

## RESOLUTION 2019-115

### A RESOLUTION ASSIGNING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO EXERCISE SPORTS WAGERING POWERS AND DUTIES CONFERRED UPON THE COMMISSION BY HOUSE ENROLLED ACT 1015

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-38 and 2019 House Enrolled Act 1015 ("HEA 1015").

The Commission has considered the following factors:

1. HEA 1015 legalizes sports wagering in the State of Indiana and places the powers and duties of the regulation of sports wagering with the Commission.
2. HEA 1015 will be codified under IC 4-38 and becomes effective July 1, 2019.
3. Pursuant to IC 4-38-1-4(2), the Commission is granted all powers necessary and proper to fully and effectively execute IC 4-38.
4. Pursuant to IC 4-38-1-4(8), the Commission may, take any reasonable or appropriate action to enforce this article.
5. The Commission anticipates that as a result HEA 1015 becoming law, it will receive applications for licensure from Licensed Facilities, Vendors, and Sports Wagering Service Providers. The submission of sports wagering applications and preliminary investigations, and the corresponding need to act upon these submissions, will likely not coincide with quarterly Commission meetings.
6. HEA 1015 further provides authority to the Commission to regulate sports wagering in the State of Indiana. This grant of authority includes a number of day-to-day, time sensitive responsibilities vested with the Commission, including but not limited to monitoring wagers and payouts, approving technologies and standards, approving bets, validating audit and reporting processes, and verifying geofence compliance.
7. As such, the Commission finds that a regulatory framework which assigns a significant amount of sole authority with the Commission would be burdensome, unresponsive, and an inefficient use of resources. As a result, it is in the best interest of the Commission and its future sports wagering licensees to assign the right to perform all duties and exercise all powers conferred upon the Commission in IC 4-38, except as described herein, to the Executive Director until and unless otherwise revoked by the Commission.
8. In addition, it is anticipated that Indiana's casino licensees may submit requests under IC 4-33-6-24 to offer retail sports wagering to an allowable inland location. The requests could include sports wagering lounges and kiosks. It is further anticipated that the casino licensees will want to begin these projects in short order to prepare their facilities for the commencement date for sports wagering, which cannot begin before September 1, 2019.
9. Pursuant to IC 4-38-1-4, the Commission has any power specified in IC 4-33 and IC 4-35 concerning the facilities in which gambling games are conducted, including the power to grant such requests to conducted sports wagering inland.
10. Since IC 4-33-6-24 was enacted, the Commission has approved requests from casino licensees to move gaming operations inland. In each instance, plan approval authority was delegated to the Executive Director and then successfully implemented. Based on previous inland moves under IC 4-33-6-24, the Commission finds it will be more efficient and in the best interest of the State to delegate approval and

plan authority for sports wagering lounges and kiosks under IC 4-33-6-24 to the Executive Director through December 31, 2019.

11. The Commission finds that it is in the best interest of sports wagering to limit this assignment and reserve for itself all powers and duties regarding the:
- A. The adoption of administrative rules related to sports wagering under IC 4-38-3;
  - B. The approval of a permanent Certificate of Authority, Vendor license or Sports Wagering Service Provider license issued under IC 4-38;
  - C. The imposition of license denials for applicants seeking the approval of the Commission under IC 4-38; and
  - D. The imposition of non-emergency disciplinary actions against licensees associated with sports wagering operations.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

**SECTION 1: SCOPE**

This resolution applies to the Indiana Gaming Commission and the Executive Director of the Indiana Gaming Commission.

**SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-33, IC 4-35, IC 4-38, Title 68 of the IAC, and HEA 1015 apply to this resolution.

**SECTION 3: ASSIGNMENT OF AUTHORITY TO THE EXECUTIVE DIRECTOR**

The Indiana Gaming Commission hereby assigns to the Executive Director the right to exercise all powers and duties conferred upon the Commission by IC 4-38 and HEA 1015, as described and limited herein.

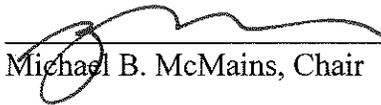
**SECTION 4: EFFECTIVE DATE**

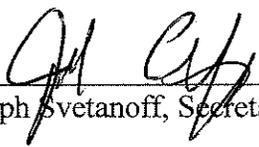
This resolution is effective on July 1, 2019.

**ADOPTED THIS THE 30<sup>th</sup> DAY OF May, 2019.**

**THE INDIANA GAMING COMMISSION:**

**ATTEST:**

  
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Michael B. McMains, Chair

  
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Joseph Svetanoff, Secretary