

BAO 2005-0228-0044	Date Issued: 04/27/2005	View Request RQ 2005-0228-0044
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Summary:	Neither the Bingo Enabling Act (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) address a person's eligibility for employment by a licensed manufacturer or distributor.
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CERTIFIED MAIL NO. 7001 2510 0001 4202 4494

BAO # 2005-0228-0044

April 27, 2005

Steven Hieronymus
Trend Gaming Systems, LLC
8868 Research Blvd., Suite 500
Austin, Texas 78758

Re: Manufacturer or Distributor Employee

Dear Mr. Hieronymus:

On February 27, 2005, the Texas Lottery Commission (Commission) received your advisory opinion request. Because we were uncertain as to your specific question, we requested additional information. On March 7, 2005, the Commission received your response. Below is your question and response followed by the Commission's answer.

An employee (Vice President or above) of a licensed manufacturer or distributor, participates / coordinates significant violations of the Bingo Enabling Act, and the Commission then determines that a violation has occurred and takes appropriate enforcement action. Should said employee, subsequent to committing the violations but prior to enforcement action, leave employment with said licensee, then be able to assume a position (Vice President or above) with another licensed manufacturer or distributor?

My question would be with respect to both the licensee and any action that may be taken against any individual employee or former employee. I was unsure as to what specific action the Commission takes or can take against an individual employee, thus my question is for both scenarios.

ANSWER:

Neither the Bingo Enabling Act (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) address a person's eligibility for employment by a licensed manufacturer or distributor.

SUMMARY

Neither the Bingo Enabling Act (Tex. Occ. Code Chapter 2001) nor the Charitable Bingo Administrative Rules (16 TAC Chapter 402) address a person's eligibility for employment by a licensed manufacturer or distributor.

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