

Section 1800.321 Solicitation of Use Agreements or Agreements that Purport to Control the Placement and Operation of Video Gaming Terminals

- a) Solicitation
 - 1) No person may solicit a video gaming location for any use agreement that purports to control the placement and operation of video gaming terminals on behalf of a terminal operator unless that person:
 - A) has a valid sales agent and broker license or has been previously identified as a person of significant influence or control of the terminal operator under Section 1800.430(d); and
 - B) has been disclosed pursuant to Section 220(e)(2) of this Part.
 - 2) No individual licensed as a sales agent or broker may solicit or attempt to solicit a use agreement on behalf of a terminal operator unless that individual is an employee of the terminal operator on whose behalf they are soliciting.
 - 3) There is a rebuttable presumption that any person who may receive or has received a commission, payment, bonus, or other compensation in connection with the execution of a use agreement or other agreement that purports to control the placement and operation of video gaming terminals is engaged in solicitation.
- b) No person shall be compensated by a terminal operator for solicitation of any use agreement or any other agreement that purports to control the placement and operation of video gaming terminals if that person has been the subject of a Final Board Order revoking or denying renewal of their sales agent and broker license or ordering their economic disassociation.

[NEW] Section 1800.341 Revenue Share Agreements

- a) No terminal operator may enter into an agreement to share net terminal income with any person unless that person is also a licensed terminal operator.
- b) Revenue share agreements must be submitted to the Board.

- c) The Administrator may order a revenue share agreement be terminated if the Administrator finds that the request is not in the best interest of gaming in the State after considering all relevant factors, including but not limited to:
- 1) Whether the revenue share agreement constitutes a violation of the Video Gaming Act or this Part;
 - 2) Whether the revenue share agreement facilitates or conceals a violation of the Video Gaming Act or this Part;
 - 3) Undue economic concentration based upon the criteria found in Section 1800.440(c);
 - 4) The integrity of the State's video gaming industry; and
 - 5) The status of the parties with the Board.
- d) Any licensee ordered to terminate a revenue share may ask the Administrator to reconsider. A request to reconsider must include specific details sufficient to demonstrate why the Administrator should reconsider and why approval of the revenue share agreement would not harm the best interests of gaming in the State. The Administrator will issue a determination in writing based on the request and any information within the Board's possession.