

**Senator Sonny Borrelli**

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Arizona State Senate

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**Majority Leader**

*Senate Committees*

Rules

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Elections

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**DISTRICT 30**

## Office of the Majority Leader

September 25, 2023

Robert Woods, Director

Arizona Department of Revenue

1600 W. Monroe Street

Phoenix, Arizona 85007

Ben Henry, Director

Arizona Department of Liquor Licenses and Control

800 W. Washington St., Fifth Floor

Phoenix, Arizona 85007

Jackie Johnson, Director

Arizona Department of Gaming

100 N. 15th Avenue, Ste. 202

Phoenix, Arizona 85007

Directors Woods, Henry, and Johnson,

As you know, Arizona is home to several veteran and non-profit organizations, such as Veterans of Foreign Wars, the American Legion and fraternal organizations including: the Fraternal Order of Eagles, Elks and Moose Lodges, who are licensed both to sell liquor and to conduct bingo under Arizona law. These licensed activities not only serve as a source of recreation and camaraderie for members, but they are also critical to funding the charitable missions of these organizations. I was shocked and horrified to hear that your offices have been coordinating in conducting raids to harass several of these non-profit organizations for engaging in peaceful and lawful bingo activities.

As I understand your letter dated September 1, 2023, you are threatening to criminally prosecute these non-profit organizations and to revoke their liquor licenses because they are using Bingo Technological Aids ("BTAs") to conduct bingo games. Your reasoning is as suspicious as it is legally suspect.

BTAs have been lawful in Arizona since 2017. In 2017, the Senate and House overwhelmingly passed SB 1180. This common-sense law specifically allows technological aids to be used in bingo games when they serve as a substitute for bingo cards, and it was the legislature's intent for these aids to be supplied by contractors and utilized by bingo licensees. A.R.S. § 5-406(E), (X). This law is necessary to accommodate individuals with disabilities and to be compliant with the Americans with Disabilities Act.

The BTAs used by the non-profit organizations at issue fit squarely within the scope of this law. Indeed, the Arizona Department of Gaming previously commissioned experts to evaluate the BTAs at issue, who found no conclusive violations of the Arizona bingo statutes.

Your suggestion that these non-profit organizations are operating illegally also puts into question the objectivity of your analysis. You claim that the non-profits at issue are violating A.R.S. § 13-3306(D), which prohibits possession of a bingo gambling device. But, inexplicably, you fail to even mention that a BTA is not a "bingo gambling device"—it is an electronic substitute for bingo cards. See A.R.S. §§ 5-406(X), 5-601.02(6)(b)(i). Further, even if it was, the non-profits at issue are regulated as bingo licensees, making them exempt from the criminal statute you cited pursuant to A.R.S. §§ 13-3303(A) and -3306(C).

It also is my understanding that your legal analysis is sourced to individuals deeply connected to tribal gaming. Your flimsy legal analysis and the 180-degree turn by your departments leads me to fear that you are sacrificing Arizona's veterans to cow to tribal gaming interests.

Pursuant to my investigative power as an Arizona Senator, and alternatively under the Arizona Public Records Act, A.R.S. § 39-101, et seq., I request that you produce all documents relating to any and all communications, from July 1, 2017 to the present, (1) within or among any of Your Offices, or (2) between Your Offices and any third party or third parties, related to Bingo Technological Aids, Lynxx Technologies, Lynxx Gaming, or SB 1180.

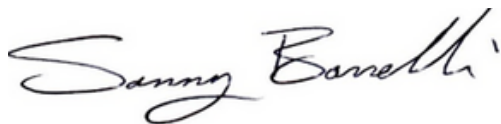
For purposes of this request, "Your Offices" includes any and all current and former agents, representatives, officers, officials, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other persons acting or purporting to act on behalf of the Arizona Department of Revenue, Arizona Department of Liquor Licenses and Control, or the Arizona Department of Gaming.

This request is not for a commercial purpose as defined in A.R.S. § 39-121.03(D). If possible, please provide these documents via email or another electronic format. If any fee is required to produce these documents, please contact my office before incurring any expense.

I also request an update on your plans to promulgate regulations to amend the definition of "Card" under Ariz. Admin. Code R15-7-201 so that it is consistent with the statutory requirements of A.R.S. § 5-406(X) and that you comply with A.R.S. § 41-1030(A)(D)3

I hope and expect that you will start following Arizona law and stop threatening the veterans and non-profit organizations that do so much good for our State.

Sincerely,

A handwritten signature in black ink that reads "Sonny Borrelli". The signature is written in a cursive, flowing style.

Senator Sonny Borrelli (R-30)  
Senate Majority Leader  
Legislative District 30