

TOWN OF MILFORD
TOWN HALL
MILFORD, MASSACHUSETTS 01757
508 634-2307

Dear Applicant:

Once you have completed the application form and the notices of issuance, please forward them to the Town Clerk's Office **along with the following required materials:**

- Town of Milford **Application for Permit**
 - Notices of Issuance (**Completed in DUPLICATE**)
 - **Completed Annual Report** of your last Raffle that was filed with the Lottery Commission. **We will NOT issue a new permit without this Annual Report.**
 - A **Certificate of Solicitation** and/**or the six digit number assigned to the non-profit** organization by the Attorney General's Office (we get a **photocopy** of this)
 - **Copy of the By-laws** for your non-profit organization (**we will keep a copy of the most current year on file**)
 - **Cash, Business Check or Money Order** in the amount of **\$10.00** payable to the Town of Milford.
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Please note: The application is not considered filed and you are not in compliance with the Massachusetts General Laws until **all** of the above requested materials have been submitted in their entirety (feel free to use this list as your checklist). We may also confirm you are in good standing with the Atty. General's Office before issuing any permit.

Should you have any questions regarding conducting a Raffle/Bazaar/Casino Night please feel free to contact the Attorney General's Office Div. of Public Charities at 617-727-2200 ext. 2120

Thank you.

Please complete both sides

Town of Milford Application for Permit to Conduct Raffles & Bazaars

(Pursuant to C810, Acts of 1996)

Permit Fee \$10.00

NAME OF NONPROFIT ORGANIZATION

ADDRESS OF NON PROFIT ORGANIZATION

DATE OF ORGANIZATION

Evidence of Qualification for Permit: (PLEASE CIRCLE APPROPRIATE CHOICE BELOW)

- (a) Veteran's Organization chartered by the Congress of the United States or included in clause(12) of section five of chapter forty of the general Laws; or,
- (b) Church or religious organization; or
- (c) Fraternal or fraternal benefit society; or
- (d) Educational or charitable organization; or
- (e) Civic or service club or organization; or
- (f) Club or organization organized and operated exclusively for pleasure, recreation and other non-profit purposes, no part of the net earnings of which insures to the benefit of any member or shareholder

We, the undersigned, do hereby certify that the above named organization has been organized and actively functioning as a nonprofit organization in the Commonwealth for a period of not less than two (2) years before applying for a permit.

We the undersigned, being the officers of _____ hereby certify that the promotion and operation of any raffle conducted under a permit issued as a result of this application will be conducted only by qualified members of the above names organization, that no part of the net earnings will inure to the benefit of any member, and that the net earnings will be used solely for the purposes names in this application.

Signed under the pains and penalties of perjury.

Officers or Members of Organization Responsible for Operation of Raffle or Bazaar:

1. _____
PRINTED NAME SIGNATURE HOME ADDRESS TELEPHONE

2. _____
PRINTED NAME SIGNATURE HOME ADDRESS TELEPHONE

3. _____
PRINTED NAME SIGNATURE HOME ADDRESS TELEPHONE

Uses to which net proceeds will be applied: _____

Names and addresses and phone numbers of person(s) leasing gaming equipment to the organization (if applicable):

No person holding a permit to operate raffles or bazaars shall operate any particular such event unless written notice has been given to the Chief of Police, not less than thirty (30) days prior to the event, of the date, time, and place of the event and any deviation from the information contained in the application for the permit to operate the same. Any person violating any provision of this article shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the house of correction for not more than one year, or both.

Location of Raffle: _____ **MILFORD, MA**

Date of Raffle: _____/_____/_____

Application certified to be in Conformity with C. 810, Acts of 1969.

The applicant **(IS) / (IS NOT)** qualified to operate raffles & bazaars under the provisions of C. 810, Acts of 1969:

PERMIT IS ISSUED / DENIED

Signature, Chief of Police

_____/_____/_____
Date

Signature, Town Clerk

_____/_____/_____
Date

PLEASE COMPLETE THIS FORM AND PRINT 2 OF THEM

**NOTICE OF ISSUANCE OF:
RAFFLE AND / OR BAZAAR LICENSE
CITY OR TOWN**

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FOR MASSACHUSETTS STATE LOTTERY COMMISSION USE ONLY	
IDENTIFICATION NUMBER	DATE RECEIVED

Name of Authorized Organization		
Address (Street)	City/Town	ZIP CODE
FORM IS TO BE RETURNED TO: CHARITABLE GAMING DEPARTMENT Massachusetts State Lottery P.O. Box 859012 BRAINTREE, MA 02185-9012		

FOR CITY / TOWN USE ONLY	
Date of Issue:	_____
City / Town Official	_____
Title	_____
OFFICIAL SEAL:	

RBL
25M-7-63

PRINT IN INK, OR TYPEWRITE

COMPLETE AND SIGN THE REVERSE SIDE

Date Organized	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association
<input type="checkbox"/> Religious Organization	<input type="checkbox"/> Veterans Organization (non-profit)	<input type="checkbox"/> Educational Organization
<input type="checkbox"/> Charitable Organization	<input type="checkbox"/> Volunteer Fire Company	<input type="checkbox"/> Fraternal Organization
		<input type="checkbox"/> Civic Organization
		<input type="checkbox"/> Other

FOR M.S.L.C. USE ONLY	
<input type="checkbox"/> TAX FORM SENT	
BY: _____	
DATE: _____	
INV. ASSIGNED: _____	
Assigned By _____	Date _____

AUTHORIZED OFFICER OF ORGANIZATION SIGN BELOW	
Signature of Officer _____	Date _____
Title _____	
DATE OF OCCASION _____	
NUMBER OF OCCASIONS NEXT TWELVE (12) MONTHS _____	
TELEPHONE NUMBERS	AREA HOME PHONE

The Commonwealth of Massachusetts
ANNUAL REPORT FOR RAFFLES AND BAZAARS

Date: _____

Name and Address of Non-profit Organization: _____

_____ Expiration Date of Permit: _____

_____ Number of Raffles and Bazaars Held: _____

Amount of Money Received: \$ _____

Expenses Connected with Raffles Conducted: \$ _____

Net Proceeds: \$ _____

For what purposes were the proceeds used? _____

Names and Addresses of Winners of \$25.00 or more:

NAME	RESIDENCE ADDRESS
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(Attach additional pages as necessary)

We, the undersigned, do hereby certify that this report is true and complete. (To be signed by your organization's accountant and the three officers or members listed in your permit application.)

Accountant 1. _____

2. _____ 3. _____

(Signature of authorized officer or member of organization)

(FOR OFFICE USE ONLY)

Renewal Permit will not be issued to Licensee until this report has been completed and filed with the Chief of Police and the Town Clerk.

(Permit holders also holding Beano Licenses must submit a copy of this report to the Massachusetts State Lottery Commission)

Report certified to be in conformity with C.810, Acts of 1969

Town Clerk

CHAPTER 810, ACTS OF 1969

AN ACT AUTHORIZING CERTAIN ORGANIZATIONS TO CONDUCT RAFFLES AND BAZAARS

Whereas, the deferred operation of this act would tend to defeat its purpose which is, in part, to authorize forthwith that certain organizations may conduct raffles and bazaars and provide a further source of tax revenue to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and house of Representatives in General court assembled, and by the authority of the same, as follows:

Chapter 271 of the General Laws is amended by inserting after section 7 following sections:

Section 7A. In this section the following words shall have the following meanings:

"Raffle", an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes.

"Bazaar", a place maintained by the sponsoring organization for disposal of merchandise awards by means of chance.

Notwithstanding any other provisions of law, raffles and bazaars may be promoted, operated and conducted under permits issued in accordance with the provisions of this section.

No organization, society, church or club which conducts a raffle or bazaar under the provisions of this section shall be deemed to have set up and promoted a lottery and nothing in this chapter shall authorize the prosecution, arrest or conviction of any person connected with the operation of any such raffle or bazaar; provided, however, that nothing contained in this section shall be construed as permitting the game commonly known as "beano" or any similar game regardless of name.

No raffle or bazaar shall be promoted, operated or conducted by any person or organization, unless the same is sponsored and conducted exclusively by (a) a veterans' organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty of the General Laws; (b) a church or religious organization; (c) a fraternal or fraternal benefit society; (d) an educational or charitable organization; (e) a civic or service club or organization; and (f) clubs or organizations organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any member or shareholder. Such organization shall have been organized and actively functioning as a nonprofit organization in the commonwealth for a period of not less than two years before it may apply for a permit. The promotion and operation of the raffle or bazaar shall be confined solely to the qualified members of the sponsoring organization and no such member shall receive remuneration in any form for time or effort devoted to the promotion or operation of such raffle or bazaar. All funds derived from any raffle or bazaar shall be used exclusively for the purposes stated in the application of the sponsoring organization which purposes shall be limited to educational, charitable, religious, fraternal or civic purposes or for veterans' benefits. An organization which meets the qualifications required by this section and which desires to conduct or operate a raffle or bazaar within the commonwealth shall apply for a permit to conduct raffles and bazaars from the clerk of the city or town in which the raffle will be drawn or the bazaar held. The application form shall be approved by the commissioner of public safety and shall include the name and address of the applicant, the evidence on which the applicant relies in order to qualify under this section, the names of three officers or members of the organization who shall be responsible for the operation of the raffle or bazaar, and the uses to which the net proceeds will be applied. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, a fee of ten dollars shall accompany each such application and shall be retained by the city or town, but in no event shall any such fee be greater than fifty dollars. Upon receipt of such application, the clerk shall determine whether it is in conformity with this section. If the clerk so determines, he shall forward the application to the chief of police of the city or town, who shall determine whether the applicant is qualified to operate raffles and bazaars under this section. If the chief of police so determines, he shall endorse the application and return it to the clerk, who shall forthwith issue a permit, which shall be valid for one year from the date of its issuance. The clerk shall retain a copy of the application and shall send a copy to the commissioner of public safety. If there is any change in the facts set forth in the application for a permit subsequent to the making of such application, the applicant shall forthwith notify the authority granting such permit of such change, and such authority shall issue such permit if the applicant is qualified, or, if a permit has already been issued and the change in the facts set forth in the application disqualify the applicant revoke such permit.

If an application is not acted upon within thirty days after it is submitted, or if the organization is refused a permit, or if a permit is revoked, any person named on the application may obtain judicial review of such refusal or revocation by filing within ten days of such refusal or revocation or within ten days of the expiration of such thirty day period a petition for review in the district court having jurisdiction in the city or town in which such application was filed. A justice of said court, after a hearing, may direct that such permit be issued, if he is satisfied that there was no reasonable ground for refusing such permit, and that the applicant was not prohibited by law from holding raffles or bazaars.

An organization issued a permit under this section shall within thirty days of the expiration of its permit submit a report on a form to be approved by the commissioner of public safety. Such form shall require information concerning the number of raffles and bazaars held, the amount of money received, the expenses connected with the raffle or bazaar, the names of the winners of prizes exceeding \$250 in value, the net proceeds of the raffles and bazaars, and the uses to which the net proceeds were applied. The organization shall maintain and keep such books and records as may be necessary to substantiate the particulars of such report, which books and records shall be preserved for at least one year from the date of such report and shall be available for inspection. Such report shall be certified to by the three persons designated in the permit application as being responsible for such raffle or bazaar and by an accountant. Two copies of said report shall be filed with city or town clerk. The clerk shall send one copy to the commissioner of public safety. Failure to file said report shall constitute sufficient grounds for refusal to renew a permit to conduct raffles or bazaars. The fee for renewal of such permit shall be ten dollars.

The authority granting any permit under this section shall immediately revoke the same for a violation of any provision of this section and shall not issue any permit to such permittee within three years from the date of such violation. Any person aggrieved by the action of such authority revoking such permit may appeal to the district court having jurisdiction in the city or town where the permit was issued; provided that such appeal shall be filed in such court within twenty days following receipt of notification by said authority. The court shall hear all pertinent evidence and determine the facts and upon the facts so determined annul such action or make such decision as equity may require. The foregoing remedy shall be exclusive.

Any organization conducting or operating a raffle or bazaar under this section shall file a return with the state lottery commission, on a form prepared by it, within ten days after the raffle or bazaar is held and shall pay therewith a tax of five per cent of the gross proceeds derived from such raffle or bazaar.

The provisions of chapter sixty-two relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as applicable apply to the tax imposed by this section. All sums received by said Commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with a any interest or costs paid on account of such refunds, shall be paid into the treasury of the Commonwealth.

Whoever violates any provision of this section or submits false information on an application or report required under this section shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for not more than one year, or both.

No person who prints or produces tickets, cards or any similar article used in the conduct of a bazaar or raffle pursuant to a permit issued under the provisions of this section shall be subject to any penalty therefor, provided that a certified copy of such permit was presented to him prior to his undertaking to print or produce such tickets or cards.

No organization issued a permit under this section shall conduct more than three bazaars in any single calendar year nor shall such organization conduct more than one bazaar in any single calendar day. The operation of a bazaar shall be limited to five consecutive hours.

(Effective Aug. 26, 1969) (Amended 7/81 & 7/85)

Questions & Answers for RAFFLE AND BAZAAR PERMITS

Who can hold a raffle or other gaming event (example: Las Vegas night)?

Only certain kinds of non-profit organizations. This is an exception to the general law that prohibits gambling in the Commonwealth.

A non-profit organization which has been in existence in Massachusetts for not less than two years and which is one of the following:

- a) Veteran's Organization;
- b) Church or religious organization;
- c) Fraternal or fraternal benefit societies, such as Union, Elks Club, etc.;
- d) Educational or charitable organization;
- e) Civic or service club or organization;
- f) Clubs or organizations organized for pleasure, recreation, or other non-profit purposes, such as a garden club

The organization does not need to be incorporated

An individual may not conduct a raffle or other gaming event. An individual may also not raffle private property for personal gain. A non-profit organization may purchase property from a third party and then conduct its own raffle using the property as a prize. In these circumstances the organization is responsible for ensuring that the raffle is a bona fide fundraising event.

What kind of activities are regulated?

A raffle, in which a chance to win is sold to participants, and the winner or winners are selected from the chances actually sold, is regulated by law. Whenever money is charged for the ticket or chance, the raffle can be legally operated only by a non-profit organization. The funds received must be used only for the purposes specified in the law. If no money is charged, anyone can legally operate a raffle, and businesses often do so for promotional purposes. Consumer protection laws apply to all raffles.

Casino and Las Vegas nights, offering the opportunity to play games of chance, are also regulated and can be legally operated only by a non-profit organization. The funds raised must be used for specified purposes. Beano (Bingo) games are regulated under the law by the Lottery Commission. For information please call 781-849-5555.

The operation of a lottery by anyone other than the State Lottery Commission is illegal. A lottery is a game in which chances to win are sold but it is possible that no one will win (because the number drawn is not one which was sold).

Can a municipal or governmental organization, such as a public school or conservation commission, hold a raffle or sponsor a Las Vegas night?

No. These organizations do not fit within any of the authorized categories.

What is the law about the use of the funds raised?

The funds raised must be used for educational, charitable, religious, fraternal or civil purposes or for veterans' benefits.

Are there regulations about raffles?

Yes. All non-profit organizations must receive a permit from the Town Clerk and pay a tax of 5% of the gross proceeds derived from the raffle. This statute is in the Massachusetts General Laws Chapter 271, Section 7A, "Conduct of Raffles and Bazaars." In addition, there are the Attorney General's Regulation Governing Raffles that apply if the value of the prize or prizes exceeds \$10,000 or the cost of a ticket is more than \$10.

Are there regulations about how a Las Vegas night event should be operated?

Yes. They are explained in the Attorney General's Regulations Governing Bazaars ("bazaar" is the word used in the statute to describe Las Vegas or Casino Night). These rules cover all events except those held at a facility which is licensed for Beano (Bingo); the rules for these events are governed by the Lottery Commission. One of the most important rules for a Las Vegas night event is that all the operators of the games must be bona fide members of the sponsoring organization and the function must be supervised by a bona fide member.

Is a permit needed for a Poker Tournament? If so, how is it obtained?

A permit is necessary for both a raffle and a Las Vegas night event (poker tournament). Permits are issued by the Town Clerk of the municipality where the winning raffle number is going to be drawn AND the event is going to be held (this should be the same place). The cost of the raffle permit is \$10.00 and takes approximately 7-10 business days to process.

The Town Clerk will notify the Lottery Commission that a permit has been issued and the Commission will send you the necessary tax forms. The Town Clerk will provide you with the Annual Report form needed to file a report with the Clerk's Office and the Chief of Police.

Who can sell raffle tickets?

Only the qualified members of the sponsoring organization. That person cannot be paid for their time or effort.

Who can operate the games at a Las Vegas Night?

Again, only the qualified members of the sponsoring organization. They cannot be paid for their time or efforts. Employees of the company furnishing the equipment or supplies for the event are prohibited from operating any of the games themselves.

How many raffles may be held during a year?

There is no limit. The permit from the municipality is good for one year from the date it was issued.

How many Las Vegas nights may be held during a year?

No more than three (3) during any calendar year. The event can last no longer than 5 consecutive hours, and there cannot be more than one event any single day.

For more information concerning Raffles and Bazaars, please go to www.Mass.gov

Scroll down to Section reading **Government** and **Search** for Raffles and Bazaars.

Tax information/Notice of Taxes

Internal Revenue Code Section 3402(q) and the regulation thereunder require that information return (Form W-2G) must be filed for each person to whom a payer pays winnings from gambling if such winnings total \$600. (in cash or equivalent) or more. This includes winnings from raffles and lotteries. In addition, when the proceeds exceed \$1,000 (after the price of the ticket is subtracted) the payer must withhold at the rate of 20%, even if the prize is other than cash. For example, if an automobile with a fair market value of \$10,000 is given as a prize, you must receive payment from the winner of \$2,000 before the vehicle may be presented to the winner. If the payer deducts less than the correct tax or fails to deduct any part of the tax when warranted, he/she could become liable for the tax. Gambling winnings are treated as payments by employer to employee for federal withholding tax purposes.

Forms W-2G are to be filed with the Internal Revenue Service Center on or before February 28th of the calendar year following the year in which the payment of winnings is made. They are transmitted by attaching to Form W-3G. Detailed instructions are provided with Form W-3G transmittal. Both forms are available at any Internal Revenue Service Office.

Division of Public Charities 617-727-2200 ext. 2120

Mass State Lottery Commission 781-849-5527

Internal Revenue Service 800-829-1040