§ 191. Investigation; matters to be determined; issuance of license; fees; duration of license. 1. The clerk or department shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application.

(a) Issuance of licenses to conduct games of chance. If such clerk or department determines:

(i) that the applicant is duly qualified to be licensed to conduct games of chance under this article;

(ii) that the member or members of the applicant designated in the application to manage games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law;

(iii) that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the gaming commission and applicable local laws or ordinances and that the proceeds thereof are to be disposed of as provided by this article; and

(iv) that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein except as in this article otherwise provided; then such clerk or department shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.

(b) Issuance of licenses to authorized games of chance lessors. If such clerk or department shall determine that the applicant seeking to lease premises for the conduct of games of chance to a games of chance licensee is duly qualified to be licensed under this article; that the applicant satisfies the requirements for an authorized organization as defined in section one hundred eighty-six of this article; that the applicant has filed its proposed rent for each license period and that the clerk or department has approved the proposed rent as fair and reasonable; that the net proceeds from any rental will be devoted to the lawful purposes of the applicant; that there is no diversion of the

funds of the proposed lessee from the lawful purposes as defined in this article; and that such leasing of premises for the conduct of such games is to be in accordance with the provisions of this article, with the rules and regulations of the board and applicable local laws and ordinances, it shall issue a license permitting the applicant to lease said premises for the conduct of such games to the games of chance licensee or licensees specified in the application during the period therein specified or such shorter period as such clerk or department shall determine, but not to exceed twelve license periods during a calendar year, upon payment of a license fee of fifty dollars. Nothing herein shall be construed to require the applicant to be licensed under this article to conduct games of chance.

(c) Issuance of license upon summary application. If, upon the basis of a summary application as prescribed under subdivision three of section one hundred ninety of this article, the clerk or department shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this article, said clerk or department shall forthwith issue said license. In the event the clerk or department has reason to believe that the applicant is not so qualified the applicant shall be directed to file an application pursuant to subdivision one of section one hundred ninety of this article.

2. On or before the thirtieth day of each month, the treasurer of the municipality in which the licensed property is located shall transmit to the state comptroller a sum equal to fifty percent of all authorized games of chance lessor license fees and the sum of fifteen dollars per license period for the conduct of games of chance collected by such clerk or department pursuant to this section during the preceding calendar month.

3. No license shall be issued under this section which shall be effective for a period of more than one year.