

## TITLE 68 INDIANA GAMING COMMISSION

### Proposed Rule LSA Document #09-676

#### DIGEST

Amends 68 IAC 21-1-13, 68 IAC 21-2-1, 68 IAC 21-2-2, 68 IAC 21-2-6, 68 IAC 21-4-1, and 68 IAC 21-6-1 and adds 68 IAC 21-1-5.5, 68 IAC 21-1-15.5, 68 IAC 21-1-19, and 68 IAC 21-3-4.1 concerning the conduct of charity gaming activities by qualified organizations, manufacturers, and distributors licensed by the Indiana Gaming Commission. Amends 68 IAC 21-2-5 regarding license denial. Amends 68 IAC 21-2-7 regarding activities that may be conducted under a license. Amends 68 IAC 21-3-2 regarding conducting an allowable event. Repeals 68 IAC 21-3-3. Effective 30 days after filing with the Publisher.

#### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

**68 IAC 21-1-5.5; 68 IAC 21-1-13; 68 IAC 21-1-15.5; 68 IAC 21-1-19; 68 IAC 21-2-1; 68 IAC 21-2-2; 68 IAC 21-2-5; 68 IAC 21-2-6; 68 IAC 21-2-7; 68 IAC 21-3-2; 68 IAC 21-3-3; 68 IAC 21-3-4.1; 68 IAC 21-4-1; 68 IAC 21-6-1**

SECTION 1. 68 IAC 21-1-5.5 IS ADDED TO READ AS FOLLOWS:

#### **68 IAC 21-1-5.5 "Calendar day" defined**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2**

**Sec. 5.5. "Calendar day" means one (1) continuous twenty-four (24) hour period beginning at 12:01 a.m. and ending at 11:59 p.m. (Indiana Gaming Commission; 68 IAC 21-1-5.5)**

SECTION 2. 68 IAC 21-1-13 IS AMENDED TO READ AS FOLLOWS:

#### **68 IAC 21-1-13 "Gross revenue" defined**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2**

**Sec. 13. "Gross revenue" means gross receipts. The term does not include wagers made in a winner take all drawing or in a qualified drawing. (Indiana Gaming Commission; 68 IAC 21-1-13; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)**

SECTION 3. 68 IAC 21-1-15.5 IS ADDED TO READ AS FOLLOWS:

#### **68 IAC 21-1-15.5 "Qualified drawing" defined**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2**

**Sec. 15.5. "Qualified drawing" means a random drawing to award one (1) or more prizes, conducted under an annual PPT license, in which the qualified organization keeps no portion of the amounts wagered. The total amount awarded to the winner of a qualified drawing may not exceed three hundred dollars (\$300). (Indiana Gaming Commission; 68 IAC 21-1-15.5)**

SECTION 4. 68 IAC 21-1-19 IS ADDED TO READ AS FOLLOWS:

#### **68 IAC 21-1-19 "Winner take all drawing" defined**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2**

**Sec. 19. "Winner take all drawing" means a random drawing to award one (1) or more prizes, conducted under**

**an annual PPT license, in which the qualified organization keeps no portion of the amounts wagered. The total amount awarded to the winner of a qualified drawing may not exceed three hundred dollars (\$300).** (*Indiana Gaming Commission; 68 IAC 21-1-19*)

SECTION 5. 68 IAC 21-2-1 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-2-1 Application by qualified organization**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-2-24; IC 4-32.2-5-6**

Sec. 1. (a) To obtain a license to conduct an allowable event, an organization must submit a written application on the form or forms prescribed by the commission. An application for a license to conduct an allowable event must be received not later than thirty (30) days before the date on which the allowable event is conducted.

(b) The application shall include the following information:

- (1) The name and address of the organization.
- (2) The names and addresses of the officers of the organization.
- (3) The type of allowable event the organization proposes to conduct.
- (4) The physical location where the organization will conduct the allowable event.
- (5) The date or dates and time or times of the proposed allowable event.
- (6) Sufficient facts for the commission to determine that the organization or the organization's incorporation or founding is a qualified organization as defined in IC 4-32.2-2-24, including any of the following:
  - (A) A notice issued by the commission under ~~section 2~~ of this rule in which the commission has determined the organization is a qualified organization.
  - (B) Evidence that the organization has been previously determined by the commission to be a qualified organization.
  - (C) The information outlined in section 2(a) of this rule.
- (7) The name or names of each proposed operator and worker and sufficient facts to determine that person is qualified to be an operator or worker, including, but not limited to, the proposed operator's or worker's:
  - (A) address;
  - (B) date of birth;
  - (C) length of membership; and
  - (D) driver's license number or state identification number.
- (8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
- (9) A current copy of the organization's membership roster or other proof of membership of each proposed operator or worker.
- (10) A copy of the lease if the organization is renting the premises at which the gaming activity occurs.

(c) If an organization that has been determined by the commission to be a qualified organization does not conduct an allowable event for a period of at least ~~five (5)~~ **three (3)** years, the organization must provide to the commission the information outlined in section 2 of this rule before conducting an allowable event. (*Indiana Gaming Commission; 68 IAC 21-2-1; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA*)

SECTION 6. 68 IAC 21-2-2 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-2-2 Qualified organization predetermination**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-2-24; IC 4-32.2-4-4**

Sec. 2. (a) Not later than ninety (90) days before conducting an allowable event under IC 4-32.2-4-4, an organization not yet determined to be a qualified organization must provide to the commission facts sufficient for the commission to make a determination that the organization is a qualified organization as defined in IC 4-32.2-2-24. The information must be submitted on a form prescribed by the commission and must include the following information:

- (1) The organization's Indiana taxpayer identification number.

(2) A letter from the Internal Revenue Service stating that the organization is exempt from taxation under Section 501 of the Internal Revenue Code.

(3) Proof that the organization has been in ~~continuous~~ existence for at least five (5) years, as required by IC 4-32.2-2-24(a), if the organization is a bona fide:

- (A) religious;
- (B) educational;
- (C) senior citizen;
- (D) veterans; or
- (E) civic;

organization.

(4) Proof that the organization is a bona fide political organization, if applicable.

(5) Proof that the organization is a state educational institution, if applicable.

(6) A copy of the organization's bylaws or articles of incorporation.

(7) Proof that the organization is in good standing with the department of state revenue.

**(8) Proof that the organization is a bona fide fraternal organization, if applicable.**

(b) Upon receipt and verification of the information required in subsection (a), the commission shall issue a notice to the organization that the organization is a qualified organization as defined in IC 4-32.2-2-24. (*Indiana Gaming Commission; 68 IAC 21-2-2; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA*)

SECTION 7. 68 IAC 21-2-5 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-2-5 Denial of license**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-2-24**

Sec. 5. (a) The commission may deny a license to an organization, manufacturer, distributor, or individual about whom the commission has reason to believe at least one (1) of the following:

- (1) The organization has failed to provide sufficient information for the commission to determine that the organization is a qualified organization as defined in IC 4-32.2-2-24.
- (2) The qualified organization has failed to provide information required by IC 4-32.2 and this article.
- (3) The manufacturer or distributor has failed to provide information required by IC 4-32.2 and this article.
- (4) The applicant has violated a statute, regulation, rule, local ordinance, or other law providing for the best interests of charity gaming.
- (5) The applicant has engaged in fraud, deceit, or misrepresentation.
- (6) The applicant has failed to timely pay any federal, state, or local tax obligation due.**

**(b) For purposes of the grant, renewal, or denial of a license, the commission may consider all relevant activities of an organization prior to any reorganization conducted under IC 4-32.2-2-24(a)(C)(iii).** (*Indiana Gaming Commission; 68 IAC 21-2-5; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA*)

SECTION 8. 68 IAC 21-2-6 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-2-6 License fees**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-6-3**

Sec. 6. (a) All license fees must be paid at the time the application for licensure is submitted to the commission.

(b) The initial license fee and renewal fee for a:

- (1) manufacturer is five thousand dollars (\$5,000); and
- (2) distributor is five thousand dollars (\$5,000).

(c) The initial fee on each separate license held by a qualified organization is fifty dollars (\$50).

(d) If a period of at least ~~five (5)~~ **three (3)** years elapses between the dates on which a qualified organization lawfully conducts a particular allowable event, ~~the a license for conducting that particular allowable event issued~~ for the first time following the ~~five (5)~~ **three (3)** year period shall be considered an initial license for purposes of IC 4-32.2-6-3 and this rule.

**(e) The commission may assess a twenty-five dollar (\$25) fee for an amendment to a license.**

**(f) If a qualified organization withdraws its application for an initial license or a license renewal, in writing, prior to issuance of the license or grant of the renewal, the commission shall refund the applicable license fee or renewal fee to the qualified organization, minus a fifty dollar (\$50) processing charge.**

**(g) If a qualified organization surrenders to the commission a single event license prior to hosting the event or events for which a single event license had been procured, the commission shall refund the lesser of:**

- (1) the applicable license fee or renewal fee, minus a fifty dollar (\$50) processing charge; or**
- (2) fifty percent (50%) of the applicable license fee or renewal fee.**

**(h) If a qualified organization surrenders to the commission an annual event license prior to the effective date of the license, the commission shall refund the lesser of:**

- (1) the applicable license fee or renewal fee, minus a fifty dollar (\$50) processing charge; or**
- (2) fifty percent (50%) of the applicable license fee or renewal fee.**

~~(i)~~ **(i) Receipts from sales of any goods, services, or other property sold in direct connection with or because of any gambling aspect of an allowable event must be included in gross receipts as a related activity for purposes of the qualified organization's renewal fee.**

~~(j)~~ **(j) The commission may collect outstanding license fees resulting from underreported gaming income from an allowable event and related activities. (*Indiana Gaming Commission; 68 IAC 21-2-6; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA*)**

SECTION 9. 68 IAC 21-2-7 IS AMENDED TO READ AS FOLLOWS:

### **68 IAC 21-2-7 Charity gaming licenses**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-4-16; IC 4-32.2-5-6; IC 4-32.2-5-26**

Sec. 7. (a) A full-sized photocopy of the event license is required to be prominently displayed at the facility where the event is being held. The original license must be available for inspection upon request at all times. In addition to the photocopy, a legible sign of adequate dimension of at least eight and one-half (8 1/2) inches by eleven (11) inches must be prominently posted near each entrance and registration area at the event, in such a manner that it can be clearly read by all the players during an event, containing the following:

- (1) The name of the qualified organization.
- (2) Its license number.
- (3) The expiration date of the license.

(b) Application for the following licenses may be made by a qualified organization:

(1) A bingo license that permits the licensee to conduct up to three (3) bingo events per calendar week. This license permits the licensee to:

- (A) conduct door prize drawings;
- (B) sell pull-tabs, punchboards, and tip boards; and
- (C) conduct raffle events;

at each bingo event. An organization cannot have more than one (1) bingo event per day. The bingo license is in effect for one (1) year from the date of issuance.

(2) A special bingo license that permits the licensee to conduct one (1) bingo event at only one (1) time and location. This license permits the licensee to:

- (A) conduct door prize drawings;

- (B) sell pull-tabs, punchboards, and tip boards; and
- (C) conduct raffle events;

at the bingo event.

(3) A charity game night license that permits the licensee to conduct one (1) charity game night at one (1) location. A qualified organization may not conduct more than ~~four (4)~~ **six (6)** charity game night events each calendar year. This license permits the licensee to conduct:

- (A) card games;
- (B) dice games;
- (C) roulette wheels;
- (D) spindle games;
- (E) door prize drawings;
- (F) raffle events; and
- (G) sales of pull-tabs, punchboards, and tip boards;

at the charity game night event.

(4) An annual charity game night license that permits the licensee to conduct charity game night events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to conduct:

- (A) card games;
- (B) dice games;
- (C) roulette wheels;
- (D) spindle games;
- (E) door prize drawings;
- (F) raffle events; and
- (G) sales of pull-tabs, punchboards, and tip boards;

at each annual charity game night event.

(5) A raffle license that permits the licensee to conduct a raffle at only one (1) time and location. This license permits the licensee to:

- (A) conduct door prize drawings; and
- (B) sell pull-tabs, punchboards, and tip boards;

at the raffle event.

(6) An annual raffle license that permits the licensee to conduct raffle events ~~on more than one (1) occasion during a period of one (1) year.~~ **at any time and any day on the premises owned or leased by the qualified organization or donated to the qualified organization and regularly used for the activities of the qualified organization.** This license permits the licensee to:

- (A) conduct door prize drawings; and
- (B) sell pull-tabs, punchboards, and tip boards;

at each raffle event. **Any employee of the qualified organization may participate in the sale and redemption of pull-tabs, punchboards, and tip boards on the premises of the qualified organization and receive the remuneration ordinarily provided to the employee in the course of the employee's employment.**

(7) A door prize license that permits the licensee to:

- (A) conduct one (1) door prize event at only one (1) time and location;
- (B) sell pull-tabs, punchboards, and tip boards at the door prize event; and
- (C) conduct raffles;

at the door prize event.

(8) An annual door prize license that permits the licensee to conduct door prize events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to:

- (A) conduct raffle events; and
- (B) sell pull-tabs, punchboards, and tip boards;

at the door prize event.

(9) A festival license that permits the licensee to conduct:

- (A) bingo events;
- (B) charity game nights;
- (C) one (1) raffle event;
- (D) door prize events; and
- (E) sales of pull-tabs, punchboards, and tip boards;

at the festival. Subject to IC 4-32.2-5-6(c), the festival can only be held once a calendar year and cannot exceed four

(4) consecutive days. The raffle event conducted at a festival is not subject to any prize limitations.

(10) A PPT license that permits the licensee to **do the following**:

(A) Sell pull-tabs, punchboards, and tip boards at any time and any day ~~during a calendar year~~ on the premises owned or leased by the qualified organization **or donated to the qualified organization** and regularly used for the activities of the qualified organization.

(B) **Conduct a winner take all drawing and a qualified drawing in accordance with IC 4-32.2-5-26.**

(11) A single event or an annual event license for a gambling event approved by the commission under IC 4-32.2-4-16, including, but not limited to, the following:

(A) A water race license that permits a qualified organization to conduct a water race using qualified personal property in the following manner:

(i) Each item of the qualified personal property is marked with a number corresponding to the number on a chance purchased in a water race.

(ii) The winner of the water race is determined by the number of the item of qualified personal property that crosses a designated finish line on the body of water first.

(B) A license that permits a qualified organization to conduct a guessing game.

(C) Any other gambling event approved by rule of the commission.

*(Indiana Gaming Commission; 68 IAC 21-2-7; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA)*

SECTION 10. 68 IAC 21-3-2 IS AMENDED TO READ AS FOLLOWS:

#### **68 IAC 21-3-2 Conducting an allowable event**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2; IC 5-14-1.5; IC 35-45-5-1**

Sec. 2. (a) Except **as provided** for pull-tabs, punchboards, and tip boards obtained from the state lottery commission, all licensed supplies must ~~originally~~ be obtained ~~from an entity that is licensed by the commission as a manufacturer or distributor.~~ **under IC 4-32.2-5-25.**

(b) The purchase of Hoosier Lottery pull-tabs by the qualified organization is only permitted if the qualified organization is licensed by the state lottery commission to sell the items. The provisions of IC 4-32.2 do not apply to the purchase and sale of Hoosier Lottery pull-tabs by a qualified organization.

~~(c) Only one (1) organization can conduct an event on the same day at the same location.~~

~~(c)~~ **(c) Except as otherwise provided**, an allowable event must begin and end within a period of twenty-four (24) consecutive hours.

~~(d)~~ **(d)** The lease of a **location or** facility for an allowable event must be ~~(1)~~ in writing and:

~~(2)~~ **(1)** between the qualified organization and the owner of the premises, as determined by the property owner of record on the property tax rolls of the county in which the property is located; or

~~(3)~~ **(2)** a valid sublease between the ~~sublessor~~ **sublessor** and ~~sublessee~~, **sublessee**, with written consent of the assignment by the property owner of record, as determined by the property tax rolls of the county in which the property is located.

~~(e)~~ **(e)** Except for a festival, an organization must not pay more than five hundred dollars (\$500) per event in total for personal property that may be used by the organization to conduct the event. This includes the rental of tables, chairs, and related equipment owned and leased by the lessor who is leasing the facility to the qualified organization for an allowable event. The rental of tangible personal property cannot be based on the revenue generated by the event. For a festival event, the five hundred dollar (\$500) limitation only applies to the rental of gambling-related equipment and supplies.

~~(f)~~ **(f)** A qualified organization may advertise an allowable event. An advertisement in printed media must contain the name and license number, in bold print, of the organization conducting the event. An advertisement in broadcast media must announce, at the end of the advertisement:

(1) the name of the organization conducting the event; and

(2) that the qualified organization's license number is on file.

A television announcement of the name and license number of the organization conducting the event may be in the form of an audio or a ~~visual~~, **video**, or both. Temporary signage, such as fliers and marquee advertisements, must contain the name of the qualified organization conducting the event but need not include the qualified organization's license number. **An organization conducting a charity game night event shall not advertise for that event using a business name, such as a "d/b/a", which is different from the name on the organization's license, on any advertisement or signage. An organization must include "charity game night" on any advertisement or signage that describes, names, or identifies the event.**

~~(h)~~ (g) An organization cannot sell a pull-tab, punchboard, or tip board ticket for more than one dollar (\$1). Pull-tabs cannot be sold in this state unless a flare accompanies the deal.

~~(i)~~ (h) An organization may not permit a person less than eighteen (18) years of age to play or participate in an allowable event. However, a person less than eighteen (18) years of age may play or participate in nongambling activities associated with an allowable event. A qualified organization is prohibited from allowing an individual less than eighteen (18) years of age to serve food or drinks to participants in the area where the gaming is occurring.

~~(j)~~ (i) A sign printed with a font size legible from a distance of at least ten (10) feet must be prominently posted near each entrance and registration area throughout the event stating that the operators and workers are not allowed to accept tips.

~~(k)~~ (j) An organization may employ not more than three (3) nonmember Indiana law enforcement officers or private detectives properly licensed in Indiana to perform security services during an allowable event. An organization may not use more than three (3) security personnel unless the organization has prior written approval of the executive director or the executive director's designee.

~~(l)~~ (k) **Except as allowed in IC 4-32.2-5-14(c)**, neither the operator nor a worker is permitted to participate in the allowable event that is being held. An operator is prohibited from being an operator for more than ~~one~~ ~~(1)~~ **three (3)** qualified ~~organization organizations~~ in a calendar month. A manufacturer, distributor, or an officer or employee of a manufacturer or distributor is prohibited from being an operator or worker at any allowable event.

~~(m)~~ (l) To obtain express authorization for an exemption from a normal prize limit where permissible in IC 4-32.2, a qualified organization must submit a written application on a form prescribed by the commission stating the date, time, and location of the event at least forty-five (45) days before the date of the event. The authorization to exceed the normal prize limits must be prominently displayed at the time and location of the event.

~~(n)~~ (m) An organization may dispose of any unused bingo supplies, punchboards, pull-tabs, tip boards, and any other licensed supplies specified by the commission by shredding, burning, or otherwise destroying them. The organization must notify the commission that such items are to be destroyed thirty (30) days in advance of the destruction and must provide the following information:

- (1) The date the items were destroyed.
- (2) The manner of destruction.
- (3) A description of the items destroyed.
- (4) The quantity of items destroyed.
- (5) The serial numbers of the items destroyed.
- (6) The trade name of the items.
- (7) The reason for destruction.

Destruction of any unused licensed supplies must be certified by one (1) officer of the qualified organization.

~~(o)~~ (n) If an organization has lost any licensed supplies through theft, fire, flood, or other disaster, the organization must notify the commission in writing of ~~such~~ **the** loss and provide the following information within ten (10) days of discovering the loss:

- (1) The date the items were lost.
- (2) The manner of loss and a description of the items lost.
- (3) The serial numbers of the items lost.
- (4) The trade name of the items.
- (5) Copies of all insurance forms submitted for the loss.

- (6) Any police department or fire department reports created in connection to the loss.
- (7) Any other information required by the commission or the executive director.

~~(p)~~ **(o)** A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each concealed face bingo card manufactured and sold.

~~(q)~~ ~~Seal card winners must provide:~~ **(p)** To collect a pull-tab, punchboard, or tip board prize valued at two hundred fifty dollars (\$250) or more:

**(1) The winner must provide the following to the organization:**

~~(1) their~~ **(A) His or her** printed name.

**(B) His or her** signature. ~~and~~

**(C) His or her** date of birth. ~~and~~

~~(2) some form of identification, such as a driver's license or state issued identification card; to redeem a prize valued at more than fifty dollars (\$50).~~

**(2) The organization awarding the prize must verify the identity of the winner using any reasonable means the organization considers necessary.**

~~(r)~~ **(q)** A charitable organization may not conduct an allowable event on or through the Internet.

~~(s)~~ **(r)** An organization may:

(1) accept only United States currency, ~~and~~ coin, **personal check, or debit card** from players when conducting an allowable event; and

(2) not extend credit to any player.

~~(t)~~ **(s)** Publication of notice required by IC 4-32.2-4-5(c) and IC 4-32.2-4-7.5(c) shall be made not later than fifteen (15) days after the applicant has received a prelicense review letter issued by the commission.

**(t) A qualified organization holding a license issued under IC 4-32.2-4-5 and IC 4-32.2-4-7.5 shall publish notice as required by IC 4-32.2-4-5(c) and IC 4-32.2-4-7.5(c) if the location changes at which the organization conducts gaming pursuant to these licenses. Notification must meet the requirements of IC 4-32.2-4-5(d) and IC 4-32.2-4-7.5(d). In the event the commission receives at least ten (10) written and signed protest letters, the commission may hold a hearing in accordance with IC 5-14-1.5.**

(u) Protest letters referenced in IC 4-32.2-4-5(e) and IC 4-32.2-4-7.5(e) opposing the issuance of an initial annual bingo or annual charity game night license, respectively, must be received by the commission not later than fifteen (15) days after the last publication required by IC 4-32.2-4-5(c) and IC 4-32.2-4-7.5(c), respectively.

**(v) The total prizes awarded for a winner take all drawing or a qualified drawing may not exceed three hundred dollars (\$300) for each drawing. All prizes awarded for a winner take all drawing or a qualified drawing must be U.S. currency.**

**(w) A qualified organization conducting a winner take all drawing or a qualified drawing must maintain a ledger in which the qualified organization records:**

**(1) the date of each drawing;**

**(2) each winning patron's:**

**(A) name;**

**(B) address; and**

**(C) telephone number; and**

**(3) the amount awarded to each winner.**

**The ledger must be printed legibly and must be available for inspection upon request.**

**(x) A qualified organization conducting a raffle, door prize, winner take all drawing, or qualified drawing must conduct its own winning draws.**

**(y) A qualified organization is prohibited from conducting any allowable event at a bar or tavern, or at a facility**

connected to a bar or tavern, that is not owned by a qualified organization.

(z) Except as outlined in IC 4-32.2-5-14, a person dealing a card game must be either a worker or an operator.

(aa) An organization must deposit all proceeds from an allowable event into its separate and segregated bank account within five (5) business days of the event.

(bb) An organization must conspicuously post a "no change" sign on any electronic pull-tab machine that does not provide change. (*Indiana Gaming Commission; 68 IAC 21-3-2; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA*)

SECTION 11. 68 IAC 21-3-4.1 IS ADDED TO READ AS FOLLOWS:

**68 IAC 21-3-4.1 Euchre**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-4-7; IC 4-32.2-4-7.5**

Sec. 4.1. (a) A patron participating in a euchre game conducted under a charity game night license issued under IC 4-32.2-4-7 or IC 4-32.2-4-7.5 must deal every time he or she has the opportunity to do so in the regular course of the game of euchre.

(b) No patron participating in a euchre game conducted under a charity game night license issued under IC 4-32.2-4-7 or IC 4-32.2-4-7.5 may receive prizes other than those awarded to the winners of the game.

(c) A qualified organization conducting a euchre game under a charity game night license issued under IC 4-32.2-4-7 or IC 4-32.2-4-7.5 must have one (1) operator for each six (6) tables of four (4) players. Determination of prize payouts, resolution of disputes, and responsibility for all buy-ins and cash-outs of chips must be done by an operator. (*Indiana Gaming Commission; 68 IAC 21-3-4.1*)

SECTION 12. 68 IAC 21-4-1 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-4-1 Records of qualified organization**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-4-3**

Sec. 1. (a) A qualified organization must maintain records of all financial aspects of each allowable event adequate for the commission to conduct oversight as authorized and required by IC 4-32.2 and to report such information to the commission on forms prescribed by the commission. The organization must set up a separate and segregated bank account to account for all proceeds and expenditures of the allowable event. The records that must be kept and the information that must be submitted on the forms prescribed by the commission include, but are not limited to, the following:

- (1) Gross receipts from each type of activity conducted at each allowable event.
- (2) Prize payouts.
- (3) Net receipts to the organization.

Included in the organization's financial records must be any rental costs associated with conducting the allowable event, including, but not limited to, a facility lease and the lease of tangible personal property.

(b) The appropriate financial forms prescribed by the commission must be provided as follows:

- (1) All annual license holders must submit the appropriate forms prescribed by the commission not later than the fifteenth day of the month in which the annual license expires.
- (2) All special event license holders must submit the appropriate forms prescribed by the commission not more than ten (10) days after the special event is concluded.
- (3) All qualified organizations conducting an unlicensed allowable event under IC 4-32.2-4-3(a) must submit the appropriate forms prescribed by the commission annually, one (1) year after the date of the first allowable event of a calendar year. If the value of all prizes awarded for a single event exceeds one thousand dollars (\$1,000), or exceeds an aggregate of a total of three thousand dollars (\$3,000) for all allowable events at any point during the calendar year, a qualified organization shall submit the appropriate forms prescribed by the commission within ten (10) days of

exceeding the limit.

(c) The commission shall be granted unrestricted access to all records, including, but not limited to, the following:

- (1) Membership information.
- (2) Financial records.
- (3) Receipts for the purchase or lease of all licensed supplies.

(d) A qualified organization must retain the following records for ~~five (5)~~ **three (3)** years from the conclusion of the allowable event:

- (1) All documents associated with allowable events.
- (2) All other documents kept in the regular course of allowable events.

*(Indiana Gaming Commission; 68 IAC 21-4-1; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA)*

SECTION 13. 68 IAC 21-6-1 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-6-1 Disciplinary action**

**Authority: IC 4-32.2-3-3**

**Affected: IC 4-32.2-4-16**

Sec. 1. (a) Qualified organizations, manufacturers, and distributors have a continuing duty to maintain compliance with IC 4-32.2 and this article. A commission license does not create a property right, but is a privilege contingent upon continuing compliance and suitability for licensure.

(b) The commission may initiate an investigation or a disciplinary action, or both, against a qualified organization or an individual if the commission has reason to believe the qualified organization or individual:

- (1) is not complying with:
  - (A) IC 4-32.2;
  - (B) this article; or
  - (C) any condition imposed on a license under ~~IC 4-32.2-4~~ ~~IC 14-32.2-4-16(e)~~; **IC 4-32.2-4-16(e)**;
- (2) has failed to accurately account for:
  - (A) bingo cards;
  - (B) bingo boards;
  - (C) bingo sheets;
  - (D) bingo pads;
  - (E) pull-tabs;
  - (F) punchboards;
  - (G) tip boards;
  - (H) any other licensed supplies; or
  - (I) sales proceeds from an event or activity licensed or permitted under this article;
- (3) has committed an act of fraud, deceit, or misrepresentation;
- (4) has failed to maintain adequate records for the commission to conduct oversight authorized under IC 4-32.2; or
- (5) has violated a statute, regulation, local ordinance, or other law providing for the best interests of charity gaming.

(c) The commission may initiate an investigation or a disciplinary action, or both, against a qualified organization or an individual for conduct prejudicial to public confidence in the commission.

(d) A disciplinary action against a qualified organization or an individual shall be pursued in accordance with the procedures in 68 IAC 13, except any provision therein that is inapplicable to charity gaming.

**(e) For purposes of the initiation of an investigation or a disciplinary action under this rule, the commission may consider all relevant activities of an organization prior to any reorganization conducted under IC 4-32.2-2-24(a)(C)(iii).**  
*(Indiana Gaming Commission; 68 IAC 21-6-1; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA; filed May 27, 2008, 4:09 p.m.: 20080625-IR-068070748FRA)*

SECTION 14. 68 IAC 21-3-3 IS REPEALED.

*Notice of Public Hearing*