

481—100.3(99B) License requirements. The following standards are used to determine whether a gambling license is issued. These standards do not apply to licensure as a bingo manufacturer or a bingo distributor. These are not considered all-inclusive.

100.3(1) A credit reference is required and must be exemplary.

There must be no outstanding state tax liabilities.

The applicant for a two-year qualified organization license must either possess or have made application for a sales tax permit.

100.3(2) Each applicant shall notify the chief of police, county sheriff or designee for each locality in which gambling is anticipated when an application is submitted. The signature of a local law enforcement official is required on each application to affirm notification. Amusement concessionaires may obtain endorsement from the sponsor of an event in which the concessionaire will operate.

100.3(3) No one who has more than two delinquent quarterly gambling reports in the last year shall be licensed. A quarterly report is delinquent if it is received by the department more than 30 days after the last day of the calendar quarter.

100.3(4) No one involved in an organization which has a revocation pending will be granted a license similar to the one revoked.

No one who has a gambling license currently under six-month revocation may be granted any gambling license during the period of revocation. There shall be no current revocation of either a gambling or a liquor license for the location named on an application.

100.3(5) No applicant shall have been convicted of or pled guilty to a criminal violation of the Iowa gambling law.

100.3(6) Violation of gambling law or the Iowa alcoholic beverage control Act (Iowa Code chapter 123) affects whether a gambling license is issued.

a. The applicant may have no more than two convictions or guilty pleas of serious or aggravated misdemeanors in the last two years. This includes any combination of serious or aggravated misdemeanors.

b. No liquor license shall have been suspended within the last 12 months because of a conviction or guilty plea to a criminal violation of the Iowa alcoholic beverage control Act (Iowa Code chapter 123).

c. No liquor license shall have been revoked because of a conviction or guilty plea to a criminal violation of the Iowa alcoholic beverage control Act.

d. No applicant shall have been convicted of a felony, federal or state, within five years of the date of the application. In order to have an application considered, citizenship rights must have been restored.

100.3(7) The department shall be satisfied of the good moral character of each applicant, including all officers, partners, agents, or directors of an organization.

a. A license shall not be issued to an organization if an officer, partner, agent, or director of the organization has been associated, directly or indirectly, with the conduct of bingo or the management or handling of bingo funds, of an organization currently under investigation, audit, revocation or suspension.

b. A license shall not be issued if any officer, partner, agent, director of an organization, or person associated with bingo, is involved in a dispute concerning the conduct of bingo, the use of bingo funds, or other allegations relating to bingo.

c. A license shall not be issued to an organization at a location that has experienced a dispute, not resolved to the satisfaction of the department, concerning the conduct of bingo by the owner or lessee of the location.

100.3(8) Any qualified organization conducting gambling activities must be one of the following types of organizations:

a. The organization is tax-exempt under Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, as defined in Iowa Code section 422.3. A letter of determination from the IRS must be attached to the application, or proof of filing IRS Form 1023 or 1024 may be accepted if the department is satisfied that the organization is eligible;

b. The organization is an agency or instrumentality of the United States government, this state, or a political subdivision of this state; or

c. The organization is a parent-teacher organization or booster club that is recognized as a fund-raiser and supporter for a school district organized pursuant to Iowa Code chapter 274 or for a school within the school district. A notarized letter signed by the president of the board of directors, the superintendent of the school district, or a principal of a school within that school district must accompany the application.

100.3(9) An organization must have been in existence at least five years in order to be eligible for a two-year license. However, if an organization is a local chapter of a national organization, and the local chapter has been in existence for two years, the local chapter may obtain a license by supplying evidence to the department that the national organization has been in existence the required five-year time period.

This rule is intended to implement Iowa Code sections 99B.1(21), 99B.2, 99B.16, and chapter 123.