

FRATERNAL ORGANIZATION

Qualifications, Requirements and Necessary Documentation



Texas Administrative Code Rule §402.420

This guide is to be used to assist organizations in completing an original application to conduct bingo.
Submittal of information does not guarantee approval.

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DEFINITIONS

Bylaws are a standing set of rules governing the regulation of an organization’s internal affairs.

A **constitution** is the set of fundamental principles according to which an organization is governed.

Articles of Incorporation are documents that set forth the basic terms and purposes of an organization and are the official recognition by the Texas Secretary of State.

A **Certificate of Formation** is a document filed with the Texas Secretary of State, to create a nonprofit corporation under the provisions of the Texas business Organization Code (BOC).

Nonprofit organization means an unincorporated association or a corporation that is incorporated or holds a certificate of authority under the Texas Non-Profit Corporation Act.

The following chart provides the terms used by the Texas Non-Profit Corporation Act and the terms used to describe the same filing instrument under the BOC.

CONTRACTOR NAME	TEXAS BUSINESS ORGANIZATIONS CODE	
ARTICLES OF INCORPORATION	<i>now</i>	CERTIFICATE OF FORMATION
ARTICLES OF AMENDMENT	<i>now</i>	CERTIFICATE OF AMENDMENT
RESTATED ARTICLES OF INCORPORATION	<i>now</i>	RESTATED CERTIFICATE OF FORMATION
ARTICLES OF CORRECTION	<i>now</i>	CERTIFICATE OF CORRECTION
ARTICLES OF DISSOLUTION	<i>now</i>	CERTIFICATE OF TERMINATION
ARTICLES OF MERGER	<i>now</i>	CERTIFICATE OF MERGER
ARTICLES OF CONSOLIDATION	<i>now</i>	CERTIFICATE OF MERGER
APPLICATION OF CERTIFICATE OF AUTHORITY	<i>now</i>	APPLICATION FOR REGISTRATION

INTRODUCTION – A GUIDE FOR FRATERNAL ORGANIZATIONS

To qualify under the **FRATERNAL ORGANIZATION** status (Bingo Enabling Act §2001.002 (11)(a)(b):

“Fraternal organization” means:

(a) A nonprofit organization organized to perform and engaged primarily in performing charitable, benevolent, patriotic, employment-related, or educational functions.

(b) A nonprofit organization representing the owners and lessees of a majority of the real property located within a designated “National Historical District” whose net proceeds are used for restoration, construction, maintenance, and security in the district.

The term “fraternal organization” does not include an organization whose members are predominantly veterans or dependants of veterans of the armed services of the United States.

Your organization has decided it wants to conduct bingo to fund a charitable purpose, and needs to be licensed to legally operate.

Listed below are a few questions to consider before your organization begins the application process:

1. Is your organization a non-profit unincorporated association or corporation?
2. Is the conduct of bingo legal in the municipality, county, or justice precinct where your organization has its primary business office?
If not, you may be able to play in an adjacent county where bingo is legal. Check the adjacent counties.
3. Has your 501(c) been active for at least three years?
4. Has your organization been organized in the state of Texas for at least three years?
5. Does your organization have a bona fide membership list/roster?

If you answer “NO” to any of these questions, you are not currently qualified for a license to conduct charitable bingo.

If you answer “YES” to all of the questions, proceed with your application and utilize this guide to assist you in the process.

501(c) EXEMPTION

The applicant must hold a valid 501(c) exemption through the Internal Revenue Service.

What is needed:

If the Commission is unable to validate directly with the Internal Revenue Service that the organization has a 501(c) designation, the Commission will request additional documentation from the applicant. The supporting documentation may be:

1. A copy of your “Letter of Determination” issued by the IRS, if your organization maintains its own 501(c) exemption.

Or

2. If your organization is covered under a group 501(c) exemption, submit letter of good standing from your parent organization and a copy of your parent organization’s letter from the IRS that grants approval to cover its affiliated subordinate units.

Submit one of the following:

- A valid 501(c) designation that has been in existence at *least three years* from the date the application.

Or

- A “Letter of Determination” issued by the IRS, if your organization maintains its own 501(c) exemption.

Or

- A letter of good standing from your parent organization or *FORMID 110* and a copy of your parent organization’s letter from the IRS that grants approval to cover its affiliated subordinate units.

EXAMPLE of IRS Letter of Determination

<p>INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201</p> <p>Date: OCT 08 1998</p> <p>GREAT SOCIETY</p> <p>PO BOX CR Y ISLES, 4 2</p>	<p>DEPARTMENT OF THE TREASURY</p> <p>Employer Identification Number: 01- DLN: 17</p> <p>Contact Person:</p> <p>Contact Telephone Number:</p> <p>Our Letter Dated: February 1994</p> <p>Addendum Applies: No</p>
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Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,
C. Betty Anderson
District Director

EXAMPLE of Acceptable Letter from IRS

<p>Internal Revenue Service P.O. Box 2508 Cincinnati, OH 45201</p> <p>Date: December 2, 2011</p> <p>Building a Better Community %John Doe 1234 Town Street Town, USA 12345</p> <p>Dear Sir or Madam:</p> <p>This is in response to your request of December 1, 2011, regarding your tax-exempt status.</p> <p>Our records indicate that in December 1968 the Building a Better Community was recognized as exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code and was classified as a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(a)(vi) of the Code.</p> <p>Even though the Building a Better Community was issued an individual ruling, this ruling covers its chapters, branches and auxiliaries.</p> <p>Donor may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.</p> <p>If you have any questions, please call us at the telephone number shown in the heading of this letter.</p> <p style="text-align: right;">Sincerely, <i>Cindy Thomas</i> Cindy Thomas Manager, Exempt Organizations Determinations</p>	<p>Department of the Treasury</p> <p>ACCEPTABLE GROUP LETTER</p> <p>Letters are from the IRS and must include:</p> <ol style="list-style-type: none"> 1) Group's EIN 2) Group's name and address. 3) The IRS considers your organization a 501(c)(3) organization. 4) Letter must be dated at least 3 years prior to date of application. <p>Must provide a letter from the CEO or CEO equivalent stating that your organization is covered under the national IRS letter.</p>
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Person to Contact:
Ms. Harris
#0123456
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
12-3456789

ORGANIZED IN TEXAS FOR THREE YEARS

The applicant must have been organized in Texas for at least three years.

What is needed:

A copy of a listing in a publication such as a national roster or newspaper article if not affiliated with a state or national organization.

Or

A letter to the applicant from a government agency.

This document submitted to confirm the requirement must reflect the organization's name, Texas address, and be either dated prior to the three-year period or establish the date the organization was founded.

Submit one of the following:

- A copy of a listing in a publication such as a national roster or newspaper article if not affiliated with a state or national organization.

Or

- A letter to the applicant from a government agency.

EXAMPLE of Letter from Government Agency



OGDEN UT 84201-0038

In reply refer to: 0443289478
Mar. 17, 2014 LTR 147C 0
2 8 000000 00
00003163
BODC: SB



AVE
SAN ANTONIO TX 78

032283

Employer Identification Number: 2 8

Dear Taxpayer:

Thank you for your inquiry of Mar. 06, 2014.

Your Employer Identification Number (EIN) is 2 8. Please keep this letter in your permanent records. Enter your name and EIN on all federal business tax returns and on related correspondence.

If you need forms, schedules, or publications, you can obtain them by visiting the IRS web site at www.irs.gov or by calling toll free at 1-800-TAX-FORM (1-800-829-3676).

Please call our toll-free telephone number at 1-800-829-4933 with any questions you may have.

You also can write to us at the address shown at the top of this letter's first page.

When you write to us, please attach this letter and, in the spaces below, give us your telephone number with the hours we can reach you in case we need more information. You also may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

We apologize for any inconvenience we may have caused you, and thank you for your cooperation.

UNINCORPORATED ASSOCIATION/CORPORATION AND PERFORM CHARITABLE WORK

The applicant must be an unincorporated association or corporation, and must be organized to perform and engage in charitable work.

The name of the applicant organization must match the name of the organization on the organizing instruments.

What is needed:

A signed copy of the organization's organizing instruments, including any bylaws, constitution, charter, and articles of incorporation.

Submit the following:

- Signed copy of the organization's organizing instruments.

EXAMPLE of Articles of Incorporation and Bylaws

Bylaws are your organization's internal affairs guidebook. Bylaws establish procedures for holding elections, organizing meetings, quorum requirements, membership structure (if needed) and other essential operations of your nonprofit. Bylaws serve as your organizational manual and will help guide the orderly operation of your organization.

Article I. Name of Organization

The name of the organization is YOUR NONPROFIT NAME HERE.

Article II. Corporate Purpose

Section 1. Nonprofit Purpose

This is the language that is required in your Articles of Incorporation by the IRS. It is not necessary to include this in your Bylaws, but it is a good idea to restate it as a reference.

Section 2. Specific Purpose

Here you put the purpose of your organization as well as the specific activities you will be involved in. It is a good idea to list the major activities of your nonprofit without being too specific about the details. You want to have a focused scope of work without limiting the ability to grow the organization in the future.

Article III. Membership

Membership in your nonprofit can be limited to your board of directors or it can also include members of the public. This is a decision you should make at your first meeting when you adopt your Bylaws.

If you do not intend to have public membership, then the following wording is all that is necessary:

"The membership of the corporation shall consist of the members of the Board of Directors."

Section 1. Eligibility for Membership

Section 2. Annual Dues

Section 3. Rights of Members

Section 4. Resignation and Termination

Section 5. Non-voting Membership

Article IV. Meetings of Members

If you do not have public membership you can skip this Article.

EXAMPLE of Articles of Incorporation and Bylaws (cont'd)

Section 1. Regular Meetings

A membership nonprofit should hold at least one (1) member meeting each year. Check with the Secretary of State to see if any state statutes apply to member meetings.

Section 2. Annual Meetings

Section 3. Special Meetings

Section 4. Notice of Meetings

Section 5. Quorum

Check with the Secretary of State office to see if quorum requirements may apply to your member meetings.

Section 6. Voting

Article V. Board of Directors

Your board of directors are members of your organization, but they are given special responsibilities and authority. If there is one section of your Bylaws that you will be referencing frequently, this is it.

Section 1. General Powers

Section 2. Number, Tenure, Requirements, and Qualifications

Check with the Secretary of State to see the minimum number of board members required in Texas. As with many things in the Bylaws, it is your choice on what to include as criteria for your board members. Requiring a cash donation to be on the board is not uncommon and many granting organizations require it.

Section 3. Regular and Annual Meetings

Section 4. Special Meetings

Section 5. Notice

Section 6. Quorum

Section 7. Forfeiture

Section 8. Vacancies

Section 9. Compensation

Section 10. Informal Action by Directors

Section 11. Confidentiality

EXAMPLE of Articles of Incorporation and Bylaws (cont'd)

This is not a requirement in most states and its inclusion is optional.

Section 12. Advisory Council

Section 13. Parliamentary Procedure

Section 14. Removal

Article VI. Officers

Every Board of Directors needs officers. The Texas Business Organizations Code requires a nonprofit corporation to have at least three directors, one president, and one secretary. The same person cannot be both the president and secretary. Officers and directors must be natural persons, but may be known by other titles.

Section 1. President

Section 2. Vice-President

Section 3. Secretary

Section 4. Treasurer

Section 5. Election of Officers

Section 6. Removal of Officer

Section 7. Vacancies

Article VII. Committees

Section 1. Committee Formation

Section 2. Executive Committee

Section 3. Finance Committee

Article VIII. Corporate Staff

Even if you do not have any paid staff members for your organization, it is good to prepare for this eventuality.

Section 1: Executive Director

Article IX. Conflict of Interest and Compensation

From Appendix A of IRS Form 1023 (the form you will fill out when applying for 501(c) 3 status). This is not mandatory but is recommended.

Section 1: Purpose

Section 2: Definitions

EXAMPLE of Articles of Incorporation and Bylaws (cont'd)

Section 3. Procedures

Section 4. Records of Proceedings

Section 5. Compensation

Section 6. Annual Statements

Section 7. Periodic Reviews

Section 8. Use of Outside Experts

Article X. Indemnification

An indemnity clause is authored to help prevent board members and employees from being sued if someone were to file a lawsuit against your organization.

Section 1. General

Section 2. Expenses

Section 3. Insurance

Article XI. Books and Records

Article XII. Amendments

Section 1. Articles of Incorporation

Section 2. Bylaws

Adoption of Bylaws

It's good practice to record the date the Bylaws are passed (or amended) and have the board president sign the final document with the secretary attesting to the signature. Some organizations will have all board members sign this document.

We, the undersigned, are all the initial directors or incorporators of this corporation, and we consent to, and hereby do, adopt the foregoing Bylaws, consisting of the ## preceding pages, as the Bylaws of this corporation.

ADOPTED AND APPROVED by the Board of Directors on this ____ day of _____, 20__.

M. Jones, President - Nonprofit, Inc.

ATTEST: R. Browning, Secretary - Nonprofit, Inc.

ORGANIZATION'S PURPOSE

Proof of organization is currently active and has been continuously engaged in furthering its authorized purposes for the past three years.

What is needed:

Organizing instruments describing the organization's purposes.

Copies of minutes from three annual membership meetings reflecting that the organization voted on the election of officers and reported on matters related to furthering the organization's purpose.

Collectively, the three meeting minutes must encompass a thirty-six-month period (i.e., one per year).

The meeting minutes must be dated and signed by an officer of the organization.

Submit the following:

- Signed copy of the organization's organizing instruments.
- Copies of meeting minutes.

CRIMINAL HISTORY INVESTIGATION

The applicant must ensure that none of the organization's officers, directors and operators have been convicted in any jurisdiction of a gambling or gambling-related offense; and, have not been convicted of a criminal fraud offense, with the exception of a criminal fraud offense that is a Class C misdemeanor.

The Commission will compare the number of officers and directors included in the documents to the application to ensure all officers and directors have been disclosed.

A criminal history check on all officers, directors and operators will occur.

Any officer, director, or operator listed on the application not meeting the criminal history background requirement must resign before a license may be issued.

The guidelines and factors used by the Charitable Bingo Operations Division related to bingo workers can be found at: http://www.txbingo.org/export/sites/bingo/Documents/Guidelines_for_Current_Licensees_Registered_Workers_and_Applicants.pdf.

What is needed:

A signed copy of the applicant organization's organizing instruments, including any bylaws, constitution, charter, and articles of incorporation that list the officer and director positions.

Or

If officers and/or directors are not listed in organizing instruments, a current membership list identifying officers and directors.

If officer and/or director positions are unfilled, a statement signed by an officer indicating which positions are vacant.

Submit one of the following:

- A signed, dated copy of organizing instruments that list officers and directors.

Or

- Copy of current membership list, noting all officers and directors, if not listed in organizing instruments.

If officer/director positions are unfilled, a signed statement by an officer of which positions are vacant.

MEMBERSHIP

The applicant must have a bona fide membership.

What is needed:

Current membership list with all officers and directors noted.

Submit the following:

- Current membership list with all officers and directors noted.

ORGANIZATION'S MEMBERS AS OPERATORS

The applicant may appoint only the organization's members to serve as operators.

What is needed:

A current membership list with all officers and directors noted. The membership list will be compared to the persons listed on the application to confirm that only members have been named as operators.

Submit the following:

- Copy of membership list with officers and directors noted.

DEMONSTRATION PROCESS

The applicant must demonstrate significant progress toward the accomplishment of the organization's purposes during the twelve months preceding the date of application.

What is needed:

At least three different types of acceptable documents as proof that the organization was engaged in furthering its charitable purpose for the time period beginning one year prior to the date the application was signed.

Examples of acceptable documentation:

1. Canceled checks
2. Newspaper Articles
3. Brochures
4. Receipts
5. Meeting minutes
6. *IRS Form 990*

All documents must be dated and indicate the organization's name.

To establish the beginning date, an organization may submit documentation dated up to three months prior to the year before the application was signed in order to prove that the organization has been engaged in furthering its charitable purpose throughout the past twelve months.

Documentation Included:

- 1. _____
- 2. _____
- 3. _____

EXAMPLE of IRS Form 990

Form 990-EZ Department of the Treasury Internal Revenue Service	Short Form Return of Organization Exempt From Income Tax Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)	OMB No. 1545-1150 <div style="font-size: 2em; font-weight: bold; text-align: center;">2016</div> <div style="background-color: black; color: white; padding: 5px; text-align: center; font-weight: bold;"> Open to Public Inspection </div>
▶ Do not enter social security numbers on this form as it may be made public. ▶ Information about Form 990-EZ and its instructions is at www.irs.gov/form990 .		
A For the 2016 calendar year, or tax year beginning _____, 2016, and ending _____, 20____		
B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization _____ Number and street (or P.O. box, if mail is not delivered to street address) _____ Room/suite _____ City or town, state or province, country, and ZIP or foreign postal code _____	D Employer identification number _____ E Telephone number _____ F Group Exemption Number ▶ _____
G Accounting Method: <input type="checkbox"/> Cash <input type="checkbox"/> Accrual Other (specify) ▶ _____		H Check <input type="checkbox"/> if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).
I Website: ▶ _____		
J Tax-exempt status (check only one) – <input type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c)() ◀ (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527		
K Form of organization: <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other _____		
L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ ▶ \$ _____		
Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I) Check if the organization used Schedule O to respond to any question in this Part I <input type="checkbox"/>		
Revenue	1 Contributions, gifts, grants, and similar amounts received 2 Program service revenue including government fees and contracts 3 Membership dues and assessments 4 Investment income 5a Gross amount from sale of assets other than inventory 5a b Less: cost or other basis and sales expenses 5b c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a) 5c 6 Gaming and fundraising events a Gross income from gaming (attach Schedule G if greater than \$15,000) 6a b Gross income from fundraising events (not including \$ _____ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000) 6b c Less: direct expenses from gaming and fundraising events 6c d Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c) 6d 7a Gross sales of inventory, less returns and allowances 7a b Less: cost of goods sold 7b c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a) 7c 8 Other revenue (describe in Schedule O) 8 9 Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8 ▶ 9	1 2 3 4 5c 6d 7c 8 9
Expenses	10 Grants and similar amounts paid (list in Schedule O) 10 11 Benefits paid to or for members 11 12 Salaries, other compensation, and employee benefits 12 13 Professional fees and other payments to independent contractors 13 14 Occupancy, rent, utilities, and maintenance 14 15 Printing, publications, postage, and shipping 15 16 Other expenses (describe in Schedule O) 16 17 Total expenses. Add lines 10 through 16 ▶ 17	10 11 12 13 14 15 16 17
Net Assets	18 Excess or (deficit) for the year (Subtract line 17 from line 9) 18 19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return) 19 20 Other changes in net assets or fund balances (explain in Schedule O) 20 21 Net assets or fund balances at end of year. Combine lines 18 through 20 ▶ 21	18 19 20 21

EXAMPLE of IRS Form 990 (cont'd)

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V.

		Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O	33		
34 Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)	34		
35a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?	35a		
b If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O	35b		
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III	35c		
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N	36		
37a Enter amount of political expenditures, direct or indirect, as described in the instructions ▶ 37a	37a		
b Did the organization file Form 1120-POL for this year?	37b		
38a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?	38a		
b If "Yes," complete Schedule L, Part II and enter the total amount involved	38b		
39 Section 501(c)(7) organizations. Enter:			
a Initiation fees and capital contributions included on line 9	39a		
b Gross receipts, included on line 9, for public use of club facilities	39b		
40a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ _____; section 4912 ▶ _____; section 4955 ▶ _____			
b Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b		
c Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 ▶ _____			
d Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization ▶ _____			
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e		
41 List the states with which a copy of this return is filed ▶ _____			
42a The organization's books are in care of ▶ _____ Telephone no. ▶ _____ Located at ▶ _____ ZIP + 4 ▶ _____			
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: ▶ _____ See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).	42b		
c At any time during the calendar year, did the organization maintain an office outside the United States? If "Yes," enter the name of the foreign country: ▶ _____	42c		
43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 —Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 43	43		
44a Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44a		
b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44b		
c Did the organization receive any payments for indoor tanning services during the year?	44c		
d If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	44d		
45a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	45a		
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	45b		

DISTRIBUTION OF INCOME

The applicant may not distribute any income to members, officers, or governing body except as reasonable compensation for services.

What is needed:

The most recent copy of *IRS Form 990*, if the organization is required to file it with the Internal Revenue Service.

Indicate on application if organization is not required to file *Form 990*. (*FORMID 1*, Item 11.)

Submit the following:

- Most recent copy of *IRS Form 990* (If required to submit).
- “NO” marked on Item 11 of application (*FORMID 1*).

LICENSE APPLICATION REQUIREMENTS, SECTION 2001.102 (a)(b)(c)

What is needed:

If the organization is organized under the law of this state, the organization must be in good standing with the Texas Secretary of State (SOS). The Commission will request additional documentation from the applicant if unable to validate good standing directly with the SOS.

This documentation may include a copy of “Tax Clearance Letter for Reinstatement” from the Texas State Comptroller of Public Accounts and a stamped, filed copy of an “Application for Reinstatement” from the SOS.

Submit the following:

- Proof the applicant is in good standing with the Secretary of State. (The right to do business in Texas.)

EXAMPLE of Tax Clearance Letter for Reinstatement



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

Tax Clearance Letter for Reinstatement*

To: Texas Secretary of State
Corporations Section

Re: Taxpayer number:
File number:


The referenced entity has met all franchise tax requirements and is eligible for reinstatement through

* The reinstatement must be filed with the Texas Secretary of State on or before the expiration date of this letter. After this date, additional franchise tax filing requirements must be met, and a new request for tax clearance must be submitted.

You can file for reinstatement online at www.sos.state.tx.us/corp/sosda/index.shtml. Forms and instructions for reinstatement are available at www.sos.state.tx.us/corp/forms_option.shtml or by calling 512-463-5555. This tax clearance letter must be attached to the reinstatement forms.

Form 05-377 (Rev.4-14/5)

EXAMPLE of Application for Reinstatement

Form 801 (Revised 05/11)	<p>This space reserved for office use.</p>  <p>Application for Reinstatement And Request to Set Aside Tax Forfeiture</p>
Submit in duplicate to: Secretary of State P.O. Box 13697 Austin, TX 78711-3697 512 463-5555 FAX: 512 463-5709 Filing Fee: See instructions	
1. The entity name is: _____	
The entity is a foreign entity that was required to obtain its registration under a name that differs from the legal name stated above. The name under which the entity is registered is: _____	
2. The file number issued to the entity by the secretary of state is: _____	
3. The entity was forfeited or revoked under the provisions of the Tax Code on: _____ <small>mm/dd/yyyy</small>	
4. The undersigned requests that the forfeiture or revocation of the entity be set aside, and certifies that: a. The entity has filed each delinquent report that is required by chapter 171 of the Tax Code and has made payment for the tax, penalty, and interest imposed and that is due at the time of this application as evidenced by the attached tax clearance letter; and b. On the date of forfeiture or revocation, the undersigned person was: <ul style="list-style-type: none">• an officer, director or shareholder of the above-named for-profit or professional corporation; or• an officer, director, shareholder or member of the above-named professional association; or• an officer, director, or member of the above-named nonprofit corporation; or• a member or manager of the above-named limited liability company; or• a partner of the above-named limited partnership; or• a trustee or beneficial owner of the above-named statutory or business trust.	
Additional Required Documentation or Filings	
<input type="checkbox"/> Comptroller of Public Accounts Tax Clearance Letter <input type="checkbox"/> Letter of Consent or Amendment to Certificate of Formation or Registration (Required when entity name is no longer available.)	
Execution	
The undersigned declares under penalty of perjury, and the penalties imposed by law for the submission of a materially false or fraudulent instrument, that the undersigned is authorized to make this request; that the statements contained herein are true and correct, and that tax clearance was not obtained by providing false or fraudulent information.	
Date: _____	BY: _____
	_____ Signature of authorized person (see instructions)
	_____ Printed or typed name of authorized person

REQUIRED TRAINING

1. The Pre-Licensing Interview Training is required to be completed by the Bingo Chairperson and one operator. The Pre-Licensing Interview is on the website: **www.txbingo.org**
2. The Bingo Chairperson is required to take the On-Line Bingo Training located in the Bingo Service Portal: **<https://bsc.txbingo.org/>**

Completion of training will be verified prior to license issuance.

REQUIRED FORMS

1. *Application for an Original License to Conduct Bingo FORMID 1*
2. *Application for an Original License To Conduct Bingo Supplement FORMID 7*
3. *Add Individuals to a License to Conduct Bingo FORMID 2*
4. **Bond Information (Submit one of the following)**
 - a. **Assignment of Security for a License to Conduct Bingo FORMID 3**
(Assignment of an account, such as Certificates of Deposit/Savings, for the specified amount to the Texas Lottery Commission.)
 - b. **Surety Bond for a License to Conduct Bingo FORMID 4** (Provide a bond from an authorized agent.)
 - c. **Cash Bond** (Send a check or money order payable to “Texas State Comptroller”.)
 - d. **U.S. Treasury Bonds**
 - e. **Letters of Credit**

All forms are available on the Texas Charitable Bingo Operations Division website:
txbingo.org

SUPPLEMENTAL FORMS

1. **Application for Registry of Bingo Workers FORMID 46** (This form must be completed by a person that will be involved with the conduct of bingo as an operator, manager, cashier, usher, caller, salespersons, bookkeeper, or Bingo Chairperson for an annual license holder.)
2. **Add Designated Member to Conductor License FORMID 62** (This form must be submitted by an applicant for a license to conduct bingo to designate an individual as a member of their organization for the purposes of conducting bingo and other law.)
3. **Verification by Parent for Charitable Organization Conductor FORMID 110** (This form must be submitted by an organization applying for a license to conduct charitable bingo in Texas that is a subordinate organization to a parent organization. The form will verify that the subordinate organization is in good standing with the parent organization and whether the subordinate organization is covered under the 501(c) group exemption letter issued by the Internal Revenue Service (IRS) to the parent organization.)
4. **Return of Organization Exempt From Income Tax IRS Form 990** (This form is used by tax-exempt organizations and nonexempt charitable trusts, to provide the IRS with the information required by section 6033.)

**All forms, except for IRS forms, are available on the
Texas Charitable Bingo Operations Division website;
txbingo.org**

A FINAL-QUICK CHECKLIST

Ensure that all forms, fees and documentation are submitted with the application package.

Submit Now:

1. **Application for an Original License to Conduct Bingo FORMID 1.** Do not leave any item blank. If an item does not apply, enter “N/A.”
2. **Add Individuals to a License to Conduct Bingo FORMID 2.**
3. **Application for Registry of Bingo Workers FORMID 46.**
4. **Pre-License Interview Training** for Bingo Chairperson and one operator designated as an operator. This training must be completed before the license will be issued.
5. **Bingo Training Program** for the Bingo Chairperson must be completed before the license will be issued.
6. All documents required in this guide.

May submit now or when notified:

1. **Application for an Original License to Conduct Bingo Supplement FORMID 7**
2. **Bond** – Submit a check made payable to “Texas State Comptroller” or *Assignment of Security for a License to Conduct Bingo FORMID 3* or *Surety Bond for a License to Conduct Bingo FORMID 4* for the amount calculated.
3. Playing location, days and times of play.

Ensure all required documentation is submitted.

**For assistance:
1-800-BINGO77
(1-800-246-4677)**

txbingo.org

bingo.services@lottery.state.tx.us