

IC 4-33-5

Chapter 5. Disclosure of Records

IC 4-33-5-1

License and operator agent contract applicants; disclosure of information

Sec. 1. An applicant for a license or an operating agent contract under this article must provide the following information to the commission:

- (1) The name, business address, and business telephone number of the applicant.
- (2) An identification of the applicant.
- (3) The following information for an applicant that is not an individual:
 - (A) The state of incorporation or registration.
 - (B) The names of all corporate officers.
 - (C) The identity of the following:
 - (i) Any person in which the applicant has an equity interest of at least one percent (1%) of all shares. The identification must include the state of incorporation or registration if applicable. However, an applicant that has a pending registration statement filed with the Securities and Exchange Commission is not required to provide information under this item.
 - (ii) The shareholders or participants of the applicant. An applicant that has a pending registration statement filed with the Securities and Exchange Commission is required to provide only the names of persons holding an interest of more than one percent (1%) of all shares.
- (4) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant or the spouse or children of an applicant has an equity interest of more than one percent (1%) of all shares.
- (5) If the applicant has been indicted, been convicted, pleaded guilty or nolo contendere, or forfeited bail concerning a criminal offense other than a traffic violation under the laws of any jurisdiction. The applicant must include the following information under this subdivision:
 - (A) The name and location of the following:
 - (i) The court.
 - (ii) The arresting agency.
 - (iii) The prosecuting agency.
 - (B) The case number.
 - (C) The date and type of offense.
 - (D) The disposition of the case.
 - (E) The location and length of incarceration.
- (6) If the applicant has had a license or certificate issued by a licensing authority in Indiana or any other jurisdiction denied, restricted, suspended, revoked, or not renewed. An applicant must provide the following information under this subdivision:

- (A) A statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal.
 - (B) The date each action described in clause (A) was taken.
 - (C) The reason each action described in clause (A) was taken.
- (7) If the applicant has:
- (A) filed or had filed against the applicant a proceeding in bankruptcy; or
 - (B) been involved in a formal process to adjust, defer, suspend, or work out the payment of a debt;
- including the date of filing, the name and location of the court, and the case and number of the disposition.
- (8) If the applicant has filed or been served with a complaint or notice filed with a public body concerning:
- (A) a delinquency in the payment of; or
 - (B) a dispute over a filing concerning the payment of;
- a tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and times involved.
- (9) A statement listing the names and titles of public officials or officers of units of government and relatives of the public officials or officers who directly or indirectly:
- (A) have a financial interest in;
 - (B) have a beneficial interest in;
 - (C) are the creditors of;
 - (D) hold a debt instrument issued by; or
 - (E) have an interest in a contractual or service relationship with;
- an applicant.
- (10) If an applicant for an operating agent contract or an owner's or a supplier's license has directly or indirectly made a political contribution, loan, donation, or other payment to a candidate or an office holder in Indiana not more than five (5) years before the date the applicant filed the application. An applicant must provide information concerning the amount and method of a payment described in this subdivision.
- (11) The name and business telephone number of the attorney who will represent the applicant in matters before the commission.
- (12) A description of a proposed or an approved riverboat gaming operation, including the following information:
- (A) The type of boat.
 - (B) The home dock location.
 - (C) The expected economic benefit to local communities.
 - (D) The anticipated or actual number of employees.
 - (E) Any statements from the applicant concerning compliance with federal and state affirmative action guidelines.
 - (F) Anticipated or actual admissions.
 - (G) Anticipated or actual adjusted gross gaming receipts.

(13) A description of the product or service to be supplied by the applicant if the applicant has applied for a supplier's license.

(14) The following information from each licensee or operating agent involved in the ownership or management of gambling operations:

(A) An annual balance sheet.

(B) An annual income statement.

(C) A list of the stockholders or other persons having at least a one percent (1%) beneficial interest in the gambling activities of the person who has been issued the owner's license or operating agent contract.

(D) Any other information the commission considers necessary for the effective administration of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.25; P.L.97-2004, SEC.15.

IC 4-33-5-1.5

Confidential information

Sec. 1.5. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:

(1) Any information concerning a minor child of an applicant.

(2) The Social Security number of an applicant or the spouse of an applicant.

(3) The home telephone number of an applicant, or the spouse or children of an applicant.

(4) An applicant's birth certificate.

(5) An applicant's or applicant's spouse's driver's license number.

(6) The name or address of a previous spouse of the applicant.

(7) The date of birth of the spouse of an applicant.

(8) The place of birth of the spouse of an applicant.

(9) The personal financial records of an applicant or the spouse or minor child of an applicant.

(10) Any information concerning a victim of domestic violence, sexual assault, or stalking.

(11) The electronic mail address of an applicant or spouse or family member of the applicant.

(b) Except as provided in subsections (c) and (d), in addition to information that is confidential under subsection (a), all information maintained by the commission concerning an individual who holds, held, or has applied for an occupational license under this article:

(1) is confidential for purposes of IC 5-14-3; and

(2) may be released by the commission only for law enforcement purposes or to a state or local public agency.

(c) The following information concerning an individual who holds, held, or has applied for an occupational license under this article is not confidential:

(1) The individual's name.

(2) The individual's place of employment.

- (3) The individual's job title.
- (4) The individual's gaming experience.
- (5) The reason for denial or revocation of a license or for disciplinary action against the individual.
- (6) Information submitted by the individual for a felony waiver request under IC 4-33-8-11.

(d) An individual who holds, held, or has applied for an occupational license under this article may waive the confidentiality requirements of subsection (b).

As added by P.L.125-2006, SEC.1. Amended by P.L.104-2008, SEC.2.

IC 4-33-5-2

Commission records

Sec. 2. Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person:

- (1) Except as provided in section 1.5 of this chapter, the information provided under section 1 of this chapter concerning a licensee or an applicant.
- (2) The amount of the wagering tax and admission tax paid daily to the state by a licensed owner or an operating agent.
- (3) A copy of a letter providing the reasons for the denial of an owner's license or an operating agent's contract.
- (4) A copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.26; P.L.125-2006, SEC.2.

IC 4-33-5-3

Fees

Sec. 3. The commission may assess fees for the copying of information provided by the commission.

As added by P.L.277-1993(ss), SEC.124.