

## Final Rule

LSA Document #16-52(F)

## DIGEST

Adds [68 IAC 1-2-13](#) regarding deviations from provisions. Amends [68 IAC 1-15-1](#), [68 IAC 2-1-8](#), [68 IAC 2-1-11](#), [68 IAC 2-2-5.2](#), [68 IAC 2-2-5.3](#), [68 IAC 2-2-10](#), [68 IAC 2-3-5](#), [68 IAC 2-3-9](#), [68 IAC 5-1-7](#), and [68 IAC 5-2-5](#) to remove duplicative language relating to disciplinary action. Adds [68 IAC 8-1-12](#) regarding excursions. Adds [68 IAC 9-5](#) regarding ethics provisions. Amends [68 IAC 15-3-1](#), [68 IAC 16-1-14](#), [68 IAC 18-1-3](#), and [68 IAC 24-3-34](#) to remove duplicative language relating to disciplinary action. Repeals [68 IAC 1-3-6](#), [68 IAC 1-4-10](#), [68 IAC 1-4-11](#), [68 IAC 1-5-4](#), [68 IAC 1-7-2](#), [68 IAC 1-9-5](#), [68 IAC 1-10-2](#), [68 IAC 1-10-3](#), [68 IAC 1-11-2](#), [68 IAC 1-12-7](#), [68 IAC 1-13-2](#), [68 IAC 1-14-4](#), [68 IAC 1-16-6](#), [68 IAC 2-1-13](#), [68 IAC 2-2-12](#), [68 IAC 2-3-10](#), [68 IAC 2-3.5-4](#), [68 IAC 2-6-47](#), [68 IAC 2-6-48](#), [68 IAC 2-6.5-7](#), [68 IAC 2-7-11](#), [68 IAC 3-3-11](#), [68 IAC 4-1-9](#), [68 IAC 4-1-10](#), [68 IAC 5-1-8](#), [68 IAC 5-2-6](#), [68 IAC 5-3-5](#), [68 IAC 5-3-6](#), [68 IAC 8-1-1](#), [68 IAC 8-1-2](#), [68 IAC 8-1-3](#), [68 IAC 8-1-4](#), [68 IAC 8-1-5](#), [68 IAC 8-1-6](#), [68 IAC 8-1-7](#), [68 IAC 8-1-8](#), [68 IAC 8-1-9](#), [68 IAC 8-1-10](#), [68 IAC 8-1-11](#), [68 IAC 9-1-1](#), [68 IAC 9-1-2](#), [68 IAC 9-1-3](#), [68 IAC 9-1-4](#), [68 IAC 9-1-5](#), [68 IAC 9-1-6](#), [68 IAC 9-1-7](#), [68 IAC 9-1-8](#), [68 IAC 9-1-9](#), [68 IAC 9-1-10](#), [68 IAC 9-1-11](#), [68 IAC 9-1-12](#), [68 IAC 9-1-13](#), [68 IAC 9-1-14](#), [68 IAC 9-1-15](#), [68 IAC 9-1-15.1](#), [68 IAC 9-1-16](#), [68 IAC 9-1-17](#), [68 IAC 9-2-1](#), [68 IAC 9-2-2](#), [68 IAC 9-2-3](#), [68 IAC 9-2-4](#), [68 IAC 9-2-5](#), [68 IAC 9-2-6](#), [68 IAC 9-2-7](#), [68 IAC 9-2-8](#), [68 IAC 9-2-9](#), [68 IAC 9-2-10](#), [68 IAC 9-2-11](#), [68 IAC 9-2-12](#), [68 IAC 9-2-13](#), [68 IAC 9-2-14](#), [68 IAC 9-2-15](#), [68 IAC 9-2-16](#), [68 IAC 9-2-17](#), [68 IAC 9-2-18](#), [68 IAC 9-2-19](#), [68 IAC 9-2-20](#), [68 IAC 9-2-21](#), [68 IAC 9-3-1](#), [68 IAC 9-3-2](#), [68 IAC 9-3-3](#), [68 IAC 9-3-4](#), [68 IAC 9-3-5](#), [68 IAC 9-3-6](#), [68 IAC 9-3-7](#), [68 IAC 9-3-8](#), [68 IAC 9-3-9](#), [68 IAC 9-3-10](#), [68 IAC 9-3-11](#), [68 IAC 9-3-12](#), [68 IAC 9-3-13](#), [68 IAC 9-3-14](#), [68 IAC 9-3-15](#), [68 IAC 9-3-16](#), [68 IAC 9-4-1](#), [68 IAC 9-4-2](#), [68 IAC 9-4-3](#), [68 IAC 9-4-4](#), [68 IAC 9-4-8](#), [68 IAC 10-1-7](#), [68 IAC 10-1-8](#), [68 IAC 11-1-6](#), [68 IAC 12-1-13](#), [68 IAC 12-1-14](#), [68 IAC 14-1-2](#), [68 IAC 14-1-3](#), [68 IAC 14-5.5-7](#), [68 IAC 15-1-6](#), [68 IAC 15-1-7](#), [68 IAC 15-6-6](#), [68 IAC 16-1-15](#), [68 IAC 17-1-4](#), [68 IAC 17-2-4](#), [68 IAC 17-2-5](#), [68 IAC 18-1-4](#), [68 IAC 18-1-5](#), and [68 IAC 19-1-5](#). Effective 30 days after filing with the Publisher.

[68 IAC 1-2-13](#); [68 IAC 1-3-6](#); [68 IAC 1-4-10](#); [68 IAC 1-4-11](#); [68 IAC 1-5-4](#); [68 IAC 1-7-2](#); [68 IAC 1-9-5](#); [68 IAC 1-10-2](#); [68 IAC 1-10-3](#); [68 IAC 1-11-2](#); [68 IAC 1-12-7](#); [68 IAC 1-13-2](#); [68 IAC 1-14-4](#); [68 IAC 1-15-1](#); [68 IAC 1-16-6](#); [68 IAC 2-1-8](#); [68 IAC 2-1-11](#); [68 IAC 2-1-13](#); [68 IAC 2-2-5.2](#); [68 IAC 2-2-5.3](#); [68 IAC 2-2-10](#); [68 IAC 2-2-12](#); [68 IAC 2-3-5](#); [68 IAC 2-3-9](#); [68 IAC 2-3-10](#); [68 IAC 2-3.5-4](#); [68 IAC 2-6-47](#); [68 IAC 2-6-48](#); [68 IAC 2-6.5-7](#); [68 IAC 2-7-11](#); [68 IAC 3-3-11](#); [68 IAC 4-1-9](#); [68 IAC 4-1-10](#); [68 IAC 5-1-7](#); [68 IAC 5-1-8](#); [68 IAC 5-2-5](#); [68 IAC 5-2-6](#); [68 IAC 5-3-5](#); [68 IAC 5-3-6](#); [68 IAC 8-1-1](#); [68 IAC 8-1-2](#); [68 IAC 8-1-3](#); [68 IAC 8-1-4](#); [68 IAC 8-1-5](#); [68 IAC 8-1-6](#); [68 IAC 8-1-7](#); [68 IAC 8-1-8](#); [68 IAC 8-1-9](#); [68 IAC 8-1-10](#); [68 IAC 8-1-11](#); [68 IAC 8-1-12](#); [68 IAC 9-1-1](#); [68 IAC 9-1-2](#); [68 IAC 9-1-3](#); [68 IAC 9-1-4](#); [68 IAC 9-1-5](#); [68 IAC 9-1-6](#); [68 IAC 9-1-7](#); [68 IAC 9-1-8](#); [68 IAC 9-1-9](#); [68 IAC 9-1-10](#); [68 IAC 9-1-11](#); [68 IAC 9-1-12](#); [68 IAC 9-1-13](#); [68 IAC 9-1-14](#); [68 IAC 9-1-15](#); [68 IAC 9-1-15.1](#); [68 IAC 9-1-16](#); [68 IAC 9-1-17](#); [68 IAC 9-2-1](#); [68 IAC 9-2-2](#); [68 IAC 9-2-3](#); [68 IAC 9-2-4](#); [68 IAC 9-2-5](#); [68 IAC 9-2-6](#); [68 IAC 9-2-7](#); [68 IAC 9-2-8](#); [68 IAC 9-2-9](#); [68 IAC 9-2-10](#); [68 IAC 9-2-11](#); [68 IAC 9-2-12](#); [68 IAC 9-2-13](#); [68 IAC 9-2-14](#); [68 IAC 9-2-15](#); [68 IAC 9-2-16](#); [68 IAC 9-2-17](#); [68 IAC 9-2-18](#); [68 IAC 9-2-19](#); [68 IAC 9-2-20](#); [68 IAC 9-2-21](#); [68 IAC 9-3-1](#); [68 IAC 9-3-2](#); [68 IAC 9-3-3](#); [68 IAC 9-3-4](#); [68 IAC 9-3-5](#); [68 IAC 9-3-6](#); [68 IAC 9-3-7](#); [68 IAC 9-3-8](#); [68 IAC 9-3-9](#); [68 IAC 9-3-10](#); [68 IAC 9-3-11](#); [68 IAC 9-3-12](#); [68 IAC 9-3-13](#); [68 IAC 9-3-14](#); [68 IAC 9-3-15](#); [68 IAC 9-3-16](#); [68 IAC 9-4-1](#); [68 IAC 9-4-2](#); [68 IAC 9-4-3](#); [68 IAC 9-4-4](#); [68 IAC 9-4-8](#); [68 IAC 9-5](#); [68 IAC 10-1-7](#); [68 IAC 10-1-8](#); [68 IAC 11-1-6](#); [68 IAC 12-1-13](#); [68 IAC 12-1-14](#); [68 IAC 14-1-2](#); [68 IAC 14-1-3](#); [68 IAC 14-5.5-7](#); [68 IAC 15-1-6](#); [68 IAC 15-1-7](#); [68 IAC 15-3-1](#); [68 IAC 15-6-6](#); [68 IAC 16-1-14](#); [68 IAC 16-1-15](#); [68 IAC 17-1-4](#); [68 IAC 17-2-4](#); [68 IAC 17-2-5](#); [68 IAC 18-1-3](#); [68 IAC 18-1-4](#); [68 IAC 18-1-5](#); [68 IAC 19-1-5](#); [68 IAC 24-3-34](#)

SECTION 1. [68 IAC 1-2-13](#) IS ADDED TO READ AS FOLLOWS:

**[68 IAC 1-2-13](#) Deviations from provisions****Authority:** [IC 4-33-4](#); [IC 4-35-4](#)**Affected:** [IC 4-32.2](#); [IC 4-33](#); [IC 4-35](#)

**Sec. 13.** The executive director or the commission may approve deviations from the provisions of this title upon written request by the person directly affected by the procedure or requirement 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, gaming, charity gaming, boxing, or mixed martial arts in Indiana; and  
(C) do not violate [IC 4-32.2](#), [IC 4-33](#), or [IC 4-35](#).**

(Indiana Gaming Commission; [68 IAC 1-2-13](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 2. [68 IAC 1-15-1](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 1-15-1](#) Destruction of records**

**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 and casino license applicants.

(b) Casino licensees and casino license applicants may not destroy records of any type that relate to the casino gambling operation unless they have complied with this rule.

(c) At least twenty (20) working days before a casino licensee or casino license applicant intends to destroy any records that relate to the casino gambling operation, the casino licensee or casino license applicant must notify, in writing, the commission audit director of the following information:

- (1) The records the casino licensee or casino license applicant intends to destroy.
- (2) The date, time, and manner of destruction.
- (3) The date that the records were generated.
- (4) The applicable length of time that the record was to be maintained in accordance with this title.
- (5) The reason for the destruction.

(d) The casino licensee or casino license applicant shall not destroy any records that relate to the casino gambling operation until the commission audit director has approved, in writing, the destruction of the records.

~~(e) Violation of this rule may result in the initiation of a disciplinary action under [68 IAC 13-1](#).~~

(Indiana Gaming Commission; [68 IAC 1-15-1](#); filed Feb 18, 1998, 9:45 a.m.: 21 IR 2311; 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 Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 3. [68 IAC 2-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 4. [68 IAC 2-1-11](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 5. [68 IAC 2-2-5.2](#) IS AMENDED TO READ AS FOLLOWS:

**[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 or 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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 6. [68 IAC 2-2-5.3](#) IS AMENDED TO READ AS FOLLOWS:

**[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 4-33-8](#); [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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 7. [68 IAC 2-2-10](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 8. [68 IAC 2-3-5](#) IS AMENDED TO READ AS FOLLOWS:

### **[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~~ **alcohol and tobacco** 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 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 ~~alcoholic~~ **alcohol and tobacco** 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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 9. [68 IAC 2-3-9](#) IS AMENDED TO READ AS FOLLOWS:

**[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](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 10. [68 IAC 5-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 5-1-7](#) Proscribed activities with respect to unsuitable persons**

**Authority: [IC 4-33-4](#); [IC 4-35-4](#)**

**Affected: [IC 4-33](#); [IC 4-35](#)**

Sec. 7. (a) In refusing to grant approval for the transfer of an interest or other involvement with a casino licensee, a casino license applicant, or a supplier licensee, the commission may determine that a person is unsuitable for licensure under [IC 4-33](#), [IC 4-35](#), and [68 IAC 2-1](#).

(b) After the commission serves a notice of denial to a casino licensee, a casino license applicant, or a supplier licensee, the casino licensee, casino license applicant, or supplier licensee may not do the following:

- (1) Pay, to a person whose application was denied, a dividend or interest upon any voting securities, or a payment or distribution of any kind whatsoever except as permitted by subdivision (4).
- (2) Recognize the exercise, by a person whose application was denied, directly or indirectly, or through any proxy, trust, or nominee, of a voting right conferred by securities or interest in securities.
- (3) Pay, to a person whose application was denied, remuneration in any form for services rendered.
- (4) Fail to pursue all lawful efforts to require the person whose application was denied to relinquish the voting securities, including, if necessary, the immediate purchase of the voting securities by the casino licensee or supplier licensee.

~~(c) The commission may initiate a disciplinary action under [68 IAC 13](#) against a casino licensee, a casino license applicant, or a supplier licensee who violates subsection (b).~~

*(Indiana Gaming Commission; [68 IAC 5-1-7](#); filed Dec 11, 1995, 4:30 p.m.: 19 IR 1033; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: [20081210-IR-068080730RFA](#); filed Dec 6, 2012, 2:32 p.m.: [20130102-IR-068110786FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 11. [68 IAC 5-2-5](#) IS AMENDED TO READ AS FOLLOWS:



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**68 IAC 5-2-5 Proscribed activities with respect to unsuitable persons**

**Authority:** [IC 4-33-4](#); [IC 4-35-4](#)

**Affected:** [IC 4-33](#); [IC 4-35](#)

Sec. 5. (a) In refusing to grant approval for the transfer of an interest or other involvement with a casino licensee, a casino license applicant, or a supplier licensee, the commission may determine that a person is unsuitable for licensure under [IC 4-33](#), [IC 4-35](#), and [68 IAC 2-1](#).

(b) After the commission serves a notice of denial to a casino licensee, a casino license applicant, or a supplier licensee, that person may not do the following:

- (1) Pay, to a person found to be unsuitable, any payment or distribution of any kind whatsoever.
- (2) Recognize the exercise by an unsuitable person, directly or indirectly, of ownership or control over the casino licensee, the casino license applicant, or the supplier licensee.
- (3) Pay to an unsuitable person remuneration in any form for services rendered.

~~(c) The commission may initiate a disciplinary action under [68 IAC 13](#) against a casino licensee, a casino license applicant, or a supplier licensee who violates subsection (b).~~

*(Indiana Gaming Commission; [68 IAC 5-2-5](#); filed Dec 11, 1995, 4:30 p.m.: 19 IR 1036; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: [20081210-IR-068080730RFA](#); filed Dec 6, 2012, 2:32 p.m.: [20130102-IR-068110786FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 12. [68 IAC 8-1-12](#) IS ADDED TO READ AS FOLLOWS:

**[68 IAC 8-1-12](#) Approval of excursions**

**Authority:** [IC 4-33-4](#)

**Affected:** [IC 4-33](#)

Sec. 12. (a) A gambling excursion conducted by a riverboat licensee shall be in accordance with [IC 4-33](#) and the schedule and route approved by the executive director or commission.

(b) At least thirty (30) days before commencement of a gambling excursion, the riverboat licensee shall submit a proposed excursion schedule, route or routes, including any stops, and an emergency response plan to the executive director. The riverboat licensee shall not operate under a proposed standard excursion schedule or route until it receives approval from the executive director or commission.

(c) In the event of an emergency, an excursion route may be amended. The riverboat licensee shall immediately notify the gaming agents of the emergency amendment and submit an emergency route log to the executive director detailing the circumstances necessitating the emergency excursion route within five (5) business days.

*(Indiana Gaming Commission; [68 IAC 8-1-12](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

SECTION 13. [68 IAC 9-5](#) IS ADDED TO READ AS FOLLOWS:

**Rule 5. Ethics for Commission Members, Agents, and Employees**

**[68 IAC 9-5-1](#) Definitions**

**Authority:** [IC 4-33-4](#)

**Affected:** [IC 4-33-3-2](#); [IC 4-33-10-6](#)

Sec. 1. The following definitions apply throughout this rule:

- (1) "Agent" means any person who is employed by any agency of the state, other than the commission, and who is assigned to perform full-time services on behalf of, or for the benefit of, the

commission regardless of the title or position held by that person. For purposes of [IC 4-33-10-6](#), an agent is an employee.

(2) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(3) "Conflict of interest" means a situation in which a member's private interest, usually of a financial nature, may influence the member's judgment in the performance of the member's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that a member is biased.

(B) Acceptance of any form of compensation other than from the commission for any services rendered as part of the member's official duties for the commission.

(C) Participation in any business being transacted with the commission by any person in which the member or the member's spouse or child has a financial interest.

(D) Use of the member's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the member's official duties, of any preferential attitude or treatment toward any person.

(4) "Employee" means a person employed by the commission.

(5) "Ex parte communication" means any communication, direct or indirect, regarding an issue the commission has or may have before it other than communication that takes place during a meeting or hearing conducted under the Act or this title.

(6) "Financial interest" or "financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. A member will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The member owns one percent (1%) or more of any class of outstanding securities that are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The member is employed by that person.

(7) "Member" means a commission member appointed to the commission under [IC 4-33-3-2](#).

(8) "Restricted employee" means an employee of the commission who is assigned to and is performing duties of a position classified by the state personnel department as either:

(A) an executive position; or

(B) a professional, administrative, or technical position.

(Indiana Gaming Commission; [68 IAC 9-5-1](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

### [68 IAC 9-5-2](#) Policy

Authority: [IC 4-33-4](#); [IC 4-35-4](#)

Affected: [IC 4-33](#); [IC 4-35](#)

Sec. 2. The commission is required to maintain the integrity of the commission and casino gambling. Members, employees, and agents must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Members, employees, and agents shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work.

(Indiana Gaming Commission; [68 IAC 9-5-2](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

### [68 IAC 9-5-3](#) Consequences of violation of rule by a member, employee, or agent

Authority: [IC 4-33-3-8](#); [IC 4-33-4](#)

Affected: [IC 4-33-3-10](#); [IC 4-33-3-11](#)

Sec. 3. (a) Violation of this article or the Indiana Code by a member:

(1) may result in the matter being referred to the governor for possible removal from the commission under [IC 4-33-3-11](#); and

(2) shall result in the matter being referred to the governor by the executive director for removal from the commission under [IC 4-33-3-11](#) if [IC 4-33-3-10](#) is violated.

(b) Violation of this article or the Indiana Code by an employee, including a person who has an offer of employment with the commission, may result in disciplinary action, including termination or a fine, except if:

- (1) the employee intentionally acquires a financial interest in:
  - (A) a casino licensee engaged in gambling operations in Indiana; or
  - (B) an applicant for a casino owner's license that will be engaged in gambling operations in Indiana; employment with the commission shall be terminated; or
- (2) the employee or the employee's spouse, parent, or child, through no intentional action of the employee, acquires a financial interest in:
  - (A) a casino licensee engaged in gambling operations in Indiana; or
  - (B) an applicant for a casino owner's license that will be engaged in gambling operations in Indiana; the individual shall have up to thirty (30) days to divest or terminate the financial interest. Employment may be terminated if the interest has not been divested after thirty (30) days.

(c) Violation of this article by a former employee may result in disciplinary action, including a fine.

(d) Violation of this article by an agent may result in termination of the agent's employment.

(e) Violation of this article does not create a private cause of action in favor of any person.

(f) The commission may waive a violation of the terms of this rule if it determines that the conduct involved does not violate the purpose of this rule.

(Indiana Gaming Commission; [68 IAC 9-5-3](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-4](#) Disclosure forms

Authority: [IC 4-33-4](#); [IC 4-35-4](#)

Affected: [IC 4-33-3](#); [IC 4-35](#)

Sec. 4. (a) By January 31 of each year, each member shall prepare and file with the office of the commission, a disclosure form that does the following:

- (1) Affirms that the member or the member's spouse, parent, or child is not:
  - (A) a member of the board of directors of;
  - (B) financially interested in; or
  - (C) employed by;a casino licensee or applicant for a casino owner's license under the jurisdiction of the commission.
- (2) Discloses if the member or the member's spouse, parent, or child is:
  - (A) a member of a board of directors of;
  - (B) financially interested in; or
  - (C) employed by;a supplier licensee or an applicant for a supplier's license under the jurisdiction of the commission.
- (3) Affirms the member continues to meet any other statutory criteria under [IC 4-33-3](#).
- (4) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.
- (5) Discloses any other information as may be required to ensure that the integrity of the commission and its work is maintained.

(b) By January 31 of each year, each employee shall prepare and file with the office of the commission, a disclosure form that does the following:

- (1) Affirms the absence of financial interests prohibited by the Act.
- (2) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.
- (3) Discloses that the employee or the employee's spouse, parent, or child is financially interested in or employed by a supplier licensee or an applicant for a supplier's license.
- (4) Discloses any other information as may be required to ensure that the integrity of the commission

and its work is maintained.

(c) At such time as the executive director may require, each agent shall prepare and file with the office of the commission, a disclosure form similar to the one described in subsection (b).

(d) Each disclosure form shall be:

(1) a form prescribed by the commission; and

(2) affirmed by the member, employee, or agent under the penalties of perjury.

(Indiana Gaming Commission; [68 IAC 9-5-4](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-5](#) Notice of member, employee, or agent interest, status, or disqualification

Authority: [IC 4-33-4](#); [IC 4-35-4](#)

Affected: [IC 4-33](#); [IC 4-35](#)

Sec. 5. (a) A member or employee who becomes aware that the member or the member's spouse, parent, or child is:

(1) a member of the board of directors of; or

(2) financially interested in;

a casino licensee or an applicant for a casino owner's license shall notify the executive director, in writing, immediately.

(b) A member who has been convicted of or has been charged with a felony under Indiana law, the laws of another state, or the laws of the United States, shall notify the executive director, in writing, immediately.

(c) An employee who is a spouse, parent, or child of a member shall immediately inform the executive director of such relationship.

(d) An employee or agent who is negotiating for, or acquires by any means, any interest in any licensee or applicant for any license issued by the commission, or any entity wholly or partially owned by any licensee or any applicant for a license issued by the commission, shall immediately provide written notice of the details of such an interest to the executive director and shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director.

(e) An executive director who is negotiating for, or acquires by any means, any interest in any entity that holds or is an applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the deputy director. The executive director shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the deputy director.

(Indiana Gaming Commission; [68 IAC 9-5-5](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-6](#) Confidentiality

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

Sec. 6. A member, employee, or agent or former member, employee, or agent, shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission.

(Indiana Gaming Commission; [68 IAC 9-5-6](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-7](#) Restrictions on receiving gifts

Authority: [IC 4-33-4](#)

Affected: [IC 4-2-6](#); [IC 4-33](#)

**Sec. 7. No member, employee, or agent may accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from any licensee of the commission, or any entity affiliated therewith, or any applicant for any license, unless:**

- (1) the acceptance conforms with state law and rules adopted by the state ethics commission under [IC 4-2-6](#) and Title 40 of the Indiana Administrative Code; and**
- (2) the acceptance conforms to any policy or directive issued by the executive director or the commission.**

*(Indiana Gaming Commission; [68 IAC 9-5-7](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-8](#) Restrictions on gift giving**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 8. No licensee or applicant for any license may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any member, employee, or agent that the member, employee, or agent is prohibited from accepting under section 7 of this rule.**

*(Indiana Gaming Commission; [68 IAC 9-5-8](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-9](#) Conflict of interest**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 9. (a) A member, employee, or agent shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of the member, employee, or agent's duties with the commission.**

**(b) A member, employee, or agent shall not engage in any conduct that constitutes a conflict of interest.**

*(Indiana Gaming Commission; [68 IAC 9-5-9](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-10](#) Attempted bribery**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 10. A member, employee, or agent who is approached and offered a bribe shall immediately report the matter to the executive director.**

*(Indiana Gaming Commission; [68 IAC 9-5-10](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-11](#) Political activity**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 11. Members, employees, and agents shall not engage in political activity in a manner that violates [40 IAC 2-1-7.1](#).**

*(Indiana Gaming Commission; [68 IAC 9-5-11](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-12](#) Fact witnesses**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 12. A former member, employee, or agent may appear before the commission as a fact witness about matters or actions taken by the member during his or her tenure at the commission. The former member, employee, or agent shall not receive compensation for such an appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rule.**

*(Indiana Gaming Commission; [68 IAC 9-5-12](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-13](#) Prohibition of ex parte contact with members**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 13. (a) No licensee or an applicant for any license, or any affiliate or representative thereof, shall engage in ex parte communications with a member. A member shall not engage in any ex parte communications with a licensee or an applicant for any license, or any affiliate or representative thereof.**

**(b) Any member, licensee, or applicant for any license, or affiliate or representative thereof, who receives any communication in violation of subsection (a), or who is aware of an attempted communication in violation of subsection (a), shall disclose the source and content of the communication to the commission through the executive director.**

**(c) Any member who receives any communication that attempts to influence that member's official action shall disclose the source and content of the communication to the executive director. The executive director may investigate or initiate an investigation of the matter to determine if the communication violates section 14 of this rule or the Act. The disclosure under this section and the investigation shall remain confidential. Following an investigation, the executive director may advise the governor or the commission, or both, of the results of the investigation and may recommend such action as the executive director considers appropriate.**

*(Indiana Gaming Commission; [68 IAC 9-5-13](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-14](#) Postemployment restrictions**

Authority: [IC 4-33-4](#)

Affected: [IC 4-2-6-11](#); [IC 4-33](#)

**Sec. 14. All former members, employees or agents shall comply with the postemployment restrictions set forth in [IC 4-2-6-11](#).**

*(Indiana Gaming Commission; [68 IAC 9-5-14](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))*

#### **[68 IAC 9-5-15](#) Restrictions on discussions of employment**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 15. (a) Any employee or agent of the commission who receives any invitation, written or oral, to initiate any discussion concerning employment or the possibilities thereof with any entity, or affiliate thereof, that holds or is an applicant for any license issued by the commission, shall immediately report such fact to the executive director.**

**(b) An employee or agent of the commission may not enter into any negotiations for employment with any entity or affiliate thereof that holds or is an applicant for any license issued by the commission, without providing a written notice to the executive director not less than thirty-six (36) hours prior to such negotiations or discussions. Such an employee or agent shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director.**

(c) No licensee or applicant for a license shall initiate any negotiation for discussion of employment with an employee or agent of the commission without written notice thereof being previously provided to the executive director by either the employee, agent, licensee, or applicant.

(Indiana Gaming Commission; [68 IAC 9-5-15](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-16](#) Outside employment

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

Sec. 16. (a) A new employee shall obtain written permission from the executive director before continuing outside employment held at the time the employee begins to work for the commission.

(b) An employee shall obtain written permission from the executive director before accepting any outside employment.

(c) Permission shall be denied (or permission previously granted will be revoked) if the nature of the work is considered to create or creates a possible conflict of interest or otherwise interferes with the employee's duties for the commission.

(d) An employee granted permission for outside employment shall not conduct any business or perform any activities, including solicitation, related to outside employment on the premises used by the commission or during the employee's working hours for the commission.

(e) As used in this section, "outside employment" includes, but is not limited to, the following:

(1) Operation of a proprietorship.

(2) Participation in a partnership or group business enterprise.

(3) Performance as a director or corporate officer of any for-profit corporation or banking or credit institution.

(Indiana Gaming Commission; [68 IAC 9-5-16](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-17](#) Consequences of violation of rule by a licensee or applicant for a license

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

Sec. 17. Violation of this rule by a licensee or an applicant for any license may result in the initiation of a disciplinary action under [68 IAC 13](#) or denial of the application for licensure.

(Indiana Gaming Commission; [68 IAC 9-5-17](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-18](#) Reports by the executive director

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#); [IC 5-14-1.5-6.1](#)

Sec. 18. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to a member, employee, or agent or former member, employee, or agent to the commission at the next meeting held under [68 IAC 1-2-5](#) or at 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, including presenting the matter to the state ethics commission.

(Indiana Gaming Commission; [68 IAC 9-5-18](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

#### [68 IAC 9-5-19](#) Compliance with other requirements

Authority: [IC 4-33-4](#)

Affected: [IC 4-33](#)

**Sec. 19.** In addition to any notice requirements, ethics disclosure requirements, and ethics standards established by this rule, each employee and agent shall abide by and conform to any rules, regulations, or policies of the commission or the agency that employs the agent with respect to conflicts of interest. Any employee or agent who is not in compliance shall promptly advise the employing agency in accordance with that agency's requirements and shall also advise the executive director of the details concerning the noncompliance.

(Indiana Gaming Commission; [68 IAC 9-5-19](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 14. [68 IAC 15-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 15-3-1](#) General provisions**

**Authority:** [IC 4-33-4](#); [IC 4-35-4](#)

**Affected:** [IC 4-33](#); [IC 4-35](#); [IC 5-13-10.5](#)

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

(b) The following definitions apply throughout this rule:

(1) "Cash equivalents" means investments with an original maturity of three (3) months or less that would be permissible investments under Indiana law for state monies held by the state treasurer under [IC 5-13-10.5](#).

(2) "Payout" means the drop less the amount of the casino licensee win.

~~(c) Violation of this rule may result in the initiation of a disciplinary action under [68 IAC 13-1](#).~~

(Indiana Gaming Commission; [68 IAC 15-3-1](#); filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; errata filed Apr 29, 1998, 10:00 a.m.: 21 IR 3366; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: [20081210-IR-068080730RFA](#); filed Dec 6, 2012, 2:32 p.m.: [20130102-IR-068110786FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 15. [68 IAC 16-1-14](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 16-1-14](#) Compliance**

**Authority:** [IC 4-33-4](#); [IC 4-35-4](#)

**Affected:** [IC 4-33](#); [IC 4-35](#)

Sec. 14. (a) Casino licensees shall extend credit only in accordance with [IC 4-33](#), [IC 4-35](#), this rule, and the procedures for extending credit that have been submitted, in writing, to the executive director.

~~(b) Failure to comply with this article may result in the initiation of a disciplinary action under [68 IAC 13](#).~~

(Indiana Gaming Commission; [68 IAC 16-1-14](#); filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: [20081210-IR-068080730RFA](#); filed Dec 6, 2012, 2:32 p.m.: [20130102-IR-068110786FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 16. [68 IAC 18-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 18-1-3](#) Investigation**

**Authority:** [IC 4-33-4](#); [IC 4-35-4](#)

**Affected:** [IC 4-33](#); [IC 4-35](#)

Sec. 3. The executive director or the executive director's designee shall determine and conduct an investigation if deemed necessary. If it is determined that the casino licensee or an occupational licensee violated [IC 4-33](#), [IC 4-35](#), or this title, the commission may initiate a disciplinary action under [68 IAC 13-1](#).



(Indiana Gaming Commission; [68 IAC 18-1-3](#); filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: [20081210-IR-068080730RFA](#); filed Dec 6, 2012, 2:32 p.m.: [20130102-IR-068110786FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 17. [68 IAC 24-3-34](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 24-3-34](#) Announcer**

**Authority:** [IC 4-33-22-12](#)

**Affected:** [IC 4-33-22](#)

Sec. 34. (a) There must be present at an event a minimum of one (1) announcer.

(b) Announcers are strictly forbidden from introducing a bout except when authorized to do so by a commission representative.

(c) It is the promoter's responsibility to ensure that the announcer at an event acts in accordance with [IC 4-33-22](#) and this article. Failure to do so may result in disciplinary action taken against the promoter's license, including license suspension, revocation, or denial under [IC 4-33-22](#) and [IC 4-21-5](#).

(Indiana Gaming Commission; [68 IAC 24-3-34](#); filed Aug 28, 2012, 1:57 p.m.: [20120926-IR-068110385FRA](#); filed Oct 21, 2016, 10:19 a.m.: [20161116-IR-068160052FRA](#))

SECTION 18. THE FOLLOWING ARE REPEALED: [68 IAC 1-3-6](#); [68 IAC 1-4-10](#); [68 IAC 1-4-11](#); [68 IAC 1-5-4](#); [68 IAC 1-7-2](#); [68 IAC 1-9-5](#); [68 IAC 1-10-2](#); [68 IAC 1-10-3](#); [68 IAC 1-11-2](#); [68 IAC 1-12-7](#); [68 IAC 1-13-2](#); [68 IAC 1-14-4](#); [68 IAC 1-16-6](#); [68 IAC 2-1-13](#); [68 IAC 2-2-12](#); [68 IAC 2-3-10](#); [68 IAC 2-3-5-4](#); [68 IAC 2-6-47](#); [68 IAC 2-6-48](#); [68 IAC 2-6-5-7](#); [68 IAC 2-7-11](#); [68 IAC 3-3-11](#); [68 IAC 4-1-9](#); [68 IAC 4-1-10](#); [68 IAC 5-1-8](#); [68 IAC 5-2-6](#); [68 IAC 5-3-5](#); [68 IAC 5-3-6](#); [68 IAC 8-1-1](#); [68 IAC 8-1-2](#); [68 IAC 8-1-3](#); [68 IAC 8-1-4](#); [68 IAC 8-1-5](#); [68 IAC 8-1-6](#); [68 IAC 8-1-7](#); [68 IAC 8-1-8](#); [68 IAC 8-1-9](#); [68 IAC 8-1-10](#); [68 IAC 8-1-11](#); [68 IAC 9-1-1](#); [68 IAC 9-1-2](#); [68 IAC 9-1-3](#); [68 IAC 9-1-4](#); [68 IAC 9-1-5](#); [68 IAC 9-1-6](#); [68 IAC 9-1-7](#); [68 IAC 9-1-8](#); [68 IAC 9-1-9](#); [68 IAC 9-1-10](#); [68 IAC 9-1-11](#); [68 IAC 9-1-12](#); [68 IAC 9-1-13](#); [68 IAC 9-1-14](#); [68 IAC 9-1-15](#); [68 IAC 9-1-15.1](#); [68 IAC 9-1-16](#); [68 IAC 9-1-17](#); [68 IAC 9-2-1](#); [68 IAC 9-2-2](#); [68 IAC 9-2-3](#); [68 IAC 9-2-4](#); [68 IAC 9-2-5](#); [68 IAC 9-2-6](#); [68 IAC 9-2-7](#); [68 IAC 9-2-8](#); [68 IAC 9-2-9](#); [68 IAC 9-2-10](#); [68 IAC 9-2-11](#); [68 IAC 9-2-12](#); [68 IAC 9-2-13](#); [68 IAC 9-2-14](#); [68 IAC 9-2-15](#); [68 IAC 9-2-16](#); [68 IAC 9-2-17](#); [68 IAC 9-2-18](#); [68 IAC 9-2-19](#); [68 IAC 9-2-20](#); [68 IAC 9-2-21](#); [68 IAC 9-3-1](#); [68 IAC 9-3-2](#); [68 IAC 9-3-3](#); [68 IAC 9-3-4](#); [68 IAC 9-3-5](#); [68 IAC 9-3-6](#); [68 IAC 9-3-7](#); [68 IAC 9-3-8](#); [68 IAC 9-3-9](#); [68 IAC 9-3-10](#); [68 IAC 9-3-11](#); [68 IAC 9-3-12](#); [68 IAC 9-3-13](#); [68 IAC 9-3-14](#); [68 IAC 9-3-15](#); [68 IAC 9-3-16](#); [68 IAC 9-4-1](#); [68 IAC 9-4-2](#); [68 IAC 9-4-3](#); [68 IAC 9-4-4](#); [68 IAC 9-4-8](#); [68 IAC 10-1-7](#); [68 IAC 10-1-8](#); [68 IAC 11-1-6](#); [68 IAC 12-1-13](#); [68 IAC 12-1-14](#); [68 IAC 14-1-2](#); [68 IAC 14-1-3](#); [68 IAC 14-5.5-7](#); [68 IAC 15-1-6](#); [68 IAC 15-1-7](#); [68 IAC 15-6-6](#); [68 IAC 16-1-15](#); [68 IAC 17-1-4](#); [68 IAC 17-2-4](#); [68 IAC 17-2-5](#); [68 IAC 18-1-4](#); [68 IAC 18-1-5](#); [68 IAC 19-1-5](#).

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