

CHAPTER 7862
GAMBLING CONTROL BOARD
BINGO HALL LICENSES

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Subpart 1. **Definitions.** For purposes of this chapter, the definitions contained in part 7861.0010 apply.

Subp. 2. **License required.** No person, including a licensed organization and a local unit of government, may lease a facility to more than one organization to conduct bingo without having obtained a bingo hall license. A person may obtain a bingo hall license by making an application to the board. An application must be considered by the board pursuant to this part.

Subp. 3. **Qualifications.** A bingo hall license shall not be issued to a person, organization, corporation, firm, or partnership that is not the legal owner of the bingo hall or which has as an officer, director, or other person in a supervisory or managerial position who:

- A. has ever been convicted of a felony;
- B. has ever been convicted of a crime involving gambling;
- C. has ever been convicted of:
 - (1) assault;
 - (2) a crime involving the use of a firearm; or
 - (3) terrorist threats;
- D. owes delinquent taxes in excess of \$500; or
- E. after demand, has failed to file tax returns required by the commissioner of revenue.

Subp. 4. **Restrictions.** No bingo hall licensee, person holding a financial or managerial interest in a bingo hall, or any affiliate may:

- A. be a licensed distributor or manufacturer of lawful gambling equipment or an affiliate of such distributor or manufacturer;
- B. be a wholesale distributor of alcoholic beverages;
- C. provide any staff to conduct or assist in the conduct of bingo or any other form of lawful gambling on the premises;
- D. acquire gambling equipment for use by an organization conducting lawful gambling on the premises;
- E. provide storage for or inventory control of gambling equipment used by an organization conducting lawful gambling on the premises;
- F. prepare any reports required by part 7861.0120, subpart 3, for an organization conducting lawful gambling on the premises;
- G. provide accounting services to an organization conducting lawful gambling on the premises;
- H. solicit, suggest, encourage, or make any expenditure of an organization's gross receipts from lawful gambling;
- I. charge any fee without which a person could not play bingo or participate in another form of lawful gambling on the premises;
- J. provide assistance or participate in the conduct of lawful gambling on the premises; or
- K. permit more than 21 bingo occasions to be conducted on the premises in any week.

Subp. 5. **Length of license.** A bingo hall license expires one year from the effective date of the license.

Subp. 6. **Contents of application.** The application must be on a form prescribed by the board and must contain the following information:

- A. the name of the bingo hall;
- B. the telephone number of the bingo hall;
- C. the county where the bingo hall is located;
- D. the street address of the bingo hall;
- E. the mailing address of the bingo hall if different than the street address;
- F. the name of the township or city and county in which the bingo hall is located;
- G. the name and telephone number of the legal owners of the bingo hall;
- H. if the bingo hall is owned by an organization, corporation, firm, or partnership, a list of the officers, partners, directors, managers, and supervisors;
- I. the legal nature of the applicant (corporation, partnership, or sole proprietorship) and the applicant's Minnesota tax identification number, if any;
- J. a statement regarding the restrictions contained in subpart 4;
- K. a statement as to whether any officer, director, or other person in a supervisory or management position or holding a financial in the bingo hall is:
 - (1) a licensed distributor;
 - (2) a licensed manufacturer; or
 - (3) an affiliate of a wholesale distributor of alcoholic beverages;
- L. the signature of the chief executive officer of the lessor;
- M. an acknowledgment that the appropriate local unit of government under Minnesota Statutes, section 349.213, subdivision 2, received the license application;
- N. the status of the bingo hall license; and
- O. such additional information as is necessary to properly identify the applicant and to ensure compliance with Minnesota Statutes, sections 349.11 to 349.23.

Subp. 7. Attachments to application. The following items apply to attachments to bingo hall license applications:

- A. The bingo hall occasion list must be on a form prescribed by the board and must contain the following information:
 - (1) the name of the bingo hall;
 - (2) the name of the organizations conducting bingo on the premises;
 - (3) each organization's premises permit or exemption permit number; and
 - (4) the days and hours of all bingo occasions, including ending times for each organization conducting bingo on the premises.
- B. A bingo hall personnel form must be provided for the owners of the bingo hall and, if the bingo hall is owned by an organization, corporation, firm, or partnership, by the officers, directors, managers, and supervisors. The bingo hall personnel form must be on a form prescribed by the board and must contain the following information:
 - (1) the name, phone number, and full address of the bingo hall;
 - (2) full name, home or business address, date of birth, place of birth, social security number, and full name of spouse;
 - (3) driver's license number, including state of registration;
 - (4) branch of military service, if any, and dates of service;
 - (5) citizenship information;
 - (6) position with bingo hall and work phone number;
 - (7) employment history for past ten years;
 - (8) places of residence for past ten years;
 - (9) criminal history statement, except petty misdemeanors;
 - (10) name, address, and license or exemption permit number of any organization conducting lawful gambling in Minnesota of which the applicant is a member; and
 - (11) signature and date signed.
- C. A bingo hall personnel affidavit must be completed, signed, and notarized by the applicant.

D. A copy of the resolution of the local unit of government approving the application pursuant to subpart 10.

Subp. 8. **Changes in application information.** If any information submitted in the application changes, the bingo hall applicant or licensee must notify the board and the appropriate local unit of government under Minnesota Statutes, section 349.213, subdivision 2, within ten days of the change.

Subp. 9. **License fee.** The annual fee for a bingo hall license is \$2,500. License fees are not prorated or transferable.

Subp. 10. **Local approval.** The following items apply to local approval or denial of bingo hall applications:

A. The applicant must take the bingo hall application to the clerk of the appropriate local unit of government under Minnesota Statutes, section 349.213, subdivision 2, and request that the local unit of government pass a resolution approving the bingo hall application. The resolution must be adopted no earlier than 60 days before the date that the application is received by the board.

B. The applicant shall attach to the application a copy of the resolution of the local unit of government approving the bingo hall when submitting the application to the board. An application which does not have a resolution approving the bingo hall attached will not be accepted by the board.

Subp. 11. **Issuance and denial.** The following items apply to the issuance and denial of bingo hall licenses:

A. The board shall issue a bingo hall license to an applicant who submits the information required by subparts 6 and 7, pays the fee required by subpart 9, obtains the local approval required by subpart 10, and is eligible to be licensed pursuant to this part and Minnesota Statutes, section 349.164. A license issued by the board pursuant to this part shall be effective on the first day of a month.

B. The board shall deny the application of a person ineligible to hold a license pursuant to this part or Minnesota Statutes, section 349.164.

C. A person who has never held a bingo hall license or whose application for renewal of a bingo hall license was submitted after the expiration of the license is not entitled to an administrative appeal of the board's denial of the person's application.

Subp. 12. **Renewals.** The following items apply to bingo hall license renewals:

A. To renew a license at the end of a term, a bingo hall licensee must submit a complete renewal application on a form prescribed by the board at least 75 days before the expiration of the licensee's existing bingo hall license. A renewal application is not complete until it contains the information required in subparts 6 and 7, the fee required by subpart 9, and the proof of local approval required by subpart 10.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the board will not issue that renewed license until the first day of the month following the expiration of 75 days after the board has received the complete application. A bingo hall shall not continue to operate after the expiration of its license unless and until it receives a renewed license.

B. An application for renewal of a bingo hall license shall be denied by the board if:

(1) the applicant is ineligible for a license pursuant to this part or Minnesota Statutes, section 349.164;

(2) the proposed bingo hall site is a site where illegal gambling has occurred within the last 12 months; or

(3) it remains incomplete for more than 90 days after its initial submission.

C. **Appeals:**

(1) An applicant that the board determines has failed to submit a complete renewal application at least 75 days before the expiration of an existing bingo hall license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the existing bingo hall license. The director shall schedule a

contested case hearing before an administrative law judge pursuant to Minnesota Statutes, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing license.

(2) A bingo hall owner whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to Minnesota Statutes, chapter 14. The request must be made in writing and received by the board no later than ten days after the bingo hall licensee receives the denial of the renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to Minnesota Statutes, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.

Statutory Authority: *MS s 349.151*

History: *16 SR 2116*