



Department of Texas
VETERANS OF FOREIGN WARS
of the UNITED STATES

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March 12, 2012

All Texas VFW Post Officers,

Today, a letter was forwarded to all Bingo Licensee's in the state of Texas. It also applies to those Posts operating eight liners and how prizes are paid out. The ruling was issued by the Director of the Charitable Bingo Operations Division, Philip D. Sanderson, in conjunction with a ruling by the States Attorney General. The ruling stated:

"Texas courts have repeatedly considered the legal status of eight-liner machines that award gift certificates redeemable at retail establishments or tickets redeemable for further play and have determined that those machines are gambling devices and do not meet the requirements for exclusion under subsection 47.01(4)(B) of the Penal Code. Similarly, a device that awards bingo cards or paper, card-minding devices and pull-tab bingo, or gift certificates redeemable for the same, is not rewarding the player exclusively with "noncash merchandise prizes, toys, or novelties, under subsection 47.01(4)(B) of the Penal Code.

Attorney General Opinion GA-0913, just issued on February 27, 2012 concludes:

Because the eight liner machines described in your request issue tickets redeemable for items that do not constitute noncash merchandise prizes, toys, or novelties, the machines do not meet the standard for the illegal gambling device exception provided in subsection 47.01(4)(B), Penal Code. Accordingly, the eight-liner machines are illegal gambling devices under the Penal Code. If an eight-liner machine is designed, made or adapted as "anything" other than a pure amusement device, the machine cannot meet the requirement of subsection 47.01(4)(B) and is therefore illegal.

Mr. Sanderson went on to say; "The Charitable Bingo Operations Division wants to be sure that all licensees are aware of the Attorney General's opinion of the state law regarding eight-liners. The Attorney General on several occasions has unequivocally opined that an eight-liner machine that offers anything other than a prize that meets the pure amusement machine exception to a gambling device is illegal. Consequentially, pursuant to Texas Occupations Code Section 2001.416 such games of chance are not allowed during a bingo occasion".

I know we have Posts that are providing Bingo cards as prizes. This needs to stop immediately. Additionally, with or without a bingo operation, Posts that have eight-liners need to follow the ruling which states that if you are paying out anything that is not a novelty item (such as cash, gift certificates, merchandise (other than novelty items) or certificates redeemable for merchandise, etc, it is illegal). I am not naive enough to believe that members and guests are playing eight liners so that they can get a stuffed animal or some fuzzy dice.

As a reminder, Section 218(a)(1) of the National By Laws and Manual of Procedure states that Post Commanders are responsible to "Insist that Post business and activities be conducted in such a manner that they do not violate any applicable governmental law, ordinance or regulation...." Failure to follow the provisions of that section in our by laws subject the Post Commander to relief under the provisions of Section 220 of the National By-Laws and Manual of Procedure.

Please disseminate this information to all of the Posts in your Districts.

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