

BAO 2006-0104-0005	Date Issued: 03/06/2006	View Request RQ 2006-0104-0005
Summary:	A non-annual, temporary license holder is not required to maintain a separate bingo account, and expenses associated with the bingo occasion may be paid out of the licensed authorized organization's general operating account. The provision of Tex. Occ. Code § 2001.313 related to the registry of bingo workers does not apply to an authorized organization that does not have an annual license to conduct bingo who receives a temporary license to conduct bingo. A non-annual, temporary license holder is not required to furnish a bond or other security.	

CERTIFIED MAIL NO. 7001 2510 0001 4202 4579

BAO # 2006-0104-0005

March 6, 2006

Christina Deajon
Associate General Counsel
Archdiocese of Galveston-Houston
Post Office Box 907
Houston, Texas 77001

Re: Bingo Licensing and Expenses

Dear Ms. Deajon:

This advisory opinion responds to your request which was received by the Texas Lottery Commission (Commission) on January 4, 2006. Below are your questions followed by the Commission's answers.

1. Is a non-annual, temporary license holder required to maintain a separate bingo account or may expenses associated with the bingo occasion be paid out of the licensed authorized organization's general operating account?
2. Are a temporary license holder's workers/operators required to undergo a criminal background check and be listed on the bingo worker registry?
3. Is a non-annual, temporary license holder required to furnish security (i.e. bond, certificate of deposit or other security to secure payment of prize fees) to the Texas Lottery Commission?

ANSWERS:

1. A non-annual, temporary license holder is not required to maintain a separate bingo account, and expenses associated with the bingo occasion may be paid out of the licensed

authorized organization's general operating account. Tex. Occ. Code § 2001.103 (d) (2) provides that an organization operating under a temporary license is subject to the other provisions of the Bingo Enabling Act “. . . to the extent that they can be made applicable.” The Charitable Bingo Operations Division does not consider Tex. Occ. Code § 2001.451(a) requiring a licensed organization to maintain a separate bingo checking account to be applicable to a non-annual, temporary license holder.^{[11](#)}

2. Charitable Bingo Administrative Rule 16 TAC § 402.402(l) provides:

The provision of the Occupations Code, § 2001.313 related to the registry of bingo workers does not apply to an authorized organization that does not have an annual license to conduct bingo who receives a temporary license to conduct bingo.

3. A non-annual, temporary license holder is not required to furnish a bond or other security. Charitable Bingo Administrative Rule 16 TAC § 402.603 (a) Texas Occupations Code §2001.103 (d) (2) provides that an organization operating under a temporary license is subject to the other provisions of the Bingo Enabling Act to the extent that can be made applicable. (3) provides that “[e]ach application for an **annual** license to conduct bingo occasions must be accompanied by a bond or other security.” (emphasis added). There is not a similar requirement for a non-annual, temporary license holder.

SUMMARY

A non-annual, temporary license holder is not required to maintain a separate bingo account, and expenses associated with the bingo occasion may be paid out of the licensed authorized organization's general operating account. The provision of Tex. Occ. Code § 2001.313 related to the registry of bingo workers does not apply to an authorized organization that does not have an annual license to conduct bingo who receives a temporary license to conduct bingo. A non-annual, temporary license holder is not required to furnish a bond or other security.

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
Kimberly L. Kiplin, General Counsel

[\[1\]](#) Courts give deference to an agency's interpretation of a statute. ". . . [C]onstruction of a statute in the rules of the administrative agency charged with the statute's enforcement 'is entitled to 'serious consideration,' so long as the construction is reasonable and does not contradict the plain language of the statute." Tarrant Appraisal Dist. v. Moore, 845 S.W.2d 820, 823 (Tex. 1993) (quoting Stanford v. Butler, 181 S.W.2d 269, 273 (Tex. 1944)).