



Instructions – Texas Application to Transfer Ownership of a Commercial License to Lease Bingo Premises

B-AP-141 (Rev. 9/09)

PUBLIC INSPECTION

This application and any attachments will be open to public inspection as required by the Texas Public Information Act.

WHO SHOULD SUBMIT THIS APPLICATION

This application should be submitted by any person (sole owner, partnership, corporation, or other entity), including an organization licensed to conduct charitable bingo, that intends to transfer the ownership of their commercial license to lease bingo premises to any person (sole owner, partnership, corporation, or other entity), including an organization licensed to conduct charitable bingo, and, if applicable, to change the playing location as authorized under the Bingo Enabling Act (BEA).

IMPORTANT NOTICE

You must submit your original annual license to lease bingo premises when you file this application unless the license is currently maintained on administrative hold. You should keep a copy of your original license posted until ownership of the commercial license to lease bingo premises is transferred and the amended license is received. YOU MAY NOT BEGIN YOUR AMENDED ACTIVITIES UNTIL YOU RECEIVE YOUR NEW LICENSE AND IT TAKES EFFECT.

IN GENERAL

- DO NOT return the instructions or checklist with your completed application.
- DO NOT leave any item on the application blank. If an item does not apply to your organization, enter "NA."
- Please type or print legibly all information.
- DO NOT use dashes when entering a Social Security Number, Federal Employer's Identification Number (EIN), or Texas Vendor Identification Number (TVIN).
- The disclosure of information concerning the race, gender, date of birth, and Social Security Number of individuals is necessary to conduct a criminal history background investigation which is authorized under the BEA, Chapter 2001. Failure to provide all information requested for each individual will delay the issuance of your license.
- This application must be complete and all required documentation submitted before it can be processed.
- If ownership of the license is being transferred and an active bond or security is currently posted with the Texas Lottery Commission, the new license holder must post a bond or security in the same amount before the license may be amended. Bonds or other security may be posted in the following manner: (1) cash or check made payable to the **STATE COMPTROLLER**, (2) irrevocable assignments of accounts, (3) letters of credit from financial institutions, (4) United States Treasury bonds, readily convertible to cash, and (5) surety bonds. Once ownership of the license is transferred, the previous bond or security will be released. See Summaries of Schedules for appropriate bond forms.
- Your ten dollar (\$10) amendment fee must be submitted at the time the application is submitted. It may be paid by cashier's check, money order, or personal check made payable to the **STATE COMPTROLLER**. If your organization is licensed to conduct charitable bingo, the amendment fee should be paid from the bingo bank account.
- A copy of all current organizing instruments should accompany this application.

SPECIFIC INSTRUCTIONS

Please note that sections of this form must be completed by the current license holder and the person to whom the license is being transferred. The licensed playing location may remain the same, move to a new location, or be placed in an inactive administrative hold status.

Item 1 – Enter the eleven (11) digit taxpayer number and playing location name as it appears on the commercial license to lease bingo premises being transferred. If your license is in administrative hold status, enter "Admin Hold" in the playing location name field.

Item 2 – Enter the name of the current license holder as it appears on the commercial license to lease bingo premises being transferred.

Item 3 – Enter the current license holder's mailing address to receive all bingo related correspondence. Also include the name and day time telephone number of the individual who may be contacted to provide information about the application as it relates to the current license holder.

Item 4 – Enter the legal name of the corporation the license is being transferred to as it appears on the Articles Of Incorporation.

Item 5 – Enter the appropriate mailing address to receive all bingo correspondence for the corporation the license is being transferred to. Also include the corporation's Web site, optional e-mail address, fax number, and the name and daytime telephone numbers of the individual responsible for the completion of the application as it relates to the corporation the license is being transferred to. This may or may not be the same person listed in Item 11.

Item 6 – Indicate how your business is owned. A foreign corporation is any business incorporated outside the state of Texas. A business incorporated outside the State of Texas would need to hold a Certificate of Authority (COA) to do business in Texas issued by the Secretary of State. An association refers to an association of authorized organizations licensed to conduct bingo that jointly own or lease premises on which bingo will be conducted. If you are an unincorporated organization licensed to conduct charitable bingo or your method of organization does not fall under the classifications listed, check "Other," and specify how the business is organized. A copy of all organizing instruments should be submitted with this application.

Item 7 – If you checked "Sole Ownership" in Item 6, complete all information requested in Item 7. When entering the name of the "Sole Owner," use the applicant's full legal name as it appears on legal documents such as a birth certificate or driver's license. Do not use nicknames.

Item 8 – Enter the nine (9) digit Federal EIN for the business the license is being transferred to.

Item 9 – Enter the eleven (11) digit taxpayer number for reporting any Texas taxes or the TVIN assigned by the Comptroller of Public Accounts for the business the license is being transferred to, if applicable. For more information on TVINs, contact the Comptroller of Public Accounts at 1-800-531-5441.

Item 10 – If the license is being transferred to a corporation, indicate the corporation's: (1) state where incorporated, (2) charter number, (3) date of incorporation, (4) COA number issued by the Texas Secretary of State's Office, if applicable, and (5) date of certification to do business in Texas.

Item 11 – Indicate the date the ownership of the license is to be transferred. NOTE: If ownership of the license is to be transferred and a playing location licensed, at least one (1) authorized organization must be licensed to conduct charitable bingo at that location before the amended commercial license to lease bingo premises may be issued. If you want the license to be transferred as soon as it is determined that all qualifications are met, check the "Effective the earliest possible date" checkbox.

Item 12 – Enter the requested information for the one (1) individual who can be contacted during normal business hours for records or information about the organization the license is being transferred to. This individual may or may not be the same person listed in Item 5. When entering the name of the "Business Contact," use the individual's full legal name as it appears on legal documents such as a birth certificate or a drivers license. Do not use nicknames.

Item 13 – If ownership of the license is to be transferred and the license subsequently placed on administrative hold, check this box. Administrative hold status is defined as voluntary or involuntary suspension of a license to lease bingo premises during the term of the original license. NOTE: Administrative hold status does not relieve the licensee from filing the reports, returns, remittances, or a timely completed application for renewal of the license as required by law. Proceed to Item 26.

Item 14 – If ownership of the license is to be transferred and the licensed playing locations will remain the same as held by the current license holder, check this box. Proceed to Item 16.

Item 15 – If ownership of the license is to be transferred and the licensed playing location moved from its present location held by the current license holder, check this box.

Item 16 – Enter the name, telephone number, and complete address of the location where charitable bingo games are to be conducted once ownership of the commercial

license to lease bingo premises has been transferred. Indicate the name of the bingo hall as it is to appear on the license. The telephone number entered should be the number where a caller can get information such as game times, prize pay-outs, directions, etc. The address entered must be a physical address and cannot include directions (i.e. 5 miles north of I-20).

Item 17 – Indicate if this location address is inside the city limits.

Item 18 – Enter the maximum seating capacity for bingo at the proposed playing location.

Item 19 – Indicate if the location entered in Item 16 shares a common roof or a common foundation with a bingo premises currently licensed. Section 2001.403 of the BEA provides that no more than one (1) bingo location may exist under a common roof or over a common foundation.

Item 20 – Indicate how the playing location is controlled by the corporation the license is being transferred to. If the location is owned, check the "Owned" box, enter the date the location was acquired, and proceed to Item 22. If the location is not owned by the applicant, check the "Leased" box. Use of facilities free of charge would be considered leasing if the playing location is not owned by the applicant.

Item 21 – If the location in Item 16 is leased, enter the name, address, and EIN of the entity from whom you lease the location.

Item 22 – List all organization(s) that will lease directly from the corporation the license is being transferred to. Include the organization's name, eleven (11) digit taxpayer number, and the rent that will be charged per occasion. If the organization is not currently licensed you may indicate their EIN or TVIN or mark as "applied for."

Item 23 – Indicate if Schedule M is attached. **NOTE.** If a valid commercial license to lease bingo premises is currently held at the proposed playing location indicated in Item 16, an amendment would not be required by an organization licensed to conduct bingo at that location unless there was to be a change in location name, playing days, or times. Any organization that will be leasing the proposed playing location directly from the corporation the license is being transferred to would not be required to amend their license to conduct bingo but must complete Schedule M. DO NOT SUBMIT LEASE AGREEMENTS.

Item 24 – Indicate if a license to lease bingo premises has ever been held at the playing location listed in Item 16. If "YES," proceed to Item 26. If "NO," proceed to Item 25.

Item 25 – If a bingo license has ever been held at the proposed playing location, it has been previously certified as legal to conduct bingo and re-certification is not required. If a bingo license has never been held, Item 25 must be completed by the county clerk and/or city secretary, where applicable, to determine that the proposed playing location address has been legalized for bingo by a local option election.

Item 26 – The Declaration of Current License Holder must be completed and signed by the current sole owner, partners, Limited Liability Company (LLC) members, or officers of the entity currently holding the commercial license to lease bingo premises. The declaration must include the name of organization holding the license as listed in Item 2, the name of the business the license is being transferred to as listed in Item 4, the effective date of the transfer of ownership as reflected in Item 11, and the date the transfer was agreed upon.

Item 27 – If a corporation currently holds the license being transferred, submit a copy of the corporate resolution approving the transfer of ownership of the commercial license to lease bingo premises to the organization the license is being transferred to.

Item 28 – This is the Certification of Responsibility to be signed by two (2) officers, LLC members, or partners as applicable for the business the commercial license to lease bingo premises is being transferred to, as applicable. If the applicant is a sole owner or only one individual holds the applicable positions, one (1) signature is required. The individual(s) signing must also be listed in the applicable position(s) on Schedule L. PLEASE READ CAREFULLY. A copy of the completed application should be submitted to the local governing body in your area. The BEA defines governing body as the commissioner's court with regard to a county or justice precinct, or the city council or the chief legislative body with regard to an incorporated city or town.

Item 29 – If the license is being transferred to a corporation, submit a copy of the corporate resolution from the receiving corporation to accepting the transfer of ownership from the current license holder.

SUMMARIES OF SCHEDULES

Review the attached schedules to determine if they apply to your organization.

Schedule E - Authorization of Representation.

Use if your organization desires to appoint an individual other than an officer, director, or designated business contact to serve as an authorized representative. This gives the Texas Lottery Commission (TLC) the authority to discuss any aspects of your organization's bingo activities with your authorized representative.

Schedule L - Individuals for Commercial Lessor License.

Use to list all officers, directors, and shareholders as applicable, for the organization the license is being transferred to. This form is required.

Schedule L1 - Parties of Interest.

Use to disclose the name and address of each person who has a financial interest in or who is in any capacity a real party of interest in the applicant's business as it pertains to the commercial lessor license. This form is required.

Schedule M - Licensed Conductor Notification.

Upon license issuance, this form authorizes the TLC to make changes to an organization's bingo record reflecting the change in lessor and lease amount, if no amendment to their bingo license would be required.

Schedule N - Assignment of Security for Bingo Rental Tax.

Use if your organization wishes to post a bond with a financial institution such as a bank or savings and loan. Schedule N would be completed by the financial institution. A bond would be required if ownership of the license is being transferred and the current license holder has an active bond posted with the TLC. The new license holder must post a bond in the same amount before the license may be amended.

Schedule O - Continuous Bond for Rental Tax

Use if your organization wishes to post a bond with a surety company. Schedule O would be completed by the surety company. A bond would be required if ownership of the license is being transferred and the current license holder has an active bond posted with the TLC. The new license holder must post a bond in the same amount before the license may be amended.

Schedule P - Statement of Funds.

Use to identify the source and terms of the funds to be used to provide the proposed playing location with furniture, fixtures, equipment, utilities, or to renovate as authorized under Section 2001.153(a) of the BEA. This form is required, unless the license will be transferred and placed on administrative hold.

CHECKLIST

REQUIRED FORMS AND PAPERWORK TO INCLUDE WITH YOUR APPLICATION:

You may use this checklist to ensure that your application is complete and that you have collected all required documentation to submit with it.

- 1. **Application.** Be certain that all items are completed, it is signed by the appropriate individual(s), and that a copy is made for your files.
- 2. **License Fee.**
- 3. **Bond and bond-related documents.** (if applicable)
- 4. **Schedules.** Attach Schedules L, L1 and all other applicable schedules (see Summaries of Schedules).
- 5. **Statement of Funds Documentation.** Attach requested source of funds documentation.
- 6. **Organizing instruments.** Attach a copy of **ALL** current organizing instruments.

APPLICATION SUBMISSION

PLEASE SUBMIT YOUR COMPLETED APPLICATION, ALL SUPPLEMENTAL INFORMATION AND THE APPROPRIATE LICENSE FEE TO:

by mail:

CHARITABLE BINGO OPERATIONS DIVISION

TEXAS LOTTERY COMMISSION

P.O. BOX 16630

AUSTIN, TEXAS 78761-6630

for delivery:

CHARITABLE BINGO OPERATIONS DIVISION

TEXAS LOTTERY COMMISSION

611 E. 6TH STREET

AUSTIN, TEXAS 78701-3715

Please retain these instructions and a copy of your completed application for your files.

For assistance in completing this application, please call the Charitable Bingo Operations Division at 1-800-BINGO-77 (1-800-246-4677).