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# TEXAS LOTTERY COMMISSION

Gary Grief, Executive Director

Alfonso D. Royal III, Charitable Bingo Operations Director

October 6, 2016

Dawn Nettles  
P.O. Box 495033  
Garland, TX 75049-5033

RE: OR2016-20065  
OAG ID# 626029

Dear Ms. Nettles:

This letter is in response to your letter of October 2, 2016 addressed to Executive Director Gary Grief. Mr. Grief has asked me to respond. You state that you have not received any documents responsive to your request for the following:

*“Under the Texas Government Code, Chapter 552, I hereby request the following:  
(1) any and all documents, correspondence and/or communications of any kind, contained in any media including electronic, to include, but not be limited to; writings, audio recordings, email and/or electronically stored information and/or communications that record, reflect, or relate to communications between the Texas lottery and any and/or all other U.S. lottery's in regards to (i) the alleged or actual manipulation or defrauding of MUSL's Hot Lotto game and (ii) any other event or incident giving rise to results errors regarding player payouts;*

*(2) any and all documents, correspondence and/or communications of any kind, contained in any media including electronic, to include, but not be limited to; writings, audio recordings, email and/or electronically stored information and/or communications that record, reflect, or relate in any way to any considerations, discussions, deliberations, or communications of any kind between the Texas lottery and any and/or all other U.S. lottery's in regards to (i) the alleged or actual manipulation or defrauding of MUSL's Hot Lotto game and (ii) any other event or incident giving rise to results errors regarding player payouts.”*

Our records show that your June 3, 2016, letter and open records request was received on June 6, 2016. Subsequently, I sent you a letter dated June 8, 2016 requesting you provide clarification to your request. You provided a response clarifying your request on June 22, 2016. As you are aware, on July 8 and July 15, 2016, your request and responsive documentation were submitted to the Office of Attorney General for an open records decision.

Our records further show that the responsive documents that were not the subject of the request for decision by the Texas Attorney General, were forwarded to you via email on July 25, 2016. I am enclosing a copy of that communication. If you do not have the file attachment, I can either resend it via email or send you a print copy.



On September 6, 2016, the Attorney General issued Open Records Ruling Letter No. 2016-20065 in response to your request. The Attorney General ruled that the Commission must withhold or release responsive documents in accordance with their previous decision in Open Records Ruling Letter No. 2016-09286. All documents responsive to your request and ruled public by the Attorney General had been included and were provided to you in the July 25 release. Additionally, the Attorney General ruled that the Commission should release any non-privileged e-mails they marked if the commission maintains the e-mail separate and apart from the otherwise privileged e-mail string. There were only two such e-mails, and the Commission does not maintain either e-mail separate and apart of the e-mail string, and therefore they are not subject to release. Accordingly, there are no additional documents to release other than those previously provided on July 25, 2016. I hope this provides some clarification regarding the Attorney General's ruling related to responsive documents to your request.

I regret you believe the Commission is in violation of the open records laws. Historically and in recent years, the annual number of open records requests that you submit to the Commission are over 450 (and exceeds 375 to date in calendar year 2016), and believe each of your requests are handled appropriately. As you are aware, I have served as the Commission's Open Records Coordinator for over 13 years and this position is within the agency's Legal Services Division. Based on my extensive experience and training I feel confident the agency complies with the Open Records Act.

Again, please let me know if you need another copy of the file attachment that was provided to you on July 25, 2016.

Sincerely,



Katelind Powers  
Open Records Coordinator  
Texas Lottery Commission  
openrecords@lottery.state.tx.us  
512-344-5420  
Enclosure

cc: Gary Grief, Executive Director  
Brian E. Berger, Assistant Attorney General, Open Records Division  
The Honorable Kenneth Sheets, Texas House of Representatives  
The Honorable John Thune, United States Senate