

## One problem: It's not legal

Here are some questions to ponder while preparing for your NCAA Tournament office pool:

- How many No. 1 seeds will make the Final Four?
- Will Wichita State put on Cinderella's slipper and make a run to the Sweet 16?
- Is this thing legal?

Before considering the first two questions, people who participate in office pools may want to consider the third.

John Fougere, press secretary for the Missouri Attorney General's Office, said there are no state statutes that specifically mention

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# Illegal: But who complains

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NCAA Tournament pools.

However, Cole County Prosecutor Bill Tackett believes paying to enter a pool in hopes of winning money or prizes is gambling, which is a misdemeanor crime in Missouri.

According to Tackett, gambling is legally defined as: "The staking or risking of something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of a person doing the staking or risking, upon an agreement or understanding that a person will receive something of value in the event of a certain outcome."

Kevin Mullally, executive director of the State Gaming Commission, agrees with Tackett.

"We believe the criminal gambling statute is clear and that, if there's a prize of some kind ... and you pay to enter, and it's a gambling game like sports wagering, that it is illegal," Mullally said.

Mullally noted his department sends a memo to employees each year reminding them they could lose their jobs for participating in an office pool.

He then said contests that offer prizes but don't require an entry fee aren't considered gambling.

According to a recent Associated Press article, an estimated \$2.5 billion is reportedly bet on the NCAA tournament, with only \$80 million bet legally in Nevada sports books.

In the years he's worked in the prosecutor's office, Tackett said people have been charged for gambling, but he can't remember anyone being charged for participating in an office pool.

"Law enforcement has to submit a warrant application to even consider the issue of prosecution," he added.

Cole County Sheriff Greg White said it would be difficult for a law enforcement agency to investigate an office pool, unless someone formally complained. Of the thousands of calls received by the sheriff's department this year, White said, none have dealt with gambling issues.

"Part of what prosecutors look at in a charging decision is a community standard," Tackett said. "If such an occasion arose, we would see how badly the community wants us to pursue 'Bracketology.'"