

MINNESOTA GAMBLING CONTROL BOARD
Board Actions – March 21, 2016

TRANSFER OF GAMBLING FUNDS TO ORGANIZATION ACCOUNT.

Minnesota Rules 7861.0320, subpart 4E. Gambling funds may not be transferred to the organization's general bank accounts for any expenditures without Board approval.

EXHIBIT A : Approved:

- **License 02395**, Marshall Amateur Hockey Association, Marshall, \$2,986.00. Tax payments mistakenly paid by general funds.
- **License 92380**, Ducks Unlimited Frozen North Chapter, Garrison, \$174,988.06. A start up loan.

EXHIBIT B : Denied - None.

REPAIR, MAINTAIN OR IMPROVE REAL PROPERTY AND CAPITAL ASSETS USED EXTENSIVELY AS MEETING PLACE OR EVENT LOCATION OR USED TO BECOME COMPLIANT WITH ADA - REPLACEMENT BLDG (LG269).

Minnesota Statutes, section 349.12, subdivision 25(a)(22) An expenditure for the repair, maintenance, or improvement of real property and capital assets owned by an organization, or for the replacement of a capital asset that can no longer be repaired, with a fiscal year limit of five percent of gross profits from the previous fiscal year, with no carry forward of unused allowances. The fiscal year is July 1 through June 30. Total expenditures for the fiscal year may not exceed the limit unless the **board has specifically approved the expenditures that exceed the limit due to extenuating circumstances beyond the organization's control.** An expansion of a building or bar-related expenditures are not allowed under this provision. (i) The expenditure must be related to the portion of the real property or capital asset that must be made available for use free of any charge to other nonprofit organizations, community groups, service groups, or is used for the organization's primary mission or headquarters. (ii) An expenditure may be made to bring an existing building that the organization owns into compliance with the Americans with Disabilities Act.

EXHIBIT C : Approved:

- **License 00242**, Eagles Aerie #1243, Winona, \$38,730.00. Replace make-up air and exhaust system in kitchen, including fire suppression system per health inspector.
- **License 00357**, VFW Post 8731, Monticello, \$50,717.45. Replace restrooms to facilitate handicap accessibility per code requirements.

EXHIBIT D : Denied

- **License 00357**, VFW Post 8731, Monticello, \$4,610.69. Contingency costs.

FOR A BUILDING OWNED BY THE ORGANIZATION THAT WAS DESTROYED OR MADE UNINHABITABLE BY FIRE OR CATASTROPHE (LG262)

Minnesota Statutes 349.12, subdivision 25(a)(25) "With respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or catastrophe, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance."

EXHIBIT E : Approved - None.

EXHIBIT F : Denied - None.

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REPLACEMENT OF BUILDING TAKEN OR SOLD UNDER EMINENT DOMAIN PROCEEDING (LG263)

Minnesota Statutes, section 349.12, subdivision 25(a)(25) An expenditure, including a mortgage payment or other debt service payment, for the erection or acquisition of a comparable building to replace an organization-owned building that was taken or sold under an eminent domain proceeding. The expenditure may be only for that part of the replacement cost not reimbursed by insurance or compensation not received from a governmental unit under the eminent domain proceeding, if the board has first specifically authorized the expenditure.

EXHIBIT G : Approved - None.

EXHIBIT H : Denied - None.

ACQUISITION OR IMPROVEMENT OF CAPITAL ASSETS OR ACQUISITION, ERECTION, EXPANSION, OR IMPROVEMENT OF REAL PROPERTY THAT WILL BE USED EXCLUSIVELY FOR LAWFUL PURPOSE (LG266)

Minnesota Statutes, Section 349.12, subdivision 25(a) (23) or (24)

(23) An expenditure for the acquisition or improvement of a capital asset with a cost greater than \$2,000, excluding real property, that will be used exclusively for lawful purposes under this section if the board has specifically approved the amount;

(24) an expenditure for the acquisition, erection, improvement, or expansion of real property, if the board has first specifically authorized the expenditure after finding that the real property will be used exclusively for lawful purpose under this section.

EXHIBIT I: Approved:

- **License 34879**, Baxter Snowmobile Club, Baxter, \$26,175.50. Acquire ATV to maintain snowmobile trails that are grant-in-aid or public use.

EXHIBIT J : Denied - None.

CONTRIBUTION OF GAMBLING FUNDS TO ANOTHER LICENSED GAMBLING ORGANIZATION (LG270).

Minnesota Statutes, section 349.12, subdivision 25(a)(20). A contribution by a licensed organization to another licensed organization with prior board approval, with the contribution designated to be used for one or more of the follow lawful purposes under this section: clauses (1) to (7), (11) to (15), (19), and (25).

EXHIBIT K: Approved:

FROM: **License 00404**, VFW Post 2793, Thief River Falls, \$2,500. Activities intended for persons under 21.

TO: **License 02008**, Thief River Falls Amateur Hockey Association, Thief River Falls.

FROM: **License 02824**, South St. Paul Lions Club, South St. Paul, \$1,000.00. A contribution to a 501 (c)(3) organization.

TO: **License 00691**, Confidence Learning Center, East Gull Lake.

DIRECTOR: Delegated Approvals for Request to Contribute Gambling Funds to Another Licensed Gambling Organization (LG270):

FROM: **License 00872**, Elks Lodge #1166, Faribault, \$250.00. Recognition of military service, or for active military personnel in need.

TO: **License 00275**, American Legion Post 43, Faribault.

FROM: **License 01473**, Watertown Lions Club, Watertown, \$100.00. A contribution to a 501 (c)(3) organization.

TO: **License 00691**, Confidence Learning Center, East Gull Lake.

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FROM: **License 02228**, Eagan Lions Club, Eagan, \$200.00. A contribution to a 501 (c)(3) organization.
TO: **License 00691**, Confidence Learning Center, East Gull Lake.

FROM: **License 03011**, St. Joseph Jaycees, St. Joseph, \$350.00. A contribution to a 501 (c)(3) organization.
TO: **License 32645**, St. Cloud All City HS Band, St. Cloud.

FROM: **License 06419**, Scandia Marine Lions Club, Scandia, \$500.00. A contribution to a 501 (c)(3) organization.
TO: **License 00691**, Confidence Learning Center, East Gull Lake.

EXHIBIT L: Denied - None.

FUND LOSS REQUEST (PROFIT CARRYOVER ADJUSTMENT) (LG250).

7861.0320 ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS, Subp. 9. Fund loss report or request for a profit carryover adjustment due to fund loss. When an organization has a fund loss by questionable means of its inventory or cash, the organization must use the following procedures. A. The organization must file a report with local law enforcement authorities within (1) five days of discovering the loss; or(2) 24 hours of discovering a loss from a pull-tab dispensing device. B. The organization must submit one of the following to the board within 60 days of discovering the loss: (1) documentation that its gambling account was reimbursed for the amount of the fund loss from a source of nongambling funds and the date the loss was reported to the organization's membership; or (2) a request for a profit carryover adjustment due to a fund loss. If the organization does not submit the request within 60 days of discovering the loss, the board will not consider the request. E. If the board denies a request for a profit carryover adjustment due to a fund loss, the organization must reimburse its gambling account for the amount of the fund loss. The organization must submit proof of reimbursement to the board within 90 days of the board's final determination.

EXHIBIT M: Approved:

- **License 00555-002**, MOC Pup Tent 51, Bloomington, \$400. Robbery.
- **License 01209-025**, Fairmont Youth Hockey Association, Fairmont, \$5,021.38. Robbery.
- **License 03120-001**, Pine Island Fire Relief Association, Pine Island, \$347.00. Burglary.

EXHIBIT N: Denied:

- **License 02474-010**, Albany Jaycees, Albany, \$1,358.00. Burglary. Lack of security over cash and inventory within the premises. The storage of cash in an office without further locked security over the money is inadequate protection of the cash. The organization failed to maintain adequate safeguards over its gambling funds.
- **License 02880-001**, Kasota Fire Relief Department, Kasota, \$1,739.00. Burglary. Lack of security over cash and inventory within the premises. Procedures were not followed to secure the funds. The organization failed to maintain adequate safeguards over its gambling funds.

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TO APPLY AMOUNT APPROVED BY THE BOARD TO BRING EXISTING BUILDINGS INTO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT TOWARDS THE ERECTION OR ACQUISITION OF A REPLACEMENT BUILDING THAT IS IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (LG268).

Minnesota Statutes 349.12, subdivision 25(a)(22)(ii) An expenditure may be made to bring an existing building that the organization owns into compliance with the Americans with Disabilities Act. (iii) An organization may apply the amount that is allowed under item (ii) to the erection or acquisition of a replacement building that is in compliance with the Americans with Disabilities Act if the board has specifically approved the amount. The cost of the erection or acquisition of a replacement building may not be made from gambling proceeds, except for the portion allowed under this item.

EXHIBIT O: Approved - None.

EXHIBIT P: Denied – None.

LICENSE TERMINATION PLANS.

Minnesota Statutes 349.19, subdivision 8 upon termination of a license, a licensed organization must notify the board in writing within 30 calendar days of the license termination date of its plan for disposal of registered gambling equipment and distribution of remaining gambling proceeds. Before implementation, a plan must be approved by the board. The board may accept or reject a plan and order submission of a new plan or amend a proposed plan. The board may specify a time for submission of new or amended plans or for completion of an accepted plan.

EXHIBIT Q: Approved:

- **License 00756**, Johnson Area Hockey Association, St. Paul, \$7563.23. Approve.

EXHIBIT R: Denied – None.

NEW GAMES SUBMITTED BY MANUFACTURERS.

EXHIBIT S: Approved: emailed to Board members 3/11/2016

EXHIBIT T: Denied - None.

LICENSES FOR DISTRIBUTORS, MANUFACTURERS, AND LINKED BINGO GAME PROVIDERS.

EXHIBIT U: Approved:

- **APPLICATION FOR LINKED BINGO GAME PROVIDER LICENSE - None.**
- **APPLICATION FOR MANUFACTURER LICENSE RENEWAL/ METHOD OF SALE OR TRANSFER OF ELECTRONIC GAMES TO DISTRIBUTORS – None.**
- **APPLICATION FOR DISTRIBUTOR LICENSE RENEWAL / METHOD OF SALE OR TRANSFER OF ELECTRONIC GAMES TO ORGANIZATIONS:**
 - **License DI044**, Twin Cities Gaming, Eagan, MN.
 - **License DI079**, Brainerd Games, Brainerd, MN & Mendota Heights, MN.

EXHIBIT V: Denied – None.

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RULE VARIANCE REQUEST (LG251)

A person or licensee may request a variance from a rule governing lawful gambling, according to procedures outlined in Minnesota Rules 7865.0050

EXHIBIT W: Approved – None.

EXHIBIT X: Denied – None.

REQUEST FOR ALTERNATIVE METHOD OF SELECTING RAFFLE WINNERS

EXHIBIT Y: Approved – None.

EXHIBIT Z: Denied - None.

NEW BUSINESS

- **License LB109**, Pilot Games Inc., is requesting to charge the maximum 20% fee.

This concludes the summary of actions taken by
the Minnesota Gambling Control Board at its meeting of Monday March 21, 2016.