

RESOLUTION NO. 45-09

PERTAINING TO THE REPEAL AND REENACTMENT WITH AMENDMENTS OF THE RULES AND REGULATIONS FOR CHARITABLE GAMBLING IN CALVERT COUNTY

WHEREAS, Section 13-704 of the Criminal Law Article of the Annotated Code of Maryland, provides that the Board of County Commissioners of Calvert County, Maryland, may grant a permit allowing certain forms of gaming, and that the County Commissioners shall appoint a gambling permit review committee to promulgate regulations, subject to the approval by the Commissioners, pertaining to gambling activities; and


WHEREAS, the Board of County Commissioners of Calvert County, Maryland, previously approved and adopted such rules and regulations by Resolution No. 48-08 and Resolution 61-08; and

WHEREAS, during a public meeting held on October 27, 2009, the Board of County Commissioners of Calvert County, Maryland, voted to amend the rules and regulations for the Gambling Permit Review Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Calvert County, Maryland, that the Rules and Regulations for Charitable Gambling in Calvert County **BE** and hereby **ARE**, repealed and reenacted with amendments as set forth in Exhibit "A" attached hereto.

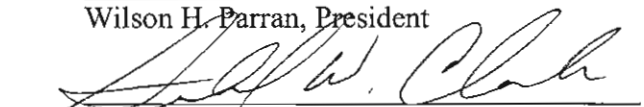
DONE, this 17 day of November, 2009, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

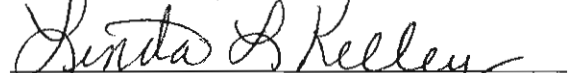
ATTEST:



Corinne J. Cook, Clerk

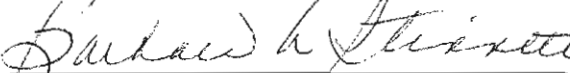
BOARD OF COUNTY COMMISSIONERS
OF CALVERT, COUNTY, MARYLAND

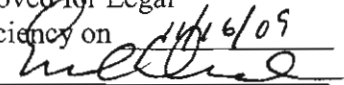

Wilson H. Parran, President


Gerald W. Clark, Vice-President


Linda L. Kelley


Susan Shaw


Barbara A. Stinnett

Approved for Legal
Sufficiency on 11/16/09
By: 
Emanuel Demedis
County Attorney

Received for Record..... 11-18 2009
at 11:15 o'clock A. M. Same day
recorded in Under KPS No. 31
File # 347 COUNTY COMMISSIONERS
ORDINANCE AND RESOLUTION.

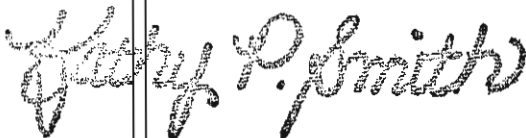


EXHIBIT A

CALVERT COUNTY RULES AND REGULATIONS

I. Gambling Permit Review Committee.

A. The Committee shall consist of five persons appointed by the County Commissioners for a term of four years. The Committee shall include a law enforcement officer and a member of the clergy. If the latter position is not filled for any reason by a member of the clergy, it may be filled by a member of the general public. All members shall be residents of Calvert County and will serve at the pleasure of the County Commissioners.

B. The Committee will meet at least quarterly to review applications for permits for the following quarter and shall make recommendations for approval or denial to the County Commissioners. The Committee will review all applications for gambling permits and the supporting data submitted therewith. In addition, the Committee shall have the responsibility to conduct studies of these Rules and Regulations and make recommendations to the County Commissioners for amendments, modifications, and additions thereto.

C. The Committees records will be maintained by the County Attorney's Office.

D. The members of the Committee will receive no compensation. The County will provide clerical support to the Committee.

E. No gaming event, or other gambling activity may be held in Calvert County except those for which a permit has been issued in accordance with these regulations and with §§ 13-701-13-704 of the Criminal Law Article of the Annotated Code of Maryland.

F. Such permits will be issued only to bona fide volunteer fire companies, fraternal, civic, war veterans, religious or charitable organizations or corporations, so long as no individual or group of individuals benefits financially from said event.

G. Any qualified organization may file an application with the Committee for a permit to conduct bingo games. The Committee shall review the application and make a recommendation to the County Commissioners on the issuance of a permit to the qualified organization. Upon a favorable recommendation from the Committee, the County Commissioners may issue the requested permit. The permit shall be valid for one year. The holder of such a permit shall be subject to the provisions of Title 13 of the Criminal Law Article of the Annotated Code of Maryland as amended from time to time. The only gaming activity allowed under this permit is bingo, subject to the following provisions.

1. Income and expense reports for bingo shall be filed with the Committee annually, said reports to be filed within 15 days of the end of the permit year. If any of the proceeds are given to other organizations, the name and address of each such organization, the amount given and the date of the contribution shall be included in the report.

2. The provisions of Section III, subparagraphs B,C, D, E, F, G, H, J, K, and O shall apply to bingo.

H. Any qualified organization may file an application with the Committee for a permit to dispense pull-tabs. The Committee shall review the application and make a recommendation to the County Commissioners on the issuance of a permit to the qualified organization. Upon a favorable recommendation from the Committee, the County Commissioners may issue the requested permit. The permit shall be valid for one year. The holder of such a permit shall be subject to the provisions of Section 13-203 of the Criminal Law Article of the Annotated Code of Maryland as amended from time to time. The only gaming activity allowed under this permit is the sale of pull tabs, subject to the following provisions.

1. Pull tabs may be sold manually or by machine. Each qualified organization shall be permitted up to two (2) machines that sell and distribute pull tabs. There is no limit to the number of people who may manually sell pull-tabs..

2. Machines that (i) scan and read the bar code on the pull-tabs, (ii) alert players through flashing lights, sounds or other similar displays that the ticket dispensed is a winning ticket, or (iii) create a video image of the symbols that appear on a video screen are prohibited.

3. Income and expense reports for the sale of pull tabs, including reports for each machine used in their sale and distribution shall be filed with the Committee annually, said reports to be filed within 15 days of the end of the permit year. If any of the proceeds are given to other organizations, the name and address of each such organization, the amount given and the date of the contribution shall be included in the report.

4. The provisions of Section III, subparagraphs B,C, D, E, F, G, H, J, K, and O shall apply to the sale of pull tabs.

II. Application

A. Applications for gambling permits shall be submitted to the Committee on forms approved by the Board of County Commissioners. The Application shall be signed by an officer of the organization, under the penalty of perjury, and shall be accompanied by an application fee of \$10.00. Checks should be made payable to the Calvert County Treasurer.

B. Applications shall be filed with the Committee at least thirty (30) days prior to the first day of the calendar quarter during which permitted events are to be held. Late applications will not be considered.

C. An organization shall only be required to submit one application per calendar quarter. Information required on the application is deemed mandatory. Failure to include any required information will result in the application being returned under the provisions of subsection E below.

D. In addition to the application form, all applicants shall provide the following items with the application:

1. Corporate charter,
2. Certificate of good standing,
3. Bylaws,
4. List of corporate officers and directors,
5. Membership list,
6. IRS 501(c)(3) determination letter (form 1045),
7. Other information the Committee may deem necessary.

E. All applications shall be reviewed initially by the secretary to the Board of County Commissioners who shall stamp the date of receipt on the application, and determine (i) that the application is filled out completely and properly, (ii) that all required information is included, and (iii) that the application is filed in a timely fashion. If the application is not completely and properly filled out or required documentation is not provided, the secretary shall return the application to the applicant with an explanation and inform the applicant that the application will be processed provided the defects are corrected prior to the deadline for filing of applications for that quarter. If an application is not submitted in a timely fashion, the secretary shall return the application and inform the applicant that no action will be taken on the application because of the late filing.

III. General

A. Not more than six (6) gambling events may be held by any organization per calendar quarter and not more than two per week. An organization may request approval for up to six (6) dates in a quarter: If a gambling event is not held in conjunction with a carnival or fair, the total duration of an event for which a gambling permit may be issued shall not exceed twenty-four (24) hours. Provided, however, that the actual number of hours of gambling during a twenty-four (24) hour period shall not exceed a total of eight (8) hours. If a gambling event is held in conjunction with a carnival or fair that includes substantial non-gaming activities, a gambling permit may be issued provided that:

1. the event is held as part of the carnival or fair,
2. duration of the event does not exceed eight (8) days,
3. no more than one permit for such an event is issued each year per organization.

4. no more than two gambling devices may be in operation at any time.

5. A carnival or fair is defined as an outdoor event occurring between April 1 and October 31 in any year, which event features outdoor amusements, mechanized rides, games and concessions.

B. No person or entity may receive compensation of any type from the organization for managing or operating a gaming device.

C. No person or entity may receive compensation of any type, including tips, from any player of said gaming. A sign stating "NO TIPPING ALLOWED" will be displayed at each such gaming device. The sign must be a minimum of 8" x 10" in size and legible for a distance of no less than 50 feet.

D. 1. Except as provided below, all gaming devices and the management thereof shall be operated by members of the permitted organization who are residents of Calvert County and who hold the highest class of membership permitted by the documents of the organization, or by members of an auxiliary or other bona fide organization established to raise funds for or generally support the programs and activities of a permitted organization who are residents of Calvert County and who hold the highest class of membership permitted by the documents of the organization. Any person managing or operating a gaming event or device or acting as a dealer shall wear an identification tag depicting the organization's name, the operator's name, class of membership, position held to the organization, and place of residence. The Gambling Permit Review Committee will be the final authority as to the status of any operator as a full member of the organization. Criteria used to establish the operator's standing as a bona fide member may include:

- a. Location of residence
- b. Employment (location of employment)
- c. Participation in organization activities other than fund raising
- d. Review of driver's license, vehicle and voting registrations

2. Provided that there are at least two members of the permitted organization supervising the event at all times, participants at Texas Hold "Em style events may rotate the responsibility of shuffling and dealing the cards in turn among themselves, except at a table where the participants are playing with cash and at a table at which the final contestants in a tournament are competing.

E. No one under the age of eighteen (18) years shall be permitted to operate a gaming device or play or participate in any games for which a permit is issued.

F. If equipment and/or space are rented the lessor and the amount of the rent must have been previously approved by the Committee. The rental arrangement shall be based on a fair market basis and shall not include any provision, which may reasonably be interpreted as a sharing of profits from the gambling event.

G. No gambling permit may be issued unless the applicant has been organized as a bona fide volunteer fire company, fraternal, civic, war veterans or charitable organization or corporation with its principal place of operation located in Calvert County for at least one (1) year prior to the application.

H. No gambling permit may be issued to an applicant unless seventy-five percent (75%) of the applicant's membership and all of the members of the board of directors and officers reside within Calvert County. Members who are in the United States military service shall be considered residents of Calvert County if they were residents of the county immediately prior to entering military service.

I. No more than 10 gaming devices/tables shall be permitted at any gambling event and a maximum of ten (10) individuals shall be permitted to play at any single table at any one time, with no limit on the number of players at wheel devices.

J. If alcoholic beverages are served at the event, all persons working at the event must be 21 years of age or older. All persons under the age of 21 attending events where alcohol is served must be identified in a manner to prevent beverages from being served to minors.

K. Permits issued under these regulations are not transferable to other organizations.

L. Permits issued under these regulations are valid only for the date, location and type of gaming devices set forth in the application. Any deviation from any of the information contained in the application is prohibited unless such deviations are approved in advance by the Board of County Commissioners upon the recommendation of the Committee. In the case of an emergency, the Board of County Commissioners may act without the recommendation of the Committee.

M. A Permit shall be granted only if the proposed site of the event lies within a zoning district that permits the underlying activity at which the gaming events will be conducted. The granting of a permit to conduct gaming events shall not be construed as enlarging the permitted uses allowed at a site, except to the extent that the enumerated gaming events will be permitted.

N. Changes to membership rosters must be reported to the County Commissioners' Office at least 5 days prior to the scheduled event. Persons not on the current list shall not participate in the gambling event including management of the event or operating a gaming device.

O. No member of the organization may knowingly make false statements or misrepresentations, verbally or written, to the office of the County Commissioners, the Calvert County Gambling Permit Review Committee, or law enforcement officers.

IV. Approval or Denial of Permit

A. After receipt and consideration of the recommendation of the Committee, the County Commissioners of Calvert County may not issue a permit unless, in their discretion, they determine that:

1. The granting of the permit will not be detrimental to the public interest, peace and good order, health, safety and morals of the community, and

2. The applicant is a fit organization to receive the permit applied for, has made no material false statement in its application, and has practiced no fraud in connection with such application, and

3. The individuals associated with the organization are law-abiding persons who will operate and conduct the gaming operation in a lawful manner.

B. If all such determinations are made, the application shall be approved and such permit granted. If all such determinations are not made, the permit shall be denied.

V. Reporting

Within fifteen (15) days after each permitted gambling event is held, the permittee shall file with the Committee a full and complete accounting, listing all revenues and expenditures, of the permitted gambling event. The report shall contain hourly summaries for activity at each gaming device, table or event including the name of the operator, the amount of money in the operator's possession at the beginning and end of each event, and the number of players participating in the particular device table or event. The quarterly report shall also include a summary of the use of the proceeds. If any of the proceeds are given to other organizations, the name and address of each such organization, the amount given and the date of the contribution shall be included in the report. The committee may request documentation as to the use of the proceeds. The report shall be signed by the highest-ranking officer of the organization and shall be filed under penalty of perjury. Failure to make timely filing of the report may be grounds for the denial of subsequent applications for permits. Provided, however, that accounting reports may be filed on an annual basis for pull-tabs.

VI. Inspection

A. At any time during a permit period, an inspection of a permitted premise and records of any previous gaming event may be conducted by the Committee by any member or members thereof and/or their designee, or by any bona fide law enforcement agency. The inspection may include, but is not limited to:

1. Review of all records and books related to the event, financial records and verification of financial transactions, i.e. account of funds prior to the event and/or an on-going accounting of funds during the event

2. Current list of all members in the permitted organization.

B. During the operation of any gambling event the gambling permit must be displayed in a visible location at all times.

C. Upon request of any authorized individual conducting an investigation. Any person managing or operating a gaming table or device, or acting as a dealer shall produce a Maryland Drivers license or Maryland identification card showing their current address. Additional identification may be required.

VII. Penalties.

Any violation of these regulations may result in the revocation of the current gambling permit and/or denial of subsequent applications for permits.