

1 **Title 36 STATE LOTTERY AND**  
2 **GAMING CONTROL AGENCY**

3  
4 **Subtitle 03 GAMING PROVISIONS**

5  
6 **Chapter .02 Investigation and Licensing**

7  
8 **Authority: State Government Article, §§ 9-1A-04(d); 9-1A-07(c); 9-1A-14, Annotated Code**  
9 **of Maryland**

10 **.01 Process.**

11 **A. General Provisions.**

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

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

19 (3) An applicant may not submit an application less than 1 year after the Commission  
20 has:

21 (a) Taken final action on a license denial of a previous license application  
22 involving the applicant; ~~or~~

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For May 28, 2015 Commission. Effective July 1, 2015, a new law will authorize the Commission to issue a temporary video lottery employee license, which will replace the sponsored license. Like a sponsored license, a temporary license will allow an individual to start work after an abbreviated background investigation is completed, while Licensing Staff completes the full background investigation. The new temporary license law specifically authorizes the Commission to terminate, without a hearing, a temporary license if the temporary licensee fails to cooperate with Staff's efforts to complete the background investigation. The amendments to Regulation .01A and .12J implement this new law.

Additionally: Amendment to .01C clarifies that any license applicant, except for an operation license, may request to withdraw an application under certain circumstances. Amendment to .02 clarifies applicants' fingerprint requirements. Amendment to .12C(9) requires employers of *nongaming* applicants to provide certain information with the application, as the Commission does not issue sponsored or temporary nongaming licenses; the background information in .12C is sufficient for full nongaming licensure. Amendment to .12G clarifies that contractor or manufacturer employees, such as VLT techs, cannot game at a facility to which they are currently assigned.

1 (b) Taken final action on a sanction resulting in revocation of a previous license  
2 application involving the applicant;

3 **(c) Provided an individual with written notice of termination of a temporary**  
4 **license.**

5 (B. text unchanged)

6 C. Changes in Application.

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

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

12 (a) To address a deficiency in accordance with a notice sent under §B(4) of this  
13 regulation;

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

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

19 (3) To amend an application under §C(2)(c) of this regulation, an applicant shall submit  
20 to the Commission a written request to amend the application, stating:

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

3 (b) The nature of the amendment; and

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

6 (4) The Commission or Commission staff shall grant or deny each request submitted  
7 under §C(3) of this regulation.

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

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

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

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

17 (6) **Except for an application for an operation license**, ~~An~~ **an** application for a ~~video~~  
18 ~~lottery-employee~~ license may be withdrawn if the:

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

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1 (b) Written request is submitted before the Commission has

2 (i) ~~denied~~ Denied the application; or

3 (ii) Terminated a temporary license.

4 (D. – G. text unchanged)

5  
6 **.02 Personal and Background Information.**

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

9 (1) The applicant;

10 (2) A director, officer, or key management individual employed by the applicant;

11 (3) A partner of the applicant;

12 (4) An owner of an interest of 5 percent or more in the applicant; or

13 (5) A principal.

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

15 (1) Full name and any previous names or aliases;

16 (2) Date of birth;

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

6 **(8) Fingerprints for a criminal records check:**

7 **(a) For a State resident, from Livescan; or**

8 **(b) For an out-of-state resident, one FBI and one State fingerprint card,**  
9 **taken with the previous 45 days before submission to the Commission; and**

10 **(9) Any other document or information required by the Commission.**

11 (C. – F. text unchanged)

12 . . . . .

13  
14 **.12 Video Lottery Employee Licenses.**

15 A. General. Unless an individual holds a valid video lottery employee license issued by the  
16 Commission, the individual may not be employed by a licensed facility operator, manufacturer,  
17 or contractor as a video lottery employee.

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1 B. License Categories. The Commission may issue a video lottery employee license that is a:

- 2 (1) Principal employee license;
- 3 (2) Gaming employee license;
- 4 (3) Nongaming employee license;
- 5 (4) Sponsored **or temporary** principal employee license; or
- 6 (5) Sponsored **or temporary** gaming employee license.

7 C. Requirements. The Commission may issue a video lottery employee license to an individual  
8 who has:

- 9 (1) Paid all required application and license fees;
- 10 (2) Submitted a completed license application to the Commission;
- 11 (3) Furnished the personal and background information required under Regulation .02 of  
12 this chapter;
- 13 (4) Provided the documentation required under Regulation .03 of this chapter;
- 14 (5) Executed the consent for investigation required under Regulation .04 of this chapter;
- 15 (6) Unless exempt, obtained a bond required under Regulation .15 of this chapter;
- 16 (7) Received at least a conditional offer of employment as a video lottery employee from  
17 a licensed facility operator, manufacturer, or contractor;

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1 (8) Demonstrated that within the 365 days before the application is submitted, the  
2 applicant has not served as a Commission member or been employed by the Agency; and

3 **(9) For an applicant for a nongaming employee license, documentation to verify that**  
4 **the applicant has obtained an offer of at least conditional employment from a**  
5 **licensed facility operator, manufacturer or contractor, or a registered or certified**  
6 **vendor, and that the employer has:**

7 **(a) Obtained bond if required under Regulation .15 of this chapter; and**

8 **(b) Performed, at a minimum, as Social Security database check, criminal**  
9 **check, employment verification, and national database search; and**

10 ~~(9)~~ **(10)** Provided the Commission with sufficient information, documentation, and  
11 assurances to establish, by clear and convincing evidence, that the individual:

12 (a) Has not been disqualified under State Government Article, §9-1A-14(c),  
13 Annotated Code of Maryland;

14 (b) Has met the applicable requirements of State Government Article, §9-1A-  
15 07(c), Annotated Code of Maryland; and

16 (c) Is otherwise qualified for a video lottery employee license.

17 D. If the background investigation of an applicant reveals the commission of an act by the  
18 applicant that would constitute an offense of moral turpitude or gambling under State  
19 Government Article, §9-1A-14(c)(7), Annotated Code of Maryland, the Commission shall  
20 consider that information as follows:

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1 (1) An act that was committed in any jurisdiction by an applicant shall disqualify the  
2 applicant if the act occurred within 7 years before the date of the application and would  
3 constitute a criminal offense involving moral turpitude or a gambling offense under the  
4 criminal laws of any jurisdiction, and the act:

5 (a) Was not prosecuted under the criminal laws of any jurisdiction; or

6 (b) Cannot be prosecuted under the criminal laws of any jurisdiction;

7 (2) If an act described in §D(1) of this regulation was prosecuted but did not result in a  
8 conviction, it may be considered by the Commission in determining whether the  
9 applicant has established the required qualification criteria; and

10 (3) The Commission shall determine the existence of an act described in this section by a  
11 preponderance of the evidence.

12 E. Application and License Fees.

13 (1) For a principal employee, \$5,287.25, of which the:

14 (a) Application fee is \$2,500;

15 (b) License fee is \$750;

16 (c) Refundable advance deposit authorized under Regulation .01E(3) of this  
17 chapter for the administrative costs of conducting the applicant's background  
18 investigation is \$2,000; and

19 (d) Required ~~fees~~ **fee** for conducting a criminal history records check ~~are~~ specified  
20 in Regulation .03B of this chapter **is \$37.25**.

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1 (2) For a gaming employee, **\$437.25, of which** the:

2 (a) Application fee is \$250;

3 (b) License fee is \$150; and

4 (c) Required ~~fees~~ **fee** for conducting a criminal history records check ~~are~~ specified  
5 in Regulation .03B of this chapter **is \$37.25.**

6 (3) For a nongaming employee, **\$187.25, of which** the:

7 (a) Application fee is \$50;

8 (b) License fee is \$100; and

9 (c) Required ~~fees~~ **fee** for conducting a criminal history records check ~~are~~ specified  
10 in Regulation .03B of this chapter **\$37.25.**

11 F. A video lottery employee license authorizes the licensee to be employed as a principal,  
12 gaming or nongaming employee in the State.

13 G. A licensed video lottery employee, **sponsored gaming employee or temporary licensee** may  
14 not play a video lottery terminal or table game at, or receive a jackpot from, a facility:

15 (1) Where the individual is employed; ~~or~~

16 (2) That is operated by the individual's employer; **or**

17 **(3) Where the individual is currently assigned to work.**

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1 H. A licensee has a continuing duty to inform the Commission of an act or omission that the  
2 licensee knows or should know constitutes a violation of State Government Article, Title 9,  
3 Subtitle 1A, Annotated Code of Maryland, or the Commission's regulations.

4 I. Term; Renewal.

5 (1) The term of a video lottery employee license is 5 years from the date of initial  
6 licensure.

7 (2) The Commission may stagger the terms of licenses.

8 (3) Except for a sponsored principal or sponsored gaming employee, **or temporary**  
9 **licensee**, the Commission may renew the license if, before the term of the license expires,  
10 the licensee:

11 (a) Applies for renewal;

12 (b) Continues to comply with all licensing requirements;

13 (c) Maintains employment as a video lottery employee;

14 (d) Submits to a background investigation under Regulation .03 of this chapter;  
15 and

16 (e) ~~Pays a nonrefundable application fee of:~~

17 (i) ~~\$750 for a principal employee;~~

18 (ii) ~~\$150 for a gaming employee; or~~

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1 (iii) ~~\$100~~ \$60 for a nongaming employee;

2 (f) ~~Pays the fees required under Regulation .03B of this chapter for conducting a~~  
3 ~~criminal history records check; and~~

4 (g) ~~For a principal employee, pays a refundable advance deposit of \$2,000~~  
5 ~~authorized under Regulation .01E(3) of this chapter for the administrative costs of~~  
6 ~~conducting the applicant's background investigation.~~

7 **(e) Pays the fees described in § I(4) of this regulation.**

8 **(4) The fee required for processing a licensing renewal is:**

9 **(a) For a principal employee, \$2,287.25, of which the:**

10 **(1) License fee is \$750;**

11 **(ii) Refundable advance deposit for administrative costs of conducting**  
12 **the applicant's background investigation is \$2,000; and**

13 **(iii) Required fee for conducting a criminal history records check are**  
14 **specified in Regulation .03B of this chapter is \$37.25.**

15 **(b) For a gaming employee, \$187.25, of which the:**

16 **(i) License fee is \$150; and**

17 **(ii) Required fee for conducting a criminal history records check are**  
18 **specified in Regulation .03B of this chapter is \$37.25.**

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1 **(c) For a nongaming employee, \$97.25, of which the:**

2 **(a) License fee is \$60; and**

3 **(b) Required fee for conducting a criminal history records check are**  
4 **specified in Regulation .03B of this chapter \$37.25.**

5 ~~(4)~~ **(5)** Except as provided in §H(5) of this regulation, a video lottery employee shall  
6 submit an application for renewal to the Commission at least 90 days before the video  
7 lottery employee's license expires.

8 ~~(5)~~ **(6)** A principal employee shall submit an application for renewal to the Commission  
9 at least 6 months before the principal employee's license expires.

10 J. Sponsored **or Temporary** License.

11 (1) The Commission may issue to a video lottery employee license applicant a sponsored  
12 **or temporary** license to permit the individual to work legally as a video lottery employee  
13 before the ~~Commission's~~ **Commission completes the full** licensing process ~~is complete~~.

14 (2) A licensed facility operator, manufacturer, or contractor, or registered or certified  
15 vendor, may submit an application for a sponsored **or temporary** license on behalf of an  
16 individual who is seeking a principal, **or gaming,** ~~or nongaming~~ employee license.

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

19 (a) A completed application for a principal, **or gaming,** ~~or nongaming~~ employee  
20 license;

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1 (b) Payment of the fees required under §D of this regulation;

2 (c) Documentation to verify that the sponsor **applicant** has **obtained an offer of**  
3 **at least conditional employment from a licensed facility operator,**  
4 **manufacturer or contractor, or a registered or certified vendor, and that the**  
5 **employer has:**

6 (i) Offered the individual at least conditional employment;

7 (ii) Obtained bond as **if** required under Regulation .15 of this chapter; and

8 (iii) (ii) Performed, at a minimum, a Social Security database check,  
9 criminal check, employment verification, and national database search;  
10 **and**

11 **(d) For a temporary license, documentation that the applicant has**  
12 **acknowledged, in writing, that the State is not financially responsible for any**  
13 **consequences resulting from termination of a temporary license under State**  
14 **Government Article, § 9-1A-14(d)(4), Annotated Code of Maryland.**

15 (4) The Commission may grant a sponsored **or temporary** license after:

16 (a) Receiving all items required under §I(3) of this regulation; and

17 (b) Performing on the individual a:

18 (i) Criminal background investigation under Regulation .03 of this  
19 chapter; and

20 (ii) ~~Credit check~~ **Financial stability investigation.**

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1 (5) A sponsored license:

2 (a) Is valid for one nonrenewable 5-year term;

3 (b) ~~A sponsored license is~~ **Is** not transferable to employment with a different  
4 facility operator, manufacturer, or contractor unless the new employer submits to  
5 the Commission a Certificate of Sponsorship for the sponsored licensee before the  
6 sponsored licensee commences employment with the new employer; and

7 (c) Automatically converts to a principal, gaming, or nongaming employee license  
8 when the Commission notifies the sponsor that the individual meets the license  
9 qualification requirements under §C of this regulation; **and**

10 **(d) May not be granted after July 1, 2015.**

11 **(6) A temporary license:**

12  
13 **(a) Expires 180 days after the date of issue; and**

14  
15 **(b) May be extended by the Commission for one period of 180 days.**

16  
17 **(7) A temporary license may not be issued if:**

18  
19 **(a) An applicant has an immediately known present or prior activity,**  
20 **criminal record, reputation, habit or association that would disqualify the**  
21 **applicant from holding a video lottery employee license under State**  
22 **Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or**  
23 **regulations promulgated under that Subtitle;**  
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1 **(b) An applicant poses a serious imminent risk of harm to the integrity,**  
2 **security, or profitability of the State’s video lottery terminal or table game**  
3 **operations; or**

4  
5 **(c) There are reasonable grounds to believe that the applicant will not be**  
6 **able to establish the applicant’s qualifications by clear and convincing**  
7 **evidence under State Government, § 9-1A-07, Annotated Code of Maryland.**

8  
9 **(8) By written notice to a temporary licensee, Commission staff may terminate,**  
10 **without a hearing and without following the denial process under COMAR**  
11 **36.03.02.16, the temporary license of an applicant for:**

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13 **(a) Failure to pay a required fee;**

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15 **(b) Failure to submit required documentation to Commission staff within 30**  
16 **days of submitting the application;**

17  
18 **(c) Failure to comply with a request of Commission staff;**

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20 **(d) Engaging in conduct that obstructs Commission staff from completing the**  
21 **applicant’s background investigation; or**

22  
23 **(e) Violating any provision of State Government Article, Title 9, Subtitle 1A,**  
24 **Annotated Code of Maryland, or the Commission’s regulations.**

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26 **(9) Commission staff’s written notice of termination of a temporary license is the**  
27 **final action of the Commission.**

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29 **(10) If, during the course of conducting an applicant’s background investigation,**  
30 **Commission staff reasonably believes there is a basis for recommending that the**  
31 **application for a video lottery employee license be denied:**

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For May 28, 2015 Commission. Effective July 1, 2015, a new law will authorize the Commission to issue a temporary video lottery employee license, which will replace the sponsored license. Like a sponsored license, a temporary license will allow an individual to start work after an abbreviated background investigation is completed, while Licensing Staff completes the full background investigation. The new temporary license law specifically authorizes the Commission to terminate, without a hearing, a temporary license if the temporary licensee fails to cooperate with Staff’s efforts to complete the background investigation. The amendments to Regulation .01A and .12J implement this new law.

Additionally: Amendment to .01C clarifies that any license applicant, except for an operation license, may request to withdraw an application under certain circumstances. Amendment to .02 clarifies applicants’ fingerprint requirements. Amendment to .12C(9) requires employers of *nongaming* applicants to provide certain information with the application, as the Commission does not issue sponsored or temporary nongaming licenses; the background information in .12C is sufficient for full nongaming licensure. Amendment to .12G clarifies that contractor or manufacturer employees, such as VLT techs, cannot game at a facility to which they are currently assigned.

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**(a) Commission staff shall notify the temporary licensee; and**

**(b) Commission staff shall follow the process for denial of a license under COMAR 36.03.02.16.**

DRAFT

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