

ARTICLE 6. EXCLUSION AND EVICTION OF PERSONS

Rule 1. Exclusion

68 IAC 6-1-0.5 Definitions

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 0.5. (a) This article applies to the following:

- (1) Casino licensees.
- (2) Operating agents.
- (3) Affiliates of casino licensees and operating agents.
- (4) All persons located within gaming areas.

(b) The following definitions apply throughout this article:

(1) "Effective date" means the date that an order made under section 3 of this rule is made effective under section 4(b) of this rule.

(2) "Excluded person" means any person who is the subject of an order made under section 3 of this rule, IC 4-33-4-7, or IC 4-35-4-9 and made effective under section 4(b) of this rule.

(3) "Exclusion list" means the list of the names of persons excluded from casinos under this rule, IC 4-33-4-7, or IC 4-35-4-9.

(4) "Voluntarily excluded person" means a person who has successfully completed the procedures outlined in 68 IAC 6-3-2 to effectuate his or her own exclusion from the gaming areas of casinos.

(Indiana Gaming Commission; 68 IAC 6-1-0.5; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)

68 IAC 6-1-1 Exclusion

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 1. (a) An excluded person is prohibited from entering gaming areas.

(b) A casino licensee or operating agent must evict any excluded person from its gaming area if the casino licensee or operating agent knows or reasonably should know that the person is an excluded person.

(c) A casino licensee or operating agent must immediately inform an enforcement agent of the presence of an excluded person in any portion of its gaming area.

(d) This article does not preclude a casino licensee or operating agent from evicting a person from its casino gambling operation for any lawful reason. The casino licensee or operating agent may seek to have a person it has evicted from its casino gambling operation placed on the exclusion list. *(Indiana Gaming Commission; 68 IAC 6-1-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; errata filed Dec 21, 2010, 9:41 a.m.: 20110119-IR-068080430ACA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)*

68 IAC 6-1-2 Exclusion list

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 2. (a) The executive director or the executive director's designee will maintain the exclusion list. The executive director or executive director's designee must notify each casino licensee or operating agent under the jurisdiction of the commission of each addition to the list or deletion from the list in a timely manner.

(b) The exclusion list is a public record.

(c) The following information, to the extent known, shall be provided for each excluded person:

- (1) The full name and date of birth and all aliases.

- (2) A physical description.
- (3) The effective date the person's name was placed on the exclusion list.
- (4) A photograph, if available.
- (5) The person's occupation and current home and business address.
- (6) The date that the person's exclusion expires, if any.
- (7) Such other information deemed necessary by the executive director to facilitate identification of the person placed on the exclusion list.

(Indiana Gaming Commission; 68 IAC 6-1-2; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)

68 IAC 6-1-3 Placement on the exclusion list

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 3. If there are facts and circumstances sufficient to cause a prudent person to believe that a person:

- (1) has been convicted of a felony in any jurisdiction of:
 - (A) any crime of moral turpitude; or
 - (B) a crime involving gaming;
- (2) violated or conspired to violate either the Act or this title;
- (3) performed any act or had a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming; or
- (4) is included on any valid and current exclusion list of another jurisdiction in the United States;

the executive director may order that the person be placed on the exclusion list. *(Indiana Gaming Commission; 68 IAC 6-1-3; filed Nov 10, 1994, 11:00 a.m.: 18 IR 506; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)*

68 IAC 6-1-4 Notice of exclusion; petition for hearing

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

Affected: IC 4-21.5-3-1; IC 4-33-4-7; IC 4-35-4-9

Sec. 4. (a) Upon a determination that a person should be excluded under section 3 of this rule, IC 4-33-4-7, or IC 4-35-4-9, the executive director or the executive director's designee must serve notice as described in IC 4-21.5-3-1, of the order of exclusion on the excluded person. The notice must include the following:

- (1) The name of the excluded person.
- (2) The nature and scope of the circumstances or reasons that the person should be placed on the exclusion list.
- (3) The duration of the exclusion.
- (4) A brief explanation of the available procedures and the time limit for seeking administrative review of the order.
- (5) An explanation of the civil penalty proceedings to which the excluded person may be subject under 68 IAC 13-2 if the excluded person violates the exclusion.
- (b) An order of the executive director under section 3 of this rule:
 - (1) is effective fifteen (15) days after the date the notice of exclusion was served; and
 - (2) remains effective pending any hearing or judicial review.

(c) A person subject to an order of exclusion may petition the commission for a hearing under 68 IAC 7. Any petition for a hearing must be made within fifteen (15) days from the date the notice of exclusion was served. If the excluded person does not petition for a hearing within fifteen (15) days from the date of service of the notice of exclusion, the executive director's order of exclusion is a final order.

- (d) If the notice of exclusion provides for a temporary exclusion, the executive director or the executive director's designee

shall set the term of the temporary exclusion. A temporary exclusion must be at least twelve (12) months in duration. (*Indiana Gaming Commission; 68 IAC 6-1-4; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-4.5 Violation of exclusion

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 4.5. (a) An excluded person violates his or her exclusion by entering a gaming area.

(b) The commission or executive director may assess a civil penalty under 68 IAC 13-2 against any excluded person who violates his or her exclusion.

(c) Nothing in this article infringes upon the right of a casino licensee or operating agent to contact the pertinent law enforcement agency regarding criminal trespass by an excluded person. (*Indiana Gaming Commission; 68 IAC 6-1-4.5; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-5 Petition for removal from exclusion list

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 5. (a) Any excluded person may petition the commission, in writing, and request that his or her name be removed from the exclusion list.

(b) The petition must:

(1) be addressed to the executive director;

(2) state with specificity facts believed by the petitioner to constitute evidence for removal of his or her name from the exclusion list; and

(3) include the signature of the person requesting removal from the exclusion list indicating acknowledgement of the following statement: "I certify, under the penalty of perjury, that the information that I have provided is true, complete, and correct to the best of my knowledge and belief."

(c) The executive director or the executive director's designee may:

(1) deny the petition;

(2) reject the petition; or

(3) designate the petition for review.

(d) The executive director or the executive director's designee must deny a petition if it is submitted prior to the expiration of three (3) years from the effective date or from the conclusion of any hearing, appeal, or prior petition for removal associated with placement on the list, whichever occurs later.

(e) The executive director or the executive director's designee may reject a petition for removal from the exclusion list if:

(1) the petition fails to comply with any of the requirements of subsection (a) or (b); or

(2) the facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a petition for hearing under 68 IAC 7-1 or a prior petition for removal from the exclusion list.

(f) An excluded person whose petition for removal from the exclusion list has been rejected but not denied may cure the cause of the rejection, if possible, and resubmit the cured petition for removal at any time following the rejection as long as the excluded person is in compliance with all other applicable requirements under this article.

(g) A petitioner may not withdraw a request for removal from the exclusion list without leave of the executive director. (*Indiana Gaming Commission; 68 IAC 6-1-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 507; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-6 Review of a petition for removal from the exclusion list

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 6. (a) Upon designating a petition for a review proceeding, the executive director must assign one (1) person to serve as review officer to conduct the review. The executive director, deputy director, and commission employees who are attorneys are eligible to serve as review officers.

(b) The review officer must schedule the review proceeding to occur no later than ninety (90) days from the receipt of the request for removal. The review officer must notify the petitioner in writing of the date, time, and place at which the review proceeding will be conducted.

(c) The review officer may grant continuances upon a showing of good cause. (*Indiana Gaming Commission; 68 IAC 6-1-6; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-7 Appearances; service

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 7. A petitioner may represent himself or herself or be represented by an attorney or representative who is in compliance with 68 IAC 1-6. (*Indiana Gaming Commission; 68 IAC 6-1-7; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-8 Discovery

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 8. The petitioner must provide the review officer with the following information at least fifteen (15) days before the date of the review:

(1) The name and address of any witness who may be called to testify on behalf of the petitioner.

(2) All documents or other evidence, whether or not in the possession and control of the petitioner, that the petitioner reasonably expects will be necessary to introduce at the review proceeding.

(*Indiana Gaming Commission; 68 IAC 6-1-8; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-9 Review proceedings

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 9. (a) The burden of proof is at all times upon the petitioner. The petitioner has the affirmative responsibility of establishing that he or she is eligible for removal from the exclusion list.

(b) Any testimony must be given under oath or affirmation.

(c) The petitioner may present his or her case. The review officer may question:

(1) witnesses called by the petitioner; and

(2) the petitioner;

based on the testimony and evidence presented by the petitioner and the information gathered by the commission.

(d) At the discretion of the review officer, the petitioner may present a closing argument. The review officer may restrict the length of the closing argument. (*Indiana Gaming Commission; 68 IAC 6-1-9; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA*)

68 IAC 6-1-10 Evidence

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 10. (a) Any relevant evidence not in the record from any previous hearing or review proceeding may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules of evidence that may make improper the admission of such evidence over objection in a civil action.

(b) Hearsay may support a finding of the review officer if it:

- (1) is the best evidence available; and
- (2) has sufficient indicia of trustworthiness and reliability.

(c) The review officer may take official notice of any generally accepted information or technical or scientific matter within the field of gaming and any other fact that may be judicially noticed by the courts of Indiana. The petitioner must be:

- (1) informed of any information, matters, or facts so noticed; and
- (2) given reasonable opportunity to refute such evidence.

(Indiana Gaming Commission; 68 IAC 6-1-10; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; errata filed Jan 27, 2009, 1:42 p.m.: 20090211-IR-068080430ACA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)

68 IAC 6-1-11 Evidence justifying removal

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 11. (a) The commission may grant a petition for removal from the exclusion list if the petitioner demonstrates by clear and convincing evidence that the petitioner's admission to Indiana casinos would likely not:

- (1) threaten the honesty and integrity of gambling operations; or
- (2) interfere with the orderly conduct of gambling operations.

(b) In determining whether an individual has fulfilled subsection (a), the review officer and the commission may consider any or all of the following factors:

- (1) The nature and seriousness of the offense, violation, or conduct.
- (2) The circumstances under which the offense, violation, or conduct occurred.
- (3) The date of the offense, violation, or conduct.
- (4) The age of the petitioner when he or she committed the offense, violation, or conduct.
- (5) Whether the offense, violation, or conduct was an isolated or a repeated incident.
- (6) A social condition that may have contributed to the offense, violation, or conduct.
- (7) The complete criminal record of the petitioner.
- (8) Whether the petitioner's name is included on a valid and current exclusion list from another jurisdiction in the United States.
- (9) Other evidence that the petitioner is not a threat, including, but not limited to:
 - (A) good conduct in prison or the community;
 - (B) counseling or psychiatric treatment received; or
 - (C) the recommendation of a person who has or has had the individual under the person's supervision.

(c) If the petitioner has not fulfilled subsection (a), the review officer must recommend denial of the individual's petition for removal. *(Indiana Gaming Commission; 68 IAC 6-1-11; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)*

68 IAC 6-1-12 Transmittal of record and recommendation to the commission

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 12. (a) The record of the review proceeding must consist of the following, if applicable:

- (1) The order or orders constituting placement on the exclusion list.
- (2) The petition for removal.
- (3) Information, including the record of evidence and testimony, used by the commission, executive director, or executive director's designee in making the original determination to exclude petitioner.
- (4) Evidence admitted by the review officer during the review proceeding.
- (5) A statement of matters officially noticed.
- (6) The written recommendations and findings of fact made by the review officer.
- (7) An original transcription or audio recording of the oral proceedings.
- (8) The record from any previous petition for removal from the exclusion list or related proceeding.

(b) Oral proceedings must be recorded, at the direction of the review officer, stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings, and may be transcribed at the request of the petitioner or the commission. The requesting party must pay for the transcript at the prevailing rate. The original transcript, if prepared, must be filed with the commission. A party that did not order the original transcript may obtain a copy of the transcript after paying the cost of copying.

(c) At the conclusion of the review, the review officer must issue written findings of fact and recommendations to the commission. Findings of fact may be based on any evidence in the record.

(d) The commission must issue its order in one (1) of the following manners:

(1) The commission may issue an order by adopting or rejecting the written findings of fact and recommendations of the review officer without further review.

(2) The commission may:

(A) review the record of the petition for removal;

(B) render a written order following that review; and

(C) adopt the findings of fact and recommendations of the review officer as the final commission order after the review.

(3) The commission may:

(A) review the petition for removal from the exclusion list de novo; and

(B) render a written order following that review.

(e) A copy of the final commission order must be served on petitioner by personal delivery or certified mail.

(f) The final commission order is effective upon:

(1) personal delivery to the petitioner; or

(2) posting of certified mail.

(Indiana Gaming Commission; 68 IAC 6-1-12; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)

68 IAC 6-1-13 Penalties

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

Affected: IC 4-33-4-7; IC 4-35-4-9

Sec. 13. (a) If the review officer finds that the petitioner has acted in bad faith, for the purpose of delay, or has otherwise abused the review proceeding process, the review officer may recommend denial of the petition on grounds of the abuse alone.

(b) If a petitioner fails to testify on his or her own behalf with respect to any question propounded to him or her, the review officer may infer therefrom that such testimony or answer would have been adverse to the petitioner.

(c) If the petitioner fails to answer a subpoena or refuses to testify fully at the request of the commission, such failure may be deemed independent grounds to recommend denial of the petition. The review officer may also infer therefrom that such testimony would have been adverse to the petitioner.

(d) The unexcused failure of the petitioner to appear at a review constitutes an admission of all matters and facts contained in the notice of placement on the exclusion list. In such case, the review officer may recommend action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner. *(Indiana Gaming Commission; 68*

IAC 6-1-13; filed Dec 15, 2008, 11:29 a.m.: 20090114-IR-068080430FRA; readopted filed Oct 2, 2015, 3:23 p.m.: 20151028-IR-068150249RFA)

Rule 2. Eviction List

68 IAC 6-2-1 General provisions

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

Affected: IC 4-33; IC 4-35

Sec. 1. (a) A casino licensee shall do the following:

(1) Maintain a list of evicted persons. The list shall be comprised of persons who have been barred from a casino gaming operation for reasons deemed necessary by the casino licensee.

(2) Submit internal control procedures for both the eviction and the readmission of evicted persons to the executive director.

(3) Have in place criteria for evicting persons and placing persons on its eviction list. At a minimum, the reasons for eviction shall include the following:

(A) Cheating at a gambling game.

(B) Theft.

(C) Disorderly conduct.

(D) Conduct that would lead the casino licensee to conclude that the person is a threat to the safety of other patrons, the licensee's employees, or employees and agents of the commission.

(E) A person requests that his or her own name be placed on the casino licensee's eviction list.

(F) Any other lawful reason.

(b) Persons shall be placed on the eviction list for a time period determined by the casino licensee. The time period for the eviction may be for any period of time. *(Indiana Gaming Commission; 68 IAC 6-2-1; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)*

68 IAC 6-2-2 Eviction form

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

Affected: IC 4-33; IC 4-35

Sec. 2. (a) At the time of eviction, the casino licensee shall provide the evicted person with a two-part form that has been approved by the commission and shall advise the evicted person of, at a minimum, the following information:

(1) The reason for the eviction.

(2) The earliest date the person may apply for readmission.

(3) The criteria that must be satisfied for readmission.

(4) The procedure that must be followed in order to apply for readmission.

(b) The evicted person shall sign both parts of the form. The evicted person shall retain part 1 of the form. The casino licensee shall retain part 2 of the form. In the event that an evicted person refuses to sign the form, the:

(1) form shall be:

(A) read to the evicted person; and

(B) signed by a witness; and

(2) refusal shall be noted on both parts of the form.

(c) The casino licensee shall maintain part 2 of the form in a place that is immediately accessible to the staff and agents of the commission. The casino licensee shall retain the form for a period of not less than one (1) year after the person's eviction has expired. *(Indiana Gaming Commission; 68 IAC 6-2-2; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)*

68 IAC 6-2-3 Readmission to casino

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

Affected: IC 4-33; IC 4-35

Sec. 3. (a) An evicted person seeking readmission to a casino gaming operation must submit a written request for readmission to the casino licensee.

(b) A casino licensee shall establish written policies, procedures, and criteria for the readmission of an evicted person. In establishing the policies, procedures, and criteria, the casino licensee shall take into account the following information:

- (1) The reason for the eviction.
- (2) The past history of the evicted person.
- (3) Outstanding criminal charges arising from the events that led to the eviction.
- (4) Any outstanding debt owed to the casino licensee by the evicted person.

(c) A casino licensee shall submit to the executive director its internal control procedures covering readmission approval for evicted persons. Readmission shall be approved, at minimum, by the following casino officials:

- (1) The general manager.
- (2) The security director.
- (3) The financial director.

(Indiana Gaming Commission; 68 IAC 6-2-3; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3062; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)

68 IAC 6-2-4 Eviction list

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

Affected: IC 4-33; IC 4-35

Sec. 4. (a) A casino licensee's eviction list shall include the following information, to the extent known, for its evicted persons:

- (1) Name, including aliases.
- (2) Date of birth.
- (3) A physical description.
- (4) The person's current address.
- (5) A photograph, to be taken at the time of eviction.
- (6) Reason for eviction.

(b) A casino licensee's eviction list shall list evicted persons in alphabetical order, by the last name of the evicted person.

(c) Copies of a casino licensee's eviction list shall be accessible to, at a minimum, the following casino departments:

- (1) Ticketing.
- (2) Reservations.
- (3) Security.
- (4) Surveillance.
- (5) Accounting.
- (6) Marketing.
- (7) Casino or table games operations.
- (8) Slot operations.

(d) A copy of the casino licensee's eviction list shall be provided to the enforcement agent assigned to the casino licensee.

Additions and deletions to the eviction list must be reported immediately to the enforcement agent assigned to the casino licensee.

(Indiana Gaming Commission; 68 IAC 6-2-4; filed Jul 10, 2000, 4:46 p.m.: 23 IR 3063; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)

Rule 3. Voluntary Exclusion Program

68 IAC 6-3-1 General provisions

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

Affected: IC 4-33; IC 4-35

Sec. 1. (a) This rule applies to:

- (1) casino licensees;
- (2) casino license applicants;
- (3) casino owners; and
- (4) persons in casinos where gambling operations are conducted.

(b) The following definitions apply throughout this rule:

(1) "Request for removal" means a request submitted by a voluntarily excluded person stating that the voluntarily excluded person wishes to be removed from the VEP.

(2) "Request for voluntary exclusion" means a request, on a form that the commission prescribes, completed by an individual to enroll in the VEP.

(3) "Voluntarily excluded person" means a person who has enrolled in the VEP.

(4) "Voluntary exclusion program" or "VEP" means the system outlined in this rule whereby persons commit to refrain from entering the gaming areas of all casinos.

(c) Nothing in this rule shall prohibit a voluntarily excluded person from accessing the gaming area of a casino for the purpose of carrying out employment duties. A voluntarily excluded person who is hired by a casino must notify the commission office in Indianapolis prior to starting the job. The voluntarily excluded person must provide the following information:

(1) Name.

(2) Date of birth.

(3) Name of the casino that will employ the voluntarily excluded person.

(d) Nothing in this rule shall prohibit a casino licensee from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person. (*Indiana Gaming Commission; 68 IAC 6-3-1; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA*)

68 IAC 6-3-2 Request for voluntary exclusion

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

Affected: IC 4-33; IC 4-35

Sec. 2. (a) Except as provided in section 1(c) of this rule, a voluntarily excluded person agrees to refrain from entering the gaming area of all casinos.

(b) Any person requesting voluntary exclusion may make a request for voluntary exclusion by following the procedures set forth in this section. The request for voluntary exclusion may be made only by the person requesting voluntary exclusion and not by any other person. A person requesting voluntary exclusion must not be under the influence of alcoholic beverages, controlled substances, or prescription drugs at the time he or she makes a request for voluntary exclusion.

(c) Any person requesting voluntary exclusion must submit a completed request for voluntary exclusion as outlined in subsection (d). The person requesting voluntary exclusion must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each casino in addition to an office located in Indianapolis.

(d) A request for voluntary exclusion must be on a form prescribed by the commission.

(e) The personal information of a voluntarily excluded person is confidential. A voluntarily excluded person must agree that in order to enforce the VEP, casinos must have access to the individual's personal information. A voluntarily excluded person shall authorize the commission staff to provide any identifying information contained in the person's request for exclusion to the casinos to be able to enforce the exclusion.

(f) A voluntarily excluded person shall have the following ongoing obligations:

EXCLUSION AND EVICTION OF PERSONS

(1) Refrain from entering the gaming area of casinos until the commission has approved a request for removal.

(2) Each time the personal information of a voluntarily excluded person changes, he or she must provide the commission with the updated information.

(3) Notify the commission if direct mailing items from a casino are received addressed to a voluntarily excluded person at his or her residence.

(g) A voluntarily excluded person who enters the gaming area of a casino agrees to forfeit any jackpot or thing of value won as a result of a wager made at a casino. The forfeited jackpots or items will be withheld by the casino licensee and remitted to the commission. The commission shall collect the items and funds. Voluntarily excluded persons may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.

(h) Voluntarily excluded persons agree to forfeit all points or complimentaries earned on or before the request for voluntary exclusion. Points or complimentaries refer to credits earned by a person under the terms of a casino licensee's marketing program as approved by the commission and shall include, but not be limited to:

(1) food coupons;

(2) coupons or vouchers for chips;

(3) hotel complimentaries; or

(4) other similar noncash benefit owing to the individual.

However, if at the time an individual makes a request for voluntary exclusion he or she is owed a cash amount from a casino licensee, the individual shall have the right to receive that amount from the casino licensee after enrollment in the VEP. To the extent that complimentaries or points described above may be redeemed for cash under the casino licensee's marketing program, the individual shall be entitled to receive that amount.

(i) Nothing in this rule shall prohibit a casino licensee from alerting local law enforcement authorities of a voluntarily excluded person's presence in a casino to effect an arrest for trespassing. (*Indiana Gaming Commission; 68 IAC 6-3-2; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA; filed Nov 13, 2015, 2:37 p.m.: 20151209-IR-068150113FRA*)

68 IAC 6-3-3 Voluntary exclusion program or VEP

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

Affected: IC 4-33; IC 4-35

Sec. 3. (a) The executive director or his or her designee shall administer the VEP, which shall contain the names and personal information of all voluntarily excluded persons. Voluntarily excluded persons shall be excluded from gaming areas at casinos. The executive director or his or her designee shall notify each casino licensee of each addition to the VEP or removal from the VEP in a timely manner.

(b) The VEP is confidential, and the names of voluntarily excluded persons may be disseminated only to a casino licensee for purposes of enforcement or to another entity designated by statute. (*Indiana Gaming Commission; 68 IAC 6-3-3; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA*)

68 IAC 6-3-4 Rights and duties of casino licensees

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

Affected: IC 4-33; IC 4-35

Sec. 4. (a) Each casino licensee and casino license applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.

(b) The internal controls must, at a minimum, address the following:

(1) Provide a plan for distributing the names and personal information of voluntarily excluded persons to appropriate personnel of the casino. The plan must allow, to a reasonable extent, appropriate employees of a casino licensee to identify a voluntarily excluded person when that person is present in a casino. This information shall not be released to casinos in

EXCLUSION AND EVICTION OF PERSONS

other jurisdictions. However, nothing in this rule shall prohibit a casino licensee from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.

(2) Provide a process whereby gaming agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a casino.

(3) Refuse wagers from and deny gaming privileges to any voluntarily excluded person.

(4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A casino licensee will satisfy this requirement if the casino licensee removes the voluntarily excluded person's name from the list of patrons to whom direct marketing materials are sent, and the voluntarily excluded person does not receive direct marketing materials more than forty-five (45) days after the casino licensee receives notice, under section 3(a) of this rule, that the voluntarily excluded person has entered the VEP.

(5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the casino licensee or operating agent, or through a supplier contracting with a casino licensee on property hired for the purpose of check cashing or extension of credit, or both.

(c) Nothing in this rule shall prohibit a casino licensee from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before he or she entered the VEP.

(d) A casino licensee shall post signs at the turnstiles marking the entrance to the gaming area that shall inform and educate patrons about the VEP. The text that the casino licensee proposes to have on the signs must be submitted to the commission staff for approval before posting.

(e) A casino licensee shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined under this section, including, but not limited to, the following:

(1) Release of confidential information for a purpose other than enforcement.

(2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.

(3) Failure to follow internal control procedures adopted under this rule.

(Indiana Gaming Commission; 68 IAC 6-3-4; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

68 IAC 6-3-5 Removal

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

Affected: IC 4-33; IC 4-35

Sec. 5. (a) This section does not apply to voluntarily excluded persons who elect lifetime exclusion.

(b) A voluntarily excluded person may, upon the expiration of the selected term of voluntary exclusion, request removal from the VEP. A voluntarily excluded person making a request for removal shall do so by submitting, in writing, on a form provided by the commission, the intent to be removed from the VEP.

(c) A request for removal shall contain the following information:

(1) Name, including aliases or nicknames.

(2) Date of birth.

(3) Address of current residence.

(4) Telephone number of current residence.

(5) The signature of the person requesting removal from the VEP.

(6) The signature of the gaming agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded person.

(d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the VEP. The commission shall act upon a request for removal within a reasonable time period of receipt of the request for removal.

(e) The commission shall notify each casino licensee each time an individual is removed from the VEP. Once the individual has been removed from the VEP, nothing in this rule shall prohibit a casino licensee from:

EXCLUSION AND EVICTION OF PERSONS

- (1) marketing directly to that individual;
- (2) cashing checks of such a person; or
- (3) extending credit to the individual.

(Indiana Gaming Commission; 68 IAC 6-3-5; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2443; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

*