

1 Gambling Control Board

2

3 Adopted Permanent Rules Relating to Gambling Managers

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5 Rules as Adopted

6 7861.0030 GAMBLING MANAGER.

7 Subpart 1. License required. No person shall act as a
8 gambling manager without having obtained a license under this
9 part. An individual shall make application to the board to be
10 licensed as a gambling manager. Applications must be considered
11 by the director pursuant to this part.

12 Subp. 2. Licensing qualifications. In addition to the
13 qualifications in Minnesota Statutes, section 349.167, the
14 director shall not issue or renew a gambling manager's license
15 to:

16 [For text of items A to D, see M.R.]

17 E. a person who is the gambling manager or an
18 assistant gambling manager for another organization;

19 F. on or after January 1, 1996, to a person who has
20 not completed at least one of the following education
21 requirements:

22 (1) for gambling manager license renewal
23 applications, 2.5 credit hour equivalents of board-provided
24 continuing education during each year of the individual's
25 two-year license period; or

26 (2) for new gambling manager license
27 applications, within the last 12 months attended a
28 board-provided, two-day gambling manager training seminar and
29 passed an examination prepared and administered by the board
30 that tests the gambling manager's knowledge of the
31 responsibilities of gambling managers and lawful gambling
32 procedures, laws, and rules; or

33 G. a person who:

34 (1) has ever been convicted of a felony or a
35 crime involving gambling;

1 (2) has ever been convicted of:

2 (a) assault;

3 (b) a criminal violation involving the use
4 of a firearm; or

5 (c) making terroristic threats;

6 (3) is or has ever been connected with or engaged
7 in an illegal business;

8 (4) owes \$500 or more in delinquent taxes to the
9 state of Minnesota;

10 (5) had a sales and use tax permit revoked by the
11 commissioner of revenue within the past two years;

12 (6) after demand, has not filed tax returns
13 required by the commissioner of revenue;

14 (7) has not complied with Minnesota Statutes,
15 section 349.167, subdivision 4, clause (1);

16 (8) within the five years before the date of the
17 license application, has committed a violation of law or board
18 rule that resulted in the revocation of a license issued by the
19 board;

20 (9) has ever been convicted of a criminal
21 violation involving fraud, theft, tax evasion,
22 misrepresentation, or gambling; or

23 (10) has engaged in conduct the board determines
24 is contrary to the public health, welfare, or safety or the
25 integrity of lawful gambling.

26 Subp. 2a. **Emergency gambling manager.** In the case of the
27 death, disability, or termination of a gambling manager, a
28 replacement gambling manager must receive the board-provided
29 gambling manager training seminar and pass the examination
30 within 90 days of being issued a gambling manager's license.
31 The board shall revoke the replacement gambling manager's
32 license if the replacement gambling manager fails to pass the
33 examination as required in this subpart or fails to comply with
34 the licensing qualifications of subpart 2.

35 [For text of subp 3, see M.R.]

36 Subp. 4. **Length of license.** The gambling manager's

1 license runs concurrently with the license of the organization
2 unless the gambling manager's license is suspended or revoked.
3 If a licensed gambling manager discontinues employment with the
4 licensed organization, the gambling manager's license expires on
5 the date that the employment terminates.

6 Subp. 5. **Contents of gambling manager application.** The
7 application must contain the following information with respect
8 to the applicant:

9 [For text of items A to D, see M.R.]

10 E. the current status of the gambling manager's
11 license and the dates of attendance at the board-provided
12 gambling manager's training seminar;

13 F. the name of the insurance company and the bond
14 number for the gambling manager's \$10,000 fidelity bond;

15 G. a statement attesting that the applicant is in
16 compliance with the restrictions in subpart 2;

17 H. an acknowledgment that the applicant agrees that
18 suits and actions related to the gambling manager's license, or
19 acts or omissions, may be commenced against the gambling
20 manager;

21 I. an acknowledgment that the applicant authorizes
22 the department of public safety to conduct a criminal background
23 check;

24 J. for renewal applications, the date the applicant
25 completed the board-provided continuing education classes for
26 each license year of the gambling manager's current license; and

27 K. the notarized signature of the gambling manager.

28 Subp. 6. [See repealer.]

29 Subp. 7. **Changes in application information.** If any
30 information submitted in the application changes after the
31 application has been filed or during the term of the license,
32 the organization must notify the board within ten days of the
33 change.

34 Subp. 8. **License fees.** The fee for a gambling manager's
35 license is as provided in Minnesota Statutes, section 349.167,
36 subdivision 2. License fees are not prorated, refundable, or

1 transferable.

2 [For text of subp 9, see M.R.]

3 Subp. 10. **Issuance and denial.** The following items apply
4 to the issuance and denial of a gambling manager's license:

5 A. The director shall issue a gambling manager's
6 license to a person who submits the information required by
7 subpart 5 and pays the fee as provided in Minnesota Statutes,
8 section 349.167, subdivision 2, pursuant to subpart 8 if that
9 person is eligible to receive a license pursuant to subpart 2,
10 Minnesota Statutes, section 349.167, and board rules. A license
11 issued by the director pursuant to this part is effective on the
12 first day of a month.

13 B. The director shall deny the issuance of a license
14 to a person ineligible to hold a gambling manager's license
15 pursuant to subpart 2, Minnesota Statutes, section 349.167, or
16 board rules.

17 C. A person who has never been licensed as a gambling
18 manager or a person whose application for renewal of a gambling
19 manager's license was submitted after the expiration of the
20 license may appeal the denial of a gambling manager's license by
21 notifying the board within 15 days of the date the person
22 receives notice that the issuance of the license has been
23 denied. The appeal must be in writing and must contain a
24 complete copy of the application and a statement describing the
25 reasons the license should not be denied. The appeal is not a
26 contested case under Minnesota Statutes, chapter 14.

27 The board shall refer the appeal to the executive committee
28 which shall review the appeal within ten days of receipt. The
29 executive committee shall issue a written decision within ten
30 days of its consideration of the appeal. If the committee
31 reverses the director's decision, it shall instruct the director
32 to issue a license to the organization effective the first day
33 of the month following the committee's written decision. The
34 executive committee's decision is a final agency decision.

35 D. When the board, or director if authorized to act
36 on behalf of the board, determines that issuance of a license

1 renewal should be denied under Minnesota Statutes, section
2 349.167, and board rules, the board or director shall promptly
3 give a written notice to the licensee stating grounds for the
4 action and giving reasonable notice of the rights of the
5 licensee or applicant to request a hearing. A hearing must be
6 held not later than 30 days after the board receives the request
7 for the hearing unless the licensee or applicant and the board
8 agree on a later date. If no hearing is requested within 30
9 days of the service of the notice, the denial becomes final.
10 Hearings under this subpart must be conducted according to
11 Minnesota Statutes, chapter 14. After the hearing, the board
12 may enter an order making a disposition as the facts require.
13 If the applicant fails to appear at the hearing after having
14 been notified of it under this subpart, the applicant is
15 considered in default and the proceeding may be determined
16 against the person on consideration of the written notice of
17 denial, the allegations of which may be considered to be true.
18 All fees accompanying the license or renewal application are
19 considered earned and are not refundable.

20 Subp. 11. Renewals. Items A to E apply to renewals of a
21 gambling manager's license.

22 A. To renew a license at the end of a term, a
23 licensed gambling manager must submit a complete renewal
24 application on a form prescribed by the board to the board at
25 least 60 days before the expiration of the gambling manager's
26 existing license. A renewal application is not complete until
27 it contains the information required by subpart 5, the fee
28 required by subpart 8, and Minnesota Statutes, section 349.167,
29 subdivision 2.

30 Complete applications received by the board less than 60
31 days before the expiration of the applicant's existing gambling
32 manager's license will be considered pursuant to this part but,
33 if the applicant is entitled to a renewed license, the license
34 will not be renewed by the director until the first day of the
35 month following the expiration of 60 days after the board has
36 received the complete application. A person shall not continue

1 acting as a gambling manager after the expiration of the
2 person's license and until the person has received a renewed
3 license.

4 B. The issuance of a renewal of a license must be
5 denied if:

6 [For text of subitems (1) to (3), see M.R.]

7 C. A gambling manager who has had the issuance of a
8 renewal license denied pursuant to item B may reapply for
9 renewal of the license once the portion of the renewal
10 application which resulted in denial has been remedied. The
11 reapplication must be accompanied by an additional fee pursuant
12 to subpart 8. Nothing in this part prevents the board from
13 pursuing disciplinary action against a licensee for violations
14 of law or rule which warranted the denial of a renewal
15 application but were later remedied in a sufficient manner to
16 allow renewal of the gambling manager's license.

17 D. A gambling manager who has had an application
18 denied for failing to comply with the requirements in subpart 2,
19 item F, may not apply for a renewal of a gambling manager's
20 license or for an emergency replacement gambling manager's
21 license, but may apply for a new gambling manager's license
22 provided the individual has taken the board-provided gambling
23 manager's seminar and passed the examination within the last 12
24 months before the new license is issued.

25 E. The board may not deny or delay the renewal of a
26 gambling manager's license under Minnesota Statutes, section
27 349.167, because of the licensee's failure to submit a complete
28 application by a specified date before the expiration of the
29 license or permit, unless the board has first:

30 (1) sent the applicant by registered mail a
31 written notice of the incomplete application; and

32 (2) given the applicant at least five business
33 days from the date of receipt of the notice to submit a complete
34 application or the information necessary to complete the
35 application.

36 A gambling manager whom the director determines has failed

1 to submit a complete renewal application may appeal that
2 determination by filing a written request for a contested case
3 hearing with the board before the expiration of the gambling
4 manager's existing license. The director shall schedule a
5 contested case hearing before an administrative law judge
6 according to Minnesota Statutes, chapter 14. The hearing must
7 be held less than 30 days after the service of a notice and
8 order for hearing if allowed by the chief administrative law
9 judge according to part 1400.5600, subpart 3. The board must
10 issue its final decision within 30 days after receipt of the
11 administrative law judge's report and subsequent exceptions and
12 argument under Minnesota Statutes, section 14.61. The sole
13 issue at the hearing is whether the applicant submitted a
14 complete application after being duly notified of the incomplete
15 application and prior to the director determining the
16 application was incomplete.

17 Subp. 12. Assistant gambling managers. The following
18 items apply to assistant gambling managers:

19 [For text of item A, see M.R.]

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

22 [For text of subitems (1) and (2), see M.R.]

23 (3) no assistant gambling manager participates in
24 the conduct of lawful gambling for more than one organization
25 except as provided in item C.

26 C. An assistant gambling manager may be employed by
27 more than one organization provided that the organizations
28 concurrently lease space for the conduct of bingo in the same
29 licensed bingo hall, and provided that the assistant gambling
30 manager is not compensated directly or indirectly by the
31 licensed bingo hall or its owner. Assistant gambling managers
32 employed by more than one organization according to this item
33 may oversee gambling employees of organizations during bingo
34 occasions, and assist organizations' gambling managers with the
35 duties contained in subpart 9. Nothing in this item diminishes
36 the responsibilities and ultimate supervisory authority of a

1 gambling manager contained in subpart 9.

2 An organization employing an assistant gambling manager
3 according to this part shall submit to the board a list of the
4 duties that the assistant gambling manager is authorized to
5 perform on behalf of the organization. The list must be signed
6 by the organization's chief executive officer and gambling
7 manager, and must reflect that it conforms to the requirements
8 of this part. Any changes to the list of authorized duties must
9 be submitted to the board in writing 24 hours in advance of
10 implementation of the change.

11 Notwithstanding items A and B, assistant gambling managers
12 employed by more than one organization according to this item
13 shall not:

14 (1) supervise licensing and reporting
15 requirements as required by statute and rule for the
16 organization;

17 (2) hire, fire, or impose permanent discipline on
18 gambling employees of the organization, except for temporary
19 disciplinary action that may be necessary during a bingo
20 occasion and recommendations to the gambling manager regarding
21 permanent disciplinary action;

22 (3) determine the program content or prize level
23 requirements for the organization;

24 (4) determine the product to be purchased and put
25 into play;

26 (5) be a gambling employee or volunteer at any
27 other site where the organization by which the assistant
28 gambling manager is employed conducts lawful gambling; or

29 (6) be a gambling employee or volunteer for any
30 other organization conducting lawful gambling.

31 D. No license is required for an assistant gambling
32 manager.

33 Subp. 13. Proof of identification. Proof of
34 identification shall be required for all gambling manager
35 examinations. Attendees at all board-provided seminars and
36 continuing education classes shall be prepared to present proof

1 of identification. Proof of identification may be established
2 only by one of the following:

3 A. a valid driver's license or identification card
4 issued by Minnesota, another state, or province of Canada, that
5 includes the photograph and date of birth of the licensed
6 person;

7 B. a valid passport;

8 C. a board-issued identification card; or

9 D. a valid military identification card issued by the
10 United States Department of Defense.

11 REPEALER. Minnesota Rules, part 7861.0030, subpart 6, is
12 repealed.