

**the
LOTTO
REPORT**
"The Racing Form of the Texas Lottery"

Publisher
Dawn Nettles

www.lottoreport.com

Where drawing results and payouts are posted after each drawing ... where you can read about the winners ... and where players make predictions. Plus ... much more!

P. O. Box 495033
Garland, Texas 75049-5033
Phone: (972) 686-0660
Fax (972) 686-1188

Subscription Rates

6 Months - \$18.75
12 Months - \$36.50

August 24, 2000

Ms. Linda Cloud
Texas Lottery Commission
P. O. Box 16630
Austin, Texas 78761-6630

Dear Linda,

On July 11, 2000 I received a fax from Keith Elkins informing me that I was being suspended from receiving Lottery information from the Communications Department because I did not fit the "criteria." The notice stated: "*The Communications Division provides information directly to news organizations that fit the following criteria: 1) active members of a statewide Press Association or Broadcasters Association and/or 2) currently listed in the 2000 Texas Media Directory, and 3) subscribe to the professional Code of Ethics of the Society for Professional Journalists*"

I wrote Keith a letter (attached) but he has yet to respond. I then sent him an email asking for a response, but I still have no response. I personally believe he won't respond because he won't write what he has said verbally - and that is that he "will not send me lottery information because he does not feel that I subscribe to professional journalism and until I prove to him that I do, he will not reinstate me." I do have this very long message on my answering machine that I am saving.

As you can see in my letter to Keith, I will be listed in the next edition of the 2000 Texas Media Directory, which will be published in October, and I am a member of the Society for Professional Journalists. The "criteria" is met right here.

Out of curiosity though, I contacted the Freedom of Information Rights, the Society for Professional Journalists, the Attorney Generals Office and the Dallas Morning News to ask what the accepted definition of a "news organization" was. Everyone agreed to the definition as being - "a person or group who gathers information and disseminates it to the public." That is exactly what I do. As far as "subscribing to the code of ethics," as Keith puts it, I was advised that this is a "judgement call" and has no bearing whatsoever as to my rights of receiving Lottery information in the same manner as all media. I was reminded that I have a right to free speech without penalty under the 1st Amendment of Constitution of the United States.

By suspending my faxes, I feel the TLC is discriminating against me, are purposely creating hardships for me and are maliciously trying to prevent me from providing lottery news to my readers/visitors which are your players. Both my web site and my publication are 100% Texas lottery related - unlike the newspapers, radio or television stations, I devote all my time and space to lottery news and I do so daily. I include much information on my web site that the Commission does not include - for instance - where the winning tickets were sold. By suspending my faxes, I can no longer post this information on the week-ends. This is lost exposure for "our" retailers.

The purpose of my letter is to respectfully request your authorization to restore these faxes to me and in the same manner as all other media receives them. I

Ms. Linda Cloud

absolutely count on receiving the drawing result faxes to verify the drawing results each evening - as you know, even TV stations make mistakes. For the record, Keith suggested I get drawing results from the TLC web site but I have two major problems with his idea. First, I post the results **before** the TLC does and secondly, the TLC makes mistakes. A copy of the TLC's most recent "results" mistake is attached - this error was made just days after Keith told me to "use the TLC web site from now on as a means to obtain this information." I believe my readers are entitled to prompt and accurate posting and should there ever be a mistake, I prefer it be one that I make. Not because I copied someone else's mistake. The only "absolute" way for me to catch an error that I might make, is with this fax that I no longer get. By chance, did Keith tell the Houston Chronicle and Dallas Morning News to use the TLC web site for all their information too?

Other press releases I wish to receive are the winners stories and all other releases that the TLC issues to the media and in the same timely manner. Incidentally, I have received all these faxes since 1993 until now.

There's one more thing I want to mention. The very idea that I spent 3 days trying to get an answer from the Commission as to what the new division of Lotto Texas monies was, the 55%, 33%, 5% and 7%, and with the final answer being that I must make an open records request to obtain this information, is the meanest stunt you people have ever pulled. And one that I will not forget. This move alone shows how the TLC build walls, not bridges. I thank God that Representative Reyna was able to call and get the information for me in 10 minutes.

I am enclosing several attachments. One is a recent story about "suspending students from school because they exercised their right to free speech on the internet," and another attachment is a not so nice editorial about the Texas Lottery.

Linda, I ask you nicely, please restore my faxes and treat me like the TLC treats all other media who request this information from you. I need accurate, timely information as I work real hard to keep my readers abreast of the latest Texas Lottery news. I trust you will give me a speedy reply to this matter.

Sincerely,

Dawn Nettles

Attachments: July 11, 2000 Suspension notice
My letter to Keith Elkins
My e-mail to Keith asking for a response
News Article - "District, student settle lawsuit over Web site"
A Letter to the Newspaper - "Texas Lottery a laughter"
Code of Ethics of the Society For Professional Journalists
My proof of membership
Copy of Web Site Error 7-18-00

CC: Mr. Keith Elkins, Austin
Chair Tom Clowe, Waco
Chair Robert Junell, San Angelo
Comptroller Carole Keeton Rylander
Representative Elvira Reyna