

APPLICATION FOR A PERMIT TO OPERATE A GAME ROOM

Section 1: Verification Requirement

Please read the following acknowledgments and sign the attached verification. It is a requirement for your game room application to read this document and sign the attached verification. An application will not be considered if this requirement is not met.

In making this application, you, the applicant are hereby acknowledging the following:

- 1) You have read, fully understand, and agree to comply with the Ector County Game Room Regulations as adopted by the Ector County Commissioners Court on November 19, 2024 (hereinafter referred to as the “Regulations”).
- 2) You are an “Owner” of the game room you are attempting to permit as that term is defined by Subsection 1.4(k) of the regulations.
- 3) The business establishment you are attempting to permit is in fact a “Game Room” as that term is defined by Subsection 1.4(j) of the regulations.
- 4) You have disclosed the identity of all “Owner(s),”¹ “Operator(s),”² employee(s), agent(s), and any other individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) acting for, or acting on behalf of the game room along with a photocopy of their drivers’ license or government-issued identification and incorporation papers as applicable.
- 5) All of the information you have provided in making this game room application is true and correct.
- 6) You have not withheld any pertinent information that relates to this game room application under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code.
- 7) You understand making a misleading statement on this game room application, providing false, fraudulent, or untruthful information on this game room application, and/or withholding pertinent information on this game room application will result in denial or revocation of the game room permit pursuant to Subsection 2.2(b) (2) and Subsection 2.2 (d) (2) of the regulations;
- 8) You swear and affirm that all the information provided in this game room application is true and correct under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code.
- 9) You swear and affirm that you have not misrepresented any information on this game room application and understand that any misrepresentation on this game room application is a third-degree felony offense as defined under Section 37.10 of the Texas Penal Code.

VERIFICATION

¹ As defined by Subsection 1.4(k) of the Regulations.

² As defined by Subsection 1.4(n) of the Regulations.

STATE OF TEXAS §
 §
COUNTY OF ECTOR §

BEFORE ME, the undersigned Notary Public, on this day personally appeared by me duly sworn, _____, an “Owner” and “Applicant” of _____ Game Room located at _____, and on his/her oath deposed, said that he/she swears that 1) he/she has read the above acknowledgments, fully understands the above acknowledgments, and swears that the above acknowledgments are true and correct as they pertain to this game room application, 2) the information provided in the game room application is true and correct, and 3) all pertinent information has been disclosed in making this game room application.

An “Owner” and “Applicant of
_____ Game Room

SUBSCRIBED AND SWORN TO BEFORE ME on the __ day of _____, 2024, to certify which witness my hand and official seal.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

NOTE: All the definitions and provisions contained in the Regulations are hereby incorporated in this game room application by reference.

Section 2: Application Requirements

2.1 Game Room Permit Required

As outlined in the Regulations, it is unlawful for a person to operate a Game Room, or maintain a Game Room that has not been issued a permit pursuant to the Regulations. Any violation of the Regulations is grounds for denial, suspension, or revocation of a Game Room permit. Any violation of the Regulations is subject to a civil penalty of \$10,000.00 for each violation, plus all reasonable attorney's fees, court costs and investigatory costs, pursuant to Texas Local Government Code Section 234.137(c) – such penalties will be forfeited to Ector County, Texas. Each day that a violation continues constitutes a separate ground for recovery. Finally, operating a Game Room in violation of the Regulations constitutes a Class A misdemeanor and each day that a violation continues constitutes a separate offense under the Regulations. See Subsections 2.1(a), 2.8 and 2.9 of the Regulations.

2.2 Applicant Must Apply in Person

Pursuant to Subsection 2.1(b)(1) of the regulations, you shall apply in person. No mail-in applications will be accepted. Please check with the Game Room Permit Administrator to obtain the hours in which an application can be submitted.

2.3 Fee Schedule

Pursuant to Subsection 2.1(b)(2) of the regulations, the following fee schedule applies to game room permit applications:

- Application for a NEW Game Room Permit: \$1,000
- Application for RENEWAL of a Game Room Permit: \$1,000

Payments are to be made by money order or cashier's check only. Please make all money order and cashier's check payable to the Ector County Treasurer's Office.

2.4 Incomplete Applications Shall NOT be Accepted

Pursuant to Subsection 2.1(b)(3) of the regulations, incomplete application shall not be accepted. The application process will not begin until you:

- 1) Fill out the entire application, including the verification page, and submit it in person to the Game Room Permit Administrator;
- 2) Provide all the necessary information required by this application and the regulations;
- 3) provide all the required documentation and information listed in Subsection 2.1(c)(1)-

(17) of the regulations; and

- 4) Make payment to Ector County as outlined in Subsection 2.3 of this application.

2.5 A Receipt is NOT a Game Room Permit

Pursuant to Subsection 2.1(b)(4), a receipt shall be hand delivered or sent by certified mail to you, the applicant, within fourteen (14) days of submission of a complete application and payment of the application fee to the Ector County Treasurer's Office.

A receipt showing payment of the application fee is NOT a Game Room permit.

2.6 Inspection Process

Pursuant to Subsection 2.1(b)(5) of the regulations, once a complete application has been received along with the required information, the game room permit administrator will conduct up to three (3) inspections of the proposed game room to ensure compliance with these regulations. You, the applicant, must be present in person during these inspections. It is your responsibility to provide an interpreter, if necessary, during these inspections.

Pursuant to Subsection 2.1(b)(6), you have sixty (60) days from the initial inspection to complete the inspection process. Failure to complete the inspection process within these sixty (60) days shall result in denial of your application. It is your responsibility to ensure the process is completed within the requisite sixty (60) days.

2.7 Duty to Comply with the Regulations

If you are issued a permit to operate a game room pursuant to the regulations, you have a duty to comply with all the provisions contained in the regulations. Any violation of the Regulations can result in denial, suspension or revocation of your Game Room permit.

If you or any other Owner, Operator, employee, agent, and/or any other individual acting for, or acting on behalf of your proposed game room violates any offense outlined in Subsection 2.2(b)(1) or Subsection 3.12(a) of the regulations, your game room permit will be immediately revoked. Additionally, if any violation of any offense outlined in Subsection 2.2(b)(1) or Subsection 3.10 of the regulations occurs on the premises of your game room, your game room permit shall be immediately revoked.

Signature of Applicant

(By signing this document you acknowledge that you have read and understand the application requirements listed above and any other requirements not listed above but are set forth in the Regulations.)

Date: _____

3.2 Individual

If you are attempting to permit your proposed game room as an individual, confirm by signing below. By signing below you are also acknowledging that you understand that if you are issued a game room permit it is not transferable, assignable, or divisible. A Person commits a “Class A misdemeanor” if they intentionally or knowingly transfer, assign, or divide a game room permit or attempt to do so. Further, they shall be assessed a civil penalty not to exceed \$10,000 per violation. Each permit transferred, assigned, or divided or attempted to transfer, assign, or divide being considered a separate violation.

Signature of Applicant

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code. Further, you are hereby acknowledging that you are an “Owner” of the Game Room you are attempting to permit as that term is defined by Section 1.4(k) of the Regulations.)

Date

Signature of Applicant

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code. Further, you are hereby acknowledging that you are an “Owner” of the Game Room you are attempting to permit as that term is defined by Section 1.4(k) of the Regulations.)

Date

Signature of “Owner” and “Applicant”

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

Section 4: Game Room Information

Name of Game Room: _____

Location of Game Room: _____
Address (No PO Box Accepted) City State Zip Code

Business Phone No.: _____ Applicant's Phone No.: _____
(24 Hour Access)

Signature of "Owner" and "Applicant"

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

Section 5: Disclosures

5.1 “Owner(s)”

In the chart below, disclose all other “Owner(s)” of your proposed game room as that term is defined by Subsection 1.4(k) of the regulations. You are required to give the individual’s full name, date of birth, present residential address and telephone numbers. If the “Owner(s)” is a legal entity, provide its full legal name and present business address.

Also, you are required to describe how that individual is an “Owner” of your proposed game room. You must use the specific language contained Subsection 1.4(k) of the regulations for your description—i.e., he/she is an “Owner” of the proposed game room because he/she signed an alarm permit for the proposed game room. You are also required to provide a photocopy of the individual(s) driver’s license or government issued identification. If the “Owner(s)” are a legal entity, you are required to provide a photocopy of that entity’s incorporation papers.

Name	Date of Birth	Present Residential Address	Home, Business, and Cell Phone Number	Description

Signature of “Owner” and “Applicant”

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

5.2 “Operator(s)”

In the chart below, disclose all “Operators” of your proposed game room as that term is defined by Subsection 1.4(n) of the regulations. You are required to give the individual’s full name, date of birth, present residential address and telephone numbers. Also, you are required to describe how that individual is an “Operator” of your proposed game room. You must use the specific language contained in Subsection 1.4(n) of the regulations for your description – i.e., he/she is an operator of this game room because he/she operates a cash register. You are also requested to provide a photocopy of the individual(s) driver’s license or government issued identification.

Name	Date of Birth	Present Residential Address	Home, Business, and Cell Phone Number	Description

Signature of “Owner” and “Applicant”

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

5.3 Others

In the chart below, disclose all other employee(s), agent(s), and any other individual(s) proprietorship(s), corporation(s), association(s), or other legal entity(s) acting for, or acting on behalf of the game room. You are required to give the individual's full name of the entity's full legal name. Next, provide their present residential address of the individual or the business address of the legal entity. Also provide the individual's date of birth. Finally, give a brief description of how the individual or legal entity is involved with or connected to the proposed game room—i.e., he/she collects money out of the machines three times a week.

Signature of "Owner" and "Applicant"

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

Section 6: Requirements for Exemption

A Game Room permit holder may apply for one or more exemptions. Any exemption granted will be clearly stated on any Game Room permit issued. A Game Room that has a Charitable Bingo Exception from Subsection 3.7 may only operate a Game Room when the bingo hall is open and on days a charitable bingo session is being conducted.

For any exemption claimed, read each applicable paragraph carefully and initial, if true, where indicated:

Charitable Bingo Exemption. An Applicant is qualified for a charitable bingo exemption from the Regulations in Subsections 3.2, 3.3, 3.4, 3.6, 3.7 and 3.8 of the Regulations if the Applicant can show that:

1. _____ (*MUST INITIAL) It has been issued a valid and current Texas Lottery Commission Charitable Bingo License as described in Chapter 2001 of the Texas Occupations Code Chapter (An original certificate or copy of this license presented with the complete Game Room permit application at the time of application or permit renewal is sufficient to make this showing), and
2. _____ (*MUST INITIAL) Bingo sessions have been conducted at the location on at least a weekly basis for at least five years prior to the filing of the Application. (A copy of the Lottery Commission Quarterly Bingo Reports presented with the complete Game Room permit application at the time of application or permit renewal is sufficient to make this showing).

Food and Beverage Sales Exemption. An Applicant is qualified for a Food and Beverage Sales exemption from Regulations in Subsections 3.3,3.4, 3.6,3.7 and 3.8 if the Applicant meets all requirements below:

- (1) The following words and terms, when used in this Subsection, shall have the following meaning unless the context clearly indicates otherwise:
 - i. Food or Beverage Service - cooking or assembling food on premises, primarily for on premises consumption. Commercially pre-packaged items which require no heating, cooking, or assembly and which may be purchased off-premises do not constitute food or beverage service under this section;
 - ii. Entrée - main dish of a meal;
 - iii. Multiple Entrées - no fewer than eight different entrees per meal period must be available to customers; and
 - iv. Food Service Facilities - a portion of the licensed premises where food is stored and prepared primarily for on premises consumption.
- (2) For an Applicant to qualify for a Food and Beverage Sales exemption, the following conditions must be satisfied:
 - i. _____ (*MUST INITIAL) with respect to the operation of a Game Room, the Applicant's primary business on the premises is Food or Beverage Service;
 - ii. _____ (*MUST INITIAL) multiple entrees are available to customers;
 - iii. _____ (*MUST INITIAL) Food Service Facilities are maintained on the premises;

- iv. _____ (*MUST INITIAL) The Game Room does not operate outside the hours of operation for sale and Food or Beverage Service; and
- v. _____ (*MUST INITIAL) at least 51 percent of the Game Room's total net income is derived from the sale of food or beverages.

(3) By initialing above and signing below, an Applicant for a Food and Beverage Sale Exemption hereby submits a sworn statement attesting that Food or Beverage Service is maintained on the premises and is the primary business on the premises.

By submitting this sworn statement and initialing below, Applicant acknowledges its understanding of the following requirements:

- (1) _____ (*MUST INITIAL) The Applicant must furnish the following along with this application:
 - i. the menu or, if no menu is available, a listing of the food and beverage items;
 - ii. hours of operation of Food or Beverage Service;
 - iii. sales data or, if not available projection of sales. The projection or data should include sufficient breakdown of revenues of food, alcoholic beverages, and Game Room operation proceeds;
 - iv. listing of equipment used in preparation and Food or Beverage Service versus the equipment used in operation of a Game Room;
 - v. copies of floor plans of the licensed premises indicating areas devoted primarily to the preparation and Food and Beverage Service and those devoted primarily to operation of a Game Room;
 - vi. if alcoholic beverages are served, the TABC license or permit as applicable with the TABC food and beverage certificate as applicable; and
 - vii. the Food Service permit from the appropriate entity.
- (2) _____ (*MUST INITIAL) Applicants for renewal of Food and Beverage Sales Exemptions shall resubmit the information required in Subsection 3.16(c)(3)(a)-(g) above.
- (3) _____ (*MUST INITIAL) Failure to meet all requirements of this Subsection or accurately maintain required records is grounds for denial or revocation of a Food and Beverage Sales Exemption.
- (4) _____ (*MUST INITIAL) In verifying that the exemption holder is maintaining Food or Beverage Service as the primary business on the premises, the Game Room permit Administrator may examine all books, papers, records, documents, supplies, and equipment of the exemption holder.
- (5) _____ (*MUST INITIAL) Recordkeeping requirements for holders of food and beverage sales exemptions include:
 - i. each holder of a food and beverage sales exemption shall maintain records to reflect separate totals for beverage sales, food sales, and other major sales categories at the location, including proceeds from machines described in Subsection 1.4(i) located

- in the Game Room. Purchase invoices must be maintained to reflect the total purchases of beverages, food, and other major purchase categories;
- ii. complimentary food and beverages, including alcoholic beverages, shall not be calculated in determining whether the premises meets the 51 percent or more food or beverage sales threshold;
 - iii. all records are required to be maintained for four years and made available to authorized representatives of the Game Room permit Administrator upon reasonable request; and
 - iv. in examining the food or beverage sales, the Game Room permit Administrator may compute and determine the percentage of food and beverage sales upon the basis of information filed with the Game Room Permit Administrator or held by the permit holder, but if such information is insufficient, the computation and determination of the percentage of sales may be based upon any records or information which is available.

Signature of “Owner” and “Applicant”

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date

Pursuant to Subsection 2.1(c) (16), in making this application and signing the verification below, you certify that you, the Applicant, and none of the other Owner(s), Operator(s), employee(s), agent(s), and/or any other individual(s) acting for, or acting on behalf of the game room have been convicted of any level of any offense listed in Subsection 2.2(b)(1) of the regulations.

STATE OF TEXAS §
 §
COUNTY OF ECTOR §

BEFORE ME, the undersigned Notary Public, on this day personally appeared by me duly sworn, _____, an “Owner” and “Applicant” of _____ Game Room located at _____, and on his/her oath deposed, said that he/she swears none of the other Owner(s), Operator(s), employee(s), agent(s), and/or any other individual(s) acting for, or acting on behalf of _____ Game Room have been convicted of any level of any offense listed in Subsection 2.2(b) (1) of the Regulations.

An “Owner” and “Applicant” of

 Game Room

SUBSCRIBED AND SWORN TO BEFORE ME on the ___ day of _____, 2024, to certify which witness my hand and official seal.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

Please use page fourteen (14) of the game room permit application in order to explain or add any information you feel is pertinent.

Signature of “Owner” and “Applicant”

(By signing this document you acknowledge that the information provided above is true and correct under the penalty of Perjury as defined by Chapter 37.02 of the Texas Penal Code. Additionally, providing false information on this document is a third degree felony under Section 37.10 of the Texas Penal Code.)

Date