

RESOLUTION 2006-28

A RESOLUTION WAIVING REQUIREMENTS AND PROCEDURES IN 68 IAC 2-3, WHICH WOULD ALLOW RIVERBOAT LICENSEES TO ISSUE ONE IDENTIFICATION BADGE FOR BOTH TEMPORARY AND PERMANENT OCCUPATIONAL LICENSES.

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. 68 IAC 2-3-5 (a) states: "The temporary identification badge shall serve as the temporary occupational license until the permanent occupational license has been issued or denied... The permanent identification badge shall serve as the permanent occupational license..."
2. 68 IAC 2-3-5 (b) sets forth procedures for the temporary identification badge and states: "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. 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. Temporary identification badges shall be worn by all occupational licensees during work hours. Temporary identification badges shall be clearly displayed."
3. 68 IAC 2-3-5 (f) sets forth requirements for the permanent identification badge and states: "Upon a finding of suitability for licensure, the commission shall issue an occupational license in the form of a permanent identification badge. The permanent identification badge shall remain the property of the commission at all times... The commission may refuse to renew the license when it is reviewed under section 8 of this rule... The permanent 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... badge shall be different from the color of the temporary identification badge. The permanent identification badge shall be worn by all occupational licensees during work hours. Permanent identification badges shall be clearly displayed."
4. 68 IAC 2-3-6 states the requirements for the physical appearance and contents of the badges, and states that the identification badge shall be of "appropriate color" and shall "display the level of the occupational license... and display the date the identification badge and occupational license were issued and the date that the identification badge and occupational license will expire."
5. Given the sophistication and reliability of the Commission's occupational license database, it is unnecessary and inefficient to require the issuance of separate identification badges for temporary and permanent licensees. An individual's status as a temporary or permanent licensee is easily maintained on and retrieved from the database alone.

6. It is burdensome to require Gaming Agents to process and issue multiple badges for each licensee, in that time spent on processing badges takes time away from the regulatory and law enforcement functions of the Gaming Agents.
7. The Commission believes that the issuance of a single identification badge for both temporary and permanent licensees is the most efficient and effective way to regulate riverboat gambling operations in Indiana.
8. The use of a single identification badge shall render obsolete and unnecessary any requirements in the Commission's regulations that have been used to differentiate between "temporary" and "permanent" badges.
9. Because the date on which the Commission will ultimately issue a permanent license is unknown at the time an identification badge and temporary license are issued to an applicant, the implementation of a single badge system also renders obsolete and unnecessary any regulatory requirement that the badge indicate the dates on which the applicant's occupational license was issued or will expire.
10. 68 IAC 2-3-12 grants the Commission the ability to "waive, alter, or restrict any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, alteration, or restriction is in the best interest of the public and the gaming industry..."
11. Due to the fact that Gaming Agents are replacing State Police on riverboats in phases, in lieu of Commission staff requesting a waiver for each new class of Gaming Agents, and considering the length of time that elapses between Commission meetings, it would be in the best interest of the Commission and its licensees to waive all regulations necessary to allow riverboat licensees to issue one badge to its occupational licensees, to be used as both temporary and permanent identification. This waiver should take effect on a riverboat at the moment the IGC's on-site enforcement personnel changes from State Police to Gaming Agents.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION,
THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

SECTION 1: SCOPE

This resolution shall apply to each riverboat location, once appropriate. Application of this resolution shall attach to each riverboat at the time the Indiana State Police assigned to the riverboat are replaced with IGC Gaming Agents as the Commission's IC 4-33-4-3(a)(7) on-site enforcement presence.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

SECTION 3: WAIVER

The Commission hereby **WAIVES** any requirements or procedures in 68 IAC 2-3 which may be construed as: (1) prohibiting the issuance of a single identification badge to serve as an individual's temporary and/or permanent gaming license, as appropriate; (2) requiring the issuance of separate and distinct "temporary" and "permanent" badges; or (3) requiring the identification badge to display the dates on which the licensee's occupational license was issued or will expire.

SECTION 4: DIRECTIVE TO COMMISSION STAFF

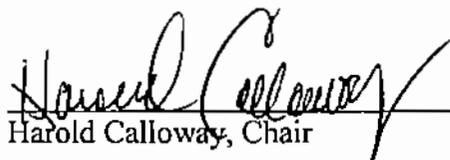
The Commission hereby orders the Commission staff to promulgate rule changes to 68 IAC 2-3 to the extent necessary to make the changes contained in this waiver part of the Commission's regulatory framework. Commission staff shall promulgate these rule changes only after such time as all riverboat licensees are using Gaming Agents as their law enforcement agency.

SECTION 5: EFFECTIVE DATE

This resolution is effective immediately.

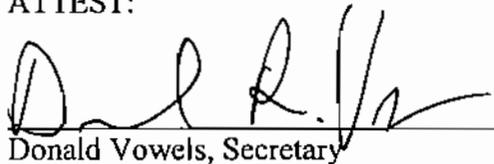
ADOPTED, THIS THE 7th DAY OF JUNE, 2006.

THE INDIANA GAMING COMMISSION:



Harold Calloway, Chair

ATTEST:



Donald Vowels, Secretary