

ARTICLE 18. DISPUTE PROCEDURES

Rule 1. Patron Dispute Procedures

68 IAC 18-1-1 General provisions

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

Affected: IC 4-33

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

(b) All patron disputes shall be settled in compliance with this rule.

(c) The following definitions apply throughout this rule:

(1) "Complaint" means the form, prescribed by the commission, which a patron shall complete and submit to file a patron complaint.

(2) "Commission agent" means one (1) of the members of the Indiana state police department who is assigned to work with the commission and who is on duty.

(3) "Patron complaint" means any and all complaints a patron may have regarding the patron's treatment while gaming or while on the riverboat. Patron complaint includes disputes about patron winnings.

(Indiana Gaming Commission; 68 IAC 18-1-1; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3317; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

68 IAC 18-1-2 Patron dispute process

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

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee shall attempt to resolve all patron disputes with the patron.

(b) If the riverboat licensee and the patron cannot resolve the dispute, the riverboat licensee must advise the patron of the patron's right to file a complaint with the commission. The complaint may be:

(1) received by the commission agent; or

(2) sent to the commission office in Indianapolis, Indiana.

The riverboat licensee shall provide a patron with a complaint form upon request.

(c) The complaint shall contain, at a minimum, the following information:

(1) The name, address, and telephone number of the patron.

(2) A summary of the nature of the patron complaint, including the date and time on which the incident leading to the dispute occurred.

(3) A list of the names, if known, of any occupational licensees that were involved in or a witness to the incident that led to the patron dispute.

(4) The name, address, and telephone number, if known, of any witnesses to the incident that led to the patron dispute.

(5) A summary of the riverboat licensee's attempt to resolve the patron dispute.

(6) Any other information deemed necessary by the executive director or the commission.

The patron shall submit the complaint within five (5) business days of the incident that led to the patron dispute.

(d) The riverboat licensee shall respond to the commission regarding a patron complaint within the time period prescribed by the commission. *(Indiana Gaming Commission; 68 IAC 18-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531)*

68 IAC 18-1-3 Investigation; possible disciplinary action

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

Affected: IC 4-33

Sec. 3. The executive director or the executive director's designee shall determine and conduct any investigation deemed necessary. If it is determined that the riverboat licensee or an occupational licensee violated the Act or this title, the commission may initiate a disciplinary action under 68 IAC 13-1. *(Indiana Gaming Commission; 68 IAC 18-1-3; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)*

68 IAC 18-1-4 Violation of rule

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

Affected: IC 4-33

Sec. 4. Failure of the riverboat licensee to comply with this rule may result in the initiation of a disciplinary action under 68 IAC 13-1. (*Indiana Gaming Commission; 68 IAC 18-1-4; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-5 Waiver of requirements

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

Affected: IC 4-33

Sec. 5. The executive director or the commission may waive, alter, or restrict any procedure or requirement set forth in this rule if the executive director or the commission determines the following:

(1) The requirement or procedure is impractical or burdensome and that the waiver, alteration, or restriction is in the best interest of the public and the gaming industry.

(2) The waiver of the requirement or procedure is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

(*Indiana Gaming Commission; 68 IAC 18-1-5; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

68 IAC 18-1-6 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. 6. The executive director shall report any action he or she has taken or contemplates taking under this rule to the commission at the next meeting held under 68 IAC 1-2-5 or an executive session held under IC 5-14-1.5-6.1(b). The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 18-1-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 532*)

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