

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 4 BINGO AND RAFFLES
PART 3 LICENSE AND STAFF PERMIT RENEWAL

15.4.3.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.4.3.1 NMAC - Rp, 15.4.3.1 NMAC, 2/23/2021]

15.4.3.2 SCOPE: This rule applies to all persons subject to regulations promulgated under the New Mexico Bingo and Raffle Act by the New Mexico gaming control board.
[15.4.3.2 NMAC - Rp, 15.4.3.2 NMAC, 2/23/2021]

15.4.3.3 STATUTORY AUTHORITY: Authority for this rule derives from the New Mexico Bingo and Raffle Act Section 60-2F-3 NMSA 1978. Subsections I, J, K and L of Section 60-2F-6 NMSA 1978 authorize the board to adopt regulations concerning licensure for persons involved in the conducting of games of chance.
[15.4.3.3 NMAC - Rp, 15.4.3.3 NMAC, 2/23/2021]

15.4.3.4 DURATION: Permanent.
[15.4.3.4 NMAC - Rp, 15.4.3.4 NMAC, 2/23/2021]

15.4.3.5 EFFECTIVE DATE: March 23, 2021, unless a later date is cited at the end of a section.
[15.4.3.5 NMAC - Rp, 15.4.3.5 NMAC, 2/23/2021]

15.4.3.6 OBJECTIVE: This rule establishes standards for the periodic renewal of licenses issued under the New Mexico Bingo and Raffle Act.
[15.4.3.6 NMAC - Rp, 15.4.3.6 NMAC, 2/23/2021]

15.4.3.7 DEFINITIONS: See 15.4.1.7 NMAC for applicable definitions.
[15.4.3.7 NMAC - Rp, 15.4.3.7 NMAC, 2/23/2021]

15.4.3.8 NATURE OF LICENSE AND RENEWAL APPLICATION REQUEST:

- A.** Any renewed license or other approval issued by the board is deemed a revocable privilege. No person holding such a license or other approval is deemed to have any property rights therein.
 - B.** Any application for a renewed license or other approval submitted under the provisions of the act or this rule constitutes the seeking of a privilege, and the burden of proving qualification is on the applicant.
 - C.** Any renewal application for license or other approval from the board will constitute a request to the board for a decision on the applicant's general suitability, character, integrity, financial responsibility, and ability to engage in, or be associated with, the conduct of games of chance in New Mexico. By filing an application with the board, the applicant specifically consents to investigation to the extent deemed appropriate by the board.
 - D.** By applying for and obtaining any renewed license or other approval from the board, the applicant agrees to abide by all provisions of the act, the regulations promulgated pursuant to the act and all other applicable laws.
 - E.** By applying for a renewed license or other approval from the board, the applicant accepts all risks of adverse public notice, embarrassment, criticism, damages, or financial loss that may result from any disclosure or publication of any material or information contained in or relating to any application to the board.
- [15.4.8. NMAC - Rp, 15.4.3.8 NMAC, 2/23/2021]

15.4.3.9 RENEWAL APPLICATIONS, STATEMENTS, AND NOTICES - FORM AND GENERAL REQUIREMENTS:

- A.** All licenses shall expire on the third anniversary date of the original issuance and will be subject to renewal on an anniversary date basis. Every renewal application, statement, and notice required to be filed under the act or this rule shall be submitted on forms prescribed by the board and shall contain such information and documents as specified.
- B.** The applicant shall file with the renewal application all requested information requested by the board or its agents not less than 60 days prior to the expiration date. The renewal application requires full disclosure of all information requested therein. The failure to provide all required and requested information may result in grounds for denial or suspension of approval.

C. Upon request of the board or its agents, the applicant shall provide any additional information. The applicant shall provide all requested documents, records, supporting data, and other information within the time period specified in the request, or if no time is specified, within 15 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request or this rule, the board may deny the renewal application unless good cause is shown.

D. All information required to be included in a renewal application shall be true and complete as of the date of board action sought by the applicant. If there is any change in the information submitted to the board in the renewal application, the applicant shall file, within five days of the change, a written amendment disclosing all facts necessary to adequately inform the board of the change in circumstances before the board takes the requested action.

E. The renewal application and any amendments shall be sworn to or affirmed by the applicant before a notary public.

F. At the board's discretion an applicant may be required to submit to a background investigation.

G. Neither the state, the board, or any agency with which the board contracts to conduct background investigations, or the employees of any of the foregoing, shall be held liable for any inaccurate information obtained through such an investigation.

H. The applicant shall cooperate fully with the board and its agents with respect to background investigation of the applicant, including, upon request, making available any and all of its books and records for inspection. The board may examine the background, personal history, financial associations, character, record and reputation of the applicant to the extent the board determines is necessary to evaluate the qualifications and suitability of the applicant.

I. The board shall deny the renewal application of any applicant that refuses or fails to provide any information requested by the board or its agents, provides incomplete or false information, or refuses to submit to a background investigation to the extent the board determine is necessary to evaluate the qualifications for a suitability of the applicant.

J. All renewal applications shall be completed by the applicant within 15 days of submission. Failure to complete the renewal application within such time period shall result in the forfeiture of all licensing fees. Applicant shall be required to re-submit a new application with licensing fees should the applicant still wish to pursue licensure.

K. An applicant may amend the application at any time prior to final action by the board. The date of receipt of the amendment by the board or its agents shall establish the new filing date of the renewal application with respect to the time requirements for action on the application.

L. An amendment to a renewal application filed by the applicant after the date on which the board has taken the action sought under the application, if the amendment is approved by the board, shall become effective on the date determined by the board.

M. An applicant may file a written request for withdrawal of the renewal application at any time prior to final action on the application by the board.

[15.4.3.9 NMAC - Rp, 15.4.3.9 NMAC, 2/23/2021]

15.4.3.10 REQUIREMENTS FOR DISCLOSURE IN RENEWAL OF LICENSE ISSUED;

CONTENTS OF RENEWAL APPLICATION: The renewal of a bingo and raffle operator's license shall be filed with the board not less than 60 days prior to the expiration date. The licensee shall submit with the renewal application a proposed plan for the conduct of all games of chance. The plan shall include all of the requirements set forth in Section 15.4.2.11 NMAC.

[15.4.3.10 NMAC - Rp, 15.4.3.10 NMAC, 2/23/2021]

15.4.3.11 DENIAL OR DELAY IN LICENSURE:

A. The board may deny or delay an application for renewal if:

- (1) the applicant is delinquent in the payment of any installment of the bingo tax or of any other fees, fines, costs, or penalties imposed by the state;
- (2) the application is incomplete;
- (3) the quarterly reports are not current; or
- (4) other reasons deemed necessary by the board.

B. If the application is not properly verified or not fully, accurately and truthfully complete, any existing license may be suspended until the default has been corrected. A \$100 fee shall be assessed.

C. The renewal application acceptance date shall not alter the anniversary date. Should the license be issued after the anniversary date as a result of a late or incomplete application, the licensee shall expire on the original anniversary date.

[15.4.3.11 NMAC - Rp, 15.4.3.11 NMAC, 2/23/2021]

15.4.3.12 RENEWAL OF STAFF PERMIT ISSUED: Staff permits issued by the act expire three years from the date of issuance of the permit and are subject to renewal in accordance to the act and this rule. A complete application for renewal of the staff permit shall be filed with the board at least 10 days prior to the date of expiration. The renewal application shall be submitted on forms prescribed by the board.

A. Applicants shall submit:

- (1) a completed staff permit renewal application;
- (2) application fee;
- (3) signed and notarized authorization for a background investigation;
- (4) self disclosure form;
- (5) the applicant's fingerprints and photograph in duplicate. Fingerprints shall not be

accepted unless the fingerprints were taken under the supervision of a certified identification technician or a certified law enforcement officer; and

(6) the applicant's credit report dated within the 30 days prior to submission of the applicant's signed application to the board.

B. Permittees shall not have a warrant for their arrest in any jurisdiction.

C. Permittees shall submit a current photograph with each renewal application. The photographs shall have been taken no earlier than three months before the renewal application is filed.

D. Permittees who intend to use their staff permit at a licensed venue not currently designated on the initial or previous renewal applications shall submit notice to the board in writing prior to beginning new employment. Additionally, this notification shall clearly specify whether the new employment is in additional to or substitute for the current employment. This shall be done on forms prescribed by the board.

[15.4.3.12 NMAC - Rp, 15.4.3.12 NMAC, 2/23/2021]

15.4.3.13 RENEWAL FEES:

A. Renewal fees are as follows:

- (1) manufacturer, \$200;
- (2) distributor, \$200;
- (3) bingo operator, \$200;
- (4) bingo managers, alternate bingo managers and accountants staff permits, \$50; and
- (5) all other bingo employee staff permits, \$25

B. Any renewal application shall be deemed incomplete, and shall be subject to late fees and penalties, if the applicant does not include full payment for the license renewal fee with the application or if the applicant's check is returned due to insufficient funds.

[15.4.3.13 NMAC - Rp, 15.4.3.13 NMAC, 2/23/2021]

15.4.3.14 LATE RENEWAL OF LICENSE:

A. The board may, in its discretion, accept and process a renewal application filed after the deadline established in Subsection B of 15.4.3.9 NMAC. Any such application, however, shall be subject to a late renewal fee of \$100 dollars with an additional fee of \$10 per day up to 30 days.

B. If the licensee fails to renew within the required amount of time, any application received up to one year after the expiration date may be considered a renewal application. All applicable late fees shall be paid upon submission of the renewal application. Upon showing of good cause, the applicant may submit an initial application and have any late fees waived.

[15.4.3.14 NMAC - Rp, 15.4.3.14 NMAC, 2/23/2021]

15.4.3.15 LATE RENEWAL OF A STAFF PERMIT: If the permittee fails to submit a completed application and fee within the required amount of time, a \$50 late fee shall be assessed.

[15.4.3.15 NMAC - Rp, 15.4.3.15 NMAC, 2/23/2021]

15.4.3.16 MANDATORY CESSATION OF BINGO, RAFFLE AND PULL-TAB ACTIVITY: No licensee shall engage in any games of chance unless the licensee has received a renewed license from the board.

Any licensee that fails to renew its license as required by the act and this rule shall cease the games of chance authorized by the license on the date the license expires. Any person engaging in any games of chance without a renewed license may be subject to criminal sanctions.

[15.4.3.16 NMAC - Rp, 15.4.3.16 NMAC, 2/23/2021]

HISTORY OF 15.4.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives by department of alcohol and beverage control under:

ABC Regulation No. 2B-4, Responsibility to Post and Have in its Possession Certain Materials, Relating to Section 60-2B-4, filed 12/22/1982).

Regulation No. 2B-4, Responsibility to Post and Have in its Possession Certain Materials, filed 3/21/1984.

Regulation No. 2B-5, Location of Games, Relating to Section 60-2B-5, filed 3/21/1984.

ABC Regulation No. 2B-7, Display of Licensee's Name, Relating to Section 60-2B-7, filed 12/22/1982.

Regulation No. 2B-7, Display of Licensee's Name, Relating to Section 60-2B-7, filed 3/21/1984.

History of Repealed Material:

15.4.3 NMAC, Bingo Licenses, filed 9/16/2005 - Repealed, effective 4/15/2013.

15.4.3 NMAC, Bingo Licenses, filed 3/27/2013 - Repealed, effective 2/23/2021.

Other:

15.4.3 NMAC, Bingo Licenses, filed 9/16/2005, replaced by 15.4.3 NMAC, Bingo Licenses, effective 4/15/2013.

15.4.3 NMAC, Bingo Licenses, filed 3/27/2013, replaced by 15.4.3 NMAC, Bingo Licenses, effective 2/23/2021.