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Commissioner



TEXAS LOTTERY COMMISSION

Anthony J. Sadberry, *Executive Director*

Philip D. Sanderson, *Charitable Bingo Operations Director*

CERTIFIED MAIL NO. 7004 1350 0000 5061 8808
RETURN RECEIPT REQUESTED

BAO # 2008-1119-0004

January 11, 2008

Mr. Jeffrey Minch
President, CEO
Littlefield Corporation
2501 North Lamar Blvd.
Austin, Texas 78705

Re: Bingo Advisory Opinion No. 2008-1119-0004

Dear Mr. Minch:

This advisory opinion responds to your request received on November 19 2007. Below are your questions followed by our answer.

A commercial lessor and a conductor enter into a bingo lease. The lease includes a provision whereby the conductor agrees not to conduct bingo at any other location within the same county for a period of six (6) months after the termination of the lease.

Is there any prohibition against such an arrangement in the Enabling Legislation or the Rules and, if so, what are those provisions?

ANSWER:

Neither the Bingo Enabling Act nor the Bingo Administrative Rules prohibit a commercial lessor and a licensed authorized organization from entering into a lease that includes a provision whereby the licensed authorized organization agrees not to conduct bingo at any other location within the same county for a period of six months after the termination of the lease.

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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
C. Tom Clowe, Jr., Commissioner
David J. Schenck, Commissioner
Anthony J. Sadberry, Executive Director
Kimberly L. Kiplin, General Counsel