

IC 4-36-4

Chapter 4. Licensing

IC 4-36-4-1

Retailer's endorsement

Sec. 1. (a) Subject to section 13 of this chapter, the commission shall issue a retailer's endorsement to an applicant that satisfies the requirements of this article. A retailer's endorsement allows the retailer to conduct type II gaming at only the tavern specified in the retailer's application under section 3(b)(2) of this chapter. An applicant must obtain a separate retailer's endorsement for each tavern at which the applicant wishes to conduct type II gaming.

(b) The commission shall affix an endorsement issued under this chapter to the retailer's alcoholic beverage permit that authorizes the retailer to sell alcoholic beverages at the tavern specified in the retailer's application under section 3(b)(2) of this chapter. An endorsement issued under this chapter is valid for one (1) year.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-2

Qualifications to apply for a retailer's endorsement

Sec. 2. (a) To qualify for a retailer's endorsement, a person must operate a tavern licensed under IC 7.1-3 to sell alcoholic beverages to customers for consumption on the premises of the tavern.

(b) The following may not apply for a retailer's endorsement under this article:

- (1) A person holding a horse track permit under IC 7.1-3-17.7.
- (2) A licensed owner of a riverboat licensed under IC 4-33.
- (3) An operating agent who operates a riverboat in a historic hotel district under IC 4-33.
- (4) A qualified organization (as defined in IC 4-32.2-2-24).
- (5) An organization that is eligible to apply for a charity gaming license under IC 4-32.2.
- (6) A person holding a gambling game license issued under IC 4-35-5.
- (7) A person holding a permit issued under IC 7.1-3 for a licensed premises that is not a tavern, including holders of the following:
 - (A) A boat permit.
 - (B) A hotel permit.
 - (C) A fraternal club permit.
 - (D) A resort hotel permit.
 - (E) An airport permit.
 - (F) A satellite facility permit.
 - (G) A microbrewery permit.
 - (H) A social club permit.
 - (I) A civic center permit.
 - (J) A catering hall permit.

- (K) A dining car permit.
- (L) A temporary event permit.
- (M) A permit for any of the following facilities:
 - (i) A stadium.
 - (ii) An automobile race track.
 - (iii) A concert hall.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-3

Application

Sec. 3. (a) To obtain a retailer's endorsement, a person must submit an application form to the commission.

(b) An application submitted under this section must include at least the following:

- (1) The name and address of the applicant and of any person holding at least a ten percent (10%) interest in the applicant.
- (2) The name and address of the tavern for which the applicant seeks a retailer's endorsement.
- (3) The applicant's consent to credit investigations and criminal record searches.
- (4) Waivers and releases signed by the applicant that the commission believes are necessary to ensure a full and complete review of the application.

(c) An applicant must furnish all information requested by the commission, including financial data and documents, certifications, consents, waivers, and individual histories.

(d) The commission shall review the applications for a retailer's endorsement under this chapter and shall inform each applicant of the commission's decision concerning the issuance of a retailer's endorsement.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-4

Investigative costs

Sec. 4. The costs of investigating an applicant for a retailer's endorsement under this chapter shall be paid from the initial endorsement fee paid by the applicant under section 5 of this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-5

Initial fees; renewal fees

Sec. 5. (a) The commission shall charge the following fees for the issuance of a person's initial annual endorsement or license under this chapter:

- (1) Two hundred fifty dollars (\$250) for a retailer's endorsement to conduct a type II gambling operation in the retailer's tavern.
- (2) One thousand dollars (\$1,000) for a distributor's license.

(3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(b) The commission shall charge the following fees for the renewal of a person's annual endorsement or license under this chapter:

(1) The following amounts for a retailer's endorsement:

(A) One hundred dollars (\$100) in the case of a retailer that had adjusted gross revenues of less than twenty-five thousand dollars (\$25,000) in the previous year.

(B) Two hundred fifty dollars (\$250) in the case of a retailer that had adjusted gross revenues of at least twenty-five thousand dollars (\$25,000) but less than fifty thousand dollars (\$50,000) in the previous year.

(C) Five hundred dollars (\$500) in the case of a retailer that had adjusted gross revenues of at least fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000) in the previous year.

(D) One thousand dollars (\$1,000) in the case of a retailer that had adjusted gross revenues of at least one hundred thousand dollars (\$100,000) in the previous year.

(2) One thousand dollars (\$1,000) for a distributor's license.

(3) One thousand five hundred dollars (\$1,500) for a manufacturer's license.

(c) A retailer shall report the amount of the retailer's adjusted gross receipts on the form required to renew the retailer's endorsement. The renewal fee required under subsection (b)(1) must be submitted with the renewal form.

(d) The commission shall deposit all fees collected under this chapter into the enforcement and administration fund established under IC 7.1-4-10.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.16.

IC 4-36-4-6

Determination of adjusted gross revenue

Sec. 6. (a) For the purposes of section 5(b)(1) of this chapter, a retailer's adjusted gross revenue is an amount equal to the difference between:

(1) the retailer's total gross revenue from the retailer's type II gambling operations in the preceding year; minus

(2) the sum of any amounts deducted under subsection (b) in the preceding year.

(b) To determine the amount of a retailer's adjusted gross revenue from the retailer's type II gambling operations in the preceding year under subsection (a), the retailer shall subtract the following from the retailer's gross receipts:

(1) An amount equal to the total value of the prizes awarded in type II gambling games in the preceding year.

(2) The sum of the purchase prices paid for type II gambling games dispensed in the retailer's type II gambling operation in the preceding year.

(3) An amount equal to the amount of license fees paid by the retailer in the preceding year.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.17.

IC 4-36-4-7

Authority to issue a distributor's license

Sec. 7. The commission may issue a distributor's license to an applicant who meets the requirements of this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-8

Authority to issue a manufacturer's license

Sec. 8. The commission may issue a manufacturer's license to an applicant who meets the requirements of this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-9

Applications for distributor's license or a manufacturer's license

Sec. 9. (a) To obtain a distributor's license or a manufacturer's license, a person must submit an application to the commission on a form prescribed by the commission. An applicant shall furnish all information required by the commission.

(b) To qualify for a distributor's license or a manufacturer's license under this chapter, a person must also be a licensed distributor or manufacturer under IC 4-32.2.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-10

Background investigations

Sec. 10. The commission shall conduct or cause to be conducted a background investigation of each applicant for an endorsement or license issued under this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-11

Criminal history records

Sec. 11. Criminal history record information obtained during the investigation of an individual must be maintained by the commission for the term of the endorsement or license and for any subsequent license term.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-12

Authority to require applications to be sworn or affirmed before

a notary public

Sec. 12. The commission may require that an application or other document submitted by an applicant or a licensee must be sworn to or affirmed before a notary public.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-13

Restrictions on the issuance of endorsements or licenses

Sec. 13. The commission may not issue an endorsement or a license to an applicant if any of the following apply:

- (1) The applicant has knowingly made a false statement of material fact to the commission.
- (2) The applicant is found by the commission to lack the necessary financial stability or responsibility for holding an endorsement or license issued under this chapter.
- (3) The applicant, if an individual, is less than twenty-one (21) years of age on the date on which the application is received by the commission.
- (4) The applicant is on the most recent tax warrant list.
- (5) The applicant, if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a felony within the ten (10) years preceding the date of the endorsement or license application, unless the commission determines that:
 - (A) the individual has been pardoned or the individual's civil rights have been restored;
 - (B) after the conviction or entry of the plea, the individual has engaged in the kind of law abiding commerce and good citizenship that would reflect well upon the integrity of the commission; or
 - (C) the individual has terminated a relationship with a person whose actions directly contributed to the conviction or entry of the plea.
- (6) The applicant fails to provide all materials requested by the commission.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-14

Confidentiality of credit and security information

Sec. 14. Credit and security investigation information submitted in connection with an application for an endorsement or a license under this article is confidential and may not be disclosed except for official purposes under this article or under a judicial order.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-15

Written approval required to transfer an endorsement or license

Sec. 15. An endorsement or a license issued under this article may not be transferred without prior written approval of the commission.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-16

Operations under a pending revocation of an endorsement or license

Sec. 16. If the commission proposes to revoke an endorsement or a license issued under this chapter, the licensee may continue to operate under the endorsement or license until the commission has made a decision and all administrative appeals have been exhausted by the licensee.

As added by P.L.95-2008, SEC.13.