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The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

Chapter 17: Bingo Games

- 41.1701 Legislative Authorization.**

This chapter is adopted pursuant to Section 19 of Article IV of the California Constitution, as implemented by Penal Code sections ~~326.3~~, 326.4, and 326.5.

41.1702 Bingo Authorized.

Bingo, including remote caller bingo, may be lawfully played in the County pursuant to the provisions of Penal Code sections ~~326.3~~, 326.4, and 326.5, and this chapter, and not otherwise.

41.1703 License Required.

No bingo game, including a remote caller bingo game, may be conducted without a current valid license issued by the ~~Clerk of the Board of Supervisors (Clerk of the Board)~~responsible department pursuant to this chapter, and without compliance with other applicable state law. The responsible department, for purposes of this chapter, is the Land Use Services Department.

41.1704 Qualified Applicants.

The following organizations are qualified to apply to the ~~Clerk of the Board~~responsible department for a license to operate a bingo game, including a remote caller bingo game, if the receipts of those games are used only for charitable purposes:

- (a) An organization exempt from the payment of the taxes imposed under the Corporation Tax Law by Section s 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code;
- (b) A mobilehome park association of a mobilehome park that is situated in the County;
- (c) Senior citizens organizations;
- (d) Charitable organizations affiliated with a school district.

41.1705 Application Requirements.

(a) The application shall be in a form prescribed by the ~~Clerk of the Board~~responsible department and shall be accompanied by a nonrefundable license fee in an amount set forth in County Code section 16.02015C.

(b) The following documentation shall be attached to the application, as applicable:

- (1) A certificate issued by the Franchise Tax Board certifying that the

applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Sections s 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by the Franchise Tax Board, the ~~Clerk of the Board~~responsible department may refer to the Franchise Tax Board's Internet Web site to verify that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law;

(2) Other evidence as the ~~Clerk of the Board~~responsible department determines is necessary to verify that the applicant is a duly organized mobilehome park association of a mobilehome park situated in the County, or a senior citizens s organization, or a charitable organization affiliated with a school district.

(c) No person may use a fictitious name or fictitious address in connection with the application.

(d) The Sheriff shall investigate the application. The Sheriff shall determine if the granting of a license would be inimical to public health, safety, and welfare, or would undermine the public trust that gambling operations are free from criminal or dishonest elements. The Sheriff shall report to the Clerk of the Board the findings of the investigation and a recommendation as to whether the applicant should be issued a license.

41.1706 License Application: Verification.

The license shall not be issued until the ~~Clerk of the Board~~responsible department has verified the facts stated in the application and determined that the applicant is qualified.

41.1707 Annual License.

A license issued pursuant to this chapter shall be valid for a period of one year beginning from the date of issuance. At the end of the year the license shall automatically expire. A new license shall only be issued after the filing of a new application, payment of the license fee, and compliance with the requirements of this chapter. The fact that a license has been issued to an applicant creates no vested right

on the part of the licensee to continue to offer bingo for play. The Board of Supervisors expressly reserves the right to amend or repeal this chapter at any time. If this chapter is repealed, all licenses issued pursuant to this chapter shall cease to be effective for any purpose on the effective date of the repealing action.

41.1708 Conditions of Licensure.

(a) Any license issued pursuant to this chapter for ~~traditional (not remote caller)any~~ bingo shall be subject to the conditions contained in Penal Code section 326.5, and each licensee shall comply with the requirements of those provisions.

~~(b) — Any license issued pursuant to this chapter for remote caller bingo shall be subject to the conditions contained in Penal Code sections 326.3 and 326.4, and each licensee shall comply with the requirements of those provisions.~~

(~~eb~~) Each license issued pursuant to this chapter shall be subject to the following additional conditions:

(1) For purposes of this chapter, the term “profit” shall not include one complimentary meal to be consumed on the premises at which a bingo game, including remote caller bingo games, is being conducted by any volunteer helping to staff the bingo game then being played. A volunteer may have no more than one complimentary meal per five hour period, and must consume the meal on the same date that his or her services are being rendered.

(2) Records required by this chapter and law shall be retained for a period of five years. The licensed organization’s books and records shall be available for inspection by the Sheriff upon reasonable notice.

(3) Each licensed organization shall display the license issued pursuant to this chapter in a conspicuous place in the premises where the bingo games, including remote caller bingo games, are conducted.

(4) A license issued pursuant to this chapter shall be issued to a specific qualified organization and for a specific location and shall not be transferred from one organization to another organization or utilized for purposes of playing bingo at

another location.

(5) ~~Traditional b~~Bingo games shall not be conducted by any licensed organization on more than ten days in each calendar month, nor for more than five hours in any 24-hour period, nor between 2:00 a.m. and 6:00 a.m.

~~(6) Remote caller bingo games shall not be conducted by any licensed organization on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar year.~~

41.1709 Responsibility of Licensed Organization.

The licensed organization is responsible for ensuring that the conditions of this chapter and Penal Code sections ~~326.3 and~~ 326.4 ~~(remote bingo)~~ and ~~section~~ 326.5 ~~(traditional bingo)~~ are complied with by the organization and its officers, members, employees, volunteers, staff, and agents.

41.1710 Cause for Denial of Application, Suspension or Revocation of License.

The following shall be cause for the denial of an application for a license or the suspension or revocation of a license:

(a) A violation of any requirement of this chapter.

(b) A violation of any requirement of Penal Code sections ~~326.3~~, 326.4, or 326.5, or California Code of Regulations, ~~t~~Title 4, ~~d~~Division 18, ~~e~~Chapter 8 (section 12480 et seq.).

(c) The knowingly making of any false, misleading, or fraudulent statement of a material fact in an application for a license, or in any report, record, or other information submitted to the ~~Clerk of the Board~~responsible department, the Sheriff, or any other public official or officer.

~~(d) The meeting of any of the criteria in Business and Professions Code section 12236 by any principal agent of the licensed organization responsible for conducting the bingo games, including remote caller bingo games, or any general manager or any person exercising managerial authority on behalf of the organization.~~

1 ~~(e)~~(d) A determination that granting the license would be inimical to public
2 health, safety, and welfare, or would undermine the public trust that gambling
3 operations are free from criminal or dishonest elements.

4 ~~(f)~~(e) The conducting of a bingo game, including a remote caller bingo game, in
5 a manner that is inimical to public health, safety, and welfare, or that undermines the
6 public trust that gambling operations are free from criminal or dishonest elements.

7 ~~(g)~~(f) The failure of an organization to comply with zoning, building and safety,
8 environmental health, or fire regulations, or other federal, state, or local laws or
9 regulations.

10 **41.1711 Notice.**

11 If the ~~Clerk of the Board~~responsible department denies an application, then the
12 ~~Clerk of the Board~~responsible department shall provide the applicant with written notice
13 of the denial and the applicant's right to request an appeal hearing before a hearing
14 officer pursuant to Section 41.1712. If the ~~Clerk of the Board~~responsible department
15 finds cause for the suspension or revocation of a license, then the ~~Clerk of the~~
16 ~~Board~~responsible department shall provide the licensed organization with written notice
17 of the ~~Clerk of the Board~~responsible department's intent to suspend or revoke the
18 license and the organization's right to request an appeal hearing before a hearing officer
19 pursuant to Section 41.1712.

20 **41.1712 Appeal Hearing.**

21 (a) A request for an appeal hearing must be submitted to the ~~Clerk of the~~
22 ~~Board~~responsible department, in writing, within ten working days of the service of the
23 ~~Clerk of the Board~~responsible department's notice issued pursuant to Section 41.1711.
24 The request shall contain the address to which the notice of hearing shall be sent. If no
25 request for an appeal hearing is submitted, or no request for an appeal is submitted in
26 compliance with this subsection, then the appellant will be deemed to have waived its
27 right to an appeal hearing and the decision of the ~~Clerk of the Board~~responsible
28 department shall be final.

(b) The ~~Clerk of the Board~~responsible department shall appoint a hearing officer to hear the appeal. The ~~Clerk of the Board~~responsible department shall provide written notice of the appeal hearing to the appellant. Upon the written request of the appellant and if good cause is found, the ~~Clerk of the Board~~responsible department or the hearing officer may postpone the hearing date. If the appellant does not confirm in advance that it will appear at the appeal hearing or if the appellant fails to appear at the appeal hearing, the appellant will be deemed to have waived its right to an appeal hearing and the decision of the ~~Clerk of the Board~~responsible department shall be final.

(c) The hearing need not be conducted according to technical rules relating to evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

(d) The ~~Clerk of the Board~~responsible department shall present ~~his or her~~its case first. The appellant shall present thereafter. Each party may be represented by counsel, examine and cross-examine witnesses, and, after completion of both parties' presentation of evidence, make a closing oral argument or, if requested by the hearing officer, submit a written post-hearing brief. The decision of the hearing officer shall be final.

41.1713 Violations, Remedies, and Penalties.

(a) It shall be unlawful for any person or entity to violate any provision of this chapter. Enforcement, violations, remedies, and penalties shall be governed by Chapter 2 (Section 11.0201 et seq.) of Division 1 of Title 1 ~~(Section 11.0201 et seq.)~~ of

the County Code, and other applicable law.

~~_(b) Pursuant to Penal Code section 326.3(d) and (e), it is a misdemeanor for any person to receive or pay a profit, wage, or salary from any remote caller bingo game, authorized by Section 19 of Article IV of the California Constitution and this chapter. A violation of Penal Code section 326.3(d) shall be punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the County. A violation of any provision of Penal Code section 326.3, other than subdivision (d), shall be a misdemeanor. The County may bring an action to enjoin a violation of Penal Code section 326.3.~~

(eb) Pursuant to Penal Code section 326.5(b) and (c), it is a misdemeanor for any person to receive or pay a profit, wage, or salary from any ~~traditional~~ bingo game authorized by Section 19 of Article IV of the California Constitution and this chapter. A violation of Penal Code section 326.5(b) shall be punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the County. A violation of any provision of Penal Code section 326.5, other than subdivision (b), shall be a misdemeanor. The County may bring an action to enjoin a violation of Penal Code section 326.5.

SECTION 2. This ordinance shall take effect thirty (30) days from the date of adoption.

CURT HAGMAN, Chairman
Board of Supervisors

1 SIGNED AND CERTIFIED THAT A COPY
2 OF THIS DOCUMENT HAS BEEN DELIVERED
3 TO THE CHAIR OF THE BOARD

4 LYNNA MONELL, Clerk of the
5 Board of Supervisors

6 STATE OF CALIFORNIA)
7) ss.
8 COUNTY OF SAN BERNARDINO)

9 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
10 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
11 Supervisors of said County and State, held on the _____ day of _____, 2020,
12 at which meeting were present Supervisors: _____

13 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
14 to wit:

15 AYES: SUPERVISORS:
16 NOES: SUPERVISORS:
17 ABSENT: SUPERVISORS:

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
19 seal of the Board of Supervisors this ____ day of _____, 2020.

20 LYNNA MONELL, Clerk of the
21 Board of Supervisors of the
22 County of San Bernardino,
23 State of California

24 _____
25 Deputy

26 Approved as to Form:

27 MICHELLE D. BLAKEMORE
28 County Counsel

By: _____
KENNETH C. HARDY
Supervising Deputy County Counsel

Date: _____