

## CHARITABLE GAMING RULES AND REGULATIONS

## Chapter 22

## CHARITABLE GAMING RULES AND REGULATIONS

Effective Date: ~~August 9, 2006 (July 1, 2006 as amended by Chapter 644 of the Acts of Assembly)~~ ~~August 9, 2006 (July 1, 2006 as amended by Chapter 644 of the Acts of Assembly)~~ July 1, 2007 as amended by Chapters 196, 226 and 347 of the Acts of Assembly

## Part I

## DEFINITIONS

11 VAC 15-22-10. Definitions. In addition to the definitions contained in § 18.2-340.16 of the Code of Virginia, the words and terms below, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Bingo Caller” means an individual who operates the equipment used for the random selection of bingo numbers and announces the selected bingo numbers during the bingo session.

“Bingo /Game Manager” means an individual who is a bona fide member of the organization and has been designated by the organization’s management as being responsible for the operation of a particular session; for ensuring the compliance of the specific session with all applicable laws and rules and regulations; and who is present during the conduct of the designated session.

“Board” means the Virginia Charitable Gaming Board.

“Board of directors” means the board of directors, managing committee or other supervisory body of a qualified organization.

“Calendar day” means the period of 24 consecutive hours commencing at 12:01 a.m. and concluding at midnight.

“Calendar week” means the period of seven consecutive calendar days commencing at 12:01 a.m. on Sunday and ending at midnight the following Saturday.

“Cash” means United States currency or coinage.

“Concealed face bingo card” means a non-reusable bingo card constructed to conceal the card face. This type of card is commonly referred to under trade names such as “Tear-open” or “Bonanza Bingo”.

“Conduct” means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

“DCG number” means a unique identification number issued by the department.

“Daubing” means covering a square containing a number called with indelible ink or otherwise concealing the number on a card or an electronic facsimile of a card.

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“Deal” means each separate package or series of packages consisting of one game of instant bingo, pull-tabs or seal cards with the same serial number.

“Decision Bingo” means a bingo game where the cost to a player to play is dependant on the number of balls called and the prize payout is in direct relationship to the number of participants and the number of balls called, but shall not exceed statutory prize limits for a regular bingo game.

“Department” means the Virginia Department of Charitable Gaming.

“Director” means the director of the Virginia Department of Charitable Gaming.

“Discount” means any reduction in cost of admission or game packs or any other purchases through use of coupons, free packs or other similar methods.

“Disinterested player” means a player who is unbiased.

“Disposable paper card” means a non-reusable, paper bingo card manufactured with pre-printed numbers.

“Door prize” means any prize awarded by the random drawing or random selection of a name or number based solely on attendance at a gaming session.

“Electronic bingo device” means an electronic device that uses proprietary software or hardware, or in conjunction with commonly available software and computers, displays facsimiles of bingo cards and allows a player to daub such cards.

“Fiscal year” or “annual reporting period” means the twelve month period beginning January 1<sup>st</sup> and ending December 31<sup>st</sup> of any given year.

“Flare” means a piece of paper, cardboard or similar material which bears printed information relating to the name of the manufacturer or logo, name of the game, card count, cost per play, serial number, the number of prizes to be awarded and the specific prize amounts in a deal of instant bingo, pull-tabs, or seal cards.

“Free space number,” “perm number,” “center number,” “card number” or “face number” means the number generally printed in the center space of a bingo card that identifies the unique pattern of numbers printed on that card.

“Game program” means a written list of all games to be played, including, but not limited to the sales price of all bingo paper and electronic bingo devices, pack configuration, prize amounts to be paid during a session for each game, and an indication whether prize amounts are fixed or are based on attendance.

“Immediate family” means one’s spouse, parent, child, sibling, grandchild, grandparent, mother or father-in-law, or stepchild.

“Interested persons” means the president, an officer or bingo manager of any qualified organization which is exempt or is a permit applicant or holds a permit to conduct charitable gaming or the owner, director, officer or partner of an entity engaged in supplying charitable gaming supplies to organizations.

“IRS” means the United States Internal Revenue Service.

“Lucky Seven” means a bingo game as authorized in § 18.2-340.33(9a)(b) of the Code of Virginia.

“Management” means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

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“Manufacturer” means a person who assembles from raw materials or subparts a completed piece of bingo or other charitable gaming equipment or supplies. “Manufacturer” also means a person who modifies, converts, adds or removes parts to or from bingo or other charitable gaming equipment or supplies to further their promotion or sale for the conduct of charitable gaming.

“Operation” means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization’s management.

“Owner” means any individual with financial interest of 10% or more in a supplier.

“Pack” means sheets of bingo paper or electronic facsimiles assembled in the order of games to be played. This may include specials ~~and jackpots~~, but shall not include any bingo jackpots, winner-take-all, Lucky Seven or raffle.

“Prize” means cash, merchandise, certificate or other item of value awarded to a winning player.

“Progressive seal card” means a seal card game in which a prize is carried forward to the next deal if not won when a deal is completed.

“Remuneration” means payment in cash or the provision of anything of value for goods provided or services rendered.

“Seal card” means a board or placard used in conjunction with a deal of the same serial number which contains one or more concealed areas that, when removed or opened, reveal a pre-designated winning number, letter or symbol located on that board or placard.

“Serial number” means a unique number printed by the manufacturer on each bingo card in a set, each instant bingo, pull-tab, or seal card in a deal, each electronic bingo device or each door prize ticket.

“Series number” means the number of unique card faces contained in a set of disposable bingo paper cards or bingo hard cards. A 9000 series, for example, has 9000 unique faces.

“Session” means a period of time during which one or more bingo games are conducted that begins with the selection of the first ball for the first game and ends with the selection of the last ball for the last game.

“Treasure chest” means a raffle including a locked treasure chest containing a prize that a participant, selected through some other authorized charitable game, is afforded the chance to select from a series of keys a predetermined key that will open the locked treasure chest to win a prize.

“Use of proceeds” means the use of funds derived by an organization from its charitable gaming activities which are disbursed for those lawful religious, charitable, community or educational purposes. This includes expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes.

“WINGO” is a variation of a traditional bingo game that uses visual devices rather than a verbal caller and is played by hearing impaired persons.

## Part II

## PERMITS

11 VAC 15-22-20. Eligibility for permit to conduct charitable gaming; when valid; permit requirements.

- A. The conduct of charitable gaming is a privilege that may be granted or denied by the department. Except as provided in § 18.2-340.23 of the Code of Virginia, every eligible organization and volunteer fire department and rescue squad with anticipated gross gaming receipts that exceed \$25,000 in any 12-month period shall obtain a permit from the department

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prior to the commencement of charitable gaming activities. To be eligible for a permit an organization must meet all of the requirements of § 18.2-340.24 of the Code of Virginia.

- B. Pursuant to § 18.2-340.24 (B) of the Code of Virginia, the department shall review a tax exempt request submitted to the IRS for a tax exempt status determination and may issue an interim certification of tax-exempt status solely for the purpose of charitable gaming, conditioned upon a determination by the IRS. A non-refundable fee of \$500 payable to the Treasurer of Virginia shall be charged for this review.
- C. A permit shall be valid only for activities, locations, days, dates and times as listed on the permit.
- D. In accordance with § 18.2-340.19.A.1. of the Code of Virginia, as a condition of receiving a permit, a minimum of ten percent of charitable gaming gross receipts shall be used for (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized, or (ii) those expenses relating to the acquisition, construction, maintenance or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes.
- E. If an organization fails to meet its minimum use of proceeds requirement, its permit may be suspended or revoked. However, the department shall not suspend or revoke the permit of any organization solely because of its failure to meet the required percentage without having first provided the organization with an opportunity to implement a corrective action plan. In such a case, the organization shall be afforded the opportunity to enter into a consent order with the department specifying the proposed corrective action and the time frame to accomplish the plan.
- F. An organization may request a temporary reduction in the predetermined percentage specified in subsection D of this section from the department. In reviewing such a request, the department shall consider such factors appropriate to and consistent with the purpose of charitable gaming, which may include, but not be limited to (i) the organization's overall financial condition, (ii) the length of time the organization has been involved in charitable gaming, (iii) the extent of the deficiency, (iv) the progress that the organization has made in attaining the minimum percentage in accordance with a corrective action plan pursuant to subsection E of this section.
- G. An organization whose permit is revoked for failure to comply with provisions set forth in subsection D of this section shall be eligible to reapply for a permit at the end of one year from the date of revocation. The department, at its discretion, may issue the permit if it is satisfied that the organization has made substantial changes to its management, operations or both.

## 11 VAC 15-22-30. Permit application process.

- A. Organizations anticipating gross gaming receipts that exceed \$25,000 shall complete a department-prescribed application to request issuance or renewal of an annual permit to conduct charitable gaming. The application shall be accompanied by a non-refundable fee payable to the Treasurer of Virginia in the amount of \$200. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with §15.2-955 of the Code of Virginia shall be exempt from the payment of application fees.
- B. The department may initiate action against any organization exempt from permit requirements when it reasonably believes the organization is not in compliance with the provisions of charitable gaming laws or applicable regulations of the board or both.
- C. Permit holders requiring a Special Permit pursuant to § 18.2-340.27 (E) of the Code of Virginia shall convey their request on a form prescribed by the department. There shall be a \$50 fee for special permits. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia shall be exempt from the payment of special permit fees.
- D. Permits shall be valid for a period of one year from the date of issuance or for the period specified on the permit . The department may issue permits for periods of less than one year.

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- E. Permits shall be granted only after a background investigation of an organization or interested persons, or both, to ensure public safety and welfare as required by § 18.2-340.25 of the Code of Virginia. Investigations shall consider the nature, the age and severity and the potential harm to public safety and welfare of any criminal offense(s). The investigation may include, but shall not be limited to, the following:
1. A search of Virginia criminal history records for the chief executive officer and chief financial officer of the organization. Information and authorization to conduct these records checks shall be provided in the permit application. In addition, the department shall require that the organization provides assurances that all other members involved in the management, operation, or conduct of charitable gaming meet the requirements of § 18.2-340.33. 13 of the Code of Virginia. Applications may be denied if:
    - a. Any person participating in the management or operation of any charitable gaming has ever been:
      - (i) convicted of a felony, or
      - (ii) convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years.
    - b. Any person participating in the conduct of charitable gaming has been:
      - (i) convicted of any felony in the preceding ten years, or
      - (ii) convicted of any misdemeanor involving fraud, theft or financial crimes within the preceding five years.
  2. An inquiry as to whether the organization has been granted tax exempt status pursuant to § 501 (c) by the Internal Revenue Service and is in compliance with IRS annual filing requirements;
  3. An inquiry as to whether the organization has entered into any contract with, or has otherwise employed for compensation, any persons for the purpose of organizing or managing, operating or conducting any charitable gaming activity;
  4. Inquiries into the finances and activities of an organization and the sources and uses of funds; and
  5. Inquiries into the level of community or financial support to the organization and the level of community involvement in the membership and management of the organization.
- F. The permit application for an organization that has not previously held a permit shall include:
1. A list of members participating in the management or operation of charitable gaming. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization;
  2. A copy of the Articles of Incorporation, By-Laws, Charter, Constitution or other appropriate organizing document;
  3. A copy of the determination letter issued by the IRS under Section 501(c) of the Internal Revenue Code, if appropriate, or a letter from the national office of an organization indicating the applicant organization is in good standing and is currently covered by a group exemption ruling. A letter of good standing is not required if the applicable national or state office has furnished the department with listing of member organizations in good standing in the Commonwealth as of the January 1 of each year and has agreed to promptly provide the department any changes to the listing as they occur;
  4. A copy of the organization's most recent annual financial statement and balance sheet, or most recent Form 990 that has been filed with the IRS;
  5. A copy of the written lease or proposed written lease agreement and all other agreements if the organization rents or intends to rent a facility where bingo is or will be conducted. Information on the lease shall include name, address, phone number of the landlord, square footage and maximum occupancy of the building, and the rental amount per session; and

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6. An authorization by an officer or other appropriate official of an organization to permit the department to determine whether the organization has been investigated or examined by the Internal Revenue Service in connection with charitable gaming activities during the previous three years.
- G. Copies of minutes of meetings of an organization and any contracts with landlords or suppliers to which the organization is, or may be a party, may be requested by the department prior to rendering a permitting decision.
- H. Organizations applying to renew a permit previously issued by the department shall submit Articles of Incorporation, By-Laws, Charter, Constitution or other organizing document and IRS determination letter only if there are any amendments or changes to these documents that are directly related to the management, operation or conduct of charitable gaming.
- I. Organizations may request permits to conduct joint bingo games as provided in § 18.2-340.29 of the Code of Virginia:
  1. In the case of a joint game, all the organizations shall file a permit application.
  2. The non-refundable permit fee for joint games shall be a total of \$200. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia shall be exempt from the payment of the permit fee.
  3. A single permit shall be issued in the names of all the organizations conducting a joint game. All restrictions and prohibitions applying to single organizations shall apply to qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 of the Code of Virginia.
  4. No charitable gaming shall be conducted prior to the issuance of a joint permit.
  5. Applications for joint games shall include an explanation of the division of manpower, costs and proceeds for the joint game.
- J. An organization wishing to change dates, times or locations of its charitable gaming shall request a change in the permit. Change requests shall be made in writing on a form prescribed by the department at least 30 days in advance of the proposed effective date.
- K. Changes in dates, times or locations due to inclement weather, disasters, or other circumstances outside the organization's control may be made without a change in the permit. The organization shall request such a change on a form prescribed by the department as soon as the necessity for the change is known.
- L. A non-refundable fee of \$50, payable to the Treasurer of Virginia, shall be submitted with a request for a permit change. The fee shall not be charged for changes as described in subsection K. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia shall be exempt from the fee for a permit change.
- M. An organization may sell raffle tickets for a drawing to be held outside of the Commonwealth of Virginia in the United States provided:
  1. The raffle is conducted by the organization in conjunction with a meeting outside the Commonwealth of Virginia or with another organization which is licensed to conduct raffles outside the Commonwealth of Virginia;
  2. The raffle is conducted in accordance with these regulations and the laws and regulations of the state where the drawing is to be held; and
  3. The portion of the proceeds derived from the sale of raffle tickets in the Commonwealth is reported to the department.
- N. Any permitted organization that ceases to conduct charitable gaming shall immediately notify the department in writing, return its permit to the department and provide the department a report as to the disposition of all unused gaming supplies.

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11 VAC 15-22-30:1. Suspension, revocation or denial of permit.

- A. Pursuant to § 18.2-340.20 of the Code of Virginia, the department may suspend, revoke, or deny the permit to conduct charitable gaming of any organization for cause including, but not limited to any of the following reasons:
1. The organization is found to be in violation of or has failed to meet any of the requirements of the statutes or regulations governing the operation, management, and conduct of charitable gaming in the Commonwealth.
  2. The organization is found to be not in good standing with its state or national organization.
  3. The IRS revokes or suspends the organization's tax exempt status.
  4. The organization willfully and knowingly provides false information in its application for a permit to conduct charitable gaming.
  5. The organization is found to have a member involved in the management, operation or conduct of its charitable gaming who has been convicted of any felony or any misdemeanor as follows:
    - a. For any person participating in the management or operation of any charitable gaming::
      - (i) convicted of a felony, or
      - (ii) convicted of any misdemeanor involving fraud, theft or financial crimes within the preceding five years.
    - b. For any person participating in the conduct of charitable gaming:
      - (i) convicted of any felony within the preceding ten years, or
      - (ii) convicted of any misdemeanor involving fraud, theft or financial crimes within the preceding five years.
- B. The failure to meet any of the requirements of § 18.2-340.24 of the Code of Virginia shall cause the automatic denial of the permit, and no organization shall conduct any charitable gaming until the requirements are met and a permit is obtained.
- C. Except when an organization fails to meet any of the requirements of § 18.2-340.24, in lieu of suspending, revoking or denying a permit to conduct charitable gaming, the department may afford an organization an opportunity to enter into a consent order specifying additional conditions or requirements as it may deem necessary to ensure an organization's compliance with the statute and regulations governing the conduct of charitable gaming activities and may require that an organization participates in such training as is offered by the department.
- D. If a permit is suspended, the department shall set the terms of the suspension, which shall include the length of the suspension and a requirement that, prior to reinstatement of the permit, the organization shall submit a corrective action plan to address the conditions that resulted in the suspension.

## Part III

CONDUCT OF GAMES, RULES OF PLAY,  
ELECTRONIC BINGO

11 VAC 15-22-40. Conduct of bingo, instant bingo, pull-tabs, seal cards, and raffles.

- A. Organizations subject to this chapter shall post their permit at all times on the premises where charitable gaming is conducted.
- B. No individual shall provide any information or engage in any conduct that alters or is intended to alter the outcome of any charitable game.
- C. Individuals under 18 years of age may play bingo provided such persons are accompanied by a parent or legal guardian. It shall be the responsibility of the organization to ensure that such individuals are eligible to play. An organization's house rules may further limit the play of bingo or purchase raffle tickets by minors.

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- D. Individuals under the age of eighteen may sell raffle tickets for a qualified organization raising funds for activities in which they are active participants.
- E. No individual under the age of 18 may participate in the management or operation of bingo games. Individuals 14 through 17 years of age may participate in the conduct of a bingo game provided the organization permitted for charitable gaming obtains and keeps on file written parental consent from the parent or legal guardian and verifies the date of birth of such youth. An organization's house rules may further limit the involvement of minors in the conduct of bingo games.
- F. No qualified organization shall sell any instant bingo, pull-tab, or seal card to any individual under 18 years of age. No individual under 18 years of age shall play or redeem any instant bingo, pull-tab, or seal cards.
- G. Immediate family members of bona fide members and surviving spouses of deceased bona fide members may participate as volunteer game workers.
- H. All volunteer game workers shall have in their possession a picture identification, such as a driver's license or other government-issued identification, while participating in the management, operation or conduct of a bingo game.
- I. A game manager who is a bona fide member of the organization and is designated by the organization's management as the person responsible for the operation of the bingo game during a particular session shall be present any time a bingo game is conducted.
- J. Organizations shall ensure that all charitable gaming equipment is in working order before charitable gaming activities commence.
- K. Any organization selling bingo, instant bingo, pull-tabs, or seal cards, shall:
1. Maintain a supplier's invoice or a legible copy thereof at the location where the gaming is taking place and cards are sold. The original invoice or legible copy shall be stored in the same storage space as the gaming supplies. All gaming supplies shall be stored in a secure area that has access limited only to bona fide members of the organization; and
  2. Pay for all gaming supplies only by a check drawn on the charitable gaming account of the organization.
  3. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.
- L. A volunteer working a bingo session may receive complimentary food and non-alcoholic beverages provided on premises, as long as the retail value of such food and beverages does not exceed \$15.00 for each session.
- M. Permitted organizations shall not commingle records, supplies or funds from permitted activities with those from instant bingo, pull-tabs, or seal cards sold in social quarters in accordance with § 18.2-340.26:1 of the Code of Virginia.
- N. Individuals who are not members of an organization or are members who do not participate in any charitable gaming activities may be paid reasonable fees for preparation of quarterly and annual financial reports.
- O. No free packs, free electronic bingo devices, discounts or remuneration in any other form shall be provided directly or indirectly to volunteers, members of their family or individuals residing in their household. The reduction of tuition, dues or any fees or payments due as a result of a member or shareholder, or anyone in their household, working bingo games or raffles is prohibited.
- P. Individuals providing security for an organization's charitable gaming activity shall not participate in the charitable gaming activity and shall not be compensated with charitable gaming supplies or with rentals of electronic bingo devices.
- Q. No organization shall award any prize money or any merchandise valued in excess of the amounts specified by the Code of Virginia.



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- R. Multiple bingo sessions shall be permitted in a single premises as long as the sessions are distinct from one another and are not used to advertise or do not result in the awarding of more in prizes than is permitted for a single qualified organization. All leases for organizations to conduct charitable gaming in a single premises shall be for sessions separated by an interval of at least one hour. Bingo sales for the subsequent session may take place during the one hour break once the building is cleared of all patrons and workers from the previous session.
- S. All bingo and instant bingo, pull-tabs, or seal card sales must occur within the time specified on the charitable gaming permit.
- T. Instant bingo, pull-tabs or seal cards shall only be sold in conjunction with a regular bingo session except as provided in §18.2-340.26:2 of the Code of Virginia.
- U. No sales of instant bingo, pull tabs or seal cards sales sold in conjunction with a regular bingo session, shall take place more than two hours before or after a session. If multiple sessions are held at the same location, no instant bingo, pull-tabs or seal card sales shall be conducted during the required one hour break between sessions. The department may take action if it believes that a regular bingo session is not legitimate or is being conducted in a manner such that instant bingo, pull-tabs or seal cards are not being sold in conjunction with a normal, regular bingo session.
- UV Only a volunteer game worker of qualified organizations may rent, exchange or otherwise provide electronic bingo devices to players.
- VW A qualified organization shall conduct only bingo games and raffles listed on a game program for that session. The program shall list all prize amounts. If the prize amounts are determined by attendance or at the end of a game, the game program shall list the attendance required for the prize amount or disclose that prizes shall be determined at the end of a game and the method for determining the prize amount. In such case, the organization shall announce the prize amount at the end of the game.
- WX A qualified organization selling instant bingo, pull tabs, or seal cards shall post a flare provided by the manufacturer at the location where such cards are sold. All such sales and prize payouts shall be in accordance with the flare for that deal.
- XY Only qualified organizations, facilities in which qualified organizations play bingo and suppliers permitted by the department shall advertise a bingo game. Providing players with information about bingo games through printed advertising is permitted, provided the name of the qualified organization shall be in a type size equal to or larger than the name of the premises, hall or the word "bingo". Printed advertisements shall identify the use of proceeds percentage reported in the past quarter or fiscal year.
- YZ Raffles which award prizes based on a percentage of gross receipts shall use pre-numbered tickets.
- ZA The following rules shall apply to instant bingo, pull-tab, or seal card dispensing devices.
1. A dispenser shall only be used at a location and time during which a qualified organization holds a permit to conduct charitable gaming. Only cards purchased by an organization to be used during the organization's charitable gaming activity shall be in the dispenser.
  2. Keys to the dispensing area and coin/cash box shall be in the possession and control of the game manager or designee of the organization's board of directors at all times. Keys shall at all times be available at the location where the dispensing device is being used.
  3. The game manager or designee shall provide access to a department agent for inspection upon request.

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4. Only a volunteer game worker of an organization may stock the device, remove cash or pay winners' prizes.

~~AA~~.BB. Organizations shall only purchase gaming supplies from a supplier or manufacturer who has a current permit issued by the department.

~~BB~~.CC. An organization shall not alter bingo paper from its original form as invoiced from the supplier.

~~CC~~.DD. The total amount of all discounts given by any organization during any fiscal year shall not exceed 1% of the organization's prior year gross receipts.

## 11 VAC 15-22-50. Rules of play.

- A. Each organization shall adopt "House Rules" regarding conduct of the game. Such rules shall be consistent with the provisions of the law and these regulations. "House Rules" shall be conspicuously posted or, at an organization's option, printed on the game program.
- B. All players shall be physically present at the location where the balls for a bingo game are drawn to play the game or to claim a prize. Seal card prizes that can only be determined after a seal is removed or opened must be claimed within 30 days of the close of a deal. All other prizes must be claimed on the game date.
- C. The following rules of play shall govern the sale of instant bingo, pull-tabs, and seal cards:
  1. No cards which have been marked, defaced, altered, tampered with or otherwise constructed in a manner which tends to deceive the public or affect the chances of winning or losing shall be placed into play.
  2. Winning cards shall have the winning symbol or number defaced or punched immediately after redemption by the organization's authorized representative.
  3. An organization may commingle unsold instant bingo cards and pull-tabs with no more than one additional deal. The practice of commingling deals shall be disclosed to the public via house rules or in a similar manner. Seal card deals shall not be commingled.
  4. If a deal is not played to completion and unsold cards remain, the remaining cards shall be sold on the next date the same type of ticket is scheduled to be sold. If no future date is anticipated, the organization shall, after making diligent efforts to sell the entire deal, consider the deal closed or completed. The unsold cards shall be retained for three years following the close of the fiscal year and shall not be opened.
  5. All seal card games purchased shall contain the sign-up sheet, seals and the cards packaged together in each deal.
  6. Progressive seal card prizes not claimed within 30 days shall be carried forward to the next progressive game in progress and paid to the next progressive game prize winner.
- D. Volunteer game workers or paid callers and managers may not play bingo at any session they have worked after the session has started. Volunteer game workers and paid callers and managers may not purchase directly or through others instant bingo, pull-tab, or seal card products from organizations they assist on the day they have volunteered or worked or from any deal they have helped sell, whichever is later.

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## E. Electronic Bingo

1. Electronic bingo devices may be used by bingo players in the following manner:
  - a. Players must input into the device each number called.
  - b. Players must notify the game operator or caller of a winning pattern of bingo by a means other than use of the electronic device.
  - c. Players are limited to playing a maximum of 54 (fifty four) card faces per device per game.
  - d. Electronic bingo devices shall not be reserved for players. Each player shall have an equal opportunity to use the available devices on a first come, first served basis.
  - e. Each electronic bingo device shall produce a player receipt with the organization name, date, time, location, sequential transaction or receipt number, number of electronic bingo cards loaded, cost of electronic bingo cards loaded, date and time of the transaction and device identification number. Images of cards or faces stored in an electronic device must be exact duplicates of the printed faces if faces are printed.
  - f. Department agents may examine and inspect any electronic bingo device and related system. Such examination and inspection shall include immediate access to the device and unlimited inspection of all parts and associated systems and may involve the removal of equipment from the game premises for further testing.
  - g. All electronic bingo devices must be loaded or enabled for play on the premises where the game will be played.
  - h. All electronic bingo devices shall be rented or otherwise provided to a player only by an organization and no part of the proceeds of the rental of such devices shall be paid to a landlord, his employee, agent or member of his immediate family.
  - i. If a player's call of a bingo is disputed by another player or if a department agent makes a request, one or more cards stored on an electronic bingo device shall be printed by the organization.
2. Players may exchange a defective electronic bingo device for another device provided a disinterested player verifies that the device is not functioning. A disinterested player shall also verify that no numbers called for the game in progress have been keyed into the replacement device prior to the exchange.

## F. The following rules of play shall govern the conduct of raffles:

1. Before a prize drawing, each stub or other detachable section of each ticket sold shall be placed into a receptacle from which the winning tickets shall be drawn. The receptacle shall be designed so that each ticket placed in it has an equal chance to be drawn.
2. All prizes shall be valued at fair market value.

## G. The following rules shall apply to "decision bingo" games:

1. Decision bingo shall be played on bingo cards in the conventional manner.
2. Players shall enter a game by paying a predetermined amount for each card face in play.
3. After the calling of each set of three numbers, players wishing to continue playing shall pay an additional predetermined fee for each card in play.
4. The prize amount shall be the total of all fees not to exceed \$100. Any excess funds shall be retained by the organization.
5. The predetermined amounts in subsections 2 and 3 above shall be printed in the game program. The prize amount for a game shall be announced before the prize is paid to the winner.

## H. The following rules shall apply to "treasure chest" games:

1. The organization shall list the treasure chest game on the bingo game program as a "Treasure Chest Raffle".
2. The organization shall have house rules posted that describe how the game is to be played.

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3. The treasure chest participant shall only be selected through some other authorized charitable game at the same bingo session.
  4. The organization shall account for all funds as treasure chest/raffle sales on the session reconciliation form.
  5. If the player does not open the lock on the treasure chest, the game manager or his designee shall proceed to try every key until the correct key opens the treasure chest lock to show all players that one of the keys will open the lock.
- I. The following rules shall apply to “Lucky Seven” games:
1. General rules
    - a. A “Lucky Seven” bingo card shall have a single face where seven (7) numbers shall be chosen.
    - b. A “Lucky Seven” sheet shall have multiple faces where seven (7) numbers shall be chosen per face.
    - c. A player shall select seven (7) numbers between the numbers of 1 and 75.
    - d. No duplicate numbers shall be played on a purchased face.
    - e. If a duplicate number appears on a face, then the card shall be void.
    - f. “Lucky Seven” shall be played on a bingo card or sheet, or electronic facsimile thereof.
    - g. “Lucky Seven” bingo paper (i.e. card(s) and sheet(s)) shall conform to the construction and randomization standards in the Charitable Gaming Supplier Regulations.
    - h. “Lucky Seven” shall be sold separately from the bingo card(s) or sheet(s) issued for any other bingo game.
    - i. “Lucky Seven” shall not be a part of any pack of any kind such as a convenience pack, super pack, etc.
    - j. The financial accounting for “Lucky Seven” must include separate accounting for the “Lucky Seven” sales and prize payouts as well as informational entries for each session that records the following for the progressive jackpot: beginning balance, additions to the progressive jackpot, payouts and ending balance that is to be carried over to the next session.
    - k. “Lucky Seven” shall be listed on the game program for the session it is played.
    - l. “Lucky Seven” game card(s) or sheet(s) pricing shall be listed on the game program.
    - m. The pricing of “Lucky Seven” bingo card(s) or sheet(s) shall be by the number of faces.
    - n. The price for a “Lucky Seven” bingo card or sheet face shall be the same regardless of the number of faces purchased by a player.
    - o. No discounts shall be allowed.
    - p. “Lucky Seven” paper shall not be given away as a door prize.
    - q. There shall be no more than one (1) “Lucky Seven” game per organization per calendar day.
    - r. No volunteer may play “Lucky Seven” at any session where he has worked.
    - s. The pricing for “Lucky Seven” faces shall remain constant from when the progressive jackpot is first started until the same jackpot has been won.

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## 2. Progressive jackpot rules

- a. "Lucky Seven" shall begin with the calling of sixteen (16) random numbers by the game caller. These numbers will determine the winner of the "Lucky Seven" progressive jackpot. If the progressive jackpot has not been won during the session, then the maximum number of numbers called for the following session shall be increased by one (1) number. This shall continue until the progressive jackpot has been won.
- b. The amount of the progressive jackpot shall be announced prior to the game being played at the session. Multiple winners shall evenly split the progressive jackpot.
- c. The initial progressive jackpot for the "Lucky Seven" game shall not exceed \$500.
- d. The organization shall take into consideration the number of players at its sessions when deciding the starting amount for its progressive jackpot.
- e. Any increase in the amount for the "Lucky Seven's" progressive jackpot game shall be 50 percent of the monies received from the sales of "Lucky Seven" bingo card(s) or sheet(s) during the previous session for which the sales occurred or \$100 per session, which ever amount is less.
- f. Once the progressive jackpot has reached \$5,000, the organization shall not add any additional money generated from the sales of its "Lucky Seven" bingo card(s) or sheet(s) from a session to the jackpot.
- g. The amount of numbers needed to win the "Lucky Seven" progressive jackpot and the amount of the jackpot shall be posted in a conspicuous place inside the bingo hall.
- h. Once the progressive jackpot has been won, the next progressive jackpot shall not start in excess of \$500.

## 3. Regular or special prize rules

- a. If the progressive jackpot has not been won during the session, then the game caller shall continue to call numbers at random until there is a verified bingo winner of the regular or special prize amount.
- b. The regular or special prize amount shall be announced prior to the game being played. Multiple winners shall evenly split the regular or special prize.
- c. The regular or special prize amount shall be 50 percent of the monies received from the sales of "Lucky Seven" bingo card(s) or sheet(s) during the current session or \$100, which ever amount is less.
- d. The regular or special prize amount shall not be awarded when the progressive jackpot is won by a player.

## J. The following rules shall apply to "WINGO":

1. "WINGO" shall be played only for hearing impaired players.
2. "WINGO" shall utilize a visual device such as an oversized deck of cards in place of balls selected from a blower.
3. A caller must be in an area visible to all players and shall randomly select cards or other visual devices one at a time and display them so that all players can see them.
4. The organization must have house rules for "WINGO" and the rules shall identify how players indicate that they have won.

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5. All financial reporting shall be done consistent with reporting for a traditional bingo game.

## CHARITABLE GAMING RULES AND REGULATIONS

## Part IV

BANK ACCOUNTS, RECORDKEEPING,  
FINANCIAL REPORTING, AUDITS, FEES

## 11 VAC 15-22-60. Bank accounts.

- A. Qualified organizations shall maintain a charitable gaming bank account that is separate from any other bank account and all gaming receipts shall be deposited into the charitable gaming bank account.
- B. Disbursements for expenses other than prizes and reimbursement of meal expenses shall be made by check directly from a charitable gaming account.
- C. All charitable gaming bank account records, including but not limited to monthly bank statements, cancelled checks or facsimiles thereof, and reconciliations shall be maintained for three years following the close of a fiscal year.
- D. All receipts from each session of bingo games and instant bingo, pull-tabs, or seal cards shall be deposited by the second business day following the session at which they were received.
- E. Raffle proceeds shall be deposited at least once every calendar week..

## 11 VAC 15-22-70. Recordkeeping.

- A. In addition to the records required by § 18.2-340.30 (D) of the Code of Virginia, qualified organizations conducting bingo shall maintain a system of records for a minimum of three years, unless otherwise specified, for each gaming session on forms prescribed by the department, or reasonable facsimiles of those forms approved by the department, that include:
  - 1. Charitable gaming supplies purchased and used;
  - 2. A session reconciliation form and an instant bingo, pull-tab, or seal card reconciliation form completed and signed within 48 hours of the end of the session by the bingo manager;
  - 3. All discounts provided;
  - 4. A reconciliation to account for cash received from floor workers for the sale of extra bingo sheets for any game;
  - 5. Number of electronic bingo devices rented, unique serial numbers of such devices, number of faces sold by each unit and a summary report for each session to include date, time, location and detailed information on income and expenses;
  - 6. An admissions control system that provides a cross-check on the number of players in attendance and admission sales. This may include a ticket control system, cash register or any similar system;
  - 7. All operating expenses including rent, advertising and security. Copies of invoices for all such expenses shall also be maintained;
  - 8. Expected and actual receipts from games played on hard cards and number of games played on hard cards;
  - 9. A record of the name and address of each winner for all seal cards; in addition, the winning ticket and seal card shall be maintained for a minimum of 90 days after the session;
  - 10. A record of all door prizes awarded; and
  - 11. The name and address of each individual to whom any prize or jackpot in excess of \$599 from any charitable gaming is awarded, as well as the amount of the award.

## CHARITABLE GAMING RULES AND REGULATIONS

- B. Qualified organizations conducting raffles shall have a recordkeeping system to account for cash receipts, cash disbursements and raffle tickets purchased or sold and prizes awarded. All records shall be maintained for three years from the close of the fiscal year. The recordkeeping system shall include:
1. Invoices for the purchase of raffle cards which shall reflect the following information:
    - a. Name and address of supplier;
    - b. Name of purchaser;
    - c. Date of purchase;
    - d. Invoice price for each deal;
    - e. Form number and name of card;
    - f. Serial numbers;
    - g. Quantity purchased; and
    - h. Sales price of cards.
  2. A record of cash receipts from raffle ticket sales by tracking the total number of tickets available for sale, the number issued to sellers, the number returned, the number sold and reconciliation of all raffle sales to receipts;
  3. Serial numbers of tickets for raffle sales initiated and concluded at a bingo game or sequentially numbered tickets which shall state the name, address and telephone number of the organization, the prize or prizes to be awarded, the date of the prize drawing or selection, the selling price of the raffle ticket and the charitable gaming permit number;
  4. Receipts for all raffle prizes valued at \$600 or more on which prize winners must provide printed name, residence address and the amount and description of the prize received; and
  5. Deposit records of the required weekly deposits of raffle receipts.
- C. All raffle tickets shall have a detachable section, shall be consecutively numbered with the detachable section having the same number, shall provide space for the purchaser's name, complete address and telephone number, shall state the name and address of the organization, the prize or prizes to be awarded, the date, time and location of the prize drawing, the selling price of the ticket and the charitable gaming permit number. Winning tickets and unsold tickets shall be maintained for three years from the close of the fiscal year.
- D. All unused charitable gaming supplies shall either be returned for refund to the original supplier in unopened original packaging in resalable condition, as determined by the supplier, or turned in to the department for destruction. The organization shall maintain a receipt for all such supplies returned to the supplier or turned in to the department.

## 11 VAC 15-22-80. Financial reporting, penalties, inspections and audits.

- A. Each charitable gaming permit holder shall file an annual report of receipts and disbursements by March 15 of each year on a form prescribed by the department. The annual report shall cover the activity for the fiscal year.
- B. The annual report shall be accompanied by the audit and administration fee as established by the department for the fiscal year unless the fee has been remitted with quarterly reports. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia shall be exempt from the payment of audit and administration fees.
- C. Except for volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia, an organization desiring an extension to file annual reports for good cause shall pay the projected audit and administration fee, by March 15, and request the extension in writing on a form prescribed by the department.
- D. Unless exempted by § 18.2-340.23 of the Code of Virginia, qualified organizations realizing any gross gaming receipts in calendar quarter shall file a quarterly report of receipts and disbursements on a form prescribed by the department as



## CHARITABLE GAMING RULES AND REGULATIONS

follows:

| <u>Quarter Ending</u> | <u>Date Due</u> |
|-----------------------|-----------------|
| March 31              | June 1          |
| June 30               | September 1     |
| September 30          | December 1      |
| December 31           | March 1         |

Quarterly reports shall be accompanied by the appropriate audit and administration fee. Volunteer fire departments or rescue squads or auxiliary units thereof which have been recognized in accordance with § 15.2-955 of the Code of Virginia shall be exempt from the payment of audit and administration fees. An annual financial report may substitute for a quarterly report if the organization has no further charitable gaming income during the remainder of the reporting period and the annual report is filed by due date for the applicable calendar quarter.

- E. Organization failing to file required reports, request an extension or make fee payments when due shall be charged a penalty of \$25 per day from the due date until such time as the required report is filed up to a maximum of 30 days and \$750.00. The failure to file such reports within 30 days of the time such reports are due shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report is filed – and a new permit is obtained.
- F. Any qualified organization in possession of funds derived from charitable gaming (including those who have ceased operations), regardless of when such funds may have been received or whether it has a valid permit from the department shall file an annual financial report on a form prescribed by the department on or before March 15 of each year until such funds are depleted. If an organization ceases the conduct of charitable gaming, it shall provide the department with the name of an individual who shall be responsible for filing financial reports. If no such information is provided, the president of an organization shall be responsible for filing reports until all charitable gaming proceeds are depleted.
- G. If an organization has been identified through inspection, audit or other means as having deficiencies in complying with statutory or regulatory requirements or having ineffective internal controls, the department may impose restrictions or additional record keeping and financial reporting requirements.
- H. Any records deemed necessary to complete an inspection, audit or investigation may be removed by the department, its employees or agents from the premises of an organization or any location where charitable gaming is conducted. The department shall provide a written receipt of such records at the time of removal.

#### 11 VAC 15-22-90. Use of proceeds.

- A. All payments by an organization intended as use of proceeds must be made by check written from the organization's charitable gaming account.
- B. Use of proceeds payments may be made for scholarship funds or the future acquisition, construction, remodeling or improvement of real property or the acquisition of other equipment or vehicles to be used for religious, charitable, educational or community purposes. In addition, an organization may obtain department approval to establish a special fund account or an irrevocable trust fund for special circumstances. Transfers to such an account or an irrevocable trust fund may be included as a use of proceeds if the payment is authorized by an organization's board of directors. No payments made to such a special fund account shall be withdrawn for other than the specified purpose unless prior notification is made to the department.

## CHARITABLE GAMING RULES AND REGULATIONS

- C. Expenditures of charitable gaming funds for social or recreational activities or for events, activities or programs which are open primarily to an organization's members and their families shall not qualify as use of proceeds unless substantial benefit to the community is demonstrated.
- D. Payments made to or on behalf of indigent or sick or deceased members or their immediate families shall be allowed as use of proceeds provided they are approved by the organization's board of directors and the need is documented.
- E. Payments made directly for the benefit of an individual member, member of his family or person residing in his household shall not be allowed as a use of proceeds unless authorized by law or elsewhere in this chapter.
- F. Use of proceeds payments by an organization shall not be made for any activity which is not permitted by federal, state or local laws or for any activity which attempts to influence or finance directly or indirectly political parties or committees or the election or re-election of any person who is or has been a candidate for public office.
- G. Organizations shall maintain details of all use of proceeds disbursements for a minimum of three years and shall make this information available to the department upon request.
- H. The department may disallow a use of proceeds payment to be counted against the minimum percentage referred to in 11 VAC 15-22-20 (D). If any payment claimed as use of proceeds is subsequently disallowed, an organization may be allowed additional time as specified by the department to meet minimum use of proceeds requirements.

## Part V

## RENT

11 VAC 15-22-100. Requirements regarding renting premises, agreements and landlord participation.

- A. No organization shall rent or use any leased premises to conduct charitable gaming unless all terms for rental or use are set forth in a written agreement and signed by the parties thereto prior to the issuance of a permit to conduct charitable gaming. A qualified organization that leases a building or other premises which is utilized in whole or in part for the purpose of conducting charitable gaming more frequently than two calendar days in one calendar week shall only lease such premises directly from (i) a qualified organization which is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code or (ii) any county, city or town.
- B. Organizations shall not make payments to a landlord except by check drawn on the organization's charitable gaming account.
- C. No landlord, his agent or employee, member of his immediate family or person residing in his household shall make directly or indirectly a loan to any officer, director, game manager or entity involved in the management, operation or conduct of charitable gaming of an organization in Virginia which leases its charitable gaming facility from the landlord.
- D. No landlord, his agent or employee, a member of his immediate family or person residing in his household shall make any direct or indirect payment to any officer, director, game manager or entity involved in the management, operation or conduct of charitable gaming conducted at a facility rented from the landlord in Virginia unless the payment is authorized by the lease agreement and is in accordance with the law.
- E. No landlord, his agent or employee, person residing in the same household or member of his immediate family shall, at charitable games conducted on the landlord's premises:
  - 1. Participate in the management, operation or conduct of any charitable games;
  - 2. Sell, lease or otherwise provide any bingo supplies including, but not limited to, bingo cards, pull-tab cards, markers or other game pieces; or

## CHARITABLE GAMING RULES AND REGULATIONS

3. Require as a condition of the lease or contract that a particular manufacturer, distributor or supplier of bingo supplies be used by the organization.

“Bingo supplies” as used in these regulations shall not include glue and tape sold from concession stands or from a location physically separated from the location where bingo supplies are normally sold.

- F. No member of an organization involved in the management, operation or conduct of charitable gaming shall provide any services to a landlord or be remunerated in any manner by the landlord of the facility where an organization is conducting its charitable gaming..

## Part VI

## FACT FINDING CONFERENCES AND HEARINGS

11 VAC 15-22-110. Procedural rules for the conduct of fact finding conferences and hearings.

A. Fact finding conference; notification, appearance, conduct.

1. Unless automatic revocation or immediate suspension is required by law, no permit to conduct charitable gaming shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a fact finding conference, as set forth in § 2.2-4019 of the Administrative Process Act.
2. If a basis exists for a refusal to renew a suspension or a revocation of a permit, the department shall notify, by certified mail or by hand delivery, the interested persons at the address of record maintained by the department.
3. Notification shall include the basis for the proposed action and afford interested persons the opportunity to present written and oral information to the department which may have a bearing on the proposed action at a fact finding conference. If there is no withdrawal, a fact finding conference shall be scheduled at the earliest mutually agreeable date, but no later than 60 days from the date of the notification. Organizations or suppliers who wish to waive their right to a conference shall notify the department at least 14 days before the scheduled conference.
4. If, after consideration of evidence presented during an informal fact finding conference, a basis for action still exists, the interested persons shall be notified in writing within 60 days of the fact finding conference, via certified or hand-delivered mail, of the decision and the right to a formal hearing. Parties to the conference may agree to extend the report deadline if more time is needed to consider relevant evidence.

B. Hearing; notification, appearance, conduct

1. If, after a fact finding conference, a sufficient basis still exists to deny, suspend or revoke a permit, interested persons shall be notified by certified mail or hand delivery of the proposed action and of the opportunity for a hearing on the proposed action. If an organization desires to request a hearing, it shall notify the department within 14 days of receipt of a report on the conference. Parties may enter into a consent agreement to settle the issues at any time prior to (or subsequent to) an informal fact finding conference.
2. If an interested party or representative fails to appear at a hearing, the hearing officer may proceed in his absence and make a recommendation.
3. Oral and written arguments may be submitted to and limited by the hearing officer. Oral arguments shall be recorded in an appropriate manner.

C. Hearing location

Hearings before a hearing officer shall be held, insofar as practicable, in the county or city in which the organization is located. If the parties agree, hearing officers may conduct hearings at locations convenient to the greatest number of persons or by telephone conference, video conference or similar technology, in order to expedite the hearing process.

## CHARITABLE GAMING RULES AND REGULATIONS

## D. Hearing decisions.

1. Recommendations of the hearing officer shall be a part of the record and shall include a written statement of the hearing officer's findings of fact and recommendations as well as the reasons for the recommendations. Recommendations shall be based upon all the material issues of fact, law or discretion presented on the record.
2. The department shall review the recommendation of the hearing officer and render a decision on the recommendation within 30 days of receipt. The decision shall cite the appropriate rule, relief or denial thereof as to each issue.

## E. Agency representation.

The director's designee may represent the department in an informal conference or at a hearing.

## Part VII

## REPORTING VIOLATIONS

## 11 VAC 15-22-120. Reporting violations.

- A. Unless otherwise required by law, the identity of any individual who provides information to the department or its agents regarding alleged violations shall be held in strict confidence.
- B. Any officer, director or game manager of a qualified organization shall immediately report to the department any information pertaining to the suspected misappropriation or theft of funds or any other violations of charitable gaming statutes or these regulations.
- C. Failure to report the information required by subsection B may result in the denial, suspension or revocation of a charitable gaming permit.
- D. Any officer, director or game manager of a qualified organization involved in the management, operation or conduct of charitable gaming shall immediately notify the department upon conviction of a felony or a crime involving fraud, theft or financial crimes.
- E. Failure to report information required by subsection D by any officer, director or game manager of a qualified organization Or supplier may result in the denial, suspension or revocation of a permit.
- F. Any officer, director or game manager of a qualified organization involved in charitable gaming shall immediately report to the department any change the Internal Revenue Service makes in the tax status of the organization, or if it is a chapter of a national organization covered by a group tax-exempt determination, the tax status of the national organization.
- G. All organizations regulated by the department shall display prominently a poster advising the public of a phone number where complaints relating to charitable gaming may be made. Such posters shall be provided by the department to organizations at no charge.