

the LOTTO REPORT

"Watchdogs of the Texas Lottery"

Publisher
Dawn Nettles

www.lottoreport.com
www.texaslottoreport.com

Where drawing results and payouts are posted after each drawing and where you can read about the games of Texas. Plus ... much more!

P. O. Box 495033
Garland, Texas
75049-5033
Phone: (972) 686-0660
Fax (972) 681-1048
lottoreport@lottoreport.com

April 17, 2022

The Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P. O. Box 12548
Austin, Texas 78711-2548

E-Filed ID #66149354
& Sent by US Mail

Attention: Justin Gordon, Chief
Open Records Division

RE: Supplement to Request for Public Information Act Decision
TLC File # R027942-030322

Dear General Paxton:

The TLC has asked for an AG Opinion regarding a request I technically made on Jan 19, 2022. Initially, I asked what numbers were suppose to appear on a Powerball Quick Pick ticket that I had purchased. The ticket was illegible. Then, as fate would have it, weeks later I bought tickets that were cut in half so I needed to know what numbers were suppose to be on those tickets too. The TLC is claiming this information is confidential and I'd like to respond to their assertions.

The Texas Lottery has said that all or part of the responsive information requested **MAY** be excepted from required public disclosure pursuant to Gov Code 552.101 & 466.022. (In the end, they withdrew 19 Gov Codes from their original March 17, 2022 writing.)

The two exceptions they asserted were ...

552.101 says in part, "*information considered to be confidential by law, either constitutional, statutory, or by judicial decision.*"

Does this mean that the numbers printed on **MY** Quick Pick lottery tickets are confidential? Am I not entitled to know what the numbers were?

466.022 addresses confidentiality, security plans and procedures.

I didn't ask for any security plans or procedures or anything else that would jeopardize the integrity of the lottery. On three occasions in the past, I've obtained this very information without any problems. What is the TLC's real motive?

I provided the TLC with the **EXACT** information they needed in order to obtain the information I requested. If I can't read the numbers on my tickets, then who can tell me what they are suppose to be so I know if I won something?

It is my opinion, the TLC is misleading General Paxton's Office.

To demonstrate, here are a few excerpts from their March 24, 2022 letter.

"*This information [she requested] includes numbers selected.*" These are quick

pick tickets, not self pick tickets. I have no way of knowing what numbers were randomly selected for my ticket and of course, I would like to know what my numbers were. Who wouldn't?

“Not release this type of transactional information about the ticket or it's purchase in the event this information is needed during the security validation.” I provided them with the **“transactional information.”** As for “validation” ... I do **NOT** know **IF** I have a ticket that needs validating. If I do, then I'll submit the ticket to a claim center. That's the way it's suppose to work.

“In essence, the requestor is asking for a lottery draw game to be checked for validation without submitting the physical ticket ...” No, clearly I am not. It's interesting that they want you to believe this. You see, jackpot winners are instructed **to call in for a phone validation prior to traveling to Austin.** When winners call in, they tell the lottery exactly what I told them - who, what, when, where, the serial numbers and maybe the stock number of the ticket. **No ticket is submitted at this time nor is it required.**

“Sole responsibility of the player to verify the numbers selected” I did not “select” the numbers so I could not *“verify the numbers selected”* even if they had been legible.

“... may not be possible [validation] if ticket is illegible or mis-cut.” Sounds like they are saying ... 1) they would take a players word for what the numbers were on an illegible ticket and 2) they can't validate a ticket that had been mis-cut. None of this would be true. When buying from a self serve machine, a player doesn't sees his tickets until he's finished purchasing all of them. When tickets are sold, the numbers on the ticket **ARE** registered in G-Tech's mainframe computers irregardless of it's size or legibility. The lottery re-constructs tickets on a regular basis for validation purposes.

Is this how the TLC insures the est \$80 million unclaimed prize revenue to the state each year?

I wonder, is the TLC purposely and maliciously trying to trick me?

Is the TLC attempting to see my tickets so they can figure which lines are legible and which ones are not? Much like asking a poker player to show his hand before the end of the play.

It has occurred to me that this may be the reason for this long drawn out ordeal of telling me what numbers were printed on my tickets. Maybe I do have a winning ticket. And maybe the TLC is attempting to add to the unclaimed prize fund by stalling 6 months so my tickets will expire. Keeping prize money is a goal of theirs. Not to mention having consumers pay in advance only to receive **defective lottery tickets with no recourse.**

- Factual summary of my attempts to obtain information from the TLC -

Specifically the numbers that were suppose to appear on my lottery tickets.

First let me clarify - The reason for the delay in even inquiring about what numbers were suppose to appear on my ticket(s) was due to the death of my adopted dad on Dec, 30, 2021 - service held 1/17/22 - the death of my adopted mom on Jan 23, 2022 - service held 2/17/22 - and finally the placement of my best friend into an assisted living facility - Guardianship hearing Feb 3, 2022. I was dealing with THREE seriously ill people and legal issues and had little to no time to pursue checking my lottery tickets.

The factual summary ...

On **Jan 19, 2022**, I sent an email to Steve Helm, Media Relations, asking for help regarding an illegible lottery ticket - I needed to know what QUICK PICK numbers was suppose to appear on my lottery ticket. Because there was no bar code to scan, I couldn't scan the ticket to check to see if it was a winner.

My first email - Jan 19, 2022 - in part read:

Steve,

*“On another note, I need to know what numbers are/were printed on a PB ticket that the terminal screwed up when the ticket printed. It's illegible, has no bar code and is 14 inches long. The numbers I need were on a QP ticket printed on **Jan 3, 2022, at 18:28:08 CT. Retailer # 145209-00. The first line of numbers is 06-31-41-56-65 Bonus 05.***

I realize you need to forward this message to Security so they can tell me what the other 9 lines say. This has happened to me at least 3 other times and each time Security has told me quickly what my numbers were that was suppose to appear on the ticket. I trust it will be the same this time.”

Mr. Helm responds Jan 20, 2022 ...

For security purposes, we are unable to provide a transaction report for this Powerball ticket over email. We are able to provide assistance in one of the following ways:

You may submit the misprinted ticket to the Austin Claim Center. Please note that sending a ticket to the Austin Claim Center is the most direct path to claim any prizes that might be paid for a misprinted ticket.

*You may submit a request for a transaction report for this ticket through Open Records. **Please note that if a ticket has not been claimed, the serial/ticket number and date and time of purchase will be withheld.***

Please note that I highlighted his last sentence - *“the serial /ticket number and date and time of purchase will be withheld.”* I gave them this data - why mention withholding it?

Just FYI

As if my “personal’ matters weren’t already stressful enough, on Jan 20, 2022, I lost my desktop computer too - it died. Because of no computer, I was unable to respond or act on Mr. Helm’s message until March.

My March 3, 2022, Open Records request. I was finally able to submit an Open Records request in an attempt to simply find out what numbers were printed on my flawed, damaged and defective lottery tickets that were purchased in good faith. My open records request read

3/3/22

Before I make my request, I need to say ... the information I'm seeking here should NOT require and Open Records request and it angers me that I still don't have the information.

I asked Steve for the information but he didn't provide it to me saying I'd have to make a request to obtain the numbers or take it to a claim center to check it. (See Jan 21, 2022 email from Steve to me and copied to Lauren) I can assure you, I would have pursued this issue sooner but my desktop computer died on Jan 20th and I've been too busy to check my tickets and/or take action on this issue.

*I have 4 lottery tickets that are illegible. They were purchased in two different locations. The first one is a \$20 Powerball ticket that was printed **Jan 3, 2022, 18:28:08, retailer 145209. I do have the firmware, serial and G-Tech number that is legible on the ticket. Some lines are legible. I want to know ALL numbers that were suppose to appear on this ticket.***

I should not have to drive 30 miles to go to claim center nor should I be forced to give my ticket to the TLC and not get it back. Please provide me with what was suppose to be printed on this QP ticket. I have a right to know what numbers were printed on my tickets.

*Next I have another \$2 Powerball that's cut in half. **Printed Jan 26, 2022, 20:21:22 CT, retailer number 421556-99. 1714-024332309-146321. Draw number 1274.** 2 or 3 other PB tickets were printed at the same time - in succession - and I need those numbers too.*

*Then, from the same location as the \$2 Powerball, are 2 Cash5 tickets printed 5 minutes later. Both are cut in half and illegible. First \$1 C5 ticket ... **Jan 26, 2022, 20:27:24 CT, retailer number 421556-99. Draw #7406. Second ticket - \$1 C5 ticket ... Jan 26, 2022, 20:27:29 CT, retailer number 421556-99. Draw #7406.** Ticket is cut in half.*

None of the tickets can be scanned - bar codes are either not there or cut in half.

Players do not see the tickets until they are finished and taken from the machine. By then it's too late and we end up getting ripped off.

In the past, security had provided this information to me without any HESITATION. I need to know what numbers are on these tickets and I shouldn't have to wait any longer. I, and all players in the state of Texas, purchase lottery tickets in good faith.

As ya'll know, scratch tickets are cut wrong and players get ripped off and machines run out of paper and/or have paper jams causing tickets to not printed correctly. There should be a number posted for players to call immediately to obtain the numbers that's suppose to be on their tickets BEFORE the drawing. Please send this information ASAP. Thanks.

Please notice that all necessary “validation” and “transactional” information was provided in this message (in bold type). This is sufficient proof that I hold these tickets. One terminal cannot print multiple tickets in the same second/minute. If they want the stock numbers, I can provide that too.

On **March 17, 2022**, I received a copy of the letter the TLC sent to you for an opinion to keep this information from me. They requested 15 days to submit their stated exceptions which was ultimately sent on March 24, 2022. But I had no knowledge they had sent the March 24 letter until today, April 17th.

My “official” request was submitted on Thurs, March 3, 2022. I hope you’ve noticed that they didn’t respond until the 10th working day as required by law and that response was for an opinion to keep the information from me OR to stall for more time. I had called twice asking for the information to no avail.

Finally, I’d like to point this out ... In the TLC’s letter, they said, “*she asserts* [that her tickets] *are illegible or mis-cut.*” That sounds like they are implying that I am lying. So if they want, I’d be happy to carry my tickets to the police station/law enforcement so they can verify **ALL** “pertinent ticket information” and “illegible and mis-cut tickets.” It should not be required that I submit these tickets to the TLC before being told what my numbers were suppose to be. That would be like asking a poker player to show his hand so the opponent can cheat or fold.

Thank you in advance for any consideration given to my request to obtain this information.

Sincerely,

Dawn Nettles
Publisher

cc: Texas Lottery Commission
Freedom of Information Foundation of TX - Kelly Shannon, Executive Director