

Mary Ann Williamson
Chairman

J. Winston Krause
Commissioner

Cynthia Tauss Delgado
Commissioner



TEXAS LOTTERY COMMISSION

Gary Grief, Executive Director

Philip D. Sanderson, Charitable Bingo Operations Director

CERTIFIED MAIL NO. 91 7199 9991 7030 6448 8196
RETURN RECEIPT REQUESTED

BAO #2012-0823-0002

November 1, 2012

Dustin R. Burrows
McCleskey Harriger Brazill & Graf, LLP
P.O. Box 6170
Lubbock, TX 79493

Re: Bingo Advisory Opinion Request No. 2012-0823-0002

Dear Mr. Burrows:

Regarding your letter requesting an advisory opinion relating to "back rent" that was received by the Texas Lottery Commission (Commission) on August 23, 2012, an advisory opinion will not be issued. Tex. Occ. Code § 2001.059 (g) provides that "[t]he commission may refuse to issue an advisory opinion under this section on a matter that the commission knows to be in active litigation."

In a letter dated September 4, 2012, the Commission inquired as to whether there is active litigation regarding the matters described in your request. In response, you stated in your letter dated September 11, 2012, that there is active litigation on these matters. Therefore, the Commission will not issue an opinion.

Yours truly,

A handwritten signature in blue ink that reads "Bruce Miner".

Bruce A. Miner, Acting Director
Charitable Bingo Operations Division

cc: Mary Ann Williamson, Chairman
J. Winston Krause, Commissioner
Cynthia Tauss Delgado, Commissioner
Gary Grief, Executive Director
Bob Biard, General Counsel