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JUN 29 2005

OPINION COMMITTEE

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KURT SISTRUNK

CRIMINAL DISTRICT ATTORNEY
GALVESTON COUNTY
722 MOODY, SUITE 300
GALVESTON, TEXAS 77550
June 28, 2005

FILE # ML-44253-05

I.D. # 044253

RQ-0357-GA

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RE: Poker Run Fund Raiser Event, See Attached Flyer

Dear Attorney General Abbott:

We've been working with some of your staff on a matter down here on open meetings and I thought it would be a great time to ask for some help of our own. I am respectfully writing to request an Attorney General's Opinion as to whether or not a nonprofit organization that sponsors a "Poker Run" is in violation of the law, particularly the gambling statutes, TPC 47.01.

The specifics of the "Poker Run" are that participants meet at a beginning location and give their monetary donation to the nonprofit cause. In exchange for that donation that person will be able to draw 5 cards at the last stop on the Poker Run. The number of stops along the run may vary but participants check in at each location and have to be at the last stop by a certain time. At that last stop you draw your hand and the best hand will win money, as does the worst hand and second best hand.

From the onset it appears that participants have given consideration and made a "bet" for the opportunity to win cash based on the draw of the cards. Our question is does the legality of the event matter in any way if the following are true:

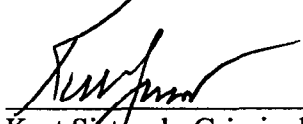
1. The donation is clearly just that, a donation going to the cause whatever it may be and it is given and accepted with the clear understanding that the participant has absolutely no chance to get his or her donation back. The number of "hands" you are allowed to draw at the last stop is dependent on the amount of your donation.
2. The winning prize money amount is established and in place in advance of the Poker Run and has absolutely nothing to do with the total amount of monies donated at the beginning of the Poker Run. In other words, even if only three (3) people show up and donate \$30.00 and have the opportunity to play their hand at the last stop, the total established winning monies are still going to be distributed. In contrast to what was stated and referenced in Opinion GA-0335, the prize money does not include any part of the money that the participant has paid. The question being has a participant made a "bet" when the tendered money is not at risk but acknowledged as that which is never going to be returned.

Phone:	Felony Section (409) 766-2355	Family Law Section (409) 766-2364	Grand Jury Section (409) 766-2379	Worthless Check Section (409) 766-2429	Misdemeanor Section (409) 766-2373
Fax:	(409) 766-2290	(409) 770-6296	(409) 795-2108	(409) 766-2398	(409) 766-2398
	Felony Victim's Ass't. (409) 770-5124			Misdemeanor Victim's Ass't. (409) 766-2365	

3. There are no chips given out after the donation is received. You merely sign up, make your donation that goes to the cause, check in at the other stops along the way and at the end you draw your cards and check your hand against the current best hand. If at the end of the night your hand is still the best then you win the set prize for best hand and the benefactor receives all the monies that were given upfront at registration.

I know your staff has many questions to answer and we appreciate you taking the time to give this a look and consideration. Is it a bet or consideration? Thank you for your timely assistance in this matter.

Sincerely,



Kurt Sistrunk, Criminal
District Attorney,
Galveston County, Texas

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HOUSTON LINE (281)316-8300
D.A. WEB SITE <http://www.co.galveston.tx.us/disatty/da.htm>

Blue Knights

TEXAS XXXI



\$ 700.00 BEST HAND
\$200.00 SECOND BEST HAND
\$100.00 WORST HAND

BENEFITING
MICHEL ROY

Deputy M. Roy suffered severe injuries in an on-duty motor vehicle accident while responding to a call on April 30, 2005.

POKER RUN

Saturday June 25th, 2005

Registration 9:00am
1st Bike Out 10:00am
Last Bike Out 11:00am

\$10.00 per hand
(NO LIMIT)

For More info Contact
Laura "Mama Bear" Sims
409 939-6808



Starting :
Noah's Ark
Bacliff, Texas

Ending:
LAZY OAKS
Galveston, Texas
Last Bike In 4:00pm

Checks payable to "Blk 31"