TITLE 68 INDIANA GAMING COMMISSION

Proposed Rule
LSA Document #11-786

DIGEST

Adds 68 IAC 1-1-3.5 regarding the definition of associated equipment. Amends 68 IAC 1-1-54 regarding the Uniform Customs and Practice for Documentary Credits. Amends 68 IAC 1-1-88 expanding the definition of support facilities. Amends 68 IAC 1-1-90 regarding the purpose of a surveillance room. Amends 68 IAC 1-4-5 regarding related party transactions. Amends 68 IAC 1-4-7 to eliminate certain reporting requirements. Amends 68 IAC 1-5-1 regarding reporting. Amends 68 IAC 1-5-2 regarding submission of reports. Adds 68 IAC 1-5-4 regarding deviations from provisions. Amends 68 IAC 1-6-1 regarding attorney eligibility. Amends 68 IAC 1-9-1 regarding requirements for the commission rooms at a casino. Amends 68 IAC 1-9-2 regarding commission surveillance room equipment. Amends 68 IAC 1-9-3 regarding commission office equipment. Amends 68 IAC 1-13-1 regarding reporting requirements. Amends 68 IAC 1-16-2 regarding display of the compulsive gambling hotline number. Amends 68 IAC 2-1-1 regarding ownership of interests in multiple casino licensees. Amends 68 IAC 2-1-4 regarding the application procedure for casino licenses. Amends 68 IAC 2-1-5 regarding riverboat and nonriverboat licensing requirements and the commission's marine contractor. Amends 68 IAC 2-1-7 regarding requirements for bonds. Amends 68 IAC 2-4-1 regarding definitions and felony waivers. Amends 68 IAC 2-4-2 regarding felony waivers. Adds 68 IAC 2-4-8.7 regarding interim waivers. Amends 68 IAC 2-5-2 regarding accreditation of occupational training schools. Amends 68 IAC 2-6-5 regarding security and audit specifications for electronic gaming devices. Amends 68 IAC 4-1-7 regarding requirements for reporting SEC filings. Amends 68 IAC 5-1-1 regarding commission approval for a transfer of ownership interest. Amends 68 IAC 5-1-2 regarding the procedure for approval of a transfer of ownership interest. Amends 68 IAC 5-1-3 regarding fees. Amends 68 IAC 5-1-4 regarding standards for transfer of an ownership interest and institutional investors. Amends 68 IAC 5-2-1 regarding definitions and ownership interests. Amends 68 IAC 5-2-2 regarding applications. Amends 68 IAC 5-2-3 regarding fees. Adds 68 IAC 5-2-3.2 regarding institutional investors. Amends 68 IAC 5-3-2 regarding approval of debt transactions. Amends 68 IAC 6-2-1 regarding eviction criteria. Amends 68 IAC 9-3-3 regarding employment of agents. Amends 68 IAC 10-1-1.2 regarding TITOs as a patron asset. Amends 68 IAC 12-1-3 to update surveillance requirements. Amends 68 IAC 15-2-5 regarding surveillance of currency transactions. Amends 68 IAC 15-5-1 regarding definitions. Amends 68 IAC 15-5-9 regarding filing deadlines for monthly tax reports. Amends 68 IAC 15-6-1 regarding definitions. Amends 15-6-4 regarding visitor and vendor logs. Amends 68 IAC 15-10-1 regarding bank areas. Amends 68 IAC 16-1-4 regarding procedures for extending credit. Amends 68 IAC 16-1-10 regarding patron check cashing privileges. Repeals 68 IAC 1-2-3 and 68 IAC 1-4-8. Makes numerous technical changes regarding obsolete and duplicative language, repealed sections of the Indiana Code, the standards and procedure for deviations from provisions, broadening the applicability of 68 IAC to gambling game licensees where relevant, TITOs, disclosure of Social Security numbers, and the elimination of state police requirements due to changes in the law. Effective 30 days after filing with the Publisher.

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

68 IAC 1-1-1; 68 IAC 1-1-3.5; 68 IAC 1-1-13; 68 IAC 1-1-17; 68 IAC 1-1-20; 68 IAC 1-1-45; 68 IAC 1-1-52.1; 68 IAC 1-1-53; 68 IAC 1-1-54; 68 IAC 1-1-55; 68 IAC 1-1-88; 68 IAC 1-1-90; 68 IAC 1-1-95; 68 IAC 1-1-98; 68 IAC 1-2-1; 68 IAC 1-2-3; 68 IAC 1-2-5; 68 IAC 1-4-1; 68 IAC 1-4-2; 68 IAC 1-4-3; 68 IAC 1-4-4; 68 IAC 1-4-5; 68 IAC 1-4-6; 68 IAC 1-4-7; 68 IAC 1-4-8; 68 IAC 1-4-10; 68 IAC 1-4-11; 68 IAC 1-5-1; 68 IAC 1-5-2; 68 IAC 1-5-4; 68 IAC 1-6-1; 68 IAC 1-7-1; 68 IAC 1-7-2; 68 IAC 1-8-1; 68 IAC 1-8-2; 68 IAC 1-8-4; 68 IAC 1-9-1; 68 IAC 1-9-2; 68 IAC 1-9-3; 68 IAC 1-9-4; 68 IAC 1-9-5; 68 IAC 1-10-1; 68 IAC 1-10-3; 68 IAC 1-11-1; 68 IAC 1-11-2; 68 IAC 1-12-1; 68 IAC 1-12-2; 68 IAC 1-12-3; 68 IAC 1-12-4; 68 IAC 1-12-5; 68 IAC 1-12-6; 68 IAC 1-12-7; 68 IAC 1-13-1; 68 IAC 1-13-2; 68 IAC 1-14-1; 68 IAC 1-14-2; 68 IAC 1-14-3; 68 IAC 1-14-4; 68 IAC 1-15-1; 68 IAC 1-16-1; 68 IAC 1-16-2; 68 IAC 1-16-3; 68 IAC 1-16-4; 68 IAC 1-16-5; 68 IAC 2-1-1; 68 IAC 2-1-2; 68 IAC 2-1-3; 68 IAC 2-1-4; 68 IAC 2-1-5; 68 IAC 2-1-6; 68 IAC 2-1-7; 68 IAC 2-1-8; 68 IAC 2-1-9; 68 IAC 2-1-10; 68 IAC 2-1-11; 68 IAC 2-1-12; 68 IAC 2-1-13; 68 IAC 2-4-1; 68 IAC 2-4-2; 68 IAC 2-4-8.7; 68 IAC 2-5-1; 68 IAC 2-5-2; 68 IAC 2-5-3; 68 IAC 2-5-5; 68 IAC 2-6-1; 68 IAC 2-6-5; 68 IAC 2-6-6; 68 IAC 2-6-7; 68 IAC 2-6-16; 68 IAC 2-6-18; 68 IAC 2-6-22; 68 IAC 2-6-27; 68 IAC 2-6-30.1; 68 IAC 2-6-31; 68 IAC 2-6-33; 68 IAC 2-6-34; 68 IAC 2-6-42; 68 IAC 2-6-43; 68 IAC 2-6-44; 68 IAC 2-6-45; 68 IAC 2-6-46; 68 IAC 2-6-48; 68 IAC 2-7-1; 68 IAC 2-7-2; 68 IAC 2-7-4; 68 IAC 2-7-6; 68 IAC 2-7-7; 68 IAC 2-7-8; 68 IAC 2-7-9; 68 IAC 2-7-11; 68 IAC 4-1-1; 68 IAC 4-1-2; 68 IAC 4-1-3; 68 IAC 4-1-4; 68 IAC 4-1-5; 68 IAC 4-1-6; 68 IAC 4-1-7; 68 IAC 4-1-8; 68 IAC 4-1-9; 68 IAC 4-1-10; 68 IAC 5-1-1; 68 IAC 5-1-2; 68 IAC 5-1-3; 68 IAC 5-1-4; 68 IAC 5-1-5; 68 IAC 5-1-6; 68 IAC 5-1-7; 68 IAC 5-1-8; 68 IAC 5-2-1; 68 IAC 5-2-2; 68 IAC 5-2-3; 68 IAC 5-2-3.2; 68 IAC 5-2-4; 68 IAC 5-2-5; 68 IAC 5-2-6;

68 IAC 5-3-1; 68 IAC 5-3-2; 68 IAC 5-3-3; 68 IAC 5-3-4; 68 IAC 5-3-5; 68 IAC 5-3-6; 68 IAC 6-2-1; 68 IAC 6-2-2; 68 IAC 6-2-3; 68 IAC 6-2-4; 68 IAC 9-1-2; 68 IAC 9-1-4; 68 IAC 9-1-5; 68 IAC 9-2-2; 68 IAC 9-2-3; 68 IAC 9-2-5; 68 IAC 9-2-20; 68 IAC 9-3-2; 68 IAC 9-3-3; 68 IAC 9-4-2; 68 IAC 9-4-3; 68 IAC 9-4-4; 68 IAC 10-1-1; 68 IAC 10-1-1.2; 68 IAC 10-1-2; 68 IAC 10-1-3; 68 IAC 10-1-4; 68 IAC 10-1-6; 68 IAC 10-1-7; 68 IAC 10-1-8; 68 IAC 11-1-1; 68 IAC 11-1-2; 68 IAC 11-1-3; 68 IAC 11-1-4; 68 IAC 11-1-5; 68 IAC 11-1-6; 68 IAC 11-1-7; 68 IAC 11-2-2; 68 IAC 11-2-3; 68 IAC 11-2-4; 68 IAC 11-3-1; 68 IAC 11-3-3; 68 IAC 11-3-4; 68 IAC 11-3-5; 68 IAC 11-3-6; 68 IAC 11-5-1; 68 IAC 11-5-2; 68 IAC 11-6-1; 68 IAC 11-7-1; 68 IAC 11-7-2; 68 IAC 11-7-3; 68 IAC 11-7-4; 68 IAC 11-7-5; 68 IAC 11-8-1; 68 IAC 11-8-3; 68 IAC 12-1-0.5; 68 IAC 12-1-1; 68 IAC 12-1-1.5; 68 IAC 12-1-1.7; 68 IAC 12-1-2; 68 IAC 12-1-3; 68 IAC 12-1-5; 68 IAC 12-1-5.5; 68 IAC 12-1-6; 68 IAC 12-1-7; 68 IAC 12-1-8; 68 IAC 12-1-11; 68 IAC 12-1-12; 68 IAC 12-1-13; 68 IAC 12-1-14; 68 IAC 13-1-22; 68 IAC 15-1-1; 68 IAC 15-1-2; 68 IAC 15-1-3; 68 IAC 15-1-4; 68 IAC 15-1-5; 68 IAC 15-1-6; 68 IAC 15-1-7; 68 IAC 15-2-1; 68 IAC 15-2-2; 68 IAC 15-2-3; 68 IAC 15-2-4; 68 IAC 15-2-5; 68 IAC 15-2-6; 68 IAC 15-2-7; 68 IAC 15-3-1; 68 IAC 15-3-2; 68 IAC 15-3-3; 68 IAC 15-4-2; 68 IAC 15-4-3; 68 IAC 15-5-1; 68 IAC 15-5-2; 68 IAC 15-5-4; 68 IAC 15-5-5; 68 IAC 15-5-6; 68 IAC 15-5-7; 68 IAC 15-5-8; 68 IAC 15-5-9; 68 IAC 15-6-1; 68 IAC 15-6-4; 68 IAC 15-7-1; 68 IAC 15-8-4; 68 IAC 15-8-5; 68 IAC 15-8-6; 68 IAC 15-8-7; 68 IAC 15-9-2; 68 IAC 15-10-1; 68 IAC 15-10-2; 68 IAC 15-10-3; 68 IAC 15-10-4; 68 IAC 15-10-4.1; 68 IAC 15-10-5; 68 IAC 15-10-6; 68 IAC 15-10-7; 68 IAC 15-10-8; 68 IAC 15-10-9; 68 IAC 15-13-2; 68 IAC 15-13-3; 68 IAC 16-1-1; 68 IAC 16-1-2; 68 IAC 16-1-3; 68 IAC 16-1-4; 68 IAC 16-1-5; 68 IAC 16-1-6; 68 IAC 16-1-7; 68 IAC 16-1-8; 68 IAC 16-1-9; 68 IAC 16-1-10; 68 IAC 16-1-11; 68 IAC 16-1-12; 68 IAC 16-1-13; 68 IAC 16-1-14; 68 IAC 16-1-15; 68 IAC 17-1-1; 68 IAC 17-1-2; 68 IAC 17-1-3; 68 IAC 17-1-4; 68 IAC 17-2-5; 68 IAC 18-1-1; 68 IAC 18-1-2; 68 IAC 18-1-3; 68 IAC 18-1-4; 68 IAC 18-1-5; 68 IAC 19-1-5

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

68 IAC 1-1-1 Applicability

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

Sec. 1. In addition to the definitions ~~found~~ in IC 4-33-2 **and IC 4-35-2,** the ~~general~~ definitions in this rule apply throughout this title.

(Indiana Gaming Commission; 68 IAC 1-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 2. 68 IAC 1-1-3.5 IS ADDED TO READ AS FOLLOWS:

68 IAC 1-1-3.5 "Associated equipment" defined

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

Sec. 3.5. "Associated equipment" means any of the following:
(1) Equipment, mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming.
(2) A game that would not otherwise be classified as a gaming device, including, but not limited to, links that connect to progressive electronic gaming devices.
(3) Computerized systems that monitor electronic gaming devices.
(4) Equipment that affects the proper reporting of gross revenue.
(5) Devices for weighing and counting money.
(6) Patron counting systems.
(7) Any other equipment that the commission determines requires approval as associated equipment to ensure compliance with IC 4-33, IC 4-35, and this title.

(Indiana Gaming Commission; 68 IAC 1-1-3.5)

SECTION 3. 68 IAC 1-1-13 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-13 "Cash equivalent" defined

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

Sec. 13. "Cash equivalent" means ~~any~~ **an** asset that is readily convertible to cash, including the following:
(1) Traveler's checks.
(2) Certified checks, cashier's checks, and money orders.
(3) Personal checks.
(4) Credit extended by the ~~riverboat~~ **casino** licensee or by a recognized credit card company.
(5) Any other instrument that the commission deems a cash equivalent.
Other than recognized credit cards or credit extended by the ~~riverboat~~ **casino** licensee, all instruments that constitute a cash equivalent must be made payable to the ~~riverboat~~ **casino** licensee, bearer, or cash. If an instrument is made payable to a third party, it shall not be deemed a cash equivalent.

(Indiana Gaming Commission; 68 IAC 1-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 4. 68 IAC 1-1-17 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-17 "Commission surveillance room" defined

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

Sec. 17. "Commission surveillance room" means a room or rooms ~~on each riverboat~~ **in a casino** for the exclusive use of the commission for the monitoring and recording of gaming or ~~any~~ other activities.

(Indiana Gaming Commission; 68 IAC 1-1-17; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 5. 68 IAC 1-1-20 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-20 "Count room" defined

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

Sec. 20. "Count room" means the ~~room(s)~~ **room or rooms** designated for the counting and recording of a ~~riverboat~~ **casino** licensee's gaming receipts.

(Indiana Gaming Commission; 68 IAC 1-1-20; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 6. 68 IAC 1-1-45 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-45 "Give-away" defined

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

Sec. 45. "Give-away" means a game where patron entry to the game may be determined by:
(1) attendance ~~on~~ **at** a ~~riverboat or by either~~ **casino;**
(2) accumulation of **either** points or credits; or
(3) the attainment of a certain outcome on an electronic gaming device.

(Indiana Gaming Commission; 68 IAC 1-1-45; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 7. 68 IAC 1-1-52.1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-52.1 "Interim compliance period" defined

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

Sec. 52.1. "Interim compliance period" means the period of time between the issuance of a:
(1) certificate of suitability; and ~~the issuance of a~~
(2) permanent ~~riverboat~~ **casino** owner's license or ~~the issuance of a~~ notice of denial.

(Indiana Gaming Commission; 68 IAC 1-1-52.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 8. 68 IAC 1-1-53 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-53 "Internal control system" defined

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

Sec. 53. "Internal control system" means the internal procedures, administration, and accounting controls designed by the ~~riverboat~~ **casino** licensee for the purpose of exercising control over the ~~riverboat~~ **casino** gambling operation.

(Indiana Gaming Commission; 68 IAC 1-1-53; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 9. 68 IAC 1-1-54 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-54 "Irrevocable letter of credit" defined

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

Sec. 54. "Irrevocable letter of credit" means an engagement by a banking institution made at the request of a ~~riverboat~~ **casino** licensee that the banking institution will honor demands for payment upon compliance with the conditions specified in the letter of credit. The letter of credit cannot be withdrawn or canceled before the expiration date. The letter of credit must be issued, held, and negotiated under the "Uniform Custom and Practice for Documentary Credits", ~~1993~~ **2007** Revision, International Chamber of Commerce Publication No. ~~500.~~ **600.**

(Indiana Gaming Commission; 68 IAC 1-1-54; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3034; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 10. 68 IAC 1-1-55 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-55 "Junketeer" defined

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

Sec. 55. "Junketeer" means a person who is compensated depending on how much a patron either wagers or loses or a determination by the ~~riverboat~~ **casino** licensee or gaming operation manager as to the potential amount a patron will wager or lose.

(Indiana Gaming Commission; 68 IAC 1-1-55; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 11. 68 IAC 1-1-88 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-88 "Support facility" defined

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

Sec. 88. "Support facility" means a ~~place of business which~~ **structure that** is part of, or operates in connection with, a ~~riverboat~~ **casino** gambling operation, is leased or is owned in whole or in part by a ~~riverboat~~ **casino** licensee or supplier licensee, or ~~any~~ **one (1) or more** of ~~their~~ **its** key persons, and is located adjacent to or in close proximity to the ~~riverboat,~~ **casino,** including without limitation, the following:

(1) Riverboats.
(2) Offices.
(3) Docking facilities.
(4) Parking facilities.
(5) ~~Land-based hotels or~~ Restaurants.
(6) ~~Passenger~~ Pavilion.
(7) Hotels.
(8) Meeting rooms and conference facilities.
(9) Ancillary platforms.

(Indiana Gaming Commission; 68 IAC 1-1-88; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 12. 68 IAC 1-1-90 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-90 "Surveillance room" defined

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

Sec. 90. "Surveillance room" means a ~~room(s) on each riverboat~~ **room or rooms in a casino that are used** for monitoring and recording of gaming and other activities by ~~employees of riverboat~~ **persons present at the casino** gambling operation.

(Indiana Gaming Commission; 68 IAC 1-1-90; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 13. 68 IAC 1-1-95 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-95 "Token" defined

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

Sec. 95. "Token" means a metal or metal core representative of value, redeemable for cash only at the issuing ~~riverboat~~ **casino** gambling operation and issued and sold by a ~~riverboat~~ **casino** licensee for use in electronic gaming devices.

(Indiana Gaming Commission; 68 IAC 1-1-95; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 14. 68 IAC 1-1-98 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-1-98 "Wager" defined

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

Sec. 98. "Wager" means a sum of money or thing of value risked in a gambling game ~~on~~ **in** a licensed ~~riverboat.~~ **casino.**

(Indiana Gaming Commission; 68 IAC 1-1-98; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 15. 68 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-2-1 Rules of construction

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

Sec. 1. In the interpretation of ~~any~~ **the** rules adopted by the commission, ~~any~~ **an** ambiguity shall be resolved in favor of the interpretation ~~which~~ **that** would provide:
(1) the greater assurance of integrity in either the operation or regulation of ~~riverboat~~ **casino** gambling; or
(2) heightened public confidence in the regulation or regulatory processes relating to ~~riverboat~~ **casino** gambling.

(Indiana Gaming Commission; 68 IAC 1-2-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 16. 68 IAC 1-2-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-2-5 Commission meetings

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 5-14-1.5

Sec. 5. ~~All~~ **The commission shall hold its** meetings ~~of the commission shall be held~~ in accordance with the Indiana Open ~~Meetings Act,~~ **Door Law,** IC 5-14-1.5, ~~et seq.,~~ and notice of ~~all such~~ **the** meetings shall be posted at the:
(1) main offices of the commission; and
(2) when possible, ~~at the~~ offices of the commission maintained at the ~~home dock sites of the licensed riverboats.~~ **casinos.**

(Indiana Gaming Commission; 68 IAC 1-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 17. 68 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-1 Purchasing system

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

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

(b) As used in this rule, "related party" means one (1) of the following:
(1) An individual or business entity having a pecuniary interest in a ~~riverboat~~ **casino** licensee, a ~~riverboat~~

casino license applicant, or an affiliate thereof if the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate is not a publicly held company.
(2) A holder of more than five percent (5%) of the outstanding shares of a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate thereof if the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate is a publicly held company.
(3) A key person of a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate thereof.
(4) An affiliate of a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant.
(5) A relative of a holder of more than five percent (5%) of the outstanding shares of a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate thereof if the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate is a publicly held company.
(6) A relative of a key person of a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate thereof.
(7) A relative of an affiliate of a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant.
(8) A trust for the benefit of or managed by a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate or a key person thereof.
(9) ~~Any other~~ **Another** person who is able to control or significantly influence the management or operating policies of a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or an affiliate thereof.

(c) The executive director or an agent of the commission may review ~~each~~ **a** contract or transaction entered into by a ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant upon demand. The contract may be reviewed at the ~~riverboat~~ **casino** or the appropriate office, or the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant may be required to submit ~~two (2) copies~~ **a copy** of ~~any~~ **a** contract to the commission office in Indianapolis, Indiana.

(d) ~~Each~~ **A** contract or transaction entered into by a ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall contain a provision indicating that the **commission may subsequently disapprove the** contract. ~~may be subsequently disapproved by the commission.~~

(Indiana Gaming Commission; 68 IAC 1-4-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1015; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 18. 68 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-2 Policy

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

Sec. 2. (a) The commission is required to maintain the integrity of the commission and ~~riverboat~~ **casino** gambling. ~~Riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants must encourage confidence in the commission and the ~~riverboat~~ **casino** gambling industry by maintaining high standards of honesty, integrity, and impartiality. ~~Riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants shall:
(1) promote this policy by entering into contracts and transactions in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title; and ~~shall~~
(2) be held accountable for ~~all~~ **the** contracts or transactions entered into under this rule.

(b) The commission is not undertaking the policy of approving contracts, but will maintain oversight over contracts and transactions entered into by ~~riverboat~~ **casino** licensees and ~~riverboat~~ **casino** license applicants. The commission reserves the right to disapprove and cancel ~~any~~ **a** contract or transaction that does not:
(1) comply with ~~the Act~~ **IC 4-33, IC 4-35,** or this title; or ~~does not~~
(2) maintain the integrity of the ~~riverboat~~ **casino** gambling industry.

(Indiana Gaming Commission; 68 IAC 1-4-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 19. 68 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-3 Prohibited contracts

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

Sec. 3. (a) No ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant may enter into or perform ~~any~~ **a** contract or transaction in which it transfers or receives consideration that is not commercially reasonable or does not reflect the fair market value of the goods or services rendered or received as determined at the time that the contract is executed.

(b) ~~Any~~ **A** contract or transaction entered into by a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant that exceeds the total dollar amount of fifty thousand dollars ($50,000) shall be a written contract.

(c) ~~Each~~ **A** contract or transaction entered into by a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant shall comply with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-4-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 20. 68 IAC 1-4-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-4 Normal purchasing transactions

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit an internal control procedure regarding purchasing transactions in accordance with 68 IAC 11-1.

(b) The internal control procedure shall include a statement of policy regarding ethical standards and compliance with state and federal laws. The statement shall prohibit purchasing and contracting personnel from accepting gifts and gratuities from suppliers of goods or services except in accordance with a written policy submitted with the internal control procedures.

(c) The internal control procedures submitted shall include, but not be limited to, the following information:
(1) The manner in which purchase requisitions will be issued.
(2) The amounts that can be authorized by various positions or level of personnel.
(3) Requirements for the competitive bidding process, including the number of bids required.
(4) Procedures for issuing and approving blanket purchase orders.
(5) Procedures and approval regarding emergency purchases.
(6) Criteria for qualifying approved vendors of goods or services based on such factors as the following:
(A) Quality of the product or service to be provided.
(B) Suitability of the vendor of the goods or services.
(C) Price.
(D) Any other criteria the commission deems necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(7) Documentation that goods or services acquired were obtained on the basis of fair market value or for a price that is commercially reasonable considering the criteria set forth in subdivision (6).
(8) Procedures and approval process for the acquisition of goods or services that are unique and not ~~conducive to~~ **part of** the normal competitive bid process.
(9) Procedures to ensure that vendor files maintained by the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant contain ~~all~~ **the** forms, documentations, and approvals required by the internal control procedures.
(10) A prohibition against the purchase or lease of gaming equipment or supplies from other than a supplier **that is** licensed under 68 IAC 2-2.
(11) Procedures for the approval of contracts or transactions in an amount greater than fifty thousand dollars ($50,000).
(12) The minimum dollar amount of contracts or transactions with one (1) vendor in a twelve (12) month period that require approval by the board of directors, owner, or their designee. This amount shall not be more than

one hundred fifty thousand dollars ($150,000).
(13) A written policy regarding the acceptance of gifts or gratuities by purchasing and contracting personnel from suppliers of goods or services.
(14) Any other procedure the commission deems necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-4-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1016; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 21. 68 IAC 1-4-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-5 Related party transactions

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

Sec. 5. (a) Related party transactions are those between a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant and at least one (1) of the following:
(1) A related party.
(2) A relative.
(3) A dependent.

(b) Unless otherwise directed by the executive director, the internal control procedures for disclosure and approval of related party contracts or transactions do not apply to the following transactions:
(1) Transactions between a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant and a supplier licensee.
(2) The payment of dividends to shareholders.
(3) Scheduled repayments of related party debt.

(c) ~~Each~~ **A** related party transaction shall comply with the internal control procedures set forth in section 4 of this rule and the following provisions:
(1) ~~Each~~ **A** related party transaction or series of related transactions reasonably anticipated to exceed fifty thousand dollars ($50,000) in a twelve (12) month period shall be subject to approval by the board of directors, the owner, or a designee of the equivalent level. The duty to approve related party transactions in an amount greater than fifty thousand dollars ($50,000) shall not be delegated below this level of personnel.
(2) A written favorable fairness opinion from a reputable and independent organization knowledgeable in the area and approved by the executive director or the commission must be provided **prior to execution** for ~~all~~ **the** related party contracts, transactions, or series of transactions expected to exceed five million dollars ($5,000,000) unless otherwise directed by the executive director.

(Indiana Gaming Commission; 68 IAC 1-4-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 22. 68 IAC 1-4-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-6 Due diligence

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

Sec. 6. The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall perform due diligence to ensure that each person that the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant enters into a contract or transaction with meets the requirements set forth in IC 4-33-7-3 and 68 IAC 2-2.

(Indiana Gaming Commission; 68 IAC 1-4-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 23. 68 IAC 1-4-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-7 Compliance

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

Sec. 7. ~~(a) The riverboat licensee or riverboat license applicant shall, quarterly based on a calendar year, file a summary of all contracts or transactions in an amount greater than fifty thousand dollars ($50,000) or reasonably anticipated to exceed fifty thousand dollars ($50,000) in a twelve (12) month period. The quarterly reports shall be due on the fifteenth day of April, July, October, and January. The report shall be on forms prescribed by the commission, and shall include the following information:~~

~~(1) The name, business address, and business telephone number of the party with which the riverboat licensee or riverboat license applicant entered a contract, and whether or not the party was a related party.~~
~~(2) The amount of the transaction or payments under the contract.~~
~~(3) The terms of the contract, including the date of execution.~~
~~(4) The nature of the transaction, including the type of goods or services to be provided.~~
~~(5) A determination of how the fair market value of the contract, goods, or services was ascertained.~~
~~(6) The amount of each contract that will be counted toward a minority or women's business enterprise goal under IC 4-33-14, and which goal that amount will be counted toward.~~
~~(7) A statement certifying that all contracts summarized in the quarterly report are in compliance with this rule. The certification statement shall be signed by the general manager, or the equivalent, of the riverboat licensee or riverboat license applicant.~~
~~(8) Any other information the commission deems necessary to ensure compliance with the Act or this title.~~

~~(b) The quarterly report shall contain the information set forth in subsection (a) with respect to any oral contracts in an amount greater than twenty-five thousand dollars ($25,000) in a twelve (12) month period.(c) By January 31 of each year, the riverboat licensee or riverboat license applicant shall file with the commission a recapitulation of each contract required to be reported under this rule and entered into during the previous twelve (12) month period. The recapitulation shall be on a form prescribed by the commission and shall contain the information outlined in subsection (a).~~

~~(d)~~ The commission reserves the right to terminate ~~any~~ **a** contract that is not in compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title. ~~Submission of the quarterly and annual reports with subsequent review by the commission does not constitute approval of the contract by the commission.~~

(Indiana Gaming Commission; 68 IAC 1-4-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1017; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 24. 68 IAC 1-4-10 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-10 Violation of rule

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

Sec. 10. If the commission determines that a ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant has violated this rule, the commission may initiate an investigation and disciplinary action under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-4-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 25. 68 IAC 1-4-11 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-4-11 Deviation from provisions

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

Sec. 11. **(a)** The executive director or the commission may ~~waive, restrict, or alter any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines that the: ~~requirement or~~

(1) procedure **or requirement** is impractical or burdensome; and ~~such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 1-4-11; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 26. 68 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-5-1 Obligation to report certain events

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

Sec. 1. ~~Any riverboat~~ **A casino** or supplier licensee shall provide a written notice to the executive director at ~~such~~ **a** time as it becomes aware of the following:

(1) ~~Any~~ **A** violation or apparent violation of ~~any~~ **a** rule of the commission by any of the following:

(A) The ~~riverboat~~ **casino** or supplier licensee.

(B) ~~Any~~ **A** substantial owner, key person, or employee of the ~~riverboat~~ **casino** or supplier licensee.

(C) ~~Any~~ **A** person acting, or authorized to act, on behalf of or in furtherance of the interests of the ~~riverboat~~ **casino** or supplier licensee or ~~any~~ **an** affiliate of the licensee.

(2) ~~Any~~ **A** change in status of ~~any~~ **an** owner's license, supplier's license, or the equivalent issued to it or an affiliate by any other governmental entity.

(3) ~~Any~~ Civil litigation filed against the: ~~riverboat~~

(A) casino or supplier ~~licensee.~~ **licensee's Indiana operations; or**

(B) casino or supplier licensee that could significantly impact the casino or supplier licensee's Indiana operations.

(4) ~~Any~~ **A** criminal, civil, or administrative action, threatened action, or investigation initiated by any governmental entity against the ~~riverboat~~ **casino** or supplier licensee.

(5) ~~Any~~ Claims made by ~~any~~ **a** governmental entity concerning ~~any~~ **the** tax liability of a **casino or supplier** licensee or ~~any~~ **a** key person or substantial owner of the **casino or supplier** licensee.

(6) ~~Any~~ **A** civil, criminal, administrative, or tax action initiated:

(A) by or against an employee of the ~~riverboat~~ **casino** licensee if the action relates to the gaming activity conducted by the ~~riverboat~~ **casino** licensee; or

(B) against a key person, substantial owner, or an affiliate of a ~~riverboat~~ **casino** or supplier licensee, if ~~such~~ **the** action relates to a gaming operation under the jurisdiction of ~~any~~ **a** governmental entity.

(7) ~~Any~~ **A** bankruptcy, receivership, or debt adjustment initiated by or against the ~~riverboat~~ **casino** or supplier licensee or ~~any~~ **an** affiliate thereof or the licensee's substantial owners.

(8) ~~Any~~ **A** Title 31 compliance review conducted by the Internal Revenue Service. The ~~riverboat~~ **casino** or supplier licensee must provide a copy of ~~any~~ **the** compliance review report or the equivalent within ten (10) days of the receipt of the report by the licensee.

(9) ~~Any~~ **An** action, event, or nonevent, with respect to which the executive director has instructed the licensee to provide notice so that the executive director can ensure that the licensee continues to maintain suitability for licensure.

(10) ~~Any~~ Apparent criminal activity taking place ~~on riverboat property. This information must also be submitted~~ **at the casino. A casino licensee shall submit the notice required under this subdivision** to ~~an enforcement~~ **a gaming** agent **in addition to submitting it to the executive director.**

(Indiana Gaming Commission; 68 IAC 1-5-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 532; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 27. 68 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-5-2 Applicant's obligation to report certain events

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

Sec. 2. An applicant for ~~any~~ **a** license is required to provide a written notice to the ~~executive director~~ **commission** under the same circumstances as apply to a licensee ~~except to the extent that the executive director may waive such requirements.~~ **in section 1 of this rule.**

(Indiana Gaming Commission; 68 IAC 1-5-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 28. 68 IAC 1-5-4 IS ADDED TO READ AS FOLLOWS:

68 IAC 1-5-4 Deviation from provisions

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

Sec. 4. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:
(1) procedure or requirement is impractical or burdensome; and
(2) alternative means of satisfying the requirement or procedure:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 1-5-4)

SECTION 29. 68 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-6-1 Eligibility to appear and scope of practice

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-21.5-3-15; IC 4-33-4-7; IC 4-35-4-9

Sec. 1. (a) No person shall be eligible to practice before the commission unless the person has appeared in accordance with this title. An individual may appear on his or her own behalf, a partnership may be represented by a partner, and a party may be represented by a representative in accordance with IC 4-21.5-3-15.

(b) Practice before the commission shall include all matters before the commission, including, but not limited to, applications, licensing, and ~~all~~ other matters pertinent to the hearing or review, including, but not limited to, the preparation of pleadings and motions, settlement offers, subpoenas, depositions, oral arguments, presentation of the case, and other documents or material presented to the commission.

(c) Only individual attorneys may file appearances. ~~Any~~ **An** attorney who has not filed an appearance may not address the hearing or review officer or sign pleadings or offers of settlement.

(d) ~~All~~ Attorneys who appear in a representative capacity on behalf of a petitioner or a subject of exclusion under IC 4-33-4-7, **IC 4-35-4-9,** and 68 IAC 6 must file written notice of appearance setting forth the following:
(1) The name, address, and telephone number of the attorney.
(2) The name and address of the petitioner or subject of exclusion represented.
(3) An affirmative statement indicating that the attorney is licensed in Indiana and setting forth the attorney's number.
A representative of a petitioner or a subject of exclusion that is not an attorney must set forth the information requested in ~~subsections~~ **subdivisions** (1) and (2).

(e) A member in good standing of the bar of the highest court of any state or of any United States District Court may, upon ~~motion~~ **admission pro hac vice,** be permitted to argue or conduct a hearing in whole or in part upon ~~any~~ **a** condition the commission may impose.

(f) The commission may require an attorney or representative appearing before it to:
(1) disclose the identity of the person the attorney or representative represents; and ~~to~~
(2) present proof that the attorney or representative is authorized to act on the client's behalf.

(g) An attorney may only withdraw his or her appearance upon written notice to the hearing officer.

(Indiana Gaming Commission; 68 IAC 1-6-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 30. 68 IAC 1-7-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-7-1 Weapons in the casino

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33-8; IC 4-35-6.5; IC 35-41-1-17

Sec. 1. (a) The following definitions apply throughout this rule:
(1) "Federal enforcement officer" has the meaning set forth in 5 U.S.C. 8331 or IC 35-41-1-17, or both.
(2) "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.
(3) "Security personnel" means an employee of the ~~riverboat~~ **casino** licensee or a supplier licensee who:
(A) holds the appropriate level of occupational license under IC 4-33-8 **or IC 4-35-6.5,** and 68 IAC 2-3; and
(B) is employed in the ~~riverboat~~ **casino** licensee's security department or by a supplier licensee that contractually provides security services to a ~~riverboat~~ **casino** licensee.

(b) ~~No individual other than~~ An enforcement agent ~~shall~~ **may** carry a weapon ~~on board the riverboat.~~ **in the casino.** A law enforcement officer or a federal enforcement officer:
(1) whose sole purpose for being ~~on~~ **in** the ~~riverboat~~ **casino** is the performance of official duties; and
(2) who has advised the enforcement agent or the commission that the officer will be ~~on board the riverboat;~~ **in the casino;**
shall be allowed to carry a weapon ~~on board the riverboat.~~ **in the casino.**

(c) The ~~riverboat~~ **casino** licensee shall post a sign in a prominent place at the point of passenger ingress stating, "No weapons are allowed beyond this point. Failure to comply with this rule may result in the immediate removal from the ~~riverboat,~~ **casino,** immediate detention by security personnel, the imposition of civil penalties, or exclusion under ~~IC 4-33.".~~ **applicable law.".**

(d) The ~~riverboat~~ **casino** licensee shall provide a secure place to which patrons do not have access to store weapons checked by:
(1) patrons;
(2) off duty law enforcement officers; or

(3) off duty federal enforcement officers.

(e) Security personnel may carry a weapon ~~on board the riverboat~~ **in the casino** during times that patrons are not present.

(Indiana Gaming Commission; 68 IAC 1-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 18, 2006, 1:16 p.m.: 20070117-IR-068060190FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 31. 68 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-7-2 Deviation from provisions

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

Sec. 2. **(a)** The executive director or the commission may approve deviations from the provisions of this rule ~~upon written request~~ if the executive director or the commission determines that **the:**
(1) ~~the requirement or~~ procedure **or requirement** is impractical or burdensome; and
(2) ~~the~~ alternative means of satisfying the requirement or procedure:
(A) ~~fulfills~~ **fulfill** the purpose of the rule;
(B) ~~is~~ **are** in the best interest of the public and the gaming industry in Indiana; and
(C) ~~does~~ **do** not violate IC 4-33 **or IC 4-35.**

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 1-7-2; filed Dec 18, 2006, 1:16 p.m.: 20070117-IR-068060190FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 32. 68 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-8-1 Applicability

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

Sec. 1. ~~(a)~~ This rule applies to ~~each riverboat~~ **a casino** licensee or ~~riverboat~~ **casino** license applicant.

~~(b) As used in this rule, "riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.~~

(Indiana Gaming Commission; 68 IAC 1-8-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 33. 68 IAC 1-8-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-8-2 Compliance with other requirements

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

Sec. 2. ~~All~~ **The** facilities ~~utilized~~ **used** by a ~~riverboat~~ **casino** licensee or proposed by a ~~riverboat~~ **casino** license applicant to support ~~riverboat~~ **casino** gambling operations shall be constructed and maintained in accordance with ~~all~~ **the** applicable federal, state, and local statutes, rules, and regulations, including, but not limited to, those pertaining to safety and accessibility.

(Indiana Gaming Commission; 68 IAC 1-8-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 34. 68 IAC 1-8-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-8-4 Notice of intention to seek variances or waivers

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

Sec. 4. A ~~riverboat~~ **casino** licensee or ~~a riverboat license~~ **an** applicant **for a casino license** may not obtain ~~any~~ **a** variance from ~~any~~ **a** statute or rule concerning facility safety or accessibility without providing the executive director with a notice of its intention to seek ~~such a~~ **the** variance no less than fourteen (14) days prior to presenting the request for ~~such a~~ **the** variance to the official or governing body empowered to make a final decision on the request.

(Indiana Gaming Commission; 68 IAC 1-8-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 35. 68 IAC 1-9-1 IS AMENDED TO READ AS FOLLOWS:

Rule 9. Commission Facilities

68 IAC 1-9-1 Applicability; definitions

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

Sec. 1. (a) This rule shall apply to ~~each riverboat~~ **a casino** licensee.

(b) The following definitions apply throughout this rule:
(1) "Central computer system" means one (1) or more computer systems that meet the following requirements:
(A) Is connected to ~~all~~ **the** electronic gaming devices in the ~~riverboat~~ **casino** to record and monitor the activities of the electronic gaming devices, including, but not limited to, the following or the equivalent:
(i) The opening of ~~any~~ **a** door of the electronic gaming device.
(ii) Hopper credits and fills.
(iii) Last game recount for a minimum of five (5) games.
(iv) Drop bucket collection.
(B) Is capable of monitoring the activities of the live gaming devices, including, but not limited to, the following or the equivalent:
(i) Table fills.
(ii) Table credits.
(iii) Table game inventories.
(iv) Employee gratuity deposit accounting.
(C) Is capable of monitoring the activities of the main bank and ~~all~~ cages, including, but not limited to, the following or the equivalent:
(i) Manual payouts.
(ii) Hopper credits and hopper fills.
(iii) Table credits and fills.
(iv) Hard and soft count summary log.
(v) Master gaming report.
(vi) Cashier checkout.
(vii) Main bank and cage inventory.
(viii) Deposits.
(ix) Cash transaction reports.
(x) Patron credit.

(D) Is capable of monitoring the ~~riverboat~~ **casino** licensee's accounting package.

(2) "Interim compliance period" means the period of time between the issuance of a certificate of suitability and the issuance of a permanent ~~riverboat~~ **casino** owner's license or the issuance of a notice of denial.

~~(3) "Main bank", or its equivalent, means the department that is responsible for the following:~~

~~(A) Cashing customer checks.~~

~~(B) Establishing hold check privileges.~~

~~(C) Redeeming chips or tokens, or both.~~

~~(D) Providing working funds to all operational departments.~~

~~(E) Assuming responsibility for the following persons and physical structures:~~

~~(i) Casino cashiers.~~

~~(ii) Change attendants.~~

~~(iii) Main bank vaults.~~

~~(iv) Any other structure that houses tokens, chips, or other representatives of value that the main bank is accountable for.~~

~~(4) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.~~

(c) ~~Each riverboat~~ **A casino** licensee shall provide a ~~riverboat~~ commission surveillance room ~~aboard~~ **in** the ~~riverboat.~~ **casino.** The ~~riverboat~~ commission surveillance room shall be for the exclusive use of the commission and enforcement agents.

(d) ~~Each riverboat~~ **A casino** licensee shall provide the following:

(1) A commission ~~dockside~~ office at the ~~dockside~~ support facilities. The commission ~~dockside~~ office **at the support facilities** shall be for the exclusive use of the commission and enforcement agents.

(2) A processing area at the ~~dockside~~ support facilities. The processing area:

(A) shall be for the exclusive use of the commission and enforcement agents; **and**

(B) may be in the same location as the room provided in subdivision (1).

(3) A commission office inside the casino. The commission office inside the casino:

(A) shall be for the exclusive use of the commission and enforcement agents; and

(B) may be in the same location as the room provided under subsection (c).

(e) ~~The riverboat~~ **A casino** license applicant shall submit the plans for the commission surveillance room, commission ~~dockside office,~~ **offices,** and processing area to the executive director for approval as to size and design during the interim compliance period. The executive director shall approve the plans for the commission surveillance room, commission ~~dockside office,~~ **offices,** and processing area, in writing, within thirty (30) days of receipt of the plans.

(f) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall provide a minimum of five (5) parking spaces for use by the commission and enforcement agents in close proximity to the ~~riverboat.~~ **casino.**

(g) The ~~riverboat~~ **casino** licensee shall:

(1) be responsible for providing the on-site and off-site repair of computer and related equipment; and

(2) in a timely manner, provide replacement equipment approved by the executive director or the executive director's designee when deemed necessary by the executive director or the executive director's designee to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-9-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1424; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 36. 68 IAC 1-9-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-9-2 Commission surveillance room

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

Sec. 2. (a) The ~~riverboat~~ commission surveillance room shall meet the following requirements:

(1) Be of sufficient size to accommodate two (2) individuals and the equipment listed in subsection (b).
(2) Be in ~~close proximity to the surveillance room or the security room, or both.~~ **a location approved by the executive director.**
(3) The interior of the ~~riverboat~~ commission surveillance room shall not be visible to the patrons or employees of the ~~riverboat~~ **casino** licensee.
(4) ~~The riverboat commission surveillance room shall~~ Have locks that are not accessible with keys that open any other door within the ~~riverboat~~ **casino** gambling operation. Only the commission, enforcement agents, and the master shall possess keys that access the ~~riverboat~~ commission surveillance room. The master shall use the keys to the ~~riverboat~~ commission surveillance room only in the event of an emergency.
(5) Be furnished with office furniture sufficient to accommodate two (2) individuals.

(b) The ~~riverboat~~ **casino** licensee shall equip the ~~riverboat~~ commission surveillance room with the following:
(1) A personal computer with view and print access to all of the ~~riverboat~~ **casino** licensee's computer equipment ~~aboard~~ **inside** the ~~riverboat,~~ **casino,** including, but not limited to, the following:
(A) Player tracking system.
(B) Patron credit system.
(C) Central computer system.
(2) The personal computer shall ~~have~~ **be equipped with the following:**
(A) Offline word processing capabilities that are compatible with the commission computer system.
(B) Sufficient hard drive space to store recordings of multiple incidents at a given time.
(C) The ability to capture a still photograph and save it electronically.
~~(2)~~ **(3)** A printer attached to the personal computer described in subdivision (1).
~~(3)~~ **(4)** A ~~minimum of three (3) video monitors that~~ **display screen or screens having the capability to show the live feed of three (3) surveillance cameras, at a minimum. A display screen must** meet the following requirements:
(A) The ~~video monitors~~ **resolution** must be of the same or higher quality of those ~~utilized~~ **used** in the **licensee's** surveillance room.
(B) At least one (1) ~~video monitor~~ **of the live feed displays** must be ~~a~~ **in** color. ~~video monitor.~~
~~(C) Each video monitor~~
(5) The surveillance system must be equipped ~~with videotape recorders~~ to record and play back videotapes **and digital recordings.** The ~~videotape recorders~~ **recording and playback equipment** shall be of equal or better quality than ~~those utilized~~ **the recording and playback equipment used** in the surveillance room.
~~(D)~~ **(6)** The ~~video monitors~~ **surveillance system** must be capable of monitoring or recording, or both, without being overridden, anything visible by video monitor **or display screen** to employees of the ~~riverboat~~ **casino** licensee working in the **casino's** surveillance room.
~~(4)~~ **(7)** A ~~video~~ printer capable of generating instantaneously, upon command, a clear color or black and white, or both, copy of the image depicted on ~~videotape.~~ **a recording.**
~~(5)~~ **(8)** A date and time generator synchronized to a central clock capable of being displayed on any of the ~~video monitors~~ **display screens** and being recorded. ~~on videotape.~~
~~(6)~~ **(9)** A separate and segregated telephone communication system for the exclusive use of the enforcement agents.
~~(7)~~ **(10)** A telephone communication system that is integrated with the casino telephone system.
~~(8)~~ **(11)** At least two (2) portable radios that have listen and talk capabilities that can monitor ~~all~~ **the** casino radio systems, including the ~~riverboat~~ **casino** licensee's security radio system.
~~(9)~~ **(12)** A computer system that will immediately notify enforcement agents of ~~any~~ access to or egress from the following:
(A) **The** surveillance room.
(B) **The** hard count room.
(C) **The** soft count room.
(D) Cages.
(E) Vaults.
(F) Any other room or area of the ~~riverboat~~ **casino** deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
~~(10)~~ **(13)** A fireproof, lockable file cabinet. Only the commission and enforcement agents shall have keys that access the file cabinet in the ~~riverboat~~ **casino** commission surveillance room.
~~(11)~~ **(14)** Any other equipment deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-9-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2651; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 37. 68 IAC 1-9-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-9-3 Commission office

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

Sec. 3. (a) The commission ~~dockside~~ office **at the support facilities** shall meet the following requirements:
(1) Be of sufficient size to accommodate two (2) individuals, the equipment listed in subsection (b), and the processing room described in section 4 of this rule.
(2) Be in close proximity to the administrative offices or the ~~dockside~~ security offices.
(3) The interior ~~of the commission dockside office~~ shall not be visible to the patrons or employees of the ~~riverboat~~ **casino** licensee.
(4) ~~The commission dockside office shall~~ Have locks that are not accessible with keys that open any other door within the ~~riverboat~~ **casino** gambling operation. Only the commission and enforcement agents shall possess keys that access the commission ~~dockside~~ office.
(5) Be furnished with office furniture sufficient to accommodate two (2) individuals.

(b) The commission ~~dockside~~ office shall contain the following equipment:
(1) A personal computer with view and print access to all of the ~~riverboat~~ **casino** licensee's computer equipment aboard the ~~riverboat,~~ **casino,** including, but not limited to, a player tracking system, a patron credit system, and a central computer system. The personal computer must be able to network with the commission computer system and with the processing area computer equipment set forth in section 4 of this rule. The ~~riverboat~~ **casino** licensee is responsible for providing the technical support necessary to ensure that the personal computer in the commission ~~dockside~~ office can network with the commission computer system and the processing area computer equipment. The personal computer must have the following software installed:
(A) Operating system software.
(B) Word processing software.
(C) Electronic mail software.
(D) Virus protection software.
(E) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
~~All~~ **The** software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title. The ~~riverboat~~ **casino** licensee is responsible for providing the appropriate licenses and upgrades for ~~each~~ **a** software product.
(2) A personal computer that is compatible with the commission computer system that can network with the commission computer system and that can network with the processing area computer equipment as set forth in section 4 of this rule. The ~~riverboat~~ **casino** licensee is responsible for providing the technical support necessary to ensure that the personal computer in the commission ~~dockside~~ office can network with the commission computer system and the processing area computer equipment. The personal computer must have the following software installed:
(A) Operating system software.
(B) Word processing software.
(C) Electronic mail software.
(D) Virus protection software.
(E) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
~~All~~ **The** software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title. The ~~riverboat~~ **casino** licensee is responsible for providing the appropriate licenses and upgrades for ~~each~~ **a** software product.
(3) A stand-alone high speed printer that can be networked and shared by all personal computers contained in the commission ~~dockside~~ office and processing area.
(4) A ~~minimum of two (2) video monitors~~ **display screen or screens** that meet the following requirements:
(A) The ~~video monitors~~ **resolution** must be of the same or higher quality ~~of~~ **as** those ~~utilized~~ **used** in the surveillance room.
(B) At least one (1) ~~video monitor~~ **display screen** must be color.
(C) ~~Each video monitor~~ **The display screen** must be ~~equipped with videotape recorders~~ **connected** to **equipment that can** record and play back videotapes **or digital recordings.** The ~~videotape recorders~~ **recording and playback equipment** shall be of equal or better quality than ~~those utilized~~ **the recording**

and playback equipment used in the **casino's** surveillance room.

(D) The video monitors must be **connected to equipment that is** capable of the following:

(i) Monitoring or recording, or both, without being overridden, anything visible by video monitor to employees of the ~~riverboat~~ **casino** licensee at the support facilities.

(ii) Monitoring and recording, without being overridden, anything visible to employees of the ~~riverboat~~ **casino** licensee working in the surveillance room on the ~~riverboat while the riverboat is docked.~~ **casino.**

(5) A ~~video~~ printer capable of generating instantaneously, upon command, a clear color or black and white, or both, copy of the image depicted on ~~videotape.~~ **a recording.**

(6) A date and time generator synchronized to a central clock capable of being displayed on any of the ~~video monitors~~ **display screens** and being recorded. ~~on videotape.~~

(7) A separate and segregated telephone communication system for the exclusive use of the enforcement agents.

(8) A telephone communication system that is integrated with the ~~riverboat~~ **casino** licensee's telephone system.

(9) An electric typewriter.

(10) At least one (1) portable radio that has listen and talk capabilities that can monitor ~~all~~ **the** casino radio systems, including the ~~riverboat~~ **casino** licensee's security radio system.

(11) A computer system that will immediately notify enforcement agents of ~~any~~ access to or egress from ~~any~~ **a** money retention area located at the support facilities and access to or egress from the following: ~~while the riverboat remains at the dock:~~

(A) **The** surveillance room.

(B) **The** hard count room.

(C) **The** soft count room.

(D) Cages.

(E) Vaults.

(F) Any other room or area of the ~~riverboat~~ **casino** deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(12) A fireproof, lockable file cabinet. Only the commission and enforcement agents shall have keys that access the file cabinet in the commission surveillance room.

(13) A commercial grade photocopier.

(14) A facsimile machine.

(15) Any other equipment deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-9-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2652; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2055; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1425; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 38. 68 IAC 1-9-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-9-4 Processing area

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 5-22

Sec. 4. (a) There shall be separate space at the support facilities to allow enforcement agents to ~~continually~~ process applicants for occupational licenses. This space shall meet the following requirements:

(1) Be of sufficient size to allow the processing of multiple applicants for occupational licenses.

(2) Be in direct proximity to the commission ~~dockside~~ office.

(b) The ~~riverboat~~ **casino** licensee shall equip the processing area with an integrated computer system that meets the following requirements:

(1) Is capable of the following:

(A) Recording background data.

(B) Taking digital ten (10) print live-scan fingerprints that meet the requirements of the Federal Bureau of Investigation.

(2) Contains a ~~digitized~~ **digital** photograph ~~station~~ system, including a camera and ~~all~~ related equipment to produce identification cards bearing the following:

(A) A photograph at least three-fourths (3/4) of an inch square.
(B) The information set forth in 68 IAC 2-3-6.
(3) Is capable of reading a magnetic stripe as described in 68 IAC 2-3-6.
(4) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall purchase the integrated computer system from a vendor chosen in accordance with ~~IC 4-13.4~~ **IC 5-22** and 25 IAC. This system shall be the property of the commission.

(c) A personal computer that will allow enforcement agents to access and maintain the occupational licensee database. The personal computer must have the following software installed:
(1) Operating system software.
(2) Word processing software.
(3) Electronic mail software.
(4) Virus protection software.
(5) Occupational license database software.
(6) Any other software deemed necessary by the executive director or the executive director's designee to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

~~All~~ **The** software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title. The ~~riverboat~~ **casino** licensee is responsible for providing the appropriate licenses and upgrades for ~~each~~ **a** software product.

(d) The ~~riverboat~~ **casino** licensee shall be responsible for providing the upgrades to the integrated computer system that are deemed necessary by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-9-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2055; filed Dec 29, 1998, 10:48 a.m.: 22 IR 1427; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 39. 68 IAC 1-9-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-9-5 Deviation from provisions

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

Sec. 5. **(a)** The executive director **or the commission** may ~~waive, restrict, or alter any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director **or the commission** determines that the: ~~requirement or~~
(1) procedure **or requirement** is impractical or burdensome; and ~~such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 1-9-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2653; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 40. 68 IAC 1-10-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-10-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees.

(b) ~~Riverboat~~ **Casino** licensees or ~~riverboat~~ **casino** license applicants must submit a floor plan or floor plans outlining ~~each deck~~ **the decks or floors** of the ~~riverboat~~ **casino gambling operation** and the location, number, or position of each electronic gaming device and live gaming device. The floor plan or floor plans must be submitted, in accordance with 68 IAC 17-1-2(d), to the executive director at least twenty (20) days before the commencement of gambling operations.

(c) The ~~riverboat~~ **casino** licensee must **do the following:**
(1) Notify the executive director and an enforcement agent at least five (5) days before ~~utilizing~~ **using** a floor plan that has previously been submitted to the executive director.
~~(d)~~ **(2) Submit** amendments to the floor plan or floor plans ~~must be submitted~~ to the executive director at least five (5) days before the amendment is ~~utilized. The riverboat licensee must also~~ **used.**
(3) Provide ~~this~~ **the** information **in subdivision (2)** to the enforcement agent.

(Indiana Gaming Commission; 68 IAC 1-10-1; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 41. 68 IAC 1-10-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-10-3 Deviation from provisions

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

Sec. 3. **(a)** The executive director or the commission may ~~waive, alter, or restrict any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines **that** the: ~~following:~~
(1) ~~The~~ procedure or requirement is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.~~
~~(2) The waiver of the procedure or requirement is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 1-10-3; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 42. 68 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

Rule 11. Gaming Area

68 IAC 1-11-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees.

(b) For purposes of this rule, all areas of a ~~riverboat~~ **casino** shall be considered an area where gambling is being conducted.

(c) A person under twenty-one (21) years of age shall not be present ~~on~~ **in** a ~~riverboat.~~ **casino.**

(Indiana Gaming Commission; 68 IAC 1-11-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3319; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 43. 68 IAC 1-11-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-11-2 Compliance with rule

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

Sec. 2. **A casino licensee's** failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-11-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3319; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 44. 68 IAC 1-12-1 IS AMENDED TO READ AS FOLLOWS:

Rule 12. Complimentary Play

68 IAC 1-12-1 General provisions

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

Sec. 1. (a) This ~~rules~~ **rule** applies to ~~all riverboat~~ **casino** licensees.

(b) ~~Riverboat~~ **Casino** licensees may, for ~~specified~~ marketing purposes, provide patrons with coupons **or electronic credits, or both,** that are redeemable for complimentary ~~chips or tokens, or both.~~ **play.**

(c) Complimentary ~~chips or tokens~~ **play** shall be distributed only in accordance with this rule.

(Indiana Gaming Commission; 68 IAC 1-12-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 45. 68 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-2 Submission of internal controls for a complimentary play program

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

Sec. 2. (a) Submission of the internal control procedures concerning complimentary ~~chips and token~~ **play** programs shall be handled in the following manner:

(1) The ~~riverboat~~ **casino** licensee shall submit internal control procedures to the executive director or the executive director's designee at least twenty (20) days prior to the initiation of the program.
(2) The executive director or designee shall, in writing, approve the internal control procedures, in total or in part.
(3) Any portion of the internal control procedures not approved by the executive director or designee shall be revised and resubmitted by the ~~riverboat~~ **casino** licensee within the time frame established by the executive

director or **the executive director's** designee. **The casino licensee shall follow** this method ~~shall be followed~~ until all portions of the internal control procedures have been approved or approval cannot be obtained.

(4) ~~No internal control procedures may be utilized by a riverboat~~ **The casino** licensee **may not implement internal control procedures submitted under this section until and** unless the internal control ~~procedure has~~ **procedures have** been approved, in writing, by the executive director or **the executive director's** designee.

(b) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title, the executive director may direct the ~~riverboat~~ **casino** licensee, in writing, to amend its internal control ~~procedure~~ **procedures** in accordance with section 3 of this rule.

(Indiana Gaming Commission; 68 IAC 1-12-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 46. 68 IAC 1-12-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-3 Amendments to internal control procedures

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

Sec. 3. Amendments to the internal control procedures with respect to complimentary ~~chip and token~~ **play** programs shall be handled in ~~the following manner:~~ **accordance with 68 IAC 11-1-5.**

(1) ~~Unless otherwise provided by the executive director or the executive director's designee,~~ **The casino licensee must submit** amendments to the internal control procedures ~~must be submitted~~ to the executive director at least twenty (20) days prior to the utilization of the amended internal control. ~~procedure.~~

(2) The executive director or designee shall, in writing, approve the amendment to the internal control, ~~procedure,~~ in total or in part.

(3) ~~No amendment to internal control procedures may be utilized by a riverboat~~ **The casino** licensee **may not use an amendment to its internal control procedures until and** unless the amendment to the internal control ~~procedure~~ **procedures** has been approved, in writing, by the executive director or **the executive director's** designee.

(Indiana Gaming Commission; 68 IAC 1-12-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 47. 68 IAC 1-12-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-4 Coupon accounting procedures and distribution

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

Sec. 4. (a) At least two (2) departments must be responsible for administering ~~the~~ **a coupon-based complimentary play** program. One (1) department shall be responsible for storing the coupons, and the other department shall be responsible for issuing the coupons.

(b) Coupons received from a vendor shall be opened and examined by at least two (2) individuals from different departments. ~~Any~~ Deviations in the coupons ordered and coupons received shall be:

(1) recorded in compliance with subsection (c); and ~~shall be~~
(2) reported immediately to the appropriate supervisor.

(c) The ~~riverboat~~ **casino** licensee shall maintain a coupon control ledger on forms approved by the commission. The coupon control ledger shall contain, at a minimum, the following information:

(1) The date the coupons were received.

(2) The type and quantity of coupons received.
(3) The beginning serial number of the coupons received.
(4) The ending serial number of the coupons received.
(5) The purchase order number or requisition number for the coupons received.
(6) The signatures and occupational license numbers of ~~all~~ **the** individuals who examined the coupons upon receipt of the coupons.
(7) The date the coupons were issued to the distribution department.
(8) The beginning serial number of the coupons issued to the distribution department.
(9) The ending serial number of the coupons issued to the distribution department.
(10) The number and quantity of coupons issued to the distribution department.
(11) The balance of unissued coupons on hand.
(12) The name, title, occupational license number, and signature of the representative issuing the coupons.
(13) The name, title, occupational license number, and signature of the representative receiving the issued coupons.
(14) A record of ~~any~~ coupons that are distributed to patrons.
(15) A record and explanation of any deviations noted.

(d) The department responsible for distributing the coupons shall maintain a daily coupon reconciliation form. One (1) daily coupon reconciliation form shall be completed to account for ~~all~~ **the** individuals responsible for distributing coupons to patrons. The daily coupon reconciliation form shall contain, at a minimum, the following information:
(1) The date.
(2) The type of coupon being issued.
(3) The beginning and ending serial numbers of the coupons the individual has to distribute to patrons.
(4) The quantity of coupons the individual has to distribute to patrons.
(5) The total number of coupons the individual distributed to patrons.
(6) The beginning and ending serial numbers of coupons not distributed to patrons.
(7) The total number of coupons not distributed to patrons.
(8) The:
(A) serial numbers of ~~any~~ coupons that were voided; and ~~the~~
(B) reason the coupons were voided.
(9) The name, title, occupational license number, and signature of the individual distributing the coupons to patrons and completing the form.
(10) The name, title, occupational license number, and signature of the supervisor.
(11) ~~Any~~ Variations discovered and an explanation of those variations.

(e) ~~At least twenty (20) days before the initiation of the complimentary chip and token program, the riverboat licensee shall submit internal control procedures concerning the complimentary chip and token program to the commission.~~ The internal control procedures **concerning a coupon-based complimentary play program** shall include, at a minimum, the following information:
(1) The departments that will be responsible for administering the ~~complimentary chip and token distribution~~ program.
(2) The security measures that will be taken with respect to the coupons, including, but not limited to, the ~~following information:~~ **manner in which:**
(A) ~~The manner in which the~~ coupons will be ordered;
(B) ~~The manner in which the~~ coupons will be inventoried upon receipt by the riverboat licensee;
(C) ~~The manner in which the~~ coupons will be stored, and the individuals who will have access to the coupons;
(D) ~~The manner in which~~ discrepancies will be handled; **and**
(E) ~~The manner in which~~ coupons will be voided.
(3) The department or departments that will be responsible for administering the ~~complimentary chip and token~~ program.
(4) The manner in which the coupons will be distributed.
(5) The schedule for conducting routine inventories of active unissued coupons. The inventory shall be conducted monthly by at least two (2) individuals from separate departments. The results of the inventory shall be recorded in the coupon control ledger.
(6) The manner in which:
(A) coupons will be removed from the inventory, recorded, and voided once the coupons become inactive; **and**
~~(7) The manner in which~~ **(B)** the department responsible for distributing the coupons can requisition

coupons from the department responsible for storing the coupons.

~~(8)~~ **(7)** The maximum number of days in advance of an event that coupons can be requisitioned by the department responsible for issuing the coupons. The requisition document shall contain, at a minimum, the following information:

(A) The date the requisition is prepared.
(B) The day and date for which the coupons are needed.
(C) The type or types of coupons that are requested.
(D) The number of coupons required.
(E) The name, title, and occupational license number of the individual completing the requisition.
(F) The name, title, occupational license number, and signature of the supervisor authorizing the requisition.

~~(9)~~ **(8)** The following information shall be completed by the department responsible for storing the coupons prior to the coupons being given to the department responsible for distributing the coupons:

(A) The name, title, occupational license number, and signature of the representative filling the order.
(B) The beginning serial number of the coupons issued.
(C) The ending serial number of coupons issued.
(D) The total number of and type of coupons issued.
(E) The name, title, occupational license number, and signature of the supervisor.
(F) A record and explanation of ~~any~~ coupons that were voided due to discrepancies.

The information in clauses (B) through (D) shall be entered in the coupon control ledger.

~~(10)~~ **(9)** The manner in which the coupons will be issued. Coupons shall be stamped with the date of issuance.

~~(11)~~ **(10)** The location of the locked cabinet in which the coupons will be stored prior to the distribution of the coupons.

~~(12)~~ **(11)** Coupons that are distributed shall be entered in the coupon control ledger.

~~(13)~~ **(12)** The manner in which:

(A) coupons may be redeemed for ~~chips, tokens, or both by patrons.~~ **play;**
~~(14) The manner in which~~ **(B)** coupons redeemed by patrons will be canceled;
~~(15) The manner in which the~~ **(C)** coupons distributed, coupons not distributed, and coupons issued will be reconciled;
~~(16) The manner in which~~ **(D)** coupons that have been issued, but not distributed to patrons in the appropriate time frame will be voided and reconciled; **and**
~~(17) The manner in which~~ **(E)** a dealer or cage employee shall receive and account for coupons redeemed by patrons.

(Indiana Gaming Commission; 68 IAC 1-12-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3297; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 48. 68 IAC 1-12-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-5 Coupon requirements

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

Sec. 5. (a) Coupons ~~utilized~~ **used** in ~~the~~ **a** complimentary ~~chips and token~~ **play** program shall contain, at a minimum, the following information:

(1) ~~Any~~ **The** serial number assigned to the coupon.
(2) A description of the value of the coupon.
(3) The location or locations where the coupon may be redeemed.
(4) The name of the ~~riverboat~~ **casino** licensee.
(5) The date or dates for which the coupon is valid.
(6) Any other information deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

If a multiple-part coupon is ~~utilized,~~ **used,** each part of the coupon must contain the information set forth in this subsection.

(b) Coupons shall be designed and manufactured in such a way that the denomination and type of coupon can be determined ~~utilizing~~ **using** the surveillance system required under to 68 IAC 12-1.

(Indiana Gaming Commission; 68 IAC 1-12-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 49. 68 IAC 1-12-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-6 Records

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

Sec. 6. (a) The ~~riverboat~~ **casino** licensee shall **do the following:**
(1) Maintain the records required by this rule for a minimum of one (1) year.
~~(b) The riverboat licensee shall~~ **(2)** Allow the commission, **upon request, to have** access to or copies of the records maintained under this rule. ~~upon request by the commission.~~

(Indiana Gaming Commission; 68 IAC 1-12-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 50. 68 IAC 1-12-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-12-7 Violation of rule

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

Sec. 7. Failure to comply with this rule may result in the initiation of a disciplinary action against a ~~riverboat~~ **casino** licensee or an occupational licensee under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-12-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3299; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 51. 68 IAC 1-13-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-13-1 General provisions

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

Sec. 1. ~~(a) This rule applies to all riverboat licensees, riverboat license applicants, and supplier licensees.~~

~~(b)~~ **(a)** As used in this rule, "interest" has the meaning set forth in IC 4-33-10-2.1(h).

(b) As used in this rule, "publicly traded corporation" has the meaning set forth in 68 IAC 5-1-1(b)(2).

(c) ~~All riverboat~~ **Casino** licensees, ~~riverboat~~ **casino** license applicants, and supplier licensees **that are not publicly traded corporations** must file a quarterly report that sets forth those persons who hold an interest in a license or the certificate of suitability.

(d) The quarterly report must be filed, in the formats directed by the executive director or the executive director's designee, by the fifteenth day of the month following the close of the quarter based on the calendar quarter. The executive director may require a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee to file the report at any other time that the executive director determines it is necessary to ensure compliance with IC 4-33-10-2.1.

(e) The report must be filed with the following persons:
(1) ~~Chief counsel~~ **The directors of background and financial investigations** for the commission.
(2) The **Indiana** election ~~commission.~~ **division.**

(Indiana Gaming Commission; 68 IAC 1-13-1; filed Aug 20, 1997, 7:10 a.m.: 21 IR 21; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 52. 68 IAC 1-13-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-13-2 Consequences of violation of rule

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

Sec. 2. If the commission or the executive director determines that a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee has violated or is in violation of this rule, the commission or the executive director may initiate an investigation **or** a disciplinary action, or both, under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-13-2; filed Aug 20, 1997, 7:10 a.m.: 21 IR 22; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 53. 68 IAC 1-14-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-14-1 Applicability

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 10-11-2-2

Sec. 1. ~~(a)~~ This rule applies to ~~all riverboat~~ **casino** licensees. ~~and operating agents.~~

~~(b) For the purpose of this rule, "police employee" has the meaning set forth in IC 10-11-2-2 regardless of rank.~~

(Indiana Gaming Commission; 68 IAC 1-14-1; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 54. 68 IAC 1-14-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-14-2 Reimbursable expenses

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

Sec. 2. ~~Riverboat~~ **Casino** licensees ~~and operating agents~~ shall reimburse the commission, as set forth in section 3 of this rule, for the following items:

(1) The actual salaries of the enforcement agents assigned to the licensee's ~~or operating agent's riverboat~~ **casino** or ~~riverboats.~~ **casinos.**

(2) A pro rata amount of the actual salaries of the gaming agents ~~or police employees, or both,~~ who supervise the enforcement agents.

(3) A pro rata amount of the actual salaries of the staff assigned to provide support for the enforcement agents or to the supervisory personnel, or both, in subdivision (2).

(4) The cost or pro rata cost of: ~~the following:~~

(A) the fringe benefits; ~~received by those individuals listed in subdivisions (1) through (3).~~ **and**

(B) ~~Any~~ incentive payments;

received by ~~the police employees~~ **those individuals** listed in subdivisions (1) through (3).

(5) The actual overtime costs incurred by those individuals listed in subdivisions (1) through (3) in the performance of duties associated with the ~~riverboat.~~ **casino.**

(6) For ~~enforcement~~ **gaming** agents, ~~and supervisory personnel who are police employees,~~ the cost or pro

rata cost of purchasing, maintaining, and replacing all vehicles and equipment. ~~normally provided to all police employees.~~

(7) For ~~enforcement~~ **gaming** agents, ~~and supervisory personnel who are commission employees,~~ the cost or pro rata cost of purchasing, maintaining, and replacing all vehicles and equipment deemed necessary by the executive director.

(8) The pro rata cost of providing ~~all~~ **the** gaming agents with the training deemed necessary by the commission to ensure the required expertise and understanding of the assignment to the ~~riverboat.~~ **casino.**

(9) All other costs deemed necessary by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-14-2; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 55. 68 IAC 1-14-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-14-3 Interdepartmental bill

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

Sec. 3. ~~(a) The Indiana state police shall, through interdepartmental bill, assess applicable costs listed in section 2 of this rule to the commission. The commission will reimburse the Indiana state police for the amount assessed.~~

~~(b)~~ For ~~all~~ reimbursable expenses covered by this rule, the commission will prepare an invoice that will be sent to the ~~riverboat~~ **casino** licensee. ~~or operating agent.~~ The ~~riverboat~~ **casino** licensee ~~or operating agent~~ must pay the commission in the manner directed in the invoice.

(Indiana Gaming Commission; 68 IAC 1-14-3; filed May 29, 1998, 5:05 p.m.: 21 IR 3702; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 56. 68 IAC 1-14-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-14-4 Disciplinary action

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

Sec. 4. If the commission determines that a ~~riverboat~~ **casino** licensee ~~or operating agent~~ has violated this rule, the commission may initiate a disciplinary action under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-14-4; filed May 29, 1998, 5:05 p.m.: 21 IR 3702; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 57. 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 ~~all riverboat~~ **casino** licensees and ~~riverboat~~ **casino** license applicants.

(b) ~~Riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants may not destroy records of any type

that relate to the ~~riverboat~~ **casino** gambling operation unless they have complied with this rule.

(c) At least twenty (20) working days before a ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant intends to destroy any records that relate to the ~~riverboat~~ **casino** gambling operation, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant must notify, in writing, the ~~regional~~ **commission** audit ~~administrator for the commission~~ **director** of the following information:
(1) The records the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **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 ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall not destroy any records that relate to the ~~riverboat~~ **casino** gambling operation until the ~~regional~~ **commission** audit ~~administrator for the commission~~ **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)

SECTION 58. 68 IAC 1-16-1 IS AMENDED TO READ AS FOLLOWS:

Rule 16. Rights and Duties of Casino Licensees and Casino License Applicants

68 IAC 1-16-1 General provisions

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 12-21-1-1

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees and ~~riverboat~~ **casino** license applicants.

(b) For ~~the~~ purposes of this rule, "division of mental health **and addiction"** means the division established by IC 12-21-1-1.

(c) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant is responsible for the following:
(1) Ensuring that all aspects of the ~~riverboat~~ **casino** gambling operation are conducted in accordance with ~~the Act,~~ **IC 4-33, IC 4-35,** this title, and all other state, federal, and local laws.
(2) The acts of its employees and agents in the course of their employment.

(Indiana Gaming Commission; 68 IAC 1-16-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 59. 68 IAC 1-16-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-16-2 Toll free telephone number

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

Sec. 2. (a) ~~Riverboat~~ **Casino** licensees shall conspicuously display a toll free telephone number that provides the public with information about compulsive gambling addictions ~~in the following locations:~~
~~(1) On each admission ticket or boarding pass, or both, issued for a riverboat gambling excursion.~~
~~(2)~~ on a poster or placard that is on display in a public area of the ~~riverboat.~~ **casino.**

(b) The toll free telephone number to be displayed shall be specified by the division of mental health **and addiction.**

~~(c) The riverboat licensee shall coordinate the display of the toll free telephone number with the commission and the governor's commission for a drug free Indiana.~~

(Indiana Gaming Commission; 68 IAC 1-16-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 60. 68 IAC 1-16-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-16-3 Access to premises; production of records

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

Sec. 3. ~~All riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants must do the following:
(1) Allow the commission, enforcement agents, and any person authorized by ~~the Act~~ **IC 4-33 or IC 4-35** immediate access to the premises of the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant that are connected to the ~~riverboat~~ **casino** gambling operation, including, but not limited to, the following:
(A) The ~~riverboat.~~ **casino.**
(B) The pavilion.
(C) The support facility.
(D) ~~All~~ Offices.
(2) Produce the original or a copy, or both, of any records requested by the commission, enforcement agents, or persons authorized by the commission.

(Indiana Gaming Commission; 68 IAC 1-16-3; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 61. 68 IAC 1-16-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-16-4 Authorized games

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

Sec. 4. ~~Riverboat~~ **Casino** licensees may only permit the operation of electronic gaming devices and live gaming devices that are approved by the commission under ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 1-16-4; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 62. 68 IAC 1-16-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 1-16-5 Termination of license

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

Sec. 5. (a) If a ~~riverboat~~ **casino** owner's license is terminated for any reason, the ~~riverboat~~ **casino** licensee shall immediately cease the conduct of gaming activity and secure ~~all~~ **the** assets of the ~~riverboat~~ **casino** gambling operation. The ~~riverboat~~ **casino** licensee shall not dispose of any assets of the ~~riverboat~~ **casino** gambling operation until written approval has been ~~obtain~~ **obtained** from the commission.

(b) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant remains under the jurisdiction of the commission until all matters associated with the ~~riverboat~~ **casino** owner's license or certificate of suitability are resolved.

(Indiana Gaming Commission; 68 IAC 1-16-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 63. 68 IAC 2-1-1 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Casino Owner's License

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

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

Sec. 1. (a) The following definitions apply throughout this rule:
(1) "Applicant" means an applicant for a ~~riverboat~~ **casino** owner's license.
(2) "Certificate of suitability" means a written document issued by the executive director that indicates an applicant has been chosen for licensure if the applicant meets the requirements set forth in section 5(e) of this rule. A certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission.
(3) "Interim compliance period" means the period of time between the issuance of a:
(A) certificate of suitability; and ~~the issuance of a~~
(B) permanent ~~riverboat~~ **casino** owner's license or the issuance of a notice of denial.
(4) "Regular riverboat excursion" means ~~any~~ **an** excursion ~~which~~ **that** takes place after receipt of the riverboat owner's license, except for ~~any~~ **a** practice excursion.

(b) No one may operate a ~~riverboat~~ **casino** gambling operation without holding a ~~riverboat~~ **casino** owner's license.

~~(c) No person may simultaneously own an interest in more than two (2) riverboat owner's licenses. A person may simultaneously own up to one hundred percent (100%) in one (1) riverboat owner's license and no more than ten percent (10%) in a second owner's license.~~

(Indiana Gaming Commission; 68 IAC 2-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 64. 68 IAC 2-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-2 Application fees

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

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

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

(c) The **commission shall use the** application fee ~~shall be utilized~~ to conduct the background investigation of an applicant. An investigation fee may be assessed to the extent that the cost of the background investigation relating to the applicant exceeds the application fee set forth in this rule. The applicant shall be advised by the executive director in writing that an investigation fee is required. The letter shall direct the applicant to remit an amount ~~which~~ **that** the executive director has determined is necessary to complete the investigation. Once an

applicant is directed to submit an investigation fee in excess of the fifty thousand dollar ($50,000) fee set forth in this rule, the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability for licensure nor submit that report to the commission for consideration until the investigation fee is paid by the applicant.

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

(e) If an applicant is allowed to withdraw its application or its application is denied before the background investigation is completed, the balance of the nonrefundable application fee shall be applied to the overall cost of the investigative process.

(Indiana Gaming Commission; 68 IAC 2-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 65. 68 IAC 2-1-3 IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

(c) If the commission revokes the initial owner's license during the first four (4) years after issuance of the license, a pro rata share of the initial license fee may be credited toward any penalty assessed against the ~~riverboat~~ **casino** licensee for a violation of ~~the Act~~ **IC 4-33, IC 4-35,** or this title ~~which~~ **that** resulted in the revocation of the ~~riverboat~~ **casino** owner's license.

(Indiana Gaming Commission; 68 IAC 2-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 482; errata filed Nov 14, 1994, 3:45 p.m.: 18 IR 531; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 66. 68 IAC 2-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-4 Applications

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

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

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

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

(3) An applicant must submit ~~nine (9) bound and three (3) unbound copies~~ **a fully-executed original** of Parts I and II of the ~~riverboat owner~~ **casino owner's** license application.

(4) An applicant must submit ~~three (3) bound and two (2) unbound copies of the~~ **a** Personal Disclosure Form 1 ~~under 68 IAC 2-3-4(d) that have been completed by the~~ **for a** substantial ~~owners,~~ **owner,** key ~~persons,~~ **person,** or other ~~persons as deemed~~ **person that the commission deems** necessary ~~by the commission~~ to allow the commission to ensure **that** the applicant meets the statutory criteria for licensure set forth in ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(5) An application ~~shall be~~ **is** deemed filed when the **commission has received the** completed application forms, including ~~all~~ **the information that the commission has** required. ~~documents, materials, photographs, and the application fee, have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by the commission until a complete application is received by the commission.~~

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

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

~~(7) The applications must be filed~~ **(B)** Prior to the expiration of appropriate deadlines established and published by the commission.

~~(8)~~ **(7)** An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

~~(9)~~ **(8)** An applicant may make only clerical corrections to the application after the deadline date for filing Part II of the ~~riverboat owner~~ **casino owner's** license application has passed. After that date, the applicant must submit a request to the commission to make a substantive amendment along with the exact substantive amendment. The commission shall then determine whether the proposed substantive amendment will be allowed.

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

(1) An applicant must specify **the following:**

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

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

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

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

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

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

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

~~(e) Parts I and II of the riverboat owner's license application shall require that the applicant submit the following information and documents on forms prescribed by the commission:~~

~~(1) The information specified in IC 4-33-5-1.~~

~~(2) Federal identification number, Indiana taxpayer identification number, or Social Security number.~~

~~(3) Name, address, and telephone number of the applicant's contact person.~~

~~(4) Background and skills of the applicant's key persons.~~

~~(5) Civil litigation history of the applicant, the applicant's key persons, and the substantial owners.~~

~~(6) Detailed organizational and operation plans for the riverboat gambling operation.~~

~~(7) Estimated start-up costs, including the cost of riverboat construction and retrofitting.~~

~~(8) A description of the support facilities.~~

~~(9) A description of the accessibility of patrons to the docking site and the volume of traffic those means can sustain.~~

~~(10) A description of the applicant's plan for providing foods, beverages, and other concessions, and a list of additional licenses which the applicant will be required to obtain.~~

~~(11) A list of identified suppliers of gaming equipment as well as maintenance and repair services for that~~

~~equipment.~~
~~(12) A statement detailing plans for extending credit and debt collection.~~
~~(13) A statement concerning the capitalization of the proposed riverboat gambling operation, including the amount and source of debt and equity involved.~~
~~(14) Any agreements, covenants, or options to purchase any land adjacent to or within three (3) miles of the actual or the proposed docking site.~~
~~(15) A description of the applicant's or the applicant's substantial owner's existing or pending applications for grants, tax relief, or low interest loans given or guaranteed by any governmental entity.~~
~~(16) Any oral or written agreements entered on behalf of the applicant and any governmental entity or subdivision thereof in Indiana as they pertain to the operation of the riverboat gambling operation.~~
~~(17) A description of the types of insurance the applicant has or will obtain, including, but not limited to, the following:~~
~~(A) Liability.~~
~~(B) Casualty.~~
~~(C) Capital loss.~~
~~(D) Fire.~~
~~(E) Theft.~~
~~(F) Worker's compensation insurance.~~
~~(18) A description of nongaming riverboats or river vessels which the applicant operates.~~
~~(19) A description of the applicant's employment plan relating to the riverboat gambling operation, including the training of employees.~~
~~(20) A list of the names, business addresses, and business telephone numbers of each individual who will be required to submit a Personal Disclosure Form 1.~~
~~(21) A list of the names and titles of the individuals who prepared Parts I and II of the riverboat owner's license application.~~
~~(22) Confidential trade secrets, including, but not limited to, the applicant's security and surveillance plans.~~
~~(23) Confidential financial information.~~
~~(24) Confidential taxpayer information.~~
~~(25) Appropriate waivers and affidavits.~~
~~(26) Any other information requested by the commission that is relevant to the statutory criteria necessary for issuing licenses set forth in the Act and this title.~~

~~(f)~~ **(e)** An application for ~~riverboat~~ **a casino** owner's ~~licenses~~ **license** may not be withdrawn without leave of the commission.

~~(g) An applicant's key persons and substantial owners must submit a Personal Disclosure Form 1. The Personal Disclosure Form 1 shall require that the key persons and substantial owners submit the information and documents set forth in this title. The applicant's substantial owners must submit the Personal Disclosure Form 1 at the time Part II of the riverboat owner's license application is filed. The applicant's key persons and such other persons the commission directs under subsection (b)(4) must file the Personal Disclosure Form 1 at the time directed by the commission.~~

(Indiana Gaming Commission; 68 IAC 2-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 483; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1019; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 67. 68 IAC 2-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-5 Licensing procedures

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

Sec. 5. (a) Except to the extent the commission may require different or additional procedures, an applicant for a ~~riverboat~~ **casino** owner's license shall be subject to the following procedures prior to licensing:
(1) Application.
(2) Background investigation, including economic development analysis of the applicant by the commission.
(3) Public hearing.
(4) Action by the commission.

(5) Issuance of certificate of suitability.
(6) Interim compliance period.
(7) Issuance of ~~riverboat~~ **casino** owner's license.

(b) Requirements for a public hearing and action by the commission shall be as follows:
(1) After the appropriate background investigations by the commission have been completed, the commission shall conduct a public hearing.
(2) The commission shall publish the date, time, and place of the public hearing in the following manner:
(A) Notice of the public hearing shall be posted at the commission office in Indianapolis, Indiana at least two (2) weeks prior to the public hearing.
(B) Notice of the public hearing shall be published in appropriate newspapers under IC 5-3 at least two (2) times, at least one (1) week apart, and with the second publication being made at least two (2) days before the event.
(3) The public hearing shall be conducted in the following manner:
(A) The chair shall establish the order of the presentations and announce the amount of time that each applicant will be allotted. The order of presentation and other information may be published with the notice setting the date, time, and place of the public hearing.
(B) The appropriate applicant shall present its proposal for a ~~riverboat~~ **casino** gambling operation ~~to be docked~~ in the appropriate county or city within the time period established.
(C) The commission may question the applicant on any aspect of its application and presentation that the commission determines to be relevant to the issue of licensure.
(D) An applicant may be recalled by the commission at any time during the public hearing.
(E) After all of the applicants have made presentations, the commission shall allow a reasonable time to hear comments about ~~any of~~ the applicants and proposals from governmental entities, agencies, and the public at large. The chair shall announce the manner in which these comments may be presented prior to the initiation of this section of the public hearing.
(F) The commission may, at its discretion, discuss the applications, presentations, reports, and other materials, deliberate, and issue its decision immediately after the conclusion of the presentations and public comments or it may recess and reconvene to deliberate and issue its decision after the hearing has been transcribed and the transcriptions received by the commission.
(G) The decision of the commission shall be reduced to writing and signed by the commission members. The commission shall direct the executive director to notify the appropriate applicants, in writing, of the decision reached by the commission.
(H) No **riverboat** application shall be denied until the final license for that county or city has been issued under IC 4-33-6-1. Once the final **riverboat** license for a county or city has been issued, the commission shall direct the executive director to issue notices of denial to the applicant or applicants not chosen for **riverboat** licensure.
(4) The public hearing shall be recorded, at the direction of the commission, stenographically or by ~~such~~ other means as to adequately ensure the preservation of the commission's public hearing. A transcript completed by a reporter or stenographer hired by the commission is the official record of the commission's public hearing.

(c) The applicant must present evidence that it meets or possesses the following standards, qualifications, or criteria to be issued a ~~riverboat~~ **casino** owner's license:
(1) The applicant must possess the qualifications set forth in ~~the Act.~~ **IC 4-33 and IC 4-35.**
(2) The applicant or the applicant's substantial owner must possess a level of skill, experience, or knowledge necessary to conduct a ~~riverboat~~ **casino** gambling operation.
(3) The positive economic impact that the applicant's plan will have on the entire state of Indiana.
(4) The positive impact of any endorsements made by the local government entities.
(5) The criminal history of the applicant and the applicant's substantial owners.
(6) The applicant and the applicant's substantial owners must be of good moral character and reputation.
(7) Whether the applicant or the applicant's substantial owners has had a gaming or other license revoked, suspended, restricted, or terminated or if renewal of a license was denied.
(8) The applicant and the applicant's substantial owners must be in substantial compliance with state and federal tax laws.
(9) Any other standard the commission determines is necessary to ensure the applicant meets the criteria for licensure set forth in ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

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

(2) The certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission.
(3) A prospective licensee must direct a request for an extension of the certificate of suitability in a letter directed to the executive director.

(e) During the interim compliance period, the prospective ~~riverboat~~ **casino** licensee shall do the following:
(1) **If necessary,** obtain a permit to develop the riverboat gambling operation from the United States Army Corps of Engineers.
(2) **If necessary,** obtain a valid certificate of inspection from the United States Coast Guard **or the commission's marine certification contractor** for the vessel on which the riverboat gambling operation will be conducted temporarily or permanently.
(3) Apply for and receive the appropriate permit or certificate from the Indiana ~~alcoholic beverage~~ **alcohol and tobacco** commission and other appropriate state and federal agencies.
(4) Receive all permits, certificates, and approvals for the ~~riverboat~~ **casino** and support facilities necessary to develop and conduct the ~~riverboat~~ **casino** gambling operation, including, but not limited to:
(A) fire marshal; ~~permits,~~
(B) health; ~~permits,~~
(C) building; ~~permits,~~ and
(D) zoning;
permits. Permits for long-term developments that are part of the ~~riverboat~~ **casino** support facilities do not have to be obtained.
(5) Close the financing necessary to complete the development of the ~~riverboat~~ **casino** gambling operation.
(6) Post a bond in accordance with section 7 of this rule.
(7) Obtain the insurance deemed necessary by the commission under section 8 of this rule.
(8) Receive licensure for electronic gaming devices and other gaming equipment under 68 IAC 2-6.
(9) Submit an emergency response plan under 68 IAC 8-2.
(10) Take any other action the commission deems necessary to ensure the prospective ~~riverboat~~ **casino** licensee will be able to conduct a ~~riverboat~~ **casino** gambling operation that complies with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

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

(Indiana Gaming Commission; 68 IAC 2-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 484; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 68. 68 IAC 2-1-6 IS AMENDED TO READ AS FOLLOWS:

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

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

Affected: IC 4-33; IC 4-35

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

(1) Display the applicant's name and business address.

(2) **If applicable,** display the:

(A) dock at which the riverboat is based; and ~~the~~

(B) navigable waterway on which the riverboat will operate.

(3) Display the ~~riverboat~~ **casino** owner's license number or certificate of suitability number assigned by the commission.

(4) Display the signature of the chair and executive director of the commission.

(5) Display the date the certificate of suitability or the ~~riverboat~~ **casino** owner's license was issued and the date that the certificate or license will expire.

(6) Any other information the commission deems necessary to identify the ~~riverboat~~ **casino** licensee, the dock site, **if applicable,** and any conditions or restrictions that are placed on the ~~riverboat~~ **casino** owner's license.

(b) A ~~riverboat~~ **casino** licensee shall post its owner's license ~~at all times~~ in a conspicuous place ~~on~~ **in** the ~~riverboat.~~ **casino.**

(c) The certificate of suitability and the ~~riverboat~~ **casino** owner's license shall remain the property of the commission at all times. The certificate of suitability or the ~~riverboat~~ **casino** owner's license may be revoked, suspended, canceled, or restricted by the commission under 68 IAC 13.

(d) A fee of ten dollars ($10) shall be paid to the commission for ~~any~~ **a** necessary replacement of the certificate of suitability or the ~~riverboat~~ **casino** owner's license. The fee shall be assessed each time a ~~riverboat~~ **casino** licensee obtains a replacement certificate of suitability or ~~riverboat~~ **casino** owner's license.

(Indiana Gaming Commission; 68 IAC 2-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 69. 68 IAC 2-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-7 Bond

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

Sec. 7. (a) A ~~riverboat~~ **casino** licensee must ~~post a bond with the commission no less than sixty (60) days before the riverboat licensee begins regular riverboat excursions.~~ **follow IC 4-33-6-9(b) or IC 4-35-5-2.6(b) regarding bonds.**

~~(b) The bond must be in a form set forth in IC 4-33-6-9(b).~~

~~(c)~~ **(b)** The bond shall meet the following requirements:

~~(1) A surety bond must meet both of the following requirements:~~

~~(A) Be with a surety company that is approved by the commission.~~

~~(B) Be guaranteed by a guarantor that is approved by the commission.~~

~~(2)~~ **(1) If the casino licensee furnishes a bond in** an irrevocable letter of credit, **it** must be issued, held, and negotiated under the "Uniform Custom and Practice for Documentary Credits", ~~1993~~ **2007** Revision, International Chamber of Commerce Publication No. ~~500.~~ **600.**

~~(3)~~ **(2)** If the ~~riverboat~~ **casino** licensee plans to post a surety bond, negotiable securities, or irrevocable letter of credit, the licensee must submit the bond proposal at least thirty (30) days prior to the time the bond will be posted to allow the commission sufficient time to investigate the surety company, guarantor, or banking institution.

~~(4) The bond shall be approved by the commission.~~

~~(5)~~ **(3)** The bond must be in an amount that the commission determines adequately reflects the amount that a

local community will expend for infrastructure and any other facilities associated with ~~riverboat~~ **casino** gambling. The commission may request input from the appropriate local community regarding the amount the local community will expend.

~~(6) The bond must be payable to the commission as obligee for use in payment of the riverboat licensee's financial obligations to the local community, the state, and any other parties that the commission determines, after a review of the applicant's proposal, will be aggrieved by a failure of the riverboat licensee to comply with its obligations under the Act and this title.~~

~~(7)~~ **(4)** The bond shall state that it:

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

~~(8) The bond shall state that it~~ **(B)** shall run continuously and remain in full force and effect during the period for which the ~~riverboat~~ **casino** owner's license was awarded under IC 4-33-6-9 **or IC 4-35-5-2.6.**

~~(d)~~ **(c) The commission may require or allow** a new bond ~~may be required or allowed~~ under the ~~following~~ conditions **listed in IC 4-33-6-9 and IC 4-35-5-2.6, or if**

~~(1) The commission determines that a new bond is required after a hearing that meets the following requirements:~~

~~(A) The riverboat licensee receives a five (5) day written notice of the date, time, place, and nature of the hearing from the commission through the executive director.~~

~~(B) The hearing is conducted before a quorum of the commission members.~~

~~(C) The commission determines that the bond posted is insufficient and directs the executive director of the commission to issue a written demand to the riverboat licensee to post a bond in an amount the commission determined to be sufficient after the conclusion of the hearing.~~

~~(2) The commission may direct the executive director to demand, in writing, that a riverboat licensee post a new bond with satisfactory surety, cash, negotiable securities, or banking institution in the same form and amount under the following conditions:~~

~~(A) Liability on the old bond is discharged or reduced by judgment rendered, payment made, or any other situation.~~

~~(B) The commission determines that any surety on the old bond is not satisfactory.~~

~~(C) The commission determines that the negotiable securities are not satisfactory.~~

~~(D) The commission determines that the banking institution is not satisfactory.~~

~~(3)~~ the commission allows the ~~riverboat~~ **casino** licensee, at the request of the ~~riverboat~~ **casino** licensee, to post a new bond that complies with this section.

~~(4) If the commission determines that a new bond is not satisfactory, it shall cancel the riverboat owner's license.~~

~~(5) If the commission determines that a new bond is satisfactory, the commission shall release, in writing, the surety on the old bond from any liability that accrues after the effective date of the new bond.~~

~~(e) A bond is released if the riverboat licensee remains at the dock site for which the riverboat owner's license was granted for the lesser of five (5) years or the date on which the commission grants a riverboat owner's license to another riverboat licensee to operate from the same dock site for which the bond was posted.~~

~~(f) If a riverboat licensee does not meet the requirements of subsection (e), the licensee forfeits the bond. The proceeds of the bond in default under this rule are paid to the commission. The commission shall use the proceeds of the forfeited bond for the benefit of the local community from which the riverboat operated.~~

~~(g) The total and aggregate liability of the surety or banking institution on a bond is limited to the amount specified in the bond or irrevocable letter of credit. The continuous nature of the bond shall not be construed as allowing the liability of any surety or banking institution under the bond to accumulate for each successful approval period during which the bond remains in force.~~

~~(h) A bond filed under this rule is released sixty (60) days after the time has run under subsection (e) and the riverboat licensee submits a written request for release of the bond.~~

(Indiana Gaming Commission; 68 IAC 2-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 486; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3034; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3068; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 70. 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 ~~riverboat~~ **casino** licensee must obtain and maintain insurance in a minimum amount determined by the commission. The ~~riverboat~~ **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 ~~riverboat~~ **casino** licensee is adequately insured to conduct a ~~riverboat~~ **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 ~~which~~ **that** the applicant must obtain and maintain.

(c) If the ~~riverboat~~ **casino** licensee fails to maintain the minimum amount of insurance specified in this section, the commission may initiate a disciplinary action against the ~~riverboat~~ **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)

SECTION 71. 68 IAC 2-1-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-9 Renewal of license

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

Sec. 9. (a) ~~After the expiration of the initial riverboat~~ **A casino** owner's license ~~the license must~~ **shall** be renewed ~~annually.~~ **in accordance with IC 4-33-6-12 or IC 4-35-5-4, as applicable to the casino licensee.**

(b) ~~The riverboat owner's license will be renewed after the annual five thousand dollar ($5,000) license fee is paid under section 3 of this rule.~~ The ~~riverboat~~ **casino** licensee shall submit ~~the five thousand dollar ($5,000)~~ **its** renewal fee ~~and~~ **with** a statement indicating ~~an~~ **its** intent to continue the ~~riverboat~~ **casino** gambling operation at least thirty (30) days before the expiration of the license.

(c) The commission may refuse to renew a ~~riverboat~~ **casino** owner's license if the ~~riverboat~~ **casino** licensee no longer meets the requirements set forth in this rule and IC 4-33 **or IC 4-35.**

(Indiana Gaming Commission; 68 IAC 2-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 72. 68 IAC 2-1-10 IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

(c) An ownership interest in the ~~riverboat~~ **casino** owner's license shall not be transferred unless the transfer complies with 68 IAC 5.

(Indiana Gaming Commission; 68 IAC 2-1-10; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 73. 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 ~~riverboat~~ **casino** owner's license at any time that the commission determines:

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

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

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

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

(2) take ~~such~~ 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)

SECTION 74. 68 IAC 2-1-12 IS AMENDED TO READ AS FOLLOWS:

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

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

Sec. 12. (a) Unless specifically stated to the contrary, a notice of denial of a ~~riverboat~~ **casino** owner's license application shall not constitute a finding that the applicant is not suitable for licensure.

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

(c) If the applicant or ~~riverboat~~ **casino** licensee does not request a hearing, the notice of denial or nonrenewal becomes the final order of the commission.

(Indiana Gaming Commission; 68 IAC 2-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 75. 68 IAC 2-1-13 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-1-13 Deviation from provisions

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

Sec. 13. **(a)** The **executive director or the** commission may ~~waive, alter, or restrict any licensing requirement or procedure~~ **approve deviations from the provisions of this rule** if the **executive director or the** commission determines that the:

(1) procedure or requirement is impractical or burdensome; and ~~such waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 2-1-13; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 76. 68 IAC 2-4-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-4-1 Coverage of rule

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

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

~~(1) "Petitioner" means the person who has requested a waiver of the requirements of IC 4-33-8-3, which provides that an individual who has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States shall not receive an occupational license.~~

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

~~(b)~~ **(a)** A person ~~whose application~~ **who is ineligible** for an occupational license under 68 IAC 2-3 ~~has been denied~~ because of a felony conviction in accordance with IC 4-33-8-3(2) **or IC 4-35-6.5-3(2)** may request a waiver under IC 4-33-8-11 **or IC 4-35-6.5-11.** Upon receipt of the request for a waiver, ~~of the requirements of IC 4-33-8-3,~~ the commission shall schedule a review on the request for a waiver. A review under this rule is not an appeal of commission action. A review **under this rule** must be undertaken before the person may request a hearing on ~~the~~ **a** denial of the **person's** application for occupational license under 68 IAC 7-1.

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

~~(d) The~~ **(c) A** petitioner shall submit the original ~~and two (2) copies~~ of ~~any~~ **a** request, pleading, or other written document submitted to the commission or the review officer, or both.

~~(e)~~ **(d)** An action involving a request for waiver under this rule must also comply with ~~IC 4-21.5-3.~~ **IC 4-21.5-3.**

(Indiana Gaming Commission; 68 IAC 2-4-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 77. 68 IAC 2-4-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-4-2 Request for waiver

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

Sec. 2. (a) A request for waiver shall meet the following requirements:
(1) Be in writing.
(2) State the **petitioner's** name, current address, and current telephone number. ~~of the petitioner.~~
(3) State the level of occupational license the petitioner has applied for and the job a ~~riverboat~~ **casino** licensee ~~or a riverboat license applicant~~ has offered the petitioner.
(4) State briefly the facts upon which the petitioner will rely to show that the petitioner has been rehabilitated.
(5) ~~A~~ **The petitioner shall sign, verify, and date the** request for a waiver. ~~shall be signed, verified, and dated by the petitioner.~~ The verification shall be notarized and shall include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for review and to the best of my knowledge and belief, it is true, complete, and correct.".

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

~~(1)~~ **(c)** The petitioner may submit a request for waiver by:
~~(A)~~ **(1)** personal delivery;
~~(B)~~ **(2)** certified mail, postage prepaid;
~~(C)~~ **(3)** overnight express mail, postage prepaid; or
~~(D)~~ **(4)** personal delivery to ~~the~~ **an** enforcement agent. ~~who receives the completed application from a person seeking an occupational license, Level 2 or 3.~~

~~(2)~~ **(d)** A request for a waiver shall be submitted to the executive director at the commission's office in Indianapolis, Indiana, unless it is personally submitted to ~~the~~ **an** enforcement agent at the ~~dock site.~~ **commission's office at the casino or support facilities.**
~~(3) A request for a waiver submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked not later than ten (10) days after service of the notice of denial.~~

~~(c)~~ **(e)** A request for a waiver may ~~not~~ be withdrawn **only** if the commission determines that withdrawal is ~~not~~ in the best interest of the public or the gaming industry.

(f) If **applicable, if** the commission allows a petitioner to withdraw its waiver request, the denial of the ~~issuance of~~ **petitioner's application for** an occupational license becomes a final commission order.

(Indiana Gaming Commission; 68 IAC 2-4-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 501; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 78. 68 IAC 2-4-8.7 IS ADDED TO READ AS FOLLOWS:

68 IAC 2-4-8.7 Interim waivers

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

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

(1) The petitioner has applied for a waiver.
(2) The petitioner's criminal record allows the commission to issue a waiver under IC 4-33-8-11(f) or IC 4-35-6.5-11(f).
(3) The hearing officer finds that petitioner is rehabilitated in accordance with this rule.
(4) The commission will not hold its next business meeting for a long enough time that the casino licensee will not hold the petitioner's position open pending commission approval of the petitioner's request.

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

(c) If the executive director issues an interim waiver under this section, the commission shall ratify or reject the interim waiver at the next available commission business meeting.

(Indiana Gaming Commission; 68 IAC 2-4-8.7)

SECTION 79. 68 IAC 2-5-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-5-1 Coverage of rule

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

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

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

(c) As used in this rule, "applicant" means:
(1) an occupational training school that is seeking accreditation or has applied for a training license, or both; or
(2) ~~is~~ a higher education institution under ~~IC 20-12-5.5-1~~ **IC 21-7-13-10** or ~~is~~ an accredited institution under the Higher Education Act (20 U.S.C. 1001).

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

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

(f) For purposes of this rule, the Indiana commission on proprietary education is acting as an agent of the commission.

(Indiana Gaming Commission; 68 IAC 2-5-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1024; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 80. 68 IAC 2-5-2 IS AMENDED TO READ AS FOLLOWS:

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

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

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

(b) Before an applicant may apply for accreditation by the Indiana commission on proprietary education, the applicant must complete and submit the following:
(1) A supplier's license application in compliance with 68 IAC 2-2.
(2) The appropriate Personal Disclosure Form 1 in accordance with 68 IAC 2-2-4(b).
(3) The nonrefundable application fee in accordance with 68 IAC 2-2-2.

(c) Before an applicant may receive a training license, it must:
(1) be accredited by the Indiana commission on proprietary education **in accordance with IC 21-17-3, 570 IAC, and subsection (b);**
(2) enter into a written agreement or have established an intent to enter into a written agreement, ~~pursuant to~~ **under** subsection (d), with a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** licensees, or a ~~riverboat~~ **casino** license applicant as soon as **the applicant has complied with** this rule; ~~is complied with;~~ and
(3) have its curriculum approved by the commission under section 4 of this rule.

(d) The written agreement shall set forth the following information:
(1) The name, business address, and business telephone number of **the following:**
(A) The occupational training school.
~~(2) The name, business address, and business telephone number of~~ **(B)** The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant.
~~(3)~~ **(2)** The game or games that will be taught by the occupational training school.
~~(4)~~ **(3)** An indication that the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant will consider individuals that have successfully completed the occupational training school for employment.
~~(5)~~ **(4)** Any other information deemed necessary by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

~~(e) To receive accreditation, an applicant must comply with all the requirements of the commission on proprietary education necessary to obtain accreditation under IC 20-1-19 and 570 IAC.~~

~~(f)~~ **(e)** An applicant that is a higher education institution or is accredited under the Higher Education Act (20 U.S.C. 1001) must have its curriculum approved by the commission under section 4 of this rule.

(Indiana Gaming Commission; 68 IAC 2-5-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 81. 68 IAC 2-5-3 IS AMENDED TO READ AS FOLLOWS:

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

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

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

(b) The occupational training school shall display in a prominent place, on its application for admission, and on other materials disseminated to potential students, the following:
"GRADUATION FROM THIS SCHOOL DOES NOT ASSURE THE GRADUATE THAT HE OR SHE WILL BE LICENSED BY THE INDIANA GAMING COMMISSION OR WILL BE HIRED BY A ~~RIVERBOAT~~ **CASINO** LICENSEE. ALL INDIVIDUALS MUST MAKE A SEPARATE APPLICATION FOR AN OCCUPATIONAL LICENSE AND MEET THE INDIANA GAMING COMMISSION'S STANDARDS TO WORK ~~ON~~ **IN** A ~~RIVERBOAT.".~~ **CASINO.".**

(Indiana Gaming Commission; 68 IAC 2-5-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 504; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 82. 68 IAC 2-5-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-5-5 Equipment

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

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

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

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

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

(e) The occupational training school or applicant must have its name permanently imprinted or affixed to ~~the~~ gaming equipment. ~~utilized.~~

(Indiana Gaming Commission; 68 IAC 2-5-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 505; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1025; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 83. 68 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-1 General provisions

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

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

(b) ~~All~~ Electronic gaming devices used ~~on~~ **in** a ~~riverboat~~ **casino** must meet the specifications set forth in this rule.

(c) The following definitions apply throughout this rule:
(1) "Authorized independent gaming laboratory" means an independent gaming laboratory that:
(A) meets the qualifications established by the commission; and
(B) maintains a valid contract with the commission to conduct testing on behalf of the agency.
(2) "Certification testing" means an authorized independent gaming laboratory testing an item or technology:
(A) by arrangement with a manufacturer or distributor;

(B) pursuant to an authorized independent gaming laboratory's contract with the commission; and
(C) for purposes of issuing or denying certification as described under section 3 of this rule.

~~(1)~~ **(3)** "Inappropriate token-in" means a token that has been accepted by an electronic gaming device after the electronic gaming device:

(A) has already accepted the maximum number of tokens; or
(B) is in a state that normally rejects additional tokens.

~~(2)~~ **(4)** "Leakage current" means an electrical current that flows when a conductive path is provided between exposed portions of an electronic gaming device and the environmental electrical ground when the electronic gaming device is isolated from the normal AC power ground.

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

(A) by arrangement with a manufacturer or distributor; and
(B) for purposes other than issuing or denying certification as described under section 3 of this rule.

~~(3)~~ **(6)** "Par sheet" means a document, provided by the electronic gaming device manufacturer that depicts the:

(A) possible outcomes from the play of an electronic gaming device;
(B) probability of occurrence of each; and
(C) contribution of ~~each~~ **a** winning outcome to the payback percentage of the electronic gaming device.

~~(4)~~ **(7)** "RAM" or "random access memory" means the electronic component used for computer work storage and storage of volatile information in an electronic gaming device.

~~(5)~~ **(8)** "Randomness" means the unpredictability and absence of pattern in the outcome of an event or sequence of events.

~~(6)~~ **(9)** "Random number generator" means hardware, software, or combination of hardware and software devices for generating number values that exhibit characteristics of randomness.

~~(7)~~ **(10)** "ROM" or "read only memory" means the electronic component used for storage of nonvolatile information in an electronic gaming device, including programmable ROM and erasable programmable ROM.

~~(8)~~ **(11)** "Runs test" means a mathematical statistic that determines the existence of recurring patterns within a set of data.

~~(9)~~ **(12)** "Sensitive keys" means keys that:

(A) either management or the commission considers sensitive to the ~~riverboat~~ **casino** licensee's operation; and
(B) therefore require strict control over custody and issuance in accordance with 68 IAC 11-4.

~~(10)~~ **(13)** "Standard chi-squared analysis" means the sum of the squares of the difference between the expected result and the observed result.

~~(11)~~ **(14)** "Tilt condition" means a programmed error state for an electronic gaming device that occurs when the electronic gaming device detects an internal error, malfunction, or attempted cheating. The electronic gaming device ceases processing further input, output, or display information other than that indicating the tilt condition itself.

~~(12) "Authorized independent gaming laboratory" means an independent gaming laboratory that:~~
~~(A) meets the qualifications established by the commission; and~~
~~(B) maintains a valid contract with the commission to conduct testing on behalf of the agency.~~

~~(13) "Certification testing" means an authorized independent gaming laboratory testing an item or technology:~~
~~(A) by arrangement with a manufacturer or distributor;~~
~~(B) pursuant to an authorized independent gaming laboratory's contract with the commission; and~~
~~(C) for purposes of issuing or denying certification as described under section 3 of this rule.~~

~~(14) "Noncertification testing" means an independent gaming laboratory testing or otherwise analyzing an item or technology:~~
~~(A) by arrangement with a manufacturer or distributor; and~~
~~(B) for purposes other than issuing or denying certification as described under section 3 of this rule.~~

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

(1) The identity of the individual entering the electronic gaming device.
(2) The date and time that the electronic gaming device **is:**
(A) ~~is~~ entered; and
(B) ~~is~~ exited.
(3) The identity of the electronic gaming device that is entered.

(e) After an individual has entered an electronic gaming device for any reason, the individual must complete a

log that is maintained inside the electronic gaming device. The log shall contain, at a minimum, the following information:

(1) The name and occupational license number of the individual entering the electronic gaming device.
(2) The date and time that the electronic gaming device **is:**
  (A) ~~is~~ entered; and
  (B) ~~is~~ exited.
(3) The identity of the electronic gaming device.
(4) The reason for the entry.

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

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

SECTION 84. 68 IAC 2-6-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-5 Security and audit specifications

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

Sec. 5. Electronic gaming devices must meet the following security and audit specifications:
(1) Be controlled by a microprocessor.
(2) Be connected and communicating to the central computer system.
(3) Have an internal enclosure for the circuit board ~~which~~ **that** is locked ~~or~~ **and** sealed ~~or both,~~ prior to game play.
(4) Be able to continue a game with no loss of data after a power failure.
(5) Have game data recall for the current game and the previous ~~four (4)~~ **ten (10)** games.
(6) Have a random selection process that satisfies the ninety-nine percent (99%) confidence level using the following tests:
  (A) Standard chi-squared.
  (B) Runs.
  (C) Serial correlation.
These tests must not be predictable by players.
(7) Clearly display applicable rules of play and the payout schedule.
(8) Display an accurate representation of each game outcome ~~utilizing:~~ **using:**
  (A) rotating reels;
  (B) video monitors; or
  (C) any other type of display mechanism that accurately depicts the outcome of the game.
(9) Display an external registration tag and number issued by the commission.
(10) The par sheet for the program ~~utilized~~ **used** in an electronic gaming device must be stored in the electronic gaming device.

(Indiana Gaming Commission; 68 IAC 2-6-5; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1301; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 85. 68 IAC 2-6-6 IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

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

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

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

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

(2) The commission must approve the request for conversions before a conversion may be made by the ~~riverboat~~ **casino** licensee.

(3) An enforcement agent must do the following:
(A) ~~KOBETRON~~ **Perform digital signature verification on** the ~~EPROMS~~ **control program media** to ensure that the ~~EPROMS~~ **control program media** being installed match those on the request for conversion.
(B) Seal the ~~EPROM~~ **control program medium** with tape in accordance with section 19 of this rule.

(4) In the presence of an enforcement agent, a slot technician or the equivalent shall ensure that the payglass installed on the electronic gaming device accurately reflects the payouts for the ~~EPROM~~ **control program medium** that has been installed in the electronic gaming device. The payglass test may be performed by either:
(A) running the payout table test; or

(B) ensuring the payglass matches the approved diagram set forth in the payglass manual maintained by the commission.

(5) The ~~riverboat~~ **casino** licensee shall do the following:

(A) Ensure that a copy of the par sheet **for each game theme** is placed in the electronic gaming device in accordance with section 5 of this rule.

(B) Perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.

(6) The ~~riverboat~~ **casino** licensee must do the following:

(A) Update the master list of electronic gaming devices after the conversion is complete.

(B) Provide the chief counsel for the commission and the ~~sergeant of the Indiana state police department~~ **enforcement agent supervisor** assigned to the ~~riverboat~~ **casino** with a copy of the updated master list within fourteen (14) days of the conversion.

(Indiana Gaming Commission; 68 IAC 2-6-6; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1064; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 86. 68 IAC 2-6-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-7 Tracking of device movement

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

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

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

(c) Movements of electronic gaming devices into or out of this state must be made and recorded in accordance with 68 IAC 17-1.

(Indiana Gaming Commission; 68 IAC 2-6-7; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1302; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 87. 68 IAC 2-6-16 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-16 Bill validators

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

Sec. 16. (a) Electronic gaming devices may have bill validators installed into which a patron may insert currency **or TITOs** in exchange for **registering** an equal value of electronic gaming device credits, ~~The patron shall be able to obtain an equal number of tokens for the amount of currency that was inserted into the bill validator.~~ **which the credit meter shall accurately display.**

(b) Bill ~~validator~~ **validators** may accept the following **denominations of currency:**

(1) One dollar ($1) bills.
(2) Five dollar ($5) bills.
(3) Ten dollar ($10) bills.
(4) Twenty dollar ($20) bills.
(5) Fifty dollar ($50) bills.
(6) One hundred dollar ($100) bills.

(c) The bill acceptors may be for any single denomination or combination of denominations.

(d) The bill validator shall be equipped with a bill validator drop box to collect the currency **and TITOs** inserted into the bill validator. The bill validator drop box shall meet the following requirements:
(1) Be housed in a locked compartment separate from any other compartment of the electronic gaming device.
(2) Be accessible by a key that will access only the bill validator drop box and no other area of the electronic gaming device.
(3) Have a slot opening through which currency **and TITOs** can be inserted.
(4) Be identifiable to the electronic gaming device from which it was removed.
(5) Have a separate lock to access the contents of the bill validator drop box. This key shall not access any other area of the electronic gaming device.
(6) Have a "full drop box" sensor.

(e) The ~~riverboat~~ **casino** licensee shall maintain emergency bill validator drop boxes that meet the requirements set forth in subsection (d). The emergency bill validator drop boxes shall have the word "EMERGENCY" permanently imprinted thereon. Emergency bill validator drop boxes shall be maintained in a secured area. The riverboat licensee shall submit internal control procedures for the maintenance and ~~utilization~~ **use** of the emergency bill validator drop boxes in accordance with 68 IAC 11.

(Indiana Gaming Commission; 68 IAC 2-6-16; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1305; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 88. 68 IAC 2-6-18 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-18 Access to interior

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

Sec. 18. (a) The internal space of an electronic gaming device must not be readily accessible when the door is closed.

(b) The following must be in a separate locked or sealed area within the electronic gaming device:
(1) Logic boards.
(2) ROM.
(3) RAM.

(c) No access to the area described in subsection (b) is allowed without prior notification to the executive director or the executive director's designee.

(d) The executive director or the executive director's designee must be allowed immediate access to the locked or sealed area. A ~~riverboat~~ **casino** licensee must maintain its copies of the keys to electronic gaming devices in accordance with 68 IAC 11-7. A ~~riverboat~~ **casino** licensee must give the executive director a master key to the door of an approved electronic gaming device. Unauthorized tampering or entrance into the logic area without prior notification in accordance with subsection (b) is grounds for disciplinary action under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 2-6-18; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 89. 68 IAC 2-6-22 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-22 Authorized games

Authority: IC 4-33-2-9; IC 4-33-4; IC 4-35-2-5; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 22. A ~~riverboat~~ **casino** licensee shall not permit ~~any~~ **a** game to be played other than those specifically named in ~~the Act~~ **IC 4-33, IC 4-35** and approved by the commission. For each game, the ~~riverboat~~ **casino** licensee shall provide a set of game rules to the executive director one hundred twenty (120) days in advance of the game's operation or within a shorter time period as the executive director may designate.

(Indiana Gaming Commission; 68 IAC 2-6-22; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1306; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 90. 68 IAC 2-6-27 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-27 Hopper mechanism

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

Sec. 27. **(a) This section applies to electronic gaming devices that accept tokens.**

~~(a)~~ **(b)** Electronic gaming devices must be equipped with a hopper ~~which~~ **that** is designed to detect the following and force the electronic gaming device into a tilt condition if one (1) of the following occurs:
(1) Jammed tokens.
(2) Extra tokens paid out.
(3) Hopper runaways.
(4) Hopper empty conditions.

~~(b)~~ **(c)** The electronic gaming device control program must monitor the hopper mechanism for these error conditions in all game states in accordance with section 11 of this rule.

~~(c) All~~ **(d)** Tokens paid from the hopper mechanism must be accounted for by the electronic gaming device including those paid as extra tokens during a hopper malfunction.

~~(d)~~ **(e)** Hopper pay limits must be designed to permit compliance by ~~riverboat~~ **casino** licensees with ~~all~~ **the** applicable taxation laws, rules, and regulations.

(Indiana Gaming Commission; 68 IAC 2-6-27; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1307; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 91. 68 IAC 2-6-30.1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-30.1 Integrity of electronic gaming device

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

Sec. 30.1. (a) If the integrity of ~~any~~ **an** electronic gaming device has been legitimately questioned, the ~~riverboat~~ **casino** licensee shall run the appropriate diagnostic tests on the device. If the ~~riverboat~~ **casino** licensee determines that the device is malfunctioning, the ~~riverboat~~ **casino** licensee shall remove the device from play until:
(1) the device has been repaired; and
(2) it has been determined that the device meets the requirements of ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) The ~~riverboat~~ **casino** licensee shall record the following information with respect to an electronic gaming device that has been removed from play:
(1) The date and time that the integrity of an electronic gaming device was questioned.
(2) The type of device that was questioned.
(3) The:

(A) serial number issued by the manufacturer; and
(B) registration number issued by the commission.
(4) The length of time that the device was removed from play.
(5) The reason that the device was not functioning properly.
(6) The:
(A) remedial action taken to ensure that the device conforms to the requirements of ~~the Act~~ **IC 4-33, IC 4-35,** and this title; and
(B) date on which the action was taken.
(7) The printed name, signature, and occupational license number of ~~all~~ **the** employees taking the remedial action.
(8) If an outside company takes remedial action on the device, the following information must be maintained:
(A) The:
(i) name;
(ii) address; and
(iii) telephone number;
of the company.
(B) The names of ~~any~~ **the** individuals who performed remedial action on the device.
(9) A verification that the device meets the requirements of ~~the Act~~ **IC 4-33, IC 4-35,** and this title after the remedial action was taken.
(10) The:
(A) name, address, and telephone number of the individual who complained about the device; and
(B) nature of the complaint.
The ~~riverboat~~ **casino** licensee must notify the enforcement agent, in writing, of each electronic gaming device that has been removed from play.

(c) The records described in subsection (b) shall be:
(1) maintained by the ~~riverboat~~ **casino** licensee for a period of one (1) year; and
(2) available for commission review upon request.

(Indiana Gaming Commission; 68 IAC 2-6-30.1; filed Jun 1, 1998, 3:38 p.m.: 21 IR 3711; errata filed Aug 12, 1998, 4:00 p.m.: 22 IR 125; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 92. 68 IAC 2-6-31 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-31 Authorization for progressive electronic gaming devices

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

Sec. 31. (a) This section authorizes the use of progressive electronic gaming devices within one (1) ~~riverboat~~ **casino** provided that the electronic gaming devices meet:
(1) the requirements stated in sections 1 through 30 and 46 of this rule; and
(2) any additional requirements imposed by sections 32 through 42 of this rule.

(b) The ~~riverboat~~ **casino** licensee shall notify the executive director and the enforcement agent of the following information ~~before the utilization of~~ **prior to using** progressive electronic gaming devices within the ~~riverboat:~~ **casino:**
(1) The:
(A) serial numbers; and
(B) commission registration number;
of the electronic gaming devices that are common to a single progressive link.
(2) The odds of hitting the progressive amount on each of the electronic gaming devices that is attached to that link.
(3) The reset value of the progressive link.
(4) The rate of progression for that progressive link.
(5) How the rate of progression is split between the various progressive components.
(6) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) Wide area progressive games that link electronic gaming devices located on more than one (1) ~~riverboat must~~ **casino may** be approved by the executive director and the commission on a case-by-case basis.

(Indiana Gaming Commission; 68 IAC 2-6-31; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 93. 68 IAC 2-6-33 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-33 Transferring a progressive jackpot that is in play

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

Sec. 33. (a) A progressive jackpot ~~which~~ **that** is currently in play may be transferred to ~~another~~ **other** progressive electronic gaming ~~device on~~ **devices in** the ~~riverboat~~ **casino** in the event of:
(1) electronic gaming device malfunction;
(2) electronic gaming device replacement; and
(3) other good reason deemed appropriate by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) If the events set forth in subsection (a) do not occur, the progressive award must be permitted to remain until it is won by a player or transfer is approved by the executive director.

(Indiana Gaming Commission; 68 IAC 2-6-33; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 94. 68 IAC 2-6-34 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-34 Recording, keeping, and reconciliation of jackpot amount

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

Sec. 34. (a) The ~~riverboat~~ **casino** licensee must maintain a record of the amount shown on a progressive jackpot meter.

(b) Supporting documents must be maintained to explain ~~any~~ **a** reduction in the payoff amount from a previous entry.

(c) The records and documents must be retained for a period of five (5) years unless otherwise provided by the executive director in writing.

(Indiana Gaming Commission; 68 IAC 2-6-34; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1308; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 95. 68 IAC 2-6-42 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-42 Limits on jackpot of progressive electronic gaming devices

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

Sec. 42. (a) A ~~riverboat~~ **casino** licensee may impose a limit on the jackpot of a progressive electronic gaming device if the limit imposed is greater than the possible maximum jackpot payout on the electronic gaming device

at the time the limit is imposed.

(b) The ~~riverboat~~ **casino** licensee must inform the public with a prominently posted notice of progressive electronic gaming devices and their limits.

(Indiana Gaming Commission; 68 IAC 2-6-42; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 96. 68 IAC 2-6-43 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-43 Electronic gaming devices tournaments

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

Sec. 43. (a) Electronic gaming device tournaments may be conducted by the ~~riverboat~~ **casino** licensee.

(b) ~~All~~ Tournament play must be on machines ~~which~~ **that** have been tested and approved in accordance with the rules and for which the tournament feature has been enabled.

(c) ~~All~~ Electronic gaming devices used in a single tournament shall ~~utilize~~ **use** the same electronics and machine settings.

(d) Electronic gaming devices enabled for tournament play shall not accept tokens **or TITOs** or pay out tokens **or TITOs.** The electronic gaming devices ~~must utilize~~ **shall use** credit points only.

(e) Tournament credits shall have no cash value.

(f) Tournament play may not be credited to electromechanical meters of the machine.

(Indiana Gaming Commission; 68 IAC 2-6-43; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 97. 68 IAC 2-6-44 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-44 Qualification of players

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

Sec. 44. (a) At the ~~riverboat~~ **casino** licensee's discretion, the ~~riverboat~~ **casino** licensee may establish qualification or selection criteria to limit the eligibility of players in a tournament.

(b) ~~Any~~ **The** criteria used ~~must~~ **shall** be reasonably related to gaming activity.

(Indiana Gaming Commission; 68 IAC 2-6-44; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 98. 68 IAC 2-6-45 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-45 Rules of tournament play

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

Sec. 45. (a) The ~~riverboat~~ **casino** licensee shall submit rules of tournament play to the executive director at least thirty (30) days in advance of the commencement of the tournament or within a shorter time period as the executive director may designate. The rules of play shall include, but not be limited to, the following:

(1) The amount of points, credits, and playing time players will begin with.

(2) The manner in which players will receive electronic gaming device assignments and how reassignments are to be handled.

(3) How:

(A) players are eliminated from the tournament; and ~~how~~

(B) the winner or winners are to be determined.

(4) The number of electronic gaming devices ~~each~~ **a** player will be allowed to play.

(5) The amount of entry fee for participating in the tournament.

(6) The number of prizes to be awarded.

(7) An exact description of each prize to be awarded.

(8) Any additional house rules governing play of the tournament.

(9) Any rules deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) The executive director shall approve the rules, in writing, within thirty (30) days of the receipt of the rules.

(c) A ~~riverboat~~ **casino** licensee shall not permit ~~any~~ **a** tournament to be played unless the rules of tournament play have been approved by the executive director.

(d) Once rules of tournament play have been approved by the executive director, the ~~riverboat~~ **casino** licensee may offer a tournament ~~utilizing~~ **using** the approved rules at any time. Amendments to approved rules of tournament play shall be submitted to the executive director at least thirty (30) days prior to the utilization of the amendments or within a shorter time frame as the executive director may designate. The executive director shall approve amendments to rules of tournament play within thirty (30) days of receipt of the amendments. ~~No~~ **A casino licensee shall not use** amendments to rules of tournament play ~~shall be utilized by the riverboat licensee~~ until ~~approved by~~ the executive director **has approved the amendments.**

(e) The rules of tournament play shall be provided to ~~all~~ **the** tournament players and members of the public who request a copy of the rules.

(Indiana Gaming Commission; 68 IAC 2-6-45; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1310; errata filed Apr 23, 1996, 4:30 p.m.: 19 IR 2289; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 99. 68 IAC 2-6-46 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-46 Commission licensure and approval

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

Sec. 46. (a) A ~~riverboat~~ **casino** licensee shall not **do the following:**

(1) Use electronic gaming devices unless the **commission has licensed the** devices. ~~have been licensed by the commission. The riverboat licensee shall not~~

(2) Conduct tournaments unless **it has obtained** approval ~~by~~ **from** the executive director, ~~has been obtained,~~ in writing, in accordance with section 45 of this rule.

(b) The ~~riverboat~~ **casino** licensee must submit ~~all~~ **its** proposals, in writing, at least sixty (60) days before commencing use of the electronic gaming device or commencing the tournament.

(c) The executive director shall issue a decision. ~~in writing.~~

(d) The ~~riverboat~~ **casino** licensee may appeal an adverse decision to licensure of an electronic gaming device

~~pursuant to~~ **under** 68 IAC 7-1. An adverse decision to tournament approval is final after review by the commission in accordance with section 49 of this rule.

(Indiana Gaming Commission; 68 IAC 2-6-46; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 100. 68 IAC 2-6-48 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-48 Deviation from provisions

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

Sec. 48. **(a)** The executive director or the commission may ~~waive, restrict, or alter any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines that the: ~~requirement or~~

(1) procedure **or requirement** is impractical or burdensome; and ~~such waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 2-6-48; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 101. 68 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-1 Approval required

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

Sec. 1. (a) A manufacturer or distributor of associated equipment shall not distribute associated equipment to ~~riverboat~~ **casino** licensees ~~or operating agents~~ unless ~~it~~ **the executive director** has ~~been~~ approved ~~by the executive director.~~ **it.**

(b) The commission may require the manufacturer or distributor of associated equipment to obtain a supplier's license under 68 IAC 2-2.

~~(c) The following definitions apply throughout this rule:~~

~~(1) "Associated equipment" means any of the following:~~

~~(A) Any equipment, mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming.~~

~~(B) Any game that would not otherwise be classified as a gaming device, including, but not limited to, links that connect to progressive electronic gaming devices.~~

~~(C) Computerized systems that monitor electronic gaming devices.~~

~~(D) Equipment that affects the proper reporting of gross revenue.~~

~~(E) Devices for weighing and counting money.~~

~~(F) Patron counting systems.~~

~~(G) Any other equipment that the commission determines requires approval as associated equipment to ensure compliance with the Act and this title.~~

~~(2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a~~

~~certificate of suitability under 68 IAC 2-1-5.~~

(Indiana Gaming Commission; 68 IAC 2-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Jul 31, 2009, 8:32 a.m.: 20090826-IR-068090005FRA)

SECTION 102. 68 IAC 2-7-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-2 Approval

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

Sec. 2. (a) Applications for approval of associated equipment shall require that the manufacturer or distributor submit the following information on forms prescribed by the commission:
(1) The name, business address, and business telephone number of the manufacturer or distributor.
(2) The federal identification number, Indiana taxpayer identification number, or **last four (4) digits of the** Social Security number of the manufacturer or distributor.
(3) If the manufacturer or distributor is a business entity, the information set forth in subdivisions (1) and (2) must be provided for the business entity's key persons and substantial owners.
(4) A list of the jurisdictions that have approved the associated equipment. A copy of the document of approval from each jurisdiction must be attached to the application.
(5) Any additional information deemed necessary by the commission to enable a complete understanding of the operation and function of the associated equipment.

(b) If the executive director requires the manufacturer or distributor of associated equipment to submit the associated equipment to an independent lab, the manufacturer or distributor of the associated equipment shall provide the following information to the independent lab:
(1) The information set forth in subsection (a).
(2) A complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language. The document must be signed under penalty of perjury.
(3) Detailed operating procedures of the associated equipment.
(4) Details of ~~all~~ **the:**
(A) tests performed on the associated equipment; ~~the~~
(B) conditions and standards under which the tests were performed; and ~~the~~
(C) person that conducted the test.

(c) The independent lab shall provide the executive director with documentation regarding the following regarding the associated equipment:
(1) Details of the tests performed on the associated equipment.
(2) Results of the tests performed on the associated equipment.
(3) Detailed operating procedures of the associated equipment.
(4) Percentage calculations of the associated equipment.
(5) Any other information deemed necessary by the executive director to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(d) If the manufacturer or distributor seeking approval of associated equipment holds a supplier's license issued by the commission, only that information specified in subsections (a)(4), (a)(5), **and** (b)(2) ~~(b)(3), and~~ **through** (b)(4) must be provided.

(Indiana Gaming Commission; 68 IAC 2-7-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2654; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 103. 68 IAC 2-7-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-4 Installation

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

Affected: IC 4-33; IC 4-35

Sec. 4. A ~~riverboat~~ **casino** licensee shall not install or use associated equipment that has not been approved by the executive director ~~after a determination~~ **even if the executive director** has ~~been made~~ **determined** that the associated equipment complies with the technical standards set forth in this rule.

(Indiana Gaming Commission; 68 IAC 2-7-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 104. 68 IAC 2-7-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-6 Alteration or revision

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

Sec. 6. A ~~riverboat~~ **casino** licensee shall not alter the manner in which associated equipment operates or revise the associated equipment without prior written approval of the executive director.

(Indiana Gaming Commission; 68 IAC 2-7-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 105. 68 IAC 2-7-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-7 Revocation of approval

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

Sec. 7. (a) The executive director may revoke the approval of associated equipment if the executive director determines ~~any of the following: (1)~~ the associated equipment:
(1) does not perform in the manner described in the application;
(2) ~~The associated equipment~~ is defective or malfunctions frequently;
(3) ~~The associated equipment~~ has a detrimental impact on the conduct of a ~~riverboat~~ **casino** gambling operation; **or**
(4) ~~The associated equipment~~ adversely affects computation of taxes for reasons including, but not limited to: ~~the following:~~
(A) inaccurate computation;
(B) defects; **and**
(C) malfunctions.

(b) The executive director shall **do the following:**
(1) Notify the manufacturer or distributor of the associated equipment of the revocation of approval, in writing, immediately. ~~The executive director shall~~
(2) Advise the manufacturer or distributor of the associated equipment the date on which the associated equipment shall cease to be used.
~~(c) The executive director shall~~ **(3)** Notify the ~~riverboat~~ **casino** licensees or ~~riverboat~~ **casino** license applicants that ~~utilize~~ **use** the **revoked** associated equipment of the revocation of approval. ~~in writing, immediately. The executive director shall~~
(4) Advise the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant the date on which the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall cease to use the associated equipment.

~~(d)~~ **(c)** The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall **do the following:**
(1) Cease ~~utilizing~~ **using** the associated equipment for which approval has been revoked by the date established by the executive director in subsection ~~(c). The riverboat licensee or riverboat license applicant shall~~ **(b)(4).**

(2) Notify the executive director, in writing, if it cannot cease utilization of the associated equipment by the established date and ~~shall~~ seek an extension of time.

The executive director shall advise the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant, in writing, if the suggested time frame is not suitable.

~~(e)~~ **(d) The executive director may initiate** a disciplinary action ~~may be initiated~~ against a ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant that continues to ~~utilize~~ **use** associated equipment for which approval has been revoked unless **the executive director grants** an extension of time ~~has been granted~~ under subsection ~~(d).~~ **(c).**

(Indiana Gaming Commission; 68 IAC 2-7-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 106. 68 IAC 2-7-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-8 Notice to the executive director

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

Sec. 8. (a) The manufacturer or distributor of associated equipment shall **do the following:**
(1) Notify the executive director, in writing, of any problems, defects, or malfunctions of any associated equipment that **the commission** has ~~been~~ approved. ~~by the commission.~~
~~(b) The manufacturer or distributor of associated equipment shall~~ **(2)** Advise the executive director, in writing, if **another gaming jurisdiction has revoked** the approval of any associated equipment approved by the commission. ~~has been revoked by any other gaming jurisdiction.~~

~~(c) Riverboat~~ **(b) Casino** licensees or ~~riverboat~~ **casino** license applicants shall **do the following:**
(1) Notify the executive director, in writing, of any problems, defects, or malfunctions of ~~any~~ **the** associated equipment that has been approved by the commission and is ~~utilized~~ **used** by the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant in the state of Indiana or any other jurisdiction.
~~(d) Riverboat licensees or riverboat license applicants shall~~ **(2)** Notify the executive director, in writing, if **another gaming jurisdiction has revoked** the approval of associated equipment approved by the commission and ~~utilized~~ **used** by the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant. ~~has been revoked by any other gaming jurisdiction.~~

(Indiana Gaming Commission; 68 IAC 2-7-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2655; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 107. 68 IAC 2-7-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-9 Retention of records

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

Sec. 9. (a) The manufacturer or distributor of associated equipment shall maintain the following records:
(1) ~~All~~ **The** applications for approval of associated equipment submitted to the commission.
(2) Detailed operating procedures of the associated equipment.
(3) Approvals of associated equipment received from any gaming jurisdiction.
(4) A complete, comprehensive, and technically accurate description and explanation of the associated equipment and its intended use in both technical and lay language.
(5) Any alterations or revisions and the requisite approvals that have been conducted on associated equipment ~~utilized~~ **used** by ~~riverboat~~ **casino** licensees or ~~riverboat~~ **casino** license applicants.
(6) The revocation of ~~any~~ **an** approval for associated equipment issued by any gaming jurisdiction.
(7) Any documentation that indicates problems, defects, or malfunctions of the associated equipment.
(8) Details of ~~any~~ tests performed on the associated equipment by the manufacturer or distributor of the associated equipment.

(9) Any other records the executive director deems necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) ~~Riverboat~~ **Casino** licensees or ~~riverboat~~ **casino** license applicants shall maintain ~~any~~ **the** records listed in subsection (a) that are in its possession. ~~Riverboat~~ **Casino** licensees or ~~riverboat~~ **casino** license applicants must maintain, at a minimum, those records identified in subsection (a)(5) and (a)(7).

(c) ~~All~~ **The manufacturer or distributor of the associated equipment, the casino licensee, or the casino license applicant shall maintain the** records required by this rule ~~must be maintained by the manufacturer or distributor of the associated equipment, the riverboat licensee, or the riverboat license applicant~~ for a period of five (5) years.

(Indiana Gaming Commission; 68 IAC 2-7-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 108. 68 IAC 2-7-11 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-7-11 Deviation from provisions

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

Sec. 11. **(a)** The executive director **or the commission** may ~~waive, restrict, or alter any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director **or the commission** determines that the: ~~requirement or~~

(1) procedure **or requirement** is impractical or burdensome; and ~~such waiver, restriction, or alteration is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a:

(1) manufacturer or distributor of associated equipment; or

(2) licensee;

wishes to request a deviation from the provisions of this rule, the request must be in writing.

(Indiana Gaming Commission; 68 IAC 2-7-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 109. 68 IAC 4-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-1 Definitions

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 23-19-1-2

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

(1) "Current market price" means the average of the daily closing prices for the twenty (20) consecutive trading days immediately preceding the date of ~~such~~ **the** transaction or the closing price on the day immediately preceding the date of the transaction, whichever is higher. For the purpose of this definition, the closing price shall be determined as follows:

(A) If the security is admitted to trading or listed on the principal national securities and exchange, the closing price for ~~each~~ **the** day shall be:

(i) the last reported sale price, regular way; or

(ii) in case no ~~such~~ reported sale takes place on ~~such~~ **that** day, the average of the last reported bid and asked prices, regular way.

In either case, the closing price on the principal national securities and exchange registered under the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) on which ~~such~~ **the** security is admitted to trading or listed.

(B) If the security is not listed or admitted to trading on ~~any~~ **a** national securities exchange, the closing price for ~~each~~ **the** day shall be:

(i) the closing price of ~~such~~ **the** security; or

(ii) in case no reported sale takes place, the average of the closing bid and asked prices on NASDAQ or ~~any~~ **a** comparable system.

(C) If the security is not listed or quoted on NASDAQ or on ~~any~~ **a** comparable system, the closing price for ~~each~~ **the** day shall be:

(i) the closing sale price; or

(ii) in case no reported sale takes place, the average of the closing bid and asked prices, as furnished by ~~any~~ **a** member of the National Association of Securities Dealers, Inc., selected from time to time by the issuer for that purpose.

(2) "Holding company" means ~~any~~ **a** corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:

(A) Directly or indirectly:

(i) owns;

(ii) has the power or right to vote or control; or

(iii) holds with the power to vote;

all or any part of the stock, interest, or other voting security of a business entity that holds or has applied for an Indiana ~~riverboat~~ **casino** owner's license or a supplier's license.

(B) Indirectly holds, holds, or owns any power, right, or security if it does so through ~~any~~ **an** interest in a subsidiary or successive subsidiary; however, many such subsidiaries may intervene between the holding company and the holder or applicant for a ~~riverboat~~ **casino** owner's license or a supplier's license.

(3) "Intermediary company" means ~~any~~ **a** corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:

(A) Is a holding company of a holder or an applicant for a ~~riverboat~~ **casino** owner's license or a supplier's license.

(B) Is a subsidiary with respect to ~~any~~ **a** holding company.

~~(4) "Public offering" means a sale of voting securities that is subject to the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.), or that is exempt from such requirements solely by reason of an exemption contained in either:~~

~~(A) Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.); or~~

~~(B) Regulation A or Regulation D adopted under Section 3(b) of the Securities Act of 1933 (15 U.S.C. 78a et seq.).~~

~~(5)~~ **(4)** "Publicly traded corporation" means the following:

(A) ~~Any~~ **A** person, other than an individual, that:

(i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);

(ii) issues securities and is subject to Section 15(d) of the Securities Act of 1934 (15 U.S.C. 78a et seq.); or

(iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);

or any other company required to file under the Securities and Exchange Act of 1934.

(B) ~~Any~~ **A** person, other than an individual, created under the laws of a foreign country that:

(i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and

(ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.

The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(5) "Public offering" means a sale of voting securities that is subject to the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.), or that is exempt from the requirements solely by reason of an exemption contained in either:

(A) Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.); or

(B) Regulation A or Regulation D adopted under Section 3(b) of the Securities Act of 1933 (15 U.S.C.

78a et seq.).

(6) "Security" has the meaning set forth in ~~IC 23-2-1-1(k).~~ **IC 23-19-1-2(28).**

(7) "Subsidiary" means ~~any~~ **a** firm, partnership, trust, limited liability company, or other form of business organization, all or any interest of which is:

(A) owned;

(B) subject to a power or right of control; or

(C) held with power to vote;

directly, indirectly, or in conjunction with a holding company or intermediary company.

(8) "Voting security" means a security the holder of which is entitled to vote generally for the election of a member or members of the board of directors or board of trustees of a corporation or a comparable person or persons in the case of a partnership, trust, or other form of business organization other than a corporation.

(Indiana Gaming Commission; 68 IAC 4-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1026; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1295; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 110. 68 IAC 4-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-2 Applicability

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

Sec. 2. (a) This rule applies to publicly traded corporations holding ~~riverboat~~ **casino** owners' licenses, certificates of suitability, or supplier licenses in Indiana and ~~riverboat~~ **casino** licensees, ~~riverboat~~ **casino** license applicants, or supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof, where ~~such~~ **the** ownership interest directly or indirectly is, or will be upon approval by the commission, five percent (5%) or more of the entire ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee.

(b) If the commission determines that a publicly traded corporation, or a subsidiary, intermediary company, or holding company thereof has the actual ability to exercise influence over a ~~riverboat~~ **casino** licensee or supplier licensee, regardless of the percentage of ownership possessed by the entity, the commission may require the entity to comply with this rule.

(Indiana Gaming Commission; 68 IAC 4-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 111. 68 IAC 4-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-3 Public offerings

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

Sec. 3. A ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, supplier licensee, affiliate, or controlling person thereof commencing a public offering must notify the commission, with regard to a public offering to be registered with the Securities and Exchange Commission, no later than ten (10) business days after the initial filing of a registration statement with the Securities and Exchange Commission, or, with regard to any other type of public offering, no later than ten (10) business days prior to the public use or distribution of ~~any~~ **an** offering document, if ~~(1)~~ the ~~riverboat~~ **casino** licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities:

(1) is not a publicly traded corporation; or

(2) ~~the riverboat licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities~~ is a publicly traded corporation and if the proceeds of the offering, in whole or in part, are intended to be used **to:**

(A) ~~to~~ pay for the construction of a gambling operation to be owned or operated by the licensee in Indiana;

(B) ~~to~~ acquire ~~any~~ **a** direct or indirect interest in a gambling operation located in Indiana or a supplier licensee;

(C) ~~to~~ finance the operation of a gambling operation in Indiana by the licensee; or
(D) ~~to~~ retire or extend obligations incurred for one (1) or more purposes set forth in clause (A), (B), or (C).

(Indiana Gaming Commission; 68 IAC 4-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 112. 68 IAC 4-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-4 Notice of public offering

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

Sec. 4. A person notifying the commission of a public offering shall disclose the following information:
(1) A description of the voting securities to be offered.
(2) The proposed terms upon which the voting securities are to be offered.
(3) The anticipated gross and net proceeds of the offering, including a detailed list of expenses.
(4) The use of the proceeds.
(5) The name and address of the lead underwriter.
(6) The forms of the underwriting agreement, the agreement underwriters, if any, and the selected dealers agreements, if any.
(7) A statement of intended compliance with all applicable federal, state, local, and foreign securities laws.
(8) The names and addresses of the ~~riverboat~~ **casino** licensee or supplier licensee's counsel for ~~such~~ **the** public offering, independent auditors, and special consultants for the offering.
(9) If any voting securities to be issued are not to be offered to the general public, the general nature of the offerees and the form of the offering.
(10) Any other offering material filed with the Securities and Exchange Commission that is required to be submitted pursuant to the direction of the Securities and Exchange Commission.

(Indiana Gaming Commission; 68 IAC 4-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 113. 68 IAC 4-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-5 Fraudulent and deceptive practices prohibited

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 23-19-1

Sec. 5. **The executive director may initiate** a disciplinary action ~~may be initiated~~ under 68 IAC 13 if ~~any~~ **a** person, in connection with the purchase or sale of any security issued by a ~~riverboat~~ **casino** licensee, supplier licensee, affiliate, or controlling person thereof: ~~is:~~
(1) **is** found guilty of;
(2) pleads nolo contendere to;
(3) is the subject of a final cease and desist order with respect to;
(4) is subject to an order of permanent injunction issued on the basis of; or
(5) is the subject of a similar final action taken on the basis of;
a violation of Rule 10b-5 promulgated by the Securities and Exchange Commission under Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a violation of ~~IC 23-2-1.~~ **IC 23-19-1.**

(Indiana Gaming Commission; 68 IAC 4-1-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 114. 68 IAC 4-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-6 Submission of proxy and information statements

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

Sec. 6. ~~Each~~ **A** publicly traded corporation that is a ~~riverboat~~ **casino** licensee or supplier licensee shall, within ten (10) business days after distributing **to its security holders** any:
(1) proxy statement subject to Regulation 14A of the Securities and Exchange Commission; or
(2) information statement subject to Regulation 14C of the Securities and Exchange Commission;
~~to its security holders,~~ submit ~~such~~ **the** proxy statement or information statement to the commission.

(Indiana Gaming Commission; 68 IAC 4-1-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 115. 68 IAC 4-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-7 Reporting requirements

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

Sec. 7. (a) A publicly traded corporation that is a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or a supplier licensee ~~which~~ **that** files:
(1) Form 13-G;
(2) Form 4;
~~(1)~~ **(3)** Form 10;
~~(2)~~ **(4)** Form 10-Q;
~~(3)~~ **(5)** Form 10-K;
~~(4)~~ **(6)** Form 8-K;
~~(5)~~ **(7)** Form 1-A;
~~(6)~~ **(8)** Registration Statement S-1;
~~(7)~~ **(9)** Registration Statement SB-2;
~~(8)~~ **(10)** Registration Statement 10-SB;
~~(9)~~ **(11)** Report 10-KSB;
~~(10)~~ **(12)** Report 10-QSB;
~~(11)~~ **(13)** Schedule 13e-3;
~~(12)~~ **(14)** Schedule 14D-9; or
~~(13)~~ **(15)** any filing required by Rule 14f-1 promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
shall **notify the directors of background and financial investigations for the commission** within ten (10) business days of filing the document with the Securities and Exchange Commission. ~~file three (3) copies of such document with the commission.~~

(b) A publicly traded corporation that is a ~~riverboat~~ **casino** licensee or supplier licensee that receives any material document filed with the Securities and Exchange Commission by any other person relating to ~~such~~ **the** publicly traded corporation shall, within ten (10) business days following ~~such~~ receipt, file one (1) copy of ~~such~~ **the** document with the commission.

(c) A publicly traded corporation that is a ~~riverboat~~ **casino** licensee or supplier licensee shall **do the following:**
(1) File a list of recordholders and beneficial owners of its voting securities with the commission annually.
~~(d) A publicly traded corporation that is a riverboat or supplier licensee shall~~ **(2)** Report to the commission the election or appointment of any director, executive officer, or any other officer of the licensee, holding company, or intermediary company thereof who is actively and directly engaged in the administration or supervision of the ~~riverboat~~ **casino** gambling operation or the supplier licensee.
~~(e) A publicly traded corporation that is a riverboat licensee or supplier licensee shall~~ **(3)** Advise the commission, in writing, that a key person or substantial owner of the publicly traded corporation has disposed of any of ~~such~~ **the** publicly traded corporation's voting securities by the fifteenth day of the month following the transaction.

~~(f)~~ **(d)** A ~~riverboat~~ **casino** licensee, supplier licensee, intermediary, or holding company thereof shall file any other document requested by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** or this title

within thirty (30) days or ~~such~~ **any** other time established by the commission.

(Indiana Gaming Commission; 68 IAC 4-1-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 116. 68 IAC 4-1-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-8 Required charter provisions

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

Sec. 8. (a) The following provisions, or similar provisions approved by the executive director in accordance with subsection (d), must be included in the articles of incorporation, or similar organization documents, of ~~each~~ **a** publicly traded ~~riverboat~~ **casino** licensee or supplier licensee: "The [corporation] [partnership] [limited liability company] shall not issue five percent (5%) or greater of any voting securities or other voting interests to a person except in accordance with the provisions of ~~the Indiana Riverboat Gambling Act~~ IC 4-33, **IC 4-35,** and ~~the rules promulgated thereunder (68 IAC).~~ **this title.** The issuance of any voting securities or other voting interests in violation thereof shall be void and ~~such~~ **the** voting securities or other voting interests shall be deemed not to be issued and outstanding until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate ~~said~~ **the** issuance or waive any defect in issuance.

No voting securities or other voting interests issued by the [corporation] [partnership] [limited liability company] and no interest, claim, or charge of five percent (5%) or greater therein or thereto shall be transferred in any manner whatsoever except in accordance with the provisions of ~~the Indiana Riverboat Gambling Act~~ IC 4-33, **IC 4-35,** and ~~rules promulgated thereunder (68 IAC).~~ **this title.** Any transfer in violation thereof shall be void until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate ~~said~~ **the** transfer or waive any defect in ~~said~~ **the** transfer.

If the Indiana Gaming Commission at any time determines that a holder of voting securities or other voting interests of this [corporation] [partnership] [limited liability company] shall be denied the application for transfer, then the issuer of ~~such~~ **the** voting securities or other voting interests may, within thirty (30) days after the denial, purchase ~~such~~ **the** voting securities or other voting interests of ~~such~~ **the** denied applicant at the lesser of **the:**

(1) ~~the~~ market price of the ownership interest; or

(2) ~~the~~ price at which the applicant purchased the ownership interest;

unless ~~such~~ **the** voting securities or other voting interests are transferred to a suitable person (as determined by the commission) within thirty (30) days after the denial of the application for transfer of ownership.

Until ~~such~~ **the** voting securities or other voting interests are owned by persons found by the commission to be suitable to own them, the following restrictions must be followed:

(1) The [corporation] [partnership] [limited liability company] shall not be required or permitted to pay any dividend or interest with regard to the voting securities or other voting interests.

(2) The holder of ~~such~~ **the** voting securities or other voting interests shall not be entitled to vote on any matter as the holder of the voting securities or other voting interests, and ~~such~~ **the** voting securities or other voting interests shall not for any purposes be included in the voting securities or other voting interests of the [corporation] [partnership] [limited liability company] entitled to vote.

(3) The [corporation] [partnership] [limited liability company] shall not pay any remuneration in any form to the holder of the voting securities or other voting interests as provided in this paragraph.".

(b) A ~~riverboat~~ **casino** license applicant must be in compliance with subsection (a) prior to the commission issuing the ~~riverboat~~ **casino** owner's license under 68 IAC 2-1.

(c) A supplier licensee must be in compliance with subsection (a) within forty-five (45) days of receiving a permanent supplier's license under 68 IAC 2-2. ~~Each~~ **A** supplier licensee must file one (1) copy of the amended

articles of incorporation or similar organization documents within fifty (50) days of receiving a permanent supplier's license.

(d) A ~~riverboat~~ **casino** license applicant, ~~riverboat~~ **casino** licensee, or supplier licensee must submit similar charter provisions to the executive director at least thirty (30) days prior to the public offering for approval. The executive director shall notify the ~~riverboat~~ **casino** license applicant, ~~riverboat~~ **casino** licensee, or supplier licensee, in writing, that the charter provisions are acceptable.

(Indiana Gaming Commission; 68 IAC 4-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1298; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 117. 68 IAC 4-1-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-9 Consequences of violation of rule

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

Sec. 9. If the commission determines that a ~~riverboat~~ **casino** licensee, a ~~riverboat~~ **casino** license applicant, or a supplier licensee has violated or is in violation of this rule, the commission may initiate an investigation **or** a disciplinary action, or both, under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 4-1-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 118. 68 IAC 4-1-10 IS AMENDED TO READ AS FOLLOWS:

68 IAC 4-1-10 Deviation from provisions

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

Sec. 10. **(a)** The **executive director or the** commission may ~~waive, alter, or restrict any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if **the executive director or** the commission determines that the: ~~requirement or~~

(1) procedure **or requirement** is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 4-1-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299; readopted filed Sep 22, 2009, 4:00 p.m.: 20091021-IR-068090475RFA)

SECTION 119. 68 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-1 Approval required

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

Sec. 1. (a) This rule applies to:

(1) applicants;
(2) casino licensees, casino license applicants, and supplier licensees that are publicly traded corporations; ~~holding riverboat owner's licenses, certificates of suitability, or suppliers licenses in Indiana~~ and ~~riverboat~~
(3) casino licensees, ~~riverboat~~ **casino** license applicants, and supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof;
where ~~such~~ **the** ownership interest directly or indirectly is, or will be upon approval by the commission, five percent (5%) or more of the entire ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee.

(b) The following definitions apply throughout this rule:
(1) "Applicant" means a person who is seeking permission from the commission to obtain an ownership interest in a ~~riverboat~~ **casino** licensee, **casino license applicant, or** a supplier licensee. ~~or a riverboat license applicant.~~
(2) "Publicly traded corporation" means the following:
(A) Any person, other than an individual, that:
(i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);
(ii) issues securities and is subject to Section 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.); or
(iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);
or any other company required to file under the Securities and Exchange Act of 1934.
(B) Any person, other than an individual, created under the laws of a foreign country that:
(i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and
(ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.
The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(c) ~~An~~ **A direct or indirect** ownership interest of five percent (5%) or more ~~by~~ **in** a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ that is a publicly traded corporation may only be transferred in accordance with this rule.

(Indiana Gaming Commission; 68 IAC 5-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1030; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 120. 68 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-2 Procedure for approval of transfer

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

Sec. 2. (a) An applicant ~~for approval of a transfer of an ownership interest~~ must complete and submit the appropriate forms prescribed by the commission.

(b) Application procedures ~~shall be~~ **are** as follows:
(1) An applicant ~~to receive an ownership interest~~ is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.
(2) Any misrepresentation or omission made with respect to the application may be grounds for denial of the application.

(3) An applicant must submit ~~six (6) bound and three (3) unbound copies of~~ the **fully-executed original** application for transfer of an ownership interest.
(4) An applicant must submit ~~three (3) bound and two (2) unbound copies of the~~ **a completed** Personal Disclosure Form 1 under 68 IAC 2-3-4(d) ~~that have been completed by~~ **for each of** the **applicant's** substantial owners, key persons, or other persons deemed necessary by this rule or by the commission to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(5) **The commission will consider** an application ~~shall~~ **to** be ~~deemed~~ filed when the **commission has received the** completed application forms, including ~~all~~ **the following:**
(A) Required documents, materials, and photographs. ~~and~~
(B) The application fee under section 3 of this rule.
~~have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by~~ The commission **will not initiate a background investigation into the applicant** until **the commission receives** a complete application. ~~is received by the commission.~~
(6) The **applicant must file its** completed application ~~must be filed~~ in the commission's office in Indianapolis, Indiana.
(7) An applicant is under a continuing duty to disclose any changes in the information submitted to the commission.

(c) An applicant to receive an interest in a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-1-5(c). The applicant bears the burden of proving its qualifications.

(d) An applicant to receive an interest in a supplier licensee must present evidence that it meets or possesses the standards, qualifications, or criteria under ~~68 IAC 2-2-5(c).~~ **68 IAC 2-2.** The applicant bears the burden of proving its qualifications.

(e) The casino licensee, casino license applicant, or supplier licensee that is attempting to transfer an ownership interest to an applicant must submit any information that the commission deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.

(Indiana Gaming Commission; 68 IAC 5-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1030; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 121. 68 IAC 5-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-3 Application fees

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

Sec. 3. (a) **An applicant shall submit** all fees ~~shall be submitted~~ to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant ~~to receive an ownership interest in a riverboat licensee or a riverboat license applicant~~ must pay an investigation fee in the same amount as the application fee ~~for a riverboat owner's license established in~~ **under** 68 IAC 2-1-2(b) ~~with the application.~~ **or 68 IAC 2-2-2(b), whichever is applicable.**

~~(c) An applicant to receive an ownership interest in a supplier's license must pay an investigation fee in the same amount as the application fee for a supplier's license established in 68 IAC 2-2-2(b) with the application.~~

~~(d)~~ **(c)** The **commission will use the** investigation fee ~~shall be utilized~~ to conduct the background investigation of the applicant. An additional investigation fee may be assessed to the extent that the cost of the background investigation ~~relating to~~ **of** the applicant exceeds the investigation fee submitted under subsection (b). ~~or (c).~~ The ~~applicant shall be advised by the~~ executive director ~~in writing that an additional investigation fee is required. The letter shall~~ **may** direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of

the amount set forth in subsection (b), ~~or the amount set forth in subsection (c),~~ the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability ~~for obtaining an ownership interest~~ nor submit that report to the commission for consideration until the **applicant has paid the** additional investigation fee. ~~is paid by the applicant.~~

~~(e)~~ **(d)** In the event an assessed investigation fee exceeds the final cost of the investigation, the **commission shall refund the** excess investigation fee. ~~shall be refunded to the applicant.~~

(Indiana Gaming Commission; 68 IAC 5-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1031; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 122. 68 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-4 Publicly traded corporations

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

Sec. 4. (a) ~~Each~~ **A** person (other than an institutional investor who complies with subsection (c)) who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of ~~(1)~~ five percent (5%) or more of: ~~any~~

(1) a class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or

(2) ~~five percent (5%) or more of~~ the beneficial interest in a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee, directly or indirectly, through ~~any~~ **a** class of voting securities of ~~any~~ **a** holding or intermediary company of a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee;

shall apply to the commission for a finding of suitability within forty-five (45) days after acquiring the securities. A ~~riverboat~~ **casino** licensee or supplier licensee shall notify each person who is subject to this section of its requirements, provided that the obligations of the person subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.

(b) ~~Each~~ **An** institutional investor who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of ~~(1)~~ five percent (5%) or more of: ~~any~~

(1) a class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or

(2) ~~five percent (5%) or more of~~ the beneficial interest in a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee through ~~any~~ **a** class of voting securities of ~~any~~ **a** holding company or intermediary company of a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee;

~~shall~~ **must** notify the commission within ~~ten (10)~~ **thirty (30)** business days after the person acquires the securities. ~~and files Form 13-D or 13-G with the Securities and Exchange Commission and shall provide additional information and may be subject to a finding of suitability as required by the commission. A riverboat licensee or supplier licensee shall notify each person who is subject to this section of its requirements as soon as the corporation becomes aware of the acquisition, provided that the obligations of the persons subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.~~

(c) An institutional investor who would otherwise be subject to subsection (a) shall, within forty-five (45) days after acquiring the interests set forth in subsection (b), submit ~~the following information to the commission:~~ **a registration document in a form and manner prescribed by commission staff.**

~~(1) A description of the institutional investor's business and a statement as to why the institutional investor is within the definition of institutional investor set forth in 68 IAC 1-1-52.~~

~~(2) A certification made under oath and the penalty of perjury that the voting securities were acquired and are held for investment purposes only and were acquired and are held in the ordinary course of business as an institutional investor and not for the purpose of causing, directly or indirectly, the election of a majority of the board of directors, any change in the corporate charter, bylaws, management, policies, or operations of a riverboat licensee, supplier licensee, or affiliate. The signatory shall also explain the basis of his or her authority to sign the certification and to bind the institutional investor to its terms. The certification shall also provide that the institutional investor is bound by and shall comply with the Act (IC 4-33) and this title, is subject to the jurisdiction of the courts of Indiana, and consents to Indiana as the choice of forum in the event~~

~~any dispute, question, or controversy arises regarding the application of this rule.~~
~~(3) The name, address, telephone number, and Social Security number of the officers and directors, or their equivalent, of the institutional investor as well as those persons who have direct control over the institutional investors's holdings of voting securities of the riverboat licensee, riverboat license applicant, supplier licensee, or affiliate.~~
~~(4) The name, address, telephone number, and Social Security number or federal tax identification number of each person who has the power to direct or control the institutional investor's exercise of its voting rights as a holder of voting securities of the riverboat licensee, riverboat license applicant, supplier licensee, or affiliate.~~
~~(5) The name of each person who beneficially owns five percent (5%) or more of the institutional investor's voting securities or other equivalent.~~
~~(6) A list of the institutional investor's affiliates.~~
~~(7) A list of all securities of the riverboat licensee, riverboat license applicant, or supplier licensee that are or were, directly or indirectly, beneficially owned by the institutional investor or its affiliates within the preceding one (1) year period, setting forth a description of the securities, the amount of the securities, and the date of the acquisition, sale, or both.~~
~~(8) A list of all regulatory agencies with which the institutional investor or any affiliate that beneficially owns voting securities of the riverboat licensee, supplier licensee, or affiliate files periodic reports, and the name, address, and telephone number of the person, if known, to contact at each agency regarding the institutional investor.~~
~~(9) A disclosure of all criminal sanctions imposed during the preceding ten (10) years. A disclosure of all regulatory sanctions imposed during the preceding ten (10) years and of any administrative or court proceedings filed by any regulatory agency in the preceding five (5) years against the institutional investor, its affiliates, any current officer or director, or any former officer or director whose tenure ended within the preceding twelve (12) months.~~
~~(10) A copy of any filing made under 15 U.S.C. 18a with respect to the acquisition or proposed acquisition of voting securities of the riverboat or supplier licensee or affiliate.~~
~~(11) Any additional information the commission may request to ensure compliance with the Act and this title.~~

(d) ~~Each~~ **An** institutional investor who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of ~~(1)~~ fifteen percent (15%) or more of: ~~any~~
(1) a class of voting securities of a publicly traded corporation that is required to contain the charter provisions set forth in 68 IAC 4-1-8; or
(2) ~~fifteen percent (15%) or more of~~ the beneficial interest in a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee directly or indirectly, through any class of voting securities of ~~any~~ **a** holding company or intermediary company of a ~~riverboat~~ **casino licensee** or supplier licensee;
shall apply to the commission for a finding of suitability within forty-five (45) days after acquiring the securities. A ~~riverboat~~ **casino** licensee or supplier licensee shall notify each person who is subject to this section of its requirements, provided that the obligations of the person subject to this rule are independent of, and unaffected by, the corporation's failure to give notice.

(e) The commission may require that ~~any~~ **an** applicant for an ownership interest apply for a finding of suitability in accordance with this rule if the commission deems the finding of suitability necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(f) The following activities ~~shall be deemed to be~~ **are** consistent with ~~holding voting securities for investment purposes only under subsection (c)(2):~~ **being an institutional investor under this section:**
(1) Voting, directly or indirectly, through the delivery of a proxy furnished by the board of directors, on all matters voted on by the holders of ~~such~~ **the** voting securities.
(2) Serving as a member of ~~any~~ **a** committee of creditors or security holders formed in connection with a debt restructuring.
(3) Nominating ~~any~~ **a** candidate for election or appointment to the board of directors in connection with a debt restructuring.
(4) Accepting appointment or election as a member of the board of directors in connection with a debt restructuring and serving in that capacity until the conclusion of the member's term.
(5) Making financial and other inquiries of management of the type normally made by securities analysts for information purposes and not to cause a change in its management, policies, or operations.
(6) ~~Such~~ Other activities **that** the commission determines to be consistent with ~~such~~ **an** investment intent.

(g) A person who acquires beneficial ownership of any voting security in a ~~riverboat~~ **casino** licensee, ~~riverboat~~

casino license applicant, supplier licensee, holding company, or intermediary company of ~~any riverboat~~ **a casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee created under the laws of a foreign country shall file ~~such~~ **the** reports ~~as~~ **that** the commission may prescribe and is subject to a finding of suitability under ~~the Act~~ **IC 4-33, IC 4-35,** and 68 IAC 2-1-5(c).

(h) ~~Any~~ **A** person whose application was denied by the commission: ~~shall~~
(1) may not hold, directly or indirectly, the beneficial ownership of any voting security of a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, supplier licensee, holding company, or intermediary company thereof beyond that period of time prescribed by the commission; and
(2) must be removed immediately from ~~any~~ **a** position as a director, officer, or employee of ~~such riverboat~~ **the casino** licensee, ~~riverboat~~ **casino** license applicant, supplier licensee, holding company, or intermediary company thereof.

(i) Subsections (a), (b), and (d) ~~shall~~ **do** not apply to ~~any~~ **an** underwriter during the first ninety (90) days of the underwriting.

(Indiana Gaming Commission; 68 IAC 5-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1031; errata filed Nov 30, 1995, 1:00 p.m.: 19 IR 1140; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 123. 68 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-5 Denials; request for hearing

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

Sec. 5. (a) If the commission denies the application to transfer an ownership interest, it shall direct the executive director to issue a notice of denial to the applicant.

(b) A ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(c) If the ~~riverboat~~ **casino** licensee, **casino license applicant, or** supplier licensee ~~or riverboat license applicant~~ does not request a hearing within the time requirements of 68 IAC 7-1, the notice of denial becomes the final order of the commission.

(d) Unless specifically stated to the contrary, a notice of denial of an application for transfer under this rule ~~shall~~ **does** not constitute a finding that the applicant is not suitable for licensure.

(Indiana Gaming Commission; 68 IAC 5-1-5; 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)

SECTION 124. 68 IAC 5-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-6 Repurchase of interest in publicly traded corporation

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

Sec. 6. (a) Within thirty (30) calendar days of the earlier of either:
(1) failure of a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ to request a hearing under 68 IAC 7-1 after receiving a notice of denial; or
(2) the exhaustion of the hearing or appellate process;
the ~~riverboat~~ **casino** licensee, **casino license applicant, or** supplier licensee ~~or riverboat license applicant~~ shall purchase all of the interests held by the applicant who was served with the notice of denial. The applicant who

was served with the notice of denial shall sell all of its interest in the license to the ~~riverboat~~ **casino** licensee, **the casino license applicant, or** the supplier licensee ~~or the riverboat license applicant~~ within thirty (30) days.

(b) The ownership interest **being sold under this section** shall be ~~purchased~~ **sold** at the lesser of **the:**
(1) ~~the~~ market price of the ownership interest; or
(2) ~~the~~ price at which the applicant purchased the ownership interest.

(Indiana Gaming Commission; 68 IAC 5-1-6; 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)

SECTION 125. 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 ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee, ~~or a riverboat license applicant,~~ the commission may determine that a person is unsuitable for licensure ~~pursuant to the Act~~ **under IC 4-33, IC 4-35,** and 68 IAC 2-1.

(b) After the commission serves a notice of denial to a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee, ~~or a riverboat license applicant, that person shall~~ **it may** not do the following:
(1) Pay, to ~~any~~ **a** person whose application was denied, ~~any~~ **a** dividend or interest upon any voting securities, or ~~any~~ **a** payment or distribution of any kind whatsoever except as permitted by subdivision (4).
(2) Recognize the exercise, by ~~any~~ **a** person whose application was denied, directly or indirectly, or through any proxy, trust, or nominee, of ~~any~~ **a** voting right conferred by ~~any~~ securities or interest in ~~any~~ securities.
(3) Pay, to ~~any~~ **a** person whose application was denied, ~~any~~ remuneration in any form for services rendered.
(4) Fail to pursue all lawful efforts to require the person whose application was denied to relinquish ~~all~~ **the** voting securities, including, if necessary, the immediate purchase of the voting securities by the ~~riverboat~~ **casino** licensee or supplier licensee.

(c) The commission may initiate a disciplinary action under 68 IAC 13 against a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ 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)

SECTION 126. 68 IAC 5-1-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-1-8 Deviation from provisions

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

Sec. 8. **(a)** The **executive director or the** commission may ~~waive, alter, or restrict any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if **the executive director or** the commission determines that the: ~~requirement or~~
(1) procedure **or requirement** is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 5-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 127. 68 IAC 5-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-2-1 Approval required

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **the following:**
(1) Applicants.
(2) Casino licensees, **casino license applicants, and** supplier licensees ~~and riverboat license applicants~~ that are persons other than publicly traded corporations.

(b) The following definitions apply throughout this rule:
(1) "Applicant" means a person who is seeking ~~a determination of suitability to hold~~ **permission from the commission to obtain a transfer or approval of a transfer of** an ownership interest in a ~~riverboat~~ **casino** licensee, **casino license applicant, or** a supplier licensee. ~~or a riverboat license applicant.~~
(2) "Publicly traded corporation" ~~means~~ **has** the ~~following:~~
~~(A) Any person, other than an individual, that:~~
~~(i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);~~
~~(ii) issues securities and is subject to Section 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.); or~~
~~(iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);~~
~~or any other company required to file under the Securities and Exchange Act of 1934.~~
~~(B) Any person, other than an individual, created under the laws of a foreign country that:~~
~~(i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and~~
~~(ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.~~
~~The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).~~ **meaning set forth in 68 IAC 5-1-1(b)(2).**

(c) A person that is not a publicly traded corporation may transfer ~~an~~ **a direct or indirect** ownership interest of five percent (5%) or greater in a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ only in accordance with this rule.

(d) The commission may require that ~~any~~ **an** applicant for an ownership interest apply for a finding of suitability in accordance with this rule if the commission deems the finding of suitability necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(e) The organizational documents of ~~all riverboat~~ **casino** licensees and ~~riverboat~~ **casino** license applicants that are persons other than publicly traded corporations must contain a provision that transfers of ownership interest in the person may only be made in accordance with this rule. ~~Riverboat~~ **A casino** license ~~applicants~~ **applicant** must comply with this subsection prior to the issuance of the interim compliance period.

(f) The organizational documents of ~~all~~ supplier licensees that are persons other than publicly traded

corporations must contain a provision that transfers of ownership interest may only be made in accordance with this rule. **A** supplier ~~licensees~~ **licensee** must comply with this subsection within forty-five (45) days of receiving a permanent supplier's license under 68 IAC 2-2. ~~Each~~ **A** supplier licensee must file one (1) copy of the amended organizational documents within fifty (50) days of receiving a permanent supplier's license.

(Indiana Gaming Commission; 68 IAC 5-2-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 128. 68 IAC 5-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-2-2 Procedure for approval of transfer

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

Sec. 2. (a) An applicant ~~for approval of a transfer of an ownership interest~~ must complete and submit the appropriate forms prescribed by the commission. ~~Approval for~~ **The commission must approve** the transfer ~~must be issued by the commission~~ prior to the applicant obtaining an ownership interest in a ~~riverboat owner's license, a riverboat license application, or a supplier's~~ **casino licensee, a casino** license **applicant, or a supplier licensee.**

(b) Application procedures ~~shall be~~ **are** as follows:
(1) An applicant ~~to receive an ownership interest~~ is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.
(2) ~~Any~~ **A** misrepresentation or omission made with respect to the application may be grounds for denial of the application.
(3) An applicant must submit ~~six (6) bound and three (3) unbound copies of~~ the **fully-executed original** application for transfer of an ownership interest.
(4) An applicant must submit ~~three (3) bound and two (2) unbound copies of the~~ **a completed** Personal Disclosure Form 1 under 68 IAC 2-3-4(d) ~~that have been completed by the~~ **for each of the applicant's** substantial owners, key persons, or other persons deemed necessary by this rule or by the commission to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(5) **The commission will consider** an application ~~shall~~ **to** be ~~deemed~~ filed when the **commission has received the** completed application forms, including:
(A) ~~all~~ **the** required documents, materials, and photographs; and
(B) the application fee under section 3 of this rule.
~~have been submitted and the commission has stamped the application as received. A background investigation will not be initiated by~~ The commission **will not initiate a background investigation into the applicant** until **the commission receives** a complete application. ~~is received by the commission.~~
(6) The **applicant must file its** completed application ~~must be filed~~ in the commission's office in Indianapolis, Indiana.
(7) An applicant is under a continuing duty to disclose ~~any~~ changes in the information submitted to the commission.

(c) An applicant to receive an interest in a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-1-5(c). The applicant bears the burden of proving its qualifications.

(d) An applicant to receive an interest in a supplier licensee must present evidence that it meets or possesses the standards, qualifications, or criteria under ~~68 IAC 2-2-5(c).~~ **68 IAC 2-2.** The applicant bears the burden of proving its qualifications.

(e) The ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or supplier licensee that is attempting to transfer an ownership interest ~~in the license~~ to an applicant must submit any information ~~deemed~~ **that the**

commission deems necessary ~~by the commission~~ to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 5-2-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1034; readopted filed Nov 25, 2002,10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 129. 68 IAC 5-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-2-3 Application fees

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

Sec. 3. (a) **An applicant shall submit** all fees ~~shall be submitted~~ to the commission in the form of a certified check or cashier's check made payable to the state of Indiana.

(b) An applicant ~~to receive an ownership interest in a riverboat license or a riverboat license applicant~~ must pay an investigation fee in the same amount as the application fee ~~for a riverboat owner's license established in~~ **under** 68 IAC 2-1-2(b) ~~with the application.~~ **or 68 IAC 2-2-2(b), whichever is applicable.**

~~(c) An applicant to receive an ownership interest in a supplier's license must pay an investigation fee in the same amount as the application fee for a supplier's license established in 68 IAC 2-2-2(b) with the application.~~

~~(d)~~ **(c)** The **commission shall use the** investigation fee ~~shall be utilized~~ to conduct the background investigation of the applicant. An additional investigation fee may be assessed to the extent that the cost of the background investigation ~~relating to~~ **of** the applicant exceeds the investigation fee submitted under subsection (b). ~~or (c).~~ The ~~applicant shall be advised by the~~ executive director ~~in writing that an additional investigation fee is required. The letter shall~~ **may** direct the applicant to remit an amount that the executive director has determined is necessary to complete the investigation. Once an applicant is directed to submit an investigation fee in excess of the amount set forth in subsection (b), ~~or the amount set forth in subsection (c),~~ the investigative team conducting the investigation on that applicant shall not finalize the report on the applicant's suitability ~~for obtaining an ownership interest~~ nor submit that report to the commission for consideration until the **applicant has paid the** additional investigation fee. ~~is paid by the applicant.~~

~~(e)~~ **(d)** In the event an assessed investigation fee exceeds the final cost of the investigation, the **commission shall refund the** excess investigation fee. ~~shall be refunded to the applicant.~~

(Indiana Gaming Commission; 68 IAC 5-2-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1035; errata filed Apr 9, 1996, 12:15 p.m.: 19 IR 2044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 130. 68 IAC 5-2-3.2 IS ADDED TO READ AS FOLLOWS:

68 IAC 5-2-3.2 Institutional investors

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

Sec. 3.2. (a) An institutional investor who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of five percent (5%) or more of the beneficial interest in a casino licensee, casino license applicant, or supplier licensee, where the licensee is not a publicly traded corporation, must notify the commission within thirty (30) business days after the institutional investor acquires the interest.

(b) An institutional investor who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of fifteen percent (15%) or more of the interest in a riverboat licensee,

riverboat license applicant, gambling game licensee, gambling game license applicant, or supplier licensee, where the licensee is not a publicly traded corporation, must apply to the commission for a finding of suitability within forty-five (45) days after acquiring the interest. A riverboat licensee, gambling game licensee, or supplier licensee must notify each person who is subject to this section of its requirements, provided that the obligations of the person subject to this rule are independent of, and unaffected by, the entity's failure to give notice.

(c) The following activities are consistent with being an institutional investor under this section:
(1) Voting, directly or indirectly, through the delivery of a proxy furnished by the board of directors, on all matters voted on by the holders of the interest.
(2) Serving as a member of a committee of creditors or security holders formed in connection with a debt restructuring.
(3) Nominating a candidate for election or appointment to the board of directors in connection with a debt restructuring.
(4) Accepting appointment or election as a member of the board of directors in connection with a debt restructuring and serving in that capacity until the conclusion of the member's term.
(5) Making financial and other inquiries of management of the type normally made by securities analysts for information purposes and not to cause a change in its management, policies, or operations.
(6) Other activities that the commission determines to be consistent with investment intent.

(d) Subsections (a) and (b) do not apply to an underwriter during the first ninety (90) days of the underwriting.

(Indiana Gaming Commission; 68 IAC 5-2-3.2)

SECTION 131. 68 IAC 5-2-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-2-4 Denials; request for hearing

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

Sec. 4. (a) If the commission denies the application to transfer an ownership interest, it shall direct the executive director to issue a notice of denial to the applicant.

(b) A ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ who is served with a notice of denial under this rule may request a hearing under 68 IAC 7-1.

(c) If the ~~riverboat~~ **casino** licensee, **casino license applicant, or** supplier licensee ~~or riverboat license applicant~~ does not request a hearing within the time requirements of 68 IAC 7-1, the notice of denial becomes the final order of the commission.

(d) Unless specifically stated to the contrary, a notice of denial of application for transfer under this rule ~~shall~~ **does** not constitute a finding that the applicant is not suitable for licensure.

(Indiana Gaming Commission; 68 IAC 5-2-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1035; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 132. 68 IAC 5-2-5 IS AMENDED TO READ AS FOLLOWS:

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 ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant,~~ the commission may determine that a person is unsuitable for licensure ~~pursuant to the Act~~ **under IC 4-33, IC 4-35,** and 68 IAC 2-1.

(b) After the commission serves a notice of denial to a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant,~~ that person ~~shall~~ **may** not do the following:
(1) Pay, to ~~any~~ **a** person found to be unsuitable, any payment or distribution of any kind whatsoever.
(2) Recognize the exercise by ~~any~~ **an** unsuitable person, directly or indirectly, of ~~any~~ ownership or control over the ~~riverboat~~ **casino** licensee, the ~~riverboat~~ **casino** license applicant, or the supplier licensee.
(3) Pay to ~~any~~ **an** unsuitable person ~~any~~ remuneration in any form for services rendered.

(c) The commission may initiate a disciplinary action under 68 IAC 13 against a ~~riverboat~~ **casino** licensee, **a casino license applicant, or** a supplier licensee ~~or a riverboat license applicant~~ 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)

SECTION 133. 68 IAC 5-2-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-2-6 Deviation from provisions

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

Sec. 6. **(a)** The **executive director or the** commission may ~~waive, alter, or restrict any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if **the executive director or** the commission determines that the: ~~requirement or~~
(1) procedure **or requirement** is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 5-2-6; 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)

SECTION 134. 68 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS

68 IAC 5-3-1 General provisions

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 5-14

Sec. 1. (a) This rule applies to ~~riverboat~~ **casino** licensees, ~~riverboat~~ **casino** license applicants, or affiliates thereof.

(b) A ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof may enter into debt transactions that total one million dollars ($1,000,000) or more only in accordance with this rule.

(c) As used in this rule, "debt transaction" means a transaction in which the ~~riverboat~~ **casino** licensee,

~~riverboat~~ **casino** license applicant, or affiliate thereof ~~acquires~~ **issues, incurs, or assumes** debt, including, but not limited to, the following:

(1) Bank financing.
(2) Private debt offerings.
(3) Any other transaction that results in the encumbrance of the assets.

(d) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant ~~shall~~ **must** stamp or otherwise mark each page of its debt transaction documents that it submits to the commission with the word "CONFIDENTIAL" if the ~~material~~ **documents** submitted ~~is~~ **are** not subject to disclosure under IC 4-33, **IC 4-35, or** IC 5-14, or ~~both~~ **a combination thereof.** The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall, at the request of the executive director or the commission, provide a justification explaining the confidential nature of the policies and procedures. The commission or the executive director may determine that the information marked confidential is subject to disclosure under IC 4-33, ~~and~~ **IC 4-35, or** IC 5-14, or ~~both~~ **a combination thereof.**

(Indiana Gaming Commission; 68 IAC 5-3-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 135. 68 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-3-2 Notification and approval

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33-4-21; IC 4-35

Sec. 2. (a) A ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof may not enter into ~~any~~ **a** debt transaction without receiving the approval of the commission.

(b) A ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof shall submit, in writing, a request for approval of a debt transaction. ~~The procedure shall be as follows:~~

(1) The request for approval must be submitted at least ten (10) days before a scheduled meeting of the commission. The executive director shall place the request for approval of a debt transaction on the agenda of the commission meeting to be held under 68 IAC 1-2-5.
(2) A representative of the riverboat licensee, riverboat license applicant, or affiliate thereof shall be present at the commission meeting to answer ~~any~~ questions posed by the commission or the executive director.
(3) The approval of the debt transaction will be discussed, and a decision issued by the commission, at the next business meeting of the commission held under 68 IAC 1-2-5.

(c) The request for approval of a debt transaction shall contain, at a minimum, the following information:

(1) The names and addresses of ~~all~~ **the** parties to the debt transaction.
(2) The **maximum** amount of the funds involved.
(3) The type of debt transaction.
(4) The source of the monies obtained by the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof.
(5) ~~All~~ Sources of collateral.
(6) The purpose of the debt transaction.
(7) The terms of the debt transaction.
(8) ~~All~~ **The interest rate, within one percent (1%), of the material debt transaction.**
(9) Filings that must be submitted to ~~any~~ **a** regulatory agency in ~~association~~ **connection** with the debt transaction.
~~(9)~~ **(10)** An executive summary of the debt transaction.
~~(10)~~ **(11)** A legal opinion that the debt transaction does not violate IC 4-33-4-21.
~~(11)~~ **(12)** Any other information ~~deemed~~ **that the executive director deems** necessary ~~by the executive director or the commission~~ to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 5-3-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 136. 68 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-3-3 Due diligence

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

Sec. 3. The ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof shall perform due diligence to ensure that ~~each~~ **a** person **with whom** the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof enters into a debt transaction ~~with would be~~ **is** suitable for licensure under ~~the Act~~ **IC 4-33, IC 4-35** and this title.

(Indiana Gaming Commission; 68 IAC 5-3-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 137. 68 IAC 5-3-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-3-4 Denial

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

Sec. 4. If the **executive director or** commission ~~or, if authorized by the commission, the executive director~~ denies approval of a debt transaction, the ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof may not enter into the debt transaction.

(Indiana Gaming Commission; 68 IAC 5-3-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 138. 68 IAC 5-3-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-3-5 Violation of rule

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

Sec. 5. If a ~~riverboat~~ **casino** licensee, ~~riverboat~~ **casino** license applicant, or affiliate thereof fails to comply with this rule, the commission may initiate a disciplinary action under 68 IAC 13-1.

(Indiana Gaming Commission; 68 IAC 5-3-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 139. 68 IAC 5-3-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 5-3-6 Deviation from provisions

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

Sec. 6. **(a)** The executive director or the commission may ~~waive, alter, or restrict any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines **that** the: ~~following:~~

(1) ~~The requirement or~~ procedure **or requirement** is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.~~

(2) ~~The waiver of the requirement or~~ **alternative means of satisfying the** procedure ~~is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~ **or requirement:**

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and
(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 5-3-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 140. 68 IAC 6-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-2-1 General provisions

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

Sec. 1. (a) ~~Each riverboat~~ **A casino** licensee shall **do the following:**
(1) Maintain a list of evicted persons. ~~Such~~ **The** list shall be comprised of persons who have been barred from a ~~riverboat~~ **casino** gaming operation for reasons deemed necessary by the ~~riverboat~~ **casino** licensee.
~~(b) Each riverboat licensee shall~~ **(2)** Submit internal control procedures for both the eviction and the readmission of evicted persons to the executive director.
~~(c) Each riverboat licensee shall~~ **(3)** Have in place criteria for evicting persons and placing persons on its eviction list. At **a** minimum, the **reasons for** eviction ~~criteria~~ shall include the following: ~~behavior:~~
~~(1)~~ **(A)** Cheating at a gambling game.
~~(2)~~ **(B)** Theft.
~~(3)~~ **(C)** Disorderly conduct.
~~(4)~~ **(D)** Conduct that would lead the ~~riverboat~~ **casino** licensee to conclude that the person is a threat to the safety of other ~~passengers,~~ **patrons,** the licensee's employees, or employees and agents of the commission.
~~(5)~~ **(E)** A person requests that his or her own name be placed on the ~~riverboat~~ **casino** licensee's eviction list.
(F) Any other lawful reason.

~~(d)~~ **(b)** Persons shall be placed on the eviction list for a time period determined by the ~~riverboat~~ **casino** licensee. The time period for the eviction may be for any period of time that is not less than forty-eight (48) hours.

(Indiana Gaming Commission; 68 IAC 6-2-1; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 141. 68 IAC 6-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-2-2 Eviction form

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

Sec. 2. (a) At the time of eviction, the ~~riverboat~~ **casino** licensee shall provide the evicted person with a ~~2-part~~ **two-part** form that has been approved by the commission and shall advise the evicted person of, at a minimum, the following information:
(1) The reason for the eviction.
(2) The earliest date the person may apply for readmission.
(3) The criteria ~~which~~ **that** must be satisfied for readmission.
(4) The procedure ~~which~~ **that** must be followed in order to apply for readmission.

(b) The evicted person shall sign both parts of the form. **The evicted person shall retain** part 1 of the form. ~~will be retained by the evicted person.~~ **The casino licensee shall retain** part 2 of the form. ~~will be retained by the riverboat licensee.~~ In the event that an evicted person refuses to sign the form, the:
(1) form shall be:

(A) read to the evicted person; **and**
(B) signed by a witness; and ~~the~~
(2) refusal shall be noted on both parts of the form.

(c) The ~~retained part of the form for each evicted person shall be maintained by the riverboat~~ **casino** licensee **shall maintain part 2 of the form** in a place that is immediately accessible to ~~all~~ **the** staff and agents of the commission. ~~Each~~ **The casino licensee shall retain the** form ~~shall be retained by the riverboat licensee~~ for a period of not less than one (1) year after the person's eviction has expired.

(Indiana Gaming Commission; 68 IAC 6-2-2; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 142. 68 IAC 6-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-2-3 Readmission to casino

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

Sec. 3. (a) ~~Any~~ **An** evicted person seeking readmission to a ~~riverboat~~ **casino** gaming operation must submit a written request for readmission to the ~~riverboat~~ **casino** licensee.

(b) ~~Each riverboat~~ **A casino** licensee shall establish written policies, procedures, and criteria for the readmission of an evicted person. In establishing ~~such~~ **the** policies, procedures, and criteria, ~~each~~ **the casino** licensee shall take into account the following information:
(1) The reason for the eviction.
(2) The past history of the evicted person.
(3) ~~Any~~ Outstanding criminal charges arising from the events that led to the eviction.
(4) Any outstanding debt owed to the ~~riverboat~~ **casino** licensee by the evicted person.

(c) ~~Each riverboat~~ **A casino** licensee shall submit **to the executive director its** internal control procedures covering readmission approval for evicted persons. ~~to the executive director.~~ Readmission shall be approved, at minimum, by the following ~~riverboat licensee~~ **casino** officials:
(1) The general manager.
(2) The security director.
(3) The financial director.

(Indiana Gaming Commission; 68 IAC 6-2-3; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 143. 68 IAC 6-2-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-2-4 Eviction list

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

Sec. 4. (a) ~~Each riverboat~~ **A casino** licensee's eviction list shall include the following information, to the extent known, for ~~all~~ **its** evicted persons:
(1) Name, including aliases.
(2) Date of birth.
(3) A physical description.
(4) The person's current address.
(5) A photograph, to be taken at the time of eviction.
(6) Reason for eviction.

(b) ~~Each riverboat~~ **A casino** licensee's eviction list shall list evicted persons in alphabetical order, by the last

name of the evicted person.

(c) Copies of ~~each riverboat~~ **a casino** licensee's eviction list shall be accessible to, at a minimum, the following **casino** departments: ~~of the riverboat licensee:~~

(1) Ticketing.
(2) Reservations.
(3) Security.
(4) Surveillance.
(5) Accounting.
(6) Marketing.
(7) Casino or table games operations.
(8) Slot operations.

(d) A copy of the ~~riverboat~~ **casino** licensee's eviction list shall be provided to the enforcement agent assigned to the ~~riverboat~~ **casino** licensee. ~~Any~~ Additions ~~or~~ **and** deletions to the eviction list must be reported immediately to the enforcement agent assigned to the ~~riverboat~~ **casino** licensee.

(Indiana Gaming Commission; 68 IAC 6-2-4; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3063; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 144. 68 IAC 9-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-1-2 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 ~~riverboat~~ **casino** gambling. Members must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Members 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 9-1-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 145. 68 IAC 9-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-1-4 Commission disclosure form

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~~ **a** member shall prepare and file with the office of the commission, a commission 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) ~~is not~~ financially interested in; or
  (C) ~~is not~~ employed by;
a ~~riverboat~~ **casino** licensee or applicant for a ~~riverboat~~ **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) ~~is~~ financially interested in; or
  (C) ~~is~~ employed by;
a supplier licensee or an applicant for a supplier's license.
(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~~ **a** 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) The member disclosure form shall be:
(1) a form prescribed by the commission; **and**
~~(c) The member disclosure form shall be~~ **(2)** affirmed by the member under the penalties of perjury.

(Indiana Gaming Commission; 68 IAC 9-1-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 146. 68 IAC 9-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-1-5 Notice of member disqualification

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

Sec. 5. (a) A member 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 ~~riverboat~~ **casino** licensee or an applicant for a ~~riverboat~~ **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 ~~any other~~ **another** state, or the laws of the United States, shall notify the executive director, in writing, immediately.

(Indiana Gaming Commission; 68 IAC 9-1-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 147. 68 IAC 9-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-2-2 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 ~~riverboat~~ **casino** gambling. Employees must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Employees 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 9-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 148. 68 IAC 9-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-2-3 Consequences of violation of rule by employee

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

Sec. 3. (a) Except as provided in subsections ~~(c),~~ **(b) through** (d): ~~and (e):~~
(1) violation of this rule may result in disciplinary action, including termination of an employee, or a fine being assessed against an employee or former employee; **and**

~~(b) Except as provided in subsections (c), (d), and (e),~~ **(2)** 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.

~~(c)~~ **(b)** If, after being offered employment or beginning employment with the commission, the employee intentionally acquires a financial interest in a ~~riverboat~~ **casino** licensee engaged in gambling operations in Indiana or an applicant for a ~~riverboat~~ **casino** owner's license that will be engaged in gambling operations in Indiana, employment with the commission shall be terminated.

~~(d)~~ **(c)** If a financial interest in a ~~riverboat~~ **casino** licensee engaged in gambling operations in Indiana or an applicant for a ~~riverboat~~ **casino** owner's license that will be engaged in gambling operations in Indiana is acquired by an employee that has been offered employment with the commission, an employee of the commission, or the employee's spouse, parent, or child, through no intentional action of the employee, 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.

~~(e)~~ **(d)** Employment shall be terminated if the employee is a spouse, parent, or child of a commission member.

~~(f)~~ **(e)** Violation of this rule does not create a private cause of action in favor of any person.

(Indiana Gaming Commission; 68 IAC 9-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 149. 68 IAC 9-2-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-2-5 Notice of employee status

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

Sec. 5. An employee who becomes aware that the employee or the employee's spouse, parent, or child is:
(1) an officer of a ~~riverboat~~ **casino** licensee or applicant for a ~~riverboat~~ **casino** owner's license; ~~or~~
(2) a person with:
(A) a financial interest in; or
(B) a financial relationship with;
a ~~riverboat~~ **casino** licensee engaged in gambling operations in Indiana or an applicant for a ~~riverboat~~ **casino** owner's license that will be engaged in gambling operations in Indiana; or
(3) the spouse, parent, or child of a commission member;
shall immediately inform the executive director of ~~such~~ **the** status.

(Indiana Gaming Commission; 68 IAC 9-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 150. 68 IAC 9-2-20 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-2-20 Postemployment restrictions on applying for licenses

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-2-6-11; IC 4-33; IC 4-35

Sec. 20. In addition to the postemployment restrictions set forth in IC 4-2-6-11, a former restricted employee may not apply for:
(1) a ~~riverboat~~ **casino** owner's license;
(2) a supplier's license; or
(3) an occupational license, Level 1;
without the prior approval of the commission for a period of one hundred eighty (180) days following the termination of the restricted employee's employment with the commission.

(Indiana Gaming Commission; 68 IAC 9-2-20; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 151. 68 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-3-2 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 ~~riverboat~~ **casino** gambling. Agents must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. 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 9-3-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 152. 68 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-3-3 Consequences of violation of rule by an agent

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

Sec. 3. Violation of this rule by an agent may result in ~~the agent being removed from performing services on behalf of the commission and a recommendation to the appropriate agency that a disciplinary action be initiated against the agent or former agent in accordance with that agency's policies and rules. 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.~~ **termination of the agent's employment.** Violation of this rule does not create a private cause of action in favor of any person.

(Indiana Gaming Commission; 68 IAC 9-3-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 153. 68 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-4-2 Restrictions on gaming by members, employees, and agents

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

Sec. 2. Except as provided in section 3 of this rule, no member, member's spouse, employee, or agent may participate in ~~any~~ **a** game conducted ~~on any riverboat~~ **in a casino** licensed by the commission.

(Indiana Gaming Commission; 68 IAC 9-4-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Aug 20, 1997, 7:11 a.m.: 21 IR 14; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 154. 68 IAC 9-4-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-4-3 Exception to restriction on gaming by members, employees, and agents

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

Sec. 3. A member, employee, or agent may participate in a game conducted ~~on~~ **in** a ~~riverboat~~ **casino** licensed by the commission if that person:

(1) has received the written authorization from the executive director to participate in a game as part of the person's surveillance, security, or other duties; and

(2) is participating only to the extent authorized by the executive director.

(Indiana Gaming Commission; 68 IAC 9-4-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 155. 68 IAC 9-4-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 9-4-4 Notice requirements for presence in a casino

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

Sec. 4. A member, employee, or agent shall advise the ranking enforcement agent ~~aboard~~ **assigned to** the ~~riverboat~~ **casino** that the member, employee, or agent plans to be present ~~on~~ **in** a ~~riverboat~~ **casino** licensed by the commission outside the scope of his or her official duties at the time the member, employee, or agent arrives at the ~~riverboat.~~ **casino.**

(Indiana Gaming Commission; 68 IAC 9-4-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

SECTION 156. 68 IAC 10-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-1 Applicability; general provisions

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

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

(b) The following definitions apply throughout this article:
(1) "House limit" means the top wager that the ~~riverboat~~ **casino** licensee will allow at ~~any~~ **a** live gaming device for a particular game.
(2) "Shoe" means a dealing device that:
(A) has a compartment in which the cards are stacked; and
(B) permits the cards to be dealt at a given time.
(3) "Shuffling machine" means a device that automatically shuffles cards so that they are randomly and thoroughly intermixed.

(c) The following gambling games are approved to be conducted ~~on riverboats:~~ **in casinos:**
(1) Baccarat and mini baccarat.
(2) Twenty-one or blackjack.
(3) Poker, including, but not limited to, the following:
(A) Caribbean Stud Poker.
(B) Let-It-Ride.
(C) Pai-Gow Poker.
(4) Craps.
(5) Slot machine.
(6) Video games of chance.
(7) Roulette wheel.
(8) Klondike table.
(9) Keno layout.
(10) Big six wheel.

(d) This article sets forth the minimum standards within which games offered by ~~riverboat~~ **casino** licensees must be conducted.

(Indiana Gaming Commission; 68 IAC 10-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2255; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 157. 68 IAC 10-1-1.2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-1.2 Holding gaming positions; responsibility for patron assets

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

Sec. 1.2. (a) A ~~riverboat~~ **casino** licensee may hold a patron's seat at a ~~living~~ **live** gaming device or an electronic gaming device only in accordance with this section.

(b) A ~~riverboat~~ **casino** licensee **or** an occupational licensee, or both, shall not hold a seat at a live gaming device or hold an electronic gaming device for a patron for a period of time that exceeds twenty (20) minutes.

(c) A ~~riverboat~~ **casino** licensee must mark the seat of a live gaming device or an electronic gaming device that is being held for a patron with a sign that indicates the seat is being held for a patron and the length of time for which the seat is being held.

(d) If a ~~riverboat~~ **casino** licensee will hold seats for a patron, the ~~riverboat~~ **casino** licensee must post a sign in a conspicuous area on each ~~deck~~ **floor** of the ~~riverboat~~ **casino** indicating the ~~riverboat~~ **casino** licensee's policy of holding seats.

(e) An employee of a ~~riverboat~~ **casino** licensee shall not accept responsibility for protecting a patron's assets in the form of any of the following:
(1) Cash.
(2) Cash equivalents.
(3) Chips.
(4) Tokens.
(5) Credits on an electronic gaming device.
(6) TITOs.

(Indiana Gaming Commission; 68 IAC 10-1-1.2; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 158. 68 IAC 10-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-2 Purpose

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

Sec. 2. The purpose of requiring submission of rules of the game is to ensure the following:
(1) The games offered by ~~riverboat~~ **casino** licensees are performed only in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this article.
(2) The functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the ~~riverboat~~ **casino** licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of his or her duties.
(3) The games offered by ~~riverboat~~ **casino** licensees in Indiana have rules of play that meet uniform minimum standards.
(4) Gaming is conducted with integrity and in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 10-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2255; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 159. 68 IAC 10-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-3 Submission and approval of rules of the game

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

Sec. 3. (a) At various times throughout this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant will be required to submit rules of the game to the commission. The rules of the game must be submitted in accordance with this rule.

(b) ~~All~~ **The** rules of the game must comply with the provisions of ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) Submission of rules of the game shall be handled in the following manner:
(1) When called for in this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit rules of the game to the executive director at least sixty (60) days prior to the commencement of gaming operations or the play of that game, or both.
(2) The executive director shall, in writing, approve or disapprove the rules of the game, in total or in part.
(3) Any portion of the rules of the game not approved by the executive director shall be revised and resubmitted by the ~~riverboat~~ **casino** licensee or the ~~riverboat~~ **casino** license applicant within the time period established by the executive director. This method shall be followed until all portions of the rules of the game have been approved or approval cannot be obtained.
(4) ~~No~~ **A casino licensee or casino license applicant may not use** rules of the game ~~may be utilized by a riverboat licensee or riverboat license applicant~~ unless the **executive director has approved the** rules of the game. ~~have been approved, in writing, by the executive director.~~

(d) If the executive director determines, at any time, that approved rules of the game are not adequate to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title or the integrity of the game, the executive director may direct the ~~riverboat~~ **casino** licensee, in writing, to amend its rules of the game in accordance with section 4 of this rule.

(Indiana Gaming Commission; 68 IAC 10-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 160. 68 IAC 10-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-4 Amendments to rules of game

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

Sec. 4. Amendments to rules of the game shall be handled in the following manner:
(1) Unless otherwise provided by the executive director, an amendment to any portion of the rules of game, including variations of games, must be submitted to the executive director at least thirty (30) days prior to the utilization of the rules of the game.
(2) The executive director shall, in writing, approve or disapprove the amendment to the rules of the game.
(3) No **casino licensee may use an** amendment to rules of the game ~~may be utilized by the riverboat licensee~~ unless the **executive director has approved the** amendment to the rules of the game. ~~has been approved, in writing, by the executive director.~~

(Indiana Gaming Commission; 68 IAC 10-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 161. 68 IAC 10-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-6 Availability of rules of the game

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

Sec. 6. Upon the request of ~~any~~ **a** player, a ~~riverboat~~ **casino** licensee must provide a complete, typed, and legible set of approved rules of the game for any game offered by the ~~riverboat~~ **casino** licensee.

(Indiana Gaming Commission; 68 IAC 10-1-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 162. 68 IAC 10-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-7 Compliance; failure to comply with rules of the game

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

Sec. 7. (a) ~~Riverboat~~ **Casino** licensees must conduct all games in accordance with rules of the game that have been approved, in writing, by 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 10-1-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 163. 68 IAC 10-1-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-1-8 Deviation from provisions

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

Sec. 8. **(a)** The executive director or the commission may ~~waive, alter, or restrict any rules of the game procedure or requirement set forth in~~ **approve deviations from the provisions of** this article if the executive director or the commission determines that the:

(1) procedure or requirement is impractical or burdensome; and ~~the waiver, alteration, or restriction:~~
~~(1) is in the best interest of the public and the gaming industry;~~
~~(2) is not outside the technical requirements necessary to serve the purpose of the requirement or procedure; and~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana;
(C) do not violate IC 4-33 or IC 4-35; and
~~(3)~~ **(D)** will not ~~reduce~~ **threaten** the integrity of the rules of the game established by this article.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 10-1-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 164. 68 IAC 11-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-1 Applicability; general provisions

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

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

(b) The following definitions apply throughout this article:
(1) "Internal auditor" means an individual employed by the ~~riverboat~~ **casino** licensee or an affiliate to perform audits of gaming and nongaming operations to ensure proper accounting department controls and adherence to ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(2) "Security department" means the individuals employed by the ~~riverboat~~ **casino** licensee to provide security services for the ~~riverboat~~ **casino** gambling operation.

(Indiana Gaming Commission; 68 IAC 11-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 165. 68 IAC 11-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-2 Purpose

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

Sec. 2. The procedures of the internal control system are designed to ensure the following:
(1) Assets of the ~~riverboat~~ **casino** licensee are safeguarded.
(2) The financial records of the ~~riverboat~~ **casino** licensee are accurate and reliable.
(3) The transactions of the ~~riverboat~~ **casino** licensee are performed only in accordance with the specific or general authorization of this article.
(4) The transactions are recorded adequately to permit the proper recording of the adjusted gross receipts, admission fees, and ~~all~~ applicable taxes.
(5) Accountability for assets is maintained in accordance with generally accepted accounting principles.
(6) Authorized personnel have access to assets.
(7) Recorded accountability for assets is compared with actual assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies.
(8) The functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the ~~riverboat~~ **casino** licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.
(9) Gaming is conducted with integrity and in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 11-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 166. 68 IAC 11-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-3 Submission and approval of internal control procedures

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 5-14

Sec. 3. (a) At various times throughout this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant will be required to submit internal control procedures to the commission. The internal control procedures must be submitted in accordance with this rule.

(b) ~~All~~ Internal control procedures must comply with the provisions of ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) Submissions of internal control procedures shall be handled in the following manner:
(1) When called for in this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall

submit internal control procedures to the executive director at least sixty (60) days prior to the commencement of gaming operations.
(2) The executive director shall, in writing, approve the internal control procedures, in total or in part.
(3) Any portion of the internal control procedures not approved by the executive director shall be revised and resubmitted by the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant within the time period established by the executive director. This method shall be followed until all portions of the internal control procedures have been approved, or approval cannot be obtained.
(4) No **casino licensee or casino license applicant may use an** internal control ~~procedures may be utilized by a riverboat license applicant or a riverboat licensee~~ **procedure** unless the internal control procedure has been approved, in writing, by the executive director.

(d) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title, the executive director may direct the ~~riverboat~~ **casino** licensee, in writing, to amend its internal control procedures in accordance with section 4 of this rule.

(e) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall stamp or otherwise mark each page of the internal control procedures submitted to the commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under IC 4-33 or IC 5-14, or both.

(Indiana Gaming Commission; 68 IAC 11-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 167. 68 IAC 11-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-4 Amendments to internal control procedures

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

Sec. 4. Amendments to the internal control procedures shall be handled in the following manner:
(1) Unless otherwise provided by the executive director, amendments to any portion of the internal control procedures must be submitted to the executive director at least thirty (30) days before ~~the utilization of the~~ **using an** amended internal control procedure.
(2) The executive director shall, in writing, approve the amendment to the internal control procedure, in total or in part.
(3) No **casino licensee may use an** amendment to **its** internal control procedures ~~may be utilized by a riverboat licensee~~ unless the amendment to the internal control procedure has been approved, in writing, by the executive director.
(4) The ~~riverboat~~ **casino** licensee shall advise the executive director of any change in a scheduled event at least twenty-four (24) hours before the change is instituted. If the time of the scheduled event has to be altered due to an emergency, the ~~riverboat~~ **casino** licensee shall:
(A) notify the enforcement agent, in writing, immediately; and
(B) provide a written explanation for the change to the executive director within twenty-four (24) hours.

(Indiana Gaming Commission; 68 IAC 11-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2262; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 168. 68 IAC 11-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-5 Emergency procedures

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

Sec. 5. (a) In the event of an emergency, the ~~riverboat~~ **casino** licensee may amend an internal control procedure. The enforcement agent must concur that an emergency exists prior to the amendment of an internal control procedure.

(b) The ~~riverboat~~ **casino** licensee shall do the following:
(1) Report ~~any~~ **an** emergency amendment to the internal control procedures to the enforcement agent immediately.
(2) Submit a description of the amendment to the internal control procedures and the circumstances necessitating the amendment to the executive director within ten (10) business days of the amendment.

(c) As soon as the circumstances necessitating the emergency amendment to the internal control procedures abate, the ~~riverboat~~ **casino** licensee shall resume compliance with the approved internal control procedures.

(Indiana Gaming Commission; 68 IAC 11-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 169. 68 IAC 11-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-6 Compliance; failure to comply with internal control procedures

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

Sec. 6. (a) ~~Riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants must conduct ~~all~~ **its** operations in accordance with internal control procedures that have been approved, in writing, by 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 11-1-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 170. 68 IAC 11-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-1-7 Deviation from provisions

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

Sec. 7. **(a)** The executive director or the commission may ~~waive, alter, or restrict any internal control procedure or requirement set forth in~~ **approve deviations from the provisions of** this article if the executive director **or the commission** determines that the:
(1) procedure or requirement is impractical or burdensome; and ~~the waiver, alteration, or restriction:~~
~~(1) is in the best interest of the public and the gaming industry;~~
~~(2) is not outside the technical requirements necessary to serve the purpose, requirement, or procedure; and~~
(2) alternative means of satisfying the procedure or requirement:
(A) fulfill the purpose of the rule;
(B) are in the best interest of the public and the gaming industry in Indiana;
(C) do not violate IC 4-33 or IC 4-35; and
~~(3)~~ **(D)** will not reduce the integrity of the internal control procedures established by this article.

(b) If a licensee wishes to request a deviation or deviations from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 11-1-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 171. 68 IAC 11-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-2-2 Submission of internal control procedure

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

Sec. 2. (a) The ~~riverboat~~ **casino** licensee shall submit a list of employees authorized to participate in the drop bucket collection process and the hard count to the enforcement agent. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the drop bucket collection process and the hard count must be submitted to the enforcement agent as the amendments occur. The employee's name must be submitted to the enforcement agent before the employee participates in the drop bucket collection or the hard count.

(b) In accordance with 68 IAC 11-1, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit internal control procedures covering the drop bucket collection and the hard count process to the executive director.

(c) The internal control procedures for the drop bucket collection process and the hard count process shall include, but are not limited to, the following areas:
(1) The times that the drop bucket collection will occur.
(2) The manner in which the:
(A) drop bucket collection process will proceed, including the location from which the drop bucket collection process will commence; and
(B) drop buckets will be identifiable to an electronic gaming device.
(3) The procedure for collecting tokens from an electronic gaming device ~~utilizing~~ **using** trays instead of drop buckets.
(4) Whether counts will be performed manually or by means of a weigh scale or an equivalent device. If a weigh scale or the equivalent is ~~utilized~~ **used,** the manufacturer, type, model number, and serial number shall be listed. Weigh scales or the equivalent shall be approved as associated equipment in accordance with 68 IAC 2-7.
(5) The department that will maintain and control the keys that are necessary to complete the drop bucket collection and hard count process.
(6) Alternative procedures that will be ~~utilized~~ **used** in the case of a malfunction or an emergency.
(7) A description of the security measures to be taken when a drop bucket storage cart holding drop buckets with tokens must be stored outside of the hard count room.
(8) The names and titles of the individuals who will perform the duties of the internal auditor.
(9) The type of backup measures that will be ~~utilized~~ **used** in case the primary system of conducting the drop bucket collection process or hard count, or both, malfunctions.
(10) The measures the ~~riverboat~~ **casino** licensee will take to ensure compliance with this article.
(11) Any other information the commission deems necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 11-2-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2264; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 172. 68 IAC 11-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-2-3 Hard count room characteristics; security

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

Sec. 3. (a) The hard count room shall be:
(1) located in a nonpublic area of the ~~riverboat;~~ **casino;** and
(2) designated for:
(A) weighing;
(B) counting;
(C) recording; and
(D) wrapping;
the contents of the drop buckets.

(b) The hard count room shall have the following items, components, or characteristics:
(1) There shall be not more than two (2) metal doors to the hard count room. One (1) door shall be designed to accommodate the drop bucket storage cart. The doors must be lockable from outside the hard count room. Individuals inside the hard count room shall be able to open the hard count door from the inside in order to exit the hard count room in case of an emergency.
(2) There shall be no windows in the hard count room that can be opened to access the outside of the ~~riverboat.~~ **casino.**
(3) A weigh scale or the equivalent and at least two (2) predetermined standard weights to verify the accuracy of the weigh scale. The ~~riverboat~~ **casino** licensee shall test the weights for accuracy at least one (1) time per month.
(4) There shall be a telephone in the hard count room that is used only in the case of an emergency to contact:
(A) surveillance;
(B) security;
(C) the enforcement agent; or
(D) any other necessary party.
(5) There may be a segregated area of the hard count room known as the unaudited token storage area accessible by a key different than the key that opens the doors to the hard count room for the storage of unaudited tokens. The unaudited token storage area key shall be maintained by the main bank in accordance with 68 IAC 11-7. ~~Riverboat~~ **Casino** licensees shall not store token inventory in the unaudited token storage area.
(6) There shall be a segregated area to store tokens that have been counted but not distributed.

(c) The ~~riverboat~~ **casino** licensee shall take the following security measures with respect to the hard count room:
(1) No individual shall carry a pocketbook or other nontransparent container into the hard count room other than containers ~~utilized~~ **used** in the hard count process.
(2) Access to the hard count room shall be restricted to the following individuals:
(A) Members of the hard count team.
(B) Members of the drop bucket collection team.
(C) Maintenance personnel and supervisors who are accompanied by security personnel for problem resolution.
(D) The internal auditor or equivalent, accompanied by security personnel, in the performance of official duties.
(E) Main bank employees in conjunction with official duties of reconciling the hard count.
(F) Security personnel in conjunction with official duties.
(G) Enforcement agents in the performance of official duties.
(H) Individuals specifically authorized by the commission or enforcement agents.
(3) ~~All of~~ The count procedures conducted in the hard count room must be conducted in full view of the surveillance cameras.
(4) There shall be a hand-held metal detector known as a wand immediately outside the hard count room. Security shall run the wand:
(A) about ~~each~~ **an** individual who exits the hard count room; and
(B) near trash removed from the hard count room.
(5) Security personnel shall test the wand at least one (1) time ~~every~~ **per** week to determine that it is operating properly. Security shall test the wand at any time that it appears the wand is malfunctioning. Security shall maintain a record that includes the following information and is available to the commission and enforcement agents upon request:
(A) The date on which the wand is tested.
(B) The individual that conducts the test.
(C) The results of the test.
(6) Except for enforcement agents, no individual shall be permitted to enter or leave the hard count room until the hard count, recording, and verification process are complete except during a normal work break or in an emergency.
(7) ~~All~~ **The** vents and duct grating connected to the hard count room shall be secured to ensure that they cannot be removed.
(8) The hard count room shall be equipped with equipment that allows the surveillance department to do the following in accordance with 68 IAC 12-1:
(A) Monitor and record the entire:
(i) count process; and
(ii) hard count room;

both audibly and visually.
(B) Monitor and visually record:
(i) ~~all~~ **the** individuals who enter and exit the hard count room; and
(ii) the values that are reflected on the weigh scale after ~~each~~ **the** drop bucket has been weighed.
(C) Monitor and record, both audibly and visually, any other activity or area of the hard count room deemed necessary by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(9) There shall be a sign in the hard count room stating that the activity of ~~any~~ individuals in the hard count room will be monitored and recorded in accordance with this rule and 68 IAC 12-1.
(10) Keys to the hard count room shall be maintained by the security department in accordance with 68 IAC 11-7. Access to the hard count room shall be gained only by or through a security officer.
(11) The hard count room shall be designed and built to provide maximum security for the:
(A) tokens contained; and
(B) activities that are conducted;
in the hard count room.
(12) Any coin, currency, chips, or tokens found in the hard count room shall:
(A) become the property of the ~~riverboat~~ **casino** licensee; and
(B) ~~shall~~ be included in the hard count.

(Indiana Gaming Commission; 68 IAC 11-2-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2264; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 173. 68 IAC 11-2-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-2-4 Hard count room log

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee's security department shall maintain a hard count room log that will record ingress to and egress from the hard count room at all times.

(b) ~~Every~~ **An** individual who enters and exits the hard count room shall complete the hard count room log.

(c) The hard count room log shall be maintained in the hard count room and shall contain the following information for ~~each~~ **an** entry into and exit from the hard count room:
(1) The name, title, and signature of the individual entering the hard count room.
(2) The:
(A) date; and
(B) time;
of ingress to and egress from the hard count room.
(3) The reason for entry to the hard count room.

(d) The security department shall make the hard count log available to the commission or enforcement agents for inspection upon request.

(Indiana Gaming Commission; 68 IAC 11-2-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2266; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 174. 68 IAC 11-3-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-3-1 General provisions

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

Sec. 1. (a) The following definitions apply throughout this rule:
(1) "Bill validator report" means a report completed by the soft count team that documents the value of the

currency collected from the bill validator drop boxes. The report shall:

(A) be completed on a form prescribed or approved by the commission; and

(B) ~~shall~~ include the currency count by denomination and the total amount of currency removed from the bill validator drop boxes.

(2) "Bill validator verification report" means a report generated after the completion of the soft count that documents the amount and denomination of the currency that was deposited into a bill validator of an electronic gaming device. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The electronic gaming device from which the bill validator drop box was removed.

(B) The total dollar value of ~~all~~ the currency contained in the bill validator drop box.

(C) The number and denomination of each bill contained in the bill validator drop box.

(3) "Currency collection team" means a team of the casino licensee's employees that consists of at least three (3) occupational licensees, at least one (1) of whom is a security officer. **The duties of the currency collection team shall include the following:**

(A) For table games, the currency collection team shall collect and replace drop boxes at least one (1) time per day.

(B) For electronic gaming devices, the currency collection team shall collect and replace drop boxes in accordance with the casino licensee's approved internal controls.

(4) "Drop box" means the live gaming device drop boxes or bill validator drop boxes.

(5) "Drop box storage cart" means the cart, equipped with a secured compartment, ~~utilized~~ **used** to transport drop boxes during the currency collection process.

(6) "Drop box verification report" means a report generated before the commencement of the soft count that documents the activity that took place at each live gaming device for the gaming day. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The opening dollar amount of each live gaming device inventory.

(B) The identifying number and dollar amount of each live gaming device fill slip.

(C) The total dollar amount of table fill slips.

(D) The identifying number and dollar amount of each live gaming device credit slip.

(E) The total dollar amount of live gaming device credit slips.

(F) The closing dollar amount of each live gaming device inventory.

(G) The identifying number and dollar amount of each counter check.

(H) The total dollar amount of counter checks.

(I) The identifying number and dollar amount of each front money withdrawal.

(J) The total dollar amount of front money withdrawals.

(7) "Master gaming report" means a report completed by the soft count team that documents the value of the currency collected from the drop boxes of the live gaming devices. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The total amount of the opening live gaming device inventories.

(B) The total amount of the table fill slips.

(C) The total amount of the table credit slips.

(D) The total amount of closing table game inventories.

(E) The total amount of counter checks.

(F) The total amount of front money withdrawals.

(G) The total amount of currency, tokens, and chips removed from live gaming device drop boxes.

(H) The total win or loss.

(8) "Recorder" means the member of the soft count team responsible for ensuring that the paperwork reconciles. The recorder shall not be responsible for completing the table count slips.

(9) "Soft count team" means a team of the casino licensee's employees that consists of at least:

(A) one (1) employee of the soft count department; and

(B) one (1) soft count:

(i) supervisor;

(ii) manager;

(iii) lead; or

(iv) equivalent.

The soft count team shall be responsible for counting and bundling the currency collected from the live gaming devices and bill validators. An employee from the accounting department may assist the soft count team if the soft count team has a discrepancy in its counts.

(b) Members of the currency collection team and soft count team shall wear clothing that is not conducive to

the concealment of currency. Members of the currency collection team and soft count team shall not wear hats.

(c) The currency collection team and the soft count team shall be rotated on a routine basis to ensure the integrity of the currency collection process and the soft count. Members of the currency collection team can be members of the soft count team.

(d) On the last day of ~~each~~ **the** month, the casino licensee shall drop each bill validator and complete a reconciliation of that month's soft drop.

(Indiana Gaming Commission; 68 IAC 11-3-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3322; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2060; filed May 29, 1998, 5:10 p.m.: 21 IR 3697; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2699; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 528; readopted filed Sep 21, 2010, 3:55 p.m.: 20101020-IR-068100360RFA; filed Apr 13, 2011, 11:20 a.m.: 20110511-IR-068100498FRA)

SECTION 175. 68 IAC 11-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-3-3 Soft count room characteristics; security

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

Sec. 3. (a) The soft count room shall be:
(1) located in a nonpublic area of the ~~riverboat;~~ **casino;** and
(2) designated for counting and recording the contents of the live gaming device drop boxes and bill validator drop boxes.

(b) The soft count room shall have the following items, components, or characteristics:
(1) There shall be one (1) door to the soft count room. The door must:
(A) accommodate the drop box storage cart; and
(B) be lockable from outside the soft count room.
Individuals inside the soft count room shall be able to open the soft count door from the inside in order to exit the soft count room in case of an emergency.
(2) There may be a currency counter or the equivalent.
(3) There shall be:
(A) no windows in the soft count room that can be opened to access the outside of the ~~riverboat;~~ **casino;**
(B) a telephone located in the soft count room that is used only in the case of an emergency or normal work functions to contact:
(i) surveillance;
(ii) security;
(iii) the enforcement agent; or
(iv) any other necessary party; **and**
(C) a count table constructed of clear glass-like material that is used for the emptying, counting, and recording of the contents of the drop boxes and bill validators.

(c) The ~~riverboat~~ **casino** licensee shall take the following security measures with respect to the soft count room:
(1) No individual shall carry a pocketbook or other nontransparent container into the soft count room other than containers ~~utilized~~ **used** in the soft count process.
(2) Access to the soft count room shall be restricted to the following individuals:
(A) Members of the soft count team.
(B) Members of the currency collection team.
(C) Maintenance personnel and supervisors who are accompanied by security personnel for problem resolution.
(D) The internal auditor or equivalent, accompanied by security personnel, to verify the accuracy of the count machine.
(E) Security personnel in conjunction with official duties.
(F) Main bank employees in conjunction with official duties reconciling the soft count.

(G) Enforcement agents in the performance of official duties.
(H) Individuals specifically authorized by the commission or enforcement agents.
(3) ~~All of~~ The count procedures conducted in the soft count room must be conducted in full view of the surveillance cameras.
(4) Once the soft count team has entered the soft count room containing the drop boxes or bill changer boxes, or both, the door to the soft count room shall be locked by a security department employee.
(5) ~~All~~ **The** vents and duct grating connected to the soft count room shall be secured to ensure that they cannot be removed.
(6) After the soft count team has entered the soft count room and the door has been locked, no one except:
(A) commission personnel;
(B) individuals specifically authorized by the commission;
(C) main bank employees; and
(D) currency collection team members who are dropping off drop boxes;
~~are~~ **is** allowed access to the soft count room.
(7) No individual in the soft count room may remove his or her hands from or return them to a position on or above the count table unless the individual holds the backs and palms of his or her hands straight out and exposed to the view of the other individuals present in the soft count room and the surveillance camera.
(8) ~~All~~ **The** trash accumulated in the soft count room shall be inspected before the trash being removed from the soft count room.
(9) The soft count room shall be equipped with equipment that allows the surveillance department to do the following in accordance with 68 IAC 12-1:
(A) Monitor and record the entire:
(i) count process; and
(ii) soft count room;
both audibly and visually.
(B) Monitor and visually record:
(i) ~~all~~ **the** individuals who enter and exit the soft count room; and
(ii) the values that are reflected on ~~any~~ **a** count machine ~~utilized~~ **used** to conduct the soft count.
(C) Monitor and record, both audibly and visually, any other activity or area of the soft count room deemed necessary by the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(10) There shall be a sign in the soft count room stating that the activity of ~~any~~ individuals in the soft count room will be monitored and recorded in accordance with this rule and 68 IAC 12-1.
(11) Keys to the soft count room shall be maintained by the security department in accordance with 68 IAC 11-7. Access to the soft count room shall be gained only by or through a security officer.
(12) The soft count room shall be designed and built to provide maximum security for the:
(A) funds contained; and
(B) activities that are conducted;
in the soft count room.
(13) Any currency, coins, chips, or tokens found in the soft count room shall:
(A) become the property of the ~~riverboat~~ **casino** licensee; and
(B) be included in the soft count.

(Indiana Gaming Commission; 68 IAC 11-3-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3323; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 176. 68 IAC 11-3-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-3-4 Soft count room log

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee's security department shall maintain a soft count room log that will record ingress to and egress from the soft count room at all times.

(b) ~~Every~~ **An** individual who enters and exits the soft count room shall complete the soft count log.

(c) The soft count room log shall be maintained in the soft count room and shall contain the following information for each entry into and exit from the soft count room:

(1) The name, title, and signature of the individual entering the soft count room.
(2) The:
(A) date; and
(B) time;
of ingress to and egress from the soft count room.
(3) The reason for entry to the soft count room.

(d) The security department shall make the soft count room log available to the enforcement agents for inspection upon request.

(e) The soft count log shall be retained by the ~~riverboat~~ **casino** licensee for a period of one (1) year.

(Indiana Gaming Commission; 68 IAC 11-3-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 177. 68 IAC 11-3-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-3-5 Currency collection

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

Sec. 5. The currency collection process shall proceed in the following manner:
(1) The currency collection team shall be under the constant observation of a security officer. The security officer shall not handle the currency.
(2) Surveillance shall be notified at the initiation of the currency collection process. The entire currency collection process shall be monitored and recorded by surveillance. The tape of the currency collection process shall be maintained by the ~~riverboat~~ **casino** licensee for a minimum of seven (7) days.
(3) The security officer shall obtain the key to the live gaming device drop boxes from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the currency collection team member who is designated to collect the live gaming device drop boxes.
(4) The security officer shall obtain the key to the bill validator drop boxes from the main bank in accordance with 68 IAC 11-7. The security officer shall turn the key over to the currency collection team member who is designated to collect the bill validator drop boxes.
(5) The designated currency collection team member shall collect the live gaming device drop boxes and the bill validator drop boxes.
(6) The live gaming device or bill validator drop box that was removed shall be placed in the drop box storage cart for transportation to the soft count room.
(7) If there is not sufficient area in the soft count room to place removed drop boxes, locked drop box storage carts may be placed immediately outside the soft count room. A security officer shall attend the locked drop box storage cart at all times. The surveillance department shall maintain continual camera surveillance of the drop box storage cart during the times it is placed outside the soft count room.
(8) Patrons shall be prohibited from using an elevator that is occupied by the currency collection team.

(Indiana Gaming Commission; 68 IAC 11-3-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 178. 68 IAC 11-3-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-3-6 Soft count process

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

Sec. 6. (a) The soft count process shall be neither commenced nor continued unless at least three (3) members of the soft count team are present in the soft count room.

(b) The soft count process shall proceed in the following manner:
(1) The soft count team shall notify surveillance prior to the initiation of the soft count. Surveillance shall visually record the entire soft count process.
(2) A security officer shall give the soft count team access to the soft count room. The soft count room door shall be locked after the soft count team has entered the soft count room.
(3) After the soft count team has entered the soft count room and the door has been locked, no one except:
(A) authorized commission personnel;
(B) individuals specifically authorized by the commission;
(C) main bank employees; and
(D) drop box collection team members who are dropping off drop boxes;
are allowed access to the soft count room.
(4) Prior to the initiation of the count, the currency counter shall be tested for accuracy by using a precounted amount of currency from the first live gaming device drop box or bill validator drop box that is to be counted. ~~Any~~ **A** discrepancy of two percent (2%) or more must be resolved to the satisfaction of the soft count supervisor, or his or her designee, prior to the use of the currency counter. The results of the test shall be documented and retained for a period of one (1) year. The currency counter test results shall be signed and dated by the individual who conducted the test.
(5) Prior to the commencement of the soft count, the recorder shall generate a drop box verification report.

(c) The soft count team shall handle drop boxes in the following manner:
(1) An individual drop box shall be selected and the identification label displayed to the surveillance camera.
(2) The drop box shall be opened by the appropriate soft count team member, and the entire contents of the drop box shall be emptied onto the soft count table.
(3) The inside of the empty drop box shall be held up for full view by the surveillance camera, and at least one (1) member of the soft count team shall verify that the drop box is empty.
(4) The slide on the drop box shall be reset, and the door to the drop box shall be relocked.
(5) If the drop box is from a live gaming device, documents shall be separated from the currency, coins, chips, and tokens.
(6) The soft count team shall separate the currency, cash, chips, and tokens into individual denominations and count the currency, cash, chips, and tokens. The soft count team may, at its discretion, separate and count manually or by the use of a currency counter. Currency counters ~~utilized~~ **used** by the casino licensee must be capable of displaying the result of the count.
(7) Once the currency, tokens, and chips have been separated and counted, one (1) member of the soft count team shall:
(A) complete the count slip on a form prescribed or approved by the commission; and
(B) sign and date the report.
(8) A casino licensee shall conduct an additional, independent count of the separated currency, tokens, and chips. The casino licensee shall submit internal controls in accordance with 68 IAC 11 regarding the conduct of the independent count, including how the casino licensee shall guarantee independence of the independent count.
(9) The recorder shall compare the two (2) count slips. If there is a discrepancy between the count slips, the difference shall be isolated to particular denomination of currency, coins, tokens, or chips, and that denomination shall be recounted.
(10) The recorder shall sign the count slip that is correct. If corrections need to be made to a count slip to ensure one (1) of the slips accurately reflects the count, the incorrect figures shall be struck through and initialed by the soft team count members that conducted the original count. The correct information shall then be entered on the count slip.
(11) The recorder shall compare the documents removed from each drop box to those appearing on the drop box verification report. Appropriate adjustments may be made to the drop box verification report. ~~Any~~ Discrepancies between the documents removed from the live gaming devices drop boxes and the drop box verification report shall be noted for the internal auditor or the equivalent.
(12) Once ~~all~~ **the** drop boxes have been counted, the soft count team shall complete the master gaming report or the bill validator report.
(13) Upon completion of the master gaming report, the soft count team members not performing the job of recorder shall run totals of the table count slips and compare that information to the totals recorded on the master gaming report. The casino licensee shall investigate variances of two percent (2%) or more. The reason for the variance, if known, shall be entered on the master gaming report. If the reason is not known, this shall be noted. The casino licensee may require investigations for variances of less than the threshold amount.
(14) Variances of two percent (2%) or more that are not reconciled through subdivision (13) shall be

investigated by the accounting director or designee. The results of the investigation shall be recorded on the master gaming report. The accounting director or designee shall sign and date the master gaming report. The casino licensee may require investigations for variances of less than the threshold amount.

(15) After the results of the count process have been reconciled, ~~all~~ **the** members of the soft count team shall sign and date the appropriate section of the master gaming report or the bill validator report.

(16) After reconciliation has been completed by the soft count team, the main bank cashier shall be contacted. The main bank cashier shall complete an independent physical inventory of all of the currency, coins, chips, and tokens in the presence of at least one (1) soft count team member. The main bank cashier shall not have access to the master gaming report or the bill validator report until after the completion of the independent physical inventory.

(17) ~~Any~~ Discrepancies between the independent physical inventory and the totals entered on the master gaming report or the bill validator report shall be investigated by independent recounts conducted by the casino licensee. If the master gaming report or the bill validator report was erroneous, it shall be voided and a new master gaming report or the bill validator report generated with the appropriate signatures. ~~Any~~ **A** voided copy of the master gaming report or the bill validator report shall be retained and attached to the completed and signed copy of the new master gaming report or bill validator report.

(18) After reconciliation of the master gaming report, the bill validator report, and the physical inventory conducted by the main bank cashier, the main bank cashier shall verify the accuracy of and sign and date the master gaming report and the bill validator report in the appropriate section. When the main bank cashier signs the master gaming report and the bill validator report, the main bank assumes responsibility for the currency, coins, chips, and tokens.

(19) All currency, chips, and tokens shall be transported to the main bank for use during the gaming day. Transportation from the soft count room to the main bank shall be:

(A) made by occupational licensees designated in section 2 of this rule; and

(B) observed by at least one (1) security officer.

The amount transferred shall be added to the main bank's accountability sheet. One (1) copy of the master gaming report and the bill validator report shall be forwarded to the main bank.

(20) The remaining amount of currency and coin may be deposited with the casino licensee's external bank.

(21) The original table count slips, drop verification report, bill validator verification report, master gaming report, and bill validator report, with the appropriate tapes attached, shall be forwarded to the accounting department upon completion of the soft count process and after the currency, coin, chips, and tokens have been appropriately transferred or deposited.

(22) The currency counter in the soft count room shall be monitored by the central computer system for purposes of recording the amounts collected from each live gaming device and bill validator drop box. ~~All~~ The information sent to the central computer system shall be printed out in the accounting department as a backup. The backup printouts shall be maintained by the accounting department for at least one (1) month. Electronic archival data shall be maintained for a period of one (1) year.

(23) In accordance with 68 IAC 15-7-3, the revenue auditor or the equivalent shall trace the total of the bill-in meter readings as recorded by the bill acceptor flash report to the actual count performed by the soft count team to determine variances. The casino licensee shall require the investigation of all variances. The results of the investigation shall be recorded and reported to the head of the accounting department and the commission audit staff.

(24) Every three (3) months, the internal auditor, or equivalent, shall verify the accuracy of the currency counter. The internal auditor, or equivalent, shall notify the commission immediately of ~~any~~ **a** difference of plus or minus two percent (2%). The results of the currency counter testing shall be:

(A) documented and retained for a period of one (1) year; and

(B) signed and dated by the internal auditor.

(25) If foreign tokens are discovered during the count process, the foreign tokens shall be:

(A) separated and listed in the appropriate section of the master gaming report; ~~be~~ and

(B) reported in accordance with 68 IAC 15-3.

(26) ~~Any~~ Difficulties in the soft count process shall be documented by the soft count supervisor or his or her designee as an appendix to the master gaming report and the bill validator report. The appendix shall be on a form prescribed or approved by the commission. Difficulties that shall be recorded include, but are not limited to, the following:

(A) Mechanical or technical difficulties with ~~any of~~ the equipment.

(B) ~~Any~~ Personnel problems that could affect the currency collection process or the soft count.

(C) ~~Any~~ Unusual situations, such as large number of drop boxes devoid of currency, coins, chips, or tokens.

(D) Reconciliation differences between the value that resulted from ~~any of the~~ **an** independent ~~counts.~~ **count.**

(d) A casino licensee shall not transfer currency, coins, chips, or tokens from the soft count room during the soft count process or before the appropriate amounts are added to the main bank's accountability.

(Indiana Gaming Commission; 68 IAC 11-3-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3324; filed May 29, 1998, 5:10 p.m.: 21 IR 3698; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2700; 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 Apr 13, 2011, 11:20 a.m.: 20110511-IR-068100498FRA)

SECTION 179. 68 IAC 11-5-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-5-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees.

(b) ~~Riverboat~~ **Casino** licensees shall submit the procedures that the ~~riverboat~~ **casino** licensee shall implement to ensure that ~~all~~ **the** tokens and chips are accurately and regularly counted to prevent the loss of assets.

(c) All racked tokens and primary chip inventories must be rotated and counted, at a minimum, on a daily basis. Secondary sets of chips and tokens shall be rotated and counted in accordance with 68 IAC 15-4-3.

(d) The ~~riverboat~~ **casino** licensee shall submit a list of the titles of employees authorized to participate in the chip and token rotation and count. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the chip and token rotation and count must be submitted to the enforcement agent as the amendment occurs. The employee title must be submitted to the enforcement agent before an employee with the title participates in the chip and token rotation and count.

(e) The ~~riverboat~~ **casino** licensee shall maintain the following information concerning chip and token rotations on a form approved by the commission:
(1) The date and time that the chip or token rotation was performed.
(2) The:
(A) printed name;
(B) signature; and
(C) occupational license number;
of the occupational licensee who performed the chip or token rotation.
(3) ~~Any~~ Discrepancies that were discovered as a result of the chip or token inventory.
(4) The:
(A) steps that were taken to investigate ~~any~~ **the** discrepancies; **and**
(B) results of the investigation that was conducted concerning ~~any~~ **the** discrepancies;
discovered as a result of the chip or token inventory.

(Indiana Gaming Commission; 68 IAC 11-5-1; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; filed Dec 29, 1998, 10:27 a.m.: 22 IR 1420; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 180. 68 IAC 11-5-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-5-2 Submission of internal control procedure

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

Sec. 2. (a) In accordance with 68 IAC 11-1, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit internal control procedures covering the rotation and counting of chips and tokens to the executive

director.

(b) The internal control procedures for chip and token rotation and counts shall include, at a minimum, the following information:

(1) The manner in which:

(A) racked tokens and primary chip inventories; ~~will be rotated~~ and ~~counted.~~

~~(2) The manner in which~~ **(B)** secondary chips;

will be rotated and counted.

~~(3)~~ **(2)** The documentation the ~~riverboat~~ **casino** licensee will maintain to ensure the rotations and counts set forth in ~~subdivisions~~ **subdivision** (1) ~~and (2) are~~ **is** conducted.

~~(4)~~ **(3)** The occupational licensees who will be responsible for conducting the chip and racked token rotations and counts.

(Indiana Gaming Commission; 68 IAC 11-5-2; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 181. 68 IAC 11-6-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-6-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees.

(b) At least one (1) time each gaming day, every jet sort or the equivalent must be tested:

(1) to verify its accuracy; and

(2) with each denomination of token ~~utilized~~ **used** by the riverboat licensee.

(c) If a jet sort or the equivalent does not accurately count any of the denominations of tokens, the ~~riverboat~~ **casino** licensee shall take the following steps:

(1) Immediately remove the jet sort or the equivalent from service.

(2) Immediately notify the enforcement agent.

(3) Document the results of the following in accordance with subsection (e):

(A) The results of the jet sort or the equivalent test.

(B) The name, occupational license number, and signature of the individual who performed the test.

(C) The day, time, and shift that the jet sort or the equivalent test was completed.

(D) The jet sort or the equivalent identification number.

(E) The location of the jet sort or the equivalent.

(F) The name of the enforcement agent notified.

(G) The corrective action taken.

(d) The ~~riverboat~~ **casino** licensee must have the jet sort or the equivalent serviced to correct the defect. Before the jet sort or the equivalent may be placed back into service, the ~~riverboat~~ **casino** licensee must demonstrate to an enforcement agent that the jet sort or the equivalent accurately counts each denomination of token ~~utilized~~ **used** by the ~~riverboat~~ **casino** licensee. The ~~riverboat~~ **casino** licensee must document the following information in accordance with subsection (e):

(1) The date, time, and shift that the jet sort or the equivalent is being placed back into service.

(2) The jet sort or the equivalent identification number.

(3) The location of the jet sort or the equivalent.

(4) The name, occupational license number, and signature of the individual who performed the test.

(5) The name and signature of the enforcement agent verifying the results of the test.

(6) The results of the jet sort or the equivalent test performed on the jet sort or the equivalent.

(7) The corrective action that was performed on the jet sort or the equivalent.

(e) The ~~riverboat~~ **casino** licensee shall document the results of each jet sort or the equivalent test conducted. The documentation shall include, at a minimum, the following information:

(1) The date, time, and shift of the test.

(2) The jet sort or the equivalent identification number.
(3) The location of the jet sort or the equivalent.
(4) The name, occupational license number, and signature of the individual performing the test.
(5) The results of the jet sort or the equivalent test, by denomination.

~~All~~ **The** documentation required by this rule shall be maintained by the ~~riverboat~~ **casino** licensee for at least a period of one (1) year.

(Indiana Gaming Commission; 68 IAC 11-6-1; filed Jan 21, 1998, 10:30 a.m.: 21 IR 2054; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 182. 68 IAC 11-7-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-7-1 General provisions

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

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

(b) For the purposes of this rule, "sensitive keys" means keys that either management or the commission considers sensitive to the ~~riverboat~~ **casino** licensee's operation and therefore require strict control over custody and issuance. The term includes, but is not limited to, keys that will allow access to the following:
(1) Currency.
(2) Chips.
(3) Tokens.
(4) Electronic gaming devices.
(5) ~~Any~~ **An** item that would affect the integrity or outcome of a game.

(Indiana Gaming Commission; 68 IAC 11-7-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3302; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 183. 68 IAC 11-7-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-7-2 Submission of internal control procedure

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

Sec. 2. (a) The ~~riverboat~~ **casino** licensee shall submit a list of authorized occupational licensees who have access to the sensitive keys box. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees with authorized access must be submitted to the enforcement agent as the amendments occur.

(b) In accordance with 68 IAC 11-1, the ~~riverboat~~ **casino** license shall submit internal control procedures covering the control of sensitive keys to the executive director.

(c) The internal control procedures for control of sensitive keys shall include, but are not limited to, the following:
(1) The location of all sensitive keys boxes.
(2) The sensitive key:
  (A) name;
  (B) location;
  (C) custodian; and
  (D) occupational licensees authorized to sign out ~~each~~ **the** sensitive key.
(3) The location and custodian of duplicate sensitive keys.

(d) Each sensitive key box custodian shall be issued a sensitive key access list noting authorized occupational

licensees, by title and occupational license level, who may access each sensitive key.

(e) Unless otherwise provided, whenever two (2) sensitive keys are required to access a controlled area:
(1) the keys shall be issued to different occupational licensees; and
(2) each key shall be signed out independently.

(f) A sensitive keys access list shall be maintained at ~~each~~ **the** sensitive keys box and a copy given to the enforcement agent. The sensitive keys access list shall include the following:
(1) The name of sensitive key.
(2) The location of the sensitive key.
(3) The custodian of the sensitive key.
(4) The quantity of the sensitive keys.
(5) The level of occupational licensees authorized to sign out the sensitive key, ~~and~~ any applicable escort requirements, and any specific limitations.
(6) The custodian of duplicate keys.

(g) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title, the executive director may direct the ~~riverboat~~ **casino** licensee, in writing, to amend its internal control procedure in accordance with 68 IAC 11-1-4.

(Indiana Gaming Commission; 68 IAC 11-7-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3302; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 184. 68 IAC 11-7-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-7-3 Sensitive keys log

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

Sec. 3. (a) The ~~riverboat~~ **casino** licensee shall maintain a sensitive keys log on a form approved by the commission. The sensitive keys log shall include, but not **be** limited to, the following:
(1) The date.
(2) The time the key is signed in and out.
(3) The key name.
(4) The printed name, signature, and occupational license number of the occupational licensee obtaining and returning the key.

(b) Sensitive keys shall be returned to custody and signed in by the same occupational licensee they were issued to unless there is a documented change of shift.

(c) Sensitive keys that must be passed on at the change of shift must be identified by the ~~riverboat~~ **casino** licensee and indicate the procedural controls over the transfer of the sensitive keys.

(Indiana Gaming Commission; 68 IAC 11-7-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 185. 68 IAC 11-7-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-7-4 Replacement of sensitive keys

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee shall submit procedures relating to the replacement of broken, lost, or missing sensitive keys. These procedures shall include, at a minimum, the following:

(1) Identifying those critical sensitive keys that require immediate changing of the locks.
(2) If a sensitive key is broken, including procedures as to:
(A) which occupational licensee shall receive and replace the broken key; and
(B) disposition of the broken key.

(b) When a sensitive key is determined to have been lost, missing, or taken from the premises, the ~~riverboat~~ **casino** licensee shall perform an immediate investigation. The investigation will be documented on an incident record. A copy of the incident report shall be given to the enforcement agent immediately. The record shall be kept in accordance with section 5 of this rule.

(c) Only those individuals with an occupational license, Level 1 shall be authorized to have sensitive keys duplicated.

(Indiana Gaming Commission; 68 IAC 11-7-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 186. 68 IAC 11-7-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-7-5 Records

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

Sec. 5. ~~(a)~~ The ~~riverboat~~ **casino** licensee shall **do the following:**
(1) Maintain the records required by this rule for a minimum of one (1) year.
~~(b) The riverboat licensee shall~~ **(2)** Allow the commission access to or copies of the records maintained under this rule upon request by the commission.

(Indiana Gaming Commission; 68 IAC 11-7-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 187. 68 IAC 11-8-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-8-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees.

(b) As used in this rule, "cash" means the following:
(1) Cash.
(2) Cash equivalent.
(3) A coupon issued by the ~~riverboat~~ **casino** licensee that may be exchanged for chips or tokens, or both.

(Indiana Gaming Commission; 68 IAC 11-8-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3303; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 188. 68 IAC 11-8-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-8-3 Voiding of coupons

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

Sec. 3. A ~~riverboat~~ **casino** licensee shall require the coupon to be voided upon acceptance by the dealer or

box person, in a manner approved by the commission, so as to preclude its subsequent use.

(Indiana Gaming Commission; 68 IAC 11-8-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3304; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 189. 68 IAC 12-1-0.5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-0.5 Purpose

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

Sec. 0.5. The purposes of the ~~riverboat licensee or operating agent's~~ **casino licensee's** surveillance operation include, but are not limited to, the following:
(1) Protecting the safety of the public.
(2) Monitoring regulatory compliance with ~~the~~ IC 4-33, **IC 4-35,** and this title.
(3) Safeguarding the assets of the ~~riverboat~~ **casino** licensee. ~~or operating agent.~~
(4) Maintaining the overall integrity of the gaming operation.

(Indiana Gaming Commission; 68 IAC 12-1-0.5; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3332)

SECTION 190. 68 IAC 12-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-1 Applicability; definitions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees ~~riverboat~~ **and casino** license applicants. ~~operating agents, and operating agent applicants.~~

(b) The following definitions apply throughout this rule:
(1) "Digital video recording" means visual images of the natural world converted into numerical data and stored on
~~(A) tape;~~
~~(B) digital video disk; or~~
~~(C) another~~ **a** storage medium for later reproduction.
(2) "Digital video system" means a system used to make and store digital video recordings.
(3) "Monitor continuously" means to observe:
(A) in real time; and
(B) without interruption;
an event, a location, or an activity in its entirety.
(4) "Monitor regularly" means to periodically observe, in real time, an event, a location, or an activity, as appropriate.
(5) "Surveillance employee" means ~~any~~ **an** individual holding a valid Indiana occupational license to work in the surveillance department of a ~~riverboat~~ **casino** licensee. ~~or operating agent.~~
(6) "Surveillance manager" means the highest ranking surveillance employee assigned to work at a ~~riverboat.~~ **casino.**
(7) "Surveillance system" means a closed circuit television system, including ~~all~~ associated equipment, hardware, and software, used by a ~~riverboat~~ **casino** licensee ~~or operating agent~~ to further the purposes of the surveillance operation as identified in section 0.5 of this rule.
(8) "Suspected problem area" means an area where:
(A) unusual occurrences have been observed; or
(B) reason exists to believe unusual occurrences will occur.

(Indiana Gaming Commission; 68 IAC 12-1-1; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3332)

SECTION 191. 68 IAC 12-1-1.5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-1.5 Responsibilities of the surveillance department; internal controls

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

Sec. 1.5. (a) In accordance with 68 IAC 2-3-1.1, the surveillance manager may be subject only to the direct control of corporate management, including, but not limited to, an appropriate board of directors or other executives within the ~~riverboat~~ **casino** licensee's ~~or operating agent's~~ corporate structure.

(b) The surveillance department shall maintain and submit for approval to the executive director or the executive director's designee internal control procedures detailing how the surveillance department will carry out the requirements of this rule.

(c) Surveillance employees shall be trained in the following:
(1) Surveillance techniques.
(2) Operation of ~~all~~ **the** surveillance equipment.
(3) The regulatory requirements of ~~the~~ IC 4-33, **IC 4-35,** and this title.
(4) The ~~riverboat licensee or operating agent's~~ **casino licensee's** internal control procedures.

(d) Surveillance employees shall only perform tasks in the course of their employment that further the purpose of the surveillance operation.

(e) A ~~riverboat~~ **casino** licensee ~~or operating agent~~ may not divert surveillance system resources or surveillance employees from their intended surveillance purposes or functions, as specified in or required by this rule, without the permission of the executive director or the executive director's designee. This prohibition does not forbid a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from using or authorizing the use of existing surveillance recordings for operational or other legitimate purposes when necessary and at the ultimate discretion of the executive director or the executive director's designee.

(f) If a surveillance manager chooses to install a camera in the surveillance room to monitor surveillance employees, only the surveillance manager ~~or~~ **and** his or her corporate supervisors shall:
(1) have access to operate the camera; and
(2) view the images therefrom.

(Indiana Gaming Commission; 68 IAC 12-1-1.5; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3333)

SECTION 192. 68 IAC 12-1-1.7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-1.7 Surveillance department staffing

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

Sec. 1.7. (a) The surveillance room ~~on~~ **in** the ~~riverboat~~ **casino** shall be staffed by at least two (2) surveillance employees engaged in monitoring operations at all times.

(b) In addition to the minimum staffing level outlined in subsection (a), the surveillance room shall be staffed with additional surveillance employees as necessary to ensure that the requirements of this rule are met. Factors relevant to determining staffing levels include, but are not limited to, the following:
(1) The time of day.
(2) The size of the ~~riverboat.~~ **casino.**
(3) The number of patrons present.
(4) Special events taking place ~~on~~ **in** the ~~riverboat.~~ **casino.**
(5) Events taking place that require continuous monitoring in accordance with this rule.

(6) Any other factor identified by the executive director or the executive director's designee.

(Indiana Gaming Commission; 68 IAC 12-1-1.7; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3333)

SECTION 193. 68 IAC 12-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-2 Surveillance room specifications

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

Sec. 2. (a) ~~All riverboat~~ **Casino** licensees ~~and operating agents~~ must have a surveillance room.

(b) Surveillance rooms must be located out of the general view of patrons and nonsurveillance employees.

(c) Surveillance room access shall be limited to:
(1) surveillance employees;
(2) enforcement agents;
(3) commission staff; and
(4) internal audit staff;
except that persons with a legitimate need to enter the surveillance room, either on a routine or a case-by-case basis, may do so upon receiving approval from the executive director or the executive director's designee. In the event of an emergency, emergency response personnel may enter the surveillance room without prior approval.

(Indiana Gaming Commission; 68 IAC 12-1-2; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3333; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 194. 68 IAC 12-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-3 Equipment specifications

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

Sec. 3. (a) ~~All riverboat~~ **Casino** licensees ~~or operating agents~~ must install a surveillance system in accordance with this rule.

(b) Surveillance systems may ~~utilize~~ **use** digital video recording to comply with the requirements of this rule.

(c) The equipment ~~utilized~~ **used** in the surveillance system must meet or exceed the following standards:
(1) ~~All~~ Black and white cameras must be as follows:
(A) Solid state.
(B) Two-thirds (2/3) or one-half (1/2) format.
(C) Minimum four hundred (400) plus line resolution installed in fixed positions with matrix control or pan, tilt, and zoom capabilities.
(D) Secreted from the public and nonsecurity personnel view to effectively and clandestinely monitor, in detail, from various points, the coverage described in this rule.
(2) ~~All~~ Color cameras must be as follows:
(A) Two-thirds (2/3) or one-half (1/2) format.
(B) Minimum three hundred twenty (320) plus line resolution with matrix control or pan, tilt, and zoom capabilities.
(C) Secreted from the public and nonsecurity personnel view to effectively and clandestinely monitor, in detail, from various points, the coverage described in this rule.
(3) ~~All~~ Cameras must be equipped with lenses of sufficient magnification capabilities to allow the operator to clearly distinguish the value of the following:
(A) Chips.

(B) Dice.
(C) Tokens.
(D) Playing cards.
(E) Keno balls.
(F) Positions on the roulette wheel.
(G) Cash and cash equivalents.

(4) ~~All~~ Surveillance system display screens must be as follows:
(A) Meet or exceed the highest resolution capabilities of video cameras ~~utilized~~ **used** in a ~~riverboat~~ **casino** licensee's ~~or operating agent's~~ surveillance system.
(B) Be equipped with a date and time generator synchronized to a central clock **and the central computer system** capable of being:
(i) displayed on any of the surveillance system display screens; and
(ii) recorded on video tape, video pictures, or digital images.
(C) ~~Each~~ **A** surveillance system display screen must be as follows:
(i) Measure diagonally at least twelve (12) inches.
(ii) Have all controls located on the front of the surveillance system display screen.
(iii) Possess solid state circuitry.

(5) ~~All~~ Analog videotape recorders must be as follows:
(A) Produce high quality, first generation pictures that meet or exceed the highest resolution capabilities of video cameras ~~utilized~~ **used** in a ~~riverboat~~ **casino** licensee's ~~or operating agent's~~ surveillance system.
(B) Be nonconsumer, industrial grade, capable of recording on a standard one-half (1/2) inch VHS tape with the following:
(i) High speed scanning.
(ii) Flickerless playback capability in real-time.
(C) Be capable of taping what is viewed by any camera in the system.
(D) Be of a sufficient number to allow the following:
(i) Simultaneous taping of coverage required by this rule.
(ii) Off-line playback.
(iii) Duplication capabilities.
(iv) Single channel recorders in the following areas, unless otherwise approved by the executive director or designee:
(AA) Entry and exit turnstiles.
(BB) All areas of the main bank and casino cages.
(CC) Table games.
(DD) Count rooms.
(EE) Ticket redemption kiosks.
(FF) Automated teller machines.
(GG) Bill breakers.
(v) No more than four (4) channels per single unit in all other areas where surveillance is required, unless otherwise approved by the executive director or designee.

(6) ~~All~~ Video printers must be capable of the following:
(A) Adjustment.
(B) Generating instantaneous, upon command clear, color, or black and white copies of images depicted on the surveillance system display screen or video recording.

(7) ~~All~~ Printers ~~utilized~~ **used** in conjunction with a digital video recording system must be capable of printing a clear, still copy using a minimum of four (4) colors at six hundred (600) by six hundred (600) dots per inch on photo quality paper.

(8) ~~All~~ Date and time generators must be as follows:
(A) Be based on a synchronized central or master clock.
(B) Be capable of being recorded along with an image, so that the date and time are visible on any surveillance system display screen when recorded.
(C) Have a backup power supply so that it remains accurate despite power interruptions.

(9) Equipment must allow audio capabilities in the soft count room.

(10) ~~All~~ Wiring systems must be designed to prevent tampering and must possess the following requirements or capabilities:
(A) Be supplemented with a backup gas generator power source or diesel generator power source, or both, that automatically engages in case of a power failure.
(B) Be capable of returning full power within seven (7) to ten (10) seconds after a power failure.

(11) Video switchers must be capable of both manual and automatic sequential switching for the appropriate cameras.

(12) The following must be in reserve in the event of equipment malfunctions:

(A) A minimum of the following four (4) backup cameras:
(i) Two (2) fixed position cameras with matrix control.
(ii) Two (2) with pan, tilt, and zoom capabilities.
(B) Two (2) recording devices.

(13) Digital video systems, which are ~~utilized~~ **used** to comply with the requirements of this rule for surveillance required by section 4 of this rule, must meet the following additional standards:
(A) Digital video systems shall be enterprise systems capable of the following:
(i) Instant replay.
(ii) Recording what is viewed by any camera in the system.
(iii) Allowing simultaneous recording and playback.
(iv) Providing uninterrupted recording while using the playback or copy functions.
(B) Image quality of digital video systems must be as follows:
(i) Function utilizing image by image compression.
(ii) Be capable of recording and viewing at a minimum of thirty (30) frames per second, full screen on every channel in the system.
(C) Digital video systems must record and view at a minimum rate of the following:
(i) Thirty (30) frames per second in the following areas:
(AA) Table games areas.
(BB) All images of cash or cash equivalents being transported.
(CC) Areas of the main bank and casino cages.
(DD) Count rooms.
(EE) All images viewed on a surveillance system display screen.
(FF) Entry and exit turnstiles.
(ii) Seven and one-half (7.5) frames per second in parking areas and nonsensitive areas of the pavilion.
(iii) Fifteen (15) frames per second in the following areas:
(AA) Electronic gaming device areas.
(BB) Where gaming equipment is transported or stored on the property of the ~~riverboat~~ **casino** licensee. ~~or operating agent.~~
(CC) All images that constitute redundant coverage of areas already covered at thirty (30) frames per second.
(DD) Any area not specified in item (i) or (ii).
(iv) Two (2) frames per second in any area, including those specified in items (i), (ii), and (iii), if:
(AA) motion activated recording is ~~utilized;~~ **used;** and
(BB) no activity is taking place in the area.
(D) Digital video systems shall have the following:
(i) Live and recorded visual resolution with clarity the equivalent of four (4) common intermediate format (4CIF) or better.
(ii) The following reliability guarantees:
(AA) Redundant system drives.
(BB) Redundant power supplies.
(CC) Storage the equivalent of redundant array of independent disks five (5) (RAID 5) or better.
(DD) Be equipped with hot swappable backup storage components, which will automatically resume recording in the event of failure of any single component of the storage system, such that the failure of any single component will not result in the loss of ~~any~~ data from the storage system.
(EE) Failure of the digital video recording system must be repaired within twenty-four (24) hours of the failure.
(FF) Fault tolerant storage.
(GG) Automatic restart in the event of failure.
(E) Digital video systems must meet the following security standards to guarantee the integrity of the system and ~~all~~ recordings:
(i) Function as a closed network with access limited to those persons identified in written policies governing the administration of the network, specifying the access levels of ~~all~~ **the** individuals who will have the ability to access the network.
(ii) Be equipped to ensure that ~~any~~ transmissions are encrypted, fire-walled on both ends, and password protected.
(iii) Be equipped with a failure notification system that provides an audible and a visual notification of ~~any~~ **a** failure in the surveillance system or the digital video recording storage system.
(iv) Record all images and audit trail records on a hard drive.
(v) Be locked by the manufacturer to do the following:
(AA) Disable the erase and reformat functions.
(BB) Prevent access to the system data files.

(vi) Be equipped with data encryption or watermarking so that surveillance personnel will be capable of demonstrating in a court of law that the video was not altered or manipulated in any way.

(d) Telephone capabilities must be connected to the casino general telephone system. Radio communications must be connected with the security department.

(Indiana Gaming Commission; 68 IAC 12-1-3; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1558; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3334)

SECTION 195. 68 IAC 12-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-5 Surveillance system required coverage

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

Sec. 5. (a) Surveillance employees shall:
(1) monitor regularly; and
(2) visually record, either by:
(A) continuous recording; or
(B) motion activation;
whichever is appropriate;
the surveillance system coverage of the areas described in this section.

(b) The surveillance system shall provide coverage of each of the following areas as specified in this rule:
(1) Areas of the main bank, including the following:
(A) A general overview of the entire area of each cage and vault area with sufficient clarity to identify patrons and employees.
(B) Dedicated coverage with sufficient clarity to identify the following:
(i) Currency.
(ii) Coin.
(iii) Tokens.
(iv) Cash.
(v) Cash equivalents.
(vi) Chip values.
(vii) Amounts on credit slips in ~~any~~ **an** area where fills and credits are transacted.
(2) Hard and soft count rooms including a general overview of each room and additional dedicated coverage capable of clearly identifying the following:
(A) Employees.
(B) The value of cash and cash equivalents.
(3) The route, both ~~on~~ **inside** and ~~off~~ **outside** the ~~vessel,~~ **casino,** through which monies are transported.
(4) The location in which cards and dice are stored and canceled.
(5) Ticket redemption kiosks, **automated teller machines,** and bill breakers with dedicated coverage sufficient to identify the following:
(A) Individuals ~~utilizing~~ **using** or servicing the machine.
(B) Whether or not cash was received by the individual as a result of the transaction.

(c) The surveillance system must provide an overall view of pit areas and gaming tables capable of clearly identifying the following:
(1) Dealers.
(2) Patrons.
(3) Hands of ~~all~~ **the** participants.
(4) Facial views of ~~all~~ **the** participants.
(5) ~~All~~ Pit personnel.
(6) Activities of ~~all~~ **the** pit personnel.
(7) The amount and incrementation of a progressive jackpot contained on a progressive jackpot display of a live gaming device.

(d) The playing surface of ~~all~~ **the live** gaming ~~tables~~ **devices** must be viewed by the surveillance system with sufficient clarity to do the following:
(1) Determine the following:
(A) ~~All~~ Wagers.
(B) Card values.
(C) Game results.
(2) Clearly observe, in detail, the following:
(A) Chip trays.
(B) Token holders.
(C) Cash receptacles.
(D) Tip boxes.
(E) Dice.
(F) Shuffle machines.
(G) Card shoes.

(e) Roulette tables must be viewed by the surveillance system with color cameras.

(f) Electronic gaming device surveillance must be capable of providing the following:
(1) A view of all patrons.
(2) A facial view of ~~all~~ **the** patrons with sufficient clarity to allow identification of ~~the~~ **a** patron.
(3) A view of the electronic gaming device with sufficient clarity to observe the result of the game.
(4) An overall view of the areas around the electronic gaming device.
(5) A view of bill validators with sufficient clarity to determine bill value and the amount of credit obtained.
(6) Progressive games, including dedicated coverage of the following:
(A) ~~Any~~ **An** electronic gaming device or group of electronic gaming devices with a possible jackpot payout in excess of fifty thousand dollars ($50,000).
(B) The progressive display showing the incrementation of the progressive jackpot for an electronic gaming device or a bank of electronic gaming devices.

(g) The surveillance system must include cameras dedicated to monitoring areas where the following items are transported or stored:
(1) Cash.
(2) Cash equivalents.
(3) Tokens.
(4) Chips.
(5) Cards.
(6) Dice.
(7) Drop buckets containing tokens or any monetary equivalent.

(h) The surveillance system must include cameras dedicated to monitoring the following:
(1) All activities in any area of the security office where a person may be detained and questioned by the security department. ~~All~~ Areas where a person may be detained and questioned must display a notice clearly stating that the area is or may be under surveillance.
(2) The entrances and exits of the ~~riverboat~~ **casino** and the entrances and exits of the following rooms in the ~~riverboat~~ **casino** with sufficient clarity to identify ~~any~~ **a** person using the entrances and exits:
(A) Count rooms.
(B) Vaults.
(C) Surveillance rooms.
(D) Security rooms.
(E) Cage areas.

(Indiana Gaming Commission; 68 IAC 12-1-5; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1559; filed Aug 20, 1997, 7:11 a.m.: 21 IR 16; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3336)

SECTION 196. 68 IAC 12-1-5.5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-5.5 Surveillance system capabilities

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

Affected: IC 4-33; IC 4-35

Sec. 5.5. Surveillance employees shall visually record the following events when they are known to occur on the property directly or indirectly owned or operated by a ~~riverboat~~ **casino** licensee: ~~or operating agent:~~

(1) Activity by players and employees, alone or in concert, that may constitute cheating or stealing.
(2) Observed criminal activity.
(3) Observed procedural violations by employees.
(4) Detention of persons.
(5) Treatment of disorderly individuals.
(6) Emergency activities capable of being observed by the system.
(7) Treatment of:
  (A) persons on the exclusion list; and
  (B) participants in the voluntary exclusion program.
(8) Arrests and evictions.
(9) Treatment of ill or injured patrons.
(10) Movement of:
  (A) cash;
  (B) cash equivalents;
  (C) tokens;
  (D) cards;
  (E) chips; or
  (F) dice;
on the casino floor.
(11) On-site maintenance and repair of ~~any~~ gaming or money handling equipment.
(12) Any other activity deemed necessary by the commission to ensure compliance with ~~the~~ IC 4-33, **IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 12-1-5.5; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3337)

SECTION 197. 68 IAC 12-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-6 Requirements for continuous monitoring

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

Sec. 6. Surveillance employees must continuously monitor and visually record the following:
(1) Soft count procedures in accordance with 68 IAC 11-3.
(2) Hard count procedures in accordance with 68 IAC 11-2.
(3) Currency collection in accordance with 68 IAC 11-3.
(4) Drop bucket collection in accordance with 68 IAC 11-2.
(5) The removal of the daily bank deposit from the ~~riverboat~~ **casino** by armored car officers.

(Indiana Gaming Commission; 68 IAC 12-1-6; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1560; filed Aug 20, 1997, 7:11 a.m.: 21 IR 17; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3338)

SECTION 198. 68 IAC 12-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-7 Retention of surveillance recordings

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

Sec. 7. (a) All recordings must be kept in accordance with this section.

(b) ~~All~~ Recordings depicting routine activity must:
(1) contain the date and time reading; and

(2) be retained a minimum of seven (7) days.

(c) ~~All~~ Recordings depicting detention or questioning of a detained individual or employee, procedural errors, regulatory violations, or criminal activity must be copied and provided to enforcement agents upon request. ~~Such~~ **The casino licensee shall retain** recordings ~~shall be retained by the riverboat licensee or operating agent~~ **under this section** for a period of time not less than sixty (60) days and ~~stored~~ **store the recordings** in the following manner:

(1) Analog video and audio tapes, and copies of digital video recordings stored on tape, digital video disk, or other storage medium for later reproduction must:
  (A) contain the date and time reading;
  (B) be marked with the:
    (i) date and time the recording was made;
    (ii) identities of the employee or employees responsible for the monitoring; and
    (iii) identity of the employee who removed the tape from the recorder and the time and date removed; and
  (C) be secured in a cabinet that is in close proximity to the surveillance room that is security-locked and accessible by surveillance employees only.
(2) Digital video recordings not stored on tape, digital video disk, or other storage medium may be preserved by storing within the digital video system.

(d) Coverage that has been retained under this rule for a period of time exceeding seven (7) days may not be destroyed without the approval of the executive director or the executive director's designee.

(Indiana Gaming Commission; 68 IAC 12-1-7; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1561; errata filed May 30, 1996, 10:05 a.m.: 19 IR 2884; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3339; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 199. 68 IAC 12-1-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-8 Logs

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

Sec. 8. (a) An activity log must be as follows:
(1) Continuously maintained by surveillance employees.
(2) Changed with each shift change of employees.
(3) Chronological.
(4) Contain, at a minimum, the following:
  (A) The date and time of each entry.
  (B) The identity of the employee making the entry.
  (C) A summary of the activity recorded.
  (D) Detail of whether the activity was monitored.
  (E) Detail of the disposition of ~~any~~ copies of recordings of the activity.
(5) Include entries for the following events and notifications received by surveillance employees about the events:
  (A) The identity of surveillance employees on duty.
  (B) ~~Any~~ Maintenance or repair of ~~any~~ **a** gaming device or money handling equipment.
  (C) Live table drop box exchanges.
  (D) Electronic gaming device drop bucket exchanges.
  (E) Movements or transfers of the following:
    (i) Cash.
    (ii) Cash equivalents.
    (iii) Chips.
    (iv) Tokens.
    (v) Cards.
    (vi) Dice.
  (F) ~~Any~~ Detention or questioning of patrons or employees by the security department, including the identity of the following:
    (i) Patrons or employees.

(ii) Security department personnel involved.
(G) The beginning, end, and any interruptions of the following:
(i) The soft count.
(ii) The hard count.
(H) ~~Any~~ Observed:
(i) procedural or control errors; or
(ii) criminal activity.
(I) ~~Any~~ Pertinent:
(i) telephone calls; or
(ii) radio transmissions.
(J) ~~Any~~ Malfunctions or repair of surveillance equipment.
(K) ~~Any~~ Emergency activity.
(L) ~~Any~~ Surveillance conducted on anyone or any activity that appears:
(i) unusual, irregular, or illegal; or
(ii) to violate IC 4-33, **IC 4-35,** or this title.
(M) ~~Any~~ Surveillance conducted at the request of:
(i) a ~~riverboat~~ **casino** licensee; ~~or operating agent;~~
(ii) personnel of the ~~riverboat~~ **casino** licensee; ~~or operating agent;~~
(iii) a commission employee; or
(iv) an enforcement agent.
(N) Any other notations deemed necessary by surveillance employees or the commission to ensure compliance with IC 4-33, **IC 4-35,** and this title.
(6) Retained for at least ninety (90) days.

(b) An incident report must be as follows:
(1) Made by the person responsible for monitoring the activity.
(2) Contain details of ~~any~~ **an** incident observed that involved unusual or criminal activity.
(3) Provided to a gaming agent and the executive director or the executive director's designee.
(4) Retained a minimum of ninety (90) days.

(c) A visitor's log must do the following:
(1) Include the signature of anyone other than surveillance employees on duty who access the surveillance room.
(2) Identify ~~all~~ visitors.
(3) State the following:
(A) The department or agency the visitor represents.
(B) The reason for access to the room.
(4) Provide the date and time of arrival and departure from the room.
(5) Be retained a minimum of ninety (90) days.

(d) ~~All~~ Surveillance room recordings, logs, and reports must be as follows:
(1) Retained in a manner to allow them to be easily retrieved by the following:
(A) Time.
(B) Date.
(C) The location of activity.
(D) The type of activity.
(2) Provided to an enforcement agent or commission employee immediately upon request.

(Indiana Gaming Commission; 68 IAC 12-1-8; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1561; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3339; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 200. 68 IAC 12-1-11 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-11 Surveillance plan

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

Sec. 11. (a) The surveillance department of a ~~riverboat~~ **casino** licensee **or** ~~riverboat~~ **casino** license applicant ~~operating agent, or operating agent applicant~~ must submit a surveillance plan to the executive director or the executive director's designee for approval at least sixty (60) days before the commencement of ~~riverboat~~ **casino** gambling operations that includes the following:
(1) A floor plan that shows the placement of all surveillance equipment.
(2) A detailed description of the surveillance system and its equipment.

(b) Alterations to the surveillance plan, including system changes and upgrades, shall be submitted to the executive director or the executive director's designee for approval at least fourteen (14) days before the institution of the alterations.

(c) The notification of the alteration must include the following information:
(1) Details of the change, including a copy of the applicable areas of the floor plan.
(2) The reason for the change.
(3) Expected results of the change.

(d) A ~~riverboat~~ **casino** licensee shall not commence operations or institute alterations until the:
(1) surveillance plan or alterations are approved by the executive director or the executive director's designee; and
(2) changes in coverage are examined and approved by an enforcement agent.

(e) The surveillance department of a ~~riverboat~~ **casino** licensee ~~or operating agent~~ shall submit a complete updated copy of the surveillance plan showing the placement of all surveillance equipment by January 31 each year.

(Indiana Gaming Commission; 68 IAC 12-1-11; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1562; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3341; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 201. 68 IAC 12-1-12 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-12 Surveillance of employees

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

Sec. 12. (a) An employee whose duties will be monitored in accordance with this rule must:
(1) be informed before commencement of labor that his or her surveillance is a requirement of ~~their~~ **his or her** employment; and
(2) sign a written statement before the commencement of employment indicating his or her understanding that he or she will be under surveillance.

(b) ~~Riverboat~~ **Casino** licensees ~~and operating agents~~ must maintain ~~each~~ **a** signed statement until one (1) year after termination of employment of the employee.

(c) An updated statement must be signed before the commencement of ~~any:~~ **a:**
(1) new position; or
(2) rehire into any previous position;
provided the new position requires surveillance of the employee.

(d) ~~All~~ Areas under surveillance and accessible only to employees must display a notice clearly stating that the area is under surveillance.

(Indiana Gaming Commission; 68 IAC 12-1-12; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; errata filed May 30, 1996, 10:05 a.m.: 19 IR 2884; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3341)

SECTION 202. 68 IAC 12-1-13 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-13 Violation of rule

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

Sec. 13. A ~~riverboat~~ **casino** licensee ~~or operating agent~~ who is not in compliance with this rule is subject to disciplinary action under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 12-1-13; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3342)

SECTION 203. 68 IAC 12-1-14 IS AMENDED TO READ AS FOLLOWS:

68 IAC 12-1-14 Deviation from provisions

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

Sec. 14. **(a)** The executive director or the commission may ~~waive, restrict, or alter any requirement or procedure set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines that the: ~~requirement or~~

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

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 12-1-14; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Jun 2, 2006, 4:45 p.m.: 29 IR 3342)

SECTION 204. 68 IAC 13-1-22 IS AMENDED TO READ AS FOLLOWS:

68 IAC 13-1-22 Special proceedings

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

Sec. 22. (a) The commission may suspend a license issued to a casino licensee without notice or hearing if the commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the casino.

(b) If the commission determines that an emergency exists, the commission may suspend a casino owner's license, a supplier's license, or an occupational license by one (1) of the following procedures:
(1) Without notice or an evidentiary proceeding, by ~~any~~ **an** authorized individual or panel of individuals.
(2) After a hearing conducted by an administrative law judge.
The resulting order must include a brief statement of the facts and the law that justifies the commission's decision to take the specific action under IC 4-21.5-4.

(c) A special proceeding under this section must comply with IC 4-21.5-4.

(d) The suspension of the casino owner's license may continue until the commission determines that the cause for the suspension of the license has been abated.

(e) The commission may revoke the casino owner's license if the commission determines that the ~~riverboat~~ **casino** licensee has not made satisfactory progress toward abating the hazard to the safety or health of patrons or employees within a reasonable period of time.

(Indiana Gaming Commission; 68 IAC 13-1-22; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1042; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA)

SECTION 205. 68 IAC 15-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-1 Applicability; general provisions

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

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

(b) The following definitions apply throughout this article:
(1) "Internal auditor" means an individual employed by the casino licensee or an affiliate to perform audits of gaming and nongaming operations to ensure the following:
(A) Proper accounting department controls.
(B) Adherence to IC 4-33, ~~or~~ IC 4-35, and this title.
(2) "Security department" means the individuals employed by the casino licensee to provide security services for the casino gambling operation.

(c) Unless otherwise specified, ~~all~~ casino licensees and casino license applicants shall maintain ~~all~~ accounting records for a period of five (5) years within the state of Indiana.

~~(1)~~ **(d)** Casino licensees and casino license applicants shall maintain redeemed TITOs in accordance with 68 IAC 14-5.5.

(Indiana Gaming Commission; 68 IAC 15-1-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; filed Jun 1, 1998, 2:30 p.m.: 21 IR 3707; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; filed Apr 13, 2011, 11:20 a.m.: 20110511-IR-068100498FRA)

SECTION 206. 68 IAC 15-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-2 Purpose

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

Sec. 2. The purpose of the accounting records and procedures is to ensure the following:
(1) The assets of the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant are safeguarded.
(2) The financial records of the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant are accurate and reliable.
(3) The transactions of the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant are performed only in accordance with the specific or general authorization of ~~the Act~~ **IC 4-33, IC 4-35,** and this title.
(4) The transactions are recorded adequately to permit the proper recording of the adjusted gross receipts, admission fees, and ~~all~~ applicable taxes.
(5) That accountability for assets is maintained in accordance with generally accepted accounting principles.
(6) That only authorized personnel have access to assets.
(7) That recorded accountability for assets is compared with actual assets at reasonable intervals and

appropriate action is taken with respect to ~~any~~ discrepancies.
(8) That:
(A) the functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel; and
(B) no employee of the ~~riverboat~~ **casino** licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.
(9) That gaming is conducted with integrity and in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 207. 68 IAC 15-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-3 Submission and approval

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35; IC 5-14

Sec. 3. (a) At various times throughout this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant will be required to submit policies and procedures for accounting records to the commission. The accounting records must be submitted in accordance with this rule.

(b) ~~All~~ Accounting records must comply with the provisions of ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) Submissions of policies and procedures for accounting records shall be handled in the following manner:
(1) When called for in this article, the ~~riverboat~~ **casino** license applicant shall submit the policies and procedures for accounting records to the executive director at least sixty (60) days prior to the commencement of gaming operations.
(2) The executive director shall, in writing, approve the policies and procedures for accounting records, in total or in part.
(3) Any portion of the policies and procedures for accounting records not approved by the executive director shall be revised and resubmitted by the ~~riverboat~~ **casino** license applicant within the time period established by the executive director. This method shall be followed until all portions of the policies and procedures for accounting records have been approved, or approval cannot be obtained.
(4) None of the policies and procedures for accounting records may be ~~utilized~~ **used** by a ~~riverboat~~ **casino** license applicant or a ~~riverboat~~ **casino** licensee unless the policies and procedures for accounting records have been approved, in writing, by the executive director.

(d) The ~~riverboat~~ **casino** license applicant or ~~riverboat~~ **casino** licensee shall stamp or otherwise mark each page of its policies and procedures for accounting records submitted to the commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under IC 4-33, **IC 4-35,** or IC 5-14, or ~~both.~~ **a combination of the three.** The ~~riverboat~~ **casino** license applicant or ~~riverboat~~ **casino** licensee shall, at the request of the executive director or the commission, provide a justification explaining the confidential nature of the policies and procedures.

(Indiana Gaming Commission; 68 IAC 15-1-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 208. 68 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-4 Amendments

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

Sec. 4. Amendments to the policies and procedures for accounting records shall be handled in the following manner:

(1) Amendments to ~~any~~ **a** portion of the policies and procedures for accounting records must be submitted to the executive director at least forty-five (45) days before the utilization of the policies and procedures for accounting records.
(2) The executive director shall, in writing, approve the amendment to the accounting records.
(3) No amendment to policies and procedures for accounting records may be ~~utilized~~ **used** by a ~~riverboat~~ **casino** license applicant or ~~riverboat~~ **casino** licensee unless the amendment to the policies and procedures for accounting records has been approved, in writing, by the executive director.
(4) The ~~riverboat~~ **casino** licensee shall advise the executive director of ~~any~~ **a** change in an event scheduled to occur in conjunction with this article at least twenty-four (24) hours before the change is instituted. If the time of the scheduled event has to be altered due to an emergency, the ~~riverboat~~ **casino** licensee shall notify the enforcement agent, in writing, immediately, and provide a written explanation for the change to the executive director within twenty-four (24) hours.

(Indiana Gaming Commission; 68 IAC 15-1-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3043; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 209. 68 IAC 15-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-5 Emergency procedures

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

Sec. 5. (a) In the event of an emergency, the ~~riverboat~~ **casino** licensee may amend the policies and procedures for accounting records. The enforcement agent must concur that an emergency exists before the amendment of the policies and procedures for accounting records.

(b) The ~~riverboat~~ **casino** licensee shall do the following:
(1) Report ~~any~~ **an** emergency amendment to the policies and procedures for accounting records to the enforcement agent immediately.
(2) Submit **to the executive director within ten (10) business days of the emergency amendment:**
(A) a description of the amendment to the policies and procedures for accounting records; and
(B) the circumstances necessitating the amendment.
~~within ten (10) business days of the amendment to the executive director.~~

(c) As soon as the circumstances necessitating the emergency amendment to the policies and procedures for accounting records abate, the ~~riverboat~~ **casino** licensee shall resume compliance with the approved policies and procedures for accounting records.

(Indiana Gaming Commission; 68 IAC 15-1-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 210. 68 IAC 15-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-6 Compliance

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

Sec. 6. (a) ~~Riverboat~~ **Casino** licensees and ~~riverboat~~ **casino** license applicants must conduct ~~all~~ **its** operations in accordance with ~~the Act,~~ **IC 4-33, IC 4-35,** this article, and policies and procedures for accounting records that have been approved, in writing, by 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 15-1-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 211. 68 IAC 15-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-1-7 Deviation from provisions

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

Sec. 7. **(a)** The executive director or the commission may ~~waive, alter, or restrict any procedure or requirement set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines **that** the: ~~following:~~

(1) ~~The requirement or~~ procedure **or requirement** is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.~~

~~(2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 15-1-7; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 212. 68 IAC 15-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-1 General provisions

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

Sec. 1. (a) This rule applies to ~~riverboat~~ **casino** licensees and occupational licensees.

(b) As used in this rule, "security department" means the individuals employed by the ~~riverboat~~ **casino** licensee to provide security services for the ~~riverboat~~ **casino** gambling operation.

(c) The ~~riverboat~~ **casino** licensee shall establish procedures for the following:

(1) Tracking and reporting cash transactions or a series of cash transactions that occur in the same gaming day, in excess of three thousand dollars ($3,000).

(2) Reporting **on a currency transaction report the** cash transactions made by a gaming patron during a twenty-four (24) hour period that exceed ten thousand dollars ($10,000). ~~on a currency transaction report.~~ The **currency transaction** report shall be filed with the Internal Revenue Service within fifteen (15) days of the transaction occurring and a copy shall be filed simultaneously with the enforcement agent. Currency transaction reports shall be filed for ~~any~~ **a** single transaction or a series of related multiple transactions with the same directional flow.

(d) Compliance with this rule does not release the ~~riverboat~~ **casino** licensee from its obligation to comply with ~~all~~ applicable state and federal regulations.

(Indiana Gaming Commission; 68 IAC 15-2-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 213. 68 IAC 15-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-2 Cash transactions

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

Sec. 2. (a) Cash transactions involving cash in or cash out in excess of ten thousand dollars ($10,000) must be reported by occupational licensees. The information to be reported shall include, but is not limited to, the information that is required by 31 U.S.C. 5313 and 31 CFR 103.

(b) In addition to filing copies of the cash transactions with the Internal Revenue Service and the enforcement agent in accordance with section 1(c)(2) of this rule, the ~~riverboat~~ **casino** licensee shall simultaneously file copies of the cash transactions with the commission office in Indianapolis, Indiana. The copies of the cash transaction reports submitted to the commission and the enforcement agent shall be accompanied by a cover letter that identifies the ~~riverboat~~ **casino** licensee that is submitting the copies and the time period that is covered by the copies of the cash transactions. The ~~riverboat~~ **casino** licensee shall also prepare and submit to the commission and the enforcement agent a summary of the cash transaction reports that are being submitted that includes the following information:

(1) The date on which the cash transaction report was completed by the ~~riverboat~~ **casino** licensee.
(2) The name of the patron for whom the cash transaction report was completed.
(3) The amount of cash involved in the transaction that prompted the completion of the cash transaction report.
(4) An indication of whether the cash was:
  (A) received; or
  (B) paid out;
by the ~~riverboat~~ **casino** licensee.

(Indiana Gaming Commission; 68 IAC 15-2-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; filed Aug 20, 1997, 7:11 a.m.: 21 IR 18; errata filed Nov 17, 1997, 3:45 p.m.: 21 IR 1347; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 214. 68 IAC 15-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-3 Multiple transaction control log

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

Sec. 3. (a) The ~~riverboat~~ **casino** licensee shall be required to maintain a log for the purpose of recording aggregated cash transactions in excess of three thousand dollars ($3,000). The ~~riverboat~~ **casino** licensee shall require coordination between the pits, slots, cashiers, cages, redemption centers, and other appropriate areas to ensure all transactions in excess of three thousand dollars ($3,000) are recorded.

(b) The employee witnessing the transaction is responsible for completing the log.

(c) The log shall include, but is not limited to, the following information:
(1) Date of the transaction.
(2) Time of the transaction.
(3) Description of the patron and name of the patron, if known.
(4) Type of transaction and related information, including, but not limited to, the following types of transaction:
  (A) Marker payment.
  (B) Deposit.
  (C) Check.
  (D) Chip redemption.
(5) Amount of the transaction.
(6) Signature and occupational licensee number of the individual recording the transaction.
(7) Location of transaction.
(8) Photograph of the patron.
(9) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(d) The reports shall be submitted to the accounting department on a daily basis and maintained by the ~~riverboat~~ **casino** licensee for five (5) years.

(e) Cage and pit personnel are responsible for communicating with other personnel to ensure ~~all~~ **the** transactions are properly logged and any necessary currency transaction reports are completed.

(Indiana Gaming Commission; 68 IAC 15-2-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3327; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 215. 68 IAC 15-2-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-4 Reportable transactions

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the processing of cash transactions in excess of ten thousand dollars ($10,000). Prior to the processing of a cash transaction in excess of ten thousand dollars ($10,000), the ~~riverboat~~ **casino** licensee shall obtain, at a minimum, the information that is required by 31 U.S.C. 5313 and 31 CFR 103.

(b) If an individual or agent is conducting a transaction on behalf of another individual, the same information as described in subsection (a) must be obtained for the individual serving as the agent. This is in addition to the information required for the individual for whom the transaction is being conducted.

(c) ~~All~~ Identification information must be verified by examining the identification presented by the patron. Acceptable identification for a United States resident includes the following:
(1) Driver's license.
(2) United States passport.
(3) Other government issued photo identification cards.

(d) For aliens or nonresidents of the United States, acceptable identification includes the following:
(1) Passport.
(2) Alien identification card.
(3) Other official documents evidencing nationality or residence.

(e) If the patron is unable to provide any of the above information or the identification provided is not acceptable, the **casino licensee shall refuse the** transaction ~~must be refused~~ until **it has obtained** the necessary information. ~~has been obtained.~~

(f) If the denied transaction involves chip redemptions or payment of winnings, and the patron is unable to provide adequate identification in order to verify the patron's identity and address, the patron has the option of placing the winnings on deposit or converting the winnings to chips and retaining possession of the chips. The ~~riverboat~~ **casino** licensee does, however, have the right to demand redemption of the chips and tokens. If the ~~riverboat~~ **casino** licensee chooses to exercise this right, the customer's winnings will be placed on deposit. ~~When~~ **If** the customer chooses to place the winnings on deposit, this ~~would be~~ **is** the only instance in which a cashier will be allowed to accept a customer deposit without verifying the patron's identification. ~~However,~~ Identification information ~~should~~ **shall still** be obtained verbally from the patron. A surveillance photograph must be obtained and attached to the casino's copy of the customer deposit voucher. ~~These~~ Deposits **held under this subsection** will not be refunded until **the patron provides** proper identification ~~is provided~~ and will only be refunded to the individual identified by the surveillance photograph. The table games manager or the equivalent must approve both the deposit and refund by initialing the customer deposit voucher before the transaction is complete. Also, identification provided for verification ~~should~~ **shall** be recorded on the customer deposit withdrawal voucher and the currency transaction report.

(g) If a patron refuses to provide proper identification, ~~all~~ **the casino licensee shall stop the patron from making further** cash transactions ~~will be stopped~~ and **prevent** the patron ~~will be barred~~ from ~~any~~ further gaming activity until **the patron has provided the casino licensee with** satisfactory identification. ~~is provided.~~

(Indiana Gaming Commission; 68 IAC 15-2-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3328; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 216. 68 IAC 15-2-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-5 Surveillance

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

Sec. 5. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the notification of surveillance prior to completing a currency transaction report. The procedures shall include, at a minimum, the following:

(1) The window cashier, pit boss, table games shift manager, or table games manager must notify surveillance.
(2) Surveillance ~~will~~ **shall** take a photograph of the patron from the surveillance camera.
(3) Prior to the completion of the transaction, surveillance ~~will~~ **shall** notify the window cashier, pit boss, table games shift manager, or table games manager that **it has** an acceptable photograph. ~~has been taken.~~
(4) **The casino licensee may print the photograph in the surveillance room or on the casino floor, subject to the following requirements:**
(A) If the photograph is printed in the surveillance room, surveillance ~~will~~ **shall** note the date and time on the photograph, sign the photograph, and forward it to the window cashier, pit boss, table games shift manager, or table games manager.
(B) Before a casino licensee may print surveillance photographs from a printer located on the casino floor, the commission must approve internal control procedures regarding the use of a printer on the casino floor to print surveillance photographs.
(5) The window cashier, pit boss, table games shift manager, or table games manager ~~will~~ **shall:**
(A) sign the photograph;
(B) write the patron's name on the back of the photograph; and
(C) attach it to the casino's copy of the currency transaction report.
(6) The window cashier, pit boss, table games shift manager, or table games manager ~~will~~ **shall** document the type of reportable transaction on the currency transaction report form.
(7) The window cashier, pit boss, table games shift manager, or table games manager ~~will~~ **shall** sign the currency transaction report form and document his or her occupational licensee number on the form.
(8) The occupational licensee reviewing the form ~~will~~ **shall** also sign and document his or her occupational licensee number on the form.

(Indiana Gaming Commission; 68 IAC 15-2-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3328; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 217. 68 IAC 15-2-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-6 Currency transaction report

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

Sec. 6. The following information shall, at a minimum, be included on the currency transaction report:

(1) Part I. Section A. The ~~individual~~ **patron** or organization for whom the transaction was completed, including the following information:
(A) Patron's last name, first name, and, if provided, middle initial.
(B) **The last four (4) digits of the** patron's Social Security number.
(C) Name of organization and employer identification number if the transaction is being conducted on behalf

of a business or organization.
(D) If the ~~individual~~ **patron** is an alien or nonresident of the United States, the passport number or alien registration number, or both, and issuing country for both.
(E) Complete address of the patron, including the number and street, city, state, zip code and country if not in the United States.
(F) ~~Individual's~~ **Patron's** date of birth.
(G) Type and number of identification used to verify patron's identity.
(H) ~~Customer's~~ **Patron's** account number. Include the ~~customer's~~ **patron's** account number if an account relationship has been established between the patron and the casino or the deposit receipt number.

(2) Part I. Section B. Identity of ~~individual~~ **agent** conducting the transaction (complete only if an agent conducts a transaction for the person). Include the following information:
(A) Agent's last name, first name, and, if provided, middle initial.
(B) **The last four (4) digits of the** agent's Social Security number.
(C) Complete address of the agent, including the number and street, city, state, zip code, and country, if not in the United States.
(D) If the individual is an alien or nonresident of the United States, the passport number, alien registration number, or both, and the issuing country for both.
(E) Agent's date of birth.
(F) Type and number of identification used to verify patron's identity.

(3) Part II. Description of transaction, including the following:
(A) Indicate whether multiple currency transactions, none of which individually exceeds ten thousand dollars ($10,000), comprise this report.
(B) Indicate the nature of the transaction. Indicate if more than one (1) type of transaction is involved, and indicate the amount for each:
(i) currency exchange;
(ii) cash in; or
(iii) cash out.
(C) Specify the total amount of the cash transaction, in United States dollars, being reported. This must be completed for reports even if a check is being cashed.
(D) Include the date of the transaction.
(E) If the transaction involves currency other than United States currency, include the name of the country that issued the currency.

(4) Part III. The ~~riverboat~~ **casino** reporting the financial transaction shall include the following information:
(A) Name of the ~~riverboat~~ **casino** cage **employee** or **other** occupational licensee ~~handling~~ **who handled** the transaction or ~~preparing~~ **prepared** the form.
(B) Name and signature of the occupational licensee ~~reviewing~~ **who reviewed** and ~~approving~~ **approved** the currency transaction report. The occupational licensee responsible for reviewing, approving, and submitting the report shall sign the report.
(C) Name and commercial telephone number of a responsible individual to contact concerning ~~any~~ questions about this form.
(D) Date on which the occupational licensee reviewed and approved the report.
(E) ~~All~~ Currency transaction reports must be properly filed with the Internal Revenue Service by the fifteenth day after the date the transaction was completed with a copy simultaneously provided to ~~the commission~~ **an enforcement** agent.

(Indiana Gaming Commission; 68 IAC 15-2-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3329; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1069; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 218. 68 IAC 15-2-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-7 Occupational licensee's responsibility

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

Sec. 7. Occupational licensees are prohibited from providing ~~any~~ information to ~~riverboat~~ **casino** patrons in an effort to assist the patron in circumventing the reporting requirements. Occupational licensees are responsible for preventing a patron from circumventing the reporting requirements if the occupational licensee has knowledge, or through reasonable diligence in performing his or her duties, should have knowledge of the patron's attempt to

circumvent the reporting requirements.

(Indiana Gaming Commission; 68 IAC 15-2-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 219. 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 ~~all riverboat~~ **casino** licensees and ~~riverboat~~ **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 ~~pursuant to~~ **under** IC 5-13-10.5.
(2) "Payout" means the drop less the amount of the ~~riverboat~~ **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)

SECTION 220. 68 IAC 15-3-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-3-2 Distributions

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

Sec. 2. (a) A ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall not make distributions to its partners, shareholders, itself, or ~~any~~ **an** affiliated entity if the distribution will impair the financial viability of the ~~riverboat~~ **casino** gambling operation. Factors to be considered when determining impairment include, but are not limited to, the following:
(1) Cash flow, casino cash, and working capital requirements.
(2) Debt service obligations and covenants associated with financial instruments.
(3) Requirements for repairs and maintenance.
(4) Requirements for capital improvements.
(5) Requirements of the ~~riverboat~~ **casino** licensee's or ~~riverboat~~ **casino** license applicant's financial projections.
(6) Requirements to meet the obligations of the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant pursuant to a development agreement or the equivalent between the local community and the ~~riverboat~~ **casino** licensee or the ~~riverboat~~ **casino** license applicant or the conditions that were made a part of the certificate of suitability or the ~~riverboat~~ **casino** owner's license, or both.

(b) Notwithstanding subsection (a), distributions to partners or shareholders that are used for the payment of federal or state taxes, or both, shall not violate this rule.

(Indiana Gaming Commission; 68 IAC 15-3-2; 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)

SECTION 221. 68 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-3-3 Cash reserve requirements

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

Sec. 3. (a) ~~Riverboat~~ **Casino** licensees shall maintain, in cash or cash equivalents, an amount sufficient to protect patrons against defaults in gaming debts owed by the ~~riverboat~~ **casino** licensee. The cash reserve requirement may be maintained in any **combination** of the following: ~~combinations:~~
(1) Cash on hand in the ~~riverboat~~ **casino** licensee's cage that comprises the cage accountability.
(2) Cash in a bank account maintained in the state of Indiana.
(3) Cash equivalents that are not otherwise committed or obligated.

(b) ~~Riverboat~~ **Casino** licensees shall maintain cash or cash equivalents in one (1) of the following amounts to ensure payment of a winning patron wager:
(1) For the first full or partial quarter of operation, based on a calendar year, one hundred percent (100%) of the ~~riverboat~~ **casino** licensee's or ~~riverboat~~ **casino** license applicant's projected payout for a three (3) day period.
(2) For the next quarter, based on a calendar year, one hundred percent (100%) of the ~~riverboat~~ **casino** licensee's actual payout for a three (3) day period. The actual payout shall be computed by calculating the daily average payout for the previous quarter of operation and multiplying the daily average payout by three (3).

(c) The cash reserve requirement that a ~~riverboat~~ **casino** licensee must maintain shall be rounded off to the nearest one thousand dollars ($1,000). The ~~riverboat~~ **casino** licensee shall not increase or decrease the cash reserve requirement each quarter unless the adjustment would increase or decrease the cash reserve requirement by at least fifty thousand dollars ($50,000). The ~~riverboat~~ **casino** licensee shall increase or decrease the cash reserve requirement by the twentieth day of the month following the end of the quarter.

(d) The cash or cash equivalents must be held in the name of the ~~riverboat~~ **casino** licensee.

(e) If the ~~riverboat~~ **casino** licensee's cash and cash equivalents fall below the amount outlined in subsection (b), the ~~riverboat~~ **casino** licensee shall immediately notify the executive director. If the cash reserve requirement does not comply with this rule, the executive director shall order the ~~riverboat~~ **casino** licensee to establish a cash reserve requirement that is in compliance within a period not to exceed twenty (20) days.

(f) The ~~riverboat~~ **casino** licensee shall provide the executive director with a statement of the cash reserve account by the twentieth day of ~~each~~ **a** month or within ten (10) days of the receipt of the statement by the ~~riverboat~~ **casino** licensee.

(Indiana Gaming Commission; 68 IAC 15-3-3; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Feb 14, 2005, 10:10 a.m.: 28 IR 2014; readopted filed Nov 14, 2011, 12:10 p.m.: 20111214-IR-068110462RFA)

SECTION 222. 68 IAC 15-4-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-4-2 Purchase and receipt of chips and tokens

Authority: IC 4-33-4
Affected: IC 4-33

Sec. 2. (a) The riverboat licensee or riverboat license applicant shall be responsible for establishing policies and procedures for the:
(1) purchase;
(2) receipt;
(3) inventory;
(4) storage; and
(5) destruction;

of chips and tokens. These policies and procedures must be submitted to and approved by the executive director in accordance with 68 IAC 15-1.

(b) Procedures for the purchase and receipt of chips and tokens shall include, but are not limited to, the following:

(1) Chips and tokens shall only be purchased from a licensed supplier. The riverboat licensee or riverboat license applicant shall be responsible for communicating with licensed suppliers to arrange secured shipment and receipt of chips or tokens. Shipment shall be made via an exclusive courier who shall be required to use sealed doors and implement procedures for documenting ~~all~~ **the** stops along the route.

(2) The occupational licensee **to whom the riverboat licensee has** delegated the responsibility of ordering chips and tokens shall be at least the slot manager or cage manager level, or the equivalent.

(3) The commission shall be notified in writing before the delivery of ~~any~~ chips or tokens. This notification shall include the following information:

(A) The date and time of the delivery.

(B) The location of the delivery.

(C) A detailed description of the method and details of the secured shipment that will be ~~utilized~~ **used** to transport the chips or tokens.

(D) The amount of chips or tokens, by denomination.

(E) The occupational licensee who authorized the order of the chips or tokens.

(F) Any other information deemed necessary by the executive director or commission to ensure compliance with ~~the Act~~ **IC 4-33** and this title.

(4) At least two (2) occupational licensees from separate departments shall open and count the chips or tokens received. An enforcement agent shall also be present while the chips or tokens are being opened and counted.

(5) ~~Any:~~ **A:**

(A) deviation between the:

(i) actual count of chips or tokens received; and

(ii) invoice or packing slip accompanying the chips or tokens; or

(B) ~~any defects~~ **defect** in the chips or tokens;

shall be immediately reported to the executive director.

(6) The actual count of chips or tokens shall be recorded in a log or ledger. This log or ledger must be in a format approved by the commission. The following information shall, at a minimum, be included in the log or ledger:

(A) The date of receipt of the chips or tokens.

(B) The amount of chips or tokens, by denomination.

(C) Whether the chips are value chips or nonvalue chips.

(D) Whether the chips are part of the primary or reserve set of chips.

(E) The total token and chip inventory.

(F) Signatures of the occupational licensees counting the chips or tokens received.

(G) The name of the enforcement agent observing the delivery of the chips or tokens.

(H) The signature of the occupational licensee recording the entry.

(I) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33** and this title.

(7) If any of the chips are to be held in reserve, then those chips shall be stored in a locked cabinet separate from ~~all~~ **the** other chips.

(Indiana Gaming Commission; 68 IAC 15-4-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1070; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 223. 68 IAC 15-4-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-4-3 Storage of chips or tokens

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

Sec. 3. The riverboat licensee or riverboat applicant shall establish procedures for the transfer or storage of ~~all~~ chips and tokens. The procedures shall include, at a minimum, the following:

(1) Location and access of sensitive keys in accordance with 68 IAC 11-7.
(2) At least two (2) occupational licensees must be present for the transfer of the reserve or secondary chips and reserve tokens.
(3) Identification of occupational licensees authorized to transfer reserve and secondary chips.
(4) ~~Establish~~ A ~~procedure~~ **process** where at least two (2) occupational licensees, Level 2 or higher, from separate departments shall open and check the chips transferred. ~~Identify~~ **This entry in the procedures shall include identification of** the occupational licensees, by title, involved in this process.
(5) Inventories of chips in reserve and secondary set of chips and reserve tokens shall be made on a monthly basis, and the results of ~~such~~ **the** inventories shall be recorded in the chip inventory ledger. Physical inventories may be performed annually if the inventory procedures incorporate the sealing of locked compartments. The procedures for the performance of chip inventories, the procedures for sealing and accessing locked compartments, and the security measures to be taken with respect to these locked compartments shall be submitted to the commission for approval at least sixty (60) days prior to their implementation.
(6) During nongaming hours ~~all~~ chips shall be stored and locked in the casino cages, main bank vault, or locked table trays at the live gaming devices.

(Indiana Gaming Commission; 68 IAC 15-4-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 224. 68 IAC 15-5-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-1 General provisions

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33-2-6; IC 4-35

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

(b) The following definitions apply throughout this ~~article:~~ **rule:**
(1) "Department" has the meaning set forth in IC 4-33-2-6.
~~(1)~~ **(2)** "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance form.
~~(2)~~ **(3)** "Form RG-2" means the Monthly Statistical Information and Monthly Tax form.
~~(3)~~ **(4)** "Form RG-3" means the Balance Sheet form.
~~(4)~~ **(5)** "Form RG-4" means the Income Statement form.
~~(5)~~ **(6)** "Form RG-5" means the Statements of Changes in Stockholders' Equity form.
~~(6)~~ **(7)** "Form RG-6" means the Statements of Changes in Partners' or Proprietor's Equity form.
~~(7)~~ **(8)** "Form RG-7" means Statements of Cash Flows form.
~~(8)~~ **(9)** "Form RG-8" means the Schedule of Receivables and Patrons' Checks form.
~~(9)~~ **(10)** "Form RG-9" means the Employment and Payroll Report form.
~~(10)~~ **(11)** "Gaming day" means a twenty-four (24) hour period commencing at 6 a.m. one (1) day and concluding at 5:59 a.m. the following day.

(Indiana Gaming Commission; 68 IAC 15-5-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3305; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 225. 68 IAC 15-5-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-2 Calculation of taxes

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33-13-1; IC 4-33-13-1.5; IC 4-35-8-1

Sec. 2. (a) The ~~riverboat~~ **casino** licensee shall calculate the amount of wagering taxes to be paid by completing Form RG-1 in accordance with the applicable rules of the department, this rule, and ~~any~~ **the** instructions that accompany Form RG-1. Only the:
(1) general manager;

(2) assistant general manager;
(3) finance officer; or
(4) others as approved by the commission;
may sign as an officer on the RG-1.

(b) ~~Each riverboat~~ **A casino** licensee shall maintain an account at a designated financial institution capable of handling electronic fund transfers.

(c) The ~~riverboat~~ **casino** licensee shall submit the wagering tax liabilities via an Electronic Funds Transfer (EFT) system employing an automated clearinghouse debit method (ACH-debit) or other method approved by the department and the executive director.

(d) The ~~riverboat~~ **casino** licensee shall be required to file a Form RG-1 and remit the tax imposed by IC 4-33-13 to the department before the close of the business day following the day the wagers are made. In addition, a copy of Form RG-1 shall be filed with the commission.

(e) The ~~riverboat~~ **casino** licensee shall be required to maintain funds, at all times, sufficient to cover ~~all~~ **the** tax liabilities due to the department in accordance with IC 4-33-13.

(f) The ~~riverboat~~ **casino** licensee that has not implemented flexible scheduling shall compute the amount of wagering tax due as set forth in IC 4-33-13-1. The ~~riverboat~~ **casino** licensee that has implemented flexible scheduling shall compute the amount of wagering tax due as set forth in IC 4-33-13-1.5 **or IC 4-35-8-1.**

(g) **Casino licensees shall compute** daily gross receipts ~~shall be computed~~ in the following manner:
(1) Add the following figures **as applicable:**
(A) Total receipts from table games in accordance with section 3 of this rule.
(B) Total receipts from electronic gaming devices in accordance with section 4 of this rule.
(C) Net tournament receipts in accordance with section 5 of this rule.
(D) Net debit card receipts in accordance with section 6 of this rule.
(E) ~~Any~~ **A** tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.
(2) Deduct the following figures:
(A) Allowable uncollectible gaming receivable deduction under 68 IAC 16-1-13 in accordance with section 8 of this rule.
(B) ~~Any~~ **A** tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.

(h) If the amount of wagering tax due on a gaming day is a negative figure, the ~~riverboat~~ **casino** licensee shall remit no wagering tax for that gaming day but shall pay the appropriate amount of admission tax calculated under 68 IAC 15-6. Any negative wagering tax shall be carried over and calculated as an adjustment on Schedule E of Form RG-1 on the subsequent gaming days until the negative figure has been brought to a zero (0) balance.

(Indiana Gaming Commission; 68 IAC 15-5-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3305; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Feb 14, 2005, 10:10 a.m.: 28 IR 2014; readopted filed Nov 14, 2011, 12:10 p.m.: 20111214-IR-068110462RFA)

SECTION 226. 68 IAC 15-5-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-4 Receipts from electronic gaming devices

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

Sec. 4. (a) The casino licensee shall compute the total receipts from electronic gaming devices in the following manner:
(1) Add the following applicable figures for electronic gaming device drop buckets:
(A) For electronic gaming devices that were not part of the drop bucket collection process under 68 IAC 11-2 for that gaming day, add the dollar value of the drop per the central computer system.
(B) For electronic gaming devices that were part of the drop bucket collection process under 68 IAC 11-2 for

that gaming day, add the dollar value of the contents of the drop buckets, including foreign tokens, per the hard count.

(2) Add the following applicable figures for electronic gaming device bill validator drop boxes:

(A) For electronic gaming device bill validator drop boxes that were not part of the currency collection process under 68 IAC 11-3 for that gaming day, add the dollar value of the drop per the central computer system.

(B) For electronic gaming device bill validator drop boxes that were part of the currency collection process under 68 IAC 11-3 for that gaming day, add the dollar value of the contents of the bill validator drop boxes per the soft count.

(3) Deduct the dollar values of the following figures:

(A) The amount previously reported per the central computer system on a previous gaming day that is included in the drop bucket collection process or the bill validator collection process for the current gaming day.

(B) Manually paid jackpots.

(C) Hopper fills. The casino licensee shall not take a deduction for hopper fills that are made before the:

(i) commencement of gaming operations; or

(ii) ~~utilization~~ **use** of ~~any~~ **an** electronic gaming device.

The total of subdivisions (1) and (2) shall be added to the daily token float adjustment to arrive at the total ~~number of~~ receipts from electronic gaming devices.

(b) The casino licensee shall compute the daily token float in the following manner:

(1) Begin with the dollar value of tokens on hand per the token inventory ledger.

(2) Subtract the dollar value of the ending token inventory held by the casino licensee. The ending token inventory shall include the dollar values of the following:

(A) Tokens in the hard count room.

(B) Tokens in the vault.

(C) Tokens in the cage drawers.

(D) Tokens in the change lockers.

(E) Tokens in the hoppers. If this deduction is not based on an actual number of tokens in the hoppers, the figure ~~utilized~~ **used** must be approved by the executive director or the executive director's designee.

(3) The daily token float must be calculated and recorded separately for each denomination of tokens.

(c) The daily token float adjustment shall be arrived at by subtracting the previous gaming day's token float from the current gaming day's token float.

(d) If any denomination of token float becomes negative, the casino licensee must take the following steps:

(1) Immediately investigate the reason for the negative token float.

(2) Immediately notify the enforcement agent.

(3) Notify the commission, in writing, on the next business day.

(Indiana Gaming Commission; 68 IAC 15-5-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; filed May 29, 1998, 5:15 p.m.: 21 IR 3703; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; filed Apr 13, 2011, 11:20 a.m.: 20110511-IR-068100498FRA)

SECTION 227. 68 IAC 15-5-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-5 Tournament receipts

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

Sec. 5. The ~~riverboat~~ **casino** licensee shall compute the net tournament receipts to be used in arriving at the daily adjusted gross receipts in the following manner:

(1) Add the total receipts from tournaments.

(2) Deduct tournament payouts, including prizes at their historical cost basis.

The ~~riverboat~~ **casino** licensee may not take a deduction for net tournament receipts if the computation results in a negative number.

(Indiana Gaming Commission; 68 IAC 15-5-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; readopted filed Nov 25,

2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 228. 68 IAC 15-5-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-6 Debit card receipts

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

Sec. 6. The ~~riverboat~~ **casino** licensee shall compute the net debit card receipts to be used in arriving at the daily adjusted gross receipts by deducting the total of cash returned on debit cards from total receipts from issuance of debit cards.

(Indiana Gaming Commission; 68 IAC 15-5-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3306; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 229. 68 IAC 15-5-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-7 Tax corrections or adjustments

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

Sec. 7. If the ~~riverboat~~ **casino** licensee makes ~~any~~ **an** adjustment or correction in a calculation that **it** has ~~been~~ previously reported on Form RG-1, the **casino licensee shall incorporate the** adjustment ~~shall be incorporated~~ into the next Form RG-1 that ~~is filed~~ **it files** with the department and the commission. The adjustment shall include any collection of uncollectible gaming receivables that were previously computed ~~in an~~ **as** uncollectible gaming receivables in completing a Form RG-1. The ~~riverboat~~ **casino** licensee shall fully and completely explain the reason necessitating ~~any~~ **an** adjustment or correction on Schedule E of Form RG-1.

(Indiana Gaming Commission; 68 IAC 15-5-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 230. 68 IAC 15-5-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-8 Uncollectible gaming receivables

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

Sec. 8. The ~~riverboat~~ **casino** licensee shall be allowed a deduction against a total win for uncollectible gaming receivables. The deduction shall be the lesser of the following:

(1) Actual uncollectible gaming receivables.

(2) Two percent (2%) of the receipts from gaming operations for the gaming day, which includes the total of all sums received from patrons, whether collected or not, less the amount paid out by the ~~riverboat~~ **casino** licensee as winnings to patrons.

(3) A reasonable provision for uncollected patron checks received from gaming operations that is based on actual uncollectible gaming receivables for the prior month prorated per day.

(Indiana Gaming Commission; 68 IAC 15-5-8; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 231. 68 IAC 15-5-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-9 Monthly forms

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

Affected: IC 4-33; IC 4-35

Sec. 9. **(a)** The ~~riverboat~~ **casino** licensee shall prepare and submit the following forms to the commission office in Indianapolis, Indiana ~~no~~ **not** later than fifteen (15) days after the end of ~~each~~ **a** calendar month:

~~(1) Form RG-2.~~
~~(2)~~ **(1)** Form RG-3.
~~(3)~~ **(2)** Form RG-4.
~~(4)~~ **(3)** Form RG-5.
~~(5)~~ **(4)** Form RG-6.
~~(6)~~ **(5)** Form RG-7.
~~(7)~~ **(6)** Form RG-8.
~~(8)~~ **(7)** Form RG-9.

(b) The casino licensee shall prepare and submit the Form RG-2 to the commission office in Indianapolis, Indiana not later than five (5) days after the end of a calendar month.

(c) The forms listed in this section shall be prepared in accordance with this rule and ~~any~~ **the** instructions that accompany the form. The original forms shall be submitted to the commission office in Indianapolis, Indiana by the ~~fifteenth~~ **prescribed** day of ~~each~~ **a** month. Copies of each form shall be submitted to the department in Indianapolis, Indiana. Copies submitted via facsimile are not acceptable as being timely filed.

(Indiana Gaming Commission; 68 IAC 15-5-9; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3307; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 232. 68 IAC 15-6-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-6-1 General provisions

Authority: IC 4-33-4
Affected: IC 4-33

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

(b) ~~All~~ **The** admission procedures ~~utilized~~ **used** by a riverboat licensee must be in compliance with this rule, and ~~all~~ admission taxes must be reported in accordance with this rule.

(c) The following definitions apply throughout this rule:

~~(1) "Carryover patron" means a patron who remains on board past the disembarkation period of any excursion following the initial excursion for which the patron boarded the riverboat.~~
~~(2) "Complimentary admission ticket" means a ticket issued to a patron by the riverboat licensee wherein the patron is not charged the admission price. The riverboat licensee must pay the admission tax for that patron in accordance with this rule and IC 4-33-12.~~
~~(3)~~ **(1)** "Passenger" includes ~~the~~ patrons ~~in addition to those individuals~~ **and persons** entitled to receive a tax-free pass.
~~(4)~~ **(2)** "Patron" means an individual who:
(A) boards the riverboat to participate in a gambling excursion; and
(B) is not entitled to receive a tax-free pass.
~~(5)~~ **(3)** "RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form.
~~(6)~~ **(4)** "Tax-free pass" means a pass that is issued to persons listed in IC 4-33-12-3 that allows the individual to board the riverboat without paying an admission charge. The riverboat licensee does not have to remit the admission tax for persons who receive a tax-free pass. Persons on board the riverboat with a tax-free pass shall not participate in ~~any~~ **a** gambling game.
~~(7)~~ **(5)** "Vendor" means a person who is on the riverboat to supply the riverboat licensee with a good or service necessary for the conduct of the riverboat gambling operation.

(Indiana Gaming Commission; 68 IAC 15-6-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; errata filed Oct 23, 1996, 12:00 p.m.: 20 IR 760; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.:

20070103-IR-068060191FRA)

SECTION 233. 68 IAC 15-6-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-6-4 Vendor log and visitor log

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

Sec. 4. (a) The ~~riverboat~~ **casino** licensee's security department shall maintain a vendor and visitor log on forms prescribed or approved by the commission.

(b) ~~All~~ Vendors and visitors ~~entitled to a tax-free pass~~ must report to security to complete the vendor and visitor log and to obtain a badge. When the vendor or visitor leaves the ~~riverboat,~~ **casino,** the vendor or visitor must complete the appropriate portion of the log.

(c) Vendors and visitors ~~on board~~ **in** the ~~riverboat with a tax-free pass~~ **casino** may not participate in ~~any of the~~ **a** gambling ~~games.~~ **game.**

(d) ~~All~~ Vendors and visitors ~~aboard~~ **in** the ~~riverboat~~ **casino** must wear, in a conspicuous location, a badge issued by the security department.

(e) The vendor and visitor log shall contain the following information:
(1) The name of the vendor or visitor.
(2) The company or organization the vendor or visitor represents.
(3) The date and time the vendor or visitor ~~boards~~ **entered** the ~~riverboat.~~ **casino.**
(4) The purpose that necessitates the vendor or visitor ~~boarding~~ **entering** the ~~riverboat.~~ **casino.**
(5) The date and time that the vendor or visitor exits the ~~riverboat.~~ **casino.** The ~~riverboat~~ **casino** licensee is responsible for instituting a policy that ensures ~~all~~ **that** vendor and visitor badges are returned to the security department and accounted for when the vendor or visitor exits the ~~riverboat.~~ **casino.**
(6) If the person is a visitor, the individual who authorized the visitor's presence ~~on~~ **in** the ~~riverboat.~~ **casino.**
(7) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(f) ~~All~~ Vendors and visitors must be counted in the calculation of the total count to determine that the total ~~number of passengers~~ **occupancy** does not exceed the capacity of the ~~riverboat~~ **casino** as set forth in the certificate of inspection issued by **the commission or** the United States Coast Guard, **if applicable.**

(Indiana Gaming Commission; 68 IAC 15-6-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 234. 68 IAC 15-7-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-7-1 Applicability; general provisions

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

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

(b) The ~~riverboat~~ **casino** licensee must submit policies and procedures in connection with the daily review, reconciliation, and posting of transactions in accordance with 68 IAC 15-1 and this rule.

(c) Occupational licensees who hold revenue audit positions are responsible for the daily review, reconciliation, and posting of transactions for their respective departmental audits.

(d) As used in this rule, "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form.

(Indiana Gaming Commission; 68 IAC 15-7-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 235. 68 IAC 15-8-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-4 Observation and testing of electronic gaming devices

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

Sec. 4. The ~~riverboat~~ **casino** licensee shall establish procedures to observe, unannounced, the compliance with the system of internal controls for the electronic gaming devices ~~which~~ **that** have been submitted in accordance with 68 IAC 11 and ~~68 IAC 15.~~ **this article.** The procedures shall be performed quarterly and shall include, at a minimum, the following:

(1) Observe and review **the following:**
(A) Jackpot payout and fill procedures.
~~(2) Observe and review~~ **(B)** The electronic gaming device drop procedures.
~~(3) Observe and review~~ **(C)** The hard count and subsequent transfer of funds.
~~(4)~~ **(2)** Perform surprise testing of the weigh scales and token counters.
~~(5)~~ **(3)** Observe and review the location and control over the sensitive keys.
~~(6)~~ **(4)** Test the contents of the hoppers.
~~(7)~~ **(5)** Compare the original electronic gaming device fills and jackpot slips to the duplicate fills and jackpot slips to verify accuracy.
~~(8)~~ **(6)** Review the electronic gaming device fills and jackpot slips for the proper number of authorized signatures.
~~(9)~~ **(7)** Verify and account for the numerical sequence of the electronic gaming device fills and jackpot slips.
~~(10)~~ **(8)** Recalculate the electronic gaming device documentation for accuracy and recording.
~~(11)~~ **(9)** Randomly select certain days to verify the accuracy of the total of fills and jackpots and re-foot and trace to the jackpot and fill report.
~~(12)~~ **(10)** Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-8-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 236. 68 IAC 15-8-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-5 Observation and testing of casino cashiering and credit

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

Sec. 5. (a) The ~~riverboat~~ **casino** licensee shall establish procedures for the observation and testing of the compliance with the system of internal controls for casino cashiering and credit.

(b) The internal auditor or equivalent shall observe and review, on a quarterly basis, the following procedures, at a minimum:

(1) The countdown procedures.
(2) The casino cage accountability to the general ledger.
(3) The casino cage accountability to the main bank, vault, token booth, and change banks.
(4) Check cashing procedures and issuance of credit procedures.
(5) Shift and day procedures.
(6) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) The internal auditors or equivalent shall test, on a quarterly basis, the following procedures, at a minimum:
(1) Reconcile summary sheets to physical instruments on a sample basis.
(2) Review processing of payments on returned checks.
(3) **If applicable,** review procedures and controls over the primary, secondary, and nonvalue chip inventory.
(4) Ascertain compliance with credit limits and other preestablished credit issuance procedures.
(5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-8-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 237. 68 IAC 15-8-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-6 Currency transaction reporting

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

Sec. 6. The ~~riverboat~~ **casino** licensee shall establish procedures for the internal auditor or equivalent to review, on a sample basis, the compliance with the internal control system for currency transaction reporting. The observation and review shall be performed on a quarterly basis and shall include, at a minimum, the following:
(1) The pit, currency, cage, and electronic gaming device transaction procedures.
(2) Transactions report and corresponding supporting documents.
(3) The documentation and control over source documents.
(4) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-8-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3334; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 238. 68 IAC 15-8-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-7 Adjusted gross receipts and admissions

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

Sec. 7. (a) The ~~riverboat~~ **casino** licensee shall establish procedures for the internal auditors or equivalent to review, on a sample basis, the computation of the daily adjusted gross receipts and admission tax remittance forms, **if applicable,** in accordance with 68 IAC 15-5. These procedures shall be performed on a quarterly basis.

(b) **If applicable,** the internal auditor or equivalent shall observe and review procedures for the reading and recording of the passenger count included in the admission tax calculation in accordance with 68 IAC 15-6. These procedures shall be performed on a quarterly basis.

(Indiana Gaming Commission; 68 IAC 15-8-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 239. 68 IAC 15-9-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-9-2 Key control over tip boxes

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

Sec. 2. The ~~riverboat~~ **casino** licensee shall submit procedures relating to the controls over access to the key for removing tips and gratuities in accordance with 68 IAC 11-7. These procedures shall include, at a minimum,

the following:

(1) A list of authorized occupational licensees who have access to the key.

(2) A key control log that shall be completed prior to **a person** checking out the key. The key control log shall contain, at a minimum, the following information:

(A) The date and time the key is checked out.

(B) The signature of the members of the tip count team who receive the key.

(C) The reason for accessing the key.

(D) The time the key is returned.

(3) Location ~~of~~ where the **casino licensee shall store the** key. ~~will be stored.~~

(4) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-9-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3335; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 240. 68 IAC 15-10-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-1 Applicability; general provisions

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

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

(b) A casino licensee shall submit policies and procedures that shall describe the location, functions, and controls for ~~all~~ **the** casino cashiering areas. These policies and procedures shall be submitted to and approved by the executive director in accordance with 68 IAC 15-1.

(c) The casino licensee shall ~~establish~~ **submit:**

(1) the **locations of bank areas that will operate on an** imprest **basis; and**

(2) the imprest amount for ~~the areas of the casino cage that operate on an imprest basis.~~ **each bank area.** The casino licensee shall submit the locations ~~that operate on imprest~~ and the imprest amount to the executive director ~~at least twenty (20) days before the commencement of gaming operations.~~ **in accordance with 68 IAC 15-1.**

(Indiana Gaming Commission; 68 IAC 15-10-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; 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 Apr 13, 2011, 11:20 a.m.: 20110511-IR-068100498FRA)

SECTION 241. 68 IAC 15-10-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-2 Transactions

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

Sec. 2. (a) The ~~riverboat~~ **casino** licensee shall establish policies and procedures to ensure that all transactions that flow through the casino cage ~~shall be~~ **are** accounted for. These policies and procedures shall include, but are not limited to, the following:

(1) All transactions shall be recorded on a main bank or vault accountability form or its equivalent on a per shift basis.

(2) All increases or decreases to the main bank or vault shall be supported by the appropriate documentation.

(3) At the end of ~~each~~ **a** shift, the cashiers assigned to the outgoing shift shall:

(A) record on a main bank or vault accountability form, or its equivalent, the face value of each cage inventory item counted and the total of the opening and closing cage inventories; and

(B) reconcile the total closing inventory with the total opening inventory.

(4) At the conclusion of gaming activity each day, copies of the main bank or vault accountability forms and all supporting documentation shall be forwarded to the accounting department.

(5) Signature requirements shall be established for outgoing and incoming cashiers.
(6) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the type of transactions to be performed by each casino cashiering area. The following transactions shall be identified by each cage performing the transaction:
(1) Issuance of markers.
(2) Receipt of marker payments.
(3) Cash personal checks and traveler's checks.
(4) Processing electronic gaming device fills and jackpots.
(5) Sell chips and tokens.
(6) Redemption of chips and tokens.
(7) Acceptance of front money, safekeeping deposits, or both.
(8) Live gaming device fills and credits.
(9) Even-money exchanges.
(10) Acceptance of hard and soft count drops.
(11) Any other transactions deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-10-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 242. 68 IAC 15-10-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-3 Opening of cage

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

Sec. 3. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the opening of cages. These policies and procedures shall include, but not be limited to, the following:
(1) Designation of the individual responsible for checking out the cage key.
(2) Requirement for signing the key control log in accordance with 68 IAC 11-7.
(3) Requirement for the oncoming cashier to count the station and agree to the duplicate copy of the cashier drawer check in and out form or the equivalent. If ~~any~~ variances are found, the casino cage supervisor shall be notified and the variance investigated.
(4) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-10-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 243. 68 IAC 15-10-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-4 Closing of cages

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

Sec. 4. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the closing of cages. These policies and procedures shall include, but are not limited to, the following:
(1) Requirement that all cages, other than the main bank **or** vault, or both, sell the cash equivalents (checks, markers, or other negotiable instruments) to the main bank or vault for cash.
(2) The off-going cashier counts the station and records the count on a cage accountability form and signs the form.
(3) The cage accountability form, along with any overage, is transferred to the main bank or vault and any shortage is paid by the main bank or vault to bring the cage cash to an imprest balance.

(4) Any other policies and procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-10-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 244. 68 IAC 15-10-4.1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-4.1 Cage variances

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

Sec. 4.1. (a) ~~All~~ Cage inventories must be accurately reported at the conclusion of ~~each~~ **a** shift on the inventory form ~~utilized~~ **used** by the ~~riverboat~~ **casino** licensee. ~~All~~ Overages and shortages must be recorded at the conclusion of the shift during which the variance was discovered.

(b) ~~All~~ Cage variances of five hundred dollars ($500) or two percent (2%), whichever is less, must be reported on a form approved by the commission to the following within one (1) business day after the discovery of the variance:
(1) The security department.
(2) The surveillance department.
(3) An enforcement agent.

(c) ~~All~~ Variances of five thousand dollars ($5,000) or more, or a variance ~~of any amount~~ that is of a nature that indicates criminal activity must be reported on a form approved by the commission to the following immediately:
(1) The security department.
(2) The surveillance department.
(3) An enforcement agent.
These variances must be reported to the commission audit staff at the beginning of the next business day.

(d) ~~All~~ Variances of five hundred dollars ($500) or two percent (2%), whichever is less, or ~~any~~ **a** variance that is of a nature that indicates criminal activity must be investigated by the ~~riverboat~~ **casino** licensee. The variance and the results of the investigation must be reported to the head of the accounting department or the equivalent. ~~All~~ Unresolved variances must be investigated by the accounting director or designee. The results of the investigation shall be reported on the document provided to him or her by the cage department. ~~Any~~ Surveillance tapes or records relating to the variance must be preserved and retained by the ~~riverboat~~ **casino** licensee until the ~~regional~~ **commission** audit ~~administrator for the commission~~ **director** advises **that** the tapes or records, or both, may be recycled. The results of ~~any~~ **an** investigation into these variances must be reported to an enforcement agent. If the variance that was investigated exceeded five thousand dollars ($5,000), the results of the investigation must also be reported to the commission audit staff.

(e) The ~~riverboat~~ **casino** licensee's internal auditor must review, on a quarterly basis, cage variances to ensure that the variances are appropriately and thoroughly investigated and reported. The results of the internal auditor's review must be reflected on the quarterly internal audit report filed in accordance with 68 IAC 15-8.

(Indiana Gaming Commission; 68 IAC 15-10-4.1; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2702; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 530; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 245. 68 IAC 15-10-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-5 Even exchanges

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

Sec. 5. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the even exchange of funds between two (2) casino cashiering areas or between a casino cashiering area and token and change banks, which shall include the following:

(1) A designation of the occupational licensee who may process the even exchange transaction.
(2) A description of the even exchange form and the required information and signatures. The form shall be at least a two (2) part form.
(3) A description of the distribution of each part of the form.
(4) Types of items allowed to be exchanged.
(5) Requirement that security personnel must accompany the transfer of the funds between locations.
(6) Any other policy or procedure deemed necessary by the executive director or commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 15-10-5; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3337; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 246. 68 IAC 15-10-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-6 Token and change banks

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

Sec. 6. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the control of token and change banks by the main bank or vault. These banks shall be on an imprest basis.

(Indiana Gaming Commission; 68 IAC 15-10-6; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 247. 68 IAC 15-10-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-7 Token dispensing machines

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

Sec. 7. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the control of token dispensing machines. These procedures shall include, but are not limited to, the following:

(1) **A** description of the procedures for the reimpressment of the machines.
(2) Designation of the occupational licensees who shall reimpress the machine.

(Indiana Gaming Commission; 68 IAC 15-10-7; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 248. 68 IAC 15-10-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-8 Overages and shortages of cages

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

Sec. 8. The ~~riverboat~~ **casino** licensee shall establish policies and procedures concerning ~~any~~ overages and shortages in closing out the cages. These policies and procedures shall include the requirements for documentation and investigation of overages and shortages.

(Indiana Gaming Commission; 68 IAC 15-10-8; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 249. 68 IAC 15-10-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-10-9 Cash deposits

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

Sec. 9. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the preparation and deposit of funds to the bank.

(Indiana Gaming Commission; 68 IAC 15-10-9; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3338; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 250. 68 IAC 15-13-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-13-2 Manually paid jackpot procedures

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

Sec. 2. (a) In accordance with 68 IAC 15-1-3, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit policies and procedures covering manually paid jackpots.

(b) The policies and procedures for manually paid jackpots shall include, but not be limited to, the following areas:
(1) The manner in which the slot attendant will verify the validity of the jackpot.
(2) The ~~3-part~~ **three-part** form that will be used to document a manually paid jackpot.
(3) The manner in which the process for manually paid jackpots will differ if the form is handwritten rather than generated by computer.
(4) ~~Any~~ Deviation in the level of occupational licensee or job title of those individuals who can participate in the processing of a manually paid jackpot for specified dollar amounts.
(5) ~~Any~~ Instances when surveillance will photograph the patron other than in accordance with 68 IAC 15-2-3 or 68 IAC 15-2-6.

(c) A ~~3-part~~ **three-part** jackpot paid slip must be generated before a jackpot can be manually paid. Manually paid jackpot slips must be prenumbered forms that are sequentially numbered. The manually paid jackpot slip must contain, at a minimum, the following information:
(1) The name of the ~~riverboat~~ **casino** licensee.
(2) The date and time the manually paid jackpot form was generated.
(3) The electronic gaming device number and denomination.
(4) The location of the electronic gaming device.
(5) The amount of the jackpot in alphabetical and numerical form.
(6) The name, occupational license number, and signature of the slot attendant and casino cashier who complete the manually paid jackpot.
(7) An indication of whether the manually paid jackpot is to pay a jackpot that exceeds the payout capability of the electronic gaming device or a short pay.

(d) Manually paid jackpots shall proceed in the following manner:
(1) The jackpot shall be verified in accordance with the policies and procedures submitted under subsection (b)(1).
(2) Based on the information contained on the manually paid jackpot slip, the casino cashier shall present the proper amount of cash to the slot attendant.
(3) The slot attendant shall ensure that the amount of cash presented by the casino cashier matches the information contained on the manually paid jackpot slip.
(4) After the slot attendant and the casino cashier ensure the cash presented matches the information contained on the manually paid jackpot slip, both the slot attendant and the casino cashier shall sign the manually paid jackpot slip.
(5) The casino cashier shall retain the original copy of the manually paid jackpot slip and issue remaining

copies to the slot attendant.
(6) A security officer shall escort the slot attendant from the cage to the appropriate electronic gaming device. The security officer who begins completing the manually paid jackpot must complete the process of witnessing, escorting, and signing the appropriate documentation to verify the manually paid jackpot was completed. If there is a discrepancy with the manually paid jackpot, the same security officer who began the manually paid jackpot must accompany the manually paid jackpot back to the cage to resolve the discrepancy.
(7) After arriving at the appropriate electronic gaming device, the security officer shall **do the following:**
(A) Verify the jackpot.
(B) Witness the jackpot payout to the patron. ~~and~~
(C) Complete the appropriate sections of the manually paid jackpot slip.
(8) The slot attendant shall reset the electronic gaming device so that play on the electronic gaming device may continue. The electronic gaming device shall be relocked after it is cleared. The security officer shall remain present throughout this procedure.
(9) One (1) copy of the completed manually paid jackpot slip shall be deposited into a locked accounting box so that it will not be available to slot attendants or other persons who participate in manually paid jackpots.
(10) The remaining copy of the completed manually paid jackpot slip shall be returned to the casino cage.

(e) The **casino cashier or appropriate department shall use** copies of the completed manually paid jackpot slips ~~shall be utilized by the casino cashier or appropriate department~~ to balance the cage. All completed manually paid jackpot slips shall be ~~utilized~~ **used** to complete the hard count and shall be verified by the accounting department.

(f) If a manually paid jackpot slip is erroneous, it shall be voided and a new manually paid jackpot slip generated. The person voiding the manually paid jackpot slip shall indicate the reason the manually paid jackpot slip was voided and sign the slip. ~~Any~~ **A** voided manually paid jackpot slip shall be retained and deposited into the locked accounting box.

(g) If a manually paid jackpot exceeds three thousand dollars ($3,000), the appropriate multiple transaction log must be completed in accordance with 68 IAC 15-2-3.

(h) If a manually paid jackpot exceeds ten thousand dollars ($10,000), the appropriate currency transaction report must be completed in accordance with 68 IAC 15-2-6.

(Indiana Gaming Commission; 68 IAC 15-13-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3311; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3066; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14,2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 251. 68 IAC 15-13-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-13-3 Internal Revenue Service filings

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

Sec. 3. If a manually paid jackpot exceeds one thousand two hundred dollars ($1,200), the ~~riverboat~~ **casino** licensee shall complete and file ~~all~~ **the** forms required by the Internal Revenue Service.

(Indiana Gaming Commission; 68 IAC 15-13-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 252. 68 IAC 16-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-1 Applicability; general provisions

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

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

(b) The following definitions apply throughout this article:
(1) "Front money" means a patron deposit that is used in lieu of credit to guarantee payment of a marker issued.
(2) "Marker" means a document, signed by the patron, evidencing an extension of credit to the patron by the ~~riverboat~~ **casino** licensee.
(3) "Picture identification" means a driver's license or other piece of identification issued by a governmental entity that has a picture of the ~~individual~~ **patron** on the document.
(4) "RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance form.

(Indiana Gaming Commission; 68 IAC 16-1-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 253. 68 IAC 16-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-2 Purpose

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

Sec. 2. (a) The purpose of requiring submission of procedures for extending credit is to ensure the following:
(1) That markers issued by ~~riverboat~~ **casino** licensees are done so only in accordance with the specific or general authorization of ~~the Act~~ **IC 4-33, IC 4-35,** and this article.
(2) That the functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the ~~riverboat~~ **casino** licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of his or her duties.
(3) That procedures are conducted: ~~with:~~
(A) **with** integrity; and
(B) in accordance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) The ~~riverboat~~ **casino** licensee shall be responsible for establishing policies and procedures to extend credit to patrons. The policies and procedures shall provide that ~~each~~ **the** credit transaction is promptly and accurately recorded.

(Indiana Gaming Commission; 68 IAC 16-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 254. 68 IAC 16-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-3 Submission of extension of credit procedures

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

Sec. 3. (a) The ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall be required to submit procedures for extending credit to the executive director or the executive director's designee. The procedures for extending credit must be submitted in accordance with this rule.

(b) ~~All~~ **The** procedures for extending credit must comply with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(c) Submission of extension of credit procedures shall be handled in the following manner:
(1) When called for in this article, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit procedures for extending credit to the executive director or designee at least sixty (60) days prior to the commencement of gaming operations.
(2) No procedures for extending credit may be ~~utilized~~ **used** by a ~~riverboat~~ **casino** licensee or ~~riverboat~~

casino license applicant unless the procedures for extending credit have been submitted, in writing, to the executive director or designee.

(d) The executive director may disapprove ~~any~~ **a** portion of the policies or procedures concerning the extension of credit. If the executive director disapproves a policy or procedures concerning the extension of credit, the executive director must notify the ~~riverboat~~ **casino** licensee, in writing, of the disapproval. The ~~riverboat~~ **casino** licensee may not ~~utilize any~~ **use a** policy or procedure concerning the extension of credit if ~~that~~ **the executive director has disapproved the** policy or procedure. ~~has been disapproved.~~

(e) Access to the credit information, outstanding credit instruments, and credit instruments that have been written off ~~are~~ **is** restricted to ~~those~~ occupational licensees who require access and are ~~so~~ authorized by management **to have access.**

(Indiana Gaming Commission; 68 IAC 16-1-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 255. 68 IAC 16-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-4 Amendments to procedures for extending credit

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

Sec. 4. (a) Amendments to procedures for extending credit shall be handled in the following manner:
(1) Amendments to any portion of the procedures for extending credit must be submitted to the executive director at least forty-five (45) days prior to the utilization of the procedures for extending credit.
(2) No amendment to procedures for extending credit may be ~~utilized~~ **used** by the ~~riverboat~~ **casino** licensee unless the amendments to the procedures for extending credit have been submitted, in writing, to the executive director.

(b) The executive director may disapprove any portion of an amendment to the policies or procedures concerning the extension of credit. ~~If the executive director disapproves an amendment, the executive director must notify the riverboat licensee, in writing, of the disapproval.~~ The ~~riverboat~~ **casino** licensee may not ~~utilize any~~ **use an** amendment that **the executive director** has ~~been~~ disapproved.

(Indiana Gaming Commission; 68 IAC 16-1-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 256. 68 IAC 16-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-5 Application of credit

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

Sec. 5. (a) In accordance with section 3 of this rule, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall submit the procedures for establishing credit to the commission. Procedures for establishing credit shall, at a minimum, include the following:
(1) A **casino licensee shall complete and maintain a** credit file ~~shall be completed and maintained~~ for each patron to whom credit is extended. This file shall include, at a minimum, the following:
(A) A credit application, including, but not limited to, the following:
(i) Patron's name.
(ii) Requested credit line.
(iii) Current home address.
(iv) Home telephone number.
(v) Date of birth.
(vi) Place of employment and position held.

(vii) The employer's address and telephone number.
(viii) The patron's bank address.
(ix) The checking accounting number.
(x) Social Security number.
(B) Authorized credit limit.
(C) A photocopy of patron's identification.
(D) A history of all credit issued to the patron and payments received or written off by the ~~riverboat~~ **casino** licensee.
(E) Verification of credit application and approval of credit establishment.
(2) Procedures for verification of credit application.
(3) Procedures for review and approval of the credit limit for the patron.
(4) Procedures to increase or decrease an established credit line.
(5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) A ~~riverboat~~ **casino** licensee shall not extend credit to ~~any~~ **a** patron who has not made a payment on the patron's outstanding credit within a period of thirty (30) days.

(Indiana Gaming Commission; 68 IAC 16-1-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 257. 68 IAC 16-1-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-6 Verification of credit

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

Sec. 6. Verification of the patron's outstanding indebtedness, as required by section 5(a) of this rule, shall be performed by contacting a consumer credit bureau that is reasonably likely to possess information concerning the patron, to the extent ~~such~~ **the** consumer credit bureau is available, and a casino credit bureau to determine whether the patron has ~~any~~ liabilities or if there is ~~any~~ derogatory information concerning the patron's credit history. ~~Such~~ **The** contact shall be considered a verification of the outstanding indebtedness provided by the patron. If ~~such~~ contact is not immediately possible, the ~~riverboat~~ **casino** licensee may use an alternative source that has made the required contact. The ~~riverboat~~ **casino** licensee shall record the source of verification and the method by which ~~such~~ **the** verification was performed in the patron's credit file. If neither credit bureau has information relating to a patron's outstanding indebtedness, ~~this~~ **the casino licensee must record that** information ~~must be recorded~~ in the patron's credit file.

(Indiana Gaming Commission; 68 IAC 16-1-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3313; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 258. 68 IAC 16-1-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-7 Issuance of markers

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

Sec. 7. Procedures shall be established for the computerized and manual issuance of markers, including, at a minimum, the following:
(1) A designation of those occupational licensees who are authorized to issue markers and a description of their duties.
(2) A description of where markers can be issued.
(3) A description of the marker and the information and signatures required to authorize the marker. Requirements for the marker shall be as follows:
(A) At least a three-part, prenumbered form. The form shall be submitted to the executive director prior to its use.

(B) ~~Shall~~ Include, but not be limited to, the following information:
(i) Patron's name.
(ii) Dollar amount of the marker.
(iii) Casino cage marker number.
(iv) Current time and date.
(v) The required signatures.
(4) A description of the distribution of each part of the marker.
(5) Verification of the patron's identity via identification credentials prior to the issuance of the marker.
(6) Verification of available credit.
(7) A description of the recording of the credit transaction.
(8) A description of accountability and control over the markers.
(9) A log shall be maintained identifying the information in subdivisions (1) through (8) for at least five (5) years.
(10) A copy of the original marker shall be maintained for at least one (1) year.
(11) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 16-1-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.:26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 259. 68 IAC 16-1-8 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-8 Receipt of payments

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

Sec. 8. The ~~riverboat~~ **casino** licensee shall establish policies and procedures to ensure that all payments received on outstanding credit instruments are recorded in a timely fashion. These procedures shall, at a minimum, include the following:
(1) A description of the procedure for processing payments received by the ~~riverboat~~ **casino** licensee in any manner.
(2) The adoption of a three (3) or more part redemption marker form that describes, in detail, the full or partial payment or redemption of a marker.
(3) Requirements for the consolidation of markers.
(4) A detailed description of the distribution of all parts of redeemed and consolidated markers and redemption vouchers.

(Indiana Gaming Commission; 68 IAC 16-1-8; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 260. 68 IAC 16-1-9 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-9 Front money deposits

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

Sec. 9. (a) The ~~riverboat~~ **casino** licensee:
(1) shall establish procedures in connection with front money and safekeeping deposits; ~~The riverboat licensee~~ **and**
(2) must ensure that ~~all~~ **the** applicable currency transaction reporting requirements will be enforced in accordance with applicable state and federal law and 68 IAC 15-2.

(b) The following may be accepted from patrons for the purpose of customer deposits:
(1) Cash or cash equivalent.
(2) Value chips issued by the ~~riverboat~~ **casino** licensee.
(3) Tokens issued by the ~~riverboat~~ **casino** licensee.

(c) The ~~riverboat~~ **casino** licensee shall **do the following:**
(1) Require a credit file to be completed in accordance with section 5(a) of this rule prior to accepting a deposit or front money.
~~(d)~~ **(2) Document** deposits or withdrawals ~~shall be documented~~ on a voucher that is at least a two-part, prenumbered form. The **casino cage cashier shall complete the** voucher. ~~shall be completed by the casino cage cashier and~~ **The voucher** shall include, at minimum, the following information:
~~(1)~~ **(A)** Patron's name and signature.
~~(2)~~ **(B)** Date of receipt or disbursement.
~~(3)~~ **(C)** Amount of deposit.
~~(4)~~ **(D)** Type of deposit.
~~(5)~~ **(E)** Casino **cage** cashier's signature.
~~(e) The riverboat licensee shall~~ **(3)** Be liable, as an insurer, for ~~all~~ **the** collection activities on the debt of a patron, whether ~~such~~ **the** activities occur in the name of the ~~riverboat~~ **casino** licensee or a third party.
~~(f) The riverboat licensee shall~~ **(4)** Provide to the executive director a monthly report detailing, at a minimum, the following:
~~(1)~~ **(A)** Outstanding credit.
~~(2)~~ **(B)** Checks returned and held.
~~(3)~~ **(C)** Collection activities taken.
~~(4)~~ **(D)** Settlement of disputed items.

~~(g)~~ **(d)** The following must be deposited ~~no~~ **not** later than the business day after the day the checks are received:
(1) Personal checks.
(2) Cashier's checks.
(3) Money orders.
(4) Credit card advance checks.
(5) Traveler's checks.
(6) Wire transfer service checks.

(Indiana Gaming Commission; 68 IAC 16-1-9; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3314; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 261. 68 IAC 16-1-10 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-10 Check cashing

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

Sec. 10. (a) The ~~riverboat~~ **casino** licensee shall establish policies and procedures in connection with cashing checks by the ~~riverboat~~ **casino** licensee. **The casino licensee may cash** only **the following:**
(1) Personal checks.
(2) Cashier's checks.
(3) Money orders.
(4) Credit card advance checks.
(5) Traveler's checks. ~~and~~
(6) Wire transfer service checks. ~~may be cashed by the riverboat licensee.~~

(b) The ~~riverboat~~ **casino** licensee shall require that ~~any~~ **a** patron who cashes checks in the aggregate of **at least:**
(1) two thousand five hundred dollars ~~($500)~~ **($2,500) for check cashing done by the casino licensee; and**
(2) five thousand dollars ($5,000) for check cashing done by a check guarantee service;
~~or more~~ over a seven (7) day period have established check cashing privileges. The ~~riverboat~~ **casino** licensee shall establish check cashing privileges and limits that shall, at a minimum, incorporate the procedures established in section 5 of this rule.

(c) For ~~all~~ checks cashed, the following procedures shall be followed:
(1) Examine the patron's picture identification and compare signature on the identification credential to the signature on the check to ensure agreement. If the signatures do not match, the ~~riverboat~~ **casino** licensee shall not extend credit to the patron.
(2) Immediately stamp the check "for deposit only".
(3) Date and time stamp the check.
(4) Initial the check.
(5) Count out, in full public view and in the view of the surveillance camera, the funds requested by the patron.

(d) If **a patron asks to cash a** personal ~~checks are cashed,~~ **check,** the cashier shall perform the procedures outlined in subsection (c) and the following additional procedures:
(1) Record the picture identification number if the check is under five hundred dollars ($500) and no check cashing privileges have been established by the patron.
(2) Determine if the patron's available credit is sufficient to cover the amount of the personal check, if applicable.
(3) ~~No~~ **Not cash** personal checks ~~may be cashed~~ if the patron has a balance outstanding, due to checks previously cashed by the riverboat licensee, for more than thirty (30) days.
(4) ~~All~~ Personal checks ~~will~~ **shall** be held against established credit lines for a period of seven (7) days.

(Indiana Gaming Commission; 68 IAC 16-1-10; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 262. 68 IAC 16-1-11 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-11 Handling of returned checks

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

Sec. 11. (a) The ~~riverboat~~ **casino** licensee shall **do the following:**
(1) Establish policies and procedures for the handling of returned checks.
~~(b)~~ **(2) Receive and document** all returned checks ~~are received and documented~~ on a returned check log by a department independent of the casino cage **or** credit department, or both.
~~(c)~~ **(3) Establish** procedures ~~shall be established~~ for collecting and recording checks returned to the ~~riverboat~~ **casino** licensee after deposit, ~~which include~~ **including** redeposit procedures.

~~(d)~~ **(b) The casino's collections department shall maintain** a continuous record of ~~all~~ returned checks. ~~shall be maintained by a collections department.~~ The records shall contain the following information:
(1) Original date of the check.
(2) Name and address of the drawer of the check.
(3) Amount of the check.
(4) Date the check was dishonored.
(5) Date or dates and amount or amounts of ~~any~~ collections received on the check after being returned by a bank.

~~(e) All~~ **(c)** Returned checks shall be considered the issuance of credit and handled in accordance with collection of credits.

~~(f)~~ **(d)** Procedures shall be described for notification of casino cage, credit departments, or the equivalent of returned checks and the prohibition from granting further credit to patrons whose checks have been returned and remain unsatisfied.

(Indiana Gaming Commission; 68 IAC 16-1-11; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3315; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 263. 68 IAC 16-1-12 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-12 Collection of past due accounts

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

Sec. 12. The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the collection of past due markers and returned checks. The policies and procedures shall be submitted in accordance with section 3 of this rule. Amendments to the policies and procedures shall be handled in accordance with section 4 of this rule.

(Indiana Gaming Commission; 68 IAC 16-1-12; 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)

SECTION 264. 68 IAC 16-1-13 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-13 Write-off of past due accounts

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

Sec. 13. (a) The ~~riverboat~~ **casino** licensee shall establish policies and procedures for the write-off of past due markers and returned checks. These procedures shall, at a minimum, include the following:
(1) Establishment of a credit committee.
(2) Authorization of write-off by the credit committee.
The policies and procedures shall be submitted in accordance with section 3 of this rule. Amendments to the policies and procedures shall be handled in accordance with section 4 of this rule.

(b) If it is determined that the ~~riverboat~~ **casino** licensee failed to comply with this article when extending credit or cashing checks and the ~~riverboat~~ **casino** licensee determines that the past due marker or returned check is uncollectible, the ~~riverboat~~ **casino** licensee will not be entitled to include that marker or check when calculating uncollectible gaming receivables deduction in computing the wagering tax on the RG-1. ~~The riverboat licensee may also be disciplined in accordance with section 14 of this rule.~~

(Indiana Gaming Commission; 68 IAC 16-1-13; 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)

SECTION 265. 68 IAC 16-1-14 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-14 Compliance; failure to comply with procedures

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

Sec. 14. (a) ~~Riverboat~~ **Casino** licensees shall extend credit only in accordance with ~~the Act,~~ **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)

SECTION 266. 68 IAC 16-1-15 IS AMENDED TO READ AS FOLLOWS:

68 IAC 16-1-15 Deviation from provisions

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

Sec. 15. **(a)** The executive director **or the commission** may ~~waive, alter, or restrict any procedures for extending credit or requirement set forth in~~ **approve deviations from the provisions of** this article if the executive director **or the commission** determines **that** the: ~~following:~~

(1) ~~The~~ procedure or requirement is impractical or burdensome; **and**

~~(2) The waiver, alteration, or restriction:~~

~~(A) is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure; and~~

~~(B) will not reduce the integrity of the procedures for extending credit established by this article.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 16-1-15; 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)

SECTION 267. 68 IAC 17-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 17-1-1 General provisions

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

Sec. 1. (a) This rule applies to ~~all riverboat~~ **casino** licensees and ~~riverboat~~ **casino** license applicants.

(b) Electronic gaming devices may only be moved in accordance with this rule. ~~Riverboat~~ **Casino** licensees, ~~riverboat~~ **casino** license applicants, and supplier licensees must comply with this rule before electronic gaming devices are transported:

(1) from ~~any~~ **a** point outside of Indiana into the state of Indiana;

(2) from ~~any~~ **a** point within Indiana to ~~any~~ **a** point outside of Indiana; or

(3) within Indiana.

(c) Except as provided in section 2(d) of this rule, transportation notification is not required for the movement of an electronic gaming device on the casino floor of a ~~riverboat.~~ **casino.**

(d) Electronic gaming devices may only be sold or delivered, or both, to ~~riverboat~~ **casino** licensees, ~~riverboat~~ **casino** license applicants, or other persons entitled to possess electronic gaming devices pursuant to applicable state and federal law.

(e) An electronic gaming device may not be delivered to a ~~riverboat~~ **casino** licensee or a ~~riverboat~~ **casino** license applicant unless a member of the commission staff or an enforcement agent is present at the point of delivery. The ~~riverboat~~ **casino** licensee is responsible for ensuring that a member of the commission staff or an enforcement agent is present at the point of delivery.

(f) ~~All~~ EPROMs shall be transported separately from the shipment of electronic gaming devices. If an electronic gaming device:

(1) is not being ~~utilized~~ **used** by a ~~riverboat~~ **casino** licensee; and

(2) is being stored ~~off of~~ **outside** the ~~riverboat;~~ **casino;**

the EPROM shall be stored separately in a locked safe or the equivalent.

(g) Only a person who:

(1) is licensed by the commission; or

(2) has the legal ability to possess an electronic gaming device in the jurisdiction in which the person will hold the electronic gaming device;

may purchase an electronic gaming device from a ~~riverboat~~ **casino** licensee or supplier licensee.

(Indiana Gaming Commission; 68 IAC 17-1-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; filed June 1, 1998, 2:46 p.m.: 21 IR 3707; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3071; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 268. 68 IAC 17-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 17-1-2 Electronic gaming device movements

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

Sec. 2. (a) At least ten (10) days before transporting electronic gaming devices, the person causing the movement of the electronic gaming device shall notify the executive director, in writing, and provide the following information:

(1) The full name, business address, and business telephone number of the following:
(A) The person selling the electronic gaming device.
(B) The ultimate owner of the electronic gaming device if ownership is being changed in connection with the transportation of the electronic gaming device.
(2) The:
(A) method of transportation; and
(B) the name, business address, and business telephone number of the carrier or carriers.
(3) The full name, business address, and business telephone number of the person to whom the electronic gaming device is being transported.
(4) The individual responsible for the shipment of the electronic gaming device for each person listed in subdivisions (1) through (3).
(5) The destination of the electronic gaming device if the address is different from the business address listed in subdivision (1)(B).
(6) The quantity of electronic gaming devices being transported.
(7) A brief description of the electronic gaming device being transported.
(8) The serial number of the electronic gaming device and a request for the issuance of a commission registration number in accordance with 68 IAC 2-6-5(a)(9).
(9) The expected date and time of the following:
(A) Delivery of the electronic gaming device to the ~~riverboat.~~ **casino.**
(B) The exit of the electronic gaming device if the device is exiting Indiana.
(10) If the origin of the electronic gaming device being transported into Indiana is outside of the United States, the:
(A) port of exit from that jurisdiction; and
(B) point of entry into the United States.
(11) If the electronic gaming device is being transported to a destination outside of the United States, the port of exit from the United States.
(12) The reason for the transportation of the electronic gaming device.
(13) Upon request by the executive director, the person selling the electronic gaming device must prove that the recipient is authorized, under state and federal law, to receive the electronic gaming device.

(b) The person receiving the electronic gaming device must prove receipt of the electronic gaming device if requested by the executive director.

(c) Before an electronic gaming device is removed from the casino floor, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant must ensure the following actions are taken:

(1) The hopper is emptied in accordance with 68 IAC 15-11-4.
(2) An enforcement agent removes the evidence tape that was affixed in accordance with 68 IAC 2-6-19.
(3) Before an electronic gaming device is removed from Indiana, the ~~riverboat~~ **casino** licensee or ~~riverboat~~ **casino** license applicant shall:
(A) remove the commission registration tag; and
(B) return the tag to the enforcement agent.

An enforcement agent must be present when the commission registration tag is removed.

(d) ~~Riverboat~~ **Casino** licensees or ~~riverboat~~ **casino** license applicants must notify the executive director, in writing, of the following information before moving an electronic gaming device on the floor of the ~~riverboat:~~ **casino:**

(1) The change in the position or location number of the electronic gaming device.
(2) The new designation the electronic gaming device will have in the central computer system.
(3) Any other information deemed necessary by the executive director or the commission to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(Indiana Gaming Commission; 68 IAC 17-1-2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2276; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; errata filed Oct 28, 1997, 3:45 p.m.: 21 IR 1006; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 269. 68 IAC 17-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 17-1-3 Electronic gaming device transportation log

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

Sec. 3. (a) ~~Each riverboat~~ **A casino** licensee ~~and riverboat~~ **or casino** license applicant must maintain an electronic gaming device movement log on forms prescribed by the commission. The electronic gaming device movement log shall contain, at a minimum, the following information:

(1) The:
  (A) manufacturer; and
  (B) type;
of the electronic gaming device being transported.
(2) The:
  (A) serial number and commission registration number, if issued; and
  (B) destination;
of the electronic gaming device.
(3) The expected date and time of shipment.
(4) The:
  (A) method of transportation; and
  (B) name, business address, and business telephone number of the carrier or carriers.
(5) Any other information the executive director or the commission deems necessary to ensure compliance with ~~the Act~~ **IC 4-33, IC 4-35,** and this title.

(b) The electronic gaming device movement log shall be:

(1) maintained by the ~~riverboat~~ **casino** licensee and the ~~riverboat~~ **casino** license applicant for a minimum of five (5) years; and
(2) made available for inspection upon demand by the commission or an enforcement agent.

(Indiana Gaming Commission; 68 IAC 17-1-3; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2276; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3317; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 270. 68 IAC 17-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 17-1-4 Deviation from provisions

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

Sec. 4. **(a)** The executive director or the commission may ~~waive, alter, or restrict any procedure or requirement set forth in~~ **approve deviations from the provisions of** this article if the executive director **or the commission** determines **that** the:

(1) procedure or requirement is impractical or burdensome; and ~~the waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 17-1-4; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2277; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 271. 68 IAC 17-2-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 17-2-5 Deviation from provisions

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

Sec. 5. **(a)** The executive director or the commission may ~~waive, alter, or restrict any procedure or requirement set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines **that** the: ~~following:~~

(1) ~~The requirement or~~ procedure **or requirement** is impractical or burdensome; and ~~that the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.~~

~~(2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or the procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 17-2-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 272. 68 IAC 18-1-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 18-1-1 General provisions

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

Sec. 1. (a) This rule applies to ~~riverboat~~ **casino** licensees and occupational licensees.

(b) ~~All~~ Patron disputes shall be settled in compliance with this rule.

(c) The following definitions apply throughout this rule:

(1) "Complaint" means the form, prescribed by the commission, that a patron shall complete and submit to file a patron complaint.

(2) "Patron complaint" means ~~any and all~~ complaints a patron may have regarding the patron's treatment while gaming or while ~~on~~ **in** the ~~riverboat.~~ **casino.** The term includes, **without limitation,** disputes about patron winnings.

(Indiana Gaming Commission; 68 IAC 18-1-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3317; readopted filed Nov 25, 2002, 10:11 a.m.:26 IR 1261; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 273. 68 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 18-1-2 Patron dispute process

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

Sec. 2. (a) The ~~riverboat~~ **casino** licensee shall attempt to resolve all patron disputes with the patron.

(b) If the ~~riverboat~~ **casino** licensee and the patron cannot resolve the dispute, the ~~riverboat~~ **casino** licensee must advise the patron of the patron's right to file a complaint with the commission. The complaint may be:
(1) received by the enforcement agent; or
(2) sent to the commission office in Indianapolis, Indiana.
The ~~riverboat~~ **casino** licensee shall provide a patron with a complaint form upon request.

(c) The complaint shall contain, at a minimum, the following information:
(1) The name, address, and telephone number of the patron.
(2) A summary of the nature of the patron complaint, including the date and time on which the incident leading to the dispute occurred.
(3) A list of the names, if known, of ~~any~~ **the** occupational licensees that were involved in or a witness to the incident that led to the patron dispute.
(4) The name, address, and telephone number, if known, of ~~any~~ **the** witnesses to the incident that led to the patron dispute.
(5) A summary of the ~~riverboat~~ **casino** licensee's attempt to resolve the patron dispute.
(6) Any other information deemed necessary by the executive director or the commission.
The patron shall submit the complaint within five (5) business days of the incident that led to the patron dispute.

(d) The ~~riverboat~~ **casino** licensee shall respond to the commission regarding a patron complaint within the time period prescribed by the commission.

(Indiana Gaming Commission; 68 IAC 18-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

SECTION 274. 68 IAC 18-1-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 18-1-3 Investigation; possible disciplinary action

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 ~~any~~ **an** investigation **if** deemed necessary. If it is determined that the ~~riverboat~~ **casino** licensee or an occupational licensee violated ~~the Act~~ **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)

SECTION 275. 68 IAC 18-1-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 18-1-4 Violation of rule

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

Affected: IC 4-33; IC 4-35

Sec. 4. Failure of the ~~riverboat~~ **casino** licensee to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13-1.

(Indiana Gaming Commission; 68 IAC 18-1-4; 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)

SECTION 276. 68 IAC 18-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 18-1-5 Deviation from provisions

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

Sec. 5. **(a)** The executive director or the commission may ~~waive, alter, or restrict any procedure or requirement set forth in~~ **approve deviations from the provisions of** this rule if the executive director or the commission determines **that** the: ~~following:~~

(1) ~~The requirement or~~ procedure **or requirement** is impractical or burdensome; and ~~that the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.~~

~~(2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 18-1-5; 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)

SECTION 277. 68 IAC 19-1-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 19-1-5 Deviation from provisions

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

Sec. 5. **(a)** The executive director or the commission may ~~waiver, alter, or restrict any procedure or requirement~~ **approve deviations from the provisions** of this rule if the executive director or the commission determines that the:

(1) procedure or requirement is impractical or burdensome; and ~~the waiver, alteration, or restriction:~~

~~(1) is in the best interest of the public and the gaming industry; and~~

~~(2) is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.~~

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of the rule;

(B) are in the best interest of the public and the gaming industry in Indiana; and

(C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing.

(Indiana Gaming Commission; 68 IAC 19-1-5; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3067; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA)

SECTION 278. THE FOLLOWING ARE REPEALED: 68 IAC 1-2-3; 68 IAC 1-4-8.

Notice of Public Hearing

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