

ILLINOIS REGISTER

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Video Gaming
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1800.110	New Section
1800.115	New Section
1800.120	New Section
1800.210	New Section
1800.220	New Section
1800.230	New Section
1800.240	New Section
1800.250	New Section
1800.260	New Section
1800.270	New Section
1800.310	New Section
1800.320	New Section
1800.410	New Section
1800.420	New Section
1800.430	New Section
1800.510	New Section
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1800.530	New Section
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1800.560	New Section
1800.570	New Section
1800.580	New Section
1800.610	New Section
1800.615	New Section
1800.620	New Section
1800.625	New Section
1800.630	New Section
1800.635	New Section
1800.640	New Section
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1800.670	New Section
1800.680	New Section
1800.690	New Section
1800.695	New Section
1800.710	New Section
1800.715	New Section
1800.720	New Section
1800.725	New Section
1800.730	New Section

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1800.735	New Section
1800.740	New Section
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1800.770	New Section
1800.780	New Section
1800.790	New Section
1800.810	New Section

- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1 et seq.]
- 5) Effective date of Rules:
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department:
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The Illinois Gaming Board is mandated by Section 78 (b) of the Video Gaming Act [230 ILCS 40/78 (b)] to "adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act."
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules implement the provisions of the Video Gaming Act enacted by Public Act 96-0034 and amended by Public Acts 96-0037 and 96-0038. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations, and provides for the distribution of specified percentages of video gaming revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act.
- 11) Are there any other amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

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- 13) Information and questions regarding this rulemaking shall be directed to

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The full text of the Emergency Rules begins on the next page.

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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40/1 et seq.]

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. _____, effective _____, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

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Section 1800.110 Definitions
EMERGENCY

For purposes of this Part the following terms shall have the following meanings:

“Act”: The Video Gaming Act.

“Affiliate”: An “affiliate of”, or person “affiliated with”, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

“Applicant”: A person applying for any license under the Video Gaming Act.

“Associated video gaming equipment”: Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with: (i) Illinois laws, regulations, and requirements as codified or otherwise set forth; and (ii) Board-approved video gaming industry standards.

“Board”: The Illinois Gaming Board.

“Business entity” or “Business”: A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

“Chi-square test”: A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

“Control”: The possession of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

“Convenience store”: A retail store that is open long hours, sells motor fuel, and a limited selection of snacks and general goods.

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“Credit”: Five, ten, or twenty-five cents.

“Distributor”: An individual, partnership, or corporation licensed under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

“Fraternal organization”: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under Section 501(c)(8) or (C)(10) of the Internal Revenue Code.

“Illinois Resident”:

- 1) With respect to an individual, an individual who maintains a bona fide full time primary place of abode in this state, and does not claim to be a resident of any other state for any purpose whatsoever. Evidence of residency may include, but is not limited to, affidavits, voter registration, automobile registration or driver’s license, filing of income tax returns as a resident of this state for the preceding calendar year, home ownership or rental agreements, club and/or organizational memberships and participation, and telephone or utility usage.
- 2) With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.
- 3) With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.
- 4) With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time such trust became irrevocable.

“License”: Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

“Licensed establishment”: Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. "Licensed

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establishment" does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

“Licensed fraternal establishment”: The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

“Licensed technician”: An individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

“Licensed terminal handler”: A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator, who is licensed under this Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, or corporation defined as a manufacturer, distributor, supplier, technician, or terminal operator under Section 5 of the Video Gaming Act.

“Licensed truck stop establishment”: A facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code.

“Licensed veterans establishment”: The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

“Licensed video gaming location”: A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act.

“Manufacturer”: An individual, partnership, or corporation that is licensed under this Act and that manufactures or assembles video gaming terminals.

“Net terminal income”: Money put into a video gaming terminal minus credits paid out to players.

“Person”: “Person” includes both individuals and business entities.

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“Supplier”: An individual, partnership, or corporation that is licensed under this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

“Terminal operator”: An individual, partnership or corporation that is licensed under this Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

“Veterans organization”: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under Section 501(c)(19) of the Internal Revenue Code.

“Video gaming operation”: As the context requires, the conducting of video gaming and all related activities.

“Video gaming terminal”: Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

**Section 1800.115 Gender
EMERGENCY**

Words importing the masculine gender include females and neutral entities.

**Section 1800.120 Inspection
EMERGENCY**

The Board and its agents shall have unrestricted access to enter the premises or motor vehicles of any licensee or applicant where evidence of compliance or noncompliance with the provisions of the Act or the Adopted Rules may be found.

SUBPART B: DUTIES OF LICENSEES

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**Section 1800.210 General Duties of All Video Gaming Licensees
EMERGENCY**

In addition to all other duties and obligations required by the Video Gaming Act and the Adopted Rules, each video gaming licensee and applicant for licensure under the Act has an ongoing duty to comply with the following:

- a) Comply with all federal, state, and local laws and regulations;
- b) At all times, conduct himself in a professional manner when communicating with the public and the Board;
- c) Disclose all ownership interest to the Board in accordance with the Video Gaming Act and the Adopted Rules;
- d) Conduct the licensee's video gaming operation in a manner that does not pose a threat to the public health, safety, morals, good order or general welfare of the people of the State of Illinois;
- e) Conduct the licensee's video gaming operation in a manner that does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Conduct the licensee's video gaming operation in a manner that does not reflect adversely on the security or integrity of the Illinois video gaming industry;
- g) Keep current in all payments and obligations to the State of Illinois and to other licensees with whom video gaming business is conducted.
- h) Identify to the Board any individual or entity acting on behalf of the licensee, for compensation, with regard to Board action.
- i) Notify the Board of any proposed change in ownership or any transaction that requires approval of qualifications in accordance with the Act and the Adopted Rules.

**Section 1800.220 Continuing Duty to Report Violations
EMERGENCY**

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Licenses and applicants for licensure under the Act and persons with significant influence and control must promptly report all of the following to the Administrator or his designee:

- a) A violation of the Act, the Adopted Rules or any illegal conduct including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
- b) Any fact, event, occurrence, matter or action that may affect the conduct of video gaming or the business and financial arrangements incidental thereto, or the ability to conduct the activities for which the licensee is licensed including, but not limited to, any change in persons identified as having significant influence or control;
- c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations; and
- d) Any adverse action taken or nonrenewal relative to a liquor license.

Section 1800.230 Duties of Licensed Manufacturers
EMERGENCY

In addition to all other duties and obligations required by the Video Gaming Act and the Adopted Rules, each licensed manufacturer has an ongoing duty to comply with the following:

- a) Manufacture video gaming terminals and associated video gaming equipment for placement in the state in accordance with the specifications and procedures set forth in the Act, the Adopted Rules or adopted by the Board;
- b) Maintain and provide inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of video gaming terminals certified for use in Illinois;
- c) Provide technical assistance and training in accordance with the Act and the Adopted Rules;
- d) Comply with the provisions of the Gaming Device Act of 1962, 15 U.S.C. § 1173;

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- e) Obtain all approvals and certifications required by the Video Gaming Act and the Adopted Rules or as required by the Board; and
- f) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

Section 1800.240 Duties of Licensed Distributors
EMERGENCY

In addition to all other duties and obligations required by the Act and the Adopted Rules, each licensed distributor has an ongoing duty to comply with the following:

- a) Buy, sell, distribute, lease, or market in Illinois only video gaming terminals that have been tested and certified for use in Illinois;
- b) Provide technical assistance and training in accordance with the Act and the Adopted Rules; and
- c) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

Section 1800.250 Duties of Licensed Terminal Operators
EMERGENCY

In addition to all other duties and obligations required by the Act and the Adopted Rules, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier or technician, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;

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- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal.
- i) Maintain a separate bank account for each licensed video gaming location for deposit of revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and the Adopted Rules;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative thereof as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;

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- n) Conduct advertising and promotional activities in accordance with the Adopted Rules and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play i) upon order of the Board or an agent of the Board or ii) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board with a current list of video gaming terminals acquired for use in Illinois; and
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee.

**Section 1800.260 Duties of Licensed Technicians
EMERGENCY**

In addition to all other duties and obligations required by the Act and the Adopted Rules, each licensed technician has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of section 35 of the Video Gaming Act;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board; and
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment.

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**Section 1800.270 Duties of Licensed Video Gaming Locations
EMERGENCY**

In addition to all other duties and obligations required by the Act and the Adopted Rules, each licensed video gaming location has an ongoing duty to comply with the following:

- a) Provide a secure premise for the placement, operation and play of video gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any video gaming terminal;
- c) Ensure that all connections with the central communications system and associated video gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;
- d) Accept nothing of value from any video terminal operator or any agent or representative thereof as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- e) Conduct advertising and promotional activities in accordance with the Adopted Rules and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Immediately remove all video gaming terminals from the restricted area of play i) upon order of the Board or an agent of the Board or ii) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed video terminal operators that comply with the Adopted Rules;
- h) Ensure that video gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of video gaming terminals by persons who are under the age of 21 years or who are visibly intoxicated;

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- j) Commit no violations of the laws of this state concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of a liquor license held by or associated with a licensed video gaming location;
- k) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- l) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- m) Ensure that third party checks, including but not limited to payroll checks, are not cashed for video gaming terminal play;
- n) Promptly report all malfunctions of video gaming terminals and all out-of service terminals to the video terminal operator and promptly notify the Board of a terminal operator's failure to provide service and repair of terminals and associated equipment within 24 hours after notice to the terminal operator;
- o) Install, post and display signs as required by the Board;
- p) Promptly notify the Board of any unauthorized or illegal video gaming terminals or any video gaming device that is in violation of section 35 of the Video Gaming Act;
- q) Exercise control over the licensed video gaming location;
- r) Promptly notify the Board of any action taken on or related to any liquor license held;
- s) Maintain insurance coverage on all gaming devices in an amount set by the Board; and
- t) Allow maintenance and/or service of video gaming terminals and associated video gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Board.

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SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

**Section 1800.310 Grounds for Disciplinary Actions
EMERGENCY**

- a) Holders of any license issued under the Act and identified persons with significant influence or control shall be subject to imposition of fines, suspension, revocation or restriction of license, or other disciplinary action for any act or failure to act by themselves or by their agents or employees that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, or that would discredit or tend to discredit the Illinois video gaming industry or the State of Illinois. Without limiting the foregoing, the following acts or omissions may be grounds for such discipline:
- 1) Failing to comply with or make provision for compliance with the Act, the Adopted Rules, any federal, state or local law or regulation, or a control system or protocol mandated by the Board;
 - 2) Failing to comply with any order or ruling of the Board or its agents pertaining to the regulation of video gaming in Illinois;
 - 3) Receiving goods or services from a licensee or other person in violation of the Act's licensing requirements, or in violation of any restriction, condition, or prohibition of a license;
 - 4) Being suspended or ruled ineligible or having a license revoked or suspended in any state or gaming or video gaming jurisdiction;
 - 5) Employing, associating with, or participating in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;
 - 6) Employing, associating with, or participating in any enterprise or business with persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body;

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- 7) Failing to establish and maintain standards and procedures designed to prevent ineligible or unsuitable persons from being employed by the licensee, including any person known to have been found guilty of cheating or using any improper device in connection with any game or gaming device regulated under the Act or under the law of any gaming jurisdiction;
- 8) Misrepresenting any information to the Board;
- 9) Intentionally making, causing to be made, or aiding, assisting, or procuring another to make any false statement in any report, disclosure, application, permit, form, or any other document, including improperly notarized documents, required by the Act, the Adopted Rules or Board requirements;
- 10) Submitting tardy, inaccurate, or incomplete material or information to the Board;
- 11) Obstructing or impeding the lawful activities of the Board or its agents;
- 12) Willfully or repeatedly failing to pay amounts due or to be remitted to the State;
- 13) Failing to timely pay amounts due or to be remitted to the State;
- 14) Failing to timely pay a fine imposed by the Board;
- 15) Failing to respond in a timely manner to communications from the Board;
- 16) Being unavailable to the Board or its representatives or agents;
- 17) Aiding and abetting a violation by a Board member or employee, or other government official, of a requirement established by statute, resolution, ordinance, personnel code or code of conduct;
- 18) Violation of the Act or the Adopted Rules by any person identified as a person with significant influence or control; and

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- 19) Employing, associating with, or participating in any enterprise or business with a person determined unsuitable to be a person with significant influence or control over an applicant or licensee by the Board or any other gaming jurisdiction.
- b) A licensee whose employment has been terminated is subject to revocation of license for any act or failure to act which occurred while licensed.
- c) A person who has had his or her license revoked by the Board may not reapply for a license without permission from the Board.

**Section 1800.320 Minimum standards for Use Agreements
EMERGENCY**

In addition to the requirements set forth in the Act, a Use Agreement must satisfy the following:

- a) Only be between a licensed terminal operator and a licensed establishment, licensed truck stop establishment, license veterans establishment or licensed fraternal establishment;
- b) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed establishment, licensed truck stop establishment, license veterans establishment or licensed fraternal establishment;
- c) Contain an indemnity and hold harmless provision on behalf of the State, the Board, and its agents relative to any cause of action arising from a use agreement;
- d) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator.

SUBPART D: LICENSING QUALIFICATIONS

**Section 1800.410 Coverage of Subpart
EMERGENCY**

The rules contained in this subpart shall govern qualifications for all types of licenses issued by the Board pursuant to the Act.

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**Section 1800.420 Qualifications for Licensure
EMERGENCY**

- a) In addition to the qualifications required in the Act, the Board may not grant any video gaming license until the Board is satisfied that the applicant is:
 - 1) A person of good character, honesty and integrity;
 - 2) A person whose background, including criminal record, reputation and associations, is not injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois;
 - 3) A person whose background, including criminal record, reputation and associations, does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
 - 4) A person whose background, including criminal record, reputation, habits, social or business associations does not adversely affect public confidence and trust in gaming or pose a threat to the public interests of the State or to the security and integrity of video gaming;
 - 5) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of video gaming;
 - 6) A person who does not present questionable business practices and financial arrangements incidental to the conduct of video gaming activities or otherwise;
 - 7) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made;
 - 8) A person who does not associate with, either socially or in business affairs, or employ persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; and

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- 9) A person who has not had a gaming license revoked in any other jurisdiction.
- b) In addition to all other qualifications required in the Act and the Adopted Rules, the Board may not grant a video terminal operator license until the Board is satisfied that the applicant:
 - 1) Is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subdivisions (1) through (9) of this section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and the Adopted Rules; and
 - 2) Has disclosed all persons with significant influence or control over the applicant or licensee.

**Section 1800.430 Persons with Significant Influence or Control
EMERGENCY**

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and the Adopted Rules; and
 - 3) Submit annual disclosure information on forms provided by the Board.
- c) Persons with significant influence and control include, but are not limited, to the following:

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- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
- 2) Each person who holds, directly or indirectly, a “substantial interest” in an applicant or licensee;
- 3) Each person who, in the opinion of the Administrator, has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, other than a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;
- 4) For any non corporate applicant, persons who in the opinion of the Administrator, have the ability to control the applicant.
- 5) Persons having the power to exercise significant influence over decisions concerning any part of the applicant’s or licensee’s video gaming operation;

SUBPART E: LICENSING PROCEDURES

**Section 1800.510 Coverage of Subpart
EMERGENCY**

The rules contained in this subpart shall govern procedures for applying for, renewing and maintaining all types of licenses issued by the Board pursuant to the Act.

**Section 1800.520 Form of Application
EMERGENCY**

All applicants for licenses issued by the Board must submit applications for licensure or renewal of license on forms provided by the Board.

**Section 1800.530 Submission of Application
EMERGENCY**

All applications shall be submitted to the Board at its office in Chicago.

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**Section 1800.540 Application Fees
EMERGENCY**

All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:

- a) Manufacturer - \$5,000
- b) Distributor - \$5,000
- c) Terminal Operator - \$5,000
- d) Supplier - \$2,500
- e) Technician - \$100
- f) Terminal Handler - \$50

**Section 1800.550 Consideration of Applications by the Board
EMERGENCY**

Only complete applications will be considered for licensure. Applications are complete when the applicant has submitted:

- a) All information required by the Act and the Adopted Rules;
- b) All information required or requested by the Board;
- c) Payment of the application fee.

**Section 1800.560 Issuance of License
EMERGENCY**

The Board may only issue a license after the background investigation is complete, the Board determines the applicant is suitable for licensure and the applicant has paid the required application fee.

Section 1800.570 Renewal of License

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- a) The Board may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Board.
- b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and the Adopted Rules.

Section 1800.580 Renewal Fees and Dates

EMERGENCY

A licensee shall pay the following license fees annually, as applicable:

- a) Manufacturer - \$10,000
- b) Distributor - \$10,000
- c) Terminal Operator \$5,000
- d) Supplier - \$2,000
- e) Technician - \$100
- f) Licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment - \$100
- g) Video gaming terminal - \$100
- h) Terminal Handler - \$50

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section 1800.610 Coverage of Subpart

EMERGENCY

The rules contained in this subpart shall govern all hearings requested upon issuance of a notice of denial of an application for licensure. Hearings under this subpart are de novo proceedings

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for the creation of a record regarding an applicant's suitability for licensure. A hearing under this subpart is not an appeal of Board action.

**Section 1800.615 Requests for Hearing Regarding Denial of Application
EMERGENCY**

- a) If the Board finds that an applicant is not suitable for licensing, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant. Service is complete four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.
- d) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:

**Section 1800.620 Appearances
EMERGENCY**

- a) All petitioners may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the petitioner the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.
- b) Only individual attorneys may file appearances. Any petitioner's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.

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- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

**Section 1800.625 Appointment of Administrative Law Judge
EMERGENCY**

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this subpart. The petitioner will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.
- b) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to:
 - 1) Financial interest or pecuniary benefit derived from the gaming industry;

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- 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved;
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

**Section 1800.630 Discovery
EMERGENCY**

- a) Upon written request served on the opposing party, a party shall be entitled to:
 - 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;
 - 2) All documents or other materials in the possession or control of the opposing party which the opposing party reasonably expects will be necessary to introduce into evidence. Petitioner's burden of production includes those documents petitioner reasonably expects to introduce into evidence either in his, her or its case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

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**Section 1800.635 Subpoenas
EMERGENCY**

- a) Subpoenas for the attendance of witnesses at hearing may be served by the petitioner only upon application to the Administrative Law Judge.
 - 1) The petitioner must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the petitioner to appear except under the procedures provided in this section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this subpart F.

**Section 1800.640 Motions for Summary Judgment
EMERGENCY**

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to section 1800.650.

**Section 1800.650 Proceedings
EMERGENCY**

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present opening statements. Petitioner proceeds first.
- d) The petitioner shall then present his, her, or its case-in-chief.

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- e) Upon the conclusion of the petitioner's case-in chief, the Board may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- f) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the Board may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the Board's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing arguments. The petitioner proceeds first, then the Board, and thereafter the petitioner may present rebuttal argument.

**Section 1800.660 Evidence
EMERGENCY**

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the video gaming industry.
 - 1) If relevant and not precluded from the hearing by Section 6 (d) of the Riverboat Gambling Act relating to all licensed applicants, official Illinois Gaming Board records or certified copies thereof shall be admissible into evidence;
 - 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business;

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- 3) A petitioner must afford the Board an opportunity to investigate and verify information that petitioner intends to offer in support of his case. Petitioner shall not be permitted to introduce into evidence any information which the Board has not been afforded the opportunity to investigate and verify.
- b) The parties should, to the fullest extent possible, stipulate to all matters which are not or fairly should not be in dispute.
- c) 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.
- d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and any other fact which may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute such information.

**Section 1800.670 Prohibition on Ex Parte Communication
EMERGENCY**

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending denial, except upon notice to and opportunity for all parties to participate.

**Section 1800.680 Sanctions and Penalties
EMERGENCY**

- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a petitioner fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer therefrom that such testimony or answer would have been adverse to the petitioner's case.

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- c) Failure of a petitioner to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the notice of denial. In such cases the Administrative Law Judge may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner.

**Section 1800.690 Transmittal of Record and Recommendation to the Board
EMERGENCY**

- a) The record shall consist of the following:
 - 1) The notice of denial, the request for hearing and all motions and rulings thereon;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part thereof involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. Said transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.

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- 2) Copies of the final Board order shall be served on petitioner by personal delivery, certified mail or overnight express mail to petitioner's last known address.
- 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to petitioner's last known address.

**Section 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing
EMERGENCY**

An applicant who has been denied a license and who has requested a hearing under this Subpart shall be considered an applicant for purposes of compliance with applicable statutory provisions and the Board's adopted rules until final resolution of the request for hearing.

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

**Section 1800.710 Coverage of Subpart
EMERGENCY**

The rules contained in this subpart shall govern all disciplinary actions against licensees including but not limited to suspension and revocation of a license.

**Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees
EMERGENCY**

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:
 - 1) A statement of the facts supporting the proposed disciplinary action;
 - 2) A description of the rule or statutory section the licensee has violated;
 - 3) A statement or description of the matters asserted and the consequences of the failure to respond;
 - 4) The name and mailing address of the Gaming Board.

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- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by personal service or U.S. certified mail and U.S. regular mail to the last known address of the licensee. Service is complete four days after mailing.

**Section 1800.720 Hearings in Disciplinary Actions
EMERGENCY**

- a) Should a licensee wish to contest the proposed disciplinary action, the licensee must submit a response to the notice of proposed disciplinary action described in section 1800.715 to the Administrator.
- b) All responses shall be in writing and shall include an original and one copy. The response shall contain the following:
 - 1) the name, current address and current telephone number of the licensee;
 - 2) A clear and concise statement admitting or denying each of the factual allegations set forth in the notice of proposed disciplinary action, with each admission or denial being shown in separately numbered paragraphs corresponding to the separately numbered paragraphs in the notice of proposed disciplinary action;
 - 3) For all factual allegations that the licensee denies, a clear and concise statement of fact(s) upon which the licensee relies or will rely on at a hearing;
 - 4) A signature of the licensee;
 - 5) A verification of the licensee in the following form:

The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.
 - 6) The response must be notarized.

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- c) The response must be filed within 21 days of receipt of the notice of proposed disciplinary action. A response shall be deemed filed on the date on which it is postmarked.
- d) If a response is not filed within 21 days of receipt of the notice of proposed disciplinary action then the proposed disciplinary action becomes effective and final immediately.
- e) No response shall be deemed filed if it fails to comply with any of the requirements of this section.
- f) The licensee may submit a response by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.
- g) All responses must be submitted to the Administrator at the Board's offices in Chicago.
- h) If a response is properly filed, an Administrative Law Judge will be appointed to conduct a hearing.

**Section 1800.725 Appearances
EMERGENCY**

- a) All licensees may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a licensee must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the licensee the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.

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- b) Only individual attorneys may file appearances. Any licensee's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.
- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

**Section 1800.730 Appointment of Administrative Law Judge
EMERGENCY**

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this subpart. The licensee will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.
- b) If the licensee believes the Administrative Law Judge is biased or has a conflict of interest, the licensee may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the licensee setting forth the specific grounds for disqualification. The licensee shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the licensee or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the licensee in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest

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exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to

- 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved;
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

**Section 1800.735 Discovery
EMERGENCY**

- a) Upon written request served on the opposing party, a party shall be entitled to:
 - 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;
 - 2) All documents or other materials in the possession or control of the opposing party which the opposing party reasonably expects will be necessary to introduce into evidence. The licensee's burden of production includes those documents the licensee reasonably expects to introduce into evidence either in his case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this section.

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Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

Section 1800.740 Subpoenas

EMERGENCY

- a) Subpoenas for the attendance of witnesses at hearing may be served by the licensee only upon application to the Administrative Law Judge.
 - 1) The licensee must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the licensee to appear except under the procedures provided in this section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this subpart G.

Section 1800.745 Motions for Summary Judgment

EMERGENCY

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to section 1800.750.

Section 1800.750 Proceedings

EMERGENCY

- a) All testimony shall be given under oath or affirmation.
- b) Both parties may present opening statements. The Board will proceed first.

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- c) The Board shall then present its case. The Board shall establish the charges contained in the notice of proposed disciplinary action by a preponderance of the evidence.
- d) Upon the conclusion of the Board's case, the licensee may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- e) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the licensee may present its case.
- f) The licensee bears the burden of rebutting the charges contained in the notice of proposed disciplinary action by clear and convincing evidence.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the licensee's case, the Board may present evidence in rebuttal.
- i) If the Board presents rebuttal evidence, the licensee may present additional, non-cumulative, evidence in surrebuttal.
- j) Both parties may present closing arguments. The licensee proceeds first, then the Board and thereafter the licensee may present rebuttal argument.

**Section 1800.760 Evidence
EMERGENCY**

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the gaming industry.

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- 1) If relevant, and not precluded from the hearing by Section 6 (d) of the Riverboat Gambling Act relating to all licensed applicants, the official Illinois Gaming Board records or certified copies thereof shall be admissible into evidence if such records tend to prove or disprove an allegation contained in the complaint;
- 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business.
 - b) The parties should, to the fullest extent possible, stipulate to all matters which are not or fairly should not be in dispute.
 - c) 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.
 - d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and any other fact which may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute such information.

**Section 1800.770 Prohibition on Ex Parte Communication
EMERGENCY**

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending disciplinary matter, except upon notice to and opportunity for all parties to participate.

**Section 1800.780 Sanctions and Penalties
EMERGENCY**

- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and

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penalties include but are not limited to default judgment or directed finding on one or more issues.

- b) If a licensee fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer therefrom that such testimony or answer would have been adverse to the licensee's case.
- c) Failure of a licensee to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the complaint. In such cases the Administrative Law Judge may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the licensee.

**Section 1800.790 Transmittal of Record and Recommendation to the Board
EMERGENCY**

- a) The record shall consist of the following:
 - 1) The notice of proposed disciplinary action, the response and all motions and rulings thereon;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;
 - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part thereof involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. Said transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations.

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Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on the licensee by personal delivery, certified mail or overnight express mail to the licensee's last known address.
 - 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to the party's last known address.

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED VIDEO GAMING LOCATIONS

**Section 1800.810 Location and Placement of Video Gaming Terminals
EMERGENCY**

- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and the Adopted Rules.
- b) All video gaming terminals must be located in an area restricted to persons over 21 years of age. Any licensed video gaming location which allows minors to enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors.
- c) All video gaming terminals must be located in those areas of a licensed video gaming location with restricted visibility from areas outside of the business.
- d) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit such businesses to the maximum number of video

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gaming terminals permitted under Illinois law for one business as the total number of video gaming terminals authorized for both or more such businesses, where the Administrator determines that such limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.

- 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615 of the Adopted Rules.
 - 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F of the Adopted Rules.
- e) The owner, manager, or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one such owner, manager, or employee.