

By Walker
Introduced 7-25-07
PH. 8-8-07

AUG 08 2007

941

ORDINANCE 14100 Brian Maynard
COUNCIL ADMINISTRATOR TREASURER

REVISING CHARITABLE GAMING ORDINANCE 9585, ENACTED FEBRUARY 24, 1993, SO AS TO REVISE AND REPLACE ORDINANCE 9585 IN ITS ENTIRETY WITH TITLE 9 (LICENSING AND REGULATION OF TRADES AND OCCUPATIONS), CHAPTER 10 (CHARITABLE GAMING OPERATIONS), PART I (IN GENERAL), OF THE CODE OF ORDINANCES; TO PROVIDE FOR PRIVATE SECURITY WHEN OFF-DUTY OFFICERS ARE UNAVAILABLE; TO INCREASE THE NUMBER OF SESSIONS HELD EACH MONTH; TO INCREASE THE ALLOWABLE COMPENSATION OF WORKERS; TO SUBSTITUTE DIRECTOR OF GAMING ENFORCEMENT FOR GAMING CONTROL BOARD; TO INCREASE THE REGULATORY FEES, AND OTHER RELATED MATTERS THEREOF.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Ordinance 9585, enacted February 24, 1993 is hereby revised and replaced with Title 9, Chapter 10 of the Code of Ordinances, which shall read as follows:

"CHAPTER 10. CHARITABLE GAMING ORGANIZATIONS

PART I. IN GENERAL

Sec. 9:450. Definitions.

The following definitions are an integral part of this chapter and should be used accordingly.

(a) *Bingo*: A game played for prizes with cards bearing numbers or other designations, five (5) or more in one (1) line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card.

(b) *Raffle*: A game played by drawing for prizes or the allotment of prizes for chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly.

(c) *Electronic Video Bingo*: A machine which plays the game of bingo similar to a manual bingo game except that the machine employs a random number generator that replaces the drawing of numbered objects from a receptacle and may play "cover all bingo" in which all numbers of the card must be covered.

(d) *Pull Tabs*: Single or banded tickets or cards with a covered or concealed face containing one (1) or more numbers or symbols where one (1) or more in each set has been designated in advance as a winner.

(e) *Division*: The gaming enforcement division of the parish.

(f) *Charitable Gaming Organization*: Any bona fide nonprofit veterans', charitable, educational or religious organization licensed to conduct specific games of chance in the parish.

(g) *Commercial Hall Lessor*: For the purpose of this chapter, a commercial lessor is defined as a person, partnership, corporation or other group or association who owns an interest in or is the lessor of premises offered for the purpose of conducting charitable games of chance on those premises. The term does not include a person convicted of a felony, criminal fraud or a crime of moral turpitude, or a person married to a person convicted of such crimes.

Nothing herein shall require an organization which is permitted to conduct charitable games of chance to obtain a commercial lessor's license to lease premises owned or occupied by it to another permitted organization provided that the lessee organization conducts its games within such premises. Further, an organization which is permitted to conduct charitable games of chance on premises which are owned, leased, rented or otherwise occupied by the organization shall not be required to obtain a commercial lessor's license for such premises if the premises are predominantly and on a regular basis used for nonprofit purposes other than the conduct of charitable games of chance.

(h) *Gaming Supplies Distributor*: A person, partnership or corporation currently licensed by the state division of charitable gaming and the gaming enforcement division to sell charitable gaming supplies to licensed organizations.

(i) *Electronic Video Bingo Company*: A person, partnership or corporation currently licensed by the state division of charitable gaming and the gaming enforcement division to lease electronic video bingo machines to charitable gaming organizations.

(j) *Gross Receipts*: All revenue generated by a charitable gaming organization derived directly or indirectly from bingo or raffles.

(k) *Gross Profit*: Net revenue remaining on books of charitable gaming organizations after prizes are awarded and before expenses are deducted.

(l) *Net Profit*: Net revenue remaining on books of charitable gaming organizations after prizes are awarded and expenses are deducted. Also considered to be net proceeds or cash available to charity.

(m) *Regulatory Fee*: A regulation fee based on a percentage of gross receipts from bingo and net receipts on pull tabs assessed charitable clubs by the division in order to generate funds to enable the division to regulate charitable gaming in the parish.

(n) *School*: An educational institution domiciled in the parish and recognized and accredited by the parish school board.

(o) *Casino Night and Las Vegas Night*: A charitable fund-raising event sponsored by a licensed charitable organization pursuant to R.S 4.701 et seq. and local ordinance.

(p) *Nepotism*: No member of the immediate family of an agency head shall be employed in his agency. For purposes of this chapter: Agency head shall mean the designated operator or member in charge of the game. Immediate family shall mean children, brothers, sisters, parents, spouse and the parents of a spouse, in accordance with R.S. 42:1102(13).

(q) *Director*. The Director of Gaming Enforcement Division.

Sec. 9:451. Qualifications of licensees.

The provisions of any other ordinance or regulation of the city-parish to the contrary notwithstanding, upon being granted a license from the division, it shall be lawful for any bona fide nonprofit veterans', charitable, educational or religious organization to hold and operate the specific kind of game or games of chance commonly known as raffles, "casino night" or "Las Vegas night," and the game of chance commonly known as bingo, when the entire net proceeds of such games are to be devoted entirely to educational, charitable or religious uses within the state.

Sec. 9:452. Requirements of licensees.

All charitable gaming organizations requesting licensure must meet the requirements of this section.

(a) *Domiciled in Louisiana*: All organizations must have been domiciled in the state not less than two (2) years and have been authorized to conduct charitable fund-raising activities within the state.

(b) *Proof of Nonprofit Tax-Exempt Status*: All applicants for permits under this section shall file with their application proof of nonprofit tax-exempt status recognized by the Internal Revenue Service.

(c) *Designation of Active Member(s)*: In each application there shall be designated an active member(s) of the organization under whom the game(s) of chance described in the application are to be held, operated and conducted. A statement must be executed by the applicant and the member(s) so designated that he or they shall be responsible for the holding, operating and conducting of such game or games of chance in accordance with the terms of the license and provisions of the rules and regulations governing the holding, operating

and conducting of such game(s) of chance and of this chapter, that the designated operator (member in charge) shall be on the premises the entire time charitable gaming is being conducted, and the operator shall provide to the investigator assigned to the game(s) that day a list of all workers and their duties. The worker list and duties shall be provided to the investigator prior to the start of the game.

(d) *Dedication of Net Proceeds:* The entire net proceeds of such game(s) of chance are to be devoted entirely to charitable, educational, religious, or public-spirited uses.

(1) No proceeds of such game(s) of chance shall be used in any manner for election campaign contributions.

(2) A complete description of all prizes to be given in such games of chance shall be submitted as prescribed by such rules and regulations.

(e) *Identification of Lessors:* The names and addresses of the owner or owners of the premises where the games of chance are to be operated must be submitted.

(1) If owned by a corporation, the names and addresses of the officers and stockholders of the corporation, including a list containing the names and addresses of all of its officers and members.

(2) The only exception to this provision shall be in the case of churches or synagogues, which are required to submit the names of those people responsible for the operation of the game of chance, along with the names of all persons who would be working in conjunction therewith.

(f) *Investigation of Applicants:* The division shall make an investigation into the qualifications of each applicant to determine the following:

(1) If the organization applying is qualified to hold, operate and conduct game(s) of chance under the provisions of this chapter.

(2) Determine if the member(s) of the organization designated in the application are active members of the organization, of good moral character, and have never been convicted of a felony.

(g) *Eligibility of Persons To Conduct Games of Chance:* No person shall hold, operate or conduct or assist in holding, operating or conducting any game(s) of chance under any license issued under this chapter except an active member of the organization or association to which the license is issued. The following exceptions shall apply:

- (1) Active members of one licensee shall be allowed to assist in the operating, conducting, or holding of another licensee's gaming activity; however, he may not act in a managerial capacity.
- (2) No person who has acted in a managerial capacity for any organization whose license has been suspended or revoked can assist any other charitable gaming organization.

(h) *Definition of Workers in a Managerial Capacity:*

For the purpose of definition, workers in a managerial capacity are those who:

- (1) Are in charge of the game.
- (2) Are responsible for filling out forms or paperwork.
- (3) Are responsible for the money or money counts.
- (4) Act as caller during a bingo game.

Sec. 9:453. Application; fees.

All organizations requesting a charitable gaming license must file an application and pay the fifty dollars (\$50.00) fee to the division. The fee is nonrefundable and will become the license fee at the time the organization receives a license. The application will be filed on the form prescribed by the division.

Sec. 9:454. Licensing procedure.

- (a) *Generally:* Each applicant for a license shall file with the division a written application in the form prescribed in rules and regulations promulgated and duly executed. The following shall be stated:
 - (1) The name and address of the applicant with sufficient facts relating to its incorporation and organization to enable the division to determine whether or not it is a bona fide organization or association.
 - (2) Proof of nonprofit tax-exempt status recognized by the Internal Revenue Service.
 - (3) The specific kind of game(s) of chance intended to be held, operated or conducted by the organization.
 - (4) The place(s) where and the date(s) and the time(s) when such game(s) of chance are intended to be conducted by the applicant.
 - (5) The items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such game(s) of chance will be listed with the names and addresses of the persons to whom they are to be paid.

(6) Membership lists must be updated to add new members and officers as the changes occur and prior to their participating in any gaming activity.

(7) The intended use of net proceeds for charitable purposes.

Any organization meeting all requirements of state and local gaming laws shall be issued a local license. If for any reason any organization is denied a license by the division, the division shall notify the applicant in writing of the withholding of the permit or license and shall assign the reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the business address given in his last application. When so addressed and mailed, it shall be conclusively presumed to have been received by the applicant. Any organization denied a license is automatically entitled to appeal to the Director and shall be advised of such in writing at the time of denial. The Director shall have absolute authority to override the denial by the division.

Upon issuance of a license to any organization by the division, the name of such organization and the officers thereof shall be provided to the Director.

(b) *License Format:* Each license shall be in such form as in the rules and regulations promulgated by the division. The licenses shall contain at a minimum the following information:

- (1) A description of the kind(s) of game(s) of chance authorized to be held, operated and conducted.
- (2) A statement with the name and address of the licensees and member(s) under whom such game(s) of chance will be held, operated and conducted.
- (3) The number of times and the hours during which such game(s) of chance are to be conducted.
- (4) The location, date(s) and time(s) when such game(s) of chance are to be conducted.
- (5) Any other information which may be required by the division.

Each license issued for the conduct of any game of chance shall be conspicuously displayed at the location where any game is to be conducted at all times.

(c) *Licensing Period:* No license for any games of chance issued under this section shall be effective for a period of more than one (1) year from the effective date on the license. In any event all gaming licenses expire on the thirtieth day of June in any calendar year.

- (d) *Special Game License:* Additionally, two (2) games per month, at each bingo facility, may be for a prize not to exceed ten thousand five hundred dollars (\$10,500.00). Said games shall be awarded based on the order the division receives written or faxed requests, first come, first served. Organizations which are licensed to conduct a ten thousand five hundred dollar (\$10,500.00) special game may disburse the ten thousand five hundred dollar (\$10,500.00) payout during the session as they desire. The payout schedule and proposed price list with paper configuration shall accompany the special license request and must be approved by the division, and the total payout shall not exceed ten thousand five hundred dollars (\$10,500.00).
- (e) *Amendments of Licenses:* Any license issued under this chapter may be amended upon written application to the division, providing the subject matter of the proposed amendment could lawfully and properly have been included in the original license. Any changes by a club to its license must be pre-approved by the division. This includes, but is not limited to, changes in membership and/or officers, the kind(s) of game(s) of chance, the change of playing dates, times, locations, and requests for special games. At no time shall a member or officer not on the list filed with the division participate in a bingo game.
- (f) *Control, Supervision and Suspension of Licenses:* The division, through the City/Parish, issuing any license under this chapter shall have and exercise control and supervision over all games of chance to the end that the same are fairly held, operated and conducted. In accordance with the provisions of such license, the rules and regulations promulgated by the city or parish and the provisions of this chapter and R.S. 4:701 et seq., the Director shall have the power and authority to suspend or revoke any license issued after a hearing. The division shall, by its officers and agents, have the right of entry at all times into any premises where any such game of chance is being held or is intended to be held, or where any such equipment and/or supplies being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same. The Director shall have the authority to temporarily suspend a gaming license when in his opinion the public health, safety or welfare is in jeopardy. The Director shall hold a hearing in accordance with section 9:464 on any temporary suspension when requested by the organization.
- (g) *Revocation of Licenses:* It shall be unlawful for any organization whose license has been revoked or denied to hold, operate or conduct charitable games of chance within the parish or assist in the holding, operating or conducting of any charitable game of chance on behalf of, in connection with, or for the benefit of any other organization. The

prohibition contained herein shall extend to the officers and those individuals listed in the application of any organization denied such a permit or license.

- (h) *Right of Appeal:* Any organization whose license is permanently suspended hereunder shall have the right to appeal to the district court within fifteen (15) days of the suspension.

Sec. 9:455. Financial reports and fees.

- (a) *Required:* On the seventh day following gaming activity, the member or members who were in charge shall furnish to the division a completed SGR-1 gaming report for the previous game. The report shall provide at least the following information:

- (1) The amount of the gross receipts from the sale of shares, tickets or rights in any manner connected with participation in said game.
- (2) The total amount of prizes awarded at the game, including cash and checks written.
- (3) The gross profit derived from each such game of chance.
- (4) A valid copy of current processed deposit slip.
- (5) A completed PT1-1 pull tab information sheet.

It 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 report.

- (b) *Right of Examination or Audit:* The division shall have the power to examine or to cause to be examined the books and records of any organization or association to which such license is issued so far as they may relate to any transactions connected with the holding and conducting of any game of chance, and examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance. Information received may not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter. Additionally, the division shall conduct a full annual audit of each licensee's books and records subject to review and evaluation by city-parish outside auditor and/or city-parish internal auditor, and inspect each licensee's property leases, so far as they may relate to any transaction connected with the holding and conducting of any game of chance.

- (c) *Audit Fees/Consent Statement:* The division shall absorb the cost of auditing the licensee's books and records in its annual budget. Failure to cooperate with the division in conducting the annual audit shall result in

the revocation of the license of any organization or association. A signed statement consenting to such full annual audits shall be required on a form provided by the division prior to the granting or renewal of any license.

- (d) **Assessment:** Each organization licensed to conduct games of chance shall remit the applicable regulatory fee shown in section 9:464 to the division for the funding of an investigative team which shall examine the operation of games of chance under the authority of the division. The assessment shall be used by the division or any other permanent department deemed necessary by the metropolitan council to handle the correspondence and/or supervision of gaming. The assessment shall be due monthly on the last day of each month following gaming activity. All fees and assessments under this chapter shall be paid directly to the division, which will be responsible for depositing these funds with the city-parish department of finance.
- (e) **Consecutive Losses:** Any organization showing a loss for three (3) consecutive games or any three (3) months (three (3) or more games) in a calendar year may forfeit its license for a period of one (1) year.

Sec. 9:456. Gaming regulations, requirements, prohibitions.

All charitable gaming organizations licensed in the parish shall adopt internal procedures and forms to assure compliance with the regulations, requirements and prohibitions of this chapter and R.S. 4:701 et seq.

- (a) **Initial Price of Tickets of Shares:** The price of the initial share or ticket booklet sold per session shall not be less than ten dollars (\$10.00), except that the price of the initial share or ticket booklet purchased by elderly or senior citizens (64 years of age or older, verified by valid identification) shall be eight dollars (\$8.00).
- (b) **Electronic Video Bingo:** It shall be lawful for an organization to use electronic or video machines, hereafter termed "electronic bingo machines," after having received a license from the division. These machines shall be for public playing of bingo at any location licensed under this part for charitable bingo, provided that all requirements of this section not in conflict with the provisions of this chapter are met. Any such electronic bingo machine shall be subject to the following requirements and restrictions concerning its operation and use:
 - (1) The cost of each game played shall be not less than one (1) quarter nor more than four (4) quarters.

- (2) Payout shall be not less than eighty (80) percent and not more than ninety (90) percent of the total amount wagered.
- (3) The maximum prize awarded shall be not more than one thousand dollars (\$1,000.00) per game.
- (4) A machine shall dispense no cash, only tickets verifiable as valid indicating the prize amount.
- (5) A machine shall play the game of bingo as described in R.S. 4:707, except that a random number generator in the machine shall replace the drawing of numbered objects from a receptacle, and may play "cover-all bingo" in which all numbers of the card must be covered.
- (6) A machine shall allow the player a choice of cards on which to play and must show a "bingo" at the end of play.
- (7) A machine shall allow only a linear-based payout in which the amount of the payout follows a straight line progression in direct proportion to the amount wagered.
- (8) A machine shall provide for an electronic readout giving, at a minimum, a summary of total amount wagered, total plays, total payout, and current prize allotment since the last date of summary or the last date of reset of the machine.

An electronic bingo machine may be leased by any holder of a bingo license issued pursuant to this section. Only cash prizes may be awarded winners of games on an electronic bingo machine. Net proceeds (after prizes awarded) will be divided equally between the machine distributor and charitable gaming clubs. The entire net proceeds from the use of electronic bingo machines are to be devoted to educational, charitable, religious, or public-spirited purposes.

(c) *Pull Tabs:* The entire net proceeds from the use of pull tabs are to be devoted to educational, charitable, religious, or public-spirited uses.

- (1) *Pull Tabs:* No organization, distributor, or manufacturer or any representative licensed hereunder, either with knowledge or circumstances where he reasonably should have known, shall possess, display, put out for play, sell, or otherwise furnish to any person any deal of pull tabs:
 - a. In which the winning pull tabs have not been completely and randomly distributed and mixed among all other pull tabs in the deal;

- b. In which the location or approximate location of any of the winning pull tabs can be determined in advance of opening the pull tabs in any manner or by device, including but not limited to any pattern in the manufacture, assembly or packaging of pull tabs by the manufacturer, by any markings on the pull tabs or container or by the use of a light; or
- c. Which does not conform in any respect to these requirements as to manufacturer, assembly, or packaging.

(2) No distributor shall purchase or be furnished any deals for pull tabs from a manufacturer of pull tabs unless all of the following conditions are met:

- a. The manufacturer's label or trademark has been registered with the office of state police.
- b. Each individual pull tab manufacturer has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.
- c. The pull tab is of a type approved by the office of state police for use in Louisiana and is approved by the division prior to first sale in the parish.
- d. Which have a payout of more than eighty-five (85) percent.

(d) *Commercial Hall Rental:*

(1) No organization shall be granted a license to hold a game of chance where the amount of rental is in excess of Six Hundred Dollars (\$600.00) per session. The Director of Gaming Enforcement may revoke any license where an organization pays over Six Hundred Dollars (\$600.00) per session for rent. Notwithstanding the provisions of this section, any organization licensed under this chapter shall pay the established nonprofit rate when utilizing the Baton Rouge River Center.

(2) Hall Cleanup: A per game/session charge for clean-up shall not exceed One Hundred Dollars (\$100.00).

(e) *Security Officers:* All charitable gaming clubs will be required to hire licensed, commissioned law enforcement officers or private security guards licensed pursuant to Louisiana law only when commissioned officers are unavailable to provide security when it conducts licensed bingo games. If a club plays bingo at its own facility and does not

normally hire security, this rule would not apply.

- (f) *Security Fees/Method of Payment:* Any security fee paid by an organization shall not exceed the amount established by the rules and regulations of the parish sheriff's office regarding public gatherings. All payments for security shall be paid directly by the licensed organization to the commissioned officers on duty or to the private security company. The Director of Gaming Enforcement may revoke any license where an organization pays for security in excess of the rates so established by the sheriff's office or makes any payment for the provision of security other than to the commissioned officer on duty or the private security company.
- (g) *Number of Sessions per Month:* No game(s) of chance shall be held, under any license issued under this chapter, more often than fifteen (15) sessions per month. In any event, no game(s) of chance shall be held more often than fifteen (15) days per month.
- (h) *Maximum Prize Awards/Bingo:* The total payout per session shall not exceed Four Thousand Five Hundred Dollars (\$4,500.00) for a regular game and Ten Thousand Five Hundred Dollars (\$10,500.00) for a special game.
- (i) *Door Prizes:* Door prizes may be given away and included in total dollar amount of prizes awarded; however, at no time may the value exceed two hundred dollars (\$200.00) per day. The door prizes must be listed on the game report by description, value, and name and address of winner.
- (j) *Compensation of Workers Prohibited:*
 - (1) No such game(s) of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee.
 - (2) No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance pursuant to any license issued under this chapter except such as are bona fide items of merchandise furnished or services rendered.
 - (3) Items must be reasonable, and apparently necessary to the holding, operating or conducting of game(s) of chance.
 - (4) Any association, or corporation licensed to hold, operate, or conduct any games of chance under any license issued pursuant to this chapter and R.S. 4:715 may compensate for services rendered, any fifteen (15) employees who assist in the holding, operating, or conducting of such games. The rate of compensation shall be no more than ten

(\$10.00) per hour, and in any event shall not exceed fifty (\$50.00) per session for any employee. Each worker may also be provided meals and beverages not to exceed a total value of fifteen dollars (\$15.00) to be consumed on the premises. Payment of workers must comply with R.S. 42:1119 on nepotism.

- (k) *Compensation for Visually/Hearing Impaired Gaming Clubs:* Notwithstanding any provisions of this chapter to the contrary, it shall be permissible for visually/hearing impaired gaming clubs to compensate up to fifteen (15) workers a maximum of fifty dollars (\$50.00) per game.
- (1) *Variety of Bingo Games:* It shall be lawful for an organization to play any variety of bingo that has been approved by the division and the state. Such approval will not be granted until proper control procedures have been adopted to the satisfaction of the division.

Sec. 9:457. Exception for church or school raffle.

Notwithstanding any provision of this chapter to the contrary, any church or school within the city and parish shall be permitted to hold and operate a maximum of two (2) raffles per year without contributing the established regulatory fee detailed in section 9:464 for the funding of an investigative team as hereinabove required. The application/license must be preapproved with a fee of fifty dollars (\$50.00), all raffle tickets shall be imprinted that the raffle has been approved by the division, and a financial report is required to be filed as specified in section 9:455.

Sec. 9:458. Raffle exemption for gaming organizations other than church or school that do not conduct regularly scheduled bingo games.

Any organization that meets all of the following requirements will be exempt from the established regulatory fee as detailed in section 9:466:

- (1) The gross receipts from all of the organization's raffles for the year will not exceed ten thousand dollars (\$10,000.00).
- (2) Would qualify to conduct charitable gaming under Louisiana law and the parish ordinance in effect at time of application.
- (3) All net proceeds are dedicated to charitable purposes allowable pursuant to R.S. 4:701, et seq.
- (4) The raffle is not conducted at a time and place other games of bingo allowed under this chapter are being conducted.
- (5) The organization files an application for a license and remits the fifty dollar (\$50.00) fee to the division, receives a license, and

imprints all raffle tickets with division approval.

If an organization exceeds the dollar limitation in requirement (1) above, then it shall file the required financial report and remit the regulatory fee on the entire dollar amount in excess of ten thousand dollars (\$10,000.00) to the division.

Sec. 9:459. Las Vegas/casino nights.

Notwithstanding any provision of this chapter to the contrary, any church or school within the city and parish shall be permitted to hold and operate a maximum of two (2) Las Vegas/casino nights per year without contributing the established regulatory fee detailed in section 9:466 for the funding of an investigative team as hereinabove required. The application/license must be preapproved with a fee of fifty dollars (\$50.00), all admittance tickets must be imprinted that the event has been approved by the division, and a financial report is required to be filed as specified in section 9:455.

Sec. 9:460. Las Vegas/casino nights exemption for gaming organizations other than church or school that do not conduct regularly scheduled bingo games.

Any organization that meets all of the following requirements will be exempt from the established regulatory fee as detailed in section 9:466:

- (1) The gross receipts from all of the organizations Las Vegas/casino nights for the year will not exceed ten thousand dollars (\$10,000.00).
- (2) Would qualify to conduct charitable gaming under Louisiana law and the parish ordinance in effect at the time of application.
- (3) All net proceeds are dedicated to charitable purposes allowable pursuant to R.S. 4:701, et seq.
- (4) The Las Vegas/casino night is not conducted at a time and place other games of bingo allowed under this chapter are being conducted.
- (5) Files an application for a license and remits the fifty dollar (\$50.00) fee to the division, receives a license, and imprints all event tickets with division approval.

If an organization exceeds the dollar limitation in requirement (1) above, then it shall file the required financial report and remit the regulatory fee on the amount in excess of ten thousand dollars (\$10,000.00), to the division.

Sec. 9:461. Penalty provisions.

- (a) *Violations:* All charitable gaming organizations, including hall operators, suppliers, and video bingo distributors, shall be required to adhere to all requirements in this chapter and R.S. 4:701, et seq. Any person or organization in violation will be subject to the penalties given in this section.
- (b) *Violations of R.S. 14:90:* Any person or organization who violates the following:
 - (1) Anyone who makes a false statement in any application;
 - (2) Fails to keep such books and records as shall fully and truly record all transactions connected with the operating of any games of chance;
 - (3) Falsifies or makes any false entry in any books or records so far as they relate to any transaction connected with the conducting of any game of chance under any such license;
 - (4) Permits unlicensed gaming on the premises of the licensee;
 - (5) Violates any of the provisions of this chapter or of any term of such license;

shall be a disorderly person, and if convicted shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued under this chapter, and shall be ineligible to apply for a license under this chapter for one (1) year thereafter.

- (c) *Violations of Raffle, Las Vegas/Casino Night Provisions:* Any group or person failing to follow the requirements of section 9:457 and/or 9:458 may be subject to forfeiture of all monies and prizes from the raffle, Las Vegas/casino night and may have their license revoked.
- (d) *Payments and Fines for Nonpayment:* The licensee shall pay to the division all license fees due hereunder, which license fees shall be paid, in advance, on or before the first day of January 1993, and annually thereafter. Any activities conducted requiring such license by the proposed licensee who has not obtained such license for the current year shall subject the conductor or conductors of such activities to the criminal penalties to which the conductors of unlicensed gaming, etc., as described in this chapter, are subject. In addition to those criminal penalties, if payment for such license is not received by the division by the first day of January in the year for which the license would be applicable, an additional sum of eight (8) percent per month of the total due may be imposed as a penalty by the division.
- (e) *Reporting Violations:* Any organization or association failing to timely file a report or pay

the regulatory fee as required may be assessed one hundred dollars (\$100.00) as a late fee. Failure to either subsequently file the required report or pay the one hundred dollar (\$100.00) fee for filing late, shall result in the revocation of the license held by the organization or association. Additionally, any organization or association failing to timely file required reports as outlined in section 9:455 shall thereby forfeit its license to operate in this parish.

- (f) *Suspension of Licenses:* The gaming control board may suspend the license of any organization for a period of up to ninety (90) days for violation of section 9:454(d) or 9:456(g), (h) or (i) for the first offense. An organization, determined by the gaming control board to have committed a violation for a second time, shall forfeit its license to operate for a period of one (1) year.
- (g) *Maximum Penalty:* Whoever is found guilty of violation of any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00), imprisoned in the jail for not more than six (6) months, or both, at the discretion of the court.

Sec. 9:462. Immunity from prosecution.

No person, association or corporation:

- (1) Possessing, selling or in any manner disposing of, in the city or parish, any shares, tickets or rights to participate in any game(s) of chance conducted or to be conducted under any license lawfully issued pursuant to this chapter;
- (2) Lawfully conducting or participating in the conduct of any such game of chance; or
- (3) Permitting the conduct of any such game of chance upon premises owned by him or it, or any game of chance conducted or to be conducted under any license lawfully issued pursuant to this chapter; shall be liable to prosecution or conviction for violation of any provision of R.S. 14:90. However, this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license, or possessing, selling or disposing of shares, tickets or rights to participate in or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been revoked or to have been obtained by any such false or fraudulent pretense or statement.

Sec. 9:463. Enforcement authority.

The division, subject to the approval of the metropolitan council, is hereby authorized to promulgate, distribute and enforce all necessary accounting and record-keeping regulations to be adhered to by all charitable gaming licensees that are necessary to administer and enforce this chapter. The accounting and record-keeping requirements adopted administratively will be in accordance with generally accepted accounting principles subject to review by the city-parish outside auditor and/or city-parish internal auditor.

In addition to the accounting administrative regulations shown above, the division shall also be empowered to establish and promulgate administrative rules and regulations necessary to enforcement of charitable gaming provided substantive changes in this chapter are not made.

Sec. 9:464. Authority of Director of Gaming Enforcement

(a) **Powers:** The specific powers of the Director include but are not limited to the following:

- (1) The authority to revoke or suspend all permits or licenses issued under this chapter as he deems necessary subject only to compliance with specific provisions of this chapter and subject only to review by the courts of the state as is hereafter provided.
- (2) The Director shall specifically have the right to warn a permit holder or licensee in lieu of revoking or suspending any permit issued.
- (3) The Director, appointed by the parish attorney, may appoint or employ such legal counsel, investigators, special agents or field representatives as prescribed by the council, and may compensate such personnel under conditions and terms prescribed by the council, and the "Plan of Government of the Parish of East Baton Rouge and City of Baton Rouge."
- (4) The Director shall have the authority to assess costs of proceedings against permit holders of licensees who are found by the board to have violated provisions of this chapter.
- (5) The Director shall have the power in the discharge of his duties to issue subpoenas to any person, which subpoena may require the person, subject or entity subpoenaed to physically appear and may require that the subject or entity produce documents, records, invoices, receipts, contracts, agreements, employment records and information, and any financial information or record which pertains to the subject of any complaint, hearing or proceeding of the board. Any objection to the

legality or issuance of a subpoena for persons, entities, documents, records or information may be raised at the time of its issuance, either before the board or in a court of proper jurisdiction.

- (6) It shall be unlawful for any person to fail to obey any subpoena compelling attendance or the production of documents; and the Director may, by motion to the 19th Judicial District Court or the City Court of Baton Rouge, as the case may be, obtain an order to enforce compliance with its subpoena process.

(b) *Procedure for appealing denial of license or temporary suspension by the division:*

- (1) Upon request by an organization denied a license or an organization whose license is temporarily suspended under Section 9:454, the Director shall hold a hearing on such denial within fifteen (15) days of the decision to withhold or suspend the license.
- (2) The temporary suspension of any license becomes a permanent suspension following a hearing by the Director and a decision to uphold the suspension.
- (3) Following a hearing, all decisions by the Director are final.
- (4) Any organization whose license is permanently suspended hereunder shall have the right to appeal to the district court within fifteen (15) days of the suspension.

(c) *Emergency Orders:* The Director of Gaming Enforcement Division shall have the authority to issue emergency orders to make exceptions to any ordinance governing Gaming Control subject to review by the Metropolitan Council.

Sec. 9:465. Rebate provisions.

At the end of calendar year 1993 and annually thereafter, surplus funds from regulatory fees in excess of three (3) months' operating expenses of the division shall be refunded to gaming organizations based on a pro rata allocation of regulatory fees paid by each organization.

Sec. 9:466. Gaming enforcement division regulatory fee and report due dates.

The division will assess and bill charitable gaming clubs a regulatory fee of one and one-half percent (1.5%) on bingo gross receipts and pull tab net receipts on a monthly basis. The bill will be due and payable on the twentieth day of the month following gaming activity.

The division will assess and bill electronic video bingo distributors a regulatory fee of five percent (5%) on electronic video bingo gross profits after prizes are

awarded on a monthly basis. The bill will be due and payable on the twentieth day of the month following gaming activity.

PART II. COMMERCIAL VENDORS

Sec. 9:470. License or registration required.

All commercial vendors having an interest in charitable gaming in the parish shall be required to file an application for a license or register with the division as applicable prior to conducting business. Vendors include but are not limited to commercial hall lessors, gaming supplies distributors, and electronic video bingo companies. Commercial vendors are subject to all penalty provisions contained in section 9:462.

Sec. 9:471. Application; fee.

All commercial vendors shall file an application with the division. Commercial hall lessors and electronic video bingo companies shall pay five hundred dollars (\$500.00), with the application, which is nonrefundable, and will become the license fee when approved. Gaming supplies distributors will be registered in the parish with no fee required. Applications for registration or licensing will be on forms prescribed by the division.

Sec. 9:472. Qualifications of commercial vendors.

All vendors legally authorized or licensed to operate in the state and the parish are qualified to do business with charitable gaming organizations.

Sec. 9:473. License or registration requirements.

Commercial vendors shall meet all requirements shown in the following subsections based on class of vendor.

(a) *Commercial Hall Lessor:* Hall lessors must provide the following documents and meet the following minimum requirements:

- (1) If the applicant is a corporation, the application should list the names and addresses of all officers, directors, and stockholders.
- (2) If the applicant is a partnership, the application should list the names and addresses of all partners, either general or limited.
- (3) The address of the commercial premises to be offered for lease, which must be located more than five (5) miles from any existing bingo hall in current operation.
- (4) A copy of all lease or rental agreements.
- (5) The proposed schedule of games to be played by the applicant or games to be played at the applicant's facilities.

- (6) A duly executed affidavit by the applicant or its authorized representative, attesting to the fact that the applicant is familiar with this Code of Ordinances, specifically those provisions pertaining to the operation of charitable games of chance within the parish, those provisions dealing with the necessity of securing a permit to operate charitable games of chance in the parish, and those provisions pertaining to the compensation allowable to a commercial lessor under this Code of Ordinances; and authorizing the division access and inspection of hall facilities, accounting books, records, and equipment.
 - (7) In no event shall a license be granted to a commercial operator to operate a bingo hall unless the location is more than five (5) miles away from an already existing bingo hall in current operation.
 - (8) Under no circumstances shall the hall owner, manager(s) or hall employees participate in a licensed charitable bingo game, other than the normal functions of hall operation.
- (b) *Commercial Video Bingo Companies:* Video bingo companies shall provide the following required documents and meet the following minimum requirements for registration:
- (1) If the applicant is a corporation or partnership the application should list the names and addresses of all officers, directors and stockholders of the corporation or the partners in the partnership.
 - (2) The address of the commercial location of the leased machines and the serial number of the machines at that location.
 - (3) Manufacturers' serial number and state police permit number for all leased machines.
 - (4) Hard and soft meter readings at the time application is filed with the division and meter readings of all machines subsequently transferred in or out of a commercial hall.
 - (5) Copy of current rental or lease agreements.
 - (6) A duly executed affidavit by the applicant or its duly authorized representative granting consent for the division to audit all necessary accounting and equipment records related to transactions with charitable gaming organizations. This consent includes physical inspection and access to accounting records maintained within the electronic video bingo machines.
 - (7) Prior notification to the division of all

machines to be transferred in or out of commercial locations, along with the pertinent money counts or drops.

(c) *Commercial Bingo Supplies Distributors:* Bingo supplies distributors must provide the following information and meet the following minimum requirements:

- (1) Current copy of state gaming supply distributors' license.
- (2) Name and address of officers, directors, and stockholders if a corporation, or partners if applicant is a partnership.
- (3) A duly executed affidavit granting consent to the division to inspect all necessary records related to transactions with charitable gaming clubs licensed or formerly licensed in the parish.

Sec. 9:474. Investigation of applicants.

The division will review and investigate all information submitted by commercial vendor organizations on the written application form filed with the division. Any organization meeting all requirements of local and state bingo laws shall be duly registered or issued a local license.

If for any reason any organization is denied a license by the division, such organization is automatically entitled to a hearing before the Director and shall be advised of such in writing at the time of denial. The Director shall have absolute authority to override the denial by the division.

Sec. 9:475. Licensing period.

Commercial vendor licenses are effective for one (1) year or less depending on the effective date. In any event all licenses will expire on the thirty-first day of December for any calendar year.

Sec. 9:476. License format.

Commercial vendor licenses shall be in a standard form prescribed by the division.

Sec. 9:477. Suspension of license; appeal right.

Any commercial vendor having his license suspended by the Director shall have the same right of appeal as specified in section 9:454(h) for charitable gaming organizations.

Sec. 9:478. Commercial hall compensation prohibited.

It shall be unlawful for any commercial lessor, or any employee, proprietor or agent of any commercial lessor licensed under this part, or the spouse of any of the above, to accept any form of compensation, either directly or indirectly, derived from the operation of

charitable games of chance on the leased premises except for those items of expense pertaining to rent and cleanup as authorized by this Code of Ordinances and those funds derived from the sale of concessions by the commercial lessor.

Sec. 9:479. Access authority.

The division shall have the right of access to accounting records, building and equipment, and machines owned and/or leased by commercial vendors.

Sec. 9:480. Right of examination/audit.

The division shall have the power to examine or cause to be examined the books and records of any commercial vendor to which such license or registration is granted so far as they may relate to any transactions connected with the holding and conducting of charitable games of chance. This power shall include the right to examine any manager, officer, director, agent, member, or employee thereof under oath in relation to the conduct of any such game of chance. Information received may not be disclosed by the division or board except so far as may be necessary for the purpose of carrying out the provisions of this chapter."

Section 2. The Provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.