

ILLINOIS REGISTER

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ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
1800.140	New Section
1800.615	Amendment
1800.690	Amendment
1800.715	Amendment
1800.720	Amendment
1800.790	Amendment
- 4) Statutory Authority: Section 5-45 (b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-45 (b)] confers rulemaking authority upon a covered agency if the agency finds that an emergency exists requiring adoption of a rule upon fewer days than is required for general rulemaking under Section 5-40 of the IAPA. Section 5-45 (a) of the IAPA [5 ILCS 100/5-45 (a)] defines an “emergency as “any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.” As described in item 9 below, the present COVID-19 outbreak has created a situation in which the present inability of the Illinois Gaming Board (Board) to serve documents by e-mail threatens the public interest, safety, and welfare.
- 5) Effective Date of Rule:
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendments will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department:
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Gaming Board’s principal office and is available for public inspection.
- 9) Reason for Emergency: Because of COVID-19, many licensees of the Illinois Gaming Board (IGB) are closed or have reduced hours. As a result, there is no way to ensure that mail sent by the Board is actually being received by the licensees. E-mail is a way of serving documents that can be received anywhere with assurance of delivery.

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Additionally, this rule will enable a reduction in needed trips to the post office by Board employees as well as licensees and applicants. This reduction will, in turn, lessen the number of physical objects changing hands that can provide vectors for disease transmission. In this way, the proposed rulemaking will promote public health goals during the COVID-19 outbreak.

- 10) A Complete Description of the Subjects and Issues Involved: Section 10-75 of the Administrative Procedure Act (IAPA) [5 ILCS 100/10-75] permits an agency to establish requirements for serving certain notices via e-mail. It authorizes an agency to require any attorney representing a party to a hearing, and any person to the extent they are subject to licensure, permitting or regulation by the agency, to accept service of documents by e-mail. Section 10-75 applies to all administrative proceedings under Section 10-25 (contested cases) and 10-50 (decisions and orders) of the IAPA.

In conformity with Section 10-75 of the IAPA, the proposed rulemaking adds a new Section 1800.140 to the Video Gaming (General) Part entitled “Service via E-mail.” This new section establishes, as a condition of application and licensure, consent to receive notices, complaints, letters and orders via e-mail. It provides that each applicant has a duty under Section 1800.220 (Continuing Duty to Report Information) to update e-mail addresses and verify at least annually that an application has an updated e-mail address. An applicant or licensee may provide the Board with up to two additional e-mail addresses that are owned by the licensee, its owner, a video gaming manager, or a person of significant influence or control of the applicant or licensee. E-mail notices are deemed served on the date of transmission unless all of the addresses are undeliverable. If all of the e-mail addresses are undeliverable, a notice or letter shall be served by personal carrier or certified U.S. mail, unless the applicant or licensee updates its e-mail address.

The rulemaking also amends several sections of the Video Gaming (General) Part to authorize e-mail service by the Board. Within Subpart F (Denials of Applications for Licensure), the rulemaking amends Section 1800.615 (Requests for Hearing) and Section 1800.690 (Transmittal of Record and Recommendation to the Board). Within Subpart G ((Disciplinary Actions Against Licensees), the rulemaking amends Section 1800.715 (Notice of Proposed Disciplinary Action Against Licensees), Section 1800.720 (Hearings in Disciplinary Actions), and Section 1800.790 (Transmittal of Record and Recommendation to the Board).

In Section 1800.615, the rulemaking authorizes requests for hearings to be made by e-mail, and in Section 1800.720, it authorizes e-mail responses in disciplinary actions.

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- 11) Are there any other rulemakings pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Actions</u>	<u>Illinois Register Citations</u>
1800.340	New Section	43 Ill. Reg. 13354, November 22, 2019
1800.2110	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2120	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2130	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2140	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2150	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2160	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2170	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.EXHIBIT A	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.EXHIBIT B	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.110	Amendment	44 Ill. Reg. 4265, March 20, 2020
1800.350	New Section	44 Ill. Reg. 4265, March 20, 2020

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

- 13) Information and questions regarding this rulemaking shall be directed to

Agostino Lorenzini  
General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601

Fax No. (312) 814-7253  
[Agostino.lorenzini@igb.illinois.gov](mailto:Agostino.lorenzini@igb.illinois.gov)

The full text of the emergency amendments begins on the next page.

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PART 1800  
VIDEO GAMING (GENERAL)

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE D: VIDEO GAMING  
CHAPTER I: ILLINOIS GAMING BOARD

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings
<u>1800.140</u>	<u>Service via E-mail</u>
<u>EMERGENCY</u>	

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

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1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

Section

1800.510 Coverage of Subpart  
1800.520 Applications  
1800.530 Submission of Application  
1800.540 Application Fees  
1800.550 Consideration of Applications by the Board  
1800.555 Withdrawal of Applications and Surrender of Licenses  
1800.560 Issuance of License  
1800.570 Renewal of License  
1800.580 Renewal Fees and Dates  
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610 Coverage of Subpart  
1800.615 Requests for Hearing  
EMERGENCY  
1800.620 Appearances  
1800.625 Appointment of Administrative Law Judge  
1800.630 Discovery  
1800.635 Subpoenas  
1800.640 Motions for Summary Judgment  
1800.650 Proceedings  
1800.660 Evidence  
1800.670 Prohibition on Ex Parte Communication  
1800.680 Sanctions and Penalties  
1800.690 Transmittal of Record and Recommendation to the Board

EMERGENCY

1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710 Coverage of Subpart  
1800.715 Notice of Proposed Disciplinary Action Against Licensees

EMERGENCY

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1800.720 Hearings in Disciplinary Actions

EMERGENCY

1800.725 Appearances

1800.730 Appointment of Administrative Law Judge

1800.735 Discovery

1800.740 Subpoenas

1800.745 Motions for Summary Judgment

1800.750 Proceedings

1800.760 Evidence

1800.770 Prohibition on Ex Parte Communication

1800.780 Sanctions and Penalties

1800.790 Transmittal of Record and Recommendation to the Board

EMERGENCY

1800.795 Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN  
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810 Location and Placement of Video Gaming Terminals

1800.815 Licensed Video Gaming Locations Within Malls

1800.820 Measurement of Distances from Locations

1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

1800.910 Approvals Required, Applicability, Scope of Approval

1800.920 Notice of Enforcement of a Security Interest

1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,  
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video  
Gaming Terminals

1800.1020 Transportation of Video Gaming Terminals into the State

1800.1030 Receipt of Video Gaming Terminals in the State

1800.1040 Transportation of Video Gaming Terminals Between Locations in the State

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- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

- Section

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1800.1610 Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section

1800.1710 Conversations About Responsible Gaming  
1800.1720 Responsible Gaming Education Programs  
1800.1730 Problem Gambling Registry  
1800.1740 Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section

1800.1810 Implementation of Technology

SUBPART S: INDEPENDENT TESTING LABORATORIES

Section

1800.1910 Independent Outside Testing Laboratories  
1800.1920 Minimum Duties of an Independent Outside Testing Laboratory  
1800.1930 Testing of Video Gaming Equipment  
1800.1940 Approval of Video Gaming Equipment

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section

1800.2010 In-location Progressive Games  
1800.2010 Optional Nature of In-location Progressive Games  
1800.2030 Procedures Within Licensed Video Gaming Locations  
1800.2040 Payments of Progressive Jackpot Amount  
1800.2050 Deductions from Progressive Jackpots  
1800.2060 Progressive Jackpot Coordinator

**AUTHORITY:** Implementing and authorized by the Video Gaming Act [230 ILCS 40].

**SOURCE:** Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150



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days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; amended at 43 Ill. Reg. 14099, effective November 21, 2019; emergency amendment at 43 Ill. Reg. 13488, effective December 2, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 489, effective December 27, 2019; amended at 44 Ill. Reg. 1961, effective December 31, 2019; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020 for the remainder of the 150 days;

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emergency amendment at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 1800.140 Service via E-mail  
EMERGENCY**

- a) As a condition of application and licensure, applicants and licensees consent to receiving service of Board notices, complaints, letters, and orders via e-mail.
- b) Each applicant and licensee has a duty under Section 1800.220 to update the e-mail address at which it may be served if such an address changes, and to verify that the application has an updated e-mail address no less than annually.
- c) Each applicant and licensee may designate up to two additional e-mail addresses at which notice may be served. Each designated e-mail address must be owned by the licensee, its owner, its video gaming manager, or a person of significant influence or control over the applicant or licensee.
- d) E-mail notices shall be deemed served on the date of the transmission, unless a delivery error is received on the Board's e-mail server for all of the licensee's designated e-mail addresses.
- e) If a delivery error is received on the Board's e-mail server for all of the applicant's or licensee's designated e-mail addresses, then the notice or letter will be served via personal service or certified U.S. mail, unless the applicant or licensee updates the designated e-mail addresses.

(Source: Added by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

**Section 1800.615 Requests for Hearing  
EMERGENCY**

- a) If the Board finds that an applicant is not suitable for licensure, it shall issue the applicant a notice of denial.

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- b) The Board shall serve notice on the applicant by e-mail pursuant to Section 1800.140, personal service, or U.S. certified mail ~~and U.S. mail~~ to the last known address of the applicant. Service is complete upon transmission of the e-mail, or four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.
- d) All requests for hearing shall be in writing. If a request for hearing is mailed, it ~~and~~ shall include an original and one copy. The request shall contain the following:
- 1) The name, current address and current telephone number of the petitioner (the applicant);
  - 2) Detailed reasons why and the facts upon which the petitioner will rely to show that the petitioner is suitable for licensure, including specific responses to any facts enumerated in the Board's notice of denial;
  - 3) A signature of the petitioner;
  - 4) A verification of the petition in the following form:  
The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.
  - 5) The request must be notarized.
- e) A request for hearing must be made within 10 days after receipt of notice of denial from the Board. A request shall be deemed filed on the date the e-mail was transmitted or on which it is postmarked.
- f) If a request for hearing is not filed within 10 days after the receipt of notice from the Board, then the notice of denial becomes the final order of the Board denying the applicant's license application.
- g) A request for hearing shall be deemed granted unless denied. The Board may deny a request for hearing if the statement of the reasons and facts that it contains does not establish a prima facie case or fails to comply with any of the other

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requirements of this Section. The Board's denial of a request for hearing is a final decision and the denial of licensure becomes a final order on the date the Board denies the request for hearing.

- h) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the video gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial notice of denial becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his/her case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in entry of default judgment against the petitioner.
- i) The petitioner may submit a request for hearing by:
  - 1) personal delivery;
  - 2) certified mail, postage prepaid; ~~or~~
  - 3) overnight express mail, postage prepaid or
  - 4) e-mail to an e-mail address specified in the notice of denial.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1800.690 Transmittal of Record and Recommendation to the Board**

- a) The record shall consist of the following:
  - 1) The notice of denial, the request for hearing and all motions and rulings;
  - 2) All evidence received;
  - 3) A statement of matters officially noticed;
  - 4) Offers of proof, objections and rulings; and
  - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.

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- b) Oral proceedings or any part of the proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing, the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his/her recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Any party to the hearing may file exceptions to the recommendations of the Administrative Law Judge with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- e) Final Board Order
  - 1) The Board shall review the entire record, including any exceptions filed, and shall render a written order including the bases for its decision.
  - 2) Copies of the final Board order shall be served on petitioner by e-mail pursuant to Section 1800.140, personal delivery, certified mail or overnight express mail to petitioner's last known address.
  - 3) A final Board order shall become effective upon transmission of the e-mail, personal delivery to a party or upon posting by certified or overnight express mail to petitioner's last known address.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

**Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees**  
**EMERGENCY**

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall

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immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:

- 1) A statement of the facts supporting the proposed disciplinary action;
  - 2) A description of the rule or statutory section the licensee has violated;
  - 3) A statement or description of the matters asserted and the consequences of the failure to respond; and
  - 4) The name and mailing address of the Illinois Gaming Board.
- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by e-mail pursuant to Section 1800.140, personal service, or U.S. certified mail or U.S. regular mail to the last known address of the licensee. Service is complete upon transmission of the e-mail, or four days after mailing.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1800.720 Hearings in Disciplinary Actions**  
**EMERGENCY**

- a) Should a licensee wish to contest the proposed disciplinary action, the licensee must submit a response to the notice of proposed disciplinary action described in Section 1800.715 to the Administrator.
- b) All responses shall be in writing. If a response is mailed, it~~and~~ shall include an original and one copy. The response shall contain the following:
  - 1) The name, current address and current telephone number of the licensee;
  - 2) A clear and concise statement admitting or denying each of the factual allegations set forth in the notice of proposed disciplinary action, with each admission or denial being shown in separately numbered paragraphs corresponding to the separately numbered paragraphs in the notice of proposed disciplinary action;

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- 3) For all factual allegations that the licensee denies, a clear and concise statement of facts upon which the licensee relies or will rely on at a hearing;
  - 4) A signature of the licensee;
  - 5) A verification of the licensee in the following form:  
"The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.";
  - 6) The response must be notarized.
- c) The response must be filed within 21 days after receipt of the notice of proposed disciplinary action. A response shall be deemed filed on the date the e-mail is transmitted or on which it is postmarked.
  - d) If a response is not filed within 21 days after receipt of the notice of proposed disciplinary action then the proposed disciplinary action becomes effective and final immediately.
  - e) No response shall be deemed filed if it fails to comply with any of the requirements of this Section.
  - f) The licensee may submit a response by:
    - 1) personal delivery;
    - 2) certified mail, postage prepaid; or
    - 3) overnight express mail, postage prepaid; or
    - 4) e-mail to an e-mail address specified in the notice of proposed disciplinary action.
  - g) All responses must be submitted to the Administrator at the Board's offices in Chicago (160 N. LaSalle St., Chicago IL 60601).

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- h) If a response is properly filed, an Administrative Law Judge will be appointed to conduct a hearing.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)

**Section 1800.790 Transmittal of Record and Recommendation to the Board**  
**EMERGENCY**

- a) The record shall consist of the following:
- 1) The notice of proposed disciplinary action, the response and all motions and rulings on motions;
  - 2) All evidence received;
  - 3) A statement of matters officially noticed;
  - 4) Offers of proof, objections and rulings on those offers and objections; and
  - 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part of the oral proceedings involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of the testimony or oral proceedings and shall be transcribed on request of any party. The transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing, the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his or her recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Any party to the hearing may file exceptions to the recommendations of the Administrative Law Judge with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- e) Final Board Order



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- 1) The Board shall review the entire record, including any exceptions filed, and shall render a written order including the bases for its decision.
- 2) Copies of the final Board order shall be served on the licensee by e-mail pursuant to Section 1800.140, personal delivery, certified mail or overnight express mail to the licensee's last known address.
- 3) A final Board order shall become effective upon transmission of the e-mail, personal delivery to a party or upon posting by certified or overnight express mail to the party's last known address.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days)