

**Technical Amendment
November 22, 2019**

820 KAR 1:025. Reports.

RELATES TO: KRS 238.530, 238.550, 238.555, 238.560, 238.570

STATUTORY AUTHORITY: KRS 238.515, 238.530, 238.550, 238.555, 238.560, 238.570

NECESSITY, FUNCTION, AND CONFORMITY: KRS 238.515(4) authorizes the Department of Charitable Gaming to promulgate administrative regulations establishing standards of accounting, recordkeeping, and reporting to insure charitable gaming receipts are properly accounted for. KRS 238.530 authorizes the department to promulgate an administrative regulation to require a licensed distributor to report all activities relating to the sale, rental, lease, or furnishing of charitable gaming supplies and equipment. KRS 238.560 authorizes the department to take administrative action against any person for any violation of the provisions of KRS Chapter 238 and the administrative regulations promulgated thereunder. This administrative regulation establishes the method and time of filing financial reports and remitting payment of fees due.

Section 1. Reporting. (1) Licensees shall submit corresponding forms and reports quarterly as described in Section (2) of this administrative regulation:

(a) Licensed charitable organizations shall submit Form CG-FIN, "Financial Report for a Licensed Charitable Organization";

1. Licensed charitable organizations with gross receipts of less than \$200,000 per calendar year and no weekly bingo session shall only be required to submit Form CG-FIN annually, on or before January 31 of each year;

2. Licensed charitable organizations receiving distributions from organizations described in subsection (1)(d) of this administrative regulation shall submit Form CG-FIN-RA, "Financial Report for a Licensed Charitable Organization, Recipient Account". If the licensed charitable organization receives distributions from more than one such organization, it shall submit Attachment A-1 and G-1 for each distributing organization;

(b) Licensed charitable gaming facilities shall submit Form CF-FAC, "Licensed Charitable Gaming Facility Quarterly Report";

(c) Licensed distributors shall submit Form CG-DIS "Licensed Charitable Gaming Distributor Quarterly Report" for each quarter that the distributor is licensed;

(d) Organizations licensed pursuant to KRS 238.535(14)(b) shall submit Form CG-FIN-SER, "Licensed Organization Financial Report for Special Event Raffle License Only."

(2) All financial reports shall be:

(a) Submitted on the appropriate form prescribed in Section 1(1) of this administrative regulation;

(b) Typed or in permanent ink;

(c) Complete, accurate, and legible;

(d) Contain the original signature and printed name or, if submitted electronically, the typewritten name of either the chief executive officer or the chief financial officer of the charitable organization, facility, or distributor; and

(e) Contain the original signature and printed name or, if submitted electronically, the typewritten name of the preparer of the report if prepared by an individual other than the chief executive officer or chief financial officer.

Section 2. Quarterly Reporting Requirements. (1) A licensee required to submit a quarterly

report shall do so on or before the following dates for the preceding three month period:

- (a) April 30;
- (b) July 31;
- (c) October 31; and
- (d) January 31.

(2) If a date in Section 2(1) of this administrative regulation falls on a Saturday, Sunday, or legal holiday, the report shall be due on the first business day thereafter.

(3) The financial report and fee shall be considered timely filed if it has been:

(a) Mailed to the department by first class mail, postage prepaid, to the correct address and postmarked by the due date;

(b) Received in the department by hand-delivery on or before the due date; or

(c) Received by the department electronically on or before the due date.

(4) If any report or portion thereof is not filed when due, or if any required fee is not remitted when due, the licensee shall be subject to disciplinary action pursuant to KRS 238.560.

Section 3. Specific Reporting Requirements for Licensed Charitable Organizations. (1) The fee imposed by KRS 238.570(1) on gross gaming receipts of a licensed charitable organization shall be remitted by check made payable to "Kentucky State Treasurer" at the time the financial report is due.

(2) If a charitable organization does not have any information to place on an attachment to the financial report, it shall indicate "not applicable" on the attachment.

(3) To complete the Bingo Paper Supplies Inventory page of Form CG-FIN, the product description shall be listed in the format "# ON # UP", with:

(a) The number "ON" being the number of bingo faces on a bingo paper sheet; and

(b) The number "UP" being the number of bingo paper sheets contained in a bingo paper pack.

(4) If multiple pages are used for inventory, each person completing the inventory shall sign one (1) page of the pages that person completed and initial the remaining pages.

(5) All expenses incurred by a licensee shall be reported on the financial report for the date on which payment was made, which shall be either the date a check was written or an electronic funds transfer was made, regardless of when the supplies were used or the services were rendered.

Section 4. Incorporation by Reference. (1) The following are incorporated by reference:

(a) Form CG-FIN, "Financial Report for a Licensed Charitable Organization (2018)";

(b) Form CG-FIN-RA, "Financial Report for a Licensed Charitable Organization, Recipient Account (2018)";

(c) Form CG-FIN-SER, "Licensed Organization Financial Report for Special Event Raffle License Only (2018)";

(d) Form CG-FAC, "Licensed Charitable Gaming Facility Quarterly Report (2018)"; and

(e) Form CG-DIS, "Licensed Charitable Gaming Distributor Quarterly Report (2018)".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Charitable Gaming, Public Protection Cabinet, 500 Mero Street 2NW24~~[132 Brighton Park Boulevard]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1998; 2500; eff. 3-10-1995; 23 Ky.R. 1410; 1935; eff. 11-8-1996; 24 Ky.R. 152; 873; eff. 9-12-1997; Recodified from 500 KAR 11:025, 2-23-1999; 26 Ky.R. 226; eff. 10-15-1999; 28 Ky.R. 1503; 2033; eff. 3-13-2002; 32 Ky.R. 767; 1273; 1637; eff. 3-31-2006; 33 Ky.R. 3512; 34 Ky.R. 58; 256; eff. 8-31-2007; 40 Ky.R. 1465; eff. 4-4-2014; 42 Ky.R. 924; eff. 1-4-2016; 44 Ky.R. 2654; 45 Ky.R. 1578; eff. 1-4-2019; TAm eff. 11-22-2019.)