

1 CALIFORNIA GAMBLING CONTROL COMMISSION
2 MODIFIED LANGUAGE OF PROPOSED REGULATORY ACTION
3 REMOTE CALLER BINGO
4 CGCC-GCA-2009-02-C
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6 CALIFORNIA CODE OF REGULATIONS
7 TITLE 4. BUSINESS REGULATIONS.
8 DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.
9 CHAPTER 8. BINGO.

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11 ARTICLE 4. REMOTE CALLER BINGO INTERIM LICENSES AND INTERIM WORK PERMITS.
12 § ~~12498500~~. Interim Licenses; Initial and Renewal; Conditions.

13 (a) An interim approval process is established to further the legislative intent of avoiding
14 disruption of fundraising efforts by nonprofit organizations as expressed in Business and
15 Professions Code section 19850.6.

16 (b) No person may perform in the capacity of a fiduciary, site manager, or caller for the
17 purposes of conducting remote caller bingo games unless that person has a valid interim license
18 issued by the Commission pursuant to this article. A person may hold one of each license type
19 simultaneously but shall not perform in the capacity of more than one during the same remote
20 caller bingo game or session.

21 (c) Any fiduciary, site manager, or caller applying for an initial interim license shall submit
22 the following:

23 (1) Application for Interim License for Remote Caller Bingo, CGCC-620 (~~New 03/09 Rev.~~
24 03/10), which is attached in Appendix C.

25 (2) A non-refundable application fee of \$50.00.

26 (3) Completed Request for Live Scan Service, California Department of Justice Form BCII
27 8016, (Rev. 03/07) confirming that the applicant has submitted his or her fingerprints to the BCII
28 for an automated criminal history check and response.

29 (d) Interim license approvals are subject to the following conditions:

30 (1) An interim license shall be valid for one year from the date it is issued by the
31 Commission and may be renewed if regulations specifying the criteria for a regular license have

1 not been adopted.

2 (2) Upon adoption of regulations specifying the criteria for a regular license, the Commission
3 will notify the holder of the interim license of the requirement to submit a regular application
4 package within 30 days of the effective date of the regulations. If a response has not been
5 received within 30 days, the interim license will not be eligible for renewal.

6 (3) An interim license does not obligate the Commission to issue a regular license nor does
7 it create a vested right in the holder to either a renewal of the interim license or to the granting
8 of a subsequent regular license.

9 (4) Issuance of an interim license has no bearing on the question of whether the holder will
10 qualify for issuance of any Commission permit, registration, or license. The interim license
11 will be cancelled in the event that the Commission subsequently determines that the applicant
12 does not qualify for a regular license.

13 (5) If, during the term of an interim license, it is determined that the holder is disqualified
14 pursuant to Section 12499501, the Executive Director shall prepare an order to show cause why
15 that interim license should not be cancelled. The holder of the interim license shall be given at
16 least 30 days, but not more than 90 days, to respond in writing. After receipt of the holder's
17 response, or if the holder fails to respond in the time specified, the matter shall be set for
18 consideration at a noticed Commission meeting. The holder may address the Commission by
19 way of an oral statement at the Commission meeting and, either in writing not less than ten days
20 prior to the meeting or at the meeting itself, may request an evidentiary hearing. Any evidentiary
21 hearing shall be conducted in accordance with applicable provisions of subsection (b) of Section
22 12050 of this division.

23 (e) Any fiduciary, site manager, or caller applying for a renewal interim license shall submit
24 the following no later than 90 days prior to expiration of that license:

25 (1) Application for Interim License for Remote Caller Bingo, CGCC-620 (~~New 03/09~~Rev.
26 03/10), referred to in paragraph (1) of subsection (c).

27 (2) A non-refundable application fee of \$50.00.

28 (f) Each application for an initial or renewal interim license shall be reviewed and, if found to
29 be complete and correct, shall be set for consideration at a noticed Commission meeting. If the
30 application does not satisfy the requirements of this article, the applicant shall be provided a
31 written list of deficiencies.

1 (g) A renewal interim license shall be valid for one year from the date of approval of the
2 renewal application or from the expiration of the prior interim license, whichever is later.

3 Note: Authority cited: Sections 19850.5, and 19850.6, Business and Professions Code; Sections 326.3-~~and 326.5~~,
4 Penal Code. Reference: Sections 19850.5, and 19850.6, Business and Professions Code; Sections 326.3-~~and 326.5~~,
5 Penal Code.

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7 **ARTICLE 5. REMOTE CALLER BINGO REQUIREMENTS; STANDARDS OF PLAY.**

8 **§12508. Remote Caller Bingo Requirements for Organizations.**

9 ~~The following requirements shall apply to organizations that conduct Remote Caller Bingo:~~

10 (a) An organization conducting remote caller bingo shall have been recognized by the
11 Commission pursuant to Section 12505~~incorporated or in existence for three (3) years or more.~~

12 (b) Any vendor providing remote caller bingo services must have a valid interim license
13 issued pursuant to Section 12492~~An organization conducting remote caller bingo shall hold a~~
14 ~~license issued by the local jurisdiction that authorizes the organization to conduct a remote caller~~
15 ~~bingo game within that jurisdiction.~~

16 (fc) Organizations and vendors shall retain records in connection with their remote caller
17 bingo games within California for a period of five (5) years. Records shall be maintained in
18 California, written in English and must include the following:

19 (e1) ~~Each organization that conducts or cosponsors a remote caller bingo game shall maintain~~
20 ~~Full and accurate records of the income received and expenses disbursed in connection with the~~
21 ~~operation, conduct, promotion, supervision, and any other related activity of remote caller bingo~~
22 ~~games. Such records shall be maintained in accordance with generally accepted principles of~~
23 ~~accounting.~~

24 (2) Full and accurate records of the names and license or permit numbers, if applicable, of all
25 organization members, including any volunteers, and any employees conducting or providing
26 remote caller bingo services.

27 (id) ~~The records kept by the organizations and vendors, pursuant to paragraph (1) of~~
28 ~~subsection (c) for the remote caller bingo games conducted, shall be audited by an independent~~
29 ~~California certified public accountant at least annually, and copies of the audit reports shall be~~
30 ~~provided to the Commission within 120 days after the close of the organization's and vendor's~~
31 ~~fiscal years.~~

1 (e) In addition to the requirements of subsections (c) and (d), the following requirements
2 shall apply to organizations that conduct remote caller bingo:

3 (e~~1~~) The operation of remote caller bingo may not be the primary purpose for which the
4 organization is organized.

5 (d~~2~~) The receipts of the game shall be used only for charitable purposes. The organization
6 conducting the game shall determine the disbursement of the net receipts of the game.

7 (h~~3~~) Organizations authorized to conduct remote caller bingo shall provide copies of the
8 records pertaining to those games to the Commission within 30 days after the end of each
9 calendar quarter. A loan reimbursement payment, as prescribed by paragraph (2) of subdivision
10 (d) of section 326.4 of the Penal Code, for reimbursement of the loan from the Indian Gaming
11 Special Distribution Fund to the Charity Bingo Mitigation Fund shall accompany the submission
12 of records, as specified in this paragraph, the amount of which shall be based on the gross
13 revenues from all remote caller bingo games conducted during the calendar quarter for which the
14 records are submitted.

15 (g) ~~Organizations shall make and maintain all books, accounts, and other records in English.~~

16 (j~~f~~) An organization authorized to conduct remote caller bingo games shall provide the
17 Commission with at least 30 days advance written notice of its intent to conduct those games.
18 The notice shall include all of the following:

19 (1) The legal name of the organization and the address of record of the agent upon who legal
20 notice may be served.

21 (2) The locations of the caller and remote players, whether the property is owned by the
22 organization or donated, and if donated, by whom.

23 (3) The name of the licensed caller and site manager.

24 (4) The names of administrative, managerial, technical, financial, and security personnel
25 employed.

26 (5) The name of the vendor and any person or entity maintaining the equipment used to
27 operate and transmit the game.

28 (6) The name of the person designated as having a fiduciary responsibility for the game.

29 (7) The license numbers of all persons who are required to be licensed.

30 (8) A copy of the local ordinance for ~~the counties~~ each city, county or city and county in

1 which the game will be played.

2 Note: Authority cited: Sections 19850.5 and 19850.6, Business and Professions Code; Section 326.3 and 326.4,
3 Penal Code. Reference: Sections 326.3(b), 326.3(i)(4), 326.3(s), ~~and 326.3(w)(v)(2)~~ and 326.4, Penal Code.

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Underline denotes added text. ~~Strikethrough~~ denotes deleted text. * * * * denotes omitted text.

APPENDIX C



**APPLICATION FOR INTERIM LICENSE FOR REMOTE CALLER BINGO
 CGCC-620 (New Rev. 03/0903/10)**

Pursuant to California Code of Regulations, Title 4, ~~Section 12498500~~ and California Penal Code (PC) section 326.3(p)(1), the California Gambling Control Commission (Commission) shall regulate remote caller bingo. This includes the licensing of any person who conducts remote caller bingo, including, but not limited to, persons having fiduciary responsibility, site managers, and bingo callers.

Instructions:

Type or print legibly, in ink, all information requested on this application. If a question does not apply, write "N/A" (Not Applicable). Incomplete applications will be returned. You must provide truthful information in all your responses. All answers to questions in this application and on all supplemental documentation will be subject to verification. Any misrepresentation or failure to disclose information may constitute sufficient cause for denial or revocation of your remote caller bingo interim license.

Applicants must submit fingerprints via Live Scan by following the steps ~~below~~ listed below.

- 1) Locate and call a Live Scan provider. Determine if an appointment is required and the preferred method of payment (e.g., cash, cashier's check, etc.). Applicants must pay the cost associated with the processing and transmitting of his/her fingerprints directly to the agency providing the service. Fees vary by provider.
- 2) Take the Request for Live Scan Service, BCII 8016 (Rev 03/07) form to a Live Scan provider. The provider will process the fingerprints via Live Scan.
- 3) After the fingerprints have been taken, attach a copy of the Request for Live Scan Service form to this application confirming that fingerprints have been submitted.

Send the completed application package with required fees (listed below) to: California Gambling Control Commission, 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231. Please make all checks payable to the California Gambling Control Commission.

SECTION 1 – REMOTE CALLER BINGO INTERIM LICENSE	
Name of Applicant	Name of Authorized Organization or Vendor
<input type="checkbox"/> Initial Interim License: \$50.00 (non-refundable fee, per application license type) <u>Attach:</u> Completed Request for Live Scan Service, BCII 8016 (Rev 03/07)	
<input type="checkbox"/> Renewal Interim License: \$50.00 (non-refundable fee, per application license type)	
SECTION 2 – REMOTE CALLER BINGO INTERIM LICENSE TYPE	
<input type="checkbox"/> Fiduciary: Is an individual who is designated in writing by an authorized organization to manage the finances of the organization's remote caller bingo operation for the benefit of the organization rather than the benefit of the designated individual, exercising the highest level of good faith, loyalty, and diligence.	
<input type="checkbox"/> Caller: Is an individual who is a member of an authorized organization present at a live remote caller bingo host game site and who announces the numbers or symbols from randomly drawn plastic balls.	
<input type="checkbox"/> Site Manager: Is an individual who is <u>physically present at a remote caller bingo game site and is the primary person</u> a member of an authorized organization who is present at any remote caller bingo game and is responsible for the game conduct, staff, and patrons at the site.	

SECTION 3a – APPLICANT INFORMATION

- | | | | |
|---|--|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Officer | <input type="checkbox"/> Treasurer | <input type="checkbox"/> Volunteer | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Executive Director | <input type="checkbox"/> Director | <input type="checkbox"/> Employee | |
| <input type="checkbox"/> President | <input type="checkbox"/> General Manager | <input type="checkbox"/> Trustor | |
| <input type="checkbox"/> Vice-President | <input type="checkbox"/> Member | <input type="checkbox"/> Trustee | |

Indicate your association with the authorized organization or vendor. (Check all that apply)

Description of your duties relating to the conduct of remote caller bingo operations:

Last Name	First Name	Middle Initial
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Other names you have used or been known by (aliases, maiden name, nicknames, other name changes, legal or otherwise)

*Residence Address – Number/Street	Apt. / Unit Number
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City	County	State	Zip Code
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*Mailing Address, if different than above

Contact Numbers

Home: ())	Work: ())	Cell: ())
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E-mail Address (if any)

Birthdate (mm/dd/yyyy)	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	**Social Security Number
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SECTION 3b – GENERAL APPLICANT INFORMATION

If you answer “yes” to any of the questions, provide an explanation on a separate sheet of paper.
If this is an application for renewal, you are only required to provide information not previously disclosed.

- | | |
|--|--|
| <p>1. Have you been issued a gaming license, certificate, permit, etc. by any tribal, county, city, state, federal, or international agency?
If yes, attach a listing of the gaming agency name, issue date and expiration date.</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>2. Have you ever been convicted of any crime (misdemeanor or felony), including convictions which you pled “no contest” or “nolo contendere?”
If yes, provide the following information for each conviction:
a. Date of conviction
b. Crime convicted of
c. Court location (city and state)
d. Penalty received</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

SECTION 4 – AUTHORIZED REPRESENTATIVE INFORMATION

Complete this section *only* if you choose to designate someone to represent you concerning your application or other matters regarding licensure.

Last Name			First Name			Middle Initial		
Relationship to Applicant: <input type="checkbox"/> Attorney <input type="checkbox"/> Employee <input type="checkbox"/> Other: _____								
Business Name, if applicable						E-mail Address (if any)		
Mailing Address								
Telephone Number ()			Cell Phone Number (if any) ()			Fax Number ()		

SECTION 5 – CERTIFICATION / SIGNATURE

I certify under penalty of perjury under the laws of the State of California that I have personally completed this form and know its contents, the information contained herein and in any attachments, is true, accurate, and complete. I also understand that approval of an interim license is subject to the following conditions:

- (1) An interim license shall be valid for one year from the date it is issued by the Commission and may be renewed if regulations specifying the criteria for a regular license have not been adopted.*
- (2) Upon adoption of regulations specifying the criteria for a regular license, the Commission will notify the holder of the interim license of the requirement to submit a regular application package within 30 days of the effective date of the regulations. If a response has not been received within 30 days, the interim license will not be eligible for renewal.*
- (3) An interim license does not obligate the Commission to issue a regular license nor does it create a vested right in the holder to either a renewal of the interim license or to the granting of a subsequent regular license.*
- (4) Issuance of an interim license has no bearing on the question of whether the holder will qualify for issuance of any Commission permit, registration, or license. The interim license will be cancelled in the event that the Commission subsequently determines that the applicant does not qualify for a regular license.*
- (5) If, during the term of an interim license, it is determined that the holder is disqualified pursuant to Section 12499.501, the Executive Director shall prepare an order to show cause why that interim license should not be cancelled. The holder of the interim license shall be given at least 30 days, but not more than 90 days, to respond in writing. After receipt of the holder's response, or if the holder fails to respond in the time specified, the matter shall be set for consideration at a noticed Commission meeting. The holder may address the Commission by way of an oral statement at the Commission meeting and, either in writing not less than ten days prior to the meeting or at the meeting itself, may request an evidentiary hearing.*

Signature		Date
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* You must provide your residence address to the Commission. Unless a separate mailing address is provided, the Commission will mail all correspondence to your residence address. Your residence address will not be displayed on the Commission's website and will not be provided to the public as a result of a request pursuant to the Public Records Act (Government Code section 6250 et seq.) or Business and Professions Code section 19821(b).

** Disclosure of your U.S. social security number is mandatory. Business and Professions Code section 30 and Public Law 94-455 (42 USC section 405(c)(2)(C)) authorize collection of your social security number. Your social security number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code section 17520 or for verification of licensure. If you fail to disclose your social security number, your application will not be processed and you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.