

**-Title 36 STATE LOTTERY AND GAMING CONTROL AGENCY**

**Subtitle 07 INSTANT BINGO MACHINES IN ANNE ARUNDEL AND CALVERT COUNTIES**

**Chapter 02 – Application and Licensing**

Authority: State Government Article, § 9-110 and Criminal Law Article, § 12-308, Annotated Code of Maryland

**.01 Process.**

A. Upon filing an application for a license under this subtitle, the applicant shall pay a nonrefundable application fee established by the Commission.

B. If a license application must be submitted to the Commission by a particular date, the application shall be submitted not later than 5 p.m. on the last day of this period, and an application submitted after the deadline need not be accepted nor considered by the Commission.

C. Applications.

(1) Documents submitted to the Commission under this chapter shall consist of an original and the number of copies required by the Commission and shall be in the electronic format required by Commission.

(2) Documents and information submitted to the Commission in a license application shall be sworn before a notary public as to their truth and validity by the applicant or, if the applicant is not an individual, by the chief executive officer of the applicant.

D. Director Review.

(1) Upon receipt of an application by the Commission, the Director shall review the application to determine whether it contains all the information required under this chapter.

(2) If the Director determines that the required information has not been submitted, the Director shall notify the applicant in writing and state the nature of the deficiency.

(3) An applicant notified in accordance with §D(2) of this regulation may submit the documents necessary to complete the application not later than 15 days after issuance of the notification.

(4) When the Director determines that an application contains all of the required information, the Director shall certify in writing that the application has been received by the Commission.

(5) An applicant who is notified in accordance with §D(2) of this regulation and who fails to submit the requested documents in a timely manner need not be certified by the Director, and the Commission need not consider the application.

#### E. Changes in Application.

(1) If information submitted by an applicant as part of a license application changes or becomes inaccurate before the Commission acts on the application, the applicant shall immediately notify the Director in writing of the change or inaccuracy.

(2) After an application has been filed by an applicant, the applicant may not amend the application except:

(a) To address a deficiency in accordance with a notice sent under §D(2) of this regulation;

(b) As required by the Commission or the Commission staff for clarification of information contained in the application; or

(c) To address a change in the circumstances surrounding the application that was outside the control of the applicant and that affects the ability of the applicant to comply with the law or the regulations of the Commission.

(3) To amend an application under §E(2)(c) of this regulation, an applicant shall file with the Director a written request to amend the application, stating:

(a) The change in the circumstances surrounding the application that necessitates the amendment;

(b) The nature of the amendment; and

(c) The reason why the amendment is necessary to bring the application into compliance with the law or the regulations of the Commission.

(4) The Commission shall grant or deny each request filed under §E(3) of this regulation.

(5) A request shall be granted if the applicant demonstrates to the satisfaction of the Commission that:

(a) The circumstances requiring the amendment were outside the control of the applicant;

(b) Before the change in the circumstances surrounding the application, the application complied with the pertinent provisions of the law or the regulations of the Commission; and

(c) The amendment is necessary to bring the application into compliance with the pertinent provisions of the law or the regulations of the Commission.

(6) An application for an instant bingo principal employee license may be withdrawn if the:

(a) Applicant submits a written request to the Commission to withdraw the application; and

(b) Written request is submitted before the Commission has denied the application.

#### F. Burden of Proof.

(1) The burden of proof shall be on the applicant to show that the applicant complies with the regulations of the Commission regarding eligibility and qualifications for the license.

(2) The Commission may deny an instant bingo principal 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.

#### G. Administrative Costs of Background Investigations.

(1) Promptly upon receipt of an invoice from the Commission, an applicant for a license shall reimburse the Commission for:

(a) The administrative costs associated with performing background investigations of the applicant and any individual required to provide information under Regulation .02 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 and denial of the license application.

(3) The Commission may require an advance deposit from an applicant for the Commission's estimate of the administrative costs of conducting the applicant's background investigation.

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

H. 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 "State of Maryland"; or
- (4) Any other manner designated by the Commission.

I. Continuing Obligations.

(1) Applicants who are awarded a license shall, during the term of their licensures, conform to all of the information contained in their license applications.

(2) Failure to conform to the information contained in a license application shall be grounds for the Commission invoking against the licensee the sanctions described in COMAR 36.07.02.17.

**.02 Personal and Background Information.**

A. Except as otherwise provided by this regulation, the application documents shall include the information under §B of this regulation, for an individual who is:

- (1) The applicant;
- (2) A director, officer, or key management individual with the applicant;
- (3) A partner of the applicant; or
- (4) An owner of an interest of 5 percent or more in the applicant.

B. An individual listed under §A of this regulation shall furnish the following:

- (1) Full name and any previous names or aliases;
- (2) Date of birth;

- (3) Physical description;
- (4) Home and business addresses and telephone numbers;
- (5) Driver's license number and state of issuance;
- (6) Social Security number; and
- (7) Passport or identification photo.

C. If the applicant is a corporation, the application documents shall state the:

- (1) State in which the applicant is incorporated; and
- (2) Name and address of the applicant's agent for service of process in Maryland.

D. If an applicant is a nonprofit corporation, only an individual who is a director or officer of the applicant shall provide the information required under §B of this regulation.

E. The Commission may require an applicant to furnish the information listed in §B of this regulation with regard to the applicant's family and associates.

F. Inadvertent, non-substantive errors that might be made in furnishing the information required by this regulation may not be used as a reason by the Commission for disqualifying the applicant.

### **.03 Information for Background Investigation.**

An individual required to provide information under Regulation .02 of this chapter shall also submit a completed background form supplied by the Commission which includes a statement disclosing whether the individual has ever been:

- A. Arrested;
- B. Convicted of, pled nolo contendere to, or received probation before judgment for, a felony or misdemeanor, other than a misdemeanor traffic offense;
- C. Sanctioned by a government agency related to gaming;
- D. Found liable in connection with a civil action related to gaming;
- E. A debtor in a bankruptcy proceeding; or
- F. Denied a bond.

### **.04 Consent for Investigation.**

A. An individual who is required to provide personal and background information under Regulation .02 of this chapter shall provide a statement that irrevocably gives consent to the Commission, the Maryland State Police, and persons authorized by the Commission to:

- (1) Verify all information provided in the application documents; and
- (2) Conduct a background investigation of the individual.

B. An applicant shall authorize the Commission to have access to any and all information the applicant has provided to any other jurisdiction while seeking a similar license in that other jurisdiction, as well as the information obtained by that other jurisdiction during the course of any investigation it may have conducted regarding the applicant.

#### **.05 Organizational Documents.**

A. If the applicant is a corporation, the application documents shall include a:

- (1) Statement of when the corporation was organized;
- (2) Copy of the articles of incorporation and bylaws of the corporation;
- (3) Statement and documentation of whether the corporation has been reorganized or reincorporated during the 5-year period preceding the date on which the application documents are submitted to the Commission; and
- (4) Statement and documentation of whether the corporation has filed restated articles of incorporation.

B. If the applicant is an unincorporated business association, the application documents shall include a:

- (1) Copy of each organizational document of the applicant, including any partnership agreement; and
- (2) Description of any oral agreements involving the organization of the applicant.

#### **.06 Owners.**

A. If the applicant is an unincorporated business association, the application documents shall identify:

- (1) Each person who exercises voting rights in the applicant; and
- (2) Each person who directly or indirectly owns 5 percent or more of the business association.

B. If the applicant is authorized to issue capital stock, the applicant shall state, for each class of stock authorized, the:

- (1) Total number of shares;
- (2) Par value, if any;
- (3) Voting rights;
- (4) Current rate of dividend; and
- (5) Number of shares outstanding and the market value of each share.

C. If the applicant is a corporation, the application documents shall identify each person who:

- (1) Exercises voting rights in the corporation; and
- (2) Directly or indirectly owns 5 percent or more of the corporation.

D. The application documents shall include a certified copy of each voting trust or voting agreement in which capital stock of the applicant is held and shall state the:

- (1) Name and address of each stockholder participating in the trust or agreement;
- (2) Class of stock involved; and
- (3) Total number of shares held by the trust or agreement.

E. The application documents shall describe the terms of any proxy by which any capital stock may be voted and shall state the:

- (1) Name and address of the person holding the proxy;
- (2) Name and address of the stockholder who granted the proxy;
- (3) Class of stock for which the proxy may vote; and
- (4) Total number of shares voted by the proxy.

F. The application documents shall state any provisions, and the procedures by which these provisions may be modified, for the redemption, repurchase, retirement, conversion, or exchange of an ownership interest.

G. The application documents shall state whether the applicant's stock may be traded through options and whether the corporation or a stockholder has executed an agreement or contract to convey any of the corporation's or the stockholder's stock at a future date.

H. The application documents shall include a copy or a description of each agreement or contract disclosed under §G of this regulation.

I. The application documents shall include a copy of each prospectus, pro forma, or other promotional material given to potential investors about the facility.

J. The application documents shall provide full disclosure for any stock options that may exist or have been granted.

**.07 Directors, Officers, and Partners.**

A. If the applicant is not an individual, the application documents shall include a list of the individuals who are serving, or who are designated to serve, during the first year after the date the application documents are submitted to the Commission, either as a director, officer, partner, or an individual having key management responsibility.

B. For each individual listed under §A of this regulation, the applicant shall provide:

- (1) The individual's name and address;
- (2) Each position or office of the applicant held by the individual;
- (3) The individual's principal occupation during the 5-year period preceding the date on which the application documents are submitted to the Commission; and
- (4) The nature and extent of any ownership interest that the individual has in the applicant.

**.08 Controlling Entity.**

The application documents shall:

A. State whether another entity has a beneficial ownership in the applicant, as defined in Business Regulation Article, §11-301, Annotated Code of Maryland;

B. Describe the:

- (1) Nature of the beneficial ownership; and
- (2) Extent of control exercised by the beneficial owner; and

C. Include information and documents required under Regulations .04—.09 of this chapter as to each beneficial owner.

**.09 Outside Interests.**

A. The application documents shall state whether the applicant, a director, officer, or partner of the applicant, or an owner of 5 percent or more of an interest in the applicant:

- (1) Has ever held an ownership interest in a licensee of the Commission; or
- (2) Is currently engaged in the business of gaming in another state, and the nature and extent of that involvement.

B. The applicant shall describe the nature of participation stated under §A of this regulation.

**.10 Bonds.**

A. The Commission may require an applicant or licensee to obtain a bond before the Commission issues or reissues a license.

B. A bond shall be for the benefit of the State for the faithful performance of the requirements imposed by Maryland Criminal Law Article, §12-301.1, Annotated Code of Maryland, and any regulations issued under that section.

C. The Commission may not issue or reissue a license unless it has received satisfactory proof of a bond.

D. The Commission may apply a bond to the payment of an unpaid liability of the applicant or licensee.

**.11 Instant Bingo Facility License**

A. General.

(1) Unless a facility operator holds a valid facility license issued by the Commission, the facility operator may not ~~offer the~~operate an game of instant bingo machine.

(2) The following persons must meet the Commission's facility license requirements:

- (a) A facility; and
- (b) Each person that owns or controls a facility.

B. Qualification Requirements.

The Commission may issue a facility license to a facility that has:

- (1) Paid the application and license fee under § C of this regulation;
- (2) If required, obtained a bond required under Regulation .10A of this chapter;
- (3) Furnished the Commission with the information and documentation required under this chapter; and
- (4) Provided the Commission with sufficient information to establish that the facility has otherwise qualified for a facility license.

C. Application and License Fees.

- (1) The application fee for a person is:
  - (a) \$5,000 for a facility that will operate more than 10 instant bingo machines; or
  - (b) \$150 for a facility that will operate 10 or fewer instant bingo machines.
- (2) The license fee for a person is:
  - (a) \$2,500 for a facility that will operate more than 10 instant bingo machines; or
  - (b) \$150 for a facility that will operate 10 or fewer instant bingo machines.
- (3) The annual license fee for each instant bingo machine in operation at a facility is \$150.

D. The facility license authorizes the licensee to ~~offer the game of~~operate an instant bingo machine.

E. The facility license issued by the Commission shall specify the:

- (1) Date and time at which operations may commence; and
- (2) Maximum number of instant bingo machines that may be operated by the facility operator under the facility license.

F. The Commission may issue a facility license subject to conditions.

G. The Commission may issue a facility license after determining that:

- (1) The facility complies with the regulations of this chapter;
- (2) All instant bingo machines and associated equipment to be used in the facility have been tested and comply with any standards established by the Commission;
- (3) The facility operator is prepared to implement the internal controls, surveillance and security procedures that are necessary to ensure that the operation of the instant bingo machines and facility is conducted safely and legally.

H. A licensee has a continuing duty to inform the Commission of an act or omission that the licensee knows or should know constitutes a violation of the Commission's regulations.

I. Term; Renewal; License Renewal Fee.

- (1) The term of a facility license is ~~5~~15 years.
- (2) The Commission may renew the license if, before the term of the license expires, the licensee applies for renewal; and
  - (a) Continues to comply with all licensing requirements;
  - (b) Submits to a background investigation under Regulation .03 of this chapter; and
  - (c) Pays a license renewal fee in the amount of the license fee that is required under § C(2) of this regulation.

**.12 Manufacturer Licenses.**

A. Unless a manufacturer holds a valid manufacturer's license issued by the Commission, the manufacturer may not offer any instant bingo machine, associated equipment or software, or goods or services that directly relate to the operation of instant bingo machines.

B. The following persons must meet the Commission's manufacturer license requirements:

- (1) A manufacturer; and
- (2) Each person that owns, controls, or is a representative of a manufacturer.

~~C. A manufacturer of instant bingo machines shall meet the requirements of and be licensed as a manufacturer of:~~

~~(1) Video lottery terminals or table games under COMAR 36.03.02.13; or~~

~~(2) Electronic gaming devices under COMAR 36.06.03.12 C. A manufacturer of instant bingo machines shall meet the requirements of and be licensed as a manufacturer under this Regulation or COMAR 36.03.02.13.~~

D. Qualification Requirements.

The Commission may issue a manufacturer license to a person that has:

- (1) Paid the application and license fee under § E of this regulation;
- (2) If required, obtained a bond required under Regulation .10A of this chapter;
- (3) Furnished the Commission with the information and documentation required under this chapter; and
- (4) Provided the Commission with sufficient information to establish that the facility has otherwise qualified for a facility license.

E. Application and License Fees.

- (1) The application fee for a person is \$10,000 for a manufacturer of an instant bingo machine.
- (2) The license fee for a person is \$5,000 for a manufacturer of an instant bingo machine.

F. The manufacturer license authorizes the licensee to manufacture or distribute an instant bingo device to a licensed facility.

G. The Commission may issue a manufacturer license subject to conditions.

H. Term; Renewal; License Renewal Fee.

- (1) The term of a manufacturer license is 5 years.
- (2) The Commission may renew the license if, before the term of the license expires, the licensee applies for renewal; and
  - (a) Continues to comply with all licensing requirements;
  - (b) Submits to a background investigation under Regulation .03 of this chapter; and

(c) Pays a license renewal fee in the amount of the license fee that is required under § E(2) of this regulation.

I. A manufacturer shall pay the Commission an annual license fee of \$150 for each of its instant bingo machines in operation at a facility.

J. A manufacturer who operates, maintains, supports, manufactures, or distributes an unlawful gaming device of any sort is subject to revocation of the instant bingo manufacturer license and any other sanction available under Regulation .17 of this chapter.

~~D. A manufacturer shall pay the Commission an annual license fee of \$150 for each of its instant bingo machines in operation at a facility.~~

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### **.13 Principal Employee Licenses.**

A. Unless an individual holds a valid principal employee license issued by the Commission, the individual may not be employed by a licensee as a principal employee.

B. Qualification Requirements.

The Commission may issue a principal employee license to an individual who is employed by a licensee, and who has:

- (1) Paid the application and license fee under §C of this regulation;
- (2) If required, obtained a bond required under Regulation .10 of this chapter;
- (3) Furnished the Commission with the personal and background information required under Regulation .02 this chapter; and
- (4) Provided the Commission with sufficient information to establish that the individual is qualified for a principal employee license.

C. Application and License Fees.

- (1) The application fee for a principal employee is:
  - (a) \$1,250 for a facility that will operate more than 10 instant bingo machines; or
  - (b) \$150 for a facility that will operate 10 or fewer instant bingo machines.
- (2) The license fee for a principal employee is:

(a) \$375 for a facility that will operate more than 10 instant bingo machines; or

(b) \$150 for a facility that will operate 10 or fewer instant bingo machines.

D. The principal employee license authorizes the licensee to function as a principal employee for any licensee in the State.

E. A principal employee may not play an instant bingo machine or other electronic gaming device at a facility:

(1) Where the individual is employed; or

(2) That is operated by the individual's employer.

F. A licensee has a continuing duty to inform the Commission of an act or omission that the licensee knows or should know constitutes a violation under Maryland Criminal Law Article, §12-301.1, Annotated Code of Maryland or the Commission's regulations.

G. Term; Renewal; License Renewal Fee.

(1) The term of a principal employee license is 5 years.

(2) The Commission may renew the license if, before the term of the license expires, the licensee:

(a) Applies for renewal;

(b) Continues to comply with all licensing requirements;

(c) Maintains employment as a principal employee;

(d) Submits to a background investigation under Regulation .04 of this chapter; and

(e) Pays a license renewal fee of:

(i) \$375 for a facility that will operate more than 10 instant bingo machines; or

(ii) \$150 for a facility that will operate 10 or fewer instant bingo machines.

H. Sponsored license.

(1) The Commission may issue to a principal employee license applicant a sponsored license to permit the individual to legally work as a principal employee before the Commission's licensing process is complete.

(2) A licensed facility operator or manufacturer may submit an application for a sponsored license on behalf of an individual who is seeking a principal employee license.

(3) An application for a sponsored license shall be in a format designated by the Commission and shall include:

- (a) A completed application for a principal employee license;
- (b) Payment of the fees required under § C of this regulation;
- (c) Documentation to verify that the sponsor has:
  - (i) Offered the individual at least conditional employment;
  - (ii) Obtained bond as required under Regulation .10; and
  - (iii) Performed, at a minimum, a Social Security database check, criminal check, employment verification, and a national database search.

(4) The Commission may grant a sponsored license after:

- (a) Receiving all items required under § H(3) of this regulation; and
- (b) Performing on the individual a:
  - (i) Criminal background investigation under Regulation .04; and
  - (ii) Credit check.

(5) A sponsored license:

- (a) Is valid for one non-renewable one-year term;
- (b) Is not transferable to employment with a different facility operator or manufacturer; and
- (c) Automatically converts to a principal employee license when the Commission notifies the sponsor that the individual meets the license qualification requirements under § B of this regulation.

**.14 Instant Bingo Manager Licenses.**

A. Unless an individual holds a valid instant bingo ~~employee-manager~~ license issued by the Commission, the individual may not be employed by a licensed facility operator, manufacturer, or contractor as an instant bingo manager.

B. The Commission may issue an instant bingo manager license to an individual who has:

- (1) Paid an application fee in the amount of \$150;
- (2) Paid a license fee of \$150;
- (3) Unless exempt, obtained a bond required under Regulation .10 of this chapter;
- (4) Furnished the personal and background information required under Regulation .02 of this chapter;
- (5) Provided the documentation and fees required under Regulation .03 of this chapter;
- (6) Executed the consent for investigation required under Regulation .04 of this chapter;
- (7) Received at least a conditional offer of employment from a licensed facility operator, manufacturer, or contractor; and
- (8) Provided the Commission with sufficient information to establish that the individual has otherwise qualified for instant bingo manager license.

C. The instant bingo manager license authorizes the licensee to be employed as an instant bingo manager in the State.

D. A instant bingo manager may not play an instant bingo machine or other electronic gaming device at a facility:

- (1) Where the individual is employed; or
- (2) That is operated by the individual's employer.

E. A licensee has a continuing duty to inform the Commission of an act or omission that the licensee knows or should know constitutes a violation of the Commission's regulations.

F. Term; Renewal.

- (1) The term of an instant bingo manager license is 5 years.

(2) The Commission may renew the license if, before the term of the license expires, the licensee:

- (a) Applies for renewal;
- (b) Continues to comply with all licensing requirements;
- (c) Maintains employment as an instant bingo manager;
- (d) Submits to a background investigation under Regulation .02 of this chapter; and
- (e) Pays a nonrefundable application fee of \$150.

#### G. Sponsored License.

(1) The Commission may issue to an instant bingo manager license applicant a sponsored license to permit the individual to work legally as an instant bingo manager before the Commission's licensing process is complete.

(2) A licensed facility operator, manufacturer, or contractor may submit an application for a sponsored license on behalf of an individual who is seeking an instant bingo manager license.

(3) An application for a sponsored license shall be in a format designated by the Commission and shall include:

- (a) A completed application for an instant bingo manager license;
- (b) Payment of the application fee required under §B(1) of this regulation;
- (c) Documentation to verify that the sponsor has:
  - (i) Offered the individual at least conditional employment;
  - (ii) Obtained bond as required under Regulation .10 of this chapter; and
  - (iii) Performed, at a minimum, a Social Security database check, criminal check, employment verification, and national database search.

(4) The Commission may grant a sponsored license after:

- (a) Receiving all items required under §G(3) of this regulation; and

(b) Performing on the individual a:

(i) Criminal background investigation under Regulation .02 of this chapter; and

(ii) Credit check.

(5) A sponsored license:

(a) Is valid for one non-renewable 1-year term;

(b) Is not transferable to employment with a different facility operator, manufacturer, or contractor; and

(c) Automatically converts to an instant bingo manager license when the Commission notifies the sponsor that the individual meets the license qualification requirements under this regulation.

#### **.15 Identification Cards for Licensees.**

A. The Commission shall issue an identification card to an individual who is employed by a licensed facility operator or manufacturer and licensed as a principal employee or instant bingo manager.

B. Identification Card.

(1) An identification card shall display a photograph of the licensee, and at a minimum, indicate:

(a) The individual's name;

(b) By color, pattern, or symbol, the licensing category; and

(c) The license expiration date.

(2) An identification card is evidence that the licensee is authorized to be employed in the designated licensing category by a licensed facility operator or manufacturer.

(3) An identification card is the property of the Commission.

C. Licensee obligations.

A licensee:

- (1) Shall wear or otherwise prominently display his or her identification card at all times while working;
- (2) Shall immediately report a loss or theft of the card to the licensee's employer and the Commission;
- (3) May not allow another individual to possess the card; and
- (4) Shall comply with an order of the Commission to surrender the card.

D. Replacement Identification Card.

(1) If the identification card of a licensee who is employed by a licensed facility operator, manufacturer or contractor is lost or stolen:

(a) The licensee shall immediately:

(i) Report the loss or theft to his or her employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description of the circumstances of the loss or theft; and

(b) After verifying the licensee's identity, the Commission may issue a new identification card to the licensee;

(2) If the identification card of a licensee who is employed by a licensed facility operator or manufacturer is temporarily unavailable to the licensee:

(a) The licensee shall immediately:

(i) Report the temporary unavailability of the card to his or her employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description as to why the card is temporarily unavailable;

(b) After verifying the licensee's identity, the Commission may issue a temporary identification card to the licensee that is valid for 30 days; and

(c) The licensee shall surrender the temporary identification card to the Commission by the end of the 30th day on which he or she received the card.

(3) If the Commission issues a replacement or temporary identification card to a licensee, the licensee's employer shall pay the Commission:

(a) \$40 for the cost of a replacement identification card; and

(b) \$20 for the cost of a temporary identification card.

E. Surrender and Reissuance of Identification Card.

(1) The licensed facility operator or manufacturer that employs, or employed, a licensee shall ensure that the licensee surrenders his or her identification card to the Commission if the:

(a) Commission suspends or revokes the license;

(b) License is not renewed;

(c) Licensee separates from employment with a licensed facility operator or manufacturer; or

(d) Licensee is otherwise ordered to surrender the identification card.

(2) If an identification card is not surrendered as required under § D(2)(c) or § E(1) of this regulation, the licensed facility operator or manufacturer that employs, or employed, the licensee may be subject to a sanction under COMAR 36.07.17.

(3) If an identification card was surrendered when the licensee separated employment from a licensed facility operator or manufacturer, the Commission may issue the licensee another identification card if the:

(a) Licensee obtains employment with a licensed facility operator or manufacturer;

(b) Term of the license has not expired; and

(c) Commission verifies:

(i) The licensee's identity;

(ii) That the license was in good standing when the card was surrendered; and

(iii) That the license has not expired and remains in good standing.

(4) There is no fee for an identification card issued under § E(3) of this regulation.

(5) Nothing in this regulation shall preclude the Commission from imposing on the licensee a sanction that is based on the circumstances related to a licensee's separation from employment with a licensed facility operator or manufacturer.

## **16. Corrective Action.**

### **A. Deficiency.**

If the Director determines that a licensee under this subtitle no longer meets a license requirement of the subtitle, or that there is cause for imposing sanctions under Regulation .17 of this chapter, the Director shall:

(1) Assess the seriousness of the deficiency;

(2) Require the licensee to develop a corrective action plan;

(3) Determine whether it is necessary during the pendency of the corrective action process to emergently suspend the license;

(4) Evaluate and, if acceptable to the Agency, approve the corrective action plan;

(5) Determine appropriate timelines for the completion of corrective action;

(6) Conduct periodic monitoring of a licensee for which the Agency required a corrective action plan to assess the licensee's progress toward remedying the deficiencies; and

(7) Recommend that the Commission impose a sanction under Regulation .17 of this chapter if a deficiency is not remedied through implementation of corrective action.

### **B. Deficiency Notice.**

Upon determining that corrective action is required to remedy a deficiency, the Director shall give written notice to a licensee that includes:

(1) A description of the violation;

(2) A description of the possible sanctions; and

(3) The requirement for the licensee to submit a corrective action plan to the Director within a time frame established by the Director.

### **C. Corrective Action Plan.**

(1) Within 10 days of receipt of a deficiency notice under § B of this regulation, the licensee shall submit a corrective action plan to the Director for the Director's approval.

(2) The Director shall review the corrective action plan and inform the licensee whether the corrective action plan is acceptable.

(3) If the licensee fails to submit an acceptable corrective action plan within the time described under § C(1) of this regulation, the Director may:

(a) Provide the licensee with additional time within which to submit a revised corrective action plan; or

(b) Impose a sanction on the licensee under Regulation .17 of this chapter.

(4) If the Director provided a licensee notice under § B(3) of this regulation and received no timely written response, the Commission may adopt as final the Director's decision to impose a sanction under Regulation .17 of this chapter.

#### D. Corrective Action Outcomes.

(1) If at any time during the corrective action period the Director determines that the licensee has failed to fulfill a requirement of the corrective action plan or has made insufficient progress toward remedying a deficiency, the Director may:

(a) For good cause, extend the time for completion of a corrective action plan; or

(b) Emergently suspend the licensee's license.

(2) If at the end of the corrective action period the licensee has failed to adequately remedy a deficiency, the Director may impose a sanction under Regulation .17 of this chapter.

#### **.17 Sanctions.**

##### A. The Director may impose sanctions on a licensee for:

(1) Violating or failing to fulfill the licensee's responsibilities or a condition of a license under this subtitle;

(2) Violating:

(a) A provision of the law;

- (b) A regulation adopted under the law; or
- (c) An order or directive of the Commission;
- (3) Providing the Commission with false or misleading information;
- (4) Failing to cooperate with the Commission;
- (5) Failing to remit, or failing to make timely remittance of, funds owed to the Commission;
- (6) Failing to prepare, submit, or implement an adequate corrective plan under Regulation .16 C of this chapter;
- (7) Incurring criminal charges related to the conduct of illegal gaming;
- (8) Possessing materials or equipment indicating involvement by the licensee or the licensee's employees in the conduct of illegal gaming; or
- (9) Other activities or action deemed by Director to require the imposition of a sanction.

#### B. Types of Sanctions.

Sanctions may include emergency suspension, suspension, revocation, and placement of conditions on the license.

#### C. Suspension, Revocation and Conditions.

(1) Except as set forth in § D of this regulation, the Director shall give the licensee notice of the intended suspension, revocation, or imposition of a condition at least 15 days before the imposition of the intended sanction.

(2) A licensee may appeal the Director's imposition of a sanction before the date the sanction is imposed by submitting a request for a hearing before the Commission.

(3) The final action on a sanction is subject to judicial review as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

#### D. Emergency Suspension.

(1) Notwithstanding any other requirement of this chapter, if the Director determines that immediate action is necessary to protect against an imminent, serious threat by a licensee to the security, financial stability, reputation or integrity of the instant bingo program, the Director may suspend a license without prior notice.

(2) If the Director emergently suspends a license, the Director shall provide the licensee with written notice that includes:

(a) A statement of the authority upon which the suspension is based;

(b) The nature of the violation;

(c) The duration of suspension;

(d) Information about the licensee's obligation to submit to the Agency a corrective plan; and

(e) A statement of the licensee's right to request a Commission hearing.

(3) If after a license is emergently suspended, the licensee does not submit a timely written request for a Commission hearing, the Director may move to revoke the license by giving the licensee notice under § C(1) of this regulation.

#### **.18 Hearings.**

A. The Commission shall conduct a hearing in order to:

(1) Grant or deny a facility or manufacturer license;

(2) Suspend a license; and

(3) Revoke a license.

B. Denial of a License. After reviewing an application submitted under Regulation .02 of this chapter, the Director may recommend that the Commission deny a license.

(1) If the Director recommends that the Commission deny a license, the Director, or the Director's designee, shall promptly provide the applicant with written notice of the:

(a) Recommendation for denial;

(b) Basis for the recommendation; and

(c) Applicant's right to request a reconsideration meeting with the Director or the Director's designee.

(2) An applicant may submit to the Commission a written request for a reconsideration meeting within 15 days of the date of the notice described in § B(1) of this regulation.

(3) If an applicant fails to timely submit a request under § B(2) of this regulation, the Commission may adopt as final the recommendation of the Director or the Director's designee.

(4) During a reconsideration meeting, an applicant may:

(a) Be represented by counsel; and

(b) Present evidence as to why the license should be granted;

(5) If after the reconsideration meeting the applicant is dissatisfied with the recommendation of the Director or the Director's designee, the applicant may submit to the Commission, in writing:

(a) A request for hearing before the Commission on the recommendation of the Director or the Director's designee; and

(b) The applicant's legal and factual bases for disagreeing with the recommendation of the Director or the Director's designee.

(6) An applicant may submit a hearing request to the Commission within 15 days of the date of the recommendation of the Director or the Director's designee after the reconsideration meeting.

(7) If an applicant fails to timely submit a hearing request under § B(5), the Commission may adopt as final the recommendation of the Director or the Director's designee.

(8) A hearing request that complies with § B(5) and (6) of this regulation shall be the subject of a hearing before the Commission, after which the Commission shall:

(a) Determine that the applicant is qualified and grant the license; or

(b) Determine that the applicant is not qualified or disqualified; and

(i) Deny the license; and

(ii) Prepare an order denying the license with a statement of the reasons and specific findings of fact.

(9) The Commission's decision is final.

C. A Commission hearing shall be conducted in the manner specified in:

(1) State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland;  
and

(2) COMAR 36.01.02.06.