



## **NYCRR Title 9, Executive**

### **Subtitle T**

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

##### **Chapter II**

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

##### **Subchapter B**

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

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#### **PART 4620**

#### **Authorized Games of Chance**

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**§ 4620.1. Types of games.**

Only the following games of chance may be conducted:

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

- (s) "Card wheel;"
- (t) "Raffles;" and
- (u) any other game of chance that has been approved in writing by the commission.

### **§ 4620.2. Limit on types of games.**

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

### **§ 4620.3. Craps (Dice).**

#### *(a) Equipment.*

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

#### *(b) Players.*

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

#### *(c) The play.*

- (1) The dice are thrown and the two numbers, added together, that face upward when the dice come to rest are the deciding numbers.
- (2) The shooter's first roll is a come-out.
- (3) If, on the come-out, the shooter throws a natural (7 or 11), it is a winning decision called a pass. If on the come-out the shooter throws a crap (2, 3 or 12), it is a losing decision called a miss-out. If the shooter throws a 4, 5, 6, 8, 9, 10, that number becomes the shooter's point and the shooter continues throwing until either:
  - (i) the shooter throws the shooter's point again, which is a winning decision or pass; or

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

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

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

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

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

(d) *Betting.*

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

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

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

(e) *Placing bets on layout.*

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

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

(3) The odds:

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



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

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

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

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

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

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

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

(ii) Don't come bets win on a roll of 2 or 12, push on a 3 and lose on a 7 or 11. If any other number is rolled by the shooter, the bet is removed from the don't come



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

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

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

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

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

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

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

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

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

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



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

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

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

Ace-ace (1-1)	Payoff 30 for 1
6-6	Payoff 30 for 1
Ace-2	Payoff 15 for 1
6-5	Payoff 15 for 1

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

**§ 4620.4. Roulette.**

(a) *Equipment.*

(1) A standard table has a betting layout, a roulette wheel and roulette balls.

(2) Wagers. All wagers at the roulette games shall be made with cash, scrip, chips or wheel checks. The color of the wheel check indicates the player, not a value.

(3) Roulette wheels.

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

(ii) The wheel head itself, the only moving part, consists of a disk or plate, slightly convex in shape. Around its rim are partitions known as separators or frets, and



the compartments or pockets between these are called canoes. These pockets are painted alternately red and black, except for two pockets that are green. Each of the red and black compartments bears a number from 1 to 36. The green pockets carry the symbols 0 and 00.

(b) *Roulette personnel and their duties.*

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

(2) Dealer. The dealer is in charge of the conduct of the game. His main duties are: spinning the wheel, throwing the roulette ball, announcing winners, collecting losing bets, paying off winning bets.

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

(c) *The play.*

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### **§ 4620.5. Black Jack.**

(a) *Equipment.*

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

(b) *Personnel.*

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

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

(d) *Value of cards.*

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

(e) *The object of the game.* A player tries to obtain a higher total card count than the dealer by reaching 21 or as close to 21 as possible without exceeding that count. If the



player's total count exceeds 21, the player has “busted” and must turn the player’s cards face-up at once. The player has lost his or her bet, and the dealer may take the player’s wager. The player, at the player’s discretion, may stand or draw one or more cards in an attempt to better the player’s count.

(f) *Betting.*

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

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

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

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

Option one: All ties are “pushes.”

Option two: “Push” on natural 21 only.

Option three: House wins all ties.

(1) If the dealer's face-up card is a 10-count or an ace, the dealer must look at his face-down (hole) card. If the dealer has a natural 21 (a count of 21 with two cards), the dealer must face it and announce “Twenty-one” or “Black Jack.” If the organization has exercised the option that all ties shall constitute wins for the organization, the dealer then wins and collects all bets, including bets from players having a natural 21.



If the organization has exercised either option number one or number two, the dealer declares all ties to be “pushes” and no action is taken on these hands. The dealer wins and collects the bets from players not having a natural 21.

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

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

(i) to stay if the player is satisfied with the total count of the player’s two cards; or

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

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

(1) The dealer turns up the dealer’s hole card so that all the dealer’s cards are exposed.

(2) If the dealer’s count is 17, 18, 19 or 20, the dealer must stay.

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

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

(j) *Payoffs.* At the end of the dealer’s play, the dealer starts with the first active player on the dealer’s extreme right and moves around the table counterclockwise, paying off players who have a higher count than the dealer with an amount equal to the wager they placed and collecting the players' wagers showing a lesser count. If the dealer's count



exceeds 21, the dealer pays off each surviving player an amount equal to the player's wager. If the player and dealer have the same count, the dealer either wins and collects the bet or declares a "push" (standoff), depending upon the option exercised by the organization.

(k) *Splitting pairs.*

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

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

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

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

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

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

(l) *The double down.*

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

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

(m) *Insurance betting.* When the dealer's face-up card is an ace, players may make an insurance bet against the dealer's possible natural 21. The dealer, before looking at the dealer's down card, inquires if any player wants insurance. A player who desires insurance places an amount equal to half the player's present wager on the player's own hand. When the insurance wager is made, the dealer looks at the dealer's down card. If such is a 10-count, the dealer turns it face-up and announces a "natural." The insurance



bettor is paid off at the rate of 2-to-1 for the amount of the insurance bet. If the dealer's down card is not a 10-count card, the player loses the player's insurance wager.

### § 4620.6. Big Six.

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

(b) *The play.*

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

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

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

### § 4620.7. Big Nine.

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

(b) *The play.*

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

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

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

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

### **§ 4620.8. Money Wheel.**

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

(b) *The play.*

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

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

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

### **§ 4620.9. Color Wheel.**

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

(b) *The play.*

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

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

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

### **§ 4620.10. Merchandise Wheels.**

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

(b) *Play.* A player places a wager on one or more betting spaces on the layout and the dealer spins the wheel. When the wheel stops, the section in which the indicator arm rests is the winning number, symbol or color.



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

(d) *Winning wagers.* Only merchandise, and not cash, shall be awarded. No single prize shall exceed the amount set forth in General Municipal Law section 189(5)(a) and (c).

(e) *Control sheet.* Each merchandise wheel shall have an inventory control sheet that shall indicate the cost to the licensee of each item of merchandise awarded at the wheel or, if donated, its current retail price. When an aggregate value set forth in General Municipal Law section 189(6)(a)(1) in prizes has been awarded at a merchandise wheel, the merchandise wheel must be closed. (See section 4622.12 of this Subchapter.) It is not necessary to file the inventory control sheet with form GC-7B.

#### **§ 4620.11. Chuck-A-Luck.**

(a) *Equipment.*

(1) A cage or chute.

(2) Three dice.

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

(b) *The play and odds.*

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

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

#### **§ 4620.12. Hazard.**

(a) *Equipment.*

(1) A cage or chute.

(2) Three dice.

(3) A table layout with wagers and odds.

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



(c) *Bets and odds.*

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

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

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

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

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

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

(7) Chuck numbers.

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

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

**§ 4620.13. Over and Under Seven.**

(a) *Equipment.*

(1) A cage or chute.

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



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

(b) *The play and odds.*

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

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

**§ 4620.14. Beat the Dealer.**

(a) *Equipment.*

(1) A cage, chute or cup.

(2) Two dice.

(3) A table layout.

(b) *The play and odds.*

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

(2) The dealer and the player each tumble the dice by hand or in the cage, chute or cup. The dealer goes first. To win, the player or players must get a higher total count than the dealer; the dealer wins on all ties. The odds on this game are even or 1-to-1.

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

**§ 4620.15. Bang.**

(a) *Equipment.*

(1) A table with a layout and an upright rail around the outside edges of the table. The rail serves as a backboard and also helps to prevent the dice from falling off the table.

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

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

(c) *The play.*

(1) Players place bets on the betting layout. The sections marked “Beat the Dealer Hi Dice” on the layout are considered the outside sections of the layout and are referred to as outside bets. All other betting spaces on the layout are considered to be inside sections or inside bets.

(2) The dealer announces: “No more bets.”

(3) The dealer rolls first. The total count of the two dice that face upward when the dice come to rest are considered the dealer's point. The dealer places a marker on the layout to indicate the dealer's point.

(4) The dealer's roll affects all inside bets, *i.e.*, all bets on the layout except Beat the Dealer Hi Dice bets. (Note that Big Six and Big Eight bets are active on every roll of the dice, but are only affected by a losing roll of 7, or by the roll of a winning 6 or 8, respectively.) After collecting the losing inside wagers and paying the winning inside wagers, the dealer announces: “Place inside bets only.” (No additional “Beat the Dealer Hi Dice” bets can be placed at this time.)

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

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

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

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

(d) *Bets and odds.*

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

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

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

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

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

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

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

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

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

**§ 4620.16. Joker Seven.**

(a) *Equipment.*

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

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

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

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

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

(e)	<i>Other bets.</i>	<i>Odds</i>
	No pairs or two pairs	3-to-1
	1 joker	3-to-1
	2 jokers	20-to-1
	Any specific pair—aces to kings	9-to-1
	Prial (three of a kind)	12-to-1

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

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

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

**§ 4620.17. Horse Race Wheel.**

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

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

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

**§ 4620.18. Best Poker Hand.**

(a) *Equipment.*

(1) A table layout numbered 1 through 10.

(2) A single deck of 52 cards.

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

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



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

(e) *Odds.*

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

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

**§ 4620.19. Bell Jar.**

(a) *Equipment.*

(1) A container, jar or vending machine used for the containment of jar tickets.

(2) Bell Jar tickets shall also include “Pull-Tabs,” “Break-Opens,” and any other similar-type game comprising tickets or cards having a number or numbers, color or colors, symbol or symbols that are covered, and that, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol, or a combination of numbers, colors or symbols.

(3) A deal shall consist of a container that holds (or containers that hold) all the bell jar tickets of a game bearing the same serial number as well as a flare.

(4) A flare that is contained in the deal, and that must be displayed prominently, sets forth the number of tickets and prizes contained in the deal, as well as the winning number or numbers, color or colors, symbol or symbols.

(b) *The play.*

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

(2) The maximum wager is set forth in General Municipal Law section 189(5)(c).

(3) No single prize shall exceed the amount set forth in General Municipal Law section 189(5)(a).

(4) No aggregate prizes in any deal shall exceed the amount set forth in General Municipal Law section 189(6)(a)(2).

(c) *Operation of the game.*

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

(2) No licensed authorized organization shall provide any information to any person in regard to the potential winnings of bell jar tickets that would create an advantage to such person.

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

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

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

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

(7) No licensed authorized organization shall assist a player in opening a purchased bell jar ticket or tickets.

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

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

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

(11) Each winning bell jar ticket shall be defaced upon redemption and retained for a period of one year.

(12) Bell jar tickets may be sold only on the premises of the licensed authorized organization and the premises in which the organization conducts licensed bingo occasions and games-of-chance license periods and as otherwise may be authorized by General Municipal Law section 189(13).

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

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

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

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

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

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

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

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





### § 4620.20. Fruit Wheel.

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

(b) *The play.*

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

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

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

### § 4620.21. Card Wheel.

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

(b) *The play.*

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

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

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

**§ 4620.22. Raffles.**

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

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

- (i) name and, if required by subdivision (a) of section 4601.1 of this Chapter, the identification number of the authorized organization;
- (ii) the location(s), date(s) and time(s) of the drawing(s);
- (iii) the consecutively printed serial number of the ticket;
- (iv) the price of the ticket;
- (v) a list of the prizes offered;
- (vi) the statement: “Ticket holders need not be present to win”; and
- (vii) each ticket stub or receipt shall reflect the name, address and telephone number of the ticket purchaser, and the consecutively printed serial number of the ticket.

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

(b) *Play.*

(1) No single prize shall exceed the amount set forth in General Municipal Law section 189(5)(b).

(2) The aggregate fair market value of all prizes to be offered or awarded by a licensee in raffles in any one calendar year (license period) shall not exceed the amount set forth in General Municipal Law section 189(8).

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

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



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

(6) Raffle tickets may be sold to the public in locations as authorized by General Municipal Law section 189(13)(b). An authorized organization that wishes to sell raffle tickets outside the premises of such organization or conduct a raffle drawing outside the premises of such organization shall notify the commission of such intent to make such sales or conduct such drawing (or both). Such notice shall be made no later than 45 days before sales of such raffle are proposed to commence, in order to enable the commission to notify the affected municipalities and give such municipalities the opportunity to object to such sales or such drawing. After the commission gives notice (which may be given by electronic means) to the affected municipalities, a municipality shall provide the commission notice of an objection, if any, no later than 20 days before the date such sales are proposed to commerce or such drawing is proposed to be conducted.

(7) Internet and mobile device sales.

(i) No entity, other than an authorized organization to which the commission has issued a games of chance identification number and a raffle license, if applicable pursuant to General Municipal Law section 190-a(1), is permitted to sell raffle tickets through the internet or a mobile device.

(ii) No sale of a raffle ticket through an internet or a mobile device platform may occur unless the server or other electronic equipment that initiates the offering of a raffle ticket for sale and accepts a request to purchase such ticket is located in a municipality in this State in which the sale of such tickets is authorized as set forth in General Municipal Law section 189(13) and the purchaser of such ticket is located, at the moment of purchase, in this State. Locations shall be determined by the physical location of each of the purchaser and the server or other electronic equipment of the seller and not the purchaser or seller's usual address. An authorized organization's internet or mobile device raffle sale platform shall block any attempts to purchase a raffle ticket from a location outside of this State.

(iii) No sale of a raffle ticket through an internet or a mobile device platform may occur unless the purchaser of such ticket has first established a raffle ticket account with the authorized organization conducting such raffle. Such account shall include, for each purchaser:

(a) the purchaser's legal name;



- (b) the purchaser's date of birth;
  - (c) an account number unique to such purchaser;
  - (d) the purchaser's address;
  - (e) the purchaser's electronic mail address; and
  - (f) the purchaser's telephone number.
- (iv) No sale of a raffle ticket may be made to any person on the commission's self-exclusion list maintained pursuant to section 5403.2 of this article.
- (v) No authorized organization shall outsource or otherwise delegate to another entity or person, including, without limitation, a third-party fundraising entity, the conduct of a raffle through the internet or mobile device.
- (vi) Each authorized organization that proposes to sell a raffle ticket for a specifically identified raffle through an internet or a mobile device platform shall seek commission approval to conduct such raffle. To obtain such approval, an authorized organization shall, not less than 60 days before offering any tickets for sale on such platform:
- (a) demonstrate to the satisfaction of the commission that the server or other electronic equipment that initiates the offering of a raffle ticket for sale and accepts requests to purchase such tickets is located in a municipality in this State in which the sale of such tickets is authorized as set forth in General Municipal Law section 189(13);
  - (b) demonstrate to the satisfaction of the commission, which may be done by providing evidence of competent native or third-party geolocation procedures, that such organization has geolocation technology in place to ensure that each purchaser of a ticket is located within this State;
  - (c) submit procedures to prevent minors from purchasing a raffle ticket through the authorized organization's internet or mobile application platform. An authorized organization shall implement any changes to such procedures as the commission may direct at any time. Such plan, at a minimum, shall include the following components:
    - (1) specification of parental control procedures to allow parents and guardians to exclude persons under the age of 18 from entering a raffle through the authorized organization's internet or mobile device platform. The authorized organization shall display conspicuously the specific steps a parent or guardian may take to implement parental controls;



(2) detailed explanation of the steps taken to prevent persons under the age of 18 from purchasing a raffle ticket through the authorized organization's internet or mobile device platform. The authorized organization shall explain what types of native or third-party age verification procedures are implemented to verify that each person entering a raffle with such authorized organization's internet platform or mobile application is not under the age of 18. The authorized organization shall explain the mechanism or mechanisms used to identify and deactivate accounts or purchases created or used by minors; and age verification and identification procedures to exclude persons under the age of 18 from creating an account or purchasing a raffle ticket on the authorized organization's internet platform or mobile application;

(3) procedures used to identify and deactivate accounts created or used by persons under the age of 18 and to exclude such persons from all raffles offered through such authorized organization's internet and mobile device platforms; and

(4) procedures to ensure that persons under the age of 18 do not receive promotional materials that relate to raffles held on authorized organization's internet and mobile device platforms;

(d) submit procedures to protect the privacy of ticket purchasers on such internet or mobile device platforms;

(e) submit procedures to protect the security of personal information of ticket purchasers on such internet or mobile device platforms from unauthorized disclosure; and

(f) submit procedures to ensure that no person on the commission's self-exclusion list maintained pursuant to section 5403.2 of this article may purchase a raffle ticket through the authorized organization's internet or mobile application platform.

(vii) Each authorized organization that the commission authorizes to sell raffle tickets for a specifically identified raffle through an internet or a mobile device platform shall have an ongoing duty to inform the commission of any material change to any of the procedures submitted pursuant to subparagraph (vi) of this paragraph or any material change in the anticipated performance of geolocation technology as described to the commission.

(viii) The commission may, in its discretion, revoke any approval given pursuant to this paragraph to conduct a raffle through an internet or mobile device platform if the commission has cause to believe that the conditions required by General



Municipal Law section 189(16) will not be or are not being satisfied or are at significant risk of not being satisfied.

(ix) The commission may, in its discretion, declare an authorized organization ineligible to conduct raffle ticket sales through an internet or mobile device platform for a period of time, or for an indefinite time, if such authorized organization fails to comply with this paragraph or the conditions required by General Municipal Law section 189(16).

(8) Any supplier of software, platforms or electronic equipment designed to enable an authorized organization to conduct an internet or mobile raffle pursuant to paragraph (7) of this subdivision shall apply for a license as a games of chance supplier pursuant to General Municipal Law section 189-a and Part 4623 of this subchapter.

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

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

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

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

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

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

#### **§ 4620.23. Search for the Queen of Hearts.**

(a) *Equipment.* A series of two-part, sequentially numbered raffle tickets; a raffle ticket drum or receptacle; a standard deck of 52 playing cards plus two jokers; and a game board onto which 54 playing cards can be placed facedown, side-by-side and held securely by a locking, transparent cover.

(b) *Play.*

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

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

(3) One raffle ticket shall be drawn each week from among all of the tickets sold for each drawing, except for the first week and the 26<sup>th</sup> week (if necessary), when three drawings may be held. If three drawings are held, each of the three winners of the drawings shall search in the order in which such winner's ticket was selected.

(4) The participant (or participants) holding the winning ticket stub (or stubs) shall be declared the winner (or winners) of each drawing and shall be entitled to "Search for the Queen of Hearts."

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

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

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

(8) If the card selected is not the queen of hearts, that card shall be defaced by drawing a diagonal line across its face in ink. Such card shall be returned to the game board face-up. The transparent, locking cover securing the cards shall be locked by a licensed organization's member in charge or assistant to the member in charge. Then, that player shall be awarded immediately a cash prize valued in an amount that is at least equal to the following odds:



<i>Card drawn</i>	<i>Payout odds</i>
Any 2, 3, 4, or 5	4:1
Any 6, 7, 8, or 9	6:1
Any 10, jack or king	8:1
Any ace	10:1
Any joker	15:1
Any queen other than hearts	20:1

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

(10) When the queen of hearts is selected, the winning player shall be awarded the grand prize consisting of 60 percent of the grand prize pool.

(11) The licensee shall retain the remaining 40 percent of the grand prize pool as raffle profit and shall secure those funds for deposit into the special games of chance or raffle checking account (if applicable) or other bank account.

**§ 4620.24. Treasure Chest Raffle.**

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

(b) *The Play.*

(1) The licensee shall sell one series of two-part, sequentially numbered raffle tickets designated as prize winning tickets, depositing one part of each ticket sold into the prize winning raffle ticket drum or receptacle and presenting the other part of that ticket to the purchaser to retain as a receipt for verification purposes.

(2) The member-in-charge shall remove the licensee's designated percentage of the sales of raffle tickets sold during that occasion as raffle profit, and shall secure those



funds for deposit into the special games of chance raffle checking account, if applicable, or other bank account.

(3) The member-in-charge shall remove 10 percent of the remaining funds, and shall divide that amount into five equal parts that shall be designated as the primary prize pool.

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

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

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

(7) The member-in-charge shall draw a key ticket from the key ticket receptacle for each of those five players, and each of the keys hanging on the game board under the raffle ticket stubs corresponding with each of the player's stubs is presented to the five winning players. Each player shall attempt to open the lock on the treasure chest using his or her key.

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

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

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



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

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

(13) After the secondary prize is awarded, all of the key tickets on the game board and in the key ticket receptacle shall be discarded; and all of the keys secured by the member-in-charge.

## **PART 4621**

### **Games of Chance Currency**

- 4621.1 Permissible instruments for chance purchase
- 4621.2–4621.3 [Repealed]
- 4621.4 Surrender of chips
- 4621.5–4621.7 [Repealed]
- 4621.8 Control of sale of games of chance currency

#### **§ 4621.1. Permissible instruments for chance purchase.**

As set forth in General Municipal Law section 195-d(3), a player may purchase a chance with cash or, if the authorized organization wishes, with a personal check, credit card or debit card. As set forth in General Municipal Law section 186(20), games of chance currency in the form of scrip or chips authorized by the commission also may be used at the discretion of the games of chance licensee.

#### **§ 4621.2–4621.3. [Repealed]**

#### **§ 4621.4. Surrender of chips.**

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

#### **§ 4621.5–4621.7. [Repealed]**

#### **§ 4621.8. Control of sale of games of chance currency.**

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



## **PART 4622**

### **General Conduct of Games of Chance**

Section	
4622.1	Duties of member in charge
4622.2	Minors
4622.3	Restriction on participation
4622.4	Designation of officer responsible for utilization of games of chance monies
4622.5	Payment of person conducting games; gifts, donations prohibited
4622.6	Compensation of bookkeepers and accountants
4622.7	Admission of general public; charge optional
4622.8	Premises open to inspection
4622.9	Ownership of devices and equipment
4622.10	Sale of merchandise prohibited
4622.11	Sale of New York State Lottery tickets
4622.12	Maximum value of prizes offered
4622.13	Value of merchandise prizes
4622.14	Gifts prohibited
4622.15	Admission charge as a requisite to participate
4622.16	Property not permitted as prizes
4622.17	Unapproved buildings
4622.18	Rental payment due
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4622.20	Persons prohibited as players
4622.21	Cashing of checks prohibited
4622.22	Operation of bank
4622.23	Sale and consumption of alcoholic beverages
4622.24	Rules and bulletins available at games
4622.25	Qualifications of members in charge and assistants
4622.26	Advertising games of chance

#### **§ 4622.1. Duties of member in charge.**

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

### **§ 4622.2. Minors.**

(a) Persons under 18 years of age may be permitted to attend games of chance license periods at the discretion of the games of chance licensee, but shall not be allowed to participate in the operation or play of any game or games of chance.

(b) One or more signs restricting participation of persons under 18 years of age shall be prominently displayed in each playing area.

(c) The commission shall penalize a licensee found to have violated subdivision (a) of this section as follows:

(1) for a first violation, a written warning of such violation;

(2) for a second violation within one year of a violation, a fine of \$500;

(3) for a third violation within one year of a violation, a fine of \$1,000; and

(4) for a fourth or subsequent violation within one year of a violation, such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of any license or privilege to conduct games of chance in this State.

### **§ 4622.3. Restriction on participation.**

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

(b) No person under the age of 18 years shall be permitted to assist in the conduct of games of chance or participate in the play of any game or games of chance.

(c) The commission shall penalize a licensee found to have violated subdivision (b) of this section according to the penalties set forth in subdivision (c) of section 4622.2 of this Part.

### **§ 4622.4. Designation of officer responsible for utilization of games of chance monies.**

The officers of a licensee shall designate an officer to be in full charge of, and primarily responsible for, the proper utilization of all monies derived from the conduct of games of



chance in accordance with the Games of Chance Licensing Law and this Chapter. Not less than two members shall be responsible for counting the games of chance receipts.

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

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

**§ 4622.6. Compensation of bookkeepers and accountants.**

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

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

**§ 4622.7. Admission of general public; charge optional.**

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

### **§ 4622.8. Premises open to inspection.**

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

### **§ 4622.9. Ownership of devices and equipment.**

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

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

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

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

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

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

### **§ 4622.10. Sale of merchandise prohibited.**

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

### **§ 4622.11. Sale of New York State Lottery tickets.**

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

### **§ 4622.12. Maximum value of prizes offered.**

The maximum sums or values for particular forms of games of chance are set forth in General Municipal Law sections 189(5), 189(6) and 189(8). One or more signs limiting the wager to the amount designated for each type of game shall be displayed prominently in each playing area. In the case of bell jars, the applicable flare or flares shall be displayed in each playing area.

### **§ 4622.13. Value of merchandise prizes.**

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

### **§ 4622.14. Gifts prohibited.**

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

### **§ 4622.15. Admission charge as a requisite to participate.**

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

### **§ 4622.16. Property not permitted as prizes.**

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

### **§ 4622.17. Unapproved buildings.**

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

**§ 4622.18. Rental payment due.**

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

**§ 4622.19. Badges.**

The member in charge and those assisting such member in charge 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 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.

**§ 4622.20. Persons prohibited as players.**

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

**§ 4622.21. Cashing of checks prohibited.**

No licensee, its members or agents, shall cash any check out of games of chance funds or extend credit to a person to participate in the playing of any games of chance, other than accepting a personal check as authorized by General Municipal Law section 195-d(3).

**§ 4622.22. Operation of bank.**

(a) Except in the case of merchandise wheels, raffles, coin boards, merchandise boards, seal cards and bell jars, the licensed authorized organization shall, at the start of each type of game of chance, provide a bank consisting of cash or chips in an amount not exceeding the amounts set forth in General Municipal Law section 189(8). To each bank shall be added all the players' losses, and from each bank shall be deducted all players' winnings. When the bank for any one type of game is exhausted, the conduct of such type of game shall cease and terminate. Where more than one location (table or booth) is used for the conduct of a single type of game of chance, the starting bank shall be divided among the different locations. Within the operation of any single type of game of chance, the bank of any one location may be used to supplement the bank of any other location of the same type of single game of chance.

(b) In the case of merchandise wheels, the licensed authorized organization may for each wheel award merchandise the total value of which shall not exceed the amount set forth in General Municipal Law section 189(6)(a)(1). In the case of bell jars, coin boards,



merchandise boards and seal cards, the licensed authorized organization may, for each deal, award prizes the total value of which shall not exceed the amount set forth in General Municipal Law section 189(5)(a).

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

**§ 4622.23. Sale and consumption of alcoholic beverages.**

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

**§ 4622.24. Rules and bulletins available at games.**

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

**§ 4622.25. Qualifications of members in charge and assistants.**

As set forth in General Municipal Law sections 189(10) and 195-c,

(a) no person shall participate in the management of any game of chance unless such person is a bona fide member of the licensed authorized organization; and

(b) no person shall participate in the operation of any game of chance unless such person is a bona fide member of the licensed authorized organization or its affiliate or auxiliary.

**§ 4622.26. Advertising games of chance.**

A licensee may advertise the conduct of games of chance as provided for in General Municipal Law section 195-e. No advertising shall include any misleading information or representations.



## **PART 4623**

### **Games of Chance Supplies and Equipment**

Section

- 4623.1 Devices, supplies and equipment
- 4623.2 Standard of conduct of games prescribed

#### **§ 4623.1. Devices, supplies and equipment.**

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

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

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

#### **§ 4623.2. Standard of conduct of games prescribed.**

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

## **PART 4624**

### **Financial Statement of Games of Chance Operations**

Section

- 4624.1 Financial statement form
- 4624.2 Cash control report
- 4624.3 Additional license fee
- 4624.4 Notification when no games are played
- 4624.5 Statements delinquent filed
- 4624.6 Statements defectively filed
- 4624.7 Nongames of chance books and records available for examination



- 4624.8 Special games of chance, raffle and bell jar account
- 4624.9 Method of withdrawal
- 4624.10 Purposes of withdrawal
- 4624.11 Direct disbursement from interest account prohibited
- 4624.12 Commingling prohibited
- 4624.13 Bookkeeping system required
- 4624.14 Books and records available for examination
- 4624.15 Financial report to membership
- 4624.16 Deposit of games of chance, raffles and bell jar funds.
- 4624.17 Expenditure of funds after cessation of games of chance
- 4624.18 Financial statement to be filed by lessor
- 4624.19 Time for filing lessor financial statement
- 4624.20 Special games of chance rental account
- 4624.21 Lawful expenditures

#### **§ 4624.1. Financial statement form.**

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



each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement, provided however, where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000 during any one occasion, in such case, the reporting requirement shall be satisfied by the filing within 30 days of the conclusion of such occasion a verified statement on a form prescribed by the commission attesting to the amount of such net proceeds or net profits and the distribution thereof for lawful purposes with the clerk or department and a copy with the commission. The licensee shall retain a copy of such statement for its records. Any authorized organization required to file an annual report with the Secretary of State pursuant to article 7-A of the Executive Law or the Attorney General pursuant to article 8 of the Estates, Powers and Trusts Law shall include with such annual report a copy of the statement required to be filed with the clerk or department.

(b) Notwithstanding the filing requirements set forth in this Part, an authorized organization may conduct a raffle without complying with such filing requirements, provided, that such organization shall derive net proceeds from raffles in an amount less than \$5,000 during the conduct of one raffle and shall derive net proceeds from raffles in an amount less than the amount set forth in General Municipal Law section 190-a(1). Such authorized organizations are not relieved of any other financial reporting and recordkeeping requirements of local, State or Federal laws or rules in regard to the receipt and expenditure of monies, including without limitation the Not-For-Profit Corporations Law.

#### **§ 4624.2. Cash control report.**

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

#### **§ 4624.3. Additional license fee.**

(a) Upon the filing of the financial statement of games of chance operations (form GC-7) and attachment, the licensee shall pay to the clerk or department or, where applicable, the chief fiscal officer of the county, as the additional license fee authorized by General Municipal Law section 195-f(4), a sum in the amount of five percent of the reported net proceeds, if any, for the license period covered by such statement. In the case of raffles, the licensee, upon filing the financial statement of raffles operations, shall pay to the clerk or department or, where applicable, the chief fiscal officer of the county, as an additional license fee authorized by General Municipal Law section 195-f(4), a sum in the amount of two percent of the reported net proceeds that exceed \$30,000 from all raffles conducted during the calendar year, if any, for that portion of the license period covered by such statement.



(b) Reporting requirements for raffles are as set forth in General Municipal Law section 195-f(2).

(c) As set forth in General Municipal Law section 195-f(4), no fee shall be required where the net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000 during any one occasion.

(d) An organization that has filed a verified statement with the clerk or department and the commission attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than \$30,000 during one occasion or part thereof that in fact derives net proceeds or net profits of at least \$30,000 during any one occasion or part thereof shall be required to obtain a license as required by General Municipal Law sections 190 and 190-a and this Subchapter and shall be subject to the reporting requirements and additional license fees required by General Municipal Law 195-f and this Part.

(e) In the case of bell jars, the licensee, upon filing financial statements of bell jar operations (form GC-7Q) with the commission shall also tender to the commission a sum in the amount set forth in General Municipal Law section 195-q.

#### **§ 4624.4. Notification when no games are played.**

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

#### **§ 4624.5. Statements delinquently filed.**

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

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

#### **§ 4624.6. Statements defectively filed.**

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



verified, or not fully, accurately and truthfully completed, no further license shall issue to such licensee, and any existing license may be suspended pursuant to the provisions of Part 4626 of this Subchapter.

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

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

**§ 4624.8. Special games of chance, raffle and bell jar account.**

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

(b) In cases where licensed authorized organizations have submitted a verified statement form GCVS-1 in lieu of a raffle license application, the proceeds shall be deposited into a bank account maintained solely by the authorized organization to be dispersed only for lawful expenditures permitted under section 4624.21 of this Part.

**§ 4624.9. Method of withdrawal.**

Except for the electronic transfer of funds to the Commission, other State, local and Federal governmental entities in compliance with the lawful expenditures set forth in



section 4624.21 of this Part; operating expenses of the authorized organization such as utilities, including light, heat, power and water, telephone, mortgages and payments to licensed games of chance suppliers, all monies withdrawn from the “special games of chance account,” “special raffle account” or “special bell jar account” shall be only by checks having preprinted consecutive numbers, signed by at least two duly authorized officers of the licensee and made payable to a specific person, firm, partnership or corporation with the purpose specified on the check stub; and at no time shall a check be made payable to cash. All checks must be accounted for in the appropriate part of the financial statement of games of chance operations (form GC-7), financial statement of raffle operations (form GC-7R) or financial statement of bell jar operations (form GC-7Q), including voided checks.

#### **§ 4624.10. Purposes of withdrawal.**

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

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

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

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

#### **§ 4624.11. Direct disbursement from interest account prohibited.**

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

#### **§ 4624.12. Commingling prohibited.**

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

#### **§ 4624.13. Bookkeeping system required.**

Each licensee shall maintain a single-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of games of chance and the disbursement of net proceeds derived therefrom. Such bookkeeping system shall consist of a columnar book prepared in the manner shown in Exhibits 1 and 2 (Appendix T-2 of this Title) and shall be maintained on a calendar- or fiscal-year basis. In the case of raffles and bell jars, each licensee shall maintain a single-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of raffles and bell jars and the disbursement of net proceeds derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar-year or fiscal-year basis. The functions of bookkeeper and duly authorized signer of checks shall not be performed by the same persons.

#### **§ 4624.14. Books and records available for examination.**

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

#### **§ 4624.15. Financial report to membership.**

Each licensee shall require its treasurer or its duly designated officer to report in writing to its chief officer and membership, at least once a month, the number of games of chance license periods played, the number of raffles conducted, the number of bell jar deals sold since the last report and the net profit or loss from the operation of each games of chance license period, raffle and bell jar deal. The chief officer shall require monthly deposit slips, bank statements, checking accounts and bankbooks to be exhibited at each such meeting, and such items shall be open to individual membership inspection. Such information must be incorporated in the minutes or proper records of each licensee. Where a licensee is an auxiliary or an affiliate of a parent organization, a copy of the written report shall be filed with the executive officer of the parent organization and incorporated in its minutes.



#### **§ 4624.16. Deposit of games of chance, raffles and bell jar funds.**

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

#### **§ 4624.17. Expenditure of funds after cessation of games of chance.**

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

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

Upon final disbursement of such funds, in the case of bell jar, each organization shall submit to the commission a final quarterly statement of bell jar operations (GC-7Q) documenting the final disposition of such funds. In the case of raffles with net proceeds of at least \$30,000 from all raffles conducted during the calendar year, each organization shall submit to the commission and to the municipal clerk a final financial statement of raffle operations (GC-7R) documenting the final disposition of such funds. In the case of casino-type games of chance, each organization shall submit to the commission and to the municipal clerk a final financial statement of games of chance operations (GC-7) documenting the final disposition of such funds. This provision applies notwithstanding the requirements of section 4624.1 of this Part.

#### **§ 4624.18. Financial statement to be filed by lessor.**

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

#### **§ 4624.19. Time for filing lessor financial statement.**

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

### **§ 4624.20. Special games of chance rental account.**

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

### **§ 4624.21. Lawful expenditures.**

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

- (1) Equipment and supplies. Purchase and rental of games of chance equipment, tables and chairs, dice, cards, games of chance currency, etc.
- (2) Rent. Rent paid to licensed games of chance lessors.
- (3) Services. Janitorial and custodial services, guard service, preparation of GC-7's and GC-7R's and maintaining a monthly bookkeeping system.
- (4) License fees. All amounts paid to the municipality. Additional license fees must be reported in part C on form GC-7 and GC-7R, and part B on form GC-7Q.
- (5) Other Expenses. Printing of games of chance forms; house rules, postage for games of chance purposes; fidelity bonds for persons responsible for games of chance funds; repairs to games of chance equipment; advertising expenses; bank charges, etc.

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

- (1) Charitable. Donations to nationally or locally recognized charitable organizations.
- (2) Patriotic. Contributions to or participation in patriotic, civic and community projects, such as Veterans' Day activities, Memorial Day and Independence Day observances, memorials, etc.; uniforms, instruments and traveling expenses for bands that participate in civic, patriotic and community activities.
- (3) Youth activities. Donations for nationally or locally recognized youth athletic, recreational and civic programs.

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

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

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

(7) 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 pursuant to section 189 of the General Municipal Law and the commission's rules.

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

(1) An organization engaged exclusively in any of the lawful purposes set forth in General Municipal Law section 186(5) does not need prior written approval from the commission in regard to expenses directly related to carrying out one or more of such organization's lawful purposes, with the exception of those expenses listed in paragraph (3) of this subdivision.

(2) Expenditures requiring no written approval. The operating expenses of authorized organizations set forth in this paragraph do not require written commission approval, unless as otherwise set forth in the applicable subparagraph of this paragraph:

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



- (ii) janitorial and custodial salaries, including all payroll taxes;
- (iii) supplies, such as cleaning materials, brooms, shovels, floor wax, paper supplies, etc.;
- (iv) utilities, including light, heat, power and water;
- (v) rubbish removal;
- (vi) insurance, including fire, workers' compensation, public liability, burglary, robbery and property damage;
- (vii) real estate taxes;
- (viii) snow removal charges;
- (ix) telephone charges;
- (x) printing and mailing charges; and
- (xi) legal, accounting fees or other professional fees not exceeding \$5,000 per calendar year.

(3) Expenditures requiring prior written approval. An authorized organization shall submit an Application for Permission to Disburse Net Proceeds of Games of Chance (GC-317) to the commission when requesting approval of certain expenses as set forth in this paragraph. Organizations of veterans shall file with the commission a copy of the minutes of the meeting of the membership authorizing any of the expenditures set forth in this paragraph, in lieu of filing a GC-317 form:

- (i) mortgages;
- (ii) rent paid by licensee organization for use of property for its activities;
- (iii) new buildings, additions, renovations or repairs in excess of \$10,000 per calendar year;
- (iv) purchase of air conditioning units, furniture, furnishings, office and kitchen equipment and motor vehicles;
- (v) repair, maintenance and acquisition of parking lots;
- (vi) salaries, other than those authorized in paragraphs (3) of subdivision (a) and (5) of subdivision (b) of this section and subparagraph (ii) of paragraph (2) of this subdivision; and

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

(d) *Disapproved expenditures.* All types of authorized organizations may not use games of chance 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 licensee organization, its auxiliary or affiliate. At all times it should be borne in mind that the use of games of chance funds for the exclusive benefit of members of the licensee organization, its auxiliary or affiliate is unlawful and prohibited;

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

(3) dues and assessments;

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

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

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

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

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

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

(e) *Interest-bearing accounts.*

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



account into which the games of chance funds have been transferred, including bank name, address, telephone number and account number.

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

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

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

## **PART 4625**

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

Section

4625.1 Conduct of games by senior citizen organization

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

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

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



## **PART 4626**

### **Hearings**

Section	
4626.1	Proceedings respecting licenses issued pursuant to Games of Chance Licensing Law
4626.2	Proceedings respecting identification numbers issued pursuant to Games of Chance Licensing Law
4626.3	Licensee to be informed of revocation proceedings
4626.4	Notice of hearing
4626.5	Persons to appear
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4626.7	Suspension prior to hearing
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4626.11	Hearing upon application for new license or reinstatement
4626.12	Persons authorized to conduct hearings
4626.13	Rules of evidence
4626.14	Stenographic record
4626.15	Penalties
4626.16	Surrender of license when revoked or suspended
4626.17	Subpoenas

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

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

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

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

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

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

#### **§ 4626.4. Notice of hearing.**

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

#### **§ 4626.5. Persons to appear.**

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

#### **§ 4626.6. Pleas to the charges.**

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

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

#### **§ 4626.7. Suspension prior to hearing.**

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

#### **§ 4626.8. Hearings open to public.**

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



**§ 4626.9. Clerk or department to make written findings.**

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

**§ 4626.10. Procedure prescribed for the commission.**

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

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

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

**§ 4626.12. 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 Games of Chance Licensing Law and this Subchapter. At the conclusion of the hearing, the hearing officer shall make findings as to whether the evidence sustained the charges or any of them, shall designate which charges the hearing officer has found sustained by the evidence, and may 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 the commission.

### **§ 4626.13. Rules of evidence.**

(a) The rules of evidence governing proceedings in the courts of the State shall not be rigidly enforced in hearings before the 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.

### **§ 4626.14. Stenographic record.**

An accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to 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.

### **§ 4626.15. Penalties.**

Upon the finding of a violation of the Games of Chance Licensing Law, the ordinances or local laws or this Subchapter, or any of these, such as would warrant a fine, suspension or revocation of a license or an identification number, the municipal governing body or the 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 such violator's subsidiary organizations, such violator's parent organization or those otherwise affiliated with such violator when, in the opinion of the municipal governing body or the commission, the circumstances of the violation warrant such action.

### **§ 4626.16. Surrender of license when revoked or suspended.**

When a license is suspended or revoked, the licensee shall surrender such licensee's license to the municipal 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 of such license.

### **§ 4626.17. 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.



## **PART 4627**

### **Appeals to the Gaming Commission**

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4627.2	Contents of notice
4627.3	Forwarding of original notice to commission
4627.4	Filing of a statement of appeal
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4627.8	How papers may be filed
4627.9	Notice of hearing
4627.10	Cross-examination of affiant
4627.11	Additional testimony may be allowed
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4627.15	Conduct of appeal hearing
4627.16	Recording determination of appeal
4627.17	Assistance of counsel
4627.18	Authority of person acting in representative capacity
4627.19	Stay without court order

#### **§ 4627.1. Filing of notice of appeal.**

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

#### **§ 4627.2. Contents of notice.**

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

#### **§ 4627.3. Forwarding of original notice to commission.**

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

#### **§ 4627.4. Filing of a statement of appeal.**

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

#### **§ 4627.5. 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 body;
- (d) a true copy of all transcribed testimony taken at all prior hearings and proceedings; and
- (e) argument on facts and the law.

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

#### **§ 4627.6. Content and filing of counterstatement.**

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

#### **§ 4627.7. Proofs annexed to counterstatement.**

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

- (a) any disputed facts; and

(b) any additional facts not presented to the municipal governing body.

**§ 4627.8. 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, return receipt requested.

**§ 4627.9. 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 persons.

**§ 4627.10. 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.

**§ 4627.11. 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.

**§ 4627.12. 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.

**§ 4627.13. Stenographic record of proceedings.**

Whenever oral testimony of witnesses is taken at the hearing of an appeal, an accurate stenographic record shall be kept of the testimony of all witnesses. A copy of any testimony given by a witness shall be made available to 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.

**§ 4627.14. 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.

**§ 4627.15. Conduct of appeal hearing.**

Appeal hearings shall be conducted by the chair or another member or officer of the commission, or a duly designated hearing officer

**§ 4627.16. 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.

**§ 4627.17. 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.

**§ 4627.18. 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.

**§ 4627.19. 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.