

TITLE 68 INDIANA GAMING COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

68 IAC 1-1-1 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-2

Sec. 1. In addition to the definitions found in IC 4-33-2, 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*)

68 IAC 1-1-2 "Act" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. "Act" means the riverboat gambling act as established in IC 4-33. (*Indiana Gaming Commission; 68 IAC 1-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-2.1 "Affiliate" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2.1. "Affiliate" means any person who directly or indirectly controls, is controlled by, or is under common control of another person. (*Indiana Gaming Commission; 68 IAC 1-1-2.1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1015; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-3 "Application" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. "Application" means the total written materials, including the instructions, forms, and other documents issued by the commission, comprising applicant's request for an owner's license, supplier's license, or occupational license. (*Indiana Gaming Commission; 68 IAC 1-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-4 "Attributed interest" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. "Attributed interest" means any direct or indirect interest in a business entity deemed to be held by an individual not through the individual's actual holdings but through holdings of the individual's immediate family. (*Indiana Gaming Commission; 68 IAC 1-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-5 "Baccarat" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. "Baccarat" means a card game played with a deck or multiple decks of cards dealt from a shoe. The highest game point possible is nine (9). The hand with the highest point count wins. (*Indiana Gaming Commission; 68 IAC 1-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-6 “Best of knowledge” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. “Best of knowledge” means applicant's knowledge after substantial inquiry. (*Indiana Gaming Commission; 68 IAC 1-1-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-7 “Big six” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. “Big six” means a wheel game (vertical) in which a player bets on the outcome of the wheel spin. (*Indiana Gaming Commission; 68 IAC 1-1-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-8 “Bill changer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. “Bill changer” means an electro-mechanical device attached either on or into an electronic gaming device for the purpose of dispensing an amount of tokens or credits equal to the amount of cash or cash equivalency inserted into the bill changer. The bill changer shall accept and analyze the legitimacy of United States currency. If a credit is issued, the player shall have the option of taking the entire amount of credit in tokens, or utilizing any portion of the registered credits to activate the electronic gaming device as a wager. (*Indiana Gaming Commission; 68 IAC 1-1-8; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-9 “Blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. “Blackjack” has the meaning set forth in section 96 of this rule. (*Indiana Gaming Commission; 68 IAC 1-1-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 470; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-10 “Business entity” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. “Business entity” means any of the following:

- (1) Partnership.
- (2) Incorporated or unincorporated association or group.
- (3) Firm.
- (4) Corporation.
- (5) Limited liability company.
- (6) Partnership for shares.
- (7) Trust.
- (8) Sole proprietorship.
- (9) Any other form of business.

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

68 IAC 1-1-11 “Candidate” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 3-5-2-6; IC 4-33

Sec. 11. “Candidate” has the meaning set forth in IC 3-5-2-6. (*Indiana Gaming Commission; 68 IAC 1-1-11; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-12 “Cash” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. “Cash” means United States currency and coin or foreign currency and coin which has been exchanged for its equivalent United States currency and coin value. (*Indiana Gaming Commission; 68 IAC 1-1-12; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-13 “Cash equivalent” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13. “Cash equivalent” means any asset that is readily convertible to cash, including the following:

- (1) Travelers checks.
- (2) Certified checks, cashier's checks, and money orders.
- (3) Personal checks.
- (4) Credit extended by the riverboat 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 licensee, all instruments that constitute a cash equivalent must be made payable to the riverboat 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*)

68 IAC 1-1-13.1 “Central computer system” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13.1. “Central computer system” means one (1) or more computer systems that meet the following requirements:

- (1) Is connected to all electronic gaming devices in the riverboat to record and contemporaneously monitor the activities of each electronic gaming device, including, but not limited to, the following or the equivalent:
 - (A) The opening of any door of the electronic gaming device.
 - (B) Hopper credits and fills.
 - (C) Drop bucket collection.
- (2) Is capable of contemporaneously monitoring the activities of the live gaming devices, including, but not limited to, the following or the equivalent:
 - (A) Table fills.
 - (B) Table credits.
- (3) Is capable of tracking the activities of the live gaming devices, including, but not limited to, the following or the equivalent:
 - (A) Table game inventories.
 - (B) Employee gratuity deposit accounting.
- (4) Is capable of contemporaneously monitoring the activities of the main bank and all cages, including, but not limited to, the following or the equivalent:
 - (A) Manual payouts.
 - (B) Hopper credits and hopper fills.

(C) Table credits and fills.

(5) Is capable of tracking the activities of the main bank and all cages, including, but not limited to, the following or the equivalent:

(A) Hard and soft count summary log.

(B) Master gaming report.

(C) Cashier checkout.

(D) Main bank and cage inventory.

(E) Deposits.

(F) Cash transaction reports.

(G) Patron credit.

(6) Is capable of monitoring the riverboat licensee's accounting package.

(Indiana Gaming Commission; 68 IAC 1-1-13.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2246; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-13.2 “Certificate of suitability” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 13.2. “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 68 IAC 2-1-5(e). A certificate of suitability is valid for a period of one hundred eighty (180) days unless extended by the commission. *(Indiana Gaming Commission; 68 IAC 1-1-13.2; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2246; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-14 “Chair” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 14. “Chair” means the chair of the Indiana gaming commission. *(Indiana Gaming Commission; 68 IAC 1-1-14; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-15 “Chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 15. “Chip” means a nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a riverboat licensee for use in gaming, other than in electronic gaming devices, on the licensee's riverboat or at the support facility. *(Indiana Gaming Commission; 68 IAC 1-1-15; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-15.1 “City” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 1-1-3.5; IC 4-33; IC 36-4-1

Sec. 15.1. “City” means a municipality that has a population of two thousand (2,000) or more as of the most recent federal decennial census or the most recent federal special census, special tabulation, or corrected population count effective under IC 1-1-3.5 and meets the qualifications of a city under IC 36-4-1. *(Indiana Gaming Commission; 68 IAC 1-1-15.1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-16 “Commission” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 16. "Commission" means the Indiana gaming commission. (*Indiana Gaming Commission; 68 IAC 1-1-16; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 17. "Commission surveillance room" means a room or rooms on each riverboat 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*)

68 IAC 1-1-18 "Compensation" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 18. "Compensation" means anything of value, including, but not limited to:

- (1) salary;
- (2) wages;
- (3) commissions;
- (4) tips;
- (5) gratuities;
- (6) fees;
- (7) bonuses; and
- (8) distributions from S corporations;

in any form, including cash, securities, real property and tangible and intangible personal property. (*Indiana Gaming Commission; 68 IAC 1-1-18; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-19 "Control" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 19. "Control" means the power to exercise authority over or to direct the management and policies of an individual, business, or entity. (*Indiana Gaming Commission; 68 IAC 1-1-19; filed Nov 10, 1994, 11:00 a.m.: 18 IR 471; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 20. "Count room" means the room(s) designated for the counting and recording of a riverboat 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*)

68 IAC 1-1-21 "Counterfeit chips or tokens" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 21. "Counterfeit chips or tokens" means chip-like or token-like objects that have not been approved pursuant to IC 4-33 or this title, including objects commonly referred to as slugs, but not including coins of the United States or any other nation. (*Indiana Gaming Commission; 68 IAC 1-1-21; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-22 “Craps” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 22. “Craps” means a game that offers a variety of bets on the layout. Two (2) dice are rolled by a patron called a shooter to make different points or combinations. The bet is dependent on the point value on the uppermost side of the two (2) dice that come to rest after being thrown by the shooter. A first throw of seven (7) or eleven (11) wins; a first throw of two (2), three (3), or twelve (12) loses; and a first throw of four (4), five (5), six (6), eight (8), nine (9), or ten (10) can be won only by repeating the number thrown before a seven (7) appears. (*Indiana Gaming Commission; 68 IAC 1-1-22; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-23 “Debt instrument” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 23. “Debt instrument” means any:

- (1) bond;
- (2) loan;
- (3) mortgage;
- (4) trust;
- (5) deed (when committed in any form as collateral);
- (6) note;
- (7) debenture;
- (8) subordination;
- (9) guaranty;
- (10) letter of credit;
- (11) security agreement;
- (12) pledge;
- (13) chattel mortgage; or
- (14) other form of indebtedness.

(*Indiana Gaming Commission; 68 IAC 1-1-23; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-24 “Dependent” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 24. “Dependent” means any individual who received over one-half (½) of his or her support in a calendar year from any other individual. (*Indiana Gaming Commission; 68 IAC 1-1-24; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-25 “Drop” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 25. “Drop” means the total amount of tokens removed from the drop bucket of an electronic gaming device, the currency removed from the bill changers, and the total dollar amount of the currency, coins, chips, tokens, or credits removed from the live gaming devices. If a patron is utilizing an electronic card, the drop is the amount deducted from a patron's account as a result of electronic gaming device play. (*Indiana Gaming Commission; 68 IAC 1-1-25; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-25.1 “Drop box” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 25.1. “Drop box” means the box attached to a live gaming device table that is used to collect, but not limited to, the following items:

- (1) Currency.
- (2) Coin.
- (3) Cash equivalents.
- (4) Damaged chips.
- (5) Documents verifying the extension of credit.
- (6) Request for fill and credit forms.
- (7) Fill and credit slips.
- (8) Error notification slips.
- (9) Table inventory forms.

(Indiana Gaming Commission; 68 IAC 1-1-25.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-26 “Drop bucket” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 26. “Drop bucket” means the container in the locked portion of an electronic gaming device or the cabinet of an electronic gaming device used to collect the tokens retained by the electronic gaming device that are not used to make automatic payments from the electronic gaming device and are subject to authorized removal. *(Indiana Gaming Commission; 68 IAC 1-1-26; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-27 “Drop meter” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 27. “Drop meter” means an electronic device that automatically and continuously counts the number of tokens dropped into an electronic gaming device's drop bucket. *(Indiana Gaming Commission; 68 IAC 1-1-27; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-28 “Electronic card” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 28. “Electronic card” means a card used for cash or cash equivalent. *(Indiana Gaming Commission; 68 IAC 1-1-28; filed Nov 10, 1994, 11:00 a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-29 “Electronic gaming device” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 29. “Electronic gaming device” means any electromechanical device, electrical device, or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits, or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner. *(Indiana Gaming Commission; 68 IAC 1-1-29; filed Nov 10, 1994, 11:00*

a.m.: 18 IR 472; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-30 “Electronic gaming device drop” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 30. “Electronic gaming device drop” means the total value of tokens contained in the drop bucket and the currency removed from bill changers. If a patron is utilizing an electronic card, the drop is the amount deducted from a patron's account as a result of electronic gaming device play. *(Indiana Gaming Commission; 68 IAC 1-1-30; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3296; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-31 “Electronic gaming device win” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 31. “Electronic gaming device win” means the electronic gaming device drop minus hand-paid jackpots minus hopper fills plus hopper credits. *(Indiana Gaming Commission; 68 IAC 1-1-31; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-32 “EPROM” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 32. “EPROM” means erasable, programmable, read only memory. *(Indiana Gaming Commission; 68 IAC 1-1-32; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-33 “Excluded person” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-4-7

Sec. 33. “Excluded person” means any person whose name appears on any exclusion list, or any person whose name does not appear on an exclusion list, but who is excluded or ejected under IC 4-33-4-7, or as a result of meeting one (1) or more of the criteria in 68 IAC 6-1. *(Indiana Gaming Commission; 68 IAC 1-1-33; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-34 “Exclusion list” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 34. “Exclusion list” means a list or lists, that contain identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that the person's presence within a riverboat gambling operation may, in the opinion of the commission or the executive director, call into question the honesty or integrity of the gambling operation or pose a threat to the interests of the state of Indiana. *(Indiana Gaming Commission; 68 IAC 1-1-34; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-35 “Executive director” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 35. “Executive director” means the executive director of the Indiana gaming commission. *(Indiana Gaming Commission; 68 IAC 1-1-35; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-36 “Faro” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 36. “Faro” means a card game played with a single fifty-two (52) card deck, dealt by drawing cards face up from an open framed box during which a player places bets on a special board or layout, betting on each series of two (2) cards as they are drawn from the open framed box. (*Indiana Gaming Commission; 68 IAC 1-1-36; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-37 “FIN” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 37. “FIN” means a federal identification number. (*Indiana Gaming Commission; 68 IAC 1-1-37; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-38 “Felony” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 38. “Felony” means a criminal offense for which a sentence of imprisonment of more than one (1) year may be imposed under the laws of any jurisdiction. (*Indiana Gaming Commission; 68 IAC 1-1-38; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-39 “Financial statement” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 39. “Financial statement” means any of the following:

- (1) Balance sheet.
- (2) Income statement.
- (3) Profit and loss statement.
- (4) Statement of cash flow.
- (5) Sources and uses of funds statement.

(*Indiana Gaming Commission; 68 IAC 1-1-39; filed Nov 10, 1994, 11:00 a.m.: 18 IR 473; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-40 “Game” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 40. “Game” means a banking, wagering, gambling, or percentage game or activity that is played for chips, tokens, or anything of value, including, without limitation, those played with:

- (1) cards;
- (2) chips;
- (3) tokens;
- (4) dice;
- (5) implements; or
- (6) electronic, electrical, or electromechanical devices or machines.

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

68 IAC 1-1-41 “Gaming” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 41. “Gaming” means the dealing, operating, carrying on, conducting, maintaining, or exposing for play of any game. (*Indiana Gaming Commission; 68 IAC 1-1-41; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-42 “Gaming area” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 42. “Gaming area” means the room(s) on a riverboat in which gaming is conducted. (*Indiana Gaming Commission; 68 IAC 1-1-42; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-43 “Gaming equipment or supplies” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 43. “Gaming equipment or supplies” means a machine, mechanism, device, or implement that affects the result of a game by determining win or loss, including, without limitation, any of the following:

- (1) Electronic gaming devices.
- (2) Software.
- (3) Cards.
- (4) Dice.
- (5) Any representative of value used with any game, including, without limitation, chips, tokens, or electronic debit cards and related hardware and software.

(*Indiana Gaming Commission; 68 IAC 1-1-43; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-44 “Gaming operations manager” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 44. “Gaming operations manager” means a person who has the ultimate responsibility to manage, direct, or administer the conducting of gaming. (*Indiana Gaming Commission; 68 IAC 1-1-44; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-45 “Give-away” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 45. “Give-away” means a game where patron entry to the game may be determined by attendance on a riverboat, or by either accumulation of points or credits, or 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*)

68 IAC 1-1-46 “Hand” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 46. “Hand” means either one (1) game in a series, one (1) deal in a card game, or the cards held by a player. (*Indiana*

Gaming Commission; 68 IAC 1-1-46; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-47 “Hearing officer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 47. “Hearing officer” means the commission member or the administrative law judge appointed by the chair of the commission to conduct a hearing on any of the following:

- (1) Notice of denial of licensure.
- (2) Revocation of licensure.
- (3) Restriction of licensure.
- (4) Suspension of licensure.
- (5) Nonrenewal of licensure.
- (6) Disciplinary hearings.
- (7) Petition for removal from the exclusion list.
- (8) Any other hearing conducted under IC 4-33 or this title.

(Indiana Gaming Commission; 68 IAC 1-1-47; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-48 “Immediate family” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 48. “Immediate family” means:

- (1) spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance);
- (2) parent;
- (3) child;
- (4) sibling;
- (5) father-in-law; or
- (6) mother-in-law;

whether by whole or half blood, marriage, adoption, or natural relationship. *(Indiana Gaming Commission; 68 IAC 1-1-48; filed Nov 10, 1994, 11:00 a.m.: 18 IR 474; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-49 “Indiana taxpayer identification number” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 49. “Indiana taxpayer identification number” means the number assigned to businesses registered with the department of state revenue. *(Indiana Gaming Commission; 68 IAC 1-1-49; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-50 “Indirect interest” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 50. “Indirect interest” means any interest in any other person that is deemed to be held by the holder, not through the holder's actual holdings in the person, but through the holder's holdings in any other person. *(Indiana Gaming Commission; 68 IAC 1-1-50; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-51 “Individual” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 51. “Individual” means any natural person. (*Indiana Gaming Commission; 68 IAC 1-1-51; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-52 “Institutional investor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 52. “Institutional investor” means any of the following:

- (1) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees.
- (2) An investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80).
- (3) A collective investment trust organized by banks under Part Nine (9) of the rules of the Comptroller of the Currency.
- (4) A closed end investment trust.
- (5) A chartered or licensed life insurance company or property and casualty insurance company.
- (6) A banking, chartered, or licensed lending institution.
- (7) An investment adviser registered under the Investment Advisors Act of 1940 (15 U.S.C. 80).
- (8) Any other entity the commission determines constitutes an institutional investor.

(*Indiana Gaming Commission; 68 IAC 1-1-52; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-52.1 “Interim compliance period” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 52.1. “Interim compliance period” means the period of time between the issuance of a certificate of suitability and the issuance of a permanent riverboat 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*)

68 IAC 1-1-53 “Internal control system” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 53. “Internal control system” means the internal procedures, administration, and accounting controls designed by the riverboat licensee for the purpose of exercising control over the riverboat 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*)

68 IAC 1-1-54 “Irrevocable letter of credit” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 54. “Irrevocable letter of credit” means an engagement by a banking institution made at the request of a riverboat 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 Revision, International Chamber of Commerce Publication No. 500. (*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*)

68 IAC 1-1-55 “Junketeer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

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 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*)

68 IAC 1-1-56 “Keno” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 56. “Keno” means a game where a player selects anywhere from one (1) to twenty (20) numbers between one (1) and eighty (80). A winner is determined by an automatic device which randomly chooses twenty (20) numbers. (*Indiana Gaming Commission; 68 IAC 1-1-56; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-57 “Key person” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 57. “Key person” means an officer, director, trustee, partner, proprietor, or managing agent of, or an individual who holds any direct, indirect, or attributed legal or beneficial interest whose combined direct, indirect, or attributed interest is five percent (5%) or more in a business entity. (*Indiana Gaming Commission; 68 IAC 1-1-57; filed Nov 10, 1994, 11:00 a.m.: 18 IR 475; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-58 “Klondike” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 58. “Klondike” means a solitaire card game played with a single fifty-two (52) card deck. (*Indiana Gaming Commission; 68 IAC 1-1-58; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-59 “Live gaming device” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 59. “Live gaming device” means any nonelectrical or nonelectromechanical apparatus used to gamble upon, including, but not limited to, the following:

- (1) Roulette wheel and table.
- (2) Blackjack table.
- (3) Crap table.
- (4) Poker table.

(*Indiana Gaming Commission; 68 IAC 1-1-59; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-59.1 “Main bank” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 59.1. “Main bank” or its equivalent means the department that is responsible for at least the following:

- (1) Cashing customer checks.

- (2) Establishing hold check privileges.
- (3) Redeeming chips, tokens, or both.
- (4) Providing working funds to all operational departments.
- (5) Deposits of front money.
- (6) Maintaining custody of all inventory.
- (7) Processing markers.
- (8) Assuming responsibility for the following individuals and physical structures:
 - (A) Casino cashiers.
 - (B) Change attendants.
 - (C) Main bank vault or vaults.
 - (D) Any other structure that houses tokens, chips, or other representatives of value that the main bank is accountable for.

(Indiana Gaming Commission; 68 IAC 1-1-59.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-1-60 “Multiple action blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 60. “Multiple action blackjack” means a multiple hand, maximum of three (3), variation of the card game blackjack. The dealer uses a common up-card and players play two (2) to three (3) hands as in a normal blackjack game. *(Indiana Gaming Commission; 68 IAC 1-1-60; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-61 “Negotiable security” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33; IC 26-1

Sec. 61. “Negotiable security” has the meaning set forth in IC 26-1. *(Indiana Gaming Commission; 68 IAC 1-1-61; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-62 “Nominee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 62. “Nominee” means any person that holds as owner of record the legal title to tangible or intangible personal or real property, including, without limitation, any stock, bond debenture, note, investment contract, or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her, or its behalf with respect to such property. *(Indiana Gaming Commission; 68 IAC 1-1-62; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-63 “Nonvalue chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 63. “Nonvalue chip” means a chip, clearly and permanently impressed, engraved or imprinted with the name of the riverboat licensee, but bearing no value designation. *(Indiana Gaming Commission; 68 IAC 1-1-63; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-1-64 “Notice of commission action” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 64. "Notice of commission action" means a notice of denial, restriction, suspension, revocation, nonrenewal, exclusion, or action taken in a disciplinary commission issued by the commission. (*Indiana Gaming Commission; 68 IAC 1-1-64; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-65 "Occupational licensee" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-8

Sec. 65. "Occupational licensee" means a person who holds an occupational license under IC 4-33-8 and 68 IAC 2-3. (*Indiana Gaming Commission; 68 IAC 1-1-65; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-66 "Payout" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 66. "Payout" means winnings resulting from a wager. (*Indiana Gaming Commission; 68 IAC 1-1-66; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-67 "Petitioner" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 67. "Petitioner" means an applicant, licensee, or excluded person who requests a hearing upon issuance of a notice of commission action. (*Indiana Gaming Commission; 68 IAC 1-1-67; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-68 "Pit" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 68. "Pit" means the area enclosed or encircled by the arrangement of the gaming tables in which riverboat gambling personnel administer and supervise the live games played at the tables by patrons located outside the perimeter of the area. (*Indiana Gaming Commission; 68 IAC 1-1-68; filed Nov 10, 1994, 11:00 a.m.: 18 IR 476; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-69 "Poker" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 69. "Poker" means a card game played by a maximum of ten (10) players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of his or her own hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over. (*Indiana Gaming Commission; 68 IAC 1-1-69; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-70 "Political contribution" defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 3-5-2-15; IC 4-33

Sec. 70. "Political contribution" has the meaning set forth in IC 3-5-2-15. (*Indiana Gaming Commission; 68 IAC 1-1-70; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-71 “Predecessor company” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 71. “Predecessor company” means a business entity which no longer exists in its original form but whose assets in substantial part have been acquired by another business entity or which has undergone certain internal changes, such as those of identity, form, or capital structure. (*Indiana Gaming Commission; 68 IAC 1-1-71; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-72 “Progressive controller” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 72. “Progressive controller” means the hardware and software that controls all communication among the electronic gaming devices or live gaming devices within a progressive electronic gaming device link or a progressive live gaming device link and its associated progressive meter. (*Indiana Gaming Commission; 68 IAC 1-1-72; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-73 “Progressive jackpot” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 73. “Progressive jackpot” means a value determined by application of an approved formula to the income of independent, local, or interlinked electronic gaming devices or live gaming devices. This value shall be clearly displayed above the interlinked electronic gaming device, above or beside the live gaming device and metered incrementally by a progressive controller. A progressive electronic gaming device must prominently display a manufacturer-supplied glass indicating either that a progressive jackpot is to be paid or the current amount of the jackpot. Progressive jackpots may not be initiated without the prior consent of the executive director. (*Indiana Gaming Commission; 68 IAC 1-1-73; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-74 “Public official” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 35-41-1-12

Sec. 74. “Public official” means a person who is:

- (1) authorized to perform an official function on behalf of, and is paid by a governmental entity, as defined in IC 35-41-1-12;
- (2) elected or appointed to office to discharge a public duty for a governmental entity; or
- (3) appointed in writing by a public official to act in an advisory capacity, with or without compensation, to a governmental entity concerning a contract or purchase to be made by the entity.

This term does not include a person appointed to an honorary advisory or honorary military position. (*Indiana Gaming Commission; 68 IAC 1-1-74; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-75 “Publicly held company” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 75. “Publicly held company” means a company whose shares are traded on an established securities market or whose shares are readily tradable on a secondary market. (*Indiana Gaming Commission; 68 IAC 1-1-75; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-76 “Registered agent” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33; IC 23-1-24-1

Sec. 76. “Registered agent” means any individual or business entity against whom service of process may be made on behalf of a business entity under IC 23-1-24-1. (*Indiana Gaming Commission; 68 IAC 1-1-76; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-77 “Relative” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 77. “Relative” means:

- (1) spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance);
- (2) parent;
- (3) grandparent;
- (4) child;
- (5) grandchild;
- (6) sibling;
- (7) uncle;
- (8) aunt;
- (9) nephew;
- (10) niece;
- (11) first cousin;
- (12) father-in-law;
- (13) mother-in-law;
- (14) son-in-law;
- (15) daughter-in-law;
- (16) brother-in-law; or
- (17) sister-in-law;

whether by whole or half blood, marriage, adoption, or natural relationship. (*Indiana Gaming Commission; 68 IAC 1-1-77; filed Nov 10, 1994, 11:00 a.m.: 18 IR 477; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-78 “Review officer” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 78. “Review officer” means a commission staff member assigned by the executive director to review a request for waiver of the convicted felon disqualification sought by an applicant for an occupational license under 68 IAC 2-4. (*Indiana Gaming Commission; 68 IAC 1-1-78; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-79 “Riverboat gambling operation” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 79. “Riverboat gambling operation” means the conducting of gaming and all related activities, including, without limitation, the purveying of food, beverages, retail goods and services, and transportation on a riverboat and at its support facilities. (*Indiana Gaming Commission; 68 IAC 1-1-79; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-79.1 “Riverboat license applicant” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 79.1. “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 1-1-79.1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-80 “Riverboat licensee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 80. “Riverboat licensee” means a person who holds a riverboat owner's license under IC 4-33 and 68 IAC 2-1. (*Indiana Gaming Commission; 68 IAC 1-1-80; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-81 “Roulette” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 81. “Roulette” means a game played on a horizontal rotating wheel in which players can bet on which compartment a nonmetallic ball may come to rest. (*Indiana Gaming Commission; 68 IAC 1-1-81; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-82 “Slot machine” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 82. “Slot machine” means a type of electronic gaming device. (*Indiana Gaming Commission; 68 IAC 1-1-82; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-83 “Slug” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 83. “Slug” means a disk, metal or otherwise, that has no cash value. (*Indiana Gaming Commission; 68 IAC 1-1-83; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-84 “Sole proprietor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 84. “Sole proprietor” means an individual who owns one hundred percent (100%) of the assets and who is solely liable for the debts of a business. (*Indiana Gaming Commission; 68 IAC 1-1-84; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-85 “Substantial creditor” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 85. “Substantial creditor” means the holder of any debt instrument of whatever character, against an individual or business entity, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent, the aggregate

amount of which is fifty thousand dollars (\$50,000) or more. (*Indiana Gaming Commission; 68 IAC 1-1-85; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-86 “Substantial owner” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7

Sec. 86. “Substantial owner” means the holder of at least five percent (5%) of the total combined voting power of a corporation or at least five percent (5%) of the total value of shares of all classes of stock of a corporation; or at least a five percent (5%) interest in a partnership; or at least five percent (5%) of the value of a trust computed actuarially; or at least five percent (5%) of the legal or beneficial interest in any other business entity. For purposes of computing the percentages in this section, a holder shall be deemed to own any stock or other interest in a business entity, whether owned directly, indirectly, or attributed. (*Indiana Gaming Commission; 68 IAC 1-1-86; filed Nov 10, 1994, 11:00 a.m.: 18 IR 478; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-87 “Supplier licensee” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7

Sec. 87. “Supplier licensee” means a person who holds a supplier's license under IC 4-33-7 and 68 IAC 2-2. (*Indiana Gaming Commission; 68 IAC 1-1-87; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-88 “Support facility” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 88. “Support facility” means a place of business which is part of, or operates in connection with, a riverboat gambling operation, is leased or is owned in whole or in part by a riverboat licensee or supplier licensee or any of their key persons, and is located adjacent to or in close proximity to the riverboat, including without limitation, the following:

- (1) Riverboats.
- (2) Offices.
- (3) Docking facilities.
- (4) Parking facilities.
- (5) Land-based hotels or restaurants.
- (6) Passenger pavilion.

(*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*)

68 IAC 1-1-89 “Surety bond” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 89. “Surety bond” means a contractual arrangement between the surety, the principal, and the obligee that the surety agrees to protect the obligee if the principal defaults in performing the principal's contractual obligation. The bond is the instrument that bonds the surety. (*Indiana Gaming Commission; 68 IAC 1-1-89; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-90 “Surveillance room” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 90. “Surveillance room” means a room(s) on each riverboat for monitoring and recording of gaming and other activities

by employees of riverboat 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*)

68 IAC 1-1-91 “Table drop” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 91. “Table drop” means the total dollar amount of United States currency, chips, or credit contained in the drop box of a live gaming device. (*Indiana Gaming Commission; 68 IAC 1-1-91; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-92 “Table game” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 92. “Table game” has the meaning set forth in section 59 of this rule. (*Indiana Gaming Commission; 68 IAC 1-1-92; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-93 “Table win” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 93. “Table win” means the dollar amount won by the riverboat licensee through play at a live game which is the total of the table drop, plus ending chip inventory, plus credits, minus opening chip inventory, minus fills. (*Indiana Gaming Commission; 68 IAC 1-1-93; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-94 “Theoretical payout percentage” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 94. “Theoretical payout percentage” means the sum of the number of cash equivalents, credits, or tokens expected to be paid as a result of the jackpots divided by the number of different possible outcomes. (*Indiana Gaming Commission; 68 IAC 1-1-94; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-95 “Token” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 95. “Token” means a metal or metal core representative of value, redeemable for cash only at the issuing riverboat gambling operation and issued and sold by a riverboat 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*)

68 IAC 1-1-95.1 “Training license” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8

Sec. 95.1. “Training license” means a license issued to an occupational training school approved under IC 4-33-8. (*Indiana Gaming Commission; 68 IAC 1-1-95.1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-96 “Twenty-one” or “blackjack” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 96. “Twenty-one” or “blackjack” means a card game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21) so that his or her total is higher than the dealer's. (*Indiana Gaming Commission; 68 IAC 1-1-96; filed Nov 10, 1994, 11:00 a.m.: 18 IR 479; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-97 “Value chip” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 97. “Value chip” means a chip, clearly and permanently impressed, engraved, or imprinted with the name of the riverboat and the specific value of the chip. (*Indiana Gaming Commission; 68 IAC 1-1-97; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-1-98 “Wager” defined

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 98. “Wager” means a sum of money or thing of value risked in a gambling game on a licensed riverboat. (*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*)

Rule 2. General Procedures

68 IAC 1-2-1 Rules of construction

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 1. In the interpretation of any rules adopted by the commission, any ambiguity shall be resolved in favor of the interpretation which would provide:

- (1) the greater assurance of integrity in either the operation or regulation of riverboat gambling; or
- (2) heightened public confidence in the regulation or regulatory processes relating to riverboat 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*)

68 IAC 1-2-2 Severability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 2. (a) If any provision of any rule promulgated by the commission, as now or later amended, or application of any such rule to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(b) Except in the case of a rule containing a nonseverability provision, each part and application of every rule is severable. If any provision or application of a rule is held invalid, the invalidity does not affect the remainder of the rule unless:

- (1) the remainder is so essentially and inseparably connected with, and so dependent upon, the invalid provision or application that it cannot be presumed that the remainder would have been promulgated without the invalid provision or application; or
- (2) the remainder is incomplete and incapable of being executed in accordance with the commission's intent without the invalid provision or application.

This section applies to every rule promulgated by the commission, regardless of whether enacted before or after the effective date

of this section. (*Indiana Gaming Commission; 68 IAC 1-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-3 Quorum and commission action

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) At any meeting of the commission, the presence of four (4) members of the commission constitutes a quorum for the transaction of official business.

(b) Any action of the commission may be effected only upon a motion which is considered by the commission and passed with not fewer than four (4) affirmative votes. (*Indiana Gaming Commission; 68 IAC 1-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2646; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-4 Commission procedure

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Except as provided by this title, the Act, or other statute, the commission shall determine its practices and internal rules of procedure. In the absence of contrary action by the commission, Roberts Rules of Order shall apply. (*Indiana Gaming Commission; 68 IAC 1-2-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-5 Commission meetings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

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

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

68 IAC 1-2-5.1 Requests to address the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5; IC 4-22; IC 4-33

Sec. 5.1. (a) Unless otherwise authorized by the executive director, an individual who wishes to address the commission at a meeting held under section 5 of this rule shall submit a written request to address the commission to the executive director at least ten (10) days before the scheduled meeting.

(b) The written request shall contain, at a minimum, the following information:

(1) The name of the individual who wishes to address the commission.

(2) The person the individual represents.

(3) The issue about which the individual wishes to address the commission.

(4) The amount of time the individual requests.

(5) The business address and business telephone number at which the individual can be reached.

(c) The individual requesting an allotment of time shall submit any documentation supporting the individual's position and that the individual wants the commission to review to the commission at least five (5) days before the commission meeting. The executive director may require the individual to supplement the written request or to submit additional supporting documentation. The individual submitting any documentation must submit ten (10) copies of the documentation for distribution to the commission.

(d) The executive director may deny any request to address the commission if the individual fails to comply with subsection (b) or (c).

(e) The commission staff shall notify the individual of the executive director's decision regarding the individual's ability to address the commission.

(f) If the executive director denies an individual's request to address the commission, the commission staff shall inform the commission of the request and the denial and may forward any written information submitted by the individual to the commission.

(g) The executive director may waive the time requirements set forth in subsections (a) and (c) if one (1) of the following circumstances exists:

(1) The executive director determines that the issue the individual will discuss is of such import that it is in the best interest of the public and the gaming industry to waive the time requirements set forth in subsections (a) and (c).

(2) The timing of the announcement of the date of the meeting makes it impossible for the individual requesting the ability to address the commission to meet the time requirements of subsections (a) and (c).

(h) This section does not apply to hearings conducted under IC 4-21.5 or IC 4-22. (*Indiana Gaming Commission; 68 IAC 1-2-5.1; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2090; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2058; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-6 Resolutions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. Commission matters that are acted upon during a meeting held under this rule may be memorialized in the form of a resolution signed by the chair and secretary of the commission or in the official minutes of a meeting held under this rule. (*Indiana Gaming Commission; 68 IAC 1-2-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-7 Authority of executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Except as provided in section 8 of this rule, the commission hereby delegates to its executive director all power and authority to act in the name of the commission with respect to all desirable and proper actions to administer and carry out the executive functions of the commission or enforce IC 4-33, including, but not limited to, the power to:

(1) execute and enter into contracts on behalf of the commission;

(2) incur reasonable and necessary expenses in the name of the commission in the manner provided by law;

(3) take and hold property on behalf of the commission; and

(4) hire and fire employees of the commission.

(*Indiana Gaming Commission; 68 IAC 1-2-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-8 Exceptions to executive director's authority

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. The authority granted in section 7 of this rule shall not extend to any action which the commission has:

(1) previously considered and specifically rejected; or

(2) provided contrary directions to the executive director.

(*Indiana Gaming Commission; 68 IAC 1-2-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-9 Administrative procedures

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 9. Except as provided in section 10 of this rule, any request for action to be taken by the commission, including applications for licenses, must be filed with the commission not later than a date and time that shall be established by the commission for the filing of such requests or, if no such date and time is established, then not less than ten (10) business days prior to the

commission meeting at which the request would be considered. Applications or requests filed later than a deadline established by the commission shall not be considered by the commission except as provided in section 10 of this rule. (*Indiana Gaming Commission; 68 IAC 1-2-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-10 Consideration of late applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 10. (a) An application, including any request for action to be taken by the commission on an application, which is submitted for filing after a deadline established by the commission may be considered if any of the following occurs:

(1) The executive director determines the following:

(A) That both of the following conditions exist:

(i) No other applicant or interested person would be unfairly prejudiced by the delayed submission of the application.

(ii) The commission has not taken substantive action with respect to any application submitted prior to the deadline.

(B) That at least one (1) of the following conditions is present:

(i) The failure to file the application prior to the expiration of the deadline was caused by the action or inaction of a third party which relates to the method or timing of the delivery of the application to the commission.

(ii) The circumstances surrounding the method or timing of the delivery of the application indicate that in the normal course of events the application should have been received by the commission prior to the expiration of the deadline.

(iii) Prior to the expiration of the deadline, the applicant reasonably believed that delivery of the application would occur prior to expiration of the deadline.

(2) The executive director determines that the failure to file the application prior to the expiration of the deadline was caused in whole or in part by incorrect or misleading information or instructions provided by an employee or agent of the commission and that the applicant acted reasonably in relying on such information or instructions taking into consideration the nature of the information or instructions and the identity of the individual providing the information or instructions.

(3) The commission acts to establish a new deadline applicable to all persons to which the original deadline was applicable.

(4) The commission determines that consideration of the application is necessary to prevent manifest injustice.

(b) The commission must, at a meeting held under section 5 of this rule, approve acceptance of the late application or take the other action requested on the application. (*Indiana Gaming Commission; 68 IAC 1-2-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2647; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-11 Procedure related to amended applications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 11. An application, including any request for action, may be amended or supplemented subsequent to the expiration of a deadline, in accordance with such procedures as are established by the commission or the executive director and may be considered by the commission as though such an amended or supplemented application had been originally submitted prior to the deadline. (*Indiana Gaming Commission; 68 IAC 1-2-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-2-12 Supplemental deadlines

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 12. The executive director or the commission may establish additional deadlines for the submission of information which supplements, changes, or corrects information or materials previously submitted. The executive director or the commission may refuse to consider any such information that is not submitted in compliance with established deadlines. (*Indiana Gaming*

Commission; 68 IAC 1-2-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

Rule 3. Economic Development Reports

68 IAC 1-3-1 Reports on economic development projects

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

(b) The following definitions apply throughout this rule:

(1) "Economic development" means incentives, enhancements, and other proposals made by an applicant for a riverboat owner's license that were made a condition of licensure by the commission or were made a condition of the issuance of a certificate of suitability.

(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 1-3-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

68 IAC 1-3-2 Required reports on economic development activities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. Each riverboat licensee or riverboat license applicant shall report, in a manner determined by the executive director, upon the status of all economic development activities which the riverboat licensee or riverboat license applicant agreed to perform as a condition of licensure or issuance of a certificate of suitability. *(Indiana Gaming Commission; 68 IAC 1-3-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

68 IAC 1-3-3 Requirement for satisfactory progress toward completion of economic development activities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. In the event that the executive director determines that the riverboat licensee or riverboat license applicant has not made satisfactory progress to complete any element of economic development activity, the following steps shall be taken:

(1) The executive director shall advise the riverboat licensee or riverboat license applicant and the commission, in writing, of that determination.

(2) The executive director or the commission shall require the riverboat licensee or riverboat license applicant to submit a plan to expedite its progress toward completing the activity.

(3) The commission must accept the plan at a meeting held under 68 IAC 1-2-5.

(4) The executive director shall monitor the riverboat licensee or riverboat license applicant's progress in implementing the plan, and shall report the status of the progress to the commission either in writing or orally at a meeting held under 68 IAC 1-2-5.

(5) If the riverboat licensee or riverboat license applicant fails to submit an acceptable plan, or fails to implement the proposed plan after it has been accepted by the commission, disciplinary action may be initiated under 68 IAC 13.

(Indiana Gaming Commission; 68 IAC 1-3-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)

Rule 4. Contracts

68 IAC 1-4-1 Purchasing system

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees and riverboat 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 licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat 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 licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat license applicant, or affiliate is a publicly held company.

(3) A key person of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.

(4) An affiliate of a riverboat licensee or a riverboat license applicant.

(5) A relative of a holder of more than five percent (5%) of the outstanding shares of a riverboat licensee, a riverboat license applicant, or an affiliate thereof if the riverboat licensee, riverboat license applicant, or affiliate is a publicly held company.

(6) A relative of a key person of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.

(7) A relative of an affiliate of a riverboat licensee or a riverboat license applicant.

(8) A trust for the benefit of or managed by a riverboat licensee, a riverboat license applicant, or an affiliate or a key person thereof.

(9) Any other person who is able to control or significantly influence the management or operating policies of a riverboat licensee, a riverboat license applicant, or an affiliate thereof.

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

(d) Each contract or transaction entered into by a riverboat licensee or riverboat license applicant shall contain a provision indicating that 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*)

68 IAC 1-4-2 Policy

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The commission is required to maintain the integrity of the commission and riverboat gambling. Riverboat licensees and riverboat license applicants must encourage confidence in the commission and the riverboat gambling industry by maintaining high standards of honesty, integrity, and impartiality. Riverboat licensees and riverboat license applicants shall promote this policy by entering into contracts and transactions in accordance with the Act and this title, and shall be held accountable for all 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 licensees and riverboat license applicants. The commission reserves the right to disapprove and cancel any contract or transaction that does not comply with the Act or this title or does not maintain the integrity of the riverboat 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*)

68 IAC 1-4-3 Prohibited contracts

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) No riverboat licensee or riverboat license applicant may enter into or perform any 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 contract or transaction entered into by a riverboat licensee or a riverboat license applicant that exceeds the total dollar amount of fifty thousand dollars (\$50,000) shall be a written contract.

(c) Each contract or transaction entered into by a riverboat licensee or a riverboat license applicant shall comply with the Act 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*)

68 IAC 1-4-4 Normal purchasing transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) The riverboat licensee or riverboat 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 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 the normal competitive bid process.

(9) Procedures to ensure that vendor files maintained by the riverboat licensee or riverboat license applicant contain all 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 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 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)

68 IAC 1-4-5 Related party transactions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) Related party transactions are those between a riverboat licensee or a riverboat 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 licensee or a riverboat license applicant and a supplier licensee.
- (2) The payment of dividends to shareholders.

(3) Scheduled repayments of related party debt.

(c) Each related party transaction shall comply with the internal control procedures set forth in section 4 of this rule and the following provisions:

(1) Each 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 for all 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)

68 IAC 1-4-6 Due diligence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-7-3

Sec. 6. The riverboat licensee or riverboat license applicant shall perform due diligence to ensure that each person that the riverboat licensee or riverboat 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)*

68 IAC 1-4-7 Reports to the commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-14

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 contract that is not in compliance with the Act 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)*

68 IAC 1-4-8 Automatic contract submissions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 8. (a) Any contract, transaction, or series of transactions in an amount greater than five hundred thousand dollars (\$500,000) in any twelve (12) month period shall be submitted to the commission within ten (10) calendar days of the execution of the contract or transaction. The riverboat licensee or the riverboat license applicant shall submit two (2) copies of the contract and two (2) copies of an executive summary of the contract. The executive summary shall be on forms prescribed by the commission, and shall contain, at a minimum, the information set forth in section 7 of this rule.

(b) Contracts submitted under this section are not submitted for commission approval, but the commission reserves the right to disapprove and subsequently cancel any contract that it determines does not comply with the Act and this title.

(c) Contracts submitted in accordance with this section must also be included in the quarterly and annual reports submitted in accordance with section 7 of this rule. (*Indiana Gaming Commission; 68 IAC 1-4-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-9 Trade secrets

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33; IC 5-14-3

Sec. 9. Materials, or portions of materials, submitted under this rule may be identified as confidential trade secrets, as defined by IC 5-14-3, of the licensee or applicant for a license or of any other person and will be disclosed by the commission only in accordance with the requirements of law. (*Indiana Gaming Commission; 68 IAC 1-4-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-4-10 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 10. If the commission determines that a riverboat licensee or riverboat 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*)

68 IAC 1-4-11 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 11. The executive director or the commission may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director or the commission determines that the requirement or procedure 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. (*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*)

68 IAC 1-4-12 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 12. The executive director shall report, to the commission, any action he or she has taken or contemplates taking under this rule with respect to contracts at a meeting held under 68 IAC 2-1-5 or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 1-4-12; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1018; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 5. General Reporting Requirements

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

- (1) Any violation or apparent violation of any rule of the commission by any of the following:
 - (A) The riverboat or supplier licensee.
 - (B) Any substantial owner, key person, or employee of the riverboat or supplier licensee.
 - (C) Any person acting, or authorized to act, on behalf of or in furtherance of the interests of the riverboat or supplier licensee or any affiliate of the licensee.
- (2) Any change in status of any 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 or supplier licensee.
- (4) Any criminal, civil, or administrative action, threatened action, or investigation initiated by any governmental entity against the riverboat or supplier licensee.
- (5) Any claims made by any governmental entity concerning any tax liability of a licensee or any key person or substantial owner of the licensee.
- (6) Any civil, criminal, administrative, or tax action initiated by or against an employee of the riverboat licensee if the action relates to the gaming activity conducted by the riverboat licensee.
- (7) Any civil, criminal, administrative, or tax action initiated against a key person, substantial owner, or an affiliate of a riverboat or supplier licensee, if such action relates to a gaming operation under the jurisdiction of any governmental entity.
- (8) Any bankruptcy, receivership, or debt adjustment initiated by or against the riverboat or supplier licensee or any affiliate thereof or the licensee's substantial owners.
- (9) Any Title 31 compliance review conducted by the Internal Revenue Service. The riverboat or supplier licensee must provide a copy of any compliance review report or the equivalent within ten (10) days of the receipt of the report by the licensee.
- (10) Any 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.
- (11) Any apparent criminal activity taking place on riverboat property. This information must also be submitted to a commission agent.

(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)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. An applicant for any license is required to provide a written notice to the executive director under the same circumstances as apply to a licensee except to the extent that the executive director may waive such requirements. *(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)*

68 IAC 1-5-3 Contents of notice and supplementation requirement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. The written notice required under this rule shall provide such detail as is reasonably required to describe the reported event and shall be supplemented at such times and in such detail as may be requested by the executive director. *(Indiana Gaming Commission; 68 IAC 1-5-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

Rule 6. Appearance by Attorneys or Representatives for Hearings and Reviews

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-15; IC 4-33-3-23; IC 4-33-4-7; IC 4-33-4-17

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 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 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, be permitted to argue or conduct a hearing in whole or in part upon any condition the commission may impose.

(f) The commission may require an attorney or representative appearing before it to disclose the identity of the person the attorney or representative represents and to 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*)

68 IAC 1-6-2 Suspension and revocation of ability to practice before commission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-3-23; IC 4-33-4-17

Sec. 2. (a) An attorney's ability to practice before the commission shall be automatically suspended without a hearing if the attorney's professional license is suspended or revoked.

(b) An attorney practicing before the commission may have his or her ability to appear suspended or revoked if, after a hearing, the commission finds the following:

(1) The attorney made a materially false or misleading statement in the attorney's written notice of appearance.

(2) The attorney willfully failed to exercise due diligence in the preparation or presentation of any motion, documents, or other matter related to the case filed with or presented to the review officer, hearing officer, or commission, or knowingly misrepresented a material fact to the review officer, hearing officer, or commission.

(3) The attorney willfully violated or aided and abetted another in the violation of any provision of the Act or this title.

(4) The attorney:

(A) does not possess the requisite qualifications or expertise to represent others before the commission;

(B) lacks character and integrity; or

(C) has engaged in unethical or improper conduct.

(5) For any other action or reason that the commission deems necessary to warrant suspension or revocation of an attorney's ability to practice before the commission.

(c) The commission may refer an attorney to the appropriate disciplinary commission or agency if the attorney engaged in any action listed in subsection (b). (*Indiana Gaming Commission; 68 IAC 1-6-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 480; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-3 Reinstatement

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33-3-23; IC 4-33-4-17

Sec. 3. (a) An attorney whose ability to appear is suspended or revoked under subsection 2(a) of this rule [*sic.*, *section 2(a) of this rule*] shall automatically be reinstated to practice before the review officer, hearing officer, or commission at the time the attorney's professional license is reinstated.

(b) An attorney whose ability to appear is suspended or revoked under section 2 of this rule may be reinstated by the commission upon a showing of good cause. An applicant for reinstatement shall be afforded a hearing before the commission upon application. The commission may require that the applicant for reinstatement pay the reasonable costs of the proceeding.

(c) If the commission referred an attorney to a disciplinary commission or agency under section 2 of this rule, the attorney shall not be reinstated to practice before the commission before any disciplinary action initiated as a result of the referral has been completed. (*Indiana Gaming Commission; 68 IAC 1-6-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-4 Effect of representation; service

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-21.5-3-1; IC 4-33-3-23; IC 4-33-4-17

Sec. 4. (a) A person represented before the commission by an attorney or representative under this rule shall be bound by the acts or omissions of the attorney or representative to the same extent as if the person had acted or failed to act personally.

(b) In any appearance by an attorney or representative at any hearing or meeting of the commission, the client is deemed to have waived all privileges with respect to any information in the possession of the attorney or representative, or any testimony by the attorney or representative except for privileges afforded by the constitution or laws of Indiana, the rules of the Indiana supreme court, or the constitution or laws of the United States, where applicable.

(c) Service shall be made in accordance with IC 4-21.5-3-1. (*Indiana Gaming Commission; 68 IAC 1-6-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-5 Obligations of truthfulness and due diligence

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-17

Sec. 5. (a) Attorneys or representatives appearing before the review officer, hearing officer, or commission shall not be intentionally untruthful, nor withhold any information that the review officer, hearing officer, or commission is entitled to receive, nor interfere with any lawful effort by the commission to obtain such information.

(b) Attorneys or representatives shall exercise due diligence in preparing or assisting in the preparation of documents for submission to the review officer, hearing officer, or commission.

(c) An attorney or representative appearing under this rule has a continuing responsibility on behalf of the attorney's or representative's client to monitor the accuracy and completeness of information submitted to the commission in any matters pertaining to the attorney's or representative's appearance on behalf of the client. To the extent not in conflict with the attorney-client privilege, whenever, during the pendency of an action or matter, an attorney of record becomes aware that information furnished to the commission is no longer accurate and complete in any material respect, the attorney shall promptly supplement or correct the information. (*Indiana Gaming Commission; 68 IAC 1-6-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-6 Knowledge of client's omission

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-21.5-3; IC 4-33-3-23; IC 4-33-4-17

Sec. 6. (a) An attorney or representative who knows that a client has not complied with the Act or this title, or that a client has made a material error in or a material omission in any information or testimony presented to the review officer, hearing officer, or

commission, shall promptly advise his or her client of the fact of the noncompliance, error, or omission.

(b) To the extent not in conflict with the attorney-client privilege, the attorney shall advise the hearing officer, review officer, or commission of the noncompliance, error, or omission. (*Indiana Gaming Commission; 68 IAC 1-6-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-6-7 Certification of documents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-21.5-3-1; IC 4-33-3-23; IC 4-33-4-17

Sec. 7. (a) Every pleading, motion, subpoena, settlement offer, brief, stipulation of fact, or other document prepared or filed on behalf of a client must be signed by the attorney or representative, and the signature shall constitute a certification that the document was prepared in conformity with the requirements of the Act and this title.

(b) An attorney or representative may not verify any document required to be verified by the petitioner. (*Indiana Gaming Commission; 68 IAC 1-6-7; filed Nov 10, 1994, 11:00 a.m.: 18 IR 481; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

Rule 7. Weapons

68 IAC 1-7-1 Weapons on the riverboat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8; 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 licensee or a supplier licensee who:

(A) holds the appropriate level of occupational license under IC 4-33-8 and 68 IAC 2-3; and

(B) is employed in the riverboat licensee's security department or by a supplier licensee that contractually provides security services to a riverboat licensee.

(b) No individual other than a commission agent shall carry a weapon on board the riverboat during any excursion. A law enforcement officer or a federal enforcement officer whose sole purpose for being on the riverboat is the performance of official duties and who has advised the commission agent or the commission that the officer will be on board the riverboat during an excursion shall be allowed to carry a weapon on board the riverboat during an excursion.

(c) The riverboat 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, immediate detention by security personnel, the imposition of civil penalties or exclusion under IC 4-33."

(d) The riverboat licensee shall provide a secure place to which patrons do not have access to store weapons checked by patrons, off duty law enforcement officers, or off duty federal enforcement officers.

(e) Security personnel may carry a weapon on board the riverboat 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*)

Rule 8. Support Facility Standards

68 IAC 1-8-1 Standards for support facilities

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to each riverboat licensee or riverboat 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*)

68 IAC 1-8-2 Compliance with other requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 2. All facilities utilized by a riverboat licensee or proposed by a riverboat license applicant to support riverboat gambling operations shall be constructed and maintained in accordance with all 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*)

68 IAC 1-8-3 Submission of support facility building documents

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 3. Upon the request of the executive director, artists' renderings and architectural and engineering drawings of the support facilities shall be submitted to the executive director not less than thirty (30) days prior to the initiation of construction activities unless the drawings were approved during the application process. Support facilities shall be constructed in accordance with approved renderings and drawings submitted. (*Indiana Gaming Commission; 68 IAC 1-8-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2650; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

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

Rule 9. Riverboat Commission Surveillance Room, Commission Dockside Office, and Processing Area
68 IAC 1-9-1 Applicability; definitions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 1. (a) This rule shall applies [*sic.*] to each riverboat 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 electronic gaming devices in the riverboat 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 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 licensee's accounting package.

(2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission's gaming enforcement section.

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

(4) "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.

(5) "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 licensee shall provide a riverboat commission surveillance room aboard the riverboat. The riverboat commission surveillance room shall be for the exclusive use of the commission and commission agents.

(d) Each riverboat licensee shall provide a commission dockside office at the dockside support facilities. The commission dockside office shall be for the exclusive use of the commission and commission agents.

(e) Each riverboat licensee shall provide a processing area at the dockside support facilities. The processing area shall be for the exclusive use of the commission and commission agents.

(f) The riverboat license applicant shall submit the plans for the commission surveillance room, commission dockside office, 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, and processing area, in writing, within thirty (30) days of receipt of the plans.

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

(h) The riverboat licensee shall be responsible for providing the on-site and off-site repair of computer and related equipment and shall, 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 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)*

68 IAC 1-9-2 Riverboat commission surveillance room requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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.
- (3) The interior of the riverboat commission surveillance room shall not be visible to the patrons or employees of the riverboat licensee.
- (4) The riverboat commission surveillance room shall have locks that are not accessible with keys that open any other door within the riverboat gambling operation. Only the commission, commission 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 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 licensee's computer equipment aboard the riverboat, including, but not limited to, the following:
 - (A) Player tracking system.
 - (B) Patron credit system.
 - (C) Central computer system.

The personal computer shall have off line word processing capabilities that are compatible with the commission computer system.

- (2) A printer attached to the personal computer described in subdivision (1).
- (3) A minimum of three (3) video monitors that meet the following requirements:
 - (A) The video monitors must be of the same or higher quality of those utilized in the surveillance room.
 - (B) At least one (1) video monitor must be a color video monitor.
 - (C) Each video monitor must be equipped with video tape recorders to record and play back video tapes. The video tape recorders shall be of equal or better quality than those utilized in the surveillance room.
 - (D) The video monitors must be capable of monitoring or recording, or both, without being overridden, anything visible by video monitor to employees of the riverboat licensee working in the surveillance room.
- (4) A video printer capable of generating instantaneously, upon command, a clear color or black and white, or both, copy of the image depicted on video tape.
- (5) A date and time generator synchronized to a central clock capable of being displayed on any of the video monitors and being recorded on video tape.
- (6) A separate and segregated telephone communication system for the exclusive use of the commission agents.
- (7) A telephone communication system that is integrated with the casino telephone system.
- (8) At least two (2) portable radios that have listen and talk capabilities that can monitor all casino radio systems, including the riverboat licensee's security radio system.
- (9) A computer system that will immediately notify commission agents of any access to or egress from the following:
 - (A) Surveillance room.
 - (B) Hard count room.
 - (C) Soft count room.
 - (D) Cages.
 - (E) Vaults.
 - (F) Any other room or area of the riverboat deemed necessary by the executive director to ensure compliance with the Act and this title.
- (10) A fireproof, lockable file cabinet. Only the commission and commission agents shall have keys that access the file cabinet in the riverboat commission surveillance room.
- (11) Any other equipment deemed necessary by the executive director to ensure compliance with the Act 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)

68 IAC 1-9-3 Commission dockside office

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) The commission dockside office 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 licensee.
- (4) The commission dockside office shall have locks that are not accessible with keys that open any other door within the riverboat gambling operation. Only the commission and commission 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 licensee's computer equipment aboard the riverboat, 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 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 and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic., licensee*] is responsible for providing the appropriate licenses and upgrades for each 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 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 and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic., licensee*] is responsible for providing the appropriate licenses and upgrades for each 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 that meet the following requirements:

- (A) The video monitors must be of the same or higher quality of those utilized in the surveillance room.
- (B) At least one (1) video monitor must be color.
- (C) Each video monitor must be equipped with video tape recorders to record and play back video tapes. The video tape recorders shall be of equal or better quality than those utilized in the surveillance room.
- (D) The video monitors must be capable of monitoring or recording, or both, without being overridden, anything visible by video monitor to employees of the riverboat licensee at the support facilities.
- (E) The video monitors must be capable of monitoring and recording, without being overridden, anything visible to employees of the riverboat licensee working in the surveillance room on the riverboat while the riverboat is docked.

(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 video tape.

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

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

(8) A separate and segregated telephone communications system for state police microwave communications.

(9) A telephone communication system that is integrated with the riverboat licensee's telephone system.

(10) An electric typewriter.

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

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

(A) Surveillance room.

(B) Hard count room.

(C) Soft count room.

(D) Cages.

(E) Vaults.

(F) Any other room or area of the riverboat deemed necessary by the executive director to ensure compliance with the Act and this title.

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

(14) A commercial grade photocopier.

(15) A facsimile machine.

(16) Any other equipment deemed necessary by the executive director to ensure compliance with the Act 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)

68 IAC 1-9-4 Processing area

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) There shall be separate space at the support facilities to allow commission 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 licensee shall equip the processing area with an integrated computer system that meets the following requirements:

(1) Is capable of recording background data.

(2) Is capable of taking digital ten (10) print live-scan fingerprints that meet the requirements of the Federal Bureau of Investigation.

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

(A) A photograph at least three-fourths ($\frac{3}{4}$) of an inch square.

(B) The information set forth in 68 IAC 2-3-6.

(4) Is capable of reading a magnetic stripe as described in 68 IAC 2-3-6.

(5) The riverboat licensee or riverboat license applicant shall purchase the integrated computer system from a vendor chosen in accordance with IC 4-13.4 and 25 IAC. This system shall be the property of the commission.

(c) A personal computer that will allow commission 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 and this title.

All software programs must be approved by the executive director or the executive director's designee as being sufficient to ensure compliance with the Act and this title. The riverboat license [*sic.*, *licensee*] is responsible for providing the appropriate licenses and upgrades for each software product.

(d) The riverboat 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 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*)

68 IAC 1-9-5 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 5. The executive director may waive, restrict, or alter any requirement or procedure set forth in this rule if the executive director determines that the requirement or procedure 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. (*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*)

Rule 10. Floor Plans

68 IAC 1-10-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

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

(b) Riverboat licensees or riverboat license applicants must submit a floor plan or floor plans outlining each deck of the riverboat 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 licensee must notify the executive director and a commission agent at least five (5) days before utilizing a floor plan that has previously been submitted to the executive director.

(d) 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 provide this information to the commission 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*)

68 IAC 1-10-2 Compliance with rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 2. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13. (*Indiana Gaming Commission; 68 IAC 1-10-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

68 IAC 1-10-3 Waiver of requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

Sec. 3. The executive director or the commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the executive director or the commission determines 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.

(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)

68 IAC 1-10-4 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. The executive director shall report any action he or she has taken or contemplates taking under this rule to the commission at the next meeting held under 68 IAC 1-2-5. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 1-10-4; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3290; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898)*

Rule 11. Riverboat Gaming Area

68 IAC 1-11-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

(b) For purposes of this rule, all areas of a riverboat 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 a riverboat. *(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)*

68 IAC 1-11-2 Compliance with rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. 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)*

Rule 12. Complimentary Chip and Token Distribution Programs

68 IAC 1-12-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

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

(c) Complimentary chips or tokens 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)*

68 IAC 1-12-2 Submission of internal controls for a complimentary chip and token program

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

- (1) The riverboat 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 licensee within the time frame established by the executive director or designee. 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 licensee unless the internal control procedure has been approved, in writing, by the executive director or designee.

(b) If the executive director determines, at any time, that approved internal control procedures are not adequate to ensure compliance with the Act and this title, the executive director may direct the riverboat licensee, in writing, to amend its internal control procedure 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*)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. Amendments to the internal control procedures with respect to complimentary chip and token programs shall be handled in the following manner:

- (1) Unless otherwise provided by the executive director or the executive director's designee, 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 licensee unless the amendment to the internal control procedure has been approved, in writing, by the executive director or 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*)

68 IAC 1-12-4 Accounting procedures and distribution program

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. (a) At least two (2) departments must be responsible for administering the 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 recorded in compliance with subsection (c) and shall be reported immediately to the appropriate supervisor.

(c) The riverboat 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 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 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 serial numbers of any coupons that were voided and the 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 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:
 - (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.
 - (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 coupons will be removed from the inventory, recorded, and voided once the coupons become inactive.
- (7) The manner in which the department responsible for distributing the coupons can requisition coupons from the department responsible for storing the coupons.
- (8) 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) 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) The manner in which the coupons will be issued. Coupons shall be stamped with the date of issuance.
- (11) The location of the locked cabinet in which the coupons will be stored prior to the distribution of the coupons.
- (12) Coupons that are distributed shall be entered in the Coupon Control Ledger.
- (13) The manner in which coupons may be redeemed for chips, tokens, or both by patrons.
- (14) The manner in which coupons redeemed by patrons will be canceled.
- (15) The manner in which the coupons distributed, coupons not distributed, and coupons issued will be reconciled.
- (16) The manner in which coupons that have been issued, but not distributed to patrons in the appropriate time frame will be voided and reconciled.
- (17) The manner in which 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)

68 IAC 1-12-5 Coupon requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

- (1) Any 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 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 and this title.

If a multiple-part coupon is utilized, 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 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)*

68 IAC 1-12-6 Records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The riverboat licensee shall maintain the records required by this rule for a minimum of one (1) year.

(b) The riverboat licensee shall allow the commission 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)*

68 IAC 1-12-7 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. Failure to comply with this rule may result in the initiation of a disciplinary action against a riverboat 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)*

Rule 13. Reporting of Interest in a License

68 IAC 1-13-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-10-2.1

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

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

(c) All riverboat licensees, riverboat license applicants, and supplier licensees 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 licensee, riverboat 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 for the commission.

(2) The election commission.

(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)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. If the commission or the executive director determines that a riverboat licensee, riverboat license applicant, or supplier licensee has violated or is in violation of this rule, the commission or the executive director may initiate an investigation, 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)*

Rule 14. Gaming Enforcement; Reimbursable Expenses for Troopers and Other State Police Personnel

68 IAC 1-14-1 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33; IC 10-11-2-21

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

(b) The following definitions apply throughout this rule:

(1) "Gaming enforcement section" means the section of the Indiana state police department that consists of troopers and support staff who assist the commission with the enforcement of the Act and this title, the laws of Indiana and who carry out investigations necessary to ensure compliance with the Act and this title.

(2) "Trooper" has the meaning set forth in IC 10-1-1-10 [*IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-11-2-21.*], 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)

68 IAC 1-14-2 Reimbursable expenses

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5

Affected: IC 4-33

Sec. 2. Riverboat licensees and riverboat license applicants shall reimburse the commission, as set forth in section 3 of this rule, for the following items:

- (1) The actual salaries of the troopers assigned to the riverboat.
- (2) A pro rata amount of the actual salaries of the troopers who provide supervision of the troopers assigned to the riverboat.
- (3) A pro rata amount of the actual salaries of the civilian support staff assigned to provide support for the troopers assigned to the riverboat and to the supervisory personnel.
- (4) The cost or pro rata cost of the fringe benefits received by those individuals listed in subdivisions (1) through (3).
- (5) The cost or pro rata cost of the incentive payments received by those individuals listed in subdivisions (1) through (3).
- (6) The actual overtime costs incurred by those individuals listed in subdivisions (1) through (3) in the performance of duties associated with the gaming enforcement section or the equivalent.
- (7) The actual cost of all vehicles and equipment normally provided to all troopers that are provided to the troopers assigned to the riverboat and the supervisor personnel.
- (8) The actual cost of all equipment necessary for the troopers assigned to the riverboat and the supervisory personnel to have the same communication capabilities with the district as a trooper assigned to road duties would have.
- (9) The cost of maintaining and replacing all vehicles and equipment utilized by the troopers, supervisory personnel, and support staff.
- (10) The cost of providing the troopers assigned to the riverboat and the supervisory personnel with the training deemed necessary by the commission to ensure the required expertise and understanding of the assignment to the riverboat.
- (11) The cost incurred by the Indiana state police to replace the troopers assigned to the riverboat and supervisory personnel.
- (12) The actual cost incurred by the Indiana state police to train the replacement troopers.
- (13) The actual cost of all vehicles and equipment normally provided to a trooper that are purchased by the Indiana state police for the replacement troopers.
- (14) All other costs deemed necessary by the commission to ensure compliance with the Act 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)

68 IAC 1-14-3 Interdepartment bill

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5
 Affected: IC 4-33

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

(b) The commission will prepare an invoice that will be sent to the riverboat licensee or riverboat license applicant. The riverboat licensee or riverboat license applicant will 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)*

68 IAC 1-14-4 Disciplinary action

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-3.5
 Affected: IC 4-33

Sec. 4. If the commission determines that a riverboat licensee or riverboat license applicant 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)*

Rule 15. Destruction of Records

68 IAC 1-15-1 Destruction of records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
 Affected: IC 4-33

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

(b) Riverboat licensees and riverboat license applicants may not destroy records of any type that relate to the riverboat gambling operation unless they have complied with this rule.

(c) At least twenty (20) working days before a riverboat licensee or riverboat license applicant intends to destroy any records that relate to the riverboat gambling operation, the riverboat licensee or riverboat license applicant must notify, in writing, the regional audit administrator for the commission of the following information:

- (1) The records the riverboat licensee or riverboat 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 licensee or riverboat license applicant shall not destroy any records that relate to the riverboat gambling operation until the regional audit administrator for the commission 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*)

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

68 IAC 1-16-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

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

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

(b) The following definitions apply throughout this rule:

- (1) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to the commission's gaming enforcement section and who is on duty.
- (2) "Division of mental health" means the division established by IC 12-21-1-1.

(c) The riverboat licensee or riverboat license applicant is responsible for ensuring that all aspects of the riverboat gambling operation are conducted in accordance with the Act, this title, and all other state, federal, and local laws. The riverboat licensee or riverboat license applicant is responsible for 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*)

68 IAC 1-16-2 Toll free telephone number

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21.2

Affected: IC 4-33

Sec. 2. (a) Riverboat 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.
- (b) The toll free telephone number to be displayed shall be specified by the division of mental health.

(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*)

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

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3. (a) All riverboat licensees and riverboat license applicants must allow the commission, commission agents, and any person authorized by the Act immediate access to the premises of the riverboat licensee or riverboat license applicant that are connected to the riverboat gambling operation, including, but not limited to, the following:

- (1) The riverboat.
- (2) The pavilion.

(3) The support facility.

(4) All offices.

(b) All riverboat licensees and riverboat license applicants must produce the original or a copy, or both, of any records requested by the commission, commission 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*)

68 IAC 1-16-4 Authorized games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 4. Riverboat licensees may only permit the operation of electronic gaming devices and live gaming devices that are approved by the commission under the Act 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*)

68 IAC 1-16-5 Termination of license

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

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

(b) The riverboat licensee or riverboat license applicant remains under the jurisdiction of the commission until all matters associated with the riverboat 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*)

68 IAC 1-16-6 Violation of rule

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. Failure to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 1-16-6; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898*)

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