



Temporary Agency Agreement for County/City Lottery Licenses

FORM TAA-50G

- For Charitable Gaming Division use only
•Read instructions on reverse side

SECTION I - County, City, or Village Information

1 County, City, or Village Name as Shown on Form 50G
2 Nebraska Identification Number of the County, City, or Village

SECTION II - Charitable Gaming License Information

3 Type of County/City License: Lottery Operator Sales Outlet Location
4 Current License Holder's Name and Address (Seller/Licensee)
5 Proposed License Holder's Name and Address (Buyer/License Applicant)
6 Business or Trade Name (if applicable)
7 Location Address
8 City State Zip Code
9 Nebraska Identification Number Liquor License Number (if applicable)

SECTION III - Temporary Agency Agreement

6 On \_\_\_\_\_, \_\_\_\_\_, Seller and Buyer entered into a contract for sale of the business, currently known as \_\_\_\_\_, which contract may be contingent upon Buyer receiving approval for the county/city lottery license to operate the business.
7 Seller will maintain a possessory interest in the property in the form of a lease, use permit, or license.
8 Buyer will at all times be the agent of the Seller, but Buyer will be completely and totally responsible for the operation of the business and for all liability associated with the operation of the business during the time when Buyer is acting as Seller's agent.
9 At time of closing, certain funds will be held in escrow pending issuance of the license.
10 Financial institution where escrow account is being held: Name Address Account Number

SECTION IV(A) - Agreement for a Lottery Operator License [Sales outlet locations, see Section IV(B)]

11 Seller and Buyer agree to allow Buyer to operate the lottery operator business, subject to approval by Charitable Gaming, for a period not to exceed the shorter of (1) the expiration of the Seller's lottery operator's license or (2) 180 days subsequent to the date of filing the Nebraska Schedule I with Charitable Gaming.
12 All profits derived from the operation of the county/city lottery by the buyer, after required payments of prizes, salaries, and percentages to county, city, or village, shall be paid to the escrow agent to be held until the issuance of the license, it being specifically understood that Buyer shall receive no profits from the operation of the business until the county/city lottery operator license has been issued to Buyer, but shall have the right to direct the investment of profits by the escrow agent.
13 Nothing herein shall be construed to limit or modify the terms and conditions of the Lottery Operator Agreement dated \_\_\_\_\_, \_\_\_\_\_ by and between Sponsoring Community and Lottery Operator/Seller, a copy of which is on file with Sponsoring Community and Charitable Gaming Division. Seller shall continue to have all duties and obligations in regard to the Lottery Operator Agreement during the term of the Temporary Agency Agreement for County/City Lottery Licenses.

SECTION IV(B) - Agreement for a Sales Outlet Location License [Lottery operators, see Section IV(A)]

14 Seller and Buyer agree to allow Buyer to operate the sales outlet location business, subject to approval by Charitable Gaming, for a period not to exceed 120 days subsequent to the date of filing the Nebraska Schedule II with Charitable Gaming.
15 All commissions retained by or remitted to the sales outlet location due to the operation of the county/city lottery by Buyer, after any required payments of expenses such as keno writer salaries, shall be paid to the escrow agent to be held until the issuance of the license, it being specifically understood that Buyer shall receive no profits from the operation of the business until the county/city lottery sales outlet location license has been issued to Buyer, but shall have the right to direct the investment of profits by the escrow agent.
16 Nothing herein shall be construed to limit or modify terms and conditions of the Site Agreement dated \_\_\_\_\_, \_\_\_\_\_ by and between Lottery Operator or Sponsoring Community and Sales Outlet Location/Seller, a copy of which is on file with Lottery Operator or Sponsoring Community and Charitable Gaming Division. Seller shall continue to have all duties and obligations in regard to the Site Agreement during the term of the Temporary Agency Agreement for County/City Lottery Licenses.

SECTION V - Understanding and Signatures

17 This agreement constitutes the entire and complete understanding of all parties with regard to the agency relationship and is binding upon the heirs, personal representatives, and successors of the parties.
18 It is hereby understood that in the event Charitable Gaming denies the license application, this Temporary Agency Agreement is null and void on the date of the denial.

If signed by a corporate officer, partner, member, LLC manager, or fiduciary on behalf of the licensee/license applicant, I hereby certify that I have the authority to execute this Temporary Agency Agreement for County/City Lottery License.

sign here Signature of Seller Title, If Applicable Date
Signature of Buyer Title, If Applicable Date

Mail to: NEBRASKA DEPARTMENT OF REVENUE, CHARITABLE GAMING DIVISION, P.O. BOX 94855, LINCOLN, NE 68509-4855

FOR NEBRASKA DEPARTMENT OF REVENUE APPROVAL

Temporary Agency Agreement is hereby:

- Approved — Post with current county/city lottery license
Disapproved — Current licensee must operate game

sign here Nebraska Department of Revenue Signature Title Date

## INSTRUCTIONS

**WHO MUST FILE.** Any licensee who has agreed with a buyer to sell the business where a county/city lottery license is held is to file the Temporary Agency Agreement for County/City Lottery Licenses, Form TAA-50G. Both the licensee (seller) and the license applicant (buyer) must provide the requested information and submit the completed Form TAA-50G to the Charitable Gaming Division of the Nebraska Department of Revenue.

**WHEN AND WHERE TO FILE.** When a change of ownership of a business licensed as a lottery operator or sales outlet location is anticipated, the current owner of the lottery operator or sales outlet location may designate as his or her agent the party purchasing the business. This would allow the buyer to begin operating the business prior to being fully licensed. To do so, a Form TAA-50G is to be filed with the related county/city lottery application.

The completed Form TAA-50G must be mailed or delivered to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, NE 68509-4855. If it is necessary to send the document by electronic facsimile, the original is to be mailed or delivered to the department immediately.

**LINES 1 AND 2.** Enter the name of the county, city, or village as shown on the county/city lottery license posted at the business. If a joint lottery, please enter both names. Provide the Nebraska Identification Number of the county, city, or village as found on the existing license(s).

**LINE 3.** Check the appropriate box depending on whether this agreement is requested for a lottery operator or sales outlet location license(s).

**LINES 4 AND 5.** The licensee must provide their Nebraska Identification Number and their Liquor License Number, if they hold a liquor license. In most situations, the Nebraska Identification Number will be found on the sales tax permit for the premises.

If the Nebraska Identification Number and/or Liquor License Number have not yet been issued for the applicant, you may indicate applied for. However, these numbers are normally issued when the sales tax permit and liquor license applications are submitted. If you have not submitted all of your applications yet, please do so promptly.

**REQUIREMENTS TO QUALIFY AS AGENT FOR A LOTTERY OPERATOR:** In order to be designated as an agent for a lottery operator, the following criteria must be satisfied:

- ✓ A completed application for the purchaser of the business on Nebraska Schedule I - County/City Lottery Operator Application, Form 50G, must be on file with the department, including the required attachments of a copy of the lottery operator contract with the county, city, or village, the necessary Personal History Record(s), Authorization(s) for Release of Information, and satisfying the fingerprinting requirement for each individual who has an ownership interest, either directly or indirectly, in the applicant. If a spouse has no proprietary interest in the operation or profit derived from the activities of his or her spouse, a properly completed Affidavit by Spouse for Waiver of Fingerprinting and/or Personal History Record for Charitable Gaming License Application may be submitted instead of the Personal History Record and fingerprint cards.
- ✓ Form TAA-50G must be approved by the department and the copy returned to the lottery operator or sales outlet location is to be posted with the current license at the lottery operator's location.
- ✓ Throughout the duration of Form TAA-50G, the designated agent may operate the lottery using the current lottery operator's license. The licensed lottery operator remains fully responsible to the county, city, or village and to the state for proper operation of the lottery until such time as the new lottery operator is licensed.

**REQUIREMENTS TO QUALIFY AS AGENT FOR A SALES OUTLET LOCATION:** In order to be designated as an agent for a sales outlet location, the following criteria must be satisfied:

- A completed application for the purchaser of the business on Nebraska Schedule II - County/City Lottery Sales Outlet Location Application, Form 50G, must be on file with the department, including the required attachments of a copy of the county, city, or village approval of the sales outlet location, a copy of the contract or lease between the lottery operator and the sales outlet location, and satisfying the fingerprinting requirement for each individual who has an ownership interest, either directly or indirectly, in the applicant. If a spouse has no proprietary interest in the operation or profit derived from the activities of his or her spouse, a properly completed Affidavit by Spouse for Waiver of Fingerprinting and/or Personal History Record for Charitable Gaming License Application may be submitted instead of the fingerprint cards.
- Form TAA-50G must be approved by the department and the copy returned to the sales outlet location is to be posted with the current license at the sales outlet location.
- Throughout the duration of Form TAA-50G, the designated agent may operate the lottery using the current sales outlet location's license. The licensed sales outlet remains fully responsible to the county, city, or village and to the lottery operator and the state for proper operation of the lottery until such time as the new sales outlet location is licensed.

**SIGNATURES.** The licensee/license applicant must sign and date the form on the lines provided.

If the licensee/license applicant is a partnership, all partners must sign unless one is duly authorized to act in the name of the partnership. Nebraska has adopted the Uniform Partnership Act (Section 67-309, R.R.S. 1996) which makes each partner a business agent duly authorized to act for the partnership. This governs partnerships formed in the State of Nebraska. The validity of authorizations made by nonresident partnerships will be determined by the law of the state in which the partnership was formed.

If the licensee/license applicant is a corporation or an association, an officer having authority to bind the entity must sign. The officer must indicate his/her official title on the line provided.

If the licensee/license applicant is a Nebraska limited liability company, all members must sign unless a manager is duly authorized to act in the name of the limited liability company. The validity of the authorizations made by a foreign limited liability company will be determined based on the law of the state in which the limited liability company was organized.

If the sales outlet location licensee/license applicant is a nonprofit organization or a nonprofit corporation, the manager designated for the liquor license/application must sign.

**NEBRASKA DEPARTMENT OF REVENUE APPROVAL.** Upon receipt of the properly completed Form TAA-50G and the related county/city lottery application, the department will act on the agreement and return it to the licensee/license applicant.

If Form TAA-50G is approved by the department, it will be mailed to the license applicant for posting at the business location.

If Form TAA-50G is not approved by the department, it will be mailed to the licensee so they are aware they must continue to operate the business.

**VALID PERIOD.** For a lottery operator's license, Form TAA-50G is valid for a period not to exceed the shorter of (1) the expiration of existing lottery operator's license or (2) 180 days unless otherwise extended in writing by the department prior to the expiration of the 180 days.

For a sales outlet location's license, Form TAA-50G is valid for a period not to exceed 120 days.

**DIRECT QUESTIONS TO THE DEPARTMENT.** Any questions on the application or completion of this form are to be directed to the Charitable Gaming Division. Our toll free number is (877) 564-1315.