

# the LOTTO REPORT

"Watchdog of the Texas Lottery"

**Publisher**  
Dawn Nettles

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September 15, 2014

Travis County District Attorney  
Ms. Rosemary Lehmborg  
Public Integrity Unit  
P.O. Box 1748  
Austin, TX 78767

Dear Ms. Lehmborg:

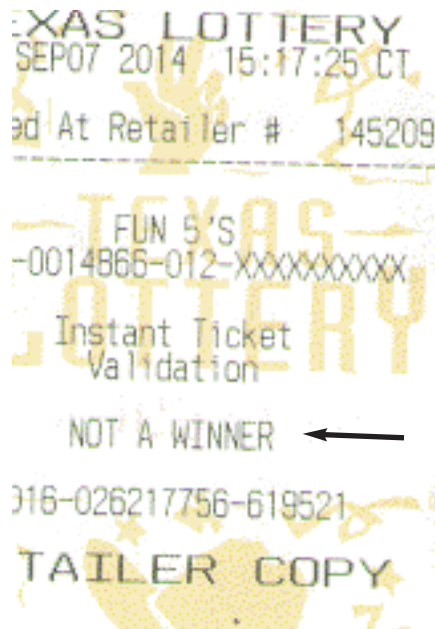
During the past two weeks, we've purchased Texas Lottery Fun 5's scratch tickets. It appears we have winning tickets based on the verbiage printed on the tickets but the lottery denies that our tickets are winners. Let me show you what we have as I believe the Texas Lottery is engaging in deceptive business practices.

The Fun 5's scratch ticket consists of a total of five (5) separate games to play. The play instructions found on the face of the ticket describes nine ways to win - four game instructions contain 2 sentences. All instructions begin with the word "Reveal." An actual ticket is enclosed for your perusal.

**- I Won Game 5 -**

Game 5's play instructions state, "Reveal three "5" symbols in any one row, column or diagonal, win PRIZE in PRIZE box. Reveal a Money Bag symbol in the 5X BOX, win 5 times that PRIZE."

**Below ...** is a ticket that complies with the game instructions constituting a winning ticket. It has a Money Bag. But when scanned, it says "Not a Winner?"



On Sept 9, 2014, I asked the Texas Lottery if they were planning to honor the face value of players (and my) Fun 5's winning tickets. (Copy & pasted my email - shown on page 4 - Exhibit A)

On Sept 10, 2014, I received a response from the Lottery insulting my intelligence by, in essence, telling me that I had to have 3 fives in a row, diagonal or line before my prize could be multiplied by having the money bag symbol. Of course, this is NOT what the instructions say. (Copy & pasted their email - shown on page 4 - Exhibit B)

On Sept 11, 2014, I responded to the lottery's message. (Copy & pasted my email - shown on page 5 - Exhibit C.)

Neither the lottery ticket itself nor the official conflicting game rule, posted in the *Texas Register* on June 20, 2014, says anything about having to have 3 fives in one row, column or diagonal to win with the Money Bag symbol. Nor is the word "multiply" used anywhere on the ticket. Please see sections **2.0 Determination of Prize Winners and Game 5, U** in the rule. Please notice too, the language is NOT discretionary, rather it is mandatory.



Now, as evidenced on the left, the Texas Lottery has had games where it was required to match three numbers and/or symbols in a row, column or diagonal before the prize could be multiplied.

Of course, as you can see, the instructions are extremely clear - unlike what the Texas Lottery is "verbally" claiming/quoting on the Fun 5's ticket.

It's important to note that NOT all "Bonus" boxes are multipliers - rather many of them can be instant wins like the Fun 5's ticket. (Below - TX Lottery's Black Cherry Tripler - Game #1530)

The Texas Lottery could have pulled this game or simply halted sales when they first learned of the players perceptions. But they chose to continue selling the product. By making this decision, the Texas Lottery intentionally and maliciously decided they would simply insult the intelligence of players who called wanting their prize money. They are blatantly telling consumers that the Lottery does not have to honor their written word nor do they have to adhere to truth in advertising laws as set forth in our state and country. They assured the legislature many years ago that they would adhere to truth in advertising laws. Ask Senator Jane Nelson or read the Sunset Reports. How very disappointing it is to me to see how they shun and bully their players.



I am writing in hopes that you WILL determine if the Texas Lottery is bound by both Texas & Federal statutes/regulations regarding truth in advertising and exactly what constitutes a winning Fun 5's scratch ticket. I feel strongly that published statements must be honored by our state run lottery. I would like to collect my prize money. The Texas Lottery should honor the face value of the Fun 5's scratch tickets. It is my opinion that they are committing a white collar crime and this must be stopped immediately. These lottery tickets have been purchased in good faith by many, many Texans who should all receive their winnings as shown on their tickets as well.

Here are just a few of the prizes I feel I am entitled to collect from the Texas Lottery.

The terminals say they are not winners, how can this possibly be based on the written words?

The face value of my tickets say otherwise.



Thank you for your time and consideration. I look forward to your response.

Sincerely,

Dawn Nettles

Attachment: Fun 5's Losing Scratch Ticket  
bcc

## Exhibit A

My first message to the Texas Lottery

9/9/14

Sent via email and fax

Gary & Commissioner Krause,

I'm pretty sure you are aware of the problems players are having in collecting obvious winnings from Game 5 on the Fun 5's scratch tickets. I'm am getting tons of phone calls and emails from irate players.

Because of past experiences in dealing with the Commission on players winnings - and especially my experience with duplicate captions - I did not feel players should waste time in writing to the Lottery.

It is my belief that the Lottery would instruct players to submit their tickets and a claim form at the Claim Center's where they would NOT get their tickets back but would rather be told their ticket is not a winner and the Commission might just give them another \$5 ticket for free.

I am writing in hopes that the Texas Lottery is currently working on a remedy to this situation. I posted a story on my website that shows exactly what the problem is and what I recommend the players do. If you haven't already read and seen what I posted, here is a link.

<http://lottoreport.com/Fun5090114.htm>

Please advise if the Commission is planning to honor the face value of players Fun 5's tickets. I will immediately post so players can collect their winnings.

Please reply to my message.

Thanks.

Dawn Nettles  
The Lotto Report  
(972) 686-0660

## Exhibit B

The Texas Lottery responds to my message.

To: 'Dawn Nettles' <lottoreport@lottoreport.com>  
Subject: Fun 5's

Thank you for contacting the Texas Lottery Commission. We appreciate you taking the time to write and express your concerns regarding the Fun 5's game.

Based on the comments posted on your web site, it is our understanding that your specific concerns are related to Game 5 on the Fun 5's instant game ticket. If you review the play instructions for Game 5, the first sentence explains how to win the prize in the PRIZE box. "Reveal three "5" symbols in any one row, column, or diagonal, win PRIZE in PRIZE box." In the second sentence, it explains how to multiply "that prize" which you won from the first sentence. "Reveal a Money Bag symbol in the 5X BOX, win 5 times that PRIZE."

We want to ensure that all players have a fun and enjoyable experience when participating in lottery games. This includes supporting players to ensure that they clearly understand game rules and paying players for prizes when they win. We encourage players with questions regarding our games to contact our Customer Service Department at 1-800-375-6886 or email us at [customer.service@lottery.state.tx.us](mailto:customer.service@lottery.state.tx.us) for assistance with their questions.

Again, thank you for taking time to contact us regarding your concerns.

Sincerely,

Robyn Smith  
Media Relations Specialist  
Texas Lottery Commission  
(512)344-5477

## -Exhibit C -

### My final response to the TLC

9/11/14

Robyn,

Thank for your reply. However, I do not agree with the Commissions interpretation of those two sentences for Game 5. Based on my phone calls, the People of Texas believe they are holding winning tickets and I agree with them.

From what I'm hearing, players are pursuing with writing their letters to the DA's and many have already contacted attorney's. Several attorney's have already contacted me and I'm pulling info for them.

Here's the problem the Commission is overlooking.

The ticket established its own pattern for interpretation and in winning.

Games 1, 2 and 4 each have TWO ways to win, every one starting with "Reveal."

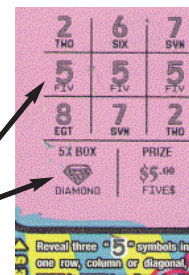
Game 5 is written just the same way – TWO sentences beginning with "Reveal" meaning two ways to win like Games 1, 2 and 4.

The pattern is that the second sentence in each game is a second way to win and all start with Reveal.

Even Game 3's way to win starts with "Reveal."

Further, in the rule under "**Game 5, U**" says, "*As dictated by the prize structure, the "MONEY BAG" Play Symbol WILL appear in the 5X BOX when the player has won by getting three (3) "5" Play Symbols in a single row, column, or diagonal line.*"

I've seen tickets that have the three fives in a row but they did not have a money bag in the box. How can this be? **(Notice 3 fives but no money bag. A copy of this ticket was not included in my email to the Texas Lottery)**



No where have I seen clear wording for what you are saying to me in your response ... Example: "*Reveal three 5's in a row, diagonal, or line then reveal a money bag in the 5X Box to win 5X (or multiply) your prize.*" These words would cover what the Commission is trying to claim but this is not what the ticket says. And I firmly believe the courts will hold you accountable. And I also believe this will go that far - however - that remains to be seen.

Frankly, I believe the Texas Lottery would be better off financially to shut the game down, pay those prizes and lump your losses like you did years ago on a Set For Life tickets and one other ticket. The longer you take, the higher the liability will be. If I'm right, of course.

Thank you again for responding. I am not surprised at the response - quite frankly - it is exactly what I thought the Commission would say. This makes me feel better for not telling ya'll what I thought when I originally saw the verbiage last June - the Commission would have just disagreed with me and not changed the language.

Thanks again, take care and later.

Dawn  
bcc

## Fun 5's Texas Lottery Scratch Ticket - Game #1592

Before and after scratching a Fun 5's ticket

