

Change the heading of Chapter Pari 1200 to read as follows:

CHAPTER Pari 1200 GAMES OF CHANCE

Readopt Pari 1201.02(a) and (b), effective 9-24-08 (Doc. #9281), cited and to read as follows:

Pari 1201.02 Scope. This chapter shall apply to:

- (a) Charitable organizations which hold or sponsor games of chance;
- (b) Game operators and game operator employers;

Readopt Pari 1202.01, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1202.01 “Executive officer” means a primary game operator or other individual who is authorized to submit an application on behalf of the game operator employer, enter into agreements on the employer’s behalf, respond to official correspondence from the commission, submit primary and secondary game operator license applications to the commission or otherwise bind the employer.

Readopt Pari 1202.04, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1202.04 “Games of chance licensee” means:

- (a) A charitable organization; or
- (b) If a game operator employer has been hired to operate a games of chance:
 - (1) For Pari 1210.01(a), Pari 1210.01(d), Pari 1212.01(a) through (c) and Pari 1212.02, the charitable organization and the game operator employer; and
 - (2) For Pari 1202.07, Pari 1208.01(a) through (c), Pari 1209.01, Pari 1210.01(e), Pari 1210.01(g) through (i), Pari 1210.01(k), Pari 1210.01(r), Pari 1210.01(s), Pari 1211.01, Pari 1217.01(c) and Pari 1217.01(d), the charitable organization or the game operator employer.

Readopt with amendment Pari 1202.05, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1202.05 “Game operator” means “game operator” as defined in RSA 287-D:1, V.

Readopt Pari 1202.06 and 1202.07, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1202.06 “Game operator employer” means a business entity which employs game operators to operate games of chance on behalf of a charitable organization.

Pari 1202.07 “House rules” means instructions describing how games of chance are conducted, played and won adopted by a games of chance licensee pursuant to Pari 1209.

Readopt with amendment Pari 1202.10, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1202.10 “Primary game operator” means “primary game operator” as defined in RSA 287-D:1, V(a).

Adopt Pari 1202.12 to read as follows:

Pari 1202.12 “Re-buy” means the fee paid by a player to purchase additional chips. This term includes “add-ons”.

Readopt with amendment and renumber Pari 1202.12, effective 9-24-08 (Doc. #9281), as Pari 1202.13 and renumber existing Pari 1202.13 as Pari 1202.14, so Pari 1202.13 reads as follows:

Pari 1202.13 “Secondary game operator” means “secondary game operator” as defined in RSA 287-D:1, V(b).

Readopt with amendment Pari 1203.01, effective 6-27-07 (Doc. #8921), to read as follows:

Pari 1203.01 Written Permission Required.

(a) Prior to submitting an application for a games of chance license pursuant to this chapter, the charitable organization shall obtain written permission, as specified in (b) or (c) below as applicable, from the property owner where the games of chance will be held as specified in RSA 287-D:2, II.

(b) If the charitable organization will hold the games of chance at a facility not required to be licensed pursuant to Pari 1215 as specified in RSA 287-D:2-a, VI, the charitable organization shall obtain written permission from the property owner using the form specified in Pari 1203.02.

(c) If the charitable organization will hold the games of chance at a facility required to be licensed pursuant to Pari 1215:

(1) The charitable organization shall submit a copy of a lease or rental agreement, including proposed game dates, with the facility;

(2) The facility shall have on file with the commission a current lease or rental agreement specifically stating that the lessee or rentor of the facility has the owner’s permission to hold games of chance at the facility; and

(3) The facility shall be issued a games of chance facility license.

(d) The lease or rental agreement required pursuant to (c)(1) above shall specify that:

(1) The proposed games dates are not finalized until the charitable organization receives a license to hold games of chance on those dates; and

(2) The charitable organization is not subject to any fees of any kind if the ~~applicant~~ charitable organization is unable to:

a. Obtain a games of chance license for the proposed game dates;

b. Obtain a games of chance license for any reason; or

c. Hold a game date due to circumstances beyond the control of the charitable organization including but not limited to inclement weather, power outage or cancellation of the game by the facility or game operator.

Amend Pari 1203.02(a), effective 1-20-07 (Doc. #8804), to read as follows:

(a) A charitable organization applying for a games of chance license shall submit to the commission a “Property Owner Permission Form”.

Amend Pari 1204.01(b) intro., (b)(3), (c), (d), (e)(2), (f) intro., (g) intro. and (i), effective 1-20-07 (Doc. #8804), to read as follows:

Pari 1204.01 Application Procedures for a Games of Chance License for a Charitable Organization.

(b) Each charitable organization for a games of chance license shall submit the following to the commission:

(3) The supporting documentation specified in Pari 1205.02; and

(c) If the commission, for the purpose of determining the charitable organization's qualifications for licensure, determines that any information or documents specified in (b) above were not submitted or fully completed by the charitable organization, the commission shall:

(1) Notify the charitable organization in writing or by telephone within 5 days of the date the application is received by the commission; and

(2) Specify the information or documents which the charitable organization is required to submit or complete.

(d) If required pursuant to (c) above, the charitable organization shall submit any information or documents requested by the commission within 5 days of receipt of the request.

(e) The commission shall approve or deny the application in writing within 60 days of the date that:

(2) If information or documents are required pursuant to (c), the information or documents are received by the commission from the charitable organization.

(f) The commission shall approve the application and issue a license if the charitable organization has:

(g) The commission shall deny the application if the charitable organization has:

(i) The charitable organization may request a hearing to appeal the denial as specified in RSA 287-D:7.

Amend Pari 1205.01(b)(3) and (c)(2), effective 9-24-08 (Doc. #9281), to read as follows:

(b) The duly authorized officer, director or official who is submitting the application on behalf of the charitable organization shall:

(3) Certify to the following preprinted statement:

"I certify, under the penalty of unsworn falsification pursuant to RSA 641:3, that the information provided on this application and in any supporting materials is accurate, only game operators licensed pursuant to Pari 1214 or bona fide members of the charitable organization will operate games of chance, neither the applicant nor any member of the charitable organization operating the games of chance has been convicted, in any jurisdiction, of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, a class B misdemeanor within the previous 5 years which has not been annulled by a court or has violated the statutes or rules governing charitable gambling and that the applicant and any member of the organization participating in the operation of games of chance are aware of all statutes and rules applicable to the operation of games of chance."

(c) The charitable organization shall:

(2) Pursuant to RSA 287-D:2-a, X, submit, on the form specified in Pari 1205.03, the date and location for all other games of chance at least 45 days prior to the game date if that information has not already been provided to the commission.

Amend Pari 1205.01(e), effective 1-20-07 (Doc. #8804), to read as follows:

(e) If at any time a games of chance application is pending, or at any time a games of chance license is in effect, any of the information provided on or with an initial games of chance application under this section changes, or becomes or is discovered to no longer be accurate, the charitable organization shall, within 15 days of the event resulting in the change, submit to the commission an updated, corrected application form or provide supporting documentation containing the correct information.

Amend Pari 1205.02(a) intro., effective 1-20-07 (Doc. #8804), to read as follows:

(a) An charitable organization shall provide the following supporting documents with the initial application for a games of chance license for a charitable organization:

Readopt Pari 1205.02 (a)(12) and (a)(15), effective 9-24-08 (Doc. #9281), to read as follows:

(12) A game schedule or if using a game operator, the game operator's game schedule approval number as specified in Pari 1211;

(15) Pursuant to RSA 287-D:2-a, II(e), the name and address, including the street address, city or town and zip code, of any game operator employer licensed pursuant to this chapter who will be involved in the operation of the games of chance;

Amend Pari 1205.02(a)(16), effective 9-24-08 (Doc. #9281), to read as follows:

(16) A New Hampshire department of safety, division of state police, criminal record release authorization form as required by RSA 287-D:8, I and the fee required by Saf-C 5703.06(a) for any person listed pursuant to (a)(14) above;

Amend Pari 1205.03(a), effective 9-24-08 (Doc. #9281), to read as follows:

(a) As required by RSA 287-D:2-a, X and Pari 1205.01(d)(2), a charitable organization shall submit game dates not already included in the initial application to the commission on a "Games of Chance Game Date Information for Charitable Organizations" form.

Amend Pari 1207.01(a) intro., effective 1-20-07 (Doc. #8804), to read as follows:

(a) An charitable organization for a renewal games of chance license shall submit to the commission a fully completed "Renewal Application for a Games of Chance License" form, provided by the commission, for a charitable organization which:

Amend Pari 1207.01(b)(3), effective 9-24-08 (Doc. #9281), to read as follows:

(b) The duly authorized officer, director or official who is submitting the application on behalf of the charitable organization shall:

(3) Certify to the following preprinted statement:

"I certify, under the penalty of unsworn falsification pursuant to RSA 641:3, that the information provided on this application and in any supporting materials is accurate, only game operators licensed pursuant to Pari 1214 or bona fide members of the charitable organization will operate games of chance, neither the applicant nor any member of the

charitable organization operating the games of chance has been convicted, in any jurisdiction, of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, a class B misdemeanor within the previous 5 years which has not been annulled by a court or has violated the statutes or rules governing charitable gambling and that the applicant and any member of the organization participating in the operation of games of chance are aware of all statutes and rules applicable to the operation of games of chance.”

Amend Pari 1207.01(c)(2), effective 9-24-08 (Doc. #9281), to read as follows:

(c) The charitable organization shall:

(2) Pursuant to RSA 287-D:2-a, X, submit the date and location for all other games of chance at least 45 days prior to the game date if that information has not already been provided to the commission.

Amend Pari 1207.01(e), effective 1-20-07 (Doc. #8804), to read as follows:

(e) If at any time a renewal games of chance application is pending, or at any time a games of chance license is in effect, any of the information provided on or with an initial games of chance application under this section changes, or becomes or is discovered to no longer be accurate, the charitable organization shall, within 15 days of the event resulting in the change, submit to the commission an updated, corrected application form or provide supporting material containing the correct information.

Amend Pari 1207.02 intro., effective 1-20-07 (Doc. #8804), to read as follows:

Pari 1207.02 Supporting Documentation for a Renewal Application for a Games of Chance License for a Charitable Organization. The charitable organization shall submit to the commission the following supporting documentation with any renewal application(s) for a games of chance license for a charitable organization:

Readopt Pari 1207.02(f), effective 9-24-08 (Doc. #9281), to read as follows:

(f) Pursuant to RSA 287-D:2-a, II(e), the name and address, including the street address, city or town and zip code, of any game operator employer licensed pursuant to this chapter who will be involved in the operation of the games of chance;

Amend Pari 1207.02(h), effective 9-24-08 (Doc. #9281), to read as follows:

(h) A New Hampshire department of safety, division of state police, criminal record release authorization form as required by RSA 287-D:8, I and the fee required by Saf-C 5703.06(a) for any person listed pursuant to (e) above.

Amend Pari 1207.03(a), effective 1-20-07 (Doc. #8804), to read as follows:

(a) As required by RSA 287-D:2-a, X and Pari 1207.01(c)(2), a charitable organization shall submit game dates not already included in the renewal application to the commission on a “Games of Chance Game Date Information for Charitable Organizations” form.

Amend Pari 1207.03(b), effective 1-20-07 (Doc. #8804), to read as follows:

(b) The charitable organization shall submit to the commission a monthly financial report as required by Pari 1213 to verify the income and expenses reported by the charitable organization to the commission.

Readopt Pari 1210.01(a), (c), (d), (e), (g), (h), (i), (k), (l), (n), (o), (r) and (s), effective 9-24-08 (Doc. #9281), to read as follows:

- (a) The games of chance licensee shall hold games of chance only as specified in RSA 287-D:2-b.
- (c) A game operator employer which operates games of chance on behalf of a charitable organization shall provide the charitable organization with all information necessary to complete the monthly financial report within 5 business days of each game date.
- (d) The games of chance licensee shall not allow any person to participate in the operation of any games of chance unless that person has complied with RSA 287-D:2-a, VIII and RSA 287-D:2-c, III if applicable.
- (e) The games of chance licensee shall establish written procedures for:
 - (1) Determining and tracking the amount that that a player has spent for buy-ins and re-buys for games of chance where the chips have no monetary value; and
 - (2) Keeping records, with the information specified in RSA 287-D:2-b, X for each licensed game date of all persons who participate in the operation of any games of chance to ensure compliance with (d) above.
- (g) Except as otherwise provided in (h) below, the games of chance licensee shall submit the written procedures established pursuant to (e) above to the commission prior to the first game date of the year.
- (h) If the games of chance licensee has previously submitted procedures to the commission, the games of chance licensee shall only submit written procedures if those procedures are changed or revised in any way.
- (i) Pursuant to (h) above, the games of chance licensee shall submit changed or revised written procedures within 7 days of the changes or revisions.
- (k) The games of chance licensee shall award prizes for games or tournaments where chips have no monetary face value in accordance with a prize schedule as specified in (l) below.
- (l) The prize schedule required pursuant to (k) above shall:
 - (1) Be either a set prize amount or a percentage of the prize pool;
 - (2) Be posted, in the public place where the game or tournament is being held, prior to the commencement of the game to which it applies; and
 - (3) Award prizes to no more than 50% of the players starting the game or tournament.
- (n) In any game where chips have monetary value, the chips shall have a face value of no more than \$4.00.
- (o) Pursuant to RSA 287-D:3, V, a single wager by a player in any game where chips have monetary value shall not exceed \$4.00.
- (r) The games of chance licensee shall have a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount and the buy-in and re-buy amounts as applicable.

(s) If a games of chance licensee cashes a check which was issued for a prize of more than \$500, a member of the charitable organization or a primary game operator cashing the check shall print and sign their name on the back of the check and the check shall be kept by the games of chance licensee for 2 years.

Readopt Pari 1211.01(a), (b), (c)(1) and (d), effective 9-24-08 (Doc. #9281), to read as follows:

(a) A games of chance licensee shall not play any games of chance on a licensed game date unless all games of chance to be played on that game date have been identified on a game schedule approved by the commission pursuant to this section.

(b) Each games of chance licensee seeking to hold a games of chance shall prepare a written game schedule request for each licensed game date containing the information specified in (c) below.

(c) A games of chance licensee shall submit each written request to the commission for a game schedule approval that:

(1) Identifies the date, location and time that the games of chance licensee submitting the request proposes that the games of chance described will be played; and

(d) Except as otherwise provided in (e) below, the games of chance licensee shall submit a game schedule request for each licensed games of chance game date to the commission at least 45 days before the game date identified in the game schedule request submitted to the commission.

Readopt Pari 1211.01(e) and (f), effective 9-24-08 (Doc. #9281), to read as follows:

(e) If the games of chance licensee has previously submitted a game schedule request to the commission, the games of chance licensee shall only submit a game schedule request if the games to be offered or played are changed or revised in any way.

(f) Pursuant to (e) above, the games of chance licensee shall submit a changed or revised game schedule request prior to implementing those changes or revisions.

Readopt Pari 1211.01(g), effective 9-24-08 (Doc. #9281), to read as follows:

(g) The commission shall approve a game schedule request and issue a game schedule approval number if the games of chance contained in the request comply with the standards for games of chance set forth in RSA 287-D and this chapter.

Amend Pari 1211.01(h), effective 1-20-07 (Doc. #8804), to read as follows:

(h) A game schedule approved under (g) above shall be posted in plain view for public inspection in the place where the games of chance will be played.

Readopt Pari 1211.01(i), effective 9-24-08 (Doc. #9281), to read as follows:

(i) The games of chance licensee shall not charge any amounts, by whatever name, for games where chips have no monetary value other than buy-ins and re-buys.

Readopt Pari 1212.01 and Pari 1212.02, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1212.01 Games of Chance Inspection Procedures.

(a) The games of chance licensee shall maintain records of sufficient detail to enable preparation of the monthly financial reports submitted to the commission.

(b) The games of chance licensee shall have all accounts and records available for inspection and auditing by the commission.

(c) The games of chance licensee shall allow an employee or authorized representative of the commission to enter and inspect any facility where games of chance are held for purposes of determining compliance with RSA 287-D and this chapter.

Pari 1212.02 Games of Chance Financial Requirements. The games of chance licensee shall maintain a checking account at a financial institution with at least one office in New Hampshire for all games of chance receipts and disbursements.

Readopt Pari 1213.01(c) and (d), effective 9-24-08 (Doc. #9281), to read as follows:

(c) If the charitable organization does not receive the financial information as specified in Pari 1210.01(c), the charitable organization shall submit a written statement on organization letterhead stating that no financial information was received from the game operator.

(d) The statement required by (c) above shall be:

(1) Signed by both the treasurer and chairperson; and

(2) Received by the commission by the deadline specified in (a) above.

Readopt Pari 1214.01, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1214.01 Game Operator License Required.

(a) Prior to any charitable organization conducting any games of chance in which a game operator employer is hired or a game operator is employed, the game operator employer and game operator shall apply to the commission for a game operator license as described in Pari 1214.04.

(b) Applicants for a game operator license shall submit an application to the commission at least 60 days prior to any game operator employer being hired or game operator participating in the operation of any games of chance.

Readopt with amendment Pari 1214.02, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1214.02 Application Procedures for a Game Operator License.

(a) If the commission, for the purpose of determining the game operator employer's or game operator's qualifications for licensure, requires any information or documents additional to the materials submitted by the game operator employer or game operator under Pari 1214.02, the commission shall:

(1) Notify the game operator employer or game operator in writing or by telephone within 5 days of the date the application is on file with the commission; and

(2) Specify the information or documents which the game operator employer or game operator is required to submit.

(b) If required pursuant to (a) above, the game operator employer or game operator shall submit any additional information or documents requested by the commission within 5 days of receipt of the request.

(c) An application shall be considered to be on file with the commission on the first date that the commission has received:

- (1) A fully completed application form and all required supporting documentation pursuant to Pari 1214.04; and
 - (2) The license fee as required pursuant to RSA 287-D:2-d, III.
- (d) The commission shall approve or deny the application in writing within 60 days of the date that the application is on file with the commission or the date that additional information is received by the commission from the game operator employer or game operator.
- (e) The commission shall approve the application and issue a license if the game operator employer or game operator has:
- (1) Complied with the application process set forth in this section and Pari 1214.03; and
 - (2) Complied with the requirements specified in Pari 1214.01 through Pari 1214.07.
- (f) The commission shall deny the application if the game operator employer or game operator has:
- (1) Not complied with the application process set forth in this section and Pari 1214.03; or
 - (2) Not complied with the requirements specified in Pari 1214.01 through Pari 1214.07.
- (g) If the commission denies an application, the commission's written notification pursuant to (d) above shall specify the reason(s) for denial.
- (h) The game operator employer or game operator may request a hearing to appeal the denial as specified in RSA 287-D:7.

Readopt Pari 1214.03, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1214.03 Expiration of a Game Operator License.

- (a) A license for a game operator employer or a game operator issued pursuant to this part shall expire:
- (1) On December 31; or
 - (2) Upon revocation of the license by the commission as specified in RSA 287-D:6 and Pari 1215.02.
- (b) A game operator employer shall not be hired to operate and a game operator shall not participate in the operation of any games of chance if the game operator employer's or game operator's license has:
- (1) Expired as specified in (a) above;
 - (2) Been suspended pursuant to Pari 1215.01; or
 - (3) Been denied pursuant to Pari 1214.01(f).

Readopt with amendment Pari 1214.04, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1214.04 Applications for a Game Operator License.

- (a) Each game operator employer applying for a game operator license shall submit to the commission a "Game Operator Employer Application for a Game Operator License" form.
- (b) An executive officer for the applicant pursuant to (a) above shall:
- (1) Provide the officer's name, in print;

- (2) Sign and date the form; and
- (3) Certify to the following preprinted statement:

“I certify, under the penalty of unsworn falsification pursuant to RSA 641:3, that the information provided in this application and any attachments to it is true, accurate and complete and that there are no willful misrepresentations in or falsifications of the above statements and answers to questions. If an investigation discloses such misrepresentations or falsifications, this application may be rejected or any license issued pursuant to it may be revoked or suspended. By signing this document, the games of chance employer agrees to abide by all applicable New Hampshire games of chance laws and rules.”

(c) Each primary game operator applying for a game operator license shall submit to the commission a “Primary Game Operator Application for a Game Operator License” form.

(d) Each secondary game operator applying for a game operator license shall submit to the commission a “Secondary Game Operator Application for a Game Operator License” form provided by the commission.

(e) The applicant pursuant to (c) or (d) above shall:

- (1) Provide the applicant’s name, in print;
- (2) Sign and date the form; and
- (3) Certify to the following preprinted statement:

“I certify, under the penalty of unsworn falsification pursuant to RSA 641:3, that the information provided in this application and any attachments to it is true, accurate and complete and that there are no willful misrepresentations in or falsifications of the above statements and answers to questions. If an investigation discloses such misrepresentations or falsifications, this application may be rejected or any license issued pursuant to it may be revoked or suspended. By signing this document, the game operator agrees to abide by all applicable New Hampshire games of chance laws and rules.”

(f) The game operator employer shall:

- (1) File a fully completed license application form as required by (a) above, with the commission;
- (2) Pursuant to RSA 287-D:2-c, V, submit a bond payable to the commission conditioned upon the licensee's compliance with the rules of the commission;
- (3) Submit a list of all employees and executive officers including name and address; and
- (4) Meet the requirements for licensure under RSA 287-D:2-c and this part.

(g) The game operator employer shall update the list required pursuant to (f)(3) above within 5 business days of an employee being hired or no longer working for the employer.

(h) If a primary or secondary game operator is no longer working for the employer, the game operator’s badge shall be immediately returned to the commission.

(i) The primary game operator shall:

- (1) File a fully completed license application form as required by (c) above, with the commission;
 - (2) Pursuant to RSA 287-D:2-c, V, submit a bond payable to the commission conditioned upon the licensee's compliance with the rules of the commission, if not already provided by the game operator employer;
 - (3) Pursuant to RSA 287-D:2-d, III, submit the licensing fee of \$500.00;
 - (4) Submit a New Hampshire department of safety, division of state police, criminal record release authorization form as required by RSA 287-D:8, I and the fee required by Saf-C 5703.06(a);
 - (5) Submit 2 photographs meeting passport standards;
 - (6) Submit one set of fingerprints:
 - a. On a form FD-258, FBI Fingerprint Card to the commission;
 - b. By Livescan to the New Hampshire department of safety; or
 - c. By Livescan to a qualified law enforcement agency;
 - (7) Pursuant to RSA 287-D:2-d, VII, submit a badge fee of \$10.00; and
 - (8) Meet the requirements for licensure under RSA 287-D:2-c and this part.
- (j) The secondary game operator shall:
- (1) File a fully completed license application form as required by (d) above, as applicable, with the commission;
 - (2) Pursuant to RSA 287-D:2-c, V, submit a bond payable to the commission conditioned upon the licensee's compliance with the rules of the commission, unless the bond is posted by the operator's employer, if any, as part of the game operator employer or primary game operator application;
 - (3) Pursuant to RSA 287-D:2-d, III, submit the licensing fee of \$30;
 - (4) Submit a New Hampshire department of safety, division of state police, criminal record release authorization form as required by RSA 287-D:8, I and the fee required by Saf-C 5703.06(a);
 - (5) Submit 2 photographs meeting passport standards;
 - (6) Submit one set of fingerprints:
 - a. On a form FD-258, FBI Fingerprint Card to the commission;
 - b. By Livescan to the New Hampshire department of safety; or
 - c. By Livescan to a qualified law enforcement agency;
 - (7) Pursuant to RSA 287-D:2-d, VII, submit a badge fee of \$10.00; and
 - (8) Meet the requirements for licensure under RSA 287-D:2-c and this part.

(k) If at any time a game operator employer or game operator application is pending, or at any time a game operator license is in effect, any of the information provided on or with a game operator employer or game operator license application under this section changes, or if the information becomes or is discovered to be inaccurate, the game operator employer or game operator shall, within 15 days of the occurrence of the event resulting in the change, file with the commission a new, corrected application form or provide supporting documentation containing the correct information.

(l) A primary or secondary game operator shall pay a badge fee of \$10 for any replacement badge that the commission issues.

(m) The primary or secondary game operator shall pay a fee in the amount established by the Federal Bureau of Investigation for submission of fingerprints pursuant to (i) or (j) above.

(n) The primary or secondary game operator shall pay the fee specified in (m) above by:

(1) For submission specified in (i)(6)a., (j)(6)a., (i)(6)c. or (j)(6)c., attaching to the card or Livescan receipt, as appropriate, a check for the fee amount; or

(2) For submission specified in (i)(6)b. or direct payment of the fee to the agency performing the Livescan.

(o) The commission shall determine the amount of the bond required pursuant to (f)(2), (i)(2) or (j)(2) based on each game operator or game operator employer's financial liability for amounts owed to the state pursuant to RSA 287-D:3, IX and X and to charitable organizations pursuant to RSA 287-D:3, VIII.

Amend Pari 1215.01(b), effective 1-20-07 (Doc. #8804), to read as follows:

(b) Applicants for a games of chance facility license shall submit an application to the commission at least 30 days prior to any games of chance being conducted in the facility.

Amend Pari 1215.04(c), effective 6-27-07 (Doc. #8921), to read as follows:

(c) Each person listed on the application form shall submit to the commission with the games of chance facility application a New Hampshire department of safety, division of state police, criminal record release authorization form as required by RSA 287-D:8, I and the fee required by Saf-C 5703.06(a).

Amend Pari 1215.07(b), (d) and (e)(1), effective 1-20-07 (Doc. #8804), to read as follows:

(b) The games of chance facility shall provide, as part of the facility rental fee, the following items and services to the charitable organization:

(1) Facility space;

(2) Heat, lights and restroom facilities sufficient for the seating capacity of the facility;

(3) Snow removal; and

(4) Trash removal and overall janitorial services sufficient to return the facility to a condition clean and proper for conducting business.

(d) All amended or renewed lease agreements shall be filed with the commission prior to the contract being presented to the charitable organizations for the organizations' signature. The licensee shall certify that all rental contracts comply with stipulations contained in (a) above.

(e) The games of chance facility shall:

- (1) Submit all amended or renewed lease agreements to the commission prior to the agreement being presented to the charitable organizations for the organizations' signature; and

Readopt with amendment Pari 1215.08, effective 9-24-08 (Doc. #9281), to read as follows:

Pari 1215.08 Facility License Exemption.

(a) Pursuant to RSA 287-D:2-a, VI, a games of chance facility where games of chance are held for no than 4 game dates per calendar year shall be exempt from the licensing requirement of this part.

(b) A games of chance facility shall submit a request for facility exemption including the following information to the commission at least 30 days prior to holding any games of chance:

- (1) Name of the facility;
- (2) Location of the facility;
- (3) Game date(s) proposed;
- (4) Game date(s) already held; and
- (5) Name of the charitable organization(s) sponsoring the games of chance on the game date(s) proposed and already held.

(c) A request for facility exemption may be submitted separately for each game date up to 4 per calendar year individually or all in one request.

(d) If the commission requires any additional information or documents to determine eligibility for an exemption from licensing, the commission shall:

- (1) Notify the facility in writing or by telephone within 5 days of the date the request is on file with the commission; and
- (2) Specify the information or documents which the facility is required to submit.

(e) If required pursuant to (d) above, the facility shall submit any additional information or documents requested by the commission within 5 days of receipt of the notification.

(f) A request shall be considered to be on file with the commission on the first date that the commission has received all the information specified in (b) above and any additional materials required by (d) above.

(g) The commission shall notify the facility in writing within 15 days of the date that the submission is on file with the commission or the date that additional information is received by the commission from the applicant.

(h) The commission shall approve the request if the facility has:

- (1) Held no more than 4 game dates within the calendar year; and
- (2) Complied with all other facility requirements specified in this chapter and RSA 287-D.

- (i) The commission shall deny the request if the facility has:
 - (1) Already held 4 game dates within the calendar year; or
 - (2) Not complied with all other facility requirements specified in this chapter and RSA 287-D.
- (j) If the commission denies a request, the commission's written notification pursuant to (g) above shall specify the reason(s) for denial.
- (k) The facility may request a hearing to appeal the denial as specified in RSA 287-D:7.

Amend Pari 1216.01(a), effective 9-24-08 (Doc. #9281), to read as follows:

- (a) Pursuant to RSA 287-D:6, III, the commission shall suspend a license issued pursuant to this chapter if a charitable organization, game operator or games of chance facility fails to:
 - (1) Comply with any requirement specified in this chapter or in RSA 287-D;
 - (2) Comply with an administrative order issued by the commission; or
 - (3) Pay any administrative fine.

Amend Pari 1216.02(a), effective 9-24-08 (Doc. #9281), to read as follows:

- (a) Pursuant to RSA 287-D:6, III, the commission shall revoke a license issued pursuant to this chapter if a charitable organization, game operator, game operator employer or games of chance facility fails to:
 - (1) Comply with any requirement specified in this chapter or in RSA 287-D;
 - (2) Comply with an administrative order issued by the commission; or
 - (3) Pay any administrative fine.

Readopt with amendment Pari 1217 and Pari 1218, effective 9-24-08 (Doc. #9281), to read as follows:

PART Pari 1217 ORDERS, FINES AND PENALTIES

Pari 1217.01 Orders, Fines and Penalties Procedures.

- (a) For the purposes of this part, "administrative action" means the final disposition of any violation which results in a verbal warning, letter of warning, administrative order, administrative fine, a suspension, a revocation, a referral to the attorney general's office or any combination of those.
- (b) A charitable organization, game operator, game operator employer or games of chance facility which fails to comply with any requirement specified in this chapter or in RSA 287-D shall be subject to an administrative action pursuant to RSA 287-D:6, this part and Pari 1216.
- (c) Upon detecting conditions which could cause or otherwise lead to violations, the investigator shall:
 - (1) Discuss the problem and corrective action with the games of chance licensee, game operator or other person in charge of a facility or games of chance, as appropriate; and
 - (2) Note on the inspection form that a verbal warning was given with a brief description of what was found.

- (d) Upon detecting a violation under this chapter or RSA 287-D, an investigator shall:
- (1) Discuss the violation with the games of chance licensee, game operator or other person in charge of a facility or games of chance, as appropriate;
 - (2) Note on the inspection form the violation that was found;
 - (3) Issue a written response to the games of chance licensee, game operator or other person in charge of a facility or games of chance, as appropriate.
- (e) The written response specified in (d)(3) may be:
- (1) An administrative order requiring corrective action to be taken to remedy the violation; or
 - (2) A letter of warning specifying that:
 - a. No further action is required;
 - b. A hearing will be held pursuant to Pari 200 and RSA 541 to determine if an administrative fine will be imposed and the amount of the fine; or
 - c. The matter is being referred to the attorney general's office.
- (f) If a letter of warning is issued pursuant to (e)(2) above, the letter shall include the following:
- (1) Licensee's, operator's or other person's name and address;
 - (2) A description of the violation that has been committed;
 - (3) The statute or rule number that has been violated;
 - (4) The date and time of the violation; and
 - (5) A notice of which action specified in (e)(2) above will be taken.
- (g) If a hearing is held regarding a violation, the commission shall:
- (1) Hear all evidence presented;
 - (2) Hear any aggravating or mitigating circumstances;
 - (3) Determine, based on the preponderance of evidence present at hearing, whether the violation alleged in the letter of warning occurred; and
 - (4) If the violation was:
 - a. Proven:
 1. Consider the aggravating and mitigating circumstances presented;
 2. Consider the licensee's record of past violations;

3. Consider any adverse impact of the violation on the integrity of games of chance;
4. Consider any beneficial economic impact gained from the violation by the licensee;
5. Consider any negative economic impact to the revenues paid to the charitable organization or state treasurer; and
6. Impose an appropriate penalty considering all circumstances subject to the limitations specified in RSA 287-D:6; or

b. Not proven, dismiss the case.

(h) All administrative fines imposed by the commission shall be paid within 5 days of receipt of the final order pursuant to Pari 202.

PART Pari 1218 AMOUNTS COLLECTED PURSUANT TO RSA 287-D:3, IX and RSA 287-D:3, X

Pari 1218.01 Calculation of Amounts Collected Pursuant to RSA 287-D:3, IX and RSA 287-D:3, X When a Charitable Organization Operates the Games of Chance without a Game Operator.

(a) For all games of chance where chips have monetary value and the charitable organization collects a rake, the charitable organization shall deduct 10% from the total amount of the rake collected from all such tables per game date.

(b) For all games of chance where chips have monetary value and the charitable organization does not collect a rake, the charitable organization shall deduct 10% from the total amount of all house winnings and all other monies collected from players not paid out as prizes for all such tables per game date.

(c) For all games of chance where chips have *no* monetary value, the amount to be collected pursuant to RSA 287-D:3, IX shall be determined by multiplying the total amount collected from players, including but not limited to buy-ins and re-buys, per game date by 3%.

(d) The charitable organization shall deduct the amount calculated in (b) above from the total amount per game date of all monies received from the games, including but not limited to buy-ins and re-buys, minus the amount of prizes paid.

(e) The charitable organization shall submit to the commission on a "State Revenue Invoice for Games of Chance" form each amount collected pursuant to (a), (b) and (c) and a total amount to be paid to the commission.

(f) The amount calculated by the charitable organization pursuant to (a), (b) and (c) above shall:

- (1) Not be less than zero per game date;
- (2) Be paid by separate check, including the charitable organization's identification number, for each game date from the account specified in RSA 287-D:2-a, VII(e); and
- (3) Be submitted to the commission within 5 business days of each game date.

Pari 1218.02 Calculation of Amounts Collected Pursuant to RSA 287-D:3, IX and RSA 287-D:3, X When a Game Operator has been Hired to Operate the Games.

(a) For all games of chance where chips have monetary value and the game operator collects a rake, the total amount of the rake collected from all such tables per game date shall be allocated as follows:

- (1) Pursuant to RSA 287-D:3, VIII, 35% for the charitable organization sponsoring the event;
- (2) Pursuant to RSA 287-D:3, X, 10% for the state treasurer; and
- (3) The remaining 55% for all expenses from the games of chance including but not limited to game operator fees, facility rental fees and equipment fees.

(b) For all games of chance where chips have monetary value per game date and the game operator does not collect a rake, the total amount of all house winnings and all other monies received from players not paid out as prizes collected from all such tables per game date shall be allocated as follows:

- (2) Pursuant to RSA 287-D:3, VIII, 35% for the charitable organization sponsoring the event;
- (2) Pursuant to RSA 287-D:3, X, 10% for the state treasurer; and
- (3) The remaining 55% for all expenses from the games of chance including but not limited to game operator fees, facility rental fees and equipment fees.

(c) For all games of chance where chips have no monetary value, the amount to be collected by the game operator pursuant to RSA 287-D:3, IX shall be determined by multiplying the total amount collected per game date from players, including but not limited to buy-ins and re-buys, by 3%.

(d) For all games of chance where chips have no monetary value, the total amount per game date of all monies received from the games including but not limited to buy-ins and re-buys minus the amount of prizes paid shall be allocated as follows:

- (1) Pursuant to RSA 287-D:3, VIII, 35% for the charitable organization sponsoring the event;
and
- (2) The remaining 65% for the amount specified in (b) above and all expenses from the games of chance including but not limited to game operator fees, facility rental fees and equipment fees.

(e) The game operator shall submit to the commission on a "State Revenue Invoice for Games of Chance" form each amount collected pursuant to (a)(2), (b)(2) and (c) and a total amount to be paid to the commission.

(f) The total amount calculated by the game operator pursuant to (a)(2), (b)(2) and (c) above shall:

- (1) Not be less than zero per game date;
- (2) Be paid by separate check, including the charitable organization's identification number, for each game date from the account specified in RSA 287-D:2-c, VI; and
- (3) Be submitted to the commission within 5 business days of each game date.