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CERTIFIED MAIL NO. 7005 1820 0004 4682 6469
RETURN RECEIPT REQUESTED

BAO # 2009-0427-0003

June 22, 2009

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

Re: Bingo Advisory Opinion No. 2009-0427-0003

Dear Mr. Minch:

This advisory opinion responds to your request for a bingo advisory opinion received on April 27, 2009. Specifically, your request stated:

The Bingo Enabling Act in Sec. 2001.002 DEFINITIONS. requires that a "Veterans organization" must be "...chartered by the United States Congress...."

Does this requirement (i.e. being chartered by the United States Congress) similarly apply to auxiliaries or affiliates of veterans organizations, which purport to be veterans organizations in their application materials, in determining their eligibility to conduct bingo in accordance with the Bingo Enabling Act?

If so, what proof is necessary to substantiate that a veterans organization (or auxiliary or affiliate) is "chartered by the United States Congress"?

ANSWER:

Section 2001.002(27)(B) of the Bingo Enabling Act (Act) provides:

"Veterans organization" means a nonprofit organization:

(A) whose members are veterans or dependents of veterans of the armed services of the United States; and

- (B) that is chartered by the United States Congress and organized to advance the interest of veterans or active duty personnel of the armed forces of the United States and their dependents.

Accordingly, to fall within the Act's definition of "veteran's organization," an auxiliary or affiliate of a veteran's organization must:

- (1) be a nonprofit organization;
- (2) have a membership composed of dependents of veterans of the armed services;
- (3) be chartered by the United States Congress; and
- (4) be organized to advance the interest of veterans or active duty personnel of the armed forces of the United States and their dependents.

With the exception of membership composition, both veteran's organizations and auxiliaries or affiliates seeking to qualify under the Act's definition of veteran's organization must meet the same requirements.

To substantiate that a veteran's organization is chartered by the United States Congress as required by the Act, the Commission reviews the listing of chartered organizations on the United States Department of Veterans Affairs website (www1.va.gov/vso/index.cfm?template=view).

Some organizations have names that appear to relate to veterans but do not fall within the Act's definition of "veteran's organization." These organizations may, however, fall within the Act's Section 2001.002(11) definition of "fraternal organization." Based upon the facts and circumstances, including activities and membership, an organization may be eligible for licensing as a fraternal organization.

SUMMARY

With the exception of membership composition, both veteran's organizations and auxiliaries or affiliates seeking to qualify under the Act's definition of veteran's organization must meet the same requirements. To substantiate that a veteran's organization is chartered by the United States Congress as required by the Act, the Commission reviews the listing of chartered organizations on the United States Department of Veterans Affairs website (www1.va.gov/vso/index.cfm?template=view).

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: Mary Ann Williamson, Chairman
David J. Schenck, Commissioner
J. Winston Krause, Commissioner
Gary S. Grief, Deputy Executive Director
Kimberly L. Kiplin, General Counsel