

RQ-284



115# 14205
mjs

State of Texas
House of Representatives

RON LEWIS
STATE REPRESENTATIVE
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0612

COMMITTEES:
CHAIRMAN:
NATURAL RESOURCES
TRANSPORTATION
MEMBER:
LEGISLATIVE COUNCIL

October 28, 1991

RECEIVED

NOV 14 91

The Honorable Dan Morales
Attorney General
Price Daniels, Jr. Building
209 W 14th Street

Dear Attorney General Morales:

This is a request for a ruling on a point of law that affects hundreds of non-profit and charitable organizations in Texas. It was brought to my attention by Rep. Brian McCall.

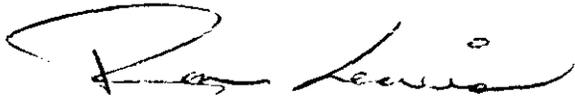
The South Collin County Branch of the American Cancer Society is planning a social event to raise money for their very worthy cause. Admission for the patrons of this event is paid for on a table by table basis. A main attraction at this event is a large room full of casino games. (An event recently held in Houston with the same format raised \$57,000) Unfortunately, the City Attorney's office in Plano has determined that this type of fundraiser is a violation of the gambling code.

This problem was brought to Rep. McCall's attention when attempts to negotiate a settlement with the City Attorney failed. At first, the Attorney had a problem with the event's location, the Plano Civic Center. Then, citing a 1985 ruling by Jim Mattox, the Attorney said that any admission charge made the event illegal - even if the money is a charitable contribution. Under the proposed format, patrons would present a verification of their reservation for a table and then would be given a certain amount of chips (more of which could be purchased during the night). At the close of play, they would then enter a room where they could "purchase" prizes. These prizes would be donated by local merchants. As you can obviously see, this is a harmless and enjoyable way to raise money for an excellent cause.

The problem does not end at the Cancer Society. Other groups have planned this type of function (which is very much in vogue presently) and have had problems. Most prominent among these is "Project Prom," a drug and alcohol free party for high school seniors in Plano. This event was attended by over a thousand students last year, keeping them safe and entertained. There were casino games at this party, also, and the people organizing it had the same problems.

We would like you to consider this situation. These are not illegal gambling houses or fronts for a gambling ring. They are simply a fun way to raise money for worthy causes. I hope you will investigate this matter and give us your opinion on the guidelines under which these fundraisers may operate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Lewis". The signature is written in dark ink and is positioned above the typed name.

Ron Lewis, Chairman
Natural Resources Committee