



Sheriff raids bingo hall for operating on a Sunday

Negotiations ongoing for basic rules while court case drags on

By ED HOWELL
Eagle Senior Writer

Walker County Sheriff John Mark Tirey said Friday that his department raided an electronic bingo hall for operating on Sunday, July 13, and is negotiating with other parties to at least try to have some basic rules until the courts rule on the validity of the county's electronic bingo industry.

Tirey also said he expects the Walker County Commission and the Probate Judge's Office to be brought in as part of the electronic bingo suits now in local courts.

In a sign of how bogged down the legality and rules for electronic bingo controversy have become in the courts, Tirey delayed discussing the matter a couple of days in order to talk to his lawyer, Bill Adair. He could not be reached for comment earlier in the week, in part due to the

"They, in fact, did operate after midnight. We did close that operation that night."



**John Mark Tirey,
Walker County Sheriff**

elections.

Tirey also talked about the confusion over what rules to follow in the wake of state appointed Judge Braxton Kittrell's ruling that the Sheriff's Department should follow bingo rules from last year until a class action lawsuit is settled in

Walker County Circuit Court — a case some lawyers privately are predicting could run into next year. That effectively put a hold on new rules passed by the county commission this year.

Tirey said that on Saturday night, July 12, just prior to midnight, he received calls that one bingo hall would possibly attempt to play past midnight, which would violate rules for playing on Sunday. No other bingo halls were involved.

"We assembled a crew of deputies and investigators, and did some investigating. They, in fact, did operate some after midnight," Tirey said. "We did close that operation that night."

He said the time they were playing at that point was about 12:35 a.m. Sunday.

Tirey said in the end, no arrests or seizures were made by the department.

"We, in fact, then met with this operation and their attorneys," Tirey said. "They

See BINGO, A11 ▶

Elec

More \$23,000 obtained BOE of prima

County's cash money from

By ED HOWELL
Eagle Senior Writer

The Democratic Board of Education during the primary tributed cash, in-kind loans set aside between Financial fundraiser Probate Judge's Office the nomination to

Members rally to help

Dora to bring new business handicapped law," he said.

\$500 from the United Mine

gov \$1,000 from First National Bank.

showed walker PAC contributed in-kind advertising

were unsuccessful due to technical problems.

Bingo

From A1

now say that they will be in compliance with this and that they were not exactly sure of the exact way the rules were because of the different resolutions and some different things that have transpired.

"But our position is the constitutional amendment and every document down through all that, the intent has been for no Sunday playing. We're going to rigidly enforce that."

Asked for the name of the bingo hall, Tirey said, "I prefer not to at this time because of the potential for litigation and litigation is pending on this."

The bingo hall retained its permits and started operation again on Monday, he said.

Tirey said a series of meetings are taking place to prevent further problems. Negotiations are going on now between the parties of the suits to form basic rules to operate under until the judge rules. However, it appears the "no Sunday" rule will be included as part of that package.

"There is so much confusion and stuff that is unclear about which of the rules that we're going to operate under is the reason we're having to proceed very slowly. But that

(the rule against operating on Sunday) is something we're going to rigidly enforce," he said.

He said with the lawsuits, rulings to date and differing rules over time, there has been much confusion over what can or cannot be enforced by the sheriff's office and its bingo enforcement officer, Deputy Randy Fielding.

"We have several documents that somewhat conflict. We have a constitutional amendment that passed in this county. We have an act by the Alabama Legislature that is termed as 'enabling legislation.' Then we have an original county resolution and then we have the second resolution that the county commission attempted to pass," he said.

"I do have some clarity in that the judge said there is status quo and we're going to operate under the original resolution until such time that the court rules on this suit that has been filed. Until that time, that puts me back under the original resolution, but there is some conflict even in it and the constitutional amendment that we've got to get worked out. We'll be filing some motions with the

judge to try to get some of that clarified as we go."

Meanwhile, the Probate Judge's Office and the Walker County Commission have not been brought into the case, a combination of several lawsuits filed over the industry in recent months.

Days after the judge's initial order, the county in March passed new rules, but since then the judge ordered not to follow them but the original rules. Probate Judge Rick Allison is still collecting the commission's newly set machine licensing fee of \$1,000 each, saying he would also like to clarify the matter but has had no other directions and is not involved in the case.

The commission claimed it had the right to make the new rules as it was not part of the lawsuits and as it was within its right as a governing body. However, the Sheriff's Office maintained recently that the new rules amounted to setting up a monopoly for larger bingo halls. Sheriff officials wanted to follow the old rules and only renew previously granted bingo permits for charities until a final ruling on electronic bingo is handed down by Kittrell.

As for the commission and the probate judge's lack of involvement in the lawsuits, Tirey said, "It's my understanding they may be brought into it as a party to it (the suit) because it affects the county commission as a rule making authority that has the authority to promulgate and adopt rules.

"The reason the probate judge probably needs to be brought into it is strictly because of the business license issue. That's strictly an administrative duty of his to issue business licenses, but there are some problems in that area of which set of fees he's to collect under this. It is my understanding they will be made parties at some later date by some of the operators."

Another problem is that rules indicate that what happened the other day would not be considered a crime. All it says the sheriff can do is revoke permits, and there is due process the sheriff would have to go through.

"With this suit pending, that kind of changes the atmosphere of that a little bit also in that I wind up dealing with the judge instead of filing this stuff through the county commission and then

through the circuit courts here, because there is a process," he said.

He said there is also confusion because the county's bingo amendment says, "The county governing body shall insure compliance pursuant to any ordinance," referring to the county commission being in charge of compliance. The sheriff is a separate constitutional officer, raising questions of who has more responsibility for enforcement.

"That is a serious conflict in the original constitutional amendment," he said. "There is some conflict between that and the enabling legislation. It speaks to the part of the sheriff issuing permits to a charity and some other things, but then there are some conflict in other areas that we're trying to get resolved.

"When I get a decision from the court, I'm ready to proceed. I'll proceed full steam ahead. If we get a set of rules, I'll be ready to go with it. I have no problem with it for enforcing it. I just need a clear, concise set of rules to go by."

He said while the fees for bingo charities (which the sheriff handles) was raised

over the past year from \$50 to \$500, he is now charging only \$50 again for renewals because of the status quo order. He emphasized no new permits are being issued, only renewals, because of an injunction imposed on those until the suit is settled. All revenue from the fees is being sent to the county commission, he said.

The reason so many new bingo halls are being constructed on the east side of the county along Highway 78 is because many of the charities are leaving the smaller bingo halls and consolidating into new, larger operations, Tirey said. That had been expected in some quarters because of the increased fees in the commission's March resolution.

"We're seeing quite a bit of consolidation, and, as I see it, some of the small places are going out and the bigger ones are coming in," Tirey said.

He said the construction of the larger halls while the suit is still going on does not concern him, saying there is only a certain amount of permits because of the injunction. He said charities can currently transfer with a \$10 fee and an application.