



ELECTRONIC BINGO

Fielding limited on enforcing bingo rules

Officials say more bingo halls springing up across the county

By ED HOWELL
Daily Mountain Eagle

Until the legality of electronic bingo is decided, the county's top bingo enforcer said his hands are tied.

Randy Fielding, the deputy in the Walker County Sheriff's Department assigned Feb. 4 to enforce bingo rules, said Monday that since the Walker County Commission rescinded its March rules on Aug. 4, all he can do is collect fees for bingo charities renewing for another year.

Also, he said bingo halls are setting up shop around the county at a frenetic pace, including one just off future Interstate 22.

Fielding wishes there was more "stability" in the situation so that "we could actually start correcting and cleaning up what we've got. We've got a mess right now. There's not doubt about it."

There appears to be no rush to set a date to start a consolidated set of bingo cases now before Judge Braxton L. Kittrell in Walker County Circuit Court. He is expected to rule on a request from Baker and Tirey for a declaratory judgment on the legality of electronic bingo in the county.

Meanwhile, amid legal arguments on the matter, the commission recently dumped a comprehensive set of regulations, fees and revenue distribution that it adopted in March. That means the business license fee for a bingo hall was cut in half to \$500 per machine.

Fielding said that charities are also getting bigger shares of the charity payout by going to smaller bingo halls.

"The bigger ones want to purchase more to keep the smaller ones from getting them. Their customers

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are losing money, so they're starting to migrate away from them," he said.

Currently about 22 bingo halls are permitted to operate in the county, Fielding said.

Fielding said new bingo halls are now being planned for Highway 13 and I-22, right off the interstate exit, and another is coming up "between Corridor X on 13 and what is now 118, about halfway down." Another person has bought a permit to open up a bingo hall between Jasper and Tuscaloosa on Highway 69 near the county line.

"I've got one on Franklin Ferry Road near the Jefferson County line and I've got one on Highway 269 at the Jefferson County line," he said. "I've got one that just opened up on Highway 69 where Kilgore Tires is at."

Fielding referred to a bingo hall on Highway 5 that the county sued at one time for failure to comply with regulations, only that bingo hall closed down and the charities moved to Highway 78.

"They're opening everywhere, or trying to. All three on 69 South, Franklin's Ferry and 269 have permits. The ladies that have just come back, they've got permits waiting to be signed by the sheriff because they won't issue them a business license until they've got their permits," Fielding said.

Fielding said they are all using existing permits because a temporary restraining order prevents issuing new ones in the legal case. That has led to charities being moved from one hall to another.

"They come to me and ask me for a charity. I say, 'I can't give you a charity. You've got to go out and talk to these people and convince them to move on your own. I can't ask these people to move for you, and I'm not going to ask them to move for you,'" Fielding said. "If they sign the paperwork, we'll do the work, but I'm not going to get involved with having people telling me that I'm moving your charity from Point A to Point B."

As far as how many charities are needed to run a 24-hour a day bingo hall, the minimum of 15 or so went away with the canceled March rules, Fielding said.

"Under what we've got now, one permit gives you two days and five hours a day. But if I can't enforce it, how can you stop them from running 24/6 with one permit?" Fielding said. "I've been told the only thing I can enforce are the issuing of permits."

As far as charities whose paperwork was forged or who dropped out but yet find themselves still with permits and included in the court case as defendants, Fielding said he is not in position to straighten that out.

"Until we can get the court's decision on this, I don't know how we're ever going to get anything 100 percent," he said. "I just don't think it's possible."

Fielding said to get an updated list of charities, he would have to physically visit all 300 or so charities.

"The amount of time that's going to take is not practical," Fielding said.

As an example of the bingo charity problem, Fielding pointed to the Hope Clinic. Even though the facility has declared it didn't want bingo money, he said clinic officials accepted \$25,000 on Aug. 13 as part of the commission's \$75,000 per year obligation to the clinic to pay for a nurse practitioner. That decision was made in May and took effect on June 1.

Those funds were from penalties paid by bingo halls, although in the upcoming fiscal 2009 budget starting Oct. 1, those funds will come elsewhere from the General Fund.

"There are no bingo funds earmarked for any appropriation at this time," county administrator Jill Farris said Monday.

About \$18,000 was collected by Fielding, he said, although records in the commission office show \$25,000 was paid out to Hope Clinic for June through September this year at \$6,250 a month.

Fielding said under the now-canceled

March rules that were ended nine days before the Hope Clinic check was cut, all penalty revenue from bingo would go to children's health care and drug enforcement. He said Paul Kilgore of the county NET unit "did not want to touch the money," so it all went under children's healthcare.

The penalties were assessed for how much a bingo hall can pay out per session.

"They put a rule in that if you just pay a \$2,000 fine, there will be no criminal investigation and there will be no administrative dealings," he said. "You just pay the fine and march on."

"Well, they paid the fine. One place paid that fine every month like clockwork. Several of them were supposed to pay it and they agreed to pay it, but only one of them actually cut the checks."

Asked how common it was to violate that rule, Fielding said, "There is no way you can go out there and not violate that at some point during the week."

In a related matter, Cindy Hayes approached the commission again on Monday about outside noise related to the bingo hall across the street from her residence on Filter Plant Road, as well as parking lot lights that glare into the homes.

Hayes, who now is speaking at every commission meeting, said family members can't sleep at night for the light and the noise, including radio music and car alarms. She said there may not be much that can be done, but she is outraged a bingo hall was allowed to move into a neighborhood area.

"We are living in a nightmare," she said. "There's not a night I get a full night's sleep."

Fielding said the bingo hall has been cooperative about adjusting its lighting and that more can be done on the problem, saying new problems may have been caused by the last correction.