TITLE 68 INDIANA GAMING COMMISSION

Proposed Rule
LSA Document #06-335

DIGEST

Adds 68 IAC 21 concerning the conduct of charity gaming activities by qualified organizations licensed by the Indiana Gaming Commission and incorporates by reference "Standards on Pull-Tabs", adopted by the North American Gaming Regulators Association, October 12, 1991, as amended October 20, 1998, and amended December 12, 2005. Repeals 68 IAC 20. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

68 IAC 20; 68 IAC 21

SECTION 1. 68 IAC 21 IS ADDED TO READ AS FOLLOWS:

ARTICLE 21. CHARITY GAMING

Rule 1. Definitions

68 IAC 21-1-1 Applicability

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-2

Sec. 1. The definitions in this rule and in IC 4-32.2-2 apply throughout this article.

(Indiana Gaming Commission; 68 IAC 21-1-1)

68 IAC 21-1-2 "Bingo card" or "bingo paper" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 2. "Bingo card" or "bingo paper" means permeations of letter and number combinations printed on reusable or nonreusable card or paper stock containing five (5) rows of five (5) squares, each imprinted with randomly placed numbers, one (1) through seventy-five (75), except for the center square, which is always marked with the word free. The letters "B-I-N-G-O" in this order must also be imprinted above each of the five (5) columns. A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each item manufactured and sold.

(Indiana Gaming Commission; 68 IAC 21-1-2)

68 IAC 21-1-3 "Bingo equipment" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 3. "Bingo equipment" means all paraphernalia used to conduct bingo, including, but not limited to, the following:
(1) Random number selection equipment.
(2) Designators, such as bingo balls.
(3) Designator receptacles.
(4) Number display boards.

(5) Dispensing devices.
The term does not include audio or video equipment, which plays no part in the conduct of the game other than communicating the progress of the game, and any computer or other technologic aid.

(Indiana Gaming Commission; 68 IAC 21-1-3)

68 IAC 21-1-4 "Bingo supplies" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 4. "Bingo supplies" includes, but is not limited to, any of the following:
(1) Bingo paper.
(2) Bingo cards.
(3) Concealed face bingo cards.
(4) Daubers.
(5) Other devices designed to cover squares on a bingo card or bingo paper.

(Indiana Gaming Commission; 68 IAC 21-1-4)

68 IAC 21-1-5 "Calendar" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 5. "Calendar" means a tabular register of days that does not cover less than one (1) calendar month or more than twelve (12) calendar months.

(Indiana Gaming Commission; 68 IAC 21-1-5)

68 IAC 21-1-6 "Calendar raffle" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 6. "Calendar raffle" means a type of raffle in which a calendar, or a ticket sold in conjunction with a calendar, is sold and for which a drawing is held and a prize is awarded on each predetermined date specified in the calendar.

(Indiana Gaming Commission; 68 IAC 21-1-6)

68 IAC 21-1-7 "Concealed face bingo card" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 7. "Concealed face bingo card" means a nonreusable bingo card constructed to conceal the card face. This type of card is commonly referred to under trade names, such as the following:
(1) Tear-Open.
(2) Bonanza Bingo.
(3) Bull's-eye.
(4) Fortune Cards.

(Indiana Gaming Commission; 68 IAC 21-1-7)

68 IAC 21-1-8 "Deal" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 8. "Deal" means each separate package, or series of packages, consisting of one (1) game of pull-tabs or tip boards with the same serial number.

(Indiana Gaming Commission; 68 IAC 21-1-8)

68 IAC 21-1-9 "Festival" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 9. "Festival" means an event where a qualified organization is authorized to:
(1) conduct:
(A) bingo events;
(B) charity game nights;
(C) one (1) raffle event; and
(D) door prize events; and
(2) sell pull-tabs, punchboards, and tip boards.

(Indiana Gaming Commission; 68 IAC 21-1-9)

68 IAC 21-1-10 "Flare" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 10. (a) "Flare" means the board or placard enclosed with or accompanying each deal of pull-tabs that has printed on or affixed to it the following information:
(1) The name of the game.
(2) The manufacturer's name or distinctive logo.
(3) The game form number.
(4) The ticket count.
(5) The prize structure for the game, which includes the number of winning pull-tabs by denomination and their respective winning symbol or symbols or number or numbers combination.
(6) The cost per ticket.
(7) The serial number of the game.
(8) The winning number or symbol for at least the top three (3) winning tiers set out in a manner that each prize may be marked off as the prize is won and awarded.

(b) Subsection (a)(7) does not apply to games that include the use of a seal card.

(Indiana Gaming Commission; 68 IAC 21-1-10)

68 IAC 21-1-11 "Gross income" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 11. "Gross income" means gross receipts.

(Indiana Gaming Commission; 68 IAC 21-1-11)

68 IAC 21-1-12 "Gross receipts" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 12. "Gross receipts" means the entire amount of receipts accrued, actually or constructively, without any deductions of any kind or nature.

(Indiana Gaming Commission; 68 IAC 21-1-12)

68 IAC 21-1-13 "Gross revenue" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 13. "Gross revenue" means gross receipts.

(Indiana Gaming Commission; 68 IAC 21-1-13)

68 IAC 21-1-14 "Licensed supply" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-2-19

Sec. 14. In addition to the items identified in IC 4-32.2-2-19, "licensed supply" means any supplies, devices, or equipment critical to the conduct of any gambling activities at an allowable event, including the following:
(1) Roulette and any other prize wheels.
(2) Qualified personal property.
(3) Any other gaming materials designed to be used in and necessary to conduct an allowable event and specified by the executive director or commission.

(Indiana Gaming Commission; 68 IAC 21-1-14)

68 IAC 21-1-15 "Operator" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-1-21

Sec. 15. "Operator", as defined in IC 4-32.2-1-21, means any member of a qualified organization who has oversight of or is responsible for performing functions directly associated with critical aspects of gambling activities, including, but not limited to, any of the following:
(1) Accounting for money received and disbursed at the charity gaming event.
(2) Keeping records of the charity gaming event.
(3) Announcing the letter-number combination at a bingo event.

(Indiana Gaming Commission; 68 IAC 21-1-15)

68 IAC 21-1-16 "Qualified personal property" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 16. "Qualified personal property" means personal property leased by a qualified organization that is as follows:
(1) Designed to be used on a body of water.
(2) Used to conduct a water race associated with the qualified organization's allowable event in the

following manner:

(A) Each item of the qualified personal property is marked with a number corresponding to the number on a chance purchased in a water race.

(B) The winner of the water race is determined by the number of the item of qualified personal property that crosses a designed finish line on the body of water first.

(Indiana Gaming Commission; 68 IAC 21-1-16)

68 IAC 21-1-17 "Seal card" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 17. "Seal card" means a board or placard used with pull-tabs that contains a seal or seals, which when removed or opened, reveals predesignated winning numbers, letters, symbols, or monetary denominations. The seal card serves as the game flare and must contain the information required in section 10 of this rule unless the manufacturer provides an additional flare containing the required information.

(Indiana Gaming Commission; 68 IAC 21-1-17)

68 IAC 21-1-18 "Tip board ticket" defined

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 18. "Tip board ticket" is a single folded or banded ticket, or multi-ply card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, some of which have been designated in advance and at random as prize winners.

(Indiana Gaming Commission; 68 IAC 21-1-18)

Rule 2. Application Procedures

68 IAC 21-2-1 Application by qualified organization

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-2-24; IC 4-32.2-5-6

Sec. 1. (a) To obtain a license to conduct an allowable event, an organization must submit a written application on the form or forms prescribed by the commission.

(b) The application shall include the following information:
(1) The name and address of the organization.
(2) The names and addresses of the officers of the organization.
(3) The type of allowable event the organization proposes to conduct.
(4) The physical location where the organization will conduct the allowable event.
(5) The date or dates and time or times of the proposed allowable event.
(6) Sufficient facts for the commission to determine that the organization or the organization's incorporation or founding is a qualified organization as defined in IC 4-32.2-2-24, including any of the following:

(A) A notice issued by the commission under section 2 of this rule in which the commission has determined the organization is a qualified organization.

(B) Evidence that the organization has been previously determined by the commission to be a qualified organization.

(C) The information outlined in section 2(a) of this rule.

(7) The name or names of each proposed operator and worker and sufficient facts to determine that person is qualified to be an operator or worker, including, but not limited to, the proposed operator's or worker's:
(A) address;
(B) date of birth;
(C) length of membership; and
(D) driver's license number or state identification number.
(8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
(9) A current copy of the organization's membership roster or other proof of membership of each proposed operator or worker.
(10) A copy of the lease if the organization is renting the premises at which the gaming activity occurs.

(c) A bona fide civic organization applying for an additional charity game night or festival night under IC 4-32.2-5-6(c) must have:
(1) a 501(c)(4) determination by the Internal Revenue Service; and
(2) registered as a civic organization with the commission by providing copies of the appropriate documents to the commission.

(d) An organization holding an annual convention and exceeding the two hundred dollar ($200) rent limitation must submit the following to the commission:
(1) A convention brochure.
(2) A newsletter distributed to its membership announcing the annual meeting.
(3) Any registration forms for the convention.
(4) Minutes of the meetings showing the discussion and planning of the convention.

(e) If an organization that has been determined by the commission to be a qualified organization does not conduct an allowable event for a period of at least five (5) years, the organization must provide to the commission the information outlined in subsection (a) before conducting an allowable event.

(Indiana Gaming Commission; 68 IAC 21-2-1)

68 IAC 21-2-2 Qualified organization predetermination

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-2-24; IC 4-32.2-4-4

Sec. 2. (a) Before submitting a license application to conduct an allowable event under IC 4-32.2-4-4, an organization may provide to the commission facts sufficient for the commission to make a determination that the organization is a qualified organization as defined in IC 4-32.2-2-24. The information must be submitted on a form prescribed by the commission and must include the following information:
(1) The organization's Indiana taxpayer identification number.
(2) A letter from the Internal Revenue Service stating that the organization is exempt from taxation under Section 501 of the Internal Revenue Code.
(3) Proof that the organization has been in continuous existence for at least five (5) years.
(4) A copy of the organization's bylaws or articles of incorporation.
(5) Proof that the organization is in good standing with the department of state revenue.

(b) Upon receipt and verification of the information required in subsection (a), the commission shall issue a notice to the organization that the organization is a qualified organization as defined in IC 4-32.2-2-24.

(Indiana Gaming Commission; 68 IAC 21-2-2)

68 IAC 21-2-3 License not required; notice

Authority: IC 4-32.2-3-3

Affected: IC 4-32.2-4-3

Sec. 3. An organization conducting an allowable event described in IC 4-32.2-4-3(a) shall send prior written notice to the commission informing the commission of the following:

(1) Verification that the organization has been determined by the commission to be a qualified organization, including any of the following:

(A) A notice issued by the commission under section 2 of this rule in which the commission has determined that the organization is a qualified organization.

(B) Evidence that the organization has been previously determined by the commission to be a qualified organization.

(C) The information outlined in section 2(a) of this rule.

(2) The estimated frequency of the planned allowable event or events.

(3) The location or locations where the qualified organization plans to hold the allowable event or events.

(4) The estimated value of all prizes to be awarded at each allowable event.

(Indiana Gaming Commission; 68 IAC 21-2-3)

68 IAC 21-2-4 Application by a manufacturer or distributor

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-3-4

Sec. 4. (a) In order to sell any licensed supply to a qualified organization or distributor, an entity is required to be licensed as a manufacturer or a distributor under IC 4-32.2-3-4. To obtain an annual license, a manufacturer or distributor must submit a written application on a form prescribed by the commission.

(b) The manufacturer's application shall include all information deemed appropriate by the commission or the executive director, including, but not limited to, the following:

(1) The name of the applicant and the address of the applicant's principal place of business.

(2) The address of each of the applicant's separate locations where items are manufactured.

(3) The name and home address of all owners of the applicant's business if it is not a corporation and, if it is a corporation, the name and address of the following:

(A) The officers of the corporation.

(B) Each person owning at least ten percent (10%) of any class of stock of the corporation.

(4) The name, business address, and home address of the registered agent for service in Indiana if the applicant is a corporation not domiciled in Indiana.

(5) Whether the applicant or any person required to be named in the application is an owner, officer, director, or employee of any other entity that would be licensed under this rule.

(6) A full description of the type of gaming supplies or related equipment that will be manufactured.

(7) The name of each state where the applicant has been licensed to manufacture, supply, or distribute gaming supplies or related equipment, the license numbers, the period of time licensed, and whether or not a license has ever been suspended, revoked, or voluntarily forfeited, and the reason for that action.

(c) A distributor must purchase all licensed supplies to be used in charity gaming in Indiana from a licensed manufacturer or another licensed distributor. The distributor's application shall include the following information:

(1) The full name and address of the applicant.

(2) The name and address of the following:

(A) Each location operated by the distributor from which bingo supplies are stored.

(B) Each owner, if the applicant is not a corporate distributor.

(C) Each shareholder who owns at least ten percent (10%) of any class of stock.

(D) The registered agent for service in Indiana, if it is a corporation not domiciled in Indiana.

(3) A full description of the type of gaming supplies that will be distributed.

(4) The name of each state where the applicant has been a licensed distributor, the license number, the period of time licensed, and whether or not a license has ever been suspended or revoked, and the

reason for that action.
(5) The name and address of every manufacturer from which purchases are made to be distributed in Indiana.

(d) An entity that both manufactures and distributes supplies, devices, or equipment to be used in charity gaming in Indiana must possess a manufacturer's license and a distributor's license.

(Indiana Gaming Commission; 68 IAC 21-2-4)

68 IAC 21-2-5 Denial of license

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-2-24

Sec. 5. The commission may deny a license to an organization, manufacturer, distributor, or individual about whom the commission has reason to believe at least one (1) of the following:
(1) The organization has failed to provide sufficient information for the commission to determine that the organization is a qualified organization as defined in IC 4-32.2-2-24.
(2) The qualified organization has failed to provide information required by IC 4-32.2 and this article.
(3) The manufacturer or distributor has failed to provide information required by IC 4-32.2 and this article.
(4) The applicant has violated a statute, regulation, rule, local ordinance, or other law providing for the best interests of charity gaming.
(5) The applicant has engaged in fraud, deceit, or misrepresentation.

(Indiana Gaming Commission; 68 IAC 21-2-5)

68 IAC 21-2-6 License fees

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 6. (a) All license fees must be paid at the time the application for licensure is submitted to the commission.

(b) The initial license fee and renewal fee for a:
(1) manufacturer is five thousand dollars ($5,000); and
(2) distributor is five thousand dollars ($5,000).

(c) The initial fee on each separate license held by a qualified organization is fifty dollars ($50).

(d) Receipts from sales of any goods, services, or other property sold in direct connection with or because of any gambling aspect of an allowable event must be included in gross receipts as a related activity for purposes of the qualified organization's renewal fee.

(e) The commission may collect outstanding license fees resulting from underreported gaming income from an allowable event and related activities.

(Indiana Gaming Commission; 68 IAC 21-2-6)

68 IAC 21-2-7 Charity gaming licenses

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-4-16

Sec. 7. (a) A full-sized photocopy of the event license is required to be prominently displayed at the facility where the event is being held. The original license must be available for inspection upon request at all times. In addition to the photocopy, a legible sign of adequate dimension of at least eight and one-half (8½) inches by eleven (11) inches must be prominently posted near each entrance and registration area at the event, in such a manner that it can be clearly read by all the players during an event, giving the following:

(1) The name of the qualified organization.
(2) Its license number.
(3) The expiration date of the license.

(b) Application for the following licenses may be made by a qualified organization:
(1) A bingo license that permits the licensee to conduct up to three (3) bingo events per calendar week. This license permits the licensee to:
(A) conduct door prize drawings; and
(B) sell pull-tabs, punchboards, and tip boards;
at the bingo event. An organization cannot have more than one (1) bingo event per day. The bingo license is in effect for one (1) year from the date of issuance.
(2) A special bingo license that permits the licensee to conduct one (1) bingo event at only one (1) time and location. This license permits the licensee to:
(A) conduct door prize drawings; and
(B) sell pull-tabs, punchboards, and tip boards;
at the bingo event.
(3) A charity game night license that permits the licensee to conduct one (1) charity game night at one (1) location. This license permits the licensee to conduct the following:
(A) A card game.
(B) A dice game.
(C) A roulette wheel.
(D) A spindle game.
(E) Door prize drawings.
This license permits the licensee to sell pull-tabs, punchboards, and tip boards at the charity game night event.
(4) A raffle license that permits the licensee to conduct a raffle at only one (1) time and location. This license permits the licensee to:
(A) conduct door prize drawings; and
(B) sell pull-tabs, punchboards, and tip boards;
at the raffle event.
(5) An annual raffle license that permits the licensee to conduct not more than five (5) raffles in the calendar year in which the license is issued. This license permits the licensee to:
(A) conduct door prize drawings; and
(B) sell pull-tabs, punchboards, and tip boards;
at the raffle event.
(6) A door prize license that permits the licensee to:
(A) conduct one (1) door prize event at only one (1) time and location; and
(B) sell pull-tabs, punchboards, and tip boards at the door prize event.
(7) An annual door prize license that permits the licensee to conduct door prize events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to sell pull-tabs, punchboards, and tip boards at the door prize event.
(8) A festival license that permits the licensee to:
(A) conduct:
(i) bingo events;
(ii) charity game nights;
(iii) one (1) raffle event; and
(iv) door prize events; and
(B) sell:
(i) pull-tabs;
(ii) punchboards; and
(iii) tip boards;
at the festival. The festival can only be held once a calendar year and cannot exceed four (4) consecutive days. The raffle event conducted at a festival is not subject to any prize limitations.
(9) A license for a gambling event approved by the commission under IC 4-32.2-4-16, including a water

race license that permits a qualified organization to conduct a water race using qualified personal property in the following manner:

(A) Each item of the qualified personal property is marked with a number corresponding to the number on a chance purchased in a water race.

(B) The winner of the water race is determined by the number of the item of qualified personal property that crosses a designed finish line on the body of water first.

(Indiana Gaming Commission; 68 IAC 21-2-7)

Rule 3. Charity Gaming

68 IAC 21-3-1 Allowable events

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 1. (a) The following events are allowed:
(1) A bingo event.
(2) A charity game night.
(3) A door prize drawing.
(4) A festival.
(5) A sale of pull-tabs, punchboards, or tip boards.
(6) A raffle event.
(7) A water race event.
(8) Any other game of chance conducted as a fundraising activity of a qualified organization and approved by the commission.

(b) A sale of pull-tabs, punchboards, or tip boards may be conducted by a qualified organization at any allowable event. Also, a qualified organization may sell pull-tabs, punchboards, or tip boards at any time on the premises owned or leased by the organization and regularly used by the organization as long as the organization possesses a valid bingo license.

(c) All pull-tabs manufactured or distributed for sale in Indiana must meet the "Standards on Pull-Tabs" adopted by the North American Gaming Regulators Association, October 12, 1991, as amended October 20, 1998, and amended December 12, 2005, which is incorporated by reference. Copies are available from the North American Gaming Regulators Association, 26 East Exchange Street, Suite 500, St. Paul, MN 55101 or http://www.nagra.org.

(d) No organization shall conduct any allowable event in which the winner of a prize is determined, in whole or in part, on a sporting event.

(Indiana Gaming Commission; 68 IAC 21-3-1)

68 IAC 21-3-2 Conducting an allowable event

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2; IC 35-45-5-1

Sec. 2. (a) Except for pull-tabs, punchboards, and tip boards obtained from the state lottery commission, a qualified organization must obtain all licensed supplies from an entity that is licensed by the commission as a manufacturer or distributor.

(b) The purchase of Hoosier Lottery pull-tabs by the qualified organization is only permitted if the qualified organization is licensed by the state lottery commission to sell the items. The provisions of IC 4-32.2 do not apply to the purchase and sale of Hoosier Lottery pull-tabs by a qualified organization.

(c) Only one (1) organization can conduct an event on the same day at the same location. An organization cannot lease its premises to another qualified organization if this would result in more than three (3) events being held on such premises during a calendar week.

(d) An allowable event must begin and end within a period of twenty-four (24) consecutive hours.

(e) The lease of a facility for an allowable event:
(1) must be:
(A) in writing; and
(B) between the qualified organization and the owner of the premises, as determined by the property owner of record on the property tax rolls of the county in which the property is located; and
(2) may not be a sublease.

(f) Except for a festival, an organization must not pay more than five hundred dollars ($500) per event in total for personal property that may be used by the organization to conduct the event. This includes the rental of tables, chairs, and related equipment owned and leased by the lessor who is leasing the facility to the qualified organization for an allowable event. The rental of tangible personal property cannot be based on the revenue generated by the event. For a festival event, the five hundred dollar ($500) limitation only applies to the rental of gambling-related equipment and supplies.

(g) A qualified organization may advertise an allowable event. An advertisement in printed media must contain the name and license number, in bold print, of the organization conducting the event. An advertisement in broadcast media must announce, at the end of the advertisement:
(1) the name of the organization conducting the event; and
(2) that the qualified organization's license number is on file.
A television announcement of the name and license number of the organization conducting the event may be in the form of an audio or a visual, or both. Temporary signage, such as fliers and marquee advertisements, must contain the name of the qualified organization conducting the event, but need not include the qualified organization's license number.

(h) An organization cannot sell a pull-tab, punchboard, or tip board ticket for more than one dollar ($1). Pull-tabs cannot be sold in this state unless a flare accompanies the deal.

(i) An organization may not permit a person less than eighteen (18) years of age to play or participate in an allowable event. However, a person less than eighteen (18) years of age may play or participate in nongambling activities associated with an allowable event. A qualified organization is prohibited from allowing an individual less than eighteen (18) years of age to serve food or drinks to participants in the area where the gaming is occurring.

(j) A qualified organization cannot pay the operators or workers of an allowable event, including tips from the players. A sign printed with a font size legible from a distance of at least ten (10) feet must be prominently posted near each entrance and registration area throughout the event stating that the operators and workers are not allowed to accept tips.

(k) An organization may employ not more than three (3) nonmember Indiana law enforcement officers or private detectives properly licensed in Indiana to perform security services during an allowable event. An organization may not use more than three (3) security personnel unless the organization has prior written approval of the executive director or the executive director's designee.

(l) Neither the operator nor a worker is permitted to participate in the allowable event that is being held. An operator is prohibited from being an operator for more than one (1) qualified organization in a calendar month. A manufacturer, distributor, or an officer of a manufacturer of distributor is prohibited from being an operator or worker at any allowable event.

(m) To obtain express authorization for an exemption from a normal prize limit where permissible in IC 4-32.2, a qualified organization must submit a written application on a form prescribed by the commission

stating the date, time, and location of the event at least forty-five (45) days before the date of the event. The authorization to exceed the normal prize limits must be prominently displayed at the time and location of the event.

(n) An organization may dispose of any unused bingo supplies, punchboards, pull-tabs, tip boards, and any other licensed supplies specified by the commission by shredding, burning, or otherwise destroying them. The organization must notify the commission that such items are to be destroyed thirty (30) days in advance of the destruction, and must provide the following information:
(1) The date the items were destroyed.
(2) The manner of destruction.
(3) A description of the items destroyed.
(4) The quantity of items destroyed.
(5) The serial numbers of the items destroyed.
(6) The trade name of the items.
(7) The reason for destruction.
Destruction of any unused licensed supplies must be certified by one (1) officer of the qualified organization.

(o) If an organization has lost any licensed supplies through theft, fire, flood, or other disaster, the organization must notify the commission in writing of such loss and provide the following information within ten (10) days of the loss:
(1) The date the items were lost.
(2) The manner of loss and a description of the items lost.
(3) The serial numbers of the items lost.
(4) The trade name of the items.
(5) Copies of all insurance forms submitted for the loss.
(6) Any police department or fire department reports created in connection to the loss.
(7) Any other information required by the commission or the executive director.

(p) A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each concealed face bingo card manufactured and sold.

(q) Seal card winners must provide their signature and form of state issued identification, such as driver's license or state issued identification card to redeem their prize.

(r) A charitable organization may not conduct an allowable event on or through the Internet.

(Indiana Gaming Commission; 68 IAC 21-3-2)

68 IAC 21-3-3 Calendar raffle; sale of tickets, calendars, and drawings for prizes

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 3. (a) All calendars must be identical in form and include the following:
(1) The number of the license issued by the commission.
(2) The name and address of the sponsoring organization.
(3) The price of the calendar.
(4) Places for the purchaser to enter his or her name and address.
(5) The date or dates, time or times, and place or places of the drawings.
(6) All designated prize dates and corresponding prizes.

(b) Each calendar sold by an organization shall include a separate identification number, printed on both the purchaser's and the organization's portion of the calendar, numbered consecutively in relation to the other calendars for the same drawing.

(c) No calendar may exceed ten dollars ($10) in cost for each month covered by the calendar.

(d) Tickets for a calendar raffle may not be offered for sale more than one hundred eighty (180) days before the raffle drawing.

(e) A calendar relating to a specific calendar raffle may not be sold after a drawing has taken place for any date on the calendar.

(f) The calendar shall be printed with the prize amount for each date on which a drawing will be conducted.

(g) A calendar may be sold that designates a prize amount for a maximum of three (3) specifically designed days per week on not more than two (2) consecutive days.

(h) The calendars sold for a specific calendar raffle shall have identical drawing dates printed on all calendars sold.

(i) A licensed organization may not change:
(1) any date on which a prize will be awarded; or
(2) the amount of the designated prize;
after the organization has begun the sale of calendars.

(j) A licensed organization shall place a ticket or stub that has been drawn for a specific date back into the container so that the purchaser of that ticket or stub will have a chance to win again on all subsequent drawing dates.

(k) The purchaser of a calendar need not be present at the drawing to win a prize.

(l) The organization that holds a calendar raffle drawing shall furnish a list of prize winners to each calendar holder who provides the organization with a self-addressed stamped envelope and requests the list.

(m) A licensed organization, which has sold a calendar for a specific calendar raffle and subsequently decides not to conduct one (1) or more drawings printed on the calendar, shall refund the pro rata share directly attributable to the canceled drawing to each purchaser, unless such refund is waived in writing by the purchaser.

(n) A licensed organization may not deduct from a refund to a purchaser a handling charge or other amount relating to the expense incurred by the organization in the sale of a calendar.

(o) An organization may:
(1) accept only United States currency and coin from players when conducting an allowable event; and
(2) not extend credit to any player.

(Indiana Gaming Commission; 68 IAC 21-3-3)

68 IAC 21-3-4 Water races

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 4. (a) A qualified organization may lease qualified personal property to conduct a water race described in 68 IAC 21-1-16 without limitation on the amount of rent that may be charged to a qualified organization to lease qualified personal property.

(b) A person that leases qualified personal property to a qualified organization is not considered to be an operator or a worker for the allowable event in which the qualified personal property will be used.

(Indiana Gaming Commission; 68 IAC 21-3-4)

68 IAC 21-3-5 Deviation from provisions

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 5. The executive director or the commission may approve deviations from the provisions of this article upon written request if the executive director or the commission determines that:
(1) the requirement or procedure is impractical or burdensome; and
(2) the alternative means of satisfying the requirement or procedure:
(A) fulfills the purpose of the rule;
(B) is in the best interest of the public and charity gaming in Indiana; and
(C) does not violate IC 4-32.2.

(Indiana Gaming Commission; 68 IAC 21-3-5)

Rule 4. Record Keeping Requirements

68 IAC 21-4-1 Records of qualified organization

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-4-3

Sec. 1. (a) A qualified organization must maintain records of all financial aspects of an allowable event adequate for the commission to conduct oversight as authorized and required by IC 4-32.2 and to report such information to the commission on forms prescribed by the commission. The organization must set up a separate and segregated account to account for all proceeds and expenditures of the allowable event. The records that must be kept and the information that must be submitted on the forms prescribed by the commission include, but are not limited to, the following:
(1) Gross receipts from each type of activity conducted at the allowable event.
(2) Prize payouts.
(3) Net receipts to the organization.
Included in the organization's financial records must be any rental costs associated with conducting the allowable event, including, but not limited to, a facility lease and the lease of tangible personal property.

(b) The appropriate financial forms referenced in subsection (a) must be provided as follows:
(1) All annual license holders must submit the forms referenced in subsection (a) quarterly, not later than January 15, April 15, July 15, and October 15 of each year.
(2) All special event license holders must submit the forms referenced in subsection (a) not more than ten (10) days after the special event is concluded.
(3) All qualified organizations conducting an allowable event under IC 4-32.2-4-3(a) must submit the forms referenced in subsection (a) annually, one (1) year after the date of the first allowable event of a calendar year. If the value of all prizes awarded for a single event exceeds one thousand dollars ($1,000), or exceeds an aggregate of a total of three thousand dollars ($3,000) for all allowable events at any point during the calendar year, a qualified organization shall submit the forms referenced in subsection (a) within ten (10) days of exceeding the limit.

(c) The commission shall be granted unrestricted access to all records, including, but not limited to, the following:
(1) Membership information.
(2) Financial records.

(3) Receipts for the purchase or lease of all licensed supplies.

(d) A qualified organization must retain the following records for four (4) years from the conclusion of the allowable event:
(1) All documents associated with allowable events.
(2) All other documents kept in the regular course of allowable events.

(Indiana Gaming Commission; 68 IAC 21-4-1)

68 IAC 21-4-2 Records of manufacturer or distributor

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 2. (a) An entity licensed as a manufacturer or distributor must keep records adequate for the commission to conduct oversight as authorized by IC 4-32.2 and to report such information to the commission on forms prescribed by the commission. The records required must include, but are not limited to, the following:
(1) A general sales invoice that:
(A) is:
(i) numbered consecutively; and
(ii) prepared in at least two (2) parts, one being issued to the customer and the other retained in an invoice file; and
(B) sets out:
(i) the date of sale;
(ii) the customer name and business address;
(iii) a full description of each item sold, including the serial numbers of the products sold;
(iv) the quantity and sales price of each item;
(v) the manufacturer's or distributor's license number;
(vi) the customer's license number; and
(vii) the gaming card excise tax due on the sale.
(2) Credit memoranda prepared in the same detail as sales invoices.
(3) A sales journal containing at least the following, by calendar month:
(A) The date of sale.
(B) The invoice number of the sale.
(C) The customer name or account number.
(D) The total amount of the invoice.
(E) The total amount of the gaming card excise tax due on the sale.
(4) A complete list of the persons representing the licensee.
(5) Purchase records documenting that all:
(A) bingo supplies;
(B) equipment;
(C) pull-tabs;
(D) punchboards;
(E) tip boards; and
(F) licensed supplies;
were purchased from either a licensed manufacturer or another licensed distributor.

(b) A serial number printed on an item sold must be identifiable with the sales invoice reflecting the sale of the specific item.

(c) Records are required to be maintained until the later of the following:
(1) Six (6) years after the year in which they are created.
(2) The end of the audit if such records are under audit.

(d) Marketing sheets that show the expected gross income, payout, net income, and number of deals in the pull-tab game that have been sold to the qualified organization. "Payout" does not include the cost of the game itself.

(e) If a licensed manufacturer or distributor destroys, discontinues, or otherwise renders unusable bingo supplies, punchboards, pull-tabs, tip boards, or other licensed supplies sold in Indiana, then the manufacturer or distributor must provide the commission with a written list of the items destroyed, including the following:
(1) The quantity.
(2) A description of the items.
(3) Serial numbers.
(4) The date on which the items were destroyed.

(f) A licensed manufacturer or distributor must keep the commission informed of the following:
(1) Its location.
(2) Where the records will be stored if the manufacturer ceases business.

(g) The records referenced in subsections (a) through (e) must be produced upon request by the:
(1) commission;
(2) executive director; or
(3) executive director's designee.

(Indiana Gaming Commission; 68 IAC 21-4-2)

Rule 5. Restrictions

68 IAC 21-5-1 Restrictions

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-5-22

Sec. 1. (a) A qualified organization shall not enter into any formal or informal agreement relating to an allowable event, including, but not limited to:
(1) hiring or contracting operators and workers; or
(2) leasing real or tangible personal property;
with a person affiliated with that organization. Such affiliations include, but are not limited to, members, officers, directors, or members of their family.

(b) Unless otherwise provided in IC 4-32.2-5-22, a manufacturer, distributor, or their officers, employees, or agents shall not affiliate with the gaming operation of a qualified organization in any manner other than the sale or lease of licensed supplies.

(Indiana Gaming Commission; 68 IAC 21-5-1)

Rule 6. Disciplinary Action

68 IAC 21-6-1 Disciplinary action

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2-4-16

Sec. 1. (a) Qualified organizations, manufacturers, and distributors have a continuing duty to maintain compliance with IC 4-32.2 and this article. A commission license does not create a property right, but is a privilege contingent upon continuing compliance and suitability for licensure.

(b) The commission may initiate an investigation or a disciplinary action, or both, against a qualified organization or an individual if the commission has reason to believe the qualified organization or individual:

(1) is not complying with:
(A) IC 4-32.2;
(B) this article; or
(C) any condition imposed on a license under IC 4-32.2-4-16(c);
(2) has failed to accurately account for:
(A) bingo cards;
(B) bingo boards;
(C) bingo sheets;
(D) bingo pads;
(E) pull-tabs;
(F) punchboards;
(G) tip boards;
(H) any other licensed supplies; or
(I) sales proceeds from an event or activity licensed or permitted under this article;
(3) has committed an act of fraud, deceit, or misrepresentation;
(4) has failed to maintain adequate records for the commission to conduct oversight authorized under IC 4-32.2; or
(5) has violated a statute, regulation, local ordinance, or other law providing for the best interests of charity gaming.

(c) The commission may initiate an investigation or a disciplinary action, or both, against a qualified organization or an individual for conduct prejudicial to public confidence in the commission.

(d) A disciplinary action against a qualified organization or an individual shall be pursued in accordance with the procedures in 68 IAC 13, except 68 IAC 13-1-21, 68 IAC 13-1-22, or any other provision therein regarding seizure and forfeiture of gaming devices.

(Indiana Gaming Commission; 68 IAC 21-6-1)

68 IAC 21-6-2 Actions available to an administrative judge and the commission

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2; IC 6-8.1

Sec. 2. The commission may take any of the following actions in a disciplinary action against a qualified organization or an individual:
(1) Suspend or revoke a license.
(2) Lengthen a period of suspension of a license.
(3) Levy a civil penalty against a qualified organization or an individual.
(4) Impose an additional penalty of not more than one hundred dollars ($100) for each day the original penalty goes unpaid.
(5) Prohibit an operator or individual who has been found to be in violation of this article from facilitating or conducting charity gaming.
(6) Collect any underreported license fees.

(Indiana Gaming Commission; 68 IAC 21-6-2)

Rule 7. General Provisions

68 IAC 21-7-1 Coverage of rule

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3; IC 4-32.2

Sec. 1. (a) A person whose application for a license has been denied or has not been renewed under this article may petition for review as outlined in IC 4-21.5-3 and this rule.

(b) As used in this rule, "petitioner" refers to the person whose:
(1) application has been denied by the commission; or
(2) license has not been renewed.

(c) The petitioner shall submit an original and one (1) copy of any request, pleading, or other written document submitted to the commission or the administrative law judge, or both.

(d) Once a petitioner has filed a petition for review, a certificate of service must be attached to each pleading filed. The certificate of service shall indicate that the pleading has been served on each attorney or party of record.

(e) An action involving a denial or nonrenewal must also comply with IC 4-21.5-3.

(Indiana Gaming Commission; 68 IAC 21-7-1)

68 IAC 21-7-2 Petition for review

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-21.5-3-7; IC 4-32.2

Sec. 2. (a) A petition for review shall meet the following requirements:
(1) Be in writing.
(2) State the name, current address, and current telephone number of the petitioner.

(b) To facilitate the review and commission determination regarding the approval or denial of a petition for review, the petitioner may state in detail the reasons why and the facts upon which the petitioner will rely to show that the:
(1) petitioner's application for a license should not have been denied; or
(2) license should have been renewed;
including specific responses to any facts enumerated in the commission's notice of denial or notice of nonrenewal.

(c) A petition for review shall be as follows:
(1) Submitted within the time frame set by IC 4-21.5-3-7. The petition for review shall meet the following requirements:
(A) The petitioner must submit a petition for review in accordance with IC 4-21.5-3-1.
(B) A petition for review must be submitted to the executive director at the commission's office in Indianapolis, Indiana.
(2) Granted or denied as outlined in IC 4-21.5-3.

(d) Once a petition for review is granted, the executive director shall assign a title and case number to the matter.

(e) A petition for review may not be withdrawn or voluntarily dismissed if the executive director or commission determines that withdrawal or voluntary dismissal is not in the best interest of the public and the gaming industry. If the executive director or commission allows a petitioner to withdraw a hearing request, the initial denial or nonrenewal becomes a final commission order.

(f) The commission shall appoint an administrative law judge to conduct a hearing in accordance with this rule. The commission may appoint a commission member to serve as an administrative law judge. The petitioner shall be served with a copy of the letter of appointment, and the letter shall serve as notice of the pendency of the hearing. The administrative law judge who is to conduct the hearing shall establish a hearing date and notify the parties thereof.

(g) Default judgment or dismissal may result at any stage of the proceeding in accordance with IC 4-

21.5-3.

(Indiana Gaming Commission; 68 IAC 21-7-2)

68 IAC 21-7-3 Appearances; service

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-21.5-3-15; IC 4-32.2

Sec. 3. A petitioner may:
(1) represent himself or herself; or
(2) be represented by an attorney or duly authorized representative under IC 4-21.5-3-15.
Service shall be made in accordance with IC 4-21.5-3.

(Indiana Gaming Commission; 68 IAC 21-7-3)

68 IAC 21-7-4 Discovery

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-32.2

Sec. 4. Pursuant to Trial Rule 28F of the Indiana Rules of Trial Procedure, the discovery provisions of Trial Rules 26 through 37 shall apply to all proceedings subject to this rule.

(Indiana Gaming Commission; 68 IAC 21-7-4)

68 IAC 21-7-5 Subpoenas

Authority: IC 4-32.2-3-2, IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-21.5-3-22; IC 4-32.2

Sec. 5. All subpoenas shall be issued in accordance with IC 4-21.5-3-22.

(Indiana Gaming Commission; 68 IAC 21-7-5)

68 IAC 21-7-6 Prehearing conferences

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-21.5-3-18; IC 4-21.5-3-19; IC 4-32.2

Sec. 6. The administrative law judge shall or may hold prehearing conferences to resolve discovery disputes or any other matters as provided in IC 4-21.5-3-18 and IC 4-21.5-3-19.

(Indiana Gaming Commission; 68 IAC 21-7-6)

68 IAC 21-7-7 Motions for summary judgment and other appropriate motions

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-32.2

Sec. 7. The administrative law judge may do the following:
(1) Recommend a directed finding or summary judgment upon the filing of an appropriate motion by any party. These motions shall be made in compliance with the Indiana Rules of Trial Procedure and IC 4-21.5-3.
(2) Hear arguments on the motion for summary judgment or other appropriate motion. The

administrative law judge may require the parties to brief their positions in support of or against the motion for summary judgment or other appropriate motion.

(Indiana Gaming Commission; 68 IAC 21-7-7)

68 IAC 21-7-8 Continuances

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-32.2

Sec. 8. (a) A motion to continue a hearing or deposition must be made at least ten (10) days before the hearing or deposition date unless the requesting party can show good cause.

(b) Continuances may be granted by the administrative law judge upon a showing of good cause.

(c) The administrative law judge may order a continuance of a hearing on the administrative law judge's own initiative.

(Indiana Gaming Commission; 68 IAC 21-7-8)

68 IAC 21-7-9 Proceedings

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-32.2

Sec. 9. (a) The burden of proof is at all times on the petitioner. The charity gaming division of the Indiana gaming commission shall act as the respondent. The petitioner shall have the affirmative responsibility of establishing by a preponderance of the evidence that the:
(1) petitioner should have been awarded a license; or
(2) license should have been renewed.

(b) Any testimony shall be given under oath or affirmation. The administrative law judge or recorder shall be authorized to administer oaths.

(c) Both parties may present an opening statement on the merits. The petitioner proceeds first followed by the respondent. The respondent may not reserve opening statement for a later time. The administrative law judge may determine the length of time each party is permitted for the presentation of an opening statement.

(d) The petitioner shall then present the petitioner's case-in-chief.

(e) Upon conclusion of the petitioner's case-in-chief, the respondent may move for a directed finding. The administrative law judge may:
(1) hear arguments on the motion; or
(2) grant, deny, or reserve any decision thereon, with or without argument.

(f) If:
(1) no motion for directed finding is made; or
(2) such motion is denied or decision reserved thereon;
the respondent may present its case.

(g) Each party may conduct cross-examination of adverse witnesses.

(h) Upon conclusion of the respondent's case, the petitioner may present evidence in rebuttal.

(i) The administrative law judge may:
(1) ask questions of the witnesses; and
(2) request or allow additional evidence at any time, including additional rebuttal evidence.

(j) Both parties may present closing argument. The petitioner proceeds first, then the respondent, and, thereafter, the petitioner may present rebuttal argument. The administrative law judge may determine the length of time each party is permitted for the presentation of closing argument.

(k) The administrative law judge may require or allow the parties to submit posthearing briefs, proposed findings of fact and conclusions of law, or both within:
(1) ten (10) days of the conclusion of the hearing; or
(2) such other time period the administrative law judge might order.

(Indiana Gaming Commission; 68 IAC 21-7-9)

68 IAC 21-7-10 Evidence

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-25; IC 4-21.5-3-26; IC 4-32.2

Sec. 10. (a) The hearing shall be conducted in accordance with IC 4-21.5-3-25 and IC 4-21.5-3-26.

(b) All parties must be afforded an opportunity to investigate and verify information or documents that any party intends to offer in support of his or her case. The administrative law judge may prohibit a party from introducing into evidence any information or documents that the opposing party has not been afforded the opportunity to investigate and verify.

(c) The parties shall, to the fullest extent possible, stipulate all matters that are not or should not be in dispute.

(d) The parties may make objections to evidentiary offers. When an objection is made, the administrative law judge may receive the disputed evidence subject to a ruling at a later time.

(e) The administrative law judge may take official notice as outlined in IC 4-21.5-3-26(b) and IC 4-21.5-3-26(g).

(Indiana Gaming Commission; 68 IAC 21-7-10)

68 IAC 21-7-11 Sanctions and penalties

Authority: IC 4-32.2-3-3
Affected: IC 4-21.5-3-1; IC 4-32.2

Sec. 11. (a) The administrative law judge may impose sanctions and penalties as outlined in Indiana Rules of Trial Procedure 26 through 37 and IC 4-21.5-3.

(b) If a petitioner refuses to testify on his or her own behalf with respect to any question propounded to him or her, the administrative law judge may infer therefrom that such testimony or answer would have been adverse to the case of the party refusing to testify.

(Indiana Gaming Commission; 68 IAC 21-7-11)

68 IAC 21-7-12 Transmittal of record and recommendation to the commission

Authority: IC 4-32.2-3-3

Affected: IC 4-21.5-3-25; IC 4-21.5-3-33; IC 4-32.2

Sec. 12. (a) The record shall consist of those items set forth in IC 4-21.5-3-33.

(b) All records of hearings shall be recorded and transcribed as outlined in IC 4-21.5-3-25.

(c) Copies of the final commission order shall be served on the petitioner by certified mail.

(Indiana Gaming Commission; 68 IAC 21-7-12)

68 IAC 21-7-13 Settlement offers

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 13. (a) The parties may propose settlement offers to the administrative law judge or the commission at any stage of the proceedings where time, the nature of the proceeding, and public interest permit. Such offers may be made at any time prior to the entry of a final order. The commission or the administrative law judge may require that any of the parties to the offer make an oral or written presentation to the administrative law judge or the commission regarding the settlement offer.

(b) Settlement agreements shall meet the following requirements:
(1) Be in writing.
(2) Be signed by the parties to the settlement offer.
(3) Be consistent with the provisions and objectives of the law.
(4) Accurately reflect all the terms of the settlement.
(5) Be accompanied by a proposed order.

(c) If the commission votes to reject a settlement offer, the commission shall direct the executive director to notify the parties in writing, by certified mail or personal delivery, that the settlement offer was rejected. The offer and any documents relating to the offer shall not constitute a part of the record.

(Indiana Gaming Commission; 68 IAC 21-7-13)

68 IAC 21-7-14 Status of applicant for licensure or transfer upon filing request for hearing on a notice of denial

Authority: IC 4-32.2-3-3
Affected: IC 4-32.2

Sec. 14. An applicant who has been denied a license or whose license has not been renewed and who has requested a hearing under this rule shall still be considered an applicant for purposes of compliance with applicable statutory provisions and commission rules.

(Indiana Gaming Commission; 68 IAC 21-7-14)

SECTION 2. 68 IAC 20 IS REPEALED.

Notice of Public Hearing

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