
TITLE 68 INDIANA GAMING COMMISSION

Notice of First Public Comment Period
LSA Document #24-116

FINE SCHEDULE

PURPOSE OF NOTICE

The Indiana Gaming Commission (commission) is soliciting public comment on adding rules at [68 IAC 28](#) concerning fines, fees, and civil penalties. The commission seeks comment on the affected citations listed and any other provisions of Title 68 that may be affected by this rulemaking.

CITATIONS AFFECTED: [68 IAC 28](#)

AUTHORITY: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

OVERVIEW

Basic Purpose and Background

The purpose of this new rule is to bring current fine structures regarding licensed entities into compliance with new Indiana law for rules regarding fees, fines, and penalties. This rule is intended to make the fine schedule clear and transparent for parties regulated under [IC 4-33](#), [IC 4-35](#), and [IC 4-38](#).

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Christopher Neal
Staff Attorney, Legal Division
Indiana Gaming Commission
101 West Washington Street, Suite 1600 East Tower
Indianapolis, IN 46204
(317) 233-0046
cneal2@igc.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

At this time, the commission is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #24-116 Fine Schedule
Christopher Neal
Indiana Gaming Commission
101 West Washington Street, Suite 1600
Indianapolis, IN 46204

(2) By electronic mail to rules@igc.in.gov, cc: cneal2@igc.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than May 3, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Gaming Commission, 101 West Washington Street, Suite 1600 East Tower, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the office of the Indiana Gaming Commission.

If the commission does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20240403-IR-068240116RAA](#)

Notice of Public Hearing: [20240403-IR-068240116PHA](#)

PROPOSED RULE

SECTION 1. [68 IAC 28](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 28. FINE SCHEDULE

Rule 1. General Provisions

[68 IAC 28-1-1](#) Investigation costs

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-33-4-18](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 1. Under [IC 4-33-4-18](#), costs incurred conducting investigations are billed at a rate of sixty-five dollars (\$65) each investigation hour.

(Indiana Gaming Commission; [68 IAC 28-1-1](#))

[68 IAC 28-1-2](#) Civil penalty schedule established

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 2. The purpose of this article is to establish a civil penalty schedule for violations of [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), this title, or a licensee's internal controls as approved by the commission.

(Indiana Gaming Commission; [68 IAC 28-1-2](#))

[68 IAC 28-1-3](#) Authority

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 3. The commission is authorized to assess civil penalties under [IC 4-33-4-8](#), [IC 4-35-4-10](#), and [IC 4-38-1-4](#).

(Indiana Gaming Commission; [68 IAC 28-1-3](#))

[68 IAC 28-1-4](#) Definitions

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 4. The definitions in this rule apply throughout this article.

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

[68 IAC 28-1-5](#) "Base violation" defined

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 5. "Base violation" means the first violation of a rule, regulation, or internal control in a rolling six (6) month period.

(Indiana Gaming Commission; [68 IAC 28-1-5](#))

[68 IAC 28-1-6](#) "Repeat violation" defined

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 6. "Repeat violation" means a reoccurrence of the base violation or violations in a rolling six (6) month period.

(Indiana Gaming Commission; [68 IAC 28-1-6](#))

[68 IAC 28-1-7](#) "Rolling six (6) month period" defined

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 7. "Rolling six (6) month period" means the one hundred eighty (180) days after the date a violation of [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), this title, or a licensee's internal controls occurred.

(Indiana Gaming Commission; [68 IAC 28-1-7](#))

[68 IAC 28-1-8](#) "Schedule" defined

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-22-2-19.6](#); [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

Sec. 8. "Schedule" means the civil penalty schedule, as required by [IC 4-22-2-19.6](#).

(Indiana Gaming Commission; [68 IAC 28-1-8](#))

Rule 2. Civil Penalty Schedule and Application**[68 IAC 28-2-1](#) Civil penalty schedule**

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33](#); [IC 4-35](#); [IC 4-38](#)

Sec. 1. The schedule of civil penalties for violations of [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), rules adopted under these laws, and a licensee's internal controls, as approved by the commission under [68 IAC 11](#), are as follows:

Legal Citation	General Description of Violation	Base Violation	Repeat Violations in a Rolling Six (6) Month Period
Violations of the Child Support Arrears Delinquency Program (CSADR)			
IC 4-33-4-27 ; IC 4-33-8.5-5 ; IC 4-35-4-16 ; IC 4-35-	CSADR: Failure to search	If the failure to search error rate exceeds 1.5%	If the failure to search error rate exceeds 2% of

6.5-13 ; IC 4-38-11-1 ; 68 IAC 11-9-2		of the total searches required, it will be a \$500 fine for each violation.	the total searches required, it will be a \$1,000 fine for each violation.
IC 4-33-4-27 ; IC 4-33-8.5-5 ; IC 4-35-4-16 ; IC 4-35-6.5-13 ; IC 4-38-11-1 ; 68 IAC 11-9-2	Paying out jackpot to child support obligor without required withholding	\$5,000	\$5,000
Violation Involving a Minor			
IC 4-33-9-12 ; IC 4-33-9-13 ; IC 4-35-7-2 ; IC 4-38-5-3 ; IC 4-38-9-3 ; 68 IAC 1-11-1	Failure to restrict minors from the gaming floor	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and each additional violation): \$6,000
IC 4-38-3-2 ; IC 4-38-5-11	Failure to restrict minors from placing a sports wager	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and each additional violation): \$6,000
Violation of Commission Entity and Occupational Licensing Standards			
68 IAC 2-3-1	Failure to license power of attorney; working outside approved licensing level	\$1,500	\$1,500
68 IAC 2-2-1 ; 68 IAC 2-2-4 ; 68 IAC 2-2-6.1 ; 68 IAC 2-2-4 ; 68 IAC 2-3-1 ; 68 IAC 27-2-16	Failure to timely submit level 1 license application	If the required application is 30-90 days late, \$1,500; 90-180 days late, \$3,000; 180-270 days late, \$4,500; or exceeds 270 days late, \$6,000.	If the required application is 30-90 days late, \$1,500; 90-180 days late, \$3,000; 180-270 days late, \$4,500; or exceeds 270 days late, \$6,000.
68 IAC 2-3 ; 68 IAC 2-3-9 ; 68 IAC 13-1-1 ; 68 IAC 27-2-16	Failure to obtain required fingerprint cards for occupational licensee	\$100	\$100
68 IAC 2-3-9	Failure to provide the commission with required updates that have been submitted by an occupational licensee; failure to cooperate with commission investigation	\$1,500	\$1,500
68 IAC 2-3-9.1	Failure to update required information of occupational licensee	Letter for first ten (10) violations	If total violations exceed ten (10) particular instances in a rolling six (6) month period, \$100 for each additional violation.
68 IAC 2-3-9.2	Failure to notify of separation from employment and position changes	Disciplinary letter	\$500
68 IAC 2-3-9.3 through 68 IAC 2-3-9.6	Prohibited activities by occupational licensee	\$1,500	\$1,500
68 IAC 3.1	Violation of rules governing additional requirements for licensees	\$10,000	\$10,000
IC 4-33-4-26 (power of attorney); IC 4-33-6-12 ; IC 4-33-8-2 ; IC 4-33-14-15 ; IC 4-35-4-15 (power of attorney); IC 4-35-5-4 ; IC 4-38-6-6 ; IC 4-38-8-1 ; 68 IAC 2-3-8	Late occupational licensing renewals (at least 30 days late); Employee working on expired license	\$1,000 for each violation that includes a level 2 or level 3 occupational licensee. \$2,000 if the violation involved a Level 1 occupational licensee.	\$1,000 for each violation that includes a level 2 or level 3 occupational licensee. \$2,000 if the violation involved a Level 1 occupational licensee.
IC 4-33-6-12 ; IC 4-35-5-4	Failure to timely renew casino license	\$10,000	\$10,000
IC 4-33-7-8	Failure to timely renew	\$7,500	\$7,500

	supplier license		
IC 4-38-6-6 ; IC 4-38-8-1 ; 68 IAC 27-2-8	Failure to timely renew certificate of authority, vendor license, or pay annual administrative fee	\$10,000	\$10,000
IC 4-33-6-12 ; IC 4-33-6.5-7 ; IC 4-33-7-8 ; 68 IAC 27-2-8	Failure to submit required three (3) year reinvestigation application	\$5,000	
IC 4-38-9-5	Failure to cooperate with licensing investigation	\$5,000	\$5,000
Violation of Casino Operational Standards			
68 IAC 1-12 ; 68 IAC 1-12.5 ; 68 IAC 2-6-43 ; 68 IAC 2-6-44 ; 68 IAC 2-6-45 ; 68 IAC 10-1-6.1	Violation of complimentary play, promotional events, electronic gaming device, and live gaming device tournaments	\$1,500	\$1,500
68 IAC 1-16-1	Failure to submit required filings under 31 U.S.C. 5311	\$5,000	\$5,000
68 IAC 1-16-1	Failure to withhold taxes on a table game	\$1,000	\$1,000
68 IAC 2-6-2 ; 68 IAC 2-6-3	Failure to obtain certification or commission approval of electronic gaming device	\$5,000	\$5,000
68 IAC 2-6-31 through 68 IAC 2-6-42	Violation of progressive electronic gaming device rules	\$5,000 for each progressive award violation instance, regardless of how many total machines are impacted by the violation	\$5,000 for each progressive award violation instance, regardless of how many total machines are impacted by the violation
68 IAC 2-6	Any other violation of electronic gaming device rules not specified in this schedule	Disciplinary letter	\$1,000
68 IAC 2-6.5	Violation of server based gaming regulations	Disciplinary letter	\$1,000
68 IAC 3	Violation of standards governing contracts; minority and women's business enterprises	\$1,000	\$1,000
68 IAC 3-3-8	Failure to attain minority and women's business enterprises goals	Civil penalty must be equal to the expenditure amount the licensee failed to spend on a minority or women's business. However, this provision is subject to the good faith standard outlined under 68 IAC 3-3-10 and the amount must not exceed the maximum statutory fine outlined under IC 4-33-4-8 or IC 4-35-4-10 .	
68 IAC 8	Failure to follow approved emergency response plan procedures during an incident constituting an emergency under the licensee's approved emergency response	\$1,500	\$1,500

	plan		
68 IAC 8	Failure to report to the commission an incident constituting an emergency under the licensee's approved emergency response plan	\$5,000	\$5,000
68 IAC 10	Violation of rules of the game standards	\$1,500	\$1,500
68 IAC 11-1-2 ; 68 IAC 15-1-2	Failure to safeguard assets	\$1,000	\$1,000
68 IAC 11-1-2 ; 68 IAC 11-1-3	Use of unapproved internal control system; deviation from approved internal control system	\$1,500	\$3,000
68 IAC 11-3-3 ; 68 IAC 12-1-2 ; 68 IAC 13-1-1	Violation of internal controls outlining access to the following sensitive areas: cage, table games pit area, count room, and surveillance room	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and each additional violation): \$6,000
68 IAC 2-6-16(e) ; 68 IAC 11-3	Violation of currency collection, soft count, drop zone and emergency drop procedures, or internal controls	Disciplinary letter	\$1,500
68 IAC 11-4	Violation of opening and closing gaming device procedures or internal controls	Disciplinary letter	If total violations exceed ten (10) particular instances in a rolling six (6) month period, \$500 for each of those particular violations
68 IAC 11-5	Violation of chip rotation standards	Disciplinary letter	\$1,000
68 IAC 11-7	Violation of sensitive key control – keys off-property	\$1,500	\$1,500
68 IAC 11-7	Violation of sensitive key control – unsecured on property	Disciplinary letter	\$500
68 IAC 11-7	Violation of sensitive key control – chain of custody, strict control, and unauthorized use of nonsensitive key for a sensitive key	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and each additional violation): \$6,000
68 IAC 11-8	Violation of cash handling procedures and standards at table games	Disciplinary letter	\$1,000
68 IAC 12	Violation of surveillance operational standards or internal controls not otherwise described in this schedule	\$1,500	\$1,500
68 IAC 12-1-1.7 ; 68 IAC 12-1-2	Failure to properly staff surveillance room; failure to limit access to surveillance room	\$1,500	\$1,500
68 IAC 12-1-5(f)(6)	Violation of required dedicated camera coverage on progressive electronic gaming devices	\$1,500	2nd violation: \$3,000; 3rd violation: \$4,500; 4th violation (and each additional violation): \$6,000
68 IAC 11-3-5 ; 68 IAC 15-	Failure to notify	Disciplinary letter	\$1,000

9-3; 68 IAC 15-12-3; 68 IAC 15-12-4	surveillance when required by commission rule or internal control procedure		
68 IAC 14	Violation of gaming equipment procedures and standards not otherwise described in this schedule	Disciplinary letter	\$1,500
68 IAC 14-3-2	Incorrect or missing playing card in play	\$1,500	\$1,500
68 IAC 14-3-2	Unsecured playing cards and dice (uncanceled)	Disciplinary letter	\$1,000
68 IAC 14-5.5-5	Violations of ticket-in ticket-out rules	\$500	\$500
68 IAC 15	Violation of accounting records and procedures rules not otherwise described in this schedule	Disciplinary letter	\$1,500
68 IAC 15-1-4.1	Violation of found cash or cash equivalent rules	\$500	\$500
68 IAC 15-2	Failure to record currency transaction reports or multiple transaction log	\$2,500	\$2,500
68 IAC 15-2-5	Failure to notify surveillance and obtain photo for multiple transaction log	Disciplinary letter	\$1,000
68 IAC 15-5-2(d)	Violation of calculation of taxes, including RG-1 requirements	\$5,000	\$5,000
68 IAC 15-6-4	Vendor log: unlicensed vendor performing work on gaming floor; licensed vendor working on an expired license	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: licensed vendor performing work on gaming floor on vendor badge	Disciplinary letter	\$1,000
68 IAC 15-6-4	Vendor log: incomplete entries; illegible entries	Disciplinary letter	\$100
68 IAC 15-10-4.1	Failure to report; failure to investigate variances	\$5,000	\$5,000
68 IAC 15-10-5	Failure to verify even exchange	Disciplinary letter	\$1,000
68 IAC 15-12-3; 68 IAC 15-12-4	Failure to void table fill/credit	Disciplinary letter	\$1,000
68 IAC 15-12-3; 68 IAC 15-12-4	Incorrect table fill/credit fully executed	\$1,500	\$1,500
68 IAC 15-13-3	Violation of manually paid jackpot procedures	\$1,000	\$1,000
68 IAC 14-3-9; 68 IAC 14-3-10; 68 IAC 17-1-2	Shipping violations	\$1,500	\$1,500
Violation of Sports Wagering Operational Standards			
IC 4-38-3-1(8); 68 IAC 27-11-1	Violation of sports wagering geolocation requirements	\$5,000	\$5,000
IC 4-38-5-1	Failure to provide commission data related to the conduct of sports wagering	\$5,000	\$5,000

IC 4-38-5-4 ; IC 4-38-5-5 ; 68 IAC 27-7-3	Allowing wagers on a sports wagering unapproved event	Disciplinary letter – if the unapproved event was identified and wagers voided before event; \$500 to certificate holder and/or mobile operator; \$500 to each other responsible licensee, if applicable, if the unapproved event was not identified and wagers voided before event	\$500 to certificate holder and/or mobile operator; \$500 to other responsible licensee, if applicable
IC 4-38-5-5	Sports wagering allowed on e-sports events	\$1,000 to each responsible licensee	\$1,000 to each responsible licensee
IC 4-38-5-6	Unauthorized cancellation of wager	Disciplinary letter	\$1,500
IC 4-38-5-8	Use of unapproved sports wagering device, platform, or other means of conducting sports wagering	\$5,000	\$5,000
IC 4-38-9-1	Failure to conduct required employee background check	Disciplinary letter	\$1,500 for each violation
IC 4-38-9-2	Failure to use commercially reasonable methods to maintain security of wagering data, customer data, and other confidential information from unauthorized access and dissemination	\$5,000	\$5,000
IC 4-38-9-3	Failure to restrict prohibited wagers	\$1,500	\$1,500
IC 4-38-9-5	Failure to cooperate with investigations into sports wagering activities	\$5,000	\$5,000
IC 4-38-9-6	Failure to report required information related to sports wagering activity	\$5,000	\$5,000
68 IAC 11-1-3 ; 68 IAC 27-5	Use of unapproved internal controls by sports wagering operator	\$1,500	\$1,500
68 IAC 27-1-2(16) ; 68 IAC 27-12-1	Violation on prohibition of proxy wagering	\$5,000	\$5,000
68 IAC 27-2-11	Failure to withhold taxes on a wager	\$1,000	\$1,000
68 IAC 27-2-11	Failure to submit required filings under 31 U.S.C. 5311	\$5,000	\$5,000
68 IAC 27-5-2	Sports wagering change management internal controls; failure to notify	Disciplinary letter for Level 1; \$1,500 for Level 2; \$5,000 for Level 3	\$500 for each Level 1 violation; \$1,500 for each Level 2 violation; \$5,000 for each Level 3 violation
68 IAC 27-7 ; 68 IAC 27-12	Violation of patron account; violation of patron wager rules	\$1,000	\$1,000
68 IAC 2-6.5-1 ; 68 IAC 27-8-1	Violation of sports wagering kiosk approval requirements	\$1,000	\$1,000
68 IAC 27-8-3 ; 68 IAC 27-10-3	Failure to report; failure to investigate variances	\$5,000	\$5,000
68 IAC 27-9-2	Violation of calculation of	\$5,000	\$5,000

	taxes, including RG-1 requirements		
68 IAC 27-10	Violation of accounting control rules not otherwise described in this schedule	\$1,000	\$1,000
68 IAC 27-12-1	Sports wagering allowing user to create duplicate accounts	\$1,500	\$1,500
68 IAC 14-3-9; 68 IAC 14-3-10; 68 IAC 17-1-2	Shipping violations of regulated sports wagering devices	\$1,500	\$1,500
Violation of Supplier Operational Standards			
68 IAC 2-2-5.3	Failure to demonstrate skill, experience knowledge, and ability necessary to supply the goods or services supplier seeks to provide	\$3,000	\$3,000
68 IAC 2-3-9	Supplier occupational licensee failure to disclose	\$1,500	\$1,500
68 IAC 2-3-9.5	Supplier occupational licensee gaming in the state of Indiana	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: unlicensed vendor performing work on gaming floor; licensed vendor working on an expired license	\$1,500	\$1,500
68 IAC 15-6-4	Vendor log: occupational licensee performing work on gaming floor on vendor badge	Disciplinary letter	\$1,000
68 IAC 15-6-4	Vendor log: incomplete entries; illegible entries	Disciplinary letter	\$100
68 IAC 14-3-9; 68 IAC 14-3-10; 68 IAC 17-1-2	Shipping violations	\$1,500	\$1,500
68 IAC 19	Violation of warehouse rules	\$10,000	\$10,000
Violation of Responsible Gaming Standards			
68 IAC 1-16-2; 68 IAC 27-13-1	Violation of responsible gaming toll free number requirement	\$2,500	\$5,000
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-2	Voluntary exclusion program (VEP) audit	Disciplinary letter for 1st violation for VEP not flagged; missing identifiers and incorrect information on account	\$1,000 for each violation for VEP's not flagged; \$250 for each violation for VEP's missing identifiers and incorrect information on account
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-1	Statewide exclusion audit	Disciplinary letter	\$250 for each omission
IC 4-33-4-7; IC 4-35-4-9; 68 IAC 6-1; 68 IAC 6-2	VEP: cash advance; comps; check cashing privileges; extension of credit; direct mail and marketing; duplicate accounts; failure to notify	Disciplinary letter	2nd violation: \$1,500; 3rd violation: \$3,000; 4th violation (and each additional violation): \$4,500
68 IAC 6-3-4	VEP: jackpot payouts	\$5,000	\$5,000
IC 4-33-4-3; 68 IAC 6-3-3; 68 IAC 6-3-4	VEP: disclosure of confidentiality	\$10,000 for each breach instance, regardless of the number of total disclosures	\$10,000 for each breach instance, regardless of the number of total disclosures

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

(Indiana Gaming Commission; [68 IAC 28-2-1](#))

[68 IAC 28-2-2](#) Assessment of civil penalty

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

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

- (1) Only additional violations committed within six (6) months after the date of the base violation shall be considered for determining whether additional violations have occurred.
- (2) The ordinal number of a violation accumulates as first, second, third, etc., for each independent violation assessed during a rolling six (6) month period.
- (3) When substantially similar violations are committed by a single, distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessments for multiple violations of [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), or this rule that may be substantially similar or closely related. This subdivision is not intended to limit in any way civil penalty assessments for violations that are the result of more than one (1) distinguishable unrelated act or failure to act, or a reoccurring violation.
- (4) When civil penalty assessment procedures outlined in subdivision (3) are being followed, the commission shall use the appropriate violation with the highest penalty listed on the schedule.

(Indiana Gaming Commission; [68 IAC 28-2-2](#))

[68 IAC 28-2-3](#) Penalty mitigation

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

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

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

(Indiana Gaming Commission; [68 IAC 28-2-3](#))

[68 IAC 28-2-4](#) Penalty elevation

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

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

- (1) Willful or intentional misconduct.
- (2) The violation involved the failure of more than one (1) occupational licensee to comply with [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), or this rule, or identify and prevent the violation of [IC 4-33](#), [IC 4-35](#), [IC 4-38](#), or this rule from occurring.
- (3) Repeat offense of a violation assessed at any of the commission's preceding two (2) quarterly business meetings. Violation of schedule items already assigning a corresponding increase to each additional violation is not subject to this subsection.
- (4) Obstructing or failing to comply with the commission's investigation.
- (5) Fraudulent conduct.
- (6) Whether the violation resulted in financial harm.
- (7) Failure to pay the full amount of previously mitigated, agreed upon civil penalties.
- (8) Whether the violation negatively impacts the integrity or public trust of gaming in the state of Indiana.

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

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

(Indiana Gaming Commission; [68 IAC 28-2-4](#))

[68 IAC 28-2-5](#) Assessment of civil penalty not required

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

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

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

- (1) A disciplinary letter.
- (2) A license:

- (A) denial;
- (B) restriction;
- (C) suspension;
- (D) refusal to renew; or
- (E) revocation.
- (3) Referral for criminal prosecution.
- (4) Referral to another appropriate agency.
- (5) Corrective action plan.

(Indiana Gaming Commission; [68 IAC 28-2-5](#))

[68 IAC 28-2-6](#) Notification of legal recourse

Authority: [IC 4-33-4-2](#); [IC 4-35-4-3](#); [IC 4-38-3-1](#)

Affected: [IC 4-22-2-19.6](#); [IC 4-33-4-8](#); [IC 4-35-4-10](#); [IC 4-38-1-4](#)

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

(b) In response to the notification described in subsection (a), the licensee may provide any mitigating factors for commission consideration. Under [IC 4-22-2-19.6\(b\)](#) and [68 IAC 13-1-18](#), the parties may enter into a settlement to determine the civil penalty to be paid for a violation.

(Indiana Gaming Commission; [68 IAC 28-2-6](#))

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