

CLARKE COUNTY SHERIFF'S OFFICE  
RAFFLE ADMINISTRATION & ENFORCEMENT  
STANDARD OPERATING PROCEDURES

- A. **PURPOSE:** The purpose of this SOP is to establish the procedures for the proper administration and enforcement of GA Code Section 16-12-22.1

This SOP is applicable to raffle applicants and to agency employees involved in raffle administration and enforcement activities.

- B. **DISCUSSION:** It is the intention of the Georgia General Assembly that only the following types of organizations, which are properly licensed pursuant to Code section OCGA 16-12-22.1, shall be allowed to operate raffles.

1. Nonprofit, tax-exempt churches, schools, civic organizations, or related support groups;
2. Nonprofit organizations qualified under Section 501 (c ) of the Internal Revenue Code, as amended; OR
3. Other bona fide nonprofit organizations approved by the Sheriff

- C. **POLICY:** No nonprofit, tax-exempt organization shall be permitted to operate a raffle until the sheriff issues a license to the organization authorizing it to do so. The license described in Code section 16-12-22.1 is in addition to and not in lieu of any other licenses which may be required by this state or any political subdivision thereof, and no raffle shall be operated until such time as all requisite licenses have been obtained. Any person who operates a raffle without a valid license issued by the Sheriff as provided in Code section 12-12-22.1 commits the offense of commercial gambling as defined in Code Section 16-12-22 and, upon conviction thereof, shall be punished accordingly. Any person who knowingly aids, abets, or otherwise assists in the operation of a raffle for which a license has not been obtained as provided in Code section 16-12-22.1 similarly commits the offense of commercial gambling. Any person who violates any other provision of Code section 16-12-22.1 shall be guilty of a misdemeanor of a high and aggravated nature. Any person who commits such violation after having previously been convicted of any violations of Code section 16-12-22.1 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed \$10, 000. 00, or both.

- D. **LIMITATIONS**

1. No license shall be issued to any nonprofit, tax-exempt organization unless the organization has been in existence for 24 months immediately prior to the issuance of the license.
2. In the event a nonprofit, tax-exempt organization desires to conduct a raffle in

more than one county, such organization shall not be required to obtain a license in each county in which such raffle is to be conducted and shall only be required to obtain such license from the Sheriff of the county in which the state headquarters of such organization are located.

3. Notwithstanding the other provisions of Code section 12-12-22.1, the Sheriff, upon receiving written evidence of the bona fide nonprofit, tax-exempt status of the applicant organization, shall be authorized to issue a special limited license to a nonprofit, tax-exempt organization which will allow it to operate up to three raffles during a calendar year. In such cases, the Sheriff shall waive the application and license fee provided for in subsection (d) of the Code section 16-12-22.1 and the annual report provided for in subsection (j) of that Code section.
4. The Sheriff shall refuse to grant a license to any applicant who fails to provide fully the information required by OCGA 16-12-22.1.
5. Each raffle license will expire at 12:00 Midnight on December 31 following the granting of the license. Renewal applications for each calendar year shall be filed with the Sheriff prior to January 1 of each year and shall be on the form prescribed by the Sheriff.
6. When a nonprofit, tax-exempt organization which operates or intends to operate raffles for residents and patients of a retirement home, nursing home, or hospital operated by that organization at which gross receipts are or will be limited to \$100.00 or less during each raffle and pays or will pay prizes having value of \$100.00 or less during each raffle, then, notwithstanding any other provision of Code section 16-12-22.1 or any rule or regulation promulgated by the Sheriff pursuant to the provisions of subsection (1) of that Code section, neither the applicant nor any of the persons whose names and addresses are required under subparagraphs (A) and (B) of paragraph (2) of that subsection shall be required to submit or provide fingerprints or photographs as a condition of being granted a license.

#### E. DEFINITIONS

1. **APPLICANT:** an individual affiliated with, and who desires to obtain a raffle license for, qualified nonprofit, tax-exempt organization.
2. **NONPROFIT, TAX-EXEMPT organization:** a church, school, civic organization, or related support group; nonprofit organizations qualified under Section 501 (c) of the Internal Revenue Code; or bona fide nonprofit organization approved by the Sheriff.
3. **RAFFLE:** any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prize. Such term shall also include door prizes which are awarded to persons attending meetings or activities provided that the cost of admission to such, meetings or activities does not exceed the usual cost of similar activities where

such prizes are not awarded.

F. APPLICATION PROCEDURES

1. Each applicant for a license and each applicant for renewal of a license shall submit the following information to the Sheriff on the form prescribed by the Sheriff.
  - a. The name and home address of the applicant and, if the applicant is a corporation, association, or other similar legal entity, the names home addresses of each of the officers of the organization, as well as the names and addresses of the directors, or other persons similarly situated, of the organization;
  - b. The names and home addresses of each of the persons who will be operating, advertising, or promoting the raffle;
  - c. The names and home addresses of any persons, organizations, or other legal entities that will act as surety for the applicant to which the applicant is financially indebted or to which any financial obligation is owed by the applicant;
  - d. A determination letter from the Internal Revenue Service certifying that the applicant is an organization exempt under the tax laws of Georgia;
  - e. A determination letter from the Georgia Department of Revenue certifying that the applicant is exempt under federal tax law;
  - f. The location at which the applicant will conduct the raffles and, if the premises on which the raffles are to be conducted is to be leased, a copy of the lease or rental agreement; AND
  - g. A statement showing the convictions, if any, for criminal offenses other than minor traffic offenses of each of the persons listed in subparagraphs a, b, and c, of this paragraph;
2. At the time the completed application is submitted, each applicant shall:
  - a. Pay an annual fee of \$100.00 (except those authorizes a no-fee license). The fee shall be paid by check or money order and made payable to the “Clarke County Sheriff’s Office”;
  - b. Provide a notarized Criminal History Consent Form from each of the persons listed in the application; AND
  - c. Provide all applicable attachments such as determination letters from the IRS and Georgia Department of Revenue and/or a copy of the lease/rental agreements.

G. APPLICATION DENTAL AND LICENSE REVOCATION

1. APPLICATION DENTAL: The Sheriff shall not issue a raffle license for any of the following reasons:
  - a. A failure to provide all required application and criminal history release information.
  - b. A failure to provide the required annual fee of \$100.00 (except for special no-fee licenses); OR
  - c. Any felony conviction for any offense or misdemeanor conviction for a violent OR gambling related offense for any of the persons listed in the application.
2. LICENSE REVOCATION: The Sheriff shall direct the revocation of a raffle license for any of the following reasons:
  - a. Any misrepresentations, falsifications, or material omissions of the application or renewal information:
  - b. Any subsequent felony conviction or misdemeanor conviction for violent or gambling related offenses for any individual listed in the application;
  - c. A failure of the applicant to allow law enforcement authorities to come upon the premises of the license or upon any premises on which the licensee is conducting a raffle for the purpose of examining the accounts and records of the license; OR
  - d. For any failure of the applicant to comply with the raffle operating requirements established by OCGA 16-12-22.1 as outlined below.
3. HEARING: Any applicant accused of violating any provision of OCGA-16-12-22.1 shall be entitled unless waived, to a hearing on the matter of alleged violation conducted in accordance with Chapter 13 of Title 50, to the Georgia Administrative Procedure Act.

#### H. RAFFLE OPERATION REQUIREMENTS

1. Raffles shall be operated only on premises owned by the nonprofit, tax-exempt organization OR
  - a. On property leased by the nonprofit, tax exempt organization for purposes other than the operation of a raffle; OR
  - b. On property leased by the nonprofit, tax-exempt organization operating the raffle from another nonprofit, tax-exempt organization.
2. No person under the age of 18 years shall be permitted to play any raffle unless accompanied by an adult.
3. The licensee shall:

- a. Own all the equipment used to conduct a raffle or lease such equipment from an organization that is also licensed to conduct a raffle;
  - b. Display its raffle license conspicuously at the location where the raffle is conducted;
  - c. Conduct raffled only as specified in the licensee's application; AND
  - d. Not conduct more than one raffle during any one calendar day.
4. No nonprofit, tax-exempt organization shall enter into any contract with any individual, firm, association, or corporation to have such individual, firm, association, or corporation operate raffles or concessions on behalf of the nonprofit, tax-exempt organization.
5. A nonprofit, tax-exempt organization shall not lead its name nor allow its identity to be used by any individual, firm, association, or corporation in the operating or advertising of a raffle in which said nonprofit, tax-exempt organization is not directly and solely operating the raffle.
6. No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a raffle.
7. A person who is a member of more than one non-profit, tax-exempt organization shall be permitted to participate in the raffle operations of only two organizations of which such person is a member provided, however, that such person shall not receive more than \$30.00 per day for assisting in the conduct of the raffles regardless of whether such person assists both organizations in the same day.
8. Every licensee consents that the Sheriff and/or his agents, together with the prosecuting attorney and/or his agents, may come upon the premises of any licensee or upon any premises on which any licensee is conducting a raffle for the purpose of examining the accounts and records of the licensee to determine if a violation of this Code section has occurred.

#### I. RAFFLE ADMINISTRATIVE REQUIREMENTS:

1. A licensee that conducts or operates a raffle shall maintain the following records for at least three years from the date on which the raffle is conducted:
  - a. An itemized list of the gross receipts for each raffle
  - b. An itemized list of all expenses other than prizes that are incurred in the conduct of the raffle as well the name of each person to whom the expenses are paid and a receipt for all the expenses.
  - c. A list of all prizes awarded during the raffle and the name and addresses of all persons who are winners of prizes if \$50.00 or more in value.

- d. An itemized list of the recipients other than the licensee of the proceeds of the raffle, including the name and address of each recipient to whom such funds are distributed; AND
    - e. A record of the number of persons who participate in any raffle conducted by the licensee.
  2. On or before April 15 of each year, every nonprofit, tax-exempt organization engaged in operating raffles shall file with the Sheriff a report disclosing all receipts and expenditures relating to the operation of raffles in the previous year.
    - a. The report shall be in addition to all other reports required by law.
    - b. The report shall be prepared and signed by a certified or registered public accountant competent to prepare such a report and shall be deemed a public record subject to public inspection.

#### J. RESPONSIBILITIES:

1. The Sheriff's designated person: is responsible for the processing of raffle applications, for the issuing of initial and renewal licenses, and for the review and maintenance of annual raffle reports.
2. The Sheriff's Internal Investigation Unit: is responsible for the investigations of reported violations and for the appropriate enforcement of raffle operations

CLARKE COUNTY SHERIFF'S OFFICE  
APPLICATION FOR LICENSE TO OPERATE RAFFLES

1. Name of Corporation, Association, or Other Legal Entity:

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Telephone:

Home: \_\_\_\_\_ Work: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

IF CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY:

NAME AND HOME ADDRESSES OF EACH OFFICER OF THE ORGANIZATION AND NAMES AND ADDRESSES OF THE DIRECTORS OR OTHER PERSONS HOLDING SIMILAR POSITIONS.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address:  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET OR WRITE ON THE BACK OF THIS PAGE.

2. NAMES AND HOME ADDRESSES OF EACH PERSON WHO WILL OPERATE, ADVERTISE, OR PROMOTE THE RAFFLE.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address:  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address:  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address:  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

3. THE NAMES AND HOME ADDRESSES OF ANY PERSONS, ORGANIZATIONS OR OTHER LEGAL ENTITIES THAT WILL ACT AS SURETY FOR THE APPLICANT, OR TO WHICH THE APPLICANT IS FINANCIALLY INDEBTED, OR TO WHICH ANY FINANCIAL OBLIGATION IS OWED BY THE APPLICANT.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address:  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

4. LIST CONVICTIONS, IF ANY, FOR CRIMINAL OFFENSES OTHER THAN MINOR TRAFFIC OFFENSES OF EACH OF THE PERSONS LISTED IN NUMBERS 1,2 AND 3 OF THIS APPLICATION.

Name: \_\_\_\_\_

Offense and Date: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Offense and Date: \_\_\_\_\_  
\_\_\_\_\_

5. STATUS OF THE ORGANIZATION MUST BE ONE OF THE FOLLOWING

- ( ) A. NONPROFIT, TAX-EXEMPT CHURCH, SCHOOL, CIVIC ORGANIZATION, OR RELATED SUPPORT GROUP; OR
- ( ) B. NONPROFIT ORGANIZATION QUALIFIED UNDER SECTION 501(C) OF THE INTERNAL REVENUE CODE, AS AMENDED; OR
- ( ) C. BONA FIDE NONPROFIT ORGANIZATION APPROVED BY THE SHERIFF

YOU MUST PROVIDE A DETERMINATION LETTER FROM THE INTERNAL REVENUE SERVICE CERTIFYING THAT THE APPLICANT IS AN ORGANIZATION EXEMPT UNDER FEDERAL TAX LAW

YOU MUST PROVIDE A DETERMINATION LETTER FROM THE INTERNAL REVENUE SERVICE CERTIFYING THAT THE APPLICANT IS AN ORGANIZATION EXEMPT UNDER THE TAX LAWS OF THE STATE OF GEORGIA.

6. HOW LONG HAS THIS ORGANIZATION BEEN IN EXISTENCE?

Date of Origin: \_\_\_\_\_

\*\* Must be 24 months immediately prior to issuance of a license \*\*

7. Location at which the applicant will conduct raffle:

If the premises are to be rented or leased, a copy of the lease or rental agreement must be attached.

RENTED

LEASED

OWNED

8. LIST OF CERTIFIED OR REGISTERED PUBLIC ACCOUNTANT AND ORGANIZATION RESPONSIBLE FOR FILING DISCLOSURE REPORT OF OPERATION EXPENDITURES AND RECEIPTS RELATING TO THE OPERATION OF RAFFLES IN THE PREVIOUS YEAR.

Individual: \_\_\_\_\_

Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

