

BAO 2004-0712-00022	Date Issued: 09/13/2004	View Request RO 2004-0712-00022
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Summary:	Texas Occupations Code §2001.059(a) provides that a person may request from the commission an advisory opinion regarding compliance with this Texas Occupations Code chapter 2001 and the rules of the commission. A request for an advisory opinion related to the definition of "trust organization" is not a proper request because the term "trust organization" is not included in the bingo statutes, rules or renewal application for a license to conduct bingo. A request must be in regards to compliance with the Act and the rules of the Commission. Therefore, this request does not fall within the scope of Texas Occupations Code §2001.059(a).
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**FIRST CLASS UNITED STATES MAIL
and
CERTIFIED MAIL NO. 7004 0750 0001 3237 5086
RETURN RECEIPT REQUESTED**

BAO # 2004-0712-022

September 13, 2004

Owen Anderson
4165 Bluebonnet Hilltop Drive
Fort Worth, Texas 76126

Re: Request for Advisory Opinion, #2004-0712-022

Dear Mr. Anderson:

On July 12, 2004, the Texas Lottery Commission (the "Commission") received your e-mail requesting an advisory opinion related to the definition of a "trust organization." Below is your question followed by the Commission's response.

Please refer to the term of "Trust Organization" utilized (sic) an application for a bingo license renewal – can a Home Owners Association (deals with deed restrictions, etc.) incorporated as a Non-Profit Texas Corporation fit the legal definition of a "Trust Organization."

ANSWER:

Texas Occupations Code §2001.059(a) provides the following:

A person may request from the commission an advisory opinion regarding compliance with this chapter and the rules of the commission.

Neither Texas Occupations Code Chapter 2001 (the Act), the Commission's charitable bingo rules, nor the renewal application for a license to conduct charitable bingo contain the terms "trust organization" or "home owners association." Consistent with the statute

cited above, a request must relate to compliance with the Act or Commission rules. Because your question does not relate to the Act or rules, it does not fall within the statutory parameters established for advisory opinion requests. Therefore, the question presented is not a proper subject for an advisory opinion under Texas Occupations Code §2001.059(a).

SUMMARY

Texas Occupations Code §2001.059(a) provides that a person may request from the commission an advisory opinion regarding compliance with this Texas Occupations Code chapter 2001 and the rules of the commission. A request for an advisory opinion related to the definition of “trust organization” is not a proper request because the term “trust organization” is not included in the bingo statutes, rules or renewal application for a license to conduct bingo. A request must be in regards to compliance with the Act and the rules of the Commission. Therefore, this request does not fall within the scope of Texas Occupations Code §2001.059(a).

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,

William L. Atkins, Director
Charitable Bingo Operations Division

cc: C. Tom Clowe, Jr., Chairman
Jim Cox, Jr., Commissioner
Rolando Olvera, Commissioner
Kimberly L. Kiplin, General Counsel

Sandra Joseph, Assistant General Counsel
Bruce Miner, Licensing Manager