

*For those of you who do not have computers or access to the internet, this is the letter lottery players are sending to the District Attorney of Travis County via www.lottoreport.com. We are calling for an investigation into the adoption of the new Lotto Texas game (5/44 & 1/44) alleging that it was an illegal rule adoption for the reasons stated in the letter. If you would like to call for an investigation, you may send this letter but **be sure and write in your name, address, city, state and zip** at the bottom. You can also zerox this letter for others to sign or add an additional piece of paper to include other signatures. You can also help by zeroxing copies and placing in retail locations.*

You may make additional remarks if you wish but keep in mind that the DA is only concerned about any laws that may have been broken. We believe the law was broken and he has the authority to void the adoption thereby forcing the TLC to give us our old game back.

March 9, 2004

Mail To:

Mr. Marshall Vogt
General State Division
Travis County District Attorney
205 W. 9th
Austin, Texas 78701

Dear: Mr. Vogt,

I respectfully request that the District Attorney of Travis County investigate the 2003 adoption of 16TAC 401.305 as I feel it was an illegal rule adoption. Government code § 2001.029 states: Public Comment - A state agency shall consider fully all written and oral submissions about a proposed rule.

However, the time line of events indicates the TLC had no intention of considering public comment.

Unknown date but prior to proposing rule TLC re-arranged/remodeled drawing studio to accommodate two drawing machines to use for Lotto Texas
1/28/03: Purchase Order created for drawing machines
1/31/03: Commission approved proposing rule for Public Comment
2/11/03: New Lotto balls purchased
2/14/03: Proposed rule appears in Texas Register
2/28/03: Drawing Machines purchased/Delivery deadline 4/11/03
3/16/03: Public Comment period over - 99% opposed to rule change
3/27/03: Commission approved new lotto rule
5/7/03: First drawing under new rule.

During the comment period, it was my understanding that the Texas Lottery received in excess of 5000 comments of opposition to this new game. Since this new game began, in its first 88 draws compared to the last 88 draws under the old 6/54 rule, the state has seen a loss in sales of \$78.4 million and the loss is growing daily. When a comparison of 92 draws is reached, the loss will be an estimated \$128 million.

Government code §2001.035 states that a rule is voidable unless a state agency adopts it in substantial compliance with Sections 2001.0225 through 2001.034. I feel the TLC had no intention of considering "the will of the People" in this matter.

Your immediate attention will be appreciated.

Sincerely,