

BAO 2006-0605-0019	Date Issued: 07/26/2006	View Request <a href="#">RQ 2006-0605-0019</a>
Summary:	Because there is no longer a "toll-free telephone number operated by" the Help Line, neither the statute nor the rule requires that anything be displayed on a card-minding device or pull-tab dispenser.	

CERTIFIED MAIL NO. 7000 0520 0025 5830 8711

BAO # 2006-0605-0019

July 26, 2006

Melodye Green  
2421 W. Irving Blvd. #125  
Irving, Texas 75061

Re: Display of Telephone Number on Bingo Device

Dear Ms. Green:

This advisory opinion responds to your request which was received by the Texas Lottery Commission (Commission) on June 5, 2006. You requested an opinion about whether Texas Occupations Code § 2001.417(a) requiring display on card minding devices and pull-tab dispensers of the toll-free telephone number operated by the Problem Gamblers' Help Line of the Texas Council on Problem and Compulsive Gambling (TCPCG) is a violation in light of the fact that the number is not operating. You also ask why a rule requires the toll-free number to be on the front of the video bingo device.

**ANSWER:**

In 1995 the legislature adopted the following provision:

The toll-free telephone number operated by the Problem Gamblers' Help Line of the Texas Council on Problem and Compulsive Gambling must be prominently displayed on each card-minding device and pull-tab dispenser.

...

Subsequently, the Commission adopted a rule clarifying the requirement to prominently display the number. 16 TAC 402.302(d)(13).

At the time those provisions were adopted, the Problem Gamblers' Help Line of the Texas Council on Problem and Compulsive Gambling (the Help Line) operated a toll-free number. In 2003 the legislature discontinued allocations for the Help Line. Consequently, the Help Line ceased operations.

Neither the statute nor the rule has been repealed. Nonetheless, because there is no longer a "toll-free telephone number operated by" the Help Line, neither the statute nor

the rule requires that anything be displayed on a card-minding device or pull-tab dispenser.

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### **SUMMARY**

Because there is no longer a “toll-free telephone number operated by” the Help Line, neither the statute nor the rule requires that anything be displayed on a card-minding device or pull-tab dispenser.

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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