

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Exempt Permanent Rules Relating to Lawful Gambling Annual Audits

AGENCY: Department of Revenue

REVISOR ID: R-4657

MINNESOTA RULES: Chapter 8122

The attached rules are approved as to form

A handwritten signature in black ink, appearing to be "EAP", written over a horizontal line.

Evan A. Powell
Senior Assistant Revisor

1.1 **Department of Revenue**

1.2 **Adopted Exempt Permanent Rules Relating to Lawful Gambling Annual Audits**

1.3 **8122.0100 SCOPE; PURPOSE.**

1.4 Minnesota Statutes, section 297E.06, subdivision 4, mandates that the commissioner
1.5 of revenue prescribe standards for the annual audit ~~and review~~ of certain organizations
1.6 licensed to conduct lawful gambling in Minnesota. The purpose of this chapter is to set
1.7 minimum standards for these annual audits ~~and reviews~~.

1.8 **8122.0150 DEFINITIONS.**

1.9 Subpart 1. **Scope.** The terms used in this chapter are defined in Minnesota Statutes,
1.10 chapter 297E, unless separately defined under this part.

1.11 Subp. 2. **Accrual basis.** "Accrual basis" means the method of accounting in which
1.12 revenue is recognized in the period earned and expense is recognized in the period incurred.

1.13 Subp. 3. **Audit.** "Audit" means the examination of accounting records with the
1.14 expression of an opinion on whether the financial statements of the organization present
1.15 fairly, in all material respects, the financial position, results of operations, and its cash flows,
1.16 in conformity with the regulatory basis of accounting.

1.17 Subp. 4. **Certified public accountant; CPA.** "Certified public accountant" or "CPA"
1.18 means a person who is licensed as a certified public accountant in accordance with Minnesota
1.19 Statutes, chapter 326A.

1.20 Subp. 5. **Cash basis.** "Cash basis" means the method of accounting in which revenues
1.21 are recognized when actually received and expenses are recognized when actually disbursed.

1.22 Subp. 6. **Ending inventory.** "Ending inventory" means the cost of unopened pull-tab
1.23 and tipboard deals, ~~paddlewheels~~ paddletickets, unused bingo paper or sheets, and the cost
1.24 of pull-tab, tipboard, and ~~paddlewheel~~ paddleticket games in play on the last day of the
1.25 month. Sales tax is excluded from ending inventory.

2.1 Subp. 7. [Repealed, L 2010 c 191 s 14]

2.2 Subp. 8. **Material weakness.** "Material weakness" means a reportable condition in
2.3 which the design or operation of the specific internal control structure elements do not
2.4 reduce to a relatively low level the risk that material errors or irregularities could occur and
2.5 not be detected within a timely period by employees in the normal course of performing
2.6 their assigned functions.

2.7 Subp. 9. **Regulatory basis.** "Regulatory basis" means a method of accounting other
2.8 than generally accepted accounting principles. All receipts, allowable expenses, and lawful
2.9 purpose expenditures are determined using the cash basis method of accounting with the
2.10 exception of the cost of the games and taxes imposed under Minnesota Statutes, section
2.11 297E.02, subdivisions 1 and 6 (~~ten~~ 8.5 percent gross receipts tax and combined net receipts
2.12 tax), which are recognized on the accrual basis method of accounting.

2.13 Subp. 10. **Reportable condition.** "Reportable condition" means significant deficiencies
2.14 in the design or operation of the internal control structure which could adversely affect the
2.15 organization's ability to record, process, summarize, and report financial data consistent
2.16 with the assertions of management in the financial statements.

2.17 Subp. 11. [See repealer.]

2.18 Subp. 12. **Year.** "Year," when used in defining an audit ~~or review~~ period, means the
2.19 organization's fiscal year used for filing federal form 990 or 990-T (Unrelated Business
2.20 Income Tax).

2.21 **8122.0200 ACCOUNTANTS QUALIFICATIONS.**

2.22 Subpart 1. **License required.** An accountant must be an independent certified public
2.23 accountant and licensed to practice in Minnesota.

2.24 Subp. 2. **Standards of independence.** The CPA shall maintain objectivity and be
2.25 free of the appearance of conflicts of interest when discharging professional responsibilities

3.1 needed to perform the audit ~~or review~~. CPAs shall adhere to the standards of objectivity
3.2 and independence as established in the American Institute of Certified Public Accountants
3.3 professional standards.

3.4 In addition, for purposes of this subpart, an individual CPA who is a member of an
3.5 organization, or the accounting firm the individual belongs to, must not perform the
3.6 organization's annual audit ~~or review~~ if one or more of the following occurred during the
3.7 fiscal year:

3.8 A. the CPA was an employee of the organization;

3.9 B. the CPA was an officer of the organization, such as treasurer, executive director,
3.10 chief executive officer, gambling manager, or president;

3.11 C. the CPA served on the board of directors for the organization;

3.12 D. the CPA served on a gambling committee or other committee with oversight
3.13 or decision-making authority over gambling business transactions, other than in a member's
3.14 capacity to approve gambling business transactions presented at monthly membership
3.15 meetings as required under Minnesota Statutes, chapter 349; or

3.16 E. in connection with the organization general fund, gambling fund, or any other
3.17 organization fund, the CPA prepared or reconstructed accounting record source documents,
3.18 consummated transactions, had custody over assets, exercised authority, or unduly exercised
3.19 authority on behalf of the organization by assuming the role of employee or management.

3.20 **8122.0250 DUE DATE; EXTENSIONS.**

3.21 The annual audits ~~and annual reviews~~ required are due on or before the last day of the
3.22 sixth month following the organization's fiscal year end or on an extended due date.

3.23 A written request to file the annual audit ~~or annual review~~ after the required due date
3.24 must be submitted to the Department of Revenue by the required annual audit ~~or annual~~

4.1 ~~review~~ due date. The request must be signed by the organization's chief executive officer,
4.2 gambling manager, or the independent accountant performing the audit. The request must
4.3 include the:

- 4.4 A. organization's name;
- 4.5 B. organization's license number;
- 4.6 C. organization's fiscal year end;
- 4.7 D. reason for the request; and
- 4.8 E. expected completion date.

4.9 An automatic 30-day extension will be granted in each fiscal year. Second requests for
4.10 an extension or requests for extensions exceeding 30 days will be granted only upon a
4.11 showing of reasonable cause. "Reasonable cause" shall mean cases where the reasons for
4.12 the filing delay are beyond the control of the organization. Acceptable reasons for granting
4.13 an additional extension include, but are not limited to:

4.14 (1) delay or failure to file was due to serious illness or death of the accountant
4.15 or a key member of the accountant's staff;

4.16 (2) delay or failure to file was due to erroneous information given the
4.17 organization by a Department of Revenue employee; or

4.18 (3) delay or failure to file was caused by the destruction by fire or other
4.19 casualty of the organization's place of business or business records.

4.20 **8122.0300 COMMUNICATION OF ILLEGAL ACTS, MATERIAL ERRORS, AND**
4.21 **IRREGULARITIES.**

4.22 An organization is responsible to communicate illegal acts, material errors, and
4.23 irregularities to the Department of Revenue in writing within ten days of notification from
4.24 auditors that such acts, errors, or irregularities exist. The organization must include a copy

5.1 of all correspondence or notes taken during meetings between the independent auditors and
5.2 the licensed organization specifically detailing the illegal acts, material errors, and
5.3 irregularities.

5.4 **8122.0350 ACCOUNTING RECORDS.**

5.5 All licensed organizations are required to maintain records that account for the assets,
5.6 liabilities, and fund balance of their lawful gambling operation. These records must also
5.7 account for their gambling revenue, prize payouts, allowable expenses, and lawful purpose
5.8 expenditures.

5.9 If, in the opinion of the independent CPA engaged to conduct the annual financial audit
5.10 ~~or review~~, the licensed organization has not maintained proper accounting records in a form
5.11 that can be audited ~~or reviewed~~, the accountant must either:

5.12 A. notify the organization in writing of the deficiencies that exist and the corrective
5.13 action required, with an estimate of the cost to generate auditable records or the reason the
5.14 cost cannot be estimated; or

5.15 B. terminate the audit engagement.

5.16 **8122.0400 ACCOUNTANT'S WORKPAPERS AND COMMUNICATIONS; ACCESS**
5.17 **AND RETENTION.**

5.18 Subpart 1. **Workpapers.** Workpapers are the records kept by the independent CPA
5.19 of the procedures followed, tests performed, information obtained, and conclusions reached
5.20 pertinent to the examination and review of the financial statements of a licensed gambling
5.21 organization. Workpapers must include, but are not limited to, work programs, analyses,
5.22 memoranda, letters of confirmation and representation, management letters, abstracts of
5.23 organization documents, and schedules or commentaries prepared or obtained by the
5.24 accountant in the course of the audit and that support the accountant's opinion or assurance.

6.1 Subp. 2. **Communications.** Communications are written documentation or notes of
6.2 oral contacts between the independent CPA and an organization. The communication with
6.3 the organization must include, but is not limited to, matters relating to the auditor's
6.4 responsibility, significant accounting policies, the process used in obtaining management
6.5 judgments, significant audit adjustments, auditor responsibilities for other information,
6.6 auditor disagreements with organization's management, auditor views on auditing and
6.7 accounting matters for which other auditors were contacted, major issues discussed with
6.8 management prior to retention, and any difficulties encountered while performing the audit.

6.9 Subp. 3. **Access and retention.** Every licensed gambling organization required to file
6.10 an audit ~~or review~~ shall require the accountant, through the licensed gambling organization,
6.11 to make available for review by the Department of Revenue the workpapers and
6.12 communications with the organization prepared in the conduct of the audit. The licensed
6.13 gambling organization shall require that the accountant retain the workpapers for a period
6.14 of not less than 3-1/2 years after the opinion date of the audit report.

6.15 **8122.0450 TERMINATION OF AUDIT ENGAGEMENT ~~OR REVIEW.~~**

6.16 If for any reason the audit engagement ~~or review~~ is terminated by either the licensed
6.17 organization or the independent accountant prior to its completion and filing of the annual
6.18 financial audit report ~~or financial review report~~, the accountant is, within ten days of
6.19 termination, required to make a written report to the Department of Revenue detailing the
6.20 reason or reasons for the termination.

6.21 **8122.0500 LESS THAN A 12-MONTH AUDIT ~~OR REVIEW.~~**

6.22 An organization whose license is active, discontinued, terminated, or expired at the
6.23 organization's fiscal year end, is required to complete and file an audit ~~or a review~~, if the
6.24 organization's gross receipts exceed the thresholds as specified in Minnesota Statutes, section
6.25 297E.06.

7.1 In the year an organization commences gambling activity, the audit ~~or review~~ required
7.2 may cover the operations of the organization for a period of less than 12 months.

7.3 In the year an organization's license expires, is discontinued, or terminated, the audit
7.4 ~~or review~~ will be through the organization's fiscal year end, unless the organization's license
7.5 termination plan has been approved by the Gambling Control Board prior to the fiscal year
7.6 end. In this circumstance, the organization has the option of performing the required audit
7.7 ~~or review~~ through the license termination plan approval date, or another date specified by
7.8 the organization that is between the approval date and the last day of the fiscal year.

7.9 **8122.0510 MORE THAN A 12-MONTH AUDIT ~~OR REVIEW~~.**

7.10 An organization that is terminating gambling activity or changing its year end date in
7.11 accordance with Internal Revenue Code, section 442, may, upon specific prior approval
7.12 from the Department of Revenue, have an audit ~~or review~~ prepared for periods longer than
7.13 12 months but no longer than 18 months. The audit ~~or review~~ will then be due at the end of
7.14 the sixth month following the new fiscal year end or the month the organization terminated
7.15 gambling activity, whichever applies. The request for an extended audit period must be
7.16 submitted to the Department of Revenue in writing on or before the due date of the audit
7.17 ~~or review~~ that would be prepared under the organization's actual fiscal year end.

7.18 Example: An organization with a fiscal year end of December 31, ~~1998~~ 2018, is
7.19 terminating gambling activity April 30, ~~1999~~ 2019. The audit ~~or review~~ may cover the
7.20 period January 1, ~~1998~~ 2018, through April 30, ~~1999~~ 2019. The request for the extended
7.21 audit ~~or review~~ period must be submitted by June 30, ~~1999~~ 2019, the due date of a December
7.22 31 audit ~~or review~~. The extended audit ~~or review~~ is due October 31, ~~1999~~ 2019.

7.23 **8122.0550 AUDIT.**

7.24 Subpart 1. **Minimum requirements.** The annual financial audits must be prepared
7.25 on the regulatory basis of accounting and contain, at a minimum, an opinion, financial

8.1 statements, supplemental schedules, a report on internal controls, a response to internal
8.2 controls report, and other information as noted.

8.3 Subp. 2. **Opinion.** An audit opinion expressed in accordance with generally accepted
8.4 auditing standards regarding the fairness of the presentation of the financial statements must
8.5 be properly signed and dated by the CPA firm who performed the audit. The address,
8.6 telephone number, and fax number of the accounting firm must be listed. For firms with
8.7 more than one office, the address of the office that prepared the financial statements should
8.8 be specified.

8.9 Subp. 3. **Financial statements.** The financial statements must be comparative financial
8.10 statements showing the current year and previous year's financial information, unless it is
8.11 a first year engagement for the accounting firm in which case the preparation of comparative
8.12 statements is optional. The statements must be presented in a format prescribed by and
8.13 acceptable to the commissioner of revenue. The financial statements required are as follows:

8.14 A. The statement of assets, liabilities, and fund balance must include all assets,
8.15 liabilities, and the fund balance of the gambling operations as follows, if applicable:

8.16 (1) all game starting banks;

8.17 (2) all gambling checking accounts;

8.18 (3) all savings accounts;

8.19 (4) all certificates of deposit and other negotiable instruments;

8.20 (5) inventory from paper pull-tabs, tipboards, paddlewheels, paddletickets,
8.21 nonlinked bingo, and raffles, and sports-themed tipboards, in play and unused;

8.22 (6) fund losses;

8.23 (7) excess cash shortages to be reimbursed;

9.1 (8) ~~amount of unsold ticket refund receivable from form G-7430, when filed~~
9.2 ~~and recorded on Schedule F~~ merchandise prize inventory;

9.3 (9) other assets specifically identified;

9.4 (10) accrued taxes imposed under Minnesota Statutes, section 297E.02,
9.5 subdivision 1 (net receipts tax);

9.6 (11) accrued ~~combined receipts~~ taxes imposed under Minnesota Statutes,
9.7 section 297E.02, subdivision 6 (combined net receipts tax);

9.8 (12) unpaid cost of games, plus sales tax;

9.9 (13) loans from all sources;

9.10 (14) other liabilities specifically identified; and

9.11 (15) fund balance (profit carryover).

9.12 B. The statement of revenue and expense must include revenues and expenses
9.13 from the gambling operations and include, at a minimum:

9.14 (1) gross receipts detailed by game type, such as nonlinked bingo, linked
9.15 bingo, paper pull-tabs, electronic pull-tabs, tipboards, ~~paddlewheels~~ paddletickets, and
9.16 raffles, and sports-themed tipboards, including ideal or actual gross receipts from games
9.17 found to be missing or unreported, respectively;

9.18 (2) actual prizes paid out detailed by game type including ideal or actual
9.19 prizes from games found to be missing or unreported, respectively;

9.20 (3) interest income;

9.21 (4) gross profit;

9.22 (5) allowable expenses;

10.1 (6) lawful purpose expenditures detailed by tax imposed under Minnesota
10.2 Statutes, section 297E.02, subdivision 1, combined net receipts tax, unrelated business
10.3 income tax, federal form 730 and form 11C tax, federal and state income taxes, real estate
10.4 taxes, restricted use donations from tax savings, and donations; and

10.5 ~~(7) amount of unsold ticket refund from form G-7430 when filed and recorded~~
10.6 ~~on Schedule C/D; (this is a negative expense); and~~

10.7 ~~(8)~~ (7) board-approved expenditures.

10.8 C. The statement of changes in fund balance must include, at a minimum:

10.9 (1) beginning fund balance (profit carryover);

10.10 (2) profit or loss for the year;

10.11 (3) ending fund balance (profit carryover); and

10.12 (4) other adjustments.

10.13 D. The annual audit must include notes to the financial statements. The notes to
10.14 the financial statements must include, at a minimum:

10.15 (1) nature of organization;

10.16 (2) basis of presentation of the financial statements;

10.17 (3) related party activity;

10.18 (4) restrictions on assets;

10.19 (5) subsequent events;

10.20 (6) uncertainties;

10.21 (7) commitments such as mortgages, rent, donations, or all taxes not paid or
10.22 not filed, if material;

- 11.1 (8) contingent liabilities;
- 11.2 (9) board-approved expenditures;
- 11.3 (10) games tested and results: of the games tested, state:
- 11.4 (a) if the games tested included games with unsold tickets;
- 11.5 (b) if games were tested from all active sites;
- 11.6 (c) the types of games tested, such as paper pull tabs and tipboards; and
- 11.7 (d) the manufacturer ID, part number, and serial number of any games
- 11.8 that could not be located; and
- 11.9 (11) a list of all forms of gambling conducted by the organization which must
- 11.10 be confirmed by the chief executive officer.

11.11 Subp. 4. **Supplemental ~~schedules~~ schedule; reconciliations; physical inventory.**

11.12 A. The annual audit must include ~~the following supplemental schedules:~~

11.13 ~~A.~~ an allowable expense comparison schedule that compares the actual allowable

11.14 ~~expense amount to the statutory limit set for allowable expenses.~~ The schedule must include,

11.15 at a minimum;

11.16 (1) ~~gross profit for the year;~~

11.17 (2) ~~total allowable expense limit. Determined by multiplying the gross profit~~

11.18 ~~for the year by 55 percent. If bingo was conducted during the year, list the gross profit from~~

11.19 ~~bingo and multiply by 4.15 percent. The two amounts added together determine the total~~

11.20 ~~allowable expense limit;~~

11.21 (3) allowable expenses expended, detailed by type of expenditure as listed

11.22 on the ~~G-1 Monthly Lawful Gambling Activity Summary and Tax Return~~ Form LG100A,

12.1 which is the total amount of actual allowable expenses from the revenue and expense
 12.2 statement; ~~and,~~

12.3 ~~(4) expenses below or above the allowable limit, which is the amount by~~
 12.4 ~~which the allowable expenses expended is below or above the statutory total allowable~~
 12.5 ~~expense limit.~~

12.6 B. The annual audit must include a reconciliation of the gambling operations bank
 12.7 accounts to the reported profit carryover. The reconciliation must include, at a minimum:

12.8 (1) a comparison of the audited fund balance (profit carryover) made to a
 12.9 confirmed ~~Department of Revenue~~ Gambling Control Board fund balance (profit carryover)
 12.10 as of the fiscal year end;

12.11 (2) any difference between the adjusted gambling fund balance and the fund
 12.12 balance (profit carryover) is a variance; and

12.13 (3) any or all of the items that identify the variance if known.

12.14 C. The annual audit must include a reconciliation between the number of paper
 12.15 pull-tab, paddlewheel paddleticket, and tipboard games played to the number of paper
 12.16 pull-tab, paddlewheel paddleticket, and tipboard games reported on ~~schedule B, Report of~~
 12.17 ~~Non-bar Coded Games Played, Destroyed or Lost, or B-2, Report of Bar Coded Games~~
 12.18 ~~Played, Destroyed or Lost~~ Schedule B2, Lawful Gambling Report of Barcoded Games, for
 12.19 the fiscal year audited. The schedule must include, at a minimum:

12.20 (1) the cost and number of games in beginning inventory;

12.21 (2) the cost and number of games purchased during the year audited;

12.22 (3) the cost and number of games available during the year audited;

12.23 (4) the cost and number of games in ending inventory as of the last day of
 12.24 the organization's fiscal year end;

13.1 (5) the cost and number of games used which is determined by subtracting
13.2 the ending inventory from total games available;

13.3 (6) the number of games reported as ~~played, lost, or destroyed on schedule~~
13.4 ~~B, Report of Non-bar Coded Games Played, Destroyed or Lost, or B-2, Report of Bar Coded~~
13.5 ~~Games Played, Destroyed or Lost~~ on Schedule B2, Lawful Gambling Report of Barcoded
13.6 Games; and

13.7 (7) ~~calculate~~ a calculation of the difference between the games determined
13.8 as played and games reported as ~~played, lost, or destroyed on schedule B, Report of Non-bar~~
13.9 ~~Coded Games Played, Destroyed or Lost, or B-2, Report of Bar Coded Games Played,~~
13.10 ~~Destroyed or Lost~~ on Schedule B2, Lawful Gambling Report of Barcoded Games.

13.11 D. A physical inventory observation and cash count of all sites and locations must
13.12 be taken as part of the annual audit process, regardless of when the audit engagement was
13.13 scheduled. A physical inventory must be taken within 30 days of the balance sheet date or
13.14 engagement date, whichever is later, unless prior written approval of an alternate date is
13.15 obtained from the Department of Revenue. A list of the games in inventory by manufacturer
13.16 ID, part number, and serial number must be submitted to the Department of Revenue within
13.17 30 days of the date the physical inventory was taken. The physical inventory and cash count
13.18 must be performed by:

13.19 (1) the CPA engaged to conduct the annual audit; or

13.20 (2) two members, officers, or employees of the organization, appointed by
13.21 the organization's board, who are not involved in the gambling activity of the organization.
13.22 These members, officers, or employees must certify to the CPA the correctness of their
13.23 physical inventory and cash count.

13.24 ~~If the organization deposits all of its cash on hand including cash banks in the~~
13.25 ~~organization's gambling account and has fewer than ten games in its inventory at the fiscal~~

14.1 ~~year end, it does not have to comply with the physical inventory and cash count requirements~~
 14.2 ~~of this subpart.~~

14.3 Subp. 5. **Sampling and testing; closed games.** Closed games and occasions must be
 14.4 tested independently by the CPA based upon criteria set by the CPA within professional
 14.5 standards. The sampling and testing of tipboard, paper pull-tab, paddleticket, nonlinked
 14.6 bingo, and raffle closed games must meet the following requirements:

14.7 A. When a minimum sample size is required, the random or systematic method
 14.8 of sampling will be used. When a minimum sample is expanded, the expanded portion of
 14.9 the sample may use random, systematic, or haphazard methods. When a minimum sample
 14.10 is not required, the sample method may be random, systematic, or haphazard. The following
 14.11 chart of gross receipts will be used to determine the minimum size of a sample for closed
 14.12 pull-tab and tipboard games.

Gross Receipts		Minimum Sample Size	
14.13			
14.14	\$0 to \$999,999		10 games
14.15	\$1,000,000 to \$2,499,999		20 games
14.16	\$2,500,000 to \$4,999,999		30 games
14.17	over \$5,000,000		40 games

14.18 There is no minimum sample size requirement for testing paddletickets, nonlinked
 14.19 bingo, and raffles. Closed games and occasions will be sampled independently by the CPA
 14.20 using judgment based on professional standards.

14.21 B. Closed tipboard and paper pull-tab games selected in the sample will be tested
 14.22 for the following minimum criteria, and any differences or deficiencies must be noted in
 14.23 the results of the games tested:

14.24 (1) each game specified in the sample was available from closed-deal storage;

15.1 (2) the following items as reported on ~~schedule B, Report of Non-bar Coded~~
15.2 ~~Games Played, Destroyed or Lost, or B-2, Report of Bar Coded Games Played, Destroyed~~
15.3 ~~or Lost~~ Schedule B2, Lawful Gambling Report of Barcoded Games, must be compared
15.4 against test results for the same items, and differences shown:

- 15.5 (a) ideal gross receipts;
- 15.6 (b) ideal prizes;
- 15.7 (c) total value of unsold tickets;
- 15.8 (d) gross receipts;
- 15.9 (e) total value of prizes paid;
- 15.10 (f) net receipts;
- 15.11 (g) cash in hand;
- 15.12 (h) cash long or short; and
- 15.13 (i) date removed from play;

15.14 (3) each deposit ticket meets the gambling receipt deposit requirements in
15.15 Minnesota Statutes, section 349.19, subdivision 2;

15.16 (4) each deposit was recorded at the bank within four business days after the
15.17 game was completed;

15.18 (5) each prize receipt form was:

15.19 ~~(a)~~ properly completed for prizes awarded of ~~\$50~~ \$100 or more and for
15.20 last sale prizes of \$20 or more; ~~and~~

15.21 (6) ~~(b)~~ the dates on the prize receipts fall within the date the game is put into
15.22 play and the date the game is removed from play, as listed on the Schedule ~~B-2~~ B2 for that
15.23 game, with the exception of sports-themed tipboards whose prize receipts can be completed

16.1 seven days after the last frame of the professional sporting event or when all prizes are
16.2 claimed, whichever occurs first;

16.3 ~~(6)~~ (7) each redeemed prize winning ticket was adequately defaced;

16.4 ~~(7)~~ (8) each game flare is easily available from storage; and

16.5 ~~(8)~~ (9) the serial number on the flare must be compared to the serial number
16.6 on the tickets.

16.7 C. The results of closed game sampling and testing must be provided to the
16.8 organization upon a request from the organization.

16.9 Subp. 6. **Report on internal control structure and other matters.**

16.10 A. A report about internal control structure reportable conditions observed, or
16.11 evidenced by testing, during the course of an audit, that could affect the organization's ability
16.12 to record, process, summarize, and report financial data must be submitted. The report shall
16.13 elevate a condition to that of a material weakness when the magnitude of the condition is
16.14 considered material in relation to the financial statements being audited. ~~This report must~~
16.15 ~~follow and the department adopts and incorporates by reference the most recent edition of~~
16.16 ~~the internal audit standards as provided by audit section 325.11 of the American Institute~~
16.17 ~~of Public Accountants—"The Standards of Field Work—Communication of Internal Control~~
16.18 ~~Structure Related Matters Noted in an Audit," published June 1, 1994. This incorporation~~
16.19 ~~is not subject to frequent change and is available to the public through the Minitex interlibrary~~
16.20 ~~loan system.~~ This report must include all the elements required by, and the department
16.21 adopts and incorporates by reference, AU-C section 265, *Communicating Internal Control*
16.22 *Related Matters Identified in an Audit* (AICPA, *Professional Standards*, section 265, 2020).
16.23 If no reportable conditions or material weaknesses are detected, a report must be submitted
16.24 stating that no material weaknesses were detected. This report is required under subpart 1.

- 17.1 A list of the types of gambling audit reportable condition or material weakness to
17.2 include in this report follows in subitems (1) to (12). This list is illustrative, and not
17.3 all-inclusive:
- 17.4 (1) absence of appropriate segregation of duties including a detailed
17.5 explanation;
- 17.6 (2) inadequate provision for safeguarding of inventory, cash, or other assets;
- 17.7 (3) excessive cash shortages or overages;
- 17.8 (4) material delinquent taxes due to state or federal taxing authorities;
- 17.9 (5) lack of required accounting records maintained;
- 17.10 (6) lack of or inaccurate preparation of bank reconciliations or gambling fund
17.11 reconciliations;
- 17.12 (7) material differences between games played and games reported as played;
- 17.13 (8) nonuse or inaccurate use of perpetual or physical inventories for all forms
17.14 of gambling engaged in;
- 17.15 (9) lack of specific required identification for tracking and accountability of
17.16 deposit tickets;
- 17.17 (10) material underreporting or overreporting of allowable expenses, lawful
17.18 purpose expenditures, or board-approved expenditures;
- 17.19 (11) failure to properly account for and report fund losses, form ~~LG-250~~
17.20 LG250, Fund Loss Report Request for Profit Carryover Adjustment; and
- 17.21 (12) inattention to and lack of correction to prior year reportable conditions
17.22 and material weaknesses.

18.1 B. A regulatory checklist questionnaire must be included with the report from
18.2 item A, on a form prescribed by the commissioner. Responses to questions on this checklist
18.3 must be based on findings and information collected during the course of the audit.

18.4 Subp. 7. **Organization's response to report on internal control structure.** The
18.5 licensed organization shall file with the Department of Revenue a response to the reportable
18.6 conditions item by item, including any remedial action taken or proposed by the organization.
18.7 This response may be submitted with the annual audit ~~or review~~ or be filed separately within
18.8 60 days after the due date of the annual audit ~~or review~~. The response must include the
18.9 following items:

18.10 A. Any profit carryover variance as shown on the reconciliation of profit carryover
18.11 supplemental schedule must be identified. All identified variances which require amendments
18.12 to tax returns must be amended and submitted to the Department of Revenue along with
18.13 supporting documentation. The auditor must, upon agreement with the organization, assist
18.14 in preparing an amended return or returns for the organization. The response must indicate
18.15 if such amendments have been submitted to the Department of Revenue.

18.16 Variances which require adjustments instead of amendments should be adjusted by
18.17 sending a letter to the Department of Revenue requesting an adjustment along with supporting
18.18 documentation. Requests for an approved adjustment cannot be substituted for filing amended
18.19 tax returns that correct the condition that resulted in the variance. If the variance is identified,
18.20 an amended tax return or returns must be filed.

18.21 Unidentified variances must be investigated by the organization and identified. If after
18.22 investigation an organization is unable to resolve the variance, the organization shall contact
18.23 the Department of Revenue. The Department of Revenue will then assist the organization
18.24 in resolving the variance. Final resolution will be based upon an organization's individual
18.25 situation and can include: amended tax returns, an approved adjustment, required
18.26 reimbursement from nongambling sources, or a combination of all three.

19.1 B. If the comparison of games played to games reported on ~~schedule B, Report~~
19.2 ~~of Non-bar Coded Games Played, Destroyed or Lost, or B-2, Report of Bar Coded Games~~
19.3 ~~Played, Destroyed or Lost~~ Schedule B2, Lawful Gambling Report of Barcoded Games,
19.4 shows a difference, the organization must respond to the reportable conditions item by
19.5 identifying and stating if the game difference was due to the games being:

- 19.6 (1) missing or lost;
- 19.7 (2) destroyed, with state approval;
- 19.8 (3) played and unreported; or
- 19.9 (4) reported in following month.

19.10 C. Specific items as noted on the internal control structure report must be responded
19.11 to.

19.12 If no response is received from the organization, the organization must submit to the
19.13 Department of Revenue a copy of the audit management letter upon request.

19.14 Subp. 8. **Other.** The front page of the annual audit report must contain the following
19.15 items:

- 19.16 A. the organization's legal name and licensed name, if different;
- 19.17 B. the organization's license number;
- 19.18 C. the Minnesota ID number; and
- 19.19 D. the federal ID number.

19.20 **8122.0650 FAILURE TO FILE OR FAILURE TO MEET REQUIREMENTS.**

19.21 Subpart 1. **Failure to file.** If an organization fails to file the required annual audit or
19.22 review, the Department of Revenue will request the delinquent items. If the organization
19.23 fails to respond to the request and correct the delinquency, the Gambling Control Board

20.1 will be informed and a suspension of the organization's gambling activity will be requested.
20.2 An organization may also be ineligible for relicensing until the delinquent reports are
20.3 submitted. The Gambling Control Board may also issue fines for noncompliance with the
20.4 annual audit ~~and review~~ requirements. See Minnesota Statutes, sections 349.151, subdivision
20.5 4, paragraph (a), clause (9), and 349.155, subdivision 4.

20.6 Subp. 2. **Failure to meet requirements.** If the audit ~~or review~~ fails to comply with
20.7 all or part of the audit ~~or review~~ requirements, the audit ~~or review~~ will be deemed deficient
20.8 and not satisfying the annual audit ~~or review~~ requirements. If an organization fails to file
20.9 the required annual audit ~~or review~~ or fails to comply with any part of the requirements for
20.10 the annual audit ~~or review~~, the Department of Revenue will request the delinquent items.
20.11 If the organization fails to respond to the request and correct the delinquency, the Gambling
20.12 Control Board will be informed and a suspension of the organization's gambling activity
20.13 will be requested. An organization may also be ineligible for relicensing until the delinquent
20.14 reports are submitted. The Gambling Control Board may also issue fines for noncompliance
20.15 with the annual audit ~~and review~~ requirements. See Minnesota Statutes, sections 349.151,
20.16 subdivision 4, paragraph (a), clause (9), and 349.155, subdivision 4.

20.17 **REPEALER.** Minnesota Rules, part 8122.0150, subpart 11, is repealed.