

**TITLE 68 INDIANA GAMING COMMISSION**

**Proposed Rule<sup>1</sup>**

LSA DOCUMENT # 24-

**DIGEST**

Adds 68 IAC 28 regarding fines. Statutory authority: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#).

**68 IAC 28**

SECTION 1. 68 IAC 28 IS ADDED TO READ AS FOLLOWS

**ARTICLE 28 FINE SCHEDULE**

**Rule 1. General Provisions**

**68 IAC 28-1-1 Investigation Costs**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 1. Pursuant to IC 4-33-4-18, costs incurred conducting investigations shall be billed at a rate of sixty-five \$65.00 dollars per investigation hour.**

**(Indiana Gaming Commission; 68 IAC 28-1-1)**

**68 IAC 27-1-2 Civil Penalty Schedule Established**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 2. The purpose of this article is to establish a civil penalty schedule for violations of IC 4-33, 4-35 and 4-38, 68 IAC or a licensee's internal controls as approved by the commission.**

**(Indiana Gaming Commission; 68 IAC 28-1-2)**

**68 IAC 28-1-3 Authority**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 3. The commission is authorized to assess civil penalties in accordance with IC 4-33-4-8, IC 4-35-4-10 and IC 4-38-1-4.**

**(Indiana Gaming Commission; 68 IAC 28-1-3)**

**68 IAC 28-1-4 Definitions**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 4. The following definitions apply throughout this article:**

**(1) "Base violation" means the first violation of a rule, regulation, or internal control in a rolling six-month period.**

**(2) "Repeat violation" means a reoccurrence of the base violation or violations in a rolling six-month period.**

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<sup>1</sup> DRAFT Rule posted in compliance with IC 4-22-2-19.6(f). DRAFT Rule subject to change pursuant to promulgation process outlined under IC art. 4-22.

(3) “Rolling six-month period” means the one-hundred and eighty (180) days following the date of a violation of IC 4-33, 4-35 and 4-38, 68 IAC or a licensee’s internal controls occurred.

(4) “Schedule” means the civil penalty schedule, as required by IC 4-22-2-19.6.

(Indiana Gaming Commission; 68 IAC 28-1-4)

**Rule 2. Civil Penalty Schedule and Application**

**68 IAC 28-2-1 Civil Penalty Schedule**

**Sec. 1. The schedule of civil penalties for violations of IC 4-33, 4-35 and 4-38, rules adopted under these laws and a licensee’s internal controls as approved by the Commission under 68 IAC 11 are as follows:**

<i>Legal Citation</i>	<i>General Description of Violation</i>	<i>Base violation</i>	<i>Repeat violations in a rolling six-month period</i>
<b>Violations of the child support arrears delinquency program (CSADR)</b>			
IC 4-33-8.5-5; IC 4-35-6.5-13; IC 4-38-11-1; 68 IAC 11-9-2; IC 4-33-4-27; IC 4-35-4-16	CSADR: Failure to Search.	If the failure to search error rate exceeds 1.5% of the total searches required, it will be a \$500 fine for each violation	If the failure to search error rate exceeds 2% of the total searches required, it will be a \$1,000 fine for each violation
IC 4-33-8.5-5; IC 4-35-6.5-13; IC 4-38-11-1; 68 IAC 11-9-2; IC 4-35-4; IC 4-33-4-27; IC 4-35-4-16	Paying out jackpot to child support obligor without required withholding	\$5,000	\$5,000
<b>Violation Involving a Minor</b>			
IC 4-33-9-12 and 13; IC 4-35-7-2; IC 4-38-9-3; IC 4-38-5-3; 68 IAC 1-11-1	Failure to restrict minors from the gaming floor	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and all subsequent violations): \$6,000
IC 4-38-3-2; IC 4-38-5-11	Failure to restrict minors from placing a sports wager	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and all subsequent violations): \$6,000
<b>Violation of Commission Entity and Occupational Licensing Standards</b>			
68 IAC 2-3-1	Failure to license power of attorney. Working outside of approved licensing level	\$1,500	\$1,500
68 IAC 2-3-1; 68 IAC 2-2-1, 68 IAC 2-2-6.1, 68 IAC 2-2-4; 68 IAC 27-2-16	Failure to timely submit level 1 license application	If the required application is 30-90 days late, \$1,500; If the required application is 90-180 days late, \$3,000.	If the required application is 30-90 days late, \$1,500; If the required application is 90-180 days late, \$3,000.

		180-270 days late, \$4,500. Exceeds 270 days late, \$6,000	180-270 days late, \$4,500. Exceeds 270 days late, \$6,000
68 IAC 2-3, 68 IAC 2-3-9, 68 IAC 13-1-1, 68 IAC 27-2-16	Failure to obtain required fingerprint cards for occupational licensee	\$100	\$100
68 IAC 2-3-9	Failure to provide the commission with required updates that have been submitted by an occupational licensee or failure to cooperate with commission investigation	\$1,500	\$1,500
68 IAC 2-3-9.1	Failure to update required information of occupational licensee	Letter for first ten (10) violations.	If total violations exceed ten (10) particular instances in a rolling six (6) month period, \$100 for each additional violation
68 IAC 2-3-9.2	Failure to Notify of Separation from Employment and Position Changes	Disciplinary letter	\$500
68 IAC 2-3-9.3 – 9.6.	Prohibited activities by occupational licensee	\$1,500	\$1,500
68 IAC 3.1	Violation of rules governing additional requirements for licensees	\$10,000	\$10,000
IC 4-33-8-2; IC 4-33-6-12; 68 IAC 2-3-8; IC 4-33-14-15; IC 4-35-5-4; IC 4-38-6-6; IC 4-38-8-1; IC 4-35-4-15 (Power of Attorney); IC 4-33-4-26 (Power of Attorney)	Late occupational licensing renewals (30 or more days late); Employee working on expired license	\$1,000 for each violation that includes a level 2 or level 3 occupational licensee. \$2,000 if the violation involved a Level 1 occupational licensee.	\$1,000 for each violation that includes a level 2 or level 3 occupational licensee. \$2,000 if the violation involved a Level 1 occupational licensee.
IC 4-33-6-12; IC 4-35-5-4	Failure to timely renew casino license	\$10,000	\$10,000
IC 4-33-7-8	Failure to timely renew supplier license	\$7,500	\$7,500
IC 4-38-6-6; IC 4-38-8-1; 68 IAC 27-2-8	Failure to timely renew certificate of authority, vendor license or pay annual administrative fee	\$10,000	\$10,000

IC 4-33-6-12; IC 4-33-6.5-7; IC 4-33-7-8; 68 IAC 27-2-8	Failure to submit required three (3) year reinvestigation application	\$5,000	
IC 4-38-9-5	Failure to Cooperate with Licensing Investigation	\$5,000	\$5,000
<b>Violation of Casino Operational Standards</b>			
68 IAC 1-12, 68 IAC 1-12.5, 68 IAC 2-6-43, 68 IAC 2-6-44, 68 IAC 2-6-45, 68 IAC 10-1-6.1	Violation of complimentary play, promotional events, electronic gaming device and live gaming device tournaments	\$1,500	\$1,500
68 IAC 1-16-1	Failure to submit required filings under 31 U.S.C. 5311	\$5,000	\$5,000
68 IAC 1-16-1	Failure to withhold taxes on a table game	\$1,000	\$1,000
68 IAC 2-6-2; 68 IAC 2-6-3	Failure to obtain certification or commission approval of electronic gaming device	\$5,000	\$5,000
68 IAC 2-6-31 – 68 IAC 2-6-42	Violation of progressive electronic gaming device rules	\$5,000 per progressive award violation instance, regardless of how many total machines are impacted by the violation	\$5,000 per progressive award violation instance, regardless of how many total machines are impacted by the violation
68 IAC 2-6	Any other violation of electronic gaming device rules not specified within this schedule	Disciplinary letter	\$1,000
68 IAC 2-6.5	Violation of server based gaming regulations	Disciplinary letter	\$1,000
68 IAC 3	Violation of standards governing contracts: Minority and Women's Business Enterprises	\$1,000	\$1,000
68 IAC 3-3-8	Failure to attain Minority and Women's Business Enterprises goals	Civil penalty shall be equal to the expenditure amount that the licensee failed to spend on a minority business or women business. However, this provision is subject to the good	

		faith standard outlined under 68 IAC 3-3-10 and the amount shall not exceed the maximum statutory fine outlined under IC 4-38-4-8 or IC 4-35-4-10	
68 IAC 8	Failure to follow approved emergency response plan procedures during an incident that constitutes an emergency under the licensee's approved emergency response plan	\$1,500	\$1,500
68 IAC 8	Failure to report to the Commission an incident that constitutes an emergency pursuant to the licensee's approved emergency response plan	\$5,000	\$5,000
68 IAC 10	Violation of rules of the game standards	\$1,500	\$1,500
68 IAC 11-1-2, 68 IAC 15-1-2	Failure to safeguard assets	\$1,000	\$1,000
68 IAC 11-1-2; 68 IAC 11-1-3	Use of unapproved internal control system; deviation from approved internal control system	\$1,500	\$3,000
68 IAC 11-3-3, 68 IAC 12-1-2, 68 IAC 13-1-1	Violation of internal controls outlining access to the following sensitive areas: cage, table games pit area, count room, and surveillance room	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and all subsequent violations): \$6,000
68 IAC 11-3, 68 IAC 2-6-16(E)	Violation of currency collection, soft count, drop zone and emergency drop procedures or internal controls	Disciplinary letter	\$1,500
68 IAC 11-4	Violations of opening and closing gaming devices procedures or internal controls	Disciplinary letter	If total violations exceed ten (10) particular instances in a rolling six (6) month period, \$500 for each of

			those particular violations
68 IAC 11-5	Violation of chip rotation standards	Disciplinary letter	\$1,000
68 IAC 11-7	Violation of sensitive key control – keys off-property	\$1,500	\$1,500
68 IAC 11-7	Violation of sensitive key control – unsecured on property	Disciplinary letter	\$500
68 IAC 11-7	Violation of sensitive key control – chain of custody, strict control and unauthorized use of non-sensitive key for a sensitive key	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and all subsequent violations): \$6,000
68 IAC 11-8	Violation of cash handling procedures and standards at table games	Disciplinary letter	\$1,000
68 IAC 12	Violation of surveillance operational standards or internal controls not otherwise described in this schedule	\$1,500	\$1,500
68 IAC 12-1-1.7, 68 IAC 12-1-2	Failure to properly staff surveillance room; failure to limit access to surveillance room	\$1,500	\$1,500
68 IAC 12-1-5(f)(6)(A) & (B)	Violation of required dedicated camera coverage on progressive electronic gaming devices	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and all subsequent violations): \$6,000
68 IAC 11-3-5; 68 IAC 15-9-3; 68 IAC 15-12-3, 4	Failure to notify surveillance when required by commission rule or internal control procedure	Disciplinary letter	\$1,000
68 IAC 14	Violation of gaming equipment procedures and standards not otherwise described in this schedule	Disciplinary letter	\$1,500
68 IAC 14-3-2	Incorrect or missing playing card in play	\$1,500	\$1,500

68 IAC 14-3-2	Unsecured playing cards and dice (uncancelled)	Disciplinary letter	\$1,000
68 IAC 14-5.5-5	Violations of ticket-in ticket-out rules	\$500	\$500
68 IAC 15	Violation of accounting records and procedures rules that are not otherwise described within this schedule	Disciplinary letter	\$1,500
68 IAC 15-1-4.1	Violation of found cash or cash equivalent rules	\$500	\$500
68 IAC 15-2	Failure to record currency transaction reports or multiple transaction log	\$2,500	\$2,500
68 IAC 15-2-5	Failure to notify surveillance and obtain photo for multiple transaction log	Disciplinary letter	\$1,000
68 IAC 15-5-2(d)	Violation of calculation of taxes, including RG-1 requirements	\$5,000	\$5,000
68 IAC 15-6-4	Vendor log: unlicensed vendor performing work on gaming floor and/or licensed vendor working on an expired license	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: licensed vendor performing work on gaming floor on vendor badge.	Disciplinary letter	\$1,000
68 IAC 15-6-4	Vendor log: incomplete/illegible entries.	Disciplinary letter	\$100
68 IAC 15-10-4.1	Failure to report or failure to investigate variances	\$5,000	\$5,000
68 IAC 15-10-5	Failure to verify even exchange	Disciplinary letter	\$1,000
68 IAC 15-12-3, 68 IAC 15-12-4	Failure to void table fill/credit	Disciplinary letter	\$1,000
68 IAC 15-12-3, 68 IAC 15-12-4	Incorrect table fill/credit that is fully executed	\$1,500	\$1,500
68 IAC 15-13-3	Violation of manually paid jackpot procedures	\$1,000	\$1,000
68 IAC 17-1-2, 68 IAC 14-3-9, 68 IAC 14-3-10	Shipping violations	\$1,500	\$1,500

<b>Violation of Sports Wagering Operational Standards</b>			
IC 4-38-3-1(8); 68 IAC 27-11-1	Violation of sports wagering geolocation requirements	\$5,000	\$5,000
IC 4-38-5-1	Failure to provide Commission data related to the conduct of sports wagering	\$5,000	\$5,000
IC 4-38-5-4; IC 4-38-5-5; 68 IAC 27-7-3	Allowing wagers on a sports wagering unapproved event	Disciplinary letter – if the unapproved event was identified and wagers voided prior to event; \$500 to Certificate Holder and/or Mobile Operator; \$500 to each other responsible licensee if applicable if the unapproved event was not identified and wagers voided prior to event	\$500 to Certificate Holder and/or Mobile Operator; \$500 to other responsible licensee, if applicable
IC 4-38-5-5	Sports wagering allowed on e-sports events	\$1,000 to each responsible licensee.	\$1,000 to each responsible licensee.
IC 4-38-5-6	Unauthorized cancellation of wager	Disciplinary letter	\$1,500
IC 4-38-5-8	Use of unapproved sports wagering device, platform, or other means of conducting sports wagering	\$5,000	\$5,000
IC 4-38-9-1	Failure to conduct required employee background check	Disciplinary letter	\$1,500 for each violation
IC 4-38-9-2	Failure to utilize commercially reasonable methods to maintain security of wagering data, customer data, and other confidential information from unauthorized access and dissemination	\$5,000	\$5,000
IC 4-38-9-3	Failure to restrict prohibited wagers	\$1,500	\$1,500
IC 4-38-9-5	Failure to cooperate with investigations into	\$5,000	\$5,000



	sports wagering activities		
IC 4-38-9-6	Failure to report required information related to sports wagering activity	\$5,000	\$5,000
68 IAC 11-1-3; 68 IAC 27-5	Use of unapproved internal controls by sports wagering operator	\$1,500	\$1,500
68 IAC 27-1-2 (16); 68 IAC 27-12-1	Violation on prohibition of proxy wagering	\$5,000	\$5,000
68 IAC 27-2-11	Failure to withhold taxes on a wager	\$1,000	\$1,000
68 IAC 27-2-11	Failure to submit required filings under 31 U.S.C. 5311	\$5,000	\$5,000
68 IAC 27-5-2	Sports Wagering change management internal controls – failure to notify	Disciplinary letter for Level 1, \$1,500 for Level 2 and \$5,000 for Level 3	\$500 for each violation for Level 1, \$1,500 for each violation for Level 2 and \$5,000 for each violation for Level 3
68 IAC 27-7; 68 IAC 27-12	Violations of patron account and patron wager rules	\$1,000	\$1,000
68 IAC 27-8-1, 68 IAC 2-6.5-1	Violation of sports wagering kiosk approval requirements	\$1,000	\$1,000
68 IAC 27-8-3; 68 IAC 27-10-3	Failure to report or failure to investigate variances	\$5,000	\$5,000
68 IAC 27-9-2	Violation of calculation of taxes, including RG-1 requirements	\$5,000	\$5,000
68 IAC 27-10	Violation of accounting control rules that are not otherwise described in this schedule	\$1,000	\$1,000
68 IAC 27-12-1	Sports wagering allowing user to create duplicate accounts	\$1,500	\$1,500
68 IAC 17-1-2, 68 IAC 14-3-9, 68 IAC 14-3-10	Shipping violations of regulated sports wagering devices	\$1,500	\$1,500
<b>Violation of Supplier Operational Standards</b>			
68 IAC 2-2-5.3	Failure to demonstrate skill, experience knowledge, and ability necessary to supply the	\$3,000	\$3,000

	goods or services supplier seeks to provide		
68 IAC 2-3-9	Supplier occupational licensee failure to disclose	\$1,500	\$1,500
68 IAC 2-3-9.5	Supplier occupational licensee gaming within the state of Indiana	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: unlicensed vendor performing work on gaming floor and/or licensed vendor working on an expired license	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: occupational licensee performing work on gaming floor on vendor badge.	Disciplinary letter	\$1,000
68 IAC 15-6-4	Vendor log: incomplete/illegible entries.	Disciplinary letter	\$100
68 IAC 17-1-2, 68 IAC 14-3-9, 68 IAC 14-3-10	Shipping violations	\$1,500	\$1,500
68 IAC 19	Violation of warehouse rules	\$10,000	\$10,000
<b>Violation of Responsible Gaming Standards</b>			
68 IAC 1-16-2; 68 IAC 27-13-1	Violation of responsible gaming toll free number requirement	\$2,500	\$5,000
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-2	Voluntary exclusion program (VEP) audit	Disciplinary letter for 1 <sup>st</sup> Violation for VEP Not Flagged and for Missing Identifiers and Incorrect Information on Account	\$1,000 for each violation for VEP's Not Flagged and \$250 per violation for VEP's Missing Identifiers and Incorrect Information on Account
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-1	Statewide exclusion audit	Disciplinary letter	\$250 for each omission
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-1, 68 IAC 6-2	VEP: cash advance, comps, check cashing privileges, extension of credit, direct mail and marketing, duplicate accounts, and failure to notify	Disciplinary letter	2nd violation: \$1,500; 3rd violation: \$3,000; 4th violation(and all subsequent violations): \$4,500
68 IAC 6-3-4	VEP: jackpot payouts	\$5,000	\$5,000

IC 4-33-4-3, 68 IAC 6-3-3, 68 IAC 6-3-4	VEP: disclosure of confidentiality	\$10,000 per breach instance, regardless of the number of total disclosures	\$10,000 per breach instance, regardless of the number of total disclosures
68 IAC 27-7-11, IC 4-38-5-6; IC 4-38-3-1	Sports wagering prohibited participant: failure to cancel and refund VEP wagers	Disciplinary letter	2nd violation: \$1,500; 3rd violation: \$3,000; 4th violation (and all subsequent violations): \$4,500
68 IAC 27-1-2, 68 IAC 27-13-2, 68 IAC 27-14-2(c), 68 IAC 6-3-4	Sports wagering prohibited participant allowed to place wagers	\$5,000	\$5,000
68 IAC 27-13-2; 68 IAC 27-1-2(16); IC 4-38-3-1	Sports wagering prohibited participant audit: Internet self-restriction program	\$1,000 for each omission; \$500 for each data discrepancy	\$1,000 for each omission; \$500 for each data discrepancy
68 IAC 27-1-2(16); 68 IAC 6-3; IC 4-38-3-1	Sports wagering prohibited participant audit: VEP	\$1,000 for each omission; \$500 for each data discrepancy	\$1,000 for each omission; \$500 for each data discrepancy
68 IAC 27-1-2(16); IC 4-38-3-1	Sports wagering prohibited participant audit: statewide exclusion list	\$250 for each omission; Disciplinary letter for each data discrepancy 1st Audit: 25% of total penalty	\$250 for each omission; Disciplinary letter for each data discrepancy
68 IAC 27-13-4	Sports wagering prohibited participant: received marketing	Disciplinary letter	\$1,000
68 IAC 27-12-3; 68 IAC 27-13-5	Violation of rules regarding patron wager limits and operator exclusion	\$1,500	\$1,500
68 IAC 27-7-17	Violation of commission advertising standards	\$5,000	\$5,000
<b>Failure to Report Required Events</b>			
68 IAC 1-5-1; 68 IAC 27-4-2	Failure to report required information	\$1,500	\$1,500
68 IAC 5; 68 IAC 1-13-1	Violation of transfer of ownership, debt acquisition, or failure to report interest in a license	\$10,000	\$10,000

**(Indiana Gaming Commission; 68 IAC 28-2-1)**

**68 IAC 28-2-2 Assessment of Civil Penalty**

**Authority: IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4**

**Affected: IC 4-33; IC 4-35; IC 4-38**

**Sec. 2.** For purposes of assessing civil penalties, the commission shall comply with the following when determining the violation number and the count of violations:

- (1)** Only subsequent violations committed within six months from the date of the base violation shall be considered for determining whether subsequent violations have occurred.
- (2)** The ordinal number of a violation shall accumulate as first, second, third, etc., for each independent violation assessed during a rolling six-month period.
- (3)** When substantially similar violations are committed by a single, distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be substantially similar or closely related. This subdivision is not intended to limit in any way civil penalty assessment for violations that are the result of more than one (1) distinguishable unrelated act or failure to act or a reoccurring violation.
- (4)** When civil penalty assessment procedures outlined in subdivision (3) are being followed, the commission shall utilize the appropriate violation with the highest penalty listed on the schedule.

**(Indiana Gaming Commission; 68 IAC 28-2-2)**

**68 IAC 28-2-3 Penalty Mitigation.**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 3.** The amount of a civil penalty may be adjusted downward to reflect particular mitigating factors. Factors that may be considered are the following:

- (1)** The licensee's good faith efforts to comply or prevent the violation.
- (2)** Existence of written policies governing occupational licensee conduct.
- (3)** Cooperation by the licensee with the commission during the investigation process.
- (4)** The licensee's history of compliance.
- (5)** Remedial or corrective action taken by the licensee.
- (6)** The licensee self-reporting the violation; however, reports of a violation identified and reported by a surveillance pursuant to 68 IAC 12-1-8(5)(H) shall not be considered self-reported for purposes of this Section.
- (7)** Any other factor raised by the licensee for commission consideration as a mitigating to the violation.

**(Indiana Gaming Commission; 68 IAC 28-2-3)**

**68 IAC 28-2-4 Penalty Elevation**

**Authority:** IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4

**Affected:** IC 4-33; IC 4-35; IC 4-38

**Sec. 4. (a)** The amount of a civil penalty may be adjusted upward to reflect the following aggravating factors.

- (1)** Willful or intentional misconduct.
- (2)** The violation involved the failure of more than one occupational licensee to comply with the law or rule or identify and prevent the violation of the law or rule from occurring.
- (3)** Repeat offense of a violation assessed at any of the commission's preceding two (2) quarterly business meetings. Violation of schedule items that already assign a corresponding increase to each subsequent violation shall not be subject to this subsection.
- (4)** Obstruction or failure to comply with the commission's investigation.
- (5)** Fraudulent conduct.
- (6)** Whether the violation resulted in financial harm.
- (7)** Failure to pay the full amount of any previously mitigated, agreed upon civil penalty.

**(8) Whether the violation negatively impacts the integrity or public trust of gaming in the state of Indiana.**

**(b) Should an aggravating factor be identified, the corresponding civil penalty may be increased by any amount, up to and including five (5) times the schedule amount for each violation. However, the amount assessed shall not exceed the amounts outlined under IC 4-33-4-8 and IC 4-35-4-10.**

**(c) The commission shall outline applicable aggravating factors in the notice described in Section 6 of this rule.**

**(Indiana Gaming Commission; 68 IAC 28-2-4)**

#### **68 IAC 28-2-5 Assessment of Civil Penalty Not Required**

**Authority: IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4**

**Affected: IC 4-33; IC 4-35; IC 4-38**

**Sec. 5. (a) Nothing in this article shall require the commission to assess a civil penalty for a violation.**

**(b) The commission may initiate any of the following enforcement actions for a violation instead of or in addition to a civil penalty:**

**(1) A disciplinary letter.**

**(2) A license:**

**(A) denial;**

**(B) restriction;**

**(C) suspension;**

**(D) refusal to renew; or**

**(E) revocation.**

**(4) Referral for criminal prosecution.**

**(5) Referral to another appropriate agency.**

**(6) Corrective action plan.**

**(Indiana Gaming Commission; 68 IAC 28-2-5)**

#### **68 IAC 28-2-6 Notification of Legal Recourse**

**Authority: IC 4-33-4-8; IC 4-35-4-10; IC 4-38-1-4**

**Affected: IC 4-33; IC 4-35; IC 4-38**

**Sec. 6. (a) The commission shall notify in writing each licensee on whom a civil penalty is being assessed. This notification shall include the date and nature of the violation, including legal citation.**

**(b) In response, the licensee may provide any mitigating factors for commission consideration. Pursuant to IC 4-22-2-19.6(b) and 68 IAC 13-1-18, the parties may enter into a settlement determine the civil penalty to be paid for a violation.**

**(Indiana Gaming Commission; 68 IAC 28-2-6)**