



September 1, 2023

Dear Bingo Licensee,

We write to you today in order to clarify the legality of electronic bingo machines and specific legal uses of such machines.

The Arizona Department of Gaming (ADG) previously analyzed Arizona Revised Statutes § 5-406, as amended in 2017, and Bingo Gambling Devices; that analysis is attached hereto for your convenience. Possession of a bingo gambling device remains a crime. Additionally, please note that as of the date of this letter, Lynxx leadership has been subject to both civil and criminal litigation relating to the illegal use of bingo gambling devices.

The Arizona Department of Revenue (ADOR) is also issuing this letter as part of its role administering state bingo laws and licensing applicants who meet the legal requirements¹ for conducting games of live bingo. Such licenses are issued to qualified applicants who offer live bingo, subject to future inspection by ADOR to ensure compliance.

For electronic bingo machines, ADOR has litigated this matter as it relates to live bingo on multiple occasions. Each time, it has been found that offering the use of such machines does not itself constitute the offering of live bingo. We have attached the most recent opinion for your reference. If an applicant does not conduct live bingo games, ADOR is unable to issue or reissue a license. If a licensee fails to provide ADOR with accurate information regarding the days and times at which the licensee conducts live bingo games, which are subject to verification by ADOR, ADOR may issue a directive that leads to the suspension or revocation of the licensee's bingo license.

Finally, the Arizona Department of Liquor Licenses and Control (DLLC) concurs with the analysis and position of both the ADG and the ADOR. Because many bingo licensees also maintain a liquor license, it is important to note that Arizona law specifically prohibits a liquor licensee from knowingly allowing unlawful gambling on their premises. A violation of Arizona Revised Statutes § 4-244.26 is a class two misdemeanor, and may result in proceedings to suspend or revoke a liquor license pursuant to § 4-210, et seq.

We hope this joint letter will be helpful for providing you with greater clarity.

If you have questions regarding illegal gambling, please contact Doug Jensen at ADG by phone at (602)255-3886 or email at djensen@azgaming.gov.

¹ See Arizona Revised Statutes ("A.R.S.") Tit. 5, Ch. 4 (A.R.S. § 5-401 et seq.), available at www.azleg.gov.

If you have questions regarding bingo, please contact the Bingo Unit at ADOR by phone at (602)716-7801 or email at bingo@azdor.gov.

If you have questions regarding liquor licenses and illegal gambling, please contact Gino Duran at the DLLC by phone at (602)364-0646 or email at gino.duran@azliquor.gov.

Sincerely,

Robert Woods (Aug 22, 2023 18:27 PDT)

Jackie Johnson Robert Woods
Director Director

Arizona Department of Gaming Arizona Department of Revenue



Ben Henry

Director
Arizona Department of Liquor Licenses and Control

Encl. Notice to Bingo Licensee, Contractors, & Equipment Companies
OAH Decision 22C-202200006-O-REV (May 27, 2022)