

BAO 2006-0720-0021	Date Issued: 09/08/2006	View Request <a href="#">RQ 2006-0720-0021</a>
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Summary:	A member of an organization that is an auxiliary to the licensed authorized organization may not be an operator responsible for conducting, promoting, or administering bingo.
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CERTIFIED MAIL NO. 7004 0750 0001 3234 0657

BAO # 2006-0720-0021

September 8, 2006

Gilbert L. Johnson  
Primary Operator  
VFW Post 1820  
3302 Airport Road  
Temple, TX 76594

Re: Conduct of Bingo

Dear Mr. Johnson:

This advisory opinion responds to your request which was received by the Texas Lottery Commission (Commission) on July 20, 2006. You requested an opinion about whether Tex. Occ. Code § 2001.411 permits an active auxiliary member of a licensed authorized organization to be the operator on duty during a bingo session.

**ANSWER:**

Tex. Occ. Code § 2001.411(b) provides that “[o]nly an active member of a licensed authorized organization may be an operator responsible for conducting, promoting, or administering bingo.” Paragraph (c) of § 2001.411 permits “a member of an organization that is an auxiliary to the licensed authorized organization” to “assist in conducting, promoting, or administering bingo . . . .” Thus, an active auxiliary member may not be an operator responsible for conducting, promoting, or administering bingo.

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**SUMMARY**

A member of an organization that is an auxiliary to the licensed authorized organization

may not be an operator responsible for conducting, promoting, or administering bingo.

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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