



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Harriet
R76-242
BRUCE E. BABBITT
ATTORNEY GENERAL
76-310

November 9, 1976

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Robert Valenzuela, Administrator
Arizona Department of Revenue
Capitol Building
1700 West Washington
Phoenix, Arizona 85007

Re: Opinion Request R76-242.

Dear Mr. Valenzuela:

You have asked the following question:

May a license to conduct bingo games be issued to a qualified organization which intends to hold bingo occasions in a type of commercial establishment which would contain meeting halls, bars and other rooms or in a commercial establishment in which a bar serving alcoholic beverages is a part of the meeting room where bingo games will be held?

Several statutes relate to bingo games and the presence or availability of alcoholic beverages. A.R.S. §§ 5-406(K) and 5-425(F) both provide that no alcoholic beverage "... shall be offered or given as a prize..." in any bingo game. A.R.S. § 5-426(M) forbids the issuance of any "small game" bingo licenses to holders of any Arizona liquor licenses except holders of club liquor licenses.

None of these statutes prohibits the holding of otherwise authorized bingo games by a duly licensed, qualified organization, even though such bingo games might be held in a place where alcoholic beverages would be available.



Mr. Robert Valenzuela, Administrator
November 9, 1976
Page Two

It is apparent, however, that the legislature did have some concern with regard to the operation of bingo games in connection with and in relation to alcoholic beverages. This conclusion is evidenced by the enactment of the foregoing three statutes. Thus, while there is no prohibition of bingo games simply because alcoholic beverages may be lawfully available at the games, the Department of Revenue has certain responsibilities in this area by virtue of regulations it has promulgated governing the change in location of bingo games.

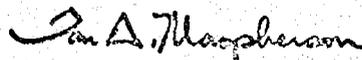
In this connection, A.C.R.R. Rule R15-7-115 requires that specific prior written approval from the licensing authority must be obtained by a bingo licensee in order to conduct bingo games at places or times other than those set forth in its license application under A.R.S. §§ 5-404(4) or 5-423(D)(3). Thus, and by way of example, if a bingo licensee that had been holding its games in a rented hall where there was no bar decided to rent a meeting room in a hotel (with a bar), the Department of Revenue may consider the reasons underlying the request to insure that no circumvention of legislative intent would result if the requests were granted. This result is in conformity with the responsibility of the Department of Revenue under A.R.S. §§ 5-404(C) and 5-423(E). Both of the cited statutes require that in the event any premises are to be leased or rented in connection with the holding of bingo games, an affidavit is required showing the lessor's name, address, the amount of rent and the fact that the lessor or its officers and directors are of good moral character and have not been convicted of any crime involving moral turpitude.

The present statutory scheme does not prohibit a qualified organization from conducting bingo games in a commercial establishment where alcoholic beverages are dispensed provided that no subterfuge or attempt to circumvent the intent of the Legislature exists.

Please advise if you require additional information.

Sincerely,

BRUCE E. BABBITT
Attorney General


IAN A. McPHERSON
Assistant Attorney General

IAM:vld