



ABC Update April 2011

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Texas Hold 'em and Other Games of Chance in ABC Licensed Premises.

In past few years, the Commonwealth has seen a renewed interest in Texas Hold Em and similar card games. Many licensees and third-party gaming companies have contacted the Department of Alcoholic Beverage Control concerning the legality of such games. KRS 243.500(7) provides that an alcoholic beverage license may be revoked or suspended for:

Setting up, conducting, operating, or keeping on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility. This section shall not apply to contests in which eligibility to participate is determined by chance and the ultimate winner is determined by skill and the licensee has no direct interest, or to the sale of lottery tickets sold under the provisions of KRS Chapter 154A.

Gambling is defined in KRS Chapter 528.010(3)(a) as:

[S]taking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome. A contest or game in which eligibility to participate is determined by chance and the ultimate winner is determined by skill shall not be considered to be gambling.

Since card games are games with an element of chance, illegal gambling occurs whenever players wager money and the winners receive a money/prize payout. Conversely, players playing cards, like Bridge or Spades, just for fun are not gambling since no money is being wagered or won. So that licensees do not unknowingly permit illegal gambling on their premises, the Department suggests that licensees observe the following guidelines if they desire to permit Texas Hold'em or similar card games on the licensed premises:

1. The game is open to the general public and customers.
2. The players are not charged any fee, express or implied, to play. Examples of illegal fees would include buy-ins; cover charges in excess of those charged to non-playing patrons; drink or food minimums; drink prices in excess of those charged to non-paying patrons; "donations"; or, payments by players to third parties/vendors.

3. If the licensee employs a third-party to operate the game, the licensee pays all fees and costs charged by the third-party operator.

4. The players and others are not allowed to make “side bets” amongst themselves. The licensee cannot permit customers to gamble amongst themselves and should take strong action to assure that no gambling is taking place.

5. No persons present on the licensed premises are allowed to bet on the outcome of the game. This includes non-playing patrons. “Calcutta” bets on games violate KRS 243.500(7).

6. Prizes may be awarded however the full cost of the prize should be bourn by the licensee and/or its third party gaming operator. The players and patrons may not contribute any consideration towards the prize.

7. Prizes should not include any alcoholic beverages, discounts of alcoholic beverages, or gift certificates redeemable for alcoholic beverages. This would violate KRS 244.050.

Licensees should also be aware that illegal gambling can occur in many forms, not just Texas Hold'em games. One dollar (\$1.00) square boards for sporting events, fantasy sports leagues, raffles, casino games, 50/50 jackpots, etc, can be illegal gambling games when money is being paid/wagered and won. Again, the licensee is ultimately responsible to ensure that no gambling, in any form, occurs on the licensed premises.

Elections and Ordinances

On April 5, 2011, there will be a local option election held in the City of West Point located in Hardin County. The election is for Limited Restaurant sales (LR-50).

There will be a precinct election held on April 5, 2011, in Shelby County in Precinct G103-Shelbyville #3 for the GOLF license for The Shelbyville Golf and Fish Club, Inc.

There will be a precinct election held on June 21, 2011, in Henry County in Precinct #D102-N.E. New Castle for the GOLF license for the Henry County Recreational Corporation (aka Henry County Country Club).



S.T.A.R. Training Dates

Below are upcoming dates for the Server Training in Alcohol Regulations. In addition to responsible sales and service training, we cover Kentucky-specific statutes and regulations, individual liabilities and fake IDs. Class time is four hours. **Keep up with class changes and additions at www.abc.ky.gov/education.**



Class Location	City	Class Date	Class Time
Ramada Conference Center	Fayette	04/05/2011	9:00AM
Holiday Inn Express	Jefferson	04/05/2011	9:00AM
Kentucky Alcoholic Beverage Control	Franklin	04/11/2011	5:00PM
Cigar Factory Mall	Daviess	04/11/2011	5:00PM
Cave City Convention Center	Barren	04/12/2011	9:00AM
Ramada Conference Center	Fayette	04/16/2011	9:00AM
City Hall	McCracken	04/18/2011	9:00AM
Inter-County Energy Co-Op	Boyle	04/18/2011	9:00Am
Jefferson County Co-Op Extension Office	Jefferson	04/19/2011	6:00PM
Central Kentucky Job Center	Fayette	04/26/2011	5:00PM
Ramada Conference Center	Fayette	05/03/2011	9:00AM
Holiday Inn Express	Jefferson	05/03/2011	9:00AM
Kentucky Alcoholic Beverage Control	Franklin	05/09/2011	9:00AM
Cigar Factory Mall	Daviess	05/09/2011	9:00AM
Firehouse	Boyd	05/10/2011	9:00AM
Houchen's Industries, Inc	Warren	05/16/2011	9:00AM
Kentucky River ADD/Perry Park	Perry	05/16/2011	9:00AM
Pritchard Community Center	Hardin	05/17/2011	9:00AM
Ramada Conference Center	Fayette	05/21/2011	9:00AM
Jefferson County Co-Op Extension Office	Jefferson	05/23/2011	6:00PM
Florence Government Center	Boone	05/24/2011	9:00AM
Central Kentucky Job Center	Fayette	05/24/2011	5:00PM
Ramada Conference Center	Fayette	06/07/2011	9:00AM
Holiday Inn Express	Jefferson	06/07/2011	9:00AM
Kentucky Alcoholic Beverage Control	Franklin	06/13/2011	5:00PM
Cigar Factory Mall	Daviess	06/13/2011	5:00PM
Health and Civic Center	Montgomery	06/14/2011	9:00AM
Ramada Conference Center	Fayette	06/18/2011	9:00AM
Hopkinsville/Christian County Public	Christian	06/20/2011	9:00AM
Jefferson County Co-Op Extension Office	Jefferson	06/21/2011	6:00PM
Curriss Center	Calloway	06/26/2011	12:30PM
Jenny Wiley SRP	Floyd	06/27/2011	9:00AM
Central Kentucky Job Center	Fayette	06/28/2011	5:00PM
2010-2011 Holding Class	Franklin	06/30/2011	9:00AM