

## **NYCRR Title 9, Executive**

### **Subtitle T**

#### **New York State [Racing and Wagering Board] Gaming Commission**

##### **Chapter [IV] II**

##### **[Games of Chance] Division of Charitable Gaming**

##### **Subchapter A**

##### **Games of Chance General Provisions, Identification and Licensing**

*9 NYCRR part 5600 is relocated, as amended, as part 4600 of Subchapter A of Chapter II:*

#### **PART [5]4600**

#### **Definitions, Delegation of Authority and Power to Supersede or Suspend Rules**

##### **§ § [5]4600.1. Definition of terms and general provisions.**

(a) *Municipality* [shall mean] means any city, town or village within this State.

(b) [*Board* shall mean] Commission means New York State [Racing and Wagering Board] Gaming Commission.

(c) *Games of chance* [shall mean] means and [include] includes only the games known as "merchandise wheels," "raffles," "bell jars," "coin boards," "merchandise boards," "seal cards" and such other specific games as may be authorized by the [board] commission, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo" or "lotto" and also not including "slot machines," "bookmaking," "policy or numbers games" and "lottery," as defined in section 225.00 of the Penal Law. Only games of chance designated by the [board] commission may be conducted. No game of chance shall involve wagering of money by one player against another player.

(d) *Authorized organization* [shall mean] means and [include] includes any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, [which] that by its charter, certificate of incorporation, constitution, or act of the Legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this Chapter, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this Chapter for a period of three years immediately prior to applying for a license under this Chapter. No organization shall be deemed an authorized organization [which] that is formed primarily for the purpose of conducting games of chance and [which] that does not devote at least 75 percent of its activities to other than

conducting games of chance. No political party nor civic organization shall be deemed an authorized organization.

(e) *Lawful purposes* [shall mean] means one or more of the following causes, deeds or activities:

(1) Those [which shall] that benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.

(2) Those [which shall] that initiate, perform or foster worthy public works or [shall] enable or further the erection or maintenance of public structures.

(3) Those [which shall] that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and [shall] enable or further the erection or maintenance of facilities for use by such veterans [which] that shall be used primarily for charitable or patriotic purposes or those purposes [which shall be] that are authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the [board] commission.

(4) Those [which shall] that otherwise lessen the burdens borne by government or [which] that are voluntarily undertaken by an authorized organization to augment or supplement services [which] that government would normally render to the people.

(f) *Net proceeds* [shall mean] means:

(1) in relation to the gross receipts from one or more license periods of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment, prizes, security personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the [board] commission, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the clerk or department; and

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(g) *Net lease* [shall mean] means a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any authorized games of chance lessor for which the lessee pays rent to the lessor.

(h) *Authorized games of chance lessor* [shall mean] means an authorized organization [which] that has been granted a lessor's license pursuant to the provisions of this Chapter or a municipality.

(i) *Single prize* [shall mean] means the sum of money or actual value of merchandise awarded to a participant by a games of chance licensee in any one operation of a single type of game of chance in excess of his wager.

(j) *Series of prizes* [shall mean] means the total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels and raffles, series of prizes [shall mean] means the sum of the fair market value of merchandise awarded as single prizes during the successive operations of any single merchandise wheel or raffle. In the game of raffle, a series of prizes may include a percentage of the sum of cash received from the sale of raffle tickets.

(k) *Single type of game* [shall mean] means the game of chance known as "merchandise wheels" and each other specific game of chance authorized by the [board] commission regardless of the number of merchandise wheels and locations at which such other single type of game of chance may be conducted.

(l) *Operation* [shall mean] means the play of a single type of game of chance necessary to determine the outcome or winners each time wagers are made.

(m) *One occasion* [shall mean] means the successive operations of any one single type of game of chance [which] that results in the awarding of a series of prizes amounting to \$500 or \$400 during any one license period, in accordance with the provisions of subdivision 8 of section 189 of the General Municipal Law, as the case may be. For purposes of the game of chance known as "merchandise wheels," or "raffles," one occasion shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision 6 of section 189 of the General Municipal Law shall apply. For purposes of the games of chance known as a bell jar, coin boards, merchandise boards and seal cards, one occasion shall mean the successive operation of any one such bell jar, coin board, merchandise board and seal card, deal [which] that results in the awarding of a series of prizes not to exceed \$3,000. For the purposes of the game of chance known as "raffles["], one occasion shall mean a calendar year during which successive operations of such game are conducted.

(n) *License period* [shall mean] means a period of time, not to exceed 14 consecutive hours, during which authorized games of chance commence and terminate, except that the license period for bell jar and raffles shall commence January 1[st] and terminate December 31[st] of such year.

(o) *Authorized supplier of games of chance equipment* [shall mean] means any person, firm, partnership, corporation or organization licensed by the [board] commission to sell or lease games of chance equipment or paraphernalia [which] that meets the specifications and regulations established by the [board] commission. Nothing in this Chapter shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia, constructed or owned by an authorized organization [which] that has previously obtained an identification number, shall

be sold or leased to any licensed authorized organization without written permission from the [board] commission.

(p) *Clerk* [shall mean] means the clerk of a municipality outside the City of New York.

(q) *Officer* [shall mean] means the chief law enforcement officer of a municipality outside the City of New York or, if such municipality exercises the option set forth in subdivision 2 of section 194 of the General Municipal Law, the chief law enforcement officer of the county.

(r) *Department* [shall mean] means the New York City Department of Consumer Affairs.

(s) *Premises* [shall mean] means a designated area within a building, hall, tent or grounds reasonably identified for the conduct of games of chance. Nothing in this Subchapter shall require such area to be enclosed.

(t) *Games of chance currency* [shall mean] means legal tender or chip authorized by the [board] commission, either of which may be used at the discretion of the games of chance licensee.

(u) *Bell jars*, which include coin boards, merchandise boards and seal cards, [shall mean] mean and include those games in which a participant shall draw a card from a jar or other suitable container or from a [board]commission-approved vending machine[, which] that contains numbers, colors or symbols that are covered and [which] that, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. *Coin board* and *merchandise board* [shall] mean a board used in conjunction with bell jar tickets bearing the same serial number[, which] that contains and displays various coins and/or merchandise prizes [which] that are awarded to players whose bell jar ticket number matches the pre-designated number reflected on the board for a specific prize. *Seal card* [shall mean] means a board or placard used in conjunction with a deal of bell jar tickets bearing the same serial number[, which] that contains one or more concealed areas that, once uncovered, reveal a pre-designated winning number, letter or symbol.

(v) *Raffles* [shall mean] mean and include those games in which a participant pays money in return for a ticket or other receipt and in which a prize is awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols designated on the ticket or receipt, determined by chance as a result of a drawing from among those tickets or receipts previously sold.

#### § [5]4600.2. Delegation of authority.

(a) Notification to [board] commission. Where the governing body of a municipality delegates to an officer or officers the responsibility and authority granted to [it] such governing body pursuant to the Games of Chance Licensing Law, [the] such governing body shall give to the [board] commission notice of the following on form GC-110, as prescribed by the commission [which is hereby adopted]: the name or names of officer or officers and their successor and successors, the effective date of the appointment or appointments, the duration of the appointment or appointments, immediate notice if the designation or designations are revoked or

modified, the nature of the responsibility and authority delegated in detail and any subsequent modification or revocation of such responsibility and authority, and such other information as may be required by the [board] commission.

(b) Time for filing. Notice of such delegation of responsibility and authority, modifications or revocations thereof, must be filed with the [board] commission within three days after the date of such delegation.

**§ [5]4600.3. Power to supersede or suspend operation of rules.**

The [board] commission may, by written order or directive, supersede or suspend the operation of any of [its] the commission's rules or regulations when in [its] the judgment of the commission such action is necessary to insure the public interest, convenience or necessity or the best interest of the conduct of games of chance.

**PART [5]4601**

**Registration and Identification Number**

**§ [5]4601.1. Application requirements.**

(a) Every authorized organization desiring to apply for a license to conduct or desiring to assist in conducting games of chance shall register with the [board] commission and secure an identification number before making any such application or assisting in the conduct of games of chance. An application for an identification number shall be made on a form, as prescribed by the [board] commission. Any organization [which] that possesses an identification number but has not been licensed to conduct games of chance for a period of one year must file with the [board] commission a new form prior to making application for a games of chance license.

(b) This application for registration and identification number must be signed as follows: if a religious organization, by the priest or pastor, or the president or chairman of the board of directors of the congregation if a synagogue or temple; if a charitable organization, by the president; if an organization of veterans, by the commander; if an organization of volunteer firemen, by the president. The legally responsible principal official of the applicant organization shall sign in his or her representative capacity.

(c) Notwithstanding the registration requirements set forth in this Part, an authorized organization may conduct a raffle without complying with such registration requirements, provided, that such organization shall derive net proceeds from raffles in an amount less than \$5,000 during the conduct of one raffle and shall derive net proceeds from raffles in an amount less than \$20,000 during one calendar year. Such organization must first determine that [it] such organization is in fact an “authorized organization” in order to qualify for such an exemption. For the purposes of this subdivision, *authorized organization* [shall mean] means and [include] includes any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters[, which] that by its charter, certificate of incorporation, constitution, or act of the Legislature, shall have

among its dominant purposes one or more of the lawful purposes as defined in this chapter for a period of three years immediately prior to being granted the registration requirement exemption. No organization shall be deemed an authorized organization [which] that is formed primarily for the purpose of conducting games of chance and [which] that does not devote at least [70] 75 percent of its activities to other than conducting games of chance. No political party shall be deemed an authorized organization.

**§ [5]4601.2. Validity of identification number.**

The identification number shall be valid until suspended, revoked or surrendered. The [board] commission may suspend the identification number of any registered organization [which] that has not been licensed to conduct games of chance during 12 consecutive months and, should such suspension be imposed, the organization concerned shall request reinstatement prior to making application for a games of chance license.

**§ [5]4601.3. Form for registration.**

After the furnishing of the required information and approval by the [board] commission, registration shall be upon a form prescribed by the [board] commission.

**§ [5]4601.4. Registration as evidence of eligibility.**

A municipality shall make its own investigation and determination of an applicant organization's eligibility for a license to conduct games of chance as required by the Games of Chance Licensing Law, notwithstanding the issuance of an identification number by the [board] commission.

**§ [5]4601.5. Use of identification number.**

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**§ [5]4601.6. Membership lists.**

Every authorized organization must maintain a current membership list which shall be available for inspection at all reasonable times. The [board] commission and the municipal governing body may require any organization registered with it to file such a membership list indicating thereon the current officers and directors and file supplementary lists of additions and deletions in order to keep the master list up to date.

**PART [5]4602**

**Licenses to Conduct Games of Chance: Applications**

**§ [5]4602.1. Form for application.**

(a) An application for a license to conduct games of chance shall be made on forms GC-2, GC-2A and GC2B, as prescribed by the [board] commission. Notwithstanding, and in lieu of the

licensing requirements set forth in this Part, an authorized organization defined in subdivision 4 of section 186 of the General Municipal Law that has received an identification number from the [board] commission, shall file a verified statement, for which no fee shall be required, with the clerk or department and the [board] commission attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than \$30,000 during one occasion or part thereof at which raffles are to be conducted. Such statement shall be on form GCVS-1 Verified Statement for Raffle Ticket Operations as prescribed by the [board] commission, which shall be deemed a license to conduct raffles. An organization that has filed a verified statement with the clerk or department and the [board] commission attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than \$30,000 during one occasion or part thereof that in fact derives net proceeds or net profits exceeding \$30,000 during any one occasion or part thereof shall be required to obtain a license as required by this Part and shall be subject to the reporting requirements of section [5]4624.3 of this Sub[Title]chapter.

(b) Notwithstanding the licensing requirements set forth in this Part, an authorized organization that has met the self-determination requirements of subdivision (c) of section [5]4601.1[(c)] of this [Title] Subchapter may conduct a raffle without complying with such licensing requirements, provided that such organization shall derive net proceeds from raffles in an amount less than \$5,000 during the conduct of one raffle and shall derive net proceeds from raffles in an amount less than \$20,000 during one calendar year.

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**§ [5]4602.2. Premises to be used for conduct of games of chance.**

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**§ [5]4602.3. Where application is filed.**

A license application shall be filed in triplicate with the clerk of the municipality. One copy shall be retained by the clerk of the municipality, a copy shall be delivered forthwith to the local law enforcement agency and one copy shall be forwarded to the [board] commission by the clerk of the municipality.

**§ [5]4602.4. Conditions for accepting application.**

No application shall be accepted unless it bears the identification number assigned by the [board] commission, is executed and verified and is accompanied by the license fee of \$25 for each scheduled games of chance license period.

**§ [5]4602.5. License register.**

The clerk of the municipality shall keep a license register on form GC-8, as prescribed by the commission [which is hereby adopted].

**§ [5]4602.6. Reinstatement of license.**

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**§ [5]4602.7. Refund of license fee.**

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[(c) This section shall apply to all refunds arising from applications filed or license fees issued on and after September 30, 1984.]

**§ [5]4602.8. Cancelled license periods.**

If a games of chance license period is cancelled by the licensee due to an unforeseen occurrence or extreme weather condition, the municipality [which] that issued the license may, in its discretion, and if notified on the next business day following the scheduled license period, permit said licensee to reschedule the cancelled license period within a reasonable time without payment of an additional fee. The rescheduled date shall be endorsed on the license and the clerk of the municipality shall immediately notify the [board] commission thereof.

**§ [5]4602.9. Members listed on application for license.**

No person shall be permitted to manage or operate games of [change] chance unless such person is a bona fide member of the licensee, auxiliary or affiliate of the licensee and is listed by name and address on the application for a license that is approved by the municipality.

**PART [5]4603**

**Licenses to Conduct Games of Chance: Issuance**

**§ [5]4603.1. Approval by municipality.**

Upon investigation by the municipal governing body and approval of a license application or an amendment of a license, the duly authorized officer of the municipality shall record the findings and determination in duplicate form GC-4, "Findings and Determination for Games of Chance License," [which is hereby adopted] as prescribed by the [board] commission.

**§ [5]4603.2. Period within which to make findings and determination.**

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**§ [5]4603.3. Issuance by clerk.**

A copy of the findings and determination of the municipal governing body shall be sent to the clerk of the municipality, who shall issue the license if the application is approved. If the application is not approved, the clerk of the municipality shall give due notice to the applicant, in

writing, of a hearing to be held upon the qualifications of the applicant and the merits of the application. A copy of such notice shall be furnished the [board] commission.

**§ [5]4603.4. Time when copies must be received by [board] commission.**

One copy of the findings and determination for games of chance license, together with a copy of the application, must be received by the [board] commission at least five days prior to the holding of the first game authorized.

**§ [5]4603.5. License form.**

The clerk of the municipality shall issue a license on form GC-5, [which is hereby adopted] as promulgated by the [board] commission.

**§ [5]4603.6. Distribution of copies by clerk.**

The clerk of the municipality shall prepare the license in quadruplicate, issue the original to the licensee, retain a copy, forward a copy to the local law enforcement agency and forward a copy to the [board] commission at least five days prior to the holding of the first game authorized.

**§ [5]4603.7. Frequency and time of license periods.**

No authorized organization shall be licensed to conduct games of chance more than 12 times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than 24 license periods during any one calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and 2 a.m. Saturday, and only between the hours of noon on Saturday and 2 a.m. Sunday. The 2 a.m. closing period shall also apply to a license period beginning at noon on the day preceding and terminating upon a legal holiday. The restrictions set forth in this section shall not apply when the games of bell jar and raffles are conducted. License periods for the games "bell jar," "coin board," "merchandise board," "seal card" and "raffle" shall commence on January [1<sup>st</sup>] 1 and extend through December [31<sup>st</sup>] 31 of each year.

**§ [5]4603.8. Sunday, conduct of games on.**

Except as provided in the Games of Chance Licensing Law, no games of chance shall be commenced under any license issued under this Chapter on [the first day of the week, commonly known and designated as] Sunday, unless it shall be otherwise provided in the license issued for the conducting thereof, pursuant to the provisions of a local law or an ordinance duly adopted by the governing body of the municipality wherein the license is issued, authorizing the conduct of games of chance under this Chapter on that day between the hours of noon and midnight only, except if the following day is a legal holiday. Notwithstanding the foregoing provisions of this section, no games of chance shall be conducted on Easter Sunday or Christmas Day.

**§ [5]4603.9. Effective date of license.**

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**§ [5]4603.10. Joint licenses.**

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**§ [5]4603.11. Jurisdiction of license.**

(a) The municipal governing body shall, prior to the issuance of any license, make a finding that the applicant organization is domiciled within the territorial limits of the municipality and shall not issue a license to an organization domiciled beyond such territorial limits. A municipal governing body may, upon a finding that an applicant organization is domiciled beyond the territorial limits of such municipality, issue a license to such applicant organization only in cases where:

(1) the governing body of the municipality in which the applicant organization is seeking licensure and the [board] commission determine that, due to some condition of hardship or necessity, the conduct of games of chance in the municipality in which the applicant organization is seeking licensure is warranted;

(2) the municipality in which the applicant authorized organization is seeking licensure submits to the [board] commission a Letter of Consent expressing [its] such municipality's willingness to license the applicant authorized organization;

(3) the premises for which the authorized organization is seeking its license to conduct games of chance is within the territorial limits of the municipality wherein licensure is being sought and such premises is that of an authorized organization or an authorized games of chance lessor; and

(4) the [board] commission has issued the applicant authorized organization a games of chance identification number bearing the municipal code of the licensing municipality.

**§ [5]4603.12. Limit on licenses issued.**

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**§ [5]4603.13. Display of license.**

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## **PART [5]4604**

### **Games of Chance License: Amendment**

#### **§ [5]4604.1. Application to amend.**

An application to amend a license shall be made to the municipal governing body on form GC-6 "Application to Amend Games of Chance License", as prescribed by the commission [which is hereby adopted by the board].

#### **§ [5]4604.2. When amendment is allowed.**

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#### **§ [5]4604.3. How application is processed.**

The application to amend a license, together with appropriate schedules, shall be filed in triplicate and processed in the same manner as provided in this [Chapter] subtitle for original applications.

#### **§ [5]4604.4. Procedure when application is approved.**

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## **PART [5]4605**

### **Use of Net Proceeds, Reports, Transportation**

#### **§ [5]4605.1. Use of net proceeds.**

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#### **§ [5]4605.2. Report of net profits.**

The license of any organization, licensed to conduct games of chance, [which] that does not report net profits during any one-year period or as otherwise required may be denied, suspended or revoked.

#### **§ [5]4605.3. Transportation of patrons.**

No licensee shall provide, by contract or otherwise, for transportation of patrons to or from the place where any game of chance is conducted, unless prior written authorization is obtained from the clerk or department. The application for this authorization must be in writing and must establish, to the satisfaction of the clerk or department, that the licensee has good cause for such request. Any authorization granted by the clerk or department may be suspended or revoked by the clerk or department if it determines that there is no further need for this transportation, or that the licensee has violated any of the provisions of the Games of Chance Licensing Law or this

Chapter, or that, in the opinion of the clerk or department, the transportation of patrons to and from games of chance events should no longer be authorized. A copy of the authorization for bus transportation, when issued, must be filed with the [board] commission by the clerk or department. Where bus transportation has been suspended or revoked, a copy of the suspension or revocation and the findings relating to such suspension or revocation, when issued, shall be filed with the [board] commission by the clerk or department.

## **PART [5]4606**

### **Authorized Games Of Chance Lessor: Application And Licensing**

#### **§ [5]4606.1. Form for application.**

Application for a license as an authorized games of chance lessor shall be made on form GC-101, as prescribed by the [board] commission. The original application with supporting material as set forth in this Part shall be filed with the licensing authority of the municipality where the premises are located, and one copy with supporting material with the [board] commission.

#### **§ [5]4606.2. Games of chance rental statement.**

Each application shall be accompanied by a games of chance rental statement on form GC-102, as prescribed by the commission [which is hereby adopted].

#### **§ [5]4606.3. Requisites for license.**

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#### **§ [5]4606.4. Issuance by clerk.**

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#### **§ [5]4606.5. Disapproval procedure.**

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#### **§ [5]4606.6. Notification of [board] commission.**

The licensing authority of the municipality where the premises are located shall notify the [board] commission of [its] the final determination respecting each license application received.

#### **§ [5]4606.7. Grounds for revocation or suspension.**

Any license issued to an authorized games of chance lessor, pursuant to the Games of Chance Licensing Law, may be revoked or suspended for such period of time as the licensing authority or the [board] commission deems to be in the public interest for any of the following acts or omissions on the part of the lessor, its agents or employees, or any person required by the Games

of Chance Licensing Law or this Chapter to sign or be identified in an original application for a license:

(a) any cause [which] that would have permitted or required disqualification of the lessor from receiving a license upon original application;

(b) fraud, deceit or misrepresentation in securing the license or in the conduct of the lessor's activities or in connection with any application submitted to, or any inquiry, hearing or proceeding conducted by, the licensing authority or the [board] commission;

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(d) failure to keep said books and records available during business hours for inspection by the licensing authority or by the [board] commission and their duly designated representatives; or

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**§ [5]4606.8. Time during which license is effective.**

A license as an authorized games of chance lessor shall be valid for a period not exceeding one year or until revoked or suspended by the licensing authority or by the [board] commission.

**§ [5]4606.9. Limitation upon applicant for games of chance lessor license.**

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**§ [5]4606.10. License form.**

Licenses for authorized games of chance lessors shall be issued on form GC-109, as prescribed by the commission [which is hereby adopted].

**§ [5]4606.11. Interest in another games of chance premises prohibited.**

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**§ [5]4606.12. Limitation on premises that may be made available for rent.**

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**§ [5]4606.13. Limitation on licenses issued.**

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**§ [5]4606.14. Identification number required.**

Every authorized organization desiring to apply for a license as a games of chance lessor shall have previously filed an application for an identification number on form 1A Application for

Registration and Identification Number, as prescribed by the [board] commission, and secured an identification number from the [board] commission. The provisions of this section do not require an authorized organization[, which] that has received an identification number to conduct games of chance from the [board,] commission to obtain another identification number to become an authorized games of chance lessor.

**§ [5]4606.15. Display of license.**

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**PART [5]4607**

**Games of Chance Supplier: Application and Licensing**

**§ [5]4607.1. License required.**

No person, firm, partnership, organization, association, joint venture, corporation or other business entity shall sell or distribute games of chance supplies, devices or equipment to any authorized organization licensed to conduct games of chance, or a licensed authorized games of chance lessor, without having first obtained a license therefor as provided in the Games of Chance Licensing Law and this Chapter.

**§ [5]4607.2. Form for application.**

Application for a license as a games of chance supplier shall be made on form GC-106, as prescribed by the [board] commission. The application with supporting material as set forth in this Part shall be filed in duplicate with the [board] commission.

**§ [5]4607.3. Individual and business entity statement.**

Where the applicant is an individual, the application shall be accompanied by an individual statement on form GC-103; where the applicant is a firm, partnership, organization, association, joint venture or any business entity other than a corporation, it shall be accompanied by a business entity statement on form GC-104. Each person named in form GC-104 shall file an individual statement on form GC-103. For corporations, see section [5]4607.4 of this Part.

**§ [5]4607.4. Corporation statement.**

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**§ [5]4607.5. List of employees, agents or representatives.**

The application shall be accompanied by a statement on form GC-108, as prescribed by the commission [which is hereby adopted], containing a list of all employees, agents or representatives of the applicant.

**§ [5]4607.6. Requisites for license.**

No license as a games of chance supplier shall be granted:

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(b) unless the [board] commission shall determine that the applicant satisfies the requirements for a games of chance supplier as set forth in the Games of Chance Licensing Law and this Chapter.

**§ [5]4607.7. Hearings.**

The [board] commission may hold hearings or inquiries at which the applicant, and its employees and, if the applicant is a corporation, its officers, directors and stockholders, may be required to appear and testify under oath respecting the contents of the application.

**§ [5]4607.8. Issuance by [board] commission.**

(a) When the [board] commission has determined that the applicant possesses the requisite qualifications to receive a license, it shall issue a license as a games of chance supplier upon payment by the applicant of a license fee.

(b) The fee for such license shall be a sum equal to \$25 plus an amount equal to two per centum of the gross sales or rentals, if any, of games of chance equipment or supplies to licensed authorized games of chance organizations and licensed authorized games of chance lessors by the applicant during the license year, or fiscal year, whichever is specified by the [board] commission.

**§ [5]4607.9. When fees shall be payable.**

The licensing fee shall be payable to the [board] commission upon application for license. [For the year 1977 the fees shall be payable quarterly on the 15th day of the month following the close of a calendar quarter and shall be based on the actual gross sales during that quarter.]

**§ [5]4607.10. Ineligibility for a license.**

The following shall be ineligible for a games of chance supplier's license:

(a) a person convicted of a crime who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities[, all to be in conformity with chapter 877, Laws of 1976];

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(e) a firm, partnership, organization, association, joint venture or corporation in which a person defined in subdivision (a), (b), (c) or (d) of this section has greater than a 10[-]percent proprietary, equitable or credit interest, or in which such a person is active or employed.

**§ [5]4607.11. Disapproval procedure.**

If the application is not approved, the [board] commission shall give due notice in writing to the applicant, who may, within 10 days of receipt thereof, request a hearing to be held upon the qualifications of the applicant and the merits of the application. At the hearing the burden of proof shall be on the applicant to establish eligibility for a license.

**§ [5]4607.12. Grounds for revocation or suspension.**

Any license as a games of chance supplier issued pursuant to the Games of Chance Licensing Law may be revoked or suspended for such period as the board deems in the public interest for any of the following acts or omissions on the part of the licensee, its agents or employees, or any person required by the Games of Chance Licensing Law or this Chapter to sign or be identified in an original application for a license:

(a) any cause [which] that would have permitted or required disqualification of the licensee from receiving a license upon an original application;

(b) fraud, deceit or misrepresentation in securing the license or in the conduct of the licensee's activities or in connection with any application submitted to, or any inquiry, hearing or proceeding conducted by, the [board] commission;

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(c) failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of [his or its] such licensee's activities as a licensed games of chance supplier;

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**§ [5]4607.13. Persons prohibited from participating in the conduct of games of chance.**

No person who is directly or indirectly connected with the manufacture, sale or distribution of games of chance equipment or supplies, or [his] such person's agents[, servants] or employees, shall conduct, participate, advise or assist in the conduct of games of chance, or render any service to anyone conducting, participating or assisting in the conduct of games of chance, or prepare any form pertaining to games of chance. This shall not be construed so as to prohibit a licensed manufacturer or supplier from selling, offering for sale, or explaining a product to a licensed authorized organization or installing or servicing games of chance equipment upon the premises of a licensed authorized organization.

**§ [5]4607.14. Games of chance supplier to notify board of all changes in structure.**

An applicant for a license as a games of chance supplier shall, during the pendency of the application, notify the [board] commission immediately of any change respecting any facts set forth in the application. If any such change occurs after the issuance of the license applied for,

the change must be reported to the [board] commission within 10 days of the date of the change. Furthermore, every licensed games of chance supplier shall notify the [board] commission of any change in its organization, structure, mode of operation, or of any change in the identity of persons named or required to be named in the application, or of the nature or extent of their interest, or of any other change respecting any facts set forth in the application, within 10 days of the date of such change. Failure to give the notice provided by this section shall constitute sufficient cause for denial of a pending license or suspension or revocation of a license [which] that has been granted.

**§ [5]4607.15. Maintenance of books and records.**

All licensed games of chance, manufacturers and suppliers shall maintain their books and records in such manner as to enable the [board] commission to determine the gross sales and rentals of games of chance equipment, devices and supplies to licensed suppliers and authorized organizations duly licensed to conduct games of chance in the State of New York.

**§ [5]4607.16. Sales to other than licensed organizations or lessors prohibited.**

No licensed games of chance supplier, its duly authorized agents, sales[men]persons or representatives, shall, during the term of such license, sell or distribute games of chance supplies, devices or equipment in the State of New York to other than an organization licensed to conduct games of chance or licensed authorized games of chance lessors.

**§ [5]4607.18. Examination of records.**

The [board] commission shall have power to examine the books and records of any applicant for a license, or any licensee under this Part.

**§ [5]4607.19. Time during which license is effective.**

A license as a games of chance supplier shall be valid for a period not exceeding one year, or until revoked or suspended by the [board] commission.

**§ [5]4607.20. License form.**

A license as a games of chance supplier shall be issued on form GC-107, as prescribed by the commission [which is hereby adopted].

**§ [5]4607.21. Recapitulation of fees.**

At the end of the license period, a recapitulation shall be made as between the supplier licensee and the [board] commission with respect to the gross sales recorded during the license period and the license fee previously paid. Any deficiency of fee thereby established to be due shall be paid by the licensee and, should said licensee apply for a license for a subsequent year, and in that event only, shall any excess of fee be credited to said applicant.

**§ [5]4607.22. Identification of games of chance devices and equipment.**

No licensed supplier shall sell or lease any type of games of chance devices and equipment unless there has been permanently and prominently marked thereon the name and license number of the supplier.

**§ [5]4607.23. Specifications of games of chance equipment and supplies.**

All equipment and supplies designed for, manufactured, sold or leased for use in the conduct of games of chance shall be restricted to those games authorized by the [board] commission and in accordance with the specifications and rules for such games promulgated by the [board] commission.

**§ [5]4607.24. Maintenance to be licensed activity.**

No person, firm, partnership, corporation, joint venture, association or organization shall engage in the business of repairing or maintaining games of chance equipment or paraphernalia without having first obtained a games of chance supplier's license therefor from the [board] commission.

**§ [5]4607.25. No separate fee to be charged by supplier.**

No licensed supplier, its [his] duly authorized agent, sales[man]person or representative, shall charge a separate fee for the demonstration of games of chance equipment or paraphernalia.

**§ [5]4607.26. Supplier's gifts or donations prohibited.**

No licensed supplier, its [his] duly authorized agent, sales[man]person or representative, shall furnish any equipment, devices or supplies without a charge to a licensed organization; nor shall any agreement, oral or written, be made to give or allow the use of any property or thing of value to a licensed organization in consideration of its purchase, lease or use of the licensed supplier's equipment, devices or supplies.

**§ [5]4607.27. Leasing of games of chance equipment from any unlicensed person prohibited.**

No licensed games of chance supplier, its duly authorized agents, [salesmen] salespersons or representatives, shall rent or lease games of chance supplies, devices or equipment from any person, firm, partnership, association, joint venture, corporation, or organization unless such person, firm, partnership, association, joint venture, corporation or organization is a licensed games of chance supplier.

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**§ [5]4607.29. Temporary permit.**

The [board] commission may issue a temporary permit to an applicant pending final action on the application. Any such temporary permit shall be valid until withdrawn by the [board] commission.

**PART [5]4608**

**Manufacturing and Distribution of Bell Jar Tickets**

**§ [5]4608.1. Purchase of bell jar tickets.**

(a) No licensed authorized organization shall purchase bell jar tickets, coin boards, merchandise boards, seal cards or deals of bell jar tickets from any other person, organization or entity other than a games of chance supplier licensed by the [board] commission.

(b) No licensed authorized organization shall sell, donate or otherwise transfer bell jar tickets, coin boards, merchandise boards or seal cards except as otherwise permitted by [board] commission rules and regulations.

(c) No bell jar ticket, coin board, merchandise board or seal card shall be sold or offered for sale in New York State unless such ticket has been approved by the [board] commission.

**§ [5]4608.2. Manufacturers of bell jar tickets: reports and records.**

(a) Manufacturers of bell jar tickets, coin boards, merchandise boards and seal cards who offer for sale or resale such tickets, coin boards, merchandise boards and seal cards or bell jar dispensing machines into New York State shall be licensed by the [board] commission. Manufacturers of bell jar tickets, coin boards, merchandise boards and seal cards shall be considered suppliers of such and may only sell such tickets, coin boards, merchandise boards and seal cards to distributors licensed by the [board] commission as suppliers.

(b) For business conducted in New York State, any licensed manufacturer who sells bell jar tickets to other than a distributor licensed by the [board] commission as a supplier shall:

(1) upon such first offense, have their license suspended for a period of 30 days;

(2) upon such second offense, participate at a hearing to be conducted by the [board] commission and surrender their license for such period as recommended by the [board] commission; and

(3) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed manufacturer who violates this [Title] section shall be guilty of a class E felony.

(c) Bar Codes:

(1) The manufacturer of bell jar tickets shall affix to the flare of each bell jar game, and to each coin board, merchandise board and seal card a bar code in a format approved by the [board] commission.

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(d) Bell jar flares.

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(2) No person, other than a licensed manufacturer, shall manufacture, alter, modify, or otherwise change a flare for a deal of bell jar tickets except as authorized by section [5]4620.19 of this [Title] Subchapter.

(3) The flare for each deal of bell jar tickets sold by a licensed manufacturer in this State shall be placed inside the wrapping of the deal [which] that the flare describes.

(4) The bar code affixed to the flare of each bell jar game shall bear the serial number of such game as prescribed in section [5]4608.3 of this Part. Each number within the serial number shall be printed in digits and/or characters not less than one-half inch high.

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**§ [5]4608.3. Standards for construction of bell jar tickets.**

All bell jar tickets sold in the State of New York must comply with the following standards:

(a) All bell jar tickets offered for sale or resale in New York must have a [board] commission approved logo or manufacturer's name printed thereon.

(b) All bell jar tickets manufactured for sale or resale in New York after January 1, 1999 shall utilize a winner verification code on tickets redeemable for prizes with a value of \$50 or more. Each manufacturer shall establish its own winner verification code for each bell jar ticket game or series of games. The winner verification code shall be a method of verifying winning bell jar tickets, after they have been purchased and opened, from non-winning, altered or forged bell jar tickets. Manufacturers may use special numbers, colors, designs, ink or any combination thereof to establish the winner verification code. Manufacturers shall submit to the [board] commission a letter explaining the winner verification code and shall keep the [board] commission informed, by written notice, of any changes. Winner verification codes shall not be required for banded single-sided single-tabbed, double-sided single-tabbed and folded bell jar tickets.

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(e) The manufacturer shall conspicuously print on each bell jar ticket, excluding banded, single-sided single-tabbed and double-sided single-tabbed bell jar tickets, at least the following information:

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(2) the name of the manufacturer and/or the [board] commission approved logo;

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(6) the number of winners in each tier and respective winning numbers or symbols and prize amounts. On banded, single-sided single-tabbed and double-sided single-tabbed bell jar tickets, the game serial number, the name of the manufacturer and/or [board] commission approved logo shall be printed so both are readily visible prior to opening the bell jar ticket.

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**§ [5]4608.4. Submission of bell jar tickets for [board] commission approval.**

(a) Licensed manufacturers of bell jar tickets, which shall include coin boards, merchandise boards, and seal cards, shall submit to the [board] commission for approval any new, revised or modified bell jar ticket(s) [which] that the licensed manufacturer intends to offer for sale or resale in New York State. The terms, "new," "revised" or "modified" shall include the exclusive printing of the supplier-distributor name, logo or other symbol(s) on the tickets. The licensed manufacturer requesting review and approval of bell jar ticket(s) pursuant to this section shall provide the [board] commission with the following:

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(b) Within 30 days of receipt of such sample, artist's rendering or color photocopy, the [board] commission shall approve or deny such submission. Following approval of a rendering of a bell jar ticket, seal card, merchandise board, or coin board by the [board] commission, the manufacturer shall submit to the [board] commission a sample of the printed bell jar ticket, seal card, merchandise board, coin board, payout card, and flare for such game. Such sample shall be submitted prior to the sale of the game to any licensed distributor for resale in this state. For coin boards and merchandise boards, nothing herein shall require the submittal of actual coins or merchandise as part of the approval process. Any licensed manufacturer who willfully violates the provision of this [Title] section shall:

(1) upon such first offense, have [their] the manufacturer's license suspended for a period of 30 days;

(2) upon such second offense, participate at a hearing to be conducted by the [board] commission and surrender [their] the manufacturer's license for such period as recommended by the [board] commission; and

(3) upon such third or subsequent offense, have [their] the manufacturer's license suspended for a period of one year and shall be guilty of a class E felony.

(c) No bell jar ticket(s), coin board(s), merchandise board(s) or seal card(s) submitted to the [board] commission for approval shall be sold until such licensed manufacturer has received written approval from the [board] commission that such bell jar ticket(s), coin board(s), merchandise board(s) or seal card(s) satisfies all [board] commission requirements.

**§ [5]4608.5. Licensed games of chance suppliers of bell jar tickets, supplies and equipment.**

(a) Any person or entity licensed as a games of chance supplier pursuant to the Games of Chance Licensing Law and the [board] commission rules and regulations shall purchase bell jar tickets, supplies and equipment to be sold in New York State only from manufacturers licensed by the [board] commission.

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(c) Licensed suppliers who willfully violate the provisions of this section shall:

(1) upon such first offense, have [their] the supplier's license suspended for a period of 30 days;

(2) upon such second offense, participate at a hearing to be conducted by the [board] commission and surrender [their] the supplier's license for such period as recommended by the [board] commission; and

(3) upon such third or subsequent offense, have [their] the manufacturer's license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed supplier who violates this [Title] section shall be guilty of a class E felony.

**§ [5]4608.6. Business records; retention.**

(a) A licensed games of chance supplier of bell jar tickets, supplies and equipment shall keep at each place of business complete and accurate records for that place of business, including itemized invoices of bell jar tickets, supplies and equipment held and purchased. The records must contain the following information:

(1) The name, address, [board] commission identification number and license number of all purchasers;

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(3) All other pertinent papers and documents relating to the purchase, sale, or disposition of bell jar tickets, supplies and equipment including shipping records as may be required by the [board] commission.

(b) All licensed manufacturers and licensed games of chance suppliers of bell jar tickets, supplies and equipment shall maintain their books, records, itemized invoices, and other papers and documents required by [board] commission rules for a period of not less than four years, unless the [board] commission authorizes in writing their destruction or disposal at an earlier date. Violation of this section shall constitute a misdemeanor.

**§ [5]4608.7. Invoices; licensed manufacturers and/or licensed suppliers of bell jar tickets, supplies and equipment.**

(a) A manufacturer who ships bell jar tickets into this State or sells bell jar tickets for resale in this State shall forward to the [board] commission quarterly on or before the 20<sup>th</sup> day of the month succeeding the quarter in which the sale was made, an invoice of such shipped bell jar tickets covering each sale to a licensed supplier or a federally recognized Indian tribe or nation. A quarter shall be based on the calendar year.

(b) A licensed games of chance supplier who possesses bell jar tickets in this State for sale shall forward to the [board] commission quarterly on or before the 20<sup>th</sup> day of the month succeeding the quarter in which the sale was made, an invoice reflecting each sale to a licensed authorized organization or a federally recognized Indian tribe or nation. A quarter shall be based on the calendar year.

(c) The invoice filed by the licensed manufacturer or licensed supplier of bell jar tickets shall contain the following information:

(1) Name, address and [board] commission license number of the manufacturer;

(2) Name, address and [board] commission license number of the games of chance supplier or federally recognized Indian tribe or nation;

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(e) Upon permission from the [board] commission, a manufacturer or supplier may submit [its] an invoice via magnetic media or electronic data transfer.

**§ [5]4608.8. Bell jar ticket inventory control; defective bell jar ticket deals.**

(a) Each licensed games of chance supplier and licensed authorized organization shall monitor bell jar ticket deals to assure that the game serial numbers of deals are correctly entered in all records.

(1) At the time a deal of bell jar tickets is received by either a licensed games of chance supplier or a licensed authorized organization, the recipient must ascertain that all information contained on the sender's invoice corresponds with the product received. Should the invoice not correspond with the product received respecting the game serial number, form number and game flare, the invoice shall be deemed defective.

- (i) The recipient of the deal shall provide written notification to the sender of the deal and the [board] commission of the defective invoice within 30 days of discovery of such defect.
  - (ii) The sender of the deal, after receiving notification of such defective invoice shall provide the [board] commission with written notification of action taken to correct the invoice.
  - (iii) Should the recipient of the deal with the defective invoice fail to notify the [board] commission within 30 days of receipt of the deal, the deal shall be deemed defective and shall be returned to the sender.
- (2) The party returning a defective deal(s) shall notify the [board] commission by sending a written verification of such return, accompanied by a copy of the invoice of the returned deal(s). The party receiving returned defective deal(s) shall immediately notify the [board] commission by sending a written verification of receipt of the returned defective deal(s), accompanied by a copy of the invoice(s) of the returned deal(s).
  - (3) When a defective deal(s) of bell jar tickets is returned to a licensed games of chance supplier, such deal(s) shall be returned to the licensed manufacturer. The licensed manufacturer of the bell jar ticket deal(s) shall immediately furnish the [board] commission written verification of receipt of such defective deal(s) and provide verification of the disposition of such deal.
  - (4) No defective deal(s) of bell jar tickets shall be resold in New York State after such defect has been cured, except with express written permission of the [board] commission.
- (b) Should a deal(s) of bell jar tickets be damaged while in transit to or in the possession of a licensed games of chance supplier or licensed authorized organization, the deal(s) shall be returned to the respective manufacturer or supplier.
- (1) When a damaged deal(s) is returned, the party returning such deal shall notify the [board] commission by sending a written verification of such return, accompanied by a copy of the invoice of the returned deal(s).
  - (2) The party receiving a damaged deal(s) shall notify the [board] commission by sending a written verification of such return, accompanied by a copy of the invoice of the returned deal(s). The party receiving returned damaged deal(s) shall immediately notify the [board] commission by sending a written verification of receipt of the returned damaged deal(s), accompanied by a copy of the invoice(s) of the returned deal(s).
  - (3) When a damaged deal(s) of bell jar tickets is returned to a licensed games of chance supplier, such deal(s) shall be returned to the licensed manufacturer. The licensed manufacturer of the bell jar ticket deal(s) shall immediately furnish the [board] commission written verification of receipt of such damaged deal(s) and provide verification of the disposition of such deal.

**§ [5]4608.9. Inspection.**

(a) The [board] commission may inspect the premises, books, records and inventory of licensed games of chance suppliers of bell jar tickets or licensed manufacturers of bell jar tickets without notice during normal business hours.

(b) Certified physical inventory. The [board] commission may, upon request, require a licensed games of chance supplier to furnish a certified physical inventory of all bell jar tickets, bell jar ticket vending machines and bell jar ticket supplies in stock. The inventory shall contain all information requested by the [board] commission.

**§ [5]4608.10. Possession or sale of bell jar tickets in which winning tickets or location of winning tickets may be determined in advance prohibited.**

No licensed authorized organization, licensed games of chance supplier or licensed manufacturer of bell jar tickets, or representative thereof, with knowledge or in circumstances wherein he or she reasonably should know, shall possess, display, place in play, sell or otherwise furnish to any person any bell jar tickets from any deals:

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(c) [which] that do not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of bell jar tickets.

**§ [5]4608.11. Possession of duplicate numbered, color coded bell jar tickets prohibited.**

(a) Each licensed manufacturer of bell jar tickets shall assign a serial number to each deal of bell jar tickets manufactured and place that serial number on each ticket in that deal. No serial number used on a deal of bell jar tickets shall be repeated on that same manufacturer's form number within a three-year period. When a licensed manufacturer assigns a color to that game ticket deal each bell jar ticket in that deal shall also reflect that color.

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**§ [5]4608.12. Additional licensing fee.**

(a) All authorized organizations licensed to sell bell jar tickets shall, upon filing financial statements of bell jar ticket operations, tender to the [board] commission a sum in the amount of five percent of the net proceeds from the sale of each deal of bell jar tickets for that portion of license period covered by such statement.

(b) For the purposes of this section, *net proceeds* shall mean the difference between the ideal handle from the sale of a deal of bell jar tickets, which shall mean the total face value of all tickets in a deal less the amount of money actually paid out in total prizes for that deal and the purchase price to the licensee of each bell jar deal, coin board, merchandise board or seal card. Additionally, a credit shall be permitted against the net proceeds fee in the amount of unsold

tickets of the bell jar deal so long as the unsold tickets have the same game serial number as the tickets for which the fee is rendered. Unsold tickets shall be kept on file by the selling licensed authorized organization for inspection by the [board] commission for a period of one year following the date upon which the relevant financial statement was received by the [board] commission.

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**§ [5]4608.13. Flare defined.**

A *flare* shall mean a poster describing the bell jar ticket game, which shall include a declaration of the number of winning tickets and amount of total payout in the bell jar ticket deal, the number of tickets per payout amount in the deal, the licensed manufacturer's game form number, and the game serial number of the deal, which shall be identical to the game serial number imprinted on each ticket contained in such deal.

**PART [5]4609**

**Manufacture and Distribution of Bell Jar Ticket Vending Machines**

**§ [5]4609.1 Manufacture and distribution of bell jar ticket vending machines.**

The following provisions govern the manufacture and distribution of bell jar ticket vending machines:

- (a) Manufacturers of bell jar ticket vending machines shall be considered suppliers of such equipment and may sell such equipment to distributors licensed by the [board] commission, licensed authorized organizations and federally recognized Indian nations or tribes.
- (b) No distributor licensed by the [board] commission as a supplier shall sell, lease, or distribute any bell jar ticket vending machine to other than a licensed authorized organization or federally recognized Indian nation or tribe.
- (c) No licensed authorized organization shall purchase, lease, or otherwise obtain a bell jar ticket vending machine from any person or entity other than a [board] commission licensed games of chance supplier.
- (d) No bell jar ticket vending machine shall be used by any licensed authorized organization unless and until the organization is first in possession of a document from the manufacturer warranting that said machine meets or exceeds [board] commission specifications regarding bell jar ticket vending machines. A certified copy of such warrant shall be filed, along with GC-01-BJ, as prescribed by the commission [which is hereby adopted], with the [board] commission prior to the machine's use.

(e) Each bell jar ticket vending machine shall meet the following specifications:

(1) For bell jar ticket vending machines utilizing an electronic paper currency validator OR coin operated electrical bell jar ticket vending machines:

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(ii) Electrical and mechanical components and design principles may not subject a person to any physical hazard or cause electrical interference. Each bell jar vending machine must be approved by the Underwriters Laboratories (UL) or any other independent testing laboratory approved by the [board] commission.

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(v) The bell jar ticket vending machine, except coin operated electrical bell jar ticket vending machines, may have an electronic currency validator. The electronic currency validator must meet the following standards:

(a) validate paper currency of United States in values of at least one dollar, five dollar and [ten] 10 dollar bills;

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(xv) A bell jar ticket vending machine must have a meter display screen of at least [6-] six digits in length. The value of currency validated must be listed on the meter display screen as a monetary credit value [which] that is drawn down as a bell jar ticket vending machine dispenses a bell jar ticket.

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(xviii) A permanently affixed identification plate or label must be displayed at the top of an exterior side panel of a bell jar ticket vending machine [which] that contains the bell jar ticket vending machine's:

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(xix) A bell jar ticket vending machine must automatically discontinue operation when any non-resettable meter is disconnected or disabled. The authorized organization, licensed manufacturer or licensed games of chance supplier shall obtain approval from the [board] commission for the resetting of the meters prior to repair.

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(3) Prohibitions:

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(iii) Bell jar ticket vending machines shall not have a video display screen, other than the meter display for listing the value of currency validated and the accounting information required pursuant to this [Title] Subchapter, and digital meter for displaying the door access information required pursuant to this [Title] Subchapter.

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**PART [5]4610**

**Bell Jar Ticket Vending Machines in Possession of Licensed Authorized Organizations**

**§ [5]4610.1. Bell jar ticket vending machines in possession of licensed authorized organizations [as of the date this section shall take effect].**

Bell jar ticket vending machines in possession of a licensed authorized organization as of November 4, 1998, the effective date of these rules, but not prior to August 2, 1995, the effective date of L.1995, ch.386, may be registered with the [board] commission as a qualified bell jar ticket vending machine provided such machine was obtained from a [board] commission licensed manufacturer or [board] commission licensed supplier and provided that the manufacturer of the bell jar ticket vending machine has been licensed by the [board] commission as a games of chance supplier. Bell jar ticket vending machines satisfying this paragraph may be registered subject to the following provisions:

(a) Form GC-01BJ, as prescribed by the [board] commission, must be completed and submitted to the commission [board ninety days after the adoption of this rule] for each bell jar ticket vending machine requested to be registered by an authorized licensed organization.

(b) Each application for registration shall be accompanied by: an invoice, bill of sale or other similar receipt [which] that indicates the purchase price, date of sale and seller; current photographs of each bell jar ticket vending machine; and a description of the machine's components depicting that such machine would reasonably meet [board] commission standards and specifications. In the absence of an invoice, bill of sale or similar receipt, an affidavit of the member-in-charge attesting to such information may be submitted.

(c) Bell jar ticket vending machines in possession of a licensed authorized organization [which] that fail to comport with the requirements of this section must be removed from the premises of each authorized organization [within one year from the date this section shall take effect].

**§ [5]4610.2. Coin-operated mechanical nonelectrical dispensing devices in possession of licensed authorized organizations as of the date this section shall take effect.**

(a) [Coin-operated] A coin-operated mechanical nonelectrical dispensing device manufactured prior to August 2, 1995 [which] that was designed specifically to hold and dispense United States postage stamps, which device is operated through the insertion of United States currency followed by the selection of the postage denomination and the manual manipulation of a lever or other apparatus resulting in the [dispensement] dispensing of the selected postage[;], shall be permissible for use as a bell jar ticket dispensing device so long as the coin-operated mechanical nonelectrical dispensing device(s) was in possession of the licensed authorized organization as of the effective date of these rules. Such machine may be registered with the [board] commission provided the provisions of subdivisions (a) and (b) of section [5]4610.1[(a) and (b)] of this Part are satisfied.

(b) A coin-operated mechanical nonelectrical dispensing device that was designed specifically as a postage stamp machine, obtained after August 2, 1995 by licensed games of chance suppliers or licensed authorized organizations may be registered with the [board] commission, provided the device was obtained from a [board] commission licensed manufacturer or supplier and that the provisions of section [5]4610.1 of this Part are satisfied.

**PART [5]4611**

**Coin Board, Merchandise Board and Seal Card**

**§ [5]4611.1. Coin boards.**

(a) Coin board. *Coin board* [is defined as] means a board used with bell jar tickets [which] that contain various coins of United States legal tender. A player having a bell jar ticket with a number matching a pre-designated number reflected on a coin board for a prize or, if the number matches the pre-designated winning number for a specific coin or consolation prize, the player wins that coin or consolation prize and any cash prize value reflected on the coin board under the coin. No coin board shall be taken out of play unless at least 75 percent of total prizes have been awarded. Only United States legal tender may be awarded as prizes. The maximum amount of a single prize permitted (the fair market value of the coin and the amount of the cash prize awarded with it, if any) is \$500, and the total series of prizes shall not exceed \$3,000.

(b) Merchandise board. *Merchandise board* [is defined as] means a board used with bell jar tickets [which] that contain various merchandise prizes. A player having a bell jar ticket with a number matching a pre-designated number reflected on a merchandise board for a prize or, if the number matches the pre-designated winning number for a specific prize or consolation prize, the player wins that prize or consolation prize. No merchandise board shall be taken out of play unless at least 75 percent of total prizes have been awarded. The maximum amount of a single prize permitted (the fair market value of the prize) is \$500, and the total series of prizes shall not exceed \$3,000.

(c) Seal card. *Seal card* [is defined as] means a board used with bell jar tickets [which] that contain various cash or merchandise prizes. A player having a bell jar ticket with a number matching a pre-designated number, color or symbol reflected on a seal card signs [his or her] such player's name on a line on that seal card corresponding with the number color or symbol appearing on the bell jar ticket and, upon removing the corresponding seal wins the prize specified under that seal. No seal card shall be taken out of play unless at least 75 percent of total prizes have been awarded. The maximum amount of a single prize permitted (the aggregate of the cash prize and the fair market value of any merchandise prize) is \$500, and the total series of prizes shall not exceed \$3,000.

**§ [5]4611.2. Operation of coin boards, merchandise boards and seal cards.**

(a) No coin board, merchandise board or seal card shall be put into play unless it shall have imprinted thereon the [board] commission-approved logo of the manufacturer, the game serial number, the game ticket form number, the face value of each coin or cash prize, the fair market value of any merchandise prize and the game name.

(b) In the game coin board, only United States legal tender shall be awarded as prizes[; no]. No commemorative coins, merchandise or free plays shall be awarded.

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(e) No coin board, merchandise board or seal card shall be sold by a licensed manufacturer until such licensed manufacturer has received written approval from the [board] commission that such coin board, merchandise board or seal card satisfies all [board] commission requirements.

**Subchapter B**

**Authorized Games of Chance, Games of Chance Currency, Conduct of Games and Supplies and Equipment**

**PART [5]4620**

**Authorized Games of Chance**

**Section [5]4620.1. Types of games.**

Only the following games of chance may be conducted:

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(u) any other game of chance [which] that has been approved in writing by the [board] commission.

**§ [5]4620.2. Limit on types of games.**

No more than five single types of games of chance approved by the [board] commission, excluding merchandise wheels, raffles, bell jars, coin boards, merchandise boards and seal cards shall be conducted during any one license period. No game of chance shall be conducted during a license period unless such game has been listed on the application for license to conduct games of chance (form GC-2) and license to conduct games of chance (form GC-5), or on an application to amend a license (form GC-6).

**§ [5]4620.3. Craps (Dice).**

(a) Equipment:

(1) A table with an upright rail running around the table's outside edges, forming a rectangular enclosure. The rail serves as a backboard[,] and also helps to prevent the rolling dice from falling off the table.

(2) Two dice. The dealer has at least five dice in front of [him] the dealer, from which the shooter selects two dice to roll.

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(c) The play:

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(3) If, on the come-out, the shooter throws a natural (7 or 11), it is a winning decision called a pass. If on the come-out the shooter throws a crap (2, 3 or 12), it is a losing decision called a miss-out. If [he] the shooter throws a 4, 5, 6, 8, 9, 10, that number becomes the shooter's point and [he] the shooter continues throwing until either:

(i) [he] the shooter throws [his] the shooter's point again, which is a winning decision or pass; or

(ii) [he] the shooter throws a 7, which is a losing decision or a miss-out.

(4) When the shooter misses out on the point, the dice pass to the next player on [his] the shooter's left[,] and it becomes [his] such player's turn to shoot.

(5) The shooter may, if [he] the shooter likes, pass the dice to the next player on completion of a decision without waiting to miss out on the point.

(6) Any player may, if [he] the player likes, refuse to shoot in [his] the player's turn, and pass the dice to the next player.

(7) When more than one pair of dice are employed, players may call for a change of dice at any time[; the]. The change takes place immediately after the next decision.

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(e) Placing bets on layout:

(1) Pass line. [You're] The bettor is betting with the dice[,] and the payoff is even money. [You win] The bettor wins on a "natural" 7 or 11 on the first roll[, lose] and loses on "craps" 2, 3 or 12 on the first roll. Any other number on the first roll is the shooter's point. [You win] The bettor wins if the "point" is thrown again, unless a 7 is thrown first, in which case [you lose] the bettor loses. The maximum bet shall be \$5 or its equivalent in chips.

(2) Don't Pass line. Same as [above] in paragraph (1) of this subdivision, except that [you're] the bettor is betting against the dice and everything is reversed. [You lose] The bettor loses on a "natural" 7 or 11 on the first roll[, you win] and the bettor wins on a "craps" 2 or 12. When ace-deuce (1-2) is rolled, [it's] it is a standoff (push) and nobody wins. [You win] The bettor wins if the shooter rolls 7 before making [his] the shooter's "point["]. The maximum bet shall be \$5 or its equivalent in chips.

(3) The odds:

(i) Taking the odds. Once a shooter's point has been established, players with pass line bets may take odds in amounts equal to their original wagers that the shooter will make [his] the shooter's point before a losing roll of 7:

<i>Shooter's point</i>	<i>Maximum bet</i>	<i>To win</i>	<i>Payoff odds</i>
4 or 10	\$5[.00]	\$10[.00]	2-1
5 or 9	\$6[.00]	\$9[.00]	3-2
6 or 8	\$5[.00]	\$6[.00]	6-5

(ii) Laying the odds. Once a shooter's point has been established, players with don't pass bets may lay the odds against the shooter and win if a 7 is rolled before the shooter's point:

<i>Shooter's point</i>	<i>Maximum lay odds</i>	<i>To win</i>	<i>Payoff odds</i>
4 or 10	\$6[.00]	\$3[.00]	1-2
5 or 9	\$6[.00]	\$4[.00]	2-3
6 or 8	\$6[.00]	\$5[.00]	5-6

(4) Place bets. Players may place bets on the numbers 4, 5, 6, 8, 9, or 10 (except on an established point number) before any roll of the dice. Each place bet wins when its corresponding number is rolled before a losing roll of 7. Place bets may be called off by the bettor prior to any roll:

<i>Place number</i>	<i>Maximum bet</i>	<i>To win</i>	<i>Payoff odds</i>
4 or 10	\$5[.00]	\$9[.00]	9-5
5 or 9	\$5[.00]	\$7[.00]	7-5
6 or 8	\$6[.00]	\$7[.00]	7-6

(5) Come bets and don't come bets.

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(iii) Taking the odds on come bets. Once a player's come bet has been moved into a point box by the dealer, the player may wager an amount equal to [his] the player's original come bet that this point will roll before a losing roll of 7:

<i>Come point</i>	<i>Maximum odds</i>	<i>To win</i>	<i>Payoff odds</i>
4 or 10	\$5[.00]	\$10[.00]	2-1
5 or 9	\$6[.00]	\$9[.00]	3-2
6 or 8	\$5[.00]	\$6[.00]	6-5

The odd bet taken on the come bet may be removed prior to any roll, but the original come bet, may not.

(iv) Laying the odds on don't come bets. Once a player's don't come bet has been moved behind a point box by the dealer the player may lay the odds that a 7 will roll before the designated don't come number:

<i>Don't come point</i>	<i>Maximum lay bet</i>	<i>To win</i>	<i>Payoff odds</i>
4 or 10	\$6[.00]	\$[3.00]	1-2
5 or 9	\$6[.00]	\$4[.00]	2-3
6 or 8	\$6[.00]	\$5[.00]	5-6

The lay odds bet on the don't come bet may be removed prior to any roll, but the original don't come bet, may not.

(6) Field. [You can] The bettor may bet on any one roll that one of the following numbers comes up: 2, 3, 4, 9, 10, 11 or 12. If [it] one of those numbers does come up, [you get] the bettor gets even money (1-1). If 5, 6, 7 or 8 comes up, [you lose] the bettor loses. If the layout so indicates, the 2 and 12 pay 2-1 odds. The maximum bet shall be \$5 or its equivalent in chips.

(7) Big 6 or 8. [You win] The bettor wins even money (1-1) if 6 or 8 shows before a 7 is rolled. The maximum bet shall be \$5 or its equivalent in chips.

(8) Any 7. [You bet] The bettor bets that the next roll is a 7, and [you collect] the bettor collects 5 for 1 on a winning wager. The maximum bet shall be \$5 or its equivalent in chips.

(9) Any craps. [You bet] The bettor bets that the next roll is 2, 3 or 12, and [you collect] the bettor collects 8 for 1 on a winning wager. The maximum bet shall be \$5 or its equivalent in chips.

(10) Hard ways. [You win] The bettor wins if the exact combination [you] that is bet shows up. On 3-3 or 4-4 [you receive] the bettor receives 10 for 1 on a winning wager; on 2-2 or 5-5 [you get] the bettor gets 8 for 1 on a winning wager. [You lose] The bettor loses if the same total number is rolled any other way except the hard way or if a 7 comes up. The maximum bet shall be \$5 or its equivalent in chips.

(11) Other one-roll bets. [You win] The bettor wins if the exact combination shows up on one roll:

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#### § ~~5~~4620.4. Roulette.

(a) Equipment:

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(3) Roulette wheels.

(i) The wheel has 36 numbers and the symbols 0 and 00. The table's area consists of the betting section and a large bowl-shaped recess called the bowl. This contains the wheel[,], which is called the wheel head. The interior of the bowl has a back track [which] that contains a groove running around the bowl's circumference. It is in this groove that the dealer spins the roulette ball. When the speed of the ball diminishes, [it] the ball falls onto the bottom track of the bowl. The revolving wheel head and the bottom track are marked off by black lines into eight equal sections. In the center of each section on the bottom track there is a small obstacle. These obstacles are placed alternately, vertically and horizontally and the rolling ball, as it strikes them, is given a random and unpredictable motion. The bowl's bottom underneath the wheel is open, and below it there is a flat base from the center of which rises a spindle.

(ii) The wheel head itself, the only moving part, consists of a disk or plate, slightly convex in shape. Around its rim are partitions known as separators or frets, and the compartments or pockets between these are called canoes. These pockets are painted alternately red and black, except for two pockets [which] that are green. Each of the red and black compartments bears a number from 1 to 36. The green pockets carry the symbols 0 and 00.

(b) Roulette personnel and their duties:

(1) A roulette table with a single layout is usually worked by two persons. The person who spins the wheel and deals the game is called the dealer. [His] The dealer's assistant is called a croupier.

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(3) Croupier. The croupier separates and stacks the losing wagers that have been collected or swept from the layout by the dealer. [He] The croupier helps the dealer pay off winning bets.

(c) The play.

(1) The players begin making their bets by placing wagers on the spaces of the layout. The dealer starts the wheel spinning in a counterclockwise direction, then flips the ball onto the bowl's back track so that [it] the ball travels clockwise. Players may continue placing bets while wheel and ball are in motion until the dealer calls: "No more bets[".]" [He] The dealer does this as the ball slows down and is about to drop off the back track. Bets placed on the layout after this announcement are not valid and must be returned to the player or players.

(2) When the ball falls and comes to rest between any two partitions of the wheel, it marks the winning number, a 0 or 00, the winning color, and any other permitted bet that pertains to a winning number or symbol. The dealer immediately announces the winning number and its color, and [he] the dealer points to the corresponding number on the layout. [He] The dealer then collects all losing bets, not disturbing the wagers resting on winning spaces, and pays off the winner or winners. The symbols 0 and 00 win for the house all bets except those placed on 0 and 00.

(3) On the first spin the dealer has no fixed point from which to spin the wheel or ball. Thereafter [he] the dealer must spin the wheel and ball from the winning pocket into which the ball previously dropped.

(d) Inside bets. The maximum bet shall be \$2 or its equivalent in chips.

(1) Single-number bet or straight bet. The player places [his] a wager squarely on one number on the layout, making certain that the wager does not touch any of the lines enclosing

the number. This indicates that the player is betting that number to win. The house pays off at 35 to 1.

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(3) Two-number bet or split bet. The player places [his] a wager directly on any line separating any two numbers. If the winning number is one of the two wagered on, the player wins. Payoff odds are 17 to 1.

(4) Three-number bet or street bet. The player places [his] a wager on the outside line of the layout. This indicates that [his] the player is betting the three numbers opposite the wager, going across the layout (street). If the winning number is one of these three, the player wins. Payoff odds: 11 to 1.

(5) Four-number bet, square bet, quarter bet or corner bet. The player places [his] a wager on the intersection of the lines between any four numbers. If any one of these four numbers wins, the player collects. Payoff odds: 8 to 1.

(6) Five-number bet or line bet. The player places [his] a wager on the line separating the 1,2,3 from the 0 and 00 spaces at a corner intersection. This indicates that [he] the player is betting that one of the numbers 1, 2 or 3, or 0 or 00 will win. Payoff odds: 6 to 1.

(7) Six-number bet or line bet. The player places [his] a wager on the intersection of the side line and a line between two streets. If any of these six numbers wins, the player collects. Payoff odds: 5 to 1.

(e) Outside bets. The maximum bet shall be \$5 or its equivalent in chips.

(1) Twelve-number bet or column bet. The player places [his] a wager on one of the three blank spaces at the bottom of the layout (some layouts have three squares marked 1st, 2nd, 3rd). This indicates that the player is betting the 12 vertical numbers above the space wagered on. Payoff odds: 2 to 1.

(2) Dozens or twelve-number bet. The player places [his] a wager on one of the spaces of the layout marked 1st 12, 2nd 12 or 3rd 12. The 1st 12 indicates that the player is betting on the numbers 1 to 12 inclusive; the 2nd 12, the numbers 13 to 24 inclusive; and the 3rd 12, the numbers 25 to 36 inclusive. Payoff odds: 2 to 1.

(3) Low-number bet (1 to 18). The player places [his] a wager on the layout space marked 1 to 18, which indicates that [he] the player is betting on the numbers 1 to 18 inclusive. The payoff is even money.

(4) High-number bet (19 to 36). The player places [his] a wager on the layout space marked 19 to 36, which indicates that he or she is betting on the numbers 19 to 36 inclusive. The payoff is even money.

(5) Black color bet. The player places [his] a wager on a space of the layout marked Black. (Some layouts have a large diamond-shaped design instead of the word Black.) The player is betting that the winning color will be black. The payoff is even money.

(6) Red color bet. The player places [his] a wager on the space of the layout marked Red, or the red diamond, and is betting that the winning color will be red. The payoff is even money.

(7) Odd-number bet. The player places [his] a wager on the space of the layout marked Odd. The player is betting that the winning number will be an odd number. The payoff is even money.

(8) Even-number bet. The player places [his] a wager on the space of the layout marked Even. The player is betting that the winning number will be even. The payoff is even money.

**§ ~~[5]~~4620.5. Black Jack.**

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(b) Personnel.

(1) Dealer. The dealer is the person who deals the cards and controls the bank. [He] The dealer never surrenders the deal or the bank.

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(e) The object of the game. A player tries to obtain a higher total card count than the dealer by reaching 21 or as close to 21 as possible without exceeding that count. If the player's total count exceeds 21, [he] the player has "busted" and must turn [his] the player's cards face-up at once. [He] The player has lost his or her bet, and the dealer may take the player's wager. The player, at [his] the player's discretion, may stand or draw one or more cards in an attempt to better [his] the player's count.

(f) Betting.

(1) Before the deal begins, each player must place his or her bet in the betting space directly before [him] the player in full view of the dealer. When a player plays more than one hand at a time, [he] such player must play the hand farthest to his or her right to completion before being permitted to play his or her next hand or hands. The dealer may check the player's bet to see if [it] such bet is within specified limits.

(2) Maximum bet shall be \$5 or the equivalent in chips.

(g) The deal. After all players' bets are down, the dealer removes the first card from the dealing box and discards it by placing it aside face-down without showing its face value. This card and other discarded cards are not to be used again until the dealing box is emptied. This is known as "burning" a card or a "burnt" card. All cards used to make a hand are discarded in the same manner. After the first dealt card has been "burnt["],\_ the dealer, starting with the player on [his] the dealer's extreme left, begins dealing clockwise giving one card face-up to each player and one face-up to [himself] the dealer. [He] The dealer next deals each player, starting with the player on [his] the dealer's extreme left, a second face-up card and one face-down to [himself] the dealer. The dealer has the option of dealing one face-down card to each player.

(h) The play. The organization shall have three options in the event of ties between the dealer and the player(s). Option number one allows the organization to honor a "push" or standoff in the case of all ties. Option number two allows the organization to honor a "push" or standoff when the dealer and players have a natural 21 only. The house wins all other ties. Option number three allows the organization to win all ties between the dealer and the player(s). The selection of the option shall be set forth in the license application in schedule 7 of GC-2B. The license shall reflect one of the following options:

Option one: All ties are "pushes["].\_"

Option two: "Push" on natural 21 only.

Option three: House wins all ties.

(1) If the dealer's face-up card is a 10-count or an ace, [he] the dealer must look at his face-down (hole) card. If [he] the dealer has a natural 21 (a count of 21 with two cards), [he] the dealer must face it and announce "Twenty-one" or "Black Jack." If the organization has exercised the option that all ties shall constitute wins for the organization, the dealer then wins and collects all bets, including bets from players having a natural 21. If the organization has exercised either option number one or number two, the dealer declares all ties to be "pushes" and no action is taken on these hands. The dealer wins and collects the bets from players not having a natural 21.

(2) When the dealer does not hold a natural 21, the player at [his] the dealer's extreme left plays first. If the player holds a natural 21, [he] the player announces it and faces [his] the player's cards so the dealer can verify the count. If the organization has exercised option number two or option number three, the dealer pays off the winning natural 21 at 2-to-1 odds. If the organization has exercised the option that all ties are "pushes" (standoffs), then the dealer pays off the winning natural 21 at 3-to-2 odds. The dealer then "burns" the two played-out cards.

(3) If the player's two cards total less than 21, [he] the player may elect:

(i) to stay if [he] the player is satisfied with the total count of [his] the player's two cards;  
or

(ii) to ask for an additional card if [he] the player is not satisfied with the total count. The player can continue to ask for cards until [he] the player is satisfied with the total count of [his] the player's cards. If the player draws a card [which] that puts [him] the player over 21, [he] the player must announce a "bust[",]" The dealer takes the player's wager and cards and "burns" the cards in the discard pile. The play moves to the player's left, clockwise around the table, until all players have played out their hands.

(i) The dealer's turn at play. If all players have "busted[",]" the dealer merely places [his own] the dealer's cards in the discard pile and deals a new hand. If any player or players are left, the dealer plays [his] the dealer's hand as follows:

(1) [He] The dealer turns up [his] the dealer's hole card so that all [his] the dealer's cards are exposed.

(2) If [his] the dealer's count is 17, 18, 19 or 20, [he] the dealer must stay.

(3) If [his] the dealer's count is 16 or less, [he] the dealer must draw a card and continue to draw until [his] the dealer's count reaches 17 or more, at which point [he] the dealer must stay. If the dealer holds a "soft" 17, i.e., a 17-count [which] that includes an ace, [he] the dealer must also stay. This also applies to a soft 18, 19 or 20. The dealer stays on 17 and must pull on 16 or less.

(4) If a dealer errs and deals a player a card [which] that the player did not call for, and the card is refused by the player, the card is considered a "dead" card and must be "burnt" and discarded.

(j) Payoffs. At the end of [his] the dealer's play, the dealer starts with the first active player on [his] the dealer's extreme right and moves around the table counterclockwise, paying off players who have a higher count than [his] the dealer with an amount equal to the wager they placed and collecting the players' wagers showing a lesser count. If the dealer's count exceeds 21, [he] the dealer pays off each surviving player an amount equal to the player's wager. If the player and dealer have the same count, the dealer either wins and collects the bet or declares a "push" (standoff), depending upon the option exercised by the organization.

(k) Splitting pairs.

(1) Any two cards that are identical except for suit may be treated as a pair. Also, any two cards each having a value of 10 may be treated as pairs, such as a [ten] 10 and jack, jack and queen, or queen and king.

(2) A player who receives two cards forming a pair or considered to be a pair on the initial round may, if [he] the player chooses, separate the two cards and treat each card as the first card dealt in two separate hands. This is called splitting pairs. When pairs are split, the player's original wager is placed on one of these cards and an equal amount must be wagered on the other.

(3) The player is then dealt one face-up card on the face-up card on [his] the player's right, and he or she must play this hand out. If, in drawing to the first face-up card, [he] the player forms a pair again, [he] the player may again split pairs, wagering an amount equal to [his] the player's first card on this third hand. [He] the player may continue to split any further pairs.

(4) When a player splits a pair of aces, [he] the player is only permitted to draw one card to each split ace, giving [him] the player two cards in all.

(5) If a picture card or [ten] 10 or ace is part of a split hand and the player makes a two-card count of 21, it is not a natural and the player is paid off at even money.

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(l) The double down.

(1) A player[,] whose first two cards total either 10 or 11[,] may elect to double [his] the player's wager and draw one additional card only. This is known as a "double down" or "down for double".

(2) A player, before calling "double down," must double [his] the player's original wager. [He] The player is then dealt a third and final card on [his] the player's two face-up cards.

(m) Insurance betting. When the dealer's face-up card is an ace, players may make an insurance bet against the dealer's possible natural 21. The dealer, before looking at [his] the dealer's down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half [his] the player's present wager on [his] the player's own hand. When the insurance wager is made, the dealer looks at [his] the dealer's down card. If [it] such card is a 10-count, [he] the dealer turns it face-up and announces a "natural." The insurance bettor is paid off at the rate of 2-to-1 for the amount of the insurance bet. If the dealer's down card is not a 10-count card, the player loses [his] the player's insurance wager.

§ [5]4620.6. **Big Six.**

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(b) The play.

(1) A player places [his] a wager on one or more numbers on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning combination.

(2) If the player places [his] a wager on the number 1 and the wheel stops at 1-2-3, the payoff odds are 1-to-1 since the number 1 showed only once. If the wheel stops at 1-1-2, the payoff odds are 2-to-1 since the number 1 showed twice. This holds true for all the numbers; *e.g.*, if the player places [his] a wager on number 5 and the wheel stops on 4-5-6, the payoff odds are 1-to-1. If [it] the wheel stops at 5-5-5, the payoff odds are 3-to-1.

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**§ [5]4620.7. Big Nine.**

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(b) The play.

(1) A player places [his] a wager on one or more numbers or symbols on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning combination.

(2) If the player places [his] a wager on the number 1 and the wheel stops at 1-1-9-9-9, the payoff odds are 2-to-1 [since] because the number 1 showed twice. If the wheel stops at 1-1-1-4-4, the payoff odds are 3-to-1 [since] because the number 1 showed three times. This holds true for all the numbers; *e.g.*, if the player places [his] a wager on number 5 and the wheel stops on 2-2-5-5-5, the payoff odds are 3-to-1. If [it] the wheel stops at 5-5-5-5-5, the payoff odds are 5-to-1.

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**§ [5]4620.8. Money Wheel.**

(a) Equipment. A wheel of variable size. Around the rim of the wheel's surface are sections. In some of these sections are new American [greenbacks] currency or their facsimile in denominations of \$1, \$2, \$5, \$10 and \$20. Other sections display a picture of the American flag and a joker. The wheel has a corresponding layout.

(b) The play.

(1) A player places [his] a wager on one or more numbers, flag or joker on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning number or symbol.

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**§ [5]4620.9. Color Wheel.**

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(b) The play.

(1) A player places [his] a wager on one or more colors on the layout, and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning color.

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**§ [5]4620.10. Merchandise Wheels.**

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(d) Control sheet. Each merchandise wheel shall have an inventory control sheet [which] that shall indicate the cost to the licensee of each item of merchandise awarded at the wheel or, if donated, its current retail price. When a total of \$10,000 in prizes has been awarded at a merchandise wheel, the merchandise wheel must be closed (see section [5]4622.12 of this Subchapter). It will not be necessary to file the inventory control sheet with form GC-7B.

**§ [5]4620.11. Chuck-A-Luck.**

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(b) The play and odds.

(1) The dice are tumbled in the cage or chute. Players place their wagers on one or more of the layout numbers. After the dice come to rest, if a player's number appears on one die the payoff odds are 1-to-1; if [his] a player's number appears on two dice, the payoff odds are 2-to-1; and if all three bear [his] a player's number, the payoff odds are 3-to-1.

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**§ [5]4620.12. Hazard.**

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(c) Bets and odds.

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(6) Numbers bet. The player wagers that [he] the player can pick the exact winning number of the total count of the three dice, numbers 4 through 17. The odds on numbers bet are as follows: total count 4 pays 60-for-1[;], total count 5 pays 30-for-1, total count 6 pays 18-for-1, total count 7 pays 12-for-1, total count 8 pays 8-for-1, total count 9 pays 6-for-1, total count 10 pays 6-for-1, total count 11 pays 6-for-1, total count 12 pays 6-for-1, total count 13 pays 8-for-1, total count 14 pays 12-for-1, total count 15 pays 18-for-1, total count 16 pays 30-for-1[, ] and total count 17 pays 60-for-1.

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**§ [5]4620.13. Over and Under Seven.**

(a) Equipment.

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(2) Two dice. If thrown, the dealer has at least five dice in front of [him] the dealer, from which the shooter selects two dice to roll

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(b) The play and odds.

(1) The player places [his] the player's wager on any one of the three spaces on the layout. The dice are thrown by the player or dealer or tumbled in the cage or chute. A wager on "Under 7" wins if the total of the two dice is 2,3,4,5 or 6. The odds on this wager are even or 1-to-1. A wager on "Over 7" wins if the total of the two dice is 8, 9, 10, 11 or 12. The odds on this wager are even or 1-to-1. A wager on the "7" space wins if the total of the two dice is 7. The odds on this wager are 4-to-1.

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**§ [5]4620.14. Beat the Dealer.**

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(b) The play and odds.

(1) The player places [his] the player's wager in the space on the layout in front of [him] the player.

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**§ [5]4620.15. Bang.**

(a) Equipment.

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(2) Two dice. The dealer has at least five dice in front of [him] the dealer, from which the shooter selects two dice to roll.

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**§ [5]4620.16. Joker Seven.**

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(c) The play. The cards are thoroughly shuffled and cut by the dealer. Bets are placed on the betting squares [which] that represent the various combinations [which] that can arise from any random hand of seven cards. Seven cards are dealt face up from the top of the deck and the winning combinations are called by the dealer. The dealer collects the losing wages and pays the winners. All cards are shuffled and cut by the dealer after each hand.

**§ [5]4620.17. Horse Race Wheel.**

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(b) The play. A player places [his] the player's wager on one or more numbers on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests indicates the winning number and the odds to be paid.

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**§ [5]4620.18. Best Poker Hand.**

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**§ [5]4620.19. Bell Jar.**

(a) Equipment.

- (1) A container, jar[,], or vending machine used for the containment of jar tickets.
- (2) Bell Jar tickets shall also include "Pull-Tabs," "Break-Opens," and any other similar-type game comprised of tickets or cards having a number or numbers, color or colors, symbol or symbols that are covered, and [which] that, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol, or a combination of numbers, colors or symbols.
- (3) A deal shall consist of a container(s) [which] that holds all the bell jar tickets of a game bearing the same serial number as well as a flare.
- (4) A flare [which] that is contained in the deal, and that must be prominently displayed, sets forth the number of tickets and prizes contained in the deal, as well as the winning number or numbers, color or colors, symbol or symbols.

(b) The play.

- (1) A player purchases a bell jar ticket and immediately upon opening the ticket learns whether or not [he] the player is a winner of any prize.

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(c) Operation of the game.

- (1) Bell jar tickets may be dispensed from bell jar ticket vending machines [which] that satisfy [board] commission specifications.
- (2) No licensed authorized organization shall provide any information to any person respecting the potential winnings of bell jar tickets [which] that would create an advantage to said person.

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- (4) No bell jar ticket shall be sold unless it shall have imprinted thereon the name of the manufacturer and/or [board] commission-approved logo, the ticket cost to the player, denomination of each prize, game serial number and form number [which] that shall correspond with the game serial number, game ticket price, form number and game ticket count on the game flare, game payout card and invoice. However, banded, single-sided, single-tabbed and double-sided single-tabbed bell jar tickets may be sold with only the game serial number, the name of the manufacturer and/or the [board] commission approved logo printed on the tickets, but must otherwise conform to the provisions of this section.

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(6) No licensee shall sell, display or award a prize for a bell jar ticket [which] that has in any manner been marked, defaced, tampered with or otherwise placed in a condition [which] that may deceive the public[,], or [which] that affects the chances of winning or losing upon the purchase of any ticket.

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(8) All prizes from the operation of the bell jar shall be awarded in cash, except in the case of banded tickets, merchandise [board] commissions, and seal cards [which] that may award merchandise as defined in section [5]4622.13 of this [Title] Subchapter and such merchandise shall not exceed the maximum prize values of section [5]4622.12 of this [Title] Subchapter. No ticket(s) reflecting a free play shall be sold.

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(13) Every licensed authorized organization shall retain all remaining unsold bell jar tickets for inspection by the [board] commission for one year following the date of last sale.

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#### **§ [5]4620.20. Fruit Wheel.**

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(b) The play.

(1) A player places [his] a wager on one or more betting spaces on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning combination.

(2) If the player places [his] a wager on the lemon and the wheel stops at lemon-orange-cherry, the payoff odds are 1-to-1 since the lemon showed only once. If the wheel stops at lemon-cherry-lemon the payoff odds are 2-to-1 since the lemon showed twice. This holds true for all the types of symbols, e.g., if the player places [his] a wager on the apple and the wheel stops on apple-grape-banana, the payoff odds are 1-to-1. If [it] the wheel stops at apple-apple-apple, the payoff odds are 3-to-1.

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#### **§ [5]4620.21. Card Wheel.**

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(b) The play.

(1) A player places [his] a wager on one more betting spaces on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning combination.

(2) If the player places [his] a wager on the ace and the wheel stops at nine-ace-king, the payoff odds are 1-to-1 since the ace showed only once. If the wheel stops at ace-ace-ten, the payoff odds are 2-to-1 since the ace showed twice. This holds true for all the card faces, e.g., if the player places [his] a wager on the king and the wheel stops on king-nine-ace, the payoff odds are 1-to-1. If [it] the wheel stops at king-king-king, the payoff odds are 3-to-1.

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**§ ~~5~~4620.22. Raffles.**

(a) Equipment. The equipment used in the conduct of raffles and the method of play shall ensure that each and every ticket to participate shall have an equal opportunity to be drawn as a winner.

(1) Raffle tickets, with the exception of the two-part "admission-style" tickets utilized in the game commonly known as a "50/50 raffle" shall reflect the following:

(i) name and, if required by subdivision (a) of section 4601.1 of this Subchapter, the identification number of the authorized organization;

\*\*\*

(b) The play.

(1) No single prize shall exceed the sum of [\$50,000 except that an organization may award a single prize of \$100,000 if it lists in the appropriate schedule (schedule 5) of the application for games of chance license (form GC-2) the amount of this increased prize] \$100,000 .

(2) The aggregate fair market value of all prizes to be offered or awarded by a licensee in raffles in any one calendar year (license period) shall not exceed [\$100,000] \$2,000,000.

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(6) Raffle tickets may also be sold to the public outside the premises of an authorized organization or an authorized games of chance lessor or in municipalities[, which] that have passed a local law, ordinance or resolution in accordance with sections 187 and 188 of the General Municipal Law that are located in the county in which the municipality issuing the license or the municipality in which the organization is authorized to conduct raffles pursuant to subdivision (c) of section 4601.1 of this Subchapter is located, and in the counties [which]

that are contiguous to the county in which the municipality issuing the raffle license or in which the organization authorized to conduct raffles pursuant to subdivision (c) of section 4601.1 of this Subchapter is located, provided the licensee or organization authorized to conduct raffles pursuant to subdivision (c) of section 4601.1 of this Subchapter has received written approval, on a form prescribed by the [board] commission, from each municipality to sell raffle tickets therein and provided that no sale of raffle tickets shall be made more than 180 days prior to the date scheduled for the final drawing of the winning raffle ticket(s).

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(14) Raffle tickets shall be sold by a member of an authorized organization licensed to conduct raffles or authorized to conduct raffles pursuant to subdivision (c) of section 4601.1 of this Chapter and may also be sold by any person with a blood relationship or affinity with a member of an authorized organization licensed to conduct a raffle.

**§ [5]4620.23. Search for the Queen of Hearts.**

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(b) The play

(1) The licensed authorized organization shall offer a series of two-part, sequentially numbered raffle tickets for sale at a price determined by the licensee. Each player shall write [his or her] such player's name and telephone number on the licensee's part of the ticket, which shall be deposited into a raffle ticket drum or receptacle. The purchasing player shall retain the other part of the ticket as a receipt for verification purposes. All monies collected from the sale of [Raffle Winners' Tickets] raffle tickets shall be designated the Grand Prize Pool.

(2) The deck of facedown playing cards shall be thoroughly shuffled by a licensed organization's member in charge or assistant to the member in charge and, without revealing any of the faces, placed facedown, side-by-side, onto the game board. The transparent game board cover shall be closed and locked to secure the cards in place.

(3) One raffle ticket shall be drawn each week from among all of the tickets sold for each drawing, except for the first week and the [twenty-sixth] 26<sup>th</sup> week (if necessary), when three drawings shall be held.

(4) The participant(s) holding the winning ticket stub(s) shall be declared the winner(s) of each drawing and shall be entitled to "Search [For The] for the Queen of Hearts."

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(6) The transparent, locking cover securing the cards shall be opened by a licensed organization's member in charge or assistant to the member in charge at the time of each drawing.

(7) Each winner shall select one of the facedown playing cards, which shall be turned face up by a licensed organization's member in charge or assistant to the member in charge. If that playing card is the Queen of Hearts the holder of the winning raffle ticket selecting that card shall be awarded 60 percent of the Grand Prize Pool.

(8) If the card selected is not the Queen of Hearts, that card shall be defaced by drawing a diagonal line across its face in ink; the card shall be returned to the game board face-up; the transparent, locking cover securing the cards shall be locked by a licensed organization's member in charge or assistant to the member in charge; and that player shall be immediately awarded a cash prize valued according to the following schedule:

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**§ [5]4620.24. Treasure Chest Raffle.**

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(b) The Play.

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(6) All Prize Winning Ticket stubs shall be randomly commingled and thoroughly intermixed in the Prize Winning Ticket Raffle Ticket Drum or Receptacle; five tickets shall be drawn by a licensed organization's member-in-charge from that drum or receptacle; and the five players holding the corresponding ticket stubs shall each be awarded one-fifth of the primary prize pool.

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**PART [5]4621**

**Games of Chance Currency**

**§ [5]4621.1. Games of chance currency.**

Licensed authorized organizations may, in their discretion, use legal tender or a form of chip authorized by the [board] commission in the conduct of games of chance.

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**§ [5]4621.4. Surrender of chips.**

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**§ [5]4621.8. Control of sale of games of chance currency.**

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**PART [5]4622**

**General Conduct of Games Of Chance**

**§ [5]4622.1. Duties of member in charge.**

The officers of every authorized organization licensed to conduct games of chance shall designate not less than four bona fide members of the licensee to be in charge and primarily responsible for the management of the games of chance during each license period. Such members shall supervise all activities during the license period for which they are in charge and shall be responsible for the making of the required report thereof, GC-7, GC-7Q or GC-7R. The members in charge shall be familiar with the provisions of the Games of Chance Licensing Law, the applicable ordinances or local laws, the rules and regulations of the [board] commission and the terms of the license. A member in charge shall be present on the premises where the game or games are conducted at all times during the license period.

**§ [5]4622.2. Minors.**

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**§ [5]4622.3. Restriction on participation.**

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**§ [5]4622.4. Designation of officer responsible for utilization of games of chance monies.**

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**§ [5]4622.5. Payment of person conducting games; gifts, donations prohibited.**

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**§ [5]4622.6. Compensation of bookkeepers and accountants.**

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**§ [5]4622.7. Admission of general public; charge optional.**

No licensee shall restrict the general public from admission to games of chance periods, unless prior written permission is obtained from the [board] commission. A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under the Games of Chance Licensing Law.

**§ [5]4622.8. Premises open to inspection.**

The premises where any game or games of chance are conducted, or where it is intended that any game or games of chance shall be conducted or where it is intended that any equipment be used, shall, at all reasonable times, be open to inspection by the [board] commission and the municipal governing body, and the officers, agents and employees thereof.

**§ [5]4622.9. Ownership of devices and equipment.**

(a) A licensee shall conduct a game or games of chance only with equipment [which it] that such licensee:

(1) owns absolutely[,] and [which] that is permanently and prominently marked with [its] such licensee's name and identification number; or

(2) leases from a licensed games of chance supplier[,] and [which] that is permanently and prominently marked with the supplier's name and license number; or

(3) leases, with or without charge, from an authorized organization[,] and [which] that is permanently and prominently marked with the lessor's name and identification number and such licensee has requested and received prior written permission from the [board] commission. No game of chance license shall be issued by the municipality in the absence of such written permission. The provisions of this section shall not be construed so as to permit an authorized organization to engage in the business of selling or leasing games of chance supplies or equipment.

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**§ [5]4622.10. Sale of merchandise prohibited.**

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**§ [5]4622.11. Sale of New York State Lottery tickets.**

New York State Lottery tickets may be sold or offered for sale during any games of chance license period by the authorized organization conducting that license period provided the organization is licensed by the Lottery Division to sell Lottery tickets.

**§ [5]4622.12. Maximum value of prizes offered.**

No single prize in any casino-type game of chance shall exceed the sum or value of \$300. In the game of chance known as merchandise wheels, no single prize consisting of merchandise shall exceed a value, defined in section [5]4622.13 of this Part, of \$250. In the game of chance known as bell jars, no single prize shall exceed the sum of \$500. In the game of chance known as raffle no single prize shall exceed the sum of [\$50,000 except that an organization may award a single prize of \$100,000 if it lists it in the appropriate schedule (schedule 5) of the application for games of chance license (form GC-2) the amount of this increased prize] \$100,000. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than \$400 for each single type of game of chance when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than \$500 for each single type of game of chance when the licensed authorized organization conducts less than five single types of games of chance during any one license period. Except for the limitations on the sum or value for single prizes and series of prizes for each type of game of chance, no limit shall be imposed on the total number, sum or value of prizes awarded to any one participant during any occasion or any license period. No single wager shall exceed the amount designated for each type of game, as set forth in Part [5]4620 of this [Title] Subchapter. In the case of merchandise wheels, no series of prizes consisting of merchandise shall exceed the actual value of \$10,000 during the successive operations of any one merchandise wheel. In the case of bell jars, no series of prizes shall exceed the sum of \$3,000 during the successive operations of any one bell jar deal. In the case of raffles, the series of prizes shall not exceed the sum of [\$100,000] \$500,000. One or more signs limiting the wager to the amount designated for each type of game, as set forth in Part [5]4620 of this [Title] Subchapter, shall be prominently displayed in each playing area. In the case of bell jars, the applicable flare(s) shall be displayed in each playing area.

**§ [5]4622.13. Value of merchandise prizes.**

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**§ [5]4622.14. Gifts prohibited.**

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**§ [5]4622.15. Admission charge as a requisite to participate.**

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**§ [5]4622.16. Property not permitted as prizes.**

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**§ [5]4622.17. Unapproved buildings.**

No games of chance shall be held in any building [which] that has not been approved by the municipal governing body for public assembly, or as otherwise required by law.

**§ [5]4622.18. Rental payment due.**

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**§ [5]4622.19. Badges.**

The member in charge and those assisting [him] such member in charge shall wear badges approved by the [board] commission containing the name, signature and address of the wearer, the name of the organization for which [he] the wearer is working, the name of the organization of which [he] the wearer is a member, and [his] wearer's photograph. Each member shall also have in [his] such member's possession valid identification containing [his] such member's name and address, which must be exhibited upon the request of a representative of the [board] commission or municipality.

**§ [5]4622.20. Persons prohibited as players.**

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**§ [5]4622.21. Cashing of checks prohibited.**

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**§ [5]4622.22. Operation of bank.**

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**§ [5]4622.23. Sale and consumption of alcoholic beverages.**

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**§ [5]4622.24. Rules and bulletins available at games.**

The rules, regulations and bulletins of the [board] commission shall be available at all license periods for examination by players.

**§ [5]4622.25. Qualifications of members in charge and assistants.**

No person shall participate in the management of any game of chance unless [he] such person has been a bona fide member of the licensed authorized organization [for at least one year prior to the date of such license period. No person shall participate in the operation of any game of

chance unless [he] such person has been a bona fide member of the licensed authorized organization or its affiliate or auxiliary for at least one year prior to such license period.

**§ [5]4622.26. Advertising games of chance.**

A licensee may advertise the conduct of games of chance to the general public by means of newspaper, circular, handbill and poster, and by one sign not exceeding 60 square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization; and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any firefighting equipment belonging to any licensed authorized organization [which] that is a volunteer fire company, or upon any equipment of a first-aid or rescue squad in and throughout the community served by such volunteer fire company or such first-aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of Chance" or "Las Vegas Night["], the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department, and the date, location and time of the event.

**PART [5]4623**

**Games of Chance Supplies and Equipment**

**§ [5]4623.1. Devices, supplies and equipment.**

No person, firm, partnership, association, joint venture, corporation or organization shall sell or lease games of chance devices, supplies or equipment to a licensed authorized organization unless such person, firm, partnership, association, joint venture, corporation or organization is:

(a) an authorized organization whose name and identification number are permanently and prominently marked on its equipment and [which] that has received prior written permission to sell, lease or donate from the [board] commission; or

(b) a licensed games of chance supplier whose devices, supplies and equipment have been permanently and prominently marked with [its] such supplier's name or an approved logo. The provisions of subdivision (a) of this section shall not be construed so as to authorize or permit an authorized organization to engage in the business of selling or leasing games of chance devices, supplies or equipment. All sales and lease agreements between two authorized organizations shall be approved in writing by the [board] commission prior to the sale or leasing of such devices, supplies or equipment.

**§ [5]4623.2. Standard of conduct of games prescribed.**

Every licensed authorized organization shall so supervise, regulate and conduct games of chance, in accordance with the Games of Chance Licensing Law and this Chapter, so as to afford and ensure all players a fair opportunity to win and to eliminate any influence [which] that has or may have as its purpose the predetermination or selection of any individual winner or winners, loser or losers.

**PART [5]4624**

**Financial Statement of Games of Chance Operations**

**§ [5]4624.1. Financial statement form.**

(a) The financial statement of games of chance operations required by ordinances or local laws, State laws and this Chapter shall be on form GC-7, as prescribed [which is hereby approved and adopted] by the [board] commission. The licensee shall execute and file the original of the report with the clerk or department, a copy with the [board] commission, and when applicable, a copy with the chief fiscal officer of the county, within seven days after the conclusion of each license period. The licensee shall retain a copy of the report for [its] such licensee's permanent records. When the authorized organization has been licensed to sell bell jar tickets, coin boards, merchandise boards and seal cards, [it] the authorized organization shall, within 15 days after the end of each calendar quarter during which such tickets have been purchased and sold by the licensee, prepare and file a statement of such information on form GC-7Q, as prescribed by the commission [which is hereby approved and adopted]. The licensee shall execute and file the original of the quarterly report with the [board] commission. The licensee shall retain a copy of each report for [its] such licensee's permanent records. Within 30 days after the conclusion of an occasion during which a raffle was conducted, the authorized organization conducting such raffle and the members in charge of such raffle, and, when applicable, the authorized games of chance lessor [which] that rented [its] premises therefor, shall each furnish to the clerk or department and the [board] commission a statement of such information on form GC-7R, as prescribed by the commission [which is hereby approved and adopted], subscribed by the member in charge and affirmed by [him] such member as true, under the penalties of perjury, showing the number of tickets printed, the number of tickets sold, the prize, and the number of tickets returned to or retained by the authorized organization as unsold, a description and statement of the fair market value for each [price] prize actually awarded, the amount of the gross receipts derived therefrom, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the raffle at such occasion, the use to which the proceeds have been or are to be applied and shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement, provided however, where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000 during any one occasion, in such case, the reporting requirement shall be satisfied by the filing within

30 days of the conclusion of such occasion a verified statement on a form prescribed by the [board] commission attesting to the amount of such net proceeds or net profits and the distribution thereof for lawful purposes with the clerk or department and a copy with the [board] commission. The licensee shall retain a copy of such statement for its records. Any authorized organization required to file an annual report with the Secretary of State pursuant to article 7-A of the Executive Law or the Attorney General pursuant to article 8 of the Estates, Powers and Trusts Law shall include with such annual report a copy of the statement required to be filed with the clerk or department.

(b) Notwithstanding the filing requirements set forth in this Part, an authorized organization that has met the self-determination requirements of subdivision (c) of section [5]4601.1[(c)] of this [Title] Subchapter may conduct a raffle without complying with such filing requirements, provided, that such organization shall derive net proceeds from raffles in an amount less than \$5,000 during the conduct of one raffle and shall derive net proceeds from raffles in an amount less than \$20,000 during one calendar year. Such authorized organizations are not relieved of any other financial reporting and recordkeeping requirements of local, state or federal laws or rules regarding the receipt and expenditure of monies, including but not limited to the Not-For-Profit Corporations Law.

#### **§ [5]4624.2. Cash control report.**

Every licensee shall attach and file with its financial statement an additional statement (form GC-7B, as prescribed [which is hereby approved and adopted] by the [board] commission) setting forth receipts relating to each type of game of chance and the names of the workers. The records setting forth the calculation of the receipts shall be retained by the licensee for [its] such licensee's permanent records, together with form GC-7B, for a period of not less than four years.

#### **§ [5]4624.3. Additional license fee.**

Upon the filing of the financial statement of games of chance operations (form GC-7) and attachment, the licensee shall pay to the clerk or department or, where applicable, the chief fiscal officer of the county, as an additional license fee, a sum in the amount of five percent of the reported net proceeds, if any, for the license period covered by such statement. In the case of raffles, the licensee, upon filing the financial statement of raffles operations, shall pay to the clerk or department or, where applicable, the chief fiscal officer of the county, as an additional license fee, a sum in the amount of two percent of the reported net proceeds, if any, for that portion of the license period covered by such statement. Where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000 during any one occasion, in such case, the reporting requirement shall be satisfied by the filing within 30 days of the conclusion of such occasion a verified statement on a form prescribed by the [board] commission attesting to the amount of such net proceeds or net profits and the distribution thereof for lawful purposes with the clerk or department and a copy with the [board] commission. No fee shall be required where the net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000 during any one occasion. An organization that

has filed a verified statement with the clerk or department and the [board] commission attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than \$30,000 during one occasion or part thereof that in fact derives net proceeds or net profits exceeding \$30,000 during any one occasion or part thereof shall be required to obtain a license as required by this [Title] Subchapter and shall be subject to the reporting requirements and additional license fees required by this Part. In the case of bell jars, the licensee, upon filing financial statements of bell jar operations (form GC-7Q) with the [board] commission shall also tender to the [board] commission a sum in the amount of five percent of the net proceeds as defined in this Part, from the sale of bell jar tickets, if any, for that portion of license period covered by such statement. For the purposes of this section, net proceeds shall mean the difference between the ideal handle from the sale of bell jar tickets, coin boards, merchandise boards and seal cards, less the purchase price to the licensee of the bell jar tickets, coin boards, merchandise boards and seal cards and the amount of money paid out in prizes. Additionally, a credit shall be permitted against the net proceeds fee tendered to the [board] commission for unsold tickets of the bell jar deal as long as the unsold tickets have the same serial number as the tickets for which the fee is rendered. Such unsold tickets must be kept on file by the selling organization for inspection by the [board] commission for a period of one year following the date upon which the relevant financial statement was received by the [board] commission.

**§ [5]4624.4. Notification when no games are played.**

When no games are held on any date when a license authorizes them to be held, a notification to that effect must be filed with the clerk or department, the officer and the [board] commission.

**§ [5]4624.5. Statements delinquently filed.**

(a) The municipal governing body shall not issue a further license to an authorized organization found to be delinquent in filing its financial statement of games of chance operations, its financial statement of raffle operations or its financial statement of bell jar operations. In the case of bell jars, upon such finding by the [board] commission and upon written notification by the [board] commission, to the municipal governing body, the municipal governing body shall forthwith suspend any existing license and cancel the unexpired term thereof pursuant to the provisions of Part [5]4626 of this [Title] Subchapter.

(b) If a licensee fails to file a financial statement of games of chance operations, financial statement of raffle operations or financial statement of bell jar operations, as required by this Part, within five days after notification by the municipal governing body or the [board] commission of delinquency, its license may be suspended pursuant to the provisions of Part [5]4626 of this [Title] Subchapter.

**§ [5]4624.6. Statements defectively filed.**

If the financial statement of games of chance operations, financial statement of raffle operations or financial statement of bell jar operations filed by a licensee is not properly verified, or not

fully, accurately and truthfully completed, no further license shall issue to [it] such licensee, and any existing license may be suspended pursuant to the provisions of Part [5]4626 of this [Title] Subchapter.

**§ [5]4624.7. Nongames of chance books and records available for examination.**

Before any games of chance funds are expended for noncharitable purposes, the licensee organization shall utilize all other sources or potential sources of income to discharge such noncharitable and operating expenses ordinarily incurred. Any licensee organization [which] that is disbursing games of chance funds for noncharitable purposes shall make its general fund and all other books and records available for examination by the [board] commission or the municipal governing body or their representatives upon request.

**§ [5]4624.8. Special games of chance and bell jar account.**

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(b) In cases where licensed authorized organizations have submitted a verified statement form GCVS-1 in lieu of a raffle license application, and the licensee in fact does not derive raffle proceeds in excess of \$30,000 in a single occasion, the member in charge shall declare, under the penalties of perjury, on the verified statement of raffle operations GCVS-2 required under section [5]4624.1 of this Part, that the proceeds have been deposited into a bank account maintained solely by the authorized organization to be dispersed only for lawful expenditures permitted under section [5]4624.21 of this Part.

**§ [5]4624.9. Method of withdrawal.**

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**§ [5]4624.10. Purposes of withdrawal.**

Monies withdrawn from the "special games of chance account," "special raffle account" or the "special bell jar account" shall only be for one or more of the following purposes:

(a) the payment of necessary and reasonable expenses incurred in connection with the conduct of games of chance, raffles and bell jars, which shall consist of: purchase, rental or repair of games of chance, raffles and bell jar supplies and equipment; rent, if the premises where games of chance are conducted are rented; bookkeeping or accounting services according to the schedule of compensation prescribed by the [board] commission; janitorial services; guard services; utility supplies; license fees; the cost of bus transportation, if authorized by the clerk or department; and any other expenses solely and directly applicable to games of chance, raffles and bell jars;

(b) the disbursement of net proceeds derived from the conduct of games of chance, raffles and bell jars for one or more of the lawful purposes defined in the Games of Chance Licensing Law and this Chapter, regulations and section [5]4624.21 of this Part;

(c) the transfer of net proceeds derived from the conduct of games of chance, raffles and bell jars into one or more interest-bearing accounts, pending a disbursement for one or more of the lawful purposes defined in the Games of Chance Licensing Law and section [5]4624.21 of this Part.

**§ [5]4624.11. Direct disbursement from interest account prohibited.**

The disbursement of net proceeds on deposit in an interest-bearing account for one or more lawful purposes shall be made by transferring the amount of the intended disbursement back into the "special games of chance account," "special raffle account" or "special bell jar account" and then withdrawing the amount therefrom in the manner prescribed in section [5]4624.9 of this Part.

**§ [5]4624.12. Commingling prohibited.**

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**§ [5]4624.13. Bookkeeping system required.**

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**§ [5]4624.14. Books and records available for examination.**

The books of account shall be kept up-to-date. The columnar books, deposit books, savings account passbooks, cancelled checks, checkbooks, deposit slips, bank statements and copies of financial statements of games of chance operations (form GC-7), financial statements of raffle operations (form GC-7R) and financial statement of bell jar operations (form GC-7Q) for the previous 18 months, and all other books of account, shall be available at all games of chance license periods and other reasonable times for examination by the [board] commission, clerk or department and officer or their representatives. The books of account and all documents supporting the entries made in the books of account shall be kept by the licensee for a period of not less than four years.

**§ [5]4624.15. Financial report to membership.**

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**§ [5]4624.16. Deposit of games of chance, raffles and bell jar funds.**

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**§ [5]4624.17. Expenditure of funds after cessation of games of chance.**

An organization [which] that has ceased to conduct games of chance for any reason, and has unexpended games of chance funds, shall:

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(b) disburse said funds in accordance with a plan of expenditure approved in advance by the [board] commission.

**§ [5]4624.18. Financial statement to be filed by lessor.**

A licensed authorized games of chance lessor shall execute and file a financial statement of rental income on form GC-9, as prescribed [which is hereby adopted] by the [board] commission. The original of the form shall be filed with the licensing authority and one copy with the [board] commission.

**§ [5]4624.19. Time for filing lessor financial statement.**

Licensed games of chance lessors shall file form GC-9 with the licensing authority and [board] commission within seven days after the conclusion of each leased license period.

**§ [5]4624.20. Special games of chance rental account.**

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**§ [5]4624.21. Lawful expenditures.**

(a) Expenditures solely and directly applicable to games of chance. The expenditures listed in this subdivision do not require the prior approval of the [board] commission and must simply be reported in part B on form GC-7 and GC-7R, where applicable:

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(b) Expenditures for worthy causes. Expenditures for the following items, which do not require prior [board] commission approval, shall be reported in part E on form GC-7 and part D on forms GC-7Q and GC-7R.

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(2) Patriotic. Contributions to or participation in patriotic, civic and community projects, such as Veterans' Day activities, Memorial Day and Independence Day observances, memorials, etc.; uniforms, instruments and traveling expenses for bands [which] that participate in civic, patriotic and community activities.

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(7) Veterans activities [which] that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and enable or further the erection or maintenance of facilities for use by such veterans [which] that shall be used primarily for charitable or patriotic purposes or those purposes [which] that shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed pursuant to section 189 of the General Municipal Law and the [board's] commission's rules.

(c) Guidelines for all other expenditures. All expenditures must be reasonable, justifiable and directly related to carrying out one or more of the licensee organization's lawful purposes, as defined in section 186, subsection 5 of the General Municipal Law.

(1) An organization exclusively engaged in any of the above enumerated "worthy causes" does not need prior written approval from the [board] commission regarding expenses directly related to carrying out one or more of its lawful purposes, with the exception of those expenses listed in paragraph (4) of this subdivision.

(2) Regarding certain types of licensee organizations, such as fraternal and service organizations, the [board] commission requires that at least one third of the net profits derived from games of chance be expended for the above enumerated "worthy causes" before any games of chance funds may be disbursed for the licensee organization's operating expenses. This one third donation rate is calculated on a calendar-year basis and any deficiency will be cumulative. It is incumbent upon each licensee to periodically review its contribution record. If the provisions of this Subtitle are not strictly adhered to, the licensed organization shall be prohibited from disbursing any of its games of chance funds for other than "worthy causes" without obtaining the prior written approval of the [board] commission.

(3) Expenditures requiring no written approval. The following regulations apply to the operating expenses of licensed fraternal and service organizations:

(i) materials and labor for repairs [which] that are necessary for normal maintenance, including electrical, roofing, heating, hardware, paint, lumber, etc. However, such expenditures are limited to \$10,000 in the aggregate in a calendar year. Such expenditures, when in excess of \$10,000, require prior written permission from the [board] commission;

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(4) Expenditures requiring prior written approval (submit an "Application for Permission to Disburse Net Proceeds of Games of Change" GC-317, to [board's] commission's office). Organizations of veterans shall file with the [board] commission a copy of the minutes of the meeting of the membership authorizing any of the expenditures below in lieu of filing a GC-317:

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(vi) salaries, other than those authorized in paragraphs [(a)](3) of subdivision (a) and [(b)](5) of subdivision (b) of this section and subparagraph [(3)](ii) of paragraph (3) of this subdivision; and

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(d) Disapproved expenditures. All types of licensee organizations may not use games of chance funds for the following, except that organizations of veterans shall file with the [board] commission a copy of the minutes of the meeting of membership authorizing any of the expenditures below:

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(e) Interest-bearing accounts.

(1) Pending disbursement, games of chance funds may be transferred from the special games of chance checking account into one or more interest-bearing accounts. [At present the board] The commission allows transfer only into savings accounts, money market accounts and certificates of deposit insured by the U.S. Government, and U.S. Treasury Bills. Monies transferred remain part of the unexpended balance of games of chance funds and any account into which the games of chance funds are transferred shall be designated a "special games of chance account." Advance approval by the [board] commission of such transfers is not required, however, a memo covering each transfer should accompany the appropriate financial statement. Such memo shall reflect the date, check number, amount and complete description of the account into which the games of chance funds have been transferred, including bank name, address, telephone number and account number.

(2) No expenditures may be made directly from an interest-bearing account. The funds must be redeposited in the special games of chance account, and disbursed in accordance with section [5]4624.9 of this Part.

(3) [The board frequently receives inquires concerning the establishment] Establishment of a building fund. Such building fund must be established in accordance with provisions of paragraph (1) of this subdivision. Before the monies in such building fund can be used, it is required that the licensee submit form GC-317 and receive approval from the [board] commission. Organizations of veterans shall file with the [board] commission a copy of the minutes of the meeting of the membership authorizing the establishment of a building fund in lieu of filing a GC-317. The funds must be redeposited into the special games of chance checking account before being disbursed.

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## **PART [5]4625**

### **Conduct of Games by Senior Citizen Organization**

#### **§ [5]4625.1. Conduct of games by senior citizen organization.**

An organization of senior citizens [which] that has obtained an identification number from the [board] commission may conduct games of chance with:

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## **PART [5]4626**

### **Hearings**

#### **§ [5]4626.1. Proceedings respecting licenses issued pursuant to Games of Chance Licensing Law.**

Proceedings to fine, suspend or revoke a license issued pursuant to the Games of Chance Licensing Law may be instituted either by the clerk, department or the [board] commission, on its own initiative or on complaint of any person, including any public official or agency.

#### **§ [5]4626.2. Proceedings respecting identification numbers issued pursuant to Games of Chance Licensing Law.**

Proceedings to suspend or revoke an identification number issued pursuant to the Games of Chance Licensing Law may be instituted by the [board] commission, on [its] the commission's own initiative or on complaint of any person, including any public official or agency.

#### **§ [5]4626.3. Licensee to be informed of revocation proceedings.**

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#### **§ [5]4626.4. Notice of hearing.**

The clerk, department or [board] commission, as the case may be, shall cause the notice of hearing to be served personally upon an officer of the licensee or a member in charge of games of chance, or to be sent by certified mail to the licensee at the address shown in the registration or application for license. Notices of hearing shall be mailed or served personally not less than five days prior to the date set forth in said notice for the holding of said hearing, unless the [board] commission, in [its] the commission's discretion, shall shorten the time fixed herein.

**§ [5]4626.5. Persons to appear.**

Any person who would be aggrieved by the determination of the clerk, department or [board] commission may appear and be heard in person or by duly appointed representative, and may produce, under oath, evidence relevant and material to the charges preferred. A duly authorized representative of the licensee must appear in person on the date set forth in the notice of hearing and on all adjourned dates. The failure of the licensee to appear will result in a determination by the clerk, department or [board] commission by default.

**§ [5]4626.6. Pleas to the charges.**

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(b) The licensee shall plead either "not guilty" or "no contest." If a plea of "not guilty" is entered, a date for hearing will be scheduled. If a "no contest" is entered, a determination will be made by the [board] commission in due course.

**§ [5]4626.7. Suspension prior to hearing.**

The [board] commission, by any four [two] members thereof or a duly designated hearing officer, or the clerk, department or officer, may, at any time during the course of a hearing, inquiry or investigation, suspend any license issued pursuant to the Games of Chance Licensing Law, without hearing, if, in [its] the commission's judgment, the continuance of the licensed activity is contrary to law or inimical to the public interest. Upon suspension, the clerk, department or [board] commission shall forthwith inform the licensee in writing of the grounds thereof and the date and place set for hearing thereon, said hearing to be held within a reasonable time after suspension.

**§ [5]4626.8. Hearings open to public.**

All hearings on suspension and revocation of licenses or identification numbers or imposition of fines, held by the [board] commission, shall be open to the public.

**§ [5]4626.9. Clerk or department to make written findings.**

When proceedings respecting the suspension or revocation of licenses or imposition of fines are begun before the municipal governing body [which] that issued the license, [it] such municipal governing body shall hear the matter and make written findings in support of its decision. The licensee and the [board] commission shall be notified immediately in writing of the decision and, in the event of a suspension, revocation or imposition of fine, the effective date thereof.

**§ [5]4626.10. Procedure prescribed for the [board] commission.**

When proceedings respecting the suspension or revocation of licenses or identification numbers or imposition of fines are begun before the [board] commission, [it] the commission shall dispose of the proceedings in the same manner as in the case of an appeal from a determination or action of the municipal governing body. Both the licensee and the governing body issuing the license shall be notified immediately in writing of the decision and, in the event of a suspension, revocation or fine, the effective date thereof.

**§ [5]4626.11. Hearing upon application for new license or reinstatement.**

Any person, firm, corporation or organization, licensed pursuant to the Games of Chance Licensing Law[, which] that has had its license or identification number revoked[,], shall appear at a hearing before whichever authority revoked the license or identification number at the time of making application for a new license or identification number, or for reinstatement of either or both. Application shall be made for reinstatement of the identification number prior to making application for a games of chance license.

**§ [5]4626.12. Persons authorized to conduct hearings.**

Hearings before the [board] commission shall be conducted by the chair[man], another member of the [board] commission, or a duly designated hearing officer. The person conducting the hearings shall rule upon matters of procedure and the introduction of evidence, and shall otherwise conduct the hearing in such manner as to preserve fundamental concepts of fairness and to effectuate the purposes and provisions of the Games of Chance Licensing Law and this [Subtitle] Subchapter. At the conclusion of the hearing[ conducted by a], the hearing officer[, he] shall make [his] findings as to whether the evidence sustained the charges or any of them, shall designate which charges [he] the hearing officer has found sustained by the evidence, and [shall, at his option,] may recommend to the [board] commission the action to be taken against the licensee. The stenographic record of the hearing shall be referred, together with the hearing officer's findings and recommendation, if any, for consideration by the [board] commission at a meeting duly held by [it] the commission.

**§ [5]4626.13. Rules of evidence.**

(a) The rules of evidence governing proceedings in the courts of the State shall not be rigidly enforced in hearings before the [board] commission and, unless objection is made and duly noted in the stenographic record of a hearing, all evidence appearing in the stenographic record shall be deemed to have been validly introduced for the consideration of the [board] commission.

(b) The introduction of cumulative evidence shall be avoided, and the [person conducting the hearing] hearing officer may curtail the testimony of any witness [which he] that the hearing officer judges to be merely cumulative; however, the party offering such testimony may make a

short avowal of the testimony [which] that would be given if the witness asserts that such avowal is true. This avowal shall be made a part of the stenographic record.

**§ [5]4626.14. Stenographic record.**

An accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to [him] such witness or any other person having a legitimate interest in such testimony upon application to the [board] commission and at the expense of the applicant.

**§ [5]4626.15. Penalties.**

Upon the finding of a violation of the Games of Chance Licensing Law, the ordinances or local laws or this [Subtitle] Subchapter, or any of these, such as would warrant a fine, suspension or revocation of a license or an identification number, the municipal governing body or the [board] commission, whichever made such finding, may declare the violator ineligible to apply for a license under said laws for a period not exceeding 12 months thereafter. Such declaration of ineligibility may be extended to include, in addition to the violator, any of [its] such violator's subsidiary organizations, [its] such violator's parent organization or those otherwise affiliated with [the] such violator when, in the opinion of the municipal governing body or the [board] commission, the circumstances of the violation warrant such action.

**§ [5]4626.16. Surrender of license when revoked or suspended.**

When a license is suspended or revoked, the licensee shall surrender [its] such licensee's license to the municipal governing body or the [board] commission, whichever revoked or suspended the same, on or before the effective date of the suspension or revocation. No license shall be valid beyond the effective date of the suspension or revocation of such license.

**§ [5]4626.17. Subpoenas.**

At the request of any party to a hearing, and for good cause shown, the [board] commission shall issue subpoenas for the attendance of witnesses and the production of books, records and other documents.

**PART [5]4627**

**Appeals to the [Racing and Wagering Board] Gaming Commission**

**§ [5]4627.1. Filing of notice of appeal.**

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**§ [5]4627.2. Contents of notice.**

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**§ [5]4627.3. Forwarding of original notice to [board] commission.**

The municipal clerk or licensing department shall forward the original of notice to the [board] commission within three days after [its] the filing of such notice.

**§ [5]4627.4. Filing of a statement of appeal.**

Within 15 days after the filing of the notice of appeal, the party aggrieved shall file with the [board] commission an original and a copy of a statement of appeal, with an admission or affidavit of service upon the municipal governing body.

**§ [5]4627.5. Contents of statement.**

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The statement of appeal shall set forth, in separately numbered paragraphs:

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(c) a narrative of any additional facts, not presented to the municipal governing body, [which] that the party appealing requests be considered on the appeal, together with an explanation why such additional facts were not presented to the municipal body;

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**§ [5]4627.6. Content and filing of counterstatement.**

Within 20 days after service upon it of the statement of appeal, the municipal governing body shall file with the [board] commission an original and a copy of a counterstatement of appeal, with an admission or affidavit of service upon the party appealing [which] that shall set forth the facts in the statement of appeal that are disputed. There shall be an assertion as to any disputed fact, together with a narrative of any additional facts, not originally presented to the municipal governing body, [which it] that the municipal governing body requests be considered on the appeal. The counterstatement of appeal may also set forth argument on the facts and the law. On or before the filing thereof, a copy of the counterstatement of appeal shall be served upon the party aggrieved.

**§ [5]4627.7. Proofs annexed to counterstatement.**

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**§ [5]4627.8. How papers may be filed.**

Filing of the foregoing papers with the [board] commission at [its] the commission's office in Schenectady, or in New York City, may be either by personal service or by certified mail, return receipt requested.

**§ [5]4627.9. Notice of hearing.**

Upon receipt of the counterstatement of appeal, the [board] commission shall notify the parties thereto of the date and place fixed for hearing the appeal, and each party must indicate to the [board] commission and to the opposing party, by written notice, within five days:

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**§ [5]4627.10. Cross-examination of affiant.**

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**§ [5]4627.11. Additional testimony may be allowed.**

The [board] commission may, upon application of any party, for good cause shown, allow the production at the hearing of additional witnesses and evidence in support of any facts material to the determination of the appeal.

**§ [5]4627.12. Subpoenas.**

At the request of any party to an appeal, and for good cause shown, the [board] commission shall issue subpoenas for the attendance of witnesses and the production of books, records and other documents.

**§ [5]4627.13. Stenographic record of proceedings.**

Whenever oral testimony of witnesses is taken at the hearing of an appeal, an accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to [him] such witness or any other person having a legitimate interest in such testimony, upon application to the [board] commission and at the expense of the applicant.

**§ [5]4627.14. Adjournment of hearing.**

Hearings may be adjourned by the [board] commission from time to time at the request of any party to the appeal, but only for good cause shown. Hearings shall be held and concluded without unreasonable delay.

**§ [5]4627.15. Conduct of appeal hearing.**

Appeal hearings shall be conducted by the chair[man] or another member [office] or officer of the [board] commission, or a duly designated hearing officer.

**§ [5]4627.16. Recording determination of appeal.**

Upon the determination of an appeal, the [board] commission shall state [its] the commission's findings and record the vote of the members participating therein. All parties shall be notified by the [board] commission of its determination[,] and shall be furnished a copy of the findings.

**§ [5]4627.17. Assistance of counsel.**

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**§ [5]4627.18. Authority of person acting in representative capacity.**

Any person appearing before the [board] commission in a representative capacity shall be required to establish [his] such person's authority to act in such capacity.

**§ [5]4627.19. Stay without court order.**

The [board] commission shall have discretion to stay all proceedings to enforce any action, determination or order appealed from, upon written application to [it] the commission by the party aggrieved and for good cause shown by affidavit of the moving party.

**Subchapter [A.] C**

**Bingo General Provisions**

**PART [5]4800**

**Definitions**

**§ [5]4800.1 Definition of terms.**

As used in this [subtitle] Chapter, the following terms shall have the following meanings:

(a) *Admission card or package* [shall mean] means the card or cards issued to a player upon the payment of an admission fee not to exceed \$5 that entitles the player to at least one opportunity to participate in all regular games of bingo during a single bingo occasion.

(b) *Bingo control law* [shall mean] means article 19-B of the Executive Law.

(c) *Bingo licensing law* [shall mean] means article 14-H of the General Municipal Law.

(d) *Card or sheet* [shall mean] means a bingo opportunity comprised of a reusable card or disposable sheet of paper bearing one or more face-cards. The word on describes the number of face-cards printed on a card or sheet, and is preceded by the number of face-cards appearing on that card or sheet. For example, a three-on (or 3-on) is a single card or sheet bearing three face-cards.

(e) *Clerk of the municipality* [shall mean] means the clerk of the town or village duly authorized to issue licenses pursuant to the Bingo Licensing Law. In the case of a city, it shall mean the clerk of the particular department of the city government duly authorized to issue licenses pursuant to the Bingo Licensing Law.

(f) *Department* [shall mean] means the New York City Department of Consumer Affairs.

(g) *Double-header* [shall mean] means a session of bingo in which two successive licensed bingo occasions are conducted by the same licensed authorized organization, provided that not more than 30 minutes['] time shall elapse between the calling of the last numbered ball in the first licensed occasion and the calling of the first numbered ball in the second occasion.

(h) *Early bird*, also known as *share the wealth* or *split pots*, [shall mean] means a special game that is conducted no more than twice during any single licensed occasion in which a fixed percentage of the receipts from the sale of early bird opportunities is awarded as a prize. The prize awarded in the conduct of an early bird game, which cannot exceed 75 percent of the sales receipts, is not subject to the prize limitations imposed by subdivisions 5 and 6 of section 479 and paragraph (a) of subdivision 1 of section 481 of the General Municipal Law, or section [5]4820.25 of this [Title] Chapter. The price for a one-on opportunity to participate in any early bird game shall not exceed \$1. Early bird opportunities bearing more than one face-card may be priced at the discretion of the licensed authorized organization, provided one-on early bird cards are offered for sale simultaneously at a price of \$1, or less.

(i) *Electronic bingo aid* [shall mean] means any electronic hardware device or electronic system, whether fixed or portable, or any software used in conjunction with a common computer, designed to assist sight-impaired players and others in the playing of bingo.

(j) *Extra regular card* [shall mean] means a card or sheet that is sold separately from an admission card that provides a player with an additional opportunity to participate in a regular bingo game or games.

(k) *Face-card* [shall mean] means the 25-squared grid comprised of five rows of five equally sized squares that are marked by the player during the conduct of bingo, which may have the letters B, I, N, G and O printed horizontally across the top. Each square, with the exception of the center square which shall be designated as a free space, shall bear a number ranging from [1] one to 75, inclusive, none of which shall be repeated on the same face-card. The free space shall bear the face-card number (also known as the manufacturer's permutation number or perm-

number), which identifies the unique configuration of numbers assigned to each face-card by the licensed bingo manufacturer for comparison and verification of winning calls of bingo. The provisions of this [Subsection] subdivision shall not apply to supercards, quick bingo cards or player select cards.

(l) *Governing body* or *municipal governing body* [shall mean] means the board or body in which the powers of a political subdivision as a body corporate, or other, are vested. Where the governing body or municipal governing body has delegated authority, pursuant to section 498 of the General Municipal Law, to an officer or officers, the words governing body or municipal governing body shall apply to the officer or officers in respect to the powers and duties delegated.

(m) *Gross receipts* [shall mean] means receipts from the sale of all bingo opportunities, including those sold via electronic bingo aids.

(n) *Jackpot game* [shall mean] means the final game of a bingo occasion.

(o) *Lawful purposes* [shall mean] means one or more of the following causes, deeds or activities:

(1) those [which] that shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments;

(2) those [which] that shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures;

(3) the foregoing shall not, however, be construed as authorizing the erection, acquisition, improvement, maintenance or repair of any property, real or personal, beyond that portion of the use or occupancy thereof [which] that is determined by the [Racing and Wagering Board] commission to be devoted for one or more of the purposes set forth in this subdivision;

(4) those [which] that shall otherwise lessen the burdens borne by government or [which] that are voluntarily undertaken by an authorized organization to augment or supplement services [which] that government would normally render to the people;

(5) those [which] that shall initiate, perform or foster the provisions of services to veterans by encouraging the gathering of such veterans and shall enable or further the erection or maintenance of facilities for use by such veterans [which] that shall be used primarily for charitable or patriotic purposes or the purposes [which] that shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the [board] commission.

(p) *Limited period bingo* [shall mean] means the conduct of bingo by a licensed authorized organization, for a period of not more than [7] seven of 12 consecutive days in any one year, at a festival, bazaar, carnival or similar function conducted by such licensed authorized organization. No authorized organization licensed to conduct limited period bingo shall be otherwise eligible to conduct a regular bingo occasion in the same calendar year.

(q) *Occasion* [shall mean] means a single licensed period in which an aggregate of prizes not to exceed \$3,000 is awarded in a series of at least 10 bingo games (or a combination of bingo games and subparts of multiple-part bingo games in which 10 separate prizes are awarded), provided not more than 35 successive bingo games are played. During double header and triple header sessions, at least one of the occasions shall be comprised of 10 bingo games (or a combination of bingo games and subparts of multiple-part bingo games in which 10 or more separate prizes are awarded). A licensed authorized organization may offer fewer than 10 games per occasion during multiple successive occasions if at least one of the session's occasions is comprised of at least 10 bingo games. In the case of limited period bingo, the series of games played during an occasion shall not exceed 60 in number.

(r) *Opportunity* [shall mean] means a reusable card or a disposable sheet of paper bearing at least one face-card entitling a player to participate in a game or games of bingo. For the purposes of this section, a card approved by the [board] commission for use in the game supercard, player select or quick bingo shall be deemed an opportunity to participate in such games. Face-cards shall be printed on only one side of an opportunity and the backside of such opportunities shall be blank. All opportunities other than hard-boards, supercards and opportunities issued for use with electronic bingo aids shall be marked by the players with indelible ink daubers.

(s) *Package* [shall mean] means a group of cards or sheets of bingo face-cards collated to form a package of opportunities. Each of the cards or sheets comprising such package shall be different in appearance from all other cards or sheets comprising such package and shall represent, by color and appearance, an opportunity to participate in a specific bingo game. The word up refers to the number of cards or sheets comprising such a package and is preceded by the number of such cards or sheets. For example, a six-up (or 6-up) is a group of opportunities comprised of six different colored cards or sheets collated to form a single package.

(t) *Player select* [shall mean] means a bingo game in which a player, at least [fifteen] 15 minutes prior to the commencement of that game, purchases a blank player select card and enters the numbers of his or her choice in the blank spaces on such card. Each number shall be between [1] one and 75, inclusive, and no number shall be repeated on the same player select card. Prizes are awarded to those players whose selected numbers match those drawn by the licensed authorized bingo operator during a designated player select game, in accordance with section [5]4820.49 of this [Title] Chapter.

(u) *Pre-drawn bingo* [shall mean] means a bingo game conducted by a licensed authorized organization in accordance with section [5]4820.51 of this [subtitle] Chapter, in which a pre-determined number of bingo balls are pre-picked at random from the receptacle. Pre-drawn bingo games shall be conducted using only [Board]commission-approved disposable, tear-open

or sealed bingo opportunities, which shall be constructed in such a manner, and of such material, so as to prevent the viewing of the numbers printed thereon until the purchasing player opens the opportunity by tearing off perforated edges or otherwise breaking a secured seal enclosing the face-card[, in accordance with section 5820.51 of this Title]. All bingo opportunities used in pre-drawn games shall be marked with standard indelible ink daubers. The pre-drawing of the numbers shall begin not more than 45 minutes prior to the start of the game, and shall not begin unless there are a number of players equal to at least 10 percent of the bingo seating capacity present to verify the integrity of the pre-drawing of the numbered balls.

(v) *Prize* [shall mean] means the dollar amount or merchandise awarded as a prize to the player or players obtaining a winning pattern in a particular bingo game. The awarding of alcoholic beverages, opportunities to play bingo, bell jar tickets and/or raffle tickets as a prize in any bingo game is prohibited.

(w) *Quick bingo game* [is] means a special game conducted in conjunction with a scheduled regular or special bingo game pursuant to section [5]4820.52 of this [Title] Chapter, in which specially constructed quick bingo cards are sold and marked by the players with standard indelible ink daubers. Quick bingo cards are sealed by the manufacturer and, when opened by the player, reveal a grid comprised of either [9] nine spaces formed by [3] three rows of [3] three spaces, or 16 spaces formed by [4] four rows of [4] four spaces, each space bearing a bingo number ranging from [1] one to 75, provided no number is repeated on the same quick bingo face-card and the type-face of each number is sufficiently large to mark with a standard indelible ink dauber.

(x) *Regular bingo game* [shall mean] means:

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(y) *Series* [shall mean] means a progression of face-cards in which no two face-cards are identical, each of which bears a consecutive face-card number printed thereon by the licensed bingo manufacturer. A series of opportunities is identified by the first and last face-card number assigned to that progression. For example, a [1] one to 9,000 series refers to an intermixed group of face-cards bearing face-card numbers ranging from number one to [nine-thousand] 9,000, inclusive.

(z) *Special bingo game* [shall mean] means a bingo game that cannot be played using either an admission card or an extra regular card, where the opportunities to participate in a special game (known as specials) must be purchased separately from admission cards and extra regular cards. The purchase of an opportunity to participate in a special game is optional[; if]. If a player wants to participate in a special game, [he or she] such player must purchase a special for each game.

(aa) *Session* [shall mean] means a single gathering in which one, two, or three licensed bingo occasions are conducted consecutively by the same authorized organization, provided not more than 30 minutes' time shall elapse between the first and second occasions, nor between the second and third occasions.

(ab) *Supercard* [shall mean] means a bingo card selected by a player that contains five designated numbers corresponding with the letters B, I, N, G and O displayed on the bingo display board[, which] and that is played concurrently with other bingo cards or opportunities during a bingo game, pursuant to section [5]4820.48 of this [Title] Chapter.

(ac) *Tri-color bingo* [is] means a game using disposable bingo opportunities comprised of three different colored face-cards, wherein a different dollar amount is offered as a prize for each of the three colors, conducted pursuant to section [5]4820.56 of this [Title] Chapter.

(ad) *Triple-header* [shall mean] means a session of bingo in which three successive licensed bingo occasions are conducted by the same licensed authorized organization, provided not more than 30 minutes' time shall elapse between the first and second occasions, nor between the second and third occasions.

(ae) *Wild number game* [shall mean] means a speed-up game in which players mark those numbers appearing on their face-cards whose second digits match the wild number's single digit number (or its second digit if the wild number is a two-digit number) so designated by the licensed authorized organization prior to the start of the occasion by drawing a bingo ball and announcing [it] such ball to be the wild number ball and returning [it] such ball to the receptacle prior to the start of the game. Wild number games are permitted only when the bingo system utilized has a wild number function that automatically causes the bingo display board to illuminate the wild number ball and all numbers corresponding with [it] such ball.

(af) *Bonus ball* [is] means a special bingo game conducted in accordance with [Section] section [5]4820.57 of this [subtitle] Chapter that is played in conjunction with one or more regular and/or special bingo games that have been designated by the licensed authorized organization on its application for bingo license and on the bingo program required by [Section] section [5]4820.39 of this [subtitle] Chapter as "Bonus Ball Games" and in which a "Bonus Ball Prize" is awarded to the player acquiring the designated winning bingo pattern when the last number called and marked by that player is identical to the "Bonus Ball Number["]."

## **PART [5]4801**

### **Delegation of Authority—Power to Supersede or Suspend Operation of Rules**

#### **§ [5]4801.1. Notification to [Racing and Wagering Board] commission.**

Where the governing body of a municipality delegates to an officer or officers the responsibility and authority granted to it pursuant to the Bingo Licensing Law, the governing body shall give the [Racing and Wagering Board] commission notice of the following on form BC-110 as prescribed by the [board] commission: the name or names of the officer or officers and their successor and successors, the effective date of the appointment or appointments, the duration of the appointment or appointments, immediate notice if the designation or designations are revoked or modified, the nature of the responsibility and authority delegated in detail and any subsequent modification or revocation of such responsibility and authority, and such other information as may be required by the [Racing and Wagering Board] commission.

**§ [5]4801.2. Time for filing.**

Notice of such delegation of responsibility and authority, modifications or revocations thereof, must be filed with the [Racing and Wagering Board] commission within three days after the date of such delegation.

**§ [5]4801.3. Power to supersede or suspend operation of the rules.**

The [board] commission may, by written order or directive, supersede or suspend the operation of any of [its] the commission's rules or regulations when, in its judgment, such action is necessary to insure the public interest, convenience or necessity or the best interest of the conduct of bingo.

*This part is repealed because the subject matter is governed by Parts 5400 and 5401:*

**[PART 5802. Inspection**

**§ 5802.1. Information available to public.**

Applications for registration and identification numbers, bingo license applications and annexed schedules, findings and determinations for bingo licenses, financial statements of bingo operations, all papers on appeals, final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases, those statements of policy and interpretations which have been adopted by the Racing and Wagering Board and any documents, memoranda, data or other materials constituting statistical or factual tabulations which led to the formulation thereof, minutes of meetings of the Racing and Wagering Board, minutes of public hearings, audits and statistical or factual tabulations made by or for the Racing and Wagering Board, administrative instructions to staff that affect members of the public, final determinations and dissenting opinions of members of the Racing and Wagering Board, and any other files, records, papers or documents required by any other provision of law to be made available for public inspection and copying, shall be open to the public for inspection and copying at the offices of the Racing and Wagering Board, Albany, N.Y., or at the office of the clerk of the municipality where filed in accordance with the regulations adopted by such municipality for public access.

**§ 5802.2. Procedure for inspection and copying**

All records available for inspection and copying shall be located at the offices of the Racing and Wagering Board, Albany, N.Y., and obtained from the administrator during regular business hours upon written notice to be received by the administrator at least 48 hours prior to the date requested for the inspection and copying.

**§ 5802.3. Fees.**

The fees for the copies of information shall be 50 cents per page. The fee for certification of each document shall be \$2. The fee for the search for a document which has been filed with the Racing and Wagering Board in excess of two years shall be \$5 and will be made available for

inspection and copying no less than seven days after the receipt of the request.

**§ 5802.4. Inspection of personnel records.**

An itemized record setting forth the name, address, title and salary of every member and employee of the Racing and Wagering Board shall be available in the offices of the Racing and Wagering Board, Albany, N.Y., by the administrator during regular business hours for inspection to bona fide members of the news media upon written notice to be received by the administrator at least 48 hours prior to the date requested for the inspection, which request shall be upon a form prescribed by the Comptroller of the State.]

**Subchapter [B] D**

**Bingo Registration and Licensing**

**PART [5]4810**

**Registration and Identification**

**§ [5]4810.1. Application requirements.**

Every authorized organization desiring to apply for a license to conduct bingo shall register with the [Racing and Wagering Board] commission and secure an identification number before making any such application. An application for an identification number shall be made on form BC-1A as prescribed by the [board] commission. Any organization [which] that possesses an identification number but has not been licensed to conduct bingo for a period of one year must file with the [Racing and Wagering Board] commission a new form BC-1A prior to making application for a bingo license.

**§ [5]4810.2. Information to be furnished.**

(a) Every organization desiring to register and to receive an identification number shall set forth in writing to the [Racing and Wagering Board] commission the following information: the name of the organization; if a corporation, the type, where incorporated and when; if an association, whether incorporated or not; if incorporated, where and when; whether the organization is doing business under a trade name; a copy of the charter and bylaws; if incorporated, the articles of incorporation and the bylaws; if a charitable organization, [the Department of Social Services registration number;] the number of members; whether regular meetings are held and when; whether the organization maintains one or more bank accounts, if so, names and addresses of all such banks; bank where the organization intends to maintain its "special bingo account"; name of officer who would have responsibility for the utilization of all monies derived from the conduct of bingo; whether there are annual elections of officers; whether the organization has a board of directors or similar governing body and how often they meet; a statement as to whether the organization operates without profit to its members; a statement as to whether the organization

has engaged in serving one or more of the lawful purposes as defined in the Bingo Licensing Law and this Chapter for a period of one year immediately prior to applying for a license; a specific, detailed statement as to what the organization intends to do with all monies derived from the conduct of bingo; and any additional information [which] that may be required by the [Racing and Wagering Board] commission.

(b) This application must be signed as follows: if a religious organization or an affiliate thereof, by the priest or pastor or the president or chair[man] of the board of directors of the congregation, synagogue or temple; if a charitable organization or an affiliate thereof, by the president; if an organization of veterans, by the commander; if an organization of volunteer firemen or an affiliate thereof, by the president. Notwithstanding the above, it is the intention of this section that the legally responsible official of the applicant organization shall sign in [his] such official's representative capacity.

**§ [5]4810.3. Organizations required to register.**

Every authorized organization, affiliate or auxiliary thereof, seeking to conduct or assist in the conduct of bingo pursuant to the Bingo Licensing Law, ordinance or local law and this Chapter, shall register with the [Racing and Wagering Board] commission and secure an identification number.

**§ [5]4810.4. Validity of identification number.**

The identification number shall be valid until suspended, revoked or surrendered. The [Racing and Wagering Board] commission may suspend the identification number of any registered organization [which] that has not been licensed to conduct bingo during four consecutive months and should such suspension be imposed, the organization concerned shall request reinstatement prior to making application for a bingo license.

**§ [5]4810.5. Form for registration.**

After the furnishing of the information required by the [Racing and Wagering Board] commission, registration shall be upon form BC-1, as prescribed by the [board] commission.

**§ [5]4810.6. Registration as evidence of eligibility.**

A municipality shall make its own investigation and determination of an applicant organization's eligibility for a license to conduct bingo, as required by the Bingo Licensing Law, notwithstanding the issuance of an identification number by the [Racing and Wagering Board] commission.

**§ [5]4810.7. Use of identification number.**

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**§ [5]4810.8. Limit on identification numbers and licenses issued.**

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**§ [5]4810.9. Membership lists.**

Every licensee must maintain a current membership list, which shall be available for inspection at all reasonable times. The [Racing and Wagering Board] commission and the municipal governing body may require any organization registered with it to file such a membership list, indicating thereon the current officers and directors, and file supplementary lists of additions and deletions in order to keep the master list up to date.

**PART [5]4811**

**Bingo Licenses: Applications**

**§ [5]4811.1. Form for application.**

An application for a bingo license shall be made on form BC-2, as prescribed by the [board] commission.

**§ [5]4811.2. Premises to be used for conduct of bingo.**

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(b) Where the applicant does not own the premises intended for use, and the clerk of the municipality has notified the applicant that its request to lease premises has been approved, a duplicate original of the lease executed by the applicant and lessor must be furnished to both the clerk of the municipality and the [Racing and Wagering Board] commission. Any amendment or change in the terms or conditions of the lease shall be in writing and furnished in the same manner as the duplicate original lease, within seven days of the date the amendment or change is made.

**§ [5]4811.3. Schedules.**

Form BC-2 and accompanying schedules 1 to 7 must be executed and verified. Where a license has expired (see section [5]4812.7 of this [Title] Subchapter) and an application for another license is made, form BC-2 shall be used together with schedules 1 to 7. However, where a license is to be amended and there is no change in the contents of any particular schedule from the schedules previously filed, a statement to that effect shall appear in the application and those schedules may be omitted.

**§ [5]4811.4. Where application is filed.**

A license application shall be filed in triplicate with the clerk of the municipality. One copy shall be retained by the clerk of the municipality, a copy shall be delivered forthwith to the local law enforcement agency, and one copy shall be forwarded to the [Racing and Wagering Board]

commission by the clerk of the municipality.

**§ [5]4811.5. Conditions for accepting application.**

No application shall be accepted unless [it] such application bears the identification number assigned by the [Racing and Wagering Board] commission and is accompanied by the license fee.

**§ [5]4811.6. License register.**

The clerk of the municipality shall keep a license register on form BC-8, as prescribed by the [board] commission.

**§ [5]4811.7. Reinstatement of license.**

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**§ [5]4811.8. Cancelled bingo occasions.**

If a bingo occasion is cancelled by the licensee due to an unforeseen occurrence or extreme weather condition, the [Racing and Wagering Board] commission or the municipality [which] that issued the license may, in its discretion, and if notified on the next business day following the schedule occasion, permit said licensee to reschedule the cancelled occasion within a reasonable time without payment of an additional fee. The licensee must apply for the rescheduled date(s) in accordance with Part [5]4813 of this [Title] Subchapter.

**§ [5]4811.9. Refund of license fee.**

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[(c) This section shall apply to all refunds arising from applications filed or license fees issued on and after November 1, 1974.]

**PART [5]4812**

**Bingo Licenses: Issuance**

**§ [5]4812.1. Approval by municipality.**

Upon investigation by the municipal governing body and approval of a license application or an amendment of a license, the duly authorized officer of the municipality shall record the findings and determination in duplicate on form BC-4, "Findings and Determination for Bingo License" as prescribed by the [board] commission.

**§ [5]4812.2. Period within which to make findings and determination.**

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**§ [5]4812.3. Issuance by clerk.**

A copy of the findings and determination of the municipal governing body shall be sent to the clerk of the municipality who shall issue the license if the application is approved. If the application is not approved, the clerk of the municipality shall give due notice to the applicant in writing of a hearing to be held upon the qualifications of the applicant and the merits of the application. A copy of such notice shall be furnished the [Racing and Wagering Board] commission.

**§ [5]4812.4. Time when copies must be received by [Racing and Wagering Board] commission.**

One copy of the "Findings and Determination for Bingo License" together with two copies of the application must be received by the [Racing and Wagering Board] commission at least five days prior to the holding of the first game authorized.

**§ [5]4812.5. License form.**

The clerk of the municipality shall issue a license on form BC-5 as prescribed by the [board] commission. In the case of limited period bingo the clerk shall enter thereon the charge for a single opportunity to participate in one game.

**§ [5]4812.6. Distribution of copies by clerk.**

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**§ [5]4812.7. Time during which license is effective.**

No license for the conduct of any game of bingo shall be effective for a period of more than one year from the date of original issuance. No license, after its issuance, shall be amended so as to render it valid beyond a period of one year from the date of its original issuance. In the case of limited period bingo, no license shall be issued authorizing the conduct of such games on more than two occasions in any one day nor shall any license be issued [which] that shall be effective for a period of more than seven of 12 consecutive days in any one calendar year.

**§ [5]4812.8. Joint licenses.**

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**§ [5]4812.9. Jurisdiction of license.**

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(b) a municipal governing body may, upon a finding that an applicant organization is domiciled beyond the territorial limits of such municipality, issue a license to such applicant organization only in cases where:

(1) the governing body of the municipality in which the applicant organization is seeking licensure and the [board] commission determine that, due to some condition of hardship or necessity, the conduct of bingo in the municipality in which the applicant organization is seeking licensure is warranted;

(2) the municipality in which the applicant authorized organization is seeking licensure submits to the [board] commission a Letter of Consent expressing [its] such municipality's willingness to license the applicant authorized organization;

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(4) the [board] commission has issued the applicant authorized organization a bingo identification number bearing the municipal code of the licensing municipality.

**§ [5]4812.10. Fees.**

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**§ [5]4812.11. Hours; occasions.**

All occasions of regular bingo shall be conducted between the hours of 9 [in the forenoon] a.m. and 12 midnight and no more than three occasions of bingo shall be conducted in the same premises during said hours.

**PART [5]4813**

**Bingo Licenses: Amendment**

**§ [5]4813.1. Forms for filing application to amend.**

An application to amend a license shall be made to the municipal governing body on form BC-6, "Application to Amend Bingo License[",]" as prescribed by the [board] commission. However, where there is no change in any schedule previously filed, a statement to that effect shall appear in the application and that schedule may be omitted. This form must be used where an amendment is sought and the license is still in effect.

**§ [5]4813.2. When amendment is allowed.**

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**§ [5]4813.3. How application is processed.**

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**§ [5]4813.4. Procedure when application is approved.**

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**PART [5]4814**

**Commercial Lessor: Application and Licensing\***

**§ [5]4814.1. Form for application.**

Application for a license as an authorized commercial lessor shall be made on form BC-101, as prescribed by the [board] commission. The original application with supporting material as set forth in this Part shall be filed with the licensing authority of the municipality where the premises are located and one copy with supporting material with the [Racing and Wagering Board at its New York City office] commission.

**§ [5]4814.2. Bingo rental statement.**

Each application shall be accompanied by a bingo rental statement on form BC-102, as prescribed by the [board] commission.

**§ [5]4814.3. Individual and business entity statement.**

Where the applicant is an individual, the application shall be accompanied by an individual statement on form BC-103, as prescribed by the [board] commission[; where]. Where the applicant is a partnership, association, joint venture or any business entity other than a corporation, [it] the application shall be accompanied by a business entity statement on form BC-104 as prescribed by the [board] commission. Each person named in form BC-104 shall file an individual statement on form BC-103.

**§ [5]4814.4. Corporation statement.**

If the applicant is a corporation, the application shall be accompanied by a corporation statement on form BC-105, as prescribed by the [board] commission. Each stockholder shall file an individual statement on form BC-103. The application shall also be accompanied by a list of employees, agents or representatives on form BC-108.

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**§ [5]4814.6. Requisites for license.**

No license as an authorized commercial lessor shall be granted:

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\* For Rules regarding the conduct of bingo in leased premises, see Part [5]4822 of this [Title] Chapter.

(a) if any person[,] whose signature or name appears in the application is not in all respects the real party in interest or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest; and

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(c) unless the licensing authority of the municipality where the premises are located has received an approved schedule of maximum rentals for the premises concerned from the [Racing and Wagering Board] commission; and

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**§ [5]4814.7. Hearings.**

The [Racing and Wagering Board] commission and the licensing authority of the municipality where the premises are located may hold hearings at which the applicant, or if the applicant is a corporation, its officers, directors and stockholders, shall appear and testify under oath respecting the contents of the application.

**§ [5]4814.8. Issuance by clerk.**

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**§ [5]4814.9. Disapproval procedure.**

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**§ [5]4814.10. Notification of [Racing and Wagering Board] commission.**

The licensing authority of the municipality where the premises are located shall notify the [Racing and Wagering Board] commission of [its] the final determination respecting each license application received.

**§ [5]4814.11. Grounds for revocation or suspension.**

Any license issued to an authorized commercial lessor, pursuant to the bingo licensing law, may be revoked or suspended for such period of time as the licensing authority deems to be in the public interest for any of the following acts or omissions on the part of the licensee, its agents or employees, or any person required by the bingo licensing law or this Chapter to sign or be identified in an original application for a license:

(a) any cause [which] that would have permitted or required disqualification of the licensee from receiving a license upon original application;

(b) fraud, deceit or misrepresentation in securing the license or in the conduct of the licensee's activities or in connection with any application submitted to, or any inquiry, hearing or

proceeding conducted by the licensing authority or the [Racing and Wagering Board] commission;

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(d) failure to keep said books and records available during business hours for inspection by the licensing authority or by the [Racing and Wagering Board] commission and their duly designated representatives until the expiration of the second calendar year following the calendar year during which the transactions reported therein occurred;

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**§ [5]4814.12. Time during which license is effective.**

A license as an authorized commercial lessor shall be valid for a period not exceeding one year or until revoked or suspended by the licensing authority or by the [Racing and Wagering Board] commission.

**§ [5]4814.13. Limitation upon applicant for commercial license.**

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**§ [5]4814.14. License form.**

Licenses for authorized commercial lessors shall be issued on form BC-109 as prescribed by the [board] commission.

**§ [5]4814.15. Establishment of maximum rentals.**

Upon receipt of a copy of an application for a license as an authorized commercial lessor, the [Racing and Wagering Board] commission shall determine the tentative maximum rental for the premises concerned and advise both the applicant and the licensing authority of such determination. The applicant shall be afforded a reasonable time within which to protest the tentative maximum rental by specifying the objections thereto and the grounds for such objections. In the absence of any such protest, the tentative maximum rental shall, without further notice, be deemed to be the final determination of the [Racing and Wagering Board] commission. The rental schedule is based upon a review of the Bingo Rental Statement (Form BC-102) and is determined on the basis of a 50-week year. The [board] commission, in determining rental fees to be fair and reasonable, considers actual or estimated operating expenses and other income:

(a) Allowable operating expenses.

(1) Compensation, as it relates to the management of the bingo premises, [which] that is computed on a per occasion basis. Management duties include, but are not limited to:

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(2) Maintenance expenses, including services provided for cleaning, floor waxing, and other building-related service contracts that have been furnished to the [board] commission and licensing municipality.

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(4) Repairs, including those repairs for which the applicant is responsible under its lease[,] and [which] that are not depreciable.

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(7) Depreciation of buildings, furniture, equipment and major improvements under a reasonable use expectancy schedule approved by the [board] commission.

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(9) Insurance premiums paid for coverage [which] that is reasonable and necessary for the operation of the bingo premises. To facilitate [board] commission review, a copy of the broker's statement of the insurance premiums must be furnished to the [board] commission. Insurance coverage or pension contributions for the benefit of the officers or principals of the applicant or their designees are prohibited.

(10) Legal fees, including those incurred in connection with the initial application for license, if reasonable. The [board] commission may require, in some cases, that such costs be amortized.

(11) Rubbish removal expenses considered fair and reasonable. The municipal governing body or the [board] commission may require a copy of the current contract, prior to approval.

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(16) Amortization: The cost of converting the subject premises for the conduct of bingo, or the cost of acquiring a leasehold interest may be recovered as a capital expenditure by amortization over a period of not less than 10 years, subject to [board] commission approval. However, amortization is not considered an operating expense in the determination of the reasonable profit.

(17) Rental fees in the amount established in the lease between the applicant and the owner/lessor of the building[, which] that are deemed reasonable by the [board] commission. A copy of said lease shall be provided to the [board] commission along with the application for commercial lessor's license. To determine the reasonableness of such rental fees, the [board] commission may consider appraisals and the rental fees of other comparable premises. In cases where the principal(s) of the applicant is also the principal(s) owner or the lessor of the bingo premises, the [board] commission will permit, in lieu of rent, those

expenses relating only to the ownership of the premises. Such expenses are limited to mortgage interest, real estate taxes, depreciation and insurance.

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**§ [5]4814.16. Recapitulation of fees.**

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**§ [5]4814.17. Interest in another commercial bingo hall prohibited.**

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**§ [5]4814.18. Limitations on food concession owner and employees.**

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**PART [5]4815**

**Bingo Supplier: Application and Licensing**

**§ [5]4815.1. License required.**

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**§ [5]4815.2. Form for application.**

Application for a license as a bingo supplier shall be made on form BC-106 as prescribed by the [board] commission. The application with supporting material as set forth in this Part, shall be filed in duplicate with the [Racing and Wagering Board] commission.

**§ [5]4815.3. Individual and business entity statement.**

Where the applicant is an individual, the application shall be accompanied by an individual statement on form BC-103[; where]. Where the applicant is a partnership, association, joint venture or any business entity other than a corporation, [it] the application shall be accompanied by a business entity statement on form BC-104. Each person named in form BC-104 shall file an individual statement on form BC-103.

**§ [5]4815.4. Corporation statement.**

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**§ [5]4815.5. List of employees, agents or representatives.**

The application shall be accompanied by a statement on form BC-108 as prescribed by the [board] commission, containing a list of all employees, agents or representatives of the applicant.

**§ [5]4815.6. Requisites for license.**

No license as a bingo supplier shall be granted:

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(b) unless the [Racing and Wagering Board] commission shall determine that the applicant satisfies the requirements for a bingo supplier as set forth in the bingo control law.

**§ [5]4815.7. Hearings.**

The [Racing and Wagering Board] commission may hold hearings at which the applicant, or if the applicant is a corporation, its officers, directors, and stockholders[,] shall appear and testify under oath respecting the contents of the application.

**§ [5]4815.8. Issuance by [Racing and Wagering Board] commission.**

When the [Racing and Wagering Board] commission has determined that the applicant possesses the requisite qualifications to receive a license, [it] the commission shall issue a license as a bingo supplier upon payment by the applicant of a license fee to be determined in accordance with the schedule contained in the bingo control law.

**§ [5]4815.9. Disapproval procedure.**

If the application is not approved, the [Racing and Wagering Board] commission shall give due notice to the applicant, in writing, of a hearing to be held upon the qualifications of the applicant and the merits of the application. At the hearing the burden of proof shall be on the applicant to establish eligibility for a license.

**§ [5]4815.10. Grounds for revocation or suspension.**

Any license as a bingo supplier issued pursuant to the bingo control law may be revoked or suspended for such period as the [Racing and Wagering Board] commission deems in the public interest for any of the following acts or omissions on the part of the licensee, [its] the licensee's agents or employees, or any person required by the bingo control law or this [Subtitle] Chapter to sign or be identified in an original application for a license:

(a) any cause [which] that would have permitted or required disqualification of the licensee from receiving a license upon an original application;

(b) fraud, deceit or misrepresentation in securing the license or in the conduct of the licensee's activities or in connection with any application submitted to, or any inquiry, hearing or proceeding conducted by the [Racing and Wagering Board] commission;

(c) failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of [his or its] such licensee's activities as a licensed bingo supplier;

(d) failure to keep said books and records available during business hours for inspection by the [Racing and Wagering Board] commission and [its] the commission's duly designated representatives until the expiration of the second calendar year following the calendar year during which the activities reported therein occurred;

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**§ [5]4815.11. Persons prohibited from participating in the conduct of bingo.**

No person who is directly or indirectly connected with the manufacture, sale or distribution of bingo equipment or supplies or [his] such person's agents[, servants] or employees shall conduct, participate, advise or assist in the conduct of bingo, render any service or give or loan money or anything of value, whether directly or indirectly to a commercial lessor, agent or representative, or to anyone conducting, participating or assisting in the conduct of bingo, or prepare any form pertaining to bingo. This shall not be construed so as to prohibit a licensed manufacturer or supplier from selling, offering for sale, or explaining a product to a licensed authorized organization or installing or servicing bingo equipment upon the premises of a licensed authorized organization.

**§ [5]4815.12. Bingo supplier to notify [Racing and Wagering Board] commission of changes in structure.**

An applicant for a license as a bingo supplier shall, during the pendency of the application, notify the [Racing and Wagering Board] commission immediately of any change respecting any facts set forth in the application. If any such change occurs after the issuance of the license applied for, the change must be reported to the [Racing and Wagering Board] commission within 10 days of the date of the change. Furthermore, every licensed bingo supplier shall notify the [Racing and Wagering Board] commission of any change in its organization, structure, mode of operation, or of any change in the identity of persons named or required to be named in the application, or of the nature or extent of their interest, or of any other change respecting any facts set forth in the application, within 10 days of the date of such change. Failure to give the notice herein provided shall constitute sufficient cause for denial of a pending license or suspension or revocation of a license [which] that has been granted.

**§ [5]4815.13. Maintenance of books and records.**

All licensed bingo suppliers shall maintain their books and records in such manner as to enable the [Racing and Wagering Board] commission to determine the gross sales of bingo equipment and supplies to authorized organizations duly licensed to conduct bingo games in the State of New York.

**§ [5]4815.14. Sales to other than licensed organizations prohibited.**

(a) No licensed bingo supplier, [its] such supplier's duly authorized agents, [salesmen] salespersons or representatives shall, during the term of such license, sell or distribute bingo supplies or equipment in the State of New York to other than:

(1) an authorized organization [which] that is licensed to conduct bingo,

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(b) A licensed commercial lessor shall not buy, sell, or provide any bingo opportunities or, except as reflected in [its board] such lessor's commission-approved lease agreement(s), any other bingo supplies or equipment.

**§ [5]4815.15. Transaction of business during conduct of bingo prohibited.**

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**§ [5]4815.16. Time during which license is effective.**

A licensee as a bingo supplier shall be valid for a period not exceeding one year or until revoked or suspended by the [Racing and Wagering Board] commission.

**§ [5]4815.17. Temporary permit.**

The [Racing and Wagering Board] commission may issue a temporary permit to an applicant pending final action on the application. Any such temporary permit shall be valid until withdrawn by the [Racing and Wagering Board] commission.

**§ [5]4815.18. License form.**

A license as a bingo supplier shall be issued on form BC-107 as prescribed by the [board] commission.

**§ [5]4815.19. Recapitulation of fees.**

At the end of the license period, a recapitulation shall be made as between the licensee and the [Racing and Wagering Board] commission with respect to the gross sales recorded during the license period and the license fee previously paid. Any deficiency of fee thereby established to be due shall be paid by the licensee and, should said licensee apply for a license for a subsequent year, and in that event only, shall any excess of fee be credited to said applicant.

**§ [5]4815.20. Identity on bingo cards.**

No licensed supplier shall sell any type of bingo card unless there is printed thereon the name, mark or symbol of the printer or manufacturer which name, mark or symbol has been registered with the [Racing and Wagering Board] commission.

**§ [5]4815.21. Supplier's gifts, donations and loans prohibited.**

A licensed supplier shall not agree to or sell or distribute bingo supplies or equipment at less than fair market value.

**Subchapter [C] E**

**Bingo Conduct of Games, Hearings and Appeals**

**PART [5]4820**

**General Conduct of Bingo**

**§ [5]4820.1. Duties of member in charge.**

The officers of every authorized organization licensed to conduct bingo shall designate a bona fide, active member of the licensee to be in charge of and primarily responsible for the conduct of the games of bingo on each occasion. The member in charge shall supervise all activities on the occasion for which [he] such member is in charge, shall not permit any person to participate in any game of chance of any kind other than bingo[,] and shall be responsible for the making of the required report thereof (BC-7). The member in charge shall be familiar with the provisions of the Bingo Licensing Law, the ordinances or local laws, the rules and regulations of the [Racing and Wagering Board] commission and the terms of the license. [He] The member in charge shall be present on the premises continuously during the occasion.

**§ [5]4820.2. Responsibility for children.**

In those municipalities [which] that permit children under the age of 18 years to attend bingo occasions, the adults accompanying such children shall assert control and be responsible for the actions of such children throughout the bingo occasions.

**§ [5]4820.3. Restriction on participation.**

No person shall assist in the conduct of bingo except an active member of the licensee, an active member of an organization [which] that is an auxiliary to the licensee, an active member of an organization of which the licensee is an ancillary, or an active member of an organization [which] that is affiliated with the licensee by being, with it, auxiliary to another organization. Before a member of any organization assists the licensee in the conduct of bingo, such organization must register with the [Racing and Wagering Board] commission and secure an

identification number.

**§ [5]4820.4. Badges.**

The member in charge, those assisting [him] such person, including the caller and [his] the caller's assistant, shall wear badges approved by the [Racing and Wagering Board] commission, containing the name, signature and address of the wearer, the name of the organization for which [he] the wearer is working, the name of the organization of which [he] the wearer is a member, and [his] the wearer's photograph. Each member shall also have in [his] such member's possession valid identification, containing [his] such member's name and address, which must be exhibited upon the request of a representative of the [board] commission or municipality.

**§ [5]4820.5. Designation of officer responsible for utilization of bingo monies.**

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**§ [5]4820.6. Payment of person conducting games; gifts, donations prohibited.**

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**§ [5]4820.7. Compensation of bookkeepers and accountants.**

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**§ [5]4820.8. Admission charge.**

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**§ [5]4820.9. Premises open to inspection.**

The premises where any game of bingo is conducted, or where it is intended that any game of bingo shall be conducted or where it is intended that any equipment be used, shall, at all reasonable times, be open to inspection by the [Racing and Wagering Board] commission and the municipal governing body, and the officers, agents and employees thereof.

**§ [5]4820.10. Ownership of equipment.**

The licensee shall not conduct any bingo game with any equipment [which it] that such licensee does not own absolutely or lease from a bingo supplier licensed by the [board] commission or another authorized organization, except [that] such equipment [which] that a lessor undertakes to provide by the terms of a written lease. No licensee shall agree to purchase [its] supplies in consideration of receiving the use of any equipment, goods or supplies without charge. The provisions of this section shall not be construed so as to permit an authorized organization to engage in the business of selling or leasing bingo supplies or equipment.

**§ ~~5~~4820.11. Sale of merchandise prohibited.**

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**§ ~~5~~4820.12. Players' selection of bingo face-cards prohibited; surrender of unused bingo opportunities.**

(a) Players shall purchase only the uppermost bingo opportunity or package of opportunities forming a stack of such opportunities, and shall be prohibited from selecting any bingo opportunity by its face-card, except that in a supercard game players choose their cards, and in a player select game players enter numbers of their choice on their player select cards. Opportunities shall be printed on only one side of any card. No player shall be given the opportunity to determine the selection of any particular bingo face-card on the basis of the numbers appearing thereon, except with respect to supercard games and player select games. At no time during an occasion shall any opportunity or opportunities be transferred or exchanged, except if such opportunity or opportunities be defective or a duplicate of a face-card purchased by the same player or an opportunity for a pre-drawn bingo game exchanged pursuant to section ~~5~~4820.51 of this Part. The provisions of this section shall apply to the conduct of all bingo games.

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**§ ~~5~~4820.13. Time for selling bingo cards; accounting of bingo cards sold.**

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**§ ~~5~~4820.14. Price of bingo cards.**

(a) All opportunities to play, including admission cards, extra regular cards, special game cards, packages of opportunities, supercards, early bird cards, pre-drawn bingo cards, player select cards, quick bingo cards and, where applicable, limited period bingo cards, shall be assigned a specific price, shall be sold for that price only and that price shall not be varied during any occasion. All such opportunities shall be sold only within the building or place in which bingo is conducted. Every package of opportunities shall be sold as a unit and no single opportunity forming a part of such unit shall be sold individually, except with respect to admission cards sold pursuant to section ~~5~~4820.8 of this Part, unless the single opportunities correspond with, but are clearly different and readily distinguishable from, those opportunities comprising such package. A list shall be posted where the admission cards are sold setting forth the specific price of each such opportunity or package of opportunities. The price of each opportunity bearing the same number of face-cards per card or sheet, whether they be in the form of hard-boards, disposable cards or electronic bingo aid images, shall be identical to each other and shall be conspicuously posted and listed on the licensed authorized organization's bingo program required under section ~~5~~4820.39 of this Part. The sale of such opportunities at any price other than that posted and listed on the bingo program is prohibited. The price for a one-on face-card to participate in an early bird game shall not exceed \$1. Early bird opportunities bearing more than one face-card

may be priced at the discretion of the licensed authorized organization, provided one-on early bird cards are simultaneously offered for sale at a price of \$1, or less. A sign posted where supercards are sold shall set forth the price of each supercard opportunity and the amount or odds of each payout. The price per supercard shall not exceed \$10. In the case of limited period bingo, not more than 25 cents shall be charged for a single opportunity to participate in any one game and no person shall purchase more than five opportunities at any one time to participate in any one game.

(b) Opportunities to participate in both occasions of a double-header or all three occasions of a triple-header[, as defined in section 5820.1(g) and (cc) of this Title], respectively, may be offered for sale as a package of opportunities, provided the licensed authorized organization separately identifies the opportunities sold during each of the occasions on the bingo program [required under section 5820.39 of this Part], offers the sale of opportunities to participate in each occasion separately upon request, offers the sale of admission cards separately [as required under section 5820.8 of this Title], and accounts for such opportunities separately on its financial statements of bingo operations [in accordance with section 5820.1 of this Title].

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**§ [5]4820.15. Kind of equipment used for games.**

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**§ [5]4820.16. Drawing of numbers.**

There shall be two persons present at the receptacle from which the objects, or balls are drawn; one person shall remove the ball from the receptacle, observe the letter and the number, and hand it to the other person who shall raise the ball to display the letter and number to the players and announce the letters and the complete numbers being called accurately and audibly to all players present. Where there is an audio-video system in operation, the caller may be the sole person present at the receptacle from which the objects or balls are drawn, provided the caller positions each ball before the camera to clearly display the letter and number appearing on each ball to the players via the video monitor(s). When an audio-video system is in operation, the caller shall announce the next letter and number in its entirety while the image of that letter and number are clearly displayed on the video monitor(s) and shall raise the ball to display the letter and number to the players before placing it in the appropriately numbered space at the caller's station. The caller shall not be required to handle the ball when a hands-free bingo receptacle approved by the [board] commission is utilized, but shall be required to announce both the letter and the number while the image of that letter and number are clearly displayed on the video monitor(s). Speed-up games such as the wild number game in which players mark those numbers appearing on their face-cards whose second digits match the wild number's single digit number (or its second digit if the wild number is a two-digit number) so designated by the licensed authorized organization are permitted only when the bingo system utilized has a wild number function that automatically causes the bingo display board to illuminate the wild number and all numbers corresponding

with it. Once removed, no ball shall be returned to the receptacle until after the conclusion of the game.

**§ [5]4820.17. Visibility of drawing to players.**

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**§ [5]4820.18. Announcement of winning patterns before a game.**

The particular arrangement of numbers required to be covered in order to win the game (the winning pattern) and the amount of the prize for each game shall be listed on the licensed authorized organization's bingo program[, in accordance with section 5820.39 of this Part,] and shall be clearly and audibly described and announced to the players immediately prior to the calling of the first ball drawn in that game. If a game is divided into multiple parts, the winning pattern and the amount of prize for each part of the game shall be listed on the licensed authorized organization's application for bingo license and on the bingo program [required under section 5820.39 of this Part], and shall be audibly announced to the players immediately prior to each multiple game. The aggregate amount of the prizes comprising all parts of a multiple-part game shall not exceed \$1,000.

**§ [5]4820.19. Permissible winning patterns.**

No arrangement of numbers on any face-card shall be required to be covered in order to win a game other than the following:

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(j) any other winning pattern [which] that has been approved in writing by the [Racing and Wagering Board] commission.

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**§ [5]4820.20. Bonus prizes.**

A bonus prize may be awarded on the basis of either a specific winning pattern or the type of face-card required to win a game provided the amount of the bonus prize is listed on the application for bingo license and on the licensed authorized organization's bingo program [required under section 5820.39 of this Part], and provided the winning pattern and the type of bingo face-card to be used have been approved by the [board] commission in accordance with subdivision (j) of section [5]4820.19[(j)] of this Part.

(a) The dollar amount of a prize may be progressively increased from one occasion to successive occasions on the basis of a specified number of calls within which the player is required to obtain a winning pattern, provided the minimum number of calls needed to win, the face-card pattern needed to win, the dollar amount of the initial prize, the dollar amount of the consolation prize to be awarded in the event that the winning pattern is not obtained within the specified number of

calls, and a detailed description of how the progressive prize will be increased for each occasion is reflected on the application for bingo license or amendment thereto, and on the licensed authorized organization's bingo program [required under section 5820.39 of this Part]. Once the progressive prize is awarded, the number of calls needed to win and the dollar amount of the progressive prize shall revert back the minimums reflected on the application for bingo license or amendment thereto, and on the licensed authorized organization's bingo program. The caller shall announce the winning pattern, the number of calls needed to win, the dollar amount of the progressive prize, and the dollar amount of the consolation prize immediately prior to announcing the first ball in a progressive game.

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(c) No prize shall be awarded based on the caller's selection of a ball other than one of the 75 numbered balls approved for use under section [5]4820.15 of this Part.

(d) No prize shall be awarded based on a player's covering or daubing in indelible ink a numbered space that is not identical to the number announced by the caller, with the exception of a wild number game as defined in subdivision (ae) of section [5]4800.1[(ae)] of this [Title] Chapter.

**§ [5]4820.21. Verification of numbers drawn.**

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**§ [5]4820.22. Verification of winning cards.**

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**§ [5]4820.23. Maximum number of games to be played.**

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**§ [5]4820.24. Sale of raffle tickets and games of chance.**

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**§ [5]4820.25. Maximum value of prizes offered.**

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**§ [5]4820.26. Merchandise prizes.**

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**§ [5]4820.27. Multiple winners.**

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(c) When one player is found to be the winner of more than one part of a multiple-part game on one or more face-cards on the same number called, that player shall be entitled to the dollar amounts of the prizes awarded for winning both parts of that multiple-part game, or an equal share of the dollar amounts of the prizes awarded for any part or parts of a multiple-part game when there is more than one winner. A licensed organization shall not require that an additional ball be drawn and announced prior to honoring any prize in a multiple-part bingo game unless the licensee has adopted a house rule requiring such, pursuant to section [5]~~4~~820.53 of this Part, and has included that requirement in its bingo program [required under section 5820.39 of this Part].

\*\*\*

(e) Multiple winners in tiered bingo games and tri-color bingo games shall be paid in accordance with the provisions of section [5]~~4~~820.14 and section [5]~~4~~820.56 of this Part, respectively.

**§ [5]~~4~~820.28. Varying value of prizes offered.**

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**§ [5]~~4~~820.29. Gifts prohibited.**

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**§ [5]~~4~~820.30. Admission charge as requisite to participate.**

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**§ [5]~~4~~820.31. Property not permitted as prizes.**

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**§ [5]~~4~~820.32. Unapproved buildings.**

No games of bingo shall be held in any building [which] that has not been approved by the municipal governing body for public assembly, if required by law.

**§ [5]~~4~~820.33. Rental payment due.**

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**§ [5]~~4~~820.34. Persons prohibited as players.**

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**§ [5]~~4~~820.35. Qualifications of person calling game.**

No person shall act as a caller or assistant to the caller in the conduct of any game of bingo

unless [he] such person has been a member in good standing of the licensee conducting such game or one of [its] such licensee's registered auxiliaries for at least one year immediately prior to the date of such game, be of good moral character and never been convicted of a crime.

**§ [5]4820.36. Use of net proceeds.**

The entire net proceeds of all games of bingo must be devoted to one or more of the lawful purposes as defined in the Bingo Licensing Law and this [subtitle] Chapter. [Organizations] An organization failing to comply with this section will be required to show cause before the [Racing and Wagering Board] commission why [their] such organization's right to conduct games of bingo should not be revoked.

**§ [5]4820.37. Report of net profits.**

Any organization licensed to conduct games of bingo [which] that does not report net profits during any one-year period may be required to show cause before the [Racing and Wagering Board] commission why [its] such organization's license to conduct games of bingo should not be revoked.

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**§ [5]4820.39. Accommodations to be furnished players.**

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**§ [5]4820.40. Transportation of patrons.**

No licensee shall provide, by contract or otherwise, for transportation of patrons to or from the place where any game of bingo is conducted, unless prior written authorization is obtained from the [Racing and Wagering Board] commission. The application for this authorization must be in writing and must establish to the satisfaction of the [Racing and Wagering Board] commission that the licensee has good cause for such request. Any authorization granted by the [Racing and Wagering Board] commission may be suspended or revoked by the [Racing and Wagering Board] commission if [it] the commission determines that there is no further need for this transportation, or that the licensee has violated any of the provisions of the Bingo Licensing Law or this [subtitle] Chapter, or that in the opinion of the [Racing and Wagering Board] commission the transportation of patrons to and from bingo games should no longer be authorized.

**§ [5]4820.41. Purchase of bingo supplies.**

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**§ [5]4820.42. Sale and distribution of bingo supplies.**

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**§ [5]4820.43. Standard of conduct of games prescribed.**

Every licensed authorized organization shall so supervise, regulate and conduct games of bingo, in accordance with the Bingo Licensing Law and this [subtitle] Chapter, so as to afford and ensure all players an equal opportunity to win and to eliminate any influence [which] that has or may have as its purpose the predetermination or selection of any winner or winners.

**§ [5]4820.44. Cashing of checks prohibited.**

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**§ [5]4820.45. Limited period bingo cards.**

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**§ [5]4820.46. Use of limited period bingo cards.**

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**§ [5]4820.47. Advertising of bingo games.**

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**§ [5]4820.48. Supercard game.**

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(f) Supercard opportunities shall be offered to players in horizontal rows, each row containing 15 supercard opportunities numbered 1 through 15 corresponding with the 15 vertical lines displayed on the bingo board. No supercard game shall commence unless at least 13 differently numbered supercard opportunities from the horizontal row have been sold. Supercards sold in combinations or units comprised of opportunities to participate in more than one supercard game per occasion may also be offered for sale singly or in units comprised of several opportunities to participate in a single supercard game. Each supercard shall bear the appropriate serial number and the name and/or [board] commission approved logo of the licensed bingo manufacturer or licensed bingo supplier.

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**§ [5]4820.49. Player select game; use of [board] commission-approved player select face-cards.**

Player select is a special game of bingo in which players purchase specially constructed player select cards approved by the [board] commission upon which [they] players enter bingo numbers of their choice. Player select is conducted as follows:

(a) Each player select card, which shall be comprised of an original and one carbon-less copy, shall contain four or more blank spaces into which players enter numbers of their choice. Player select cards may, if approved in writing by the [board] commission, bear one or more free spaces;

(b) Prior to the commencement of the game, each participating player enters the bingo numbers of [his or her] such player's choice, ranging from [1] one to 75, inclusive, into the blank spaces on the player select card. No number entered on the same player select card shall be repeated;

\*\*\*

(d) If the licensed authorized organization verifies that all of the numbers entered on a player select card and marked with a standard ink dauber by a player match the numbers announced by the bingo caller during the designated player select game, that player is declared a winner. If there are two or more winners in a single player select game, the established prize shall be divided equally among those winners in accordance with section [5]4820.27 of this Part;

(e) The prize in a player select game shall be listed on the application for the bingo license and on the licensed authorized organization's bingo program required under section [5]4820.39 of this Part; and

(f) The aggregate prizes awarded during the player select game and the regular or special game in which it is simultaneously played, if any, shall not exceed \$1,000 per game, nor \$3,000 per occasion, unless the player select game is conducted as an early bird game, pursuant to section [5]4820.50 of this Part.

**§ [5]4820.50. Early Bird game.**

The early bird game, also known as "share the wealth" or "split pot," is a special game in which the prize is based on a designated percentage of the receipts from the sale of early bird cards, that is conducted as follows:

\*\*\*

(h) The prize awarded during the conduct of an early bird game is not subject to the single prize limitation, nor is the prize considered part of the total series of bingo prizes imposed by subdivisions 5 and 6 of section 479 and paragraph (a) of subdivision 1 of section 481 of the General Municipal Law[,] or section [5]4820.25 of this Part; and

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**§ [5]4820.51. Pre-drawn bingo game; use of [board] commission-approved tear-open or sealed bingo face-cards.**

Pre-drawn bingo game shall mean a special bingo game in which a predetermined number of bingo balls are pre-picked at random from the receptacle, and in which either a predetermined

primary prize or a consolation prize will be awarded based on whether or not a player obtains a winning full-card bingo pattern in the number of calls specified in the application for bingo license and on the bingo program [required by section 5820.39 of this Part]. Pre-drawn bingo games [any] may be conducted as an early bird game in which the primary and consolation prize is based on a percentage of the gross receipts from bingo opportunities sold pursuant to section [5]4820.50 of this Part, as a progressive game in which the primary prize is increased after each occasion that the winning pattern is not obtained within the specified number of calls pursuant to section [5]4820.20 of this Part, or the prizes may be based on fixed primary and consolation prizes listed on the organization's application for license and bingo program [required under section 5820.39 of this Part]. Each pre-drawn bingo game shall be conducted as follows:

- (a) The number of balls to be pre-drawn shall be listed on the application for bingo license and the bingo program [required by section 5820.39 of this Part];
- (b) The time that the pre-drawing of the balls shall commence, and the time that the game will begin, shall be specified on the application for bingo license[,] and on the bingo program [required by section 5820.39 of this Part];

\*\*\*

(f) Pre-drawn bingo games shall be conducted using only [board] commission-approved tear-open or sealed bingo opportunities, which shall be constructed in such a manner, and of such material, so as to prevent the viewing of the numbers printed thereon until the purchasing player opens the opportunity by tearing off perforated edges or otherwise breaking a secured seal thereon enclosing the face-card. All bingo opportunities used in pre-drawn games shall be marked with indelible ink daubers;

(g) Tear-open or sealed bingo opportunities shall not be exchanged, except as otherwise permitted by section [5]4820.12 of this Part, unless the tear-open or sealed bingo opportunities provided in the exchange are of a different color and series than the opportunities originally sold, and that the player exchanging an opportunity is sold two of the different colored opportunities for the same price as the original opportunity surrendered. Each tear-open or sealed bingo opportunity exchanged shall be permanently defaced and retained by the licensed authorized organization until the BC-7 has been filed with the municipality;

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**§ [5]4820.52. Quick bingo game; use of [board] commission-approved quick bingo face-cards.**

Quick bingo game is a special bingo game in which specially constructed quick bingo cards approved by the [board] commission are sold and marked by the players with indelible ink daubers. Quick bingo games shall be conducted as follows:

- (a) Quick bingo games shall be conducted using only [board] commission-approved break-open or sealed bingo opportunities, which shall be constructed in such a manner, and of such material,

so as to prevent the viewing of the numbers printed thereon until the purchasing player opens the opportunity by opening the perforated tabs or otherwise breaking a secured seal thereon enclosing the face-card;

(b) Quick bingo cards, once opened by the player, shall reveal a grid comprised of either [9] nine spaces formed by [3] three rows of [3] three spaces each, or 16 spaces formed by [4] four rows of [4] four spaces, each space bearing a number ranging from [1] one to 75, inclusive, none of which shall be repeated on the same quick bingo card. The type-face of each number shall be sufficiently large to mark with a standard-sized indelible ink dauber;

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(e) The dollar amount of each quick bingo prize shall be listed on the application for the bingo license and on the licensed authorized organization's bingo program required under section [5]4820.39 of this Part;

(f) If the licensed organization has verified that all of the numbers daubed by a player match the numbers announced by the bingo caller during the designated quick bingo game, that player shall be declared a winner. If there are two or more winners in a single quick bingo game, the established prize shall be divided equally among those winners in accordance with section [5]4820.27 of this Part;

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#### **§ [5]4820.53. House rules.**

Licensed authorized organizations shall adopt house rules to inform the players how situations not addressed by law, rule or regulation will be handled. Such house rules shall include, but need not be limited to, the licensee's policy stating whether or not seat reservations are permitted, how late calls of bingo will be addressed, the effects of electrical power interruptions, participation by minors, and the licensee's policies determining whether or not a player's winning bingo pattern must contain the last number called in that game, and whether or not another ball must be drawn and announced when a single player obtains two parts of a multiple-part game on the same call. House rules shall be prominently posted, listed in the bingo program required by section [5]4820.39 of this Part, and shall be audibly announced prior to the commencement of each licensed bingo session.

#### **§ [5]4820.54. Seat reservations.**

Licensed authorized organizations shall, pursuant to section [5]4820.53 of this Part, adopt a house rule either permitting or denying their members in charge the authority to reserve seats for players, and shall include that house rule in its bingo program [required by section 5820.39 of this Part]. When seat reservations are permitted, each player shall be afforded an equal opportunity to reserve a seat. Seats may be reserved with "Reserved Seat" signs but, under no circumstances, shall seats be reserved by placing bingo opportunities, daubers or other supplies on tables before unoccupied seats. Licensed authorized organizations opting not to permit seat

reservations shall adopt a house rule prohibiting seat reservations entirely.

**§ [5]4820.55. Leasing of bingo equipment.**

Manufacturers and suppliers licensed by the [Board] commission may lease bingo blowers, receptacles, display boards, face-card verifiers and other equipment integral to the operation of bingo to:

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(e) a licensed commercial lessor that has received written approval from the [board] commission to purchase or lease bingo blowers, receptacles, display boards and other supplies or equipment integral to the operation of a licensed commercial lessor. The provisions of this [subtitle] Chapter shall not be construed so as to authorize or permit a licensed commercial lessor to sell, loan or act as a lessor of any bingo supplies or equipment.

**§ [5]4820.56. Tri-color bingo game; use of [board] commission-approved tri-colored bingo opportunities.**

Tri-color bingo is a game using disposable bingo opportunities comprised of three different colored face-cards, wherein a different dollar amount is offered as a prize for each of the three colors. Tri-color bingo shall be conducted as follows:

(a) Tri-color bingo shall only be conducted using [board] commission-approved bingo opportunities marked with indelible ink daubers;]

(b) Tri-color bingo games may be conducted as an early bird game in which the prize for each of the three colors is based on a percentage of the gross receipts from the sale of bingo opportunities to participate in that game, pursuant to section [5]4820.50 of this Part, or the prizes may be based on fixed dollar amounts awarded for each color. In either case, the percentage of sales to be awarded for each color, or the dollar amount of the fixed prize to be awarded for each color, shall be listed on both the organization's application for license and the bingo program [required under section 5820.39 of this Part];

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**§ [5]4820.57. Bonus ball.**

Bonus ball is a special bingo game played in conjunction with one or more regular and/or special bingo games that have been designated by the licensed authorized organization on its application for bingo license and on the bingo program [required under section 5820.39 of this Part] as "Bonus Ball Games" and in which a "Bonus Ball Prize" is awarded to the player acquiring the designated winning bingo pattern when the last number called and marked by that player is identical to the "Bonus Ball Number["]."

(a) (1) Bonus ball may be conducted during single occasions, and during each occasion of multiple occasion bingo sessions known as Double Headers and Triple Headers, as described in subdivision (b) of this section, provided the licensed authorized organization adheres to all of the provisions of this [subtitle] Chapter related to the determination of the Bonus Ball Number, the sale of opportunities to enroll in bonus ball, and the establishment, awarding, or carrying-over of the bonus ball prize.

(2) The "Bonus Ball Number" is determined for each occasion by the bingo caller's drawing of a bingo ball from the receptacle, the caller's announcement that the ball drawn is the Bonus Ball Number for that occasion only, the prominent posting of the Bonus Ball Number in an area of the bingo premises visible to the majority of players, and the immediate return of that ball to the receptacle. The Bonus Ball Number must be determined, announced and prominently posted prior to the start of the first bingo game in each occasion.

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(4) The fee for a single opportunity to participate in bonus ball, which cannot exceed \$1, entitles each participating player to compete in all bingo games conducted during an occasion that are specified as bonus ball games in the authorized organization's application for bingo license, and on the bingo program [required by section 5820.39 of this subtitle].

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(6) The total amount collected from the sale of opportunities to participate in bonus ball and the amount of the bonus ball prize must be announced by the caller at least 15 minutes prior to the start of the first bingo game designated as a bonus ball game in each occasion.

(7) If a winner of a designated bonus ball game is verified, a bonus ball prize consistent with paragraph (8) of this subdivision shall be awarded to the winning player, and the caller shall declare the bonus ball game closed for the remainder of that bingo occasion.

(8) Each winner of a bonus ball game shall be awarded a cash prize equal to a percentage of the proceeds collected from the sale of opportunities to participate in bonus ball, which cannot exceed 75 percent of the proceeds derived from such sales. The remaining percentage of the proceeds from those sales, which cannot be less than 25 percent, is retained by the licensed authorized organization as profit. The percentage of sales used to calculate bonus ball prizes must be consistently applied at all occasions, as specified in the licensed authorized organization's application for bingo license, on the license, and on the bingo program [required by section 5820.39 of this subtitle].

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(10) Bonus ball prizes are exempt from the single game prize limitation of \$1,000 and the \$3,000 limit on the series of prizes imposed by subdivisions 5 and 6 of section 479, paragraph (a) of subdivision 1 of section 481 of the General Municipal Law and section [5]4820.25 of this Part. However, as detailed in Subsection i above, no bonus ball prize can

exceed the sum of \$6,000, pursuant to subsection 11-b of section 1 of section 476 of the General Municipal Law.

(11) Although the prizes awarded in Bonus Ball games are comprised of a predetermined percentage of the proceeds collected from the sale of opportunities identical to the prizes awarded in Early Bird bingo games defined in subdivision (h) of [section 5]4800.1[(h)] and conducted pursuant to section [5]4820.50 of this Part, Early Bird and Bonus Ball are two distinctly separate bingo games. Authorized organizations may be licensed to conduct two Early Bird games per occasion[,] and can also designate any or all of the regular and/or special bingo games conducted during that occasion to be Bonus Ball games.

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## **PART [5]4821**

### **Financial Statement of Bingo Operations**

#### **§ [5]4821.1. Financial statement form.**

The financial statement of bingo operations required by ordinance or local laws, State laws and this Chapter shall be on form BC-7 and in the case of limited period bingo, on form BC-9, each as prescribed by the [board] commission. The licensee shall execute and file the original of the report with the clerk of the municipality within seven days after the conclusion of each occasion. Within 15 days after the end of each calendar quarter during which there has been any occasion of bingo, a summary statement of such information shall be on form BC-7Q, as prescribed by the [board] commission. The licensee shall execute and file the original of the quarterly report with the [Racing and Wagering Board] commission and a copy with the clerk of the municipality. The licensee shall retain a copy of each report for its permanent records.

#### **§ [5]4821.2. Cash control report.**

The [Racing and Wagering Board] commission requires every licensee to attach and file with [its] such licensee's financial statement an additional statement (form BC-7B), as prescribed by the [board] commission, setting forth each item of receipt relating to the sale of bingo opportunities, the names of the workers charged with such sales, bingo supplies sold and rent received.

#### **§ [5]4821.3. Additional license fee.**

Upon the filing of the financial statement of bingo operations, the licensee shall pay to the clerk of the municipality as an additional license fee a sum in the amount of three [per centum] percent of the reported net proceeds, if any, for the occasion covered by such statement.

**§ [5]4821.4. Report when no games are played.**

When no games are held on any date when a license authorizes them to be held, a report to that effect must be filed with the clerk of the municipality and the [Racing and Wagering Board] commission.

**§ [5]4821.5. Reports delinquently filed.**

(a) The municipal governing body shall not issue a further license to an authorized organization found to be delinquent in filing [its] such organization's financial statement or summary statement of bingo operations. Upon such finding or upon notification to the municipal governing body by the [Racing and Wagering Board] commission, the municipal governing body shall forthwith suspend any existing license and cancel the unexpired term thereof.

(b) If a licensee fails to file a financial statement or summary statement of bingo operations as required by this Part, within five days after notification by the municipal governing body or the [Racing and Wagering Board] commission of their delinquency, [their] such licensee's license shall be suspended pending the filing of the required financial statement or summary statement of operations.

**§ [5]4821.6. Reports defectively filed.**

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**§ [5]4821.7. Non-bingo books and records available for examination.**

Before any bingo funds are expended for noncharitable purposes, the licensee organization shall utilize all other sources or potential sources of income to discharge such noncharitable and operating expenses ordinarily incurred. Only in such manner can the organization ensure a maximum availability of the net proceeds of bingo exclusively for application to the worthy causes and undertakings specified in the Bingo Licensing Law. Any licensee organization [which] that is disbursing bingo funds for noncharitable purposes shall make [its] such licensee organization's general fund and all other books and records available for examination by the [Racing and Wagering Board] commission or the municipal governing body or their representatives.

**§ [5]4821.8. Special bingo account.**

Each licensee shall maintain one bingo account [which] that shall be designated the "special bingo account" and [which] that shall be in the form of a regular checking account. Into this account shall be deposited all and only monies received from the sale of admission cards, regular bingo cards, extra regular bingo cards, special game cards, limited period bingo cards, supplies, rentals of premises for the conduct of bingo, if any, and all other receipts derived from the conduct of bingo less the amount awarded in cash prizes. Deposits shall be made intact and no later than the next business day following the date of a bingo occasion.

**§ [5]4821.9. Method of withdrawal.**

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**§ [5]4821.10. Purposes of withdrawal.**

Monies withdrawn from the special bingo account shall only be for one or more of the following purposes:

(a) the payment of necessary and reasonable expenses incurred in connection with the conduct of bingo, which shall consist of bingo supplies and equipment, rent if premises where bingo is conducted are rented, bookkeeping or accounting services according to the schedule of compensation prescribed by the [Racing and Wagering Board] commission, janitorial services and utility supplies, license fees, and the cost of bus transportation, if authorized by the [Racing and Wagering Board] commission;

(b) the disbursement of net proceeds derived from the conduct of bingo for one or more of the lawful purposes defined in the Bingo Licensing Law and this [subtitle] Chapter, regulations and bulletins of the [Racing and Wagering Board] commission;

(c) the transfer of net proceeds derived from the conduct of bingo into one or more interest-bearing accounts, pending a disbursement for one or more of the lawful purposes defined in the Bingo Licensing Law and this [subtitle] Chapter, regulations and bulletins of the [Racing and Wagering Board] commission.

**§ [5]4821.11. Direct disbursement from interest account prohibited.**

The disbursement of net proceeds on deposit in an interest-bearing account for one or more of the lawful purposes defined in the Bingo Licensing Law and this [subtitle] Chapter shall be made by transferring the amount of the intended disbursement back into the "special bingo account" and then withdrawing the amount therefrom in the manner prescribed in section [5]4821.9 of this Part.

**§ [5]4821.12. Commingling prohibited.**

The commingling of monies derived from the conduct of bingo with any other funds of the licensee is strictly prohibited. At no time shall a disbursement of these monies be for the purpose of transferring such monies, in whole or in part, to any other bank account maintained by the licensee, except as provided in subdivision (c) of section [5]4821.10[(c)] of this Part.

**§ [5]4821.13. Bookkeeping system required.**

Each licensee shall maintain a single-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of bingo and the disbursement of net proceeds derived therefrom. Such bookkeeping system shall consist of a columnar book prepared in the manner shown in Exhibits 1 and 2 infra (see Appendix T-1 of this [Title] Chapter) and

shall be maintained on a calendar or fiscal year basis. The functions of bookkeeper and duly authorized signer of checks shall not be performed by the same person.

**§ [5]4821.14. Books and records available for examination.**

The books of account shall be kept up-to-date. The columnar book, deposit books, savings account passbooks, cancelled checks, checkbooks, deposit slips, bank statements and copies of Financial Statements of Bingo Operations (form BC-7) for the previous 18 months and all other books of account shall be available at all bingo occasions and other reasonable times for examination by the [Racing and Wagering Board] commission or the municipal governing body or their representatives. All documents supporting the entries made in the books of account shall be kept by the licensee for a period of no less than four years. These documents include, but are not limited to, bank statements, cancelled checks, deposit slips and invoices for all expenditures.

**§ [5]4821.15. Financial report to membership.**

Each licensee shall require its treasurer or its duly designated officer to report in writing to its chief officer and membership, at least once a month, the number of occasions of bingo played, the gross receipts, the amount of prizes paid and the net profit or loss for each bingo occasion. The chief officer shall require that all of the documents specified in section [5]4821.14 of this Part be exhibited at each such meeting and such items shall be open to individual membership inspection. Such information must be incorporated in the minutes or proper records of each licensee. Where a licensee is an auxiliary or an affiliate of a parent organization, a copy of the written report shall be filed with the executive officer of the parent organization and incorporated in [its] the minutes of the parent organization.

**§ [5]4821.16. Deposit of bingo funds.**

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**§ [5]4821.17. Notification and expenditure of funds after cessation of bingo.**

An organization's chief officer shall notify the [board] commission and the municipality in writing of its intent to cease the conduct of bingo. An organization [which] that has ceased to conduct bingo for any reason and has unexpended bingo funds shall:

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(b) disburse said funds in accordance with a plan of expenditure approved in advance by the [Racing and Wagering Board] commission.

**§ [5]4821.18. Lawful expenditures.**

(a) These expenditures, being necessary to conduct bingo, are permissible and do not require prior [board] commission approval. Except as noted below for additional license fees, these shall be reported in part B on forms BC-7 and BC-7Q:

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(7) the direct cost of bus transportation, if authorized by the [board] commission.

(b) The following donations and other expenditures specified for lawful purposes are permissible and do not require prior [board] commission approval. These expenditures shall be reported in part E on forms BC-7 and BC-7Q:

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(7) for veterans activities that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and enable or further the erection or maintenance of facilities for use by such veterans [which] that shall be used primarily for charitable or patriotic purposes or those purposes [which] that shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the [board] commission;

(c) All other donations and other expenditures, provided they are reasonable and are directly related to the licensee's lawful purposes as defined in section 476, subsection 6 of the General Municipal Law, are permissible and/or required as follows:

(1) for an organization engaged exclusively in one or more of the lawful purposes specified in subdivision (b) of this section, all such expenditures except those listed in paragraph (4) below of this subdivision are permissible and do not require prior [board] commission approval;

(2) all fraternal and service organizations shall disburse at least one-third of the net profits derived from bingo for one or more of the lawful purposes specified in subdivision (b) of this section before any proceeds may be expended on maintenance and/or repair to the licensee's premises or other similar operating expenses that enable the licensee to raise funds for lawful purposes. The one-third donation is calculated on a calendar-year basis and any deficiency will be cumulative. It is incumbent upon each licensee to periodically review [its] such licensee's contribution record. If the provisions of this Part are not strictly adhered to, the licensed organization shall be prohibited from disbursing any of [its] such licensed organization's bingo funds for other than lawful purposes without obtaining the prior written approval of the [board] commission;

(3) a fraternal or service organization, having fulfilled its one-third donation requirement specified in paragraph (2) of this subdivision, may disburse bingo funds towards the following operating expenses without obtaining prior [board] commission approval:

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(4) all organizations, with the exception of veterans' organizations, shall submit and have approved by the [board] commission form BC-317 (Application for Permission to Disburse Net Proceeds of Bingo), prior to disbursing bingo funds for any of the following purposes. A

veterans' organization may disburse bingo funds for such purposes, provided a copy of the organization's minutes from a membership meeting authorizing the expenditure(s) are filed with the [board] commission;

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(vi) salaries, other than those specified above in paragraphs [(a)](4) of subdivision (a) and [(b)](5) of subdivision (b) of this section, and subparagraph [(3)](ii) of paragraph (3) of this subdivision; and

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(d) The following expenditures are never a permissible use of bingo funds, except by a veterans' organization whose members have, in strict compliance with its own charter and bylaws, authorized the same and filed the minutes of that membership meeting with the [board] commission:

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(f) Interest-bearing accounts.

(1) Pending disbursement, bingo funds may be transferred from the special bingo checking account into one or more interest-bearing savings accounts, money market accounts, certificates of deposit insured by the U.S. Government, or U.S. Treasury Bills. Each such interest-bearing account shall be designated a special bingo account, and these funds shall remain part of the unexpended balance of bingo funds at all times. Prior approval by the [board] commission of such inter-account transfers is not required, but a memo describing each transfer shall be filed with the applicable financial statement to the [board] commission. Such memo shall recite the date, check number, amount, and a complete description of the account into which the bingo funds were transferred, including the account number and the bank name, address, and telephone number.

(2) No disbursement may be made directly from any interest-bearing account; the funds must be re-deposited into the special bingo checking account and then processed in compliance with section [5]4821.9 of this Part.

(3) Where a building fund is established by an organization, it must be administered in accordance with the provisions of paragraphs [(e)](1) and (2) of subdivision (e) of this section. In addition, for all organizations except veterans, expenditures from a building fund are permissible only if the [board] commission, having received form BC-317 from the organization, gives prior written approval. For an organization of veterans, these expenditures are permissible only if the minutes from a membership meeting authorizing [it] such expenditures are filed with the [board] commission.

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## **PART [5]4822**

### **Conduct of Bingo in Leased Premises**

#### **§ [5]4822.1. Validity of rental agreement.**

No agreements or arrangements for the rental or use of premises for the conduct of bingo shall be valid and no monies paid by licensed authorized organizations for rental or use of premises shall be allowable expenditures in determining net proceeds unless made in accordance with the provisions of this [subtitle] Chapter.

#### **§ [5]4822.2. Rental not to be determined by number of persons attending.**

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#### **§ [5]4822.3. Rental not to be determined by receipts or net profits.**

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#### **§ [5]4822.4. Premises usable for bingo.**

No premises shall be used or allowed to be used for the conduct of bingo unless the same are either:

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(b) rented or provided pursuant to the provisions of the Bingo Licensing Law and this [subtitle] Chapter.

#### **§ [5]4822.5. Limitations upon lessors.**

(a) No lessor shall rent, or allow the use of, any premises for the conduct of bingo by a licensed authorized organization unless such lessor is:

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(4) a donor of premises who has been approved by the [Racing and Wagering Board] commission; or

(5) one[,] approved by the [Racing and Wagering Board] commission[,] who charges a nominal rent [which] that has also been approved by the [Racing and Wagering Board] commission.

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**§ [5]4822.6. Reporting of rental income.**

Every licensed authorized organization [which] that rents its premises for the conduct of bingo shall execute and file form BC-7 in the manner prescribed in section [5]4821.1 of this Chapter, so as to reflect [its] such organization's gross rental income and amounts expended for janitorial services and utility supplies.

**§ [5]4822.7. Effect of revocation.**

No licensed authorized organization [which] that has had its identification number or bingo license revoked shall, after 30 days of the effective date of revocation, rent or allow the use of [its] such organization's premises for the conduct of bingo.

**§ [5]4822.8. Effect of suspension.**

No licensed authorized organization [which] that has voluntarily suspended the conduct of bingo for a period beyond three continuous months or has had [its] such organization's bingo license suspended by competent authority for a period beyond six months, or indefinitely, shall rent or allow the use of [its] such organization's premises for the conduct of bingo.

**§ [5]4822.9. Written agreement required.**

No premises shall be rented or allowed to be used for the conduct of bingo unless all of the terms and conditions of such rental or use are set forth in a written agreement on form BC-116 as prescribed by the [board] commission. Any and all changes, modifications or additions to said form BC-116 must be submitted in writing in advance to the licensing authority and the [Racing and Wagering Board] commission for approval prior to execution. The term of such agreement shall run concurrently with and not beyond the expiration of the lessor's license. Under no circumstances shall the agreement provide for a rental in excess of the schedule appearing in the lessor's license.

**§ [5]4822.10. Written agreement to be filed.**

No agreement for the rental or use of any premises for the conduct of bingo shall be valid unless the entire agreement is in writing, signed by the parties thereto, executed copies of which have been filed with the licensing authority and the [Racing and Wagering Board] commission at least 15 days prior to the date of, any occupancy or use thereunder. Where the proposed agreement is between two licensed authorized organizations, application must first be made by the lessor to the licensing authority to obtain approval of the rent to be charged, which application must be accompanied by a copy of the proposed agreement. The licensing authority shall consult with the [board] commission prior to approving any rental agreement.

**§ [5]4822.11. Mandatory provisions.**

No agreement for the rental for use of any premises for the conduct of bingo shall be valid unless the same shall contain the following provisions, terms, and conditions:

(b) that the lessor will enter into no agreement, arrangement or transaction with a licensed authorized organization other than for the rental of premises, which includes the rental of chairs and tables and janitorial services as provided in the agreement, and a schedule of bingo equipment furnished, if any, and public liability insurance provided, if any;

(c) that neither the lessor nor any person having an interest in the lessor nor any officer, director, stockholder, employee, or agent [or servant] of the lessor or a person married or related in the first degree to such a person, shall conduct, participate, advise or assist in the conduct of bingo, render any service, or loan money or anything of value to anyone conducting, participating or assisting in the conduct of bingo or prepare any form pertaining to bingo at any time during which the same may be in effect. The provisions of this subdivision shall not apply to any real estate holding corporation of any authorized organization as defined in the Bingo Licensing Law;

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(e) that the licensed authorized organization will not allow on the premises during the conduct of bingo any person or persons directed by the licensing authority or the [Racing and Wagering Board] commission to be kept off the premises;

(f) that all of the terms, covenants and conditions of the agreement shall be subject to amendment, supplement, modification or change as may be required by any statute, rule, regulation, directive or order of the State of New York, the [Racing and Wagering Board] commission or the licensing authority, thereafter enacted or adopted, but in that event either party to the agreement shall be entitled to terminate the agreement at any time thereafter on seven days' written notice;

(g) that the lessor shall at all times comply with every statute, rule, regulation, directive or order enacted or adopted by the State of New York, the [Racing and Wagering Board] commission or the licensing authority, as it may apply to the lessor;

(h) that any lessor or any person having an interest in the lessor or any officer, director, stockholder, employee, or agent [or servant] of the lessor or any one connected with the foregoing who shall receive any money or anything of value directly or indirectly from the licensed authorized organization on or after the date on which such lessor shall violate any term, covenant or condition of the agreement or of any statute, rule, regulation, directive or order enacted or adopted by the State of New York, the [Racing and Wagering Board] commission or the licensing authority applicable to such lessor, shall be required to repay and refund any and all monies and things of value so received from the date of such violation and until such violation shall cease, to the licensed authorized organization upon request of such organization, the [Racing and Wagering Board] commission or the licensing authority;

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**§ [5]4822.12. Time during which agreement is effective.**

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**§ [5]4822.14. Register required.**

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**§ [5]4822.15. Report of bingo rental receipts.**

On or before the 10th day of each month, every authorized commercial lessor shall file a statement of bingo rental receipts for the preceding month on form BC-204 as prescribed by the [board] commission or facsimile of same with the licensing authority of the municipality where the premises are located disclosing:

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(d) names, identification numbers, bingo license numbers of organizations [which] that conducted bingo and each date each organization conducted bingo. Two copies of said report shall be mailed by the authorized commercial lessor to the [Albany office of the board] commission.

**§ [5]4822.16. Lessor may only make premises available to licensed organization.**

No lessor shall make [his or its] such lessor's premises available for the conduct of bingo to other than an authorized organization licensed to conduct bingo.

**§ [5]4822.17. Loaning or borrowing of money by lessor prohibited.**

No lessor or any person having an interest in the lessor or any officer, director, stockholder, employee, or agent [or servant] of the lessor or any person connected with any of the foregoing, shall loan, advance or give money or anything of value to, or borrow money or anything of value from, any authorized organization licensed to conduct bingo or any person who is an officer of any such organization or who is in charge of or assists in the conduct of bingo, nor guarantee or endorse any note or indemnify or agree to indemnify the licensed authorized organization against any loss incurred in [its] such licensed organization's bingo operations.

**§ [5]4822.18. Lessor to notify licensing authority of all changes in structure.**

An applicant for a license as an authorized commercial lessor, shall, during the pendency of the application, notify the licensing authority immediately of any change respecting any facts set forth in the application. If any such change occurs after the issuance of the license applied for, the change must be reported to the licensing authority within 10 days of the date of the change. Furthermore, every licensed authorized commercial lessor shall notify the licensing authority of any change in its organization, structure, mode of operation, or of any change in the identity of persons named or required to be named in the application, or of the nature or extent of their interest, or of any other change respecting any facts set forth in the application, within 10 days of the date of such change. Failure to give the notice herein provided shall constitute sufficient cause for denial of a pending license or suspension or revocation of a license [which] that has been granted.

**§ [5]4822.19. Lessor to furnish additional information as required.**

Every authorized commercial lessor holding a license shall, at the request of the [Racing and Wagering Board] commission or the licensing authority where the premises are located, file such forms and furnish such information as may be required from time to time for the purposes of maintaining current and reliable information as to the continuance of the qualifications required for such license. Failure to file such forms or furnish such information shall constitute sufficient cause for suspension or revocation of a license [which] that has been granted.

**§ [5]4822.20. Display of license.**

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**§ [5]4822.21. Collection of rent.**

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**§ [5]4822.22. Badges.**

The principals and all employees of the licensed commercial lessor and the food facility operator shall wear badges approved by the [Racing and Wagering Board] commission, containing the name of the wearer, [his] the wearer's title or employment, photograph and the name of the licensed commercial lessor or food facility operator. Guards furnished by a watch, guard or patrol agency under contract to provide such service must have a badge and/or insignia indicating

(a) the name of the agency-employer and

(b) the name of the guard.

[Said] Such badges or insignia shall be worn and visible to the public at all times when [said] such persons are on the premises of the licensed commercial lessor.

**§ [5]4822.23. Parties to food facility lease.**

The parties to any leasing agreement for the food facility located on the premises or serving the premises where bingo is conducted must be the licensed commercial lessor and the operator of the food facility. All such leases must be approved by the [Racing and Wagering Board] commission.

**§ [5]4822.24. Special guards.**

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(b) Upon good and sufficient cause and written application by the lessor, the [Racing and Wagering Board] commission may dispense with the foregoing requirements. Copies of said

application must be given to each tenant organization and the licensing authority at the time of filing with the [Racing and Wagering Board] commission.

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## **PART [5]4823**

### **Electronic Bingo Aids**

#### **§ [5]4823.1. License required.**

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#### **§ [5]4823.2. [Board] Commission approval.**

No licensed bingo supplier may offer for sale, lease or otherwise furnish any electronic bingo aid unless the [Racing and Wagering Board] commission has approved such electronic bingo aid in writing. All electronic bingo aids sold, leased or used in the State of New York shall comply with the following requirements:

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(e) The [board] commission or [its] the commission's designee may approve any other written requests for an electronic bingo aid change [which] that ensures that the games are fairly and properly conducted and [which] that enable individuals with disabilities to play the game independently.

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(h) Every model of electronic bingo aid shall be certified in writing by an independent testing laboratory or a regulatory agency of another state approved by the [board] commission, at the manufacturers' expense, that the electronic bingo aid meets the standards herein and that the erasable programmable read only memory modules (EPRNM) or other game program media logic storage or retrieval components cannot be altered, tampered with, replaced or otherwise programmed by anyone other than by the manufacturer without rendering the electronic bingo aid inoperable.

#### **§ [5]4823.3. Inspections and demonstrations.**

(a) The [board] commission shall require a demonstration and inspection of any electronic bingo aid prior to its approval.

(b) The governing municipal body or the [board] commission may require a demonstration and inspection of any electronic bingo aid stored in any licensed bingo premises during normal business hours. Refusal by any licensee to submit an electronic bingo aid to such demonstration and inspection may result in the temporary suspension of approval to use such electronic bingo aid by the governing municipal body or the [board] commission. In the event that a governing

municipal body temporarily suspends the approval of use of such electronic bingo aid, [it] such governing municipal body shall notify the [board] commission of such suspension no later than 72 hours after such suspension takes effect.

(c) The governing municipal body or the [board] commission may request and the respective licensee shall provide a certified report of electronic bingo aid sales activity from any licensed bingo supplier or licensed authorized organization using or in possession of such electronic bingo aid.

**§ [5]4823.4. Written agreements required.**

(a) No agreement for the rental, lease or use of any electronic bingo aid shall be valid unless the entire agreement is in writing, signed by the parties thereto, executed copies of which have been filed with the [board] commission and the department or clerk of the governing municipality at least 48 hours prior to use of such electronic bingo aids.

(b) Licensed suppliers shall lease or sell electronic bingo aids only to licensed authorized organizations licensed to conduct bingo or, if approved in writing by the [board] commission, to commercial lessors. In cases where the licensed supplier leases electronic bingo aids to a licensed authorized organization, the licensed supplier may charge either a flat fee or a per-use fee. In cases where the licensed supplier leases electronic bingo aids to a commercial lessor, the licensed supplier shall only charge a flat fee for the use of such device and shall not charge on a percentage of net proceeds or a per-use basis, and the commercial lessor shall include the cost of the electronic bingo aids in the written lease with the licensed authorized organization consistent with [S]section [5]4820.10 of this [Title] Subchapter, provided that cost is unrelated to a percentage of net receipts or the number of units used.

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**§ [5]4823.5. Multiple systems permitted.**

(a) An authorized organization may use or offer for sale or lease more than one electronic bingo aid system provided the total number of electronic bingo aid units in use at one time does not exceed 15 percent of the total bingo seating capacity of such premises and each system includes separate sales record programs [as required under section 5823.2(b) of this Part].

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**§ [5]4823.6. Reporting requirements.**

(a) In addition to the requirements of Part [5]4815 of this [Title] Chapter, a supplier of electronic bingo aids shall report to the [board] commission:

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(b) The supplier or its agent shall submit such report to the [board] commission at least three days prior to shipment of any electronic bingo aid into New York State.

(c) Any changes or modifications made to any electronic bingo aid, or replacement thereof after shipment into New York State reported to the [board] commission pursuant to subdivision (a) of this section shall be reported to the [board] commission by the supplier or [its] the supplier's agent no later than 48 hours after such change, modification or replacement.

(d) Failure by any supplier to provide the notice herein required shall constitute cause for denial of a pending license, suspension or revocation of [board] commission approval for an electronic bingo aid, or suspension or revocation of a license [which] that has been granted.

**§ [5]4823.7. Restrictions on the use of electronic bingo aids by authorized organizations.**

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**[SUBCHAPTER D**

**HEARINGS AND APPEALS]**

**PART [5]4830**

**Hearings**

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**§ [5]4830.2. Proceedings respecting licenses issued pursuant to Bingo Licensing Law.**

Proceedings to revoke a license issued pursuant to the Bingo Licensing Law may be instituted either by the municipal governing body or by the [Racing and Wagering Board] commission, on [its own] the initiative of either or on complaint of any person, including any public official or agency.

**§ [5]4830.3. Proceedings respecting licenses issued pursuant to Bingo Control law.**

Proceedings to suspend or revoke a license issued pursuant to the Bingo Control Law may be instituted by the [Racing and Wagering Board] commission, on [its] the commission's own initiative, or on complaint of any person, including any public official or agency.

**§ [5]4830.4. Licensee to be informed of revocation proceedings.**

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**§ [5]4830.5. Notice of hearing.**

The municipal governing body or the [Racing and Wagering Board] commission, as the case may be, shall cause the notice of hearing to be served personally upon an officer of the licensee or a member in charge of the bingo games or to be sent by registered or certified mail to the licensee at the address shown in the registration or application for license. Notices of hearing shall be mailed or served personally, not less than five days prior to the date set forth in said notice for the holding of said hearing unless the [Racing and Wagering Board] commission, in [its] the commission's discretion, shall shorten the time fixed herein.

**§ [5]4830.6. Persons to appear.**

Any person who would be aggrieved by the determination of the municipal governing body or the [Racing and Wagering Board] commission may appear and be heard in person or by duly appointed representative and may produce, under oath, evidence relevant and material to the charges preferred. A duly authorized representative of the licensee must appear in person on the date set forth in the notice of hearing and on all adjourned dates. The failure of the licensee to so appear will result in a determination by the municipal governing body or the [Racing and Wagering Board] commission by default.

**§ [5]4830.7. Persons seeking immunity.**

Any person seeking immunity who is called to appear before the [Racing and Wagering Board] commission to answer questions or produce evidence at a hearing, inquiry or investigation, shall make written application therefor to the chair[man] not less than three days prior to [his] such person's scheduled appearance before the [Racing and Wagering Board] commission.

**§ [5]4830.8. Pleas to the charges.**

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(b) The licensee shall plead either "not guilty" or "no contest". If a plea of "not guilty" is entered, a date for hearing will be scheduled. If a plea of "no contest" is entered, a determination will be made by the [Racing and Wagering Board] commission in due course.

**§ [5]4830.9. Suspension prior to hearing.**

The [Racing and Wagering Board] commission by any two members thereof or a duly designated hearing officer or the municipal governing body may, at any time during the course of a hearing, inquiry or investigation, suspend any license issued pursuant to the bingo licensing law, without hearing if, in [its] the commission's judgment, the continuance of the licensed activity is contrary to law or inimical to the public interest. Upon suspension, the municipal governing body or the [Racing and Wagering Board] commission shall forthwith inform the licensee in writing of the grounds thereof and the date and place set for hearing thereon, said hearing to be held within 10 days after suspension.

**§ [5]4830.10. Forthwith suspension of bingo game.**

The municipal governing body or the [Racing and Wagering Board] commission may forthwith suspend the operation of any licensed bingo game pending hearing, in which case the hearing must be held within 10 days after such suspension.

**§ [5]4830.11. Hearings open to public.**

All hearings on suspension and revocation of licenses held by the [Racing and Wagering Board] commission shall be open to the public.

**§ [5]4830.12. Municipal governing body to make written findings.**

When the suspension or revocation proceedings are begun before the municipal governing body [which] that issued the license, [it] such municipal governing body shall hear the matter and make written findings in support of [its] such municipal governing body's decision. The licensee and the [Racing and Wagering Board] commission shall be notified immediately in writing of the decision and, in the event of a suspension or revocation, the effective date thereof.

**§ [5]4830.13. Procedure prescribed for [Racing and Wagering Board] commission.**

When suspension or revocation proceedings are begun before the [Racing and Wagering Board] commission it shall dispose of the proceeding in the same manner as in the case of an appeal from a determination or action of the municipal governing body. Both the licensee and the governing body issuing the license shall be notified immediately in writing of the decision and in the event of a suspension or revocation, the effective date thereof.

**§ [5]4830.14. Hearing upon application for new license or reinstatement.**

Any person, firm, corporation or organization licensed pursuant to the bingo control law or the bingo licensing law [which] that has had its license or identification number revoked shall appear at a hearing before whichever authority revoked the license at the time of making application for a new license or identification number, or for reinstatement of either or both.

**§ [5]4830.15. Persons authorized to conduct hearings.**

Hearings before the [Racing and Wagering Board] commission shall be conducted by the chair[man], another member of the [Racing and Wagering Board] commission, or a duly designated hearing officer. The person conducting the hearings shall rule upon matters of procedure and the introduction of evidence and shall otherwise conduct the hearing in such manner as to preserve fundamental concepts of fairness and to effectuate the purposes and provisions of the bingo control law, the bingo licensing law and this [subtitle] Chapter. At the conclusion of the hearings conducted by a hearing officer, [he] the hearing officer shall make [his] findings as to whether the evidence sustained the charges or any of them, preferred against the licensee, shall designate which charges [he] the hearing officer has found sustained by the evidence and shall, at [his] such hearing officer's option, recommend to the [Racing and

Wagering Board] commission the action to be taken against the licensee. The stenographic record of the hearing shall be referred, together with the hearing officer's findings and recommendation, if any, for consideration by the [Racing and Wagering Board] commission at a meeting duly held by it.

**§ [5]4830.16. Rules of evidence.**

(a) The rules of evidence governing proceedings in the courts of the State shall not be rigidly enforced in hearings before the [Racing and Wagering Board] commission and unless objection is made and duly noted in the stenographic record of a hearing, all evidence appearing in the stenographic record shall be deemed to have been validly introduced for the consideration of the [Racing and Wagering Board] commission.

(b) The introduction of cumulative evidence shall be avoided and [the person conducting the hearings] hearing officer may curtail the testimony of any witness [which he] that the hearing officer judges to be merely cumulative; however, the party offering such testimony may make a short avowal of the testimony [which] that would be given if the witness asserts that such avowal is true. This avowal shall be made a part of the stenographic record.

**§ [5]4830.17. Stenographic record.**

An accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to [him] such witness or any other person having a legitimate interest in such testimony upon application to the [Racing and Wagering Board] commission and at the expense of the applicant.

**§ [5]4830.18. Penalties.**

Upon the finding of a violation of the bingo licensing law, the bingo control law, the ordinances or local laws or this [subtitle] Chapter, or any of these, such as would warrant the suspension or revocation of a license or an identification number, the municipal governing body or the [Racing and Wagering Board] commission, whichever made such finding, may declare the violator ineligible to apply for a license under said laws for a period not exceeding 12 months thereafter. Such declaration of ineligibility may be extended to include in addition to the violator any of its subsidiary organizations, its parent organization or those otherwise affiliated with the violator, when in the opinion of the governing body or the [Racing and Wagering Board] commission the circumstances of the violation warrant such action.

**§ [5]4830.19. Surrender of license when revoked or suspended.**

When a license is suspended or revoked the licensee shall surrender its license to the governing body or the [Racing and Wagering Board] commission, whichever revoked or suspended the same, on or before the effective date of the suspension or revocation. No license shall be valid beyond the effective date of the suspension or revocation.

**§ [5]4830.20. Subpoenas.**

At the request of any party to a hearing, and for good cause shown, the [Racing and Wagering Board] commission shall issue subpoenas for the attendance of witnesses and the production of books, records, and other documents.

**§ [5]4830.21. Suspension of identification number prior to hearing.**

The [Racing and Wagering Board] commission by its chairman or by any two members thereof or a duly designated hearing officer may at any time during the course of a hearing, inquiry or investigation, suspend any identification number issued pursuant to the Executive Law, without hearing if, in its judgment, the continuance of the identification number is contrary to law, rules, regulations or inimical to the public interest. Upon suspension, the [Racing and Wagering Board] commission shall forthwith inform the registrant in writing of the grounds thereof and the date and place set for the hearing thereon, said hearing to be held within 10 days after suspension.

**PART [5]4831**

**Appeals to the [Racing and Wagering Board] Commission**

**§ [5]4831.1. Filing of notice of appeal.**

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**§ [5]4831.2. Contents of notice.**

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**§ [5]4831.3. Forwarding of original notice to [Racing and Wagering Board] commission.**

The municipal clerk shall forward the original of the notice to the [Racing and Wagering Board] commission within three days after [its] the filing of such notice.

**§ [5]4831.4. Filing of statement of appeal.**

Within 15 days after the filing of the notice of appeal, the party aggrieved shall file with the [Racing and Wagering Board] commission an original and three copies of a statement of appeal with an admission or affidavit of service upon the municipal governing body.

**§ [5]4831.5. Contents of statement.**

The statement of appeal shall set forth in separately numbered paragraphs:

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(c) a narrative of any additional facts, not presented to the municipal governing body, [which] that the party appealing requests be considered on the appeal, together with an explanation why

such additional facts were not presented to the municipal governing body;

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**§ [5]4831.6. Content and filing of counterstatement.**

Within 20 days after service upon it of the statement of appeal, the municipal governing body shall file with the [Racing and Wagering Board] commission an original and three copies of a counterstatement of appeal, with an admission or affidavit of service upon the party appealing [which] that shall set forth the facts in the statement of appeal that are disputed. There shall be an assertion as to any disputed fact, together with a narrative of any additional facts, not originally presented to the municipal governing body, [which it] that the municipal governing body requests be considered on the appeal. The counterstatement of appeal may also set forth argument on the facts and the law. On or before the filing thereof, a copy of the counterstatement of appeal shall be served upon the party aggrieved.

**§ [5]4831.7. Proofs annexed to counterstatement.**

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**§ [5]4831.8. How papers may be filed.**

Filing of the foregoing papers with the [Racing and Wagering Board at its office in Albany, New York] New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, may be either by personal service or by certified mail.

**§ [5]4831.9. Notice of hearing.**

Upon receipt of the counterstatement of appeal the [Racing and Wagering Board] commission shall notify the parties thereto of the date and place fixed for hearing the appeal, and each party must indicate to the [Racing and Wagering Board] commission and to the opposing party, by written notice, within five days:

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**§ [5]4831.10. Cross-examination of affiant.**

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**§ [5]4831.11. Additional testimony may be allowed.**

The [Racing and Wagering Board] commission may, upon application of any party, for good cause shown, allow the production at the hearing of additional witnesses and evidence in support of any facts material to the determination of the appeal.

**§ [5]4831.12. Subpoenas.**

At the request of any party to an appeal, and for good cause shown, the [Racing and Wagering Board] commission shall issue subpoenas for the attendance of witnesses and the production of books, records, and other documents.

**§ [5]4831.13. Stenographic record of proceedings.**

Whenever oral testimony of witnesses is taken at the hearing of an appeal, an accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to him or any other person having a legitimate interest in such testimony upon application to the [Racing and Wagering Board] commission and at the expense of the applicant.

**§ [5]4831.14. Adjournment of hearing.**

Hearings may be adjourned by the [Racing and Wagering Board] commission from time to time at the request of any party to the appeal but only for good cause shown. Hearings shall be held and concluded without unreasonable delay.

**§ [5]4831.15. Conduct of hearing.**

The chair[man] may designate one or more members or employees of the [board] commission to conduct the hearing appeal.

**§ [5]4831.16. Recording determination of appeal.**

Upon the determination of an appeal, the [Racing and Wagering Board] commission shall state [its] the commission's findings and record the vote of the members participating therein. All parties shall be notified by the [Racing and Wagering Board] commission of its determination and shall be furnished a copy of the findings.

**§ [5]4831.17. Assistance of counsel.**

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**§ [5]4831.18. Authority of person acting in representative capacity.**

Any person appearing before the [Racing and Wagering Board] commission in a representative capacity shall be required to establish [his] such person's authority to act in such capacity.

**§ [5]4831.19. Stay without court order.**

[Racing and Wagering Board] The commission shall have discretion to stay all proceedings to enforce any action, determination or order appealed from, upon written application to [it] the commission by the party aggrieved and for good cause shown by affidavit of the moving party.