

## RESOLUTION 2008-38

### A RESOLUTION ADOPTING LSA DOCUMENT #07-748 AS A FINAL RULE

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted to it under IC 4-32.2.

The Commission has considered the following factors:

1. The Commission began promulgation of the attached LSA Rule Document #07-748 under IC 4-22. A Notice of Intent to adopt LSA Document #07-748 was posted at DIN: 20071114-IR-068070748NIA on the *Indiana Register* website on November 11, 2007. The rule was then posted at DIN: 20080213-IR-068070748PRA on the *Indiana Register* website on February 13, 2008.
2. The Commission held a public hearing on this rule in compliance with IC 4-22. The public hearing was held on March 19, 2008 at 1:00 p.m. in the offices of the Indiana Gaming Commission, in Indianapolis, IN. The transcript of the hearing and all written comments that were received were fully considered and implemented where appropriate. The transcript of the hearing has been made available for review by the Commission members.
3. If the Commission approves this Resolution adopting the attached rule document as a final rule, the rule will be forwarded to the Office of the Attorney General and the Governor for approval, and filed thereafter with the *Indiana Register*. The rule will be effective 30 days after it is filed with the *Indiana Register*.

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

#### **SECTION 1: SCOPE**

This resolution applies to all persons subject to the authority granted to the Commission by the General Assembly in Indiana Code 4-32.2 including, but not limited to, all persons and entities licensed by the Commission; all persons or entities that have applied to the Commission for licensure; all qualified organization, manufacturer, and distributor applicants; any person who conducts charity gaming; and any person who sells, distributes or manufacturers licensed supplies.

#### **SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-32.2 and 68 IAC 21 apply to this resolution.

#### **SECTION 3: ADOPTION OF FINAL RULES**

The Commission adopts following rules as reflected on the attached final rule document:

**68 IAC 21**

Pursuant to IC 4-22-2, the Commission adopts the attached final rule document. The rule will be forwarded to the Office of the Attorney General for approval as to legality under IC 4-22-2-32. Upon approval by the Office of the Attorney General, the rule will be submitted to the Governor's Office for approval pursuant to IC 4-22-2-33. After the rule has been approved or deemed approved by the Governor, the rule will be submitted to the *Indiana Register* for filing in accordance with IC 4-22-2-35. The Commission further adopts any stylistic, grammatical, typographical, or other non-substantive changes that the Commission staff or the Legislative Services Agency may make to this rule document before it is printed as a final rule in the *Indiana Register*.

**SECTION 4: EFFECTIVE DATE**

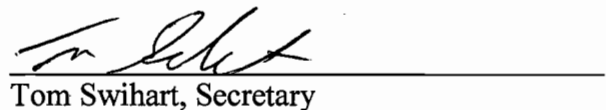
This resolution is effective immediately.

**ADOPTED THIS THE 31<sup>st</sup> DAY OF MARCH, 2008.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
William Barrett, Chair

ATTEST:

  
\_\_\_\_\_  
Tom Swihart, Secretary

# TITLE 68 INDIANA GAMING COMMISSION

Final Rule  
LSA Document #07-748 (F)

## DIGEST

Amends 68 IAC 21-1-16, 68 IAC 21-2-1, 68 IAC 21-2-2, 68 IAC 21-2-6, 68 IAC 21-2-7, 68 IAC 21-3-3, 68 IAC 21-4-1, and 68 IAC 21-6-1, concerning the conduct of charity gaming activities by qualified organizations licensed by the Indiana Gaming Commission, to amend provisions regarding filing of financial reports and make numerous changes in the rules concerning activities allowed under charity gaming licenses. Amends 68 IAC 21-3-1 to create a new allowable event. Amends 68 IAC 21-3-2 to create deadlines for notice publication and protest letters. Makes numerous technical changes. Effective 30 days after filing with the Publisher.

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

**68 IAC 21-1-16; 68 IAC 21-2-1; 68 IAC 21-2-2; 68 IAC 21-2-6; 68 IAC 21-2-7; 68 IAC 21-3-1; 68 IAC 21-3-2; 68 IAC 21-3-3; 68 IAC 21-4-1; 68 IAC 21-6-1**

SECTION 1. 68 IAC 21-1-16 IS AMENDED TO READ AS FOLLOWS:

#### **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 **or owned** by a qualified organization **or donated to 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~~ **designated** finish line on the body of water first.

*(Indiana Gaming Commission; 68 IAC 21-1-16; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 2. 68 IAC 21-2-1 IS AMENDED TO READ AS FOLLOWS:

#### **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. **An application for a license to conduct an allowable event must be received not later than thirty (30) days before the date on which the allowable event is conducted.**

(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(e) 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) (c) 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) **section 2 of this rule** before conducting an allowable event.

*(Indiana Gaming Commission; 68 IAC 21-2-1; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 3. 68 IAC 21-2-2 IS AMENDED TO READ AS FOLLOWS:

**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) **Not later than ninety (90) days before submitting a license application to conducting** an allowable event under IC 4-32.2-4-4, an organization **may not yet determined to be a qualified organization must** 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, **if the organization is a bona fide:**

- (A) **religious;**
- (B) **educational;**
- (C) **senior citizen;**
- (D) **veterans; or**
- (E) **civic**

**organization.**

- (4) **Proof that the organization is a bona fide political organization, if applicable.**

- (5) **Proof that the organization is a state educational institution, if applicable.**

- ~~(4)~~(6) A copy of the organization's bylaws or articles of incorporation.

- ~~(5)~~(7) 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; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 4. 68 IAC 21-2-6 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-2-6 License fees**

Authority: IC 4-32.2-3-3

Affected: IC 4-32.2-6-3

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) If a period of at least five (5) years elapses between the dates on which a qualified organization lawfully conducts a particular allowable event, the license for conducting that particular allowable event for the first time following the five (5) year period shall be considered an initial license for purposes of IC 4-32.2-6-3 and this rule.**

~~(d)~~ (e) 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)~~ (f) 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; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 5. 68 IAC 21-2-7 IS AMENDED TO READ AS FOLLOWS:

### **68 IAC 21-2-7 Charity gaming licenses**

Authority: IC 4-32.2-3-3

Affected: IC 4-32.2-4-16; IC 4-32.2-5-6

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~~ **containing** 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; **and**

**(C) conduct raffle events;**

at ~~the~~ **each** 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; ~~and~~
- (C) conduct raffle events;**

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. **A qualified organization may not conduct more than four (4) charity game night events each calendar year.**

This license permits the licensee to conduct: ~~the following:~~

- (A) A card ~~game;~~**games;**
- (B) A dice ~~game;~~**games;**
- (C) A roulette ~~wheel;~~ **wheels;**
- (D) A spindle ~~game;~~ **games;**
- (E) ~~Door~~ door prize drawings; ~~and~~
- (F) raffle events; and**
- ~~(F)~~ **(G) sales of pull-tabs, punchboards, and tip boards;**

**at the charity game night event.**

(4) **An annual charity game night license that permits the licensee to conduct charity game night events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to conduct:**

- (A) card games;**
- (B) dice games;**
- (C) roulette wheels;**
- (D) spindle games;**
- (E) door prize drawings;**
- (F) raffle events; and**
- (G) sales of pull-tabs, punchboards, and tip boards;**

**at each annual charity game night event.**

~~(4)~~ (5) 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)~~ (6) 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.~~ **raffle events on more than one (1) occasion during a period of one (1) year.** This license permits the licensee to:

- (A) conduct door prize drawings; ~~and~~
- (B) sell pull-tabs, punchboards, and tip boards;

at ~~the~~ **each** raffle event.

~~(6)~~ (7) 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; **and**
- (C) conduct raffles**

**at the door prize event.**

~~(7)~~ **(8)** 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:

- (A) conduct raffle events; and**
- (B) sell pull-tabs, punchboards, and tip boards**

at the door prize event.

~~(8)~~ **(9)** A festival license that permits the licensee to ~~(A)~~ conduct:

- ~~(i)~~ **(A)** bingo events;
- ~~(ii)~~ **(B)** charity game nights;
- ~~(iii)~~ **(C)** one (1) raffle event; **and**
- ~~(iv)~~ **(D)** door prize events; and

~~(B)~~ sell:

~~(i)~~ **(E)** sales of pull-tabs, ~~(ii)~~ punchboards and ~~(iii)~~ tip boards; at the festival. **Subject to IC 4-32.2-5-6(c)**, 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.

**(10) A PPT license that permits the licensee to sell pull-tabs, punchboards, and tip boards at any time and any day during a calendar year on the premises owned or leased by the qualified organization and regularly used for the activities of the qualified organization.**

~~(9)~~ **(11)** A **single event or an annual event** license for a gambling event approved by the commission under IC 4-32.2-4-16, including, but not limited to, **the following:**

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

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

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

**(B)** A license that permits a qualified organization to conduct a **guessing game.**

~~(B)~~ **(C)** Any other gambling event approved by rule of the commission.

*(Indiana Gaming Commission; 68 IAC 21-2-7; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 6. 68 IAC 21-3-1 IS AMENDED TO READ AS FOLLOWS:

**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) A guessing game event.**

~~(8)~~-(9) 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 **annual PPT** 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; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 7. 68 IAC 21-3-2 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 21-3-2 Conducting an allowable event**

Authority: IC 4-32.2-3-3

Affected: IC 4-32.2-4-5; IC 4-32.2-4-7.5; IC 35-45-5-1

Sec. 2. (a) Except for pull-tabs, punchboards, and tip boards obtained from the state lottery commission, all licensed supplies must originally be obtained 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.

(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)~~ (1) in writing; and

~~(B)~~ (2) 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; or

~~(C)~~ (3) a valid sublease between the sublessor and sublessee, with written consent of the assignment by the property owner of record, as determined by the property tax rolls of the county in which the property is located.

(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 or employee of a manufacturer or 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 discovering 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:

- (1) their printed name, signature, **and** date of birth; and
- (2) some form of identification, such as a driver's license or state issued identification card;

to redeem a prize valued at more than fifty dollars (\$50).

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

(s) 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.

**(t) Publication of notice required by IC 4-32.2-4-5(c) and IC 4-32.2-4-7.5(c) shall be made not later than fifteen (15) days after the applicant has received a prelicense review letter issued by the commission.**

**(u) Protest letters referenced in IC 4-32.2-4-5(e) and IC 4-32.2-4-7.5(e) opposing the issuance of an initial annual bingo or annual charity game night license, respectively, must be received by the commission not later than fifteen (15) days after the last publication required by IC 4-32.2-4-5(c) and IC 4-32.2-4-7.5(c), respectively.**

*(Indiana Gaming Commission; 68 IAC 21-3-2; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 8. 68 IAC 21-3-3 IS AMENDED TO READ AS FOLLOWS:

**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~~ **designated** 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.

*(Indiana Gaming Commission; 68 IAC 21-3-3; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 9. 68 IAC 21-4-1 IS AMENDED TO READ AS FOLLOWS:

**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 **each** 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 bank 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~~ **each** 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)~~ **prescribed by the commission** must be provided as follows:

(1) All annual license holders must submit the **appropriate forms referenced in subsection (a) quarterly, prescribed by the commission** not later than ~~January 15, April 15, July 15, and October 15 of each year.~~ **the fifteenth day of the month in which the annual license expires.**

(2) All special event license holders must submit the **appropriate forms referenced in subsection (a) prescribed by the commission** not more than ten (10) days after the special event is concluded.

(3) All qualified organizations conducting an **unlicensed** allowable event under IC 4-32.2-4-3(a) must submit the **appropriate** forms ~~referenced in subsection (a)~~ **prescribed by the commission** 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 **appropriate** forms ~~referenced in subsection (a)~~ **prescribed by the commission** 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)~~ **five (5)** 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; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*

SECTION 10. 68 IAC 21-6-1 IS AMENDED TO READ AS FOLLOWS:

**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(e) **IC 14-**

**32.2-4-16(e);**

(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 that is~~ **inapplicable to charity gaming devices.**

*(Indiana Gaming Commission; 68 IAC 21-6-1; filed May 30, 2007, 8:28 a.m.: 20070627-IR-068060335FRA)*