

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 4 BINGO AND RAFFLES
PART 5 OPERATING PROCEDURE STANDARDS

15.4.5.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.4.5.1 NMAC - Rp, 15.4.5.1 NMAC, 2/23/2021]

15.4.5.2 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.
[15.4.5.2 NMAC - Rp, 15.4.5.2 NMAC, 2/23/2021]

15.4.5.3 STATUTORY AUTHORITY: Authority for this rule derives from the New Mexico Bingo and Raffle Act Section 60-2F-3 NMSA 1978. Subsections G and H of 60-2F-6 NMSA 1978 authorize the board to adopt rules to hold, conduct and operate all games of chance held in the state except those exempt under the New Mexico Bingo and Raffle Act, implement the act, and to ensure that games of chance conducted in New Mexico are conducted with fairness and that the participants and patrons are protected against illegal practices on any premises.
[15.4.5.3 NMAC - Rp, 15.4.5.3 NMAC, 2/23/2021]

15.4.5.4 DURATION: Permanent.
[15.4.5.4 NMAC - Rp, 15.4.5.4 NMAC, 2/23/2021]

15.4.5.5 EFFECTIVE DATE: February 23, 2021, unless a later date is cited at the end of a section.
[15.4.5.5 NMAC - Rp, 15.4.5.5 NMAC, 2/23/2021]

15.4.5.6 OBJECTIVE: This rule establishes requirements for operating procedures of bingo operator licensees.
[15.4.5.6 NMAC - Rp, 15.4.5.6 NMAC, 2/23/2021]

15.4.5.7 DEFINITIONS: See 15.4.17 NMAC for applicable definitions.
[15.4.5.7 NMAC - Rp, 15.4.5.7 NMAC, 2/23/2021]

15.4.5.8 GENERAL DUTIES:

A. It is the responsibility of every licensee to be informed of the content of the act, rules promulgated under the act, and all amendments to either, and any board prescribed training, if applicable. Lack of knowledge of the act, rules, or amendments thereto shall not be an excuse or defense for any violations.

B. A licensee shall maintain all records required by the board in accordance with rules and as required by law.

C. A licensee shall provide immediate access to all records and premises of the licensee for inspection at the request of the board or its agents and all law enforcement agencies.

D. A licensee shall keep current all payments and obligations to the licensing authority, suppliers and distributors of gaming equipment, lessors of premises, and tax payments to the taxation and revenue department.

E. A licensee shall not extend credit to a player to play in any game of chance.

F. A licensee shall not enter into any agreement with providers of equipment or services, including lessors of premises, which imposes restrictions on the licensee with respect to the use of net proceeds.

G. A licensee shall not purchase goods or services for which the cost exceeds fair market value, which shall be the responsibility of the licensee to demonstrate to the board or its agents upon request.

H. A licensee shall obtain bingo, raffle and pull-tab supplies and all associated equipment only from a licensed distributor, manufacturer or operator.

I. A licensee shall employ methods that safeguard all bingo, raffle and pull-tab assets.

[15.4.5.8 NMAC - Rp, 15.4.5.8 NMAC, 2/23/2021]

15.4.5.9 METHODS OF OPERATION:

A. All licensed premises shall be operated in a manner consistent with the act, and the rules promulgated there under.

B. All licensees shall conduct all games of chance in a manner that does not pose a threat to the public health, safety and welfare of the citizens of New Mexico or reflect adversely on the security or integrity of charitable gaming.

C. It is the responsibility of the licensee to employ and maintain suitable methods of operation consistent with state policy. Willful or persistent use of methods of operation deemed unsuitable, or failure of the licensee to use suitable methods, shall constitute grounds for revocation of the license and imposition of a fine or other disciplinary action by the board.

D. Licensees shall maintain singular control of the conduct of games of chance within their bingo operation, and at no point shall engage with, facilitate, employ or allow a commercial lessor, the owner of a premises and all parties who lease or sublease a premises to the bingo licensee for the conduct of games of chance, to participate in the conduct of any game of chance or bingo occasion regulated by the New Mexico Bingo and Raffle Act. Prohibited acts under this Subsection D include, but are not limited to, the managing, operating, promoting, advertising or administering of a game of chance or any arrangement for payments to a lessor, owner or any other party that is based on a licensee's revenue from games of chance.

E. No person having a financial interest in a licensed distributor or manufacturer, including a spouse, first degree relative, employee or agent of a licensed distributor or manufacturer, shall operate, manage, conduct, advise or assist in the operating, managing, conducting, promoting or administering of any game of chance, except that a distributor or manufacturer may advertise or promote bingo events free of charge on behalf of licensed bingo operators at no cost as an in-kind donation. For purposes of this subsection, the term "assist" shall include, but is not limited to, the payment of any expense of a licensed organization, whether such payment is by loan or otherwise. [15.4.5.9 NMAC - Rp, 15.4.5.9 NMAC, 2/23/2021]

15.4.5.10 UNSUITABLE METHODS OF OPERATION: Any activity by any licensee or employee that is contrary to the health, safety, morals, or welfare of the public, shall be deemed an unsuitable method of operation. Without limitation, the following shall be determined to be unsuitable methods of operation:

A. directly or indirectly assisting, employing, or associating with persons or businesses of disreputable character that may adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the proposed activity;

B. employing any person required to hold a staff permit who has been denied a staff permit, or who has failed to or refused to apply for a staff permit;

C. failing to comply with all federal, state and local laws and regulations governing the operations of games of chance, including without limitation the payment of all fees and taxes;

D. denying the board or its agents or other authorized persons access to a licensed premise or records;

E. misrepresentation of any material fact or information to the board or its agents;

F. obstructing or impeding the activities of the board or its agents;

G. conducting or permitting the conduct, knowingly or unknowingly, of any game of chance other than that allowed pursuant to the act;

H. knowingly or unknowingly permitting the conduct of games of chance by any other entity at a location or premises at the time, regardless of the division or separation of rooms within the building, hall, or enclosure;

I. failing to require employees to wear staff permits;

J. employment of, contracting with, associating with, or participating in any enterprise or business that has failed to obtain a license;

K. failing to immediately award prize(s) to winning patrons;

L. failing to adhere to and enforce house rules; and

M. allowing any of its members operating any licensed activity to directly or indirectly in the course of such operations;

(1) employ any device, scheme or artifice to defraud or deceive;

(2) make any untrue or misleading statement; or

(3) engage in any act, practice or course of operation that would operate as a fraud or deceit

upon any person; and

N. otherwise failing to conduct games of chance in accordance with the act or this chapter.

[15.4.5.10 NMAC - Rp, 15.4.5.10 NMAC, 2/23/2021]

15.4.5.11 REPORTS OF VIOLATIONS:

A. Any licensee or permittee shall immediately notify the board's enforcement division by telephone and in writing of the discovery of any violation or suspected violation of the act or rules promulgated under the act, or of any other local, state or federal law on the licensed premises or related to the licensed operation.

B. Each licensee shall immediately by telephone and in writing report any discovered or suspected plan, scheme, device or other methods of cheating that may compromise the integrity of any game of chance offered for play, or used for any other gaming purpose within the state by such licensee. Any investigation conducted under this subsection shall be considered confidential except that the board may, in its sole discretion, take whatever steps it deems necessary or appropriate to address or mitigate cheating, including distributing a warning about cheating to other state licensees or other licensing jurisdictions.

[15.4.5.11 NMAC - Rp, 15.4.5.11 NMAC, 2/23/2021]

15.4.5.12 PAYMENT OF WINNINGS:

A. All prizes shall be paid from the licensee's bingo operating account.

B. All gross receipts collected during the occasion shall be deposited into the bingo operating account. Prize payouts from gross receipts collected during an occasion is prohibited.

C. Upon determining a winner, the licensee shall remove any merchandise prize won immediately from display and it shall be tendered to the winner. Cash or checks issued for prizes shall be awarded immediately. Checks issued for prizes from the bingo operating account shall be consecutively numbered, signed by two authorized representatives of the licensee and made payable to a person, and the nature of the payment shall be noted on the face of the check.

D. Licensees offering any merchandise as a prize shall have documented proof of ownership of said item, free from any and all liens, mortgages and encumbrances prior to the sale of any bingo cards, raffle tickets or pull-tabs. This documented evidence of ownership shall be made available to the either the board or any law enforcement agency upon demand.

[15.4.5.12 NMAC - Rp, 15.4.5.12 NMAC, 2/23/2021]

15.4.5.13 PATRON COMPLAINTS AND DISPUTES:

A. Unresolved patron complaints shall be reported to the board's enforcement division by telephone and in writing on a form prescribed by the board within 72 hours.

B. In the event an unresolved dispute arises with a patron concerning payment of alleged winnings, the licensee shall provide the patron with a patron dispute form at the time of the dispute, and the licensee and patron shall each complete a separate patron dispute form immediately. Within 72 hours of the dispute, the licensee and patron shall separately submit a copy of the patron dispute form to the enforcement division. The form may be submitted by facsimile, electronic mail, or U.S. mail.

[15.4.5.13 NMAC - Rp, 15.4.5.13 NMAC, 2/23/2021]

15.4.5.14 POSSESSION AND VERIFICATION OF STAFF PERMITS:

A. Every permittee shall wear a valid staff permit badge that is easily visible at all times when engaged in the conduct of games of chance.

B. Refusal or failure to wear the staff permit badge as required in this rule shall be grounds for disciplinary action.

C. If a permittee's badge is lost or stolen, the permittee shall notify the board immediately and purchase a replacement badge.

D. The permittee shall wear a temporary badge provided by the board in place of the lost or stolen badge until a replacement badge is received.

[15.4.5.14 NMAC - Rp, 15.4.5.14 NMAC, 2/23/2021]

15.4.5.15 EMPLOYEE CONDUCT:

A. No employee may accept any type of gift, percentage of winnings, money or a thing of value from any player or any person associated with a player in exchange for influencing the outcome of a game of chance.

B. No bingo employee shall play any game of chance during the same bingo occasion in which they have worked as a bingo employee for any length of time.

C. There shall be no private exchange of information between the caller and any other person which identifies numbers drawn or suggests numbers to be drawn as part of a game of chance, verbally or by any other method, prior to the verification of winning numbers.

[15.4.5.15 NMAC - Rp, 15.4.5.15 NMAC, 2/23/2021]

15.4.5.16 SECURITY:

A. Licensees shall implement and maintain security measures that shall ensure safe and honest operation of the bingo establishment.

B. The licensee shall identify paid security personnel, if any, by badge or uniform while games of chance are being conducted. These personnel shall not be permitted by the licensee to play or to participate in the conduct of games of chance.

[15.4.5.16 NMAC - Rp, 15.4.5.16 NMAC, 2/23/2021]

15.4.5.17 HOUSE RULES:

A. A licensee shall establish house rules applicable to the conduct of games of chance as long as the rules do not conflict with the act or this title. Before any licensee enacts, adopts or modifies any house rules, the rules shall be submitted to the board for approval.

B. A copy of the house rules shall be in the licensee's possession at all times and made available to any person on request.

C. Houses rules shall be posted inside and near all entrances to the licensed premise.

D. Postings shall have at the top "*house rules*" in a minimum 24 point non-cursive font followed by the rules in a 14 point non-cursive font.

E. At a minimum house rules shall address the following:

- (1) last number called, required or not;
- (2) temporary suspension of bingo occasion or game;
- (3) explanation of tiered payouts and if refunds are or are not given;
- (4) how "bingo" is signaled and who must receive the signal to stop the game;
- (5) multiple prize awards;
- (6) condition under which a winning pull-tab will be paid;
- (7) check cashing policy;
- (8) age requirements;
- (9) smoking;
- (10) reserving seats;
- (11) promotional games;
- (12) tipping; and
- (13) procedures and forms required to be completed by the patron and licensee in the event of a patron dispute or complaint.

[15.4.5.17 NMAC - Rp, 15.4.5.17 NMAC, 2/23/2021]

15.4.5.18 FORMS: The board may prescribe all forms called for or required by the act or this chapter, and all filings with the board shall be accompanied by such affidavits, documents, and other supporting data as the board requires.

[15.4.5.18 NMAC - Rp, 15.4.5.18 NMAC, 2/23/2021]

15.4.5.19 RESPONSIBILITY TO POST AND HAVE IN ITS POSSESSION CERTAIN MATERIAL:

A. A copy of the Bingo & Raffle Act and Title 15, Chapter 4 of the NMAC in their entirety shall be present during the conduct of all games of chance and made available to any patron upon request.

B. The licensee shall post a notice in a minimum 24 point non-cursive font in two or more conspicuous places stating that copies of the act and rules promulgated thereunder and the house rules may be obtained from the bingo manager for any player to read.

[15.4.5.19 NMAC - Rp, 15.4.5.19 NMAC, 2/23/2021]

15.4.5.20 DISPLAY OF LICENSEE'S NAME:

A. Licensees shall clearly display the name of the organization holding a bingo game in an area adjacent to the caller. The name shall be in letters at least six inches high.

B. The name displayed shall be the name of the organization licensed to conduct the bingo game followed by the word "*bingo*" or "*raffle*".

C. The licensee shall not assume or display any other trade or fictitious name.

D. If the premises are rented or used by more than one organization, the organization playing at that time and date will display its license.

[15.4.5.20 NMAC - Rp, 15.4.5.20 NMAC, 2/23/2021]

15.4.5.21 INSPECTION OF PREMISES, RECORDS, MACHINES AND DEVICES:

A. An agent of the board may enter a licensee's premises without advance notice. During bingo occasions, a space shall be left behind players and between tables to allow the agent to walk down each row of tables and inspect bingo cards in play.

B. An agent may perform all or any of the following:

(1) count all monies received during the operation of the licensed activities in the premises, inspect income received by the licensee and inspect records of prizes paid out;

(2) examine and copy any records of the licensee;

(3) examine all pieces of equipment or parts thereof, or devices of any nature which are being used to conduct the licensed activities and to require the licensee to dismantle equipment, if necessary, except during operation of a game; and

(4) perform other inspections as the agent deems necessary to ensure compliance with the act or rules.

[15.4.5.21 NMAC - Rp, 15.4.5.21 NMAC, 2/23/2021]

15.4.5.22 DISCLOSURE OF PRIZES DURING GAMES OF CHANCE:

A. The licensee shall clearly and audibly disclose full information before each game concerning the number of prizes to be awarded, whether the prizes are awarded in cash, check, or merchandise, and the cash value and the method by which such prizes may be awarded, including the cost of playing.

B. Prizes or prize money offered shall be communicated to all players 30 minutes prior to the start of a game and cannot be altered thereafter.

[15.4.5.22 NMAC - Rp, 15.4.5.22 NMAC, 2/23/2021]

15.4.5.23 DOOR PRIZES: The value of a door prize shall not exceed \$1,000.

[15.4.5.23 NMAC - Rp, 15.4.5.23 NMAC, 2/23/2021]

15.4.5.24 PROMOTIONAL GAMES OF CHANCE: Free and discounted games of chance may be awarded to players when:

A. house rules describe how these games of chance are awarded;

B. no employee or members of employee's household are permitted to participate;

C. method of award is equitable and non-discriminatory;

D. the following information is collected, recorded and retained per occasion in accordance with the records retention requirements;

(1) name, address and phone number of players receiving the promotional game;

(2) the date and occasion the promotional game was played; and

(3) the retail value of the promotional game;

E. all promotional games awarded are subject to the bingo tax; and

F. licensee shall compute the bingo tax using the retail value of a non-promotional game and not the free or reduced price.

[15.4.5.24 NMAC - Rp, 15.4.5.24 NMAC, 2/23/2021]

15.4.5.25 EMPLOYEE TERMINATION; SURRENDER AND CANCELLATION STAFF PERMIT:

A. A permittee who is not employed by at least one licensee shall surrender their staff permit badge to the board within 10 days.

B. Licensee shall notify the board, in writing, of a permittee termination within three days.

C. A staff permit expires if the permittee is not employed in a permitted position for a period greater than 90 days.

D. Licensee shall notify the board, in writing when a permittee is not employed in a permitted position for a period greater than 90 days.

[15.4.5.25 NMAC - Rp, 15.4.5.25 NMAC, 2/23/2021]

15.4.5.26 TEMPORARY CESSATION OF GAMES OF CHANCE:

A. The licensee shall contact the board in writing prior to the cessation of one or more bingo occasions or cessation of pull-tab dispenser operations. In the event there is an emergency and prior notice cannot be given, the licensee shall advise the board no later than the next business day.

B. If bingo operations cannot resume on the next scheduled occasion, or pull-tab dispenser operations cannot resume by the next scheduled day, the licensee shall notify the board in writing and include the dates and times of the occasions or cessation of dispenser operations and the reason for the closure.

C. If the cessation of bingo occasions or pull-tab dispenser operations exceeds 30 days, the licensee shall notify the board in writing and include the length of the cessation, the reason for cessation, and the date regular operations will resume. The licensee shall provide updated notifications to the board every 30 days thereafter until such time as bingo occasions or pull-tab dispenser operations resume.

D. Any bingo operator licensee that ceases games of chance for more than 90 consecutive days and has not requested and received authorization from the board to do so, shall surrender its bingo operator's license to the board. The board may suspend or revoke the bingo operator's license, absent good cause shown for cessation of operation exceeding 90 consecutive days.

[15.4.5.26 NMAC - Rp, 15.4.5.26 NMAC, 2/23/2021]

15.4.5.27 CESSATION OF GAMES OF CHANCE; SURRENDER AND CANCELLATION OF LICENSE:

A. The licensees shall notify the taxation and revenue department of cessation of bingo and raffle activities in writing.

B. The licensee seeking to cease operations shall submit a form prescribed by the board to include the licensee's name, license number and the names of all permittees with badge numbers, and the type of property/venue to the board's licensing division no later than 10 days from the final occasion.

C. The licensee shall surrender all licenses issued by the board to the board's licensing division no later than 10 days from the final occasion.

D. The licensee may sell or donate any equipment only to licensed operators or distributors.

E. The licensee shall sell or donate unopened pull-tab deals only to licensed operators or distributors.

F. The licensee may sell or donate unopened packages of bingo cards only to licensed operators or distributors.

G. All reporting requirements apply to the final quarterly report.

H. The licensee shall submit the final quarterly bingo and raffle activity reports on the prescribed quarterly report forms no later than 45 days from the final occasion conducted.

I. All monies in the bingo operating account shall be fully distributed and checks cleared no later than the 45 days from the last occasion. The bingo operating account balance should be zero. Proof of a zero balance in the bingo operating account and the closing of that account shall be sent to the board.

J. The ceasing of bingo activities does not relieve the bingo operator licensee of its obligations to pay any tax, fees or costs due or to submit any report or information required as a result of engaging in games of chance.

K. The board may take disciplinary action against any licensee that ceases games of chance without notice to the board, including revoking the license, imposing a fine, or both.

[15.4.5.27 NMAC - Rp, 15.4.5.27 NMAC, 2/23/2021]

HISTORY OF 15.4.5 NMAC: [RESERVED]

History of Repealed Material:

15.4.5 NMAC, Bingo and Raffles - Operating Procedure Standards, filed 3/27/2013 - Repealed, effective 2/23/2021.

Other History:

15.4.5 NMAC, Bingo and Raffles - Operating Procedure Standards, filed 3/27/2013 replaced 15.4.5 NMAC, Bingo and Raffles - Operating Procedure Standards, effective 2/23/2021.