



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1992

Mr. Joe Darnall
General Counsel
Texas Alcoholic Beverage Commission
P. O. Box 13127
Austin, Texas 78711-3127

Letter Opinion No. 92-38

Re: Whether the proposed reorganization of the Alcoholic Beverage Commission comports with provisions of the Bingo Enabling Act (ID# 16593)

Dear Mr. Darnall:

You advise that the Texas Alcoholic Beverage Commission (the "commission") is contemplating reorganizing its operating structure, but that the commission is concerned that the proposed form of reorganization is inconsistent with the provisions of V.T.C.S. article 179d, the Bingo Enabling Act (the "act"), which direct the commission to administer the act "through a division established through the administrator of the commission to administer the act." V.T.C.S. art. 179d, § 16(a). The act also directs the administrator of the commission to "employ a director of bingo operations to administer the division under the direction of the commission and administrator" and to establish a separately listed toll-free number to provide public access to the division. *Id.* § 16(a)(c).

The information you have provided to us indicates that, under the proposed reorganization of the commission, bingo would be administered by an "Assistant Administrator" for "Headquarters Operations" through a division entitled "Licensing -- Alcoholic Beverage and Bingo." The focus of your concern appears to be that, under the proposed reorganization, commission personnel administering the bingo laws would also be performing other non-bingo related duties of the commission. You state that "a strict and literal reading of [the provisions of article 179d] would preclude the desired organization structure," but then go on to suggest that "under a more liberal doctrine of 'substantial compliance,'" the desired reorganization nevertheless sufficiently comports with those provisions. In our opinion, based on the information you have provided us, the proposed reorganization is at least in substantial compliance with the provisions of article 179d.

S U M M A R Y

Based on the information provided, the proposed reorganization of the operating structure of the Texas Alcoholic Beverage Commission is at least in substantial compliance with the provisions of the Bingo Enabling Act.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", written in a cursive style.

**William Walker
Assistant Attorney General
Opinion Committee**