

RESOLUTION 2020-84
A RESOLUTION UPDATING AUTHORITY PREVIOUSLY GRANTED TO THE EXECUTIVE DIRECTOR TO WAIVE REQUIREMENTS AND PROCEDURES OF 68 IAC 5-1 AND 68 IAC 5-2 IN TRANSFERS INVOLVING TWO LICENSED ENTITIES

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted to it under Ind. Code art. 4-33, Ind. Code art. 4-35, Ind. Code art. 4-38, and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Under 68 IAC 5-1, supplier licensees that are publicly traded companies must comply with certain requirements when transferring an ownership interest, including a suitability investigation and Commission approval, in order to protect the Commission’s interest in the suitability of its licensees.
2. Under 68 IAC 5-2, supplier licensees who are not publicly traded companies must comply with certain requirements before transferring an ownership interest, including a suitability investigation and Commission approval, in order to protect the Commission’s interest in the suitability of its licensees.
3. Pursuant to the Emergency Rules for Sports Wagering, Chapter 2, Section 8(d), [a]n ownership interest in a ...vendor license shall not be transferred unless the transfer complies with 68 IAC 5. Emergency Rules for Sports Wagering, Chapter 2, Section 8(d).
4. The Commission or executive director may waive a requirement or procedure set forth in 68 IAC 5 in the event that the Commission or executive director determines that it is impractical or burdensome and the waiver is in the best interests of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. 68 IAC 1-2-13.
5. Compliance with the requirements of 68 IAC 5-1 and 68 IAC 5-2 are costly and time consuming for both the applicants and the Commission. The policy goal of the two provisions is to ensure that a party seeking an ownership interest is suitable under the Commission’s licensing standards.
6. In instances where the entities involved in the transfer of ownership are Indiana supplier or vendor licensees or are key persons of Indiana supplier or vendor licensees that have already undergone investigation by Commission staff, and are under the continued jurisdiction of the Commission, it is the determination of the Commission that there is little to gain from applying 68 IAC 5-1 or 68 IAC 5-2 to the transaction.
7. In order to improve Commission efficiency and response time, the executive director should be granted the ability to waive the requirements of 68 IAC 5-1 and 68 IAC 5-2 to approve a transfer of ownership that occurs between Indiana supplier or vendor licenses.

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

SECTION 1: DEFINITIONS

The definitions set forth in Ind. Code art. 4-33, Ind. Code art. 4-35, Ind. Code art. 4-38, 68 IAC 5-1-1, and 68 IAC 5-2-1 apply to this resolution.

SECTION 2: GRANT OF AUTHORITY TO THE EXECUTIVE DIRECTOR

The executive director is hereby authorized to waive any of the requirements and/or procedures set forth in 68 IAC 5-1 or 68 IAC 5-2 with regard to transfer of ownership in the event that all entities involved are Indiana licensees currently in good standing.

Additionally, the executive director is authorized to approve any transaction outlined in 68 IAC 5-1 or 68 IAC 5-2 when all entities involved are Indiana licensees currently in good standing.

The authority granted by this resolution is applicable only to supplier or vendor transfers and supplier or vendor licensees and does not provide additional authority to act on other types of ownership transfers.

This Resolution is being presented to supersede and replace Resolution 2017-108 in order to include sports wagering vendors.

SECTION 3: EFFECTIVE DATE

This resolution is effective immediately.

ADOPTED, THIS 10th DAY OF JULY, 2020.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Joseph Svetanoff, Secretary