

BAO 2005-0208-0043	Date Issued: 04/08/2005	View Request RQ 2005-0208-0043
Summary:	Neither the Bingo Enabling Act (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) prohibits a licensed distributor from selling equipment to a company for use at a military base outside the state of Texas.	

CERTIFIED MAIL NO. 7001 2510 0001 4202 4524

BAO # 2005-0208-0043

April 8, 2005

Ms. Jane Thompson
Thompson Allstate Bingo Supply, Inc.
5446 Hwy. 290 West, Suite 205
Austin, TX 78735

Re: Distributor sales

Dear Ms. Thompson:

On February 8, 2005, the Texas Lottery Commission (Commission) received your e-mail requesting an advisory opinion related to distributor sales outside Texas. Below is your question followed by the Commission's response.

We have received a phone call from Neuman Supply in Houston, Texas. . . .They are a vendor for the corporation that has a contract with the Federal Government that supplies our military bases.

They were asking us to give them a bid on three bingo systems. (A bingo system consist (sic) of a bingo console and a flashboard.) The lady we spoke with explained that these systems would be sent to military bases in Iraq.

My question is, as a licensed distributor, am I allowed to sell this equipment to them since it is for a military base on governmental property?

ANSWER:

Neither the Bingo Enabling Act (BEA) (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) prohibit a licensed distributor from selling bingo equipment to a company outside the state of Texas. Tex. Occ. Code § 2001.206 provides:

A distributor may not sell, distribute, or supply bingo equipment or supplies for use in bingo *in this state* unless the distributor holds a distributor's license under this subchapter. (emphasis added)

SUMMARY

Neither the Bingo Enabling Act (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) prohibits a licensed distributor from selling equipment to a company for use at a military base outside the state of Texas.

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
James A. Cox, Jr., Commissioner
Rolando Olvera, Commissioner
Kimberly L. Kiplin, General Counsel