

Figure: 16 TAC §402.706(c)

### Standard Administrative Penalty Chart

#### Category 1

**\$250 [~~\$0 (Warning)~~] to \$1,000 for the 1st offense, except a 1st offense for Violation No. 6 involving gambling devices may result in up to \$1000 administrative penalty and/or license suspension, revocation or denial, or registry removal or denial**

**\$250 [~~\$0 (Warning)~~] to \$1,000 and/or license suspension, revocation or denial, or registry removal or denial for the 2nd offense**

| No. | Violation   |
|-----|---|
| 1   | A person knowingly participated in the award of a prize to a bingo player in a manner that disregarded the random selection of numbers or symbols.  |
| 2   | A person made a false statement in an application for a license.  |
| 3   | A person falsified or made false entries in books and records.  |
| 4   | A person conducted, promoted, or administered bingo without a license.  |
| 5   | The licensee or a person designated as an agent for a unit failed to timely produce for inspection or audit any book, record, document, or other form of information requested by the Commission. |
| 6   | A person conducted or allowed a game of chance at a bingo premises during a bingo occasion, except as permitted under Occupations Code §2001.416 and 16 TAC §402.211.                             |

#### Category 2

**\$100 [~~\$0 (Warning)~~] to \$600 for the 1st offense**

**\$100 [~~\$0 (Warning)~~] to \$800 for the 2nd offense**

**\$100 [~~\$0 (Warning)~~] to \$1,000 and/or license suspension, revocation or denial, or registry removal or denial for the 3rd offense**

| No. | Violation  |
|-----|--|
| 7   | The organization conducted bingo outside of the licensed time.   |
| 8   | The organization sold bingo cards, bingo card minders, or pull-tab bingo tickets at an unauthorized time.  |
| 9   | The organization conducted bingo at an unauthorized location.  |
| 10  | The organization that is a member of a unit did not conduct its bingo games separately from the bingo games of the other members of the unit.  |
| 11  | The unit with an agent designated under Section 2001.438(b) failed to immediately notify the Commission of any change in the designated agent.   |
| 12  | The organization allowed a person other than a bona fide member of the licensed authorized organization to conduct, promote, or administer, or assist in conducting, promoting, or administering, bingo. |
| 13  | The organization failed to have an authorized operator present at the bingo occasion.  |
| 14  | A person not listed on the registry of approved bingo workers acted as an operator, manager, cashier, usher, caller, or salesperson for an organization.   |
| 15  | The organization allowed a person(s) under the age of 18 to conduct or assist in the conduct of bingo.   |
| 16  | The organization or unit failed to comply with the charitable distribution requirement.  |
| 17  | The organization obtained by purchase or other manner bingo equipment, devices or supplies from a person other than a licensed distributor (except as provided in Section 2001.257(b)).                  |

**Category 3**

**\$0 (Warning) to \$400 for the 1st offense**

**\$100 [~~\$0 (Warning)~~] to \$600 for the 2nd offense**

**\$100 [~~\$0 (Warning)~~] to \$800 for the 3rd offense (Violation Nos. 18, 22, 23 – 28)**

**\$100 [~~\$0 (Warning)~~] to \$1,000 and/or license suspension, revocation or denial, or registry removal or denial for the 3rd offense (Violation Nos. 19, 20, 21, & 24)**

| <b>No.</b> | <b>Violation</b>   |
|------------|--|
| <b>18</b>  | The licensee failed to report to the Commission in writing within ten (10) working days of the date of any change respecting any facts set forth in the application.   |
| <b>19</b>  | The licensee failed to respond, or timely respond, in writing to all relevant audit findings and recommendations in the draft audit report presented at the exit conference.   |
| <b>20</b>  | The organization failed to withhold prize fees.  |
| <b>21</b>  | The organization or unit failed to deposit in the bingo account all funds derived from the conduct of bingo, less the amount awarded as cash prizes.   |
| <b>22</b>  | The organization incurred or paid items of expense in connection with the conduct of a game of bingo that were not reasonable or necessary to conduct bingo.   |
| <b>23</b>  | Proceeds given to a person for a charitable purpose were used by the donee to pay for services rendered or materials purchased in connection with the conduct of bingo by the donor organization.  |
| <b>24</b>  | The net proceeds of any game of bingo and of any rental of premises for bingo were not used exclusively for charitable purpose or were used by the donee for an activity that would not constitute a charitable purpose, if the activity were conducted by the donor organization. |
| <b>25</b>  | A person failed to maintain records that fully and truly record all transactions connected with the conduct of Bingo, the leasing of premises to be used for the conduct of bingo, or the manufacture, sale, or distribution of bingo supplies or equipment.                       |
| <b>26</b>  | A commercial lessor licensed to conduct bingo, did not properly deposit in its bingo checking account all rental payments from authorized organizations conducting bingo at the location of the lessor.  |

|    |  |
|----|--|
| 27 | Rent for premises used for the conduct of bingo that was paid to the lessor was not paid in a lump sum that included all expenses authorized by the Bingo Enabling Act, Section 2001.458.                    |
| 28 | For organizations or units, deposits were made later than the end of the third business day following the day of the bingo occasion on which the receipts were <u>obtained</u> .<br>[ <del>obtained.</del> ] |

**Category 4**

**\$0 (Warning) to \$300 for the 1st offense**

**\$100 [~~\$0 (Warning)~~] to \$450 for the 2nd offense**

**\$100 [~~\$0 (Warning)~~] to \$600 for the 3rd offense**

| No. | Violation   |
|-----|---|
| 29  | The organization or unit deposited funds, other than from the conduct of bingo, in the bingo account.   |
| 30  | The organization failed to clearly identify the conductor, by name exactly as it is shown on the license, on an advertisement or promotion of a bingo occasion. |
| 31  | Check(s) or slip(s) were made payable to 'cash', 'bearer', or to a fictitious payee.  |
| 32  | Checks did not contain the required information.  |

**Category 5**

**\$0 (Warning) to \$200 for the 1st offense**

**\$100 [~~\$0 (Warning)~~] to \$300 for the 2nd offense**

**\$100 [~~\$0 (Warning)~~] to \$400 for the 3rd offense**

| No. | Violation |
|-----|-----------|
|-----|-----------|

|    |   |
|----|---|
| 33 | Funds from the sale of a bingo gift certificate were not maintained separately from bingo funds until the certificate was redeemed for a bingo card, pull-tab bingo or a card-minding device. |
| 34 | The organization failed to have required information imprinted on each bingo gift certificate.  |

**Category 6**

**\$0 (Warning) to \$100 for the 1st offense**

**\$50 [~~\$0 (Warning)~~] to \$150 for the 2nd offense**

**\$50 [~~\$0 (Warning)~~] to \$200 for the 3rd offense**

| No. | Violation  |
|-----|--|
| 35  | The organization failed to withdraw funds from the bingo account by preprinted, consecutively numbered checks or withdrawal slips. |
| 36  | The organization failed to keep and account for all checks, including voided checks and slips.                                     |

**Category 7**

**\$0 (Warning) for the 1st offense**

**\$50 [~~\$0 (Warning)~~] for the 2nd offense**

**\$50 [~~\$0 (Warning)~~] to \$1,000 for the 3rd offense**

| No. | Violation  |
|-----|--|
| 37  | The organization failed to obtain, maintain, keep current and make available for review to any person upon request a copy of the Bingo Enabling Act and the Rules of the Commission. |