

ARTICLE 9. ETHICS

Rule 1. Commission Members

68 IAC 9-1-1 Ethics and public disclosures by commission members

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

Affected: IC 4-33-3-2

Sec. 1. (a) This rule applies only to commission members appointed in accordance with IC 4-33-3-2.

(b) The following definitions apply throughout this rule:

(1) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(2) "Conflict of interest" means a situation in which a member's private interest, usually of a financial nature, may influence the member's judgment in the performance of the member's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that a member is biased.

(B) Acceptance of any form of compensation other than from the commission for any services rendered as part of the member's official duties for the commission.

(C) Participation in any business being transacted with the commission by any person in which the member or the member's spouse or child has a financial interest.

(D) Use of the member's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the member's official duties, of any preferential attitude or treatment toward any person.

(3) "Ex parte communication" means any communication, direct or indirect, regarding an issue the commission has or may have before it other than communication that takes place during a meeting or hearing conducted under the Act or this title.

(4) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. A member will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The member owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The member is employed by that person.

(5) "Member" means a commission member appointed to the commission under IC 4-33-3-2.

(Indiana Gaming Commission; 68 IAC 9-1-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2253; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

68 IAC 9-1-2 Policy

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

Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Members must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Members shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. *(Indiana Gaming Commission; 68 IAC 9-1-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-1-3 Consequences of violation of rule by a member

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

Affected: IC 4-33-3-10; IC 4-33-3-11

Sec. 3. (a) Except as provided in subsection (b), violation of this rule may result in the matter being referred to the governor

for possible removal from the commission under IC 4-33-3-11.

(b) The executive director shall refer the matter to the governor for removal from the commission under IC 4-33-3-11 if IC 4-33-3-10 is violated.

(c) Violation of this rule does not create a private cause of action in favor of any person. (*Indiana Gaming Commission; 68 IAC 9-1-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-4 Commission disclosure form

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

Affected: IC 4-33-3

Sec. 4. (a) By January 31 of each year, each member shall prepare and file with the office of the commission, a commission disclosure form that does the following:

(1) Affirms that the member or the member's spouse, parent, or child is not:

(A) a member of the board of directors of;

(B) is not financially interested in; or

(C) is not employed by;

a riverboat licensee or applicant for a riverboat owner's license under the jurisdiction of the commission.

(2) Discloses if the member or the member's spouse, parent, or child is:

(A) a member of a board of directors of;

(B) is financially interested in; or

(C) is employed by;

a supplier licensee or an applicant for a supplier's license.

(3) Affirms the member continues to meet any other statutory criteria under IC 4-33-3.

(4) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.

(5) Discloses any other information as may be required to ensure that the integrity of the commission and its work is maintained.

(b) The member disclosure form shall be a form prescribed by the commission.

(c) The member disclosure form shall be affirmed by the member under the penalties of perjury. (*Indiana Gaming Commission; 68 IAC 9-1-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-5 Notice of member disqualification

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

Affected: IC 4-33

Sec. 5. (a) A member who becomes aware that the member or the member's spouse, parent, or child is:

(1) a member of the board of directors of; or

(2) financially interested in;

a riverboat licensee or an applicant for a riverboat owner's license shall notify the executive director, in writing, immediately.

(b) A member who has been convicted of or has been charged with a felony under Indiana law, the laws of any other state, or the laws of the United States shall notify the executive director, in writing, immediately. (*Indiana Gaming Commission; 68 IAC 9-1-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-6 Confidentiality

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

Affected: IC 4-33

Sec. 6. A member or former member shall not disseminate any material in the possession of the commission that the

commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-1-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-7 Restrictions on gifts

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

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

Sec. 7. No member may accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from any licensee of the commission, or any entity affiliated therewith, or any applicant for any license, unless:

(1) the acceptance conforms with state law and rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC; and

(2) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-1-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2664; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-8 Restrictions on gift giving

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

Affected: IC 4-33

Sec. 8. No licensee nor applicant for any license may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any member which the member is prohibited from accepting under section 7 of this rule. (*Indiana Gaming Commission; 68 IAC 9-1-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-9 Conflict of interest

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

Affected: IC 4-33

Sec. 9. (a) A member shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of the member's duties with the commission.

(b) A member shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-1-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-10 Attempted bribery

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

Affected: IC 4-33; IC 35-44-1-1

Sec. 10. A member who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-1-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-11 Political activity

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

Affected: IC 4-33

Sec. 11. Members shall not engage in political activity or politically-related activity during the time members are performing official duties of the commission or engage in political activity or politically-related activity at any time that would interfere with their official duties for the commission. (*Indiana Gaming Commission; 68 IAC 9-1-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-12 Fact witnesses

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

Sec. 12. A former member may appear before the commission as a fact witness about matters or actions taken by the member during his or her tenure as a member. The member shall not receive compensation for such an appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rule. (*Indiana Gaming Commission; 68 IAC 9-1-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-13 Ex parte contact

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

Sec. 13. No licensee nor an applicant for any license, nor any affiliate or representative thereof, shall engage in ex parte communications with a member. A member shall not engage in any ex parte communications with a licensee or an applicant for any license, or any affiliate or representative thereof. (*Indiana Gaming Commission; 68 IAC 9-1-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-14 Notice of ex parte contact

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

Sec. 14. Any member, licensee, or applicant for any license, or affiliate or representative thereof, who receives any communication in violation of section 13 of this rule, or who is aware of an attempted communication in violation of section 13 of this rule, shall report the matter to the commission through the executive director. (*Indiana Gaming Commission; 68 IAC 9-1-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-15 Investigation of ex parte contact

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

Sec. 15. Any member who receives any communication which attempts to influence that member's official action shall disclose the source and content of the communication to the executive director. The executive director may investigate or initiate an investigation of the matter to determine if the communication violates section 14 of this rule or the Act. The disclosure under this section and the investigation shall remain confidential. Following an investigation, the executive director shall advise the governor or the commission, or both, of the results of the investigation and may recommend such action as the executive director considers appropriate. (*Indiana Gaming Commission; 68 IAC 9-1-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-15.1 Post-tenure restrictions

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

Sec. 15.1. A member or former member may not enter into any negotiations or discussions for employment nor accept employment with any entity or affiliate thereof that holds or is an applicant for any license issued by the commission for a period of one (1) year after the member's tenure ends under IC 4-33-3. (*Indiana Gaming Commission; 68 IAC 9-1-15.1; filed Aug 20, 1997, 7:11 a.m.: 21 IR 14; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-16 Consequences of violation of rule by a licensee or applicant for a license

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

Affected: IC 4-33

Sec. 16. Violation of this rule by a licensee or an applicant for any license may result in the initiation of a disciplinary action under 68 IAC 13 or denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-1-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2665; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-1-17 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. 17. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to a member or former member to the commission at the next meeting held under 68 IAC 1-2-5 or at 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, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-1-17; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

Rule 2. Commission Employees**68 IAC 9-2-1 Ethics and public disclosures**

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 only to individuals employed by the commission.

(b) The following definitions apply throughout this rule:

(1) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(2) "Conflict of interest" means a situation in which an employee's private interest, usually of a financial nature, may influence the employee's judgment in the performance of the employee's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that an employee is biased.

(B) Acceptance of any form of compensation other than from the commission for any services rendered as part of the employee's official duties for the commission.

(C) Participation in any business being transacted with the commission by any private concern in which the employee or the employee's spouse or child has a financial interest.

(D) Use of the employee's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the employee's official duties, of any preferential attitude or treatment toward any person.

(F) Participation in an assignment by the commission that involves a person with whom the employee has a financial or beneficial relationship.

(3) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. An employee will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The employee owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The employee is employed by that person.

(4) "Restricted employee" means an employee of the commission who is assigned to and is performing the duties of a position classified by the state personnel department as either:

(A) an executive position; or

(B) a professional, administrative, or technical position.

(Indiana Gaming Commission; 68 IAC 9-2-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2254; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

68 IAC 9-2-2 Policy

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

Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Employees must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Employees shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. *(Indiana Gaming Commission; 68 IAC 9-2-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-2-3 Consequences of violation of rule by employee

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

Affected: IC 4-33

Sec. 3. (a) Except as provided in subsections (c), (d), and (e), violation of this rule may result in disciplinary action, including termination of an employee, or a fine being assessed against an employee or former employee.

(b) Except as provided in subsections (c), (d), and (e), the commission may waive a violation of the terms of this rule if it determines that the conduct involved does not violate the purpose of this rule.

(c) If, after being offered employment or beginning employment with the commission, the employee intentionally acquires a financial interest in a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana, employment with the commission shall be terminated.

(d) If a financial interest in a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana is acquired by an employee that has been offered employment with the commission, an employee of the commission, or the employee's spouse, parent, or child, through no intentional action of the employee, the individual shall have up to thirty (30) days to divest or terminate the financial interest. Employment may be terminated if the interest has not been divested after thirty (30) days.

(e) Employment shall be terminated if the employee is a spouse, parent, or child of a commission member.

(f) Violation of this rule does not create a private cause of action in favor of any person. *(Indiana Gaming Commission; 68 IAC 9-2-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2666; errata filed Aug 17, 1995, 1:30 p.m.: 19 IR 42; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-2-4 Employee disclosure form

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

Affected: IC 4-33

Sec. 4. (a) By January 31 of each year, each employee of the commission shall prepare and file with the office of the commission, an employee disclosure form that does the following:

(1) Affirms the absence of financial interests prohibited by the Act.

(2) Discloses any legal or beneficial interests in any real property, that is or that may be directly or indirectly involved with gaming, located in any county in which gaming operations are authorized by public referendum.

(3) Discloses that the employee or the employee's spouse, parent, or child is financially interested in or employed by a supplier licensee or an applicant for a supplier's license.

(4) Discloses such other matters as may be required to ensure that the integrity of the commission and its work is maintained.

(b) The employee disclosure form shall be prescribed by the commission.

(c) The employee disclosure form shall be affirmed by the employee under the penalties of perjury. (*Indiana Gaming Commission; 68 IAC 9-2-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-5 Notice of employee status

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

Affected: IC 4-33

Sec. 5. An employee who becomes aware that the employee or the employee's spouse, parent, or child is:

(1) an officer of a riverboat licensee or applicant for a riverboat owner's license; or

(2) a person with:

(A) a financial interest in; or

(B) a financial relationship with;

a riverboat licensee engaged in gambling operations in Indiana or an applicant for a riverboat owner's license that will be engaged in gambling operations in Indiana; or

(3) the spouse, parent, or child of a commission member;

shall immediately inform the executive director of such status. (*Indiana Gaming Commission; 68 IAC 9-2-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-6 Notice of employee's interests in licensees and possible disqualification

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

Affected: IC 4-33

Sec. 6. (a) Any employee who is negotiating for, or acquires by any means, any interest in any entity, which holds or is an applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the executive director. Such employee shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director.

(b) An executive director who is negotiating for, or acquires by any means, any interest in any entity which holds or is an applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the deputy director. The executive director shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the deputy director. (*Indiana Gaming Commission; 68 IAC 9-2-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-7 Discussions of employment

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

Affected: IC 4-33

Sec. 7. An employee of the commission may not enter into any negotiations for employment with any entity or affiliate thereof that holds or is an applicant for any license issued by the commission, without providing a written notice to the executive director not less than thirty-six (36) hours prior to such negotiations or discussions. Such an employee shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2667; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-8 Invitations to discuss employment

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

Affected: IC 4-33

Sec. 8. Any employee of the commission who receives any invitation, written or oral, to initiate any discussion concerning

employment or the possibilities thereof with any entity, or affiliate thereof, that holds or is an applicant for any license issued by the commission, shall immediately report such fact to the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-9 Restrictions on discussions of employment

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

Affected: IC 4-33

Sec. 9. No licensee or applicant for a license shall initiate any negotiation for discussion of employment with an employee of the commission without written notice thereof being previously provided to the executive director by either the employee or the licensee or applicant. (*Indiana Gaming Commission; 68 IAC 9-2-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-10 Confidentiality

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

Affected: IC 4-33

Sec. 10. An employee or former employee shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-2-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-11 Restrictions on gifts

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

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

Sec. 11. No employee of the commission may, directly or indirectly, accept any gift, gratuity, compensation, travel, lodging, or anything of value from any licensee, any entity affiliated therewith, or any applicant for any license, unless:

(1) the acceptance conforms with state law and rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC; and

(2) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-2-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-12 Restrictions on gift giving

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

Affected: IC 4-33

Sec. 12. No licensee nor applicant for any license may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any employee of the commission which the employee is prohibited from accepting under section 11 of this rule. (*Indiana Gaming Commission; 68 IAC 9-2-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-13 Conflict of interest

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

Affected: IC 4-33

Sec. 13. (a) An employee of the commission shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of employee's duties with the commission.

(b) An employee shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-2-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007,*

1:40 p.m.: 20071003-IR-068070354RFA)

68 IAC 9-2-14 Attempted bribery

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

Affected: IC 4-33; IC 35-44-1-1

Sec. 14. An employee who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-2-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-15 Consequences of violation of rule by a licensee or applicant for a license

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

Affected: IC 4-33

Sec. 15. Violation of this rule by a licensee or an applicant for any license may result in the initiation of disciplinary action under 68 IAC 13 or the denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-2-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-16 Political activity

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

Affected: IC 4-33

Sec. 16. Employees shall not engage in political activity or politically-related activity during working hours and shall not engage in political activity or politically-related activity at any time that would interfere with their official duties for the commission. (*Indiana Gaming Commission; 68 IAC 9-2-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-17 Outside work

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

Affected: IC 4-33

Sec. 17. (a) A new employee shall obtain written permission from the executive director before continuing outside employment held at the time the employee begins to work for the commission.

(b) An employee shall obtain written permission from the executive director before accepting any outside employment.

(c) Permission shall be denied (or permission previously granted will be revoked) if the nature of the work is considered to or does create a possible conflict of interest or otherwise interferes with the employee's duties for the commission.

(d) An employee granted permission for outside employment shall not conduct any business or perform any activities, including solicitation, related to outside employment on premises used by the commission or during the employee's working hours for the commission.

(e) As used in this section, "outside employment" includes, but is not limited to, the following:

(1) Operation of a proprietorship.

(2) Participation in a partnership or group business enterprise.

(3) Performance as a director or corporate officer of any for-profit corporation or banking or credit institution.

(*Indiana Gaming Commission; 68 IAC 9-2-17; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2668; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-18 Postemployment restrictions

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

Affected: IC 4-2-6-11; IC 4-33

Sec. 18. (a) Former employees of the commission shall comply with the postemployment restriction set forth in IC 4-2-6-11.

(b) In addition to the postemployment restrictions set forth in IC 4-2-6-11, and except as provided in section 20 or 21 of this rule or upon the request of the commission, a restricted employee of the commission who leaves the employment of the commission for any reason may not, without the consent of the commission:

(1) appear before the commission on any matter before the commission or an administrative law judge appointed by the commission on behalf of a licensee or an applicant for any license; or

(2) engage in any discussion with any commission employee regarding any specific applicant or licensee; for a period of one hundred eighty (180) days following the termination of the restricted employee's employment with the commission.

(c) Without the consent of the commission, a former employee or former restricted employee may not appear before the commission on behalf of an occupational licensee, Level 2 or 3 or an applicant for an occupational license, Level 2 or 3 for a period of ninety (90) days. Consent to so appear may be granted by the commission if the former employee or former restricted employee was not involved with that specific issue during the last year of employment with the commission. (*Indiana Gaming Commission; 68 IAC 9-2-18; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-19 Fact witnesses

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

Affected: IC 4-33

Sec. 19. A former employee may appear before the commission as a fact witness about matters or actions taken by the employee during his or her tenure. The employee shall not receive compensation for such an appearance other than a standard witness fee and reimbursement for travel expenses as established by statute or rule. (*Indiana Gaming Commission; 68 IAC 9-2-19; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-20 Postemployment restrictions on applying for licenses

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

Affected: IC 4-2-6-11; IC 4-33

Sec. 20. In addition to the postemployment restrictions set forth in IC 4-2-6-11, a former restricted employee may not apply for:

(1) a riverboat owner's license;

(2) a supplier's license; or

(3) an occupational license, Level 1;

without the prior approval of the commission for a period of one hundred eighty (180) days following the termination of the restricted employee's employment with the commission. (*Indiana Gaming Commission; 68 IAC 9-2-20; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-2-21 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. 21. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an employee or former employee to the commission at the next meeting held under 68 IAC 1-2-5 or at 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, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-2-21; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

Rule 3. Commission Agents

68 IAC 9-3-1 Ethics and public disclosure by agents of the commission

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 persons acting as agents for the commission, and only during the time when the person is assigned to perform such services.

(b) The following definitions apply throughout this rule:

(1) "Agent" means any person who is employed by any agency of the state, other than the commission, and who is assigned to perform full-time services on behalf of, or for the benefit of, the commission regardless of the title or position held by that person.

(2) "Compensation" means any money, thing of value, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

(3) "Conflict of interest" means a situation in which an agent's private interest, usually of a financial nature, may influence the agent's judgment in the performance of the agent's public duty. A conflict of interest includes, but is not limited to, the following:

(A) Any conduct that would lead a reasonable person, knowing all of the circumstances, to conclude that an agent is biased.

(B) Acceptance of any form of compensation other than from the commission, or his or her own agency, for any services rendered as part of the agent's official duties for the commission.

(C) Participation in any business being transacted with the commission by any private concern in which the agent, or the agent's spouse or child, has a financial interest.

(D) Use of the agent's position, title, or any authority associated with it in a manner designed for personal gain or benefit.

(E) Demonstration, through work or action in the performance of the agent's official duties, of any preferential attitude or treatment toward any person.

(F) Participation in an assignment by the commission that involves a person with which the agent has a financial or beneficial relationship.

(4) "Financial interest or financially interested" means any interest in investments, awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under consideration or consummated by the commission. An agent will be deemed to have a financial interest in a matter under consideration by reason of one (1) of the following:

(A) The agent owns one percent (1%) or more of any class of outstanding securities which are issued by a party to the matter under consideration or consummated, and the securities are listed on a national securities exchange or actively traded in an over-the-counter market.

(B) The agent is employed by that person.

(Indiana Gaming Commission; 68 IAC 9-3-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2669; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2254; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)

68 IAC 9-3-2 Policy

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

Affected: IC 4-33

Sec. 2. The commission is required to maintain the integrity of the commission and riverboat gambling. Agents must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Agents shall conduct themselves in a manner that will enhance public respect for the integrity of the commission and its work. *(Indiana Gaming Commission; 68 IAC 9-3-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-3 Consequences of violation of rule by an agent

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

Affected: IC 4-33

Sec. 3. Violation of this rule by an agent may result in the agent being removed from performing services on behalf of the commission and a recommendation to the appropriate agency that a disciplinary action be initiated against the agent or former agent in accordance with that agency's policies and rules. The commission may waive a violation of the terms of this rule if it determines that the conduct involved does not violate the purpose of this rule. Violation of this rule does not create a private cause of action in favor of any person. *(Indiana Gaming Commission; 68 IAC 9-3-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-4 Disclosure form

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

Sec. 4. Each agent shall prepare and file with the executive director, at such times as the executive director may require, an employee disclosure form under 68 IAC 9-2-4. The disclosure form shall be affirmed by the agent under the penalties of perjury. *(Indiana Gaming Commission; 68 IAC 9-3-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-5 Notice of interests of agent

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

Sec. 5. An agent who is negotiating for, or acquires by any means, any interest in any licensee or applicant for any license issued by the commission, or any entity affiliated therewith, shall immediately provide written notice of the details of such an interest to the executive director and shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. *(Indiana Gaming Commission; 68 IAC 9-3-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2670; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-6 Restrictions on discussions of employment

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

Sec. 6. An agent of the commission may not enter into any negotiations for employment with any licensee or applicant for any license, or any affiliate thereof, issued by the commission, without providing a written notice to the executive director not less than thirty-six (36) hours prior to such negotiations or discussions. Such an agent shall not take any action on behalf of the commission with respect to that entity unless instructed to do so by the executive director. *(Indiana Gaming Commission; 68 IAC 9-3-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-7 Notice of invitations to discuss employment

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

Sec. 7. Any agent of the commission who receives any invitation, written or oral, to initiate any discussion concerning employment or the possibilities thereof with any licensee or applicant for any license, or any affiliate thereof, shall immediately report such fact to the executive director. *(Indiana Gaming Commission; 68 IAC 9-3-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA)*

68 IAC 9-3-8 Restrictions on licensees

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

Sec. 8. No licensee or applicant for a license shall initiate any negotiations for employment with an agent of the commission

without written notice thereof being previously provided to the executive director by either the agent or the licensee or applicant. (*Indiana Gaming Commission; 68 IAC 9-3-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-9 Restrictions on gifts

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

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

Sec. 9. No agent of the commission may accept, directly or indirectly, any gift, gratuity, compensation, travel, lodging, or anything of value from any licensee, an applicant for any license, or any affiliate thereof, unless:

(1) the acceptance conforms with state law and rules adopted by the state ethics commission;

(2) the acceptance conforms to the rules and policies of the recipient's agency; and

(3) the acceptance conforms to any policy or directive issued by the executive director or the commission.

(*Indiana Gaming Commission; 68 IAC 9-3-9; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-10 Restrictions on gift giving

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

Affected: IC 4-33

Sec. 10. No licensee nor applicant may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to any agent of the commission, which the agent is prohibited from accepting under section 9 of this rule. (*Indiana Gaming Commission; 68 IAC 9-3-10; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-11 Conflict of interest

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

Affected: IC 4-33

Sec. 11. (a) An agent shall advise the executive director of any incident or circumstance that would present the existence of a conflict of interest with respect to the performance of the agent's duties with the commission.

(b) An agent shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-3-11; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-12 Attempted bribery

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

Affected: IC 4-33; IC 35-44-1-1

Sec. 12. An agent who is approached and offered a bribe in violation of IC 35-44-1-1 shall immediately report the matter to the executive director. (*Indiana Gaming Commission; 68 IAC 9-3-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-13 Consequences of violation of rule by a licensee or applicant for a license

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

Affected: IC 4-33

Sec. 13. Violation of this rule by a licensee or an applicant for any license may result in the initiation of a disciplinary action under 68 IAC 13 or denial of the application for licensure. (*Indiana Gaming Commission; 68 IAC 9-3-13; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-14 Confidentiality

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

Sec. 14. An agent or former agent shall not disseminate any material in the possession of the commission that the commission treats as confidential unless specifically authorized to do so by the executive director or the commission. (*Indiana Gaming Commission; 68 IAC 9-3-14; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-15 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. 15. In addition to any notice requirements, ethics disclosure requirements, and ethics standards established by this rule, each agent shall abide by and conform to any rules, regulations, or policies of the agency which employs the agent with respect to conflicts of interest. Any agent who is not in compliance shall promptly advise the employing agency in accordance with that agency's requirements and shall also advise the executive director of the details concerning the noncompliance. (*Indiana Gaming Commission; 68 IAC 9-3-15; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2671; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-3-16 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. 16. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an agent or former agent to the commission at the next meeting held under 68 IAC 1-2-5 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, including presenting the matter to the state ethics commission. (*Indiana Gaming Commission; 68 IAC 9-3-16; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

Rule 4. Restriction on Gaming**68 IAC 9-4-1 Definitions**

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

Sec. 1. The following definitions apply throughout this rule:

- (1) "Agent" refers to any person who is:
 - (A) employed by any agency of the state, other than the commission; and
 - (B) assigned to perform full-time services on behalf of, or for the benefit of, the commission, pursuant to a request of the commission, regardless of the title or position held by that person.
- (2) "Employee" means an individual employed by the commission.
- (3) "Member" means a commission member appointed to the commission under IC 4-33-3-2.

(*Indiana Gaming Commission; 68 IAC 9-4-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-2 Restrictions on gaming by members, employees, and agents

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

Sec. 2. Except as provided in section 3 of this rule, no member, member's spouse, employee, or agent may participate in any game conducted on any riverboat licensed by the commission. (*Indiana Gaming Commission; 68 IAC 9-4-2; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Aug 20, 1997, 7:11 a.m.: 21 IR 14; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-3 Exception to restriction on gaming by members, employees, and agents

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

Affected: IC 4-33

Sec. 3. A member, employee, or agent may participate in a game conducted on a riverboat licensed by the commission if that person has received the written authorization from the executive director to participate in a game as part of the person's surveillance, security, or other duties and is participating only to the extent authorized by the executive director. (*Indiana Gaming Commission; 68 IAC 9-4-3; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-4 Notice requirements for presence on a riverboat

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

Affected: IC 4-33

Sec. 4. A member, employee, or agent shall advise the ranking enforcement agent aboard the riverboat that the member, employee, or agent plans to be present on a riverboat licensed by the commission outside the scope of his or her official duties at the time the member, employee, or agent arrives at the riverboat. (*Indiana Gaming Commission; 68 IAC 9-4-4; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-5 Restriction on gaming by employee of riverboat licensee

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

Affected: IC 4-33

Sec. 5. (a) For purposes of this rule, a person will be deemed to hold an ownership interest in a riverboat licensee if the person meets one (1) of the following criteria:

(1) The person holds any ownership interest in a riverboat licensee that is not publicly traded.

(2) The person holds an ownership interest of one percent (1%) or more of a riverboat licensee that is publicly traded as defined by 68 IAC 5-1-1(b)(2).

(b) No substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee may participate in a game conducted on that riverboat which is the subject of the license. No such person shall be permitted to purchase or redeem chips or tokens for any other person.

(c) No substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee may give another individual chips, tokens, cash, or cash equivalents to have the individual place a wager on behalf of the substantial owner, key person, person holding an ownership interest in, or employee of a riverboat licensee. (*Indiana Gaming Commission; 68 IAC 9-4-5; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Aug 20, 1997, 7:11 a.m.: 21 IR 15; errata, 21 IR 399; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2314; errata filed Apr 29, 1998, 10:00 a.m.: 21 IR 3366; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-6 Restrictions on gaming by suppliers and vendors

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

Affected: IC 4-33

Sec. 6. (a) A supplier licensee, a key person or substantial owner of the supplier licensee may not participate in a game conducted on any riverboat licensed by the commission to which the supplier licensee provides any goods or services under the authority of the license.

(b) Occupational licensees employed by a supplier licensee may not play a game on an electronic gaming device, a live gaming device, or both, that is manufactured or marketed by the supplier licensee for whom they are employed. Occupational licensees not employed by the riverboat licensee, but assigned to a riverboat licensee may not participate in any gambling game on the riverboat to which he or she is assigned.

(c) Individuals who are present on the riverboat via a vendors badge in accordance with 68 IAC 15-6-4 may not participate in any gambling game. (*Indiana Gaming Commission; 68 IAC 9-4-6; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3069; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-7 Waiver of restriction

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

Affected: IC 4-33

Sec. 7. (a) A person who is restricted from gaming under section 5 or 6 of this rule may apply to the executive director, in writing, for a waiver from the restriction.

(b) The request for waiver shall set forth the following information:

(1) The name of the person seeking the waiver.

(2) The employer of the person seeking the waiver.

(3) The position held by the person seeking the waiver.

(4) The date or dates for which the waiver is requested, and the approximate time for which the waiver is sought.

(5) Any other information deemed necessary by the executive director to make a decision as to whether or not the waiver should be granted.

The request for waiver shall be submitted at least three (3) business days before the date for which the waiver is sought.

(c) The executive director shall respond, in writing, to the request prior to the date and time for which the waiver is sought. (*Indiana Gaming Commission; 68 IAC 9-4-7; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2672; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

68 IAC 9-4-8 Reports by the executive director

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

Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an emergency response plan at the next meeting held under 68 IAC 1-2-5 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 9-4-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2673; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA*)

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