

## **IC 4-33-8**

### Chapter 8. Licensing of Occupations

#### **IC 4-33-8-1**

##### **Occupations requiring license**

Sec. 1. The commission shall determine the occupations related to riverboat gambling that require a license under this chapter.

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

#### **IC 4-33-8-2**

##### **Occupational licenses; requirements; fees; duration; renewal; compliance investigations**

Sec. 2. (a) The commission may issue an occupational license to an individual if:

- (1) the individual has applied for the occupational license;
- (2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);
- (3) the commission has determined that the applicant is eligible for an occupational license; and
- (4) an initial license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the application fee of an individual applying for an occupational license to work:

- (1) at the licensed owner's or operating agent's riverboat gambling operation; or
- (2) for the holder of a supplier's license.

The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license shall pay the initial occupational license fee or license renewal fee on behalf of an employee or potential employee. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of an application fee, initial license fee, or license renewal fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year, two (2) years, or (3) years after the date of issuance as determined by the commission.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed upon:

- (1) the payment of a license renewal fee by the licensed owner, operating agent, or holder of a supplier's license on behalf of the licensee in an amount established by the commission; and
- (2) a determination by the commission that the licensee is in compliance with this article.

(e) The commission may investigate the holder of an occupational

license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the licensed owner, operating agent, or licensed supplier. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.14; P.L.92-2003, SEC.35; P.L.142-2009, SEC.14.*

### **IC 4-33-8-3**

#### **Qualifications**

Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

- (1) is at least eighteen (18) years of age;
- (2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games on a riverboat; and
- (4) has met standards adopted by the commission for the holding of an occupational license.

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

### **IC 4-33-8-4**

#### **Management of riverboat gambling operations**

Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

- (1) That an individual applying for an occupational license to manage riverboat gambling operations under this article is subject to background inquiries and requirements similar to those required for an applicant for an owner's license under IC 4-33-6.
- (2) That each individual applying for an occupational license may manage gambling operations for only one (1) licensed owner or operating agent.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.36.*

### **IC 4-33-8-5**

#### **Applications**

Sec. 5. (a) An application for an occupational license must:

- (1) be made on forms prescribed by the commission; and
- (2) contain all information required by the commission.

(b) An applicant for an occupational license must provide the following information in the application:

- (1) If the applicant has held other licenses relating to gambling.
- (2) If the applicant has been licensed in any other state under any other name. The applicant must provide under this subdivision the name under which the applicant was licensed in the other state.
- (3) The applicant's age.
- (4) If a permit or license issued to the applicant in another state has been suspended, restricted, or revoked. The applicant must describe the date and length of a suspension, restriction, or revocation described in this subdivision.

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

#### **IC 4-33-8-6**

##### **Fingerprints**

Sec. 6. An applicant for an occupational license must submit with the application two (2) sets of the applicant's fingerprints. The applicant must submit the fingerprints on forms provided by the commission. The commission shall charge each applicant a fee set by the state police department to defray the costs associated with the search and classification of the applicant's fingerprints.

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

#### **IC 4-33-8-7**

##### **Restrictions on issuance of license**

Sec. 7. The commission may refuse to issue an occupational license to an individual who:

- (1) is unqualified to perform the duties required of the applicant;
- (2) does not disclose or states falsely any information required by the application;
- (3) has been found guilty of a violation of this article;
- (4) has had a gambling related license or an application for a gambling related license suspended, restricted, revoked, or denied for just cause in another state; or
- (5) for just cause is considered by the commission to be unfit to hold an occupational license.

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

#### **IC 4-33-8-8**

##### **Suspension, revocation, or restriction of licenses**

Sec. 8. The commission may suspend, revoke, or restrict an occupational licensee for the following reasons:

- (1) A violation of this article.
- (2) A cause that if known to the commission would have disqualified the applicant from receiving the occupational license.
- (3) A default in the payment of an obligation or a debt due to the state.

(4) Any other just cause.  
*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-8-9**

##### **Schools for training occupational licensees**

Sec. 9. (a) This article does not prohibit a licensed owner or an operating agent from entering into an agreement with a school approved by the commission for the training of an occupational licensee.

(b) Training offered by a school described in subsection (a) must be:

(1) in accordance with a written agreement between the licensed owner or operating agent and the school; and

(2) approved by the commission.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.37.*

#### **IC 4-33-8-10**

##### **Training locations**

Sec. 10. Training provided for occupational licensees may be conducted:

(1) on a riverboat; or

(2) at a school with which a licensed owner or an operating agent has entered into an agreement under section 9 of this chapter.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.38.*

#### **IC 4-33-8-11**

##### **Convicted felons; rehabilitation; waiver**

Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

(1) the individual qualifies for a waiver under subsection (e) or (f); and

(2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

(1) The nature and duties of the position applied for by the individual.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

- (4) The date of the offense or conduct.
- (5) The age of the individual when the offense or conduct was committed.
- (6) Whether the offense or conduct was an isolated or a repeated incident.
- (7) A social condition that may have contributed to the offense or conduct.
- (8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.
- (9) The complete criminal record of the individual.
- (10) The prospective employer's written statement that:
  - (A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and
  - (B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

- (1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).
- (2) A felony of fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.
- (3) A felony of conspiracy to commit a felony described in subdivision (1), (2) or (4) under the laws of Indiana or any other jurisdiction.
- (4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

- (1) the individual has been convicted of committing:
  - (A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4;
  - (B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or
  - (C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and
- (2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.29-1996, SEC.1.*