

## ARTICLE 2. LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT

### Rule 1. Casino Owner's License

#### 68 IAC 2-1-1 Casino owner's license required

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Applicant" means an applicant for a casino owner's license.

(2) "Certificate of suitability" means a written document issued by the executive director that indicates an applicant has been chosen for licensure if the applicant meets the requirements set forth in section 5(e) of this rule. A certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission.

(3) "Interim compliance period" means the period of time between the issuance of a:

(A) certificate of suitability; and

(B) permanent casino owner's license or the issuance of a notice of denial.

(4) "Regular riverboat excursion" means an excursion that takes place after receipt of the riverboat owner's license, except for a practice excursion.

(b) No one may operate a casino gambling operation without holding a casino owner's license. (*Indiana Gaming Commission; 68 IAC 2-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### 68 IAC 2-1-2 Application fees

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 2. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant for an owner's license must pay a nonrefundable application fee in the amount of fifty thousand dollars (\$50,000) with Part I of the casino owner's license application.

(c) The commission shall use the application fee to conduct the background investigation of an applicant. An investigation fee may be assessed to the extent that the cost of the background investigation relating to the applicant exceeds the application fee set forth in this rule. The applicant shall be advised by the executive director in writing that an investigation fee is required. The letter shall direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of the fifty thousand dollar (\$50,000) fee set forth in this rule, the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for licensure nor submit that report to the commission for consideration until the investigation fee is paid by the applicant.

(d) In the event an assessed investigation fee exceeds the final cost of the investigation, the excess investigation fee shall be refunded to the applicant. In no event shall a portion of a remitted application fee be refunded.

(e) If an applicant is allowed to withdraw its application or its application is denied before the background investigation is completed, the balance of the nonrefundable application fee shall be applied to the overall cost of the investigative process. (*Indiana Gaming Commission; 68 IAC 2-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### 68 IAC 2-1-3 Casino owner's license fees

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

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Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) The casino licensee shall remit the initial license fee of twenty-five thousand dollars (\$25,000) after complying with the conditions set forth in section 5(e) of this rule. The owner's license will not be issued until the twenty-five thousand dollar (\$25,000) license fee has been received by the commission. The initial owner's license is valid for a period of five (5) years. After the expiration of the initial owner's license, the license may be renewed annually upon compliance with section 9 of this rule.

(c) If the commission revokes the initial owner's license during the first four (4) years after issuance of the license, a pro rata share of the initial license fee may be credited toward any penalty assessed against the casino licensee for a violation of IC 4-33, IC 4-35, or this title that resulted in the revocation of the casino owner's license. (*Indiana Gaming Commission; 68 IAC 2-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; errata filed Nov 14, 1994, 3:45 p.m.: 18 IR 531; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-4 Applications**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 4. (a) An applicant for a casino owner's license must complete and submit the appropriate forms prescribed by the commission.

(b) Application procedures shall be as follows:

(1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) A misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(3) An applicant must submit a fully-executed original of Parts I and II of the casino owner's license application.

(4) An applicant must submit a Personal Disclosure Form 1 for a substantial owner, key person, or other person that the commission deems necessary to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title.

(5) An application is deemed filed when the commission has received the completed application forms, including the information that the commission has required.

(6) The completed applications must be filed as follows:

(A) In the commission's office in Indianapolis, Indiana.

(B) Prior to the expiration of appropriate deadlines established and published by the commission.

(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(8) An applicant may make only clerical corrections to the application after the deadline date for filing Part II of the casino owner's license application has passed. After that date, the applicant must submit a request to the commission to make a substantive amendment along with the exact substantive amendment. The commission shall then determine whether the proposed substantive amendment will be allowed.

(c) If applicable, requirements for dock site and navigable waterway shall be as follows:

(1) An applicant must specify the following:

(A) The dock at which the riverboat will be based.

(B) The navigable waterway upon which the riverboat will operate.

(2) An applicant who specified a dock site in a county or city in which the referendum passed shall not amend the application to specify a dock site in a different city or county.

(3) An applicant who specified a dock site in a county or city in which the referendum was defeated may amend its application on one (1) occasion to specify a dock site in a county or city where the referendum was successful or in which a referendum has not been held. An applicant must submit a nonrefundable fee of ten thousand dollars (\$10,000) to amend its dock site. The amendment must be submitted before the deadline for filing Part I of the application for the city or county

the applicant seeks to specify as a home dock site has expired.

(d) An applicant that changes from one (1) form of legal entity to another form of legal entity is a new applicant. To effectuate a change in the form of legal entity, the applicant must submit the following:

(1) A new Part I of the application prior to the expiration of the appropriate deadline.

(2) An additional nonrefundable fifty thousand dollar (\$50,000) application fee under section 2 of this rule.

(e) An application for a casino owner's license may not be withdrawn without leave of the commission. (*Indiana Gaming Commission; 68 IAC 2-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 483; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1019; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **68 IAC 2-1-5 Licensing procedures**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-6-1; IC 4-35; IC 5-3

Sec. 5. (a) Except to the extent the commission may require different or additional procedures, an applicant for a casino owner's license shall be subject to the following procedures prior to licensing:

(1) Application.

(2) Background investigation, including economic development analysis of the applicant by the commission.

(3) Public hearing.

(4) Action by the commission.

(5) Issuance of certificate of suitability.

(6) Interim compliance period.

(7) Issuance of casino owner's license.

(b) Requirements for a public hearing and action by the commission shall be as follows:

(1) After the appropriate background investigations by the commission have been completed, the commission shall conduct a public hearing.

(2) The commission shall publish the date, time, and place of the public hearing in the following manner:

(A) Notice of the public hearing shall be posted at the commission office in Indianapolis, Indiana at least two (2) weeks prior to the public hearing.

(B) Notice of the public hearing shall be published in appropriate newspapers under IC 5-3 at least two (2) times, at least one (1) week apart, and with the second publication being made at least two (2) days before the event.

(3) The public hearing shall be conducted in the following manner:

(A) The chair shall establish the order of the presentations and announce the amount of time that each applicant will be allotted. The order of presentation and other information may be published with the notice setting the date, time, and place of the public hearing.

(B) The appropriate applicant shall present its proposal for a casino gambling operation in the appropriate county or city within the time period established.

(C) The commission may question the applicant on any aspect of its application and presentation that the commission determines to be relevant to the issue of licensure.

(D) An applicant may be recalled by the commission at any time during the public hearing.

(E) After all of the applicants have made presentations, the commission shall allow a reasonable time to hear comments about the applicants and proposals from governmental entities, agencies, and the public at large. The chair shall announce the manner in which these comments may be presented prior to the initiation of this section of the public hearing.

(F) The commission may, at its discretion, discuss the applications, presentations, reports, and other materials, deliberate, and issue its decision immediately after the conclusion of the presentations and public comments or it may recess and reconvene to deliberate and issue its decision after the hearing has been transcribed and the transcriptions received by the commission.

(G) The decision of the commission shall be reduced to writing and signed by the commission members. The

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commission shall direct the executive director to notify the appropriate applicants, in writing, of the decision reached by the commission.

(H) No riverboat application shall be denied until the final license for that county or city has been issued under IC 4-33-6-1. Once the final riverboat license for a county or city has been issued, the commission shall direct the executive director to issue notices of denial to the applicant or applicants not chosen for riverboat licensure.

(4) The public hearing shall be recorded, at the direction of the commission, stenographically or by other means as to adequately ensure the preservation of the commission's public hearing. A transcript completed by a reporter or stenographer hired by the commission is the official record of the commission's public hearing.

(c) The applicant must present evidence that it meets or possesses the following standards, qualifications, or criteria to be issued a casino owner's license:

(1) The applicant must possess the qualifications set forth in IC 4-33 and IC 4-35.

(2) The applicant or the applicant's substantial owner must possess a level of skill, experience, or knowledge necessary to conduct a casino gambling operation.

(3) The positive economic impact that the applicant's plan will have on the entire state of Indiana.

(4) The positive impact of any endorsements made by the local government entities.

(5) The criminal history of the applicant and the applicant's substantial owners.

(6) The applicant and the applicant's substantial owners must be of good moral character and reputation.

(7) Whether the applicant or the applicant's substantial owners has had a gaming or other license revoked, suspended, restricted, or terminated or if renewal of a license was denied.

(8) The applicant and the applicant's substantial owners must be in substantial compliance with state and federal tax laws.

(9) Any other standard the commission determines is necessary to ensure the applicant meets the criteria for licensure set forth in IC 4-33, IC 4-35, and this title.

(d) The certificate of suitability shall be issued as follows:

(1) The commission shall direct the executive director to issue a certificate of suitability after a decision has been issued in accordance with subsection (b).

(2) The certificate of suitability is valid for one hundred eighty (180) days unless extended by the commission.

(3) A prospective licensee must direct a request for an extension of the certificate of suitability in a letter directed to the executive director.

(e) During the interim compliance period, the prospective casino licensee shall do the following:

(1) If necessary, obtain a permit to develop the riverboat gambling operation from the United States Army Corps of Engineers.

(2) If necessary, obtain a valid certificate of inspection from the United States Coast Guard or the commission's marine certification contractor for the vessel on which the riverboat gambling operation will be conducted temporarily or permanently.

(3) Apply for and receive the appropriate permit or certificate from the Indiana alcohol and tobacco commission and other appropriate state and federal agencies.

(4) Receive all permits, certificates, and approvals for the casino and support facilities necessary to develop and conduct the casino gambling operation, including, but not limited to:

(A) fire marshal;

(B) health;

(C) building; and

(D) zoning;

permits. Permits for long-term developments that are part of the casino support facilities do not have to be obtained.

(5) Close the financing necessary to complete the development of the casino gambling operation.

(6) Post a bond in accordance with section 7 of this rule.

(7) Obtain the insurance deemed necessary by the commission under section 8 of this rule.

(8) Receive licensure for electronic gaming devices and other gaming equipment under 68 IAC 2-6.

(9) Submit an emergency response plan under 68 IAC 8-2.

(10) Take any other action the commission deems necessary to ensure the prospective casino licensee will be able to conduct

a casino gambling operation that complies with IC 4-33, IC 4-35, and this title.

(f) Requirements for the issuance of a permanent casino owner's license shall be as follows:

- (1) The casino licensee shall advise the commission in writing once it has complied with subsection (e).
- (2) When the commission is satisfied that the casino licensee has complied with subsection (e), it shall direct the executive director to issue a permanent casino owner's license.
- (3) The permanent casino owner's license shall meet the specifications set forth in section 6 of this rule.
- (4) The commission may place restrictions, conditions, or requirements on the permanent casino owner's license. These restrictions, conditions, or requirements may include, but are not limited to, the following:
  - (A) That the casino licensee comply with aspects of its proposal within specific time frames.
  - (B) If the casino is a docked riverboat, the riverboat licensee begin operation at a permanent dock within a specified period, not to exceed one (1) year.
  - (C) That the casino licensee posts a new or additional bond in accordance with section 7 of this rule, if necessary.
  - (D) That the casino gambling operation undergo and successfully complete the appropriate number and type of practice gaming tests during a forty-eight (48) hour period to ensure that the casino gambling operation is conducted within the parameters of IC 4-33, IC 4-35, and this title. The executive director may determine that the casino gambling operation undergo additional practice gaming tests.

(5) The casino licensee shall post a bond in accordance with section 7 of this rule.

*(Indiana Gaming Commission; 68 IAC 2-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 484; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

#### **68 IAC 2-1-6 Casino owner's license requirements; display of license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 6. (a) The certificate of suitability and permanent casino owner's license shall be on forms prescribed by the commission that display the following requirements:

- (1) The applicant's name and business address.
  - (2) If applicable, the:
    - (A) dock at which the riverboat is based; and
    - (B) navigable waterway on which the riverboat will operate.
  - (3) The casino owner's license number or certificate of suitability number assigned by the commission.
  - (4) The signature of the chair and executive director of the commission.
  - (5) The date the certificate of suitability or the casino owner's license was issued and the date that the certificate or license will expire.
  - (6) Display any other information the commission deems necessary to identify the casino licensee, the dock site, if applicable, and any conditions or restrictions that are placed on the casino owner's license.
- (b) A casino licensee shall post its owner's license in a conspicuous place in the casino.
- (c) The certificate of suitability and the casino owner's license shall remain the property of the commission at all times. The certificate of suitability or the casino owner's license may be revoked, suspended, canceled, or restricted by the commission under 68 IAC 13.

(d) A fee of ten dollars (\$10) shall be paid to the commission for a necessary replacement of the certificate of suitability or the casino owner's license. The fee shall be assessed each time a casino licensee obtains a replacement certificate of suitability or casino owner's license. *(Indiana Gaming Commission; 68 IAC 2-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-1-7 Bond**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-6-9; IC 4-35-5-2.6

Sec. 7. (a) A casino licensee must follow IC 4-33-6-9(b) or IC 4-35-5-2.6(b) regarding bonds.

(b) The bond shall meet the following requirements:

(1) If the casino licensee furnishes a bond in an irrevocable letter of credit, the bond must be issued, held, and negotiated under the "Uniform Custom and Practice for Documentary Credits", 2007 Revision, International Chamber of Commerce Publication No. 600.

(2) If the casino licensee plans to post a surety bond, negotiable securities, or irrevocable letter of credit, the licensee must submit the bond proposal at least thirty (30) days prior to the time the bond will be posted to allow the commission sufficient time to investigate the surety company, guarantor, or banking institution.

(3) The bond must be in an amount that the commission determines adequately reflects the amount that a local community will expend for infrastructure and any other facilities associated with casino gambling. The commission may request input from the appropriate local community regarding the amount the local community will expend.

(4) The bond shall state that it:

(A) may be exercised by the commission if the casino licensee fails to comply with its obligation under IC 4-33, IC 4-35, or this title; and

(B) shall run continuously and remain in full force and effect during the period for which the casino owner's license was awarded under IC 4-33-6-9 or IC 4-35-5-2.6.

(c) The commission may require or allow a new bond under the conditions listed in IC 4-33-6-9 and IC 4-35-5-2.6, or if the commission allows the casino licensee, at the request of the casino licensee, to post a new bond that complies with this section. (*Indiana Gaming Commission; 68 IAC 2-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3034; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3068; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-8 Insurance**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 8. (a) A casino licensee must obtain and maintain insurance in a minimum amount determined by the commission. The casino licensee shall obtain and maintain the following types of insurance:

(1) Liability.

(2) Casualty.

(3) Capital loss.

(4) Fire.

(5) Theft.

(6) Worker's compensation insurance.

(7) Any other type of insurance the commission deems necessary to ensure the casino licensee is adequately insured to conduct a casino gambling operation.

(b) After the commission issues a certificate of suitability to an applicant, the commission shall direct the executive director to advise the applicant, in writing, of the amount of insurance that the applicant must obtain and maintain.

(c) If the casino licensee fails to maintain the minimum amount of insurance specified in this section, the commission may initiate a disciplinary action against the casino licensee. (*Indiana Gaming Commission; 68 IAC 2-1-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 487; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-9 Renewal of license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-6-12; IC 4-35-5-4

Sec. 9. (a) A casino owner's license shall be renewed in accordance with IC 4-33-6-12 or IC 4-35-5-4, as applicable to the casino licensee.

(b) The casino licensee shall submit its renewal fee with a statement indicating its intent to continue the casino gambling operation at least thirty (30) days before the expiration of the license.

(c) The commission may refuse to renew a casino owner's license if the casino licensee no longer meets the requirements set forth in this rule and IC 4-33 or IC 4-35. (*Indiana Gaming Commission; 68 IAC 2-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-10 Duty to maintain suitability; duty to disclose; transfer of ownership interest**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 10. (a) Casino licensees have a continuing duty to maintain suitability for licensure. A casino owner's license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Casino licensees shall notify the commission of a material change in the information submitted in the application, or a matter that renders the licensee ineligible to hold a casino owner's license.

(c) An ownership interest in the casino owner's license shall not be transferred unless the transfer complies with 68 IAC 5. (*Indiana Gaming Commission; 68 IAC 2-1-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-11 Restriction, revocation, or suspension**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 11. (a) The commission may revoke, restrict, or suspend a casino owner's license at any time that the commission determines:

(1) the casino licensee is in violation of IC 4-33, IC 4-35, or this title; or

(2) revocation of the casino owner's license is in the best interest of Indiana and will protect and enhance the credibility and integrity of casino gambling operations.

(b) If the commission determines that a casino licensee is in violation of IC 4-33, IC 4-35, or this title, the commission may:

(1) initiate a disciplinary proceeding under 68 IAC 13 to revoke, restrict, or suspend the casino owner's license; or

(2) take other action as the commission deems necessary.

(*Indiana Gaming Commission; 68 IAC 2-1-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-12 Request for hearing on notice of denial or nonrenewal**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 12. (a) Unless specifically stated to the contrary, a notice of denial of a casino owner's license application shall not

constitute a finding that the applicant is not suitable for licensure.

(b) An applicant who is served with a notice of denial or a casino licensee who is served with a notice of nonrenewal under this rule may request a hearing under 68 IAC 7.

(c) If the applicant or casino licensee does not request a hearing, the notice of denial or nonrenewal becomes the final order of the commission. (*Indiana Gaming Commission; 68 IAC 2-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-1-13 Deviation from provisions**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 13. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of the rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing. (*Indiana Gaming Commission; 68 IAC 2-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 2. Supplier's License**

**68 IAC 2-2-1 Supplier's license required**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-6; IC 4-33-6.5; IC 4-35-5

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Applicant" means an applicant for a supplier's license.
- (2) "Casino license applicant" means a person who has submitted an application for one (1) of the following:
  - (A) A riverboat license under IC 4-33-6.
  - (B) An operating agent contract under IC 4-33-6.5.
  - (C) A gambling game license under IC 4-35-5.

(b) An application for a supplier's license shall not be processed by the commission unless the applicant has an agreement with or a statement of intent from a casino licensee or a casino license applicant stating that the applicant will be supplying the casino with goods and services upon the applicant receiving a supplier's license. Nothing in this rule prevents a potential applicant from negotiating, prior to application for licensure, with a casino licensee or a casino license applicant to supply goods and services to the casino once the potential applicant has obtained a supplier's license.

(c) The following persons or business entities are required to hold a supplier's license:

- (1) The gaming operations manager if the manager is a business entity. If the gaming operations manager is an individual, the applicant shall hold a Level 1 occupational license. All employees of a gaming operations manager who have any duty, authority, or function relating directly or indirectly to a casino gambling operation will be required to hold an occupational license in accordance with 68 IAC 2-3-1.
- (2) All manufacturers of:
  - (A) electronic gaming devices;



- (B) chips;
- (C) tokens;
- (D) cards;
- (E) dice;
- (F) roulette wheels;
- (G) keno balls;
- (H) keno ball or number selection devices;
- (I) shuffling devices; and
- (J) any other equipment that the commission determines directly affects gaming;

shall be licensed as a supplier. All suppliers under this subdivision shall be manufacturers of the devices listed in this subdivision.

(3) A supplier of gaming equipment maintenance or repair.

(4) A supplier of security services, security systems, and surveillance systems.

(5) A lessor of a riverboat or dock facilities, or both, unless the lessor of the riverboat or dock facilities, or both, is a county, municipality, or political subdivision.

(6) A supplier of goods or services where payment is calculated on a percentage of a casino gambling operation's revenues.

(7) Any other purveyor of goods or services to a casino gambling operation that the commission deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.

(d) The applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 application for occupational license under 68 IAC 2-3-1.

(e) A supplier licensee shall continue to maintain suitability for licensure. The supplier licensee is subject to action by the commission, including, but not limited to:

- (1) suspension;
- (2) revocation;
- (3) restriction; and
- (4) nonrenewal;

under IC 4-33, IC 4-35, and this title.

(f) A supplier licensee shall not distribute gaming supplies and equipment that do not conform to the standards for gaming supplies and equipment set forth in IC 4-33, IC 4-35, and this title.

(g) Casino licensees shall not purchase goods or services covered by this rule from a person who does not hold a supplier's license issued by the commission.

(h) A manufacturer of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, or any other equipment that the commission determines directly affects gaming shall not be paid by a casino licensee based:

- (1) on a percentage of the revenue received from the use of the gaming equipment; or
- (2) upon the amount of play or use that the gaming equipment receives.

*(Indiana Gaming Commission; 68 IAC 2-2-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Oct 22, 1997, 8:45 a.m.: 21 IR 922; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1060; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 23, 2008, 1:32 p.m.: 20090121-IR-068080327FRA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

### **68 IAC 2-2-2 Application fees**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 2. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

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LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT

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(b) An applicant for a supplier's license must pay a nonrefundable application fee in the amount of five thousand dollars (\$5,000). The application fee must be submitted with the supplier's license application.

(c) The application fee shall be utilized to conduct the background investigation of an applicant. If the cost of the background investigation relating to the applicant exceeds the application fee set forth in this rule, the executive director shall inform the applicant that it must pay an additional fee. Once an applicant is directed to submit an application fee in excess of the five thousand dollar (\$5,000) fee set forth in this rule, the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for licensure nor submit that report to the commission for consideration until the applicant has paid the additional fee. (*Indiana Gaming Commission; 68 IAC 2-2-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 489; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-3 Supplier's license fees**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-7-1; IC 4-35

Sec. 3. (a) All fees shall be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) The supplier licensee shall remit the supplier's license fee described in IC 4-33-7-1(a) upon notification by the commission of suitability for licensure.

(c) The supplier's license:

(1) is valid for a period of one (1) year; and

(2) may be renewed annually upon compliance with section 8 of this rule.

(*Indiana Gaming Commission; 68 IAC 2-2-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 489; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1020; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-4 Applications**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 4. (a) An applicant must complete and submit the information and written documents that the commission requires on its application forms.

(b) Application procedures shall be as follows:

(1) An applicant must submit one (1) bound and one (1) electronic copy of the supplier's license application and requested attachments.

(2) Submission of all necessary occupational license forms as required by section 6.1 of this rule.

(3) An application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.

(4) The applicant must file its completed supplier's license and occupational license applications in the commission's office in Indianapolis, Indiana.

(c) An applicant may not withdraw an application for a supplier's license without leave of the executive director or commission. The executive director or commission shall grant a request for leave to withdraw a supplier's license if received prior to commission action on licensure under this rule unless a withdrawal is not in the best interest of the state of Indiana and the gaming industry.

(d) Any misrepresentation or omission made with respect to the supplier's license application may be grounds for denial of the application. (*Indiana Gaming Commission; 68 IAC 2-2-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 490; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1020; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-*

068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-2-5 Licensing process**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 5. An application for a supplier's license shall be subject to the following process:

- (1) Applicant must submit a complete application, including an application fee and all required attachments.
- (2) The commission shall begin investigating the applicant.
- (3) The commission may issue a temporary supplier's license in accordance with section 5.1 of this rule.
- (4) Upon completing its investigation of the applicant, the commission shall vote to grant or deny the application.
- (5) If the commission grants the application, it shall issue a permanent supplier's license.
- (6) The commission may require different or additional licensing procedures to ensure compliance with IC 4-33, IC 4-35, and this title.

*(Indiana Gaming Commission; 68 IAC 2-2-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 490; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1021; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-2-5.1 Temporary license**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33-7-3; IC 4-35

Sec. 5.1. (a) After the commission receives a completed application, an application fee, and an agreement or statement of intent indicating that a casino licensee or casino license applicant will utilize the applicant for the provision of goods and services listed in section 1 of this rule, the commission shall obtain the applicant's fingerprints at a time and place directed by the executive director.

(b) If the application or a criminal history check completed by an enforcement agent, or both, does not reveal that the applicant:

- (1) has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States; or
- (2) fails to meet the statutory criteria set forth in IC 4-33-7-3;

the commission may issue the applicant a temporary license.

(c) The temporary supplier's license shall:

- (1) be on a form prescribed by the commission; and
  - (2) meet the specifications set forth in section 6 of this rule.
- (d) An applicant who receives a temporary license may supply a casino licensee with goods and services until:
- (1) a permanent license is issued; or
  - (2) the temporary license is withdrawn.

(e) A temporary supplier's license shall not be transferred.

(f) If an applicant fails to provide or ceases providing a casino licensee with goods or services, the applicant shall:

- (1) advise the commission immediately; and
- (2) return the temporary license to the commission.

Failure to advise the commission that the applicant has failed to begin or has ceased providing a casino licensee with goods and services is grounds for the commission to withdraw the temporary supplier's license and deny licensure in the future.

(g) Procedures for the withdrawal of a temporary supplier's license include, but are not limited to, the following:

- (1) The executive director, upon written notice to the applicant and the casino licensee who has signed a statement of intent, may withdraw a temporary supplier's license if the executive director determines that the background investigation reveals that the applicant is not suitable for licensure.

(2) If an applicant's temporary supplier's license is withdrawn, the applicant shall not be permitted to provide any casino licensee with any goods or services listed in section 1 of this rule.

(3) If the executive director withdraws an applicant's temporary supplier's license, the executive director shall immediately forward the application to the commission for commission action.

(4) The applicant may seek to voluntarily withdraw its application for a supplier's license in accordance with section 4(c) of this rule before the commission acts in response to a withdrawal of the applicant's temporary supplier's license.

(h) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and the application during the temporary license period, during which time the commission will conduct its investigation.

(i) The commission may place restrictions or conditions on a temporary supplier's license. The applicant shall comply with any restrictions or conditions prior to the commission issuing a permanent supplier's license. These restrictions or conditions may include, but are not limited to, the following:

(1) That the supplier licensee begin supplying a casino gambling operation within a prescribed period of time.

(2) That the supplier licensee demonstrate to the commission that the goods or services the supplier licensee will provide to a casino gambling operation are in compliance with IC 4-33, IC 4-35, and this title.

*(Indiana Gaming Commission; 68 IAC 2-2-5.1; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

#### **68 IAC 2-2-5.2 Insurance**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 5.2. A supplier licensee must obtain or maintain, or both, insurance in a minimum amount determined by the commission. The supplier licensee shall obtain or maintain, or both, the following types of insurance:

(1) Liability.

(2) Casualty.

(3) Capital loss.

(4) Fire.

(5) Theft.

(6) Worker's compensation insurance.

(7) Any other type of insurance the commission deems necessary to ensure the supplier licensee is adequately insured.

After the commission issues a temporary supplier's license to the applicant, the commission shall direct the executive director to advise the applicant, in writing, of the amount of insurance that the applicant must obtain or maintain, or both. The supplier licensee is under a continuing duty to maintain the prescribed amount of insurance. Failure to comply with this section may result in the revocation of a temporary supplier's license, the denial of the issuance of a permanent supplier's license, or a disciplinary action under 68 IAC 13. *(Indiana Gaming Commission; 68 IAC 2-2-5.2; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

#### **68 IAC 2-2-5.3 Issuance of a permanent license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-7-3; IC 4-35

Sec. 5.3. (a) The applicant shall meet the following standards, qualifications, or criteria to be issued a permanent supplier's license:

(1) The applicant must qualify to receive a supplier's license under IC 4-33-7-3.

(2) The applicant's key persons and substantial owners must qualify to receive Level 1 occupational licenses under IC 4-33-8 and 68 IAC 2-3.

(3) The applicant, in the case of an individual, or the applicant's substantial owners must be twenty-one (21) years of age.

(4) The applicant must demonstrate a level of:

(A) skill;

- (B) experience;
- (C) knowledge; and
- (D) ability;

necessary to supply the goods or services that the applicant seeks to provide.

(5) The applicant must not have been convicted of any offense for a violation of a gaming law in any jurisdiction.

(6) The applicant must not appear on the exclusion list of any jurisdiction for having violated a rule of gaming.

(7) An applicant who will supply a casino with alcoholic beverages or other goods or services requiring an additional permit or certificate from any state government or the federal government must hold the appropriate permit or certificate from the appropriate governmental entity.

(8) The applicant or the applicant's substantial owners must be in substantial compliance with all state and federal tax laws.

(9) An applicant must meet any other standard that the commission deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.

(b) The supplier licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent supplier's license. If a supplier licensee fails to:

- (1) adhere to these conditions or restrictions; or
- (2) maintain suitability for licensure;

the executive director or commission may initiate a disciplinary action under 68 IAC 13.

(c) Action of the commission to issue a permanent supplier's license shall be as follows:

(1) After the completion of the background investigation, if the commission finds that an applicant is suitable to receive a supplier's license, the commission shall direct the executive director to issue the applicant a permanent supplier's license upon the payment of the license fee under section 3 of this rule. The permanent license shall be on a form prescribed by the commission and shall meet the specifications set forth in section 6 of this rule. If the applicant's license fee is not received by the commission within ten (10) days after the date of the mailing of the notification of the applicant's suitability for licensure to the applicant, the executive director shall:

- (A) withdraw the applicant's temporary supplier's license; and
- (B) notify the commission that the temporary supplier's license has been withdrawn.

(2) If the commission determines that the applicant is not suitable to receive a supplier's license, the commission shall direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail.

*(Indiana Gaming Commission; 68 IAC 2-2-5.3; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

### **68 IAC 2-2-6 Supplier's license requirements**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 6. (a) The temporary and permanent supplier's licenses shall be on forms prescribed by the commission and shall display the following:

- (1) The applicant's name and business address.
- (2) The supplier's license number assigned by the commission.
- (3) The signature of the executive director of the commission.
- (4) The date the supplier's license was issued.
- (5) The date that the license will expire.
- (6) Any other information the commission deems necessary to identify the supplier licensee, and any conditions or restrictions that are placed on the supplier license.

(b) A fee of ten dollars (\$10) shall be:

- (1) paid to the commission for any necessary replacement of a temporary or permanent supplier's license; and
- (2) assessed each time a supplier licensee obtains a replacement temporary or permanent license.

(c) The temporary and permanent supplier's licenses shall remain the property of the commission at all times. The commission may:

- (1) revoke;
- (2) suspend;
- (3) cancel; or
- (4) restrict;

the supplier's license under 68 IAC 13.

(d) The supplier licensee shall provide a true and accurate copy of the license to each casino licensee to whom the supplier licensee provides goods and services. The casino licensee shall maintain a true and accurate copy of each supplier's license issued to the suppliers from whom the casino licensee obtains goods and services.

(e) The supplier licensee must return the supplier's license and all applicable occupational licenses to the commission if the supplier licensee ceases to provide any casino licensee with the goods or services for which the supplier licensee is licensed to supply or distribute, or both. (*Indiana Gaming Commission; 68 IAC 2-2-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 492; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **68 IAC 2-2-6.1 Occupational licensing**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 6.1. (a) All key persons and substantial owners of supplier licensees and supplier license applicants must obtain a Level 1 occupational license.

(b) An employee, independent contractor, agent, or subagent of a supplier licensee shall obtain a Level 2 occupational license under 68 IAC 2-3 if the executive director or the executive director's designee determines it is necessary. In making that determination, the executive director or the executive director's designee shall consider the:

- (1) frequency and duration of the individual's work in a casino or access to devices or systems that relate to the conduct or integrity of gaming; and
- (2) tasks that the individual will perform as part of the individual's job duties in a casino or while accessing devices or systems that relate to the conduct or integrity of gaming.

(c) If a supplier licensee experiences an unexpected vacancy in a position that requires a Level 1 license, the executive director may grant emergency relief by permitting the supplier licensee to fill the vacancy, for up to thirty (30) days, with an individual who has not submitted a license application. For the executive director to grant emergency relief, the following must occur:

- (1) The supplier licensee must submit a written request that includes, at a minimum:
  - (A) the name of the replacement;
  - (B) the professional qualifications of the replacement;
  - (C) the gaming licensure history of the replacement, including a detailed description of any disciplinary actions or investigations in another jurisdiction; and
  - (D) a detailed explanation of why the replacement must begin his or her job duties prior to submitting an application.
- (2) The executive director shall determine whether:
  - (A) continued vacancy of the position is likely to have a significant detrimental effect on the:
    - (i) profitability of;
    - (ii) integrity of; or
    - (iii) tax revenues gained from;
  - gaming; and
  - (B) based on the information available at the time, the replacement is likely to be deemed suitable for licensure following submission of an application and a full investigation.

(d) Except as outlined in this section, occupational licensing of an employee, independent contractor, agent, or subagent of a supplier licensee shall be governed by 68 IAC 2-3. (*Indiana Gaming Commission; 68 IAC 2-2-6.1; filed May 22, 1997, 11:10 a.m.: 20 IR 2698; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-*

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**68 IAC 2-2-7 Reapplication for denied license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 7. A person whose application for a supplier's license has been denied may not reapply for a supplier's license for a period of one (1) year from the date on which the commission voted to deny his or her application, unless the commission grants leave. The commission may grant leave for reapplication if the applicant can demonstrate that the reason the original application was denied no longer exists or bars suitability for licensure. (*Indiana Gaming Commission; 68 IAC 2-2-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-8 Renewal**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-7-8; IC 4-35

Sec. 8. (a) A supplier licensee must renew its license annually. If a supplier licensee fails to request renewal of the license before the expiration of one (1) year from issuance, then the license expires.

(b) A supplier licensee must:

(1) request renewal of the license on a form prescribed by the commission; and

(2) complete the form and provide the commission with any information or documents that the commission deems necessary.

The form requesting renewal of the supplier's license must be submitted with the annual renewal fee under IC 4-33-7-8. The commission may perform a background investigation on any supplier licensee seeking renewal of the license. The cost of any investigation shall be charged to the supplier licensee.

(c) The commission may refuse to renew a supplier's license if the supplier licensee no longer meets the requirements set forth in this rule and IC 4-33-7. (*Indiana Gaming Commission; 68 IAC 2-2-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-9 Duty to maintain suitability; duty to disclose; transfer of supplier's license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-7; IC 4-35-6

Sec. 9. (a) All supplier licensees have a continuing duty to maintain suitability for licensure. A supplier's license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Casino licensees shall notify the commission that a supplier licensee is in violation of the requirements of IC 4-33, IC 4-35, or this rule if the casino licensee is aware of a violation.

(c) A supplier licensee must notify the commission of any changes in the information submitted in the application or any condition that renders the supplier licensee ineligible to hold a supplier's license.

(d) A supplier licensee must notify the executive director or the executive director's designee within ten (10) days of any change, to the extent known, in its relationship with or the employment status of its employees, independent contractors, agents, or subagents who are subject to occupational licensing under section 6.1 of this rule.

(e) The commission shall not transfer a supplier's license unless the transfer complies with 68 IAC 5. (*Indiana Gaming Commission; 68 IAC 2-2-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-9.5 Records**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 9.5. (a) This rule applies to all supplier licensees and applicants.

(b) All supplier licensees and applicants shall maintain, in a place secure from theft, loss, or destruction, adequate records of business operations. These records shall be held for at least five (5) years and shall include, but not be limited to, the following:

- (1) All correspondence with or reports to the commission or to any local, state, or federal government agency.
- (2) All financial statements or financial records of the supplier licensee or applicant.
- (3) All records pertaining to products or services supplied by the supplier licensee or applicant to casino licensees or casino license applicants.
- (4) All correspondence with casinos licensed under IC 4-33 or IC 4-35.
- (5) Documentation relating to order, shipment, or receipt or provision of merchandise or services sold or provided under IC 4-33, IC 4-35, or this title.
- (6) Personnel files on each employee of the supplier licensee or applicant, including sales representatives.
- (c) All supplier licensees and applicants must produce the original or a copy, or both, of any records requested by the commission, enforcement agents, or persons authorized by the commission.

(d) No original book, record, or document that is required to be maintained by this section may be destroyed without prior approval of the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 2-2-9.5; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-10 Disciplinary action**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 10. (a) The commission may take any action against a supplier licensee at any time, including, but not limited to:

- (1) revocation;
- (2) restriction; or
- (3) suspension;

of a supplier's license at any time that the commission determines the supplier licensee is in violation of IC 4-33, IC 4-35, or this rule.

(b) If the executive director or the commission determines that a supplier licensee is in violation of IC 4-33, IC 4-35, or this rule, the executive director or the commission may initiate a disciplinary proceeding to:

- (1) revoke;
- (2) restrict; or
- (3) suspend;

the supplier's license under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-2-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-11 Request for hearing on notice of denial or nonrenewal of supplier's license**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 11. (a) An applicant or supplier licensee who is served with a notice of denial or nonrenewal under this rule may request a hearing under 68 IAC 7.

(b) If the applicant does not request a hearing, the notice of denial or nonrenewal becomes the final order of the commission



denying the application for a supplier's license or not renewing the supplier's license. (*Indiana Gaming Commission; 68 IAC 2-2-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-2-12 Deviation from provisions**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 12. The executive director or the commission may approve deviations from the provisions of this rule upon written request if the executive director or commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of this rule;
  - (B) are in the best interest of the public and the gaming industry; and
  - (C) do not violate IC 4-33 or IC 4-35.

(*Indiana Gaming Commission; 68 IAC 2-2-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 21, 2010, 2:21 p.m.: 20100818-IR-068100052FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 3. Occupational Licenses**

**68 IAC 2-3-1 Occupational license required**

Authority: IC 4-33-4-1; IC 4-33-4-2  
Affected: IC 4-33-8-1

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Applicant" means an applicant for an occupational license.
- (2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(b) This rule is applicable to full-time and part-time employees or potential employees of a riverboat licensee or a riverboat license applicant.

(c) The following persons are required to hold an occupational license:

- (1) A person employed by the riverboat gambling operation and whose duties are to be performed on the riverboat.
- (2) All security personnel.
- (3) Managers or supervisory personnel.

(4) Employees whose duties are performed off the riverboat and whose duties include the handling of money or performing accounting and auditing functions that involve money obtained as a result of gaming or other operations aboard the riverboat.

(d) An employee whose duties are to be performed at the dock site facilities only is not required to hold an occupational license, unless the employee's duties are described in subsection (c).

(e) An occupational license, Level 1 is the highest level of occupational license. An occupational licensee may perform any activity included within the occupational licensee's level of occupational license or any lower level of occupational license.

(f) An employee of a riverboat gambling operation who does not hold an occupational license shall not perform any duties on the riverboat at any time.

(g) A person under twenty-one (21) years of age shall not hold an occupational license of any level.

(h) An application for an occupational license shall not be processed by the commission unless the applicant has an agreement or a statement of intent with a riverboat licensee or a riverboat license applicant that the applicant will be employed upon receiving the appropriate occupational license.

(i) Occupational license, Level 1, includes the following positions or their equivalent:

- (1) Audit manager.
  - (2) Casino manager.
  - (3) Chief of security.
  - (4) Chief of surveillance.
  - (5) Chief financial officer or controller, or both.
  - (6) Electronic data program manager.
  - (7) Gaming operations manager not required to hold a supplier's license under 68 IAC 2-2.
  - (8) Electronic gaming device manager.
  - (9) Table games manager.
  - (10) General manager.
  - (11) Support operations manager.
  - (12) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 1.
- (j) The following employees shall obtain an occupational license, Level 2:
- (1) Security personnel and surveillance personnel.
  - (2) Any employee of a riverboat gambling operation whose duties are performed on the riverboat and whose employment duties affect gaming.
  - (3) Any employee of a riverboat gambling operation whose duties are performed on or off the riverboat and whose employment duties affect the flow of money obtained as a direct result of gaming operations or other operations aboard the riverboat.
  - (4) Any employee of a riverboat gambling operation whose duties include accounting and auditing functions and whose duties relate to money obtained as a result of gaming or other operations aboard the riverboat.
  - (5) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 2.
- (k) The following employees shall obtain an occupational license, Level 3:
- (1) Any employee of a riverboat gambling operation whose duties are performed on a riverboat and who are not employees described in subsection (i) or (j).
  - (2) The crew members responsible for operating and navigating the riverboat.
  - (3) Instructors of an occupational training school under 68 IAC 2-5.
  - (4) Any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, to hold an occupational license, Level 3.

*(Indiana Gaming Commission; 68 IAC 2-3-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 493; filed Aug 20, 1997, 7:11 a.m.: 21 IR 8; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-3-1.1 Surveillance department requirements**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-8-4  
Affected: IC 4-33-6

Sec. 1.1. (a) Members of the surveillance department shall report to the surveillance manager. The surveillance manager must report to a corporate office.

(b) The surveillance manager shall not be responsible for overseeing any other department. *(Indiana Gaming Commission; 68 IAC 2-3-1.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 9; errata, 21 IR 399; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-3-1.5 Management of riverboat gambling operations**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-8-4  
Affected: IC 4-33-6

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Sec. 1.5. (a) An individual applying for an occupational license, Level 1, to manage a riverboat gambling operation is subject to background inquiries and requirements similar to those required for an applicant for a riverboat owner's license under IC 4-33-6 and 68 IAC 2-1.

(b) Each individual applying for an occupational license, Level 1, to manage a riverboat gambling operation may manage gambling operations for only one (1) riverboat licensee. (*Indiana Gaming Commission; 68 IAC 2-3-1.5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-2 Application fees**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-2

Sec. 2. (a) The riverboat licensee or a riverboat license applicant must pay a nonrefundable application fee for its potential riverboat employees in the following amounts:

(1) Occupational license, Level 1, one thousand dollars (\$1,000).

(2) Occupational license, Level 2, two hundred dollars (\$200).

(3) Occupational license, Level 3, seventy-five dollars (\$75).

(b) A supplier licensee may be required to pay the nonrefundable application fees on behalf of its employees that require an occupational license of any level.

(c) All fees must be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana. The riverboat licensee or a riverboat license applicant may pay the application fee for more than one (1) employee with one (1) check.

(d) The riverboat licensee may seek reimbursement of the application fee from the occupational licensee.

(e) The application fee shall be utilized to conduct the background investigation of an applicant. The application fee of an applicant for an occupational license may be increased to the extent that the cost of the background investigation relating to that applicant exceeds the application fee set forth in subsection (a). The riverboat licensee or a riverboat license applicant shall be advised by the executive director, in writing, that an additional application fee is required with respect to a particular potential riverboat employee. The letter shall direct the riverboat licensee or the riverboat license applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once a riverboat licensee or a riverboat license applicant is directed to submit an application fee in excess of the amount set forth in subsection (a), no further steps shall be taken with respect to the application until the increased application fee is paid by the riverboat licensee or the riverboat license applicant. (*Indiana Gaming Commission; 68 IAC 2-3-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 494; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-3 Occupational license fees**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-2

Sec. 3. (a) The following annual occupational license fees must be submitted by the riverboat licensee for whom the occupational licensee shall be employed prior to the issuance of the permanent occupational license:

(1) Occupational license, Level 1, one hundred dollars (\$100).

(2) Occupational license, Level 2, fifty dollars (\$50).

(3) Occupational license, Level 3, twenty-five dollars (\$25).

(b) A supplier licensee may be required to pay the annual occupational license fees on behalf of its employees that require an occupational license of any level.

(c) All fees must be submitted to the commission in the form of a certified check or cashier's check made payable to the state of Indiana. The riverboat licensee may pay the occupational license fee for more than one (1) employee with one (1) check.

(d) The riverboat licensee may require that the occupational licensee reimburse the riverboat licensee for the annual licensing

fee.

(e) The occupational license shall be valid for a period of one (1) year. The occupational license may be renewed annually upon the payment of the proper annual licensing fee set forth in subsection (a) and compliance with section 8 of this rule. (*Indiana Gaming Commission; 68 IAC 2-3-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 495; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-3-4 Applications**

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-8-5

Sec. 4. (a) An applicant for an occupational license must complete and submit the appropriate form prescribed by the commission. The applicant must complete and submit the requisite number of copies set forth in subsections (d) through (f).

(b) Application procedures shall be as follows:

(1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.

(2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(3) An applicant for an occupational license, Level 1 must submit three (3) bound and two (2) unbound copies of the Personal Disclosure Form 1 and requested materials to the commission office in Indianapolis, Indiana.

(4) An applicant for an occupational license, Level 2 or 3 must submit the original application and all requested materials to the commission agent at the commission office located at the appropriate riverboat's dock site.

(5) An applicant for any level of occupational license must submit a photograph taken within three (3) months of its submission and must be fingerprinted at a time and place designated by the executive director.

(6) An application shall be deemed filed when the completed application form, including all required documents, materials, photograph, and the application fee have been submitted. To constitute a completed application, the riverboat licensee or the riverboat license applicant that will hire the applicant must stamp the front page of an application with the riverboat licensee's or riverboat license applicant's logo and the riverboat licensee, riverboat license applicant, or its authorized agent must sign the front page of the application. The front page of an occupational license must not be stamped and signed by a riverboat licensee or riverboat license applicant unless the riverboat licensee or riverboat license applicant has offered the applicant for an occupational license employment aboard the riverboat. A background investigation will not be initiated by the commission until a completed application is received by the commission.

(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(c) An application for an occupational license may be withdrawn without leave of the commission if written notification of withdrawal is submitted prior to commission action on licensure under section 5 of this rule and unless the intended withdrawal is objected to by the executive director. If the executive director objects to the withdrawal of an application for an occupational license, the commission shall determine if the application may be withdrawn.

(d) An applicant for an occupational license, Level 1 must complete and submit three (3) bound and two (2) unbound copies of Personal Disclosure Form 1. Personal Disclosure Form 1 shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

(6) A photograph taken within three (3) months of submission of the application.

(7) A copy of the applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization

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papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.

(8) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.

(9) Familial information and marital history.

(10) Citizenship information.

(11) Military history and information.

(12) Educational history.

(13) Vocational or employment training programs.

(14) Criminal history of the applicant and the applicant's immediate family.

(15) Confidential tax return information and documents.

(16) Confidential financial and business information.

(17) Information regarding any litigation involving the applicant or the applicant's immediate family, or both.

(18) Appropriate waivers and affidavits.

(19) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(e) An applicant for an occupational license, Level 2 must complete and submit one (1) copy of the application for occupational license, Level 2. The occupational license, Level 2 application shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

(6) A photograph taken at the time of submission of the application.

(7) A copy of the applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.

(8) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.

(9) Familial information and marital history.

(10) Citizenship information.

(11) Military history and information.

(12) Educational history.

(13) Vocational or employment training programs.

(14) Criminal history of the applicant and the applicant's immediate family.

(15) Confidential tax return information and documents.

(16) Confidential financial and business information.

(17) Information regarding any litigation involving the applicant or the applicant's immediate family, or both.

(18) Appropriate waivers and affidavits.

(19) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(f) An applicant for an occupational license, Level 3 must complete and submit one (1) copy of the application for occupational license, Level 3. The application for an occupational license, Level 3 shall be on a form prescribed by the commission and shall include the following information and documents:

(1) The applicant's name, address, and telephone number.

(2) The applicant's Social Security number.

(3) The information specified in IC 4-33-8-5.

(4) Employment history.

(5) Educational history.

(6) Two (2) sets of the applicant's fingerprints taken by the commission at a time and place designated by the executive director.

- (7) A photograph taken at the time of the submission of the application.
- (8) A copy of applicant's birth certificate. If a birth certificate is not available, the applicant must submit naturalization papers or a copy of a letter from the applicant to the appropriate government agency requesting the birth certificate.
- (9) Physical characteristics, including build, complexion, and any distinguishing marks, including scars and tattoos.
- (10) The applicant's criminal history.
- (11) Appropriate waivers and affidavits.
- (12) Any other information or documents that the commission deems necessary to ensure the applicant meets the licensing criteria set forth in the Act and this title.

(g) The applicant bears the burden of demonstrating that he or she is suitable for licensure. (*Indiana Gaming Commission; 68 IAC 2-3-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 495; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1023; filed Aug 20, 1997, 7:11 a.m.: 21 IR 9; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **68 IAC 2-3-5 Licensing procedures**

Authority: IC 4-33-4-1; IC 4-33-4-2  
Affected: IC 4-33-8-3

Sec. 5. (a) An applicant for an occupational license shall be subject to the following procedures before licensing:

- (1) Application.
- (2) Issuance of a temporary identification badge. The temporary identification badge shall serve as the temporary occupational license until the permanent occupational license has been issued or denied.
- (3) Investigation of the applicant.
- (4) If an applicant for an occupational license, Level 1, 2, or 3 has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the application is automatically denied in accordance with IC 4-33-8-3(2).  
The:
  - (A) executive director shall issue the applicant a notice of denial by certified mail; or
  - (B) enforcement agent who receives the completed application may personally deliver a notice of denial to the applicant.
- (5) Action by the commission.
- (6) Issuance of a permanent identification badge. The permanent identification badge shall serve as the permanent occupational license.
- (7) Different or additional licensing procedures the commission requires of the applicant to ensure the applicant is in compliance with the Act and this title.
  - (b) Procedures for a temporary occupational license shall be as follows:
    - (1) An applicant for an occupational license must submit a completed application that has been stamped and signed by the riverboat licensee, the riverboat license applicant, or its authorized agent to the enforcement agent at the commission's dock site office during times designated by the enforcement agents.
    - (2) Once the enforcement agent has received the completed occupational license application and appropriate fee, the enforcement agent shall obtain the applicant's fingerprints and photograph. If the application or a criminal record check completed by an enforcement agent, or both, does not reveal that the applicant has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the enforcement agent shall issue the applicant a temporary identification badge.
    - (3) An applicant who receives a temporary identification badge may work on a riverboat until a permanent license is issued or the temporary identification badge is revoked.
    - (4) The temporary identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the temporary identification badge shall be different from the color of the permanent identification badge.
    - (5) Temporary identification badges shall be:
      - (A) worn by all occupational licensees during work hours; and

- (B) clearly displayed.
- (6) A fee of ten dollars (\$10) shall be:
  - (A) paid to the commission for any necessary replacement of temporary identification badge; and
  - (B) assessed each time an occupational licensee obtains a replacement temporary identification badge.
- (7) A temporary identification badge shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary badge to the commission.
- (8) Requirements for the revocation of a temporary identification badge shall include the following:
  - (A) The executive director, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary badge if the executive director determines that the background investigation reveals that an applicant is not suitable for licensure.
  - (B) The executive director, or the executive director's designee, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary occupational license if the executive director or the executive director's designee determines that the applicant has violated the Act or this title, or committed a criminal offense in the performance of the applicant's duties for the riverboat licensee.
  - (C) If an applicant's temporary identification badge is revoked:
    - (i) the applicant shall not be permitted to work for any riverboat gambling operation at duties that are to be performed on a riverboat; and
    - (ii) the application shall be forwarded to the commission for action unless the applicant withdraws the application before commission action.
- (9) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and his or her application during the investigation conducted by the commission.
- (c) The applicant shall meet the following standards, qualifications, or criteria to be issued an occupational license of any level:
  - (1) The applicant must possess the qualifications set forth in IC 4-33-8-3.
  - (2) The applicant must demonstrate a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.
  - (3) An applicant whose knowledge, experience, and skill are derived solely from the completion of an occupational training school that is not in compliance with 68 IAC 2-5 shall not be considered to have the requisite skill, experience, or knowledge necessary to conduct gambling games. An applicant who has completed an occupational training school that is not in compliance with 68 IAC 2-5 may be hired if the riverboat licensee will provide the appropriate training.
  - (4) The applicant must not have been convicted of any offense involving violation of a gaming law in any jurisdiction.
  - (5) The applicant's name must not appear on the exclusion list of any jurisdiction.
  - (6) The applicant must never have had a gaming license suspended or revoked in any jurisdiction.
  - (7) An applicant who will serve alcoholic beverages must hold the appropriate permits from the alcoholic beverage commission.
  - (8) An applicant whose duties will be to operate or navigate the riverboat must hold the appropriate licenses or merchant marine documents, or both, from the United States Coast Guard.
  - (9) An applicant who will work on a riverboat that is docked on the waters of Lake Michigan must hold a valid merchant marine document only when required by the United States Coast Guard.
  - (10) An applicant whose duties will be to operate or navigate the riverboat must not have violated any criminal statute involving drugs or alcohol, or both, in any jurisdiction.
  - (11) An applicant must not be currently abusing drugs or alcohol, or both.
  - (12) An applicant must be twenty-one (21) years of age.
  - (13) An applicant must be in substantial compliance with all state and federal tax laws.
  - (14) An applicant must be of good moral character and reputation.
  - (15) An applicant must meet any other standard that the commission deems necessary to ensure compliance with the Act and this title after publication of the standard.
- (d) The commission may place restrictions or conditions on a temporary occupational license. The applicant must comply with these restrictions or conditions before the commission issues an occupational license. These restrictions or conditions may

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include, but are not limited to, the following:

- (1) That the applicant demonstrates a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.
- (2) That the applicant who will serve alcoholic beverages holds the appropriate permits from the alcoholic beverage commission.
- (3) That the applicant who will operate or navigate the riverboat holds the appropriate license or merchant marine documents, or both, from the United States Coast Guard.

The occupational licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent occupational license. If an occupational licensee fails to adhere to these conditions or restrictions or fails to maintain suitability for licensure, the commission may initiate a disciplinary action under 68 IAC 13.

(e) Action of the commission shall be as follows:

(1) After the background investigation has been completed, if the commission finds that the applicant is suitable to receive an occupational license, the commission shall direct the executive director to issue the applicant an occupational license upon the payment of the applicant's occupational license fee. The permanent identification badge shall serve to represent the permanent occupational license. If the applicant's occupational license fee is not received by the commission within ten (10) business days after the date of the mailing of the notification of the applicant's suitability for licensing to the applicant and the riverboat licensee, the executive director shall:

- (A) revoke the applicant's temporary identification badge; and
- (B) notify the commission that the temporary identification badge has been revoked.

(2) If the commission determines that the applicant is not suitable to receive an occupational license, it shall:

- (A) direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail;
- (B) immediately revoke the temporary license; and
- (C) notify the appropriate riverboat licensee of the revocation of the temporary license.

(f) Requirements for a permanent identification badge shall be as follows:

(1) Upon a finding of suitability for licensure, the commission shall issue an occupational license in the form of a permanent identification badge.

(2) The permanent identification badge shall remain the property of the commission at all times. The occupational license may be:

- (A) revoked;
- (B) suspended;
- (C) canceled; or
- (D) restricted;

by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.

(3) Neither the occupational license number nor the permanent identification badge shall be transferred to another person. If the occupational licensee resigns or the occupational licensee's employment is terminated, the occupational licensee shall return the permanent identification badge to the commission.

(4) The permanent identification badge shall be as follows:

(A) A card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the permanent identification badge shall be different from the color of the temporary identification badge.

(B) Worn by all occupational licensees during work hours. Permanent identification badges shall be clearly displayed.

(5) A fee of ten dollars (\$10) shall be:

- (A) paid to the commission for any necessary replacement of a permanent identification badge; and
- (B) assessed each time an occupational licensee obtains a replacement permanent identification badge.

*(Indiana Gaming Commission; 68 IAC 2-3-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 497; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2056; filed May 29, 1998, 5:12 p.m.: 21 IR 3704; errata filed Aug 12, 1998, 3:58 p.m.: 22 IR 125; filed Dec 29, 1998, 10:46 a.m.: 22 IR 1418; errata filed Jan 11, 1999: 3:54 p.m.: 22 IR 1525; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061; filed Sep 30, 2004, 11:00 a.m.: 28 IR 533; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-*



068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-3-6 Identification badge**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33-8

Sec. 6. The identification badge shall be a card of the appropriate color that meets the following requirements:

- (1) The front side of the identification badge shall:
  - (A) be a card bearing the name and logo of the riverboat gambling operation;
  - (B) display the applicant's photograph;
  - (C) display the applicant's first name and job title;
  - (D) display the occupational license number assigned by the commission;
  - (E) display the level of the occupational license; and
  - (F) display the date the identification badge and occupational license were issued and the date that the identification badge and occupational license will expire.
- (2) The back side of the identification badge shall:
  - (A) display the applicant's first name and last name;
  - (B) display the applicant's signature;
  - (C) display the applicant's date of birth;
  - (D) have a magnetic stripe on the bottom of the card that shall be capable of:
    - (i) revealing the applicant's security clearance levels;
    - (ii) tracking the applicant's employment attendance; and
    - (iii) tracking the applicant's ingress and egress on the riverboat through the employee entrances; and
  - (E) display any other information deemed necessary by the commission to identify the occupational licensee, the riverboat of employment, the appropriate level of occupational license, and any conditions or restrictions that have been placed on the occupational license.
- (3) Identification badges shall be constructed so that the badges can be easily affixed to the occupational licensee's clothing.
- (4) The temporary and permanent badges shall remain the property of the commission at all times. The temporary and permanent badges may be:
  - (A) revoked;
  - (B) suspended;
  - (C) canceled; or
  - (D) restricted;

by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.

(5) The temporary and permanent badges shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary or permanent badge to the commission.

*(Indiana Gaming Commission; 68 IAC 2-3-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 499; filed Jun 1, 1998, 2:48 p.m.: 21 IR 3706; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 535; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-3-6.1 Post-licensing policies and procedures**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 6.1. (a) The following policies and procedures are applicable to occupational licensees and the issuance of new badges:

- (1) If an occupational licensee leaves employment with one (1) riverboat licensee and begins employment with a different riverboat licensee, the occupational licensee must undergo a new application process, including the submission of the

application fee in accordance with section 2 of this rule and the license fee in accordance with section 3 of this rule.

(2) If an occupational licensee transfers to a new position on the same riverboat licensee, but remains an occupational licensee of the same level, the ten dollar (\$10) replacement fee for the new identification badge is waived.

(3) If an occupational licensee transfers to a new position with the same riverboat licensee that does necessitate a change in his or her licensure level, the occupational licensee must undergo a new application process, including the submission of the application fee in accordance with section 2 of this rule and the licensure fee in accordance with section 3 of this rule. The ten dollar (\$10) replacement fee for the new identification badge is waived. If a higher level of occupational license is needed, the original application fee will be applied toward the higher application fee and only the difference between the application fees must be submitted.

(4) If an occupational licensee ceases employment with a riverboat licensee, but returns to the same riverboat licensee in the same position within sixty (60) days, the occupational licensee does not have to be reprocessed. The occupational licensee may utilize the original identification badge if it has not been canceled by the commission or otherwise destroyed. If the occupational licensee needs a new identification badge, the ten dollar (\$10) replacement fee must be paid in accordance with section 5 of this rule.

(5) If an occupational licensee ceases employment with a riverboat licensee, but returns to the same riverboat licensee more than sixty (60) days later, the occupational licensee must submit a new application in accordance with section 4 of this rule and a new application fee in accordance with section 2 of this rule.

(6) If an occupational licensee needs to obtain a new identification badge for any of the following reasons, the ten dollar (\$10) replacement fee must be paid in accordance with section 5 of this rule:

- (A) The occupational licensee has lost the identification badge.
- (B) The occupational licensee has destroyed the identification badge.
- (C) The occupational licensee needs a new identification badge due to theft of the previous identification badge.
- (D) The occupational licensee needs a new identification badge due to a name change.

(b) All application fees shall be paid in accordance with section 2 of this rule.

(c) All occupational license fees shall be paid in accordance with section 3 of this rule. (*Indiana Gaming Commission; 68 IAC 2-3-6.1; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2091; errata filed May 7, 1997, 4:00 p.m.: 20 IR 2413; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-3-7 Reapplication for denied license**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3

Sec. 7. (a) A person whose application for an occupational license has been denied may not reapply for an occupational license of the same or higher level for a period of one (1) year from the date on which the commission voted to deny the application without leave of the commission.

(b) A person whose application for an occupational license was denied may seek leave of the commission to reapply within the one (1) year period by addressing the request to the commission through the executive director. The commission may require the applicant to present oral or written argument to the commission outlining why an exception should be made. (*Indiana Gaming Commission; 68 IAC 2-3-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 499; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-3-8 Annual renewal**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-2

Sec. 8. (a) An occupational license must be renewed annually.

(b) An occupational licensee must request renewal of the license on a form prescribed by the commission no less than thirty

(30) days before the expiration of the occupational license. The occupational licensee must complete the form and provide the commission with any information or documents which the commission deems necessary. The form requesting renewal of an occupational license must be submitted with the annual fee under section 3 of this rule. The commission may perform a background investigation on any occupational licensee seeking renewal of the license. The commission may require that all or part of the investigation cost be charged to the occupational licensee.

(c) The commission may refuse to renew an occupational license if the occupational licensee no longer meets the requirements set forth in this rule and IC 4-33-8. (*Indiana Gaming Commission; 68 IAC 2-3-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9 Duty to maintain suitability; duty to disclose**

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33

Sec. 9. (a) All occupational licensees have a continuing duty to maintain suitability for licensure. An occupational license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Riverboat licensees shall notify the commission that an occupational licensee is in violation of the requirements of this rule or IC 4-33 if the riverboat licensee is aware of the violation.

(c) Occupational licensees shall do the following:

(1) Notify the commission of any changes in the information submitted in the application or any information that could render the licensee ineligible to hold an occupational license.

(2) Cooperate with and provide truthful information to enforcement agents and staff during any investigation regarding criminal activity or regulatory violations, or both.

(d) Occupational licensees must notify the commission that a riverboat licensee, a supplier licensee, or an occupational licensee has violated the Act or this title as soon as the occupational licensee becomes aware of the violation. If an occupational licensee fails to notify the commission of a violation of the Act or this title by a riverboat licensee, a supplier licensee, or an occupational licensee, the commission may initiate a disciplinary action. (*Indiana Gaming Commission; 68 IAC 2-3-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; filed Aug 20, 1997, 7:11 a.m.: 21 IR 11; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 535; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9.1 Duty to update information**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9.1. (a) All occupational licensees must submit, in writing, to the enforcement agent the following information:

(1) Name changes.

(2) Change of home address.

(3) Change of home telephone number.

(4) The filing of a bankruptcy by the occupational licensee.

(5) That the occupational licensee has been arrested for, indicted of, charged with, convicted of, or plead guilty to any felony or misdemeanor offense.

(6) Any other information that would affect the occupational licensee's suitability to maintain a license under the Act or this rule.

(b) The written document setting forth the information required by subsection (a) must:

(1) set forth the name and occupational license number of the individual; and

(2) be submitted within ten (10) calendar days of the change or the occurrence of the event.

(*Indiana Gaming Commission; 68 IAC 2-3-9.1; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-*

068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-3-9.2 Riverboat licensee's duty to update commission**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9.2. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees must advise the enforcement agent, on a form prescribed or approved by the commission, when one (1) of the following events occurs with an occupational licensee:

(1) The occupational licensee's employment with the riverboat licensee is terminated for any reason.

(2) The occupational licensee:

(A) is suspended by the riverboat licensee;

(B) is on a leave of absence; or

(C) transfers to another position with the riverboat licensee.

(c) The form utilized by the riverboat licensee to report the information set forth in subsection (b) must provide, at a minimum, the following information:

(1) The:

(A) name;

(B) address;

(C) telephone number; and

(D) occupational license number;

of the occupational licensee.

(2) The marital status of the occupational licensee.

(3) The date the change or action will take effect.

(4) The job title and position of the occupational licensee affected.

(5) The reason for the change or action taken.

(6) If the occupational licensee was terminated:

(A) whether the termination was voluntary or involuntary; and

(B) whether or not the riverboat licensee collected the identification badge from the occupational licensee.

(7) The:

(A) signature of the individual completing the form for the riverboat licensee; and

(B) date on which the form was completed.

The form must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.

(d) Riverboat licensees must collect the identification badge issued by the commission to an occupational licensee when the occupational licensee's employment with the riverboat licensee is terminated for any reason. All identification badges collected by the riverboat licensee must be turned over to an enforcement agent within seven (7) days. (*Indiana Gaming Commission; 68 IAC 2-3-9.2; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2313; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9.3 Prohibited activities**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9.3. No occupational licensee may:

(1) loan money to a patron;

(2) purchase an item from a patron;

(3) pawn an item for a patron;

(4) cash a check for a patron; or

(5) assist the patron;  
in any manner not authorized by this title, in obtaining chips, tokens, cash, or cash equivalents with which the patron may place a wager. (*Indiana Gaming Commission; 68 IAC 2-3-9.3; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2314; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9.4 Restrictions on gaming by persons associated with a casino licensee**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 9.4. (a) For purposes of subsection (b), a person has an ownership interest if the person holds an ownership interest of:

- (1) one percent (1%) or more of a casino licensee that is publicly traded as defined in 68 IAC 5-1-1(b)(2); or
- (2) any percentage in a casino licensee that is not publicly traded.

(b) No:

- (1) key person of;
- (2) person holding an ownership interest in;
- (3) employee of; or
- (4) occupational licensee associated with;

a casino licensee may participate in a game conducted by the casino licensee that is the subject of the person's association; purchase or redeem chips or tokens for any other person at a casino that is the subject of the person's association; or give another individual chips, tokens, cash, or cash equivalents to have the other individual place a wager on his or her behalf. (*Indiana Gaming Commission; 68 IAC 2-3-9.4; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9.5 Restrictions on gaming by persons associated with a supplier licensee**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 9.5. No occupational licensee employed by or associated with a supplier licensee may play any game at any casino. (*Indiana Gaming Commission; 68 IAC 2-3-9.5; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-9.6 Restrictions on promotional events for immediate family of occupational licensees**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 9.6. (a) For purposes of this section, "promotion-related" means that a person is employed in one (1) of the following departments:

- (1) Information technology.
- (2) Marketing.
- (3) Promotions administration.
- (4) Surveillance.
- (5) Any other department that the commission determines may affect the outcome of a promotional event.

(b) An immediate family member of a Level 1 or promotion-related Level 2 occupational licensee is not eligible to win a prize in a commission approved promotional event:

- (1) at the casino where the Level 1 or promotion-related Level 2 occupational licensee is employed; and
- (2) if the dollar value of the prize to be awarded is more than one thousand dollars (\$1,000);

unless the promotional event is a bona fide contest of skill judged by persons not affiliated with the casino licensee. (*Indiana Gaming Commission; 68 IAC 2-3-9.6; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA; readopted filed Nov 26, 2013,*

3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-3-10 Restriction, revocation, or other action regarding the occupational license**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-8

Sec. 10. (a) The commission may take action, including, but not limited to, revocation, suspension, or restriction of an occupational license at any time that the commission determines the occupational licensee is in violation of the Act or this rule.

(b) If the commission determines that an occupational licensee is in violation of this rule or IC 4-33-8, the commission may initiate a disciplinary proceeding to revoke, restrict, or take any other disciplinary action with respect to the occupational license pursuant to 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-3-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-11 Request for review of or hearing on notice of denial or nonrenewal of occupational license**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 11. (a) An applicant who is served with a notice of denial under section 5 of this rule or nonrenewal under section 8 of this rule may request a waiver of the requirements of IC 4-33-8-3 under 68 IAC 2-4 or a hearing on the notice of denial or nonrenewal under 68 IAC 7.

(b) If the applicant does not request a waiver or a hearing on the notice of denial or nonrenewal, the denial or nonrenewal becomes the final order of the commission denying the application for an occupational license. (*Indiana Gaming Commission; 68 IAC 2-3-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3-12 Waiver, alteration, or restriction of requirements**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-2; IC 4-33-8-7

Sec. 12. The commission may waive, alter, or restrict any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. (*Indiana Gaming Commission; 68 IAC 2-3-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 3.5. Junket Operations**

**68 IAC 2-3.5-1 Junket operator registration**

Authority: IC 4-33-4-3; IC 4-35-4-2; IC 4-35-4-3

Affected: IC 4-33; IC 4-35

Sec. 1. (a) "Junketeer" means an individual who:

- (1) is a substantial owner, key person, employee, or agent of a junket operator; and
- (2) conducts business with at least one (1) Indiana casino on behalf of a junket operator.

(b) "Junket operator" means a person whose compensation is determined by:

- (1) how much a person either wagers or loses; or
- (2) an estimate by the casino licensee or gaming operations manager as to the potential amount a patron will wager or lose.

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(c) In order to conduct business with an Indiana casino, a junket operator and a junketeer must hold a certificate of registration issued by the commission.

(d) Applications for a junket operator certificate of registration shall not be considered by the commission unless a casino licensee:

- (1) submits a request to the commission for registration of the junket operator; and
- (2) provides evidence of conducting due diligence regarding the:
  - (A) criminal history;
  - (B) character; and
  - (C) reputation;

of the junket operator and any related junketeer or junketeers.

(e) A casino licensee shall not enter into a business relationship with or compensate a junket operator until the commission notifies the casino licensee in writing that the junket operator has been granted a certificate of registration.

(f) An application for junket operator certificate of registration or junketeer certificate of registration must be on forms prescribed by the commission. An application for a junket operator registration must include the following:

- (1) A nonrefundable application fee of two hundred fifty dollars (\$250) to the commission.
- (2) A nonrefundable application fee of seventy-five dollars (\$75) for each junketeer who wishes to conduct business with Indiana casino licensees.
- (3) A nonrefundable application fee of seventy-five dollars (\$75) for each key person or substantial owner affiliated with the entity wishing to register as a junket operator.

(g) The junket operator shall pay an annual nonrefundable certificate of registration renewal fee of two hundred fifty dollars (\$250) and an annual nonrefundable certificate of registration renewal fee of seventy-five dollars (\$75) for each junketeer, key person, or substantial owner. Payment must be remitted to the commission no less than thirty (30) days prior to the expiration of the junket operator's certificate of registration. Failure to do so may result in denial of a request for certificate of registration renewal. (*Indiana Gaming Commission; 68 IAC 2-3.5-1; filed Dec 23, 2008, 1:32 p.m.: 20090121-IR-068080327FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3.5-2 Operational provisions**

Authority: IC 4-33-4-3; IC 4-35-4-2; IC 4-35-4-3

Affected: IC 4-33; IC 4-35

Sec. 2. (a) A junket operator or junketeer shall not grant the extension of credit on behalf of a casino licensee or collect or attempt to collect a debt owed to a casino licensee.

(b) A casino licensee or affiliate shall only remit payment directly to a registered junket operator.

(c) A junket operator shall submit any additional information requested by the commission. The commission may request the following:

- (1) Criminal history.
- (2) Criminal records.
- (3) Associations with businesses and individuals.
- (4) Business reputation.
- (5) Adverse actions in other jurisdictions.
- (6) Any other information requested by the commission that is necessary for authorizing junket operations and junketeer activities in a manner that complies with the standards set forth in this Act and this title.

(d) A casino licensee shall maintain a junket operator log consisting of the following:

- (1) The name and registration number of the junket operator.
- (2) The name and registration number of the junketeer.
- (3) The name of each patron, whose business is derived by the registered junket operator or junketeer, as well as the date(s) on which each patron is present on casino licensee property.

(*Indiana Gaming Commission; 68 IAC 2-3.5-2; filed Dec 23, 2008, 1:32 p.m.: 20090121-IR-068080327FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3.5-3 Determination of suitability**

Authority: IC 4-33-4-3; IC 4-35-4-2; IC 4-35-4-3

Affected: IC 4-33; IC 4-35

Sec. 3. (a) Junket operators and junketeers shall at all times conduct themselves in a manner that does not compromise the integrity of gaming in Indiana, tarnish the image and reputation of the state of Indiana, or reflect poorly on an Indiana casino licensee or a registered junket operator. In making this determination, the commission may consider the following:

- (1) Criminal records.
- (2) Suspension of licenses, registration certificates, or their equivalent, or any other adverse actions in other jurisdictions.
- (3) Business reputation.
- (4) Associations with businesses and individuals.
- (5) Compliance with gaming laws and regulations in Indiana and other jurisdictions.
- (6) Any other factors as the commission deems appropriate.

(b) A certificate of registration does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for registration. If the commission determines that a registered junket operator or junketeer is no longer suitable, the commission may initiate a disciplinary action to revoke, restrict, suspend, or not renew the junket operator's or junketeer's certificate of registration or take such other action as the commission deems necessary.

(c) If the commission finds a registered junket operator or junketeer to be unsuitable, the registration of such registered junket operator or junketeer is thereupon canceled. A casino licensee shall, upon written notification of a finding of unsuitability, immediately terminate all relationships, direct or indirect, with such junket operator or junketeer. No determination of suitability of a junket operator or junketeer shall preclude a later determination by the commission of unsuitability.

(d) Junket operators and junketeers have a continuing duty to notify the commission of any change in information previously submitted to the commission. Written notification must be submitted within ten (10) calendar days of the change or the occurrence of the event. (*Indiana Gaming Commission; 68 IAC 2-3.5-3; filed Dec 23, 2008, 1:32 p.m.: 20090121-IR-068080327FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-3.5-4 Deviation from provisions**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 4. (a) The executive director or the commission may approve deviations from any procedure or requirement set forth in this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of this rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate IC 4-33 or IC 4-35.

(b) If a person wishes to request a deviation from the provisions of this rule, the person must do so in writing. (*Indiana Gaming Commission; 68 IAC 2-3.5-4; filed Apr 25, 2012, 3:47 p.m.: 20120523-IR-068110275FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 4. Waiver of Convicted Felon Disqualification**

**68 IAC 2-4-1 Coverage of rule**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-21.5-3; IC 4-33-8-3; IC 4-33-8-11; IC 4-35-6.5-3; IC 4-35-6.5-11

Sec. 1. (a) A person who is ineligible for an occupational license under 68 IAC 2-3 because of a felony conviction in accordance with IC 4-33-8-3(2) or IC 4-35-6.5-3(2) may request a waiver under IC 4-33-8-11 or IC 4-35-6.5-11. Upon receipt of



the request for a waiver, the commission shall schedule a review on the request for a waiver. A review under this rule is not an appeal of commission action. A review under this rule must be undertaken before the person may request a hearing on a denial of the person's application for occupational license under 68 IAC 7-1.

(b) A petitioner may request a waiver of the requirements of IC 4-33-8-3 or IC 4-35-6.5-3 only if a casino licensee indicates, in writing, that it would employ the petitioner upon the issuance of a waiver.

(c) A petitioner shall submit the original of a request, pleading, or other written document submitted to the commission or the review officer, or both.

(d) An action involving a request for waiver under this rule must also comply with IC 4-21.5-3. (*Indiana Gaming Commission; 68 IAC 2-4-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **68 IAC 2-4-2 Request for waiver**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-21.5-3; IC 4-33; IC 4-35

Sec. 2. (a) A request for waiver shall meet the following requirements:

(1) Be in writing.

(2) State the petitioner's name, current address, and current telephone number.

(3) State the level of occupational license the petitioner has applied for and the job a casino licensee has offered the petitioner.

(4) State briefly the facts upon which the petitioner will rely to show that the petitioner has been rehabilitated.

(5) The petitioner shall sign, verify, and date the request for a waiver. The verification shall be notarized and shall include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for review and to the best of my knowledge and belief, it is true, complete, and correct."

(b) If the commission has already denied the petitioner's application for an occupational license because of the petitioner's felony conviction, the request for a waiver shall be submitted within ten (10) days after the date of delivery of the notice of denial. A request for a waiver submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked not later than ten (10) days after service of the notice of denial.

(c) The petitioner may submit a request for waiver by:

(1) personal delivery;

(2) certified mail, postage prepaid;

(3) overnight express mail, postage prepaid; or

(4) personal delivery to an enforcement agent.

(d) A request for a waiver shall be submitted to the executive director at the commission's office in Indianapolis, Indiana, unless it is personally submitted to an enforcement agent at the commission's office at the casino or support facilities.

(e) A request for a waiver may be withdrawn only if the commission determines that withdrawal is in the best interest of the public or the gaming industry.

(f) If applicable, if the commission allows a petitioner to withdraw its waiver request, the denial of the petitioner's application for an occupational license becomes a final commission order. (*Indiana Gaming Commission; 68 IAC 2-4-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **68 IAC 2-4-3 Appearances; service**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3; IC 4-33-8-7; IC 4-33-8-11

Sec. 3. A petitioner may represent himself or herself or be represented by an attorney or representative who is in compliance

with 68 IAC 1-6. Service shall be made in accordance with 68 IAC 1-6-4(c). (*Indiana Gaming Commission; 68 IAC 2-4-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-4 Review of a request for waiver**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 4. (a) Upon receipt of a request for waiver, the executive director shall assign one (1) person to serve as the review officer to conduct the review. The executive director, deputy director, and staff members of the commission who are attorneys are eligible to serve as review officers. The petitioner shall be served with a copy of the letter of appointment and such letter shall serve as notice of the pendency of the review.

(b) A review of the request for waiver shall be scheduled by the review officer within ninety (90) days from the receipt of the request for waiver. The review officer shall notify the petitioner in writing of the date, time, and place at which the review will be conducted. (*Indiana Gaming Commission; 68 IAC 2-4-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-5 Discovery procedures for a review of a request for waiver**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-3; IC 4-33-8-11

Sec. 5. (a) The petitioner shall provide the review officer with the following information at least fifteen (15) days before the date of the review:

(1) The name and address of any witness who may be called to testify on behalf of the petitioner.

(2) All documents or other material, whether or not in the possession and control of the petitioner that the petitioner reasonably expects will be necessary to introduce at the review.

(b) The commission, through its investigative teams, may conduct a background investigation of the petitioner. If a background investigation is conducted, a summary of the results of this investigation shall be provided to the review officer and the petitioner. (*Indiana Gaming Commission; 68 IAC 2-4-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-6 Review proceedings**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 6. (a) The burden of proof is at all times upon the petitioner. The petitioner shall have the affirmative responsibility of establishing by a preponderance of the evidence that the petitioner is rehabilitated under IC 4-33-8-11.

(b) Any testimony shall be given under oath or affirmation.

(c) The petitioner may present his or her case. The review officer may question witnesses called by the petitioner. The review officer may then question the petitioner based on the testimony and evidence presented by the petitioner and the information gathered by the investigative teams.

(d) At the discretion of the review officer, the petitioner may present closing argument. The length of the closing argument shall be set by the review officer. (*Indiana Gaming Commission; 68 IAC 2-4-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-7 Rules of evidence during the review**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 7. (a) The hearing need not be conducted according to technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the review officer if it is the best evidence available and has sufficient indicia of trustworthiness and reliability.

(b) The petitioner should, to the fullest extent possible, stipulate all matters that are not or should not be in dispute.

(c) The review officer may take official notice of any generally accepted information or technical or scientific matter within the field of gaming and any other fact that may be judicially noticed by the courts of Indiana. The petitioner shall be informed of any information, matters, or facts so noticed, and shall be given reasonable opportunity to refute such evidence. (*Indiana Gaming Commission; 68 IAC 2-4-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-8 Continuances**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 8. (a) A motion to continue a review must be made at least ten (10) days before the review date unless the requesting party can show good cause.

(b) Continuances may be granted by the review officer upon a showing of good cause.

(c) The review officer may order a continuance of a hearing on the review officer's own initiative. (*Indiana Gaming Commission; 68 IAC 2-4-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-8.7 Interim waivers**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-8-11; IC 4-35-6.5-11

Sec. 8.7. (a) The executive director may issue an interim waiver in accordance with IC 4-33-8-11 or IC 4-35-6.5-11 if all of the following are true:

(1) The petitioner has applied for a waiver.

(2) The petitioner's criminal record allows the commission to issue a waiver under IC 4-33-8-11(f) or IC 4-35-6.5-11(f).

(3) The hearing officer finds that petitioner is rehabilitated in accordance with this rule.

(4) The commission will not hold its next business meeting for a long enough time that the casino licensee will not hold the petitioner's position open pending commission approval of the petitioner's request.

(b) An interim waiver shall afford the petitioner the benefits of a commission-issued waiver until a time that the commission may consider the petitioner's request.

(c) If the executive director issues an interim waiver under this section, the commission shall ratify or reject the interim waiver at the next available commission business meeting. (*Indiana Gaming Commission; 68 IAC 2-4-8.7; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-9 Transmittal of record and recommendation to the commission**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 9. (a) The record shall consist of the following:

- (1) The notice of denial and request for review.
- (2) All evidence received.
- (3) A statement of matters officially noticed.
- (4) A summary of the results of the background investigation.
- (5) The criminal record or criminal history of the petitioner.
- (6) The written recommendations and findings of fact made by the review officer.
- (7) An original transcription or tape of the oral proceedings.

(b) Oral proceedings shall be recorded, at the direction of the review officer, stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings and shall be transcribed at the request of the petitioner or the commission. The requesting party shall pay for the transcript at the prevailing rate. The original transcript, if prepared, shall be filed with the commission. A party that did not order the original transcript may obtain a copy of the transcript after paying the appropriate cost.

(c) At the conclusion of the review, the review officer shall issue to the commission written findings of fact and recommendations. Findings of fact may be based on the evidence presented, matters officially noticed, the criminal record or history of the petitioner, and the results of the investigative teams' background investigations. In determining whether the petitioner has demonstrated rehabilitation, the review officer shall consider the factors set forth in IC 4-33-8-11.

(d) Requirements for a final commission order shall be as follows:

(1) The commission shall issue its order in one (1) of the following manners:

(A) The commission may issue an order by adopting the written findings of fact and recommendations of the review officer without further review.

(B) After a review of the entire record, the commission may render a written order, including the basis for its decision. The commission may adopt the findings of fact and recommendations of the review officer as the final commission order after the review.

(C) The commission may review the request for review of the convicted felon disqualification de novo.

(2) A copy of the final commission order shall be served on petitioner by personal delivery or certified mail.

(3) A final commission order shall become effective upon personal delivery to the petitioner or upon posting of certified mail.

(e) A petitioner who fails to receive an occupational license after a review under this rule may request a hearing under 68 IAC 7. (*Indiana Gaming Commission; 68 IAC 2-4-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 502; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-4-10 Settlement offers**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-11

Sec. 10. (a) The parties may propose settlement offers to the review officer or the commission at any stage of the proceedings where time, the nature of the proceeding, and public interest permit. Such offers may be made at any time prior to the entry of a final order, including prior to the initiation of the proceedings. The review officer or the commission may require that any of the parties to the offer make an oral or written presentation to the review officer or the commission regarding the settlement offer.

(b) Settlement agreements shall meet the following requirements:

(1) Be in writing.

(2) Be signed by the parties to the settlement offer.

(3) Be consistent with the provisions and objectives of the law.

(4) Accurately reflect all the terms of the settlement.

(5) Be served on the commission at the commission's office in Indianapolis, Indiana, by hand delivery, certified mail, or overnight mail.

(6) Be accompanied by a proposed order.

(c) If the commission votes to reject a settlement offer, the chair shall direct the executive director to notify the parties in

writing, by certified mail or personal delivery, that the settlement offer was rejected. The offer and any documents relating to the offer shall not constitute a part of the record. (*Indiana Gaming Commission; 68 IAC 2-4-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-11 Prohibition on ex parte communication**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33-8-11

Sec. 11. A party or its representative shall not communicate directly or indirectly with the review officer regarding any pending matter, except upon notice and opportunity for all parties to participate. A party who has ex parte communication with the review officer may be subject to the sanctions and penalties set forth in section 12 of this rule. (*Indiana Gaming Commission; 68 IAC 2-4-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-4-12 Sanctions and penalties**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33-8-11

Sec. 12. (a) The review officer may impose sanctions and penalties if the review officer finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include, but are not limited to, default judgment or directed finding on one (1) or more issues, or a fine.

(b) If a petitioner fails to testify on his or her own behalf with respect to any question propounded to him or her, the review officer may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.

(c) If the petitioner fails to answer a subpoena or refuses to testify fully at the request of the commission, such failure may be deemed independent grounds for a finding that the petitioner should have been denied a license. The review officer may also infer therefrom that such testimony would have been adverse to the petitioner.

(d) The unexcused failure of the petitioner to appear at a review shall constitute an admission of all matters and facts contained in the notice of denial. In such case, the review officer may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner. (*Indiana Gaming Commission; 68 IAC 2-4-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 503; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 5. Occupational Training Schools**

**68 IAC 2-5-1 Coverage of rule**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33-8-9; IC 4-35; IC 21-7-13-10

Sec. 1. (a) This rule applies to occupational training schools that are located in Indiana and to occupational training schools that are located outside of Indiana but directly recruit students within Indiana.

(b) A casino licensee or casino license applicant shall not enter into a written agreement with an occupational training school that offers training for occupational licensees under IC 4-33-8-9 unless the occupational training school is in compliance with this rule.

(c) As used in this rule, "applicant" means:

- (1) an occupational training school that is seeking accreditation or has applied for a training license, or both; or
- (2) a higher education institution under IC 21-7-13-10 or an accredited institution under the Higher Education Act (20 U.S.C. 1001).

(d) Casino licensees or casino license applicants that provide training for their employees are exempt from this rule.

(e) This rule does not preclude a supplier licensee from providing a demonstration of its equipment or training for the use of its equipment to a casino licensee, a casino license applicant, or the casino licensee's employees.

(f) For purposes of this rule, the Indiana commission on proprietary education is acting as an agent of the commission. (*Indiana Gaming Commission; 68 IAC 2-5-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1024; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-5-2 Procedure for approval and accreditation**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35; IC 21-17-3

Sec. 2. (a) An applicant that is not a higher education institution or is not accredited under the Higher Education Act (20 U.S.C. 1001) must obtain and maintain a training license. The procedures, requirements, and fees set forth in 68 IAC 2-2 for obtaining a supplier's license shall apply to training licenses.

(b) Before an applicant may apply for accreditation by the Indiana board for proprietary education, the applicant must complete and submit the following:

- (1) A supplier's license application in compliance with 68 IAC 2-2.
- (2) The appropriate Personal Disclosure Form 1 in accordance with 68 IAC 2-2-4(b).
- (3) The nonrefundable application fee in accordance with 68 IAC 2-2-2.

(c) Before an applicant may receive a training license, it must:

- (1) be accredited by the Indiana board for proprietary education;
- (2) enter into a written agreement or have established an intent to enter into a written agreement, under subsection (d), with a casino licensee, casino licensees, or a casino license applicant as soon as the applicant has complied with this rule; and
- (3) have its curriculum approved by the commission under section 4 of this rule.

(d) The written agreement shall set forth the following information:

(1) The name, business address, and business telephone number of the following:

(A) The occupational training school.

(B) The casino licensee or casino license applicant.

(2) The game or games that will be taught by the occupational training school.

(3) An indication that the casino licensee or casino license applicant will consider individuals that have successfully completed the occupational training school for employment.

(4) Any other information deemed necessary by the commission to ensure compliance with IC 4-33, IC 4-35, and this title.

(e) An applicant that is a higher education institution or is accredited under the Higher Education Act (20 U.S.C. 1001) must have its curriculum approved by the commission under section 4 of this rule. (*Indiana Gaming Commission; 68 IAC 2-5-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-5-3 Display of license; disclaimer**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 3. (a) An occupational training school that is not a higher education institution shall display its training license in a prominent place. The training license shall be displayed in close proximity to the statement in subsection (b).

(b) The occupational training school shall display in a prominent place, on its application for admission, and on other materials disseminated to potential students, the following:

"GRADUATION FROM THIS SCHOOL DOES NOT ASSURE THE GRADUATE THAT HE OR SHE WILL BE LICENSED BY THE INDIANA GAMING COMMISSION OR WILL BE HIRED BY A CASINO LICENSEE. ALL

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LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT

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INDIVIDUALS MUST MAKE A SEPARATE APPLICATION FOR AN OCCUPATIONAL LICENSE AND MEET THE INDIANA GAMING COMMISSION'S STANDARDS TO WORK IN A CASINO."

*(Indiana Gaming Commission; 68 IAC 2-5-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-5-4 Curriculum**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 4. (a) For each course submitted to the commission for approval, the occupational training school shall include the following:

- (1) The course title.
  - (2) The objective or goal the course is designed to meet.
  - (3) An outline of the content of the course showing the major elements or items of instruction, the number of teacher contact hours of instruction for each element of the course, the number of practice hours required, and the total number of hours for the course.
  - (4) The entrance requirements imposed, if any, including, but not limited to, education, physical fitness, or dexterity.
  - (5) The proposed tuition and any other charges or cost to the student.
  - (6) The maximum number of students that will be permitted to enroll in one (1) session of the course or program.
  - (7) The number of work stations in the shop or laboratory, including the number and type of gaming tables and equipment to be used.
  - (8) The nature of the skill and knowledge students are expected to have upon completion of the course or program and the testing program to be used to test the students' competency levels.
  - (9) The student-teacher, student-table, and table-teacher ratios for each course or program.
  - (10) A copy of all written material to be utilized in the course or program.
  - (11) A description of the method and frequency by which the course will be evaluated in relation to its goals and objectives.
  - (12) Any other information the commission deems necessary to ensure compliance with the Act and this title.
- (b) Any course or program designed to prepare a student as a dealer shall adhere to the following minimum hours:
- (1) Two hundred (200) hours to deal craps.
  - (2) One hundred fifty (150) hours to deal roulette.
  - (3) One hundred thirty (130) hours to deal blackjack.
  - (4) Eighty (80) hours to deal baccarat.
  - (5) Two hundred (200) hours to deal poker.
- (c) For a student being trained to deal a second or subsequent game, the following minimum hours shall be adhered to:
- (1) One hundred twenty (120) hours to deal craps.
  - (2) Ninety (90) hours to deal roulette.
  - (3) Eighty (80) hours to deal blackjack.
  - (4) Fifty (50) hours to deal baccarat.
  - (5) One hundred twenty (120) hours to deal poker.

(d) For any course or program not listed in subsection (b) or (c), the required minimum hours of training and instruction will be determined by the commission on a case-by-case basis. The required minimum hours will be based on the number of hours the commission determines is necessary to ensure the occupational licensee will possess the level of skill, experience, and knowledge necessary to perform the job.

(e) For a student being trained to be a slot technician, there shall be a minimum of one hundred fifty (150) hours of instruction. *(Indiana Gaming Commission; 68 IAC 2-5-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; filed Oct 18, 1999, 1:27 p.m.: 23 IR 538; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-5-5 Equipment**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 5. (a) Gaming equipment used for training purposes in an occupational training school shall conform to the requirements set forth in IC 4-33 or IC 4-35, and this title.

(b) An occupational training school shall keep an itemized list of its dealing shoes, gaming tables, cards, dice, roulette wheels, and other gaming equipment. The occupational training school or applicant shall submit its itemized list of equipment to the commission immediately upon receipt of any of the equipment. The itemized list shall be updated within ten (10) business days of a change in the inventory of gaming equipment. If any of the equipment is sold or no longer used, the occupational training school shall advise the executive director, in writing, that the equipment is no longer used and what happened to the equipment. The itemized list shall have additions and omissions made as they occur.

(c) Gaming equipment possessed by an occupational training school or an applicant may not be sold by the occupational training school or applicant except in accordance with applicable state and federal law.

(d) An occupational training school shall use chips and tokens that are distinctly dissimilar to chips and tokens used by casino licensees or proposed by casino license applicants. Representative samples of chips and tokens must be submitted to the commission for approval before an applicant or an occupational training school uses the chips or tokens.

(e) The occupational training school or applicant must have its name permanently imprinted or affixed to gaming equipment. (*Indiana Gaming Commission; 68 IAC 2-5-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-5-6 Security**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 6. (a) Each occupational training school shall provide adequate security for the protection of its gaming equipment, chips, and tokens.

(b) The gaming equipment, chips, and tokens utilized by an occupational training school shall be used only for the purpose of training students.

(c) The occupational training school shall receive written approval from the executive director before the occupational training school sells or disposes of any gaming equipment, chips, or tokens utilized by the occupational training school.

(d) The occupational training school shall report, in writing, to the executive director, any thefts, removal, or loss of any gaming equipment, chips, and tokens utilized by the occupational training school within five (5) days of the theft, removal, or loss of the equipment. (*Indiana Gaming Commission; 68 IAC 2-5-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-5-7 Requirement that instructors obtain occupational license**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8-9; IC 4-33-8-10

Sec. 7. The instructors hired by an occupational training school shall obtain an occupational license, Level 3 under 68 IAC 2-3-1. (*Indiana Gaming Commission; 68 IAC 2-5-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**Rule 6. Electronic Gaming Device Rules**



**68 IAC 2-6-1 General provisions**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 1. (a) This rule applies to casino licensees.

(b) Electronic gaming devices used in a casino must meet the specifications set forth in this rule.

(c) The following definitions apply throughout this rule:

(1) "Authorized independent gaming laboratory" means an independent gaming laboratory that:

(A) meets the qualifications established by the commission; and

(B) maintains a valid contract with the commission to conduct testing on behalf of the agency.

(2) "Certification testing" means an authorized independent gaming laboratory testing an item or technology:

(A) by arrangement with a manufacturer or distributor;

(B) pursuant to an authorized independent gaming laboratory's contract with the commission; and

(C) for purposes of issuing or denying certification as described under section 3 of this rule.

(3) "Inappropriate token-in" means a token that has been accepted by an electronic gaming device after the electronic gaming device:

(A) has already accepted the maximum number of tokens; or

(B) is in a state that normally rejects additional tokens.

(4) "Leakage current" means an electrical current that flows when a conductive path is provided between exposed portions of an electronic gaming device and the environmental electrical ground when the electronic gaming device is isolated from the normal AC power ground.

(5) "Noncertification testing" means an independent gaming laboratory testing or otherwise analyzing an item or technology:

(A) by arrangement with a manufacturer or distributor; and

(B) for purposes other than issuing or denying certification as described under section 3 of this rule.

(6) "Par sheet" means a document, provided by the electronic gaming device manufacturer that depicts the:

(A) possible outcomes from the play of an electronic gaming device;

(B) probability of occurrence of each; and

(C) contribution of a winning outcome to the payback percentage of the electronic gaming device.

(7) "RAM" or "random access memory" means the electronic component used for computer work storage and storage of volatile information in an electronic gaming device.

(8) "Randomness" means the unpredictability and absence of pattern in the outcome of an event or sequence of events.

(9) "Random number generator" means hardware, software, or combination of hardware and software devices for generating number values that exhibit characteristics of randomness.

(10) "ROM" or "read only memory" means the electronic component used for storage of nonvolatile information in an electronic gaming device, including programmable ROM and erasable programmable ROM.

(11) "Runs test" means a mathematical statistic that determines the existence of recurring patterns within a set of data.

(12) "Sensitive keys" means keys that:

(A) either management or the commission considers sensitive to the casino licensee's operation; and

(B) therefore require strict control over custody and issuance in accordance with 68 IAC 11-4.

(13) "Standard chi-squared analysis" means the sum of the squares of the difference between the expected result and the observed result.

(14) "Tilt condition" means a programmed error state for an electronic gaming device that occurs when the electronic gaming device detects an internal error, malfunction, or attempted cheating. The electronic gaming device ceases processing further input, output, or display information other than that indicating the tilt condition itself.

(d) Before an individual may enter an electronic gaming device for any reason, the individual must insert a card into the electronic gaming device that will record, at a minimum, the following information on the central computer system:

(1) The identity of the individual entering the electronic gaming device.

(2) The date and time that the electronic gaming device is:

(A) entered; and

(B) exited.

(3) The identity of the electronic gaming device that is entered.

(e) After an individual has entered an electronic gaming device for any reason, the individual must complete a log that is maintained inside the electronic gaming device. The log shall contain, at a minimum, the following information:

(1) The name and occupational license number of the individual entering the electronic gaming device.

(2) The date and time that the electronic gaming device is:

(A) entered; and

(B) exited.

(3) The identity of the electronic gaming device.

(4) The reason for the entry.

(f) A casino licensee may not offer a prize to a patron who achieves a certain winning combination on an electronic gaming device unless the value of the prize is computed into the payout percentage of the EPROM installed in the electronic gaming device.

*(Indiana Gaming Commission; 68 IAC 2-6-1; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1300; filed Aug 20, 1997, 7:11 a.m.: 21 IR 11; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Oct 27, 2009, 2:48 p.m.: 20091125-IR-068090144FRA; errata filed Dec 2, 2009, 1:35 p.m.: 20091223-IR-068090144ACA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

#### **68 IAC 2-6-2 Equipment approval**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 2. (a) The following may not be used for gaming by any casino licensee prior to the executive director, or the executive director's designee, authorizing their inclusion in the commission's online database of approved items and technologies:

(1) Electronic gaming devices and any component parts material to gaming activity, including, but not limited to, the following:

(A) Random number generators.

(B) All game media.

(C) Progressive controllers.

(D) Bill changers.

(2) Electromechanical devices used in connection with gaming activity at live gaming devices, including, but not limited to, the following:

(A) Items using radio frequency identification technology.

(B) Shuffling devices.

(C) Progressive controllers.

(3) System-to-system, game-to-system, or intradevice communication software used in the conduct or monitoring of gaming activity, including, but not limited to, the following:

(A) Accounting systems.

(B) Player tracking systems.

(C) Promotional and bonusing systems.

(4) Electromechanical devices material to accounting for casino assets, including, but not limited to, the following:

(A) Kiosks capable of distributing or collecting cashless wagering instruments or credits, or both.

(B) Ticket validation equipment.

(C) Currency counters.

(D) Chip sorters.

(5) Any other device or software that the executive director determines may affect the integrity of gaming in Indiana.

(b) If a casino licensee intends to use any item or technology referenced in subsection (a) that does not appear in the commission's database, the casino licensee must seek approval for the item or technology by petitioning the executive director, in writing, for inclusion in the database. This petition must identify the following with specificity:

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- (1) The item or technology for which the casino licensee seeks approval.
- (2) The manufacturer and distributor who would supply the item or technology to the casino.
- (3) The authorized independent gaming laboratory chosen to certify the item or technology in accordance with section 3 of this rule.
- (4) The date or dates on which the item or technology was or is expected to be submitted for certification under section 3 of this rule by the authorized independent gaming laboratory.

*(Indiana Gaming Commission; 68 IAC 2-6-2; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Oct 27, 2009, 2:48 p.m.: 20091125-IR-068090144FRA; errata filed Dec 2, 2009, 1:35 p.m.: 20091223-IR-068090144ACA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-3 Certification testing**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-4-5; IC 4-35-4-7

Sec. 3. (a) To be eligible for approval and inclusion in the commission's database, the manufacturer or distributor of any items or technologies contemplated by section 2 of this rule must submit the item or technology to, and obtain certification from, an authorized independent gaming laboratory, for compliance with the following:

- (1) Indiana law.
- (2) All applicable commission regulations and standards.
- (3) Any applicable technical standards adopted by the authorized independent gaming laboratory and not disapproved by the commission.
- (b) A manufacturer or distributor seeking certification under subsection (a):
  - (1) must make a written request to an independent gaming laboratory of its choice that, at a minimum:
    - (A) specifically references certification testing and this rule; and
    - (B) identifies the particular item or technology at issue;
  - (2) is responsible for providing all necessary items and information to the authorized independent gaming laboratory;
  - (3) is responsible for any and all costs associated with testing; and
  - (4) may not, without written approval from the executive director, engage more than one (1) authorized independent gaming laboratory to conduct certification testing on the particular item or technology at issue.

*(Indiana Gaming Commission; 68 IAC 2-6-3; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Oct 27, 2009, 2:48 p.m.: 20091125-IR-068090144FRA; errata filed Dec 2, 2009, 1:35 p.m.: 20091223-IR-068090144ACA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-3.1 Noncertification testing**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33-4-5; IC 4-35-4-7

Sec. 3.1. (a) A manufacturer or distributor may not, without written approval from the executive director, engage more than one (1) authorized independent gaming laboratory to conduct noncertification testing on a particular item or technology.

(b) Noncertification testing need not be performed by the same laboratory that performs certification testing on a particular item or technology. *(Indiana Gaming Commission; 68 IAC 2-6-3.1; filed Oct 27, 2009, 2:48 p.m.: 20091125-IR-068090144FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-4 Appeal of test results**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) An applicant who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(b) If the applicant does not request a hearing within ten (10) days after service of notice of denial as provided in 68 IAC 7-1-2(b), the notice of denial becomes the final order of the commission. (*Indiana Gaming Commission; 68 IAC 2-6-4; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-5 Security and audit specifications**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 5. Electronic gaming devices must meet the following security and audit specifications:

- (1) Be controlled by a microprocessor.
- (2) Be connected and communicating to the central computer system.
- (3) Have an internal enclosure for the circuit board that is locked and sealed prior to game play.
- (4) Be able to continue a game with no loss of data after a power failure.
- (5) Have game data recall for the current game and the previous ten (10) games.
- (6) Have a random selection process that satisfies the ninety-nine percent (99%) confidence level using the following tests:
  - (A) Standard chi-squared.
  - (B) Runs.
  - (C) Serial correlation.

These tests must not be predictable by players.

- (7) Clearly display applicable rules of play and the payout schedule.
- (8) Display an accurate representation of each game outcome using:
  - (A) rotating reels;
  - (B) video monitors; or
  - (C) any other type of display mechanism that accurately depicts the outcome of the game.
- (9) Display an external registration tag and number issued by the commission.

(10) The par sheet for the program used in an electronic gaming device must be stored in the electronic gaming device.

(*Indiana Gaming Commission; 68 IAC 2-6-5; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-6 Inventory requirements; conversion notification**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 6. (a) The casino licensee must maintain an inventory of electronic gaming devices and equipment. The inventory must include the following:

- (1) The serial number assigned to the electronic gaming device by the manufacturer.
- (2) The registration number issued by the commission.
- (3) The type of game for which the electronic gaming device is designed and used.
- (4) The denomination of tokens accepted by the electronic gaming device, if it is a token accepting device.
- (5) The location of electronic gaming devices equipped with bill validators and any bill validators that stand alone.
- (6) The manufacturer of the electronic gaming device.
- (7) The location of the electronic gaming device.

(b) This inventory report must be submitted, on a form prescribed by the commission, to the executive director on the anniversary date of the issuance of the casino owner's license.

(c) If a casino licensee converts an electronic gaming device, the casino licensee must take the following steps:

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- (1) Request permission for the conversion from the commission and supply the commission with the following information:
  - (A) The:
    - (i) serial number;
    - (ii) commission registration number;
    - (iii) machine number; and
    - (iv) model number;of the electronic gaming device that is being converted.
  - (B) The type of electronic gaming device that is being converted and the new type of machine if the type of machine is changed.
  - (C) The location of the electronic gaming device on the casino.
  - (D) If the electronic gaming device is:
    - (i) a stand alone progressive; or
    - (ii) linked to a progressive controller;the old rate of progression and the new rate of progression must be submitted.
  - (E) The current and future denomination of the electronic gaming device if the denomination is to be converted.
  - (F) The current and future control program medium number that is installed or that is to be installed in the electronic gaming device. If a new control program medium is installed in an electronic gaming device, the control program medium must be approved for use in Indiana.
  - (G) Regular fill amount, for a token accepting device.
  - (H) Initial fill amount, for a token accepting device.
  - (I) Probe level measured from the top of the hopper, for a token accepting device.
  - (J) Any other information deemed necessary by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.

This information must be submitted to the commission at least fourteen (14) days before the casino licensee plans to make the conversion. The request for conversion shall have a space for the commission to sign indicating approval of the conversion request and a space for the signature of the enforcement agent to indicate the conversion was completed.

- (2) The commission must approve the request for conversions before a conversion may be made by the casino licensee.
- (3) An enforcement agent must do the following:
  - (A) Perform digital signature verification on the control program media to ensure that the control program media being installed match those on the request for conversion.
  - (B) Seal the control program medium with tape in accordance with section 19 of this rule.
- (4) In the presence of an enforcement agent, a slot technician or the equivalent shall ensure that the payglass installed on the electronic gaming device accurately reflects the payouts for the control program medium that has been installed in the electronic gaming device. The payglass test may be performed by either:
  - (A) running the payout table test; or
  - (B) ensuring the payglass matches the approved diagram set forth in the payglass manual maintained by the commission.
- (5) The casino licensee shall do the following:
  - (A) Ensure that a copy of the par sheet for each game theme is placed in the electronic gaming device in accordance with section 5 of this rule.
  - (B) Perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
- (6) The casino licensee must do the following:
  - (A) Update the master list of electronic gaming devices after the conversion is complete.
  - (B) Provide the chief counsel for the commission and the enforcement agent supervisor assigned to the casino with a copy of the updated master list within fourteen (14) days of the conversion.

*(Indiana Gaming Commission; 68 IAC 2-6-6; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1064; filed Dec 6, 2006, 2:52 p.m.:*

20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-6-7 Tracking of device movement**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 7. (a) Movements in the casino must be made and recorded in accordance with 68 IAC 17-1.

(b) Movements into or out of the casino must be made and recorded in accordance with 68 IAC 17-1.

(c) Movements of electronic gaming devices into or out of this state must be made and recorded in accordance with 68 IAC 17-1. (*Indiana Gaming Commission; 68 IAC 2-6-7; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-8 Control program requirements**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 8. (a) Electronic gaming device control programs must test themselves for possible corruption caused by failure of the program storage media.

(b) The test methodology must detect ninety-nine and ninety-nine one hundredths percent (99.99%) of all possible failures.

(c) The control program must allow for the electronic gaming device to be continually tested during game play.

(d) The control program must reside in the electronic gaming device which is contained in a storage medium not alterable through any use of the circuitry or programming of the electronic gaming device itself.

(e) The control program must check for the following:

(1) Corruption of RAM locations used for crucial electronic gaming device functions.

(2) Information relating to the current play and final outcome of the four (4) prior games.

(3) Random number generator outcome.

(4) Error states.

(f) The control RAM areas must be checked for corruption following game initiation, but prior to display of the game outcome to the player.

(g) Detection of corruption is a game malfunction that must result in a tilt condition which identifies the error and causes the electronic gaming device to cease further function.

(h) The control program must have the capacity to display a complete play history for the current game and the previous four (4) games.

(i) The control program must display an indication of the following:

(1) The game outcome or a representative equivalent.

(2) Bets placed.

(3) Credits or tokens paid.

(4) Credits or tokens cashed out.

(5) Any error conditions.

(6) Any other information deemed necessary by the commission to ensure compliance with the Act and this title.

(j) The control program must provide the means for on-demand display of the electronic meters via a key switch on the exterior of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-8; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-9 Accounting meters**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. (a) An electronic gaming device must be equipped with both electronic and electromechanical meters.

(b) The electronic gaming device's electromechanical meters must have at least six (6) digits.

(c) The electronic gaming device must tally totals to eight (8) digits and be capable of rolling over when the maximum value is reached.

(d) The electronic gaming device's control program must provide the means for on-demand display of the electronic meters via a key switch on the exterior of the machine.

(e) The required electromechanical meters are as follows:

(1) The tokens-in meter must cumulatively count the number of tokens that are wagered by actual tokens inserted or credits bet.

(2) The tokens-out meter must cumulatively count the number of tokens that are paid by the hopper or credits that are bet.

(3) The tokens-dropped meter must maintain a cumulative count of the number of tokens that have been diverted into a drop bucket and credit value of all bills inserted into the bill validator for play.

(4) The jackpots-paid meter must reflect the cumulative amounts paid by an attendant for progressive and nonprogressive jackpots.

(f) Electronic meters must have an accuracy rate of ninety-nine and ninety-nine one hundredths percent (99.99%) or better.

(g) Electromechanical meters must meet a reasonable level of accuracy, given the available technology, as approved by the executive director after consultation with an outside independent gaming test laboratory.

(h) The required electronic meters are as follows:

(1) The tokens-in meter must cumulatively count the number of tokens that are wagered by actual tokens inserted or credits bet, or both.

(2) The tokens-out meter must cumulatively count the number of tokens that are paid by the hopper or credits that are bet, or both.

(3) The tokens-dropped meter must cumulatively count the number of tokens that have been diverted into a drop bucket and the credit value of all bills inserted into the bill validator for play.

(4) The jackpots-paid meter must reflect the cumulative amounts paid by an attendant for progressive jackpots and nonprogressive jackpots.

(5) The games-played meter must display the cumulative number of games played.

(6) A cabinet door meter must display the number of times the front cabinet door was opened.

(7) The drop door meter must display the number of times the drop door or the bill validator door was opened.

(i) If the electronic gaming device is equipped with a bill validator, the device must be equipped with a bill validator meter that records the following:

(1) The total number of bills that were accepted.

(2) A breakdown of the number of each denomination of bill accepted.

(3) The total dollar amount of bills accepted.

(j) Electronic gaming devices must be designed so that replacement of parts or modules required for normal maintenance does not require replacement of the electromechanical meters.

(k) Electronic gaming devices must have meters which continuously display the following information relating to the current play or monetary transaction:

(1) The number of tokens or credits wagered in the current game.

(2) The number of tokens or credits won in the current game, if applicable.

(3) The number of tokens paid by the hopper for a credit cash out or a direct pay from a winning outcome.

(4) The number of credits available for wagering, if applicable.

(l) Electronically stored meter information required by this section must be preserved after a power loss to the electronic gaming device and must be maintained for a period of at least one hundred eighty (180) days. (*Indiana Gaming Commission; 68 IAC 2-6-9; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1303; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep*

14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-6-10 Clearing meters**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) No electronic gaming device may have a mechanism that causes the electronic accounting meters to clear automatically when an error occurs.

(b) Clearing of the electronic accounting meters may be done by approval of the executive director or his designee.

(c) Meter readings must be recorded before and after the electronic accounting meter is cleared. (*Indiana Gaming Commission; 68 IAC 2-6-10; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-11 Randomness events; randomness testing**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. (a) Events in electronic gaming devices are occurrences of elements or particular combinations of elements which are available on the particular electronic gaming device.

(b) A random event has a given set of possible outcomes which has a given probability of occurrence called the distribution.

(c) Two (2) events are called independent if the following conditions exist:

(1) The outcome of one (1) event has no influence on the outcome of the other event.

(2) The outcome of one (1) event does not affect the distribution of another event.

(d) An electronic gaming device must be equipped with a random number generator to make the selection process. A selection process is considered random if the following specifications are met:

(1) The random number generator satisfies at least ninety-nine percent (99%) confidence level using the standard chi-squared analysis.

(2) The random number generator does not produce a statistic with regard to producing patterns of occurrences. Each reel position is considered random if it meets at least the ninety-nine percent (99%) confidence level with regard to the runs test or any similar pattern testing statistic.

(3) The random number generator produces numbers which are independently chosen without regard to any other symbol produced during that play. This test is the correlation test. Each pair of reels is considered random if they meet at least the ninety-nine percent (99%) confidence level using standard correlation analysis.

(4) Produces numbers which are chosen without reference to the series of outcomes in the previous game. This test is the serial correlation test. A reel stop position is considered random if it meets at least the ninety-nine percent (99%) confidence level using standard serial correlation analysis.

(5) The random number generator and random selection process must be impervious to influences from outside the electronic gaming device, including, but not limited to, the following:

(A) Electromagnetic interference.

(B) Electrostatic interference.

(C) Radio frequency interference.

(6) An electronic gaming device must use appropriate communication protocols to protect the random number generator and random selection process from influence by associated equipment which is conducting data communications with the electronic gaming device.

(*Indiana Gaming Commission; 68 IAC 2-6-11; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)



**68 IAC 2-6-12 Safety requirements**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 12. (a) Electrical and mechanical parts and design principles must not subject a player to physical hazards.

(b) Spilling a conductive liquid on the electronic gaming device must not create a safety hazard or alter the integrity of the electronic gaming device's performance.

(c) The power supply used in an electronic gaming device must be designed to make minimum leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground.

(d) Electronic gaming devices must be underwriter's laboratories approved or equivalent by January 1, 1997. (*Indiana Gaming Commission; 68 IAC 2-6-12; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-13 Surge protector**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 13. (a) A surge protector must be installed on each electronic gaming device.

(b) Surge protection can be internal to the power supply or external.

(c) A battery backup device must be installed and capable of maintaining accuracy of required electronic meter information after power is discontinued from the electronic gaming device. The device must be kept within the locked or sealed logic board compartment and be capable of sustaining the stored information for ninety (90) days. (*Indiana Gaming Commission; 68 IAC 2-6-13; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1304; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-14 On and off switch**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 14. An on and off switch that controls the electrical current used to operate the electronic gaming device must be located in an accessible place and within the interior of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-14; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-15 Token acceptors (Repealed)**

Sec. 15. (*Repealed by Indiana Gaming Commission; filed Oct 27, 2009, 2:48 p.m.: 20091125-IR-068090144FRA*)

**68 IAC 2-6-16 Bill validators**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 16. (a) Electronic gaming devices may have bill validators installed into which a patron may insert currency or TITOs in exchange for registering an equal value of electronic gaming device credits, which the credit meter shall accurately display.

(b) Bill validators may accept the following denominations of currency:

- (1) One dollar (\$1) bills.
- (2) Five dollar (\$5) bills.
- (3) Ten dollar (\$10) bills.

- (4) Twenty dollar (\$20) bills.
- (5) Fifty dollar (\$50) bills.
- (6) One hundred dollar (\$100) bills.
- (c) The bill acceptors may be for any single denomination or combination of denominations.
- (d) The bill validator shall be equipped with a bill validator drop box to collect the currency and TITOs inserted into the bill validator. The bill validator drop box shall meet the following requirements:
  - (1) Be housed in a locked compartment separate from any other compartment of the electronic gaming device.
  - (2) Be accessible by a key that will access only the bill validator drop box and no other area of the electronic gaming device.
  - (3) Have a slot opening through which currency and TITOs can be inserted.
  - (4) Be identifiable to the electronic gaming device from which it was removed.
  - (5) Have a separate lock to access the contents of the bill validator drop box. This key shall not access any other area of the electronic gaming device.
  - (6) Have a "full drop box" sensor.
- (e) The casino licensee shall maintain emergency bill validator drop boxes that meet the requirements set forth in subsection (d). The emergency bill validator drop boxes shall have the word "EMERGENCY" permanently imprinted thereon. Emergency bill validator drop boxes shall be maintained in a secured area. The riverboat licensee shall submit internal control procedures for the maintenance and use of the emergency bill validator drop boxes in accordance with 68 IAC 11. (*Indiana Gaming Commission; 68 IAC 2-6-16; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-17 Automatic light alarm**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 17. (a) A light must be installed on the top of the electronic gaming device that automatically illuminates when the door to the electronic gaming device is opened or associated equipment that may affect the operation of the electronic gaming device is exposed.

(b) All bar-top electronic gaming devices must have a light alarm or an audio door alarm, or both, installed. The alarm must be designed to activate when the machine is entered. (*Indiana Gaming Commission; 68 IAC 2-6-17; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-18 Access to interior**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 18. (a) The internal space of an electronic gaming device must not be readily accessible when the door is closed.

(b) The following must be in a separate locked or sealed area within the electronic gaming device:

- (1) Logic boards.
- (2) ROM.
- (3) RAM.

(c) No access to the area described in subsection (b) is allowed without prior notification to the executive director or the executive director's designee.

(d) The executive director or the executive director's designee must be allowed immediate access to the locked or sealed area. A casino licensee must maintain its copies of the keys to electronic gaming devices in accordance with 68 IAC 11-7. A casino licensee must give the executive director a master key to the door of an approved electronic gaming device. Unauthorized tampering or entrance into the logic area without prior notification in accordance with subsection (b) is grounds for disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-6-18; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15,*

2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-6-19 Tape sealed areas**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 19. Electronic gaming devices must have logic boards and any computer chips that store memory in a locked area within the electronic gaming device that is sealed with evidence tape. The evidence tape must:

- (1) be affixed by an enforcement agent; and
- (2) include the date, signature, and identification number of the enforcement agent.

This tape may only be removed by an enforcement agent. (*Indiana Gaming Commission; 68 IAC 2-6-19; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-20 Hardware switches**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 20. (a) No hardware switches may be installed which alter the pay tables or payout percentages in the operation of an electronic gaming device.

- (b) Hardware switches may be installed to control the following:
- (1) Graphic routines.
  - (2) Speed of play.
  - (3) Sound.
  - (4) Other approved cosmetic play features.

(*Indiana Gaming Commission; 68 IAC 2-6-20; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-21 Display of rules of play**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 21. (a) The rules of play for an electronic gaming device must be displayed on the face or screen of the electronic gaming device.

- (b) Rules of play must have been approved by the executive director.
- (c) The executive director may reject the rules if they are:
- (1) incomplete;
  - (2) confusing; or
  - (3) misleading.
- (d) Rules of play must be kept under glass or another transparent substance.
- (e) Rules of play may not be altered without prior approval from the executive director.

(f) Stickers or other removable devices may not be placed on the electronic gaming device face unless their placement is approved or required by the executive director. (*Indiana Gaming Commission; 68 IAC 2-6-21; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-22 Authorized games**

Authority: IC 4-33-2-9; IC 4-33-4; IC 4-35-2-5; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 22. A casino licensee shall not permit a game to be played other than those specifically named in IC 4-33 or IC 4-35 and approved by the commission. For each game, the casino licensee shall provide a set of game rules to the executive director one hundred twenty (120) days in advance of the game's operation or within a shorter time period as the executive director may designate. (*Indiana Gaming Commission; 68 IAC 2-6-22; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-23 Electrostatic discharges**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 23. The following must not subject the player to physical hazards:

- (1) Electrical parts.
- (2) Mechanical parts.
- (3) Design principles of the electronic gaming device and its component parts.

(*Indiana Gaming Commission; 68 IAC 2-6-23; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-24 Power supply filter**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 24. Electronic gaming device power supply filtering must be sufficient to prevent disruption of the electronic gaming device by a repeated switching on and off of the AC power. (*Indiana Gaming Commission; 68 IAC 2-6-24; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-25 Error conditions; automatic clearing**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 25. (a) Electronic gaming devices must be capable of detecting and displaying the following conditions:

- (1) Power reset.
- (2) Door open.
- (3) Inappropriate token-in if the token is not automatically returned to the player.

(b) The conditions listed in subsection (a) must be automatically cleared by the electronic gaming device upon initiation of a new play sequence. (*Indiana Gaming Commission; 68 IAC 2-6-25; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-26 Error conditions; clearing by attendant**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 26. (a) Electronic gaming devices must be capable of detecting and displaying the following error conditions which an attendant may clear:

- (1) Token-in jam.
- (2) Token-out jam.
- (3) Hopper empty or timed-out.
- (4) RAM error.
- (5) Hopper runaway or extra token paid out.
- (6) Program error.
- (7) Reverse token-in.
- (8) Reel spin error of any type, including a mis-index condition for rotating reels. The specific reel number must be identified in the error indicator.
- (9) Low RAM battery, for batteries external to the RAM itself, or low power source.

(b) A description of electronic gaming device error codes and their meanings must be affixed inside the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-26; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-27 Hopper mechanism**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 27. (a) This section applies to electronic gaming devices that accept tokens.

(b) Electronic gaming devices must be equipped with a hopper that is designed to detect the following and force the electronic gaming device into a tilt condition if one (1) of the following occurs:

- (1) Jammed tokens.
- (2) Extra tokens paid out.
- (3) Hopper runaways.
- (4) Hopper empty conditions.

(c) The electronic gaming device control program must monitor the hopper mechanism for these error conditions in all game states in accordance with section 11 of this rule.

(d) Tokens paid from the hopper mechanism must be accounted for by the electronic gaming device including those paid as extra tokens during a hopper malfunction.

(e) Hopper pay limits must be designed to permit compliance by casino licensees with the applicable taxation laws, rules, and regulations. (*Indiana Gaming Commission; 68 IAC 2-6-27; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-28 Communication protocol**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 28. An electronic gaming device which is capable of a bidirectional communication with internal or external associated equipment must use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the electronic gaming device. (*Indiana Gaming Commission; 68 IAC 2-6-28; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-29 Software requirements for percentage payout**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 29. The electronic gaming device must meet the following maximum and minimum theoretical percentage payouts during the expected lifetime of the electronic gaming device:

- (1) The electronic gaming device must pay out at least eighty percent (80%) and not more than one hundred percent (100%) of the amount wagered unless otherwise approved by the executive director.
- (2) The theoretical payout percentage must be determined using standard methods of the probability theory. The percentage must be calculated using the highest level of skill where player skill impacts the payback percentage.
- (3) An electronic gaming device must have a probability of obtaining the maximum payout greater than one (1) in fifty million (50,000,000).

*(Indiana Gaming Commission; 68 IAC 2-6-29; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-30 Software requirements for continuation of game after malfunction**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 30. An electronic gaming device must be capable of continuing the current play with all the current play features after an electronic gaming device malfunction is cleared. *(Indiana Gaming Commission; 68 IAC 2-6-30; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-30.1 Integrity of electronic gaming device**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-33-8; IC 4-35

Sec. 30.1. (a) If the integrity of an electronic gaming device has been legitimately questioned, the casino licensee shall run the appropriate diagnostic tests on the device. If the casino licensee determines that the device is malfunctioning, the casino licensee shall remove the device from play until:

- (1) the device has been repaired; and
  - (2) it has been determined that the device meets the requirements of IC 4-33, IC 4-35, and this title.
- (b) The casino licensee shall record the following information with respect to an electronic gaming device that has been removed from play:
- (1) The date and time that the integrity of an electronic gaming device was questioned.
  - (2) The type of device that was questioned.
  - (3) The:
    - (A) serial number issued by the manufacturer; and
    - (B) registration number issued by the commission.
  - (4) The length of time that the device was removed from play.
  - (5) The reason that the device was not functioning properly.
  - (6) The:
    - (A) remedial action taken to ensure that the device conforms to the requirements of IC 4-33, IC 4-35, and this title; and
    - (B) date on which the action was taken.
  - (7) The printed name, signature, and occupational license number of the employees taking the remedial action.
  - (8) If an outside company takes remedial action on the device, the following information must be maintained:

- (A) The:
- (i) name;
  - (ii) address; and
  - (iii) telephone number;
- of the company.

(B) The names of the individuals who performed remedial action on the device.

(9) A verification that the device meets the requirements of IC 4-33, IC 4-35, and this title after the remedial action was taken.

(10) The:

(A) name, address, and telephone number of the individual who complained about the device; and

(B) nature of the complaint.

The casino licensee must notify the enforcement agent, in writing, of each electronic gaming device that has been removed from play.

(c) The records described in subsection (b) shall be:

(1) maintained by the casino licensee for a period of one (1) year; and

(2) available for commission review upon request.

*(Indiana Gaming Commission; 68 IAC 2-6-30.1; filed Jun 1, 1998, 3:38 p.m.: 21 IR 3711; errata filed Aug 12, 1998, 4:00 p.m.: 22 IR 125; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

#### **68 IAC 2-6-31 Authorization for progressive electronic gaming devices**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 31. (a) This section authorizes the use of progressive electronic gaming devices within one (1) casino provided that the electronic gaming devices meet:

(1) the requirements stated in sections 1 through 30 and 46 of this rule; and

(2) any additional requirements imposed by sections 32 through 42 of this rule.

(b) The casino licensee shall notify the executive director and the enforcement agent of the following information prior to using progressive electronic gaming devices within the casino:

(1) The:

(A) serial numbers; and

(B) commission registration number;

of the electronic gaming devices that are common to a single progressive link.

(2) The odds of hitting the progressive amount on each of the electronic gaming devices that is attached to that link.

(3) The reset value of the progressive link.

(4) The rate of progression for that progressive link.

(5) How the rate of progression is split between the various progressive components.

(6) Any other information deemed necessary by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.

(c) Wide area progressive games that link electronic gaming devices located on more than one (1) casino may be approved by the executive director and the commission on a case-by-case basis. *(Indiana Gaming Commission; 68 IAC 2-6-31; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6-32 Progressive electronic gaming devices defined**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 32. (a) A progressive electronic gaming device is an electronic gaming device with a payoff that increases uniformly as the electronic gaming device is played.

(b) A progressive jackpot may be won where a certain preestablished criteria, which does not have to be a winning combination, is satisfied.

(c) A bonus game where certain circumstances are required to be satisfied prior to awarding of a fixed bonus prize is not a progressive electronic gaming device and is not subject to this section and sections 33 through 42 of this rule. (*Indiana Gaming Commission; 68 IAC 2-6-32; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-33 Transferring a progressive jackpot that is in play**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 33. (a) A progressive jackpot that is currently in play may be transferred to other progressive electronic gaming devices in the casino in the event of:

- (1) electronic gaming device malfunction;
- (2) electronic gaming device replacement; and
- (3) another good reason deemed appropriate by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.

(b) If the events set forth in subsection (a) do not occur, the progressive award must be permitted to remain until it is won by a player or transfer is approved by the executive director. (*Indiana Gaming Commission; 68 IAC 2-6-33; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-34 Recordkeeping**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 34. (a) The casino licensee must maintain a record of the amount shown on a progressive jackpot meter.

(b) Supporting documents must be maintained to explain a reduction in the payoff amount from a previous entry.

(c) The records and documents must be retained for a period of five (5) years unless otherwise provided by the executive director in writing. (*Indiana Gaming Commission; 68 IAC 2-6-34; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-35 The progressive meter**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 35. The electronic gaming device must be linked to a progressive meter or meters showing the current payoff to all players who are playing an electronic gaming device which may potentially win the progressive amount. (*Indiana Gaming Commission; 68 IAC 2-6-35; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-*



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**68 IAC 2-6-36 Consistent odds on linked machines**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 36. Unless permitted by the executive director, in writing, when more than one (1) progressive electronic gaming device is linked together, each electronic gaming device on the link must have the same probability of hitting the combination that will award the progressive jackpot or jackpots. (*Indiana Gaming Commission; 68 IAC 2-6-36; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-37 Operation of progressive controller-normal mode**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 37. (a) During the normal operating mode of the progressive controller, the controller must do the following:

(1) Continuously monitor each electronic gaming device attached to the controller to detect inserted tokens or credits wagered.

(2) Multiply the accepted tokens by the programmed rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot.

(b) The progressive display must be constantly updated as play on the link is continued. It will be acceptable to have a slight delay in the update as long as when a jackpot is triggered the jackpot amount is shown immediately.

(c) At least one (1) progressive display to which a group of progressive electronic gaming devices is linked must continuously display the amount of the progressive jackpot that a patron may win. (*Indiana Gaming Commission; 68 IAC 2-6-37; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; errata filed Aug 9, 1996, 10:00 a.m.: 20 IR 21; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2091; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-38 Operation of progressive controller-jackpot mode**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 38. (a) When a progressive jackpot is recorded on an electronic gaming device which is attached to the progressive controller, the progressive controller must allow for the following:

(1) The displaying of the winning amount.

(2) The displaying of the electronic gaming device identification that caused the progressive meter to activate if more than one (1) electronic gaming device is attached to the controller.

(b) The progressive controller is required to send to the electronic gaming device the amount that was won. The electronic gaming device is required to update its electronic meters to reflect the winning jackpot amount consistent with this rule.

(c) When more than one (1) progressive electronic gaming device is linked to the progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. During this time, the progressive meter or another attached approved device must display the following information:

(1) The identity of the electronic gaming device that caused the progressive meter to activate.

(2) The winning progressive amount.

(3) The new normal mode amount that is current on the link.

(*Indiana Gaming Commission; 68 IAC 2-6-38; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-39 Alternating displays**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 39. When this rule prescribes multiple items of information to be displayed on a progressive meter, it is sufficient to have the information displayed in an alternating fashion. (*Indiana Gaming Commission; 68 IAC 2-6-39; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-40 Security of progressive controller**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 40. (a) Each progressive controller linking two (2) or more progressive electronic gaming devices must be housed in a double keyed compartment in a location approved by the executive director. All keys must be maintained in accordance with 68 IAC 11-7.

(b) The executive director or the executive director's designee must be in possession of one (1) of the keys.

(c) A list of the occupational licensees having access to a progressive controller must be submitted to the executive director and updated continually.

(d) A progressive controller entry authorization log must be maintained within each controller. The log shall be on a form prescribed by the commission and completed by an individual gaining entrance to the controller.

(e) Security restrictions must be submitted in writing to the executive director for approval at least sixty (60) days before their enforcement. All restrictions approved by the executive director will be made on a case-by-case basis in the case of a stand-alone progressive where the controller is housed in the logic area. (*Indiana Gaming Commission; 68 IAC 2-6-40; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1309; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-41 Progressive controller; metering information**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 41. The progressive controller must keep the following information in nonvolatile memory which shall be displayed upon demand:

(1) The number of progressive jackpots won on each progressive level if the progressive display has more than one (1) winning amount.

(2) The cumulative amounts paid on each progressive level if the progressive display has more than one (1) winning amount.

(3) The maximum amount of the progressive payout for each level displayed.

(4) The minimum amount or reset amount of the progressive payout for each level displayed.

(5) The rate of progression for each level displayed.

(*Indiana Gaming Commission; 68 IAC 2-6-41; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-42 Limits on jackpot of progressive electronic gaming devices**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 42. (a) A casino licensee may impose a limit on the jackpot of a progressive electronic gaming device if the limit

imposed is greater than the possible maximum jackpot payout on the electronic gaming device at the time the limit is imposed.

(b) The casino licensee must inform the public with a prominently posted notice of progressive electronic gaming devices and their limits. (*Indiana Gaming Commission; 68 IAC 2-6-42; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-43 Electronic gaming devices tournaments**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 43. (a) Electronic gaming device tournaments may be conducted by the casino licensee.

(b) Tournament play must be on machines that have been tested and approved in accordance with the rules and for which the tournament feature has been enabled.

(c) Electronic gaming devices used in a single tournament shall use the same electronics and machine settings.

(d) Electronic gaming devices enabled for tournament play shall not accept tokens or TITOs or pay out tokens or TITOs. The electronic gaming devices shall use credit points only.

(e) Tournament credits shall have no cash value.

(f) Tournament play may not be credited to electromechanical meters of the machine. (*Indiana Gaming Commission; 68 IAC 2-6-43; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-44 Qualification of players**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 44. (a) At the casino licensee's discretion, the casino licensee may establish qualification or selection criteria to limit the eligibility of players in a tournament.

(b) The criteria used shall be reasonably related to gaming activity. (*Indiana Gaming Commission; 68 IAC 2-6-44; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6-45 Rules of tournament play**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 45. (a) The casino licensee shall submit rules of tournament play to the executive director at least thirty (30) days in advance of the commencement of the tournament or within a shorter time period as the executive director may designate. The rules of play shall include, but not be limited to, the following:

(1) The amount of points, credits, and playing time players will begin with.

(2) The manner in which players will receive electronic gaming device assignments and how reassignments are to be handled.

(3) How:

(A) players are eliminated from the tournament; and

(B) the winner or winners are to be determined.

(4) The number of electronic gaming devices a player will be allowed to play.

(5) The amount of entry fee for participating in the tournament.

(6) The number of prizes to be awarded.

- (7) An exact description of each prize to be awarded.
- (8) Any additional house rules governing play of the tournament.
- (9) Any rules deemed necessary by the executive director to ensure compliance with IC 4-33, IC 4-35, and this title.

(b) The executive director shall approve the rules, in writing, within thirty (30) days of the receipt of the rules.

(c) A casino licensee shall not permit a tournament to be played unless the rules of tournament play have been approved by the executive director.

(d) Once rules of tournament play have been approved by the executive director, the casino licensee may offer a tournament using the approved rules at any time. Amendments to approved rules of tournament play shall be submitted to the executive director at least thirty (30) days prior to the utilization of the amendments or within a shorter time frame as the executive director may designate. The executive director shall approve amendments to rules of tournament play within thirty (30) days of receipt of the amendments. A casino licensee shall not use amendments to rules of tournament play until the executive director has approved the amendments.

(e) The rules of tournament play shall be provided to the tournament players and members of the public who request a copy of the rules. (*Indiana Gaming Commission; 68 IAC 2-6-45; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-6-46 Commission licensure and approval**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 46. (a) A casino licensee shall not do the following:

(1) Use electronic gaming devices unless the commission has licensed the devices.

(2) Conduct tournaments unless it has obtained approval from the executive director, in writing, in accordance with section 45 of this rule.

(b) The casino licensee must submit its proposals, in writing, at least sixty (60) days before commencing use of the electronic gaming device or commencing the tournament.

(c) The executive director shall issue a decision.

(d) The casino licensee may appeal an adverse decision to licensure of an electronic gaming device under 68 IAC 7-1. An adverse decision to tournament approval is final after review by the commission in accordance with section 49 of this rule. (*Indiana Gaming Commission; 68 IAC 2-6-46; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-6-47 Violation of rule**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 47. If the commission determines that a licensee is not in compliance with this rule, the commission may initiate a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 2-6-47; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-6-48 Deviation from provisions**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 48. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive

director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of the rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing. (*Indiana Gaming Commission; 68 IAC 2-6-48; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

#### **68 IAC 2-6-49 Reports by the executive director**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 49. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to this rule to the commission at the next meeting held under 68 IAC 1-2-5 or an executive session held under IC 5-14-1.5-6.1. (*Indiana Gaming Commission; 68 IAC 2-6-49; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

### **Rule 6.5. Server-Based Gaming**

#### **68 IAC 2-6.5-1 Definitions**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 1. (a) The following definitions apply throughout this rule, unless the context clearly indicates otherwise:

(1) "Control program" means the software that operates the player terminal's functions, including, but not limited to, the following:

- (A) Pay table.
- (B) Game program.
- (C) Game logic.
- (D) Random number generator.
- (E) Denominations.
- (F) User interface elements for the game.

A control program may run independently on the player terminal, or it may require information generated by the server to function. A control program may exist on a server or on a player terminal, or both.

(2) "Data library" means the electronic repository of all approved data files that may be downloaded to player terminals or utilized to facilitate game play on a SSEGS or SHEGS, including:

- (A) control programs;
- (B) firmware;
- (C) peripheral firmware;
- (D) configuration data; and
- (E) any other software that may be downloaded to a player terminal.

(3) "Electronic multiplayer table system" means a combination of:

- (A) one (1) or more servers; and
- (B) multiple player terminals;

that function collectively for the purpose of electronically simulating multiplayer table game operations either without a live

host, or with a live host whose duties are limited to the functions described in 68 IAC 1-1-82.

(4) "Host-assisted electronic multiplayer table system" means a combination of:

- (A) one (1) or more servers; and
- (B) multiple player terminals;

that function collectively for the purpose of electronically simulating multiplayer table game operations with the assistance of a dealer or live host whose duties are not limited to the functions described in 68 IAC 1-1-82.

(5) "Player terminal" means the device that a patron utilizes to interact with a game on any SHEGS, SSEGS, electronic multiplayer table system, or host-assisted electronic multiplayer table system. The term includes, but may not be limited to, a device on which or from which a player does one (1) or more of the following:

- (A) Places a wager.
- (B) Views graphics from the game.
- (C) Hears audio from the game.
- (D) Provides input to the game.
- (E) Receives notification of the outcome of a game.

(6) "Server" means the host computer that is the primary source of the system controls and information for player terminals.

(7) "Server-hosted electronic gaming system" or "SHEGS" means a combination of one (1) or more servers and one (1) or more player terminals that:

- (A) is linked by a computer network;
- (B) does not electronically simulate multiplayer table game operations;
- (C) does not contain player terminals that are capable of player functionality if they are disconnected from the system; and
- (D) determines the outcome of the game at the time of patron play by a random number generator that resides on the server or servers.

(8) "Server-supported electronic gaming system" or "SSEGS" means a combination of one (1) or more servers and one (1) or more player terminals that:

- (A) is linked by a computer network that facilitates the transfer of the control program from the server or servers to the player terminals;
- (B) does not electronically simulate multiplayer table game operations;
- (C) allows each player terminal to be capable of complete player functionality if disconnected from the system; and
- (D) determines the outcome of the game at the time of patron play by a random number generator that resides in the player terminal.

(b) A casino licensee may utilize a SSEGS or SHEGS for gaming that:

(1) has been tested and approved by the commission under 68 IAC 2-6-2 through 68 IAC 2-6-4; and

(2) complies with 68 IAC 2-6-5, 68 IAC 2-6-6(a), 68 IAC 2-6-6(b), 68 IAC 2-6-7 through 68 IAC 2-6-14, 68 IAC 2-6-16 through 68 IAC 2-6-19, 68 IAC 2-6-21 through 68 IAC 2-6-43, 68 IAC 2-6-46, and any other applicable standards adopted by the commission.

(c) Notwithstanding any other provision of this section, 68 IAC 2-6-5(10) does not apply to a SSEGS or SHEGS. The par sheet for each game on a SSEGS or SHEGS must be submitted to the commission before the game is placed into service.

(d) Notwithstanding any other provision of this section, 68 IAC 2-6-6(c) does not apply to a SSEGS or SHEGS. Any conversion must be made in accordance with sections 3 and 4 of this rule.

(e) Notwithstanding any other provision of this section, 68 IAC 2-6-8(d) does not apply to a SSEGS or SHEGS.

(f) Notwithstanding any other provision of this section, 68 IAC 2-6-21 does not apply to a SSEGS or SHEGS. Any changes to the rules of play must be made in accordance with sections 3 and 4 of this document [rule]. (*Indiana Gaming Commission; 68 IAC 2-6.5-1; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; errata filed Mar 20, 2012, 11:24 a.m.: 20120328-IR-068100675ACA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6.5-2 Internal controls and trial period**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

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LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT

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Sec. 2. (a) Before a casino licensee may utilize a SSEGS or SHEGS for gaming, the following must occur:

(1) The casino licensee must submit to the commission a copy of internal controls related specifically to the SSEGS or SHEGS.

(2) The commission must approve the internal controls.

(b) This section incorporates by reference in the following manner GLI Standard #21—Standards for Client-Server Systems (Version 2.1, released May 18, 2007, which is available from the commission's office in Indianapolis, Indiana or at <http://www.gaminglabs.com/downloads/GLI%20Standards/updated%20Standards/GLI-21%20v2.1%20Final.pdf> and does not include any later amendments or editions):

(1) A SSEGS or a SHEGS must meet the minimum technical standards for a client-server system as outlined by GLI Standard #21.

(2) A SSEGS must meet the minimum technical specifications for a server-supported game system as outlined in GLI Standard #21.

(3) A SHEGS must meet the minimum technical specifications for a server-based game system as outlined in GLI Standard #21.

(4) In the event of a conflict between GLI Standard #21 and this rule or any other standards that the commission specifically adopts, the provisions outlined in this rule and any other standards that the commission specifically adopts shall prevail.

(c) Before a casino licensee may utilize a SSEGS or SHEGS for gaming, the licensee must obtain approval from the executive director to undergo a trial period of the desired system for a period of time that the executive director shall specify. During the trial period the casino licensee must do the following:

(1) Submit monthly reports to the executive director concerning the SSEGS or SHEGS. The reports shall contain, at a minimum, the following:

(A) The total coin in and coin out for the system and for each player terminal.

(B) Any hardware or software modifications that the casino licensee or the system supplier performed, including any software or control program uploads from the server to a player terminal of a SSEGS, and any software or control program modifications on the server of a SSEGS or SHEGS.

(C) Any jackpot of ten thousand dollars (\$10,000) or greater.

(D) Any system, software, or hardware errors encountered.

(E) Any variances involving the system.

(2) Report any variances to the commission within forty-eight (48) hours of the variance.

(3) Report any jackpot that is greater than ten thousand dollars (\$10,000) to the commission within twenty-four (24) hours of the jackpot.

The executive director may at any time suspend the trial period for a temporary period of time or prohibit further use of a SSEGS or SHEGS by a casino licensee. (*Indiana Gaming Commission; 68 IAC 2-6.5-2; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6.5-3 Data library**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 3. (a) All SSEGS and SHEGS must utilize a data library.

(b) Additions, deletions, and any other changes to the data library on the server must be approved in advance by the executive director or the executive director's designee.

(c) Data files eligible for inclusion in the data library must be approved in advance in accordance with 68 IAC 2-6-2 through 68 IAC 2-6-4.

(d) Any changes that are made to the data library, including, but not limited to, the addition, change, or deletion of control programs, must be stored in an unalterable audit log, which shall include the following:

(1) The time and date of the change made to the data library.

(2) The log-in name.

(3) Data files added, changed, or deleted.

*(Indiana Gaming Commission; 68 IAC 2-6.5-3; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-6.5-4 Changes and logging**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 4. (a) All changes made by a casino licensee that affect game play or control programs on a player terminal must be made in accordance with the procedures following procedures outlined in this section:

(1) For purposes of this section, changes that affect game play or control programs on a player terminal include:

(A) a change in:

- (i) payout percentage;
- (ii) denomination;
- (iii) rules of the game;
- (iv) the game theme; or
- (v) line count configuration;

(B) any change that affects the pay table of a player terminal;

(C) additions and deletions to the player terminal; or

(D) any other change that the commission or the executive director deems to have the potential to materially alter a player's gaming experience.

(2) Changes may only be made in the presence of a gaming agent and require split passwords with the gaming agent possessing one (1) half of a password that is changed at least every thirty (30) days, and the casino licensee possessing the other half of the password that is changed at least every thirty (30) days. A system that requires two (2) independent logins, one (1) of which must assigned to a gaming agent, and each of which must be changed every thirty (30) days, shall meet the intent of this requirement.

(3) Changes may be prescheduled up to seven (7) days in advance only if entry or cancellation of the scheduled change requires the security measures specified in subdivision (2). Records must be kept that describe:

(A) whether a scheduled change was executed; and

(B) the nature and details of the scheduled changes.

(4) Before a change described in subdivision (1) is made, the player terminal that is the subject of the change must have no credits outstanding and must not have been utilized by any patron for four (4) minutes. After those four (4) minutes have elapsed, the player terminal must:

(A) enter an inactive state where patrons cannot utilize the terminal; and

(B) display a message for a minimum of one (1) minute indicating that:

- (i) changes are being made to the player terminal; and
- (ii) play is not currently permitted on the machine.

(5) After an addition described in subdivision (1) is made, before a patron may utilize a player terminal, an enforcement agent must verify the signature or signatures of the control programs using a device or software that is provided by the commission's authorized independent gaming laboratory, unless otherwise specified by the executive director.

(b) Any record of activity between a server and a player terminal that involves:

(1) the downloading of control programs or the adjustment of player terminal settings and configurations;

(2) the activation of previously downloaded control programs or game content; or

(3) any other change that affects game play or control programs on a player terminal;

must be stored in an unalterable audit log, which shall identify with particularity the player terminal or terminals to which the control program was downloaded and, if applicable, the program it replaced and changes to the player terminal settings or configurations.

(c) The electronic gaming device system database must be simultaneously updated when any change that affects game play or control programs on a player terminal is made. *(Indiana Gaming Commission; 68 IAC 2-6.5-4; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; errata filed Mar 20, 2012, 11:24 a.m.: 20120328-IR-068100675ACA; readopted filed Nov 26, 2013,*



3:58 p.m.: 20131225-IR-068130354RFA)

**68 IAC 2-6.5-5 Auditing and security**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 5. (a) For purposes of accounting and audit, each player terminal shall count as one (1) unit to be reported on all tax returns submitted to the commission. If multiple denominations were used on one (1) player terminal during a reporting period:

- (1) all denominations must be reported in the accounting denomination; and
- (2) the accounting denomination must be the lowest denomination.

(b) Both the server or servers and the player terminal or player terminals of the SSEGS or SHEGS shall reside within the physical confines of a single casino gambling operation.

(c) The server and any device or computer that is used to make changes to the server must be stored in a room that is secured and locked.

(d) The server and any device or computer connected to the server must be on a private network that is only used for gaming operations.

(e) The server and any device or computer connected to the server may not be connected to:

- (1) the Internet; or
- (2) any device that is connected to the Internet;

unless the commission has issued written approval of an Internet connection and connection software. (*Indiana Gaming Commission; 68 IAC 2-6.5-5; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6.5-6 Verification**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 6. (a) Each SSEGS or SHEGS must employ a verification mechanism that automatically, on a time interval approved by the commission and on demand, authenticates with a server all critical files including, but not limited to, the following:

- (1) Control programs residing on a player terminal connected to the system.
- (2) Data libraries residing on a player terminal connected to the system.
- (3) Any other file residing on the server or player terminals that, as determined by the commission, may influence the operation and calculation of:
  - (A) game play;
  - (B) game display;
  - (C) game result determination;
  - (D) game accounting;
  - (E) revenue; or
  - (F) security.

(b) A report shall be available that details the verification results for each control program component on both the server and the player terminals. (*Indiana Gaming Commission; 68 IAC 2-6.5-6; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-6.5-7 Deviations**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 7. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of the rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing. (*Indiana Gaming Commission; 68 IAC 2-6.5-7; filed Aug 18, 2011, 11:38 a.m.: 20110914-IR-068100675FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

## **Rule 7. Associated Equipment**

### **68 IAC 2-7-1 Licensure**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 1. (a) The commission may require the manufacturer or distributor of associated equipment to obtain a supplier's license under 68 IAC 2-2.

(b) For purposes of this rule, "licensed distributor" means a distributor of associated equipment under this rule that the commission has required to obtain a supplier's license.

(c) The standards and requirements for a supplier's license under 68 IAC 2-2 shall apply to a manufacturer or distributor of associated equipment that the commission requires to be licensed, except as otherwise indicated in this rule.

(d) A distributor of associated equipment that applies for a supplier's license shall submit a distributor agreement in lieu of the letter of intent required by 68 IAC 2-2-1(b). The distributor agreement with the manufacturer of associated equipment shall state, at a minimum, the following:

- (1) That the distributor will work directly with the manufacturer, and not through a third party, to distribute associated equipment to Indiana casinos.
- (2) If the manufacturer is not going to obtain or retain a supplier's license, that the distributor, and not the manufacturer, will distribute the specified associated equipment to Indiana casinos.
- (3) The commercially useful functions that the distributor will perform regarding the associated equipment that the distributor seeks to provide to Indiana casinos.
- (4) The skills that the distributor possesses to be the exclusive provider of the associated equipment to Indiana casinos, including without limitation:
  - (A) certifications;
  - (B) experience; and
  - (C) technical knowledge of its employees;

that are relevant to the associated equipment that the distributor seeks to provide to Indiana casinos.

(5) The distributor's employees and contractors who will perform the work under the distributor agreement.

(6) The circumstances under which the manufacturer's employees and contractors may perform work in Indiana casinos regarding the specified associated equipment.

(7) That the distributor will satisfy the requirements of this rule.

(e) A licensed distributor of associated equipment must be responsible for, at a minimum, the following functions:

- (1) Executing and invoicing sales to Indiana casinos.
  - (2) Marketing associated equipment directly to Indiana casinos.
  - (3) Delivery of the associated equipment and necessary parts to Indiana casinos.
  - (4) Being the initial contact for Indiana casinos to obtain installation, maintenance, and service of the associated equipment.
  - (5) Otherwise serving a commercially useful function regarding the associated equipment that it provides to Indiana casinos.
- To determine whether a licensed distributor is performing a commercially useful function under this section, the commission may consider the following:

- (A) The amount of work performed by the licensed distributor and its employees.

- (B) The person responsible for scheduling the installation, maintenance, or service.
- (C) The amount of control the licensed distributor has over the work of the manufacturer's employees or independent contractors that perform installation, maintenance, and service of the associated equipment.
- (D) Standard industry practices.
- (E) Other relevant factors.

(f) The commission may disapprove a distributor agreement if it does not meet the standards of this rule. (*Indiana Gaming Commission; 68 IAC 2-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 31, 2009, 8:32 a.m.: 20090826-IR-068090005FRA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-2 Approval**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 2. (a) A manufacturer or distributor of associated equipment shall not distribute associated equipment to a casino licensee unless the executive director has approved the associated equipment.

(b) If a licensed distributor is responsible for distributing the associated equipment to Indiana casinos, it shall be the direct contact with the commission and the independent laboratory under this section.

(c) An applicant for approval of associated equipment shall submit the following information on forms prescribed by the commission:

- (1) The name, business address, and business telephone number of the manufacturer or distributor.
- (2) The federal identification number, Indiana taxpayer identification number, or last four (4) digits of the Social Security number of the manufacturer or distributor.
- (3) If the manufacturer or distributor is a business entity, the information set forth in subdivisions (1) and (2) must be provided for the business entity's key persons and substantial owners.
- (4) A list of the jurisdictions that have approved the associated equipment. A copy of the document of approval from each jurisdiction must be attached to the application.
- (5) Any additional information deemed necessary by the commission to enable a complete understanding of the operation and function of the associated equipment.

(d) If the executive director requires the manufacturer or distributor of associated equipment to submit the associated equipment to an independent laboratory, the manufacturer or distributor of the associated equipment shall provide the following information to the independent laboratory:

- (1) The information set forth in subsection (c).
- (2) A complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language. The document must be signed under penalty of perjury.
- (3) Detailed operating procedures of the associated equipment.
- (4) Details of the:
  - (A) tests performed on the associated equipment;
  - (B) conditions and standards under which the tests were performed; and
  - (C) person that conducted the test.

(e) The independent laboratory shall provide the following information with documentation to the executive director regarding the associated equipment:

- (1) Details of the tests performed on the associated equipment.
- (2) Results of the tests performed on the associated equipment.
- (3) Detailed operating procedures of the associated equipment.
- (4) Percentage calculations of the associated equipment.
- (5) Other information that the executive director deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.
- (f) If the manufacturer or distributor seeking approval of associated equipment holds a supplier's license, it shall provide only

the information specified in subsections (c)(1), (c)(4), (c)(5), and (d). (*Indiana Gaming Commission; 68 IAC 2-7-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-3 Evaluation of associated equipment**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 3. (a) The executive director may require transportation of not more than two (2) working models of associated equipment to a designated independent laboratory for evaluation. The evaluation may result in dismantling the associated equipment and destroying the electronic components.

(b) The executive director may:

- (1) require the manufacturer or distributor seeking approval of the associated equipment to provide specialized equipment or the services of an independent technical expert to evaluate the equipment; and
- (2) contract with an an *[sic]* independent laboratory to conduct the evaluation.

(c) The manufacturer or distributor seeking approval of the associated equipment must pay the cost of the evaluation. (*Indiana Gaming Commission; 68 IAC 2-7-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-4 Installation**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 4. A casino licensee shall not install or use associated equipment that has not been approved by the executive director even if the executive director has determined that the associated equipment complies with the technical standards set forth in this rule. (*Indiana Gaming Commission; 68 IAC 2-7-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-7-5 Issuance of approval of associated equipment**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 5. After the executive director approves the associated equipment, the executive director shall advise the manufacturer and licensed distributor, in writing, of the approval. (*Indiana Gaming Commission; 68 IAC 2-7-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-6 Alteration or revision**

Authority: IC 4-33-4; IC 4-35-4  
Affected: IC 4-33; IC 4-35

Sec. 6. A casino licensee shall not alter the manner in which associated equipment operates or revise the associated equipment without prior written approval of the executive director. (*Indiana Gaming Commission; 68 IAC 2-7-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58*

*p.m.: 20131225-IR-068130354RFA)*

**68 IAC 2-7-7 Revocation of approval**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 7. (a) The executive director may revoke the approval of associated equipment if the executive director determines that the associated equipment:

- (1) does not perform in the manner described in the application;
- (2) is defective or malfunctions frequently;
- (3) has a detrimental impact on the conduct of a casino gambling operation;
- (4) adversely affects computation of taxes for reasons including, but not limited to:
  - (A) inaccurate computation;
  - (B) defects; and
  - (C) malfunctions; or
- (5) was not delivered, installed, maintained, or serviced by an entity that has the appropriate license.

(b) Upon receipt of notice that the executive director has revoked an approval under this rule, the casino licensee or casino license applicant shall do the following:

- (1) Cease using the associated equipment for which approval has been revoked by the date established by the executive director.
- (2) Notify the executive director, in writing, if it cannot cease using the associated equipment by the established date and seek an extension of time.

The executive director shall advise the casino licensee or casino license applicant, in writing, if the suggested time frame is not suitable.

(c) The executive director may initiate a disciplinary action against a casino licensee or casino license applicant that continues to use associated equipment for which approval has been revoked unless the executive director grants an extension of time under subsection (c). (*Indiana Gaming Commission; 68 IAC 2-7-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-8 Notice to the executive director**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 8. (a) The manufacturer or distributor of associated equipment shall do the following:

- (1) Notify the executive director, in writing, of problems, defects, or malfunctions of associated equipment that the commission has approved.
- (2) Advise the executive director, in writing, if another jurisdiction has revoked the approval of associated equipment approved by the commission.
- (b) Casino licensees or casino license applicants shall do the following:
  - (1) Notify the executive director, in writing, of problems, defects, or malfunctions of the associated equipment that has been approved by the commission and is used by the casino licensee or casino license applicant in the state of Indiana or another jurisdiction.
  - (2) Notify the executive director, in writing, if another jurisdiction has revoked its approval of associated equipment approved by the commission and used in Indiana by the casino licensee or casino license applicant.

(*Indiana Gaming Commission; 68 IAC 2-7-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-*

IR-068120584FRA)

**68 IAC 2-7-9 Retention of records**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 9. (a) The manufacturer or distributor of associated equipment shall maintain the following records:

- (1) The applications for approval of associated equipment submitted to the commission.
- (2) Detailed operating procedures of the associated equipment.
- (3) Approvals of associated equipment received from other jurisdictions.
- (4) A complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language.
- (5) Alterations or revisions, with requisite approvals, that have been conducted on associated equipment used by casino licensees or casino license applicants.
- (6) The revocation of an approval for associated equipment issued by any gaming jurisdiction.
- (7) Documentation that indicates problems, defects, or malfunctions of the associated equipment.
- (8) Details of tests performed on the associated equipment by the manufacturer or distributor of the associated equipment.
- (9) Other records that the executive director deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.

(b) Casino licensees or casino license applicants shall maintain the records listed in subsection (a) that are in its possession.

Casino licensees or casino license applicants must maintain, at a minimum, those records identified in subsection (a)(5) and (a)(7).

(c) The manufacturer or distributor of the associated equipment, the casino licensee, or the casino license applicant shall maintain the records required by this rule for a period of five (5) years. (*Indiana Gaming Commission; 68 IAC 2-7-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-10 Request for hearing on notice of denial or revocation of approval**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 10. The manufacturer or distributor of associated equipment who is served with a notice of denial or revocation of approval under this rule may request a hearing under 68 IAC 7. (*Indiana Gaming Commission; 68 IAC 2-7-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA; filed Jan 9, 2014, 9:28 a.m.: 20140205-IR-068120584FRA*)

**68 IAC 2-7-11 Deviation from provisions**

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 11. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of the rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate IC 4-33 or IC 4-35.

(b) If a:

- (1) manufacturer or distributor of associated equipment; or
- (2) licensee;

wishes to request a deviation from the provisions of this rule, the request must be in writing. (*Indiana Gaming Commission; 68 IAC 2-7-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

**68 IAC 2-7-12 Reports by the executive director**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 12. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to associated equipment at the next meeting held under 68 IAC 1-2-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 2-7-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; readopted filed Nov 26, 2013, 3:58 p.m.: 20131225-IR-068130354RFA*)

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