

## **ARTICLE 9. ETHICS**

### **Rule 1. Commission Members**

#### **68 IAC 9-1-1 Ethics and public disclosures by commission members (Repealed)**

Sec. 1. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-2 Policy (Repealed)**

Sec. 2. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-3 Consequences of violation of rule by a member (Repealed)**

Sec. 3. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-4 Commission disclosure form (Repealed)**

Sec. 4. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-5 Notice of member disqualification (Repealed)**

Sec. 5. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-6 Confidentiality (Repealed)**

Sec. 6. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-7 Restrictions on gifts (Repealed)**

Sec. 7. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-8 Restrictions on gift giving (Repealed)**

Sec. 8. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-9 Conflict of interest (Repealed)**

Sec. 9. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-10 Attempted bribery (Repealed)**

Sec. 10. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-11 Political activity (Repealed)**

Sec. 11. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-1-12 Fact witnesses (Repealed)**

Sec. 12. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-1-13 Ex parte contact (Repealed)**

Sec. 13. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-1-14 Notice of ex parte contact (Repealed)**

Sec. 14. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-1-15 Investigation of ex parte contact (Repealed)**

Sec. 15. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-1-15.1 Post-tenure restrictions (Repealed)**

Sec. 15.1. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

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

Sec. 16. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-1-17 Reports by the executive director (Repealed)**

Sec. 17. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**Rule 2. Commission Employees**

**68 IAC 9-2-1 Ethics and public disclosures (Repealed)**

Sec. 1. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-2 Policy (Repealed)**

Sec. 2. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-3 Consequences of violation of rule by employee (Repealed)**

Sec. 3. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-4 Employee disclosure form (Repealed)**

Sec. 4. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-5 Notice of employee status (Repealed)**

Sec. 5. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

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

Sec. 6. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-7 Discussions of employment (Repealed)**

Sec. 7. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-8 Invitations to discuss employment (Repealed)**

Sec. 8. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-9 Restrictions on discussions of employment (Repealed)**

Sec. 9. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-10 Confidentiality (Repealed)**

Sec. 10. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-11 Restrictions on gifts (Repealed)**

Sec. 11. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-12 Restrictions on gift giving (Repealed)**

Sec. 12. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-13 Conflict of interest (Repealed)**

Sec. 13. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-14 Attempted bribery (Repealed)**

Sec. 14. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

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

Sec. 15. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-16 Political activity (Repealed)**

Sec. 16. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-17 Outside work (Repealed)**

Sec. 17. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-18 Postemployment restrictions (Repealed)**

Sec. 18. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-19 Fact witnesses (Repealed)**

Sec. 19. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-20 Postemployment restrictions on applying for licenses (Repealed)**

Sec. 20. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-2-21 Reports by the executive director (Repealed)**

Sec. 21. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**Rule 3. Commission Agents**

**68 IAC 9-3-1 Ethics and public disclosure by agents of the commission (Repealed)**

Sec. 1. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-2 Policy (Repealed)**

Sec. 2. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-3 Consequences of violation of rule by an agent (Repealed)**

Sec. 3. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-4 Disclosure form (Repealed)**

Sec. 4. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-5 Notice of interests of agent (Repealed)**

Sec. 5. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-6 Restrictions on discussions of employment (Repealed)**

Sec. 6. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-7 Notice of invitations to discuss employment (Repealed)**

Sec. 7. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-8 Restrictions on licensees (Repealed)**

Sec. 8. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-9 Restrictions on gifts (Repealed)**

Sec. 9. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-10 Restrictions on gift giving (Repealed)**

Sec. 10. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-11 Conflict of interest (Repealed)**

Sec. 11. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-12 Attempted bribery (Repealed)**

Sec. 12. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

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

Sec. 13. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-14 Confidentiality (Repealed)**

Sec. 14. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-15 Compliance with other requirements (Repealed)**

Sec. 15. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-3-16 Reports by the executive director (Repealed)**

Sec. 16. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**Rule 4. Restriction on Gaming**

**68 IAC 9-4-1 Definitions (Repealed)**

Sec. 1. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-4-2 Restrictions on gaming by members, employees, and agents (Repealed)**

Sec. 2. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

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

Sec. 3. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-4-4 Notice requirements for presence in a casino (Repealed)**

Sec. 4. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**68 IAC 9-4-5 Restriction on gaming by employee of riverboat licensee (Repealed)**

Sec. 5. *(Repealed by Indiana Gaming Commission; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA)*

**68 IAC 9-4-6 Restrictions on gaming by suppliers and vendors (Repealed)**

Sec. 6. *(Repealed by Indiana Gaming Commission; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA)*

**68 IAC 9-4-7 Waiver of restriction (Repealed)**

Sec. 7. *(Repealed by Indiana Gaming Commission; filed Dec 20, 2011, 1:53 p.m.: 20120118-IR-068110248FRA)*

**68 IAC 9-4-8 Reports by the executive director (Repealed)**

Sec. 8. *(Repealed by Indiana Gaming Commission; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

**Rule 5. Ethics for Commission Members, Agents, and Employees**

**68 IAC 9-5-1 Definitions**

Authority: IC 4-33-4

Affected: IC 4-33-3-2; IC 4-33-10-6

Sec. 1. 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. For purposes of IC 4-33-10-6, an agent is an employee.

(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 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.

(4) "Employee" means a person employed by the commission.

(5) "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.

(6) "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 that 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.

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

(8) "Restricted employee" means an employee of the commission who is assigned to and is performing 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 9-5-1; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-5-2 Policy**

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

Affected: IC 4-33; IC 4-35

Sec. 2. The commission is required to maintain the integrity of the commission and casino gambling. Members, employees, and agents must encourage confidence in the commission by maintaining high standards of honesty, integrity, and impartiality. Members, employees, and 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 9-5-2; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-5-3 Consequences of violation of rule by a member, employee, or agent**

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

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

Sec. 3. (a) Violation of this article or the Indiana Code by a member:

(1) may result in the matter being referred to the governor for possible removal from the commission under IC 4-33-3-11; and

(2) shall result in the matter being referred to the governor by the executive director for removal from the commission under IC 4-33-3-11 if IC 4-33-3-10 is violated.

(b) Violation of this article or the Indiana Code by an employee, including a person who has an offer of employment with the commission, may result in disciplinary action, including termination or a fine, except if:

(1) the employee intentionally acquires a financial interest in:

(A) a casino licensee engaged in gambling operations in Indiana; or

(B) an applicant for a casino owner's license that will be engaged in gambling operations in Indiana; employment with the commission shall be terminated; or

(2) the employee or the employee's spouse, parent, or child, through no intentional action of the employee, acquires a financial interest in:

(A) a casino licensee engaged in gambling operations in Indiana; or

(B) an applicant for a casino owner's license that will be engaged in gambling operations in Indiana; 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.

(c) Violation of this article by a former employee may result in disciplinary action, including a fine.

(d) Violation of this article by an agent may result in termination of the agent's employment.

(e) Violation of this article does not create a private cause of action in favor of any person.

(f) 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. *(Indiana Gaming Commission; 68 IAC 9-5-3; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-5-4 Disclosure forms**

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

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

Sec. 4. (a) By January 31 of each year, each member shall prepare and file with the office of the commission, a 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) financially interested in; or
- (C) employed by;

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

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

- (A) a member of a board of directors of;
- (B) financially interested in; or
- (C) employed by;

a supplier licensee or an applicant for a supplier's license under the jurisdiction of the commission.

(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) By January 31 of each year, each employee shall prepare and file with the office of the commission, a 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 any other information as may be required to ensure that the integrity of the commission and its work is maintained.

(c) At such time as the executive director may require, each agent shall prepare and file with the office of the commission, a disclosure form similar to the one described in subsection (b).

(d) Each disclosure form shall be:

(1) a form prescribed by the commission; and

(2) affirmed by the member, employee, or agent under the penalties of perjury.

*(Indiana Gaming Commission; 68 IAC 9-5-4; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA)*

#### **68 IAC 9-5-5 Notice of member, employee, or agent interest, status, or disqualification**

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

Affected: IC 4-33; IC 4-35

Sec. 5. (a) A member or employee 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 casino licensee or an applicant for a casino owner's license shall notify the executive director, in writing, immediately.

(b) A member who has been convicted of or has been charged with a felony under Indiana law, the laws of another state, or the laws of the United States, shall notify the executive director, in writing, immediately.

(c) An employee who is a spouse, parent, or child of a member shall immediately inform the executive director of such relationship.

(d) An employee or 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 wholly or partially owned by any licensee or any applicant for a license issued by the commission, 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.

(e) An executive director who is negotiating for, or acquires by any means, any interest in any entity that 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 9-5-5; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-6 Confidentiality**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 6. A member, employee, or agent or former member, employee, or 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 9-5-6; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-7 Restrictions on receiving gifts**

Authority: IC 4-33-4

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

Sec. 7. No member, employee, or agent 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 Title 40 of the Indiana Administrative Code; and

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

(*Indiana Gaming Commission; 68 IAC 9-5-7; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-8 Restrictions on gift giving**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 8. No licensee or 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, employee, or agent that the member, employee, or agent is prohibited from accepting under section 7 of this rule. (*Indiana Gaming Commission; 68 IAC 9-5-8; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-9 Conflict of interest**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 9. (a) A member, employee, or 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 member, employee, or agent's duties with the commission.

(b) A member, employee, or agent shall not engage in any conduct that constitutes a conflict of interest. (*Indiana Gaming Commission; 68 IAC 9-5-9; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-10 Attempted bribery**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 10. A member, employee, or agent who is approached and offered a bribe shall immediately report the matter to the

executive director. (*Indiana Gaming Commission; 68 IAC 9-5-10; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-11 Political activity**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 11. Members, employees, and agents shall not engage in political activity in a manner that violates 40 IAC 2-1-7.1. (*Indiana Gaming Commission; 68 IAC 9-5-11; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-12 Fact witnesses**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 12. A former member, employee, or agent may appear before the commission as a fact witness about matters or actions taken by the member during his or her tenure at the commission. The former member, employee, or agent 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 9-5-12; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-13 Prohibition of ex parte contact with members**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 13. (a) No licensee or an applicant for any license, or 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.

(b) Any member, licensee, or applicant for any license, or affiliate or representative thereof, who receives any communication in violation of subsection (a), or who is aware of an attempted communication in violation of subsection (a), shall disclose the source and content of the communication to the commission through the executive director.

(c) Any member who receives any communication that 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 may 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 9-5-13; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-14 Postemployment restrictions**

Authority: IC 4-33-4

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

Sec. 14. All former members, employees or agents shall comply with the postemployment restrictions set forth in IC 4-2-6-11. (*Indiana Gaming Commission; 68 IAC 9-5-14; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

**68 IAC 9-5-15 Restrictions on discussions of employment**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 15. (a) Any employee or agent 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.

(b) An employee or agent 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 or 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.

(c) No licensee or applicant for a license shall initiate any negotiation for discussion of employment with an employee or agent of the commission without written notice thereof being previously provided to the executive director by either the employee, agent, licensee, or applicant. (*Indiana Gaming Commission; 68 IAC 9-5-15; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

#### **68 IAC 9-5-16 Outside employment**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 16. (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 create or creates 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 the 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 9-5-16; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

#### **68 IAC 9-5-17 Consequences of violation of rule by a licensee or applicant for a license**

Authority: IC 4-33-4

Affected: IC 4-33

Sec. 17. 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 9-5-17; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

#### **68 IAC 9-5-18 Reports by the executive director**

Authority: IC 4-33-4

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

Sec. 18. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to a member, employee, or agent or former member, employee, or agent 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 9-5-18; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

#### **68 IAC 9-5-19 Compliance with other requirements**

Authority: IC 4-33-4

Affected: IC 4-33

## ETHICS

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Sec. 19. In addition to any notice requirements, ethics disclosure requirements, and ethics standards established by this rule, each employee and agent shall abide by and conform to any rules, regulations, or policies of the commission or the agency that employs the agent with respect to conflicts of interest. Any employee or 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 9-5-19; filed Oct 21, 2016, 10:19 a.m.: 20161116-IR-068160052FRA*)

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