

## The State of South Carolina



## Office of the Attorney General

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October 26, 1994

The Honorable Scott H. Richardson  
Member, House of Representatives  
52 North Calibogue Cay  
Hilton Head Island, South Carolina 29928

Dear Representative Richardson:

Attorney General Medlock has referred to me your letter of October 11, 1994 for reply.

You inquired about a business, Monte Carlo Productions, which would like to offer clients the opportunity to stage a casino theme party. Guests would play typical casino games, but would not pay any fee; in fact, you stated none of the guests would pay any money to participate in the games. The cost of paying Monte Carlo Productions to produce the party would be borne by the organization sponsoring the conference, which I would assume could include a hotel or civic club.

Enclosed please find previous Opinions issued by this office regarding "casino nights," dated September 26, 1980 and April 13, 1984. These events violate South Carolina Statutes relating to gambling.

For something to be in violation of the statutes, it must possess the following three elements: (1) the offering of a prize, (2) by a method involving chance, and (3) for consideration paid by the participants for the opportunity to win the prize. In your example you state that the participants, the guests invited to attend the particular function, would pay no money personally, (and, I assume, indirectly) to the sponsoring organization, for

*Request Letter*

The Honorable Scott H. Richardson

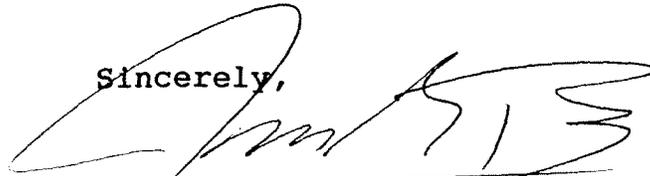
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their presence and the right to participate in the games. If that is truly the case, then one of the three elements of a lottery would be missing, and the "casino night" would not be in violation of the statutes, as construed by the two enclosed letters. If, on the other hand, the people invited to the event part with any money whatsoever, either by cover charge, donation to the charity, admission fee, ticket, or similar method, however disguised, in order to get in the door to play the games, then they would be parting with consideration and a lottery would exist.

Should you have questions or desire further information, please advise.

Sincerely,

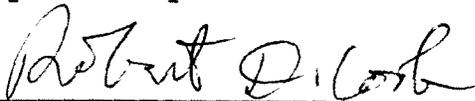


James G. Bogle, Jr.  
Assistant Attorney General

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Enclosures

Approved by:



Robert D. Cook  
Executive Assistant for Opinions