

the LOTTO REPORT

"Watchdogs of the Texas Lottery"

Publisher
Dawn Nettles

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Sent via Fax & US Mail

To Whom It May Concern:

On Jan, 7, 2005, I attended the Texas Lottery Commission meeting that was held at TLC headquarters - a public building. The commissioners called for a recess immediately following a Demographic Study presentation that was given by Texas Tech University - Earl Survey Research Laboratory.

During the recess, I proceeded to move forward to try to talk with the gentleman who had just given the Demographics Study of Texas Lottery Players. I waited patiently for him to finish speaking with others who wanted to speak with him as well.

When my turn came, Bobby Heith, the Communications Director with the Texas Lottery immediately stepped in to listen. He was not standing back - he moved in directly next to the gentleman.

I asked the gentleman if I could speak with him privately and he said, "Yes." But Mr. Heith intervened and said that I could not speak with him privately as he was a "*guest of the Commission.*"

I responded to Mr. Heith that the gentleman was not a guest, but was rather a vendor who was paid to conduct a study for the Texas Lottery. Mr. Heith then said, "*Are you wishing to speak with him as a reporter or as an individual?*"

I thought for a second, then replied, "*I guess as a reporter.*" Then Mr. Heith informed me that I could not speak with him privately under those circumstances.

Not wishing to make a scene and embarrass the man any further, I proceed to ask him a couple of questions with the first question being, "*Can you tell me when your report was due according to your contract?*" He essentially replied that his report was due on Dec. 20 and Dec. 31, 2004, respectively.

I then asked him if he had an extra copy of his report and could I have a copy? He said he did and he freely proceeded to give me a copy without hesitation.

After having his report in my hands, I then said, "*Since this report was due in December, then this report really isn't a draft document like the Commissioners just tried to get you to say it was, is it?*" Before he answered, Mr. Heith immediately grabbed my report from my hands and proceeded to write "Draft" on every page. By the way, his answer to that question was that it was not intended to be a draft document.

Then during my interview with the gentleman from Texas Tech, I was inquiring about other effective methods of conducting player research. I asked if tallying or comparing sales by neighborhoods would be effective. At that point, Mr. Heith injected a sarcastic

remark - Mr Heith said something to the effect, "*I didn't realize you were a statistician, Dawn.*" This was my time and my interview and Mr Heith embarrassed me. I would venture to say that the gentleman was uncomfortable as well and didn't know how to respond.

My questions and/or complaints are:

Was this behavior appropriate and acceptable under the Open Meetings Act?

Is it appropriate for staff members to interfere or comment during reporters interviews?

Would Mr. Heith have done this to a legislator? Would he have done this to a reporter with the Dallas Morning News? Would he have done this to a staff member from the Governors office? Would he have done this to a TV reporter on film? Would he have done this to any of the Commissioners? Would he have done this to you? I don't know for sure, but I don't think he would have - but he did do it to me and there are witnesses and security film.

Can TLC staff members take a document that belonged to someone else and write on it? Is this appropriate behavior but more importantly, is it legal and acceptable?

The copy this gentleman gave me is the same copy that he gave to the Commissioners, and others as well, but their copies don't say "Draft" on it like every page of mine now does. Isn't this considered altering a public document?

This event occurred in a public building, at a publicly held meeting and during a recess. Does the public, whether they are the press or just an individual, not have a right to speak privately to another person during a recess at a public meeting?

I would like to file a formal complaint against Mr. Heith and the Texas Lottery Commission for this action. I don't ever want this to happen to me again unless you tell me that they were within their rights under the Open Meetings Act. Personally, I don't believe they were though.

I have also made an Open Records request to obtain a copy of the Security Video Tape showing the actions during the specific time frame that this event occurred. When I receive the tape, I can send it to you to prove my allegations.

Thank you very much for any help in resolving/correcting this type of behavior in the future.

Sincerely,

Dawn Nettles
Publisher
The Lotto Report

PS - I originally sent this complaint to the Attorney Generals office on Jan 8, 2005. However, they responded that for me to file a formal complaint, I would need to contact either the District Attorney or County Attorney. So I'm sending it to you.