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Commissioner



# TEXAS LOTTERY COMMISSION

Gary Grief, *Deputy Executive Director*

Philip D. Sanderson, *Charitable Bingo Operations Director*

**CERTIFIED MAIL NO. 7005 1820 0004 4682 6476**  
**RETURN RECEIPT REQUESTED**

BAO # 2009-0507-0004

July 1, 2009

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

Re: Bingo Advisory Opinion No. 2009-0507-0004

Dear Mr. Minch:

This advisory opinion responds to your request for a bingo advisory opinion received on May 7, 2009. Specifically, you asked:

An authorized organization, which is a member of an accounting unit, purports to conduct a "raffle" on the premises of a bingo hall during a bingo occasion. The raffle apparently fails to conform to the requirements of the Charitable Raffle Enabling Act<sup>1</sup> . . . .

The Bingo Enabling Act as noted in Sec. 2001.416. OTHER GAMES. provides that a game of chance other than bingo or a raffle may not be conducted or allowed during a bingo occasion.

. . .

**Having failed to qualify as a "raffle", has the authorized organization conducted a prohibited game of chance and violated the provisions of the Bingo Enabling Act?**

## ANSWER:

Tex. Occ. Code § 2001.416 prohibits conducting or allowing during a bingo occasion all games of chance except bingo, a raffle conducted under Tex. Occ. Code chapter 2002,

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<sup>1</sup> Occupations Code, Title 13. Sports, Amusements, and Entertainment, Subtitle A. Gaming, Chapter 2002. Charitable Raffles, Subchapter A. General Provisions, Sec. 2002.001 Short Title. This chapter may be cited as the Charitable Raffle Enabling Act.

and an amusement machine that is not a gambling device. Attorney General Opinion JC-0449 (2002) addressed the meaning of "game of chance" and stated:

Thus, the commonly understood meaning of a "game of chance" is a game whose outcome is determined by chance rather than skill.

Application of the definition of game of chance depends on characteristics of the particular game in question. A determination of whether there is a violation of Tex. Occ. Code § 2001.416 would depend on findings of fact which we cannot make in the opinion process.<sup>2</sup>

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### SUMMARY

A determination of whether there is a violation of Tex. Occ. Code § 2001.416 would depend on findings of fact which we cannot make in the opinion process.

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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

Yours truly,



Philip D. Sanderson, Director  
Charitable Bingo Operations Division

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

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<sup>2</sup> Your question is premised on your conclusion that the authorized organization in your example is not conducting a charitable raffle in accordance with the Charitable Raffle Enabling Act (REA). This opinion does not address the validity of your conclusion.