IN THE SUPREME COURT OF FLORIDA

WINSHARE CLUB OF CANADA, a Canadian corporation, a/k/a 468560 ONTARIO LTD., d/b/a WINSHARE CLUB INTERNATIONAL; FAIRWAY CLUB INTERNATIONAL; and ORION INTERNATIONAL,

Petitioners,

vs.

STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, ROBERT A. BUTTERWORTH, ATTORNEY GENERAL,

Respondent.
_____/

CASE NO. 72,924
Fifth DCA 87-1641

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On Review of the Decision of

the Fifth District Court of Appeal

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RESPONDENT'S ANSWER BRIEF TO WINSHARE CLUB OF CANADA

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TABLE OF CONTENTS

TABLE OF CITATIONS

OTHER AUTHORITIES

STATEMENT OF THE CASE AND FACTS

Respondent accepts Petitioners' Statement of the Case and the Facts.

SUMMARY OF ARGUMENT

Sections 849.09, Fla. Stat. and 501.204(1), Fla. Stat., do not discriminate against or otherwise burden interstate commerce. As such, neither statute violates the Commerce Clause of the United States Constitution. Section 849.09, Fla. Stat., evenhandedly prohibits gambling activity without regard to the residence of a violator.

The enforcement of §849.09, Fla. Stat., via §501.204(1), Fla. Stat., does not endanger First Amendment guarantees. Paramount to any consideration of whether commercial speech is entitled to First Amendment protection is the legality of the commercial proposal. Because the activity Petitioner's advertise is illegal, that commercial speech is not entitled to First Amendment protection.

ARGUMENT

I. SECTION 849.09, FLA. STAT. AND CHPT. 501, FLA. STAT., ARE NOT UNCONSTITUTIONAL VIOLATIONS OF THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION.

Petitioners assert that §§849.09, and 501.204(1), Fla. Stat., violate the Commerce Clause of the Federal Constitution. Petitioners' position is that because the Florida legislature has authorized the Florida Public Education Lottery, state laws that continue to prohibit the sale of other lottery tickets unlawfully discriminates against interstate commerce and thus violate the Commerce Clause.

According to Petitioners, the proper analysis of whether a state statute is unconstitutional because it violates the Commerce Clause can be found in Brown-Forman Distillers Corp. v. New York State Liquor Authority, 476 U.S. 573, 106 S.Ct. 2080, 90 L.Ed.2d 552 (1986), City of Philadelphia v. New Jersey, 437 U.S. 617, 98 S.Ct. 2531, 57 L.Ed.2d 475 (1978), and R.G. Industries, Inc. v. Askew, 276 So.2d 1 (Fla. 1973).

The first case cited by Petitioners, Brown-Forman Distillers Corp., supra, is inapplicable to the case sub judice. That case involved a New York law that, by its terms, regulated commerce outside the borders of New York by requiring certain pricing on liquor sold to wholesalers in other states. By regulating commercial transactions (prices) outside its state boundaries, the New York law created an undue burden on interstate commerce and thereby ran afoul of the Commerce Clause.

The Supreme Court concerned itself with the extraterritorial effects of the statute and held it illegal because the State of New York, in seeking lower prices for its consumers, had directly regulated interstate commerce by mandating the price of liquor sold in other states. That type of economic protectionism was not allowed because of its direct effect on interstate commerce. Citing Pike v. Bruce Church Inc., 397 U.S. 137, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970), and City of Philadelphia, supra, the Court concluded that when a statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests, it is generally struck down without further inquiry. However, when a statute has only indirect effects on interstate commerce and regulates evenhandedly, the crucial inquiry is on whether there is a legitimate State interest.

In the case at bar, §§849.09 and 501.204(1), Fla. Stat., prohibit certain kinds of activity evenhandedly and have no effect on interstate commerce. The Florida statutes under review do not attempt to regulate or prohibit activity beyond the territorial limits of Florida or otherwise regulate commerce outside Florida's borders. Section 849.09, Fla. Stat. prohibits certain activity within Florida. The situation presented here for review is not controlled by Brown-Forman.

Petitioners have also cited City of Philadelphia v. New Jersey, supra, in support of its position that §§849.09 and 501.204(1), Fla. Stat., are invalid and should be struck down because they amount to economic protectionism. In City of

Philadelphia, supra, the United States Supreme Court reviewed a New Jersey statute that, on its face, treated articles of commerce differently solely because of the articles' place of origin. The statute prohibited the importation into New Jersey of garbage that had been collected outside the territorial limits of New Jersey in an attempt to conserve one of the State's natural resources - its environment. The crucial inquiry for the Court was whether the statute was basically a protectionist measure and thus virtually per se invalid or whether it was a law directed at a legitimate local concern that had only incidental effects on interstate commerce. The Supreme Court invalidated the statute on Commerce Clause grounds because by excluding out-of-state garbage, New Jersey was hoarding its own natural resources and by so doing, imposed on out-of-state commercial interests the entire burden of conserving New Jersey's remaining landfills.

In City of Philadelphia, the Supreme Court noted that through the years it has been alert to the evils of economic isolation in reviewing state statutes that attempt to give a home-state advantage to businesses, while at the same time recognizing that incidental burdens were acceptable when a state legislates evenhandedly on a matter of local concern. However, not all legislation that seems to favor in-state economic interests is "protectionist" legislation subject to Commerce Clause scrutiny. Hughes v. Alexandria Scrap Corp., 426 U.S. 794, 96 S.Ct. 2488, 49 L.Ed.2d 220, (1976). Where other legislative objectives are credibly advanced and there is no discrimination

on the face of the challenged statute, the Court has adopted a much more flexible approach. The general rule for determining the validity of state statutes affecting interstate commerce can be summed upon from Pike v. Bruce Church, Inc., supra:

> Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.

If a legitimate local purpose is found, the statute is not open to the same scrutiny. In City of Philadelphia there was no legitimate local purpose found in excluding out-of-state garbage where the landfills were going to be filled with garbage anyway.

Unlike the situation presented in City of Philadelphia, the state statute prohibiting gambling is a legitimate local public concern. The legislature, in the exercise of its police power, has a right to regulate and control gambling. Pompano Horse Club, Inc. v. State, 93 Fla. 415 111 So. 801 (Fla. 1927). Indeed, because of the nature of gambling, the State has a right to exercise even greater control over the activity. Department of Legal Affairs v. Sanford-Orlando Kennel Club, Inc., 434 So.2d 879 (Fla. 1983). Lotteries are a particular form of gambling. Lee v. City of Miami, 163 So. 486, 121 Fla. 93 (Fla. 1935). Any effect on interstate commerce of a law that prohibits or strictly controls gambling within its own borders would be purely incidental.

Unlike the situation presented for review in City of Philadelphia, §849.09, Fla. Stat., does not discriminate against

articles of commerce based on their origin. Section 849.09, Fla. Stat., evenhandedly prohibits all gambling activity and has since 1895. That a later enacted statute allows the State to conduct a strictly controlled and highly regulated lottery "in a manner that enables the people of the state to benefit from significant additional moneys for education" with the net proceeds of the lottery games to be used to support improvements in public education, does not amount to economic protectionism or isolate the State from the national economy in the manner contemplated by the City of Philadelphia Court.

Unlike the Court's concerns expressed in City of Philadelphia, the State is not hoarding any natural resources. Nor is the State imposing on out-of-state commercial interests the burden of isolating Florida from the national economy, or otherwise placing a burden on interstate commerce. Rendered unlawful in the New Jersey statute was the mere act of transporting garbage into the State of New Jersey. In the case at bar, engaging in lottery activity is itself illegal, whether or not the lottery activity is transported from out-of-state. Petitioners' reliance on this case is misplaced.

Section 849.09, Fla. Stat., has absolutely no reference to the residence or geographic origin of a violator. Its operation is solely upon the acts done within the State of Florida and it is upon all persons doing these things in the State. Section 849.09, Fla. Stat., does not allow someone with a Florida address to engage in certain gambling activity while prohibiting an out-of-state person from engaging in the same activity. If

Petitioners' position were accepted by this Court, anyone who resides in Florida could violate §849.09, Fla. Stat., with impunity and only non-Florida residents could be prosecuted.

The last case cited by Petitioners, R.G. Industries, Inc. v. Askew, supra, does not support Petitioners' position that a prohibition against the sale of foreign lottery tickets in Florida violates the Commerce Clause.

In R.G. Industries, supra, the statute under review prohibited the importation and use of certain articles of commerce (gun parts) into Florida if they were manufactured in or originated from another country. The statute was invalidated because the ban on foreign gun parts was not a valid exercise of the State's police power, and thus the effect was to usurp the power of Congress to regulate commerce. The Supreme Court noted that while the power to exclude foreign products is generally granted to Congress, that power is available to the States in certain circumstances. A general exception to the exclusive power of Congress to regulate foreign and interstate commerce is a proper application of the State's police power if the subject area has not been preempted by Congress. Huron Portland Cement Co. v. City of Detroit, 362 U.S. 400, 80 S.Ct. 813, 4 L.Ed.2d 852 (1960), cited for approval. R.G. Industries is distinguishable from the case at bar. The Florida courts have repeatedly held that the prohibition and control of gambling is a valid exercise of the state's police power. Department of Legal Affairs v. Sanford-Orlando Kennel Club, Inc., supra. As such, the prohibition of gambling - even if such gambling originates in

another country - would not violate the federal Constitution Commerce Clause.

Petitioners have misconstrued the purpose of the Commerce Clause of the United States Constitution. The Commerce Clause, Art. 1, s. 8. cl. 3 of the United States Constitution empowers Congress

> [t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

The fundamental purpose of the Commerce Clause is to ensure against discriminatory state legislation. Welton v. Missouri, 91 U.S. 275, 23 L.Ed. 347 (1876). Although the Commerce Clause acts as a limitation upon the power of the states to regulate commerce, the states retain broad powers to legislate protection for their citizens in matters of local concern. Great Atlantic & Pacific Tea Co., Inc. v. Cottrell, 424 U.S. 366, 96 S.Ct. 923, 47 L.Ed.2d 55 (1976). The Commerce Clause was not intended to inhibit the States from promulgating and enforcing police regulations even though such acts may incidentally or indirectly affect interstate commerce. McInerney v. Ervin, 46 So.2d 458 (Fla. 1950). The states retain their general police powers to regulate matters of local concern even if interstate commerce may be affected. Lewis v. BT Investment Managers, Inc., 447 U.S. 27, 100 S.Ct. 2009, 64 L.Ed.2d 702 (1980). It is not the purpose of the Commerce Clause to relieve those engaged in interstate commerce from compliance with local laws. General Motors Corp. v. Washington, 84 S.Ct. 1564, 377 U.S. 436, 12 L.Ed.2d 430; rehearing denied 85 S.Ct. 14, 379 U.S. 875, 13 L.Ed.2d (1964).

The Commerce Clause has no application or effect on state laws that impose the same restrictions or prohibitions on activity irrespective of its origins.

> Where a [state] statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld. Lewis, supra.

In the case sub judice, the state law in question prohibits certain activity across the board. Section 849.09, Fla. Stat., renders unlawful the advertising of lottery schemes, the sale or transmittal of lottery tickets, the aid or assistance in disposing of or procuring lottery tickets, and attempts to operate, conduct, or advertise any lottery scheme. The statute evenhandedly prohibits the activity without regard to the address of the perpetrator. Any effect on interstate commerce is incidental.

The Commerce Clause was not intended to allow a non-resident to circumvent state law or to engage in any activity in Florida without regard to its legality by simply maintaining a residence that is outside the State's borders. The State of Florida has a legitimate and profound interest in prohibiting the gambling activity addressed in §849.09, Fla. Stat. State regulations based on police power which do not discriminate against interstate or foreign commerce or operate to disrupt its required uniformity will withstand a Constitutional attack. Huron Portland Cement Co. v. City of Detroit, supra. One may not simply disregard Florida law by residing out of state then urge that the evenhanded enforcement of state law violates the United

States Constitution. The Commerce Clause of the Federal Constitution is not a guarantee of a right to import into a state whatever one may please, regardless of the effect of the importation upon the local community. Mercer v. Hemmings, 170 So.2d 33 (Fla. 1964).

Petitioners' perception that Chpt. 24, Fla. Stat., creates an unlawful monopoly in favor of the State is not now before this Court. Petitioners have not challenged Chpt. 24, Fla. Stat., but have instead launched an attack on the State's right to evenhandedly enforce its gambling laws. The Petitioners in this case are not foreign governments or representatives of foreign governments. Nor do they represent legitimate foreign governmental lotteries. Petitioners are private businesses seeking profit in purchasing lottery tickets from foreign lotteries, and reselling those tickets to Florida residents.

Even the federal laws will not tolerate such a scheme. The importation of lottery tickets from abroad and their transportation from one state to another by any means or method is illegal under federal law and subject to criminal prosecution. 18 U.S.C. 1301, et seq., Champion v. Ames, 188 U.S. 321, 23 S.Ct. 321, 47 L.Ed. 492 (1903). Petitioners' practice of offering to and sending lottery tickets through the mails is contrary to federal law. That such activity is somehow protected from state regulation by the Commerce Clause is absurd.

The states have a right to prohibit or strictly regulate gambling. Department of Legal Affairs v. Sanford-Orlando Kennel Club, supra. The state has an absolute right to prohibit the

sale of lottery tickets in the exercise of its police power. The state exercised that right when it enacted §849.09, Fla. Stat. In a later enacted statute, authorizing a state-run lottery, the Florida legislature deliberately left intact the gambling prohibitions contained in Chpt. 849, Fla. Stat., against the possession, manufacture, transportation, distribution, advertising or sale of all lottery tickets except as to the tickets of the state-run lottery (except as to the **possession** of a ticket by other government operated lotteries). See §24.122(4), Fla. Stat. Moreover, §24.122(1), Fla. Stat., specifies that the Florida Public Education Lottery Act;

> shall not be construed to authorize any lottery except the lottery operated by the [Florida D]epartment [of Lottery].

It is fundamental that all statutes are presumed constitutional. Kass v. Lewin, 104 So.2d 572 (Fla. 1958). Petitioners have failed to demonstrate that either §§501.204(1) or 849.09, Fla. Stat., violate the Commerce Clause of the United States Constitution. The law is well established that one who challenges the constitutionality of an act of the legislature has the burden to demonstrate, free from all doubt, that the act is unconstitutional as applied to them. Brewer v. Gray, 86 So.2d 799 (Fla. 1956). Any doubts as to the validity of a statute will be resolved in favor of its constitutionality. Hamilton v. State, 366 So.2d 8 (Fla. 1978).

Petitioners have failed to meet the heavy burden imposed on one attacking the constitutionality of a statute. In order to

support a conclusion that legislation is unconstitutional, it is the Constitution that must be found to be violated and not such things as reason, justice or morals. 10 Fla. Jur. 2d, Const. Law, §56. The pros and cons of the moral issues involved in gambling remain a matter of legislative concern. Greater Loretta Improvement Association v. State, 234 So.2d 665 (Fla. 1970).

II. THE APPLICATION OF §§849.09 AND 501.204(1), FLA. STAT., IS NOT AN UNCONSTITUTIONAL ABRIDGEMENT OF THE FREEDOM OF SPEECH GUARANTEES OF THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

Petitioners assert that they have a right, guaranteed by the First Amendment, to advertise the sale of foreign lottery tickets. Petitioners urge, citing Bigelow v. Virginia, 421 U.S. 809, 95 S.Ct 2222, 44 L.Ed.2d 600 (1975), that advertising activity that takes place and is legal elsewhere but illegal in the state where the advertisement takes place is protected by the First Amendment. Petitioners conclude that the §849.09, Fla. Stat., ban on, among other things, advertising lotteries, is an unconstitutional abridgement of the Petitioners' First Amendment protections.

Petitioners' basic premise is wrong. There can be no doubt that the advertising in question was sent to consumers' homes in Florida. Therefore, the advertisement did not take place elsewhere. Also, Petitioners' reliance on Bigelow, supra, is misplaced. In Bigelow, a newspaper editor had been convicted of violating a Virginia statute that prohibited any publication to encourage or prompt the procuring of an abortion. The editor had run an advertisement in his Virginia newspaper that abortions were "now legal" and available in New York and the advertisement invited women with unwanted pregnancies to travel to New York for placement in accredited hospitals and clinics.

In Bigelow, supra, the advertisement run in a Virginia newspaper solicited Virginians to go to New York, for abortions where the activity was legal. The advertisement did not offer to

provide the service in Virginia where the activity was illegal. In reversing the editor's conviction, the Supreme Court held that the Virginia legislature could not regulate the activities of New York businesses and could not proscribe such activities in New York. Neither could the Virginia legislature prevent its residents from travelling to New York to obtain those services or prosecute them for going there. That case is dissimilar to the one now before the Court. Here, §849.09, Fla. Stat., does not attempt to regulate the conduct of businesses in other states or foreign countries, or attempt to prohibit gambling in other states or nations. Neither does §849.09, Fla. Stat., prevent Florida residents from travelling to other jurisdictions to purchase lottery tickets or prosecute them for going there.

Here, Petitioners' advertisements and solicitations were offering to conduct the lottery activity in Florida - where it is prohibited. Petitioners did not simply solicit Florida residents to travel to other jurisdictions to buy lottery tickets.

Paramount to any consideration of whether commercial speech is even entitled to First Amendment protection is the legality of the commercial proposal. Bigelow, supra. The Supreme Court in Bigelow, reaffirmed the principle that commercial speech can enjoy a degree of First Amendment protection, but stressed that any First Amendment protections that might attach to commercial speech are absent when the commercial activity is illegal and the restriction on advertising it is incidental to the valid exercise of a state's police power. In Pittsburgh Press Co. v. Pittsburgh Comm'n on Human Relations, 413 U.S. 376, 93 S.Ct. 2553, 37

L.Ed.2d 669 (1973), cited with approval in Bigelow, the Supreme Court sustained an ordinance that forbade newspapers to carry help-wanted advertisements in sex-designated columns. The Court indicated that the advertisements would have received some degree of First Amendment protection if the commercial activity had been legal. But since sex discrimination in employment is illegal, advertising it could properly be forbidden. States can ban the advertisement of illegal activity without violating the First Amendment. The Court noted that a state could no doubt constitutionally forbid the advertisement for the sale of narcotics or advertisements soliciting prostitution. Pittsburgh Press, at 93 S.Ct. 2560. Likewise, the State of Florida can constitutionally ban the advertising of lotteries that are illegal. There can be no First Amendment protections for Petitioners' commercial activity that is itself illegal.

The enforcement of §849.09, Fla. Stat., via §501.204(1), Fla. Stat., does not endanger protected speech. Petitioners could no more claim a First Amendment privilege to advertise lotteries that are prohibited by statute than they could claim a First Amendment right to advertise the sale of narcotics or solicit participation in a prostitution ring.

Petitioners assert that based on the Bigelow case, Congress is considering legislation that would permit advertising of lotteries. What Congress may be considering or has considered in the 13 years since the Bigelow decision has no bearing on the constitutionality of either §§849.09 or 501.204(1), Fla. Stat. The disposal, procurement, advertisement, sale, distribution,

and transmittal of lottery tickets is illegal under state law as it now stands.

Not only is Petitioners' reliance on Bigelow misplaced, Respondent submits that Petitioners did not properly preserve this issue for appeal. Issues not presented by the pleadings nor ruled on by the trial court will not be adjudicated by the Supreme Court. Jones v. Neibergall, 47 So.2d 605 (Fla. 1950). Where a question was not raised before the trial court, it was not available to a party on appeal. City of Lake Worth v. First Nat'l Bank in Palm Beach, 93 So.2d 49, (Fla. 1957). The Supreme Court will confine itself to a review of only those questions which were before the trial court and matters not presented to the trial court by pleadings and evidence will not be considered. Mariani v. Schleman, 94 So.2d 829 (Fla. 1957).

The trial court dismissed the case sub judice on Commerce Clause grounds. The Petitioners also sought dismissal on the ground that "it is an infringement of the [Petitioners] and of the citizens of the State of Florida for the State to seek to barr [sic] activities perfectly legal where they occur." Respondent submits that the issue as framed does not raise a First Amendment question. The First Amendment was not raised in the trial court, was not ruled on by the trial court and was not considered by the Fifth District Court of Appeal. The issue should not now be considered for the first time here.

Finally, Petitioners argue that a violation of §849.09, Fla. Stat., cannot constitute an unfair or deceptive trade practices in violation of Chpt. 501, Part II, Fla. Stat., because the

People of the State of Florida approved a state-run lottery and thereby rejected the view that government operated lotteries were offensive to the public morals. Petitioners' argument that the recent adoption of a constitutional amendment permitting a state-operated lottery indicates that Florida's public policy against lotteries no longer exists is not supported. Public policy is a matter of legislative determination. Davis v. Strine, 141 Fla. 23, 191 So. 451 (Fla. 1939). The legislature declares and establishes the public policy of the State, Noble v. State, 68 Fla. 1, 66 So. 153 (Fla. 1914), and the legislature has determined that any lottery, other than run by the State is illegal.

The State alleged in its Complaint that by engaging in activity that offends and is contrary to public policy as established by and codified in §849.09, Fla. Stat., Petitioners committed unfair or deceptive acts and practices in violation of §501.204(1), Fla. Stat. Section 501.204, Fla. Stat., declaring unfair or deceptive acts or practices to be unlawful, requires that due consideration and great weight be given to the interpretations of the Federal Trade Commission and the federal courts relating to the Federal Trade Commission Act. See §501.204(2), Fla. Stat.

The United States Supreme Court has interpreted what constitutes an unfair trade practice under the Federal Trade Commission Act. In F.T.C. v. Sperry & Hutchinson Co., 405 U.S. 233, 92 S.Ct. 898, 31 L.Ed.2d 170 (1972), the Supreme Court accepted the Federal Trade Commission's description of factors it

considers in determining whether a given practice constitutes an unfair or deceptive trade practice. Among those factors are whether the practice offends public policy as it has been established by statute. The court held as reasonable the Federal Trade Commission's conclusion that a practice is unfair when it offends public policy as it has been established by statutes, the common law, or otherwise. By engaging in gambling activity, Petitioners committed an unfair act or practice because the gambling activity offends public policy as established by the Florida legislature in enacting §849.09, Fla. Stat.

The Petitioners' practice of soliciting and inviting Floridians to violate the State's criminal gambling laws, for a fee, is most assuredly unfair and is therefore subject to the relief afforded by the Florida Deceptive and Unfair Trade Practices Act.

In any event, the applicability of §501.204(1), Fla. Stat., to the activities of Petitioners is not now before this Court. The question certified by the Fifth District Court of Appeal to be of great public importance is the constitutionality -- not the applicability -- of the statutes. Respondent submits that Petitioners have not put forth any argument, nor cited any authority showing that either §501.204(1), Fla. Stat., or §849.09, Fla. Stat., is unconstitutional.

CONCLUSION

Petitioners have failed to meet the heavy burden of proof required in attacking the constitutional validity of a statute. The presumption of the constitutionality of §§849.09, or 501.204(1), Fla. Stat., has not been rebutted.

Neither §§849.09 nor 501.204(1), Fla. Stat., violate the United States Constitution Commerce Clause. The lower court erred when it ruled that §849.09, Fla. Stat., offends the Commerce Clause. It did not rule on the constitutionality of §501.204(1), Fla. Stat.

This Honorable Court should affirm the Fifth District Court of Appeal ruling reversing the lower court's dismissal.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished by United States Mail to George E. Adams, Esquire, ADAMS, HILL, FULFORD & MORGAN, 1417 East Concord Street, Suite 101, Orlando, Florida 32803; David L. Fleming, Esquire, 205 E. Intendencia Street, Pensacola, Florida 32501; Gene Coker, General Attorney, A.T.&T. COMMUNICATIONS, INC., 1200 Peachtree Street, NE, Atlanta, Georgia 30357; Richard Robison, Esquire, ROBISON, OWEN & COOK, P.A., 5250 South U.S. Highway 17-92, Casselberry, FL 32707, and Louisa E. Hargrett, DEPARTMENT OF THE LOTTERY, Capitol Complex, Tallahassee, FL 32301 this 29th day of NOVEMBER, 1988.

NIKKI ANN CLARK
Assistant Attorney General