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BAR GAMES

[Topeka Capital-Journal, The, Dec 28, 2005](#) by [Ric Anderson Capital-Journal](#)

A shot in the dark

A.G. deems electronic devices illegal when cash or prizes go to the winners

As state law enforcement officers conducted a raid Dec. 16 on six Topeka bars to seize machines they claimed were being used for illegal gambling, patrons at Terry's Bar & Grill could legally play draw poker on a tabletop video game.

So what was the difference?

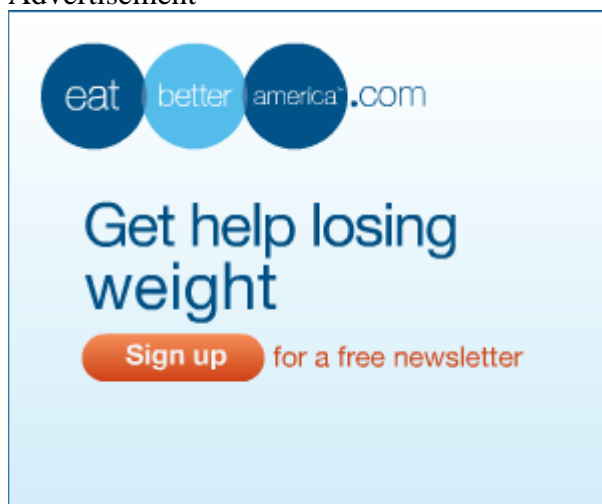
Whitney Watson, spokesman for Attorney General Phill Kline, said laws on illicit gambling make the issue as clear as a diamond in a handful of clubs.

"If you're paying money for a chance to win money," he said, "that's illegal."

Watson said machines confiscated during the Dec. 16 raid took in coins and paper money and spit out receipts that players could exchange for cash or prizes. Tabletop games like those at Terry's, 522 S.W. 6th, don't pay out.

"You can play any game, but where it crosses the line of legality is if you are being paid something," Watson said.

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But Joletta Hazzard, who owns one of the bars targeted in the raid, said the issue is anything but black and white. Hazzard acknowledged having two games resembling slot machines in her bar, Joletta's, 600 N.W. Paramore, but said it had been her understanding that the games were legal as long as no cash prizes were offered. Hazzard said she offered T-shirts, sports memorabilia and other prizes instead of cash --- a system she modeled on an arcade.

"It's no different than Chuck E Cheese's, where you pay to play games and get tickets that you exchange for prizes," she said.

After the raid, she said, she was told that arcade games, such as skee ball, were legal because they are considered games of skill, as opposed to games of chance, such as slot machines. But she argues that she didn't intend to violate the law.

Machines also were taken at Back Door, 610 S.W. Wayne; Miami Tavern, 3026 N.E. Seward; Scoreboard, 2107 S.E. California Ave.; Scottie's, 901 S.W. Fairlawn; and Stingers, 2335 N.W. Clay. Authorities said 24 machines were confiscated.

At Terry's, 522 S.W. 6th, patrons also can pay to play numerous games, ranging from trivia contests to puzzles to poker. But the games are legal because bar owner Terry Walker doesn't offer cash or prizes based on scores from the machines.

Walker, who has owned Terry's for 30 years, said he has been especially wary about gaming devices since seeing a crackdown several years ago on video poker machines at other Topeka establishments. He said patrons recently encouraged him to install machines similar to the blackjack games that were targeted by Kline's office, but he declined.

"I told them, 'I don't know if I want that activity going on,' " he said.

Terry's wasn't targeted in the raid.

Watson said bar owners who operate illegal gambling machines can be charged with permitting their premises to be used for commercial gambling and possession of a gambling machine, both class B misdemeanors. Anyone caught playing an illegal device could be charged with gambling, also a class B misdemeanor.

Brad Klopfenstein, executive director of the Indiana Licensed Beverage Association, said the organization conducted a study on illegal gaming devices and found that one machine could yield as much as \$100,000 in profits per year. Average revenue was \$65,000 per machine, he said.

ILBA has estimated there were at least 15,000 illegal machines in Indiana, not only in bars but also in truck stops, convenience stores and even bait shops, Klopfenstein said. He said the machines also are common in other states.

"They're all over," he said. "It doesn't matter what state you're in. Even in Kansas, go to a truck stop and look around, you're going to find one --- unless you have a very zealous local prosecutor."

ILBA, a trade organization for businesses licensed to sell alcoholic beverages, is working to introduce a proposal to the Indiana Legislature next year to legalize gaming devices in bars. The organization estimates that the state could reap \$300 million in revenue by regulating and taxing gambling machines in bars.

The Topeka raid was part of a statewide campaign by Kline's office to stamp out illicit gambling, Watson said. A similar raid early this year in Russell resulted in a conviction against William Roe Post No. 99 of the American Legion on two gambling-related misdemeanors. The post was fined \$1,000, according to Russell County District Court records.

Watson said the statewide campaign is continuing.

"I know there's still some (investigations) in the works," he said.

Ric Anderson can be reached at (785) 295-1282 or ric.anderson@cjonline.com.

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Games: Legion post was assessed \$1,000 fine

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