

SUBTITLE T. NEW YORK STATE RACING AND WAGERING BOARD

CHAPTER IV. GAMES OF CHANCE

SUBCHAPTER A. GENERAL PROVISIONS, IDENTIFICATION AND LICENSING

PART 5600. DEFINITIONS, DELEGATION OF AUTHORITY AND POWER TO SUPERSEDE OR SUSPEND RULES

5600.1 Definition of terms and general provisions

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

(b) Board shall mean New York State Racing and Wagering Board.

(c) Games of chance shall mean and include 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, 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 may be conducted. No game of chance shall involve wagering of money by one player against another player.

(d) Authorized organization shall mean and include 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 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 is formed primarily for the purpose of conducting games of chance and which 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 one or more of the following causes, deeds or activities:

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

(3) Those which shall 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 shall be used primarily for charitable or patriotic purposes or those purposes which 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.

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

(f) Net proceeds shall mean:

(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, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the clerk or department; and

(2) in relation to the gross rent received by an authorized games of chance lessor for the use of its premises by a games of chance licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto, if any.

(g) Net lease shall mean 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 an authorized organization which has been granted a lessor's license pursuant to the provisions of this Chapter or a municipality.

(i) Single prize shall mean 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 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 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 the game of chance known as "merchandise wheels" and each other specific game of chance authorized by the board, 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 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 the successive operations of any one single type of game of chance which 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 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 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 1st and terminate December 31st of such year.

(o) Authorized supplier of games of chance equipment shall mean any person, firm, partnership, corporation or organization licensed by the board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the board. 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 has previously obtained an identification number, shall be sold or leased to any licensed authorized organization without written permission from the board.

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

(q) Officer shall mean 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 the New York City Department of Consumer Affairs.

(s) Premises shall mean 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 legal tender or chip authorized by the board, 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 and include those games in which a participant shall draw a card from a jar or other suitable container or from a board-approved vending machine, which contains numbers, colors or symbols that are covered and which, 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 contains and displays various coins and / or merchandise prizes which 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 a board or placard used in conjunction with a deal of bell jar tickets bearing the same serial number, which contains one or more concealed areas that, once uncovered reveal a pre-designated winning number, letter or symbol.

(v) Raffles shall 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.

5600.2 Delegation of authority.

(a) Notification to board. Where the governing body of a municipality delegates to an officer or officers the responsibility and authority granted to it pursuant to the Games of Chance Licensing Law, the governing body shall give to the board notice of the following on form GC-110, 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.

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

5600.3 Power to supersede or suspend operation of rules.

The board may, by written order or directive, supersede or suspend the operation of any of its 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 games of chance.

PART 5601 REGISTRATION AND IDENTIFICATION NUMBER

5601.1 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 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. Any organization which 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 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 is in fact an "authorized organization" in order to qualify for such an exemption. For the purposes of this subdivision, "authorized organization" shall mean and include 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 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 is formed primarily for the purpose of conducting games of chance and which does not devote at least seventy-percent of its activities to other than conducting games of chance. No political party shall be deemed an authorized organization.

5601.2 Validity of identification number.

The identification number shall be valid until suspended, revoked or surrendered. The board may suspend the identification number of any registered organization which 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.

5601.3 Form for registration.

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

5601.4 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.

5601.5 Use of identification number.

All applications for licenses, amendment of licenses, reports and any other papers relating to games of chance shall bear the identification number of the organization.

5601.6 Membership lists.

Every authorized organization must maintain a current membership list which shall be available for inspection at all reasonable times. The board 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 5602

LICENSES TO CONDUCT GAMES OF CHANCE: APPLICATIONS

5602.1 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. 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, shall file a verified statement, for which no fee shall be required, with the clerk or department and the board 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, 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 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 5624.3 of this Title.

(b) Notwithstanding the licensing requirements set forth in this Part, an authorized organization that has met the self-determination requirements of section 5601.1(c) of this Title 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.

(1) No person under the age of eighteen shall be permitted to play, operate or assist in any raffle conducted pursuant to subdivision (b).

(2) Raffles conducted pursuant to subdivision (b) shall only be conducted within a municipality in which the authorized organization is domiciled that has passed a local law, ordinance or resolution in accordance with Sections 187 and 188 of the General Municipal Law approving the conduct of games of chance that are located within the county or contiguous to the county in which the organization is domiciled.

5602.2 Premises to be used for conduct of games of chance.

In case the applicant intends to lease premises for the conduct of games of chance from an authorized games of chance lessor, the application shall set forth the name and address of the authorized lessor of such premises and the amount of rent to be paid or other consideration to be given directly or indirectly for each license period for use of the premises.

5602.3 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 by the clerk of the municipality.

5602.4 Conditions for accepting application.

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

5602.5 License register.

The clerk of the municipality shall keep a license register on form GC-8, which is hereby adopted.

5602.6 Reinstatement of license.

When a license has been suspended or revoked and the suspension or revocation is set aside and the license reinstated, the original license shall not be reissued. In such case the applicant shall file a new application and a new license shall be issued.

5602.7 Refund of license fee.

(a) The following shall be the grounds for the payment of a refund on account of a license fee paid pursuant to the provisions of the Games of Chance Licensing Law:

(1) In the event that an application for a license or an application to amend a license is not granted, the fee paid with such application shall be returned to the applicant. An application for such refund may be made within one year of the denial of the application for a license or the application to amend a license.

(2) In the event that a licensee of a license issued pursuant to the provisions of the Games of Chance Licensing Law shall voluntarily discontinue the conduct of games of chance for which such license was issued, the unused portion in excess of \$50 of paid license fees shall be refunded. An application for such refund may be made within one year of the voluntary discontinuance of the conduct of games of chance for which such license was issued.

(3) In the event that a licensee of a license issued pursuant to the provisions of the Games of Chance Licensing Law shall relocate to another municipality, the unused portion in excess of \$50 of paid license fees shall be refunded to such licensee. An application for such refund may be made within one year of the relocation of such licensee to another municipality.

(b) Any refund made pursuant to this section shall be paid from license fees collected pursuant to the provisions of the Games of Chance Licensing Law or from other moneys lawfully appropriated for such purpose.

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

5602.8 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 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 thereof.

5602.9 Members listed on application for license.

No person shall be permitted to manage or operate games of 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 5603

LICENSES TO CONDUCT GAMES OF CHANCE: ISSUANCE

5603.1 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 by the board.

5603.2 Period within which to make findings and determination.

At least seven days shall elapse between the time the original application is filed and the time when the municipal governing body makes its findings and determination.

5603.3 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.

5603.4 Time when copies must be received by board.

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 at least five days prior to the holding of the first game authorized.

5603.5 License form.

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

5603.6 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 at least five days prior to the holding of the first game authorized.

5603.7 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 first and extend through December thirty-first of each year.

5603.8 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.

5603.9 Effective date of license

No license for the conduct of any game of chance 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.

5603.10 Joint licenses

No joint license for the conduct of any game of chance shall be issued.

5603.11 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 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 a Letter of Consent expressing its 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 a an authorized organization or an authorized games of chance lessor; and

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

5603.12 Limit on licenses issued.

When a parent organization has more than one affiliate or auxiliary, no license shall be issued to more than three such organizations during the same 12 months including the parent group to conduct games of chance, it being the purpose of this section to limit to three the number of licenses issued to any one parent organization and its affiliates and auxiliaries during any 12-month period.

5603.13 Display of license.

A licensed authorized organization must prominently display its license or any amendment thereof on the premises where games of chance are conducted.

PART 5604 GAMES OF CHANCE LICENSE: AMENDMENT

5604.1 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", which is hereby adopted by the board.

5604.2 When amendment is allowed.

An amendment of a license may be made if the subject matter of the amendment could properly and lawfully have been included in the original license, and if any fee is due, it shall be paid upon the filing of the application to amend.

5604.3 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 for original applications.

5604.4 Procedure when application is approved.

When the municipal governing body approves of an amendment to a license, it may amend the original license by attaching thereto a duly authenticated rider bearing the seal of the municipality, if available, or on the official letterhead of such licensing authority.

PART 5605

USE OF NET PROCEEDS, REPORTS, TRANSPORTATION

5605.1 Use of net proceeds.

The entire net proceeds of all games of chance must be devoted to one or more of the lawful purposes as defined in the Games of Chance Licensing Law and this Chapter. Licenses of organizations failing to comply with this section may be denied, suspended or revoked.

5605.2 Report of net profits.

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

5605.3 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 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 by the clerk or department.

PART 5606

AUTHORIZED GAMES OF CHANCE LESSOR: APPLICATION AND LICENSING

5606.1 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. 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.

5606.2 Games of chance rental statement.

Each application shall be accompanied by a games of chance rental statement on form GC-102, which is hereby adopted.

5606.3 Requisites for license.

No license as an authorized games of chance lessor shall be granted:

(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;

(b) unless the licensing authority of the municipality where the premises are located shall determine, after thorough investigation, that the applicant satisfies the requirements for an authorized games of chance lessor as defined in sections 186 and 191 of the Games of Chance Licensing Law; and

(c) unless the licensing authority of the municipality where the premises are located has approved a schedule of fair and reasonable rentals for the premises concerned.

5606.4 Issuance by clerk.

When the licensing authority of the municipality where the premises are located has determined that the applicant possesses the requisite qualifications to receive a license, the licensing authority shall issue a license to an applicant as an authorized games of chance lessor upon payment by the applicant of a license fee of \$50 for each scheduled games of chance license period.

5606.5 Disapproval procedure.

If the application is not approved, the licensing authority where the premises are located 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.

5606.6 Notification of board.

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

5606.7 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 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 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;

(c) failure by the lessor to maintain a complete set of books and records containing a true and accurate account of the lessor's receipts and disbursements arising out of its activities as an authorized games of chance lessor;

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

(e) violation of any provisions of the Games of Chance Licensing Law, this Chapter, or any lease executed pursuant to this Chapter.

5606.8 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.

5606.9 Limitation upon applicant for games of chance lessor license.

No applicant for a license as an authorized games of chance lessor shall rent, or allow the use of, the premises for which a license is sought for the conduct of games of chance unless it be duly licensed. This section shall not apply to an applicant for the annual renewal of a games of chance lessor's license.

5606.10 License form.

Licenses for authorized games of chance lessors shall be issued on form GC-109, which is hereby adopted.

5606.11 Interest in another games of chance premises prohibited.

No organization shall be eligible to receive or be issued a license as a games of chance lessor if such organization shall have any interest, direct or indirect, in other premises for which an authorized games of chance lessor's license has been issued.

5606.12 Limitation on premises that may be made available for rent.

An authorized games of chance lessor must establish that the premises to be licensed for rental belong absolutely to the lessor and, where the lessor has conducted licensed games of chance, the premises to be leased are the same in which the lessor has conducted games of chance during the license year. No authorized games of chance lessor shall be licensed to lease any or all premises for more than 12 license periods during a calendar year. Where an authorized organization leases premises on a full-time basis for purposes encompassing all of the customary and lawful

activities of such organization, including but not limited to the conduct of games of chance, it shall be eligible for a games of chance lessor's license to lease said premises. Owners, net lessors, holding companies or parent groups which lease or make premises available to one or more authorized organizations on a full-time basis for purposes encompassing all of the customary and lawful activities of such organizations, including but not limited to the conduct of games of chance, are not required to be licensed as games of chance lessors.

5606.13 Limitation on licenses issued.

When a parent organization has one or more affiliates or auxiliaries, no more than one games of chance lessor's license shall be issued either to the parent, affiliate or auxiliary--it being the purpose of this section to limit to one the number of lessor's licenses issued to any one parent authorized organization and its affiliates and auxiliaries.

5606.14 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, and secured an identification number from the board. The provisions of this section do not require an authorized organization, which has received an identification number to conduct games of chance from the board, to obtain another identification number to become an authorized games of chance lessor.

5606.15 Display of license.

A licensed authorized games of chance lessor must prominently display its license or any amendment thereof on the premises where games of chance are conducted.

PART 5607

GAMES OF CHANCE SUPPLIER: APPLICATION AND LICENSING

5607.1 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.

5607.2 Form for application.

Application for a license as a games of chance supplier shall be made on form GC-106, which is hereby adopted. The application with supporting material as set forth in this Part shall be filed in duplicate with the board.

5607.3 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 5607.4 of this Part.

5607.4 Corporation statement.

If the applicant is a corporation, the application shall be accompanied by a corporation statement on form GC-105. Each officer and stockholder shall file an individual statement on form GC-103.

5607.5 List of employees, agents or representatives.

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

5607.6 Requisites for license.

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

(a) if any person whose signature or name appears on 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

(b) unless the board 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.

5607.7 Hearings.

The board 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.

5607.8 Issuance by board.

(a) When the board 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.

5607.9 When fees shall be payable.

The licensing fee shall be payable to the board 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.

5607.10 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**;

(b) a person who is or has been a professional gambler or gambling promoter or who for other reasons is not of good moral character;

(c) a public officer or employee;

(d) an authorized games of chance lessor licensed under the Games of Chance Licensing Law; and

(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.

5607.11 Disapproval procedure.

If the application is not approved, the board 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.

5607.12 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 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;

5607.12 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 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;

(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 activities as a licensed games of chance supplier;

(d) failure to keep said books and records available during business hours for inspection by the board and its duly designated representatives; or

(e) violation of any provision of the Games of Chance Licensing Law or this Chapter.

5607.13 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 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.

5607.14 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 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 within 10 days of the date of the change. Furthermore, every licensed games of chance supplier shall notify the board 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 has been granted.

5607.15 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 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.

5607.16 Sales to other than licensed organizations or lessors prohibited.

No licensed games of chance supplier, its duly authorized agents, salesmen 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.

5607.18 Examination of records.

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

5607.19 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.

5607.20 License form.

A license as a games of chance supplier shall be issued on form GC-107, which is hereby adopted.

5607.21 Recapitulation of fees.

At the end of the license period, a recapitulation shall be made as between the supplier licensee and the board 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.

5607.22 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.

5607.23 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 and in accordance with the specifications and rules for such games promulgated by the board.

5607.24 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.

5607.25 No separate fee to be charged by supplier.

No licensed supplier, his duly authorized agent, salesman or representative, shall charge a separate fee for the demonstration of games of chance equipment or paraphernalia.

5607.26 Supplier's gifts or donations prohibited.

No licensed supplier, his duly authorized agent, salesman 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.

5607.27 Leasing of games of chance equipment from any unlicensed person prohibited.

No licensed games of chance supplier, its duly authorized agents, salesmen 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.

5607.29 Temporary permit.

The board 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.

PART 5608

MANUFACTURING AND DISTRIBUTION OF BELL JAR TICKETS

5608.1 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.

(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 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.

5608.2 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. 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 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 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 and surrender their license for such period as recommended by the board; 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 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.

(2) The manufacturer shall also affix to the outside of the container or wrapping containing a deal of bell jar tickets, or beneath such wrapping if such wrapping is clear, a bar code providing the same information as the bar code affixed to the flare.

(3) No person may alter the bar code that appears on the flare, on a coin board, on a merchandise board, on a seal card or on the outside of the container or wrapping or beneath clear wrapping containing a deal of bell jar tickets. Possession of a deal of bell jar tickets that has a bar code

different from the serial number of the deal inside the container or wrapping as evidenced on the flare is *prima facie* evidence that the possessor has altered the bar code on the container or wrapping.

(d) Bell jar flares.

(1) A manufacturer shall not ship nor cause to be shipped into this State any deal of bell jar tickets that does not have its own individual flare as required by this Part.

(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 5620.19](#) of this Title.

(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 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 5608.3](#) of this Part. Each number within the serial number shall be printed in digits and/or characters not less than one-half inch high.

(5) The flare of each bell jar game shall have affixed a bar code that provides:

(i) Encrypted within the bar code:

(a) the serial number of the game;

(b) the name or identifier of the manufacturer; and

(c) the game code.

(ii) In human readable form located in the area of the bar code:

(a) the serial number of the game; and

(b) the number of tickets in the deal.

(6) The game ticket payout card shall be imprinted on or affixed to the reverse side of the flare.

5608.3 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 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 a letter explaining the winner verification code and shall keep the board 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.

(c) Bell jar tickets shall be constructed so that it is impossible to determine the covered or concealed number, color, symbol, set of symbols, or game protection code on the bell jar ticket by any method or device, including but not limited to, use of a marking, variance in size, variance in paper color and fiber, or 500 watt high intensity light until the bell jar ticket has been dispensed to and opened by the player.

(d) All bell jar tickets, except banded bell jar tickets, shall be constructed using paper stock of at least two ply.

(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:

(1) the game serial number;

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

(3) the name of the game which must be identical to the name of the game appearing on the flare for the deal;

(4) the manufacturer's form number;

(5) price per individual bell jar ticket; and

(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 approved logo shall be printed so both are readily visible prior to opening the bell jar ticket.

(f) No serial number used on a deal of bell jar tickets may be repeated on that same manufacturer's form number within a three year period. Each tabbed bell jar ticket shall contain perforated and/or clean-cut openings over the numbers, colors or symbols on one side of each bell jar ticket in such a manner as to allow easy opening by the consumer after purchase of the bell jar ticket, while not permitting bell jar tickets to be opened prematurely in normal handling. Perforation should exist on both the horizontal lines of the opening with either perforate or clean-cut on the vertical or elliptical line where the ticket must be grasped for opening after bending the edge of the ticket. The numbers, colors or symbols must be fully visible in the window and

must be placed so that no part of the numbers, colors or symbols remain covered when a tab is removed. Placement of the numbers, colors or symbols to the left or right of center is allowed for increased game security. On banded bell jar tickets, the paper stock of the band shall be color coded when individual serial numbers are repeated.

5608.4 Submission of bell jar tickets for board approval.

(a) Licensed manufacturers of bell jar tickets, which shall include coin boards, merchandise boards, and seal cards, shall submit to the board for approval any new, revised or modified bell jar ticket(s) which 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 with the following:

(1) a sample, artist's rendering or color photocopy of the bell jar ticket(s) accompanied by a statement indicating the new, revised or modified feature(s) of the bell jar ticket. A sample of the original bell jar ticket shall also be submitted for comparison with the submission of revised or modified bell jar tickets;

(2) a sample, artist's rendering or color photocopy of the payout card for the bell jar ticket(s); and

(3) a sample, artist's rendering or color photocopy of the flare for the bell jar ticket(s).

(b) Within 30 days of receipt of such sample, artist's rendering or color photocopy, the board 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, the manufacturer shall submit to the board 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 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 and surrender their license for such period as recommended by the board; 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.

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

5608.5 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 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.

(b) Licensed suppliers of bell jar tickets, supplies and equipment shall sell such tickets, supplies or equipment only to licensed authorized organizations or federally recognized Indian tribes or nations.

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

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

(2) upon such second offense, participate at a hearing to be conducted by the board and surrender their license for such period as recommended by the board; 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 supplier who violates this Title shall be guilty of a class E felony.

5608.6 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 identification number and license number of all purchasers;

(2) The name and address of the federally recognized Indian tribe or nation; and

(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.

(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 rules for a period of not less than four years, unless the board authorizes in writing their destruction or disposal at an earlier date. Violation of this section shall constitute a misdemeanor.

5608.7 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 quarterly on or before the twentieth 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 quarterly on or before the twentieth 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 license number of the manufacturer;

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

(3) Total number of bell jar ticket deals;

(4) For each game sold:

(i) deal serial number;

(ii) game form number;

(iii) price per ticket in deal;

(iv) number of tabs per ticket;

(v) total ticket count of each deal;

(vi) ideal gross profit;

(vii) ideal net profit; and

(viii) unit price and total sale price.

(5) Date of sale;

(6) Date of shipment;

(7) Identity of carrier;

(8) Licensed suppliers, except licensed manufacturers, shall also provide the following information:

(i) The account number identifying the sale from the licensed manufacturer to the licensed supplier and the account number identifying the sale from the licensed supplier to the authorized organization; and

(ii) The name(s) of the bona fide member(s) who ordered the product.

(d) A licensed manufacturer or licensed supplier who sells bell jar supplies or equipment for resale in this State or ships bell jar supplies or equipment into this State shall forward quarterly on or before the twentieth day of the month succeeding the quarter in which the sale was made, an invoice of such bell jar supplies or equipment covering each sale to a licensed supplier, licensed authorized organization or federally recognized Indian tribe or nation. A quarter shall be based on the calendar year.

(1) The invoice for bell jar ticket vending machines shall contain the following information:

(i) serial number;

(ii) model number;

(iii) model trade name;

(iv) date of sale;

(v) date of shipment;

(vi) identity of carrier;

(vii) unit price and total sale price;

(viii) name of bona fide member ordering the machine; and

(ix) license number of purchasing organization, licensed games of chance supplier or name of the federally recognized Indian nation or tribe.

(2) The invoice for all other bell jar supplies and materials shall contain the following information:

(i) item purchased;

(ii) unit price and total price;

(iii) license number of purchasing organization, licensed games of chance supplier or name of the federally recognized Indian nation or tribe;

(iv) date of sale;

(v) date shipped;

(vi) identity of carrier; and

(vii) name of bona fide member ordering the bell jar equipment or supplies.

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

5608.8 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 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 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 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 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 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 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.

(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 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 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 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 written verification of receipt of such damaged deal(s) and provide verification of the disposition of such deal.

5608.9 Inspection.

(a) The board 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 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.

5608.10 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:

(a) in which the winning bell jar tickets have not been randomly mixed among all other bell jar tickets contained in the deal; or

(b) in which the location, or approximate location, of any of the winning tickets may be determined in advance of opening of the ticket; or

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

5608.11 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.

(b) No representative of a licensed authorized organization shall purchase or possess, or shall allow upon the licensed premises, a deal of bell jar tickets, or portion thereof, with the same game serial number or game form number as any other deal of bell jar tickets or portions thereof in his or her possession. This rule shall not prevent a person from retaining upon the premises bell jar tickets remaining from deals removed from play for the purposes of complying with State law or regulation if:

(1) the remaining bell jar tickets have a hole punched through each;

(2) are accompanied by a written record of the deal, color code and the number of bell jar tickets remaining in that deal; and

(3) the written record of the removed bell jar tickets are maintained upon the licensed premises for a period of not less than one year after the deal is removed from play.

5608.12 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 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 for a period of one year following the date upon which the relevant financial statement was received by the board.

(c) One-half of one percent of the net proceeds fee received from the licensed authorized volunteer fire companies shall be paid to the New York State emergency services revolving loan account as established pursuant to [section 97-pp of the State Finance Law](#).

5608.13 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 5609
MANUFACTURE AND DISTRIBUTION OF BELL JAR TICKET VENDING MACHINES

5609.1 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, licensed authorized organizations and federally recognized Indian nations or tribes.
- (b) No distributor licensed by the board 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 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 specifications regarding bell jar ticket vending machines. A certified copy of such warrant shall be filed, along with GC-01-BJ, **which is hereby adopted**, with the board 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:
 - (i) If the bell jar ticket vending machine is designed to accommodate two or more different games of bell jar tickets, each compartment of the bell jar ticket vending machine must independently meet the specifications of this subdivision.
 - (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.

(iii) A bell jar ticket vending machine must have one or more columns or containers for stacking or holding bell jar tickets.

(iv) The bell jar ticket vending machine must have a bell jar dispensing outlet or tray to hold or catch a dispensed bell jar ticket.

(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 dollar bills;

(b) have an anti-pull back mechanism and other anti-cheat devices that prevent cheating of the bill acceptor by mechanical or other means;

(c) be able to prevent all known manipulations of United States currency;

(d) return invalid currency to a player;

(e) have a currency collection and stacker box; and

(f) if a malfunction occurs, automatically discontinue accepting or validating currency.

(vi) The bell jar ticket vending machine, except coin-operated electrical bell jar ticket vending machines, must be capable of accommodating pricing of 25 cents, 50 cents, one dollar and two dollar per bell jar ticket and dispense the correct number of bell jar tickets on the amount of credit played.

(vii) The coin operated electrical bell jar ticket vending machine must be capable of accommodating pricing of twenty five cent bell jar tickets and dispense the correct number of bell jar tickets per currency played.

(viii) An exterior door must have at least one keyed lock specific to the bell jar ticket vending machine. The internal space shall not be accessible from outside the bell jar ticket vending machine when the exterior door is closed and locked.

(ix) A bell jar ticket vending machine may have an optional "all" play button that, when pressed, activates the vending machine to dispense bell jar tickets at one time, equal to the value of the unplayed credits from the columns of bell jar tickets.

(x) The bell jar ticket vending machine must have the capacity, when activated through the use of a key, to enable the authorized member in charge or their designated assistant in charge to set

the price per bell jar ticket. The price per ticket set for each column must correspond with the price printed on the bell jar ticket contained in said column.

(xi) The bell jar ticket vending machine must contain at least one non-resettable electronic or non-resettable mechanical accounting meter independent of any other meters. The meter must maintain accounting information of at least 6-digits in length and be capable of maintaining the accounting information for 30 days after electrical power to a device is disconnected or the electrical current used to operate a device is switched off. The meter must record the cumulative value of currency validated.

(xii) The bell jar ticket vending machine shall have at least one resettable electronic or mechanical accounting meter independent of any other meters. The meter must maintain accounting information of at least 4-digits in length and be capable of maintaining the accounting information for 30 days after electrical power to a device is disconnected or the electrical current used to operate a device is switched off. The meter shall record the total number of bell jar tickets dispensed.

(xiii) Instructions for player operation must be displayed on the front of the vending machine. The instructions must be permanently affixed or placed under glass or other transparent material. No stickers or other removable objects may be placed on the front of the bell jar ticket vending machine. The bell jar ticket vending machine must have space available on the front of the machine for one permanently affixed sign reading "PLAYERS MUST BE 18 YEARS OR OLDER TO PLAY" and a second permanently affixed sign, where applicable, reading "MACHINE DOES NOT GIVE CHANGE". Lettering on such signs shall be in a minimum of 36 point.

(xiv) There must be one or more player buttons located on the front of the bell jar ticket vending machine which, when pressed, activate the dispensing of a bell jar ticket. However, excluding an "all" play button, the number of play buttons may not exceed the number of stacking columns.

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

(xvi) A bell jar ticket vending machine must record every dispensing of a bell jar ticket and every currency validation, excluding a test dispensement of a bell jar ticket and a test validation of currency, on the accounting meters as required under this section.

(xvii) If a bell jar ticket vending machine malfunction occurs or electrical power is interrupted, the value of credits previously listed on the meter display screen must be correctly relisted immediately after the malfunction is cleared or electrical power is restored.

(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 contains the bell jar ticket vending machine's:

- (a) manufacturer's name;
- (b) machine serial number;
- (c) model number; and
- (d) date of manufacture.

(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 for the resetting of the meters prior to repair.

(2) For coin-operated mechanical nonelectrical bell jar ticket vending machines:

(i) The bell jar ticket vending machine must be designed to dispense only bell jar tickets one and seven eighths ($1 \frac{7}{8}$) inches x one (1) inch plus or minus one eighth ($\frac{1}{8}$) inch.

(ii) The bell jar ticket vending machine may be operated without meters or a display screen.

(iii) The bell jar ticket vending machine must be capable of accepting United States coinage only in denominations of 25 cents and dispense only one ticket per play.

(iv) The bell jar ticket vending machine must not require the utilization of electrical current to dispense tickets or perform any other function(s).

(v) A bell jar ticket vending machine must have one or more columns or containers for stacking or holding bell jar tickets.

(vi) The bell jar ticket vending machine must have a bell jar dispensing outlet to hold or catch a dispensed bell jar ticket.

(vii) An exterior door must have at least one keyed lock specific to the bell jar ticket vending machine. The internal space may not be accessible from outside the bell jar ticket vending machine when the exterior door is closed and locked.

(3) Prohibitions:

(i) Bell jar ticket vending machines shall not be capable of displaying advertising messages or graphics on the meter display.

(ii) Bell jar ticket vending machines shall not dispense credits in the form of cash or bell jar tickets to redeem a winning bell jar ticket.

(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, and digital meter for displaying the door access information required pursuant to this Title.

(iv) Bell jar vending machines shall not produce audio sounds other than sounds associated with security alarms.

(v) The appearance or design of bell jar vending machines shall not resemble a slot machine or other gambling device.

(vi) The coin operated bell jar ticket vending machine shall not be capable of accepting any paper currency nor shall be fitted to accept anything other than legal coinage of the United States as currency for the dispensing of bell jar tickets.

(vii) A bell jar ticket vending machine may not have an auxiliary remote control unit for posting credits onto the vending machine or for removing credits from the bell jar ticket vending machine.

(viii) A bell jar ticket vending machine may not be equipped, nor have the capacity to be equipped, with any device, electronic or otherwise, that can determine if a ticket is redeemable for a prize. All bell jar tickets dispensed from a bell jar ticket vending machine shall only be of the type requiring to be manually opened to determine if a winner of any prize.

(c) Bell jar ticket vending machines in possession of a licensed authorized organization which 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.

PART 5610. BELL JAR TICKET VENDING MACHINES IN POSSESSION OF LICENSED AUTHORIZED ORGANIZATIONS

5610.1 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 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 as a qualified bell jar ticket vending machine provided such machine was obtained from a board licensed manufacturer or board licensed supplier and provided that the manufacturer of the bell jar ticket vending machine has been licensed by the board 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**, must be completed and submitted to the 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 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 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 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.

5610.2 Coin-operated mechanical nonelectrical dispensing devices in possession of licensed authorized organizations as of the date this section shall take effect.

(a) Coin-operated mechanical nonelectrical dispensing device manufactured prior to August 2, 1995 which 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** 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 provided the provisions of section 5610.1(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, provided the device was obtained from a board licensed manufacturer or supplier and that the provisions of **section 5610.1** of this Part are satisfied.

PART 5611 COIN BOARD, MERCHANDISE BOARD AND SEAL CARD

5611.1 Coin boards.

(a) Coin board. Coin board is defined as a board used with bell jar tickets which 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 a board used with bell jar tickets which 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 a board used with bell jar tickets which 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 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.

5611.2 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-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 commemorative coins, merchandise or free plays shall be awarded.

(c) All aggregate values of cash, coin and merchandise prizes for each series of coin boards, merchandise boards and seal cards shall not exceed \$3,000.

(d) All tickets accompanying coin boards, merchandise boards and seal cards must meet the specifications and requirements of bell jar tickets as enumerated in this Part.

(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 **that such coin board, merchandise board or seal card satisfies all board requirements.**

SUBCHAPTER B

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

PART 5620
AUTHORIZED GAMES OF CHANCE

Section 5620.1 Types of games.

Only the following games of chance may be conducted:

- (a) "Craps;"
- (b) "Roulette;"
- (c) "Black Jack;"
- (d) "Big Six;"
- (e) "Money Wheel;"
- (f) "Chuck-A-Luck;"
- (g) "Hazard;"
- (h) "Under and Over Seven;"
- (i) "Beat the Dealer;"
- (j) "Merchandise Wheels;"
- (k) "Big Nine;"
- (l) "Color Wheel;"
- (m) "Bang;"
- (n) "Joker Seven;"
- (o) "Horse Race Wheel;"
- (p) "Best Poker Hand;"
- (q) "Bell Jar;"
- (r) "Fruit wheel;"
- (s) "Card wheel;"

(t) "Raffles;" and

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

5620.2 Limit on types of games.

No more than five single types of games of chance approved by the board, 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).

5620.3 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, from which the shooter selects two dice to roll.

(b) Players:

- (1) Any number can play, provided there is room at the table.
- (2) The player throwing the dice is the shooter.

(c) The play:

- (1) The dice are thrown and the two numbers, added together, that face upward when the dice come to rest are the deciding numbers.
- (2) The shooter's first roll is a come-out.
- (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 throws a 4, 5, 6, 8, 9, 10, that number becomes the shooter's point and he continues throwing until either:

- (i) he throws his point again, which is a winning decision or pass; or
- (ii) he 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 left, and it becomes his turn to shoot.

(5) The shooter may, if he 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 likes, refuse to shoot in his 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 change takes place immediately after the next decision.

(d) Betting:

(1) All bets must be made before the dice are thrown.

(2) Right bet: a wager that the dice will pass (win) either by making a natural on the come-out or by throwing a point number on the come-out and then repeating it before throwing a 7. Players making right bets are right bettors.

(3) Wrong bet: a wager that the dice will not pass (lose). Players making wrong bets are wrong bettors.

(e) Placing bets on layout:

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

(2) Don't Pass line. Same as above, except that you're betting against the dice and everything is reversed. You lose on a "natural" 7 or 11 on the first roll, you win on a "craps" 2 or 12. When ace-deuce (1-2) is rolled, it's a standoff (push) and nobody wins. You win if the shooter rolls 7 before making his "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 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.

(i) On layouts with approximate betting spaces, players may make additional wagers after a shooter's point has been established. For come bets and don't come bets only, the next roll of the dice will be considered the first (come-out) roll: Come bets win on a roll of 7 or 11 and lost on a roll of 2, 3, or 12. If any other number is rolled by the shooter, this bet is removed from the Come box by the dealer and moved into the numbered box corresponding with the shooter's previous roll, where it will remain until it wins when this designated point is rolled again or loses on a roll of 7. Come bets may not be removed by the player once they have been moved into a point box. The maximum wager shall be \$5 or its equivalent in chips and the payoff is at even money (1-1).

(ii) Don't come bets win on a roll of 2 or 12, push on a 3 and lose on a 7 or 11. If any other number is rolled by the shooter, the bet is removed from the don't come box by the dealer and moved into a designated space behind the numbered box corresponding with the shooter's previous roll, where it will remain until it wins on a roll of 7 or loses if the designated point is rolled again. Don't come bets may not be removed once they have been moved behind a numbered box. The maximum wager is \$5 or its equivalent in chips and the payoff is at even money (1-1).

(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 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 bet on any one roll that one of the following numbers comes up: 2, 3, 4, 9, 10, 11 or 12. If it does, you get even money (1-1). If 5,6,7 or 8 comes up, you lose. 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 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 that the next roll is a 7, and you collect 5 for 1. The maximum bet shall be \$5 or its equivalent in chips.

(9) Any craps. You bet that the next roll is 2, 3 or 12, and you collect 8 for 1. The maximum bet shall be \$5 or its equivalent in chips.

(10) Hard ways. You win if the exact combination you bet shows up. On 3-3 or 4-4 you receive 10 for 1; on 2-2 or 5-5 you get 8 for 1. You lose 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 if the exact combination shows up on one roll:

Ace-ace (1-1)	Payoff 30 for 1
6-6	Payoff 30 for 1

Ace-2	Payoff 15 for 1
6-5	Payoff 15 for 1

The maximum bet shall be \$5 or its equivalent in chips.

5620.4 Roulette.

(a) Equipment:

- (1) A standard table has a betting layout, a roulette wheel and roulette balls.
- (2) Wagers. All wagers at the roulette games shall be made with cash, scrip, chips or wheel checks. The color of the wheel check indicates the player, not a value.
- (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 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 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 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 assistant is called a croupier.
- (2) Dealer. The dealer is in charge of the conduct of the game. His main duties are: spinning the wheel, throwing the roulette ball, announcing winners, collecting losing

bets, paying off winning bets.

(3) Croupier. The croupier separates and stacks the losing wagers that have been collected or swept from the layout by the dealer. He 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 travels clockwise. Players may continue placing bets while wheel and ball are in motion until the dealer calls: "No more bets". He 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 points to the corresponding number on the layout. He 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 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 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.

(2) The symbols 0 and 00. These can be played the same as any straight or single-number bet by placing the wager on either 0 or 00. The payoff odds are 35 to 1.

(3) Two-number bet or split bet. The player places his 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 wager on the outside line of the layout. This indicates that he 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 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 wager on the line separating the 1,2,3 from the 0 and 00 spaces at a corner intersection. This indicates that he 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 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 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 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 wager on the layout space marked 1 to 18, which indicates that he 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 wager on the layout space marked 19 to 36, which indicates that he is betting on the numbers 19 to 36 inclusive. The payoff is even money.

(5) Black color bet. The player places his 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 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 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 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.

5620.5 Black Jack.

(a) Equipment.

- (1) A Black Jack table with up to seven betting spaces on its layout.
- (2) One to four decks of 52 cards each, shuffled together and used as one.
- (3) A dealing box (optional).

(b) Personnel.

- (1) Dealer. The dealer is the person who deals the cards and controls the bank. He never surrenders the deal or the bank.
- (2) Assistant. An assistant may be used to assist the dealer in collecting losing bets and paying off winning bets.

(c) Number of players. Up to seven players, each of whom may bet on several hands depending on the betting spaces available.

(d) Value of cards.

- (1) Aces count either 1 or 11 at the discretion of the player.
- (2) Kings, queens and jacks each have a count of 10.
- (3) All other cards are counted at their face value.

(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 has "busted" and must turn his cards face-up at once. He has lost his bet, and the dealer may take the player's wager. The player, at his discretion, may stand or draw one or more cards in an attempt to better his count.

(f) Betting.

- (1) Before the deal begins, each player must place his bet in the betting space directly before him in full view of the dealer. When a player plays more than one hand at a time, he must play the hand farthest to his right to completion before being permitted to play his next hand or hands. The dealer may check the player's bet to see if it 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 extreme left, begins dealing clockwise giving one card face-up to each player and one face-up to himself. He next deals each player, starting with the player on his extreme left, a second face-up card and one face-down to himself. 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 must look at his face-down (hole) card. If he has a natural 21 (a count of 21 with two cards), he 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 extreme left plays first. If the player holds a natural 21, he announces it and faces his 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 may elect:

(i) to stay if he is satisfied with the total count of his two cards; or

(ii) to ask for an additional card if he is not satisfied with the total count. The player can continue to ask for cards until he is satisfied with the total count of his cards. If the player draws a card which puts him over 21, he 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 cards in the discard pile and deals a new hand. If any player or players are left, the dealer plays his hand as follows:

(1) He turns up his hole card so that all his cards are exposed.

(2) If his count is 17, 18, 19 or 20, he must stay.

(3) If his count is 16 or less, he must draw a card and continue to draw until his count reaches 17 or more, at which point he must stay. If the dealer holds a "soft" 17, i.e., a 17-count which includes an ace, he 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 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 play, the dealer starts with the first active player on his extreme right and moves around the table counterclockwise, paying off players who have a higher count than his 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 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 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 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 right, and he must play this hand out. If, in drawing to the first face-up card, he forms a pair again, he may again split pairs, wagering an amount equal to his first card on this third hand. He may continue to split any further pairs.

(4) When a player splits a pair of aces, he is only permitted to draw one card to each split

ace, giving him two cards in all.

(5) If a picture card or ten 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.

(6) A player is not permitted to double down on split pairs.

(l) The double down.

(1) A player, whose first two cards total either 10 or 11, may elect to double his 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 original wager. He is then dealt a third and final card on his 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 down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half his present wager on his own hand. When the insurance wager is made, the dealer looks at his down card. If it is a 10-count, he 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 insurance wager.

5620.6 Big Six.

(a) Equipment. A wheel of variable size. Around the rim of the wheel's surface are sections, each of which shows one side of three dice bearing different combinations of the numbers 1 through 6. The wheel has a corresponding layout.

(b) The play.

(1) A player places his 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 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 wager on number 5 and the wheel stops on 4-5-6, the payoff odds are 1-to-1. If it stops at 5-5-5, the payoff odds are 3-to-1.

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

5620.7 Big Nine.

(a) Equipment. A wheel of variable size. The rim of the wheel is divided into sections, some of which bear different combinations of the numbers 1 through 9. Other sections display a picture of a diamond, star and eagle. The wheel has a corresponding layout.

(b) The play.

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

(3) The odds for the diamond, star or eagle shall be displayed on the layout.

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

5620.8 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 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 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.

(2) The number on the bills indicates the payoff odds to the players. If the wheel stops on the \$1 bill, the payoff odds are 1-to-1. A winning wager on the \$2 bill is paid off at 2-to-1, on the \$5 at 5-to-1, on the \$10 at 10-to-1, on the \$20 at 20-to-1. The payoff odds on the flag and joker, ranging from 25-to-1 through 40-to-1, shall be conspicuously displayed on the layout.

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

5620.9 Color Wheel.

(a) Equipment. A wheel of variable size. The rim of the wheel is divided into sections, each of which shows one color. The wheel has a corresponding layout.

(b) The play.

(1) A player places his 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.

(2) The payoff odds shall be conspicuously displayed on the layout.

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

5620.10 Merchandise Wheels.

(a) Equipment. A wheel or wheels of variable size that have numbers, symbols or colors used to designate the winning wager and, where applicable, the type of merchandise to be awarded. The wheel has a corresponding layout.

(b) Wager. The maximum wager is \$2. Merchandise shall not be wagered by a participant.

(c) Winning wagers. No cash, only merchandise shall be awarded. No single prize shall exceed a value of \$250.

(d) Control sheet. Each merchandise wheel shall have an inventory control sheet which 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 5622.12 of this Subchapter). It will not be necessary to file the inventory control sheet with form GC-7B.

5620.11 Chuck-A-Luck.

(a) Equipment.

(1) A cage or chute.

(2) Three dice.

(3) A table layout bearing the numbers 1, 2, 3, 4, 5, 6.

(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 number appears on two dice, the payoff odds are 2-to-1; and if all three bear his number, the payoff odds are 3-to-1.

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

5620.12 Hazard.

(a) Equipment.

(1) A cage or chute.

(2) Three dice.

(3) A table layout with wagers and odds.

(b) The play. The players place their wagers on the layout. The dealer then tumbles the dice in the cage or chute and when the dice come to rest, the face-up numbers are the deciding three numbers.

(c) Bets and odds.

(1) Raffles. The player wagers that any specific three of a kind (three aces, three deuces, etc.) will appear on the dice. This wager is paid off at odds of 180-to-1. The maximum wager for this type of bet shall be \$1.50 or its equivalent in chips.

(2) Any raffle. The player wagers that any three of a kind will appear. This wager is paid off at odds of 30-to-1.

(3) Low bet. The player wagers that the total count on the dice will be 10 or below. The player loses if three of a kind appear. The odds on this wager are even or 1-to-1.

(4) High bet. The player wagers that the total count on the dice will be 11 or more. The player loses if three of a kind appear. The odds on this wager are even or 1-to-1.

(5) Odd an Even bet. A wager that the total count on the dice will be an odd or even number. The odds on this wager are even or 1-to-1. The player loses if three of a kind appears.

(6) Numbers bet. The player wagers that he 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, total count 17 pays 60-for-1.

(7) Chuck numbers.

(i) The player wagers on the numbers 1 through 6. The odds on this wager are even or 1-to-1 if it appears on one die, 2-to-1 if it shows on two dice, and 3-to-1 if it shows on three dice.

(ii) The maximum bet shall be \$5 or its equivalent in chips, except in the "raffles" where the player wagers that any specific three of a kind (three aces, three deuces, etc.) will appear on the dice, in which cases the maximum wager shall be \$1.50 or its equivalent in chips.

5620.13 Over and Under Seven.

(a) Equipment.

(1) A cage or chute.

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

(3) A table and layout with three betting spaces reflecting a number "7", "Under 7" and "Over 7". If dice are thrown, a table with an upright rail running around the table's outside edges, forming a rectangular enclosure. The rail serves as a backboard and helps to prevent the dice from falling off the table.

(b) The play and odds.

(1) The player places his 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.

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

5620.14 Beat the Dealer.

(a) Equipment.

- (1) A cage, chute or cup.
- (2) Two dice.
- (3) A table layout.

(b) The play and odds.

- (1) The player places his wager in the space on the layout in front of him.
- (2) The dealer and the player each tumble the dice by hand or in the cage, chute or cup. The dealer goes first. To win, the player or players must get a higher total count than the dealer; the dealer wins on all ties. The odds on this game are even or 1-to-1.
- (3) The maximum bet shall be \$5 or its equivalent in chips.

5620.15 Bang.

(a) Equipment.

- (1) A table with a layout and an upright rail around the outside edges of the table. The rail serves as a backboard and also helps to prevent the dice from falling off the table.
- (2) Two dice. The dealer has at least five dice in front of him, from which the shooter selects two dice to roll.

(b) Players. Any number can play, provided there is space at the table.

(c) The play.

- (1) Players place bets on the betting layout. The sections marked "Beat the Dealer Hi Dice" on the layout are considered the outside sections of the layout and are referred to as outside bets. All other betting spaces on the layout are considered to be inside sections or inside bets.
- (2) The dealer announces: "No more bets."
- (3) The dealer rolls first. The total count of the two dice that face upward when the dice come to rest are considered the dealer's point. The dealer places a marker on the layout to indicate the dealer's point.
- (4) The dealer's roll affects all inside bets, i. e., all bets on the layout except Beat the

Dealer Hi Dice bets. (Note that Big Six and Big Eight bets are active on every roll of the dice, but are only affected by a losing roll of 7, or by the roll of a winning 6 or 8, respectively.) After collecting the losing inside wagers and paying the winning inside wagers, the dealer announces: "Place inside bets only." (No additional "Beat the Dealer Hi Dice" bets can be placed at this time.)

(5) The first bettor on the dealer's left rolls next. This player is rolling for all inside bets and is rolling for all other "Beat the Dealer Hi Dice" bettors at the table.

(6) After collecting the losing wagers and paying the winning wagers, the first game is over.

(7) The dealer announces: "Place all bets inside and outside."

(8) To start a new game, the dealer rolls the dice and places the marker to indicate the new dealer's point. After collecting the losing wagers and paying the winning inside wagers, the dealer again announces: "Place inside bets only." The dealer offers the dice to the player to the left of the previous shooter. This shooter's roll affects all bets on the layout. (Note that after the dealer rolls to start each new game, the dice pass clockwise around the table to the player to the left of the previous shooter.)

(d) Bets and odds.

(1) All bets must be made before the dice are thrown. Bets will not be honored while the dice are rolling.

(2) Field bet. A player can bet on any one roll that one of the following numbers will come up: 2, 3, 4, 9, 10, 11 or 12. If it does, the player wins and is paid off at even money. If 5, 6, 7 or 8 comes up, the player loses.

(3) Under seven. The player wins on any one roll if the total count of the two dice is 2, 3, 4, 5 or 6. Any other number loses. Payoff is even money.

(4) Any seven. The player wins on any one roll if the total count of the two dice is 7. Payoff is 4-to-1.

(5) Over seven. The player wins on any one roll if the total count of the two dice is 8, 9, 10, 11 or 12. Any other number loses. Payoff is even money.

(6) Big six. The player wins if a 6 is rolled before a 7. Payoff is even money.

(7) Big eight. The player wins if an 8 is rolled before a 7. Payoff is even money.

(8) Beat the Dealer Hi Dice. Winning Beat the Dealer Hi Dice bets are paid off at even money. The house wins on all ties.

(e) Maximum bet shall be \$5 or its equivalent in chips.

5620.16 Joker Seven.

(a) Equipment.

(1) A table with a Joker Seven betting layout.

(2) One deck of 52 cards and 2 jokers.

(b) Players. Any number of players who can fit around the table.

(c) The play. The cards are thoroughly shuffled and cut by the dealer. Bets are placed on the betting squares which represent the various combinations which 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.

(d)

<i>Color bets.</i>	<i>Odds</i>
4 or more red or 4 or more black cards	Even money
4 red cards or 4 black cards (exact)	2-to-1
5 red cards or 5 black cards (exact)	5-to-1
6 red cards or 6 black cards (exact)	15-to-1
7 red cards or 7 black cards (exact)	25-to-1

(e)

<i>Other bets.</i>	<i>Odds</i>
No pairs or two pairs	3-to-1
1 joker	3-to-1
2 jokers	20-to-1
Any specific pair—aces to kings	9-to-1

Prial (three of a kind)

12-to-1

(1) When a prial is dealt, the pair within the prial is paid at 9-to-1. Two jokers are considered one pair. Two jokers and another pair are considered two pairs. The joker has no color value. A joker bet loses if two jokers are dealt.

(2) When four of a kind is dealt, a bet on one pair is paid at 9-to-1 once, a bet on two pairs is paid at 3-to-1 once, and a bet on a prial is paid at 12-to-1.

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

5620.17 Horse Race Wheel.

(a) Equipment. A wheel of variable size. The surface of the wheel is divided into sections and each section has a number corresponding to a pictorial horse or name of horse. The rim of each numbered section is divided into smaller numbered sections, which indicate the odds at which the winner is to be paid. The wheel has a corresponding layout.

(b) The play. A player places his 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.

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

5620.18 Best Poker Hand.

(a) Equipment.

(1) A table layout numbered 1 through 10.

(2) A single deck of 52 cards.

(b) The players. Any number of players who can fit around the table.

(c) The play. The cards are thoroughly shuffled and cut by the dealer. Ten hands of five cards each are dealt face up from the top of the deck and the number corresponding to the best poker hand wins. The dealer collects the losing wagers and pays the winner(s). All cards are shuffled and cut by the dealer after each hand.

(d) Bets. Bets are placed on the table layout numbered 1 through 10. Players may continue placing bets until the dealer calls "No more bets". The dealer then deals the cards.

(e) Odds.

No pair (highest hand)	Even money	Flush	12-to-1
One pair	2-to-1	Full house	15-to-1
Two pairs	3-to-1	Four of a kind	20-to-1
Three of a kind	5-to-1	Straight flush	25-to-1
Straight	10-to-1	Royal flush	50-to-1

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

5620.19 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, 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 holds all the bell jar tickets of a game bearing the same serial number as well as a flare.

(4) A flare which is contained in the deal, and 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 is a winner of any prize.

(2) The maximum wager is \$2.

(3) No single prize shall exceed \$500.

(4) No aggregate prizes in any deal shall exceed \$3,000.

(c) Operation of the game.

(1) Bell jar tickets may be dispensed from bell jar ticket vending machines which satisfy board specifications.

(2) No licensed authorized organization shall provide any information to any person respecting the potential winnings of bell jar tickets which would create an advantage to said person.

(3) No licensee shall modify, alter, deface or otherwise change the flare, except that a licensed authorized organization may mark the winning prizes appearing on the flare as they are awarded.

(4) No bell jar ticket shall be sold unless it shall have imprinted thereon the name of the manufacturer and/or board approved logo, the ticket cost to the player, denomination of each prize, game serial number and form number which 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 approved logo printed on the tickets, but must otherwise conform to the provisions of this section.

(5) No bell jar ticket may be sold where the prizes to be awarded or the number of tickets contained in the container differ from the number of game tickets and game prizes printed on the game flare and respective game payout card.

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

(7) No licensed authorized organization shall assist a player in opening a purchased bell jar ticket(s). (8) All prizes from the operation of the bell jar shall be awarded in cash, except in the case of banded tickets, merchandise boards, and seal cards which may award merchandise as defined in section 5622.13 of this Title and such merchandise shall not exceed the maximum prize values of section 5622.12 of this Title. No ticket(s) reflecting a free play shall be sold.

(9) No prize shall be awarded to any player unless the player surrenders an actual winning bell jar ticket. A prize payout shall not be made to any player for a lost or unredeemed ticket.

(10) No prize shall be awarded to any player who is redeeming a winning bell jar ticket that was removed from the games of chance premises.

(11) Each winning bell jar ticket shall be defaced upon redemption and retained for a

period of six months.

(12) Bell jar tickets may only be sold on the premises of the licensed authorized organization and the premises in which the organization conducts licensed bingo occasions and games of chance license periods.

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

(14) More than one deal may be sold simultaneously during a license period.

(15) No authorized organization shall sell, distribute or loan any bell jar tickets to any other authorized organization.

(16) Complete deals may be commingled in one receptacle or bell jar ticket vending machine, provided the deals are identical as to the type of game, game form number, number of tickets per game, game ticket price and the amount and denomination of prizes. No unsold portion of a deal may be commingled with any other deal.

(17) Bell jar ticket deals of different game form numbers may be inserted into and dispensed from the same bell jar ticket vending machines provided each game form numbered deal is assigned a separate stacking column(s) and holder(s) and each stacking column or holder is clearly labeled to identify to the purchaser the type and game form number of each bell jar ticket to be dispensed from that stacking column or holder. Bell jar ticket deals with different game form numbers shall not be commingled in any stacking column or holder.

(18) No deal shall be placed in play unless the serial number of such deal corresponds to the serial number printed on each ticket, the flare and invoice.

(19) No deal shall be taken out of play once such deal has been offered for sale unless at least 75 percent of total prizes have been awarded.

(20) No deal shall be placed in play unless it has been purchased from a licensed supplier.

(21) Separate cash banks shall be maintained for each deal or combination of deals placed in play in order to determine each deal's profit or loss.

5620.20 Fruit Wheel.

(a) Equipment. A wheel of variable size. Around the rim of the wheel's surface are sections, each of which shows three symbols bearing different combinations of six different types of fruit or similar objects. The wheel has a corresponding layout.

(b) The play.

(1) A player places his 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 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 wager on the apple and the wheel stops on apple-grape-banana, the payoff odds are 1-to-1. If it stops at apple-apple-apple, the payoff odds are 3-to-1.

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

5620.21 Card Wheel.

(a) Equipment. A wheel of variable size. Around the rim of the wheel's surface are sections, each of which shows the faces of three playing cards bearing different combinations of the cards nine through ace. The wheel has a corresponding layout.

(b) The play.

(1) A player places his 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 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 wager on the king and the wheel stops on king-nine-ace, the payoff odds are 1-to-1. If it stops at king-king-king, the payoff odds are 3-to-1.

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

5620.22 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 identification number of the authorized organization;
- (ii) the location(s), date(s) and time(s) of the drawing(s);
- (iii) the consecutively printed serial number of the ticket;
- (iv) the price of the ticket;
- (v) a list of the prizes offered;
- (vi) the statement: "Ticket holders need not be present to win"; and
- (vii) each ticket stub or receipt shall reflect the name, address and telephone number of the ticket purchaser, and the consecutively printed serial number of the ticket.

(2) Each part of a two part "admission-style" ticket used in the game commonly known as a "50/50 raffle" shall bear an identical, consecutively printed serial number, to be used in verifying the winning ticket.

(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.

(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.

(3) The method of drawing and determining the winning ticket(s) shall be clearly announced and described prior to drawing a ticket.

(4) Each drawing shall be conducted openly and in plain view of the ticket purchasers present.

(5) Raffle tickets may be sold, and raffle drawings may be conducted, during a licensed organization's games of chance license period, during a licensed organization's bingo occasions, and during the games of chance license periods and licensed bingo occasions conducted by an organization that is an affiliate of, or is auxiliary to, the organization licensed to conduct raffles, when permitted by the licensed auxiliary or affiliate.

(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 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 is located, and in the counties which are contiguous to the county in

which the municipality issuing the raffle license is located, provided the licensee has received written approval, on a form prescribed by the board, 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).

(7) No ticket shall be sold in conjunction with any raffle, including raffles in which winning tickets are scheduled to be drawn on multiple dates, more than 180 days prior to the date scheduled for the drawing of the last ticket in that raffle.

(8) All raffle tickets, with the exception of the two-part "admission-style" tickets used in the game commonly known as a "50/50 raffle," shall be sold at a uniform price per ticket, unless the discount offered is based on the selling price per book of tickets and the price per single ticket and the discounted price per book of tickets are printed on each ticket.

(9) The value of merchandise to be awarded as a raffle prize shall be the fair market value of the merchandise at the time of submission of an application or verified statement for a raffle license.

(10) Purchasers of raffle tickets need not be present at the raffle drawing to win.

(11) Alcoholic beverages may be sold and consumed in locations where raffle tickets are sold and raffle drawings are conducted.

(12) Alcoholic beverages shall not be awarded as a raffle prize.

(13) No commission, salary, compensation, reward or recompense shall be paid or given to any person for the sale or assisting with the sale of raffle tickets.

(14) Raffle tickets shall be sold by a member of an authorized organization licensed to conduct raffles 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.

5620.23 Search For The Queen Of Hearts

(a) Equipment. A series of two-part, sequentially numbered raffle tickets; two raffle ticket drums or receptacles; a standard deck of fifty-two playing cards plus two Jokers; and a game board onto which fifty-four playing cards can be placed facedown, side-by-side, and held securely by a locking, transparent cover.

(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 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 shall be designated the Grand Prize Pool.

(2) The deck of facedown playing cards shall be thoroughly shuffled by a licensed 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 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 Queen of Hearts."

(5) All remaining tickets in the raffle drum or receptacle shall be defaced and discarded.

(6) The transparent, locking cover securing the cards shall be opened by a licensed 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 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% 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 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:

Card Drawn	Payout Odds
Any 2, 3, 4, or 5	At least 4 - 1
Any 6, 7, 8, or 9	At least 6 - 1
Any Ace	At least 10 - 1
Any Joker	At least 15 - 1
Any Queen other than Hearts	At least 20 - 1

(9) The weekly raffle drawings shall continue until a winner selects the Queen of Hearts.

(10) When the Queen of Hearts is selected, the winning player shall be awarded the Grand Prize consisting of 60% of the Grand Prize Pool.

(11) The licensee shall retain the remaining 40% of the Grand Prize Pool as raffle profit

and shall secure those funds for deposit into the special games of chance or raffle checking account (if applicable), or other bank account.

5620.24 Treasure Chest Raffle

(a) Equipment. Two different-colored series of two-part, sequentially numbered raffle tickets; two raffle ticket drums or receptacles; a game board; a chest; a lock to secure the chest; and a number of keys predetermined by the licensee and listed in its house rules and on its raffle license application (if applicable). Only two of the keys shall be capable of opening the lock. One of those keys must be marked by the locksmith as a master key, and secured at all times by a member-in-charge; the other key, and all of the remaining (losing) keys, shall be unmarked and maintained in accordance with this section. The game board shall have a number of nails protruding from the board at an angle that permits the keys to be hung on one nail at a time. The number of nails shall be equal to the total number of keys in play at the start of the Treasure Chest Raffle.

(b) The Play.

(1) The licensee shall sell one series of two-part, sequentially numbered raffle tickets designated as Prize Winning Tickets, depositing one part of each ticket sold into the Prize Winning Raffle Ticket Drum or Receptacle and presenting the other part of that ticket to the purchaser to retain as a receipt for verification purposes.

(2) The member-in-charge shall remove the licensee's designated percentage of the sales of raffle tickets sold during that occasion as raffle profit, and shall secure those funds for deposit into the special games of chance raffle checking account, if applicable, or other bank account.

(3) The member-in-charge shall remove ten percent of the remaining funds, and shall divide that amount into five equal parts that shall be designated as the primary prize pool.

(4) The member-in-charge shall insert the remaining prize money (the secondary prize) into the treasure chest and lock it.

(5) After a single key is hung on each of the nails, one-half of a different colored series of two-part, serial-numbered tickets designated as Key Tickets shall be affixed to each of the nails, and the other halves of those tickets shall be deposited into a raffle ticket receptacle designated the Key Ticket Receptacle.

(6) All Prize Winning Ticket stubs shall be randomly commingled and thoroughly intermixed in the Prize Winning Raffle Ticket Drum or Receptacle; five tickets shall be drawn by a licensed 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.

(7) The member-in-charge shall draw a Key Ticket from the Key Ticket Receptacle for each of

those five players, and each of the keys hanging on the game board under the raffle ticket stubs corresponding with each of the player's stubs is presented to the five winning players. Each player shall attempt to open the lock on the treasure chest using his or her key.

(8) If none of the keys opens the lock, the raffle is closed for that occasion; the five Key Tickets are destroyed; and the member-in-charge removes the keys that did not open the locks from play.

(9) At the conclusion of that occasion, the member-in-charge shall remove the cash from the treasure chest using a master key; the losing keys shall be locked in the treasure chest; the Key Ticket receptacle, the Key Tickets therein, and the game board with its remaining keys and Key Tickets shall be securely stored by the member-in-charge; and the remaining cash prize shall be deposited into the games of chance (raffle) checking account (if applicable), where it will remain until that amount is added to the treasure chest immediately prior to the start of the next occasion the Treasure Chest Raffle will be conducted.

(10) During the next occasion, 60% of the proceeds from the sale of tickets for the occasion shall be added to the dollar amount reserved from the previous occasion, and the procedures outlines above shall be repeated for a new raffle.

(11) The procedures described above shall be repeated during each subsequent occasion until the lock is opened and the winner is awarded the secondary prize.

(12) If the secondary prize has not been awarded during an occasion on or about 170 days after the start of ticket sales for a Treasure Chest Raffle, an announcement shall be made during that occasion that the remaining tickets will be drawn during the next bingo occasion until a winner of the secondary prize is awarded.

(13) After the secondary prize is awarded, all of the Key Tickets on the game board and in the Key Ticket Receptacle shall be discarded; and all of the keys secured by the member-in-charge.

PART 5621

GAMES OF CHANCE CURRENCY

5621.1 Games of chance currency.

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

5621.4 Surrender of chips.

All games of chance currency in the form of chips is to be surrendered and redeemed for cash or merchandise either during or at the end of the license period. In the case of merchandise wheels, all prizes are to be in the form of merchandise and shall be awarded after each spin of the wheel or wheels where a winner has been determined.

5621.8 Control of sale of games of chance currency.

The licensed authorized organization shall maintain necessary records to effectuate control of the sale of games of chance currency and proceeds from the conduct of authorized games of chance.

PART 5622. GENERAL CONDUCT OF GAMES OF CHANCE

5622.1 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 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.

5622.2 Minors.

Persons under 18 years of age may be permitted to attend games of chance license periods at the discretion of the games of chance licensee, but shall not be allowed to participate in the operation or play of any game or games of chance. One or more signs restricting participation of persons under 18 years of age shall be prominently displayed in each playing area.

5622.3 Restriction on participation.

No person shall assist in the management of games of chance except a bona fide member of the licensee. No person shall assist in the operation of games of chance except a bona fide member of the licensee or a bona fide member of an organization which is an auxiliary or an affiliate of the licensee. No person under the age of 18 years shall be permitted to assist in the conduct of games of chance or participate in the play of any game or games of chance. For the purpose of the sale of tickets for the game of raffle, the term "operate" shall not include the sale of such tickets by any person with a blood relationship or affinity with a member of an authorized organization licensed to conduct a raffle. Nonmembers may assist the licensee in any activity other than managing or operating games of chance.

5622.4 Designation of officer responsible for utilization of games of chance monies.

The officers of a licensee shall designate an officer to be in full charge of, and primarily responsible for, the proper utilization of all monies derived from the conduct of games of chance in accordance with the Games of Chance Licensing Law and this Chapter. Not less than two members shall be responsible for counting the games of chance receipts.

5622.5 Payment of person conducting games; gifts, donations prohibited.

No commission, salary, compensation, reward, recompense, reimbursement of expenses or gift or other consideration shall be paid, directly or indirectly, to any person for conducting or assisting in the conduct of any game or games of chance, except as hereinafter provided for bookkeepers or accountants who assist by rendering their professional services. No tip, gratuity or gift or other consideration shall be offered, given or accepted by any person conducting or assisting in the conduct of a game or games of chance, either directly or indirectly, and one or more signs prohibiting tipping shall be prominently displayed in each playing area. No person shall offer, solicit or receive any gift or donation or other consideration, directly or indirectly, on the premises during the conduct of a license period of games of chance.

5622.6 Compensation of bookkeepers and accountants.

Bookkeepers and accountants receiving compensation for their services shall not participate or assist in any capacity in the conduct of the games. The fees paid for bookkeeping or accounting services shall not exceed those set forth in the following schedule:

- (a) preparing "Financial Statement of Games of Chance Operations" (GC-7)—\$25 per license period;
- (b) preparing and maintaining the bookkeeping system required during the months when casino-type games and raffles are conducted—\$50 per month;
- (c) preparing and maintaining the bookkeeping system required during the months when bell jars are conducted—\$100 per month;
- (d) preparing "Quarterly Statement of Bell Jar Operations" (GC-7Q)—\$75 per statement.
- (e) preparing "Financial Statement of Raffle Operations" (GC-7R)—\$25 per statement.

5622.7 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. 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.

5622.8 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 and the municipal governing body, and the officers, agents and employees thereof.

5622.9 Ownership of devices and equipment.

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

(1) owns absolutely, and which is permanently and prominently marked with its name and identification number; or

(2) leases from a licensed games of chance supplier, and which 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 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. 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.

(b) No consideration shall be paid directly or indirectly (whether under the guise of a service charge or otherwise) for the use of any games of chance equipment except for that equipment purchased or leased from an entity authorized in this Chapter to furnish same. Any consideration paid to purchase or use such equipment shall be set forth in a written bill of sale or written lease, a counterpart of which is kept by the licensee and by the seller or lessor of same.

(c) No licensee shall agree or be required to purchase its supplies in consideration of receiving the use of any equipment, goods or supplies without charge.

5622.10 Sale of merchandise prohibited.

The sale or offering for sale of any merchandise within one-half hour prior to, during, or within one-half hour after the conclusion of any games of chance license period is prohibited, except for the sale of or offering for sale of games of chance supplies or bell jar tickets by the licensee or the sale of food or refreshments, if authorized, by the licensee.

5622.11 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.

5622.12 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 5622.13](#) 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. 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 5620 of this Title. 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. One or more signs limiting the wager to the amount designated for each type of game, as set forth in Part 5620 of this Title, 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.

5622.13 Value of merchandise prizes.

When any merchandise prize is awarded in games of chance, its value shall be its cost to the licensee or, if donated, its current market value. The current market value of merchandise prizes donated to the licensee shall not be reported as an expenditure in the financial statement of games of chance, bell jar or raffle operations (forms GC-7, GC-7Q, and GC-7R) and shall not be deducted on the cash control report form (GC-7B). No merchandise prize shall be redeemable or convertible into cash directly or indirectly by the licensee. No alcoholic beverage shall be offered as a prize in any game of chance.

5622.14 Gifts prohibited.

No licensee shall offer, distribute or give any service or thing of value, including but not limited to door prizes, food, refreshments and alcoholic beverages, in connection with a license period.

5622.15 Admission charge as a requisite to participate.

No person who has not paid the required admission charge shall be allowed to participate as a player in any game or games of chance.

5622.16 Property not permitted as prizes.

No licensee shall offer, distribute or give any prize consisting of real estate or an interest therein, bonds, shares of stock, securities or evidence of indebtedness, or any merchandise refundable in any of the foregoing.

5622.17 Unapproved buildings.

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

5622.18 Rental payment due.

The rent charged a licensed authorized organization, for use of premises in which to conduct games of chance, shall be paid in full by check, within 48 hours after the conclusion of each license period.

5622.19 Badges.

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

5622.20 Persons prohibited as players.

No licensee shall permit any person who has participated or assisted in the management or conduct of the games of chance license period to participate as a player or purchase bell jar tickets at any time during such license period.

5622.21 Cashing of checks prohibited.

No licensee, its members or agents, shall cash any check out of games of chance funds or extend credit to a person to participate in the playing of any games of chance.

5622.22 Operation of bank.

(a) Except in the case of merchandise wheels, raffles, coin boards, merchandise boards, seal cards and bell jars, the licensed authorized organization shall, at the start of each type of game of chance, provide a bank consisting of cash or chips in an amount not exceeding \$400 when the licensed authorized organization conducts five single types of games of chance, or \$500 when the licensed authorized organization conducts less than five single types of games of chance during any one license period. To each bank shall be added all the players' losses, and from each bank shall be deducted all players' winnings. When the bank for any one type of game is exhausted, the conduct of said type of game shall cease and terminate. Where more than one location (table or booth) is used for the conduct of a single type of game of chance, the starting bank shall be divided among the different locations. Within the operation of any single type of game of chance, the bank of any one location may be used to supplement the bank of any other location of the same type of single game of chance.

(b) In the case of merchandise wheels, the licensed authorized organization may for each wheel

award merchandise the total value of which shall not exceed \$10,000 for each merchandise wheel. In the case of bell jars, coin boards, merchandise boards and seal cards, the licensed authorized organization may, for each deal, award prizes the total value of which shall not exceed \$3,000 for each deal.

(c) The maximum amount of the series of prizes to be awarded for each single type of game of chance shall be specified in the application for a license (form GC-2) and the license (form GC-5), which shall be conspicuously displayed.

5622.23 Sale and consumption of alcoholic beverages.

Beer may be offered for sale and consumed during the conduct of games of chance in games of chance premises. Nothing herein shall be construed to limit the offering for sale and consumption of any other alcoholic beverage in areas other than the games of chance premises, or the sale of any other alcoholic beverage in premises where only the game of chance known as bell jar, coin board, merchandise board, seal card and raffles are conducted. One or more signs setting forth the restrictions of this section shall be prominently displayed in each playing area.

5622.24 Rules and bulletins available at games.

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

5622.25 Qualifications of members in charge and assistants.

No person shall participate in the management of any game of chance unless he 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 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.

5622.26 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 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 5623

GAMES OF CHANCE SUPPLIES AND EQUIPMENT

5623.1 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 has received prior written permission to sell, lease or donate from the board; or

(b) a licensed games of chance supplier whose devices, supplies and equipment have been permanently and prominently marked with its 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 prior to the sale or leasing of such devices, supplies or equipment.

5623.2 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 has or may have as its purpose the predetermination or selection of any individual winner or winners, loser or losers.

PART 5624

FINANCIAL STATEMENT OF GAMES OF CHANCE OPERATIONS

5624.1 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, which is hereby approved and adopted by the board. The licensee shall execute and file the original of the report with the clerk or department, a copy with the board, 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 permanent records. When the authorized organization has been licensed to sell bell jar tickets, coin boards, merchandise boards and seal cards, it 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, which is hereby approved and adopted. The licensee shall execute and file the original of the quarterly report with the board. The licensee shall retain a copy of each report for its 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 rented its premises therefor, shall each furnish to the clerk or department and the board a statement of such information on form GC-7R, which is hereby approved and adopted, subscribed by the member in charge and affirmed by him 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 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 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. 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 section 5601.1(c) of this Title 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.

5624.2 Cash control report.

Every licensee shall attach and file with its financial statement an additional statement (form GC-7B, which is hereby approved and adopted by the board) 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 permanent records, together with form GC-7B, for a period of not less than four years.

5624.3 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 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. 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 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 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 shall also tender to the board 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 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 for a period of one year following the date upon which the relevant financial statement was received by the board.

5624.4 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.

5624.5 Statements delinquent 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 and upon written notification by the board, 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 5626 of this Title.

(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 of delinquency, its license may be suspended pursuant to the provisions of Part 5626 of this Title.

5624.6 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, and any existing license may be suspended pursuant to the provisions of Part 5626 of this Title.

5624.7 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 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 or the municipal governing body or their representatives upon request.

5624.8 Special games of chance and bell jar account.

(a) For games of chance, bell jar, and for raffle ticket proceeds that exceed \$30,000 per calendar year, each licensee must maintain a regular checking account as its games of chance account, which shall be designated the "special games of chance account." Into this account shall be deposited all and only monies received from admission charges, total profits from games other than merchandise wheels, total cash receipts from merchandise wheels, receipts from the sale of raffle tickets and bell jar tickets, coin boards, merchandise boards and seal cards, and cash bank if such cash bank monies were initially withdrawn from this account. Receipts from the sale of food and refreshments or alcoholic beverages shall not be deposited into this account. Deposits shall be made intact and no later than the next business day following the date of a games of chance license period, excluding raffles bell jars (which shall include coin boards, merchandise boards and seal cards), deposits for which shall be made no later than Wednesday of each week, except when such day is a holiday, in which case said deposit shall be made on the next business day. In the case of bell jars and raffles, each licensee is encouraged to maintain a separate regular checking account which shall be designated the "special raffle account" or "special bell jar account." Into this account shall be deposited all and only monies derived from the sale of raffle tickets or bell jar tickets, respectively. Deposits shall be made no later than Wednesday of each week, except when such day is a holiday, and in that case said deposit shall be made on the next business day.

(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 5624.1 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 5624.21 of this Part.

5624.9 Method of withdrawal.

All monies withdrawn from the "special games of chance account," "special raffle account" or "special bell jar account" shall be only by checks having preprinted consecutive numbers, signed by at least two duly authorized officers of the licensee and made payable to a specific person, firm, partnership or corporation with the purpose specified on the check stub; and at no time shall a check be made payable to cash. All checks must be accounted for in the appropriate part of the financial statement of games of chance operations (form GC-7), financial statement of raffle operations (form GC-7R) or financial statement of bell jar operations (form GC-7Q), including voided checks.

5624.10 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; 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 5624.21** 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 5624.21 of this Part.

5624.11 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 5624.9 of this Part.

5624.12 Commingling prohibited.

The commingling of monies derived from the conduct of games of chance with any other funds of the licensee is prohibited.

5624.13 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 games of chance 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 (Appendix T-2 of this Title) and shall be maintained on a calendar- or fiscal-year basis. In the case of raffles and bell jars, each licensee shall maintain a single-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of raffles and bell jars and the disbursement of net proceeds derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar-year or fiscal-year basis. The functions of bookkeeper and duly authorized signer of checks shall not be performed by the same persons.

5624.14 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, 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.

5624.15 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 games of chance license periods played, the number of raffles conducted, the number of bell jar deals sold since the last report and the net profit or loss from the operation of each games of chance license period, raffle and bell jar deal. The chief officer shall require monthly deposit slips, bank statements, checking accounts and bankbooks to 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 minutes.

5624.16 Deposit of games of chance, raffles and bell jar funds.

All monies must be deposited and kept in banks located within the boundaries of New York

State. When said monies are deposited into a checking account, the account shall be designated "special games of chance account" when deposited into an interest-bearing account, certificate of deposit or federally insured money market account, the account or certificate shall be designated "special games of chance savings account." Every licensee shall designate its president or chief officer to receive from the bank the monthly statements, cancelled checks of the special games of chance, special raffle and special bell jar accounts and the records of all other games of chance accounts who shall verify and reconcile the GC-7's, GC-7Q's and GC-7R's, original bank deposit slips, books and records with the treasurer at least monthly.

5624.17 Expenditure of funds after cessation of games of chance.

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

- (a) disburse said funds for lawful purposes within a period of one year after the cessation of the conduct of games of chance; or
- (b) disburse said funds in accordance with a plan of expenditure approved in advance by the board.

5624.18 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, which is hereby adopted by the board. The original of the form shall be filed with the licensing authority and one copy with the board.

5624.19 Time for filing lessor financial statement.

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

5624.20 Special games of chance rental account.

Each licensed authorized games of chance lessor shall maintain a games of chance rental account, which shall be designated the "special games of chance rental account" and which shall be in the form of a regular checking account. Into this account shall be deposited all, and only, monies received from rentals of premises for the conduct of games of chance. All disbursements related to the rental of premises for the conduct of games of chance and for lawful purposes shall be made from this account.

5624.21 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 and must simply be reported in part B on form GC-7 and GC-7R, where applicable:

(1) Equipment and supplies. Purchase and rental of games of chance equipment, tables and chairs, dice, cards, games of chance currency, etc.

(2) Rent. Rent paid to licensed games of chance lessors.

(3) Services. Janitorial and custodial services, guard service, preparation of GC-7's and GC-7R's and maintaining a monthly bookkeeping system.

(4) License fees. All amounts paid to the municipality. Additional license fees must be reported in part C on form GC-7 and GC-7R, and part B on form GC-7Q.

(5) Other Expenses. Printing of games of chance forms; house rules, postage for games of chance purposes; fidelity bonds for persons responsible for games of chance funds; repairs to games of chance equipment; advertising expenses; bank charges, etc.

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

(1) Charitable. Donations to nationally or locally recognized charitable organizations.

(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 participate in civic, patriotic and community activities.

(3) Youth activities. Donations for nationally or locally recognized youth athletic, recreational and civic programs.

(4) Educational. Contributions for open scholarships, where recipients are not limited to children of the licensee, its auxiliary or affiliate and selection committee is not dominated by members of the licensee, its auxiliary or affiliate; teachers' salaries; exchange student funds; books for libraries and equipment for schools or other educational organizations.

(5) Religious. Contributions or expenditures for religious purposes and activities such as clerics' salaries, maintenance of religious buildings, and the purchase of religious supplies.

(6) Fire-fighting activities and volunteer ambulance corps. Expenditures incurred in providing services in case of fire, accidents, sudden severe illness, public calamity or other emergencies; purchase of vehicles, apparatus, equipment and uniforms; attending training schools and inspections; participation in drills and exhibitions; membership fees of licensee in fire-fighting and emergency medical technician associations.

(7) Veterans activities which 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 shall be used primarily for charitable or patriotic

purposes or those purposes which 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 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 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 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.

(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 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;

(ii) janitorial and custodial salaries, including all payroll taxes;

(iii) supplies, such as cleaning materials, brooms, shovels, floor wax, paper supplies, etc.;

(iv) utilities, including light, heat, power and water;

(v) rubbish removal;

(vi) insurance, including fire, workers' compensation, public liability, burglary, robbery and property damage;

(vii) real estate taxes;

(viii) snow removal charges;

(ix) telephone charges;

(x) printing and mailing charges; and

(xi) legal, accounting or other professional fees not exceeding \$5,000 per calendar year.

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

(i) mortgages;

(ii) rent paid by licensee organization for use of property for its activities;

(iii) new buildings, additions, renovations or repairs in excess of \$10,000 per calendar year;

(iv) purchase of air conditioning units, furniture, furnishings, office and kitchen equipment and motor vehicles;

(v) repair, maintenance and acquisition of parking lots;

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

(vii) legal, accounting or other professional fees exceeding \$5,000 per calendar year.

(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 a copy of the minutes of the meeting of membership authorizing any of the expenditures below:

(1) entertainment or social activities for the benefit of members of licensee organization, its auxiliary or affiliate. At all times it should be borne in mind that the use of games of chance funds for the exclusive benefit of members of the licensee organization, its auxiliary or affiliate is unlawful and prohibited;

(2) welfare, sick or death benefit funds for members and families;

(3) dues and assessments;

(4) gifts or loans to members of licensee organization, its auxiliary or affiliate;

(5) convention expenses for delegates of licensee organization, its auxiliary or affiliate;

(6) any and all expenses connected with bars and the dispensing of alcoholic beverages;

(7) TV or other amusement devices for use of licensee organization, its auxiliary or affiliate;

(8) expenses and salaries connected with other fund raising activities such as the operation of food service facilities and concessions; or

(9) tickets purchased from profit or not-for-profit organizations, such as raffle or theatre tickets, for use by members.

(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 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 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 5624.9 of this Part.

(3) **The board frequently receives inquires concerning the 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. Organizations of veterans shall file with the board 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.

(4) All interest earned by interest-bearing accounts shall be considered part of the unexpended games of chance balance and shall be reported at least once a year in part E-4 of form GC-7, part C-3 on form GC-7Q and part D-4 of form GC-7R.

PART 5625, CONDUCT OF GAMES BY SENIOR CITIZEN ORGANIZATION

5625.1 Conduct of games by senior citizen organization.

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

- (a) scrip, chips or tokens;
- (b) maximum aggregate prize of \$10 for each type of game, which shall be distributed to the highest accumulator or accumulators of scrip, chips or tokens;
- (c) no more than five types of games of chance shall be conducted during any session; and
- (d) shall not conduct games of chance more than 12 times in any calendar year.

PART 5626

HEARINGS

5626.1 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, on its own initiative or on complaint of any person, including any public official or agency.

5626.2 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, on its own initiative or on complaint of any person, including any public official or agency.

5626.3 Licensee to be informed of revocation proceedings. Notice of proceedings to suspend or revoke a license or levy a fine shall be in writing to the licensee informing it of the grounds thereof and the date and place set for hearing thereon.

5626.4 Notice of hearing. The clerk, department or board, 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, in its discretion, shall shorten the time fixed herein.

5626.5 Persons to appear.

Any person who would be aggrieved by the determination of the clerk, department or board 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 by default.

5626.6 Pleas to the charges.

(a) In answer to the charges set forth in the notice of hearing, the licensee shall be afforded an opportunity to plead thereto on or before the date fixed for the hearing.

(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 in due course.

5626.7 Suspension prior to hearing.

The board, by any 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 judgment, the continuance of the licensed activity is contrary to law or inimical to the public interest. Upon suspension, the clerk, department or board 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.

5626.8 Hearings open to public.

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

5626.9 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 issued the license, it shall hear the matter and make written findings in support of its decision. The licensee and the board 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.

5626.10 Procedure prescribed for the board.

When proceedings respecting the suspension or revocation of licenses or identification numbers or imposition of fines are begun before the board, it 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.

5626.11 Hearing upon application for new license or reinstatement.

Any person, firm, corporation or organization, licensed pursuant to the Games of Chance Licensing Law, which 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.

5626.12 Persons authorized to conduct hearings.

Hearings before the board shall be conducted by the chairman, another member of the board, 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. At the conclusion of the hearing conducted by a hearing officer shall make his findings as to whether the evidence sustained the charges or any of them, shall designate which charges he has found sustained by the evidence and shall, at his option, recommend to the board 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 at a meeting duly held by it.

5626.13 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 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.

(b) The introduction of cumulative evidence shall be avoided, and the person conducting the hearing may curtail the testimony of any witness which is judged to be merely cumulative; however, the party offering such testimony may make a short avowal of the testimony which would be given if the witness asserts that such avowal is true. This avowal shall be made a part of the stenographic record.

5626.14 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 or any other person having a legitimate interest in such testimony upon application to the board and at the expense of the applicant.

5626.15 Penalties.

Upon the finding of a violation of the Games of Chance Licensing Law, the ordinances or local

laws or this Subtitle, 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, 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 municipal governing body or the board, the circumstances of the violation warrant such action.

5626.16 Surrender of license when revoked or suspended.

When a license is suspended or revoked, the licensee shall surrender its license to the municipal governing body or the board, 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.

5626.17 Subpoenas.

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

PART 5627, APPEALS TO THE RACING AND WAGERING board

5627.1 Filing of notice of appeal.

Upon the taking of an appeal, as provided by the Games of Chance Licensing Law, from any action or determination of the municipal governing body denying, suspending, revoking a license or levying a fine, the party aggrieved shall file with the municipal governing body an original and copy of a notice of appeal within 30 days of the action or determination appealed from.

5627.2 Contents of notice.

The notice of appeal shall set forth in detail the specific ground or grounds upon which the appeal is based.

5627.3 Forwarding of original notice to board.

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

5627.4 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 an original and a copy of a statement of appeal, with an admission or affidavit of service

upon the municipal governing body.

5627.5 Contents of statement.

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

- (a) the specific nature of the claimed error or errors;
- (b) a narrative of the facts presented to the municipal governing body upon which the determination or action was based;
- (c) a narrative of any additional facts, not presented to the municipal governing body, which the party appealing requests be considered on the appeal, together with an explanation why such additional facts were not presented to the municipal body;
- (d) a true copy of all transcribed testimony taken at all prior hearings and proceedings; and
- (e) argument on facts and the law.

There shall also be affixed a copy of the original charges and a copy of the findings and determination of the municipal governing body and a copy of the license, if any.

5627.6 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 an original and a copy of a counterstatement of appeal, with an admission or affidavit of service upon the party appealing which 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 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.

5627.7 Proofs annexed to counterstatement.

The counterstatement of appeal shall have annexed, in the form of affidavits and exhibits, proof in support of:

- (a) any disputed facts; and
- (b) any additional facts not presented to the municipal governing body.

5627.8 How papers may be filed.

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

5627.9 Notice of hearing.

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

(a) whether the appeal is to be submitted on the appeal papers; or

(b) whether oral argument is desired; and

(c) whether any party desires to examine any person making an affidavit on which another party relies, and the name or names of such persons.

5627.10 Cross-examination of affiant.

Whenever any person making an affidavit is to be cross-examined at the hearing on appeal, the party relying on his affidavit shall produce the witness at the hearing and, in default thereof, the affidavit shall not be considered in the determination of the appeal.

5627.11 Additional testimony may be allowed.

The board 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.

5627.12 Subpoenas.

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

5627.13 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 board and at the expense of the applicant.

5627.14 Adjournment of hearing.

Hearings may be adjourned by the board 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.

5627.15 Conduct of appeal hearing.

Appeal hearings shall be conducted by the chairman or another member office of the board, or a duly designated hearing officer.

5627.16 Recording determination of appeal.

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

5627.17 Assistance of counsel.

Parties to an appeal may be represented by counsel; provided, however, the attorney shall be a member in good standing of the bar of the State of New York.

5627.18 Authority of person acting in representative capacity.

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

5627.19 Stay without court order.

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