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## Rules and Regulations for Certification of Connecticut Town Clerks

### Sec. 7-22a-1. Certification

(a) **Eligibility.** Candidates may become eligible for recommendation to the Secretary of the State for certification as Certified Connecticut Town Clerks by (1) successful completion of the classroom training program prescribed in paragraph (b) of this regulation, (2) completion of on the job training consisting of not less than two years work in the municipal clerk field, and (3) successful completion of the mandatory final exam,

(b) **Classroom Training Program.** The classroom training program shall be administered at the school for Connecticut Town Clerks. Advance notice of the classroom training program shall be mailed to each town clerk's office. The classroom training program shall consist of the following courses: (1) municipal records management, (2) elections, (3) land records, (4) vital statistics, and (5) miscellaneous records, other duties.

(c) **Evidence of Substantially Equivalent Experience.** A candidate who has not completed all of the course of the classroom training prescribed in paragraph (b) of this regulation, but who has completed the on the job training prescribed in paragraph (a) of this regulation, may submit evidence that he or she has experience that is substantially equivalent to all or part of the course. Substantially equivalent experience to only part of the course will be acceptable for a candidate who has successfully completed the remainder of the course. Such evidence shall be in the form of an affidavit describing such experience in detail and executed by said candidate. Upon review, verification and acceptance of such evidence by the committee and successful completion of the final examination, such candidate shall be recommended for certification.

(d) **Final Examination.** The final examination shall be conducted annually. Applications for examination shall be accepted from persons meeting the eligibility requirements. Applications may be obtained from the committee chairperson. Applications shall be returned to the committee chairperson not less than two weeks prior to the date of the examination, together with an application fee to be established annually by the committee. The passing grade for the examination is seventy. Any applicant who fails the examination may retake the examination once upon payment of a re-examination fee to be established annually by the committee. Any applicant who fails the examination twice must repeat the training program.

(Adopted effective February 25, 1999)

### Sec. 7-22a-2. Rescission of certification: two methods

(a) **Complaint and finding.** Upon receipt of a written complaint by the Committee for Certification of Connecticut Town Clerks alleging a prohibited act as defined in this paragraph by a person certified as a town clerk, the committee shall hold a hearing upon such complaint. The committee shall give written notice to the person certified as a town clerk against whom the complaint has been filed, and to the complainant, as to the date, time and place of the hearing. Such notice shall also contain a clear and concise description of the alleged prohibited act. The person certified as a town clerk and the complainant shall have a right to appear before the committee and to be heard. Upon completion of the hearing, the committee may retire to consider the evidence presented. The committee must present its findings within thirty days of the conclusion of said hearing. If a majority of the committee present at the hearing find that the town clerk committed a prohibited act, the committee shall notify the Secretary of the State of its findings and shall recommend

that the designation of said town clerk as a certified Connecticut town clerk be rescinded. Prohibited acts for the purpose of this regulation are (1) knowingly engaging in fraud or material deception in order to obtain designation as a Certified Connecticut Town Clerk, (2) knowingly engaging in fraud or material deception in order to aid another in obtaining designation as a Certified Town Clerk, or (3) conviction in criminal proceedings for actions taken in direct connection with the office and duties of town clerk.

(b) **Removal under Sec. 7-22 of the C.G.S.** If any town clerk who holds the designation of Certified Connecticut Town Clerk is removed from office under the provisions of Section 7-22 of the Connecticut General Statutes, the committee shall not hold a hearing but shall meet for the purpose of recommending to the Secretary of the State that the designation of said town clerk as a Certified Connecticut Town Clerk be rescinded.

(Adopted effective February 25, 1999)

**Sec. 7-22a-3. Quorum**

For the purposes of taking any action under the general statutes or sections 7-22a-1 and 7-22a-2 of the Regulations of Connecticut State Agencies and this section, a quorum of the certification committee shall be required, which shall be a majority of the actual members of the committee.

(Adopted effective February 25, 1999)

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## **Procedures for Creating and Indexing Confidential Adoption Records for Adopted Persons Born in this State**

### **Sec. 7-53-1. Procedures for creating and indexing confidential adoption records**

(a) In creating the new birth certificate, also referred to as the “replacement certificate”, and the confidential adoption file authorized under section 7-53 of the Connecticut General Statutes, and to properly store the confidential file, the following steps shall be followed:

(1) The original birth certificate shall be retrieved and the information contained on such certificate shall be carefully matched to the information recorded on the record of adoption in order to verify that the correct birth certificate is being processed.

(2) A new birth certificate shall be created by entering the new parental information, as indicated on the adoption decree, into the electronic birth registry system and changing the name of the child, if so ordered by the court decreeing the adoption. The state file number from the original birth certificate shall be recorded on the face of the new birth certificate.

(3) A certified copy of the new certificate shall be sent either through mail or electronically to all local registrars of vital statistics who have the original certificate on file, along with a letter informing the local registrar that the original birth certificate has been replaced for reasons of adoption, and instructing the local registrar to place the original birth certificate in a confidential file and to replace it with the new certificate.

(4) The Department of Public Health shall place the certified copy of the original birth certificate, the evidence of adoption, copies of letters to the local registrars of vital statistics and the notification letter to adopting parent(s), in a confidential file, except that, for cases in which a new birth certificate is not prepared, the certified copy of the original birth certificate shall not be included in the confidential file. Upon notification from the Department of Public Health, the local registrar shall place the original birth certificate, or certified copy of the birth certificate, if applicable, and the notification letter received from the Department of Public Health in a confidential file. For cases in which a new birth certificate is not created, a copy of the notification letter received from the Department of Public Health shall be attached to the original certificate that is kept on file. The creation of the confidential file shall conform to the following procedures:

(A) The Department of Public Health and local registrars shall set aside a confidential file, in which all adoption records shall be kept in sealed envelopes. The file shall be initialed “C.F.” by local registrars and “A.F.” by the Department of Public Health. The Department of Public Health and local registrars shall number all adoptions as they receive them; such as C.F. 1; C.F. 2; etc.

(B) In the index of the bound original birth, the new name of the adopted person shall be entered where it should properly come in alphabetical order. The original name and the new name listed in such index shall contain no reference to the confidential file number. A separate index shall be created for adoption records, listing the confidential file number along with the original name, new name of the adopted person, and the state file number that was assigned to the birth certificate.

(5) Unless otherwise provided by statute, access to the adoption index and the confidential adoption files, either in paper, electronic, micrographic, digital or other format, shall be restricted to Department of Public Health vital records staff as

designated by the registrar of vital records, and to local vital records staff as designated by the local registrar.

(Adopted effective July 19, 2005)

**Sec. 7-53-2.**

Repealed, July 19, 2005.

**Sec. 7-53-3. Procedure with regard to certified copies**

The replacement certificate shall be used to issue certified copies. If a replacement certificate for an adoption person is recorded on a form prior to 1979 that lists the registrant as an adopted person or in any other way reveals that the registrant was adopted, the registrar shall not issue a certified copy of such record without either redacting all terms referring to adoption, or transferring the birth certificate data to a new form. Under no circumstances shall any reference to adoption appear.

(Adopted effective July 19, 2005)

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## **Pronouncement of Death by a Registered Nurse**

### **Sec. 7-62-1. Definitions**

(a) "Determination of Death" means observation and assessment that a person has ceased vital bodily functions irreversibly including, but not limited to, the following: pulse, respiration, heartbeat, and pupil reaction.

(b) "Pronouncement of Death" is the declaration by the registered nurse who has made the determination of death.

(c) "Anticipated Death" is death which is, in the opinion of the attending physician, expected due to illness, infirmity or disease.

(Effective October 20, 1988)

### **Sec. 7-62-2. Determination of prognosis by physician**

(a) An attending physician who has determined that the prognosis for a patient is for an anticipated death shall:

(1) document such determination in the patient's medical or clinical record; and

(2) at the time of such determination and documentation, authorize in writing a specific registered nurse or nurses to make a determination and pronouncement of death, except when an anticipated death occurs in an institution which has adopted policies and procedures pursuant to section 7-62-3 of these regulations. The physician may authorize registered nurse employees in such institution to make a determination and pronouncement of death.

(b) The determination and documentation by an attending physician that the prognosis for a patient is for an anticipated death shall be valid for a period of time not to exceed 120 days.

(c) A registered nurse who has determined and pronounced death shall document the clinical criteria for such determination and pronouncement in the patient's medical or clinical record and notify the physician who determined that the prognosis for such patient was for an anticipated death pursuant to subsection (a) of this section. The registered nurse shall indicate on the death certificate the name of the deceased and the date and time of death, and shall sign the death certificate.

(Effective August 2, 1994)

### **Sec. 7-62-3. Policies and procedures of institutions**

Any institution, as defined in subsection (a) of section 19a-490 of the Connecticut General Statutes, which employs a registered nurse functioning pursuant to these regulations shall adopt policies and procedures that ensure compliance with section 7-62-2 of these regulations. A registered nurse employed by such institution may not make a determination on pronouncement of death unless the facility or agency has written policies implementing and ensuring compliance with section 7-62-2 of these regulations.

(Effective October 20, 1988)



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## Operation of Bingo Games

### **Secs. 7-169-1—7-169-29.**

Repealed, October 1, 1987.

### **Sec. 7-169-1a. Bingo permit**

A bingo permit may be issued to any qualified organization as defined in subsection (d) of section 7-169 of the general statutes provided such organization is located within any town in the state which has permitted the playing of bingo in accordance with the provisions of subsection (b) of section 7-169 of the general statutes.

(Effective October 1, 1987)

### **Sec. 7-169-2a. Registration, identification number**

No organization shall conduct bingo games until it has registered with, and secured an identification number from the executive director of the division of special revenue. Such registration may be revoked for cause.

(Effective October 1, 1987)

### **Sec. 7-169-3a. Personal registration, identification number**

(a) No person shall operate or assist in the operation of bingo games until such person has reached the age of eighteen, registered with the executive director on forms prescribed by him and has provided information which the executive director may reasonably require including, but not limited to, such person's criminal record, if any, moral character or business affiliations and thereafter has been assigned a personal identification number by him. Such personal identification number assignment may be revoked for cause.

(b) Notwithstanding the provisions of subsection (a) of this section, the executive director may issue a personal identification number to a minor sixteen years of age or older, provided written permission from a parent or legal guardian of such minor is filed with the division.

(Effective March 22, 1989)

### **Sec. 7-169-4a. Qualification of operator or worker**

No person shall operate or work in the operation of authorized bingo games unless he has been a bona fide active member of at least one sponsoring organization conducting bingo for a period of at least six months.

(Effective March 22, 1989)

### **Sec. 7-169-5a. Workers**

(a) **Member in charge.** Every organization permitted to conduct bingo shall designate a bona fide, active member of the organization to be in charge of and primarily responsible for each session of bingo. The member in charge shall have been a member in good standing for at least six months of the organization permitted to conduct bingo. The member in charge shall supervise all activities and be responsible for the conduct of all bingo games, including the preparation of all returns, control reports, certified statements and affidavits, the maintenance of records of receipts and disbursements and accounts, disposition of funds and the payment of any bingo fees due the state. The member in charge may designate, in writing, a qualified worker to act in his behalf and to discharge his responsibilities on occasions when he is unable to do so. The member in charge or his qualified designee shall be present on the premises continually during each session of bingo and shall be

familiar with the general statutes and administrative regulations governing the conduct of bingo and the terms of his organization's bingo permit.

(b) **Participation as worker restricted.** No person shall assist in the conduct of bingo except the holder of a certificate of personal identification number whose name appears on the notice required pursuant to section 7-169-10a of these bingo regulations.

(c) **Identification required.** The member in charge and those assisting him in any capacity shall possess and display such identification as may be specified by the executive director.

(d) **Payment of workers prohibited.** No commission, salary, compensation in any form or gift shall be paid or given to any person in any manner conducting or assisting in the conduct of bingo either directly or indirectly. No person shall solicit or receive any gift or donation of cash or merchandise on the premises during the conduct of a session of bingo.

(e) **Compensation of bookkeepers and accountants.** Bookkeepers and accountants may receive reasonable compensation for necessary services ordinarily incidental to the operation of bingo games.

(Effective March 22, 1989)

#### **Sec. 7-169-6a. Unsuitable person barred**

No person shall operate or assist in the operation of authorized bingo games whose moral character, criminal record, if any, or business affiliations render such person unsuitable in the opinion of the executive director.

(Effective October 1, 1987)

#### **Sec. 7-169-7a. Restrictions on renting of premises or equipment**

No organization shall rent, lease or hire premises or equipment for the operation of authorized bingo on a percentage of gross or net earnings or income, or at a reduced rate or free of charge if the free or reduced rate for use of such equipment or premises carries with it an agreement of compensation or reward directly or indirectly in any form.

(Effective October 1, 1987)

#### **Sec. 7-169-8a. Facilities**

(a) **Premises required to be open for inspection.** The premises where any game of bingo is conducted or where it is intended that any game of bingo be conducted or that any bingo equipment be used shall, at reasonable times, be open to inspection by the executive director or his duly appointed representatives.

(b) **Accommodations to be furnished players.** Authorized bingo games shall be open to the general public. Each player must be furnished, at no extra charge, a chair and place with sufficient room to play. The area must be free of hazards to safety with means of egress clearly designated. Under no circumstances shall a member of the public be admitted to a building or room where authorized bingo is to be played, if such admittance will violate the lawful occupancy limit of such building or room.

(c) **Certain notices required to be posted.** Each organization authorized to conduct bingo shall conspicuously post within that portion of the premises where bingo is played one or more notices as required by the executive director containing certain designated rules governing the conduct of bingo and its bingo permit. The notice or notices shall be in the form prescribed and may be provided by the division of special revenue.

(d) The executive director may, for good cause, require each organization authorized to conduct bingo to retain the services of one or more uniformed police officers of the city or town where the bingo session is conducted who shall be in attendance from the time sale of cards or bingo opportunities commence until net proceeds have been secured by deposit or otherwise. Such police officer(s) may be compensated at the rate not to exceed the rate currently prevailing for such services in said city or town. Compensation of such police officer(s) shall be a reasonable and necessary expense incidental to the conduct of bingo, payment of which is authorized pursuant to section 7-169-27a subsection (b) of these administrative regulations governing the operation of bingo.

(Effective March 22, 1989)

### **Sec. 7-169-9a. Dispensing of alcoholic beverages restricted**

No authorized bingo game shall be operated in a room or area where alcoholic beverages are dispensed except under conditions approved by the department of liquor control.

(Effective October 1, 1987)

### **Sec. 7-169-10a. Notice on premises**

A notice shall be posted conspicuously on the premises where authorized bingo is played providing (1) the name of the organization and its division of special revenue identification number; (2) the name of the member in charge thereof; (3) the amount of the charges for admission and the opportunity to play, and for any other service or privilege offered; (4) the nature and the amount of prizes to be offered, and (5) the names and personal identification numbers of the member in charge and workers for the particular session.

(Effective October 1, 1987)

### **Sec. 7-169-11a. No other games of chance permitted on premises**

(a) No other games of chance of any kind other than bingo games, sealed ticket games, or raffles authorized pursuant to the provisions of Chapter 98 of the general statutes, and regardless of whether any separate or additional charge or payment is required, shall be conducted or allowed in the room or rooms, on any occasion, where or when authorized bingo is played.

(b) Notwithstanding the provisions of subsection (a) of this section, bingo players may play card games for entertainment prior to and between authorized bingo games. Such card games shall not be played for money or for any representation of money.

(Effective March 22, 1989)

### **Sec. 7-169-12a. Entire procedure to be completed on same calendar day**

Whenever authorized bingo is played, all cards shall be purchased, winners determined and prizes awarded within the same calendar day.

(Effective October 1, 1987)

### **Sec. 7-169-13a. Players to be physically present**

In the playing of bingo, no person who is not physically present on the premises when the game is actually conducted shall be allowed to participate as a player in the game.

(Effective October 1, 1987)

**Sec. 7-169-14a. Admission, selection of cards by player**

Each player at an authorized bingo game is required to have an identifiable admission card, sheet, or ticket. In order to receive any prize a player must show his or her admission card, sheet, or ticket. Players may purchase admission cards, sheets, or tickets for other players.

(Effective October 1, 1987)

**Sec. 7-169-15a. Each card to have equal opportunity to win**

Each bingo card or sheet shall have an equal opportunity to be a winner. All bingo game cards or sheets shall be sold at a uniform unit price per game for each card or sheet, without any discount or allowance for the purchase of more than one card or sheet.

(Effective March 22, 1989)

**Sec. 7-169-16a. Duplication, preference prohibited**

The cards or sheets of bingo players shall be part of a pre-printed deck, group or series of cards no two of which shall be alike, and such deck, group or series shall not be so prepared or arranged as to give preference to any card.

(Effective October 1, 1987)

**Sec. 7-169-17a. Inspection of objects in receptacle prior to session**

Prior to the start of a session of bingo the member in charge shall cause to be made a verification of all objects to be placed in the receptacle, and shall inspect the objects in the presence of a disinterested person to insure that all objects are present and that there is no duplication of numbers on said objects prior to the start of the bingo games.

(Effective October 1, 1987)

**Sec. 7-169-18a. Objects to be drawn**

Objects to be drawn at authorized bingo games shall be essentially equal as to size, weight, shape and balance, and as to all other characteristics that may control their selection. All such objects shall be present in a receptacle before each game is started.

(Effective October 1, 1987)

**Sec. 7-169-19a. Winning arrangement to be announced prior to game**

The particular arrangement of numbers required to be covered in order to win an authorized bingo game shall be clearly described and announced to the players before the start of each game.

(Effective October 1, 1987)

**Sec. 7-169-20a. Permissible number arrangements**

No arrangement of numbers shall be required to be covered in order to win an authorized bingo game other than the following:

- (1) One unspecified horizontal row
- (2) One unspecified vertical row
- (3) One unspecified diagonal row
- (4) One unspecified row (horizontal, vertical or diagonal)
- (5) A specified arrangement consisting of two or more of the foregoing
- (6) The entire card
- (7) Four outside corners designated as top and bottom spaces under the letters "B" and "O"

(8) Eight spaces surrounding the free space

(9) Four inside corners designated as second and fourth spaces from the top under the letters "I" and "G"

(10) Exactly the same as indicated above on cards bearing five letters other than "BINGO"

(11) Such other arrangements as are announced to bingo players at the time the game in question is played, understood by the bingo players, and which afford all players an equal opportunity to win.

(Effective October 1, 1987)

#### **Sec. 7-169-21a. Announcement of numbers drawn**

Every number drawn at an authorized bingo game shall be announced so as to be visible or audible to each player present.

(Effective October 1, 1987)

#### **Sec. 7-169-22a. Caller to complete call once started**

Once a caller has started vocally to announce a call, he shall complete the call of that number. After the caller has started vocally to announce a call, if any person shall have gone bingo based upon the previous number called, such person shall share the designated prize with any other person or persons who may have gone bingo on the completed call.

(Effective October 1, 1987)

#### **Sec. 7-169-23a. Right to request verifications of numbers**

Each player shall have the right to call for a verification of all numbers drawn at an authorized bingo game at the time a winner is determined, and for a verification of the objects remaining in the receptacle not yet drawn. The verification shall be made in the immediate presence of the member in charge, but if such member is also the announcer, it shall be made in the immediate presence of another officer of the sponsoring organization.

(Effective October 1, 1987)

#### **Sec. 7-169-24a. Prizes**

The prizes of an authorized bingo game shall be as provided in section 7-169 of the general statutes.

(a) Where merchandise is offered as a prize, a gift certificate may be used. A gift certificate shall mean a certificate, ticket, coupon or written order which entitles the holder to a prize of specified value at the place of business of a specified merchant.

(b) A prize of merchandise or gift certificate shall not be redeemable, refundable, exchangeable for or convertible to cash, directly or indirectly in any form.

(Effective October 1, 1987)

#### **Sec. 7-169-25a. Division of prize between winners**

When more than one player is found to be a winner on the call of the same number, the designated prize shall be divided equally to the next nearest dollar and provided a permittee so elects, no winner may receive a prize which amounts to less than ten percent of the announced prize and that in such case the total of said multiple prizes may exceed the statutory limit of said game. Where merchandise is the prize and division is not possible, substitute prizes, the aggregate value of which shall not exceed that of the designated merchandise prize, shall be awarded, but such prizes shall be of equal value to each other.

(Effective October 1, 1987)

**Sec. 7-169-26a. Records, control forms**

(a) **Record keeping.** Accurate records and books shall be kept by each organization authorized to conduct bingo in a manner and on control forms prescribed by the executive director, showing in detail, among other things, the amount and source of gross receipts, prizes, and the expenses incurred.

(b) **Access to records.** The executive director or his authorized representatives shall at all times have access to all books and records of any organization authorized to conduct bingo for the purpose of examining them. Such records shall be accessible at each and every bingo session from the start of the first bingo game.

(c) **Period of retention of records.** All records, books of account, bank statements and all other papers incidental to the operation of authorized bingo games shall be retained by the permitted organization and be available for inspection by the executive director or his authorized representatives for a period of five years from the close of the calendar year to which the records apply.

(Effective March 22, 1989)

**Sec. 7-169-27a. Bank accounts, expenses**

(a) **Special bingo bank account.** Proceeds from authorized bingo games, including proceeds from authorized sealed ticket sales at bingo games, shall be kept in a separate special bingo bank account which shall be in the form of a checking account. All receipts from each bingo session less the amount awarded as cash prizes for that session shall be deposited in this special bingo account no later than three business days following the date of the bingo session. The comingling of any funds derived from the operation of bingo with any other funds, other than proceeds from sealed ticket sales, of the permitted organization is strictly prohibited. Money shall be withdrawn from this special bingo account for only the following purposes:

(1) Payment of expenses authorized pursuant to subsection (b) of this section.

(2) Disbursement from net proceeds for charitable, civic, educational, fraternal, veterans', religious, volunteer fire department or grange purposes.

(b) **Payment of expenses.** Money for reasonable and necessary expenses ordinarily incidental to the conduct of bingo games and sealed ticket sales at bingo games may be paid from the gross receipts only by checks having preprinted consecutive numbers drawn on the special bingo account established pursuant to subsection (a) of this section. Said checks must be payable to the specific person or organization providing the goods or rendering the services which gave rise to the expense item, and at no time may checks be payable to cash. Only those expenses which are reasonable and necessary and ordinarily incidental to the conduct of authorized bingo games and sealed ticket sales at bingo games may be paid from gross receipts.

(c) The requirement for a special bingo bank account, required pursuant to subsection (a) of this section, shall not need apply to an organization holding a "Class B" bingo permit issued pursuant to Section 7-169 (f) of the general statutes, provided an acceptable means of accounting for gross bingo game receipts, prizes, expenses, and disbursements for each session held is approved by the division of special revenue.

(Effective March 22, 1989)

**Sec. 7-169-28a. Returns to be filed, fees to be paid**

In accordance with the provisions of section 7-169 of the general statutes, the following returns shall be filed with the executive director of the division of special revenue, and fees paid to the state:

(a) Each organization operating or conducting an authorized bingo game shall file a return with the executive director, on a form prescribed by him, within ten days after such game is held or within such further time as the executive director may allow.

(b) Each organization operating or conducting an authorized bingo game shall pay to the state a fee of five percent of its gross bingo game receipts, less the bingo game prizes awarded, including the prize of any special grand prize game. This fee shall be paid to the Division of Special Revenue within ten days after such game is held or within such further time as the executive director may allow. This fee payment shall accompany each return required pursuant to subsection (a) of this section.

(Effective March 22, 1989)

#### **Sec. 7-169-29a. Amendment of permit application**

A bingo game may be conducted under conditions other than as stated in the original application for bingo permit if an application to amend, prescribed by the executive director of the division of special revenue, is filed with the executive director and if the subject matter of the proposed amendment could lawfully and properly have been included in the original application and permit, and upon payment of such additional fee, if any, as would have been payable if it had been so included. In no case shall there be a refund of fees. After an investigation of all the facts the executive director may approve or disapprove the application to amend.

(Effective October 1, 1987)

#### **Sec. 7-169-30a. Notice of change in organization status**

No organization shall conduct a game of bingo after any substantial change has come about in its status which is at variance with the facts contained in the original application for registration until an application to amend is filed with the executive director. After an investigation, the executive director may, if the facts so warrant, revoke such certificate of registration.

(Effective October 1, 1987)

#### **Sec. 7-169-31a. Notice of change in personal status**

No person may operate or assist in the operation of a bingo game when any substantial change has come about in his personal status which is at variance with the facts contained in the original application for a personal identification number until an application to amend has been filed with the executive director. After an investigation, the executive director may, if the facts so warrant, revoke such certificate of personal identification.

(Effective October 1, 1987)

#### **Sec. 7-169-32a.**

Repealed, March 22, 1989.

#### **Sec. 7-169-33a. Violations of statutes, rules and regulations**

(a) **Liability.** Any organization permitted to conduct bingo by the executive director, and any person registered and assigned a personal identification number by the executive director shall be liable to the penalties herein provided, unless otherwise provided. It is the duty of all such organizations or persons to know the provisions of Sections 7-169 and 7-169a of the general statutes and these administrative regulations governing the operation of bingo. Nothing in these administrative regulations governing bingo shall be deemed to lessen the primary responsibility

of an organization permitted to conduct bingo, or a person registered and assigned a personal identification number to enforce these statutory provisions and administrative regulations governing the operation of bingo.

(b) **Penalties.** The penalties for violation of Section 7-169 or 7-169a of the general statutes or of these administrative regulations governing the operation of bingo shall be as follows:

(1) The executive director shall revoke a permit for a violation of any provision of section 7-169 of the general statutes and shall not issue any permit to such permittee within one year from the date of such revocation.

(2) For cause, the executive director, pursuant to the provisions of section 7-169a of the general statutes may revoke the registration and identification number of an organization permitted to conduct bingo.

(3) For cause, the executive director may revoke the personal identification number assigned a person operating or assisting in the operation of bingo games in accordance with section 7-169-3a of these administrative regulations governing bingo.

(4) The executive director shall fine any person who promotes or operates any bingo game without a permit, or who violates any provision of Section 7-169 or of Section 7-169a of the general statutes or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by Sections 7-169 or 7-169a or by the executive director, not more than two hundred dollars.

(c) **Payment of fines.** Except where a stay is granted, all fines assessed shall be paid over to the state immediately upon official notification of such fine.

(d) **Right to hearing.** All parties cited for violations will be given opportunity for a hearing in accordance with these regulations and the division of special revenue rules of practice and hearing procedures.

(Effective March 22, 1989)

### **Sec. 7-169-34a. Forms, statements under oath**

All forms, including control forms, used in compliance with the general statutes governing the conduct of bingo and these administrative regulations for bingo shall be furnished by the executive director of the division of special revenue, and when required, all statements therein shall be made under oath.

(Effective October 1, 1987)

### **Sec. 7-169-35a. Waiver**

The executive director, with the approval of the gaming policy board, may waive any rule contained herein in his discretion, except any rule specified in the general statutes, upon his finding that such waiver is in the best interests of the state of Connecticut and the operation of bingo games. Prior approval of the gaming policy board shall not be required in circumstances where the executive director finds that public health, safety, and welfare requires emergency action provided the gaming policy board shall be apprised of the waiver and the circumstances surrounding it at its next scheduled meeting following said waiver whereupon the gaming policy board may approve or disapprove the continuance of such waiver.

(Effective October 1, 1987)

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## Amusement and Recreation Bingo

### Sec. 7-169c-1. Definitions

The following definitions of these administrative regulations governing the conduct of amusement and recreation bingo, including all amendments thereto, shall apply:

(1) **Amusement and recreation.** The activity of supplying entertainment or diversion in a light, playful or pleasant manner.

(2) **Bingo.** A game in which each player receives a card containing several rows of numbers and, as numbers are drawn or otherwise obtained by chance and publicly announced, the player first having a specified number of announced numbers appearing on his card in a continuous straight line or covering a previously designated arrangement of numbers on such card is declared the winner.

(3) **Bingo occasion.** A single session within the same calendar day during which a series of bingo games are played.

(4) **Division.** The Connecticut division of special revenue.

(5) **Executive director.** The executive director of the division of special revenue.

(6) **Identification number.** A number assigned by the executive director of the division of special revenue pursuant to the provisions of section 7-169c of the Connecticut General Statutes permitting the conduct of an amusement and recreation bingo occasion.

(7) **Nominal value.** A value of twenty dollars (\$20) or less either in cash or merchandise.

(8) **Organization.** An association where members are at least sixty years of age and which has applied for and received an identification number from the executive director of the division of special revenue.

(9) **Ranking officer.** The president or chief executive officer of an organization who is authorized to execute applications or reports in the organization's behalf.

(Effective December 21, 1989; amended October 4, 2006)

### Sec. 7-169c-2. Conduct of games

In accordance with section 7-169c of the general statutes, the following provisions shall govern the conduct of amusement and recreation bingo games:

(1) A bingo occasion may be conducted between the hours of 9:00 o'clock a.m. and 10:00 o'clock p.m. on any day during the week.

(2) No license shall be required for an organization to operate or conduct a bingo occasion.

(3) No person other than an active member of the organization may participate in the conduct of a bingo game. No person shall be paid for conducting or assisting in the conduct of a bingo game.

(4) Each bingo game shall be conducted under the supervision of the ranking officer of the organization who shall be responsible for ensuring compliance with the general statutes and administrative regulations governing amusement and recreation bingo games.

(5) No person other than a member of the organization shall participate as a player in any bingo game.

(6) No more than one dollar (\$1) shall be charged for the opportunity to participate in a bingo occasion. Payment of the designated charge up to one dollar (\$1) shall entitle a player to a card or sheet permitting him or her to participate in all bingo games played on each occasion. In addition, the organization may sell each partici-

pant additional cards or sheets at a uniform price not to exceed fifty cents (\$.50) for each additional card or sheet.

(7) Bingo games shall be operated and conducted for the amusement and recreation of the members of the organization. All funds received for the opportunity to participate in bingo games shall be used for prizes and reasonable expenses incurred in the operation of the occasion, it being the intent these regulations that no profit shall accrue to the organization.

(8) No organization shall conduct a bingo occasion unless it has registered with, and received an identification number from the executive director of the division. Any organization wishing to conduct a bingo game shall file an application for registration, prescribed by the executive director, with the division. The executive director shall, upon receipt of an application, determine whether the organization meets the statutory requirements, and if he so determines, issue an identification number to the organization.

(9) Prizes for each single bingo game shall be of nominal value.

(Effective December 21, 1989; amended October 4, 2006)

### **Sec. 7-169c-3. Dispensing of alcoholic beverages restricted**

No authorized amusement and recreation bingo occasion shall be operated in a room or area where alcoholic beverages are dispensed except under conditions approved by the Connecticut department of liquor control.

(Effective December 21, 1989)

### **Sec. 7-169c-4. Records**

Each organization conducting amusement and recreation bingo shall keep records for each occasion of the number of players present, the amount of money paid by players to participate, and the amount of money paid out in prizes, and such records shall be available to the executive director or his authorized representatives for inspection at any reasonable and mutually agreeable time.

(Effective December 21, 1989)

### **Sec. 7-169c-5. Application to amend**

No organization shall conduct a game of bingo after any substantial change has come about in its status which is at variance with the facts contained in the original application for registration until an application to amend, prescribed by the executive director, is filed with the executive director. An organization shall file an application to amend whenever its ranking officer, address, location, day or days of week, or hours of bingo operation change.

(Effective December 21, 1989)

### **Sec. 7-169c-6. Violations of statutes, regulations**

(a) **Liability.** Any organization permitted to conduct amusement and recreation bingo by the executive director shall be liable to the penalty herein provided, unless otherwise provided. It is the duty of all such organizations to know the provisions of section 7-169c of the general statutes and these administrative regulations governing amusement and recreation bingo. Nothing in these administrative regulations shall be deemed to lessen the primary responsibility of an organization permitted to conduct such bingo to enforce these statutory provisions and administrative regulations.

(b) **Penalty.** The penalty for violation of section 7-169c of the general statutes, or of these administrative regulations governing the operation of amusement and recreation bingo shall be as follows:

For cause, the executive director, pursuant to the provisions of section 7-169c of the general statutes, may revoke any registration.

(c) **Right to hearing.** All organizations cited for violations will be given opportunity for a hearing in accordance with these regulations and the division of special revenue rules of practice and hearing procedures.

(Effective December 21, 1989)



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## **Amusement and Recreation Bingo For Parent Teacher Associations**

### **Sec. 7-169e-1. Definitions**

The following definitions of sections 7-169e-1 to 7-169e-6, inclusive of the Regulations of Connecticut State Agencies shall apply:

(1) "Amusement and recreation" means the activity of supplying entertainment or diversion in a light, playful or pleasant manner.

(2) "Bingo" has the same meaning as in section 7-169 of the Connecticut General Statutes.

(3) "Bingo occasion" means a single session within the same calendar day during which a series of bingo games are played.

(4) "Division" means the Connecticut Division of Special Revenue.

(5) "Executive director" means the executive director of the Division of Special Revenue.

(6) "Identification number" means a number assigned by the executive director of the Division of Special Revenue pursuant to the provisions of section 7-169e of the Connecticut General Statutes permitting the conduct of a recreational bingo occasion.

(7) "Nominal value" means a value of twenty dollars (\$20) or less either in cash or merchandise.

(8) "Organization" means any parent teacher association or organization which has applied for and received an identification number from the executive director of the Division of Special Revenue.

(9) "Ranking officer" means the president or chief executive officer of an organization who is authorized to execute applications or reports on the organization's behalf.

(Adopted effective September 29, 2009)

### **Sec. 7-169e-2. Conduct of games**

In accordance with section 7-169e of the Connecticut General Statutes, the following provisions shall govern the conduct of amusement and recreation bingo games:

(1) A bingo occasion may be conducted between the hours of 9:00 o'clock a.m. and 10:00 o'clock p.m. on any day during the week.

(2) No license shall be required for an organization to operate or conduct a bingo occasion.

(3) No person other than an active member of the organization may participate in the conduct of a bingo occasion. No person shall be paid for conducting or assisting in the conduct of a bingo occasion.

(4) Each bingo occasion shall be conducted under the supervision of the ranking officer of the organization who shall be responsible for ensuring compliance with section 7-169e of the Connecticut General Statutes and sections 7-169e-1 to 7-169e-6, inclusive of the Regulations of Connecticut State Agencies.

(5) No person other than a member of the organization or guest shall participate as a player in any bingo occasion.

(6) No more than one dollar (\$1) shall be charged for the opportunity to participate in a bingo occasion. Payment of the designated charge up to one dollar (\$1) shall entitle a player to a card or sheet permitting him or her to participate in all bingo games played on each bingo occasion. In addition, the organization may sell each participant additional cards or sheets at a price not to exceed fifty cents (\$.50) for each additional card or sheet.

(7) A bingo occasion shall be operated and conducted for the amusement and recreation of the members of the organization and their guests. All funds received

for the opportunity to participate in a bingo occasion shall be used for prizes and reasonable expenses incurred in the operation of the bingo occasion.

(8) No organization shall conduct a bingo occasion unless it registers annually with the Division of Special Revenue, pays the annual registration fee required under section 7-169e of the Connecticut General Statutes, and obtains an identification number from the Division. Any organization wishing to conduct a bingo occasion shall file an application for registration, prescribed by the executive director, with the Division. The executive director shall, upon receipt of an application, determine whether the organization meets the statutory requirements, and if the executive director so determines, issue an identification number to the organization.

(9) Prizes for each single bingo occasion shall be of nominal value.

(Adopted effective September 29, 2009)

### **Sec. 7-169e-3. Records**

Each organization conducting amusement and recreation bingo for parent teacher associations or organizations shall keep records for each bingo occasion of the number of players present, the amount of money paid by players to participate, and the amount of money paid out in prizes, and shall make available such records to the executive director or his authorized representatives for inspection at any reasonable and mutually agreeable time.

(Adopted effective September 29, 2009)

### **Sec. 7-169e-4. Application to amend**

No organization shall conduct a bingo occasion after any substantial change has come about in its status which is at variance with the facts contained in the original application for registration until an application to amend, prescribed by the executive director, is filed with the executive director. A substantial change would occur whenever an organization's ranking officer, mailing address, or bingo occasion location changes.

(Adopted effective September 29, 2009)

### **Sec. 7-169e-5. Notification of event**

No organization shall conduct a bingo occasion until a notification of event form, prescribed by the executive director, is filed with the executive director, clearly stating the date, time and place where the bingo occasion will be conducted. Any notification of event form shall be received by the executive director at least seven business days prior to the date of any such bingo occasion.

(Adopted effective September 29, 2009)

### **Sec. 7-169e-6. Violations of statutes, regulations**

(a) It is the duty of all organizations registered to conduct amusement and recreation bingo for parent teacher associations or organizations to know the provisions of section 7-169e of the Connecticut General Statutes and sections 7-169e-1 to 7-169e-6, inclusive of the Regulations of Connecticut State Agencies.

(b) For cause, the executive director, pursuant to the provisions of section 7-169e of the Connecticut General Statutes, may revoke any registration.

(c) **Right to hearing.** All organizations cited for violations shall be given opportunity for a hearing in accordance with the provisions of chapter 54 of the general statutes.

(Adopted effective September 29, 2009)

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## Distribution and Sale of Sealed Tickets

### Sec. 7-169h-1. Sealed ticket permits

(a) A sealed ticket permit and permit number may be issued by the division of special revenue to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange which holds a bingo permit issued in accordance with the provisions of section 7-169 of the general statutes, as amended. Such sealed ticket permit and permit number may be revoked for cause.

(b) The division may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 of the General Statutes which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive, of the General Statutes.

(c) The division may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department, grange or political party or town committee thereof which holds a permit to operate games of chance, issued in accordance with the provisions of Sections 7-186a to 7-186p, inclusive, of the General Statutes.

(Effective October 1, 1987; amended December 8, 1998)

### Sec. 7-169h-2. Over-the-bar permit

The division may issue an over-the-bar permit and permit number to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange which holds a club permit or non-profit club permit under the provisions of Chapter 545 of the general statutes. Such over-the-bar permit and permit number may be revoked for cause.

(Effective March 22, 1989)

### Sec. 7-169h-3. Personal sealed ticket sales permit

(a) No person shall sell, offer for sale or distribute a sealed ticket who has not reached the age of eighteen and who has not applied for and received a permit on forms prescribed by the executive director and has provided information which the executive director may reasonably require including, but not limited to, such person's criminal record, if any, moral character or business affiliations and thereafter has been assigned a permit number from the division to sell sealed tickets. Such personal sealed ticket sales permit and permit number may be revoked for cause.

(b) Notwithstanding the provisions of subsection (a) of this section, the executive director may issue a personal sealed ticket sales permit and permit number to a minor sixteen years of age or older allowing such minor to sell, offer for sale or distribute sealed tickets at an authorized bingo game or games, provided written permission from a parent or legal guardian of such minor is filed with the division.

(Effective March 22, 1989)

### Sec. 7-169h-4. Qualification of sales person

(a) No person shall sell sealed tickets during the operation of authorized bingo games unless he has been a bona fide, active member of at least one sponsoring organization permitted to sell sealed tickets for a period of at least six months.

(b) No person shall sell sealed tickets over-the-bar unless he has been a bona fide, active member or worker of the sponsoring organization permitted to sell sealed tickets for a period of at least six months.

(Effective March 22, 1989)

**Sec. 7-169h-5. Sales persons**

(a) **Member in charge.** Every organization permitted to sell sealed tickets shall designate a bona fide, active member of the organization to be in charge of and primarily responsible for the procurement, distribution and sale of sealed tickets by the organization. The member in charge shall have been a member in good standing for at least six months of the organization permitted to sell sealed tickets. The member in charge shall supervise all activities and be responsible for the conduct of all sealed ticket sales, including the preparation of all returns, control reports, certified statements and affidavits, the records of receipts and disbursements and bank accounts required by the division of special revenue, and the disposition of funds. The member in charge may designate, in writing, a qualified sales person to act in his behalf and to discharge his responsibilities on occasions when he is unable to do so. The member in charge or his qualified designee shall be present on the premises continually during the time at which sealed tickets are sold, offered for sale or distributed, and shall be familiar with the general statutes and administrative regulations governing the distribution and sale of sealed tickets.

(b) **Participation as sales person restricted.** No person shall assist in the conduct of sealed ticket sales except the holder of a personal sealed ticket sales permit whose name appears on the notice required pursuant to section 7-169h-10 of these sealed ticket regulations.

(c) **Identification required.** The member in charge and those assisting him in any capacity shall possess and display such identification as may be specified by the executive director of the division of special revenue.

(d) **Payment of sales persons prohibited.** No commission, salary, compensation in any form or gift shall be paid or given to any person in any manner conducting or assisting in the conduct of sealed ticket sales either directly or indirectly. For the purposes of this subsection, compensation normally paid to bartenders of over-the-bar permittees shall not be considered as compensation for the sale or assistance in the selling of sealed tickets. No person selling sealed tickets shall solicit or receive any gift or donation of cash or merchandise on the premises during the conduct of sealed ticket sales.

(e) **Compensation of bookkeepers and accountants.** Bookkeepers and accountants may receive reasonable compensation for necessary services ordinarily incidental to the sale of sealed tickets.

(Effective March 22, 1989)

**Sec. 7-169h-6. Investigation of permit applicants**

The executive director shall make or cause to be made an investigation of the qualifications of permit applicants desiring to distribute or sell sealed tickets and the facts stated in any application and, if he determines that the permit applicant is qualified to distribute or sell sealed tickets, the division shall issue a permit and permit number to such applicant.

(Effective October 1, 1987)

**Sec. 7-169h-7. Unsuitable person barred**

No person shall operate or assist in the operation of authorized sealed ticket games whose moral character, criminal record, if any, or business affiliations render such person unsuitable in the opinion of the executive director.

(Effective October 1, 1987)

**Sec. 7-169h-8. Restrictions on renting of premises or equipment**

No organization shall rent, lease or hire premises or equipment for the distribution or sale of sealed tickets on a percentage of gross or net earnings or income, or at a reduced rate or free of charge if the free or reduced rate for use of such equipment or premises carries with it an agreement of compensation or reward directly or indirectly in any form.

(Effective October 1, 1987)

**Sec. 7-169h-9. Facilities**

(a) **Premises required to be open for inspection.** The premises where sealed tickets are distributed or sold or where it is intended that any sealed ticket activity be conducted shall, at reasonable times, be open to inspection by the executive director or his duly appointed representatives.

(b) **Certain notices required to be posted.** Each organization authorized to sell sealed tickets shall conspicuously post within that portion of the premises where sealed tickets are sold one or more notices as required by the executive director containing certain designated rules governing the distribution and sale of sealed tickets and its sealed ticket permit. The notice or notices shall be in the form prescribed and may be provided by the division of special revenue.

(Effective March 22, 1989)

**Sec. 7-169h-10. Notice on premises**

A notice shall be posted conspicuously on the premises where authorized sealed ticket sales are conducted providing (1) the name of the organization and its division of special revenue permit number; (2) the name of the member in charge thereof; (3) the name of sealed ticket games, tickets for which are offered for sale, and the amount of the charges for such tickets; (4) the amount of prizes to be offered, and (5) the names and permit numbers of the member in charge and sales persons for the particular session or time.

(Effective October 1, 1987)

**Sec. 7-169h-11. No other games of chance activity permitted on premises**

No games of chance of any kind other than bingo games, bazaars, raffles, or games of chance authorized pursuant to the provisions of Chapter 98 of the general statutes, and regardless of whether any separate or additional charge or payment is required, shall be conducted or allowed in the room or rooms, on any occasion, where or when authorized sealed tickets are sold.

(Effective October 1, 1987; amended December 8, 1998)

**Sec. 7-169h-12. Sealed ticket games**

The different types of sealed ticket games shall be established by the executive director. Any sealed ticket game or type or category of sealed ticket game, once having been established may thereafter be discontinued in similar manner provided reasonable notice of such intention is given to each organization permitted to sell sealed tickets. A discontinuation shall not affect the rights of those who purchased sealed tickets prior to the effective date of termination.

(Effective October 1, 1987)

**Sec. 7-169h-13. Official procedure filed**

The frequency and duration of sealed ticket games, the prices of tickets, the manner in which such games shall be conducted and played, as well as the manner in which winners are to be selected and prizes claimed and awarded shall be contained

in these sealed ticket regulations and in the official procedures for each sealed ticket game established by the executive director. All official procedures shall be in written form and kept on file at the division in sufficient supply to assure distribution to any party requesting a copy.

The division may produce and distribute illustrative brochures and other materials designed to inform permittees and ticket purchasers as to the manner of participation in a sealed ticket game. This game information may also be printed on the sealed ticket itself. However, in the event of any conflict, the official procedures, as adopted and on file with the division, shall control.

(Effective October 1, 1987)

**Sec. 7-169h-14. Information required on sealed ticket**

Each sealed ticket offered for sale by the division shall include, but not be limited to, the following information:

(1) The state agency name "Connecticut Division of Special Revenue" and state seal.

(2) The price at which each ticket is to be sold.

(3) The name of the sealed ticket game represented by the ticket.

(4) The total number of winners possible from the particular packet.

(5) The prize categories of the game.

(6) The number of tickets per game packet.

(7) The phrase "To be sold only by Connecticut Division of Special Revenue Permittees."

(8) The phrase "Prizes paid only by Permittee at place of sale."

(9) Such other information as may be required by the division so as to ensure the security and integrity of the sealed ticket game.

(Effective October 1, 1987)

**Sec. 7-169h-15. Percentage retained by permittee as profit**

Each organization permitted by the division to sell sealed tickets shall retain at least ten percent of the resale value of sealed tickets sold as profit. The exact percentage of the resale value of tickets to be retained as profit shall be established by the executive director and be specified in the official procedures adopted by the executive director in accordance with Section 7-169h-13 for each sealed ticket game.

(Effective March 22, 1989)

**Sec. 7-169h-16. Percentage to be awarded as prizes**

At least forty-five percent (45%) of the resale value of sealed tickets shall be returned as prizes to holders of winning tickets. The exact percentage of the resale value of tickets to be returned as prizes shall be established by the executive director and be specified in the official procedures adopted by the executive director in accordance with section 7-169h-13 for each sealed ticket game.

(Effective October 1, 1987)

**Sec. 7-169h-17. Apportionment of revenues**

All revenues received by the division from the sale of sealed tickets, in excess of division needs relating to the distribution and sale of sealed tickets, shall revert to the state general fund.

(Effective October 1, 1987)

**Sec. 7-169h-18. Purchase of sealed tickets from division**

Permittees shall purchase sealed tickets from the division at a cost which is equal to ten per cent (10%) of their resale value. Sealed tickets shall be purchased in

accordance with purchasing procedures adopted by the executive director and provided to each organization permitted to sell sealed tickets at the time such organization is issued its permit.

(Effective October 1, 1987)

### **Sec. 7-169h-19. Payment of sealed ticket prizes**

Sealed ticket prizes shall be paid only by a sealed ticket permittee and only at the permittee's place of sale.

(Effective October 1, 1987)

### **Sec. 7-169h-20. Records, control forms**

(a) **Record keeping.** Accurate records and books shall be kept by each organization permitted to sell sealed tickets in a manner and on control forms approved by the executive director, showing in detail, among other things, the amount and source of gross receipts, prizes, and the expenses incurred.

(b) **Access to records.** The executive director or his authorized representatives shall at all times have access to all books and records of any organization permitted to sell sealed tickets for the purpose of examining them. Such records shall be accessible where or when sealed tickets are sold.

(Effective March 22, 1989; amended December 8, 1998)

### **Sec. 7-169h-21. Bank accounts, expenses**

(a) Proceeds from sealed ticket sales shall be kept in a separate special sealed ticket bank account which shall be in the form of a checking account. All receipts from sealed ticket sales less the amount awarded as cash prizes shall be deposited in the special sealed ticket account. The commingling of any funds derived from the sale of sealed tickets with any other funds of the permitted organization is strictly prohibited. Money shall be withdrawn from this special account for only the following purposes:

(1) Payment of expenses authorized pursuant to subsection (b) of this section.

(2) Disbursement from net proceeds for charitable, civic, educational, fraternal, veterans', religious, volunteer fire department or grange purposes.

(b) **Payment of expenses.** Money for reasonable and necessary expenses ordinarily incidental to the sale of sealed tickets may be paid from the gross receipts of sealed ticket sales only by checks having preprinted consecutive numbers drawn on the special sealed ticket account required and authorized pursuant to subsection (a) of this section. Said checks must be payable to the specific person or organization providing the goods or rendering the services which gave rise to the expense item, and at no time may checks be payable to cash. Only those expenses which are reasonable and necessary and ordinarily incidental to the sale of sealed tickets may be paid from the gross receipts of sealed ticket sales.

(Effective March 22, 1989; amended December 8, 1998)

### **Sec. 7-169h-22. Amendment of permit application**

Sealed ticket sales may be conducted under conditions other than as stated in the original application for a sealed ticket permit if an application to amend, prescribed by the executive director of the division, is filed with the executive director and if the subject matter of the proposed amendment could lawfully and properly have been included in the original application and permit, and upon payment of such additional fee, if any, as would have been payable if it had been so included. In no case shall there be a refund of fees. After an investigation of all the facts, the division may approve or disapprove the application to amend.

(Effective October 1, 1987)

**Sec. 7-169h-23. Notice of change in organization status**

No organization shall sell sealed tickets after any substantial change has come about in its status which is at variance with the facts contained in the original application for a sealed ticket permit until an application to amend is filed with the executive director. After an investigation, the division may, if the facts so warrant, revoke such organization's sealed ticket permit.

(Effective October 1, 1987)

**Sec. 7-169h-24. Notice of change in personal status**

No person shall sell, offer for sale or distribute a sealed ticket when any substantial change has come about in his personal status which is at variance with the facts contained in the original application for a sealed ticket sales permit and permit number until an application to amend has been filed with the executive director. After an investigation, the division may, if the facts so warrant, revoke such sealed ticket sales permit and permit number.

(Effective October 1, 1987)

**Sec. 7-169h-25. Monthly return to be filed**

Any organization permitted to sell sealed tickets, and its members who were in charge thereof, shall furnish to the executive director a monthly return, the form of which shall be prepared by the executive director, showing the following:

(1) The amount of the gross receipts derived from sealed ticket sales which shall include income from the sale of tickets or rights in any manner connected with participation in each such game or the right to participate therein.

(2) Each item of expense incurred or paid, and each item of expenditure made or to be made, the name of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor.

(3) The net profit derived from sealed ticket sales, and the uses to which the net profit has been or is to be applied.

Such monthly return shall be furnished by the tenth of the next succeeding month.

(Effective March 22, 1989)

**Sec. 7-169h-26. Violations of statutes, rules and regulations, false statement**

(a) Whenever it appears to the executive director of the division of special revenue after an investigation that any person is violating or is about to violate any provisions of this section 7-169h of the General Statutes or Sections 7-169h-1 to 7-169h-28, inclusive, of the regulations of Connecticut state agencies, the executive director may in his discretion, to protect the public welfare, order that any sealed ticket permit issued be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of Chapter 54 of the General Statutes.

(b) Whenever the executive director finds as the result of an investigation that any person has violated any provision of section 7-169h of the General Statutes or sections 7-169h-1 to 7-169h-28, inclusive, of the regulations of Connecticut state agencies, or made any false statement in any application for a permit or in any report required by the executive director, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall

include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54 of the General Statutes. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order.

(d) Whenever the executive director revokes a permit issued pursuant to section 7-169h of the General Statutes, he shall not issue any permit to such permittee for one year after the date of such revocation.

(Effective October 1, 1987; amended December 8, 1998)

#### **Sec. 7-169h-27. Forms, statements under oath**

All forms, including control forms, used in compliance with the general statutes governing the distribution and sale of sealed tickets and these administrative regulations for sealed tickets shall be furnished by the executive director of the division of special revenue, and when required, all statements therein shall be made under oath.

(Effective October 1, 1987)

#### **Sec. 7-169h-28. Waiver**

The executive director, with the approval of the gaming policy board, may waive any rule contained herein in his discretion, except any rule specified in the general statutes, upon his finding that such waiver is in the best interests of the state of Connecticut and the distribution and sale of sealed tickets. Prior approval of the gaming policy board shall not be required in circumstances where the executive director finds that public health, safety, and welfare requires emergency action provided the gaming policy board shall be apprised of the waiver and the circumstances surrounding it at its next scheduled meeting following said waiver whereupon the gaming policy board may approve or disapprove the continuance of such waiver.

(Effective October 1, 1987)

#### **Sec. 7-169h-29.**

Repealed, December 8, 1998.



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## Operation of Bazaars and Raffles

### Secs. 7-185-1—7-185-9.

Repealed, March 17, 1988.

### Secs. 7-185-1a—7-185-13a.

Repealed, June 17, 1992.

### Sec. 7-185-1b. Definitions

When used in sections 7-185-1b to 7-185-17b, inclusive, the following words and phrases shall have the meaning herein allocated to them:

(a) "Aggregate value of prizes offered" means the amount paid by the applicant for the prize or prizes, or the retail value of the same if donated.

(b) "Applicant" means the sponsoring organization.

(c) "Bazaar and raffle act" means sections 7-170 to 7-186, inclusive, of the Connecticut General Statutes, as amended.

(d) "Chance", by which it is determined that certain tickets entitle the holders to prizes at a raffle, means the drawing from a container having therein counterparts or stubs of all tickets sold, or, in the case of a cow-chip raffle authorized pursuant to subsection (d) of section 7-185a of the Connecticut General Statutes, a drawing utilizing an adequately marked land area with consecutively numbered plots which correspond to the consecutively numbered raffle tickets, or, in the case of a "duck-race raffle" authorized pursuant to subsection (f) of section 7-185a of the Connecticut General Statutes, or a "frog-race raffle" authorized pursuant to subsection (g) of section 7-185a of the Connecticut General Statutes, a drawing utilizing a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first duck or frog to pass a designated finishing point is the winning ticket.

(e) "Executive director" means the executive director of the division of special revenue.

(f) "Dealer" means any supplier of equipment used in a bazaar or raffle for a rental fee therefor, or without charge, if the free use of such equipment carries with it an agreement or condition that the gifts, wares or merchandise will be purchased or obtained from the supplier, or who for the loan of such equipment receives consideration, compensation or reward directly or indirectly in any form.

(g) "Equipment" means any implement, instrument, device, wheel or machine designed or intended to be used, or used, in the conduct of a bazaar or raffle, and includes coupons, tickets or other evidence of right to participate in a bazaar or raffle.

(h) "Gift certificate" means a certificate, ticket, or coupon which entitles the holder to exercise his option in the choice of an article of merchandise or any item of service; provided, in the case of a raffle, an order for a specific item of merchandise describing such merchandise in detail shall not come within the term "gift certificate." Such certificates, tickets, or coupons may be used as a medium of exchange, barter or purchase in any transaction, and are not refundable in money or cash, or redeemable or convertible into cash, directly or indirectly.

(i) "Goods, wares and merchandise" means all prizes, articles, supplies and commodities necessary to the conduct of a bazaar or raffle.

(j) "Means of chance," by which merchandise may be disposed of at a bazaar, means a game, sport, amusement, diversion, scheme, plan, project, contest, undertaking or enterprise wherein chance, fortune, luck or lot is the predominating factor or element in the winning or awarding of a prize, including the drawing for a prize or prizes from a container or containers having therein tickets, counterparts or stubs of tickets sold, but shall not include any game, sport, amusement, diversion, scheme,

plan, project, contest or undertaking where the skill, accomplishment, art or adroitness of the operator or participant is the primary factor in the winning or awarding of a prize.

(k) "Net profit" means the gross income from the sale of tickets or shares of rights to participate in a bazaar or raffle, less only actual expenses incurred for bona fide items in reasonable amounts for goods, wares or merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting of a bazaar or raffle.

(l) "Nonprofit organization" means an organization of which any officer, member or employee does not receive, and shall not receive, any pecuniary profit from the operations thereof, except reasonable compensation for services rendered in the conduct of its affairs.

(m) "Organization" or "sponsoring organization" means a nonprofit organization.

(n) "Services rendered" means janitorial services, purchase, construction and repair of equipment, rental of premises, utilities, rental of tents, booths, tables, wheels and games of chance, permit fees, accounting fees, necessary police or security service, necessary fire service, insurance protection and advertising, which services rendered shall not be an authorized expense unless rendered solely in and for the conduct of the bazaar or raffle.

(Effective June 17, 1992; amended April 5, 1999, January 2, 2007)

### **Sec. 7-185-2b. Application for permit**

(a) No bazaar or raffle may be promoted, operated or conducted in any municipality unless it is sponsored and conducted exclusively by (1) an officially recognized organization or association of veterans of any war in which the United States has been engaged, (2) a church or religious organization, (3) a civic or service club, (4) a fraternal or fraternal benefit society, (5) an educational or charitable organization, (6) an officially recognized volunteer fire company, (7) a political party or town committee thereof or (8) a municipality acting through a committee designated to conduct a celebration of the municipality's founding on its hundredth anniversary or any multiple thereof. Any such sponsoring organization, except a committee designated pursuant to subdivision (8) of section 7-172 of the general statutes, shall have been organized in good faith and actively functioning as a nonprofit organization, for a period of at least six months prior to its application for a permit, within the municipality that is to issue the permit. Application by any such organization for a permit to conduct a bazaar or raffle shall be made to the chief of police of any municipality having an organized police department, or to the first selectman of any town in which there is no organized police department, as the case may be, in duplicate, at least ten business days in advance of the effective date of such bazaar or raffle, and such chief of police or first selectman shall forward the original of such application within five business days thereafter to the executive director, and such application shall be signed by the three designated active members under whom the bazaar or raffle described in the application is to be held.

(b) A sponsoring organization's own existence for at least six months in the municipality in which a permit is sought shall be the determining factor in regard to the issuance of a permit, notwithstanding the residence of some of the organization's members.

(c) An organization which has no such existence, or an existence of less than six months, shall not be the recipient of a permit to conduct a bazaar or raffle in such municipality, notwithstanding the status in this state of its parent organization.

(d) Notwithstanding the provisions of subsections (b) and (c) of this section, a committee designated pursuant to subdivision (8) of section 7-172 of the general statutes shall not be required to have been in existence for a period of six months prior to its application for a permit.

(e) No bazaar or raffle shall be conducted under conditions other than as stated in the original application unless an "Application to amend" form, prescribed by the executive director, has been filed with and approved by the executive director.

(f) No change or amendment shall be allowed by the executive director unless the subject matter of the proposed change or amendment could lawfully and properly have been included in the original application and is not in conflict with the provisions of the bazaar and raffle act and regulations issued pursuant thereto.

(g) No change shall be permitted by the executive director in the conduct of a raffle subsequent to the sale of any raffle tickets which involves a different time, date or place of the drawing from that stated in the original application and on each of the raffle tickets, except upon personal notice of such change by the sponsoring organization to each and every purchaser of a ticket or tickets.

(Effective June 17, 1992; amended April 5, 1999)

### **Sec. 7-185-3b. Examination**

(a) The chief of police or first selectman issuing the permit to conduct a bazaar or raffle and his duly authorized agents, and the executive director and his duly authorized agents may examine the books and records of any sponsoring organization at any time during the conduct of the bazaar or raffle and for a period of one year after the termination thereof.

(b) The premises where any bazaar or raffle is being held, operated or conducted, or where it is intended that any bazaar or raffle shall be held, operated or conducted, and the equipment that is used or intended to be used in the conduct of any bazaar or raffle shall at all times be open to inspection by the chief of police or first selectman issuing the permit and his agents, and to the executive director and his agents.

(Effective June 17, 1992)

### **Sec. 7-185-4b. Permits**

(a) Each permit issued for the conduct of a bazaar or raffle shall at all times be conspicuously displayed at the place where the bazaar or raffle is being conducted during the conduct of the bazaar or raffle.

(b) When a bazaar is postponed for any reason, the postponement shall not be to a date more than ten days subsequent to the original commencing date of the bazaar permit and in no case shall there be a refund of fees.

(c) "Class No. 1" permits shall allow the operation of a raffle which shall be consummated within three months of the granting of a permit and the aggregate value of the prize or prizes offered shall be not more than fifteen thousand dollars.

(d) "Class No. 2" permits shall allow the operation of a raffle which shall be consummated within two months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than two thousand dollars.

(e) "Class No. 3" permits shall permit the operation of a bazaar for a period of not more than ten consecutive days, excluding legal holidays and Holy Days on which the bazaar is not functioning. Any bazaar held under the authority of any such permit shall be held within six months of the granting of the permit.

(f) "Class No. 4" permits shall allow the operation of a raffle which shall be consummated within one month of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred dollars.

(g) "Class No. 5" permits shall allow the operation of a raffle which shall be consummated within six months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than fifty thousand dollars.

(h) "Class No. 6" permits shall allow the operation of a raffle which shall be consummated within nine months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred thousand dollars.

(i) No more than one "Class No. 1" permit, two "Class No. 3" permits, one "Class No. 4" permit, one "Class No. 5" permit, one "Class No. 6" permit, or three "Class No. 2" permits shall be issued to any qualifying organization within any one calendar year. The aggregate value of prizes offered under any of the permits shall represent the amount paid by the applicant for the prize or the retail value of the same if donated.

(Effective June 17, 1992; amended April 5, 1999)

### **Sec. 7-185-5b. Investigation of applicant**

Such chief of police or first selectman, as the case may be, shall make or cause to be made an investigation of the qualifications of the applicant and the facts stated in the application and, if he determines that the applicant is qualified to hold, operate and conduct a bazaar or raffle under the provisions of sections 7-170 to 7-186, inclusive, of the general statutes, that the members of the applicant designated in the application to hold, operate or conduct the bazaar or raffle are electors of the municipality, bona fide active members of the applicant and persons of good moral character and have never been convicted of a felony and that the bazaar or raffle is to be held, operated and conducted in accordance with the provisions of said sections, he shall, with the approval of the executive director, issue a permit to the applicant. Upon issuing the permit, the chief of police or first selectman shall forward to the executive director the original of the application, together with the state's share of the application fee, if any.

(Effective June 17, 1992)

### **Sec. 7-185-6b. Permit fees**

The fees to be charged for permits shall be as follows: A "Class No. 1" permit, fifty dollars, twenty-five dollars to be retained by the municipality and twenty-five dollars to be remitted to the state; a "Class No. 2" permit, twenty dollars, ten dollars to be retained by the municipality and ten dollars to be remitted to the state; a "Class No. 3" permit, twenty dollars for each day of the bazaar, ten dollars to be retained by the municipality and ten dollars to be remitted to the state; a "Class No. 4" permit, five dollars, to be retained by the municipality; a "Class No. 5" permit, eighty dollars, forty dollars to be retained by the municipality and forty dollars to be remitted to the state, and a "Class No. 6" permit, one hundred dollars, fifty dollars to be retained by the municipality and fifty dollars to be remitted to the state.

(Effective June 17, 1992)

### **Sec. 7-185-7b. Advertising restrictions**

(a) No bazaar or raffle to be conducted under any permit issued shall be advertised as to its location, the time when it is to be or has been held or the prizes awarded or to be awarded, by means of television or sound truck or by means of billboards, provided one sign, not exceeding twelve square feet, may be displayed on the

premises where the drawing or allotment of prizes is to be held and also where the prizes are or will be exhibited.

(b) Notwithstanding the provisions of subsection (a) of this section, an announcement of a sponsoring organization's raffle on a public access cable television station's rolling billboard or talk show, which informs the community about upcoming events, is deemed to be news, and not advertising. Such announcements may be made or conducted by a sponsoring organization.

(Effective June 17, 1992)

### **Sec. 7-185-8b. Tickets and stubs**

(a) All stubs or counterparts of the tickets sold, and no others, shall be placed in the container before each drawing.

(b) Tickets already drawn shall not again be placed in the container.

(c) An active designated member, and no other person, shall place the stubs into the container from which the drawing is to be made, and the active designated member shall inspect each stub before depositing the same to guard against the inclusion of stubs or counterparts which are counterfeit or illegitimate.

(d) Only stubs or counterparts bearing the names and addresses of ticket holders shall be placed in the container.

(e) Each raffle ticket shall have printed thereon the name of the sponsoring organization and the time, date and place where the drawing is to be held, the price of the ticket, the three most valuable prizes to be awarded and the total number of prizes to be awarded. Each raffle ticket shall be numbered and shall have a correspondingly numbered stub or counterpart with a designated space for the name and address of the holder.

(f) Tickets without a designated space on the stub or counterpart, or without a stub or counterpart, may be sold and used, with proper permit, when such tickets are not sold in advance but are sold only to persons present at a single gathering or session at the place and on the occasion of a drawing, at which time the winners are determined and the prizes awarded in plain view of purchasers present.

(g) No raffle ticket shall contain any advertising matter, and specimen tickets or printers' proofs thereof shall be submitted with both copies of an application for a permit to conduct a raffle.

(h) All tickets or other forms of shares or rights to participate in a raffle shall be sold at a uniform unit price for each ticket, share or right, without any discount or allowance for the purchase of more than one such ticket, share or right.

(i) No applicant may print, distribute or sell raffle tickets prior to the approval of such raffle tickets by the executive director, and the issuance of a permit authorizing the conduct of a raffle.

(j) All unsold raffle tickets shall be preserved and available for inspection for a period of one year from the date of the termination of a raffle.

(Effective June 17, 1992)

### **Sec. 7-185-9b. Prizes**

(a) All prizes given at any bazaar or raffle shall be merchandise, tangible personal property or a ticket, coupon or gift certificate, which shall not be refundable or transferable, entitling the winner to merchandise, tangible personal property, services, transportation on a common carrier by land, water or air and to any tour facilities provided in connection therewith, or to participation in a lottery conducted under chapter 226 of the general statutes. Cash prizes, except those authorized pursuant to section 7-185a of the statutes, or prizes consisting of alcoholic liquor

shall not be given nor shall any prize be redeemed or redeemable for cash, except tickets for a lottery conducted under chapter 226 of the general statutes. For the purposes of this section, coins whose trading value exceeds their face value and coins not commonly in circulation shall not be deemed a cash prize.

(b) No permittee shall offer, distribute or award as prizes real estate or an interest therein, bonds, shares of stock, securities or evidences of indebtedness, tickets or other forms of shares or rights to participate in any bazaar or raffle, or any merchandise or article refundable in any of the foregoing, or in money or cash, or redeemable or convertible into cash, directly or indirectly.

(c) Extra and cumulative prizes or a share in a prize shall not be permitted.

(d) The winner's choice of merchandise may be offered as a prize in a raffle, provided the choice shall be limited to not more than one of two specific items of merchandise of equal value, with a description of each printed on the raffle ticket.

(e) When a prize is unclaimed, or when because of illegible writing, or otherwise, the winner's identity cannot be determined, the prize shall be preserved in good condition for a period of one year, or funds sufficient to purchase a prize similar in nature and value shall be set aside by the sponsoring organization for the same period, and the prize or substitute prize awarded within said period to the winner upon proper proof thereof.

(f) All reasonable means shall be employed by the sponsoring organization to locate the winner of a prize.

(g) All prizes shall be awarded within a reasonable period of time after the conclusion of a raffle.

(h) All articles to be awarded as prizes in a bazaar shall be conspicuously displayed in the building, structure, booth; tent or place in which the bazaar is being conducted, and no article not so displayed shall be awarded.

(i) No item of merchandise not to be offered, distributed or awarded as a prize at a bazaar shall be displayed with items of merchandise that are to be awarded, distributed or offered as a prize at a bazaar in any building, structure, booth, tent or place in which the bazaar is conducted.

(Effective June 17, 1992)

### **Sec. 7-185-10b. Permissible games of chance**

(a) The following are permissible games of chance which may be operated by a sponsoring organization during the conduct of a bazaar in the state:

(1) "Money-wheel" games as authorized pursuant to subsection (c) of section 7-185a of the general statutes

(2) Merchandise prize wheel games

(3) Knock-a-block games

(4) Dime pitches onto a flat surface

(5) Jar ticket games

(6) Straw games

(7) Lollipop games

(8) Duck pond games

(9) "Fifty-fifty" coupon games as authorized pursuant to subsection (d) of section 7-185a of the general statutes

(10) "Teacup raffles" as authorized pursuant to subsection (f) of section 7-185a of the general statutes

(11) Such other games of chance as may be approved by the division in conjunction with a sponsoring organization's application for a permit or application to

amend form, or upon the written request of a bazaar or raffle equipment dealer registered with the division.

(b) Equipment may include money-wheels, merchandise prize wheels, lay-downs or numbered boards, raffle or game drums or containers, blocks, balls, dime pitch boards, and any item directly involved with the conduct of a game of chance.

(Effective June 17, 1992)

### **Sec. 7-185-11b. Cow-chip raffles**

(a) Any sponsoring organization qualified to conduct a bazaar or raffle may operate a cow-chip raffle as authorized pursuant to subsection (e) of section 7-185a of the general statutes once a calendar year and, pursuant to a "Class No. 1", "Class No. 2" or "Class No. 4" permit, may award cash prizes in connection with participation in such a raffle, in addition to those prizes authorized pursuant to section 7-177 of the general statutes and section 7-185-9b of these administrative regulations governing the operation of bazaars and raffles. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, of the general statutes, and these administrative regulations governing the operation of bazaars and raffles.

(b) A cow-chip raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of a plot of land for purposes of the conduct of the cow-chip raffle.

(c) Each organization intending to sponsor or conduct a cow-chip raffle shall furnish with its application for a permit, a cow-chip raffle plot plan displaying the land area to be utilized for such raffle and the numbered plots, each corresponding to a numbered cow-chip raffle ticket.

(d) Each organization conducting a cow-chip raffle shall provide for a suitable land area on which the cow-chip raffle activity is to be conducted. The area shall be sufficiently enclosed so as to confine any animal utilized in the conduct of a cow-chip raffle during the period in which the animal is so utilized. The area shall be adequately marked so as to display the number of plots to be utilized, which shall correspond to the number of cow-chip raffle tickets to be sold.

(e) The manner in which winners in a cow-chip raffle are determined shall be clearly stated prior to the commencement of a cow-chip raffle drawing and each sponsoring organization shall conspicuously post an information board, prescribed by the executive director, which shall display the consecutively numbered plots of the cow-chip raffle event.

(f) A cow-chip raffle drawing shall commence at a designated time and shall continue until all winners of authorized prizes have been determined.

(g) No person may feed, lead or handle any animal utilized in a cow-chip raffle once the animal has entered into the enclosed area from which winners will be determined.

(Effective June 17, 1992)

### **Sec. 7-185-12b. General conduct of a bazaar or raffle**

(a) The equipment used in the conduct of a bazaar or raffle and the method of play by means of chance shall be such that each ticket, share or right to participate shall have an equal opportunity to be a winner.

(b) If a bazaar or raffle is conducted on the occasion of or in conjunction with other lawful activity, such as a circus or carnival, a dinner, a dance, an entertainment, fashion show or the like, there shall be separately set forth on each raffle ticket the price of participation in the raffle, and the funds derived from the bazaar or raffle

shall be segregated and reported and used only for the purposes stated in the application for a permit.

(c) Only those expenses shall be authorized that are incurred solely in and for the conduct of the bazaar or raffle, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bazaar or raffle except as are bona fide items in reasonable amount for equipment, goods, wares or merchandise furnished or services rendered.

(d) No commission, salary, compensation, reward or recompense shall be paid or given to a seller or purchaser of tickets, directly or indirectly.

(e) The presence of a holder of a ticket on a raffle shall not be required in order to win, unless the ticket bears the statement "Not valid unless holder is present at the drawing."

(f) If the presence of a holder of a ticket on a raffle is required in order to win, such person shall be entitled to be present at the drawing without any additional charge.

(g) The particular method of drawing winners shall be clearly described and announced immediately before the drawing or allotment by chance begins, and every drawing and every allotment by chance shall be conducted openly and in plain view of all participants present.

(h) All stubs and counterparts drawn shall be immediately exhibited and shall be preserved and available for inspection for a period of one year from the date of the termination of a bazaar or raffle.

(i) No sponsoring organization shall, in the conduct of a bazaar or raffle, give any service or thing of value without charge or compensation to persons participating in the bazaar or raffle other than, or in addition to, the prizes awarded the winner.

(j) No compensation or reward shall be given to any person for his services in drawing the winning number, or for any other service except as provided for in these regulations.

(k) No proceeds derived from the conduct of a bazaar or raffle shall be devoted to other than the aims and purposes of the sponsoring organization.

(l) A sponsoring organization may promote the sale of raffle tickets and conduct a single drawing for prizes during a specified period of time pursuant to section 7-175 of the general statutes.

(m) All games of chance to be operated under a bazaar permit shall be segregated together and shall be played for a uniform unit price which must be clearly visible to the general public.

(n) Each game of chance operated under a bazaar permit shall conspicuously display a notice, prescribed by the executive director, stating that such game is authorized pursuant to sections 7-170 to 7-186, inclusive, of the general statutes, these administrative regulations governing the operation of bazaars and raffles, and such other information as the executive director may require.

(o) Each bazaar "money-wheel" game operated under a bazaar permit shall also conspicuously display a second notice, prescribed by the executive director, stating among other things, that such "money-wheel" game is authorized pursuant to subsection (c) of section 7-185a of the general statutes.

(p) Each worker assisting in the operation of any bazaar shall have an appropriate identification card, confirming membership in the sponsoring organization, or an identification card prescribed by the executive director, signed by a ranking officer of the sponsoring organization and authorizing such worker to assist in the operation of said bazaar. Such identification shall be displayed on request.

(Effective June 17, 1992)

**Sec. 7-185-13b. Reports, records receipts and disbursements**

(a) Designated active members of a sponsoring organization shall be responsible, individually and collectively, for forwarding to the permit issuing authority a duly verified statement, in duplicate, concerning the operation of a bazaar or raffle on forms prescribed and furnished by the executive director. The verified statement shall be furnished during the next succeeding month.

(b) Within five business days of receipt of such a statement, a permit issuing authority shall forward the original of same to the executive director.

(c) Each sponsoring organization which holds, operates or conducts any bazaar or raffle shall keep accurate records of receipts and disbursements that may be necessary to substantiate the particulars of the bazaar or raffle, which books and records shall be preserved for at least one year from the date of the verified statement required pursuant to section 7-182 of the general statutes and subsection (a) of this section.

(d) Each sponsoring organization which holds, operates or conducts a cow-chip raffle shall establish and maintain a special checking account which shall be subject to audit by the division of special revenue. All proceeds derived from the conduct of a cow-chip raffle shall be deposited into this special checking account, and any expense incidental to the conduct of a cow-chip raffle shall be paid only by checks drawn from the special checking account. All cash prizes awarded shall be paid from the special checking account.

(Effective June 17, 1992)

**Sec. 7-185-14b. Equipment, goods, wares and merchandise**

(a) Equipment and goods, wares and merchandise used in bazaars or raffles or intended to be used in bazaars or raffles shall not be purchased or sold at prices in excess of the prevailing retail value thereof and, when purchased on conditional sale or on another installment purchase arrangement, shall be purchased only at the prevailing cash price with interest not to exceed the prevailing rates for retail purchases per annum on the unpaid balance.

(b) No bazaar or raffle shall be conducted with any equipment except such as is owned absolutely or used without payment of any compensation therefor by the permittee or as is rented at a fixed fee, and only from a dealer in such equipment who (1) has his principal place of business in this state, and (2) is registered with the executive director in such manner and on such form as he may prescribe, which form shall be accompanied by an annual fee of three hundred dollars payable to the treasurer of the state of Connecticut.

(c) No equipment may be rented or leased by a bazaar and raffle equipment dealer to any organization which has not obtained a permit to conduct a bazaar or raffle in accordance with the provisions of sections 7-170 to 7-186, inclusive, of the general statutes.

(d) No supplier of goods, wares or merchandise used in the conduct of a bazaar or raffle delivered to the applicant on consignment shall charge for handling or depreciation an amount in excess of ten per cent of the value of such goods, wares or merchandise.

(e) Within ten days after renting bazaar or raffle equipment to a sponsoring organization holding a bazaar or raffle permit, the bazaar or raffle equipment dealer shall send to the executive director, on forms furnished by the executive director, certification as to the following: (1) the name and address of the applicant to whom the equipment was rented; (2) the address where the equipment was installed or

used; (3) the exact description of the equipment rented and the individual amount paid for each piece of equipment; (4) the date upon which the equipment was used. In the case of a corporation, the certification shall be signed by an authorized officer of said corporation.

(f) Bazaar or raffle equipment dealer registration certificates issued in accordance with the provisions of the bazaar and raffle act shall be exhibited by a dealer to any policeman, first selectman, or any sponsoring organization authority renting or purchasing bazaar or raffle equipment, upon request.

(g) Equipment dealer activity must be conducted in conformance with the provisions of sections 7-170 to 7-186, inclusive, of the general statutes, and these administrative regulations governing the operation of bazaars and raffles.

(h) A bazaar or raffle equipment dealer shall not rent a game of chance to a sponsoring organization holding a bazaar or raffle permit unless such game has been specifically approved in connection with the sponsoring organization's application for a permit.

(Effective June 17, 1992; amended April 5, 1999)

### **Sec. 7-185-15b. Penalties**

(a) Whenever it appears to the executive director after an investigation that any person is violating or is about to violate any provision of sections 7-170 to 7-185, inclusive, of the general statutes, or these administrative regulations governing the operation of bazaars and raffles, the executive director may in his discretion, to protect the public welfare, order that any registration or permit issued pursuant to said sections be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54 of the general statutes.

(b) Whenever the executive director finds as the result of an investigation that any person has violated any provision of sections 7-170 to 7-185, inclusive, of the general statutes, or these administrative regulations governing the operation of bazaars and raffles or made any false statement in any application for a permit or in any report required by the provisions of said sections, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any registration or permit issued pursuant to sections 7-170 to 7-185, inclusive, of the general statutes, may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54 of the general statutes. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send

a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to any person named in such order.

(d) Whenever the executive director revokes a permit issued pursuant to sections 7-170 to 7-186, inclusive, of the general statutes, the issuing authority shall not issue any permit to such permittee for three years after the date of such violation.

(Effective June 17, 1992)

### **Sec. 7-185-16b. Duck-race raffles**

(a) Any sponsoring organization qualified to conduct a bazaar or raffle may operate a duck-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, of the general statutes, and the administrative regulations governing the operation of bazaars and raffles adopted pursuant thereto.

(b) A duck-race raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of an artificial duck for purposes of the duck-race raffle.

(c) Each organization intending to sponsor or conduct a duck-race raffle shall furnish with its application for a permit, a diagram of a natural stream of water, displaying the area to be utilized for such raffle in which the numbered artificial ducks, each corresponding to a numbered duck-race raffle ticket, will be utilized to conduct the event.

(d) Each organization conducting a duck-race raffle shall provide for a suitable natural stream of water with a steady current on which the duck-race activity is to be conducted. The finishing point of the duck-race raffle activity shall be constructed so as to allow for the passage of one artificial duck at a time and the area immediately beyond the finishing point shall be sufficiently enclosed so as to confine all artificial ducks utilized in the conduct of the duck-race raffle. The area shall be adequately marked so as to identify the starting point and the finishing point of the duck-race raffle. The number of artificial ducks to be utilized shall correspond to the number of duck-race raffle tickets to be sold.

(e) The manner in which winners in a duck-race raffle are determined shall be clearly stated prior to the commencement of a duck-race raffle drawing and each sponsoring organization shall conspicuously post an information board, prescribed by the executive director, which shall display the water area to be utilized in the event and the starting point and the finishing point of the duck-race raffle. Such information board shall be posted at the location from which the duck-race raffle is to be conducted.

(f) A duck-race raffle shall commence at a designated time and shall continue until all winners of authorized prizes have been determined.

(g) No person may guide, direct or handle any artificial duck utilized in a duck-race raffle once the artificial duck has been entered into the water area from which winners will be determined.

(h) All artificial ducks shall contain water proof numbers which have been conspicuously printed on such artificial ducks, and all artificial ducks shall be identical as to size, composition, weight, shape and balance, and as to all other characteristics which may control their selection.

(i) All artificial ducks shall be present in a receptacle before the duck-race raffle is started. An active designated member, and no other person, shall place the artificial ducks into the receptacle from which the artificial ducks are to be released. The active designated member shall inspect each artificial duck prior to the start of the duck-race raffle in order to ensure that a raffle ticket has been purchased for each

artificial duck to be placed into the receptacle, and that there is no duplication of numbers on said artificial ducks, and to guard against the inclusion of artificial ducks which are counterfeit or illegitimate.

(Effective February 21, 1996)

### **Sec. 7-185-17b. Frog-race raffles**

(a) Any sponsoring organization qualified to conduct a bazaar or raffle may operate a frog-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, of the Connecticut General Statutes, and the administrative regulations governing the operation of bazaars and raffles adopted pursuant thereto.

(b) A frog-race raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of an artificial frog for purposes of the frog-race raffle.

(c) Each organization intending to sponsor or conduct a frog-race raffle shall furnish with its application for a permit, a diagram of a naturally moving stream of water, displaying the area to be utilized for such raffle in which the numbered artificial frogs, each corresponding to a numbered frog-race raffle ticket, will be utilized to conduct the event.

(d) Each organization conducting a frog-race raffle shall provide for a suitable natural stream of water with a steady current on which the frog-race activity is to be conducted. The finishing point of the frog-race raffle activity shall be constructed so as to allow for the passage of one artificial frog at a time and the area immediately beyond the finishing point shall be sufficiently enclosed so as to confine all artificial frogs utilized in the conduct of the frog-race raffle. The area shall be adequately marked so as to identify the starting point and the finishing point of the frog-race raffle. The number of artificial frogs to be utilized shall correspond to the number of frog-race raffle tickets to be sold.

(e) The manner in which winners in a frog-race raffle are determined shall be clearly stated prior to the commencement of a frog-race raffle drawing and each sponsoring organization shall conspicuously post an information board, prescribed by the executive director, which shall display the water area to be utilized in the event and the starting point and the finishing point of the frog-race raffle. Such information board shall be posted at the location from which the frog-race raffle is to be conducted.

(f) A frog-race raffle shall commence at a designated time and shall continue until all winners of authorized prizes have been determined.

(g) No person may guide, direct or handle any artificial frog utilized in a frog-race raffle once the artificial frog has been entered into the water area from which winners will be determined.

(h) All artificial frogs shall contain water proof numbers which have been conspicuously printed on such artificial frogs, and all artificial frogs shall be identical as to size, composition, weight, shape and balance, and as to all other characteristics which may control their selection.

(i) All artificial frogs shall be present in a receptacle before the frog-race raffle is started. An active designated member, and no other person, shall place the artificial frogs into the receptacle from which the artificial frogs are to be released. The active designated member shall inspect each artificial frog prior to the start of the frog-race raffle in order to ensure that a raffle ticket has been purchased for each artificial frog to be placed into the receptacle, and that there is no duplication of numbers

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(Adopted effective January 2, 2007)



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## Operation and Conduct of Games of Chance

### Sec. 7-186k-1. Qualifications for sponsorship participation

(a) Any nonprofit organization, association or corporation may promote and operate games of chance to raise funds for the purposes of the organization, association or corporation, provided the sponsoring organization shall have been organized in good faith and actively functioning as a nonprofit organization in this state for a period of not less than two years prior to its application. If such organization is a charitable organization as defined in section 21a-176 of the Connecticut General Statutes, other than a church or religious organization, it shall be registered with the department of consumer protection under the provisions of chapter 419d of the general statutes.

(b) The promotion and operation of games of chance shall be confined solely to the qualified members of the sponsoring organization, except as provided in section 7-186c of the general statutes and excluding any such qualified member who is a dealer in gambling devices or equipment or an agent or employee of any dealer in such devices or equipment.

(c) No qualified member may receive remuneration in any form for time or effort devoted to the promotion or operation of such games of chance.

(d) No person under the age of eighteen years shall promote, conduct, operate or work at events featuring, or play, such games nor shall any sponsoring organization permit any person under the age of eighteen to so promote, conduct, operate or play such games of chance.

(e) All funds derived from any such games of chance shall be used exclusively for the purpose stated in the application of the sponsoring organization.

(Effective March 17, 1988)

### Sec. 7-186k-2. Registration, identification number

(a) No organization shall conduct games of chance until it has registered with, and secured an identification number from the executive director of the division of special revenue.

(b) Said executive director shall provide the requesting organization with an identification number within seven days after receipt of a request for such number. Any refusal to provide such number shall be in writing, shall state the reason therefor and be sent to such organization by prepaid first class mail within such seven days.

(c) All applications for permits, amendments of permits, reports, verified statements, agreements between the sponsoring organization and the operator and any other papers relating to games of chance shall bear the identification number of the organization involved. Copies of such applications, reports, agreements and other papers shall be forwarded to the executive director at least fifteen days before the event at which such games of chance are to be played.

(Effective March 17, 1988)

### Sec. 7-186k-3. Permit and fee, prizes

(a) A permit under the provisions of sections 7-186a to 7-186p, inclusive, of the general statutes, shall allow the operation of games of chance by the sponsoring organization on the date or dates specified in the permit. The fee for such permit shall be twenty dollars.

(b) Any prizes to be awarded for the playing of such games shall be merchandise or goods. Cash prizes shall not be given nor shall any prize be redeemed or redeemable for cash. Coupons or certificates for goods may be issued by the sponsoring

organization only. Such coupons or certificates shall contain a notation that such coupons or certificates may not be redeemed for cash money and that redemption of any such coupon or certificate for cash money by any person or organization shall, pursuant to the provisions of section 7-186d of the general statutes, constitute a class A misdemeanor. No person may be awarded a coupon or gift certificate which is redeemable at any business or mercantile establishment where such person is employed or affiliated. Any person or organization who redeems coupons or certificates evidencing a right to receive goods or merchandise issued by a games of chance sponsoring organization for cash or consideration, other than goods or merchandise, shall, pursuant to the provisions of section 7-186d of the general statutes, be guilty of a class A misdemeanor.

(Effective March 17, 1988; amended December 8, 1998)

#### **Sec. 7-186k-4. Application for permit**

(a) Any organization desiring to operate games of chance at an event to be sponsored by such organization shall make application in duplicate, duly executed and verified, to the chief of police of the municipality in which the event is to be held, if such municipality has a police department, or to the first selectman of the town, if there is no police department. Such chief of police or first selectman, as the case may be, shall, at least fifteen business days prior to the date of such event, forward the original copy of such application to the executive director of the Division of Special Revenue.

(b) Games of chance shall be conducted within the town in which the sponsoring organization is located, provided a sponsoring organization may apply to the executive director of the division to conduct such games of chance in another town or municipality. The executive director may approve such application upon satisfactory proof that the town or municipality in which the organization is located lacks facilities adequate for the suitable conduct of such games of chance.

(Effective March 17, 1988; amended December 8, 1998)

#### **Sec. 7-186k-5. Investigation of applicants, limitations on permits**

(a) Upon receiving an application, such chief of police or first selectman, as the case may be, shall make or cause to be made an investigation of the qualifications of the applicant and the facts stated in the application and, if he determines that the applicant is qualified to operate and conduct games of chance, that members of the applicant, one of whom shall be an officer of such applicant, designated in the application to operate or conduct such games of chance are bona fide active members of the applicant and have been such for a period of at least one year prior to the date of the application and are persons of good moral character and have never been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive, of the general statutes and that such games of chance are to be operated and conducted in accordance with the provisions of sections 7-186a to 7-186l, inclusive, of the general statutes, he shall issue a permit to such applicant.

(b) No more than four permits shall be issued to the same applicant in any twelve month period and no permit shall be issued to the same applicant within two months from the issuance of a prior permit. No game of chance shall be conducted at the same location more than twice within a period of three weeks.

(Effective March 17, 1988)

#### **Sec. 7-186k-6. Application, change in facts**

If there is any change in the facts set forth in the application for a permit subsequent to the making of such application, the applicant shall immediately notify the executive director of the Division of Special Revenue of such change, and the executive

director may, if he deems such action advisable in the public interest, revoke such permit.

(Effective March 17, 1988; amended December 8, 1998)

### **Sec. 7-186k-7. Operation for compensation**

No person, firm or organization shall contract to operate or conduct any games of chance for an organization for compensation unless it (1) has a principal place of business in the state; (2) is registered with the executive director of the division of special revenue in such manner and on such form as he may prescribe, which form shall be accompanied by an annual fee of three hundred dollars payable to the treasurer of the state of Connecticut; and (3) enters into a written agreement, certified under penalty of false statement, for each event with each organization with which it contracts. Such agreement shall set forth the anticipated expenses of the sponsoring organization and such agreement shall provide for a fixed fee for the operator which shall not be dependent on any percentage of the proceeds or profits from any games of chance.

(Effective March 17, 1988)

### **Sec. 7-186k-8. Listing of workers**

Any person, firm or organization which has contracted to operate or conduct any games of chance for an organization for compensation shall provide the executive director of the division of special revenue, on a form prescribed by the executive director, with a listing of workers employed by such person, firm or organization who will operate games of chance for an event for compensation. Such listing shall be submitted to the executive director at least ten days prior to each games of chance event.

(Effective March 17, 1988)

### **Sec. 7-186k-9. Investigation of operators for compensation**

The executive director of the division of special revenue shall have the authority to investigate the qualifications of any person, firm or organization which has contracted to operate or conduct games of chance or agreed to operate or conduct such games of chance for compensation. Said executive director may investigate the facts stated in the registration form submitted by such person, firm or organization. No person shall be permitted to operate games of chance at an event if such person has been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive, of the general statutes.

(Effective March 17, 1988)

### **Sec. 7-186k-10. Equipment, equipment dealer, registration, investigation**

(a) No game of chance shall be conducted with any equipment except such as is owned absolutely or used without payment of any compensation therefor by the permittee or as is rented at a fixed fee under a written contract, certified under penalty of false statement, and only from a dealer in such equipment who has his principal place of business in this state, who has not been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive, and who has registered with the division of special revenue in such manner and on such form as the executive director of said division prescribes.

(b) The executive director shall have the authority to investigate the qualifications of such dealer and the facts stated in the registration form.

(c) No equipment may be rented or leased by a games of chance equipment dealer to any organization which has not obtained a permit to conduct games of

chance in accordance with the provisions of sections 7-186a to 7-186p, inclusive, of the general statutes.

(Effective March 17, 1988)

**Sec. 7-186k-11. Conduct of games**

At authorized games of chance, no individual bet or wager shall be made in money. No bet shall be made or accepted using any representation of money which exceeds twenty-five dollars. Only cash, checks or credit cards approved by the executive director of the Division of Special Revenue shall be used for the purchase of chips or any other representation of money to be used at an event and no other form of credit or representation of credit shall be extended to players at such event. All chips or representations of money to be used at an event shall be counted prior to the event and at the termination of such event with an accounting thereof certified to under penalty of false statement by the three persons designated in the permit application as being responsible for such games of chance. The three persons so designated shall be responsible for supervising those persons who sell or dispense chips or any other representation of money and those persons who redeem such chips or representations of money for prizes or merchandise or goods or for coupons or certificates for such merchandise or goods.

(Effective March 17, 1988; amended December 8, 1998)

**Sec. 7-186k-12. Financial transactions**

All financial transactions made by a sponsoring organization for an event shall be made by check. Such checks and records of such financial transactions shall be preserved for at least two years from the date of submission of the verified statement required under the provisions of section 7-186i of the general statutes and section 7-186k-17 of these administrative regulations governing games of chance.

(Effective March 17, 1988)

**Sec. 7-186k-13. Policemen required**

Each applicant shall reimburse the municipality for the costs of assigning a policeman to be present at the time games of chance are conducted.

(Effective March 17, 1988)

**Sec. 7-186k-14. Advertising**

No games of chance to be conducted under any permit issued shall be advertised as to location, the time to be held or the prizes to be awarded, by means of television or sound truck or by means of billboards, provided one sign, not exceeding twelve square feet, may be displayed on the premises where the games of chance are to be conducted and also where the prizes are or will be exhibited.

(Effective March 17, 1988)

**Sec. 7-186k-15. Permissible games, equipment**

(a) The following are permissible games of chance and games of chance equipment to be registered in the state:

- (1) Blackjack and blackjack equipment
- (2) Poker and poker tables
- (3) Dice and dice tables
- (4) Money-wheels
- (5) Roulette and roulette wheels and tables
- (6) Baccarat
- (7) Chuck-a-Luck and Chuck-a-Luck tables

(8) Pan Game

(9) Over and Under

(10) Horse race game and equipment including miniature horses and oval track

(11) Acey-Ducey and Acey-Ducey tables

(12) Beat the Dealer

(13) Bouncing Ball

(14) Such other games and equipment as may be approved by the executive director of the division upon the written request of a games of chance equipment dealer registered with the division

(b) Equipment may include balls, cards, card shoes, tables, accessories, and any item directly involved with the conduct of a game of chance.

(Effective March 17, 1988)

### **Sec. 7-186k-16. Verified statement, books and records**

(a) Any sponsoring organization which holds, operates or conducts any games of chance, and its members who were in charge thereof, shall furnish to the executive director and to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, showing (1) the amount of the gross receipts derived from each event of such games of chance, (2) each item of expense incurred or paid and each item of expenditure made or to be made and the name and address of each person to whom each such item has been or is to be paid, (3) the net profit derived from each event of such games of chance and the uses to which the net profit has been or is to be applied and (4) a list of prizes of a retail value of fifty dollars or more offered or given with the amount paid for each prize purchased or the retail value for each prize donated and the names and addresses of the persons to whom the prizes were given.

Such report shall be furnished during the next succeeding month.

(b) The sponsoring organization shall maintain and keep any books and records that may be necessary to substantiate the particulars of such report, which books and records shall be preserved for at least two years from the date of such report and shall be available for inspection by the executive director and the chief of police of the municipality or first selectman, as the case may be, upon request.

(c) Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for such games of chance.

(Effective March 17, 1988; amended December 8, 1998)

### **Sec. 7-186k-17. Accounting of receipts**

(a) At the close of the operation of games of chance an accounting of the receipts for the event shall be made and witnessed by the three designated persons responsible for such games of chance, and a representative of the chief of police, first selectman or executive director of the division.

(b) A full disclosure of all receipts and expenditures shall be made, including an accounting of the amount to be paid as a fixed fee to the dealer in gaming equipment used at such event, all operating expenses prior to and during the event, the names and address of all prize winners and the value of such prizes listed individually.

(c) A copy of the written agreement made under the provisions of subsection (e) of section 7-186c of the general statutes and section 7-186k-11 of these regulations governing games of chance shall be produced at such public accounting by the sponsoring organization to insure that such agreement has been honored.

(Effective March 17, 1988)

**Sec. 7-186k-18. Gaming equipment, identifying numbers**

(a) The executive director of the division shall issue identifying numbers for all equipment used by operators and dealers of gaming equipment. No gaming equipment which is not identified by such numbers shall be used or operated at an event.

(b) An operator or dealer of gaming equipment shall send the executive director a list of all gaming equipment, including identifying numbers of such equipment to be used at an event, at least ten days prior to such event.

(Effective March 17, 1988)

**Sec. 7-186k-19. Suspension, revocation, hearing, penalty**

(a) Whenever it appears to the executive director of the division of special revenue after an investigation that any person is violating or is about to violate any provision of section 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any registration or permit issued pursuant to said sections be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(b) Whenever the executive director of the Division of Special Revenue finds as the result of an investigation that any person has violated any provision of sections 7-186a to 7-186p, inclusive, or administrative regulations issued pursuant thereto or made any false statement in an application for a permit or in any report required by the provisions of said sections, the executive director may send a notice of a hearing to such person by certified mail, return receipt requested. Any such notice shall include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any registration or permit issued pursuant to sections 7-186a to 7-186p, inclusive, may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to any person named in such order.

(d) Whenever the executive director revokes a permit issued pursuant to sections 7-186a to 7-186p, inclusive, he shall not issue any permit to such permittee for three years after the date of the violation.

(Effective March 17, 1988; amended December 8, 1998)

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## **Original Certification, Lateral Certification and Comparative Certification to the Position of Police Officer**

### **Sec. 7-294e-1. Original appointment and reappointment to the position of police officer**

(a) **Definitions.** As used in sections 7-294e-1 to 7-294e-24, inclusive:

(1) “Original certification” means the first certification of the individual to a position as a police officer in any law enforcement unit within the state;

(2) “Probationary candidate” means a police officer who, having satisfied pre-employment requirements, has commenced employment with a law enforcement unit, but has not satisfactorily completed the training requirements provided for in section 7-294d of the Connecticut General Statutes;

(3) “Comparative certification” means the certification of a candidate for a police officer position, who has served as a police officer in another state or in a law enforcement unit within the state that is not subject to the statutes and regulations of the Police Officer Standards and Training Council;

(4) “Lateral certification” means the certification of a currently certified Connecticut police officer to a new position as a police officer with a different law enforcement unit within the state;

(5) “Chief of police” means a police officer who holds a position as the head of a law enforcement unit; and

(6) “Council” means the Police Officer Standards and Training Council.

(Effective November 29, 1995; amended September 17, 2001, March 24, 2005, December 4, 2012)

### **Sec. 7-294e-2. Eligibility for lateral certification or comparative certification; lapsed certification**

(a) A candidate for lateral certification to a position as a police officer in any law enforcement unit within the state shall meet all Council entry level requirements, except the standard in subsection (n) of section 7-294e-16 of the Regulations of Connecticut State Agencies.

(b) In those circumstances where certification has lapsed as provided in section 7-294d(b) of the Connecticut General Statutes, the Council may grant a full or partial waiver of the police basic training requirement, specifying the elements of the program, if any, the candidate will be required to satisfactorily complete. A request for waiver of the requirement of police basic training shall be forwarded to the Council in writing by the chief of police of the law enforcement unit seeking to employ such police officer, giving all pertinent information. If the request for a waiver originates from a municipality or agency for which there is no chief of police, or concerns the position of chief of police, the request shall be made by the candidate’s appointing authority.

(c) A candidate for comparative certification to a position as a police officer in any law enforcement unit within the state shall satisfactorily meet all Council-approved entry level requirements. The candidate shall also complete a Council-approved police basic training program.

The Council may grant a full or partial waiver of the police basic training requirement, specifying the elements of the program, if any, the candidate will be required to satisfactorily complete. A request for waiver of the requirement of police basic training shall be forwarded to the Council in writing by the chief of police of the law enforcement unit seeking to employ such police officer, giving all pertinent information. If the request for a waiver originates from a municipality or agency

for which there is no chief of police, or concerns the position of chief of police, the request shall be made by the candidate's appointing authority.

(d) In determining whether to waive all or a portion of the required police basic training program, the Council shall evaluate in comparison to current standards the quality and extent of the candidate's (1) previous basic training and certification as a police officer; (2) formal, professional and in-service training and education in law enforcement and criminal justice; (3) length of service and field experience as a police officer; and (4) length of absence from employment with a law enforcement unit.

The council may waive those portions of the police basic training program for which a candidate demonstrates the satisfactory completion of a substantially equivalent training or educational program in another state or jurisdiction, or a length of service with field experience sufficient to establish a practical mastery of the required skills, or a satisfactory combination of both.

(e) A candidate for comparative certification or lateral certification to any position other than that of an entry level police officer position shall not be required by the Council to meet entry level standards in subsections (e) and (n) of section 7-294e-16 of the Regulations of Connecticut State Agencies.

(Effective August 18, 1995; amended September 17, 2001, March 24, 2005, December 12, 2012)

### **Sec. 7-294e-3. Training of probationary candidates to position of police officer**

The Police Basic Training Program shall consist, at a minimum, of the curriculum, skill training and hours deemed necessary by the Council, and of the supervised departmental training program adopted by the Council.

(Effective November 29, 1995)

## **Description of Organization, Course and Method of Operations and Procedures**

### **Sec. 7-294e-4. Organization**

The members of the Council shall be appointed in accordance with the provisions of Section 7-294b of the Connecticut General Statutes.

(a) **Official Address.** All communications should be addressed to the Police Officer Standards and Training Council, 285 Preston Avenue, Meriden, Connecticut 06450-4891.

(b) **Public Access.** Members of the public shall obtain information in accordance with the provisions of the Freedom of Information Act, as provided in Chapter 14 of the Connecticut General Statutes. Requests to review records or written requests for copies of records may be made directly to the Council at its regular meetings, in person at its offices or by mail to the Police Officer Standards and Training Council, 285 Preston Avenue, Meriden, Connecticut 06450-4891. With the exception of those records exempt under the Freedom of Information Act or otherwise protected by state or federal law, all information received by the Council shall be considered public information and made available upon request. Council meetings shall be open to the public in accordance with the Freedom of Information Act.

#### **(c) Rules of Procedure**

(1) **Chairman.** The duties of the Chairman are: To open the session by calling the members to order; to announce the business before the Council; to recognize members entitled to the floor; to state and put to vote all questions which are properly moved; to announce the results of votes; and to appoint subcommittees as authorized by vote of the Council.

(2) Vice Chairman. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall be elected and may not serve more than two consecutive terms.

(3) Secretary. The Secretary is the recording officer of the Council. The Secretary shall be elected and may not serve more than two consecutive terms.

(4) Meetings.

(A) Meetings of the Council shall be noticed and conducted and agendas and minutes shall be prepared and posted in accordance with the Freedom of Information Act.

(B) The Chairman, with the concurrence of the Council, shall set the date, time and location of all meetings of the Council and notify all interested parties at least 24 hours prior to such meetings. Special meetings may be called by the Chairman at his or her own initiative or at the request of four members with 48-hour notice to all members.

(C) A meeting of the Council shall be ended by a motion to adjourn.

(5) Quorum.

(A) A quorum of the Council must be present in order to conduct business. Ten members of the Council shall constitute a quorum.

(6) Order of Business.

(A) The Council shall conduct its meetings in the following general manner:

- (i) Read and approve the minutes of the previous meeting;
- (ii) Present and discuss reports of any standing or special committee(s);
- (iii) Present and discuss any special reports;
- (iv) Report by the Executive Director;
- (v) Unfinished business and general information;
- (vi) New business.

(B) Every meeting of the Council shall have an agenda, a copy of which shall be sent to all members prior to the meeting. During meetings, as each agenda item is disposed of, the Chairman shall announce the next order of business. A two-thirds vote of the Council shall be necessary to approve the transaction of business out of its normal order.

(7) Motions Before the Council. The procedures for conduct of Council meetings regarding motions are those generally recognized by, and defined in, "Roberts Rules of Order."

(d) **Duties of the Council.** The Council shall have the duties and responsibilities outlined in Section 7-294d of the Connecticut General Statutes.

(e) **Description of Organization.** The Police Officer Standards and Training Council is composed of the following divisions: Office of the Executive Director; Management Services; Basic Training Division; Field Services Training Division; and Certification, Assessment and Audit Division.

(1) Management Services: The Management Services Division provides assistance to operating divisions in the areas of administrative and fiscal services, personnel, communications, procurement and other support activities.

(2) Basic Training Division: The Basic Training Division is responsible for the training of probationary candidates and other trainees in the basic police officer program, as prescribed by the Council.

(3) Field Services Training Division: The Field Services Training Division is responsible for the development and delivery of in-service training, advance training, and professional development courses to certified officers. This unit assigns review training credits for all post-basic courses.

(4) **Certification, Assessment and Audit Division:** The Certification, Assessment and Audit Division is responsible for the evaluation and recommendation of police officer certification, police academy accreditation, law enforcement instructor certification. This unit audits officer compliance with statutes and regulations regarding basic, review and recertification training. This unit assesses law enforcement unit compliance with all standards adopted by the Council.

(Effective April 12, 1996; amended December 4, 2012)

**Sec. 7-294e-5. Petition for declaratory ruling**

The Council will accept a petition in the following form for a declaratory ruling as to the applicability of any statute or regulation administered by the Council:

(a) The petition shall state the factual background of the issue.

(b) The petition shall be signed by the petitioner and shall include his/her address for purposes of reply.

(c) The petition shall clearly identify the portion of the statute or regulation for which it seeks a ruling.

(d) The petition shall state the position of the petitioner with respect to the question of applicability.

(e) The petition may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective April 1, 1986)

**Sec. 7-294e-6. Petition for requesting the promulgation, amendment or repeal of regulation**

The Council will accept petitions requesting the promulgation, amendment or repeal of a Council regulation in the following form:

(a) The petition shall be in writing to the Council at its official address and must include the date on which it is being filed.

(b) The petition shall be signed by the petitioner and shall include his/her address for purposes of reply.

(c) The petition shall clearly state the language to be promulgated, amended and/or repealed.

(d) The petition may include a statement of facts and arguments in support thereof.

(Effective April 1, 1986)

**Sec. 7-294e-7. Requirements for law enforcement instructor certification**

(a) **Persons Required to Hold Certificates.** Any person providing basic law enforcement instruction or review training instruction to police personnel in Connecticut shall hold a valid certificate as a law enforcement instructor with endorsements for each defined subject area in which certifiable instruction is authorized.

(b) **Application Procedures.** Application for instructor certificates shall be executed on forms furnished by, and filed with, the Certification, Assessment and Audit Division's Law Enforcement Instructor Certification Unit of the Police Officer Standards and Training Council, 285 Preston Avenue, Meriden, Connecticut 06450-4891. Forms and information concerning application requirements may be obtained directly from the Instructor Certification Unit.

(c) **Documents Required of Applicants.** To apply for certification, an applicant shall submit the following documents to the Instructor Certification Unit at the above address:

(1) Completed application form (obtained from the Instructor Certification Unit).

(2) Written statement from the applicant's department of record that the applicant has the necessary qualities of personal fitness for teaching and that the applicant is competent to fill the instructor position for which the applicant is seeking certification.

(3) Written statement from the applicant's chief executive officer, or other employing agent for whom the applicant has worked, describing the amount of time and nature of the applicant's experience in each field of expertise for which certification is being sought.

(Effective November 29, 1995)

### **Sec. 7-294e-8. Types of certificates**

Three types of instructor certificates are issued by the Council: (1) General, (2) Provisional, and (3) Standard. An applicant who has met the general requirements (and, where applicable, the specific requirements as hereinafter stated) shall be entitled to receive one of the following certificates:

(1) **General Certificate.** The General Certificate shall be issued by the Instructor Certification Unit to any applicant, other than a police officer, who meets the requirements for such certification as required in section 7-294e-12 of the Regulations of Connecticut State Agencies. The General Certificate shall be valid for one year only.

(2) **Provisional Certificate.** A Provisional Certificate shall be issued by the Instructor Certification Unit to any police officer applicant who meets the requirements for such certification. The Provisional Certificate shall be valid for three years unless extended by the Council. A holder of a Provisional Certificate shall meet the conditions for obtaining a Standard Certificate by the end of his or her Provisional Certification period. Inability to meet the conditions for Standard Certification by the end of the three-year period shall result in the termination of the Provisional Certification.

(3) **Standard Certificate.** A Standard Certificate shall be issued to an applicant who submits the following:

(A) A signed recommendation from the chief law enforcement officer of the applicant's law enforcement unit attesting to the fact that the applicant has three years of satisfactory experience as a police officer, and

(B) Evidence that the applicant has completed additional general and professional preparation required for issuance of such certificate.

(Effective June 22, 1994; amended December 4, 2012)

### **Sec. 7-294e-9. Responsibility of chief law enforcement officer**

A chief law enforcement officer shall be responsible for the following activities with respect to the certification of instructors:

(a) Determining that an instructor holds a valid certificate covering the position to be filled before issuing or recommending a teaching assignment.

(b) Submitting to the Instructor Certification Unit notice of assignment for each new training officer in such form as the Unit may specify.

(c) Supervising (either directly or through a delegated representative) those persons holding Provisional Certificates by regularly observing, guiding and evaluating their performance of assigned duties, as well as counseling those staff members regarding the requirements for achieving Standard Certification within the three-year time limit.

(d) Submitting a signed statement to the Instructor Certification Unit attesting to the applicant's fitness for additional certification (or specifying the reasons for

denial in case of unfavorable report) for each person presently or previously under supervision who applies for certification beyond the Standard Certificate.

(Effective June 22, 1994)

#### **Sec. 7-294e-10. Denial of certification review**

Applicants for instructor certification shall be denied such certification if they fail to meet the requirements of Sections 7-294e-7 through 7-294e-13, inclusive. However, in instances where the applicant presents a unique combination of education and experience which the Council or its agent deems to be the equivalent of the experience and education required for certification (and providing all other requirements for certification have been met), the certificate may be granted. Decisions of the Instructor Certification Unit shall be final in cases where denial is based on the applicant's failure to meet the requirements of Section 7-294e-7 to Section 7-294e-13, inclusive. If certification based on equivalent education and experience is denied, an applicant may request review of such denial. In such cases, the MPTC shall request its Action Committee to review the application in question and advise the Council whether it feels the applicant should be awarded certification. After receiving the recommendations of the Action Committee, the Council shall be responsible for the final decision as to the issuance or denial of the certificate.

(Effective April 1, 1986)

#### **Sec. 7-294e-11. Cancellation or revocation of instructor certification**

(a) **Causes:** Any certificate issued under Subsection (a) (4) of Section 7-294d of the Connecticut General Statutes by the Police Officer Standards and Training Council, hereinafter called "the Council," may be cancelled or revoked by the Council for any of the grounds specified in Section 7-294d (c) (2) of the General Statutes.

(b) **Request for Cancellation or Revocation:** A request for cancellation or revocation of certification may be made by a law enforcement unit through its chief law enforcement officer, hereinafter called "the requesting party." Such request shall be in writing, signed, and shall state in reasonable detail the grounds upon which cancellation or revocation is requested. Any such request shall be filed with the Executive Director of the Police Officer Standards and Training Council. Whenever the Council believes there is a reasonable basis for cancellation or revocation of a certificate, in its entirety or in part, it shall request that its Executive Director proceed with a preliminary inquiry.

(c) **Preliminary Inquiry:** Procedures to cancel or revoke a certificate may be instituted by the Council only after a preliminary inquiry has been made to determine whether probable cause exists for instituting such procedures. If the Council deems that probable cause does exist for such cancellation or revocation of certification, it shall enter into its minutes a written record of such finding. This record shall be made available, on request, to the holder and to the law enforcement unit which initiated the request for cancellation or revocation.

(d) **Notice to Holder of Certificate:** If, in its preliminary inquiry, the Council determines that probable cause does exist for such cancellation or revocation of certification, the Executive Director of the Council shall notify the holder by mail that the Council is instituting procedures to cancel or revoke his/her certificate. Such notice shall contain a statement, in reasonable detail, of the grounds for such cancellation or revocation and shall also contain the name and address of the requesting party. Further, such notice shall contain a statement in writing that the holder may, within fifteen days after receiving the notice, either:

(1) Surrender his/her certification to the Executive Director of the Council, thereby cancelling or revoking his/her right to serve as a certified instructor, and waiving his/her right to a hearing, or

(2) Request, in writing, a hearing before the Council.

(e) **Provision for Hearings.** If no request for a hearing is made by the holder within the required 15-day period, the Council may, on its own (but not later than thirty-one days following the expiration of the 15-day notice period), order a hearing to be held. If no hearing is held, the Executive Director of the Council shall undertake (or initiate) an investigation of the matters set forth in the notice and file a written report detailing his findings with the Council. Said report shall be presented to the Council within sixty days following the expiration of the aforesaid 15-day notice period. If a hearing is requested by the holder, or if the Council orders a hearing on its own motion, such hearing shall be held not later than thirty-one days following such request or such order by the Council. Not less than twenty-one days' notice of such hearing shall be given to the holder, to the requesting party, and to the chief law enforcement officer of the employing unit.

(f) **Hearing Procedure.** The hearing shall be conducted by a Committee of the Council with at least three Council members present. The meeting shall be conducted in accordance with the requirements of the Freedom of Information Act. The holder and the requesting party shall have the right to examine the record of any prior investigations and proceedings in the case, to be heard in each other's presence, to be present throughout the hearing and to be represented by counsel, who shall be given reasonable opportunity to call witnesses, to cross-examine adverse witnesses, to present oral argument and, within twenty days following the hearing, to file briefs.

(g) **Decision of the Council.** The Council, within thirty-one days after the conclusion of the hearing or after filing of the Executive Director's written report if no hearing is held, shall determine by a recorded roll-call vote whether or not the certificate of the holder shall be cancelled or revoked in its entirety or in part. An affirmative vote of two-thirds of the full membership of the Council shall be necessary for such cancellation or revocation. The Council shall state in a written opinion the reasons for its action and shall base its determination upon the evidence produced at the hearing or, if no hearing is held, upon the Executive Director's written report. Notice of the action of the Council, together with its written opinion supporting such action, shall be promptly furnished by the Council's Executive Director to all parties involved.

(h) **Restoration of Certification.** Any law enforcement instructor whose certification is cancelled or revoked in its entirety or in part pursuant to Sections (a) through (g) above may reapply for certification two years after the date on which the cancellation or revocation order becomes final.

(Effective November 29, 1995)

## **Sec. 7-294e-12. Law enforcement instructor experience and training; minimum requirements**

(a) **General Certificate.** To obtain a General Certificate to teach law enforcement subjects, the applicant shall present evidence of meeting the following requirements, in addition to meeting the general conditions for certification:

(1) A baccalaureate degree, with a major or concentration of courses in the discipline or area to be taught, or a waiver of such requirement by the Council, based on equivalent education and experience;

(2) A minimum of three years' approved, successful work experience in the field to be taught, which embraces those aspects of training included in the curriculum.

Letters of recommendation from employers verifying employment and expertise, including dates of employment and description of duties; and

(3) Recommendation of the director or commanding officer of the applicant's law enforcement unit's training division.

(b) **Provisional Certificate.** To receive a Provisional Certificate to teach law enforcement subjects, the applicant shall present evidence of meeting the following requirements, in addition to meeting the general conditions for certification:

(1) A high school diploma or its equivalent;

(2) A minimum of three years' approved, successful work experience in the field to be taught, which embraces those aspects of training included in the curriculum. Letters from employers verifying employment, including dates of employment and description of duties;

(3) Documentation of expertise or specialization in the respective field to be taught. Such expertise may include the completion of specialized or advanced training; acceptance as an "expert" by a court of law, association or society (or other recognizing body); or experience in the subject area; and

(4) Evidence that he or she will actively pursue participation in an "Instructor Development" or "Methods of Instruction" course during the period of provisional certification.

(c) **Standard Certificate.** To qualify for a Standard Certificate, an applicant shall present evidence of meeting the following requirements:

(1) Completion of three years' satisfactory service in a position covered by the certificate;

(2) Successful completion of an "Instructor Development" or "Methods of Instruction" program, which shall consist of 35 hours of credit related to the preparation of instructors of law enforcement subjects. Alternatives for formal course work may be presented to show proficiency in the following competencies:

(A) Occupational Analysis and Materials Preparation;

(B) Teaching Technical Education;

(C) Tests and Measurement;

(D) Principles of Adult Education;

(E) Curriculum Construction;

(F) Organization and Management;

(G) Communications;

(H) Psychology of Learning;

(I) Use of Instructional and Audio Visual Aids;

(J) Techniques of Instruction;

(K) Preparing and Using Lesson Plans;

(L) Learner Motivation;

(M) Practical Exercises in the Application of Instructional Principles; and

(N) Other areas approved for developing competencies for law enforcement instructors.

(Effective November 29, 1995; amended December 4, 2012)

### **Sec. 7-294e-13. Renewal of certificate**

(a) The holder of a certificate shall make application for renewal of said certificate sixty days prior to its expiration date. Certificates will remain in effect for a period not to exceed three years.

(b) The application processes for renewal of the certificate shall be the same as for the holders' original application for certification except that applicants shall be required to verify that they have:

(1) Taught at least one class per year in each area in which they have held law enforcement instructor certification since obtaining certification unless the subject area, for which recertification is being sought, is approved by the council for recertification on a triennial basis.

(2) Updated their training materials to reflect advances in each area of specialization, and

(3) Maintained good standing as law enforcement instructors and, if applicable, as police officers in the state of Connecticut.

(c) Provisional Certificates shall not be renewed but may be extended by the council. Holders of Provisional Certificates shall meet the general and specific conditions established under Subsection (c) of Section 7-294e-12, Standard Certificate, during the three years of their provisional certification.

(d) Standard Certificates shall not be renewed if:

(1) The instructor has terminated employment with a law enforcement unit;

(2) The instructor has omitted information or falsified any document in order to obtain or renew any certificate;

(3) (A) The instructor has not followed the prescribed curriculum for the course taught; (B) The quality or method of instruction violates generally accepted principles of instruction or training; (C) The instructor fails to take proper steps to assure the safety of trainees. "Generally Accepted Principles of Instruction," as used in this section, includes attitude toward trainees, command and knowledge of the subject, organization of the material prescribed, use of training aids, and overall preparation.

(Effective June 22, 1994)

#### **Sec. 7-294e-14. Certification and review training**

(b) **Establishment of an original date of certification.** All persons appointed to probationary candidate positions who have completed both basic training and supervised field and departmental training will be considered certified on the day when the final requirement is completed.

(1) Certification of police officers is contingent upon active employment in a law enforcement unit. The certification of a police officer shall expire as provided in section 7-294d of the Connecticut General Statutes.

(2) Certification of police officers, while employed, shall be valid for three years from date of issuance. Certification is renewable contingent upon continued employment by a law enforcement unit and satisfactory completion of the requirements of certified review training.

(c) **Persons required to complete certified review training.**

Any person holding the position of certified police officer in Connecticut shall complete such certified review training as the Council may require, but not less than the 40-hour minimum requirement set forth in section 7-294d(a)(8) of the Connecticut General Statutes during a three-year period, unless extended as provided in such statute, beginning on the effective date of certification.

(1) Standardization of the review training period. A review training period shall expire on June 30 of the third year following the date of a police officer's original certification and June 30 of the third year of each three-year period thereafter.

(2) Administrative procedures and penalty. The Council shall not recertify any person who fails to complete the prescribed certified review training. The Council shall provide written notification to any person who has not completed the prescribed certified review training prior to commencement of the administrative steps necessary to cause the forfeiture of such person's appointment and position.

(Effective November 29, 1995; amended December 4, 2012)

**Sec. 7-294e-15. Basic training programs**

(a) **Attendance in basic training programs.** Probationary candidates shall not be absent from any basic training program for more than five training days, or the equivalent. Probationary candidates who are absent for more than five training days shall be dismissed.

(b) **Testing in basic training programs.** Probationary candidates are limited to a maximum of one re-test of any course examination which said candidate fails during any basic training program.

(1) The availability of any re-test shall be at the discretion of the certified law enforcement instructor who conducted the training course and administered the examination.

(2) All re-tests shall require an examination which differs from the examination which the probationary candidate originally failed.

(3) In those instances where a re-test is not available, or is failed, probationary candidates shall be required to fully repeat and pass the entire training course or be dismissed.

(Effective June 22, 1994)

**Sec. 7-294e-16. Entry-level requirements**

(a) **Educational requirement.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate, that such person have:

(1) graduated from an accredited high school, or

(2) obtained a proper document evidencing that they have obtained, from a state-approved program, a formal certificate of equivalency to high school graduation. Evidence of compliance with this requirement shall be submitted to the Council at the time of registration for police officer training within ten days of the candidate's appointment.

(b) **Minimum age requirement.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate, that such person have reached the age of 21 years. Evidence of compliance with this requirement shall be submitted to the Council at the time of registration for police officer training within ten days of the candidate's appointment.

(c) **Citizenship Requirement.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, that the candidate be a citizen of the United States of America.

(d) **Motor Vehicle Operator License Requirement.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, that the candidate either has a motor vehicle operator's license issued by the State of Connecticut or has a motor vehicle operator's license issued by another state and that the candidate's right to operate a motor vehicle in this state is not under suspension.

(e) **Validated Written Examination.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has been tested, by passing a validated written test, designed to evaluate predictors of job-related skills and behaviors.

(f) **Personal Interview Panel Examination.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary

candidate in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has been tested, by an oral interview panel which includes one or more Connecticut post council certified law enforcement officers, or by any other appropriate assessment process approved by the council, which is designed to evaluate predictors of job related skills and behaviors, including interpersonal and communication skills.

(g) **Fingerprint Examination.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has been fingerprinted, notwithstanding that the candidate may already be employed by another law enforcement unit. The candidate's fingerprints shall be submitted to the Federal Bureau of Investigation for the purpose of determining the existence of any criminal history record.

The candidate, on or after January 1, 1995, shall also be the subject of a search by fingerprints, name, and date of birth, for the purpose of locating the existence of a criminal history record, if available, in Connecticut and in any other state in which the applicant has resided.

(h) **Criminal Convictions.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidates in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has no criminal record revealing any conviction, under federal or state law, of any felony, or whose criminal record has any conviction of any Class A or Class B misdemeanor, or of any crime in any other jurisdiction that would, if committed in this state, constitute a Class A or Class B misdemeanor, or who has committed any act which would constitute perjury or false statement.

(i) **Background Investigation.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, that the candidate has been the subject of a background investigation, notwithstanding that the candidate may already be employed by another law enforcement unit. The background investigation shall include, at a minimum:

(1) the candidate's completion of a personal history for the law enforcement unit on a form supplied, or approved, by the Council;

(2) a check to ascertain whether the candidate has a record of motor vehicle law conviction(s) for operating a motor vehicle under the influence of intoxicating beverages or narcotics or controlled substances or of evasion of responsibility; and

(3) the completion of a polygraph examination, administered after a conditional offer of employment, which is conducted in accordance with Council policy by a trained polygraph examiner who is acceptable to the Council.

(j) **Psychological Examination.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, that the candidate has been the subject of a psychological examination during the selection process and that a written report of that examination is on file with the appropriate officials at the law enforcement unit, notwithstanding that the candidate may already be employed by another law enforcement unit. The Police Officer Standards and Training Council requires that the examination be conducted by a clinical psychologist licensed by the state of Connecticut or who holds an equivalent license in another state, or a medical doctor licensed by the state of Connecticut or who holds an equivalent license in another state who has a specialty in psychiatry, or a clinical

social worker licensed by the state of Connecticut, or who holds an equivalent license in another state, who is a BCD (board certified diplomate) in clinical social work from the American board of social work examiners or who holds a DCSW (diplomate in clinical social work) from the national association of social workers, who provides the law enforcement unit with documentation of the examination and who provides a written opinion of the candidate's overall psychological stability to fill a position as a police officer.

(k) **Controlled Substance Screen.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has submitted to a controlled substance screen and the result of such screen indicated no presence of any controlled substance not prescribed for the candidate.

(l) **Applicant Certification.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, on or after January 1, 1995, that the candidate has signed, as part of the initial application process, a statement that the candidate knows, and acknowledges knowing, that if the candidate falsifies any part of the information required of the candidate during the application process, that act, in and of itself, constitutes grounds for termination whether discovered prior to or subsequent to the appointment of the candidate.

(m) **Medical Certification Forms.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, and as a condition for entry into any Council approved police officer basic training program, that such person submit the medical certification forms permitting physical agility testing for entry-level probationary candidates.

(n) **Entry Physical Fitness Testing Standard.** The Police Officer Standards and Training Council requires, as a condition of appointment to a position of probationary candidate in a law enforcement unit in the State of Connecticut, and as a condition for entry into a Council accredited basic training program, that the candidate has been tested for physical fitness and achieved a score, in each individual test, at least as high as the minimum acceptable percentile for each individual test, using the minimum acceptable score for each individual test, as set by the Council.

(o) **Continuing Physical Fitness Testing Standard.** The Police Officer Standards and Training Council requires, as a condition for continuing participation in a Council accredited basic training program that the candidate be tested for physical fitness at two further separate times during the police officer basic training program and achieve a score, in each individual test, at least as high as the minimum acceptable percentile for each individual test, using the minimum acceptable score for each test, as set by the Council.

(Effective November 29, 1995; amended September 17, 2001, February 4, 2004)

## Procedures for Hearings

### Sec. 7-294e-17. Applicability, definitions

(a) These hearing procedures shall apply to all compliance meetings and contested cases held by the Police Officer Standards and Training Council.

(b) As used in Sections 7-294e-17 to Section 7-294e-24, inclusive:

(1) "Council" means the Police Officer Standards and Training Council;

(2) “action committee” means a committee of the Police Officer Standards and Training Council appointed by the chairperson of the Council and acting on behalf of the full council for the purpose of reviewing the record of all hearings.

(3) “executive director” means the executive director of the Police Officer Standards and Training Council.

(4) “compliance officer” means the director of the certification division of the Police Officer Standards and Training Council.

(5) “certificate” includes the whole or part of any Police Officer Standards and Training Council certificate which the Council issues under authority of the General Statutes and which (A) authorizes the holder to perform police functions, (B) prohibits a person from falsely representing that he/she is certified to perform police functions unless the person holds a certificate issued by the Council and (C) requires as a condition of certification that a person submit specified credentials to the Council which attest to qualifications to perform police functions.

(6) “certification” includes the whole or part of any Police Officer Standards and Training Council certificate, approval, or similar form of permission which the Council issues under authority of the General Statutes and which requires: (A) the performance of police functions by certified persons only, (B) demonstration of competence to perform police functions by examination or other means and meeting of certain minimum standards and (C) enforcement of standards by the Council.

(7) “registration” refers to “probationary candidates” as defined in Secs. 7-294a and 7-294d of the General Statutes and which requires appointing authorities to place the names of persons so appointed on a list maintained by the Council to schedule training before they can perform police functions.

(8) “practitioner” includes any person registered or possessing a certificate which the Council issues under authority of the General Statutes.

(Effective November 29, 1995)

### **Sec. 7-294e-18. Opportunity to show compliance**

(a) No revocation of any certificate shall be effective unless prior to the institution of council proceedings, the council gave notice by certified mail to the officer of facts or conduct which warrant the intended action, and the officer was given the opportunity to show compliance with all lawful requirements for the retention of the certificate.

(b) Notification of such compliance conference shall contain:

(1) A statement of the time, date, place and nature of the compliance conference;

(2) a statement of the legal authority and jurisdiction under which the compliance conference is to be held;

(3) a reference to the particular sections of the statutes or regulations allegedly violated or not complied with;

(4) a short and plain statement of the matters asserted; and

(5) a statement that the respondent may be represented by counsel.

(c) Compliance conferences shall be recorded but need not be transcribed and the strict rules of evidence are not applicable.

(d) The executive director shall designate the compliance officer to preside at such compliance conference. After said compliance conference the compliance officer shall report in writing his/her recommendations to the executive director.

(Effective June 22, 1994)

### **Sec. 7-294e-19. Contested cases**

(a) A contested case means a proceeding, including but not restricted to certification, in which the legal rights, duties or privileges of a party are required by statute

to be determined by the Police Officer Standards and Training Council after an opportunity for hearing or in which a hearing is in fact held.

(b) When the Council has reason to believe there has been a violation of the statute(s) or regulation(s) administered by the Council, the executive director shall issue a complaint by certified mail or personal service to the respondent.

(c) The notice in contested cases shall contain:

(1) A statement of the time, date, place and nature of the compliance conference;

(2) a statement of the legal authority and jurisdiction under which the compliance conference is to be held;

(3) a reference to the particular sections of the statutes or regulations allegedly violated or not complied with;

(4) a short and plain statement of the matters asserted; and

(5) a statement that the respondent may be represented by counsel.

(d) Correspondence subsequent to notice may be sent by regular mail to the respondent, or if represented by counsel, to such counsel;

(e) If the respondent needs additional time the respondent may file a motion for additional time with the executive director. The executive director may grant such motion and modify the hearing schedule.

(f) If the respondent desires to obtain a more complete or particular statement as to the nature of the act or omission alleged to be in violation of the law, the respondent may file with the executive director no later than 15 days prior to the scheduled hearing in written motion for a more detailed statement of the nature of the charge(s). The granting or denial of such a motion is within the complete discretion of the executive director.

(g) Appearances, admissions and denials, answers, motions and any other pleading which a respondent wishes considered by the executive director prior to the convening of a contested case proceeding may be filed up to seven days prior to the hearing date. Failure to file any pleadings by any party will not prevent the executive director from proceeding with the matter.

(Effective November 29, 1995)

### **Sec. 7-294e-20. Pre-hearing procedure in contested cases**

(a) Any time after the issuance of a complaint and before the scheduled hearing date, the executive director may order or a respondent may request an informal pre-hearing conference. The granting or denial, of a request for a pre-hearing conference is within the complete discretion of the executive director.

(b) A pre-hearing conference may be held for any of the following purposes:

(1) to narrow the scope of the issues in dispute;

(2) to obtain stipulations as to matters of fact;

(3) to stipulate as to the authenticity of documents which are to be offered in evidence;

(4) to stipulate as to the qualification of any expert witnesses who are to testify at the hearing; and

(5) to discuss the possibility of an informal disposition of the complaint.

(c) A pre-hearing conference need not be recorded, but a written record will be made of any stipulations as to matters of fact, as to the authenticity of documents, or as to the qualification of expert witnesses. Any such written record will be signed by each of the individual respondents or counsel and by the executive director.

(Effective June 22, 1994)

**Sec. 7-294e-21. Conduct of adjudicative hearings in contested cases**

- (a) Hearings in contested cases shall be presided over by the executive director.
- (b) Said executive director shall have the power to:
  - (1) Regulate the course of the hearing and the conduct of the parties and their counsel;
  - (2) Insure that all testimony is given under oath;
  - (3) Rule upon offers of proof and receive evidence;
  - (4) Consider and rule upon all motions; and
  - (5) Require any additional written and/or oral argument.
- (c) Each party in an adjudicative hearing shall have the right to present evidence, cross-examine witnesses, enter motions and objections and assert all other rights essential to a fair hearing.
- (d) Intervention by interested parties shall be permitted in any contested case, as provided by applicable statute or otherwise within the discretion of the executive director.
- (e) All adjudicative hearings in contested cases shall be recorded and shall be conducted in accordance with the provisions of Chapter 54 of the General Statutes.  
(Effective June 22, 1994)

**Sec. 7-294e-22. Transcript of the proceedings**

Any party may request a transcript of the proceedings at their own expense.  
(Effective June 22, 1994)

**Sec. 7-294e-23. Proposed final decision**

When in a contested case all members of the action committee of the council who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party, shall not be made until a proposed final decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members of the action committee who are to render the decision. The proposed final decision shall be in writing and contain a statement of reasons for the decision and findings of fact and conclusions of law on each issue of fact or law necessary to the decision, prepared by the person who conducted the hearing or one who has read the record. The parties may waive compliance with this section.

(Effective June 22, 1994)

**Sec. 7-294e-24. Final decision in a contested case**

- (a) The final decision or order in a contested case shall be rendered by the action committee after due consideration of the entire record.
- (b) A final decision or order adverse to a party in a contested case shall be in writing.
- (c) Parties shall be notified by certified mail of the final decision or order.
- (d) The action committee shall proceed with reasonable dispatch to conclude any matter pending before it and shall render a final decision in all contested cases within ninety days following the close of evidence or filing of briefs in such proceedings.  
(Effective June 22, 1994)



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## Description of Organization, Course of Operation and Rules of Procedure

### Sec. 7-323k-1. Organization

The members of the Commission shall be appointed in accordance with the Provisions of Section 7-323k of the General Statutes to which reference may be had. In addition, the Commission shall annually select from among its members a chairman, a vice-chairman and a secretary who shall have the duties and responsibilities ordinarily attendant to such positions.

(Effective June 14, 1977)

### Sec. 7-323k-2. Methods of operations

The Commission shall conduct meetings in accordance with the Provisions of Sec. 7-323k (c) of the General Statutes to which reference may be had.

(Effective June 14, 1977)

### Sec. 7-323k-3. Public access

The members of the public may obtain information in accordance with the Freedom of Information Act (P.A. 75-342) or any other applicable statute or make submissions or requests either directly to the Commission at its regular meetings or by mail to the State Fire Administrator who shall be authorized to provide such information or at his discretion to submit the same for consideration before the entire Commission. All information received by the Commission shall be considered public information and available upon request. Commission meetings shall be open to the public in accordance with Section 1-21 of the General Statutes as amended.

(Effective June 14, 1977)

### Sec. 7-323k-4. Rules of procedure

Rules of Procedure shall be the "Guidelines for Procedures" of the Commission which follow:

A. **Meetings.** 1. Meetings of the Commission shall be prescribed by statutory provision and by such rules as the Commission may pass so long as they do not conflict with statutory provisions.

2. It shall be the duty of the Chairman, with the concurrence of the Commission, to name the date, time, and location of all meetings of the Commission and to notify all interested parties at least ten days prior to such meetings. Special meetings may be called by the Chairman on his own initiative or at the request of four members upon 48-hour notice to all members.

3. A meeting of the Commission is a meeting which, though it may last for several days, shall be considered one meeting. The intermediate adjournments from day to day, or recesses taken during the day, do not destroy the continuity of the meetings, which in reality constitute one session.

4. A meeting of the Commission shall be closed by moving "to adjourn."

B. **Quorum.** 1. A quorum of the Commission is such a number as must be present in order that business can be legally transacted. Eight members of the Commission shall constitute a quorum.

2. The quorum refers to the number present, not to the number voting.

3. In the event there is not a quorum present, the Chairman of the Commission may only conduct business concerning: Obtaining a quorum, fixing the adjournment time, adjournment, or take a recess.

4. Unanimous consent cannot be given when a quorum is not present and a notice given then is not valid.

**C. Order of business.** 1. The Commission shall conduct business in the following order:

- a. Reading the minutes of the previous meeting (and their approval).
- b. Reports of any standing committees.
- c. Reports of any special committees.
- d. Special orders.
- e. Unfinished business and general orders.
- f. New business.

2. The minutes of the Commission are read only once a day at the beginning of the day's business. The fifth item in the order of business includes:

- a. The business pending and undisposed of at the previous adjournment.
- b. The general orders that were on the calendar for the previous meeting which were not disposed of.
- c. Matters postponed to this meeting that have not been disposed of.

3. At every meeting of the Commission the Chairman shall have an agenda of the order of business for the use of the Commission. The agenda shall be sent to all members with the notice for the meeting. The Chairman, as soon as a matter is disposed of, should announce the next order of business. When reports are in order, the Chairman should call for such reports in their order and when unfinished business is in order, he should announce the various questions in their proper order as stated above. If it is desired to transact business out of its normal order, it is necessary to suspend the rules, which can be done by a two-thirds vote.

**D. Motions before the commission.** 1. Before any subject is open to debate it is necessary that a motion be made by a member of the Commission who has been recognized, and that it be stated by the Chair.

2. The procedures for the conduct of Commission meetings is generally that recognized in "Roberts Rules of Order."

3. When a motion has been made and seconded, it is the duty of the Chairman, unless he rules it out of order, immediately to state the question—that is, state the exact question that is before the Commission for its consideration and action.

4. After a question has been stated by the Chairman, it is before the Commission for consideration and action. All resolutions, reports of committees, communications to the Commission, and all amendments proposed to the Commission, and all other motions may be debated before final action is taken on them, unless by a two-thirds vote the Commission decides to dispose of them without debate. By a two-thirds vote is meant two-thirds of the votes cast, a quorum being present. In debate each member of the Commission has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question as long as any member who has not spoken on that question desires to speak. No one can speak longer than ten minutes at a time without permission of the Commission.

5. Debate must be limited to the merits of the immediately pending question—that is, the last motion stated by the Chairman that is still pending.

6. When the debate appears to have closed, the Chairman asks again, "Are you ready for the question?" If no one claims the floor he proceeds to take the vote on the motion, first calling for the affirmative and then for the negative vote. In putting the question, the Chairman should make perfectly clear what the motion is that the Commission is to decide. If the question is on the adoption of a resolution, unless it has been read very recently, it should be read again, the question being put in a

manner similar to this: “This motion is on the adoption of the resolution” (which the Chair reads).

**E. Procedures.** 1. During the meetings of the Commission there are occasions when members wish to obtain information, to do, or to have done, things that necessitate their making a request. Among these are the following, which will be treated separately:

a. To answer any questions on parliamentary law, pertinent to the pending business, that may be necessary to enable the member to make a suitable motion or to raise a point of order. The Chairman is expected to be familiar with parliamentary law, while many members of the Commission are not.

b. Request for Information. A request for information relating to the pending business is treated just as a parliamentary inquiry, and has the same privileges.

c. Leave to Withdraw or Modify a Motion. A request for leave to withdraw a motion, or a motion to grant such leave, may be made at any time before voting on the question has commenced, even though the motion has been amended. It requires no second.

d. To be Excused from a Duty. If a member of the Commission is elected to office, appointed to a committee, or has any other duty placed on him and he is unable or unwilling to perform the duty, if present, he should decline it immediately and if absent, he should, upon learning of the fact, at once notify the Chairman orally or in writing that he cannot accept the duty.

2. To amend takes precedence over the motion to postpone indefinitely and yields to all other motions. It can be applied to all motions. It can be amended itself, but this “amendment of an amendment” cannot be amended. An amendment is debatable in all cases except where the motion to be amended is undebatable. An amendment of a pending question requires only a simple majority vote for adoption, even though the question to be amended requires a two-thirds vote. An amendment of a rule of order or order of business previously adopted requires a two-thirds vote, but an amendment of the amendment requires majority vote. An amendment may be in any of the following forms:

a. To insert or add (that is, place at the end).

b. To strike out.

c. To strike out and insert or substitute, as it is called, when the entire paragraph or resolution is struck out and another is inserted.

d. To amend by substitution.

3. If the question is undebatable or debate has been closed by order of the Commission, the Chairman, immediately after stating the question, puts it to a vote. If the question is debatable and no one claims the floor, after the question is stated by the Chairman, he should inquire, “Are you ready for the question?” After a moment’s pause, if no one claims the floor, he should put the question to a vote. If the question is debated or motions are made, the Chairman should wait until the debate has apparently ceased, when he should again inquire, “Are you ready for the question?” Having given ample time for any one to claim the floor, and no one having done so, he should put the question to vote and announce the result.

4. Only members of the Commission prescribed by law may cast their vote on any question before the Commission. There shall be no vote by proxy.

**F. Chairman.** 1. His duties are generally as follows: To open the session at the time at which the Commission is to meet, by taking the chair and calling the members to order; to announce the business before the Commission in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and to put

to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to appoint subcommittees as these may be authorized by vote of the Commission; to protect the Commission from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every way compatible with the rights of the members of the Commission by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members of the Commission deciding all questions of order (subject to an appeal to the Commission by any two members) unless when in doubt he prefers to submit the question for decision of the Commission; to inform the Commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; and to authenticate, by his signature, when necessary, all the acts, orders, and proceedings of the Commission declaring its will.

2. During debate he should be seated and pay attention to the speaker, who is required to address his remarks to the Chairman. When a member has the floor, the Chairman cannot interrupt him so long as he does not transgress any of the rules of the Commission.

3. The Chairman cannot close debate unless by order of the Commission which requires a two-thirds vote; nor can he prevent the making of legitimate motions by hurrying through the proceedings. If members of the Commission are reasonably prompt in exercising their right to speak or make motions, the Chairman cannot prevent their doing so. If he has hurriedly taken and announced a vote while a member is addressing the chair preparatory to speaking, the vote is null and void, and the member must be recognized. On the other hand the Chairman should not permit the object of a meeting to be defeated by a few factious persons using parliamentary forms with the evident object of obstructing business.

4. The Vice-Chairman shall act in the absence of the Chairman and, when so acting, shall have the same duties as the Chairman.

**G. Secretary.** 1. The secretary is the recording officer of the Commission and the custodian of its records except such as are specifically assigned to others. These records are open, however, to inspection by any member of the Commission at reasonable times, and when a subcommittee needs any records for the proper performance of its duties, they should be turned over to its chairman.

2. In addition to the above duties, when there is only one secretary, it is his duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the Commission, except as otherwise provided.

3. Prior to each meeting, the Secretary should make out an order of business for the use of the Chairman which lists in exact order matters that must come before the Commission. He should keep a record of the proceedings stating what was done and not what was said unless it is to be published. He should never make criticisms, favorable or otherwise, on anything said or done.

**H. The minutes.** 1. The record of the proceedings of a deliberative Commission meeting is called the minutes. The essentials of the record are as follows:

a. The kind of meeting, "regular" (or stated) or "special" or "adjourned regular" or "adjourned special."

b. Date of meeting and place, when it is not always the same.

c. The fact of the presence of the Chairman and secretary or, in their absence, the names of their substitutes, and the names of the members present.

d. Whether the minutes of the previous meeting were approved or their reading dispensed with.

e. The dates of the meetings being given when it is customary to occasionally transact business at other than the regular business meeting.

f. All the main motions (except those which were withdrawn), points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn. A record shall be kept of each vote of individual members of the Commission.

g. Usually the hours of meeting and adjournment, when the meeting is solely for business. Generally the name is recorded of the member who introduced a main motion.

(Effective June 14, 1977)

### **Sec. 7-323k-5. Public inspection**

The records of the Commission shall be maintained in the Office of State Fire Administration and shall be available for public inspection at all reasonable times.

(Effective June 14, 1977)

### **Sec. 7-323k-6. Personal data**

#### **(a) Definitions**

(1) The following definitions shall apply to this section of regulations.

(A) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Connecticut General Statutes 4-190 (9).

(B) "Other Data" means any information which because of name, identification number, mark or description can be readily associated with a particular person.

(C) "Commission" means Commission on Fire Prevention and Control.

(2) Terms defined in Connecticut General Statutes Sec. 4-190 shall apply to this section of regulations.

#### **(b) General Nature and Purpose of Personal Data Systems**

(1) The Commission maintains the following personal data system:

##### **(A) Personnel Records**

(i) All personnel records are maintained at the Commission's Office, 34 Perimeter Road, Windsor Locks, Connecticut.

(ii) Personnel records are maintained in both automated and manual form.

(iii) Personnel records are maintained for the purpose of retaining payroll, health, discipline and related personnel information concerning Commission employees.

(iv) Personnel records are the responsibility of the fiscal administrative supervisor of the commission. All requests for disclosure or amendment of these records should be directed to the fiscal administrative supervisor.

(v) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by the applicants, the employee's supervisor, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(vi) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Connecticut General Statutes Sec. 5-193 et seq.

##### **(B) Training and Certification Records**

(i) Records are maintained at the Commission's Office, 34 Perimeter Road, Windsor Locks, Connecticut, 06096.

(ii) Records are maintained in both automated and manual form.

(iii) Records are maintained for the purpose of determining training completed and certification achieved by firefighters, fire instructors, and fire officers.

(iv) Training records are maintained by the Director of Fire Training, 34 Perimeter Road, Windsor Locks, Connecticut, 06096. Certification records are maintained by the Certification Division Fire Service Analyst, 34 Perimeter Road, Windsor Locks, Connecticut, 06096. All requests for disclosure or amendment of training records should be made to the Director of Fire Training. All requests for disclosure or amendment of certification records should be made to the Certification Division Fire Service Analyst.

(v) Routine sources of information retained in training and certification records include applications for training, certification, training records, certification testing grades and fire department affiliation.

(vi) Personal data in training and certification records are collected, maintained and used under authority of Connecticut General Statutes Sec. 7-323.

**(c) Categories of Personal Data**

**(1) Personnel Records**

(A) The following categories of personal data may be maintained in personnel records:

- (i) Educational records.
- (ii) Medical or emotional condition or history.
- (iii) Employment or business history.
- (iv) Other reference records.

(B) The following categories of other data may be maintained in personnel records:

- (i) Addresses.
- (ii) Telephone numbers.

(C) Personnel records are maintained on employees of the Commission and applicants for employment with the Commission.

**(2) Training and Certification Records**

(A) The following categories of personal data may be maintained in training and certification records:

- (i) Educational records.
- (ii) Certification test scores.
- (iii) Application records for purpose of determining the qualifications of applicants.
- (iv) Certification exam scores.
- (v) Other reference records.

(B) The following categories of other data may be maintained in training and certification records:

- (i) Fire department affiliation.
- (ii) Fire department rank.
- (iii) Career status.
- (iv) Addresses.
- (v) Records of administrative action.
- (vi) Telephone numbers.
- (vii) Social Security number.

(C) Training and certification records are maintained on applicants or holders of certificates in either training or certification.

**(d) Maintenance of Personal Data**

(1) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the Commission. Where the Commission finds irrelevant or unnecessary public records in its possession, the Commission shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Connecticut General Statutes Sec. 11-8a, or if the records are not disposable under the records retention schedule, shall request permission from the Public Records Administrator to dispose.

(2) The Commission will collect and maintain all records with accuracy and completeness.

(3) Insofar as it is consistent with the needs and mission of the Commission, the Commission, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(4) Commission employees involved in the operation of the Agency's personal data systems will be informed of the provisions of the (A) The Personal Data Act, (B) the Commission's regulations adopted pursuant to Sec. 4-196, (C) the Freedom of Information Act and (D) any other state or federal statute or regulations concerning maintenance or disclosure or personal data kept by the Commission.

(5) All Commission employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The Commission shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Commission or on its behalf.

(7) An agency requesting personal data from any other state agency shall have an independent obligation to insure that the personal data is properly maintained.

(8) Only Commission employees who have a specific need to review personal data records for lawful purposes of the Commission shall be entitled to access to such records under the Personal Data Act.

(9) The Commission will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The Commission will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(11) The Commission will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(12) With respect to automated personal data systems:

(A) The Commission shall, to the greatest extent practical, locate automated equipment and records in a limited access area,

(B) To the greatest extent practical, the Commission shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only,

(C) The Commission, to the greatest extent practical, will insure that the regular access to automated equipment is limited to operations personnel,

(D) The Commission shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(e) **Disclosure of Personal Data**

(1) Within four business days of receipt of a written request therefor, the Commission shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Commission maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or specifically permitted by law, the Commission shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Commission. The procedures for disclosure shall be in accordance with Connecticut General Statute Section 1-15 through 1-21k. If the personal data is maintained in coded form, the Commission shall transcribe the data into a commonly understandable form before disclosure.

(3) The Commission is responsible for verifying the identity of any person requesting access to his/her own personal data.

(4) The Commission is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) The Commission may refuse to disclose to a person medical, psychiatric or psychological data on that person if the Commission determines that such disclosure would be detrimental to that person.

(6) In any case where the Commission refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the Commission refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Commission shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Commission shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Commission shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The Commission shall maintain a complete log of each person, individual, agency or organization who has obtained access or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

**(f) Contesting the Content of Personal Data Records**

(1) Any person who believes that the Commission is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Commission for correction of said personal data.

(2) Within 30 days of receipt of such request, the Commission shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the Commission shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(3) Following such denial by the Commission, the person requesting such correction shall be permitted to add a statement to his or her personal data records setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of

the Commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed data is disclosed.

**(g) Uses To Be Made Of The Personal Data**

**(1) Personnel Records**

(A) Personnel records are routinely used for evaluating the qualifications of employment applicants and the work performance of employees of the Commission. Users include the Business Manager and other state officers and employees with responsibility for evaluating the work performance of employees of the Commission and others where permitted or required by law.

(B) Personnel records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available at Commission offices.

**(2) Training and Certification Records**

(A) Records of individuals are routinely used for evaluating skills and knowledge of applicants. Users include those officers and employees of the Commission involved with training and certification.

(B) Training and certification records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available at Commission offices.

(3) When an individual is asked to supply personal data to the Commission, the Commission shall disclose to that individual, upon request:

(A) The name of the Commission and division within the Commission requesting the personal data;

(B) The legal authority under which the Commission is empowered to collect and maintain the personal data;

(C) The individual's rights pertaining to such records under the Personal Data Act and agency regulations;

(D) The known consequences arising from supplying or refusing to supply the requested personal data;

(E) The proposed use to be made of the requested personal data.

(Effective June 7, 1996; amended October 6, 2005)



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## Fire Fighter Qualification and Certification Policy and Procedures Rules and Regulations

### Secs. 7-323l-1—7-323l-20.

Repealed, June 6, 1980.

### Secs. 7-323l-21—7-323l-76.

Repealed, June 7, 1996.

### Sec. 7-323l-77. General

(a) **Scope:** This Standard identifies the professional levels of competence required of fire department members.

(b) **Purpose:** The purpose of this Standard is to specify, in terms of performance objectives, the minimum requirements of professional competence required for service as a fire fighter. It is not the intent of this Standard to restrict any jurisdiction from exceeding these minimum requirements.

(c) **Performance Criteria:** All of the performance standards for any level shall meet the following criteria: They shall be performed swiftly, safely and with competence. Each objective shall be met in its entirety.

It is not required for the objectives to be mastered in the order they appear. The local or state training program shall establish the instructional priority, and the training program content to prepare individuals to meet the performance objectives of this Standard.

(Effective June 7, 1996)

### Sec. 7-323l-78. Definition of terms

The following terms when used in Sections 7-323l-77 to 7-323l-102, inclusive, of the Regulations of Connecticut State Agencies shall have the following meanings:

(1) **“Fire Fighter Candidate”** means the member of a fire department who has not met the objectives for Fire Fighter I.

(2) **“Fire Fighter I”** means the fire fighter, at the first level of progression in the fire department, who has demonstrated the knowledge and skills necessary to function safely and effectively as an integral member of a firefighting team in accordance with the objectives specified in this Standard for that level, and, when engaged in hazardous activities, works under direct supervision.

(3) **“Fire Fighter II”** means the fire fighter, at the second level of progression in the fire department, who has demonstrated the skills and depth of knowledge necessary to function under general supervision. This person shall function safely and effectively as an integral member of a team of equally or less experienced firefighters to accomplish a series of tasks in accordance with the objectives specified in this Standard for that level, and, when engaged in hazardous activities, maintains direct communication with a supervisor.

(4) **“Wildland Fire Fighter I”** means a person, at the first level of progression as defined in Chapter 3 of National Fire Protection Association Standard 1051, who has demonstrated the knowledge and skills necessary to function safely as a member of a wildland fire suppression crew. The Wildland Fire Fighter I works under direct supervision.

(5) **“Rescue Technician”** means a person who has demonstrated the knowledge, skills, and abilities and is trained to perform and direct the technical rescue in accordance with the objectives specified in this Standard for that level.

(6) **“Pump Operator”** means the fire apparatus driver/operator who has demonstrated the knowledge, skills, and abilities required for the operation of apparatus equipped with an attack or fire pump in accordance with the objectives specified in this Standard for that level.

(7) **“Truck Operator”** means the fire apparatus driver/operator who has demonstrated the knowledge, skills, and abilities required for the operation of apparatus equipped with aerial devices in accordance with the objectives specified in this Standard for that level.

(8) **“Airport Fire Fighter”** means the fire fighter who has demonstrated the knowledge, skills, and abilities required by and in accordance with the objectives specified in this Standard for that level.

(9) **“Fire Officer I”** means the fire officer, at the supervisory level, who has demonstrated the knowledge, skills, and abilities required by and in accordance with the objectives specified in this Standard for that level.

(10) **“Fire Officer II”** means the fire officer, at the supervisory/managerial level, who has demonstrated the knowledge, skills, and abilities required by and in accordance with the objectives specified in this Standard for that level.

(11) **“Fire Officer III”** means the fire officer, at the managerial/administrative level, who has demonstrated the knowledge, skills, and abilities required by and in accordance with the objectives specified in this Standard for that level.

(12) **“Fire Officer IV”** means the fire officer, at the administrative level, who has demonstrated the knowledge, skills, and abilities required by and in accordance with the objectives specified in this Standard for that level.

(13) **“Public Fire and Life Safety Educator I”** means an individual who has demonstrated the ability to coordinate and deliver existing educational programs and information in accordance with the objectives specified in this Standard for that level.

(14) **“Public Fire and Life Safety Educator II”** means an individual who has demonstrated the ability to prepare educational programs and information to meet identified needs in accordance with the objectives specified in this Standard for that level.

(15) **“Fire Service Instructor I”** means a fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material in accordance with the objectives specified in this Standard for that level.

(16) **“Fire Service Instructor II”** means a fire service instructor who, in addition to meeting Fire Service Instructor I qualifications, has demonstrated the knowledge and ability to coordinate other instructors and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis in accordance with the objectives specified in this Standard for that level.

(17) **“Hazardous Materials Technician”** means an individual who responds to releases or potential releases of hazardous materials for the purpose of controlling the release utilizing special chemical protective clothing and control equipment in accordance with the objectives specified in this Standard for that level.

(18) **“Fire Department Safety Officer”** means the member of a fire department assigned and authorized by the fire chief as the principal safety officer assigned to perform the duties and responsibilities of the health and safety officer and the incident safety officer in accordance with the objectives specified in this Standard for that level.

(19) **“Fire Department”** means the Agency that provides fire suppression and/or fire prevention services to a state, county, municipality, organized fire district or institution; also any recognized fire education or training program.

(20) **“Safely”** means to perform the objective without injury to self or to others.

(21) **“With Competence”** means possessing knowledge, skills and judgment needed to perform indicated objective satisfactorily.

(22) **“Swiftly”** means the time, as determined by the authority having jurisdiction, that it takes an approved fire fighter to perform the objective satisfactorily.

(23) **“Demonstrate”** means to show by actual use, illustration, simulation or explanation. This may be supplemented by or replaced by simulation, explanation, illustration or a combination of these.

(24) **“Identify”** means to physically select, indicate, or explain verbally or in writing, using standard terms recognized by the Fire Service.

(25) **“Objective”** means observable or measurable demonstration of a skill, knowledge, or both.

(26) **“Qualified”** means having satisfactorily completed the requirements of the objectives.

(27) **“this Standard”** means each section of the “Fire Fighter Qualifications and Certification Policy and Procedures Rules and Regulations” ( Section 7-323k-6 and sections 7-323l-77 to 7-323l-99, inclusive, of the Regulations of Connecticut State Agencies as amended ).

(28) **“Non - Live Fire Practical Skills Examination”** means any psychomotor skills examination which consists of skills or tasks that do not expose the candidate to actual fire conditions.

(29) **“Live Fire Control Examination”** means any psychomotor skills examination that consists of skills or tasks that exposes the candidate to actual fire conditions during efforts to control or extinguish the fire.

(30) **“Live Fire Suppression Activities”** means any fire service activity that exposes the candidate to actual fire conditions during efforts to control or extinguish the fire.

(31) **“Technical Rescue”** means the application of special knowledge, skills and equipment to safely resolve unique or complex rescue situations.

(Effective June 7, 1996; amended October 6, 2005)

## **Sec. 7-323l-79. Requirements of certification**

(a) The candidate for certification shall be at least 18 years of age.

(b) The requirements for various levels of certification shall be in accordance with Sections 7-323l-80 through 7-323l-94 of the Regulations of Connecticut State Agencies inclusive.

(Effective June 7, 1996)

## **Sec. 7-323l-80. Fire fighter I**

### **(a) General**

(1) A candidate for Fire Fighter I certification shall be an active member of a fire department.

(2) No person may be certified to the level of Fire Fighter I until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire fighter I shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1001, Fire Fighter I, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Fighter I those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996)

### **Sec. 7-323l-81. Fire fighter II**

#### **(a) General**

(1) A candidate for Fire Fighter II certification shall be an active member of a fire department and shall be a certified Fire Fighter I or shall document in writing that he or she has been an active member of a fire department continuously since July 1, 1977.

(2) No person may be certified to the level of Fire Fighter II until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Fighter II shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1001, Fire Fighter II, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Fighter II those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323l-81a. Wildland fire fighter I**

#### **(a) General**

(1) A candidate for Wildland Fire Fighter I certification shall be an active member of an organization that participates in wildland fire suppression activities.

(2) No person may be certified to the level of Wildland Fire Fighter I until all examination requirements of this standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Wildland Fire Fighter I shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1051, Wildland Fire Fighter I, with appendices, which is hereby adopted by reference, when accepted by the commission, except as amended, altered or deleted by the Regulations of Connecticut State Agencies.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The commission shall certify as a Wildland Fire Fighter I those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in section 7-323l-81a of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 2005)

**Sec. 7-323l-81b. Rescue technician****(a) General**

(1) A candidate for Rescue Technician certification shall be an active member of a fire department.

(2) No person may be certified to the level of Rescue Technician until all examination requirements of this standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Rescue Technician shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1006, Rescue Technician, with appendices, which is hereby adopted by reference, when accepted by the commission, except as amended, altered or deleted by the Regulations of Connecticut State Agencies.

Copies of the standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The commission shall certify as a Rescue Technician those candidates who have satisfactorily demonstrated their ability to meet the requirements of Chapter 3 of National Fire Protection Association Standard 1006 and the job performance requirements of one or more of the following rescue specialties as defined by NFPA Standard 1006: Rope Rescue, Surface Water Rescue, Vehicle and Machinery Rescue, Confined Space Rescue, Structural Collapse, or Trench Rescue as well as the requirements as defined in section 7-323l-81b of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 2005)

**Sec. 7-323l-82.**

Repealed, October 6, 2005.

**Sec. 7-323l-83. Pump operator****(a) General**

(1) A candidate for Pump Operator Certification shall be an active member of a fire department.

(2) A candidate for Pump Operator certification shall be a certified Fire Fighter I or shall document in writing that he/she has been an active member of a fire department since prior to July 1, 1977.

(3) A candidate for Pump Operator certification shall be legally licensed to drive all emergency vehicles that he/she is expected to operate.

(4) No person may be certified to the level of Pump Operator until all examination requirements of this Standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Pump Operator shall comply with the performance objectives found in the following sections of the most current edition of National Fire Protection Association Professional Qualifications Standard 1002, Fire Department Vehicle Driver/Operator Professional Qualifications: General Requirements; Apparatus Equipped with an Attack or Fire Pump, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Pump Operator those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996)

**Sec. 7-323I-84. Truck operator**

**(a) General**

(1) A candidate for Truck Operator certification shall be an active member of a fire department.

(2) A candidate for Truck Operator certification shall be a certified Fire Fighter I or shall document in writing that he/she has been an active member of a fire department since prior to July 1, 1977.

(3) A candidate for Truck Operator certification shall be legally licensed to drive all emergency vehicles that he/she is expected to operate.

(4) No person may be certified to the level of Truck Operator until all examination requirements of this Standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Truck Operator shall comply with the performance objectives found in the following sections of the most current edition of National Fire Protection Association Professional Qualifications Standard 1002, Fire Department Vehicle Driver/Operator Professional Qualifications: General Requirements; Apparatus Equipped with an Aerial Device, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Truck Operator those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996)

**Sec. 7-323I-85. Airport fire fighter**

**(a) General**

(1) A candidate for Airport Fire Fighter certification shall be an active member of a fire department or have airport fire protection responsibilities as a member of an organization or agency that provides those services.

(2) No person may be certified to the level of Airport Fire Fighter until all examination requirements of this Standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Airport Fire Fighter shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1003, Airport Fire Fighter, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as an Airport Fire Fighter those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996)

**Sec. 7-323l-86. Fire officer I****(a) General**

(1) A candidate for Fire Officer I certification shall be an active member of a fire department and shall be a certified Fire Fighter II or shall document in writing that he or she has been an active member of a fire department continuously since July 1, 1977.

(2) No person may be certified to the level of Fire Officer I until all examination requirements of this Standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Fire Officer I shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1021, Fire Officer Professional Qualifications, Fire Officer I, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Officer I those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323l-87. Fire officer II****(a) General**

(1) A candidate for Fire Officer II certification shall be an active member of a fire department, shall be a certified Fire Officer I, and shall be a certified Fire Service Instructor I.

(2) No person may be certified to the level of Fire Officer II until all examination requirements of this Standard for that level have been fulfilled.

**(b) Objectives:** The candidate for certification to the level of Fire Officer II shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1021, Fire Officer Professional Qualifications, Fire Officer II, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Officer II those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323l-88. Fire officer III****(a) General**

A candidate for Fire Officer III certification shall be an active member of a fire department, shall be a certified Fire Officer II, and shall be a certified Fire Service Instructor II.

(2) No person may be certified to the level of Fire Officer III until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Officer III shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1021, Fire Officer Professional Qualifications, Fire Officer III, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Officer III those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

#### **Sec. 7-323l-88a. Fire officer IV**

(a) **General**

(1) A candidate for Fire Officer IV certification shall be an active member of a fire department and shall be a certified Fire Officer III.

(2) No person may be certified to the level of Fire Officer IV until all examination requirements of this standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Officer IV shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1021, Fire Officer Professional Qualifications, Fire Officer IV, with appendices, which is hereby adopted by reference, when accepted by the commission, except as amended, altered or deleted by the Regulations of Connecticut State Agencies.

Copies of the standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The commission shall certify as a Fire Officer IV those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in section 7-323l-88a of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 2005)

#### **Sec. 7-323l-89. Public fire and life safety educator I**

(a) **General:** No person may be certified to the level of Public Fire and Life Safety Educator I until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Public Fire and Life Safety Educator I shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1035, Professional Qualifications for Public Fire and Life Safety Educator, Public Fire and Life Safety Educator I, with appendices, which is hereby adopted by reference, when accepted by the commission, except as amended, altered or deleted by the Regulations of Connecticut State Agencies.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Public Fire and Life Safety Educator I those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323l-90. Public fire and life safety educator II****(a) General**

(1) A candidate for Public Fire and Life Safety Educator II certification shall be a certified Public Fire and Life Safety Educator I.

(2) No person may be certified to the level of Public Fire and Life Safety Educator II until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Public Fire and Life Safety Educator II shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1035, Professional Qualifications for Public Fire and Life Safety Educator, Public Fire and Life Safety Educator II, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Public Fire and Safety Educator II those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323l-91. Fire service instructor I****(a) General**

(1) A candidate for Fire Service Instructor I certification shall be an active member of a fire department.

(2) A candidate for Fire Service Instructor I certification shall be a certified Fire Fighter II or shall document in writing that he/she has been an active member of a fire department since prior to July 1, 1977.

(3) No person may be certified to the level of Fire Service Instructor I until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Service Instructor I shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1041, Fire Service Instructor I, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The commission shall certify as a Public Fire and Life Safety Educator II those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323l-92. Fire service instructor II****(a) General**

(1) A candidate for Fire Service Instructor II certification shall be an active member of a fire department.

(2) A candidate for Fire Service Instructor II certification shall be a certified Fire Service Instructor I.

(3) No person may be certified to the level of Fire Service Instructor II until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Service Instructor II shall comply with the performance objectives of the most current edition of National Fire Protection Association Professional Qualifications Standard 1041, Fire Service Instructor II, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Service Instructor II those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996)

### **Sec. 7-323I-93. Hazardous materials technician**

#### **(a) General**

(1) A candidate for Hazardous Materials Technician certification shall be a certified Fire Fighter I or shall meet the Respiratory Standards of CFR 1910.134 in the use of Self Contained Breathing Apparatus.

(2) No person may be certified to the level of Hazardous Materials Technician until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Hazardous Materials Technician shall comply with the performance objectives of the most current edition of National Fire Protection Association Standard 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Competencies for the Hazardous Materials Technician, with appendices, which is hereby adopted by reference, when accepted by the Commission, except as amended, altered or deleted by these or other State of Connecticut regulations.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Hazardous Materials Technician those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(d) It shall be the responsibility of the individual certified as a Hazardous Materials Technician to meet the annual training requirements and receive medical surveillance in accordance with federal Occupational Safety and Health Administration (OSHA), State of Connecticut Department of Labor, Division of Occupational Safety and Health (Conn OSHA), local occupational health and safety regulations, or U.S. Environmental Protection Agency (EPA) requirements, whichever are appropriate for their jurisdiction. Failure to accomplish said refresher training may result in forfeiture of the hazardous materials certification.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323I-94. Fire department safety officer**

#### **(a) General**

(1) A candidate for Fire Department Safety Officer certification shall be an active member of a fire department.

(2) A candidate for Fire Department Safety Officer certification shall be a certified Fire Officer I or have been a Fire Officer on or before July 1, 1986.

(3) No person may be certified to the level of Fire Department Safety Officer until all examination requirements of this Standard for that level have been fulfilled.

(b) **Objectives:** The candidate for certification to the level of Fire Department Safety Officer shall comply with the performance objectives of the most current edition of National Fire Protection Association Standard 1521, Fire Department Safety Officer, chapters entitled Organization, Functions of the Health and Safety Officer, and Functions of the Incident Safety Officer, with appendices, which is hereby adopted by reference, when accepted by the commission, except as amended, altered, or deleted by the Regulations of Connecticut State Agencies.

Copies of the Standard are available by writing the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 or by telephoning the National Fire Protection Association at 1-800-344-3555.

(c) The Commission shall certify as a Fire Department Safety Officer those candidates who have satisfactorily demonstrated their ability to meet the requirements as defined in this section.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323l-95. Examinations - general**

(a) The Commission on Fire Prevention and Control shall prepare and conduct oral, written, and/or practical examinations as deemed appropriate to determine if a person is qualified and eligible to be certified.

(b) The Commission on Fire Prevention and Control may:

(1) Accept successful completion of programs of training developed by public or private agencies and approved by the Commission as proof of qualification for certification eligibility, or, (2) Prepare and conduct a training program, the successful completion of which shall qualify an individual to be certified.

(c) All examination components for a given level of certification shall be completed within a 12 month period of time. The 12 month period of time shall be deemed to have been initiated on the date of signature of the lead instructor authorized to sign the examination application form for the specific certification level. Failure to complete requirements within that time frame shall render all examination components which have been completed void.

(1) Individuals authorized to sign examination applications shall meet the following requirements:

(A) Be certified to the level of Fire Service Instructor I at a minimum.

(B) Be certified to at least one level higher than that being applied for within the same job category if a higher level of certification exists. If a higher level of certification does not exist, authorizing individual shall be certified to the same level as that being authorized and shall document at least three years practical experience in that job category. Approval of practical experience shall be granted by the director of certification prior to signature being affixed to examination application.

(2) The deadline for testing to any level of certification may be extended up to three months in some extenuating circumstances. A written request for an examination time limit extension that states the specific reasons why the examination cannot be accomplished within the allotted 12 month time limit shall arrive at the commission's office before the expiration of the original 12 month time limit.

(d) All examinations and/or components of examinations shall be structured and administered in accordance with the Americans with Disabilities Act. Appropriate

examination accommodations may be made on an as needed basis when supported by appropriate documentation of disability.

(e) Candidates for certification to any level specified in Sections 7-323l-80 through 7-323l-94 inclusive of the Regulations of Connecticut State Agencies shall successfully complete any written and/or non - live fire practical skills examination required for that level in accordance with Sections 7-323l-96 and 7-323l-97 of the Regulations of Connecticut State Agencies prior to applying for and participating in any live fire control examination ( if required ) for that level. This requirement does not apply to written verification of live fire suppression activities.

(f) The Commission may establish such examination fees as deemed appropriate and necessary.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323l-96. Written examination administration**

(a) All written examinations shall be provided and administered by the Commission on Fire Prevention and Control, Certification Division. Periodically the commission shall offer examinations. These written examinations may be given in conjunction with practical examinations. Generally, for levels that so require, the candidate shall successfully complete the practical examination for a certification level prior to applying for and participating in the written examination for that level. The requirement to successfully complete the practical examination prior to participating in the written examination may be waived to improve examination delivery efficiency or in cases in which a formal appeal of a practical examination grade is pending. Dates of upcoming written examinations and application forms may be obtained from the Commission on Fire Prevention and Control, Certification Division. Candidates applying for examinations shall file an application form with the commission at least 10 days before the scheduled date of the examination.

#### **(b) Local delivery or regional school delivery of state written exams.**

(1) At least 28 days prior to the anticipated test date for a fire department or regional fire school examination, the Chief of Department, lead certified Fire Service Instructor, or the governing board of the regional fire school shall submit to the Commission on Fire Prevention and Control, Certification Division a completed "Request for Examination" form.

(2) Local written examinations shall be administered by commission personnel for a reasonable number of candidates.

#### **(c) Written Examination Structure**

(1) Certification written examinations shall consist of questions covering one or more of the objectives required for certification of the levels specified in sections 7-323l-79 to 7-323l-94, inclusive, of the Regulations of Connecticut State Agencies.

(2) Certification written examinations shall consist of a number of questions deemed appropriate by the commission to adequately measure the cognitive knowledge of the objectives required for certification of the levels specified in sections 7-323l-80 to 7-323l-94, inclusive, of the Regulations of Connecticut State Agencies.

#### **(d) Scoring:**

(1) An overall grade of 70 percent is required for the successful completion of a written examination.

(2) All written examinations are graded by the Commission on Fire Prevention and Control, Certification Division, and are recorded permanently in commission files.

(3) Test scores shall be sent to each candidate by first class mail within 4 to 6 weeks of the date of the examination. If test scores are delayed beyond 6 weeks,

candidates shall be so notified by mail and shall be advised of the expected date of availability.

**(e) Examination Delivery System:**

(1) All written state examinations shall be administered under direct control of the Commission on Fire Prevention and Control, Certification Division.

(2) Examination booklets and answer sheets shall be delivered by a representative of the Certification Division to the examination site. The package containing the examination booklets shall not be opened except in the presence of the candidates at the time and place the examination is to be administered. If this package has been opened prior to this time, the particular examination session is void.

(3) Upon completion of the examination, the proctor shall place all examination booklets, along with all scratch paper used by the candidates, in the return package provided. The proctor shall place the answer sheets in the package provided in the same manner.

**(f) Administration Procedures:**

(1) The time allowed to complete each written examination shall begin after the proctor has read the instructions for that examination. At that time all discussion shall cease. From that time to the time that the candidate completes the examination and remits the examination materials to the proctor, candidates shall not be permitted to speak to each other or to the proctor and all "Instructions to the Candidates" contained in the proctor's instructions shall be followed.

(2) The time allowed for each written examination shall be as deemed appropriate by the commission. The commission shall inform the candidates of the time allowed prior to the day of the examination and as part of the "Instructions to the Candidate" on the day of the examination.

**(g) Reexamination:**

(1) Any candidate receiving an examination score below 70 percent shall be reexamined in the entire examination.

**(2) Procedures:**

(A) Within 180 days of the original examination, individuals who score between 60 percent and less than 70 percent may be reexamined in the entire examination without retraining or counseling.

(B) Individuals scoring less than 60 percent on an examination shall be retrained or counseled prior to any reexamination.

(C) Proof of counseling or retraining shall be in the form of a signature of a certified fire service instructor on a reexamination application form.

(D) Upon successful completion of an examination, the final grade of record shall be the percentage received on the successfully completed examination.

(E) To be reexamined in any state certification written examination at any level within 12 months of the date of initiation of the certification examination process does not require reexamination of the practical skills portion.

(F) If the written portion of the examination is not satisfactorily completed within 12 months of the initiation of the certification examination process the candidate shall be required to re-accomplish the practical skills portion of the examination.

(G) A candidate may retake an examination an unlimited number of times during the 12-month period of time providing retraining or counseling requirements are met for each retake.

(Effective June 7, 1996; amended October 6, 2005)

**Sec. 7-323I-97. Practical skills examinations**

(a) (1) All practical skills certification examinations shall be provided and administered by the Commission on Fire Prevention and Control, Certification Division.

(2) Periodically the commission may offer statewide open examinations. These practical skills examinations may be given in conjunction with written examinations. Generally, the candidate shall successfully complete the practical examination for a certification level (if required) prior to applying for and participating in the written examination for that level. The requirement to successfully complete the practical examination prior to participating in the written examination may be waived to improve examination delivery efficiency or in cases in which a formal appeal of a practical examination grade is pending. Dates of upcoming practical skills examinations and application forms may be obtained from the Commission on Fire Prevention and Control, Certification Division. Candidates applying for examinations shall file an application form with the commission at least 10 days before the scheduled date of the examination.

**(b) Local delivery or regional school delivery of state practical skills exams.**

(1) At least 60 days prior to the anticipated test date for a fire department or regional fire school examination, the Chief of Department or the governing board of the regional fire school shall submit to the Commission on Fire Prevention and Control, Certification Division a completed "Request for Examination" form.

(A) Upon receipt of a "Request for Examination" form, the Certification Division shall forward a Certification Examination Site Compliance Form to be completed by the entity requesting the exam. It shall be the responsibility of the entity requesting the examination to complete the form and certify to the commission that the site is conducive to the conduct of the examination. The commission may conduct a site visit for the purpose of assisting the requesting organization to determine if the site is suitable and for approving the location for administration and conduct of a practical skills examination. Approved sites may not require subsequent Compliance Forms or visits unless, in the opinion of the commission, the characteristics and facilities of the site have changed substantially.

(B) If, in the opinion of the commission or its designated representative, the examination site is not suitable for the conduct of the examination on the specified date, and modification cannot be made in a reasonable period of time, the examination shall be canceled or postponed and the requesting entity shall be required to resubmit the "Request for Examination" form.

(2) Local or regional school practical skills examinations shall be administered by commission personnel for a reasonable number of candidates and each firefighter shall have demonstrated proficiency in all skill evaluations identified for that level by having been previously observed and evaluated by one certified fire service instructor in the accomplishment of these skills.

(3) Examination evaluators for local or regional school practical skills examinations shall be provided by the entity requesting the examination. The examiners shall be certified by the State of Connecticut to the level of Fire Service Instructor I and shall have not been directly involved in the training of the candidate being examined in the specific skill(s) being evaluated. The names of the examiners shall be provided to the Certification Division prior to the examination for verification of credentials.

(4) The commission shall, as a minimum, provide a Chief Examiner to administer each local or regional school practical skills examination.

**(c) Practical Skills Examination Structure – Number of Skills**

(1) Certification practical skills examinations shall consist of evaluation of psychomotor skills required by one or more of the objectives required for certification of the levels specified in sections 7-323l-80 to 7-323l-94, inclusive, of the Regulations of Connecticut State Agencies.

(2) Certification practical skills examinations shall consist of evaluation of a number of practical skills deemed appropriate by the commission to adequately measure the psychomotor skills required by the objectives required for certification of the levels specified in sections 7-323l-80 to 7-323l-94 inclusive of the Regulations of Connecticut State Agencies.

**(d) Scoring:**

(1) Successful completion of all practical skills evaluated on a given examination day shall be required for certification. Successful completion shall mean a minimum of 70% on each practical skill evaluation sheet with no failure of identified critical skills.

(2) All practical skills examinations shall be graded by the Commission on Fire Prevention and Control, Certification Division, and shall be recorded permanently in commission files.

(3) Test results shall be made available to each candidate either at the examination site or by first class mail within 4 to 6 weeks of the date of the examination.

**(e) Examination Delivery System:**

(1) All practical skills state examinations shall be administered under direct control of the Commission on Fire Prevention and Control, Certification Division.

(2) Examination practical skills evaluation sheets to be evaluated on a given examination day shall be delivered by a representative of the Certification Division to the examination site.

**(f) Administration Procedures:**

(1) Practical skills evaluations may be conducted in evaluation stations, the purpose of which are to approximate actual fireground situations which take into account the testing environment. Candidates shall be expected to perform skills swiftly, safely, and with competence.

(2) Examiners shall furnish the candidate with specific instructions for each skill to be evaluated. Examiners shall be allowed to clarify instructions but shall not be permitted to assist the candidate, either through verbal or practical assistance, once the evaluation has begun. In the case of multiple-candidate evaluations, candidates shall be allowed to communicate with each other as would be expected in normal fireground operations.

(3) The time allowed for each examination shall be as deemed appropriate by the Commission.

**(g) Reexamination**

(1) Any candidate receiving an overall grade below 70 percent on any practical skills evaluation sheet shall be afforded the opportunity to reexamine the skill or skills failed one time at the time of the examination. Subsequent failure of the skill or skills shall require the candidate to retake the entire practical skills examination. The requirement to retake the entire practical skills examination may be waived in extenuating circumstances by submittal of such a request in writing to the certification division fire service analyst.

**(2) Procedures:**

(A) Candidates shall be made aware of the skill or skills failed at the time of the examination. Candidates shall be given a reasonable period of time to prepare for the retake of the skill or skills. Candidates shall be permitted to review the practical skills grading sheet used for the original evaluation only. The use of any outside materials shall be prohibited. Candidates shall not be allowed to consult with any outside individual prior to participating in the retake.

(B) No person may be reexamined without complying with all requirements as defined in sections 7-323I-97 and 7-323I-98 of the Regulations of Connecticut State Agencies.

(C) If the written portion of the examination is not satisfactorily completed within 12 months of the date of the initiation of the certification examination process the candidate shall be required to re-accomplish the practical skills portion.

(D) A candidate may retake any practical skills examination as frequently as the examination is offered by the Commission on Fire Prevention and Control. There are no restrictions as to the number of times the individual may take exams.

(E) Any candidate who has not successfully completed all certification examination components for a particular level by the end of the one-year period shall lose all satisfactory scores. The candidate shall then be required to retake the entire examination and begin another one- year cycle of attempts.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323I-98. Appeal**

(a) By telephoning the Commission on Fire Prevention and Control, Certification Division, for an appointment (subject to staff availability) within 30 days after mailing of grades, any candidate may inspect his/her written examination answer sheet or practical skills grading summary sheet to verify the mathematical accuracy of the grade and may, upon request, be apprised as to which section needs further preparation.

(b) A candidate may appeal any examination grade or other Commission on Fire Prevention and Control, Certification Division decision, by writing, within 30 days of the receipt of the decision or receipt of examination grades, to the State Fire Administrator, who shall arrange a hearing not more than 30 days after his receipt of the appeal. The hearing board shall be composed of the State Fire Administrator and the Connecticut State Fire Academy Appeal Committee consisting of three certified Fire Service Instructors.

(c) In the event the candidate is not satisfied by the aforementioned hearing, further appeal may be made to the Commission on Fire Prevention and Control, in writing, not more than 30 days after said hearing. The Commission shall schedule the appeal as an item on the agenda for a regularly scheduled Commission meeting not more than 60 days after receipt of the request and shall so notify the appellant not less than twenty days prior to the date of said meeting. The decision of the Commission shall be final.

(Effective June 7, 1996)

### **Sec. 7-323I-99. Reciprocity**

(a) Any fire fighter who possesses fire service certification from another agency which is at least equivalent to a level of certification offered by the Commission on Fire Prevention and Control may receive credit for said level of certification. Such reciprocity shall be limited to members of the Connecticut Fire Service and to members of non-Connecticut fire departments that provide mutual aid to Connecticut fire departments.

(b) The Commission on Fire Prevention and Control, Certification Division shall determine the level of credit to be awarded in accordance with the minimum standards of the State of Connecticut.

(Effective June 7, 1996; amended October 6, 2005)

### **Sec. 7-323I-100. Revocation**

(a) The Commission on Fire Prevention and Control may revoke a certificate for any of the following reasons:

- (1) The certificate was issued by administrative error;
  - (2) The holder of the certificate obtained such certification through fraud or intentional misrepresentation of a material fact;
  - (3) The holder of the certificate is professionally unfit to perform the duties for which the certificate was granted; or
  - (4) The holder of the certificate is convicted in a court of law of a felony.
- Revocation shall be in accordance with the procedures established by the commission pursuant to Chapter 54 of the Connecticut General Statutes.

(b) Prior to consideration of revocation of a certificate, the Commission on Fire Prevention and Control shall provide notice by mail to the candidate of the facts or conduct which warrants the potential revocation and shall give the candidate the opportunity to show compliance with all lawful requirements for the retention of the certificate.

(Adopted effective October 6, 2005)

### **Sec. 7-323l-101. Issuance and lapse of certificates**

(a) The Commission on Fire Prevention and Control shall issue a certificate upon determination that an individual is eligible to be certified.

(b) From time to time, the Commission on Fire Prevention and Control may waive the provision that a candidate for certification be an active member of a fire department in such cases as that provision is required as part of sections 7-323l-80 to 7-323l-94, inclusive, of the Regulations of Connecticut State Agencies for the purpose of personnel recruitment. In such cases, successful completion of the examination process for a level shall entitle the candidate to a letter of certification eligibility. The actual certification shall be issued upon receipt of proof that the individual has become an active member of a fire department.

(1) In the event that a person holding such letter granted under the provision of 7-323l-101(b) is not appointed to a position commensurate with such letter, the eligibility for certification shall be of no effect under sections 7-323l-80 to 7-323l-94, inclusive, of the Regulations of Connecticut State Agencies after the passage of one year.

(Adopted effective October 6, 2005)

### **Sec. 7-323l-102. Waiver**

(a) An individual shall not be considered to be certified to any prerequisite level which has been waived to allow the individual to enter the certification system at an advanced level until all examination requirements for the prerequisite level have been satisfactorily fulfilled. Waiver of any prerequisite level shall not be considered to mean that the individual has in any way complied with the National Fire Protection Association's Professional Qualifications Systems Standard for the waived level(s).

(b) Individuals who have been awarded reciprocal credit for any level of certification shall not be considered to be certified by the commission to that or any prerequisite level in the state until all examination requirements for the level(s) have been satisfactorily fulfilled.

(c) Reciprocal credit levels shall be recognized as being equal to the corresponding state certification level and individuals granted such reciprocal credit shall be entitled to all rights and privileges granted to persons who have received state certification.

(Adopted effective October 6, 2005)



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## **Municipal Financial Reporting by Independent Public Accountants**

### **Sec. 7-392-1. Procedures for municipal financial reporting by independent public accountants**

(a) Any Financial Report concerning the accounts of a municipality, school district or audited agency submitted to the Secretary of the Office of Policy and Management (hereafter referred to as the Secretary) shall be prepared in compliance with chapter 111 of the General Statutes. Such reports shall include:

(1) Combined general purpose financial statements presented with combining financial statements and/or supporting schedules.

(2) The independent public accountant's report on general purpose financial statements and supplementary financial information, and any reports on internal controls structure and any management letters as the independent public accountant may issue.

(3) If a federal or state compliance examination is required, the independent public accountant's report on the schedule of financial assistance and such compliance reports as required.

(b) The Office of Policy and Management shall prepare annually general instructions for the conduct of audits for a municipality, school district or audited agency and an audit questionnaire to be completed by the independent public accountant.

(c) If the Municipal Financial Report is received in A format not in compliance with Section 7-392-1(a) of these regulations, the Secretary may refuse to accept such report and require that the audit report be resubmitted within such time limits as the Secretary may require.

(d) After Municipal Financial Reports are reviewed by the Office of Policy and Management, the Secretary shall provide to the Municipal Finance Advisory Commission periodic reports containing, but not limited to, information relative to non-compliance with these regulations for its consideration and recommendations.

(e) If it has been determined upon review by the commission that the independent public accountant's report appears to be substandard, the commission shall refer the report to the State Board of Accountancy and the Ethics Committee of the State Society of Certified Public Accountants for review.

(Effective April 23, 1990)



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## Monitoring Municipalities in Financial Distress

### Sec. 7-394a-1. Procedures for monitoring municipalities in financial distress

(a) The Secretary shall produce a report containing, but not limited to, information relative to material non-compliance with regulation Section 7-392-1 or evidence of unsound or irregular financial practices in relation to commonly accepted standards for governmental management and finance. The Secretary's report will be sent for review to:

(1) The Chief Executive Officer of such municipality or audited agency or the Superintendent of such applicable school district, and

(2) Such other municipal officials as the Secretary may determine appropriate for review, comment and clarification.

The entity shall have thirty (30) days from the date of receipt of the report to provide written comments.

(b) If upon review of the comments from the affected entity and upon the recommendation of the staff, the Secretary finds evidence of conditions as stated in Sec. 7-394a-1 (a), the Secretary shall provide the Municipal Finance Advisory Commission (hereafter referred to as the Commission) the report on his findings.

A copy of the report submitted to the Commission shall be filed by the Secretary with:

(1) The Chief Executive Officer of such municipality or audited agency or the Superintendent of such applicable school district and, in the case of a town, city or borough, with the clerk of such town, city or borough, and

(2) The Auditors of Public Accounts.

(c) Evidence of any unsound or irregular financial practice in relation to commonly accepted standards for governmental management and finance shall include, but is not limited, to the following:

(1) An Independent Public Accountant's report which contains a qualification or disclaimer.

(2) Deficiencies in internal controls as disclosed by the Independent Public Accountant's report on internal controls.

(3) Significant instances of noncompliance with local, state or federal laws and regulations.

(4) Other fiscal indicators which may reflect a potentially unhealthy fiscal situation.

(d) The Commission may require the Chief Executive Officer of the municipality or audited agency or the Superintendent of such applicable school district to provide information on the municipality's financial practices including, but not limited to: accounting procedures, fiscal controls, contractual agreements, grants and expenditures.

(e) The Commission may require the Chief Executive Officer of the municipality or audited agency or the Superintendent of such applicable school district to appear before the Commission to discuss the financial condition of the municipality and the implementation of remedial measures to improve its financial condition.

(f) The Commission may make recommendations, in writing, to improve the municipality, school district or audited agency's financial condition. A copy of any such recommendations shall be submitted to:

(1) The Chief Executive Officer of such municipality or audited agency or the Superintendent of such school district and, in the case of a town, city or borough, with the clerk of such town, city or borough; and

(2) The Auditors of Public Accounts.  
(Effective April 23, 1990)

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### Definition

#### **Sec. 7-425-1. Definition of compulsory retirement age**

For the purpose of the definition of "member" in section 7-425 of the general statutes, "compulsory retirement age" means the day following the attainment of the age of sixty-five years if the member is employed as a policeman or fireman, or of seventy years if the member is employed in any other capacity, except as an elective officer; provided that if the member, other than an elective officer, shall attain the aforesaid age at or before the end of three years after the effective date of participation by the municipality, "compulsory retirement age" shall be the day at the end of such three years.

(Effective August 22, 1967)



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### **Participation by Municipalities**

#### **Sec. 7-427-1. Acceptance**

The following form shall be used by a municipality accepting participation in Fund A or Fund B other than by collective bargaining:

(Name of municipality), a municipality as defined in section 7-425 of the general statutes as amended, accepts part II of chapter 113 of the general statutes, as amended, for participation in Fund (insert A or B) of the Connecticut municipal employees' retirement fund as to

(insert such of the following as are applicable:)

all departments

the following departments: (naming them)

except the members of the following collective bargaining units which have already been included in said municipal employees' retirement fund by collective bargaining agreement: (naming the units)

the following elective officers (giving titles)

(name of library), a free public library which receives part or all of its income from municipal appropriation

but this acceptance shall not repeal, amend or replace, or affect the continuance of, any pension system established in this municipality by or under the authority of any special act.

(Effective August 24, 1971)

#### **Sec. 7-427-2. Designation of responsible authority**

Each municipality which accepts participation in said fund shall at the time of acceptance designate by position title an officer or employee who shall have the responsibility of furnishing to the commission such information as the commission shall require under the provisions of section 7-448 of the general statutes.

(Effective August 24, 1971)



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### **Method of Payment Under Section 7-439a**

#### **Sec. 7-439a-1. Instalment payments by spouse**

A spouse of a deceased member of the Connecticut Municipal Employees' Fund "B," who, as a condition precedent to receiving a retirement salary under the provisions of section 7-439a of the general statutes, is required by said section to make a repayment to said fund, may in lieu of repayment in one sum elect in writing to the state retirement commission to make repayment by one of the following methods: (a) In one or more payments within twelve months from the date of the death of the member; (b) by an equal monthly deduction for the remainder of life or until remarriage from each payment of retirement salary payable under said section, in an amount determined by the state retirement commission to be the actuarial equivalent of the required repayment, according to tables on file in the office of the commission.

(Effective May 28, 1968)

#### **Sec. 7-439a-2. Monthly payments of retirement salary applied against repayment**

If the spouse elects method (a), the monthly payments of retirement salary shall be applied against the repayment, but not in excess in any month of one-twelfth of the required repayment.

(Effective May 28, 1968)

#### **Sec. 7-439a-3. Failure to complete monthly payments**

If the spouse elects method (a) and at the end of twelve months from the death of the member has not completed the required repayment, said spouse shall be deemed not to have complied with the requirements of section 7-439a, and shall not receive a retirement salary thereunder. Any amount of partial repayment theretofore made, exclusive of amounts applied under section 7-439a-2, shall be refunded to the spouse.

(Effective May 28, 1968)



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**Transfer from Fund A to Fund B**

**Sec. 7-442-1. Transfer**

The following form shall be used by a municipality transferring from Fund A to Fund B:

(Name of municipality) transfers from Fund A to Fund B of the Connecticut municipal employees' retirement fund, in accordance with the procedure established by sections 7-442 and 7-427 of the general statutes, as amended,

(insert such of the following as are applicable:)

all its members of said Fund A

its policemen and firemen who are members of said Fund A except the members of the following collective bargaining units which have already been included in said municipal employees' retirement fund by collective bargaining agreement:  
(naming the units)

(Effective August 24, 1971)



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## **Transfer of Retirement Credit Between Municipalities Under Section 7-442a**

### **Sec. 7-442a-1. Definition**

With respect to a member of the Connecticut municipal employees' retirement fund whose retirement credit in said fund is transferred from one to another municipality participating in said fund under the provisions of section 7-442a of the 1969 supplement to the general statutes, or of any special act, "first municipality" and "second municipality" as used in sections 7-442a-2 to 7-442a-4, inclusive, shall respectively mean such municipalities from and to which such credit is transferred. (Effective September 9, 1969.)

### **Sec. 7-442a-2. Liability of second municipality**

If the amount of future pensions of such member is changed by such transfer, the state employees retirement commission shall determine on sound actuarial principles the respective amounts necessary (1) before and (2) after such transfer for the payments of future pensions based upon the service of the member prior to such transfer. The second municipality shall be liable to the fund for any excess of (2) over (1), payable in the manner provided in subsection (a) of section 7-441 of the 1969 supplement to the general statutes. (Effective September 9, 1969.)

### **Sec. 7-442a-3. Liability of first municipality. Charging of member's retirement allowance**

The amount payable by the first municipality under subsection (a) of section 7-441 of the 1969 supplement to the general statutes shall not be changed by reason of such transfer. If the transfer is between a municipality participating in Fund A and one participating in Fund B, or vice versa, as soon as is practicable after such transfer, the state treasurer shall transfer to the fund in which the second municipality participates an amount of the assets of the fund in which the first municipality participates equal to the lesser of (1) and (2) as defined in section 7-442a-2. The member's contributions made before the date of transfer are deemed to be included in the foregoing amount. The member's entire retirement allowance shall be charged to the second municipality. (Effective September 9, 1969.)

### **Sec. 7-442a-4. Withdrawal of department from fund**

If the department of the first municipality in which the member is employed is withdrawn from the fund subsequent to the transfer under the provisions of section 7-444 or 7-474 of the general statutes, as amended, either before or after the retirement of the member, the refund to the first municipality under the provisions of said section 7-444 shall be reduced by any amount transferred under section 7-442a-3. (Effective September 9, 1969.)



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## **Election of Optional Form of Retirement Salary for Municipal Employees**

### **Sec. 7-448-1. Election of optional form of retirement salary**

(a) An employee desiring to elect an optional form of retirement salary shall file with the retirement commission, before the commencement of his retirement salary, a written election on a form to be provided by the retirement commission.

(b) An election shall be approved immediately if the employee passes a health examination satisfactory to the retirement commission. Such health examination shall be made, without expense to the state, on a form to be provided by the retirement commission, by a physician legally licensed to practice medicine in the state of Connecticut.

(c) In other cases, the option application shall automatically be deemed to have been approved by the retirement commission three years after filing.

(d) An election may be revoked, or the fraction which the spouse is to receive may be reduced, at any time at least three years before the first date on which the spouse would have been entitled to a retirement salary if the employee had died on such date, as set forth in subsection (b) of section 7-448-2. In the event of the divorce of the employee and his spouse, an election may be revoked at any time before such first date. Otherwise an election may not be revoked or the fraction reduced except upon the consent of the commission, which will consider whether the proposed revocation or change would be detrimental to the state or to the retirement fund, and may require evidence as to the health of the employee and/or his spouse, and may require the consent of the spouse, before making its decision.

(e) The employee may, if he so elects, provide that the optional form shall not take effect if he is retired on account of disability.

(See 1961 Supp. § 7-439.)

### **Sec. 7-448-2. Conditions under which employee's spouse will receive retirement salary and amount of same**

(a) If an employee retires after his election has been approved by the retirement commission and is outlived by his spouse, such spouse shall be entitled to a retirement salary commencing at the employee's death. In the case of an employee not participating in social security, the amount of each payment to the spouse shall be the (reduced) amount which would have been payable if the employee were living at the time of such payment, or such fraction thereof as the employee shall have specified in his election. In the case of an employee participating in social security, the income payable to the spouse prior to the age at which such spouse would be eligible for a social security survivor's benefit shall be the same as if the employee were not participating in social security; and the income thereafter shall be the same as that to which the employee was entitled, or to which he would have become entitled, upon his becoming eligible for social security old age insurance benefits, or such fraction thereof as the employee specified in his election.

(b) If an employee dies before retiring, after he has attained the age and completed the years of service necessary for retirement and after his election has been approved by the retirement commission, his spouse, if surviving, shall be entitled to receive the same retirement salary as such spouse would have been entitled to if the employee had retired just before death.

(c) In no other case shall the spouse be entitled to a retirement salary if the employee dies before commencement of his retirement salary. In no case shall the

spouse be entitled to a retirement salary if the employee retired before his election has been approved by the retirement commission.

(Effective January 31, 1979)

**Sec. 7-448-3. Amount of reduced retirement salary payable to employee if election of optional retirement salary approved**

(a) The reduced retirement salary payable to the employee shall be a percentage of the retirement salary that would have been payable if an optional form of retirement salary had not been elected. In the case of (1) an employee not participating in social security or (2) an employee who retires or dies while entitled to social security old age insurance benefits, as a result of municipal service, and whose spouse has attained the age at which such spouse would be eligible for a social security survivor's benefit, the percentage shall be uniform. Otherwise there shall be two such percentages. The first shall be the same as if the employee were not participating in social security and shall apply (1) to the total retirement salary that would have been payable to the employee prior to the age at which the employee would become eligible for social security old age benefits and prior to his qualifying for social security disability insurance benefits and (2) to that part of the retirement salary that would have been payable thereafter arising from base salary in excess of the amount on which social security taxes were payable, if an optional form of retirement salary had not been elected. The second percentage shall apply to the remainder of the retirement salary that would have been so payable. The first and second percentages will be so computed that the resulting reduced retirement salary shall be the actuarial equivalent, as determined by the retirement commission, of the retirement salary that would be payable were it not for the election of this option. In the case of a retired or deceased employee participating in social security who had attained the age at which the employee would be eligible for social security old age benefits or would have attained such age if living, prior to August 1, 1961, and whose spouse had not attained the age at which such spouse would be eligible for a social security survivor's benefit prior to such date, a new second percentage shall be appropriately calculated. If an employee, after becoming entitled to social security disability insurance benefits, ceases to be so entitled before the age at which he would become eligible for social security old age insurance benefits, the first percentage will again apply and the second percentage shall be appropriately recalculated.

(b) If the spouse has died before the first date on which the spouse would have been entitled to a retirement salary if the employee had died on such date, the employee (on retirement) shall be entitled to the same retirement salary as if an optional form of retirement salary had not been elected. If the spouse had died between such date and the commencement of the employee's retirement salary, the employee's retirement salary shall not be reduced by a greater amount or amounts (in dollars per year) than the reductions that would have been made if he had retired just before his spouse's death.

(Effective January 31, 1979)

**Sec. 7-448-4. Payment to beneficiary if election of optional retirement salary approved**

If a retirement salary becomes payable either to the employee or to the spouse, the payment to the beneficiary provided for in sections 45-266 of the general statutes and 7-440 of the 1961 supplement thereto shall be made only after the death of the survivor of the employee and his spouse, and shall then be made in an amount equal to the excess, if any, of the employee's contributions to the retirement fund

over the aggregate of the retirement salary payments made to him and to his spouse. The spouse shall have no right to name or change a beneficiary either before or after the death of the employee. If no named beneficiary survives the employee and his spouse, payments shall be made to the executor or administrator of the employee, except that, if the amount is less than one thousand dollars, the refund may, at the option of the commission, be made in accordance with the terms of section 45-266 of the general statutes.



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## Participation by Municipalities in Social Security

### **Sec. 7-453-1. Filing of application form. Request for referendum**

An application form for participation by a municipality in the Old-Age, Survivors, Disability, and Health Insurance System under title II of the social security act, as amended, and in accordance with sections 7-452 to 7-459, inclusive, of the general statutes, as amended, shall be filed with the state retirement commission in duplicate and certified to by the town clerk or other official under duty to keep records of meetings. In those cases where a referendum is required the legislative body of the municipality, in addition to making the foregoing application to the commission, shall request the governor to authorize a referendum. Upon such authorization, the commission shall set the date of the referendum and shall send notice to each eligible member ninety days before such date, accompanied by literature to inform the employee of the rights which will accrue to him and his dependents and survivors, and the liabilities to which he will be subject, if his services are covered under social security. The commission shall supervise the referendum.

(Effective August 26, 1969.)

### **Sec. 7-453-2. Execution of agreement between commission and municipality**

The agreement between the commission and the municipality describing all conditions to be fulfilled to meet the applicable requirements of the social security act will be executed after the municipality has voted to apply and participate under the system and the application has been duly approved by the commission.

(Effective August 26, 1969.)

### **Sec. 7-453-3. Identification number for municipality**

An identification number for the municipality to be used on all reports to the commission will be assigned by the secretary of health, education and welfare to the commission and furnished to the municipality.

(Effective August 26, 1969.)

### **Sec. 7-453-4. Deductions from wages**

The legislative body of the municipality shall direct the treasurer or other financial officer of the municipality to make deductions from the wages of its employees each pay period at the rates of tax contained in the federal insurance contributions act.

(Effective August 26, 1969.)

### **Sec. 7-453-5. Wage reports**

The state will furnish forms OAR-S3 to each municipality so that it can report the wages paid to its employees, at the end of each calendar quarter, in triplicate. The original and duplicate copy of each quarterly wage report, together with contributions due, must reach the State Retirement Commission, 30 Trinity St., Hartford, Connecticut, not later than the fifteenth day of the month following the end of the calendar quarter. The third copy of form OAR-S3 shall be retained by the municipality for its record.

(Effective August 26, 1969.)

### **Sec. 7-453-6. Report and remittance of contributions**

The municipality shall report and forward to the commission, on forms furnished by the state, on or before the fifteenth day of the month next following the end of each calendar quarter, the amounts deducted from the wages of its employees whose services are covered under the system, together with an equal amount representing the contributions of the municipality for each such employee.

(Effective August 26, 1969.)

**Sec. 7-453-7. Administrative costs**

The municipality shall pay to the commission, on or before the fifteenth day of the month next following the end of the calendar quarter, its share of the cost to the state for administering the provisions of sections 7-452 to 7-459, inclusive, of the general statutes, as amended, during such quarter, which cost shall be apportioned quarterly by the commission in the ratio which each municipality's quarterly total payment to the system bears to the total payments of all municipalities made in the same quarter and each municipality shall include in its annual budget a sum sufficient to meet the amount due as its contribution to the fund.

(Effective August 26, 1969.)

**Sec. 7-453-8. Failure of municipality to make contributions**

If the municipality fails to make and file any of the contribution returns required by these regulations within the prescribed time, interest shall accrue at the rate of six per cent per annum.

(Effective August 26, 1969.)

**Sec. 7-453-9. Adjustments of recoveries from federal government**

The state will adjust with the municipality any amount which may be recovered from the federal government by virtue of payments made under the federal and state agreement which shall be equitably refunded by the state to the contributors as the commission shall direct.

(Effective August 26, 1969.)

**Sec. 7-453-10. Termination of municipal participation**

Any municipality desiring to terminate its participation in the Old-Age, Survivors, Disability, and Health Insurance System may, by vote of its legislative body, make application therefor to the commission. Such application for termination shall be made at least thirty months prior to the intended termination date and, upon approval by the commission, the municipality shall terminate its participation in the plan in accordance with the terms of such approved application at the end of the calendar quarter specified therein. This plan may be terminated in its entirety or with respect to any coverage group only if it has been in effect from the effective date specified herein for not less than fifty-four months prior to receipt by the commission of an application to terminate with respect to any group for which termination is sought.

(Effective August 26, 1969.)

**Sec. 7-453-11. Termination bars municipality from future participation**

If an agreement is terminated under the provisions of these regulations, the municipality is thereafter barred from participation in the Old-Age, Survivors, Disability, and Health Insurance System with respect to classes of employees covered in the terminated agreement.

(Effective August 26, 1969.)

**Sec. 7453-12. Audit of records**

All records relating to the participation of the municipality in the Old-Age, Survivors, Disability, and Health Insurance System shall be subject to audit by the commission.

(Effective August 26, 1969.)

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## **Municipal Employee Relations Act**

### **Article I**

#### **Description of Organization and Definitions**

##### **Sec. 7-471-1. Creation and authority**

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the General Statutes and administers various labor relations statutes including the Municipal Employee Relations Act, sections 7-467 to 7-477 of the General Statutes.

The three board members are appointed by the governor with the advice and consent of the General Assembly. Pursuant to section 31-103, the board appoints an agent and a general counsel for four year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the board without undue delay.

(Effective May 7, 1980)

##### **Sec. 7-471-2. Functions**

It is the function of the quasi-judicial board to enforce the collective bargaining statutes by deciding prohibited practice and representation cases. The board also promulgates regulations and exercises other powers necessary to the administration of the collective bargaining statutes under its jurisdiction.

The agent and assistant agents hold informal investigation and mediation conferences with parties to a complaint or petition in an effort to resolve the labor relations dispute before a board hearing. If settlement is not possible the agent may recommend dismissal of a complaint or assign the matter for a hearing before the board. The agent and assistant agents conduct secret ballot elections to determine the desire of employees for collective bargaining representation.

The general counsel is the legal advisor to the board and staff and represents the board in court appeals, enforcement proceedings and other judicial and administrative proceedings to which the board is a party or is interested.

(Effective May 7, 1980)

##### **Sec. 7-471-3. Official address**

All communications should be addressed to the state board of labor relations, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

(Effective May 7, 1980)

##### **Sec. 7-471-4. Public information**

The public may inspect the regulations, decisions and public records of the board at its offices in Wethersfield. There is no prescribed form for requests for information. Written requests should be submitted to the board at its above stated official address.

(Effective May 7, 1980)

##### **Sec. 7-471-5. Signature of documents**

The duly authorized and official documents of the board of every description, and without exception, including but not limited to the board decisions, orders, notices, subpoenas, and communications shall be signed in behalf of the board by any board member, the agent, the general counsel, or any staff member empowered to sign in the board's behalf. Such a signature shall be presumed to be duly authorized

by the board unless and until the contrary is demonstrated in any board proceeding or hearing.

(Effective May 7, 1980)

**Sec. 7-471-6. Definitions**

The term “act” as used herein means the Municipal Employee Relations Act, sections 7-467 to 7-477, inclusive, of the general statutes, as amended, and the term “board” means the Connecticut state board of labor relations. In proceedings under subdivision (1) of section 7-471 of the general statutes, for election of representatives, the term “petitioner” means the party filing a petition for such election. In proceedings under subdivision (4) of said section, the party charging a prohibited practice shall be called the “complainant”; and the party alleged to have committed such prohibited practice shall be called the “respondent.” The terms defined in section 7-467 of the act shall have the same meanings in these regulations.

(Effective May 7, 1980)

**Sec. 7-471-7. Computation of time**

Whenever the time limited in these regulations for any act is seven days or more, Saturdays, Sundays and holidays shall be included in making the computation. Whenever the time so limited is less than seven days, Saturdays, Sundays and holidays shall be excluded.

(Effective May 7, 1980)

**Article II**

**Procedure under Section 7-471 (1) of the Act—Election of Representatives**

**Sec. 7-471-8. Filing of petition**

(a) A petition, in writing, for an election pursuant to subdivision (1) of section 7-471 may be filed with the Board by an employee or group of employees or any employee organization acting in their behalf, or in special circumstances under section 7-471-10 of these regulations by a municipal employer. The original of the petition shall be signed and sworn to by any person authorized to administer the oath and the original and four copies thereof shall be filed with the Board. The petition shall include a certification also signed and sworn to before any person authorized to administer an oath stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees, by registered or certified mail or in person. If an employer files a petition it shall be served on all unions claiming to represent the employees. Petition forms will be supplied by the board upon request.

(b) a petition will be considered timely if it is filed between 180 and 150 days prior to the expiration of the collective bargaining agreement covering the employees who are the subject of the petition. The Board may consider petitions filed at other times if compelling reasons are shown for deviation from the foregoing regulation.

(Effective October 5, 1993)

**Sec. 7-471-9. Information in petition filed by employee or labor organization**

A petition when filed by an employee, or a group of employees or any employee organization acting on their behalf, shall contain the information required by the form supplied by the Board, including the following:

(a) the name and address of the petitioner, and, if it is an employee organization, the length of time it has been in existence;

(b) the name of the municipal employer;

(c) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, the number of employees therein, the names and addresses of any other individuals or employee organizations who claim to be the representatives of any of the employees in the claimed bargaining unit or units and a brief description of any contract covering any employees in such unit or units;

(d) the approximate number of employees who,

(1) wish to be represented for collective bargaining by an employee organization as exclusive representative, or

(2) assert that the employee organization which has been certified or is currently being recognized as the bargaining representative is no longer the representative of a majority of employees in the unit, and also an allegation that said number of employees is substantial. Under ordinary circumstances, the Board shall define “substantial” as thirty percent of the membership of the claimed unit;

(e) an allegation that a question or controversy exists concerning representation;

(f) a request that the Board certify the name or names of the representatives who have been designated or selected for the purposes of collective bargaining by the majority of the employees in the unit or units appropriate for such purposes;

(g) a certification signed and attested to before any person authorized to administer an oath, stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees by registered or certified mail, or in person.

(Effective October 5, 1993)

### **Sec. 7-471-10. Information in petition filed by employer**

Such petition, when filed by a municipal employer, shall contain the information required by the form supplied by the Board, including the following:

(a) the name of the petitioning municipal employer;

(b) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, and the number of employees employed in such bargaining unit or units;

(c) the names and addresses of any employee organizations who claim to represent any of the employees in the alleged bargaining unit or units, and a brief description of any contract covering any employees in such unit or units;

(d) an allegation that one or more employee organizations have presented to him a claim to be recognized as the representative of a majority of employees in a bargaining unit.

(e) A certification signed and attested to before any person authorized to administer an oath, stating that a copy of the petition has been served on all unions claiming to represent the employees.

(Effective October 5, 1993)

### **Sec. 7-471-11. Amendment or withdrawal of petition**

Any petition may be amended, in whole or in part, by any party or the board, or withdrawn by the petitioner, before the first ballot is cast in an election, upon such conditions as the board may deem proper and just.

(Effective May 7, 1980)

**Sec. 7-471-12. Duties of agent**

(a) When a petition for an election has been filed, the Agent shall confer with and may hold informal conferences with the interested parties and ascertain the facts. He shall encourage the parties to agree upon the appropriate unit and a suitable method by which the representative is to be determined by the board. In cases where the parties agree that an election be held to ascertain the wishes of the employees, the Agent shall as soon as possible conduct an election by secret ballot. In cases where the parties agree upon other suitable methods by which the representative is to be determined, the Agent as soon as possible shall by such method ascertain the employees' wishes and report his findings promptly to the board.

(b) Whenever the Agent, after investigation, has reasonable cause to believe that a question of representation exists, including but not limited to finding that the parties are unable to agree upon the appropriate unit and he is unable to settle the controversy concerning representation, he shall issue a direction of election within 30 days of his investigation and conduct a secret ballot election within 30 days of the issuance of the direction of election to determine whether and by which employee organization the employees desire to be represented. The election shall be conducted in accordance with the terms and conditions set forth in Sections 7-471-14, 7-471-15, and 7-471-16 of these regulations and the Agent will report his action to the Board. In the event that the Agent determines that there is no reasonable cause to believe that a question of representation exists, he shall issue a recommendation to dismiss the petition within 30 days after his investigation and report his action to the Board. In the event the Agent is unable to determine whether or not a question of representation exists, the Agent may, within 30 days of his investigation, refer the petition directly to the Board for a hearing without either having conducted an election or issuing a recommendation for dismissal, in which event the Board shall conduct an appropriate hearing upon due notice as set forth in these regulations.

(c) If the Agent determines either to conduct a secret ballot election or to recommend dismissal of the petition, the parties may object to the Agent's determination by filing objections in the form of a brief within 14 days of the issuance of the order directing an election or within 14 days of the Agent's recommendation for a dismissal filed with the Board.

(d) If objections are timely filed, the agent shall prepare a record for the Board which shall include the following: the petition, the Agent's order directing an election, or the Agent's recommendation for dismissal and any briefs filed by a party.

(e) The Board, after considering the Agent's direction of election or the Agent's recommendation for dismissal, together with the briefs submitted, shall, as appropriate within 30 days of receiving the record:

(1) issue an order confirming the Agent's direction of election and certifying the results, or

(2) issue an order confirming the Agent's recommendation for dismissal, or

(3) order further investigation, or

(4) order a hearing upon due notice.

(f) In the event the Agent has directly referred the petition to the Board for a hearing without either directing an election or recommending dismissal, or if the Board has ordered a hearing, a hearing will be held pursuant to Section 7-471-13.

(g) If no objections are filed, the Board shall certify the results of the election or dismiss the petition.

(Effective October 5, 1993)

**Sec. 7-471-13. Hearing; notice; ascertainment of desires of employees**

The board shall hold a hearing upon reasonable notice and may either dismiss the petition or direct an election or elections, or use other suitable methods to ascertain the wishes of employees. When a hearing has been directed, the board or its agent shall prepare and cause to be served upon the parties a notice of hearing before the board, at a time and place fixed therein. Hearings relative to petitions for representation elections shall have precedence over all other cases except motions for interim relief. A copy of the petition shall be served with the notice of hearing.

(Effective May 7, 1980)

**Sec. 7-471-14. Election; terms and conditions**

(a) If the Board or the Agent determines that an election shall be held, it shall order that such election or elections shall be conducted by the Agent, an Assistant Agent, or by such other person as may be designated by the Board.

(b) All elections shall be held at such times and places and upon such terms or conditions as the Board or the Agent may specify. All elections shall be by secret ballot.

(c) The employees eligible to vote shall be those on the payroll on the date of the filing of the petition or such other date as the Board or the Agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who remain on the payroll on the date of the election.

(d) At least seven days prior to the election, the employer shall furnish, to each labor organization which is party to the proceeding, a list of the names and addresses of the employees in the appropriate unit who were on the payroll on the date of the filing of the petition, or such other date as the Board or the Agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who are on the payroll at the time of the submission of the list.

(Effective October 5, 1993)

**Sec. 7-471-15. Challenged ballots**

At any election, if the right of an employee to vote is challenged by the Board, the Agent, or any party to the proceeding, the employee shall be permitted to vote, but his ballot shall be sealed by him in a separate envelope provided for such purpose and the employee shall then deliver the envelope to the Agent or person duly designated by the Board or the Agent to conduct the election, who shall deliver the challenged ballot to the Board for determination, provided, if the challenged ballots are insufficient in number to affect the result of the election, no determination with respect to them shall be made.

(Effective October 5, 1993)

**Sec. 7-471-16. Procedure following elections; challenges and objections**

(a) Upon the conclusion of any election or elections, the board or its agent or a person designated by the board to conduct the election shall prepare a report as to the result of the election or elections and, in cases where the right of an employee to vote has been challenged and the challenged ballots are sufficient in number to affect the result of the election, the report shall contain a plain statement of the grounds for the challenge. The agent shall cause this report to be served upon the parties.

(b) Within five days thereafter, any party who intends to make an objection shall serve upon all other parties, with proof of service, and file with the board an original and four copies of objections to the election or elections or to the report thereon.

The objections shall contain a plain statement of the grounds of objection. The board may, either with or without a hearing, make its determination with respect to the objections or to any challenged ballots. Any defect in making objections warrants their dismissal by the board but shall not deprive the board of jurisdiction to entertain the objections in spite of such defect wherever the board deems that justice so requires.

(Effective May 7, 1980)

**Sec. 7-471-17. Certification of representatives**

The board, after ascertaining the wishes of the employees, shall certify to the parties the name or names of the representatives or make other disposition of the matter. The board will not issue a certification unless the wishes of the employees have been ascertained by secret ballot election.

(Effective 7, 1980)

**Sec. 7-471-18. Election after certification**

Except in extraordinary circumstances, the board will not act favorably upon a petition for an election within one year after the certification of a representative by the board.

(Effective May 7, 1980)

**Article III**

**Procedure under Section 7-471(4) of the Act—Prohibited Practice Complaints**

**Sec. 7-471-19. Filing of complaint**

A complaint that any person, employee organization or municipal employer has engaged in or is engaging in any prohibited practice under the act may be filed by an employee, a group of employees, an employee organization or a municipal employer, any of whom may hereafter be referred to as the person filing the complaint.

(Effective May 7, 1980)

**Sec. 7-471-20. Complaints; form and filing; certification of service**

A complaint shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original and four copies of the complaint shall be filed with the board. The complaint shall include a certification also signed and sworn to before any person authorized to administer an oath stating that a copy of the complaint has been served upon the respondent by registered or certified mail or in person. Blank forms for making the complaint shall be supplied by the board upon request.

(Effective May 7, 1980)

**Sec. 7-471-21. Information in complaint**

A complaint shall contain the following:

- (a) the full name and address of the person making the complaint;
- (b) the full name and address of the person against whom the complaint is filed;
- (c) a clear and concise description of the acts which are claimed to constitute prohibited practices, including, where known, the appropriate dates and places of such acts and names of respondent's agents or other representatives by whom committed; or if, in any such case, the required specification is impossible, the

reason why it is impossible. Other facts shall be stated which are sufficient to describe the nature of the conduct complained of;

(d) an enumeration of the subdivision or subdivisions of section 7-470 claimed to have been violated;

(e) a statement of the relief to which the complainant deems himself entitled. Such claim for relief shall not limit the powers of the board vested in it by the act.

(Effective May 7, 1980)

#### **Sec. 7-471-22. Withdrawal**

A complaint, or any part thereof, may be withdrawn only with the consent of the board and upon such conditions as the board may deem proper.

(Effective May 7, 1980)

#### **Sec. 7-471-23. Reference of complaint to agent; investigation; more specific statement**

All complaints filed with the board shall be automatically referred to the agent, who shall investigate the same with due diligence, provided, however, that the agent may return to the complainant without investigation any complaint which does not comply with section 7-471-21 of these regulations.

(Effective May 7, 1980)

#### **Sec. 7-471-24. Report by agent to board**

Within three months of the date when the complaint was filed, the agent shall report to the board upon each complaint referred to him, recommending its dismissal or a hearing upon it. If the agent recommends dismissal, he shall do so in writing and shall forthwith serve a copy of his recommendation upon all parties in interest. If any such party files a written objection to the agent's recommendation of dismissal within fourteen (14) days of its service upon him, the board shall order a hearing to be held upon the complaint, in the manner provided in section 7-471-25. Unless such objection is so filed, the board will dismiss the complaint.

(Effective May 7, 1980)

#### **Sec. 7-471-25. Action by board upon agent's report notice of hearing**

The board shall act promptly upon the agent's report. If it orders a hearing, it shall cause to be issued and served upon each person complained of a copy of the complaint and a notice of hearing before the board at the time and place therein fixed, to be held not less than seven days after the service of such complaint. Notice of the hearing shall be given to the person filing the complaint or his representative.

(Effective May 7, 1980)

#### **Sec. 7-471-26. Acceleration of hearing**

The parties to the proceedings may consent by stipulation to a hearing within less than seven days after the service of the complaint.

(Effective May 7, 1980)

#### **Sec. 7-471-27. Amendment of complaint**

Any complaint may be amended by any party or the board at any time before final decision or order, upon such terms and conditions as the board deems just and proper.

(Effective May 7, 1980)

**Sec. 7-471-28. Service and filing of answer**

The respondent against whom the complaint is issued shall have the right to file an answer thereto within five days from the service of the complaint. Such answer shall be in writing, the original being signed by the respondent or his, or its, attorney. The respondent or his, or its, attorney, shall file the answer and four copies thereof with the board and serve copies of the answer on each party to the proceeding.

(Effective May 7, 1980)

**Sec. 7-471-29. Contents of answer**

The respondent shall admit or deny each of the allegations contained in the complaint unless the respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, in which case the respondent shall so state, such statement operating as a denial. The answer may contain a plain statement of any explanation of new matter which constitutes the grounds of defense.

(Effective May 7, 1980)

**Sec. 7-471-30. New matter in answer**

Any allegation of new matter contained in the answer is to be deemed denied or avoided without the necessity of a reply.

(Effective May 7, 1980)

**Sec. 7-471-31. Extension of time for answer; amendment**

Upon the board's own motion or upon application of the respondent, the board may extend the time within which the answer may be filed. The answer may be amended at any time with the permission of the board, upon such terms and conditions as it deems just.

(Effective May 7, 1980)

**Sec. 7-471-32. Amendment of answer following amendment of complaint**

In any case where a complaint has been amended, the respondent shall have an opportunity to amend his answer within such period as may be fixed by the board.

(Effective May 7, 1980)

**Sec. 7-471-33. Failure to file answer**

Notwithstanding any failure of the respondent to file an answer within the time provided in section 7-471-28, the board may proceed to hold a hearing at the time and place specified in the notice of hearing, and may make its findings of fact and enter its order upon the testimony so taken. In any case where a respondent fails to answer and appear at the hearing the board may take the allegations in the complaint as admitted and may issue an appropriate order.

(Effective May 7, 1980)

**Sec. 7-471-34. Construction of pleadings**

All pleadings shall be liberally construed.

(Effective May 7, 1980)

**Sec. 7-471-35. Back pay proceedings**

(a) After a board order directing the payment of back pay has been issued or after enforcement of such order by the superior court, if informal efforts to dispose of the matter prove unsuccessful, the agent is then authorized in his discretion to issue a back pay specification in the name of the board and a notice of hearing before the board, both of which shall be sent by registered or certified mail to the

parties involved. The specification sets forth the computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized statement of its defense.

(b) In the alternative, and in his discretion, the agent under the circumstances specified above, may issue and send to the parties a notice of hearing only without a specification. Such notice shall contain in addition to the time and place of hearing before the board, a brief statement of the matters in controversy.

(Effective May 7, 1980)

### **Sec. 7-471-36. Interim relief pending final disposition**

(a) Following the date on which a complaint has been made to the board concerning an ongoing violation of the act, the complainant may request the board to issue an interim order requiring the respondent to cease and desist from such act or practice until the board has made its final determination. Such request must clearly and specifically state with certainty and definiteness all the essential facts relied upon by complainant to show that he has met the standards contained in subsection (g), *infra*. The facts alleged in said request must be supported by affidavits which shall be made on personal knowledge and shall set forth such facts as would be admissible in evidence before the board at a formal hearing, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto.

(b) At least two days prior to the day upon which the request is filed with the board, the complainant shall cause a copy of said request, affidavits and attachments to be sent by registered or certified mail, or to be served by an appropriate officer upon, all parties or their representatives.

(c) Respondent shall have the right to file an answer and counter affidavits. Failure of respondent to file an answer and counter affidavits and to appear before the board or single member thereof shall not prevent the board from accepting as true the facts properly alleged in the complaint and affidavits and granting the complainant's request.

(d) After having considered the facts contained in complainant's request and affidavits, the board may in its discretion dismiss the request without a hearing.

(e) If the board does not dismiss the request as provided in subsection (d), *supra*, and the parties do not waive a hearing: A panel of the board or a single member thereof shall conduct a hearing within ten (10) days of its receipt of the motion for interim relief. If a panel of the board hears the motion it shall issue a decision within twenty (20) days of the close of the hearing.

(f) If a single member of the board hears the motion, that member shall issue a proposed decision within ten (10) days of the close of the hearing, and if no objections are filed it will be the decision of the board on the motion for interim relief. Specific written objections to the proposed decision must be filed within five (5) days, and the board may in its discretion conduct a hearing on the objections, but in any case, the board shall issue a decision on the motion within twenty (20) days of the issuance of the proposed decision.

(g) In determining whether to issue an interim order the board shall consider

(1) the harm to the complainant if an interim order is not issued; including whether irreparable injury, loss, or damage will result,

(2) the harm to the respondent if an interim order is issued,

(3) the probability of success on the merits by the complainant, and

(4) the interests of the public.

(h) If an interim order is issued and the general counsel finds the respondent is not complying with said order, the general counsel shall promptly seek enforcement of the board order in the Superior Court.

(Effective May 7, 1980)

## Article IV

### Miscellaneous Proceedings

#### **Sec. 7-471-37. Declaratory ruling; form of petition**

Whenever there is a substantial and immediate threat to rights protected by the Municipal Employee Relations Act a person or organization may request a declaratory ruling by the board with respect to the applicability to such person or organization of any statute, regulation, or order enforced, administered or promulgated by the board in the following form:

(a) A petition stating the factual background of the issue must be in writing and sent to the board by mail or delivered in person during normal business hours.

(b) The petition shall be signed by a person or representative of an organization in whose behalf the inquiry is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(c) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to the board for an order of notice.

(d) The petition shall state clearly and concisely the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question or applicability is directed.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective May 7, 1980)

#### **Sec. 7-471-38. Declaratory rulings; procedure after filing**

(a) The board may give notice to any other person or organization that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(b) If the board deems a hearing necessary or helpful in determining any issue concerning the request for declaratory ruling, the board shall schedule such hearing and give such notice thereof as shall be appropriate.

(Effective May 7, 1980)

#### **Sec. 7-471-39. Scope of bargaining determination**

Any employee organization, employer, or arbitrator may request the board to determine the scope of collective bargaining if

(1) during the course of collective negotiations one party seeks to negotiate with respect to a matter or matters which the other party contends is not a mandatory subject for collective negotiations or

(2) one party seeks to submit a matter to a fact finder or binding interest arbitrator which the other party contends is not a mandatory subject for collective negotiations or

(3) a party alleges that an illegal subject of bargaining is improperly submitted to a grievance arbitrator.

A request for such a determination shall be submitted to the board in the same form as a request for a declaratory ruling and shall be subject to the same procedure. If such a request has the effect of delaying negotiations or arbitration, the board shall make every effort to expedite the proceeding.

(Effective May 7, 1980)

#### **Sec. 7-471-40. Petitions concerning adoption of regulations**

(a) Any person or organization may at any time petition the board to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of petitioner's attorney, if applicable.

(b) Within thirty (30) days following receipt of the petition, the board shall determine whether to deny the petition, or to initiate regulation making proceedings in accordance with the petition. If the petition is denied, the petitioner shall be notified in writing of the reasons for said denial.

(Effective May 7, 1980)

#### **Sec. 7-471-41. Settlement of cases**

Informal disposition may be made of any complaint or petition by stipulation, agreed settlement, consent order, or default.

(Effective May 7, 1980)

#### **Sec. 7-471-42. Pre-trial hearings**

Prior to any scheduled hearing the board or agent may order the parties to meet with a board member, agent or other staff member for the purpose of obtaining stipulations of fact, joint exhibits, disclosure of evidence and identification of witnesses and issues to be raised at the formal hearing. Failure to disclose evidence, witnesses or issues at the pre-trial hearing may result in the board's denying the introduction of such evidence, testimony or issues at the formal hearing.

(Effective May 7, 1980)

### **Article V**

#### **General Provisions Relating to Parties and Procedure Applicable to All Proceedings**

#### **Sec. 7-471-43. Vacancy in board; quorum**

A vacancy in the board, or the absence or disqualification of a member of the board, shall not impair the right of the remaining members to exercise all of the powers of the board, and two members of the board shall at all times constitute a quorum.

(Effective May 7, 1980)

#### **Sec. 7-471-44. Nonjoinder and misjoinder of parties**

No proceeding under the act will be dismissed because a person directly concerned is not a party thereto. If it is necessary for the determination of the matter in dispute

so to do, the board may allow parties to be added or substituted and unnecessary parties to be dropped at any time in the proceeding.

(Effective May 7, 1980)

**Sec. 7-471-45. Joining of respondents**

All persons alleged to have engaged in any prohibited practices may be joined as respondents, whether jointly, severally or in the alternative, and a decision may be rendered against such one or more of the respondents as is appropriate upon all the evidence.

(Effective May 7, 1980)

**Sec. 7-471-46. Motions during pendency of hearing**

All motions made at a hearing shall be stated orally, shall be included in the stenographic report of the hearing and shall be decided by the board, except that motions made to intervene shall be made in the manner set forth in section 7-471-48. All motions, rulings, decisions and orders shall be and become part of the record in the proceeding.

(Effective May 7, 1980)

**Sec. 7-471-47. Motions made before or after hearing**

All motions made, other than those made during a hearing or hearings, shall be filed in writing with the board and shall state the order or relief applied for and the grounds for such motion. The moving party shall serve copies of all such papers on all parties and shall, within three days thereafter, file an original, with proof of due service, and four copies of all papers with and for the use of the board. Answering statements, if any, shall be served on all parties and an original thereof, with proof of due service, and four copies shall be filed with the board within three days after service of the moving party or parties, unless otherwise directed by the board. All motions shall be decided by the board upon the papers filed with it, unless the board, in its discretion, shall decide to hear oral argument, or take testimony, in which event the board shall notify the parties of such fact and of the time and place for such argument or for the taking of such testimony.

(Effective May 7, 1980)

**Sec. 7-471-48. Intervention; procedure; contents; filings and service**

Any person, municipal employer or employee organization desiring to intervene in any proceeding shall file with the board a sworn petition and four copies thereof in writing, setting forth the facts upon which such person, municipal employer or employee organization claims an interest in the proceeding. Such petition shall be served on all the parties. Petitions shall be filed with the board, with proof of service, at least two days prior to the first hearing. Failure to serve or file such petition, as above provided, shall be deemed sufficient cause for the denial thereof, unless it shall be determined that good and sufficient reasons exists why it was not served or filed as herein provided. The board shall rule upon all such petitions and may permit intervention to such an extent and upon such terms or conditions as it shall determine may effectuate the policies of the act.

(Effective May 7, 1980)

**Sec. 7-471-49. Consolidation or severance**

Two or more proceedings under section 7-471 of the act may be consolidated by the board, in its discretion, and such proceedings may be severed by the board, in its discretion.

(Effective May 7, 1980)

**Sec. 7-471-50. Witnesses; examination; record; depositions**

Witnesses at all hearings shall be examined orally, under oath or affirmation, and a record of the proceedings shall be made and kept by the board. If a witness resides outside the state or through illness or other cause is unable to testify before the board, his or her testimony or deposition may be taken within or without the state in such manner and in such form as may be directed by the board. All applications for the taking of such testimony or depositions shall be made by motion to the board in accordance with the motion practice herein set forth.

(Effective May 7, 1980)

**Sec. 7-471-51. Application for subpoenas**

Any party to a proceeding may apply to the board for the issuance of a subpoena or subpoena duces tecum, requiring the attendance during a hearing of any person, party or witness and directing the production at a hearing of any books, records or correspondence or other evidence relating to any matter under investigation or any question before the board. Such application shall be timely, shall be in writing and shall specify the name of the witness or the documents or things, the production of which is desired, with such particularity as will enable such documents to be identified for purposes of production and the return date desired. Such application shall be made and filed with the board and need not be served on any other party. Any subpoena issued by the board shall be mailed or delivered forthwith to the party applying therefor. Arrangements for the service of the subpoena, according to law, shall be made by such party.

(Effective May 7, 1980)

**Sec. 7-471-52. Issuance of subpoenas for production of books, papers and other matters**

Upon proper application the board shall issue subpoenas at any time, requiring persons, parties or witnesses to attend or be examined or give testimony and to produce any books, records, correspondence, documents or other evidence that relate to any matter under investigation or any question before the board.

(Effective May 7, 1980)

**Sec. 7-471-53. Fees and mileage for witnesses**

Witnesses summoned before the board or its agent shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and shall be paid by the board when they appear by the board's instance, and the person taking the deposition shall be paid by the party at whose instance the deposition is taken or by the board if the deposition is taken at its instance.

(Effective May 7, 1980)

**Sec. 7-471-54. Board shall conduct hearings**

A hearing for the purpose of taking testimony upon a complaint, or upon a complaint and answer, or upon a petition for an election shall be conducted by the board. Such hearings shall be open to the public.

(Effective May 7, 1980)

**Sec. 7-471-55. Hearings; powers and duties of the board**

During the course of any hearing, the board shall have the full authority to control the conduct and procedure of the hearings, and the records thereof, to admit or exclude testimony or other evidence, and to rule upon all motions and objections made during the course of the hearing. The board shall provide that a full inquiry is made into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. In any hearing, the board shall have the right to call and examine witnesses, to direct the production of papers or documents and to introduce into the record such papers or documents.

(Effective May 7, 1980)

**Sec. 7-471-56. Examination of witnesses; introduction of evidence**

In any hearing, the agent and all parties shall have the right to call, examine and cross-examine witnesses and to introduce into the record papers and documents or other evidence subject to the ruling of the board.

(Effective May 7, 1980)

**Sec. 7-471-57. Evidence**

The board shall not be bound by technical rules of evidence. All findings of the board as to facts shall be supported by substantial evidence.

(Effective May 7, 1980)

**Sec. 7-471-58. Stipulations**

At a hearing, stipulations may be introduced in evidence with respect to any issue, subject to the ruling of the board.

(Effective May 7, 1980)

**Sec. 7-471-59. Continuation or adjournment of hearing**

In the discretion of the board, the hearing may be continued from day to day or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the board or by other appropriate notice designated by the board.

(Effective May 7, 1980)

**Sec. 7-471-60. Contemptuous conduct at hearings**

Any person who engages in contemptuous conduct before the board may, in the discretion of the board, be excluded from the hearing room or further participation in the proceeding.

(Effective May 7, 1980)

**Sec. 7-471-61. Waiver of hearing; consent orders**

Nothing in sections 7-471-19 to 7-471-75, inclusive, shall prevent the entry of an order with the consent of the respondent, and on notice to all parties and without the holding of any hearing or the making of any findings of fact or conclusions of law, if the respondent shall waive the holding of any hearing and making of the findings of fact and conclusions of law.

(Effective May 7, 1980)

**Sec. 7-471-62. Oral argument or briefs; requests for findings of fact or conclusions**

In all hearings under section 7-471 of the act the board may, in its discretion, permit the parties to argue orally before it at the close of the hearings or to file briefs, requests for findings of fact or conclusions with it. The time for oral argument,

filing briefs or requests for findings of fact or conclusions shall be fixed by the board. Any request for oral argument before the board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the board shall be within the discretion of the board. Arguments shall be included in the stenographic report unless the board directs otherwise.

(Effective May 7, 1980)

### **Sec. 7-471-63. Variance between allegation and proof; defects in pleading and procedure**

(a) A variance between an allegation in a petition for an election or a pleading in a prohibited practice proceeding and the proof shall be considered immaterial unless it prejudicially misleads any party or the board. Where a variance is not material, the board may admit such proof and the facts may be found accordingly. Where a variance is material, the board may permit an amendment at any time before the final order of the board, upon such terms as it deems just. Any party or the board may move to conform the pleadings to the proof.

(b) The board shall disregard all defects in pleading and procedure wherever this may be done without impairing the substantial rights of any party, if justice so requires.

(Effective May 7, 1980)

### **Sec. 7-471-64. Motions and objections during hearing**

Motions made during the hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearing.

(Effective May 7, 1980)

### **Sec. 7-471-65. Motion to reopen hearing**

No motion for leave to reopen a hearing because of newly discovered evidence shall be entertained unless it is shown that such additional evidence is material, that the motion has been timely made and that there were reasonable grounds for the failure to adduce such evidence at the hearing. Nothing contained in this section shall be deemed to limit the right and power of the board in its discretion and on its own motion to reopen a hearing and take further testimony.

(Effective May 7, 1980)

### **Sec. 7-471-66. Findings of fact and conclusions of law; decision and order; exception**

The board shall, at any time after the close of a hearing under section 7-471(4) of the act issue its findings of fact, conclusions of law, decision and order. Such findings of fact, conclusions of law, decision and order shall contain, but need not be limited to

- (a) a statement of the case and preliminary procedure before the board,
- (b) findings of fact,
- (c) conclusions of law,
- (d) decision and order.

(Effective May 7, 1980)

### **Sec. 7-471-67. Record of proceedings in prohibited practice cases**

(a) The record of the proceedings before the board in prohibited practice cases shall consist of the complaint or amended complaint, any other pleadings, notices

of hearing, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, the decision and order.

(b) If a prohibited practice proceeding is predicated in whole or in part upon a prior representation proceeding, the record of such prior representation proceeding shall be deemed a part of the record in the prohibited practice proceeding for all purposes.

(Effective May 7, 1980)

**Sec. 7-471-68. Record of proceedings in representation cases**

The record of the proceedings before the board in representation cases shall consist of the petition or amended petition, notices of hearing, motions, orders, agreement, stenographic report, exhibits, decision and direction of election, report upon secret ballot, objections thereto, certification, dismissal or decision and order.

(Effective May 7, 1980)

**Sec. 7-471-69. Record public**

The record as defined in sections 7-471-67 and 7-471-68 shall constitute the public record of the cases and shall be made available for inspection or copying under such conditions as the board may prescribe.

(Effective May 7, 1980)

**Sec. 7-471-70. Limitation on board members and employees appearing before board**

Any person who at any time has been a member of or employed by the board shall not be permitted to appear as attorney or representative for any person, firm, corporation or organization until the expiration of six months from the termination of his employment with the board, nor shall he at any time be permitted to appear in any case which was pending before the board during the period of his employment with the board.

(Effective May 7, 1980)

**Article VI**

**Service of Complaint, Orders and Other Processes**

**Sec. 7-471-71. Service of documents by board**

Complaints, decisions and orders and other processes and papers of the board and agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof in the principal office or place of business of persons to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same and the return post office receipt or telegraph receipt therefor, when registered or certified and mailed or telegraphed as aforesaid, shall be proof of service of the same.

(Effective May 7, 1980)

**Sec. 7-471-72. Service of papers by party**

Service of papers by a party to the proceeding shall be made by registered or certified mail or in person. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of such service. When service is made by registered or certified mail, the return post office receipt shall be proof of service.

(Effective May 7, 1980)

**Sec. 7-471-73. Service on attorney**

If a party appears by her, his or its attorney, all papers other than the complaint, notice of original hearings, and final decisions and orders may be served, as herein provided, upon such attorney with the same force and effect as though served upon the party.

(Effective May 7, 1980)

**Article VII****Construction, Amendments or Application of Regulations****Sec. 7-471-74. Construction of regulations**

These regulations shall be liberally construed and shall not be deemed to limit the powers conferred upon the board by the act.

(Effective May 7, 1980)

**Sec. 7-471-75. Application to pending proceedings**

Sections 7-471-1 to 7-471-75, inclusive, and any amendments thereto shall govern all proceedings filed with the board on or after the effective date of these regulations and all other proceedings then pending, except to the extent that, in the judgment of the board, their application to such pending proceedings would not be feasible or would work an injustice, in which event these general regulations shall not apply.

(Effective May 7, 1980)



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### **Assisting Connecticut Communities Seeking Economic Stability (ACCSES)**

#### **Sec. 7-572-1. Notification and documentation to secretary regarding the issuance of deficit obligations**

(a) The municipality, through its chief executive officer, shall notify the Secretary of its intent to issue deficit obligations at least ninety (90) days prior to issuance. Such notification shall include the following:

(1) The anticipated amount of the deficit obligations to be issued, the most recent audited financial statements of the municipality, and a general description of any other measures, in addition to issuing the deficit obligation, that will be implemented to eliminate the deficit.

(2) A letter from the municipality's chief executive officer certifying that, and an opinion from its bond counsel to the effect that, the proposed issuance of the deficit obligation will comply with Public Act 93-421, that such municipality has authorized the issuance of such obligations in accordance with the General Statutes, any applicable charter, special act or home rule ordinance and the provisions of Public Act 93-421, and that the municipality has no outstanding deficit obligations and that it has not issued a deficit obligation in the past five years.

(3) Written assurance that such municipality will establish a property tax intercept procedure and a debt service payment fund with a trustee in accordance with the provisions of Public Act 93-421.

(4) Written assurance that such property tax intercept procedure will assure that the property tax receipts transferred to the trustee and deposited in the debt service payment fund shall be in an amount at least equal to and deposited by such dates so as to satisfy the debt service payment fund requirement.

(5) Any other information required by Public Act 93-421.

The Secretary may, upon the request of the municipality's chief executive officer, reduce the ninety (90) day notice requirement for some or all of the items of information outlined above if sufficient cause is found.

(b) Prior to the date of closing on the deficit obligation, the municipality's chief executive officer shall provide such additional information related to such issuance as may be requested by the Secretary, including, but not limited to, a copy of the Preliminary Official Statement (the "POS").

(c) Within ninety (90) days after the date of closing on the deficit obligation, the chief executive officer shall submit to the Secretary a copy of all the final closing documents related to the issuance, which documentation shall include the agreements and language related to the property tax intercept procedure and the debt service payment fund.

(d) The Secretary shall refer to the Municipal Finance Advisory Commission, pursuant to Section 7-395 of the General Statutes, any municipality which notifies the Secretary that it intends to issue deficit obligations under Section 9 of Public Act 93-421.

(Effective May 3, 1994)

#### **Sec. 7-572-2. Standards for certification and supervision of Tier I and Tier II municipalities**

(a) **Standards for Certification:** Any municipality that desires to issue general obligations under Section 14 or 17 of Public Act 93-421 shall apply to the Secretary for certification. The Secretary may certify as a Tier I or Tier II municipality any municipality which applies to be certified, provided that:

(1) The municipality has a long-term bond rating from at least one bond rating agency which is investment grade or higher;

(2) The municipality is unable to secure municipal bond insurance from any bond insurance company on reasonable terms and conditions on the date the Secretary certifies such municipality;

(3) The municipality, in the case of a municipality seeking to be a Tier II municipality, has not issued a deficit obligation in the last five years and has no outstanding deficit obligations; and

(4) There is no evidence of any unsound or irregular financial practices of, or other material fiscal concerns related to, the municipality in relation to commonly accepted standards for governmental management and finance which, in the opinion of the Secretary, renders the municipality a material risk in terms of a draw upon the special capital reserve fund and a transfer from the State general fund.

(b) **Recertification and Decertification:** The Secretary may recertify and decertify any municipality then certified, provided the Secretary shall not automatically decertify any municipality which is able to secure bond insurance after it has been certified by the Secretary.

(c) **Supervision of Tier I and Tier II Municipalities**

(1) As part of a Tier I or Tier II municipality's referral to the Municipal Finance Advisory Commission (the "MFAC") in accordance with the provisions of Section 14 and 17 of the Public Act 93-421, the Secretary may direct the municipality to provide the MFAC with certain information regarding the municipality's finances and its compliance with Public Act 93-421, and require the municipality to undertake, at its own expense, any special audits that the MFAC may require in order to help minimize the possible risk with respect to a draw upon the special capital reserve fund a transfer from the State general fund. The Secretary may impose that these requirements as provided in Section 12 of Public Act 93-421, be incorporated in the indenture or other agreement between the municipality and the trustee related to the establishment of any Special Capital Reserve Fund.

(2) The ability of the Secretary to require the municipality to provide certain information to the MFAC shall in no way limit the MFAC's ability to request information from these municipalities in accordance with General Statutes.

(3) Tier II municipalities shall work with and report to the MFAC in the manner prescribed in Section 18 of Public Act 93-421.

(4) The MFAC, in addition to its other requirements and responsibilities, shall monitor a Tier II municipality's plan to eliminate any deficit.

(Effective May 3, 1994)

**Sec. 7-572-3. Procedures for Tier I and II Municipalities issuing general obligations supported by a special capital reserve fund**

(a) Any Tier I or Tier II municipality wishing to issue any obligation supported by a Special Capital Reserve Fund (a "SCRF") shall, through its chief executive officer, notify the Secretary and the Treasurer of such desire within one-hundred twenty (120) days of the intended date of the issuance. Such notification shall include the following:

(1) A description of the purpose and anticipated amount of the obligation to be supported by the SCRF, the most recent audited financial statements of the municipality, and, in the case of a deficit obligation, a description of the measures that will be implemented to eliminate the deficit.

(2) A letter from the municipality's chief executive officer certifying that, and an opinion from its bond counsel to the effect that, the proposed issuance of the

obligation will comply with Public Act 93-421, that such municipality has authorized the issuance of such obligations in accordance with the General Statutes, any applicable charter, special act or home rule ordinance and the provisions of Public Act 93-421, and, in the case of a deficit obligation, that the municipality has no outstanding deficit obligations and that it has not issued a deficit obligation in the past five years.

(3) Draft agreements and language with respect to the property tax intercept procedure and debt service payment fund to be established with a trustee in accordance with the provisions of Public Act 93-421.

(4) Any other information required by Public Act 93-421.

The Secretary may, upon a request from the municipality's chief executive officer, reduce the one-hundred twenty (120) day notice requirement for some or all of the items of information outlined above if sufficient cause is found.

(b) In the case of a Tier II municipality, the Secretary, within ten (10) days of the receipt of the documentation required in (a) of this section, shall forward such documentation to the MFAC. The MFAC within thirty (30) days of its receipt of such documentation shall approve or disapprove the issuance of the obligation and provide a written report of such action to the Secretary.

(c) The Secretary shall forward a written report on the documentation required in (a) above and on the other issues related to the municipality's financial situation, and, with respect to obligations to be issued by a Tier II municipality, the written report of the MFAC pursuant to (b) of this section, to the Treasurer not less than sixty (60) days before the intended date of issuance of the obligations to be supported by a SCRF, unless the Treasurer, following a request from the municipality's chief executive officer, agrees to reduce this sixty (60) day requirement. The report shall indicate, among other items, the status of the municipality's certification as a Tier I or Tier II municipality. In the report, the Secretary shall indicate the requirements the Secretary wants imposed pursuant to Section 12 of Public Act 93-421 in the indenture or other agreement between the municipality and the trustee related to the establishment of the special capital reserve fund. These requirements shall be in addition to any requirements that may be imposed by the Treasurer in accordance with Section 12 of Public Act 93-421.

(d) A municipality may not issue any obligation for which there is a SCRF established pursuant to Section 12 of Public Act 93-421 unless and until the Treasurer approves, in writing, the issuance of the obligation to be secured by the SCRF and the indenture or other agreement between the municipality and the trustee establishing the SCRF. The Treasurer shall not provide such approvals until the Secretary submits to him the information indicated in (c) of this section. The municipality shall comply with such guidelines and standards as may be established by the Treasurer to ensure compliance with Sections 10 through 12 of Public Act 93-421.

(e) The Secretary shall refer to the MFAC, pursuant to the provisions of Section 7-395 of the General Statutes, any municipality which notifies the Secretary that it intends to issue obligations under Section 14 or 17 of Public Act 93-421.

(Effective May 3, 1994)