



Texas Lottery Commission

Commissioners - James A. Cox, Jr., Chairman • David J. Schenck • Mary Ann Williamson



Philip D. Sanderson
Director

CERTIFIED MAIL NO. 7000 0520 0025 5830 8742
RETURN RECEIPT REQUESTED

BAO # 2009-0922-0001

November 18, 2008

Richard Bunkley
Texas Regional Manager
Littlefield Corporation
2501 North Lamar Blvd.
Austin, TX 76705

Re: Bingo Advisory Opinion Request # 2009-0922-0001

Dear Mr. Bunkley:

This advisory opinion responds to your request received on September 22, 2008. Specifically, you asked:

Is a charity that is licensed to conduct bingo allowed to sell pull tabs and then allow their customers to sign and deposit these pull tabs into a bucket or other receptacle and then draw one pull tab and award the bucket of pull tabs to the customer whose signature is on the pull tab that was drawn?

ANSWER:

The activity described in your request appears to be an event game that the Texas Lottery Commission has not approved as required by Tex. Occ. Code §2001.408 and Charitable Bingo Administrative rule 16 TAC §402.300 pertaining to pull-tab bingo. §2001.408 provides that “[s]ubject to the commission’s rules, bingo may be played using a pull-tab bingo ticket.” Rule §402.300(b) states that “the manufacturer must . . . present their pull-tab bingo ticket to the Commission for approval . . . with a letter of introduction including style of play for review . . .” Subsection (h)(6) further provides:

. . . Pull-tab bingo tickets used as event tickets must contain more than two instant winners. Event ticket winner(s) are determined by some subsequent action such as a drawing of ball(s), spinning wheel, opening of a seal on a flare(s) or any other method approved by the Commission so long as that method has designated numbers, letters, or symbols that conform to the randomly selected numbers or symbols.

Accordingly, a charity licensed to conduct bingo may not sell pull tabs and allow its customers to sign and deposit the pull tabs into a bucket or other receptacle and then draw one pull tab and award the bucket of pull tabs to the customer whose signature is on the pull tab that was drawn without the Commission's approval of the pull-tab and style of play.

SUMMARY

In accordance with Tex. Occ. Code §2001.408 and Charitable Bingo Administrative rule 16 TAC §402.300 pertaining to pull-tab bingo, a charity licensed to conduct bingo may not sell pull tabs and allow its customers to sign and deposit the pull tabs into a bucket or other receptacle and then draw one pull tab and award the bucket of pull tabs to the customer whose signature is on the pull tab that was drawn without the Commission's approval of the pull-tab and style of play.

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
Mary Ann Williamson, Commissioner
Gary Grief, Deputy Executive Director
Kimberly L. Kiplin, General Counsel