

ARTICLE 18. DISPUTE PROCEDURES

Rule 1. Patron Dispute Procedures

68 IAC 18-1-1 General provisions

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

Affected: IC 4-33; IC 4-35

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

(b) 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, that a patron shall complete and submit to file a patron complaint.

(2) "Patron complaint" means complaints a patron may have regarding the patron's treatment while gaming or while in the casino. The term includes, without limitation, 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; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)

68 IAC 18-1-2 Patron dispute process

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

Affected: IC 4-33; IC 4-35

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

(b) If the casino licensee and the patron cannot resolve the dispute, the casino 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 enforcement agent; or

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

The casino 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 the 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 the witnesses to the incident that led to the patron dispute.

(5) A summary of the casino 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 casino 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; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)*

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

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

Affected: IC 4-33; IC 4-35

Sec. 3. The executive director or the executive director's designee shall determine and conduct an investigation if deemed necessary. If it is determined that the casino licensee or an occupational licensee violated IC 4-33, IC 4-35, 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; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA)

68 IAC 18-1-4 Violation of rule

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

Affected: IC 4-33; IC 4-35

Sec. 4. Failure of the casino 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; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA*)

68 IAC 18-1-5 Deviation from provisions

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

Affected: IC 4-33; IC 4-35

Sec. 5. (a) The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
 - (A) fulfill the purpose of the rule;
 - (B) are in the best interest of the public and the gaming industry in Indiana; and
 - (C) do not violate IC 4-33 or IC 4-35.

(b) If a licensee wishes to request a deviation from the provisions of this rule, the licensee must do so in writing. (*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; readopted filed Nov 14, 2008, 12:51 p.m.: 20081210-IR-068080730RFA; filed Dec 6, 2012, 2:32 p.m.: 20130102-IR-068110786FRA*)

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; readopted filed Sep 21, 2010, 3:55 p.m.: 20101020-IR-068100360RFA*)

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