

7861.0230 GAMBLING MANAGER AND ASSISTANT GAMBLING MANAGER.

Subpart 1. **Gambling manager license required.** A person may not act as a gambling manager unless the person has obtained a license issued by the board. The license, when issued, is not transferable from one person to another.

Subp. 2. **Gambling manager licensing qualifications.** In addition to the qualifications in Minnesota Statutes, sections 349.155, subdivision 3, and 349.167, a person does not qualify for a new or continuing license if the person is any of the following:

A. the lessor, an employee of the lessor, a member of the lessor's immediate family, or a person residing in the same residence as the lessor, if the premises is leased;

B. a person who is not an active member of the organization;

C. a person who is the chief executive officer or the treasurer of the organization or to a person who was an officer of an organization at a time when an offense occurred that caused that organization's license to be revoked; or

D. a person who is the gambling manager or an assistant gambling manager for another organization.

Subp. 3. **Education requirements.**

A. To qualify for a continuing license, by the end of each calendar year the gambling manager must:

(1) attend a class as required by Minnesota Statutes, section 349.167, subdivision 4; or

(2) pass a special gambling manager's examination administered by the board when no other board-approved training is available before the end of the calendar year.

B. The director must issue a citation to a gambling manager who fails to comply with item A, subitem (1).

C. If the gambling manager fails to pass the examination as allowed by item A, subitem (2), by the end of the calendar year, the board must summarily suspend the gambling manager's license as provided by Minnesota Statutes, section 349.1641.

D. Proof of identification is required for persons taking a gambling manager examination. Attendees at board-authorized seminars and continuing education classes must be prepared to present as proof of identification a valid driver's license or identification card issued by Minnesota, or a state or province of Canada contiguous to Minnesota, that contains the person's photograph and date of birth.

Subp. 4. **Contents of gambling manager license application.** The application must contain the following information for the person who will be the gambling manager:

- A. name, date of birth, and Social Security number;
- B. home address and daytime telephone number;
- C. date the person became a member of the organization;
- D. organization's name, address, and telephone number and name of the chief executive officer;
- E. dates of attendance at the board-authorized gambling manager's seminar;
- F. name of the provider and contract number for the bond required by Minnesota Statutes, section 349.167, subdivision 1, paragraph (a);
- G. statement that the applicant is in compliance with the licensing qualifications in subpart 2;
- H. acknowledgment that suits and actions related to the gambling manager's license, or acts or omissions, may be commenced against the gambling manager;
- I. acknowledgment authorizing the Departments of Public Safety and Revenue to conduct a criminal background and tax check or review;
- J. acknowledgment regarding the education requirements of subpart 3; and
- K. signature of the gambling manager and the chief executive officer of the organization.

Subp. 5. **Changes in gambling manager license application information.** If any information submitted in the application changes, the gambling manager must notify the board no later than ten days after the change has taken effect.

Subp. 6. **Issuing or denying a gambling manager license; license for an emergency gambling manager.** The following items apply to a gambling manager license issued or denied by the board:

- A. The board must issue a license to a person who:
 - (1) submits the information required in the gambling manager application;
 - (2) pays the fee as provided in Minnesota Statutes, section 349.167, subdivision 2; and
 - (3) is eligible to receive a license under subpart 2.
- B. The board must deny the application if:
 - (1) a person is ineligible under subpart 2;

(2) the person failed to submit the information required by subpart 4 and the application remains incomplete for more than 90 days after it was received by the board; and

(3) the organization that employs the gambling manager is not licensed, failed to meet the qualifications of part 7861.0220, subpart 2, or has a lapsed license according to Minnesota Statutes, section 349.16, subdivision 3a.

When the board determines that an application must be denied, the board must promptly give a written notice to the licensee. The notice must contain the grounds for the action and reasonable notice of the rights of the licensee to request an appeal under part 7865.0260, subpart 2.

C. A gambling manager whose application was denied for failing to comply with this part may not apply for a license or for an emergency replacement gambling manager's license. The person may apply for a new gambling manager's license if the person attended the board-authorized gambling manager's seminar and passed the examination within the six months immediately preceding the effective date of the new license.

D. If a gambling manager quits, dies, or is unable to perform the duties, the organization, to continue its conduct of lawful gambling, must comply with Minnesota Statutes, section 349.167, subdivision 2, paragraph (d), for an emergency replacement gambling manager or otherwise discontinue its operation until the organization complies with Minnesota Statutes, section 349.167, subdivision 2, paragraph (e).

E. All fees submitted with a license application are considered earned and are not refundable.

Subp. 7. **Effective date of gambling manager license.** A gambling manager license issued by the board is effective on the first day of a month or as otherwise determined by the board.

Subp. 8. **Gambling manager duties.** A gambling manager's duties include but are not limited to:

- A. determining the product to be purchased and put into play;
- B. reviewing and monitoring the conduct of games;
- C. supervising, hiring, firing, and disciplining all gambling employees;
- D. ensuring that all receipts and disbursements have been properly accounted for in compliance with statute and rule requirements;
- E. ensuring that all inventory records have been reconciled each month;
- F. supervising all licensing and reporting requirements;

G. assuring that the licensed organization is in compliance with all laws and rules related to lawful gambling;

H. assuring that illegal gambling is not conducted at any premises where the organization is permitted to conduct lawful gambling; and

I. attending a majority of the regular meetings of the organization.

Subp. 9. **Assistant gambling manager duties and restrictions.** The following items apply to assistant gambling managers.

A. An assistant gambling manager is a person who performs any of the following duties:

(1) six or more of the functional responsibilities as defined in part 7861.0320, subpart 1, item D;

(2) hiring, disciplining, or firing gambling employees;

(3) completing the license and permit application requirements;

(4) negotiating leases; or

(5) determining product to be purchased.

B. An organization may employ one or more assistant gambling managers if:

(1) each assistant gambling manager is under the direct supervision of the organization's gambling manager;

(2) each assistant gambling manager is an active member or employee of the organization; and

(3) each assistant gambling manager does not participate in the conduct of lawful gambling for more than one organization except as allowed under item C.

C. An assistant gambling manager may be employed by more than one organization if the organizations lease space for the conduct of bingo in the same permitted premises, and the assistant gambling manager is not compensated directly or indirectly by the owner or lessor of the premises.

(1) Assistant gambling managers employed by more than one organization under this item may supervise gambling employees of organizations during bingo occasions and assist gambling managers with the duties contained in subpart 8.

(2) Assistant gambling managers employed by more than one organization under this item must not:

(a) supervise licensing and reporting requirements as required by statute and rule for the organization;

(b) hire, fire, or impose permanent discipline on gambling employees of the organization, except for temporary disciplinary action that may be necessary during a bingo occasion. If temporary disciplinary action is taken, the assistant gambling manager may make a recommendation to the gambling manager regarding permanent disciplinary action;

(c) determine the program content or prize level requirements for the organization;

(d) determine the product to be purchased and put into play;

(e) be a gambling employee or volunteer at any other site where the organization conducts lawful gambling; or

(f) be a gambling employee or volunteer for any other organization conducting lawful gambling at another site.

Nothing in this item diminishes the responsibilities and ultimate supervisory authority of a gambling manager contained in subpart 8.

D. A license is not required for an assistant gambling manager.

Statutory Authority: *MS s 14.055; 349.12; 349.151; 349.154; 349.155; 349.16; 349.162; 349.163; 349.1635; 349.165; 349.166; 349.167; 349.169; 349.17; 349.1711; 349.1721; 349.173; 349.19; 349.191; 349.211*

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