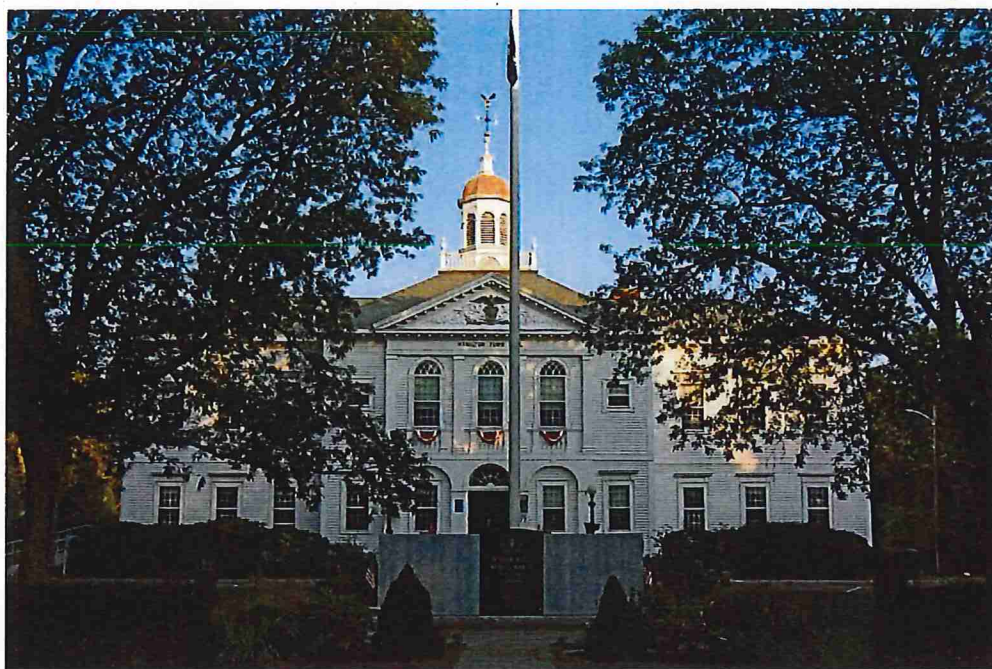




TOWN OF HAMILTON
OFFICE OF THE TOWN CLERK



RAFFLE & BAZAAR APPLICATION
PACKET



Town Clerk's Office, 577 Bay Road, Hamilton, MA 01936

978-468-5570, ext. 3 ~ www.hamiltonma.gov



TOWN OF HAMILTON
TOWN HALL
HAMILTON, MASSACHUSETTS 01936
978-468-5570, EXT 3

Dear Applicant:

Enclosed are the materials you will need to apply for a permit to conduct raffles and bazaars.

Once you have completed the Application for Permit to Conduct Raffles & Bazaars and the Notice of Issuance, please forward them to the Town Clerk's Office no later than 5 business days before the raffle.

Requested Materials:

1. Town of Hamilton Application for Permit to Conduct Raffles & Bazaars
2. Notice of Issuance of Raffle and/or Bazaar License
3. Completed Annual Report of last Raffle – signed by the Clerk and filed with the Lottery Commission
4. A Certificate of Solicitation and/or the six-digit number assigned to the non-profit organization by the Attorney General's Office
5. Copy of the Bylaws for your non-profit organization
6. A check in the amount of \$25.00 (payable to 'Town of Hamilton')

Please note: The application is not considered filed and you are not in compliance with the Massachusetts General Laws until **all** of the requested materials have been submitted in their entirety.

If you have any questions concerning the operation of poker tournaments or other similar fundraising activities, please feel free to contact:

Office of the Attorney General Division of Public Charities
617-727-2200, ext. 2101
Massachusetts State Lottery Commission
781-849-5555
Department of Public Safety/Officer of the Commissioner of Public Safety
617-727-3200, ext. 25230

Should you have any questions otherwise, please feel free to contact the Town Clerk's Office.

Sincerely,

Carin A. Kale

Carin A. Kale
Town Clerk



Commonwealth of Massachusetts

Town of Hamilton

577 Bay Road/PO Box 429, Hamilton, MA 01936

Raffle and Bazaar Permit Instructions

Please use the attached forms to apply for a Permit to Conduct Raffles and or Bazaars in the Town of Hamilton. Once your application has been submitted, it will take approximately one (1) to two (2) weeks to process; please plan accordingly

A Permit is valid for one (1) year from the date of issue.

Step 1:

Before completing your application for a permit to hold a raffle or bazaar, please take a few minutes to read the "Massachusetts Attorney General's Advisory on Raffle/Bazaar/Poker Tournament Rules and Regulations" at: <http://www.gambling-law-us.com/Charitable-Gaming/Massachusetts/>

You may wish to print a copy to retain these for your records.

Step 2:

Complete one (1) copy of the *Application for Permit to Conduct Raffles and Bazaars*; please be sure to have original signatures on copy.

Step 3:

Complete the appropriate sections of the State's *Notice of Issuance of Raffle and/or Bazaar License City or Town (green slip)* and sign the back. Please note, this form is not available online.

Step 4

Mail or bring the completed application to the Hamilton Town Clerk for approvals/signatures.

Step 5:

Send or deliver the copies of the signed application, the green slip, proof of your organization's non-profit status, and payment in cash or check made payable to the Town of Hamilton for \$25.00 to the Town Clerk's Office at the address above.

Before your permit expires: Please complete the attached Annual Report and submit two (2) copies to the Town Clerk's Office thirty (30) days prior to the expiration of your permit. Failure to submit this report is sufficient grounds to deny future permits.

If you have any questions, please feel free to contact the Town Clerk's Office at 978-468-5570, ext. 3

www.hamiltonma.gov



TOWN OF HAMILTON

OFFICE OF THE TOWN CLERK
577 BAY ROAD, P.O. BOX 429
HAMILTON, MASSACHUSETTS 01936

APPLICATION TO CONDUCT RAFFLES & BAZAARS

(Pursuant to C810, Acts of 1969)

Fee: 25.00

NAME OF NON-PROFIT ORGANIZATION

ADDRESS OF NON-PROFIT ORGANIZATION

We the undersigned do hereby certify that the above-named organization has been organized and actively functioning as a nonprofit organization in the Commonwealth for a period of not less than two years before applying for a permit.

MEMBER IN CHARGE SIGNATURE

ADDRESS

PHONE

EMAIL ADDRESS

Sworn and subscribed before me this _____ day of _____, 20_____.

SEAL

NOTARY PUBLIC SIGNATURE

Application Certified to be in Conformity with C.810, Acts of 1969:

Town Clerk Signature

Date

Police Chief Signature

Date

____ Approved ____ Denied

The Town Clerk hereby certifies that this permit is:

Town Clerk Signature

Date

____ Issued ____ Denied



TOWN OF HAMILTON

Application to Conduct Raffles and Bazaars (Pursuant to C810, Acts of 1969)

Evidence of Qualification for Permit:

- Veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty of the General Laws; or,
- Church or religious organization; or
- Fraternal or fraternal benefit society; or
- Educational or charitable organization; or
- Civic or service club or organization; or
- Club or organization organized and operated exclusively for pleasure, recreation and other non-profit purposes, no part of the net earnings of which inures to the benefit of any member or shareholder.

Name, Residence and Telephone of Officers or members of organization responsible for operation of raffle or bazaar:

MEMBER IN CHARGE SIGNATURE & ADDRESS TELEPHONE

AUTHORIZED MEMBER SIGNATURE & ADDRESS TELEPHONE

AUTHORIZED MEMBER SIGNATURE & ADDRESS TELEPHONE

Proceeds of this permit will be used for: _____

Names, addresses, and phone numbers of person(s) leasing gambling equipment to the organization: _____

Please attach a list of all current members of the organization with their home addresses.

No person holding a permit to operate raffles or bazaars shall operate any particular such event unless written notice has been given to the Chief of Police, not less than thirty (30) days prior to the event, of the date, time and place of the event and of any deviation from the information contained in the application for the permit to operate the same.

SIGNATURE OF AUTHORIZED OFFICER OR MEMBER

DATE



The Commonwealth of Massachusetts
Town Of Hamilton

Annual Report – Raffles & Bazaars

(c. 810, Acts of 1969 & MGL c. 271 s. 7A)

Date: _____

Name of Nonprofit Organization: _____

Address: _____

Expiration Date of Permit: _____

Number of Raffles and Bazaars Held: _____

Amount of Money Received: \$ _____

Expenses Connected with Raffles Conducted: \$ _____

Net Proceeds: \$ _____

For what purposes were the proceeds used? _____

Names & addresses of winners of \$250.00 or more:

(Attach additional pages as necessary)

We, the undersigned, do hereby certify that this report is true and complete.

1: _____

Accountant/Treasurer of Organization

2: _____

3: _____

Authorized Officers or Members of Organization

Report Certified to be in Conformity with c. 810, Acts of 1969 & MGL c. 271 s. 7A.

Town Clerk

**RENEWAL PERMIT WILL NOT BE ISSUED TO LICENSEE UNTIL THIS REPORT HAS BEEN COMPLETED AND
FILED WITH THE TOWN CLERK.**

(Permit Holders also holding Beano Licenses must submit a copy of this report to the Massachusetts State Lottery Commission)

940 CMR 12.00: REGULATIONS GOVERNING RAFFLES

Section

- 12.01: Definitions
- 12.02: Disclosure
- 12.03: Obligations of the Sponsoring Organization
- 12.04: Record Keeping, Financial Control
- 12.05: Violations of Regulations
- 12.06: Severability

These regulations shall apply to any raffle conducted under M.G.L. c. 271, § 7A in which the value of the prize or prizes to be awarded exceeds \$10,000 or in which the ticket price exceeds \$10.00.

12.01: Definitions

Prize. Any item or items chosen by a sponsoring organization as the subject of a raffle, which the organization announces it will award to a person selected by chance from among those purchasing tickets to the raffle.

Qualified Member. For the purposes of eligibility to participate in managing or otherwise assisting in the operation of a raffle, a person is a bona fide member of the licensed organization only when he or she:

- (a) Has become a member prior to the commencement of the function and such membership was not dependent upon, or in any way related to the payment of consideration to participate in, any gambling activity; and
- (b) Has held full and regular membership status in the licensed organization for a period of not less than three consecutive months prior to the subject function; and
- (c) Has paid any reasonable initiation or admission fees for membership, and/or any dues, consistent with the nature and purpose of the licensed organization and with the type of membership obtained and is not in arrears in payment of any such fees or dues; and
- (d) Has met all other conditions required by the licensed organization for membership and is in all respects a member in good standing at the time of the subject function.

A person may also be a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to his or her licensed organization, or to which his or her own licensed organization is auxiliary, when he or she meets all of the standards set out above respecting his or her own licensed organization.

Related Party. Includes:

- (a) An officer, director, or trustee (or an individual having powers or responsibilities similar to those of officers, directors, or trustees) of the organization.
- (b) A spouse other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance; a child including legally adopted children; grandchildren; parents; and grandparents of parties described in 940 CMR 12.01(1).
- (c) A corporation, trust, estate or partnership more than 35% of which is owned or held by any of the preceding.

Sponsoring Organization. Any organization conducting a raffle pursuant to a license under M.G.L. c. 271, § 7A to conduct raffles.

12.02: Disclosure

(1) In any raffle conducted pursuant to M.G.L. c. 271, § 7A, the sponsoring organization must disclose the following information either on the raffle ticket itself or in a written notice given to the purchaser prior to the sale:

- (a) a full and fair description of the prize;
- (b) the appraised value of the prize;
- (c) date or dates when the prize will be available for inspection;

12.04: Record Keeping, Financial Control

- (1) A record keeper shall be designated from among the members of the organization as defined at 940 CMR 12.01 and shall have been a member for a minimum of two years prior to the commencement of the raffle. The record keeper or his designee shall be responsible for the keeping and distribution of raffle tickets to be sold, the safekeeping of paid-for and completed ticket stubs, and the maintenance of the records prescribed by this section during and after the completion or suspension of the raffle for a period of at least two years.
- (2) The raffle ticket shall have at least two parts, one of which is to be retained by the purchaser, and the other to be retained by the record keeper. The record keeper's part must at a minimum contain the purchaser's name, address, and the telephone number. All such parts shall be imprinted with sequential serial numbers commencing with the numeral "1" through the maximum number of tickets to be sold. Both copies shall bear the signatures of both the seller and the purchaser of the ticket.
- (3) The record keeper shall maintain and periodically update as the need arises, the following types of records:
 - (a) a list of members of the sponsoring organization;
 - (b) a list of members authorized to sell raffle tickets or participating in any way in the promotion or operation of the raffle;
 - (c) all documents, bills of sale, agreements, appraisals or other documents concerning the purchase of the article or articles to be raffled;
 - (d) all permits, licenses, and any other documents prescribed or required by law as necessary for the lawful conduct of a raffle;
 - (e) a ledger book or other suitable record keeping device listing the serial number of the ticket sold, the purchaser's name and address, and the date purchased. Such entries shall be made upon receipt of the ticket part from the selling member or members and will be maintained in such a way as to permit a calculation at any time, of the number of tickets sold to date;
 - (f) the ticket stubs used to conduct the drawing for a period of not less than two years.
- (4) Financial records shall be maintained by the record keeper sufficient to show:
 - (a) the current amount of proceeds received on account of the raffle;
 - (b) all expenses related to the conduct of the raffle including printing costs, advertising costs, lawyers fees, appraisal costs, insurance premiums, and any other costs reasonably attributable to the raffle.

12.05: Violations Of Regulations

Failure to comply with any of the Regulations shall be deemed an unfair and deceptive act or practice, in violation of M.G.L. c. 93A, § 2 or a misapplication of funds given or appropriated to public charities.

12.06: Severability

If any provision of these Regulations or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of these Regulations and the applicability of such provision to other persons or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

940 CMR 12.00: M.G.L. c. 12, § 8J; c. 93A, § 2(c).

940 CMR 13.00: REGULATIONS GOVERNING BAZAARS

Section

- 13.01: Definitions
- 13.02: Licensing
- 13.03: Conduct of Games
- 13.04: Limitation of Participation of Certain Persons
- 13.05: Equipment
- 13.06: Operation of Games
- 13.07: Prohibited Acts
- 13.08: Police Officer Required
- 13.09: Limitation of Functions
- 13.10: Record Keeping
- 13.11: Violation of Regulations
- 13.12: Severability

13.01: Definitions

Bazaar means a place maintained by a Licensed Organization for disposal of merchandise or cash awards by means of chance; provided that the awarding of cash prizes in excess of the amount allowed by M.G.L. c. 271, § 7A or any successor thereto is expressly prohibited.

Function is a Bazaar maintained and conducted by a Licensed Organization for the disposal of awards of merchandise, cash or its equivalent by means of games. This includes without limitation thereto, so-called Las Vegas, Casino or Monte Carlo Nights.

Gross Receipts means the total amount of money received as admission fees and from the sale or transfer for money of chips, script or the like used to make wagers.

Lawful Purpose means educational, charitable, religious, civil or fraternal purposes or veterans benefits.

Licensed Organization means any Licensed Organization which holds a Bazaar permit issued pursuant to M.G.L. c. 271, § 7A.

Local Licensing Authority means the clerk of the city or town wherein a permit to conduct Bazaars is issued or to whom an application to conduct same is submitted.

Net Proceeds is Gross Receipts less taxes, prices and reasonable and necessary expenses ordinarily incidental to the conduct of said Bazaar.

Raffle/Bazaar Law means M.G.L. c. 271, § 7A.

13.02: Licensing

Lists Required To Be Kept: Membership List. Each Licensed Organization must maintain a list of its current membership by name, address, telephone number and a description of the type of membership in the organization which shall be kept available for inspection at all reasonable times.

13.03: Conduct of Games

(1) Workers.

- (a) Member in Charge. Every Licensed Organization shall designate a bona fide, active member of the licensee to be in charge of and primarily responsible for each Function. The member-in-charge shall have been a member in good standing of the Licensed Organization for at least two years. The member-in-charge shall supervise all activities and be responsible for the conduct of all games during the Function of which he is in charge including the preparation of any financial reports required by law. The

13.03: continued

2. Acting as a police officer for the purposes of maintaining general crowd control and order at the Function, or to detect persons cheating the participants or the house, when that person is a commissioned law enforcement officer with the power to make arrests in the jurisdiction in which the Function is being held or is the employee of a commercial securities service firm licensed by the Department of Public Safety.
3. Providing janitorial functions.
4. Supervising personnel carrying out the functions enumerated in 940 CMR 13.03(1)(i)1., 2., and 3., without participating further in the Function.

Provided, that the payment of persons to perform these functions does not exceed the local prevailing level of payment for similar services.

(j) Regular Salary for Licensee's Employee Not "Compensation" For Work on Functions Under Certain Conditions. The salary of a regular and full time employee or a regular but part time employee if the Licensed Organization has employed that part time position for the past two consecutive years, of a Licensed Organization shall not be deemed "compensation" for work performed by the employee in connection with a Function conducted by that organization when all of the following conditions are met:

1. The position held by the employee has been created for purposes unrelated to the conduct of a Function and the required performance of duties is generally unrelated to Functions. The employee's contribution to a Function must be an incidental part of his or her total duties, consisting of less than 1% of the total time worked for the organization; and
2. The employee is paid on a recurring basis on a regular and established rate throughout the calendar year, unrelated to the income produced by any Function; and
3. The employee does not operate any game at any Function conducted by the organization but confines his or her services in connection with the event to assisting the organization's other members with the overall planning and organization of the event and with supervision of the supporting services for the event.

13.04: Limitation of Participation of Certain Persons

No person directly or indirectly connected with the manufacture, sale or distribution of gaming equipment or supplies, or the agents, servants or employees of such person, shall conduct, participate, advise or assist in the conduct of a Function or render any service to anyone conducting, participating or assisting in the conduct of a Function including the preparation of any form relating thereto.

13.05: Equipment

- (1) Ownership of Equipment. The Licensed Organization shall conduct games only with equipment owned by it or which a lessor undertakes to provide by the terms of a written lease. The rental fee contained in such a lease shall be a sum certain and shall be commercially reasonable.
- (2) Equipment. Equipment used in the conduct of a Bazaar must be maintained in good repair and sound working condition. Equipment shall be used, and play operated, so that each player is given an equal opportunity to win.

13.06: Operation of Games

- (1) Wagering By Use of Chips, Script or The Like Required. A Licensed Organization may allow wagers to be placed only in the form of chips, script or the like and purchased for cash at the Function at which the wager is made. Wagering in the form of currency or representations of credit is expressly prohibited. Chips, script or the like may be redeemed at only the specific Function where they were acquired.
- (2) House Rules. Prior to conducting a Function, each Licensed Organization shall develop a set of house rules which will govern the type, scope and manner of all games to be conducted. Among other information, these rules shall establish the maximum amount of

13.10: continued

- (c) Period for Retention of Records. All records, books of account, bank statements and all other papers incidental to the operation of Bazaars by the Licensed Organization shall be retained and available for inspection by law enforcement personnel for a period of four years from the close of the calendar year to which the records apply.
- (2) Central Accounting System. Each Licensed Organization shall establish and maintain a central accounting system for the operation of a Function for all activities conducted in conjunction with the Function. The central accounting system should include but not be limited to internal controls to secure and count all cash received in connection with the Function, methods of accounting for chip sale and reimbursement, and verification of all transfers of cash and chips between game station(s) and the central counting area.
- (3) Expenses. Each Licensed Organization should incur only those expenses which are reasonable and necessary for the promotion and/or operation of a Function.

13.11: Violations of Regulations

Failure to comply with any of the Regulation shall be deemed an unfair and deceptive act or practice, in violation of M.G.L. c. 93A, § 2 or a misapplication of funds given or appropriated to public charities.

13.12: Severability

If any provision of these Regulations or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of these Regulations and the applicability of such provisions to other persons or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

940 CMR 13.00: M.G.L. c. 12, § 8J; c. 93A, § 2(c).

Questions & Answers for RAFFLE AND BAZAAR PERMITS

Who can hold a raffle or other gaming event (example: Las Vegas night)?

Only certain kinds of non-profit organizations. This is an exception to the general law that prohibits gambling in the Commonwealth.

A non-profit organization which has been in existence in Massachusetts for not less than two years and which is one of the following:

- a) Veteran's Organization;
- b) Church or religious organization;
- c) Fraternal or fraternal benefit societies, such as Union, Elks Club, etc.;
- d) Educational or charitable organization;
- e) Civic or service club or organization;
- f) Clubs or organizations organized for pleasure, recreation, or other non-profit purposes, such as a garden club

The organization does not need to be incorporated

An individual may not conduct a raffle or other gaming event. An individual may also not raffle private property for personal gain. A non-profit organization may purchase property from a third party and then conduct its own raffle using the property as a prize. In these circumstances the organization is responsible for ensuring that the raffle is a bona fide fundraising event.

What kind of activities are regulated?

A raffle, in which a chance to win is sold to participants, and the winner or winners are selected from the chances actually sold, is regulated by law. Whenever money is charged for the ticket or chance, the raffle can be legally operated only by a non-profit organization. The funds received must be used only for the purposes specified in the law. If no money is charged, anyone can legally operate a raffle, and businesses often do so for promotional purposes. Consumer protection laws apply to all raffles.

Casino and Las Vegas nights, offering the opportunity to play games of chance, are also regulated and can be legally operated only by a non-profit organization. The funds raised must be used for specified purposes.

Beano (Bingo) games are regulated under the law by the Lottery Commission. For information please call 781-849-5555.

The operation of a lottery by anyone other than the State Lottery Commission is illegal. A lottery is a game in which chances to win are sold but it is possible that no one will win (because the number drawn is not one which was sold).

Can a municipal or governmental organization, such as a public school or conservation commission, hold a raffle or sponsor a Las Vegas night?

No. These organizations do not fit within any of the authorized categories.

What is the law about the use of the funds raised?

The funds raised must be used for educational, charitable, religious, fraternal or civil purposes or for veterans' benefits.

Are there regulations about raffles?

Yes. All non-profit organizations must receive a permit from the Town Clerk and pay a tax of 5% of the gross proceeds derived from the raffle. This statute is in the Massachusetts General Laws Chapter 271, Section 7A, "Conduct of Raffles and Bazaars." In addition, there are the Attorney General's Regulation Governing Raffles that apply if the value of the prize or prizes exceeds \$10,000 or the cost of a ticket is more than \$10.



HELPFUL LINKS FOR ORGANIZATIONS HOLDING RAFFLES & BAZAARS

The following links will be helpful for determining your organization's eligibility and responsibilities when holding a raffle or bazaar. There are typically phone numbers within the links/pages that will also be helpful for you.

- Regulations Governing Raffles/mass.gov:
<https://www.mass.gov/files/documents/2017/10/13/940-cmr-12-00.pdf>
- Regulations Governing Bazaars/mass.gov:
<https://www.mass.gov/regulations/940-CMR-1300-regulations-governing-bazaars>
- Mass. General Law, Chapter 271, Section 7a – Crimes, Punishments & Proceeding In Criminal Case:
<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter271/Section7A>
- mass.gov: Guidance on Raffles
<https://www.mass.gov/guides/guidance-on-raffles>
- mass.gov: FAQs about Raffles
<https://www.mass.gov/guides/guidance-on-raffles#-frequently-asked-questions-about-raffles->
- mass.gov: FAQs about Nonprofit Gaming Events
<https://www.mass.gov/service-details/frequently-asked-questions-about-nonprofit-gaming-events>
- mass.gov: Office of Attorney General Maura Healey
<https://www.mass.gov/orgs/office-of-attorney-general-maura-healey>

For additional information, you may call:
Office of Attorney General Maura Healey
617-727-2200

Hamilton Town Clerk
978-468-5570, ext. 3