



## **NYCRR Title 9, Executive**

### **Subtitle T**

#### **New York State Gaming Commission**

##### **Chapter II**

##### **Division of Charitable Gaming**

##### **Subchapter E**

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

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### **§ 4820.1. Duties of member in charge.**

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

### **§ 4820.2. Responsibility for children.**

In those municipalities that permit children under the age of 18 years to attend bingo occasions, the adults accompanying such children shall assert control and be responsible for the actions of such children throughout the bingo occasions. Children may participate in ancillary non-gaming activities as set forth in General Municipal Law section 486.

### **§ 4820.3. Restriction on participation.**

No person shall assist in the conduct of bingo except an active member of the licensee, an active member of an organization that is an auxiliary to the licensee, an active member of an organization of which the licensee is an ancillary, or an active member of an organization that is affiliated with the licensee by being, with it, auxiliary to another organization. Before a member of any organization assists the licensee in the conduct of bingo, such organization must register with the commission and secure an identification number. Children may assist in ancillary non-gaming activities as set forth in General Municipal Law section 486.

### **§ 4820.4. Badges.**

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



**§ 4820.5. Designation of officer responsible for utilization of bingo 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 bingo in accordance with the Bingo Licensing Law and this Chapter. Not less than two members shall be responsible for counting the bingo proceeds.

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

No commission, salary, compensation, reward, recompense, reimbursement of expenses or gift shall be paid to any person for conducting or assisting in the conduct of games of bingo except for the bookkeepers or accountants who assist by rendering their professional services. No tip, gratuity or gift may be given or accepted by any person conducting or assisting in the conduct of games of bingo either directly or indirectly, and one or more signs prohibiting tipping shall be prominently displayed in each playing area. No person shall solicit or receive any gift or donation on the premises during the conduct of an occasion of bingo.

**§ 4820.7. Compensation of bookkeepers and accountants.**

Bookkeepers and accountants shall limit their professional services to one organization duly licensed to conduct bingo games and the duly licensed organizations that are affiliated with, or auxiliary to, that parent organization during any calendar year. 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 Bingo Operations (form BC-7)      \$25 per occasion;
- (b) Preparing and maintaining the bookkeeping system required by  
this Chapter during the months when games are conducted      \$50 per month;
- (c) Supervising bookkeeping system without making entries      \$25 per month;
- (d) Preparing Quarterly Summary Statement of Bingo Operations (form BC-7Q)      \$50.

**§ 4820.8. Admission charge.**

No more than \$5 shall be charged by any licensee for an admission card or cards required to enter any room or place in which any game or games of bingo are to be conducted, which admission fee shall entitle the person paying the same to participate, without additional charge, in all regular games of bingo to be played under such license during such occasion. An admission card may be offered as part of a package that



includes extra regular cards and special cards provided such admission card is readily distinguishable from all other bingo opportunities sold and provided identical admission cards are also offered for sale separately by the licensee for a price not to exceed \$5. No person shall be permitted entry into any room or place in which any bingo game is to be conducted without purchasing at least an admission card, except a person licensed to manage or assist in the conduct of bingo or licensed games of chance, a person authorized to operate the food concession, security personnel or, when present solely to effect repairs on the premises of a lessor, the licensed lessor or an agent thereof. No person shall be permitted to participate in any bingo game without purchasing at least an admission card. No person shall be required to purchase any bingo opportunity other than an admission card or cards to gain entry, and no person shall be sold or shall be permitted to play more than one admission card or package per bingo occasion. The provisions of this section shall not apply to limited period bingo.

**§ 4820.9. Premises open to inspection.**

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

**§ 4820.10. Ownership of equipment.**

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

**§ 4820.11. 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 bingo occasion is prohibited, except for the sale or offering for sale of bingo supplies by the licensee or the sale of food or refreshments, if authorized by the licensee.

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

(a) Players shall purchase only the uppermost bingo opportunity or package of opportunities forming a stack of such opportunities, and shall be prohibited from



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

(b) Players leaving a bingo occasion for the remainder of an occasion shall surrender their bingo opportunities to participate in all remaining games to a member-in-charge upon departure, and such opportunities shall not be sold, transferred, or played by any other person during such occasion.

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

No regular bingo cards or special game cards shall be sold after the completion of the scheduled game marking the half-way point in an occasion, except with respect to supercards and opportunities to participate in a jackpot game. The licensee shall keep an accurate count in separate categories of the number of admission cards sold, the number of extra regular cards sold, the number of special game cards sold, the number, count and price of each package of opportunities sold, the number of early bird cards sold, the number of player select cards sold, the number of supercards sold, the number of pre-drawn bingo cards sold, the number of quick bingo cards sold and, where applicable, the number of limited period bingo cards sold, which information shall be available for inspection at the close of each occasion. The admission cards, special cards and extra regular cards shall be clearly different and readily distinguishable from each other.

#### **§ 4820.14. Price of bingo cards.**

(a) All opportunities to play, including admission cards, extra regular cards, special game cards, packages of opportunities, supercards, early bird cards, pre-drawn bingo cards, player select cards, quick bingo cards and, where applicable, limited period bingo cards, shall be assigned a specific price, shall be sold for that price only and that price shall not be varied during any occasion. All such opportunities shall be sold only within the building or place in which bingo is conducted. All such opportunities for a bingo occasion shall be sold only on the same day of the occasion and only immediately prior to and during the conduct of the occasion and in accordance with the provisions of section 4820.13 of this Part. Every package of opportunities shall be sold as a unit and no single opportunity forming a part of such unit shall be sold individually, except with





respect to admission cards sold pursuant to section 4820.8 of this Part, unless the single opportunities correspond with, but are clearly different and readily distinguishable from, those opportunities comprising such package. A list shall be posted where the admission cards are sold setting forth the specific price of each such opportunity or package of opportunities. The price of each opportunity bearing the same number of face-cards per card or sheet, whether they be in the form of hard-boards, disposable cards or electronic bingo aid images, shall be identical to each other and shall be conspicuously posted and listed on the licensed authorized organization's bingo program required under section 4820.39 of this Part. The sale of such opportunities at any price other than that posted and listed on the bingo program is prohibited. The price for a 1-on face-card to participate in an early bird game shall not exceed \$1. Early bird opportunities bearing more than one face-card may be priced at the discretion of the licensed authorized organization, provided 1-on early bird cards are simultaneously offered for sale at a price of \$1, or less. A sign posted where supercards are sold shall set forth the price of each supercard opportunity and the amount or odds of each payout. The price per supercard shall not exceed \$10. In the case of limited period bingo, not more than 25 cents shall be charged for a single opportunity to participate in any one game and no person shall purchase more than five opportunities at any one time to participate in any one game.

(b) Opportunities to participate in both occasions of a double-header or all three occasions of a triple-header, respectively, may be offered for sale as a package of opportunities, provided the licensed authorized organization separately identifies the opportunities sold during each of the occasions on the bingo program, offers the sale of opportunities to participate in each occasion separately upon request, offers the sale of admission cards separately, and accounts for such opportunities separately on its financial statements of bingo operations.

(c) Opportunities to participate in tiered bingo games in which the cost of opportunities or packages of opportunities and the dollar amounts of the prizes to be awarded are proportionately higher per tier, may be offered for sale under the following restrictions:

(1) each tier of bingo opportunities or packages of opportunities shall be readily distinguishable from the opportunities and packages of opportunities sold for all other tiers, and no two identical series of tiered bingo opportunities shall be sold during the same bingo session;

(2) the aggregate of the tiered prizes awarded in any single game shall not exceed the amount set forth in General Municipal Law sections 479(5) and 481(1)(a) and the aggregate of tiered bingo games shall not cause the series of prizes to exceed the amount set forth in General Municipal Law sections 479(6) and 481(1)(a);

(3) when it is determined that there are multiple winners in the same game but in different tiers, the winner in each tier shall be awarded the dollar amount for the



prize scheduled for that tier, divided by the total number of winners in all tiers for that game. For example, if there are two winners on the first tier and three winners on the second tier, the two winners on the first tier each will be awarded one-fifth of the dollar amount for the prize for the first tier and the remaining three winners will each receive one-fifth of the dollar amount for the prize for the second tier; and

(4) no more than four tiers of prizes shall be offered per bingo occasion.

**§ 4820.15. Kind of equipment used for games.**

(a) The equipment used in the conduct of bingo shall be maintained in good repair and sound working condition. The utilization of such equipment and the method of play shall be such that each player is afforded an equal opportunity to win. The objects or balls to be drawn shall be essentially the same as to size, color, shape, weight, balance and all other characteristics so as to be, at all times during the conduct of bingo, equally agitated and circulated within the receptacle, except that each of the five letters comprising the word BINGO reflected on the objects or balls may be designated its own color, provided that all of the 15 numbered balls or objects corresponding to the color of each letter in the word BINGO shall be identical in color to each other. All 75 objects or balls shall be present in the receptacle before each game is begun.

(b) If a determination is made by the caller during the calling of the numbered objects or balls of a game in progress that one or more of the 75 objects or balls were not present in the receptacle prior to the calling of the first ball drawn in that game due to mechanical malfunction or human error, an announcement shall be made that the game has been cancelled, all 75 objects or balls shall be returned to the receptacle and the game shall be restarted. During occasions in which indelible ink daubers and disposable paper bingo opportunities are utilized, an announcement shall be made requiring that all participants mark their cards for the restarted game in a different colored ink than that color used during the cancelled game. All numbers announced shall be clearly audible to all the players present. Where more than one room is used for any one game, the receptacle, the caller and the assistant caller must be in the room where the greatest number of players are present and all letters and numbers announced shall be clearly audible to the players in such room and also clearly audible to the players in the other room or rooms.

**§ 4820.16. Drawing of numbers.**

There shall be two persons present at the receptacle from which the objects, or balls are drawn; one person shall remove the ball from the receptacle, observe the letter and the number, and hand it to the other person who shall raise the ball to display the letter and number to the players and announce the letters and the complete numbers being called accurately and audibly to all players present. Where there is an audio-video system in operation, the caller may be the sole person present at the receptacle from





which the objects or balls are drawn, provided the caller positions each ball before the camera to clearly display the letter and number appearing on each ball to the players via the video monitor(s). When an audio-video system is in operation, the caller shall announce the next letter and number in its entirety while the image of that letter and number are clearly displayed on the video monitor(s) and shall raise the ball to display the letter and number to the players before placing it in the appropriately numbered space at the caller's station. The caller shall not be required to handle the ball when a hands-free bingo receptacle approved by the commission is utilized, but shall be required to announce both the letter and the number while the image of that letter and number are clearly displayed on the video monitor(s). Speed-up games such as the wild number game in which players mark those numbers appearing on their face-cards whose second digits match the wild number's single digit number (or its second digit if the wild number is a two-digit number) so designated by the licensed authorized organization are permitted only when the bingo system utilized has a wild number function that automatically causes the bingo display board to illuminate the wild number and all numbers corresponding with it. Once removed, no ball shall be returned to the receptacle until after the conclusion of the game.

#### **§ 4820.17. Visibility of drawing to players.**

The receptacle, the caller and the assistant caller removing the objects or balls from the receptacle shall be visible to the majority of players at all times. During occasions in which an audio-video system is used, the video monitors of such system shall be visible to a majority of the players at all times and shall be maintained in good working order. The pre-drawing of the numbers in a pre-drawn bingo game shall begin not more than 45 minutes prior to the start of the game, and shall not begin unless there are a number of players equal to at least 10 percent of the bingo seating capacity present to verify the integrity of the pre-drawing of the numbered balls.

#### **§ 4820.18. Announcement of winning patterns before a game.**

The particular arrangement of numbers required to be covered in order to win the game (the *winning pattern*) and the amount of the prize for each game shall be listed on the licensed authorized organization's bingo program and shall be clearly and audibly described and announced to the players immediately prior to the calling of the first ball drawn in that game. If a game is divided into multiple parts, the winning pattern and the amount of prize for each part of the game shall be listed on the licensed authorized organization's application for bingo license and on the bingo program and shall be audibly announced to the players immediately prior to each multiple game. The aggregate amount of the prizes comprising all parts of a multiple-part game shall not exceed the amount set forth in General Municipal Law sections 479(5) and 481(1)(a).



**§ 4820.19. Permissible winning patterns.**

No arrangement of numbers on any face-card shall be required to be covered in order to win a game other than the following:

- (a) one unspecified horizontal row;
- (b) one unspecified vertical row;
- (c) one unspecified diagonal row;
- (d) one unspecified row (horizontal, vertical or diagonal);
- (e) a specified arrangement consisting of two or more of the foregoing;
- (f) the entire card, known as a full-card;
- (g) four outside corners designated as top and bottom spaces under the letters B and O;
- (h) eight spaces surrounding the free space;
- (i) four inside corners around the free space designated as second and fourth spaces from the top under letters "I" and "G";
- (j) any other winning pattern that has been approved in writing by the commission.

With the exception of supercard and player select no winning pattern shall require a player to cover or daub fewer than four numbered spaces on any single face-card, nor shall any winning pattern require the covering or daubing of numbers on more than three bingo face-cards.

**§ 4820.20. Bonus prizes.**

A bonus prize may be awarded on the basis of either a specific winning pattern or the type of face-card required to win a game provided the amount of the bonus prize is listed on the application for bingo license and on the licensed authorized organization's bingo program, and provided the winning pattern and the type of bingo face-card to be used have been approved by the commission in accordance with subdivision (j) of section 4820.19 of this Part.

- (a) The dollar amount of a prize may be progressively increased from one occasion to successive occasions on the basis of a specified number of calls within which the player is required to obtain a winning pattern, provided the minimum number of calls needed to win, the face-card pattern needed to win, the dollar amount of the initial prize, the dollar



amount of the consolation prize to be awarded in the event that the winning pattern is not obtained within the specified number of calls, and a detailed description of how the progressive prize will be increased for each occasion is reflected on the application for bingo license or amendment thereto, and on the licensed authorized organization's bingo program. Once the progressive prize is awarded, the number of calls needed to win and the dollar amount of the progressive prize shall revert back the minimums reflected on the application for bingo license or amendment thereto, and on the licensed authorized organization's bingo program. The caller shall announce the winning pattern, the number of calls needed to win, the dollar amount of the progressive prize, and the dollar amount of the consolation prize immediately prior to announcing the first ball in a progressive game.

(b) No bonus prize or prizes offered shall result in the awarding of a single prize in excess of the amount set forth in General Municipal Law sections 479(5) and 481(1)(a) or a total series of prizes in excess of the amount set forth in General Municipal Law sections 479(6) and 481(1)(a) during any occasion.

(c) No prize shall be awarded based on the caller's selection of a ball other than one of the 75 numbered balls approved for use under section 4820.15 of this Part.

(d) No prize shall be awarded based on a player's covering or daubing in indelible ink a numbered space that is not identical to the number announced by the caller, with the exception of a wild number game as defined in subdivision (ac) of section 4800.1 of this Chapter.

#### **§ 4820.21. Verification of numbers drawn.**

Any player shall be entitled to call for a verification of all numbers drawn at the time a winner is determined, and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member in charge of the occasion and in the immediate presence of one or more disinterested players.

#### **§ 4820.22. Verification of winning cards.**

A verification of the numbers appearing on the winning card at the time a winner is determined shall be made in the immediate presence of one or more disinterested players.

#### **§ 4820.23. Maximum number of games to be played.**

No licensee shall conduct more than 35 bingo games on a single occasion. In the case of limited period bingo, no licensee shall conduct more than 60 games on a single



occasion, and at least 20 minutes shall elapse between occasions conducted on the same day.

**§ 4820.24. Sale of raffle tickets and games of chance.**

No unlicensed bingo or game of chance, whether any separate or additional charge or wager is required or not, shall be conducted or allowed during any occasion of bingo. New York State Lottery tickets, licensed raffle tickets and/or licensed bell jar tickets may be sold or offered for sale at any occasion when bingo is played by the licensed bingo organization, or a licensed organization that is affiliated with or auxiliary to the licensed bingo organization when permitted by the licensed bingo organization. When a licensed authorized organization's premises are leased to another authorized organization for the conduct of bingo, the lessor shall not sell its bell jar tickets nor raffle tickets within such demised premises for a period commencing one hour prior to the starting time of the occasion specified on the lessee's bingo license and terminating one hour after the conclusion of such occasion.

**§ 4820.25. [Repealed]**

**§ 4820.26. Merchandise prizes.**

When any merchandise prize is awarded in a game of bingo, its value shall be its cost to the licensee or, if donated, its fair market value. The fair market value of merchandise prizes donated to the licensee shall not be reported as an expenditure in the financial statement of bingo operations. No merchandise prize shall be redeemable or convertible into cash directly or indirectly by the licensee. The provisions of this section shall not be construed so as to circumvent the statutory prize limits set forth in General Municipal Law 479(5) and 481(1)(a).

**§ 4820.27. Multiple winners**

When more than one player is determined to be the winner on the call of the same number in the same game, the designated prize shall be divided equally to the nearest nickel but not to exceed the amount of the designated prize.

(a) When it is determined that one player obtains two winning patterns on two different face-cards on the same call that another player (or players) obtains a winning pattern, the dollar amount of the designated prize shall be divided among all winners, with the player obtaining two winning patterns being awarded two equal shares of such prize.

When equal division of a merchandise prize is not possible, substitute prizes whose aggregate value shall not exceed the designated prize shall be awarded, but such substitute prizes shall be of equal value.



(b) When the calling of one number results in more than one winning pattern on a single face-card played by the same player in a single-part game, that player shall be entitled to only one prize for that game, or only one share of the dollar amount of the prize awarded for that game when more than one player is determined to be a winner on the same number called therein.

(c) When one player is found to be the winner of more than one part of a multiple-part game on one or more face-cards on the same number called, that player shall be entitled to the dollar amounts of the prizes awarded for winning both parts of that multiple-part game, or an equal share of the dollar amounts of the prizes awarded for any part or parts of a multiple-part game when there is more than one winner. A licensed organization shall not require that an additional ball be drawn and announced prior to honoring any prize in a multiple-part bingo game unless the licensee has adopted a house rule requiring such, pursuant to section 4820.53 of this Part, and has included that requirement in its bingo program.

(d) When a player wins a second (or subsequent) part of a multiple-part game before a winner has been verified on the first (or preceding) part of such game, that player shall be awarded the prize scheduled for the winning pattern that he or she obtained.

(e) Multiple winners in tiered bingo games and tri-color bingo games shall be paid in accordance with the provisions of section 4820.14 and section 4820.56 of this Part, respectively.

**§ 4820.28. Varying value of prizes offered.**

Within the limits heretofore established, the prizes offered may be varied depending upon the number of people who attend the occasion, provided the application for bingo license and the license so specify. If a licensee avails itself of the provisions of this section, it must announce at the beginning of the occasion the number of people present and the prizes to be awarded. If such option is exercised, it must apply to all games. In the conduct of limited period bingo, the licensee may vary the prize for each game depending upon the number of people participating in each game, and the prize for each game shall be announced before the commencement of each game.

**§ 4820.29. Gifts prohibited.**

No licensee shall offer, distribute or give any service, thing of value, or opportunity to play bingo, without charge.

**§ 4820.30. Admission charge as requisite to participate.**

Except in the case of limited period bingo, no person shall be permitted entry into any room or place in which any bingo game is to be conducted without purchasing an



admission card, except a person licensed to manage or assist in the conduct of bingo or licensed games of chance, a person authorized to operate the food concession, security personnel or, when present solely to effect repairs on the premises of a lessor, the licensed lessor or an agent thereof. No person shall be permitted to participate in any bingo game without purchasing an admission card. No person shall be required to purchase any bingo opportunity other than an admission card or cards to gain entry, and an authorized organization shall not sell a person or otherwise permit a person to play more than one admission card or package per bingo occasion. In the case of limited period bingo, no admission fee shall be charged.

**§ 4820.31. 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.

**§ 4820.32. Unapproved buildings.**

No games of bingo shall be held in any building that has not been approved by the municipal governing body for public assembly, if required by law.

**§ 4820.33. Rental payment due.**

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

**§ 4820.34. Persons prohibited as players.**

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

**§ 4820.35. Qualifications of person calling game.**

No person shall act as a caller or assistant to the caller in the conduct of any game of bingo unless such person has been a member in good standing of the licensee conducting such game or one of such licensee's registered auxiliaries for at least one year immediately prior to the date of such game, be of good moral character and never been convicted of a crime.





**§ 4820.36. Use of net proceeds.**

The entire net proceeds of all games of bingo must be devoted to one or more of the lawful purposes as defined in the Bingo Licensing Law and this Chapter. An organization failing to comply with this section will be required to show cause before the commission why such organization's right to conduct games of bingo should not be revoked.

**§ 4820.37. Report of net profits.**

Any organization licensed to conduct games of bingo that does not report net profits during any one-year period may be required to show cause before the commission why such organization's license to conduct games of bingo should not be revoked.

**§ 4820.38. [Repealed]**

**§ 4820.39. Accommodations to be furnished players.**

Each player must be furnished at no additional charge with a chair and a place with sufficient room to be able to play. Each player shall also be furnished with a bingo program listing the name and bingo identification number of the licensed authorized organization conducting the occasion, the house rules adopted by the licensee, and a schedule of all games and the prizes to be awarded therein, including the amount or odds to be paid out in each supercard game and the percentage of the receipts to be awarded as a prize in each early bird game. Each premises in which bingo is conducted shall comply with all Federal, State and local smoking laws.

**§ 4820.40. Transportation of patrons.**

No licensee shall provide, by contract or otherwise, for transportation of patrons to or from the place where any game of bingo is conducted, unless prior written authorization is obtained from the commission. The application for this authorization must be in writing and must establish to the satisfaction of the commission that the licensee has good cause for such request. Any authorization granted by the commission may be suspended or revoked by the commission if the commission determines that there is no further need for this transportation, or that the licensee has violated any of the provisions of the Bingo Licensing Law or this Chapter, or that in the opinion of the commission the transportation of patrons to and from bingo games should no longer be authorized.



**§ 4820.41. Purchase of bingo supplies.**

No authorized organization licensed to conduct bingo shall purchase or receive any bingo supplies or equipment from other than a licensed supplier or another authorized organization.

**§ 4820.42. Sale and distribution of bingo supplies.**

(a) To sell or distribute bingo supplies or equipment to a licensed authorized organization one must be either:

(1) a licensed bingo supplier; or

(2) an organization, authorized within the preceding year to conduct bingo, that is merely disposing of supplies or equipment that it no longer needs for the conduct of bingo.

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

The provisions of this section shall only be construed so as to authorize and permit an authorized organization to dispose of bingo supplies or equipment no longer required by it for the conduct of bingo.

**§ 4820.43. Standard of conduct of games prescribed.**

Every licensed authorized organization shall so supervise, regulate and conduct games of bingo, in accordance with the Bingo Licensing Law and this Chapter, so as to afford and ensure all players an equal opportunity to win and to eliminate any influence that has or may have as its purpose the predetermination or selection of any winner or winners.

**§ 4820.44. Cashing of checks prohibited.**

No licensee, its members or agents, shall cash any check out of bingo funds.

**§ 4820.45. Limited period bingo cards.**

(a) No cards for limited period bingo shall be sold or distributed to other than a licensed authorized organization. No limited period bingo cards shall be sold or distributed to a licensed authorized organization unless and until:

(1) such cards have been prepared in pads, each card bearing a serial or coding number; and



(2) such cards have been packaged in sealed cartons, each of which has been conspicuously stamped or marked with a serial or coding number identifying the cards contained therein.

(b) Every licensed authorized organization shall retain the invoice of each such shipment, a record of the cards on hand and the number of all cards sold at each licensed occasion for a period of not less than four years.

**§ 4820.46. Use of limited period bingo cards.**

Each card shall be used for one game only and be indelibly marked by the player while in use in such manner as to render such card void and unusable thereafter. Limited period bingo cards shall not be used in the conduct of any other type of bingo games.

**§ 4820.47. Advertising of bingo games.**

A licensee may advertise the conduct of an occasion of bingo to the general public as provided for in General Municipal Law section 490. No advertising shall include any misleading information or representations.

**§ 4820.48. Supercard game.**

(a) The supercard game is a special game for which supercard opportunities are sold and used and shall be conducted as follows:

(1) concurrently with a bingo game;

(2) the payout for the supercard game shall be separate from the prize(s) awarded in the bingo game;

(3) a player cannot participate in a supercard game without having purchased an opportunity to play in the concurrent bingo game;

(4) the price for each supercard shall not exceed \$10 and the price for each supercard shall be uniform for each supercard game;

(5) the player may select, if available, the supercard of his or her choice to be used in the supercard game; and

(6) the authorized organization shall complete the application for a bingo license (form BC-2) by listing in the appropriate schedule the number of bingo games in which supercard games are to be conducted and the amount of the payout odds.



(b) The conduct of the supercard game involves the conforming of numbers on supercard opportunities with the numbers called during the course of the bingo game and contained in the 15 vertical lines displayed on the bingo board. Each winning supercard opportunity shall contain the designated amount of numbers which have been called and appear in the appropriate vertical line displayed on the bingo board.

(c) The amount paid to a winner or winners in a supercard game in conformity with these rules shall constitute a payout and not a prize.

(d) The total amount of the payouts awarded for the supercard games shall not count toward the total amount of prizes awarded for the bingo games conducted during the licensed bingo occasion.

(e) The payout for each winning supercard opportunity shall not exceed the odds of 12 to 1, that is, a payoff of \$13 for each \$1 bet.

(f) Supercard opportunities shall be offered to players in horizontal rows, each row containing 15 supercard opportunities numbered 1 through 15 corresponding with the 15 vertical lines displayed on the bingo board. No supercard game shall commence unless at least 13 differently numbered supercard opportunities from the horizontal row have been sold. Supercards sold in combinations or units comprised of opportunities to participate in more than one supercard game per occasion may also be offered for sale singly or in units comprised of several opportunities to participate in a single supercard game. Each supercard shall bear the appropriate serial number and the name and/or commission approved logo of the licensed bingo manufacturer or licensed bingo supplier.

(g) The licensed authorized organization shall not close its sale of supercard opportunities for a supercard game with less than 13 differently numbered supercard opportunities in the last horizontal row offered for sale. If less than 13 differently numbered supercard opportunities have been sold in the last horizontal row, refunds shall be made to the appropriate purchasers of the less than 13 supercard opportunities before the commencement of the supercard game.

(h) The supercard game shall end when the designated amount of numbers have been called in the appropriate vertical line and a winner(s) has been declared.

(i) When the supercard game ends before the completion of the concurrent bingo game, the licensed authorized organization shall continue the conduct of such bingo game until its completion.

(j) When the concurrent bingo game ends before the completion of the supercard game, the licensed authorized organization shall continue the conduct of such supercard game until its completion.



(k) The licensed authorized organization shall complete the financial statement of bingo operations (form BC-7) and the quarterly summary statement of bingo operations (form BC-7Q) by listing the required information in the appropriate sections.

**§ 4820.49. Player select game; use of commission-approved player select face-cards.**

*Player select* is a special game of bingo in which players purchase specially constructed player select cards approved by the commission upon which players enter bingo numbers of their choice. Player select is conducted as follows:

(a) Each player select card, which shall comprise an original and one carbon-less copy, shall contain four or more blank spaces into which players enter numbers of their choice. Player select cards may, if approved in writing by the commission, bear one or more free spaces;

(b) Prior to the commencement of the game, each participating player enters the bingo numbers of such player's choice, ranging from one to 75, inclusive, into the blank spaces on the player select card. No number entered on the same player select card shall be repeated;

(c) The completed original player select card is retained by the licensed authorized organization and the carbon-less copy is provided to the purchasing player for use during the designated player select game;

(d) If the licensed authorized organization verifies that all of the numbers entered on a player select card and marked with a standard ink dauber by a player match the numbers announced by the bingo caller during the designated player select game, that player is declared a winner. If there are two or more winners in a single player select game, the established prize shall be divided equally among those winners in accordance with section 4820.27 of this Part;

(e) The prize in a player select game shall be listed on the application for the bingo license and on the licensed authorized organization's bingo program required under section 4820.39 of this Part; and

(f) The aggregate prizes awarded during the player select game and the regular or special game in which it is simultaneously played, if any, shall not exceed the amounts set forth in General Municipal Law sections 479(5) and (6) and 481(1)(a).

**§ 4820.50. Early bird game.**

(a) Not more than two early bird games shall be conducted per bingo occasion.



- (b) Early bird games may be scheduled at any time during a licensed occasion.
- (c) Each early bird game, and the percentage of the receipts to be awarded as a prize therein, shall be listed on the application for the bingo license, on the license, and on the licensed authorized organization's bingo program, as required under section 4820.39 of this Part.
- (d) The prize awarded in any early bird game shall not exceed 75 percent of the receipts from the sale of early bird cards for such game.
- (e) No early bird card shall be sold less than 10 minutes prior to the calling of the first object or ball in any early bird game.
- (f) The total receipts from the sale of early bird cards, and the amount of the prize to be awarded in each early bird game, shall be announced immediately prior to the calling of the first object or ball in such early bird game.
- (g) No player shall be required to pay more than \$1 for a bingo opportunity bearing at least one face-card to participate in an early bird game. Additional early bird opportunities bearing multiple face-cards may be offered for sale at a price of more than \$1, provided the licensee's bingo program clearly lists the offering of at least a single face-card early bird card for \$1 or less and that such opportunities are visibly offered for sale.
- (h) The prize awarded during the conduct of an early bird game is not subject to the single prize limitation, nor is the prize considered part of the total series of bingo prizes imposed by General Municipal Law sections 479(5) and (6) and 481(1)(a).
- (i) Licensed authorized organizations conducting early bird games shall separately report the conduct of each Early Bird game on cash control report form BC-7.

**§ 4820.51. Pre-drawn bingo game; use of commission-approved tear-open or sealed bingo face-cards.**

*Pre-drawn bingo game* shall mean a special bingo game in which a predetermined number of bingo balls are pre-picked at random from the receptacle, and in which either a predetermined primary prize or a consolation prize will be awarded based on whether or not a player obtains a winning full-card bingo pattern in the number of calls specified in the application for bingo license and on the bingo program. Pre-drawn bingo games may be conducted as an early bird game in which the primary and consolation prize is based on a percentage of the gross receipts from bingo opportunities sold pursuant to section 4820.50 of this Part, as a progressive game in which the primary prize is increased after each occasion that the winning pattern is not obtained within the specified number of calls pursuant to section 4820.20 of this Part, or the prizes may be





based on fixed primary and consolation prizes listed on the organization's application for license and bingo program. Each pre-drawn bingo game shall be conducted as follows:

(a) The number of balls to be pre-drawn shall be listed on the application for bingo license and the bingo program;

(b) The time that the pre-drawing of the balls shall commence, and the time that the game will begin, shall be specified on the application for bingo license and on the bingo program;

(c) The pre-drawing of the numbers shall begin not more than 45 minutes prior to the start of the game, and shall not begin unless there are a number of players equal to at least 10 percent of the bingo seating capacity present to verify the integrity of the pre-drawing of the numbered balls;

(d) The initial number of calls required to win the primary prize shall not be less than 48;

(e) An announcement shall be made immediately prior to the start of the game informing all attendees of the maximum number of calls required to win the primary prize and the amount of the consolation prize in the event that a winning full-card pattern is not obtained within the specified number of calls. An inquiry shall then be made to determine whether or not there are any holders of winning bingo face-cards based on the pre-drawn numbers appearing on the display board. If there is a winner, the scheduled primary prize shall be awarded. If there is no winner, the caller shall immediately draw and announce an additional ball or balls until a winner is determined, and either a primary prize or a consolation prize shall be awarded, depending on the number of calls required to obtain the winning full-card pattern;

(f) Pre-drawn bingo games shall be conducted using only commission-approved tear-open or sealed bingo opportunities, which shall be constructed in such a manner, and of such material, so as to prevent the viewing of the numbers printed thereon until the purchasing player opens the opportunity by tearing off perforated edges or otherwise breaking a secured seal thereon enclosing the face-card. All bingo opportunities used in pre-drawn games shall be marked with indelible ink daubers;

(g) Tear-open or sealed bingo opportunities shall not be exchanged, except as otherwise permitted by section 4820.12 of this Part, unless the tear-open or sealed bingo opportunities provided in the exchange are of a different color and series than the opportunities originally sold, and that the player exchanging an opportunity is sold two of the different colored opportunities for the same price as the original opportunity surrendered. Each tear-open or sealed bingo opportunity exchanged shall be permanently defaced and retained by the licensed authorized organization until the BC-7 has been filed with the municipality;



(h) Pre-drawn bingo games shall be conducted either as the first game of an occasion, or as the first game following an intermission, unless the licensed authorized organization has an additional bingo receptacle, and at least one bingo display board or television monitor located in each room in which bingo is conducted designated and used solely to display the pre-drawn letters and numbers. The receptacle, the caller and the assistant caller pre-drawing balls from the receptacle shall be visible to the majority of players.

**§ 4820.52. Quick bingo game; use of commission-approved quick bingo face-cards.**

(a) Quick bingo games shall be conducted using only commission-approved break-open or sealed bingo opportunities, which shall be constructed in such a manner, and of such material, so as to prevent the viewing of the numbers printed thereon until the purchasing player opens the opportunity by opening the perforated tabs or otherwise breaking a secured seal thereon enclosing the face-card.

(b) Quick bingo cards, once opened by the player, shall reveal a grid comprised of either nine spaces formed by three rows of three spaces each, or 16 spaces formed by four rows of four spaces, each space bearing a number ranging from one to 75, inclusive, none of which shall be repeated on the same quick bingo card. The type-face of each number shall be sufficiently large to mark with a standard-sized indelible ink dauber.

(c) Quick bingo cards shall not be exchanged.

(d) The aggregate prizes awarded during a quick bingo game and the bingo game in which it is simultaneously played, if any, shall not exceed the amounts set forth in General Municipal Law sections 479(5) and (6) and 481(1)(a).

(e) The dollar amount of each quick bingo prize shall be listed on the application for the bingo license and on the licensed authorized organization's bingo program required under section 4820.39 of this Part.

(f) If the licensed organization has verified that all of the numbers daubed by a player match the numbers announced by the bingo caller during the designated quick bingo game, that player shall be declared a winner. If there are two or more winners in a single quick bingo game, the established prize shall be divided equally among those winners in accordance with section 4820.27 of this Part.

(g) If a winner is verified in a bingo game conducted simultaneously with the quick bingo game and that game is officially closed, an additional numbered ball or balls shall be drawn and announced by the caller until a winner of the quick bingo game is determined.



**§ 4820.53. House rules.**

Licensed authorized organizations shall adopt house rules to inform the players how situations not addressed by law, rule or regulation will be handled. Such house rules shall include, but need not be limited to, the licensee's policy stating whether or not seat reservations are permitted, how late calls of bingo will be addressed, the effects of electrical power interruptions, participation by minors, and the licensee's policies determining whether or not a player's winning bingo pattern must contain the last number called in that game, and whether or not another ball must be drawn and announced when a single player obtains two parts of a multiple-part game on the same call. House rules shall be prominently posted, listed in the bingo program required by section 4820.39 of this Part, and shall be audibly announced prior to the commencement of each licensed bingo session.

**§ 4820.54. Seat reservations.**

Licensed authorized organizations shall, pursuant to section 4820.53 of this Part, adopt a house rule either permitting or denying their members in charge the authority to reserve seats for players, and shall include that house rule in its bingo program. When seat reservations are permitted, each player shall be afforded an equal opportunity to reserve a seat. Seats may be reserved with "Reserved Seat" signs but, under no circumstances, shall seats be reserved by placing bingo opportunities, daubers or other supplies on tables before unoccupied seats. Licensed authorized organizations opting not to permit seat reservations shall adopt a house rule prohibiting seat reservations entirely.

**§ 4820.55. Leasing of bingo equipment.**

Manufacturers and suppliers licensed by the commission may lease bingo blowers, receptacles, display boards, face-card verifiers and other equipment integral to the operation of bingo to:

- (a) an authorized organization that is licensed to conduct bingo;
- (b) any apartment, condominium or cooperative complex, retirement community, or other group residential complex or facility located within a municipality that has authorized the conduct of bingo games by authorized organizations where:
  - (1) such games are sponsored by the operator of or an association related to such complex, community or facility;
  - (2) such games are conducted solely for the purpose of amusement and recreation of its residents;



(3) no player or other person furnishes anything of value for the opportunity to participate;

(4) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;

(5) such games are not conducted on more than 15 days during any calendar year; and

(6) no person other than an employee or volunteer of such complex, community or facility conducts or assists in conducting the game or games.

(c) any bona fide social, charitable, educational, recreational, fraternal or age group organization, club or association located within a municipality that has authorized the conduct of bingo games by authorized organizations solely for the purpose of amusement and recreation of its members or beneficiaries where:

(1) no player or other person furnishes anything of value for the opportunity to participate;

(2) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;

(3) such games are not conducted on more than 15 days during any calendar year;

(4) no person other than a bona fide active member of the organization, club or association participates in the conduct of the games; and

(5) no person is paid for conducting or assisting in the conduct of the game or games.

(d) a hotel, motel, recreational or entertainment facility or common carrier where bingo games are played as a social activity solely for the purpose of amusement and recreation of its patrons within a municipality that has authorized the conduct of bingo games by authorized organizations where:

(1) no player or other person furnishes anything of value for the opportunity to participate;

(2) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;

(3) such games are not conducted on more than 15 days during any calendar year;



(4) no person other than an employee or volunteer conducts or assists in conducting the game or games; and

(5) the game or games are not conducted in the same room where alcoholic beverages are sold.

(e) a licensed commercial lessor that has received written approval from the commission to purchase or lease bingo blowers, receptacles, display boards and other supplies or equipment integral to the operation of a licensed commercial lessor. The provisions of this Chapter shall not be construed so as to authorize or permit a licensed commercial lessor to sell, loan or act as a lessor of any bingo supplies or equipment.

**§ 4820.56. Tri-color bingo game; use of commission-approved tri-colored bingo opportunities.**

(a) Tri-color bingo shall be conducted only using commission-approved bingo opportunities marked with indelible ink daubers.

(b) Tri-color bingo games may be conducted as an early bird game in which the prize for each of the three colors is based on a percentage of the gross receipts from the sale of bingo opportunities to participate in that game, pursuant to section 4820.50 of this Part, or the prizes may be based on fixed dollar amounts awarded for each color. In either case, the percentage of sales to be awarded for each color, or the dollar amount of the fixed prize to be awarded for each color, shall be listed on both the organization's application for license and the bingo program.

(c) The dollar amount of the prize to be awarded in each color category shall be announced prior to the calling of the first number in each tri-color game.

(d) When it is determined that there is one winner in a tri-color game, the winner shall be awarded the prize corresponding with the color of the winning face-card.

(e) When it is determined that there are multiple winners in a tri-color game on face-cards of the same color, the dollar amount of the prize corresponding with that color shall be divided by the number of winners, and each winner shall be awarded an equal share.

(f) When it is determined that there are multiple winners in a tri-color game on face-cards of different colors, the winner in each color shall be awarded the dollar amount of the prize scheduled for that color, divided by the total number of winners in all colors for that game. For example, if there are three winners on one color, two winners on a second color and one winner on the third color, the three winners on the first color will each be awarded one-sixth of the dollar amount of the prize for that color; the two winners on the second color will each receive one-sixth of the dollar amount of the prize



for the second color; and the sole winner on the third color shall be awarded one-sixth of the dollar amount of the prize for the third color.

**§ 4820.57. Bonus ball.**

(a) (1) Bonus ball may be conducted during single occasions, and during each occasion of multiple occasion bingo sessions known as Double Headers and Triple Headers, as described in subdivision (b) of this section, provided the licensed authorized organization adheres to all of the provisions of this Chapter related to the determination of the Bonus Ball Number, the sale of opportunities to enroll in bonus ball, and the establishment, awarding, or carrying-over of the bonus ball prize.

(2) The bonus ball number is determined for each occasion by the bingo caller's drawing of a bingo ball from the receptacle, the caller's announcement that the ball drawn is the Bonus Ball Number for that occasion only, the prominent posting of the Bonus Ball Number in an area of the bingo premises visible to the majority of players, and the immediate return of that ball to the receptacle. The Bonus Ball Number must be determined, announced and prominently posted prior to the start of the first bingo game in each occasion and remain posted throughout all bingo games during such occasion.

(3) To be eligible to participate in bonus ball, each player must pay a fee for that opportunity prior to the start of the first bingo game in an occasion wherein bonus ball will be played. To verify payment, the player shall be issued a bonus ball receipt unique to that occasion, or some similar method of verifying payment must be used, such as stamping the player's hand with ink, or indelibly marking their bingo cards to reflect payment.

(4) The fee for a single opportunity to participate in bonus ball, which cannot exceed \$1, entitles each participating player to compete in all bingo games conducted during an occasion that are specified as bonus ball games in the authorized organization's application for bingo license, and on the bingo program.

(5) All sales of opportunities to play bonus ball must cease prior to the caller's announcement of the total amount collected from the sale of opportunities to participate in bonus ball and the amount of the bonus ball prize.

(6) The total amount collected from the sale of opportunities to participate in bonus ball and the amount of the bonus ball prize must be announced by the caller at least 15 minutes prior to the start of the first bingo game designated as a bonus ball game in each occasion.

(7) If a winner of a designated bonus ball game is verified, a bonus ball prize consistent with paragraph (8) of this subdivision shall be awarded to the winning





player, and the caller shall declare the bonus ball game closed for the remainder of that bingo occasion.

(8) Each winner of a bonus ball game shall be awarded a cash prize equal to a percentage of the proceeds collected from the sale of opportunities to participate in bonus ball, which cannot exceed 75 percent of the proceeds derived from such sales. The remaining percentage of the proceeds from those sales, which cannot be less than 25 percent, is retained by the licensed authorized organization as profit. The percentage of sales used to calculate bonus ball prizes must be consistently applied at all occasions, as specified in the licensed authorized organization's application for bingo license, on the license, and on the bingo program.

(9) If there is no winner during a bingo occasion in which opportunities to play bonus ball are sold, the bonus ball prize money is carried-over and added to the specified percentage of the proceeds derived from the sale of bonus ball opportunities during each subsequent bingo occasion, until a winner is determined and the bonus ball prize is awarded; provided, however, pursuant to General Municipal Law section 476(1)(11-b), no bonus ball prize can exceed the sum of \$6,000. When a bonus ball prize reaches \$6,000, that prize must remain at \$6,000 until a winner is determined. All proceeds from the sale of opportunities collected after a bonus ball prize has reached \$6,000 shall be retained by the licensed authorized organization as profit until the \$6,000 bonus ball prize is awarded, at which time the caller shall declare the bonus ball game closed for the remainder of that bingo occasion.

(10) Although the prizes awarded in bonus ball games comprise a predetermined percentage of the proceeds collected from the sale of opportunities identical to the prizes awarded in early bird bingo games conducted pursuant to section 4820.50 of this Part, early bird and bonus ball are two distinctly separate bingo games. Authorized organizations may be licensed to conduct two early bird games per occasion and can also designate any or all of the regular and/or special bingo games conducted during that occasion to be bonus ball games.

(b) Opportunities to participate in both occasions of a double-header or all three occasions of a triple-header session may be sold prior to the first occasion in such sessions, so long as:

(1) the proceeds from the total sales of bonus ball opportunities are, prior to the start of the first occasion, divided into two equal parts for a double header and three equal parts for a triple header, and that those parts shall be subdivided according to the percentages specified on the application for the bingo license to form the percentage of such funds to be retained by the licensee as the profit for each occasion, and the percentage of the proceeds to be available as separate prizes in each of the occasions in the session, and



(2) the bonus ball number must be determined by a drawing of a bingo ball from the bingo receptacle, and such number must be announced, prominently posted in the area of the bingo premises occupied by the majority of players and be returned to the receptacle prior to the start of the first bingo game in each occasion in which bonus ball is conducted, unless the application for bingo license specifies that the bonus ball number drawn prior to the first game in the first occasion of a double header or triple header session shall be designated the bonus ball number for all of the occasions conducted during that session.

## **PART 4821**

### **Financial Statement of Bingo Operations**

#### Section

- 4821.1 Financial statement form
- 4821.2 Cash control report
- 4821.3 Additional license fee
- 4821.4 Report when no games are played
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- 4821.15 Financial report to membership
- 4821.16 Deposit of bingo funds
- 4821.17 Notification and expenditure of funds after cessation of bingo
- 4821.18 Lawful expenditures

#### **§ 4821.1. Financial statement form.**

The financial statement of bingo operations required by ordinance or local laws, State laws and this Chapter shall be on form BC-7 and in the case of limited period bingo, on form BC-9, each as prescribed by the commission. The licensee shall execute and file the original of the report with the clerk of the municipality within seven days after the conclusion of each occasion. Within 15 days after the end of each calendar quarter during which there has been any occasion of bingo, a summary statement of such information shall be on form BC-7Q, as prescribed by the commission. The licensee shall execute and file the original of the quarterly report with the commission and a copy with the clerk of the municipality. The licensee shall retain a copy of each report for its permanent records.



**§ 4821.2. Cash control report.**

The commission requires every licensee to attach and file with such licensee's financial statement an additional statement (form BC-7B), as prescribed by the commission, setting forth each item of receipt relating to the sale of bingo opportunities, the names of the workers charged with such sales, bingo supplies sold and rent received.

**§ 4821.3. Additional license fee.**

Upon the filing of the financial statement of bingo operations, the licensee shall pay to the clerk of the municipality as an additional license fee a sum in the amount of three percent of the reported net proceeds, if any, for the occasion covered by such statement.

**§ 4821.4. Report when no games are played.**

When no games are held on any date when a license authorizes them to be held, a report to that effect must be filed with the clerk of the municipality and the commission.

**§ 4821.5. Reports delinquently filed.**

(a) The municipal governing body shall not issue a further license to an authorized organization found to be delinquent in filing such organization's financial statement or summary statement of bingo operations. Upon such finding or upon notification to the municipal governing body by the commission, the municipal governing body shall forthwith suspend any existing license and cancel the unexpired term thereof.

(b) If a licensee fails to file a financial statement or summary statement of bingo operations as required by this Part, within five days after notification by the municipal governing body or the commission of their delinquency, such licensee's license shall be suspended pending the filing of the required financial statement or summary statement of operations.

**§ 4821.6. Reports defectively filed.**

If the financial statement or summary statement of bingo 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 shall be suspended until such time as the default has been corrected.

**§ 4821.7. Non-bingo books and records available for examination.**

Before any bingo funds are expended for noncharitable purposes, the licensee organization shall utilize all other sources or potential sources of income to discharge



such noncharitable and operating expenses ordinarily incurred. Only in such manner can the organization ensure a maximum availability of the net proceeds of bingo exclusively for application to the worthy causes and undertakings specified in the Bingo Licensing Law. Any licensee organization that is disbursing bingo funds for noncharitable purposes shall make such licensee organization's general fund and all other books and records available for examination by the commission or the municipal governing body or their representatives.

**§ 4821.8. Special bingo account.**

Each licensee shall maintain one bingo account that shall be designated the "special bingo account" and that shall be in the form of a regular checking account. Into this account shall be deposited all and only monies received from the sale of admission cards, regular bingo cards, extra regular bingo cards, special game cards, limited period bingo cards, supplies, rentals of premises for the conduct of bingo, if any, and all other receipts derived from the conduct of bingo less the amount awarded in cash prizes. Deposits shall be made intact and no later than the next business day following the date of a bingo occasion.

**§ 4821.9. Method of withdrawal.**

Except for the electronic transfer of funds to State, local and Federal governmental entities in compliance with lawful expenditures set forth in section 4821.18 of this Part; utilities, including light, heat, power and water, telephone, mortgages and payments to licensed bingo suppliers, all monies withdrawn from the special bingo 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 Bingo Operations (form BC-7) or quarterly summary statement of bingo operations (form BC-7Q).

**§ 4821.10. Purposes of withdrawal.**

Monies withdrawn from the special bingo account shall only be for one or more of the following purposes:

(a) the payment of necessary and reasonable expenses incurred in connection with the conduct of bingo, which shall consist of bingo supplies and equipment, rent if premises where bingo is conducted are rented, bookkeeping or accounting services according to the schedule of compensation prescribed by the commission, janitorial services and utility supplies, license fees, and the cost of bus transportation, if authorized by the commission;



(b) the disbursement of net proceeds derived from the conduct of bingo for one or more of the lawful purposes defined in the Bingo Licensing Law and this Chapter, regulations and bulletins of the commission;

(c) the transfer of net proceeds derived from the conduct of bingo into one or more interest-bearing accounts, pending a disbursement for one or more of the lawful purposes defined in the Bingo Licensing Law and this Chapter, regulations and bulletins of the commission.

**§ 4821.11. Direct disbursement from interest account prohibited.**

The disbursement of net proceeds on deposit in an interest-bearing account for one or more of the lawful purposes defined in the Bingo Licensing Law and this Chapter shall be made by transferring the amount of the intended disbursement back into the “special bingo account” and then withdrawing the amount therefrom in the manner prescribed in section 4821.9 of this Part.

**§ 4821.12. Commingling prohibited.**

The commingling of monies derived from the conduct of bingo with any other funds of the licensee is strictly prohibited. At no time shall a disbursement of these monies be for the purpose of transferring such monies, in whole or in part, to any other bank account maintained by the licensee, except as provided in subdivision (c) of section 4821.10 of this Part.

**§ 4821.13. Bookkeeping system required.**

Each licensee shall maintain a single-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of bingo and the disbursement of net proceeds derived therefrom. Such bookkeeping system shall consist of a columnar book prepared in the manner shown in Exhibits 1 and 2 *infra* (see Appendix T-1 of this Chapter) and shall be maintained on a calendar or fiscal year basis. The functions of bookkeeper and duly authorized signer of checks shall not be performed by the same person.

**§ 4821.14. Books and records available for examination.**

The books of account shall be kept up-to-date. The columnar book, deposit books, savings account passbooks, cancelled checks, checkbooks, deposit slips, bank statements and copies of Financial Statements of Bingo Operations (form BC-7) for the previous 18 months and all other books of account shall be available at all bingo occasions and other reasonable times for examination by the commission or the municipal governing body or their representatives. All documents supporting the entries made in the books of account shall be kept by the licensee for a period of no less than



four years. These documents include, but are not limited to, bank statements, cancelled checks, deposit slips and invoices for all expenditures.

**§ 4821.15. Financial report to membership.**

Each licensee shall require its treasurer or its duly designated officer to report in writing to its chief officer and membership, at least once a month, the number of occasions of bingo played, the gross receipts, the amount of prizes paid and the net profit or loss for each bingo occasion. The chief officer shall require that all of the documents specified in section 4821.14 of this Part be exhibited at each such meeting and such items shall be open to individual membership inspection. Such information must be incorporated in the minutes or proper records of each licensee. Where a licensee is an auxiliary or an affiliate of a parent organization, a copy of the written report shall be filed with the executive officer of the parent organization and incorporated in the minutes of the parent organization.

**§ 4821.16. Deposit of bingo funds.**

All monies derived from the conduct of bingo 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 bingo account"; when deposited into an interest-bearing account or federally insured money market account, the account shall be designated "special bingo savings account." Every licensee shall designate its president or chief officer to receive from the bank the monthly bank statements, cancelled checks of the special bingo account and the records of all other bingo accounts who shall verify and reconcile the BC-7's, BC-7Q's, original bank deposit slips, books and records with the treasurer at least monthly.

**§ 4821.17. Notification and expenditure of funds after cessation of bingo.**

An organization's chief officer shall notify the commission and the municipality in writing of such organization's intent to cease the conduct of bingo. An organization that has ceased to conduct bingo for any reason and has unexpended bingo funds shall:

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

Upon the final disbursement of such funds, the organization shall submit to the commission and the municipality a final quarterly statement of bingo operations (BC-7Q) documenting the final disposition of such bingo funds.





**§ 4821.18. Lawful expenditures.**

(a) These expenditures, being necessary to conduct bingo, are permissible and do not require prior commission approval. Except as noted below for additional license fees, these expenses shall be reported in part B on forms BC-7 and BC-7Q:

(1) prizes;

(2) purchase and rental of bingo equipment, tables and chairs, public address systems, and bingo cards;

(3) approved rental fees, paid to licensed commercial lessors or to another licensed authorized organization;

(4) payments for janitorial and custodial services, guard service, preparation of BC-7 and BC-7Q forms, and a monthly bookkeeping system;

(5) all bingo license fees paid to the municipality. License fees shall be reported on line B(3) of forms BC-7 and BC-7Q; additional license fees shall be reported on line C(2) of forms BC-7 and BC-7Q;

(6) other necessary bingo expenses, such as printing bingo forms, prize schedules (programs), and house rules; postage, advertising, or bank expenses or charges incurred directly for bingo purposes; fidelity bonds for persons responsible for bingo funds; repairs to bingo equipment; and insurance premiums if the premium directly related to bingo is separate and distinct; and

(7) the direct cost of bus transportation, if authorized by the commission.

(b) The following donations and other expenditures specified for lawful purposes are permissible and do not require prior commission approval. These expenditures shall be reported in part E on forms BC-7 and BC-7Q:

(1) to nationally, statewide or locally recognized charitable organizations;

(2) for patriotic, civic, and community projects such as activities, observances, or memorials associated with Memorial Day, Independence Day, or Veterans' Day. These expenditures may include the cost of uniforms, instruments, and travel to enable musical bands to participate in such events;

(3) to nationally, statewide or locally recognized athletic, recreational, or civic programs serving youth;



- (4) For educational purposes, such as books or equipment for libraries, schools, or other chartered educational organizations; teacher salaries; exchange student programs; and scholarships that are open to community students, where the recipients are not limited to children of, and the selection committee is not dominated by, members of the licensee or its auxiliaries or affiliates;
- (5) for religious purposes and activities, such as clerics' salaries, maintenance of religious buildings, and purchase of religious supplies;
- (6) for fire-fighting activities and volunteer ambulance corps, such as 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 the licensee in fire-fighting and emergency medical technician associations;
- (7) for veterans activities that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and enable or further the erection or maintenance of facilities for use by such veterans that shall be used primarily for charitable or patriotic purposes or those purposes that shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the commission;
- (c) All other donations and other expenditures, provided they are reasonable and are directly related to the licensee's lawful purposes as defined in General Municipal Law section 476(6), are permissible and/or required as follows:
- (1) for an organization engaged exclusively in one or more of the lawful purposes specified in subdivision (b) of this section, all such expenditures except those listed in paragraph (3) below of this subdivision are permissible and do not require prior commission approval;
- (2) an authorized organization may disburse bingo funds towards the following operating expenses without obtaining prior commission approval:
- (i) no more than \$10,000 per calendar year for materials and labor for building repairs that are necessary for normal maintenance, such as electrical, roofing, heating, hardware, paint, and lumber;
  - (ii) janitorial and custodial salaries, including payroll taxes;
  - (iii) janitorial and cleaning supplies;



- (iv) utilities, including electricity, heat, and water;
- (v) rubbish and snow removal;
- (vi) insurance, including fire, workers' compensation, public liability, burglary, robbery, and property damage;
- (vii) real estate taxes;
- (viii) telephone charges;
- (ix) printing and mailing charges; and
- (x) no more than \$5,000 per calendar year for legal, accounting or other professional fees.

(3) all organizations, with the exception of veterans' organizations, shall submit and have approved by the commission form BC-317 (Application for Permission to Disburse Net Proceeds of Bingo), prior to disbursing bingo funds for any of the purposes set forth in this paragraph. A veterans' organization may disburse bingo funds for such purposes, so long as a copy of the organization's minutes from a membership meeting authorizing the expenditure or expenditures are filed with the commission:

- (i) mortgages;
- (ii) rent paid to lessors other than for bingo;
- (iii) more than \$10,000 per calendar year for new buildings, or additions, renovations, or repairs to existing buildings;
- (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 specified above in paragraphs (4) of subdivision (a) and (5) of subdivision (b) of this section, and subparagraph (ii) of paragraph (2) of this subdivision; and
- (vii) more than \$5,000 per calendar year for legal, accounting or other professional fees.



(d) All types of authorized organizations may not use bingo funds for the expenditures set forth in this subdivision, except that an organization of veterans, in strict compliance with such organization's charter and bylaws, shall file with the commission a copy of the minutes of the meeting of membership authorizing any of the expenditures set forth in this subdivision:

- (1) entertainment or social activities for the benefit of members of the licensee organization, its auxiliaries or affiliates. Bingo funds can never be used for the exclusive benefit of members of the licensee organization, its auxiliaries or affiliates;
- (2) convention expenses for delegates of the licensee organization, its auxiliaries or affiliates;
- (3) any expenses connected with bars or the dispensing of alcoholic beverages;
- (4) television or other amusement devices for use of the licensee organization, its auxiliaries or affiliates; and
- (5) expenses and salaries connected with other fund raising activities, such as the operation of food service facilities and concessions.

(e) The following expenditures are never a permissible use of bingo funds:

- (1) welfare, sick, or death benefit funds for members and families;
- (2) dues and assessments;
- (3) gifts or loans to members of the licensee organization, its auxiliaries or affiliates; and
- (4) tickets purchased from profit or not-for-profit organizations, such as theatre tickets or raffle tickets, for use by members.

(f) *Interest-bearing accounts.*

- (1) Pending disbursement, bingo funds may be transferred from the special bingo checking account into one or more interest-bearing savings accounts, money market accounts, certificates of deposit insured by the U.S. Government, or U.S. Treasury Bills. Each such interest-bearing account shall be designated a special bingo account, and these funds shall remain part of the unexpended balance of bingo funds at all times. Prior approval by the commission of such inter-account transfers is not required, but a memo describing each transfer shall be filed with the applicable financial statement to the commission. Such memo shall recite the date, check number, amount, and a complete description of the account into which the bingo



funds were transferred, including the account number and the bank name, address, and telephone number.

(2) No disbursement may be made directly from any interest-bearing account; the funds must be re-deposited into the special bingo checking account and then processed in compliance with section 4821.9 of this Part.

(3) Where a building fund is established by an organization, it must be administered in accordance with the provisions of paragraphs (1) and (2) of subdivision (e) of this section. In addition, for all organizations except veterans, expenditures from a building fund are permissible only if the commission, having received form BC-317 from the organization, gives prior written approval. For an organization of veterans, these expenditures are permissible only if the minutes from a membership meeting authorizing such expenditures are filed with the commission.

(4) Interest earned in an interest-bearing account shall remain part of the unexpended bingo balance at all times and shall be reported at least once a year on line E(4) of form BC-7 and on line (D)(3) of form BC-7Q.

## **PART 4822**

### **Conduct of Bingo in Leased Premises**

#### Section

- 4822.1 Validity of rental agreement
- 4822.2 Rental not to be determined by number of persons attending
- 4822.3 Rental not to be determined by receipts or net profits
- 4822.4 Premises usable for bingo
- 4822.5 Limitations upon lessors
- 4822.6 Reporting of rental income
- 4822.7 Effect of revocation
- 4822.8 Effect of suspension
- 4822.9 Written agreement required
- 4822.10 Written agreement to be filed
- 4822.11 Mandatory provisions
- 4822.12 Time during which agreement is effective
- 4822.13 [Repealed]
- 4822.14 Register required
- 4822.15 Report of bingo rental receipts
- 4822.16 Lessor may only make premises available to licensed organization
- 4822.17 Loaning or borrowing of money by lessor prohibited
- 4822.18 Lessor to notify licensing authority of all changes in structure
- 4822.19 Lessor to furnish additional information as required
- 4822.20 Display of license
- 4822.21 Collection of rent
- 4822.22 Badges



- 4822.23 Parties to food facility lease
- 4822.24 Special guards
- 4822.25 Restrictions on acceptance of public assistance

**§ 4822.1. Validity of rental agreement.**

No agreements or arrangements for the rental or use of premises for the conduct of bingo shall be valid and no monies paid by licensed authorized organizations for rental or use of premises shall be allowable expenditures in determining net proceeds unless made in accordance with the provisions of this Chapter.

**§ 4822.2. Rental not to be determined by number of persons attending.**

No agreement or arrangement for the use of premises for the conduct of bingo shall provide that the rental or charge for the use of such premises be on a percentage basis or according to the number of persons attending any occasion.

**§ 4822.3. Rental not to be determined by receipts or net profits.**

No bingo games shall be conducted on or within any leased premises if rental under such lease is to be paid wholly or partly, on the basis of a percentage of the receipts or net profits derived from the conduct of such games.

**§ 4822.4. Premises usable for bingo.**

No premises shall be used or allowed to be used for the conduct of bingo unless the same are either:

(a) owned or occupied by the licensed authorized organization conducting the games;  
or

(b) rented or provided pursuant to the provisions of the Bingo Licensing Law and this Chapter.

**§ 4822.5. Limitations upon lessors.**

(a) No lessor shall rent, or allow the use of, any premises for the conduct of bingo by a licensed authorized organization unless such lessor is:

- (1) itself a licensed authorized organization; or
- (2) a licensed authorized commercial lessor; or
- (3) a municipality or a municipal corporation; or





(4) a donor of premises who has been approved by the commission; or

(5) one approved by the commission who charges a nominal rent that has also been approved by the commission.

(b) The provisions of this section shall not authorize or permit an organization licensed to conduct bingo to lease out for bingo any designated area that is simultaneously needed by it for other activities or is used mostly as a bingo premises.

#### **§ 4822.6. Reporting of rental income.**

Every licensed authorized organization that rents its premises for the conduct of bingo shall execute and file form BC-7 in the manner prescribed in section 4821.1 of this Chapter, so as to reflect such organization's gross rental income and amounts expended for janitorial services and utility supplies.

#### **§ 4822.7. Effect of revocation.**

No licensed authorized organization that has had its identification number or bingo license revoked shall, after 30 days of the effective date of revocation, rent or allow the use of such organization's premises for the conduct of bingo.

#### **§ 4822.8. Effect of suspension.**

No licensed authorized organization that has voluntarily suspended the conduct of bingo for a period beyond three continuous months or has had such organization's bingo license suspended by competent authority for a period beyond six months, or indefinitely, shall rent or allow the use of such organization's premises for the conduct of bingo.

#### **§ 4822.9. Written agreement required.**

No premises shall be rented or allowed to be used for the conduct of bingo unless all of the terms and conditions of such rental or use are set forth in a written agreement on form BC-116 as prescribed by the commission. Any and all changes, modifications or additions to said form BC-116 must be submitted in writing in advance to the licensing authority and the commission for approval prior to execution. The term of such agreement shall run concurrently with and not beyond the expiration of the lessor's license. Under no circumstances shall the agreement provide for a rental in excess of the schedule appearing in the lessor's license.



**§ 4822.10. Written agreement to be filed.**

No agreement for the rental or use of any premises for the conduct of bingo shall be valid unless the entire agreement is in writing, signed by the parties thereto, executed copies of which have been filed with the licensing authority and the commission at least 15 days prior to the date of, any occupancy or use thereunder. Where the proposed agreement is between two licensed authorized organizations, application must first be made by the lessor to the licensing authority to obtain approval of the rent to be charged, which application must be accompanied by a copy of the proposed agreement. The licensing authority shall consult with the commission prior to approving any rental agreement.

**§ 4822.11. Mandatory provisions.**

No agreement for the rental for use of any premises for the conduct of bingo shall be valid unless the same shall contain the following provisions, terms, and conditions:

(a) that the lessor will make no charge, nor receive nor accept any money or anything of value from the licensed authorized organization other than the payment expressly provided in such agreement;

(b) that the lessor will enter into no agreement, arrangement or transaction with a licensed authorized organization other than for the rental of premises, which includes the rental of chairs and tables and janitorial services as provided in the agreement, and a schedule of bingo equipment furnished, if any, and public liability insurance provided, if any;

(c) that neither the lessor nor any person having an interest in the lessor nor any officer, director, stockholder, employee, or agent of the lessor or a person married or related in the first degree to such a person, shall conduct, participate, advise or assist in the conduct of bingo, render any service, or loan money or anything of value to anyone conducting, participating or assisting in the conduct of bingo or prepare any form pertaining to bingo at any time during which the same may be in effect. The provisions of this subdivision shall not apply to any real estate holding corporation of any authorized organization as defined in the Bingo Licensing Law;

(d) that no payments shall be made to the lessor or accepted by the lessor except by check;

(e) that the licensed authorized organization will not allow on the premises during the conduct of bingo any person or persons directed by the licensing authority or the commission to be kept off the premises;



(f) that all of the terms, covenants and conditions of the agreement shall be subject to amendment, supplement, modification or change as may be required by any statute, rule, regulation, directive or order of the State of New York, the commission or the licensing authority, thereafter enacted or adopted, but in that event either party to the agreement shall be entitled to terminate the agreement at any time thereafter on seven days' written notice;

(g) that the lessor shall at all times comply with every statute, rule, regulation, directive or order enacted or adopted by the State of New York, the commission or the licensing authority, as it may apply to the lessor;

(h) that any lessor or any person having an interest in the lessor or any officer, director, stockholder, employee, or agent of the lessor or any one connected with the foregoing who shall receive any money or anything of value directly or indirectly from the licensed authorized organization on or after the date on which such lessor shall violate any term, covenant or condition of the agreement or of any statute, rule, regulation, directive or order enacted or adopted by the State of New York, the commission or the licensing authority applicable to such lessor, shall be required to repay and refund any and all monies and things of value so received from the date of such violation and until such violation shall cease, to the licensed authorized organization upon request of such organization, the commission or the licensing authority;

(i) a statement setting forth the authorized commercial lessor's license number and the identification number of the organization to which the premises are rented.

**§ 4822.12. Time during which agreement is effective.**

No agreement for the rental or use of premises for the conduct of bingo shall be valid for a period beyond one calendar year from the effective date thereof. A licensed authorized organization shall not be denied the right to a renewal of its agreement for rental or use of the lessor's licensed premises for the conduct of bingo unless good and sufficient cause is shown by the lessor upon application to the municipal licensing authority.

**§ 4822.13. [Repealed]**

**§ 4822.14. Register required.**

Every authorized commercial lessor shall keep and maintain a register in which shall be entered a record of all days reserved for rental to or use by any licensed authorized organization for the conduct of bingo and a record of rental and use, which record shall indicate:

(a) the date and portion of the day reserved;



- (b) the name and identification number of the licensed organization;
- (c) the amount to be charged for the rental or use;
- (d) a statement as to whether the premises were so used on the day reserved;
- (e) a description of the check received in payment of the rental or charge made, including date, bank, check number, payee and amount.

**§ 4822.15. Report of bingo rental receipts.**

On or before the 10th day of each month, every authorized commercial lessor shall file a statement of bingo rental receipts for the preceding month on form BC-204 as prescribed by the commission or facsimile of same with the licensing authority of the municipality where the premises are located disclosing:

- (a) authorized commercial lessor's name, name of hall and license number;
- (b) location of premises;
- (c) date and amounts of payments received;
- (d) names, identification numbers, bingo license numbers of organizations that conducted bingo and each date each organization conducted bingo. Two copies of said report shall be mailed by the authorized commercial lessor to the commission.

**§ 4822.16. Lessor may only make premises available to licensed organization.**

No lessor shall make such lessor's premises available for the conduct of bingo to other than an authorized organization licensed to conduct bingo.

**§ 4822.17. Loaning or borrowing of money by lessor prohibited.**

No lessor or any person having an interest in the lessor or any officer, director, stockholder, employee, or agent of the lessor or any person connected with any of the foregoing, shall loan, advance or give money or anything of value to, or borrow money or anything of value from, any authorized organization licensed to conduct bingo or any person who is an officer of any such organization or who is in charge of or assists in the conduct of bingo, nor guarantee or endorse any note or indemnify or agree to indemnify the licensed authorized organization against any loss incurred in such licensed organization's bingo operations.



**§ 4822.18. Lessor to notify licensing authority of all changes in structure.**

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

**§ 4822.19. Lessor to furnish additional information as required.**

Every authorized commercial lessor holding a license shall, at the request of the commission or the licensing authority where the premises are located, file such forms and furnish such information as may be required from time to time for the purposes of maintaining current and reliable information as to the continuance of the qualifications required for such license. Failure to file such forms or furnish such information shall constitute sufficient cause for suspension or revocation of a license that has been granted.

**§ 4822.20. Display of license.**

A licensed authorized commercial lessor must prominently display its license or any amendment thereof on the premises where bingo is conducted.

**§ 4822.21. Collection of rent.**

Rentals must be collected by the lessor within 48 hours after the holding of the bingo occasion.

**§ 4822.22. Badges.**

The principals and all employees of the licensed commercial lessor and the food facility operator shall wear badges approved by the commission, containing the name of the wearer, the wearer's title or employment, photograph and the name of the licensed commercial lessor or food facility operator. Guards furnished by a watch, guard or patrol agency under contract to provide such service must have a badge and/or insignia indicating



- (a) the name of the agency-employer and
- (b) the name of the guard.

Such badges or insignia shall be worn and visible to the public at all times when such persons are on the premises of the licensed commercial lessor.

**§ 4822.23. Parties to food facility lease.**

The parties to any leasing agreement for the food facility located on the premises or serving the premises where bingo is conducted must be the licensed commercial lessor and the operator of the food facility. All such leases must be approved by the commission.

**§ 4822.24. Special guards.**

(a) When a special guard is utilized at bingo occasions conducted on the premises of a licensed commercial lessor, said guard shall be provided for and paid by the lessor. In cities having a population in excess of one million, all licensed commercial lessors shall provide and pay for a special guard.

(b) Upon good and sufficient cause and written application by the lessor, the commission may dispense with the foregoing requirements. Copies of said application must be given to each tenant organization and the licensing authority at the time of filing with the commission.

(c) The duties of the special guard shall be to protect persons, property and money; maintain the peace and preserve order on the leased premises. The guard shall not perform any managerial services, services on behalf of the food facility operator or any duties to be performed by a bingo worker.

**§ 4822.25. Restrictions on acceptance of public assistance.**

Any organization conducting bingo in a leased premises, or any lessor of premises for the conduct of bingo, that cashes or accepts any public assistance check or electronic benefit transfer device issued by a public welfare official or department, or agent thereof, as and for public assistance, as proscribed by section 151 of the Social Services Law, shall be disciplined by the commission. Such discipline may include one or more of the following actions:

- (a) revocation of a license;
- (b) suspension of a license;





(c) a fine; or

(d) issuance of a public or private letter of reprimand to be placed in the file of the licensee.

## **PART 4823**

### **Electronic Bingo Aids**

Section	
4823.1	License required
4823.2	Commission approval
4823.3	Inspections and demonstrations
4823.4	Written agreements required
4823.5	Multiple systems permitted
4823.6	Reporting requirements
4823.7	Restrictions on the use of electronic bingo aids by authorized organizations

#### **§ 4823.1. License required.**

No person, firm or corporation shall sell, lease or otherwise furnish electronic bingo aids to any authorized organization for use in conjunction with the conduct of licensed bingo games without having first obtained a license therefor as provided in article 14-H of the General Municipal Law and this Chapter.

#### **§ 4823.2. Commission approval.**

No licensed bingo supplier may offer for sale, lease or otherwise furnish any electronic bingo aid unless the commission has approved such electronic bingo aid in writing. All electronic bingo aids sold, leased or used in the State of New York shall comply with the following requirements:

(a) Each device or software program shall identify the name and license number of the licensed bingo supplier.

(b) A sales record shall be recorded and retained for a period of not less than 12 months.

(c) A receipt shall be provided to the player at the time of each sale, which shall reflect the amount paid by the player, the number of face cards to be played, date and time of sale, the name of the licensed authorized organization, and the registration identification number of the licensed authorized organization.



(d) No electronic bingo aid shall emit any sound while in use by a player other than an audible alert unobtrusively notifying the user that a winning bingo pattern has been obtained on one or more of that player's bingo cards.

(e) The commission or the commission's designee may approve any other written requests for an electronic bingo aid change that ensures that the games are fairly and properly conducted and that enable individuals with disabilities to play the game independently.

(f) Each player shall be required to manually enter the letter or number of the object or ball announced by the bingo caller into the electronic bingo aid, by means of pressing a button or touch-screen image. Automatic daubing features that mark the numbers called for the player, or permit the player to automatically "catch-up" with numbers previously announced by the caller are prohibited.

(g) No electronic bingo aid shall resemble a slot machine or other game of chance, or be capable of accepting or electing anything of value, including but not limited to, currency, coin, token, credit card, or debit card.

(h) Every model of electronic bingo aid shall be certified in writing by an independent testing laboratory or a regulatory agency of another state approved by the commission, at the manufacturers' expense, that the electronic bingo aid meets the standards herein and that the erasable programmable read only memory modules (EPRNM) or other game program media logic storage or retrieval components cannot be altered, tampered with, replaced or otherwise programmed by anyone other than by the manufacturer without rendering the electronic bingo aid inoperable.

### **§ 4823.3. Inspections and demonstrations.**

(a) The commission shall require a demonstration and inspection of any electronic bingo aid prior to its approval.

(b) The governing municipal body or the commission may require a demonstration and inspection of any electronic bingo aid stored in any licensed bingo premises during normal business hours. Refusal by any licensee to submit an electronic bingo aid to such demonstration and inspection may result in the temporary suspension of approval to use such electronic bingo aid by the governing municipal body or the commission. In the event that a governing municipal body temporarily suspends the approval of use of such electronic bingo aid, such governing municipal body shall notify the commission of such suspension no later than 72 hours after such suspension takes effect.

(c) The governing municipal body or the commission may request and the respective licensee shall provide a certified report of electronic bingo aid sales activity from any



licensed bingo supplier or licensed authorized organization using or in possession of such electronic bingo aid.

**§ 4823.4. Written agreements required.**

(a) No agreement for the rental, lease or use of any electronic bingo aid shall be valid unless the entire agreement is in writing, signed by the parties thereto, executed copies of which have been filed with the commission and the department or clerk of the governing municipality at least 48 hours prior to use of such electronic bingo aids.

(b) Licensed suppliers shall lease or sell electronic bingo aids only to licensed authorized organizations licensed to conduct bingo or, if approved in writing by the commission, to commercial lessors. In cases where the licensed supplier leases electronic bingo aids to a licensed authorized organization, the licensed supplier may charge either a flat fee or a per-use fee. In cases where the licensed supplier leases electronic bingo aids to a commercial lessor, the licensed supplier shall only charge a flat fee for the use of such device and shall not charge on a percentage of net proceeds or a per-use basis, and the commercial lessor shall include the cost of the electronic bingo aids in the written lease with the licensed authorized organization consistent with section 4820.10 of this Subchapter, provided that cost is unrelated to a percentage of net receipts or the number of units used.

(c) No agreement shall be enforceable by a supplier against an authorized organization beyond the term of a bingo license issued to such authorized organization. An agreement may contain an option clause to be exercised solely at the discretion of the authorized organization continuing the terms of a previous contract into a new license year.

(d) No agreement shall require that an organization purchase bingo face-cards, supplies, games of chance supplies or other bingo equipment exclusively from any supplier.

**§ 4823.5. Multiple systems permitted.**

(a) An authorized organization may use or offer for sale or lease more than one electronic bingo aid system provided the total number of electronic bingo aid units in use at one time does not exceed 15 percent of the total bingo seating capacity of such premises and each system includes separate sales record programs.

(b) No lessor of bingo premises may store an electronic bingo aid on its premises unless such electronic bingo aid is leased to or owned by an authorized organization licensed to conduct bingo at such premises.



**§ 4823.6. Reporting requirements.**

(a) In addition to the requirements of Part 4815 of this Chapter, a supplier of electronic bingo aids shall report to the commission:

(1) The number of electronic bingo aids shipped into New York State or to a federally recognized Indian tribe or nation located, wholly or in part, within the geographic boundaries of New York State;

(2) The serial number of each such electronic bingo aid; and

(3) The name and address of the licensee or federally recognized Indian tribe or nation in possession of such electronic bingo aids.

(b) The supplier or its agent shall submit such report to the commission at least three days prior to shipment of any electronic bingo aid into New York State.

(c) Any changes or modifications made to any electronic bingo aid, or replacement thereof after shipment into New York State reported to the commission pursuant to subdivision (a) of this section shall be reported to the commission by the supplier or the supplier's agent no later than 48 hours after such change, modification or replacement.

(d) Failure by any supplier to provide the notice herein required shall constitute cause for denial of a pending license, suspension or revocation of commission approval for an electronic bingo aid, or suspension or revocation of a license that has been granted.

**§ 4823.7. Restrictions on the use of electronic bingo aids by authorized organizations.**

(a) No authorized organization shall require that a player use an electronic bingo aid.

(b) The price of computerized bingo face-cards, bingo paper face-cards and packages of bingo face-cards sold in conjunction with an electronic bingo aid shall be the same price per face-card as bingo cards, bingo face-cards or packages of face-cards sold to players not using an electronic bingo aid during the same bingo occasion.

(c) Only licensed bona fide members of a licensed authorized organization may lease electronic bingo aids to players, and only during the license period of such authorized organization.

(d) The maximum number of electronic bingo aids in use per licensed premise shall not exceed 25 percent of the total bingo seating capacity for such premise.



(e) Not more than 54 computerized bingo face-cards per electronic bingo aid may be sold to one player per bingo game and programmed into an electronic bingo aid. This limitation shall not be construed to limit the number of traditional bingo face-cards, bingo paper face-cards or packages of face cards that a player may purchase. This is a maximum allowable amount and a licensed authorized organization may establish lower maximums at its discretion.

(f) No person shall be permitted to operate more than one electronic bingo aid during any bingo occasion.

(g) No electronic bingo aid that is defective, has been physically damaged in any way, or has been otherwise tampered with shall be offered for use.

(h) Authorized organizations shall issue bingo face-cards to each player who has rented an electronic bingo aid. The font size on each bingo face-card shall be at least 16 point. No player shall be allowed to play any computerized bingo face-card that does not correspond with a bingo face-card issued to such player.

(i) Receipts shall be provided to each player with each purchase. In cases where reusable bingo cards are issued to a player, the player's receipt shall indicate the specific face-card numbers purchased by the player.

(j) Electronic bingo aids shall only be used in conjunction with traditional elements of bingo, and shall not replace any traditional element of bingo.

(k) Organizations shall report all sales related to the operation of electronic bingo aids on Form BC-7, line A-2, and Form BC-7B, line N.

**PART 4830**

**Hearings**

Section	
4830.1	[Repealed]
4830.2	Proceedings respecting licenses issued pursuant to Bingo Licensing Law
4830.3	Proceedings respecting licenses issued pursuant to Bingo Control law
4830.4	Licensee to be informed of revocation proceedings
4830.5	Notice of hearing
4830.6	Persons to appear
4830.7	Persons seeking immunity
4830.8	Pleas to the charges
4830.9	Suspension prior to hearing
4830.10	Forthwith suspension of bingo game
4830.11	Hearings open to public



- 4830.12 Municipal governing body to make written findings
- 4830.13 Procedure prescribed for commission
- 4830.14 Hearing upon application for new license or reinstatement
- 4830.15 Persons authorized to conduct hearings
- 4830.16 Rules of evidence
- 4830.17 Stenographic record
- 4830.18 Penalties
- 4830.19 Surrender of license when revoked or suspended
- 4830.20 Subpoenas
- 4830.21 Suspension of identification number prior to hearing

**§ 4830.1. [Repealed]**

**§ 4830.2. Proceedings respecting licenses issued pursuant to Bingo Licensing Law.**

Proceedings to revoke a license issued pursuant to the Bingo Licensing Law may be instituted either by the municipal governing body or by the commission, on the initiative of either or on complaint of any person, including any public official or agency.

**§ 4830.3. Proceedings respecting licenses issued pursuant to Bingo Control law.**

Proceedings to suspend or revoke a license issued pursuant to the Bingo Control Law may be instituted by the commission, on the commission's own initiative, or on complaint of any person, including any public official or agency.

**§ 4830.4. Licensee to be informed of revocation proceedings.**

Proceedings to revoke a license shall be brought by informing the licensee in writing of the grounds thereof and the date and place set for hearing thereon.

**§ 4830.5. Notice of hearing.**

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





**§ 4830.6. Persons to appear.**

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

**§ 4830.7. Persons seeking immunity.**

Any person seeking immunity who is called to appear before the commission to answer questions or produce evidence at a hearing, inquiry or investigation, shall make written application therefor to the chairman not less than three days prior to such person's scheduled appearance before the commission.

**§ 4830.8. 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 plea of "no contest" is entered, a determination will be made by the commission in due course.

**§ 4830.9. Suspension prior to hearing.**

The commission by any two members thereof or a duly designated hearing officer or the municipal governing body may, at any time during the course of a hearing, inquiry or investigation, suspend any license issued pursuant to the bingo licensing law, without hearing if, in the commission's judgment, the continuance of the licensed activity is contrary to law or inimical to the public interest. Upon suspension, the municipal governing body or the commission shall forthwith inform the licensee in writing of the grounds thereof and the date and place set for hearing thereon, said hearing to be held within 10 days after suspension.

**§ 4830.10. Forthwith suspension of bingo game.**

The municipal governing body or the commission may forthwith suspend the operation of any licensed bingo game pending hearing, in which case the hearing must be held within 10 days after such suspension.



**§ 4830.11. Hearings open to public.**

All hearings on suspension and revocation of licenses held by the commission shall be open to the public.

**§ 4830.12. Municipal governing body to make written findings.**

When the suspension or revocation proceedings are begun before the municipal governing body that issued the license, such municipal governing body shall hear the matter and make written findings in support of such municipal governing body's decision. The licensee and the commission shall be notified immediately in writing of the decision and, in the event of a suspension or revocation, the effective date thereof.

**§ 4830.13. Procedure prescribed for commission.**

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

**§ 4830.14. Hearing upon application for new license or reinstatement.**

Any person, firm, corporation or organization licensed pursuant to the bingo control law or the bingo licensing law that has had its license or identification number revoked shall appear at a hearing before whichever authority revoked the license at the time of making application for a new license or identification number, or for reinstatement of either or both.

**§4830.15. Persons authorized to conduct hearings.**

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



**§ 4830.16. Rules of evidence.**

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

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

**§ 4830.17. Stenographic record.**

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

**§ 4830.18. Penalties.**

Upon the finding of a violation of the bingo licensing law, the bingo control law, the ordinances or local laws or this Chapter, or any of these, such as would warrant the suspension or revocation of a license or an identification number, the municipal governing body or the commission, whichever made such finding, may declare the violator ineligible to apply for a license under said laws for a period not exceeding 12 months thereafter. Such declaration of ineligibility may be extended to include in addition to the violator any of its subsidiary organizations, its parent organization or those otherwise affiliated with the violator, when in the opinion of the governing body or the commission the circumstances of the violation warrant such action.

**§ 4830.19. Surrender of license when revoked or suspended.**

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



**§ 4830.20. Subpoenas.**

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

**§ 4830.21. Suspension of identification number prior to hearing.**

The commission by its chairman or by any two members thereof or a duly designated hearing officer may at any time during the course of a hearing, inquiry or investigation, suspend any identification number issued pursuant to the Executive Law, without hearing if, in its judgment, the continuance of the identification number is contrary to law, rules, regulations or inimical to the public interest. Upon suspension, the commission shall forthwith inform the registrant in writing of the grounds thereof and the date and place set for the hearing thereon, said hearing to be held within 10 days after suspension.

**PART 4831**

**Appeals to the Commission**

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4831.4	Filing of statement of appeal
4831.5	Contents of statement
4831.6	Content and filing of counterstatement
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4831.16	Recording determination of appeal
4831.17	Assistance of counsel
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**§ 4831.1. Filing of notice of appeal.**

Upon the taking of an appeal as provided by the bingo licensing law from any action or determination of the municipal governing body denying, suspending or revoking a



license, 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.

**§ 4831.2. Contents of notice**

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

**§ 4831.3. Forwarding of original notice to commission.**

The municipal clerk shall forward the original of the notice to the commission within three days after the filing of such notice.

**§ 4831.4. Filing of statement of appeal.**

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

**§ 4831.5. 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, that the party appealing requests be considered on the appeal, together with an explanation why such additional facts were not presented to the municipal governing body;
- (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 application, a copy of the findings and determination of the municipal governing body and a copy of the license, if any.

**§ 4831.6. Content and filing of counterstatement.**

Within 20 days after service upon it of the statement of appeal, the municipal governing body shall file with the commission an original and three copies of a counterstatement of



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

**§ 4831.7. 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,
- (b) any additional facts not presented to the municipal governing body.

**§ 4831.8. How papers may be filed.**

Filing of the foregoing papers with the commission at the commission's office at 354 Broadway, Schenectady, NY 12305, may be either by personal service or by certified mail.

**§ 4831.9. Notice of hearing.**

Upon receipt of the counterstatement of appeal the commission shall notify the parties thereto of the date and place fixed for hearing the appeal, and each party must indicate to the commission 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 person or persons.

**§ 4831.10. 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.





**§ 4831.11. Additional testimony may be allowed.**

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

**§ 4831.12. Subpoenas.**

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

**§ 4831.13. Stenographic record of proceedings.**

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

**§ 4831.14. Adjournment of hearing.**

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

**§ 4831.15. Conduct of hearing.**

The chair may designate one or more members or employees of the commission to conduct the hearing appeal.

**§ 4831.16. Recording determination of appeal.**

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

**§ 4831.17. 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.



**§ 4831.18. Authority of person acting in representative capacity.**

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

**§ 4831.19. Stay without court order.**

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