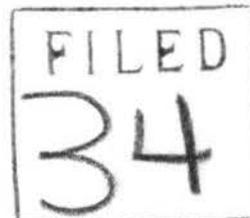


GAMBLING DEVICES:  
GAMBLING:  
LOTTERIES:  
BINGO:  
KENO:  
LIQUOR LICENSE:  
LIQUOR:

Regulation No. 15(k) of the Supervisor of Liquor Control of Missouri prohibits any licensee from having any "Bingo" device upon his licensed premises.

OPINION NO. 245(1968)  
34(1969)

January 28, 1969



Honorable Harry Wiggins  
Supervisor, State of Missouri  
Department of Liquor Control  
Jefferson City, Missouri 65101

Dear Mr. Wiggins:

This opinion is in response to your question concerning whether or not the playing of "Bingo" on premises licensed by the Department of Liquor Control is a violation of the rules of the Supervisor of Liquor Control.

The pertinent portion of your request states specifically as follows:

"This office has recently received complaints regarding alleged gambling on premises licensed by the State of Missouri to sell intoxicating liquor and beer. Investigation has revealed that the alleged gambling consists in each case of a game known as 'Bingo'.

"At hearings held recently in Kansas City, various licensees appeared with counsel and readily admitted the use of 'Bingo' on their licensed premises. The facts are not in dispute and the general nature of the game can, I believe, be summarized in one paragraph.

"The system appears to be that on certain nights, and between specified hours, all adult customers received what is commonly referred to as a 'Bingo' card. There is no charge for this card and patrons are supposedly not required to make any purchase on the premises to participate (May I interject here, however, that common sense

Honorable Harry Wiggins

would seem to dictate that the games would not persist for long if the premises were filled each time with non-paying customers). Various games are played during the evening--all involving covering numbers on the cards as called by the announcer. Winners are awarded prizes of merchandise with various values or cash in varying amounts, depending upon the game itself.

"The licensees contend that this procedure does not constitute a form of gambling which would violate any of the state liquor laws or the rules of regulation of this department."

The applicable regulation of the Supervisor of Liquor Control is Regulation No. 15(k) which states:

"Gambling and Gambling Devices.--No licensee shall allow upon or about his licensed premises, any gambling of any kind or character whatsoever in which the one who plays stands to win or lose money, trade checks, prizes, merchandise or any other consideration whatsoever.

"No licensee shall have any gambling devices upon his licensed premises whereby money, trade checks, prizes, merchandise or property or any other consideration whatsoever may be won or lost."

Our legislature provided in Section 563.370, RSMo 1959, that "Keno" is a gaming device. This section states:

"Keeping gaming device--penalty.--Every person who shall set up or keep any table or gaming device commonly called A B C, faro bank, E O, roulette, equality, keno, slot machine, stand or device of whatever pattern, kind or make, or however worked, operated or manipulated, or any kind of gambling table or gambling device adapted, devised and designed for the purpose of playing any game of chance for money or property and shall induce, entice or permit

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any person to bet or play at or upon any such gaming table or gambling device, or at or upon any game played or by means of such table or gambling device or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than five years, or by imprisonment in the county jail for a term not more than one year."

"Keno" is in fact the same game as "Bingo." We reached this conclusion in our Opinion No. 97, dated August 27, 1949, to the Honorable Homer F. Williams, copy enclosed.

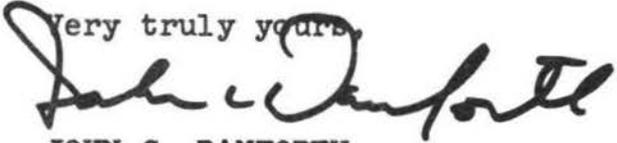
We therefore conclude that "Bingo", per se, is a gambling device and as such it is inherently a device whereby money, trade checks, prizes, merchandise or property or any other consideration whatsoever may be won or lost.

The conclusion therefore naturally follows that such a licensee who shall have any such gambling device upon his licensed premises is in violation of Regulation No. 15(k).

CONCLUSION

It is the opinion of this office that Regulation No. 15(k) of the Supervisor of Liquor Control of Missouri prohibits any licensee from having any "Bingo" device upon his licensed premises.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Klaffenbach.

Very truly yours,  
  
JOHN C. DANFORTH  
Attorney General

Enclosure:

Opinion No. 97  
Williams, 8/27/49