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Chairman

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Commissioner

Fernando C. Reyes  
Commissioner



# TEXAS LOTTERY COMMISSION

Anthony J. Sadberry, *Executive Director*

Philip D. Sanderson, *Charitable Bingo Operations Director*

**CERTIFIED MAIL NO. 7004 1350 0000 5061 8846**  
**RETURN RECEIPT REQUESTED**

BAO # 2008-0408-0008

May 14, 2008

Teresa Johniken  
P O Box 427  
Lufkin, Texas 75902

Re: Bingo Advisory Opinion Request # 2008-0408-0008

Dear Ms. Johniken:

This advisory opinion responds to your request received on April 8, 2008. You requested an advisory opinion on whether a DAV Auxiliary member may act as an alternate operator in bingo.

## ANSWER:

Bingo Advisory Opinion (BAO) # 2006-0720-0021 addressed whether Tex. Occ. Code § 2001.411 permits an active auxiliary member of a licensed authorized organization to be the operator on duty during a bingo session. The opinion states:

Tex. Occ. Code § 2001.411(b) provides that "[o]nly an active member of a licensed authorized organization may be an operator responsible for conducting, promoting, or administering bingo." Paragraph (c) of § 2001.411 permits "a member of an organization that is an auxiliary to the licensed authorized organization" to "assist in conducting, promoting, or administering bingo . . . ." Thus, an active auxiliary member may not be an operator responsible for conducting, promoting, or administering bingo.

The analysis for an operator and an alternate operator is the same. Thus, consistent with BAO # 2006-0720-0021, an auxiliary member may not be an alternate operator responsible for conducting, promoting, or administering bingo.



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## SUMMARY

A member of an organization that is an auxiliary to the licensed authorized organization may not be an alternate operator responsible for conducting, promoting, or administering bingo.

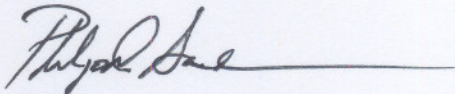
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This advisory opinion cannot be construed as a tax ruling or otherwise interpretive of the Internal Revenue Code. The information provided is completely limited to the context of the Bingo Enabling Act and the Charitable Bingo Administrative Rules.

This advisory opinion is based on the laws, rules and regulations in effect at the time of its issuance. All of the information provided herein is subject to change in law.

This opinion is purely advisory in nature and is limited to the particular questions at issue and to the facts presented in the request. Therefore, this opinion must not be relied upon as a previous determination regarding any conduct which is not substantially consistent with the opinions and facts stated in the request.

Yours truly,



Philip D. Sanderson, Director  
Charitable Bingo Operations Division

cc: James A. Cox, Jr., Chairman  
David J. Schenck, Commissioner  
Fernando C. Reyes, Commissioner  
Anthony J. Sadberry, Executive Director  
Kimberly L. Kiplin, General Counsel