



Texas Lottery Commission

Commissioners - Mary Ann Williamson, Chairman • David J. Schenck • J. Winston Krause



Philip D. Sanderson
Director

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BAO # 2009-0811-0006

October 7, 2009

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

Re: Bingo Advisory Opinion No. 2009-0811-0006

Dear Mr. Minch:

This advisory opinion responds to your request for a bingo advisory opinion received on August 11, 2009. Specifically, you asked:

If an authorized organization conducts a "raffle" which fails to comply with the provisions of the Raffle Enabling Act, has the authorized organization also conducted a prohibited game of chance and violated the provisions of the Bingo Enabling Act?

Based on your related May 7, 2009 request for a bingo advisory opinion, we assume that the "raffle" in your example is conducted during a bingo occasion.

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, 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 a particular game is a prohibited game of chance would depend on findings of fact which we cannot make in the opinion process. A licensed authorized organization that conducts or allows during a bingo occasion a raffle that fails to comply with the Charitable Raffle Enabling Act (Tex. Occ.

Code ch. 2002) and is determined to be a prohibited game of chance violates Tex. Occ. Code § 2001.416.

SUMMARY

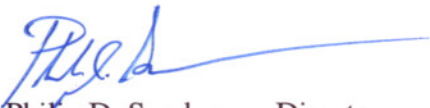
A licensed authorized organization that conducts or allows during a bingo occasion a raffle that fails to comply with the Charitable Raffle Enabling Act (Tex. Occ. Code ch. 2002) and is determined to be a prohibited game of chance violates Tex. Occ. Code § 2001.416.

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 Grief, Deputy Executive Director
Kimberly L. Kiplin, General Counsel