

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 03 GAMING PROVISIONS

Chapter .02 Investigation and Licensing

Authority: State Government Article, §§ 9-1A-02, 9-1A-04, 9-1A-06, 9-1A-07, 9-1A-12 –9-1A16, 9-1A-19, and 9-1A-20, Annotated Code of Maryland

.01 Process.

A. General Provisions.

(1) Upon filing of an application for a license under this chapter, other than an operation license, the applicant shall pay a nonrefundable application fee established by the Commission.

(2) If a license **application** must be submitted to the Commission by a particular date, the application documents shall be delivered to the Commission not later than 5 p.m. on the last day of this period, and an application submitted after the deadline may not be accepted or considered by the Commission.

(3) (text unchanged)

B. Applications. (text unchanged)

C. Changes in Application. (text unchanged)

D. Notice of Intended Change in Licensed Video Lottery Employee's Employment Status.

(1) Within 14 calendar days before a change in employment status, a licensee shall notify the Commission of the intended change in employment by submitting forms and documents required by the Commission in the manner set forth in §B of this regulation.

(2) A licensee submitting notification of an intended change in employment status shall comply with the application requirements and processes set forth in §B of this regulation.

(3) The Commission shall conduct a background investigation of the individual to verify that the individual's license remains in good standing.

(4) No later than 15 days after the Commission issues the notification that the individual's license is not in good standing, the licensee shall submit:

(a) Information, documentation, or assurances to establish, by clear and convincing evidence that the licensee remains qualified to hold a license; and

(b) Any other information, documentation, or assurances required by the Commission.

(5) If the licensee has been separated from employment with a facility for more than 6 months and notified the Commission of an intended change in employment status, the licensee shall pay the fee for conducting a criminal history records check specified in Regulation .03B of this chapter.

(6) The Commission may not approve a change in employment status for a video lottery employee licensee who fails to establish, by clear and convincing evidence, all license qualification criteria.

(7) A video lottery employee may not effect a change in employment status without prior Commission approval.

Ð. **E.** Burden of Proof.

(1) The **An applicant and licensee shall always bear the** burden of proof shall be on the applicant to show by clear and convincing evidence that the applicant **or licensee** complies with the **laws and** regulations of the Commission regarding eligibility and qualifications for the license, **including:**

(a) When an applicant submits a license application;

(b) At a hearing on a recommended denial of a license;

(c) When a video lottery employee licensee notifies the Commission of an intended change in employment status;

(d) At a hearing on a recommended revocation of a license; and

(e) In any other instance where qualifications for a license issued under a provision of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland are at issue.

(2) Subject to State Government Article, §9-1A-14(c)(8), Annotated Code of Maryland, the Commission may deny a video lottery employee license to an applicant whose past or present conduct would bring the State into disrepute.

(3) The Commission may deny a license to an applicant whose gaming license has been suspended or revoked in another jurisdiction.

Ê. **F.** Administrative Costs of Background Investigations.

(1) Promptly upon receipt of an invoice from the Commission, an applicant for a license or a licensee who has notified the Commission of an intended change in employment status shall reimburse the Commission for:

(a) The administrative costs associated with performing background investigations of the applicant, licensee who has notified the Commission of an intended change in employment status, and any individual required to provide information under Regulation .04 of this chapter; and

(b) Any payments made by the Commission to a person approved by the Commission to conduct the background investigations.

(2) Failure to reimburse the Commission shall be grounds for disqualification of the applicant, or disapproval of a licensee's change in employment status.

(3) The Commission may require an advance deposit from an applicant or a licensee who has notified the Commission of an intended change in employment status for the Commission's estimate of the administrative costs of conducting the applicant's or licensee's background investigation.

(4) The Commission shall refund ~~to an applicant~~ any unused amount of the advance deposit.

F. G. Payment and collection. Applicants shall pay the administrative costs and fees required under this regulation by:

(1) Wire transfer;

(2) Money order;

(3) Certified check ~~made payable to the "Maryland Lottery and Gaming Control Commission;"~~ or

(4) Any other manner designated by the Commission.

G. H. Continuing Obligations. (text unchanged)