple Chance	All or Nothing	Cash 5	Equals Sales
\$4,102 times \$5	\$20,510.00	\$8,204.00	\$8,204.00	\$4,102.00	\$20,510.00

As you can see, this is simple math that's presented in text. But the Texas Lottery is claiming it will take 16 hours of programming time to figure this out.

If by chance you are wondering WHY I'm so adamant to obtain daily sales from the Texas Lottery when I already have it, it's because I need to **confirm** that the TLC didn't give away Pick3 and Daily 4 tickets somewhere else. If they did, then my calculations would **NOT** be accurate for Lone Star. If their daily sales does not match mine, then I'll know that I've either made a mistake or they've given FREE Pick3 and Daily 4 tickets somewhere else. Receiving "official" sales allows me to proof my work and to correct any errors or typo's that I may have made.

Sales figures are public information. No one should have to go through this and wait this long for the data. And the Texas Lottery should not be able to get away with doing this to people.

How can the Texas Lottery justify charging \$456? 16 hours of programming at \$28.50 per hour? Is the Director of the Office of the Controller or IGT not capable of creating a simple spreadsheet? Is logic a missing component at the Texas Lottery? Is this another example of incompetence in the Controllers division? After all, let's not forget, OC did fail to balance a check book, allowed fraud to occur and could NOT determine a bank balance.

Or maybe I should be asking WHY is the Texas Lottery refusing to disclose promotional sales? What are they hiding? Is it really possible that they are completely unaware of the success or failure of their attempt to revive failing games by offering this promotion with no end date?

I've attached my self explanatory spreadsheet for your perusal. I keep it current daily. Exhibit D

I need help and I can only trust that the Open Records division can assist me.

Thank you in advance for your immediate attention to this matter.

Sincerely,

Dawn Nettles
Enclosures

cc: Ms. Katelind Powers,
Kelley Shannon Freedom of Information Foundation
Honorable Representative Kenneth Sheets