

SUMMONS
-CIVIL-

Court Case Number

CV. 2023. 900063

IN THE CIRCUIT COURT OF GREENE COUNTY, ALABAMA

(Circuit, District, or Juvenile)

(Name of County)

SHERIFF JOHNATHAN JOE BENISON

V. WHITE SANDS TECHNOLOGY, LLC., WINTER SKY, LCC.
ECLIPSE GAMING SYSTEMS, LLC, ET AL.

[Name(s) of Plaintiff(s)]

[Name(s) of Defendant(s)]

NOTICE TO: HED Group, Inc. - Rivers Edge Bingo, c/o Ken Hobbs, 29214 US 11, Knoxville, AL 35469

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), Troy King, WHOSE

[Name(s) of Attorney(s)]

ADDRESS(ES) IS/ARE: 38 Monroe Street, Montgomery, AL 36104

Address(es) of Plaintiff(s) or Attorney(s)

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

Service by certified mail of this Summons is initiated upon the written request below of Plaintiff pursuant to the Alabama Rules of Civil Procedure.

10/16/2023
(Date)

Veronica Morton-Jones
(Signature of Clerk)

By: [Signature]
(Name)

Certified Mail is hereby requested.

[Signature]
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Certified Mail

Return receipt of certified mail was received in this Office on _____ (Date)

Personal / Authorized

I certify that I personally delivered a copy of this Summons and the Complaint or other document to _____ in _____ County, Alabama on _____ (Date)

(First and Last Name of Person Served)

(Name of County)

(Date)

- Documents left:
- with above-named Defendant;
 - with an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;
 - at the above-named Defendant's dwelling house or place or usual place of abode with some person of suitable age and discretion then residing therein.

Return of Non-Service

I certify that service of process of this Summons and the Complaint or other document was refused by _____ in _____ County, Alabama on _____ who is:

(First and Last Name of Person Served)

(Name of County)

(Date)

- the above-named Defendant;
- an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure.

As a designated process server pursuant to Rule 4(i)(1)(B), Alabama Rules of Civil Procedure, I certify that I am at least 19 years of age, I am not a party to this proceeding, and I am not related within the third degree by blood or marriage to the party seeking service of process.

(Type of Process Server)

(Server's Signature)

(Physical Address of Designated Process Server)

(Official Title of Sheriff or Constable)

(Server's Printed Name)

(Telephone Number of Designated Process Server)

(Badge or Precinct Number of Sheriff or Constable)

IN THE CIRCUIT COURT OF GREENE COUNTY, ALABAMA

SHERIFF JONATHAN BENISON,)
The Sheriff of Greene County, Alabama,)
)
Plaintiff,)

v.) CIVIL ACTION NO.: _____)

WHITE SANDS TECHNOLOGY, LLC;)
WINTER SKY, LLC; ECLIPSE GAMING)
SYSTEMS, INC.; PEN-TECH, LLC,)
D/B/A ENCORE GAMING GROUP;)
EPIC TECH, LLC, D/B/A EPIC TECH)
SOFTWARE, LLC, AND/OR AURIFY)
GAMING; DREAM, INC., D/B/A)
FRONTIER BINGO; T. S. POLICE SUPPORT)
LEAGUE, INC., D/B/A PALACE BINGO;)
NEXT LEVEL LEADERS; TISHABEE)
COMMUNITY CENTER TUTORIAL)
PROGRAM; HED GROUP, INC.;)
RAYMOND AUSTIN FOUNDATION)
FOR RURAL ADVANCEMENT &)
DEVELOPMENT, INC., D/B/A BAMA)
BINGO; THE GREENE COUNTY)
HOSPITAL; THE GREENE COUNTY)
AMBULANCE SERVICE; THE TOWN)
OF FORKLAND, ALABAMA; and)
FICTITIOUS DEFENDANTS)
A, B, C, D, E, F, G, H, I, J, K, L, & M,)
those entities and/or individuals which/who)
have a legitimate business interest in)
the play of bingo in Greene County, Alabama,)
and that oppose the Sheriff's implementation)
of the new game called Bookend Bingo, which is)
referenced in this Complaint, and described)
in Exhibits 2 and 3 to this Complaint,)

Defendants.)

COMPLAINT FOR DECLARATORY JUDGMENT,
PRELIMINARY AND PERMANENT INJUNCTION

INTRODUCTION

This action is filed by the Sheriff of Greene County, Alabama, for the purpose of ensuring compliance under Alabama Constitutional Amendment 743 (“Amendment 743”) with the “Recompiled Rules and Regulations for the Operation of Bingo pursuant to Amendment 743 to the Constitution of Alabama of 1901, in Greene County, Alabama,” dated October 10, 2023, (“the Rules”). This action thereby simultaneously seeks to enforce the provisions of Amendment 743 itself, which was drafted and approved by the Legislature of the State of Alabama and that was subsequently overwhelmingly ratified by the people of Greene County, Alabama, all pursuant to §284.01 of the Alabama Constitution.

Pursuant to the constitutionally mandated duty imposed on him by Amendment 743, the Sheriff of Greene County, Alabama, has promulgated a set of enabling provisions contained in the Rules. The Rules have the force and effect of law and are binding on the Defendants herein pursuant to Amendment 743.

Bingo has historically been played using software and equipment that constitutes an “electronic marking machine” as expressly permitted by Amendment 743. The Rules and the bingo played in Greene County have been challenged by the Attorney General in a brazen attempt to usurp the Sheriff’s plenary regulatory authority. Every such attempt has ignored the insertion of language expressly permitting bingo to be played in Greene County pursuant to Amendment 743 utilizing “electronic marking machines.”

The Sheriff of Greene County has issued new rules which, for the first time, expressly define what constitutes an “electronic marking machine” as that term is used in Amendment 743. The resulting new form of bingo, which was expressly designed to comply with Amendment 743 is the only legal form of bingo in Greene County.

This new form of bingo is called "Bookend Bingo." It is so named because every bingo session will henceforth be required to commence and end with the play of a bingo game that includes the characteristics imposed by the Alabama Supreme Court while utilizing an electronic marking machine.

The Defendants named in Paragraphs 2 and 3 of this Complaint are presently providing bingo games and/or allowing the play of bingo games in Greene County, Alabama, that are noncompliant with the Rules and, therefore, illegal. Said Defendants refuse to immediately stop doing so which prevents the full implementation of the Rules and Bookend Bingo. This declaratory judgment action seeks a judgment that:

1. Bookend Bingo and its use of electronic marking machines to facilitate the play of bingo complies with Amendment 743 and section 65 of the Alabama Constitution;
and
2. That any Defendant(s) that fails to comply with the Rules is violating Amendment 743 and section 65 of the Alabama Constitution

The Plaintiff seeks additional relief in the form of an injunction pursuant to Rule 65 A.R.C.P. requiring the Defendants, the bingo game providers, and charitable licensees in Greene County, to immediately stop providing and allowing play of said illegal bingo games in Greene County and to either remove said games from Greene County or to refit and/or reprogram the bingo machines so Bookend Bingo may be implemented and is the sole form of nonpaper bingo being played in Greene County.

PARTIES

1. The Plaintiff, Sheriff Jonathan Benison, is the duly elected Sheriff of Greene County, Alabama.

2. The game provider or vendor Defendants are:
 - a. Defendant White Sands Technology, LLC (“White Sands”) is a company operating in Greene County, Alabama, that provides bingo games to bingo licensees in Greene County, Alabama, which are not in compliance with the Rules.
 - b. Defendant Winter Sky, LLC (“Winter Sky”) is a company operating in Greene County, Alabama, that provides bingo games to bingo licensees in Greene County, Alabama, which are not in compliance with the Rules.
 - c. Defendant Eclipse Gaming Systems, Inc. (“Eclipse”) is a company operating in Greene County, Alabama, that provides bingo games to bingo licensees in Greene County, Alabama, which are not in compliance with the Rules.
 - d. Defendant Pen-Tech, LLC, d/b/a Encore Gaming Group (“Pen-Tech”) is a company operating in Greene County, Alabama, that provides bingo games to bingo licensees in Greene County, Alabama, which are not in compliance with the Rules.
 - e. Defendant Epic Tech, LLC, d/b/a Epic Tech Software, LLC, and/or Aurify Gaming (“Epic Tech”) is a company operating in Greene County, Alabama, that provides bingo games to bingo licensees in Greene County, Alabama, which are not in compliance with the Rules.
3. The bingo licensee Defendants are:
 - a. Defendant DREAM, Inc., d/b/a Frontier Bingo (“DREAM”) is an Alabama nonprofit corporation with its principal place of business in Bessemer, Alabama. DREAM is a Greene County bingo licensee operating games that do not comply with the Rules in Greene County, Alabama.

- b. Defendant T.S. Police Support League, Inc., doing business as Palace Bingo (“TSPSL”) is an Alabama nonprofit corporation and a bingo licensee. TSPSL is operating bingo games that do not comply with the Rules in Greene County, Alabama.
 - c. Defendant Next Level Leaders (“Next Level Leaders”) is an Alabama nonprofit corporation and a Greene County bingo licensee doing business as River’s Edge Bingo. Next Level Leaders is operating bingo games that do not comply with the Rules in Greene County, Alabama.
 - d. Defendant Tishabee Community Center Tutorial Program (“Tishabee”) is an Alabama nonprofit corporation and a Greene County bingo licensee doing business as River’s Edge Bingo. Tishabee is operating bingo games that do not comply with the Rules in Greene County, Alabama.
 - e. Defendant HED Group, Inc. (“HED”) is an Alabama nonprofit corporation and a Greene County bingo licensee operating doing business as River’s Edge Bingo. HED is operating bingo games that do not comply with the Rules in Greene County, Alabama.
 - f. Defendant Raymond Austin Foundation for Rural Advancement & Development, Inc., doing business as Bama Bingo (“RAD”) is an Alabama nonprofit corporation and a Greene County bingo licensee. RAD is operating bingo games that do not comply with the Rules in Greene County, Alabama.
4. The §6-6-227 Code of Alabama Defendants are:
- a. Defendant Greene County Hospital (“GCH”) is a nonprofit entity in Greene County, Alabama, and is a recipient of charitable funds from the play of bingo. GCH will be affected by any determination in this case.

- b. Defendant Greene County Ambulance Service (“GCAS”) is a nonprofit entity in Greene County, Alabama, and is a recipient of charitable funds from the play of bingo. GCAS will be affected by any determination in this case.
 - c. Defendant Town of Forkland, Alabama (“Forkland”) is a nonprofit entity in Greene County, Alabama, and is a recipient of charitable funds from the play of bingo. Forkland will be affected by any determination in this case.
5. Fictitious Defendants A, B, C, D, E, F, G, H, I, J, K, L, & M are those entities and/or individuals which/who have a legitimate business interest in the play of bingo in Greene County, Alabama, and that oppose the Sheriff’s implementation of the new game called Bookend Bingo, which is referenced in this Complaint and described in Exhibits 2 and 3 to this Complaint.

FACTS AND ALLEGATIONS

6. The Plaintiff, Jonathan Benison, is the duly elected sheriff of Greene County, Alabama and has standing to bring this action based upon the following:
- a. Alabama Constitutional Amendment 743 (Amendment 743), a copy of which is attached hereto as Exhibit 1, both requires and authorizes the Sheriff of Greene County to promulgate rules and regulations for the licensing, permitting, and operation of bingo games in Greene County and to regulate bingo in Greene County, Alabama (See Exhibit 1 hereto, Amendment 743) in accordance with said rules and regulations.
 - b. Amendment 743 both requires and authorizes the Sheriff of Greene County, Alabama, to ensure compliance with the Rules and the provisions of Amendment 743. Sheriff Benison has promulgated and issued the Greene County Bingo Rules and Regulations, including Exhibit 3 to this Complaint entitled Recompiled Rules

and Regulations for the Operation of Bingo Pursuant to Amendment 743 to the Constitution of Alabama of 1901 which were placed into effect on October 10, 2023, and which have been served upon the Defendants in this case. These Rules specify the only legal and proper way that bingo may now be played in Greene County, Alabama.¹

- c. The Rules create and mandate the implementation of “Bookend Bingo” in Greene County, Alabama, which can only be played using an electronic marking machine. Bingo that meets the minimum requirements set forth by the Alabama Supreme Court are present in Bookend Bingo which requires that every session of Bookend Bingo be “bookended” or commenced and ended with the play of bingo utilizing an electronic marking machine consistent with the provisions of Amendment 743. The bingo games presently and in the future provided by the Paragraph 2 Defendants and operated and played in Greene County by the Paragraph 3 Defendants must comply with the provisions of Amendment 743 and the Rules. The Rules require the following:

“All electronic marking machines within any Bingo Facility in Greene County shall be fully integrated with the Bookend Bingo software within forty-five (45) days of October 10, 2023. Any non-compliant machine(s) in a Bingo Facility after November 24, 2023, shall be disabled and removed from the Bingo Facility. Any Bingo Facility that fails to comply with this section shall cease operations on November 24, 2023, and not resume operations until all software within the Bingo Facility has become fully compliant with this section.”

- d. However, upon information and belief, the Paragraph 2 and 3 Defendants oppose the incorporation of Bookend Bingo into the Rules and refuse to comply with them.

¹ No representation, allegation, admission, or concession is made in this Complaint that, prior to the implementation of the current Rules, the activities of the Paragraph 2 Defendants were a violation of the then-existing Rules or Amendment 743.

Also, the Paragraph 3 Defendants, which are the nonprofit Greene County bingo licensees responsible under the Rules for operating bingo in compliance with Amendment 743 and the Rules refuse to operate only paper bingo and Bookend Bingo games.

For these reasons, Defendants should be enjoined from violating Amendment 743 and the Rules.

There is a clear justiciable case and controversy between the Defendants and the Sheriff and there is an urgent need for a Preliminary Injunction to require the Defendants to stop providing and operating non-compliant and illegal games in Greene County, Alabama, to immediately disable and/or remove and/or reprogram and /or refit games at locations in Greene County with Bookend Bingo, and to otherwise comply with the Rules.

Time is of the essence. The urgent and immediate need for this preliminary and permanent injunction arises because of the historically-demonstrated and current intransigence of some Defendants to comply with and support the essential purposes of the play of bingo in Greene County, Alabama, their previously-demonstrated refusal to comply with the Sheriff's other reasonable regulatory demands and their current non-compliance with the Rules . For example, White Sands and Winter Sky have defied the Sheriff's requests and directions for them to provide to all licensees equal access to its library of bingo games while the Palace has continued to advertise and offer "jackpots" that exceed Amendment 743's \$10,000.00 per session cap on prizes. This defiant intransigence foreshadows further insubordination. Any intransigence in compliance risks further litigation (and provides support for the ongoing litigation) by the Attorney General in which he seeks to nullify the operation of legitimate charitable operations.

It should be noted that bingo in Greene County, Alabama, is much less a competitive business endeavor than it is a charitable endeavor for the purpose of helping and benefiting the citizens who live there. Greene County is one of the poorest counties in the State of Alabama. A high percentage of residents there live below the poverty line and struggle to meet their daily needs, including the needs for nutritious food and both emergency and non-emergent healthcare. As reported in U. S. Census records from 2010, approximately 35.5% of Greene County families lived below the poverty line. By 2021, that percentage had decreased to 30.6%, arguably because of Constitutional Amendment 743 and Sheriff Benison's insistence that the charitable purpose of Amendment 743 be fulfilled.

Since Sheriff Jonathan Benison came to office, the plight of the citizens of Greene County, particularly those citizens who need and are served by the charitable institutions in the county, has been improved through his efforts to redirect revenues generated from the play of bingo in Greene County to the delivery of essential services in keeping with the provisions and the purposes of Amendment 743. It was his direction of these funds to the Greene County Hospital that prevented its closure at a time that other rural hospitals throughout the Black Belt were shuttering. Likewise, it is only the availability of these funds that subsidizes the operation of the ambulance service in Greene County. Without the continuous flow of funds from bingo games to charitable institutions and governmental entities of Greene County, the plight of Greene County citizens would worsen.

The improvement of the oppressive effects of poverty in Greene County is the primary and essential purpose of Amendment 743. Not only does Amendment 743 permit the play of bingo only for the purpose of bettering the lives of the poor people of Greene County through the involvement of nonprofit and charitable entities, though, but it also establishes a legal and moral imperative for everyone dealing with the play of bingo in Greene County, including the Paragraph

2 and Paragraph 3 Defendants. Without a preliminary and permanent injunction, as requested in this Complaint, the Defendants will continue to ignore their legal obligations and defeat the benevolent purposes of Amendment 743.

Additionally, on October 4, 2017, the Attorney General of Alabama filed a civil action entitled *State v. Pen-Tech Associates, Inc., et al.*, CV-2017-9000064, in the Circuit Court of Greene County, Alabama (the Pen-Tech case). The Pen-Tech case seeks a judgment that the bingo games being played in Greene County, prior to the implementation of these Rules and on the date of the filing of this Bookend Bingo suit, are a nuisance and should be permanently enjoined. The Pen-Tech case has now been pending for six years. The Honorable Judge Arthur Hanes is now presiding over the Pen-Tech case and has been tasked with bringing the case to a conclusion. A trial of Pen-Tech will soon be set by Judge Hanes at a date in the not-too-distant future; and, based upon information and belief, there is a high probability that, absent the immediate implementation of Bookend Bingo using electronic marking machines as dictated by the Rules, that the old form of bingo will be declared illegal and enjoined. Such a result will strip Sheriff Benison of his constitutional regulatory duties and devastate access to and the delivery of critical services in Greene County, the public purpose for which Amendment 743 was drafted, enacted, and ratified. The very real threat of such an injunction in Pen-Tech further buttresses Sheriff Benison's averment of urgency and the perils of the immediate harm to Sheriff Benison and the people of Greene County that will occur unless this Bookend Bingo Complaint for declaratory judgment and injunction is granted.

Bookend Bingo has been carefully crafted to unquestionably comply with the Constitution, to define "electronic marking machines" and mandate their usage, to ensure every player plays

bingo not once but twice, and to resolve the long, protracted, expensive litigation that has sapped vital resources of the State and County.

Upon information and belief, the bingo games currently being played in Greene County were not created and crafted in the same way or with the same purpose in mind. Bookend Bingo, therefore, affords Greene County, Alabama, its charitable and governmental institutions and its citizens an opportunity to benefit into the future from the proceeds that will be generated from its play. Bookend Bingo also offers the Defendants the opportunity to offer uncontestably legally-complaint bingo games in Greene County.

Further, from a regulatory perspective, Bookend Bingo enables Sheriff Benison to fulfill his regulatory function and its primary purpose: the regulation of bingo to provide charitable funds to needy people in Greene County.

Bookend Bingo will continue to help the people of Greene County continue climbing out of poverty. Its proceeds will save the lives of children in need of emergency medical care, make well and/or save the lives of people injured in car wrecks or made sick by COVID or other diseases, and provide otherwise unavailable proceeds to support hospital, ambulance, and other essential services from governmental entities like the Town of Forkland.

Time is of the essence. Bingo licensees in Greene County must stop offering for play any form of bingo not provided for in the Rules and immediately implement Bookend Bingo. This will take time during which financial resources from the play of bingo to the identified charitable and governmental nonprofit entities may be diminished or cease altogether. This hiatus in the flow of charitable resources will be highly detrimental so this preliminary injunction is essential and needed urgently to avoid an unduly long period where charitable resources are disrupted.

A preliminary injunction is proper in this matter based upon the elements for a preliminary injunction found in *Perley v. Tap Scan, Inc.*, 646 So.2d 585 (Ala. 1994), which are:

1. Without the injunction, the Sheriff of Greene County and Greene County itself will suffer irreparable harm and injury.
2. The Sheriff has no adequate remedy at law.
3. The Sheriff has at least a reasonable chance of success on the merits.
4. The hardship imposed on the Defendants by the injunction would not unreasonably outweigh the benefit accruing to the Sheriff and the people of Greene County.

Irreparable Harm: Without a preliminary injunction, there will be irreparable harm to the Constitution and the citizens of Greene County. The Sheriff of Greene County is charged with the plenary duty and responsibility of regulating the play of bingo in Greene County, Alabama. He has engaged in the process of developing Bookend Bingo, that scrupulously complies with Amendment 743 and the law of the State of Alabama. The fact that other forms of bingo are being played within Greene County, Alabama, now that the Rules have been issued, is an affront to the authority of Sheriff Benison, is a violation of the law and Amendment 743 and should not be allowed to continue. Further, the refusal of bingo facilities and vendors in Greene County, Alabama, to stop playing forms of bingo other than Bookend Bingo and remove said bingo machines or reprogram and/or refit the machines with Bookend Bingo immediately, jeopardizes the continued revenue now available for the provision of essential services. **This constitutes irreparable harm.**

Reasonable Chance of Success: Sheriff Benison and the people of Greene County have a reasonable chance of success on the merits. Sheriff Benison has plenary authority and duty, pursuant to Amendment 743 to promulgate the Rules and to ensure compliance with them. The

Defendants provision and operation of non-compliant games within Greene County, Alabama, is in violation of the law. Therefore, **Sheriff Benison has at least a reasonable chance of success on the merits.**

No Adequate Remedy at Law: Sheriff Benison has no other adequate remedy at law. A potential legal remedy for the defiance of said Defendants of the regulations referenced above and issued by Sheriff Jonathan Benison is the fact that Amendment 743 allows for misdemeanor arrests of individuals responsible for the play of bingo games other than the bingo games described in the Rules would do nothing to require the Defendants herein to comply with the Rules. Further, as previously demonstrated by the State of Alabama's seizure of bingo games, the cost of such seizure and storage of thousands of machines is a measure that the Sheriff of Greene County cannot implement because of the incredible cost involved and because of the manpower that it would take. The interruption of the revenue generated by the lawful play of bingo would decimate essential services and risk the lives and health and welfare of every resident of Greene County. Once such injuries occur, there is no way to undo the harm suffered by the closure of the hospital, for example.

The injury that will result from the denial of this petition is irreparable and necessarily shows that there is no adequate remedy at law.

Balance of the Equities: The balance of equities favors issuance of a preliminary injunction. A balancing of the equities in this matter demonstrates that any potential harm to the Defendants, which would be minor and temporary by virtue of them having to stop playing the games they are currently playing and incorporate new software into their software, will be relatively unobtrusive, require minimal software reprogramming, and is far outweighed by the benefits such changes will provide to the beneficiaries of Amendment 743 – the citizens of Greene County. **On balance, the**

equities demand that the petition be granted and Bookend Bingo be immediately implemented to preserve Amendment 743's legacy of quality of life improvements.

This case, therefore, is filed under the Alabama Declaratory Judgment Act, §6-6-220, et seq., Code of Alabama (1975), Rule 57 A.R.C.P., Amendment 743, the Rules, and Rule 65 A.R.C.P. seeking findings, a judgment and additional relief against the Defendants that:

1. the Sheriff of Greene County, as the regulatory and compliance authority of the State of Alabama related to the play of bingo in Greene County, Alabama, has the plenary authority to issue these Rules, and that the Rules, subject to the requirements of the Constitution of Alabama, control the play of bingo in Greene County, Alabama;
2. the Rules were promulgated within the authority vested in the Sheriff by the Amendment 743 and define and require the only legal method of playing bingo on an electronic marking machine in Greene County, Alabama, after October 10, 2023, is Bookend Bingo;
3. the Defendants are in violation of the Rules and Amendment 743²;
4. the Defendants must remove non-compliant bingo games from operation and play in Greene County, Alabama, or immediately reprogram and/or refit electronic marking machines that only play Bookend Bingo in the manner described in the Rules;
5. a preliminary and permanent injunction issue in due course against and prohibiting the named Defendants from violating the Rules, and requiring them to immediately refrain from the offering, playing, and/or providing illegal and non-compliant bingo

² The Defendants have received service and notice that they must immediately stop providing machinery and software that allows for the play of bingo in any manner other than Bookend Bingo.

- machines and/or software that may in any manner allow for the play of bingo in Greene County, Alabama, in any manner other than as defined by the Rules;
6. directs the Defendants to immediately remove all non-compliant machines and software from each location in Greene County on or by which anything other than Bookend Bingo can be played, or immediately reprogram and/or refit non-compliant machines to only play Bookend Bingo;
 7. the Court issue a preliminary injunction pursuant to Rule 65 A.R.C.P. requiring that the Paragraph 2 Defendants immediately stop providing bingo games that do not function in accordance with the Rules;
 8. the Court issue a preliminary injunction requiring the Paragraph 3 Defendants to offer for play in their licensed facilities only electronic marking machines that play Bookend Bingo games;
 9. the Court set, as soon as possible but within the time required by Rule 65 A.R.C.P., a preliminary injunction hearing on preliminary injunction where evidence and arguments shall be heard and where a preliminary injunction should issue from the Court prohibiting the provision and playing of bingo games in Greene County, Alabama, in any manner other than as set forth in the Rules; and
 10. the Defendants shall be permanently enjoined from providing machines and software and in offering for play any machine that allows for the play of bingo in Greene County, Alabama, in any manner other than on an electronic marking machine paying Bookend Bingo in compliance with the Rules.

Sheriff Benison seeks declaratory judgment and injunctive relief against the Paragraph 2 Defendants because the bingo games provided to licensees for play are not in compliance with the

Rules. The bingo games currently being provided to licensees are no longer legal to play in Greene County, Alabama. Only Bookend Bingo games played on electronic marking machines (as defined in the Rules) are lawful to play. Nevertheless, these Paragraph 2 Defendants continue to provide these illegal bingo games to licensed charities for play by the public in Greene County. A justiciable case and controversy, therefore, exists which is appropriate for declaratory relief and injunction against the Paragraph 2 Defendants prohibiting the provision of these illegal bingo games in any form other than as described in the Rules.

Sheriff Benison seeks declaratory judgment and injunctive relief against the following bingo licensees in Greene County:

- Defendant DREAM, Inc.
- Defendant T.S. Police Support League, Inc.
- Defendant Next Level Leaders
- Defendant Tishabee Community Center Tutorial Program
- Defendant HED Group, Inc.
- Defendant Raymond Austin Foundation for Rural Advancement & Development, Inc.

that continue to offer illegal bingo games for play in Greene County and must be enjoined from doing so.

This Court has jurisdiction to issue the requested declaratory judgment and the requested injunctive relief pursuant to §6-6-220, et seq., Rule 57 A.R.C.P., Rule 65 A.R.C.P., Amendment 743, the Rules, and other provisions of the Constitution and law of Alabama. Further, the Court has authority to generally advance this matter on its calendar pursuant to Rule 57 A.R.C.P. and to

specifically set a hearing on Sheriff Benison's petition for Preliminary Injunction consistent with the provisions of Rule 65 A.R.C.P.

Contentious and expensive litigation has transpired (and is ongoing) in Greene County, Alabama, for many years related to the play of bingo. However, Amendment 743 and the Rules, when viewed together, will put an end to this litigation once and for all. Sheriff Benison, his staff, consultants, and others at his direction have engaged in the process of promulgating the Rules for the purpose of creating a legally-compliant and unassailable bingo game that will stop contentious and expensive litigation, adhering to both the spirit and the letter of Amendment 743 and allowing for the application of greater amounts of funds to benefit, assist, and sustain citizens in poverty in Greene County.

The necessity for the expenditure of such fees and expenses over time has been caused by continuous litigation over the operation of bingo in Greene County, Alabama. However, a new game, as described in the Rules, has been developed: Bookend Bingo. A review of the Rules will demonstrate that Bookend Bingo fully complies with Amendment 743 and the Constitution and law of Alabama; whereas, the bingo game still being played even after the issuance of the Rules and that has been played for many years in Greene County, Alabama is under serious attack by the Attorney General as being illegal. The Pen-Tech case referenced in this Complaint has been pending for six (6) years and will be concluded within months unless the issues in that case are found to now be moot.

Amendment 743 defines bingo in the following manner:

“Bingo. That specific kind of game commonly known as bingo in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random.”

Further, Amendment 743 provides as follows:

“Bingo games for prizes or money may be operated by a nonprofit organization in Greene County. The Sheriff shall promulgate rules and regulations for the licensing, permitting, and operation of bingo games within the county. The Sheriff shall insure compliance with such rules or regulations”

Amendment 743 was ratified by the people of Greene County, Alabama, on November 4, 2003. Prior to ratification, Amendment 743 went through the constitutional process required by §284.01 *Alabama Constitution* for local constitutional amendments: both houses of the Legislature considered the language of Amendment 743 and deemed it to be local, and both houses voted unanimously to pass this amendment and to send the constitutional amendment to the people of Greene County in a referendum, and the state Local Constitutional Amendment Commission concurred and voted to allow it to be ratified on a ballot voted on by only the voters in Greene County. There were no dissenting votes in the legislature to the passage of Amendment 743. Legislative approval was, therefore, obtained in the Second Special Session of 2003 by unanimous vote of both houses of the Alabama Legislature. The Local Constitutional Amendment Commission concurred and, at a referendum of the people of Greene County, the amendment was overwhelmingly ratified and it became the constitutional law related to bingo in Greene County.³ On January 21, 2011, Sheriff Jonathan “Joe” Benison, after becoming the Sheriff of Greene County, developed and put into effect certain Greene County Bingo Rules and Regulations as he was required to do by Amendment 743 which then required, and which still requires, the following:

“The sheriff shall promulgate rules and regulations for the licensing, permitting, and operation of bingo games within the county. The sheriff shall insure compliance with such rules or regulations”

There were other specific requirements for the licensing, permitting, and operational requirement placed on the Sheriff by the terms of Amendment 743. He has faithfully done so.

³ Upon information and belief, Amendment 743 was ratified by the people of Greene County by a four-to-one majority.

Amendment 743, approved unanimously by both houses of the Legislature and overwhelmingly by the voters of Greene County requires the sheriff of Greene County. in this case, Sheriff Benison, to promulgate and enforce rules and regulations for the licensing, permitting, and operation of bingo games in Greene County. This is a constitutional mandate to a constitutional officer of the State of Alabama – the Sheriff of Greene County.⁴

Further, it is the unambiguous will of the Legislature of the State of Alabama and the people of Greene County, as expressed by their votes, that the Sheriff of Greene County ensure compliance with any rules and/or regulations promulgated. In every regard, the sheriff of Greene County was designated by the legislature and the citizens of Greene County as the sole regulatory authority for the licensing, permitting, and operation of bingo in Greene County. Sheriff Benison’s rules and enforcement of them has been overwhelming validated in his three successful (without a run-off) re-election bids.

Pursuant to Amendment 743 and the Rules, the Paragraph 2 Defendants cannot legally operate bingo games in Greene County because they are for-profit entities. However, they may provide electronic marking machines and software that play Bookend Bingo, and only Bookend Bingo, as it is described in the Rules.

Further, the licensees will be prohibited from offering the play of anything other than Bookend Bingo after October 10, 2023.

Time is, therefore, of the essence to the Sheriff of Greene County and to the recipients of the proceeds of the assessments imposed under the Rules. The speedy transition from the form of bingo games now being provided and played by the Defendants to Bookend Bingo is critical to the

⁴ While the Sheriff of Greene County is an Alabama constitutional officer, his authority over bingo in Greene County, Alabama, is local in nature. Because his regulation of bingo is local in nature, the Sheriff serves in this capacity as a “local governmental unit” pursuant to the law of Alabama.

welfare of the citizens of Greene County and the Sheriff and his ability to foster the essential goals of Amendment 743. Yet, the Defendants refuse to (a) stop providing and playing illegal games in Greene County and/or (b) to remove the illegal games from the licensee facilities and/or (c) reprogram and/or refit their equipment with Bookend Bingo so the licensee facilities may begin the process of offering for play bingo games that are compliant with the Rules.

WHEREFORE, the Sheriff of Greene County, Alabama, Sheriff Jonathan Benison, demands the following relief that:

1. the Court schedule a hearing on the Sheriff's request for a preliminary injunction against the Defendants. This is requested for early November 2023.
2. the Court enter a preliminary injunction requiring the Defendants to (a) immediately stop providing and playing illegal games of bingo in Greene County and to either (b) remove the illegal games from the licensee facilities or (c) reprogram and/or refit their hardware with Bookend Bingo so the licensee facilities may begin the process of offering for play bingo games that are compliant with the Rules;
3. the Court will order from the Defendants payment to the Office of the Sheriff of Greene County, Alabama, the Sheriff's legal fees and expenses in this action and any other costs, fees, and expenses incurred by the Sheriff's Office caused by the Defendants herein;
4. the Sheriff of Greene County, as the regulatory and compliance authority of the State of Alabama related to the play of bingo in Greene County, Alabama, be confirmed to have the authority to issue these Rules and that the Rules control the play of bingo in Greene County, Alabama;

5. the Rules define and require the only legal method of playing bingo on an electronic marking machine in Greene County, Alabama, after October 10, 2023, and that an electronic marking machine must be used to play Bookend Bingo;
6. the Defendants are in violation of the Rules and Amendment 743, the Defendants have received service and notice that they must immediately stop providing machinery and software that allows for the play of bingo as it is currently being played, and that the Defendants must remove non-compliant bingo games from operation and play in Greene County, Alabama, or immediately reprogram and/or refit any bingo machine authorized pursuant to a previous iteration of the Rules to play Bookend Bingo solely in the manner described in the Rules ;
7. a preliminary and permanent injunction issue in due course against and prohibiting the Defendants from violating the Rules , and requiring them to immediately refrain from the offering, playing, and/or providing illegal and non-compliant bingo machines and/or software that may in any manner allow for the play of bingo in Greene County, Alabama, in any manner other than as defined by the Rules, and that directs the Defendants to immediately remove all non-compliant machines and software from each location in Greene County on or by which anything other than Bookend Bingo can be played, or immediately reprogram and/or refit any non-compliant machines to play only Bookend Bingo utilizing an electronic marking machine;
8. the Court issue a preliminary injunction pursuant to Rule 65 A.R.C.P. requiring that the Paragraph 2 Defendants immediately stop providing bingo games that do not comply with the Rules and that the Court issue a preliminary injunction requiring the Paragraph

- 3 Defendants to only offer for play in their licensed facilities Bookend Bingo played on electronic marking machines;
9. the Court will set within the time required by Rule 65 A.R.C.P. a preliminary injunction hearing on preliminary injunction where evidence and arguments shall be heard and where a preliminary injunction will issue from the Court prohibiting the provision and playing of bingo games in Greene County, Alabama, in any manner other than as set forth in the Rules; and
 10. the Defendants, in due course, be permanently enjoined from providing machines and software or in offering for play any bingo games that allow for the play of bingo in Greene County, Alabama, in any manner other than in compliance with the Rules .

The Plaintiff further requests such other appropriate relief as may be warranted herein.

**THE PLAINTIFF RESPECTFULLY DEMANDS A STRUCK JURY
ON ALL ISSUE SO TRIABLE**

/s/ Troy King
Troy King (KIN047)
Attorney for Sheriff Benison
38 Monroe Street
Montgomery, AL 36104

/s/ H. E. Nix
H. E. Nix (NIX007)
Attorney for Sheriff Benison
P. O. Box 241892
Montgomery, AL 36124

To Be Served By The Circuit Clerk by Certified Mail:

White Sands Technology, LLC
c/o Corporate Creations Network, Inc.
4000 Eagle Point Corporate Drive
Birmingham, AL 35242

Winter Sky, LLC
c/o Corporate Creations Network, Inc.
2985 Gordy Parkway
First Floor
Marietta, GA 30006

Eclipse Gaming Systems, LLC
c/o Corporation Service Company, Inc.
641 South Lawrence Street
Montgomery, AL 36104

Pen-Tech, LLC
1640 Airport Road
Suite 105
Kennesaw, GA 30144

Epic Tech, LLC
c/o Corporate Creations Network, Inc.
4000 Eagle Point Corporate Drive
Birmingham, AL 35242

DREAM, Inc.
c/o Janice Henderson
437 Westhills Court
Bessemer, AL 35022

T.S. Police Support League, Inc.
c/o The Lawfirm of Malone and Nelson
2216 14th Street
Tuscaloosa, AL 35401

Next Level Leaders
c/o Corey Cockerell
523 Franchie Burton Court
Eutaw, AL 35462

Tishabee Community Volunteer Fire Dept.
Rivers Edge Bingo
c/o Allen Turner, Sr.
Route 1, Box 62
Boligee, AL 35443

HED Group, Inc.
Rivers Edge Bingo
c/o Ken Hobbs
29214 US-11
Knoxville, AL 35469

Raymond Austin Foundation for Rural Advancement & Development, Inc.
c/o Kianga Austin
836 West End Street
Eutaw, AL 35462

The Greene County Hospital
The Greene County Ambulance Service
c/o Greene County Health System
Dr. Marcia Pugh, Ph.D.
509 Wilson Ave.
Eutaw, AL 35462

The Town of Forkland, Alabama
c/o Mayor Charles McAlpine
13327 US Highway 43 North
Forkland, AL 36740

Code of Alabama
Constitution of Alabama of 2022 (Refs. & Amos)
Local Provisions. (Refs. & Amos)
Title 32. **Greene County.**
Chapter 7. Gaming.
Article 1. **Bingo.**

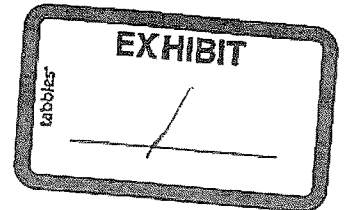
Ala.Const. § 32-7.00

Alternatively cited as AL CONST Amend No. 743

§ 32-7.00. Operation of **Bingo** by Nonprofits.

Effective: January 1, 2023

Continues



For purposes of this amendment, the following words have the following meanings:

1. **BINGO.** That specific kind of game commonly known as **bingo** in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random.
2. **EQUIPMENT.** The receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them or electronic card marking machines, and the board or signs, however operated, used to announce or display the numbers or designations as they are drawn.
3. **NONPROFIT ORGANIZATION.** A bona fide religious, educational, service, senior citizens', fraternal, or veterans' organization which operates without profit to its members and which either has been in existence continuously as such an organization for a period of three years or is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government. This term includes a volunteer fire department and a volunteer rescue squad.

Bingo games for prizes or money may be operated by a nonprofit organization in **Greene County**. The sheriff shall promulgate rules and regulations for the licensing, permitting, and operation of **bingo** games within the county. The sheriff shall insure compliance with such rules or regulations and all of the following:

- (1) No person under the age of 19 years shall be permitted to play any game or games of **bingo**, nor shall any person under the age of 19 years be permitted to conduct or assist in the operation of any game of **bingo**.
- (2) **Bingo** games shall be operated exclusively on the premises owned or leased by the nonprofit organization operating the **bingo** game. Such location shall be specified in the application of the nonprofit organization.
- (3) A nonprofit organization may not enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate **bingo** games or concessions on behalf of the nonprofit organization. A nonprofit organization

§ 32-7.00. Operation of Bingo by Nonprofits., AL CONST § 32-7.00

may not pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a **bingo** game.

(4) A nonprofit organization may not lend its name or allow its identity to be used by another person or entity in the operating, promoting, or advertising of a **bingo** game in which the nonprofit organization is not directly and solely operating the **bingo** game.

(5) All equipment shall be stamped or clearly marked in letters no less than one-half inch in height and one-fourth inch in width (except for the letter "I") with the name of the nonprofit organization using the equipment. A nonprofit organization or other person or entity may not use equipment marked with the name of another nonprofit organization.

(6) Prizes given by any nonprofit organization for the playing of **bingo** games shall not exceed ten thousand dollars (\$10,000) in cash or gifts of equivalent value during any **bingo** session.

(7) A nonprofit organization may not advertise **bingo** except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a nonprofit organization to advertise **bingo**, the nonprofit organization shall indicate in the advertisement the purposes for which the net proceeds will be used by the nonprofit organization.

(8) A nonprofit organization shall display its **bingo** license conspicuously at the location where the **bingo** game is conducted.

(9) The sheriff shall determine by regulation the days of operation during any calendar week and the hours of operation.

A violation of this amendment is a Class A misdemeanor as specified by general law.

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORY

This section was proposed by Act 2003-455, 2nd Sp. Sess., p. 1244, submitted November 4, 2003, and proclaimed ratified June 11, 2004 (Proclamation Register No. 10, p. 635), as Amendment 743.

LAW REVIEW ARTICLES

A look at the evolution of **bingo** and why **Alabama** should get in on the game. 44 *Cumb.L.Rev.* 79 (2010-2011).

Relevant Notes of Decisions (2)

View all 2

Notes of Decisions listed below contain your search terms.

Construction and application

§ 32-7.00. Operation of Bingo by Nonprofits., AL CONST § 32-7.00

Supreme Court's holding that taxpayer's status as a dog-racing licensee under the racing act did not categorically exempt its electronic-bingo operations from sales and consumer-use tax; giving taxpayer a free pass for taxes on its activities unrelated to dog racing would undermine general tax laws' purpose of raising revenue in an impartial and evenhanded manner, taxpayer's argument in favor of exemption was not the most reasonable reading of the tax exemption, not least because of the absurd results to which it led, and whenever a party acted on a dubious understanding of relevant law, it assumed the risk that a court would disagree with it and that it would have to face the consequences. *Alabama Department of Revenue v. Greentrack, Inc.*, 2022 WL 2387030 (Ala.2022).

Electronic gaming devices

Evidence did not support trial court's conclusion that games played on electronic devices satisfied elements of the game of "bingo" set forth by Supreme Court in *Barber v. Commerce & Community Council, Inc.*, 42 So.3d 65, and *Houston County Economic Development Authority v. State*, 169 So.3d 4, as required for games to be legal under this section authorizing nonprofit organizations to operate bingo games in **Greene County**; evidence indicated that players were not required to mark alphanumeric designations following their announcement by ball drop on electronic screen, announcements were made by machine and were not made one-by-one, players did not have to recognize any game-winning pattern or announce their win, and it was impossible for players to know against whom they was playing or to identify the winner of the game. *State v. 825 Electronic Gambling Devices*, 226 So.3d 66 (Ala.2017).

Ala. Const. § 32-7.00, AL CONST § 32-7.00

Current with amendments ratified through June 10, 2022. Some provisions may be more current; see credits for details.

End of Document

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PROCLAMATION OF AMENDMENTS TO THE RECOMPILED RULES AND REGULATIONS FOR THE OPERATION OF BINGO PURSUANT TO AMENDMENT 743 TO THE CONSTITUTION OF ALABAMA OF 1901

Dated this the 10th day of October, 2023

WHEREAS, for the past ten (10) years, the Attorney General of Alabama has waged a campaign against the conduct of bingo in Greene County, Alabama pursuant to Amendment 743 to the Alabama Constitution (“the Amendment”) and the Greene County Bingo Rules and Regulations (“the Rules”); and

WHEREAS, the Sheriff was given plenary regulatory powers by the Legislature by which these Rules are promulgated and which the Attorney General seeks to usurp; and

WHEREAS, while the Sheriff has consistently, conscientiously, and dutifully exercised his constitutionally-imposed and mandated duties to regulate bingo pursuant to rules promulgated by him, attacks against their validity continue. With these amendments, the Sheriff exercises his right to define “electronic marking machines” for the first time in state history and believes the issuance of these amended Rules eliminates the need for continued, protracted, expensive litigation; and

WHEREAS, should these efforts prevail, the will of the voters who ratified the Amendment and authorized the play of bingo using electronic marking machines will be overturned, the Constitution of Alabama will be amended by the Executive and Judicial branches of government, and the judgment of the Attorney General will be placed above that of the Legislature which approved the Amendment and the voters that ratified it; and

WHEREAS, the result of such action would be calamitous for the County as the economic benefit to the County that was conveyed by the Amendment’s passage and ratification and that is presently derived from those who visit Greene County to play bingo would cease and the critical needs and services that are presently supported by the assessments generated by the Amendment and the Rules would be crippled if not eliminated altogether.

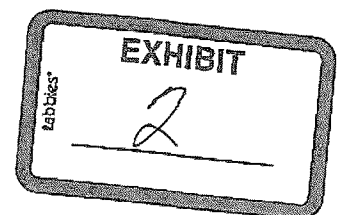
NOW THEREFORE, the Rules are hereby amended as follows and the affected sections are hereby repealed and replaced with the sections set forth below. The remaining sections of the Rules shall remain in full force and effect. The changes described in this Proclamation are for ease of reference only. A full set of the Rules incorporating these changes is attached. That set of the Rules shall supersede all previous versions of the Rules.

Section 2 of the Rules is hereby repealed and replaced to read as follows:

Section 2. Definitions.

The following words, terms and phrases when used in these Rules, shall have the meanings ascribed to them except where the context clearly indicates otherwise:

The Amendment. Amendment 743 to the Constitution.



Appeal. The exclusive, determinative, and final review of any decision under these Rules to the Sheriff.

Bingo. That game commonly known as Bingo in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random (whether or not electronic, computer, or other technological aids are used in connection therewith). To the extent that the foregoing elements are present in the game of Bingo, the definition of Bingo shall encompass all kinds and variations of Bingo from "call Bingo" in which designated numbers or symbols are drawn by a person and matched to numbers or symbols on a paper card as well as "electronic Bingo" where electronic devices and/or computers perform the operation of the game with microprocessors or other computer devices and interact with the human players by means of an electronic and/or computer console and an electronic marking machine and in which the numbers or symbols are selected at random by a computer and the card is present only in electronic format.

In the event that any controversy concerning whether or not certain activity, or type of activity, constitutes the game of "Bingo", as herein defined, and for which a License may be issued, the decision of the of the Sheriff shall control and shall be final.

The prizes or evidence thereof for winning Bingo games may be dispersed by the electronic devices or consoles used in playing such games at the time each game is won or on different schedules that reflect a record of wins and losses involving multiple games.

Bingo Card. A card, whether paper or electronic (so long as any electronic card is displayed on an Electronic Marking Machine), depicting a Bingo game and incorporates at least the following elements:

it must be clearly marked as a Bingo Card; and
it must be comprised of a five (5) by five (5) square grid with each column of the grid headed by a letter: "B" "I" "N" "G" or "O"; and each space of each column shall be populated by one (1) of seventy-five (75) numbers as follows:

- the column labeled "B" shall have one of five numbers between 1 and 15 in each of the five (5) spaces in the "B" column
- the column labeled "I" shall have one of five numbers between 16 and 30 in each of the five (5) spaces in the "I" column
- the column labeled "N" shall have one of five numbers between 31 and 45 in each of the five (5) spaces in the "N" column
- the column labeled "G" shall have one of five numbers between 46 and 60 in each of the five (5) spaces in the "G" column
- the column labeled "O" shall have one of five numbers between 61 and 75 in each of the five (5) spaces in the "O" column
- the centermost space of every Bingo card displayed on an Electronic Marking Machine shall be marked "FREE SPACE" and must bear the name of the Licensee and Bingo Facility where the Electronic Marking Machine is located

Bingo Equipment. Any electronic or mechanical equipment, machine or device, software, including Entertainment Phase games for play during a Bookend Bingo Session, or computer or other technologic hardware or device (including an electronic player station or player terminal), (i) which is installed, or is to be installed at a Bingo Facility and (ii) which is used, or can be used, to play Bingo as herein defined. Bingo Equipment includes any machine, device or hardware that assists a player or the playing of Bingo games (and it is this "machine" which assists a player in the playing of a bingo game that is referred to in Section 5), broadens the participation levels in a common game and includes all the ancillary Bingo supplies. Examples of Bingo Equipment include, but are not limited to, software, dispensers, readers, electronic player stations, player terminals, central computer services containing random number generators and other processing capabilities for remote player terminals, electronic consoles capable of providing game results in different display modes, telephones and telephone circuits, televisions, cables and other telecommunication circuits, and satellites and related transmitting and/or receiving equipment. All of these aforementioned items may also be known, when linked together, separately or severally, as "electronic marking machines" or may be part of the "electronic marking machine." Bingo Equipment shall not be deemed to be, for any purpose, a "gambling device" or "slot machine" within the meaning of the Code of Alabama 1975, § 13A-1 2-20 (5) and(10) or any other provision of law, whether now in effect or hereafter enacted.

Bingo Facility. An approved Location where Bingo games are operated by Nonprofit Organizations as provided in this Article. As long as Nonprofit Organizations are operating the Bingo games, the Bingo Facility may be owned or operated by an individual, partnership or for-profit organization.

Bingo Session. Any continuous series of Bingo games conducted pursuant to this Article provided that any session shall end and a new session shall start when the prize amount given out by the Nonprofit Organization operating a Bingo session exceeds ten thousand dollars (\$10,000.00) for each such Nonprofit Organization.

Bookend Bingo. Bookend Bingo shall be Bingo which is played during a Bookend Bingo Session on an Electronic Marking Machine and, other than Paper Card Bingo, shall be the sole form of Bingo permitted in Greene County.

Bookend Bingo shall consist of the following three (3) phases:

- the Beginning Phase,
- the Entertainment Phase, and
- the Completing Phase.

Bookend Bingo can only be played using the Bookend Bingo software approved by the Sheriff and shall be integrated within each Electronic Marking Machine so that the Entertainment Phase of a Bookend Bingo Session can only be accessed after playing the Beginning Phase on an Electronic Marking Machine and players may only be awarded points that can be converted to

cash or other prizes following the successful play of a Completing Phase Bingo game on the same Electronic Marking Machine.

If the Bookend Bingo software developer offers, the Sheriff approves an Integrated System, and if a Licensee chooses to adopt and implement that Integrated System, players may be allowed to move their points, once awarded during the Beginning Phase of a Bookend Bingo Session, from one Electronic Marking Machine to another during the Entertainment Phase of a Bookend Bingo Session provided that, no matter how many different Electronic Marking Machines a player may access and play during the Entertainment Phase, the points used to access the Entertainment Phase are awarded by playing the Beginning Phase Bingo and no cash or other prize may be awarded without playing and winning the Completing Phase Bingo game.

In no event shall the adoption of any Integrated System be deemed to be mandated by these Rules. Any Integrated System that is approved by the Sheriff must require that:

1. the Entertainment Phase of a Bookend Bingo Session can only be accessed after playing the Beginning Phase on an Electronic Marking Machine; and
2. players may only be awarded points that can be converted to cash or other prizes following the successful play of a Completing Phase Bingo game on an Electronic Marking Machine as a part of the Bookend Bingo Session.

The Beginning Phase. The Beginning Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points may be won playing Bingo using an Electronic Marking Machine approved by the Sheriff and that has at least the following elements, as established by the Alabama Supreme Court:

1. Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking his or her card accordingly.
4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact.

See Barber et al. v. Cornerstone Community Outreach, et al., 42 So.3d 65 (Ala. 2010).

No Beginning Phase of a Bookend Bingo Session may be played with less than two (2) players.

At the conclusion of the Beginning Phase of a Bookend Bingo Session, players may be awarded points that they win while playing Bingo during the Beginning Phase of a Bookend Bingo Session. These points may be used to play entertainment games during the Entertainment Phase of a Bookend Bingo Session.

The Entertainment Phase. The Entertainment Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points that were won playing bingo during the Beginning Phase of a Bookend Bingo Session can be used by a player to play other entertainment games during which the player can win additional points, or which can be used to play the Completing Phase. During the Entertainment Phase, a player must be able to lose some or all of the points and/or win additional points to those previously awarded during the Beginning Phase.

The Completing Phase. The Completing Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points that have been won by players during the Beginning Phase and/or the Entertainment Phase can be used to play Bingo using an Electronic Marking Machine approved by the Sheriff and that has at least the following elements, as established by the Alabama Supreme Court:

1. Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking his or her card accordingly.
4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact.

See Cornerstone.

No Completing Phase of a Bookend Bingo Session may be played with less than two (2) players.

At the conclusion of the Completing Phase of a Bookend Bingo Session, players will be awarded any points that the player won playing Bingo during the Bookend Bingo Session. These points may be converted into a prize and/or cash equivalent and be redeemed by the player(s). In no event, however, shall a player be awarded more than ten thousand dollars (10,000.00) during any Bookend Bingo Session.

Bookend Bingo Session. A Bookend Bingo Session shall be the play of Bingo using an Electronic Marking Machine that includes at least the Beginning Phase of Bookend Bingo, but that may also include play during the Entertainment Phase of Bookend Bingo and the play of Bingo during the Completing Phase of Bookend Bingo.

All phases of a Bookend Bingo Session must be played utilizing an Electronic Marking Machine.

To commence the play of a Bookend Bingo Session, a player must purchase one or more Bingo cards from the Licensee. To activate the card(s), a Beginning Phase Bingo Game of Bookend Bingo must be played. During this Beginning Phase Bingo game(s), players may win points based on the cost of the Bingo cards purchased that are determined by the outcome of the Bingo game pattern(s) achieved in the Beginning Phase Bingo game. Winning game patterns may be via either interim or game ending patterns. The interim and game ending patterns and prizes shall be based on and be similar to and/or consistent with those commonly used in Bingo games that are achieved in any particular game.

To complete a Bookend Bingo Session, a player shall play a Completing Phase Bingo game. Players' winnings will be determined and may only be collected by playing a Completing Phase Bingo game. Winnings will be based on the outcome of the Bingo game pattern(s) achieved in the Completing Phase Bingo game. Winning game patterns may be via either interim or game ending patterns. The interim and game ending patterns and prizes shall be based on and be similar to and/or consistent with those commonly used in Bingo games that are achieved in any particular game.

Every Bookend Bingo Session must commence with the play of bingo on an Electronic Marking Machine.

Each Bookend Bingo game played during the Beginning and/or the Completing Phase on an Electronic Marking Machine must utilize a card that depicts a Bingo game and incorporates at least the following elements:

it must be clearly marked as a Bingo Card; and
it must be comprised of a five (5) by five (5) square grid with each column of the grid headed by a letter: "B" "I" "N" "G" or "O"; and each space of each column shall be populated by one (1) of seventy-five (75) numbers as follows:

- the column labeled "B" shall have one of five numbers between 1 and 15 in each of the five (5) spaces in the "B" column
- the column labeled "I" shall have one of five numbers between 16 and 30 in each of the five (5) spaces in the "I" column
- the column labeled "N" shall have one of five numbers between 31 and 45 in each of the five (5) spaces in the "N" column
- the column labeled "G" shall have one of five numbers between 46 and 60 in each of the five (5) spaces in the "G" column
- the column labeled "O" shall have one of five numbers between 61 and 75 in each of the five (5) spaces in the "O" column

- the centermost space of every Bingo card displayed on an Electronic Marking Machine shall be marked "FREE SPACE" and bear the name of the Licensee and Bingo Facility where the Electronic Marking Machine is located

There shall be no other displays on the Electronic Marking Machine's monitor screen during the play of the Beginning Phase and/or the Completing Phase Bookend Bingo game other than a Bingo card and a representation of the ball draw.

The speakers on the cabinet housing the Bingo game must broadcast the "calling" of each ball drawn during the play of the Beginning Phase and any Completing Phase Bookend Bingo game.

The players must physically mark or daub the numbers as they are announced on their Bingo card using the Electronic Marking Machine during the play of the Beginning Phase and any Completing Phase Bookend Bingo game.

The Beginning Phase and/or Completing Phase Bookend Bingo game must replicate Bingo play by permitting players to "sleep" a Bingo if they fail to pay attention and/or physically marking or daub a number when it is called thereby forfeiting any points, prizes, and/or cash equivalent to which the player would be entitled if he or she had claimed his or her winning Bingo pattern.

Players can win additional points or lose some or all of these points they accumulated during each phase of the Bookend Bingo Session depending on the outcome of the Bingo game(s).

Business Week. A seven (7) day period that begins at 12:01 a.m. on each Monday and ends at 12:00 midnight on the following Sunday.

Constitution. The Constitution of Alabama of 1901.

Designated Representative. A specified representative of an applicant organization and/or a License Holder who shall execute a statement agreeing to be responsible for ensuring Bingo played at any Bingo Facility pursuant to a Nonprofit Organization's License comply with the terms of any License issued to the applicant organization and/or License Holder, including the provisions of these Rules and The Amendment.

Electronic Marking Machine. An Electronic Marking Machine is an electronic device comprised of an electronic console that utilizes the Bookend Bingo software and where a Bingo card must be displayed and where the player can interact with the console to carry out the essential elements of Bingo which the Alabama Supreme Court has identified as:

1. Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking his or her card accordingly.

4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact.

See Cornerstone.

In order to more than comply with these requirements, an Electronic Marking Machine must incorporate each of these requirements as follows:

1. The Electronic Marking Machine must facilitate communication between players and between players and the house; and
2. The Electronic Marking Machine must allow each player to use one or more card(s) with spaces arranged in five (5) columns and five (5) rows, with an alphanumeric or similar designation assigned to each space; and
3. Every card available for play on an Electronic Marking Machine must include alphanumeric or similar designations that are randomly drawn and announced one by one; and
4. The Electronic Marking Machine allows players to select the card(s) they will play; and
5. The Electronic Marking Machine reads all the cards at the beginning of the game and remembers them until power is switched off; and
6. The Electronic Marking Machine utilizes the console speakers to audibly announce each ball drawn; and
7. The Electronic Marking Machine must facilitate a player's ability to physically mark or daub their Bingo card as the numbers are selected and called; and
8. The Electronic Marking Machine provides a means for recording not only the numbers called out by the dealer but also any pattern that is pre-defined as constituting "BINGO" or equivalently a win; and
9. In order to play Bingo on an Electronic Marking Machine, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking or daubing his or her card accordingly; and
10. If a player fails to pay proper attention or to properly mark or daub his or her card, and thereby misses an opportunity to be declared a winner, the player forfeits any prize he or she would have won had the player claimed his or her winning "bingo;" and
11. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and, in turn, announce to the other players and the announcer that this is the case before the next ball is drawn and/or announced; and
12. The Electronic Marking Machine must allow the players to notify other players and the house when a "BINGO" has been achieved, thereby entitling the winning player(s) to claim a prize and, if the pattern achieved is a game ending pattern, terminating the game; and

13. The game of Bingo is a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact; and
14. The Electronic Marking Machine requires player interaction and participation, and a player's inattention can result in them "sleeping" a bingo or even losing the game.

An Electronic Marking Machine does not change or deviate any aspect of the game commonly known as Bingo but, instead, provides an electronic means of physically marking or daubing and interacting with the other players and the house, and calling, "BINGO."

Integrated System. An Integrated System is that software that, while not mandated by these Rules, is approved by the Sheriff and that, if implemented by a Licensee, allows the Bookend Bingo software to integrate across multiple vendor platforms to track a player's activities so that that player can seamlessly move from one Electronic Marking Machine to another to play the Entertainment Phase games from different vendors while ensuring that every player, no matter how many Entertainment Phase games the player may play, on how many different machines, from how many different vendors, play a Beginning Phase Bookend Bingo game to commence their Bookend Bingo Session and play a Concluding Phase Bookend Bingo game to win and claim their prize(s). An Integrated System can include back-office accounting systems and server-based Entertainment Phase gaming systems with integrated entertaining displays. Any Licensee that chooses not to implement an Integrated System must ensure that players play each Bookend Bingo Session on a single Electronic Marking Machine.

License. A License issued pursuant to the provisions of this Article.

License Holder. Any Nonprofit Organization or Vendor that has been issued a License by the Sheriff pursuant to these Rules.

Location. A building, hall, enclosure, room or other indoor area that has been inspected and approved by the Sheriff for the conduct of Bingo games that also complies with all Federal, State and local laws and applicable building and fire codes, as well as any other further regulations as prescribed by the Sheriff.

Nonprofit Organization. Any bona fide religious, educational, service, senior citizens', fraternal or veterans' organization which operates without profit to its members or is exempt from taxation by virtue of having been classified as a nonprofit organization by the State of Alabama and/or the Internal Revenue Service of the United States Government. This term includes, but is not limited to, a volunteer fire department and a volunteer rescue squad. Nonprofit Organizations need not be domiciled in the State of Alabama. There shall be no limit on the number of Nonprofit Organizations the Sheriff may authorize to operate Bingo games at a Bingo Facility.

Office of the Sheriff. The Office or Department of the Sheriff and its employees, representatives, agents, and/or other designated representatives.

Prizes Given. Cash or prizes of equivalent value awarded in "call Bingo" or in the case of "electronic Bingo," cash or prizes given by the Bingo Facility cashier to players at the completion of play.

Rules. The Recompiled Rules and Regulations.

Sheriff. The Sheriff of Greene County, Alabama.

Vendor. Any person, company, corporation, or other entity that provides equipment, software, including Entertainment Phase games for play during a Bookend Bingo Session, facilities, or services to a License Holder and/or Bingo Facility.

Section 4 of the Rules is hereby repealed and replaced to read as follows:

Section 4. Licensure and Regulation.

A. Bingo License.

- (1) Any Nonprofit Organization wishing to conduct bingo in Greene County shall apply for a license to do so from the Office of the Sheriff by filing, with the Office of the Sheriff, a written application for a license on a form prescribed by the Sheriff. The application fee, which shall be due at the time the application is submitted, shall be:
 - (a) Ten thousand dollars (\$10,000.00) for a one (1) year License or
 - (b) Fifty thousand dollars (\$50,000.00) for a three (3) year License.

If a License is not issued, the application fee shall be returned to the applicant.

The application fee shall be in addition to the Assessments provided for in Section 5 below.

- (2) A License must be renewed by filing a renewal application with the Office of Sheriff within thirty (30) days prior to the date of expiration of the License on a form prescribed by the Sheriff. The License renewal fee shall be:
 - (a) Ten thousand dollars (\$10,000.00) for a one (1) year License renewal or
 - (b) Fifty thousand dollars (\$50,000.00) for a three (3) year License renewal.

The issuance of a License shall in no way create a property interest in continued licensure nor confer a legal right to the granting of a subsequent renewal License application. The Office of Sheriff shall issue or deny applications for renewal Licenses in the same manner as the issuance or denial of an original application for a License including, but not limited to, acceptable results to the investigation herein prescribed. Whether the results of the investigation are "acceptable" shall be solely and finally determined by the Sheriff.

- (3) In each application there shall be identified a Designated Representative of the Nonprofit Organization under whom the games of Bingo are proposed to be conducted. The Designated Representative shall be responsible for ensuring that the conduct of such Bingo games shall be in accordance with the terms of any License issued to the Nonprofit Organization, the provisions of the Constitution, the Amendment, and these Rules. Persons other than the Designated Representative may participate in the operation of the Bingo games, subject to the supervision of the Designated Representative. Should the Designated Representative change, the application on file with the Office of the Sheriff shall be updated to substitute the new Designated Representative's name. Any change in the Designated Representative shall be subject to the approval of the Sheriff prior to taking effect.
- (4) The Office of the Sheriff shall cause to be investigated the qualifications of each applicant organization as provided under these Rules with due expedition after the filing of an application. To accomplish this investigation, the Office of the Sheriff shall examine and have unfettered and unrestricted access to any and all documents, financial instruments, bank records, financial records, any other documents by whatever name known and in whatever form found belonging to and/or in the possession of (constructive or otherwise), pertaining to, relating to, mentioning any applicant organization being investigated as well as any officer, agent, employee, shareholder of any such applicant organization. The investigation shall include at least the following:
- (a) The relationship between the Nonprofit Organization and its Vendors;
 - (b) Whether any Bingo Equipment to be placed at a Bingo Facility meet the requirements of the Constitution, the Amendment, and these Rules, as well as any other legal requirements whether statutory or created by common law;
 - (c) Whether any building in which a facility is proposed to be located, as well as any fixtures or appurtenances affixed or adjacent thereto, meets the requirements of any and all applicable municipal building codes and/or county building codes and/or state building codes and/or national building codes, as well as any and all requirements of the Constitution, the Amendment, and these Rules;
 - (d) The relationship between the Nonprofit Organization, its members, its officers, its directors, employees, and any organized criminal syndicate or other known criminal figures;
 - (e) Whether the Bingo Facility meets the requirements of the Constitution, the law of Alabama, and these Rules promulgated by the Sheriff;
 - (f) Whether the Bingo Equipment to be used is fair to the general public and free of any tampering and/or manipulation that would render the numbers generated and/or selected anything other than "at random" or "randomly."

- (5) As part of the application process, the Sheriff shall verify that the applicant is a Nonprofit Organization and that the procedures and practices it intends to use in operating the Bingo games fully comply with the Constitution, the law of Alabama, and these Rules, and any applicable amendment to the Constitution, and that the Nonprofit Organization's work is in the best interests of Greene County, Alabama and its citizens. The Sheriff can make this finding based upon the recommendation of any representative appointed pursuant to these Rules to make such investigation or on such other information as he deems sufficient to allow him to reach a conclusion.

B. Vendor License.

- (1) Any person and/or entity intending to provide Bingo Equipment to any Licensed Facility in Greene County shall, by November 9, 2023, apply for a license to do so from the Office of the Sheriff by filing, with the Office of the Sheriff, a written application for a license on a form prescribed by the Sheriff.

APPLICATION FOR LICENSURE UNDER THIS SECTION SHALL SUBJECT THE APPLICANT AND/OR LICENSEE TO THE JURISDICTION OF THE OFFICE OF SHERIFF.

THE OFFICE OF SHERIFF SHALL RETAIN JURISDICTION OVER ALL APPLICANTS AND/OR LICENSEES UNDER THIS SECTION FOR AS LONG AS THE APPLICATION REMAINS PENDING AND/OR THE LICENSE REMAINS IN EFFECT.

AN APPLICANT AND/OR LICENSEE SHALL NOTIFY THE SHERIFF OF ANY MATERIAL CHANGE TO ANY INFORMATION IT HAS SUPPLIED ON AN APPLICATION WITHIN THIRTY (30) DAYS OF SUCH CHANGE OCCURRING.

The application fee, which shall be due at the time the application is submitted, shall be five thousand dollars (\$5,000.00) for a one (1) year License.

If a License is not issued, the application fee shall be returned to the applicant.

- (2) A License must be renewed by filing a renewal application with the Office of Sheriff within thirty (30) days prior to the date of expiration of the License on a form prescribed by the Sheriff. The License renewal fee shall be five thousand dollars (\$5,000.00) for a one (1) year License renewal.

The issuance of a License shall in no way create a property interest in continued licensure nor confer a legal right to the granting of a subsequent renewal License application. The Office of Sheriff shall issue or deny applications for renewal Licenses in the same manner as the issuance or denial of an original application for a License including, but not limited to, acceptable results to the investigation herein prescribed. Whether the results of the investigation are "acceptable" shall be solely and finally determined by the Sheriff.

- (3) The Office of the Sheriff shall cause to be investigated the qualifications of each applicant organization as provided under these Rules with due expedition after the filing of an application. To accomplish this investigation, the Office of the Sheriff shall examine and have unfettered and unrestricted access to any and all documents, financial instruments, bank records, financial records, any other documents by whatever name known and in whatever form found belonging to and/or in the possession of (constructive or otherwise), pertaining to, relating to, mentioning any applicant organization being investigated as well as any officer, agent, employee, shareholder of any such applicant organization. The investigation shall include at least the following:
- (a) Whether any Bingo Equipment to be placed at a Bingo Facility meet the requirements of the Constitution, the Amendment, and these Rules, as well as any other legal requirements whether statutory or created by common law;
 - (b) A criminal background investigation into the principals;
 - (c) The relationship between the licensee, its members, its officers, its directors, employees, and any organized criminal syndicate or other known criminal figures;
 - (d) Whether the Bingo Facility meets the requirements of the Constitution, the law of Alabama, and these Rules promulgated by the Sheriff;
 - (e) Whether the Bingo Equipment to be used is fair to the general public and free of any tampering and/or manipulation that would render the numbers generated and/or selected anything other than "at random" or "randomly."

A new Section 6 of the Rules is hereby inserted that reads as follows:

Section 6. Bookend Bingo.

The Office of the Sheriff has participated in the development of a universal software application, known as "Bookend Bingo." No electronic bingo game which was previously authorized and played pursuant to these Rules shall be authorized or played except as a part of a Bookend Bingo Session.

The Beginning Phase Bingo games and the Completing Phase Bingo games must commence at least every thirty (30) minutes.

To establish and maintain uniform game play that operates with integrity and to eliminate the disputed claims that underlie and propagate the disputes that have led to years of contentious litigation and produced an uncertainty that endangers the quality of life in Greene County, every Licensee shall mandate the implementation of the approved Bookend Bingo software on any Electronic Marking Machine operating within its Bingo Facility. All Electronic Marking Machines within any Bingo Facility in Greene County shall be fully integrated with the Bookend Bingo software within forty-five (45) days of October 10, 2023. Any noncompliant machine(s) in

a Bingo Facility after November 24, 2023, shall be disabled and removed from the Bingo Facility. Any Bingo Facility that fails to comply with this Section shall cease operations on November, 24 2023, and not resume operations until all software within the Bingo Facility has become fully compliant with this Section.

A new Section 6 of the Rules is hereby inserted that reads as follows:

Section 7. Paper Bingo

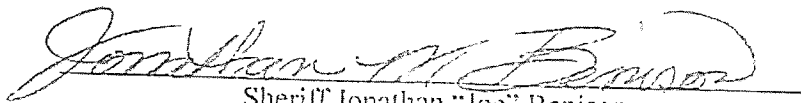
Bingo may be played on paper cards. However, all such cards must bear a stamp of the Greene County Sheriff's Department and also have the name of the licensee clearly marked on said card(s). Furthermore, all such cards shall be purchased from the Greene County Sheriff's Department. No paper card(s) which has/have not been purchased from the Greene County Sheriff's Department shall be used at any Bingo Facility.

The remaining sections of the Rules shall be renumbered so that:

Section 6 becomes Section 8 and
Section 7 becomes Section 9 and
Section 8 becomes Section 10 and
Section 9 becomes Section 11 and
Section 10 becomes Section 12 and
Section 11 becomes Section 13 and

WHEREAS, the attached "Recompiled Rules and Regulations for the Operation of Bingo Pursuant to Amendment 743 of the Constitution of Alabama of 1901 in Greene County, Alabama" are a complete and accurate set of the rules and regulations and are intended by the Sheriff to replace, in their entirety, any and all previous rules and regulations and amendments thereto for the operation of charitable Bingo in Greene County, Alabama, pursuant to Amendment 743.

These Rules shall be effective immediately on their signing on this the 10th day of October, 2023 and shall continue in full force and effect continuously hereafter until such time as the Sheriff may, in the future, amend and/or revise them.


Sheriff Jonathan "Joe" Benison

**RECOMPILED RULES AND REGULATIONS FOR THE OPERATION
OF BINGO PURSUANT TO AMENDMENT 743
TO THE CONSTITUTION OF ALABAMA OF 1901
IN GREENE COUNTY, ALABAMA**

Dated this the 10th day of October, 2023

Promulgated in accordance with the authority vested in the Sheriff of Greene County, Alabama by Amendment 743 to the Constitution of Alabama

WHEREAS, Amendment Number 743 to the Constitution, provides that

Bingo games for prizes or money may be operated by a nonprofit organization in Greene County. The sheriff shall promulgate rules and regulations for the licensing, permitting, and operation of bingo games within the county.

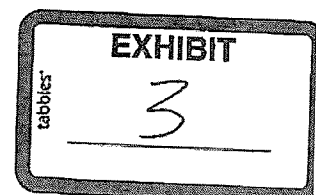
WHEREAS, the Sheriff of Greene County, Alabama, is vested with the responsibility of promulgating rules and regulating the licensing and permitting of the operation of Bingo in Greene County by Amendment Number 743 to the Constitution so as to ensure that all forms of Bingo made lawful in Greene County, Alabama, by Amendment Number 743 to the Constitution, including, but not limited to, Bingo using electronic marking machines, comply with the Constitution and laws of the State of Alabama; and

WHEREAS, in furtherance of that duty and pursuant to the power vested in him by Amendment Number 743 to the Constitution, the following Recompiled Rules and Regulations are hereby promulgated and duly adopted by the Sheriff:

Section 1. The Minimum Constitutional Requirements.

Amendment Number 743 to the Constitution sets forth the minimum requirements to be observed and followed during the operation of Bingo in Greene County. These requirements are set forth below and expressly incorporated into these Rules:

- (1) No person under the age of 19 years shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 years be permitted to conduct or assist in the operation of any game of bingo;
- (2) Bingo games shall be operated exclusively on the premises owned or leased by the nonprofit organization operating the bingo game. Such location should be specified in the application of the nonprofit organization;
- (3) A nonprofit organization may not enter into any contract with any individual, firm, association or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may not pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;



(4) A nonprofit organization may not lend its name or allow its identity to be used by another person or entity in the operating, promoting or advertising of a bingo game in which the nonprofit organization is not directly and solely operating the bingo game;

(5) All equipment shall be stamped and/or clearly marked in letters no less than one-half inch in height and one-fourth inch in width (except for the letter "I") with the name of the nonprofit organization using the equipment. A nonprofit organization or other person or entity may not use equipment marked with the name of another nonprofit organization;

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed ten thousand dollars (\$10,000.00) in cash or gifts of equivalent value during any bingo session;

(7) A nonprofit organization may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a nonprofit organization to advertise bingo, the nonprofit organization shall indicate in the advertisement the purposes for which the net proceeds will be used by the nonprofit organization;

(8) A nonprofit organization shall display its License conspicuously at the Location where the bingo game is conducted;

(9) The Sheriff shall determine by regulation the days of operation during any calendar week and the hours of operation.

Section 2. Definitions.

The following words, terms and phrases when used in these Rules, shall have the meanings ascribed to them except where the context clearly indicates otherwise:

The Amendment. Amendment 743 to the Constitution.

Appeal. The exclusive, determinative, and final review of any decision under these Rules to the Sheriff.

Bingo. That game commonly known as Bingo in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random (whether or not electronic, computer, or other technological aids are used in connection therewith). To the extent that the foregoing elements are present in the game of Bingo, the definition of Bingo shall encompass all kinds and variations of Bingo from "call Bingo" in which designated numbers or symbols are drawn by a person and matched to numbers or symbols on a paper card as well as "electronic Bingo" where electronic devices and/or computers perform the operation of the game with microprocessors or other computer devices and interact with the human players by means of an electronic and/or computer console and an electronic marking machine and in which the numbers or symbols are selected at random by a computer and the card is present only in electronic format.

In the event that any controversy concerning whether or not certain activity, or type of activity, constitutes the game of "Bingo", as herein defined, and for which a License may be issued, the decision of the of the Sheriff shall control and shall be final.

The prizes or evidence thereof for winning Bingo games may be dispersed by the electronic devices or consoles used in playing such games at the time each game is won or on different schedules that reflect a record of wins and losses involving multiple games.

Bingo Card. A card, whether paper or electronic (so long as any electronic card is displayed on an Electronic Marking Machine), depicting a Bingo game and incorporates at least the following elements:

it must be clearly marked as a Bingo Card; and
it must be comprised of a five (5) by five (5) square grid with each column of the grid headed by a letter: "B" "I" "N" "G" or "O"; and each space of each column shall be populated by one (1) of seventy-five (75) numbers as follows:

- the column labeled "B" shall have one of five numbers between 1 and 15 in each of the five (5) spaces in the "B" column
- the column labeled "I" shall have one of five numbers between 16 and 30 in each of the five (5) spaces in the "I" column
- the column labeled "N" shall have one of five numbers between 31 and 45 in each of the five (5) spaces in the "N" column
- the column labeled "G" shall have one of five numbers between 46 and 60 in each of the five (5) spaces in the "G" column
- the column labeled "O" shall have one of five numbers between 61 and 75 in each of the five (5) spaces in the "O" column
- the centermost space of every Bingo card displayed on an Electronic Marking Machine shall be marked "FREE SPACE" and must bear the name of the Licensee and Bingo Facility where the Electronic Marking Machine is located

Bingo Equipment. Any electronic or mechanical equipment, machine or device, software, including Entertainment Phase games for play during a Bookend Bingo Session, or computer or other technologic hardware or device (including an electronic player station or player terminal), (i) which is installed, or is to be installed at a Bingo Facility and (ii) which is used, or can be used, to play Bingo as herein defined. Bingo Equipment includes any machine, device or hardware that assists a player or the playing of Bingo games (and it is this "machine" which assists a player in the playing of a bingo game that is referred to in Section 5), broadens the participation levels in a common game and includes all the ancillary Bingo supplies. Examples of Bingo Equipment include, but are not limited to, software, dispensers, readers, electronic player stations, player terminals, central computer services containing random number generators and other processing capabilities for remote player terminals, electronic consoles capable of providing game results in different display modes, telephones and telephone circuits, televisions, cables and other

telecommunication circuits, and satellites and related transmitting and/or receiving equipment. All of these aforementioned items may also be known, when linked together, separately or severally, as "electronic marking machines" or may be part of the "electronic marking machine." Bingo Equipment shall not be deemed to be, for any purpose, a "gambling device" or "slot machine" within the meaning of the Code of Alabama 1975, § 13A-1-2-20 (5) and(10) or any other provision of law, whether now in effect or hereafter enacted.

Bingo Facility. An approved Location where Bingo games are operated by Nonprofit Organizations as provided in this Article. As long as Nonprofit Organizations are operating the Bingo games, the Bingo Facility may be owned or operated by an individual, partnership or for profit organization.

Bingo Session. Any continuous series of Bingo games conducted pursuant to this Article provided that any session shall end and a new session shall start when the prize amount given out by the Nonprofit Organization operating a Bingo session exceeds ten thousand dollars (\$10,000.00) for each such Nonprofit Organization.

Bookend Bingo. Bookend Bingo shall be Bingo which is played during a Bookend Bingo Session on an Electronic Marking Machine and, other than Paper Card Bingo, shall be the sole form of Bingo permitted in Greene County.

Bookend Bingo shall consist of the following three (3) phases:

- the Beginning Phase,
- the Entertainment Phase, and
- the Completing Phase.

Bookend Bingo can only be played using the Bookend Bingo software approved by the Sheriff and shall be integrated within each Electronic Marking Machine so that the Entertainment Phase of a Bookend Bingo Session can only be accessed after playing the Beginning Phase on an Electronic Marking Machine and players may only be awarded points that can be converted to cash or other prizes following the successful play of a Completing Phase Bingo game on the same Electronic Marking Machine.

If the Bookend Bingo software developer offers, the Sheriff approves an Integrated System, and if a Licensee chooses to adopt and implement that Integrated System, players may be allowed to move their points, once awarded during the Beginning Phase of a Bookend Bingo Session, from one Electronic Marking Machine to another during the Entertainment Phase of a Bookend Bingo Session provided that, no matter how many different Electronic Marking Machines a player may access and play during the Entertainment Phase, the points used to access the Entertainment Phase are awarded by playing the Beginning Phase Bingo and no cash or other prize may be awarded without playing and winning the Completing Phase Bingo game.

In no event shall the adoption of any Integrated System be deemed to be mandated by these Rules. Any Integrated System that is approved by the Sheriff must require that:

1. the Entertainment Phase of a Bookend Bingo Session can only be accessed after playing the Beginning Phase on an Electronic Marking Machine; and
2. players may only be awarded points that can be converted to cash or other prizes following the successful play of a Completing Phase Bingo game on an Electronic Marking Machine as a part of the Bookend Bingo Session.

The Beginning Phase. The Beginning Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points may be won playing Bingo using an Electronic Marking Machine approved by the Sheriff and that has at least the following elements, as established by the Alabama Supreme Court:

1. Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking his or her card accordingly.
4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact.

See Barber et al. v. Cornerstone Community Outreach, et al., 42 So.3d 65 (Ala. 2010).

No Beginning Phase of a Bookend Bingo Session may be played with less than two (2) players.

At the conclusion of the Beginning Phase of a Bookend Bingo Session, players may be awarded points that they win while playing Bingo during the Beginning Phase of a Bookend Bingo Session. These points may be used to play entertainment games during the Entertainment Phase of a Bookend Bingo Session.

The Entertainment Phase. The Entertainment Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points that were won playing bingo during the Beginning Phase of a Bookend Bingo Session can be used by a player to play other entertainment games during which the player can win additional points, or which can be used to play the Completing Phase. During the Entertainment Phase, a player must be able to lose some or all of the points and/or win additional points to those previously awarded during the Beginning Phase.

The Completing Phase. The Completing Phase of a Bookend Bingo Session shall be that phase of the play of Bookend Bingo during which points that have been won by players during the Beginning Phase and/or the Entertainment Phase can be used to play Bingo using an Electronic Marking Machine approved by the Sheriff and that has at least the following elements, as established by the Alabama Supreme Court:

1. Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on one or more of the player's cards, the player must physically act by marking his or her card accordingly.
4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that his or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact.

See Cornerstone.

No Completing Phase of a Bookend Bingo Session may be played with less than two (2) players.

At the conclusion of the Completing Phase of a Bookend Bingo Session, players will be awarded any points that the player won playing Bingo during the Bookend Bingo Session. These points may be converted into a prize and/or cash equivalent and be redeemed by the player(s). In no event, however, shall a player be awarded more than ten thousand dollars (10,000.00) during any Bookend Bingo Session.

Bookend Bingo Session. A Bookend Bingo Session shall be the play of Bingo using an Electronic Marking Machine that includes at least the Beginning Phase of Bookend Bingo, but that may also include play during the Entertainment Phase of Bookend Bingo and the play of Bingo during the Completing Phase of Bookend Bingo.

All phases of a Bookend Bingo Session must be played utilizing an Electronic Marking Machine.

To commence the play of a Bookend Bingo Session, a player must purchase one or more Bingo cards from the Licensee. To activate the card(s), a Beginning Phase Bingo Game of Bookend Bingo must be played. During this Beginning Phase Bingo game(s), players may win points based on the cost of the Bingo cards purchased that are determined by the outcome of the Bingo game pattern(s) achieved in the Beginning Phase Bingo game. Winning game patterns may be via either interim or game ending patterns. The interim and game ending patterns and prizes shall be based