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TITLE 68 INDIANA GAMING COMMISSION

LSA Document #03-210(E)

DIGEST

Temporarily adds a new rule restricting operating agents or applicants for operating agent to offer any gift, gratuity, compensation, travel, lodging, or anything of value to any individual associated with the contracting process that the individual is prohibited from accepting under state law and rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC. Temporarily adds a new rule to require that any individual or business entity who directly or indirectly has applied or may apply to be an operating agent or has any commercial interest in a contract for operating agent with the commission under IC 4-33 and those representing an individual or business entity before the commission shall not engage in ex parte communications with a commission member or a member of the historic hotel preservation commission. Authority: IC 4-22-2-37.1; IC 4-33-4-3. Effective July 15, 2003.

SECTION 1. (a) The purpose of this rule is to ensure the integrity of the contracting process for selection of an operating agent for the riverboat that may be operated in a historic hotel district. Because the gaming commission is charged with the responsibility of selecting an operating agent and directing the operation and management of the riverboat to be operated in a historic hotel district, and the historic hotel preservation commission is responsible to make recommendations to the gaming commission concerning the contracting process, the commission feels that it is necessary to put safeguards in place to ensure the integrity of the contracting process.

(b) For purposes of this rule only, "applicant" means any individual or business entity that directly or indirectly has applied or may apply or has any commercial interest in a contract for operating agent with the commission under IC 4-33.

(c) This rule applies to operating agents and applicants for operating agent.

(d) Applicants for operating agent and those representing applicants before the commission shall not engage in any ex parte communication with members of the commission or members of a historic hotel preservation commission established pursuant to IC 36-7-11.5.

(e) No operating agent or applicant for operating agent may, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or anything of value to individuals or groups of individuals who are involved in the contracting process or regulation of a casino in a historic hotel district, which the individual is prohibited from accepting under rules adopted by the state ethics commission under IC 4-2-6 and 40 IAC. Those individuals include, but are not limited to, the following people:

(1) Commission members.

(2) Commission employees.

(3) Commission agents.

(4) Members of the historic hotel preservation commission and its:

(A) advisory members;

(B) administrators;

(C) staff members;

(D) professional staff;

(E) consultants;

(F) attorneys;

(G) accountants; and

(H) other professionals necessary to carry out the historic hotel preservation commission's duties.

(f) Upon a determination by the commission that an operating agent or applicant for operating agent has violated this document, the commission may take any action it deems appropriate, including:

(1) denial of an applicant's application for operating agent under IC 4-33;

- (2) void the operating agent contract;**
- (3) suspension of an operating agent contract;**
- (4) pursuant to IC 4-33-4-2(5), imposition of a penalty of not more than ten thousand dollars (\$10,000), which shall be collected from the applicant and deposited in the state gaming account; or**
- (5) any combination of the penalties set forth in (A) through (D) of this section [subdivisions (1) through (4)].**

SECTION 2. SECTION 1 of this document expires 3 months [90 days] after filing with the secretary of state.

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Filed with Secretary of State: July 15, 2003, 3:30 p.m.