

# ARKANSAS RACING COMMISSION

## *Regulations*

*for*

*Franchise Holders Operating*

*Electronic Games of Skill*



## Final Rules

Effective August 11, 2006

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## **Preamble**

These regulations apply only to the Electronic Games of Skill operations at licensed Pari-mutuel franchises, as authorized by Act 1151 of 2005. The provisions of this Act are located in the Arkansas Code and codified as A.C.A. §23-113-201. They were developed by Gaming Laboratories International, Inc. with the input of the Arkansas Racing Commission, the staff of the Department of Finance and Administration. Comments from suppliers of electronic games of skill and the general public were also considered in the drafting of this document. The regulations were adopted under the provisions of A.C.A. §§ 25-15-201 through 25-15-218. Associated with, but not part of these regulations, are “appendices.”

The purpose of the appendices is to provide pertinent material that is subject to frequent change, particularly forms that are related to licensing. Although appendices are documents that enable the enforcement of regulations, they are located outside the body of this document. This will permit the ability to change and update forms, procedures and processes to conform to changes without making policy/regulatory changes. Such changes are considered to be technical in nature and, therefore, will not necessitate invoking the rule making process.

The appendices are designated by a “P” followed by a hyphen, and then with a reference number of the Section number to which is refer or supports.

Example: P1-13-17 (a) would be a “Personal History Disclosure form.

Appendices contain such items as:

- Index of forms and appendices
- Forms
- Examples
- Instructions
- Key to abbreviations and acronyms
- Frequently asked questions (FAQs)

The Games of Skill Regulations and Appendices reside on the Department of Finance and Administration’s (DFA), Racing Division’s web site at [http://www.arkansas.gov/dfa/racing/rc\\_index.html](http://www.arkansas.gov/dfa/racing/rc_index.html), and are also available in printed form upon request. Requests for printed copies may be made in the form of an e-mail to the Manager of the Racing Division (listed on web site) or by U.S. Mail at P.O Box 3076, Little Rock, AR 72203 or by telephone at 501-682-1467.

The Arkansas Racing Commission and the offices of the Department of Finance and Administration adhere to the spirit and letter of the Freedom of Information Act of 1967 as stated in ACA§ 25-19-101 et seq.

## **10.0 Definitions**

The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

- 10.1 "Affiliate" business companies, organizations, or individuals are Affiliates of each other if, directly or indirectly, either one has the power to control the other, or a third party controls or has the power to control both.
- 10.2 "Asset number" means a unique number assigned to an EGS and a cash storage box for purposes of tracking that machine and storage box while owned or leased by the Franchise Holder.
- 10.3 "Cash" means currency.
- 10.4 "Cash equivalent" means a Certified check, Electronic Cards, chips, cashiers check, treasurer's check, recognized travelers check or recognized money order that is made payable to the Franchise Holder, "bearer" or "cash," is dated, but not postdated; and does not contain any endorsement other than that of the presenting patron.
- 10.5 "Cash storage box" means a tamper-resistant cash box that is contained in a Bill Acceptor which shall securely store all deposited cash, gaming tickets and coupons.
- 10.6 "Cashier Booth" means a cashier booth, to house one or more cashiers and to serve as the central location in the EGS gaming area, or, when there are multiple cashier booths, in that portion of the EGS gaming area.
- 10.7 RESERVED
- 10.8 "Commission" means the Arkansas Racing Commission or its successor having jurisdiction over horse racing and greyhound racing in this state. The Arkansas Racing Commission is responsible for all Licensing, adjudication of fines, Certification of Electronic Games of Skill, Appeals/Rulings and approval of all EGS plans.
- 10.9 "Complimentary services or items" mean a service or item provided directly or indirectly by a Franchise Holder at no cost or at a reduced price.
- 10.10 "Coupon" means a document which is issued in accordance with the coupon redemption and complimentary distribution programs approved by the Commission.
- 10.11 "Denomination" when used in conjunction with or in reference to an EGS, means

the value or monetary amount of the lowest Wager that can be placed on the EGS.

- 10.12 "Distributor" means any person that sells, leases, or offers, or otherwise provides, distributes, or services any EGS or associated equipment for use or play of EGS in a Franchise Holder's facility. A Manufacturer may be a distributor.
- 10.13 "EGS" acronym for Electronic Game or Games of Skill.
- 10.14 "EGS Section" means the Office of Field Audit within the Revenue Division of the Commission. The EGS Section is assigned responsibility for auditing and review of internal controls and the day-to-day operations of the EGS. This would include full administrative regulatory jurisdiction and exercise of the duties, powers and responsibilities over electronic games of skill and wagering on the electronic games of skill as authorized in Act 1151 of 2005 and Section 11.0.
- 10.15 "Electronic card" means a card provided by, or purchased from the Franchise Holder for use at the Franchise Holder's EGS as a substitute for tickets for the conduct of gaming in the EGS.
- 10.16 "Electronic fund transfer" means a transfer of funds, other than a Transaction originated by check, draft, or similar paper instrument that is initiated through an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. For the purposes herein, the term does not include any Transactions exempt, by statute or regulation, from the provisions of Title IX of the Federal Consumer Protection Act, 15 USC §1693.
- 10.17 "Electronic game(s) of skill" (hereinafter EGS) means game(s) played through any electronic device or machine that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone. EGS do not include pari-mutuel Wagering on horse racing and greyhound racing governed by the Arkansas Horse Racing Law or Arkansas Greyhound Racing Law, whether pari-mutuel Wagering on live racing, simulcast racing, or races conducted in the past and rebroadcast by electronic means. See Arkansas Code Ann 23-113-201(d).
- 10.18 "Franchise Holder" means any person holding a franchise to conduct horse racing under the Arkansas Horse Racing Law or greyhound racing under the Arkansas Greyhound Racing Law.
- 10.19 "Gaming Day" means a 24-hour period of time which represents the beginning

and ending of EGS gaming activities by which the Franchise Holder keeps its books and records for business and accounting purposes.

10.20 "Gaming Floor" means the designated area where EGS gaming activities occur.

10.21 "Gaming Operator" means a Franchise Holder that is conducting the operation of EGS.

10.22 "Gross Wagering Revenues" mean the total value of currency, coupons, gaming tickets, and electronic credits invested by a patron to activate the play of an EGS.

10.23 "Identification Credential" means a valid driver license, passport or other document generally accepted in business as a form of identification and which contains, at a minimum, the person's signature. A personal reference does not constitute an Identification Credential.

10.24 "Incompatible function" means a function for accounting control purposes that places any person, employed by or department established by the Franchise Holder, in a position to both perpetrate and conceal errors or irregularities in the normal course of their duties. Anyone recording Transactions and having access to assets ordinarily is in a position to perpetrate errors or irregularities. Persons may have Incompatible Functions if such persons are members of departments which have supervisors not independent of each other.

10.25 "Intermediary company" means a corporation, firm, association, partnership, trust or any other form of business organization other than a natural person which is a holding company with respect to a corporation which holds or applied for a Gaming License; and is a subsidiary with respect to any holding company.

10.26 "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to any EGS or associated equipment for EGS gaming purposes. A Manufacturer may be a Distributor, as approved by the Commission.

10.27 "Multi-Station game" is an EGS that incorporates more than one (1) player station, which are controlled by a unit that contains the game's CPU and houses the game display, which is shared among the player stations. Since certain features are shared by the player stations the actions of one player station must not influence the operation of the other stations and at no time should any of the players be at a disadvantage to the next game played. In addition, each player station must make it clear as to when the next game will begin. For Multi-Station Games, each player station is considered an EGS and must meet the technical

standards outlined throughout these regulations.

- 10.28 "Net Drop" is the total amount of credits played, minus the credits won for EGS Gaming Operations.
- 10.29 "Progressive system" means a computerized system linking EGS in one or more licensed facilities approved by the Commission and offering one or more common progressive payouts based on the amounts Wagered.
- 10.30 "Surveillance System" means any facility, not controlled by the Commission employees, that has been approved by the Commission to receive transmissions from the surveillance department's security system including, without limitation, system monitoring rooms, surveillance department offices, system repair areas, and system emergency facilities.
- 10.31 "Transaction" a Transaction includes deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or redemption of gaming instruments or any other payment, transfer, or delivery to a Franchise Holder, by whatever means affected.
- 10.32 "Wager" a sum of money or thing of value bet on an EGS.
- 10.33 "Wire Transfer" means a transfer of funds by means of the Federal Reserve Bank wire system in accordance with the requirements of 12 C.F.R. 210.25 et seq. and the Commission's regulations.

## **11.0 EGS Section**

### **11.1 Powers and Duties**

(a) The EGS Section of the Office of Field Audit shall act at the direction of the Commission pursuant to the authority granted to the Commission under Act 1151 of 2005. It is recognized that duties regarding the collection and administration of the 18% privilege fee are delegated by Act 1151 of 2005 to the Director of the Department of Finance and Administration. It is also recognized that duties regarding the collection and administration of other state tax laws are likewise delegated to the Director of DFA. In the course of fulfilling its duties under this rule, the EGS section shall exercise the following powers, duties and responsibilities:

- i. Audit income received by a Gaming Operator from EGS.

- ii. Review the operation, financial data and program information relating to EGS through a central computer that will allow the EGS Section to:
  - (1) Audit the gaming operation of a Gaming Operator.
  - (2) Monitor wagering patterns, payouts, privilege fee payments and other matters related to the payment of the 18% privilege fee or any other state tax administered by the Arkansas Department of Finance and Administration.
- iii. Require a Gaming Operator to maintain specific records and submit any information, records, or reports required for the administration of the 18% privilege fee or other state taxes. The EGS Section may also make recommendations to the Commission that a Gaming Operator be required to maintain specified records and submit information, records or reports required under Act 1151, and these regulations as determined by the Commission to be necessary for the proper implementation and enforcement of those provisions of Act 1151 unrelated to the collection of the 18% privilege fee or other state taxes.
- iv. The EGS Section of the Office of Field Audit shall investigate, audit or review other operations of the Franchise Holder unrelated to the collection of the 18% privilege fee or other state taxes, as directed by the Commission to fulfill the Commission's responsibilities under Act 1151 of 2005. The Commission shall direct and supervise the EGS Section of the Office of Field Audit in exercising the statutory duties of the Commission as authorized under Act 1151 of 2005 and these regulations, except with regard to activities of the EGS Section related to the collection and administration of the 18% privilege fee or other state taxes.
- v. In addition to the duties related to collection of the 18% privilege fee on net gaming revenues, all day to day operational duties related to enforcement of the electronic gaming regulations adopted by the Commission shall be conducted by the Department of Finance and Administration, Office of Field Audit, Electronic Gaming Section under authority of a resolution duly adopted by the Arkansas Racing Commission as recorded in the minutes of the ARC delegating such authority. Any and all subsequent limitations of such regulation shall be made in the form of a Commission Resolution.

### **11.2 Additional Responsibilities**

- (a) The EGS Section of the Office of Field Audit shall have unrestricted access to the gaming floor and facility at all times and shall require that each Franchise Holder strictly comply with Act 1151 and the Commission's rules and regulations relating to the operation of EGS. The EGS Section shall:
- i. Inspect and examine facilities where EGS are offered for play.
  - ii. Inspect EGS and any other equipment or supplies used in conjunction with or in any way related to EGS.
  - iii. Collect any assessments, fees, penalties or other charges arising from the operation of EGS for which a Gaming Operator is liable to the State of Arkansas.
  - iv. Receive and investigate complaints concerning the operation of EGS by Gaming Operators. Complaints that cannot be resolved shall be forwarded by the EGS Section to the Commission for review and adjudication by the Commission.

## **12.0 Operation of Electronic Games of Skill**

### **12.1 Authorized Facilities**

- (a) The operation of Electronic Games of Skill is permitted at Licensed Pari-Mutuel Racetracks in the State of Arkansas in accordance with Act 1151 of 2005 and these regulations.

### **12.2 Persons Authorized to Conduct the Operation of Electronic Games of Skill**

- (a) No one other than the Franchise Holder and its employees (and patrons playing the game) may operate the electronic games of skill. The games may not be located in a place other than the grounds of the Franchise Holder's facility, as approved by the Commission.
- (b) Key Licensee employees shall not engage in any electronic games of skill wagering activity within the EGS gaming area of the Franchise Holder with which they are employed at any time. Other employees may not engage in any EGS wagering activity within the Franchise they are employed during

their work schedule.

## **13.0 Service Industry License & Service Industry Employee License**

### **13.1 Restriction of Doing Business**

- (a) No entity shall manufacture, sell or lease, distribute, repair or provide EGS maintenance services of EGS equipment to the Franchise Holder's EGS operations in the State of Arkansas unless it holds a current Service Industry License issued by the Commission in accordance with these regulations.

### **13.2 Determining the Need for a Service Industry License**

- (a) Any entity which satisfies one or more of the following criteria shall, unless it is otherwise set forth in these regulations, obtain a Service Industry License to carry out business with a Franchise Holder in the State of Arkansas.
  - i. The entity manufactures, sells or leases, supplies or distributes devices, machines, equipment, accessories, objects or articles which:
    - (1) Are designed specifically for use in EGS operations of the Franchise Holder;
    - (2) Are needed to carry out the activities of an authorized game;
    - (3) Have the capacity to affect the result of the play of an authorized game; or
    - (4) Have the capacity to affect the calculation, storage, collection or control of the gross revenues.
  - ii. The entity provides maintenance services or repairs gaming equipment for the EGS of the Franchise Holder;
  - iii. All other suppliers of materials, maintenance and supplies that provide greater than \$25,000 worth per year in materials, service and supplies. This would include security systems, gaming devices and money handling/storage devices; or
  - iv. The entity is conducting more than \$150,000 in business with one Franchise Holder or more than \$300,000 in business with two or more Franchise Holders during a calendar year.

### **13.3 General Parameters of Granting a Service Industry License**

- (a) An applicant for a Service Industry License shall submit to the Commission the information, documentation and guarantees necessary to establish through clear and convincing evidence:
- i. The stability, integrity and economic responsibility of the applicant;
  - ii. The good character (if an individual), honesty and integrity of the applicant;
  - iii. That the owners, administrative and supervisory personnel, principal employees and sales representatives of the applicant comply with the parameters provided in Section 13.10 Qualifying as a Person Related to a Service Industry of these Regulations;
  - iv. The integrity of the investors, mortgage creditors, guarantors and holders of bonds, notes and other evidences of debt which are in any way related to the entity; and
  - v. The integrity of all the officers, directors and trustees of applicant.

### **13.4 Initial Application for a Service Industry License**

- (a) The initial application for a Service Industry License shall consist of an original and a copy of the following documents:
- i. Arkansas Racing Commission Business Entity Disclosure Form for Service Industry Licensee, to be completed by the applicant and by each company, individual or entity holding an interest in applicant;
  - ii. Arkansas Racing Commission Personal History Disclosure and Supplemental form of Persons Related with Service Industries, to be completed by each natural person who must be qualified for a license by the Commission in accordance with Section 13.10 of these regulations; and
  - iii. The fees to be paid to the Commission, as provided in section 13.7 of these regulations.
- (b) The Commission shall not evaluate an initial Service Industry License application unless same is accompanied by all the information required in these regulations, including all the documents requested in paragraph (a) above; provided that any incomplete application filed with the Commission shall be deemed to be as if same had not been filed.

- (c) Burden of proof - It shall be the responsibility of the Service Industry applicant and its principals to provide information and or documentation and to demonstrate their qualifications by clear and convincing evidence relative to the character, honesty and integrity of its directors, officers, stockholders and principal employees, to the Commission.
- (d) No person may sell or otherwise supply electronic games of skill to a franchise holder for the conduct of Wagering thereon as authorized in this chapter unless the person has demonstrated to the satisfaction of the commission that the person has the capability and qualifications necessary to reasonably furnish the equipment and perform the services to be provided by the supplier.

### **13.5 Duration of Service Industry License**

- (a) Every Service Industry License shall be issued by the Commission for a period of 3 years.
- (b) Notwithstanding the provisions of paragraph (a) above, the Commission may, as it may deem necessary:
  - i. issue any Service Industry License for a shorter period;
  - ii. at anytime, void the Service Industry License for reasonable cause.

### **13.6 Service Industry License Renewal Application**

- (a) Every Service Industry License renewal application shall be filed no later than ninety (90) days prior to the expiration date of said license.
- (b) The Service Industry License renewal application shall include:
  - i. A duly completed original and a photocopy of:
    - (5) An Arkansas Racing Commission Business Entity Disclosure form Service Industry Application, which shall contain all the information that has changed from the date of the application for the initial Service Industry License or of the last renewal, to be completed by the applicant and by each holding company of applicant;
    - (6) An Arkansas Racing Commission Personal History Disclosure and Supplemental form of Persons Related with Service Industry Licensees to be completed by each natural person who must be

licensed in accordance with Section 13.9 of these regulations, and who has not been licensed by the Commission; and Arkansas Racing Commission Personal History Disclosure form and Supplemental Personal History Disclosure form of Persons Related with Service Industry Licensee-Renewal to be completed by any natural person required to be licensed in accordance with Section 13.2 of these Regulations and who has already been licensed by the Commission.

**13.7 Service Industry License Fees**

- (a) The fees to be paid for the initial or renewal application for a Service Industry License shall be determined by the Commission; provided that the application fee shall not be more than \$1,000 a year. This does not include the actual cost of the investigation(s), which is to be billed to and paid by the applicant to the Commission.
- (b) The fees to be paid for the initial application shall cover administrative costs related to the processing of the application.
- (c) The renewal application fee shall not be more than \$1,000, payable to the Commission and submitted with the Service Industry License Renewal Form.
- (d) The license will not be approved until the fees, including the investigative costs, have been paid by the applicant.

**13.8 Service Industry Disqualification Criteria**

- (a) The Commission may deny a Service Industry License to any applicant which, in the opinion of the Commission:
  - i. Has not proved through clear and convincing evidence that the applicant and any of the persons required to be licensed in accordance with these Regulations are in fact duly qualified;
  - ii. Has violated any of the provisions of these regulations;
  - iii. The applicant has failed to provide information or documentation requested in writing by the Commission in a timely manner, which shall not exceed (30) business days from the date of request by the Commission without reasonable justification and an extension granted by the Commission;

- iv. The Commission shall deny a Service Industry License to any applicant who does not satisfy the standards for entity licensing in this document.

### **13.9 Qualification Requirements - Service Industry License**

- (a) The Commission shall not issue a Service Industry License to any entity unless the applicant has established the individual qualifications of each one of the following entities or persons if applicable:
  - i. The entity;
  - ii. The holding company(s) of the entity;
  - iii. Every owner of the entity who has, directly or indirectly, any interest in or is the owner of more than five percent (5%) of the entity;
  - iv. Every owner of a holding company of the entity which the Commission deems necessary to promote the purposes of these regulations;
  - v. Any director of the entity, except such director who, in the opinion of the Commission, is not significantly involved in or related with the administration of the entity;
  - vi. Every officer of the entity who is significantly involved in or who has authority over the manner in which the business dealing with the activities of Franchise Holder and any officer who the Commission considers necessary to protect the good character, honesty and integrity of the entity;
  - vii. Any officer of the holding company of the entity who the Commission considers necessary to protect the good character, honesty and integrity of the entity;
  - viii. Any employee who supervises the regional or local office which employs the sales representatives who shall solicit business from or negotiate directly with a Franchise Holder;
  - ix. Any employee who shall function as a sales representative or who shall be regularly dedicated to soliciting business from any Franchise Holder in the State of Arkansas;
  - x. Any other person connected to an entity who the Commission considers should be licensed.
  - xi. This part does not apply to an institutional investor (as defined by

the Federal Securities and Exchange Act of 1934, as amended) that acquires or will acquire 10% or less of the equity securities of an applicant or licensee that is a publicly traded corporation if those holdings were purchased for investment purposes only and the institutional investor files with the Commission a certified statement that it has no intention of influencing or affecting directly or indirectly, the affairs of the licensee; the investor will be permitted to vote on matters put to the vote of the outstanding security holders.

- (b) In order to establish the individual qualifications, the persons specified in subparagraphs (a)(i) and (a)(ii) of this section shall complete an Arkansas Racing Commission Business Entity Disclosure.
- (c) In order to establish the individual qualifications, the persons specified in subparagraphs (a)(iii) through (a)(x) of this section shall complete an Arkansas Racing Commission Personal History Disclosure form of Persons Related with Service Industry Licensee.

#### **13.10 Qualifying as a Person Related with a Service Industry License**

- (a) Any natural person who is required to be licensed, because of his/her relationship with a Service Industry License applicant, shall provide to the Commission the information, documentation and assurances necessary to establish through clear and convincing evidence:
  - i. His/her relationship with the entity;
  - ii. That he/she is 21 years of age (this only applies to those employees who service gaming machines or work on the Gaming Floor who have access to the machines);
  - iii. That he/she is of good character and reputation, in addition to being honest and having integrity; and
  - iv. That he/she has not been convicted including “nolo contendere” and “withheld adjudication” by any state or federal court in the Country for:
    - (1) Committing, intending to commit or conspiring to commit a crime of moral turpitude, illegal appropriation of funds or robbery, or any violation of a law related to games of chance or skill, or a crime which

is contrary to the declared policy of the Arkansas Racing Commission with respect to the gaming industry; or

- (2) Committing, intending to commit or conspiring to commit a crime which is a felony in the State of Arkansas or a misdemeanor in another jurisdiction which would be a felony if committed in the State of Arkansas.
- (b) Not satisfying with any one of the requirements established in paragraph (a) above shall be sufficient reason for the Commission to deny a Service Industry License.
- (c) The Commission shall deny any person required to qualify in conjunction with a Service Industry License that does not satisfy the standards set forth within these regulations.

#### **13.11 Investigations; Supplementary Approval of Change**

- (a) The Commission or its representatives may, at its discretion, conduct any investigation with respect to an applicant or any person related with an applicant who it deems pertinent, either at the time of the initial application or at any subsequent time.
- (b) It shall be the continuous duty of any applicant or holder of a Service Industry License to fully cooperate with the Commission or its representatives during any investigation and provide any supplementary information that the Commission or its representatives requests.
- (c) It shall be the duty of any applicant or holder of a Service Industry License to notify the Commission within 10 business days of any proposed changes in the ownership of the applicant or licensee. If the applicant or holder of a Service Industry License is publicly traded company, it does not have to report changes in ownership unless the change represents five percent (5%) or more of the total shares issued and outstanding or ten percent (10%) or more of the total shares issued and outstanding if the change is the result of an institutional investor. In such cases, the licensee shall provide the Commission with copies of the most recent notice filed with the Securities and Exchange Commission. All proposed new owners shall submit to the Commission or its representatives an initial Service Industry License

application, which must be approved by the Commission. Any failure to comply with this rule shall be grounds for revocation of an existing license or denial of an application for a license.

**13.12 Suspension, Denial of Renewal or Revocation of a Service Industry License**

- (a) Any of the following reasons shall be considered sufficient cause for the suspension, denial of renewal or revocation of a Service Industry License:
- i. Violation of any provision of these regulations;
  - ii. Conduct which would disqualify the applicant or any other person required to be licensed by the Commission;
  - iii. Failure to comply with any applicable law, state or federal or regulation, or county or municipal ordinance;
  - iv. The material misstatement made in the application for the Service Industry License.
- (b) Notwithstanding the provisions of subparagraph (a) above, any other cause that the Commission deems reasonable shall be considered sufficient cause for the suspension, denial of renewal or revocation of a Service Industry License.

**13.13 Commercial Transaction in the Absence of a Service Industry License**

- (a) The Commission, at its discretion, may permit any Service Industry license applicant to carry out a commercial Transaction with a Franchise Holder before said Service Industry entity has obtained the Service Industry License required as long as:
- i. The applicant has filed with the Commission a completed application for a Service Industry License;
  - ii. At least thirty (30) days has passed since the filing of said completed application with the Commission; and
  - iii. The Franchise Holder submits to the Commission a petition for special authorization to carry out a commercial Transaction in the absence of a Service Industry License which contains:
    - (1) Sufficient reasons to convince the Commission to grant the special authorization to the applicant; and

- (2) A description of the commercial Transaction that it desires to carry out.
- (b) The Commission shall evaluate said petition for special authorization to carry out a commercial Transaction in the absence of a Service Industry License and shall notify Franchise Holder of its decision in writing within a reasonable period.

#### **13.14 Exemption to Service Industry License**

- (a) The Commission may exempt an entity from the requirement of obtaining a Service Industry License if the Commission determines that said entity is not operating its business in a regular and continuous manner as defined in (d) below.
- (b) Any entity which is interested in obtaining an exemption from the requirement of obtaining a Service Industry License in accordance with this section shall apply in writing to the Commission for said exemption.
- (c) The exemption application shall contain the following information:
  - i. Name, address and detailed description of the service offered by the entity;
  - ii. Name of the owners, directors, officers and managerial employees of the entity;
  - iii. Franchise Holder to whom they will provide services and a description of the service to be provided, including the quantity and cost of the services;
  - iv. Number and frequency of the Transactions;
  - v. Dollar amount of the Transactions; and
  - vi. Sufficient reasons to convince the Commission as to why granting the entity a license is not necessary to protect the public interest or advance the Commission's policies relating to gaming.
- (d) The Commission may determine that an entity is not operating its business in a regular and continuous manner if the applicant demonstrates, to the satisfaction of the Commission, that the goods or services provided by the entity are in minimal or insignificant amounts, and that granting the same a Service Industry License is not necessary to protect the public interest or

advance the policies established by the Commission relating to gaming.

- (e) In order to determine if an entity operates or will operate in a regular or continuous manner, the Commission may take the following factors into consideration, among others:
  - i. Number of Transactions;
  - ii. Frequency of the Transactions;
  - iii. Dollar amount of Transactions;
  - iv. Nature of the equipment or services rendered or business carried out;
  - v. Maximum period of time necessary to provide the equipment, carry out the services or complete in its entirety the business subject of the Transaction; and
  - vi. The public interest and the policy established by the Commission relating to gaming.
- (f) Any entity which has been exempt by the Commission from the requirement of obtaining a Service Industry License in accordance with this section shall notify the Commission before carrying out any commercial contract or business transaction, with a Franchise Holder.

#### **13.15 Records Requirements for Service Industry Licensee**

- (a) Any Service Industry entity authorized by the Commission shall maintain in a place secure against robbery, loss or destruction, the records corresponding to the business operations, which shall be available to, and be produced for the Commission in case the Commission requests them. Said records shall include:
  - i. Any correspondence with the Commission and other governmental agencies at a local, state and federal level;
  - ii. Any correspondence related to the business with a Franchise Holder, whether proposed or existing;
  - iii. Copies of any publicity and promotional materials;
  - iv. The personnel files for every employee of the authorized Service Industry entity, including those for the sales representatives;
  - v. The financial records for all the Transactions related to the business with a Franchise Holder, whether proposed or existing;

- (b) The records listed in Subparagraph (a) above shall at least be kept for a period of five (5) years.

**13.16 Business Entity Disclosure for Service Applicant Forms**

- (a) Arkansas Racing Commission Business Entity Disclosure form shall be completed in the format provided by the Commission.

**13.17 Personal History Disclosure form**

- (a) The Commission may require an Arkansas Racing Commission Personal History Disclosure form from all those natural persons required under Section 13.9, to fill out the same.

**13.18 Obligation for Payment of Fees; No Refund of Fees Paid**

- (a) Any obligation for payment of fees arising from these regulations shall be paid in full to the Commission, even when the entity withdraws its application for a Service Industry License or the license is denied.
- (b) No amounts paid for Service Industry License fees shall be refundable.
- (c) Any failure to pay fees when due shall result in a late fee penalty established by the Commission, denial or revocation of a license.

**13.19 Responsibility of the Franchise Holder**

- (a) Any Franchise Holder that will be receiving a service shall be responsible for confirming that the entity with which it will carry out the business holds a Service Industry License or has obtained a special authorization in accordance with Section 13.14 of these regulations, or an exemption in accordance with these Regulations.
- (b) Any violation of subparagraph (a) above shall be sufficient cause for sanctions by the Commission.

**13.20 Transitory provisions**

- (a) Any entity which manufactures, sells or leases, distributes or repairs or provides maintenance services or any other service to Franchise Holder with

respect to EGS shall comply with the provisions of these regulations beginning on the effective date the same.

### **13.21 Vendor's List**

- (a) The Commission or its representatives shall also maintain a Prohibited Vendor List, which shall include all vendors who are prohibited from conducting business with a Franchise Holder. The Commission shall provide this list to the Franchise Holders.
- (b) Engaging in business with a vendor on the Prohibited Vendor List by the Franchise Holder may result in monetary fines not to exceed \$5,000.

### **13.22 Temporary Service Industry Licensing**

- (a) If an applicant for a manufacturer, distributor or entity providing services to a Franchise Holder holds a similar license in another jurisdiction in the United States, the applicant may submit a written request with its application for the Commission to grant a temporary Service Industry license. The Commission may use the temporary licensing process if:
  - i. The Commission determines, after investigation, that the licensing standards in a jurisdiction in which the applicant is licensed are similarly comprehensive, thorough and provide equal, if not greater, safeguards as provided in Act 1151 or these regulations and that granting the request is in the public interest;
  - ii. A completed application has been filed by the applicant;
  - iii. The applicant has provided current, updated information to the Commission associated with the similar license in the other jurisdiction related to its financial viability and suitability.
  - iv. The applicant has no administrative or enforcement actions pending in another jurisdiction or the applicant has adequately disclosed and explained the action to the satisfaction of the Commission;
  - v. There are no pending or ongoing investigations of possible material violations by the applicant in another jurisdiction or the applicant has adequately disclosed and explained the investigation to the satisfaction of the Commission;

- vi. This section shall not be construed to waive fees associated with obtaining a license through the application process in this State.

## **14.0 Employee Licenses**

### **14.1 Key Employee and General Employee Licenses**

- (a) Except in cases of emergency and/or unavoidable temporary incidental entry, no person may work or provide services to the EGS Operations of a Franchise Holder in the State of Arkansas unless the person has a current Key Employee License or a General Employee License issued by the Commission, as provided in these regulations. The Key or General Employee License requirements apply to persons who have direct access to the EGS gaming terminals, surveillance or computer systems.
- (b) Employees who perform duties in the racing industry of the Franchise Holder must have a Racing License. In the event the employee is assigned to work in both the Racing and EGS areas, the employee must obtain both a General Employee License and a Racing License.
- (c) Key Employee and General Employee Licenses are issued annually.
- (d) Qualifications for a Key Employee or General Employee license must meet the same qualifications as stated in section 13.10 Qualifying as a Person Related with a Service Industry License.

### **14.2 Initial Application for an Employee License**

- (a) Every initial application for an Employee License shall include:
  - i. A duly completed original and a photocopy of the Arkansas Racing Commission Personal History Disclosure form in accordance with Section 13.17 of these regulations;
  - ii. The documents to identify applicant, as provided in Section 14.15 of these regulations;
  - iii. A photo identification card shall be submitted by the applicant to the Commission with the filing of the license application, which will be stapled to the Arkansas Racing Commission Personal History Disclosure form in addition to submission of fingerprinting of the applicant by Commission

staff or their designees, which will be submitted for state and federal regulatory inquiry purposes for criminal and financial background checks.

- iv. The fees to be paid as provided in Section 14.16 of these regulations including late fees for late filings.

(b) Each initial application shall be filed at or mailed to the Commission at the address of the Commission as provided on the application itself.

#### **14.3 Persons or Entities Who Must Obtain a Key Employee License**

Except as otherwise approved by the Commission, any person or entity who carries out or will carry out, or has or will have any of the functions mentioned in Section 14.4 shall obtain a Key Employee License; or who carries out functions specified in Section 14.5 shall obtain a General Employee License before commencing work with a Franchise Holder. The lists contained in Sections 14.4 and 14.5 of these regulations are not all-inclusive but illustrative.

#### **14.4 Key Employee Job Functions**

Any person or entity who is going to be employed by the Franchise Holder in a position which includes any of the following responsibilities or powers, independently of the title, shall obtain a Key Employee License:

(a) Where they have authority to develop or administer policy or long-range plans or to make discretionary decisions related to the operation of the Franchise Holder they shall be considered a Key Employee Licensee and shall include, but not be limited to any person or entity who:

- i. Functions as an officer of the Franchise Holder;
- ii. Functions as a facility manager for a Franchise Holder or director;
- iii. Functions as EGS gaming department manager;
- iv. Functions as director of surveillance;
- v. Functions as director of security;
- vi. Functions as controller;
- vii. Functions as an audit department executive;
- viii. Functions as the manager of the MIS ("Management Information Systems") Department or of any information system of a similar nature;

- ix. Manages a marketing department;
- x. Functions as assistant manager;
- xi. Manages the EGS gaming administrative operations;
- xii. Functions as a general manager;
- xiii. Functions as Chief Financial Officer of the Franchise Holder; and
- xiv. Any other person who has the ability to direct, control or manage the operations or who has discretionary authority over the Franchise Holder's decision-making. Notwithstanding the above, individuals working exclusively for pari-mutuel operations in horse or greyhound racing would not be covered by these regulations.

#### **14.5 General Employee Job Functions**

Any natural person who is going to be employed by the Franchise Holder in a position which includes any of the following responsibilities related to the operations of the Franchise Holder, or whose responsibilities predominantly involve the maintenance or the operation of EGS gaming activities or equipment and assets associated with the same, or who is required to work regularly in restricted EGS areas shall obtain a General Employee License. Said persons shall include, but not be limited to, any person who:

- (a) Conducts surveillance investigations and operations in an EGS gaming area;
- (b) Repairs and maintains EGS gaming equipment, including, but not limited to, EGS and bill acceptors;
- (c) Assists in the operation of EGS and bill acceptors, including, but not limited to, persons who participate in the payment of jackpots, or who supervise said persons;
- (d) Processes currency, and patrons' checks or Cash Equivalents in the EGS gaming area;
- (e) Repairs or maintains the Surveillance System equipment as an employee of the surveillance department of the Franchise Holder;
- (f) Provides physical security in an EGS gaming area;
- (g) Controls or maintains the EGS inventory, including replacement parts, equipment and tools used to maintain of the same;
- (h) Has responsibilities associated with the installation, maintenance or operation

- of computer hardware for the Franchise Holder's computer system; and
- (i) Does not perform the job functions of a Key Employee as outlined within section 14.4.

**14.6 Scope and Applicability of Employee Licensing of Natural Persons**

- (a) In determining whether a natural person who provides services to Franchise Holders is an employee of the Franchise Holder for purposes of the rules, it shall be presumed that such person is an employee if the services provided by that person are characterized by any of the following factors, these being indicative that an employment relationship exists:
  - i. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the Franchise Holder;
  - ii. The Franchise Holder will withhold local and federal taxes or make regular deductions for social security, or other deductions required by law from the payments made to the natural person;
  - iii. The natural person will be given the opportunity to participate in any benefit plan offered by the Franchise Holder to its employees, including, but not limited to, health insurance plans, life insurance plans or pension plans; or
  - iv. The natural person has an employee license application pending with the Commission or will submit such an application during the time the services are being rendered to the Franchise Holder, and the cost of the license has been or will be paid for or reimbursed by the Franchise Holder.
- (b) The Commission may, after considering the factors in paragraph (a) of this section and any other applicable information, require that the natural person obtain an employee license before providing or continuing to provide any service to Franchise Holder even if an agreement to the contrary exists between the Franchise Holder and the natural person.

**14.7 General Criteria for Granting of a Key Employee License**

- (a) Each applicant for an Employee License shall provide the Commission with the necessary information, documentation and guarantees which establish through clear and convincing evidence that the applicant:
- i. Is older than 21 years of age;
  - ii. Is a citizen of the United States of America or is authorized in accordance with the applicable federal laws or regulations to work in the United States of America.
  - iii. Possesses good character and reputation, in addition to being honest and having integrity; and
  - iv. Has no physical or mental condition that prohibits the applicant from performing the essential functions of his job for which there is no reasonable accommodation.
- (b) Failure to comply with one of the criteria established in paragraph (a) above may be sufficient cause for the Commission to deny an application for an Employee License.

**14.8 Personal Information Required for a Key Employee License**

- (a) Every applicant for a Key Employee License who will work in a managerial or supervision position for a Franchise Holder of the type described in Section 14.4 of these regulations shall submit:
- i. Any affiliation of applicant with a Franchise Holder or with companies controlling the Franchise Holder and the position he/her occupies with the same or his interest in said entity;
  - ii. Any affiliation of applicant with a Service Industry entity or with companies controlling the Service Industry entity and the position that he/her occupies with or his interest in said entity.

**14.9 Processing of the initial application for a Key Employee License**

- (a) The Commission shall determine if the initial application complies with all the requirements provided in these regulations and if any deficiency is found, it shall notify the applicant of the deficiency(ies) within 20 days following the

filing of the initial application with the Commission. The Commission shall not evaluate an incomplete initial application.

- (b) Once the Commission has determined that the initial application filed is complete, the Commission shall:
  - i. Accept the application and initiate the procedure for considering the same;
  - ii. Notify in writing the applicant or his/her representative, if any, that the application has been accepted for consideration. Said notice shall also include:
    - (1) The date of said acceptance;
    - (2) The file number of the application; and
    - (3) A caution to the applicant that the fact that the application has been accepted for consideration does not mean that the applicant has complied with the requirements of the regulations to issue the license;
  - iii. Analyze and evaluate the information offered in the application and any other information necessary to determine if the requested license should be granted;
  - iv. Make a decision with respect to the requested license; and
  - v. Notify the applicant of its decision. If the decision consists of a denial of the license, the Commission shall inform the applicant the reason or reasons for the denial and of his/her right to request a reconsideration of the decision of the Commission following the adjudicative procedures provided in section 14.0 of these regulations. For purposes of these regulations, a denial of a license application shall be considered a final order of the Commission, after the adjudication process.
- (c) The Commission, at any time, may request from an applicant for an Employee License any other information it may deem necessary in order to make a decision with respect to the application.

#### **14.10 Duration of the Employee License**

- (a) Every Employee License shall be issued by the Commission for a period of up to 1 year.

- (b) Notwithstanding the provisions of paragraph (a) above, the Commission may, as it deems necessary:
  - i. issue any license for a shorter period of time;
  - ii. at anytime, void an Employee License for reasonable cause.

**14.11 Date of Filing for Renewal of a Key or General Employee License**

Any holder of an Employee License shall renew his license by filing with the Commission an application for renewal of his Employee License. The completed renewal application shall be filed with the Commission no later than 60 days prior to expiration of the license.

**14.12 Application for Renewal of a Key or General Employee License**

- (a) The application for renewal of an Employee License shall include:
  - i. A duly completed original and a photocopy of the Arkansas Racing Commission Personal History Disclosure form which shall contain all the information which has changed since the date of the initial Employee License application or of the last renewal.
  - ii. The documents which identify the applicant, as provided in section 14.15 of these regulations;
  - iii. Photographs of the applicant taken by the Commission or its representatives, which shall be stapled to the Arkansas Racing Commission Personal History Disclosure form; and the submission of fingerprints of the applicant, which shall be taken by the Commission or their designee and submitted to state and federal authorities for relevant checks.
  - iv. The fees to be paid as provided in Section 14.16 of these regulations.
- (b) Any renewal application shall be filed with or mailed to the Commission to the address of the Commission, as provided on the application.
- (c) Any person who fails to submit a completed renewal application in accordance with this section or in accordance with the provisions of paragraph (a) of Section 14.13 of these regulations shall be considered as not having filed a renewal application with the Commission and the license shall be cancelled on the expiration date.

- (d) Any person whose current employee license is cancelled in accordance with this section may, before the date of expiration of the current license, or at any time after the expiration, apply for an Employee License; provided that the application, for all purposes of these regulations, shall be considered an initial Employee License application and shall comply with Sections 14.8 and 14.9 of these regulations.

**14.13 Processing of the Application for Renewal of Key or General Employee License**

- (a) The Commission shall determine if the renewal application filed complies with all the requirements provided in these Regulations and if any deficiency is found, it shall notify the applicant of the deficiency(ies) within 20 days following the filing of the renewal application with the Commission; provided that the Commission may, at its discretion and depending on the magnitude of the deficiency(ies), grant an opportunity for the applicant to cure any deficiency within the period and under the conditions determined by the Commission at said time. Any application where a deficiency has been cured in accordance with the above shall be deemed to have been filed within the period required by these Regulations.
- (b) Upon receipt of an application for renewal of an Employee License duly completed and filed within the period required by these regulations, the Commission or its representatives shall carry out the investigation it deems necessary.
- (c) The Commission shall make a decision with respect to each completed license renewal application which has been submitted.
- (d) The Commission shall notify the applicant of the decision made. If the decision consists of a denial of the renewal of the license, the Commission shall inform the applicant the reason or reasons for the denial and of his right to request a reconsideration of the decision of the Commission following the adjudicative procedures provided in section 14.9(b)(v) of these regulations. For purposes of these regulations, a denial of a license application shall be considered a final order of the Commission,

after the adjudication process.

**14.14 Responsibility for Establishing Qualifications and to Disclose and Cooperate**

- (a) Each applicant shall be responsible for providing the information, documentation and assurances required for establishing through clear and convincing evidence that his/her qualifications meet the requirements of these regulations.
- (b) It shall be the continuing responsibility of every applicant or holder of an Employee License to provide all the information, documentation and assurances that may be required by the Commission pertaining to the qualifications, and to cooperate with the Commission. Any refusal or failure of an applicant to comply with a formal request for information, evidence or testimony from the Commission shall be sufficient cause for a denial or revocation of the license.

**14.15 Identification of the Applicant**

Every applicant for an Employee License shall establish his/her identity with reasonable certainty by providing the necessary Identification Credentials.

**14.16 Fees Payable**

The fees payable for the initial or renewal application for Employee Licenses shall be determined by the Commission. Applications for an initial license and every third year after initial license will be required to pay to the Commission a fee to cover the costs related to obtaining background investigations and reports. Applications for an initial license and every third year after initial license will be required to pay to the Commission a fee to cover the costs related to obtaining background investigations and reports.

**14.17 Employees Working Without an Employee License**

No employee with an expired license shall work in a position or shall exercise functions for which such license is required, with the understanding that if such

employee is found working without a current and valid license, the employee, as well as the Franchise Holder or person or entity employing the employee shall be subject to sanctions as established by the Commission.

**14.18 Payment of Fees, Regulatory Sanctions; No Refunds of Payments**

- (a) No application shall be accepted for filing or processed by the Commission except upon full payment of all required fees, civil penalties or regulatory sanctions. Any portion of a fee which is incurred or determined after the filing of the application or any civil penalty imposed by the Commission shall be payable upon demand to the Commission.
- (b) Any payment of monetary obligation arising from these regulations shall be paid in full even when the person withdraws his Employee License application.
- (c) No amounts required to be paid to the Commission for licensure; civil penalties or regulatory sanctions shall be refunded.
- (d) Any fees, civil penalties or regulatory sanctions not paid by the due date shall be subject to penalty in an amount to be determined by the Commission.

**14.19 Miscellaneous Administrative Charges**

- (a) Any lost Key Employee License shall be replaced by the Commission at a cost to be determined by the Commission.
- (b) Any change to the Employee License requested by the employee which was not caused by an omission or negligence of the Commission shall carry a charge to be determined by the Commission.

**14.20 Change of Position or Place of Work**

- (a) Any natural person who carries out any of the functions described in Section 14.5, General Employee Job Functions of these regulations or one which is similar in nature to said functions and for any reasons the person's functions change to any of the functions which are described in Section 14.3 of these regulations or one that is similar in nature to these

shall file a new application with the Commission in accordance with the provisions of Section 14.12, Application for Renewal of Key Employee License of these regulations within the 20 days following the change of the person's position.

- (b) A license setting forth more than one position may be issued to any licensed employee by the Commission upon application by the licensed employee or the Franchise Holder. Said request would be reviewed by the Commission to ensure that their dual license status would not be deemed an Incompatible Function. The review will be conducted in a timely manner and the Commission's decision shall be provided to the applicant in writing.

#### **14.21 Carrying of Licenses and Credentials**

- (a) Any person to whom the Commission has issued an Employee License must carry, on his person or wear in a visible and conspicuous manner, the Employee License, at all times when on premises of the franchise holder.
- (b) No Franchise Holder shall permit a person to work in its licensed premises without said person carrying his/her Employee License as provided in paragraph (a) above.

#### **14.22 Authority of Commission - Licensing**

- (a) Nothing provided in this document shall be interpreted as limiting authority and powers of the Commission to at any time:
  - i. Investigate the qualifications of any holder of an Employee License; and
  - ii. The Commission may suspend, revoke or refuse to issue a license to any person who:
    - (1) Failed to disclose or misstated information or otherwise attempted to mislead the Commission with respect to any material fact contained in the application for license as a gaming employee;
    - (2) Violated Commission rules, or has been suspended or had a license revoked by another gaming jurisdiction;

- (3) Has been convicted of a felony in the last ten years. Persons with felony convictions that are more than ten years ago may be licensed at the discretion of the Commission.
- (4) Has been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;
- (5) Is on probation, parole or remains in the constructive custody of any federal, state or municipal law enforcement authority;
- (6) Had license as a gaming employee revoked or committed any act which is a ground for the revocation of license as a gaming employee or would have been a ground for revoking license as a gaming employee if the applicant had then been registered as a gaming employee;
- (7) Has been employed in the last two years by the accounting firm that has conducted the annual independent audit on behalf of a Franchise Holder or the EGS Section; or
- (8) Has been employed by the EGS Section within the last two years.

#### **14.23 Transitory Provisions**

- (a) Any person who on the effective date of these regulations who in accordance with the provisions of these regulations would need an Employee License, shall file an initial application within the thirty (30) days following the effective date of these regulations.
- (b) All persons to whom these regulations would apply shall comply with all the provisions of these regulations from the effective date of these regulations.

#### **14.24 Sanctions**

- (a) The Commission may initiate regulatory enforcement actions against any person licensed under these regulations.
- (b) Any person who willfully fails to report, pay or truthfully account for and pay any license application fee, investigative fee or any other fees imposed by these regulations, or willfully attempts in any manner to

evade or defeat any such fee, or payment thereof shall be subject to suspension or revocation of their license and shall be liable for the imposition of a penalty, as determined by the Arkansas Racing Commission.

- (c) Any person who, without obtaining the requisite license as provided for by these regulations works or is employed in a position whose duties would require licensing under the provision of these regulations shall be liable for the imposition of sanctions and subject to a fine of not more than \$1,000, suspension or revocation of license or both.
- (d) In addition to any monetary sanction, the Commission shall, after appropriate hearing and factual determinations, have the authority to impose the following sanctions upon any person licensed pursuant to these regulations:
  - i. Revoke the license of any person convicted of any criminal offense for which disqualification as set forth in Section 14.0 would result.
  - ii. Suspend the license of any person pending a hearing and determination in any case in which license revocation could result.
  - iii. Suspend or revoke the license for violation of any provisions of these regulations relating to Franchise Holders.
  - iv. Assess sanctions as may be necessary to punish misconduct and to deter future violations, which such penalties may not exceed \$5,000 in the case of any individual licensee and in the case of the Franchise Holder, the penalty may not exceed \$10,000 for each violation.
  - v. Issue warning letters, letters of reprimand or censure, which letters shall be made a permanent part of the file of each licensee so sanctioned.
- (e) In considering appropriate sanctions in a particular case the Commission shall consider:
  - i. The risk to the public and to the integrity of Franchise Holders created by the conduct of the person facing sanctions;
  - ii. The seriousness of the conduct and whether the conduct was purposeful and with knowledge that it was in contravention of these regulations;
  - iii. Any justification or excuse for such conduct;
  - iv. The prior history of the licensee with respect to compliance with these regulations;

- v. The corrective action taken by the licensee to prevent future misconduct of a like nature from occurring; and
  - vi. In the case of a civil penalty, the amount of the penalty in relation to the severity of the misconduct. The Commission may impose any schedule or terms of payment of such penalty, as it may deem appropriate.
  - vii. It shall be no defense to any regulatory enforcement or disciplinary action before the Commission that the applicant or licensee inadvertently, unintentionally, or unknowingly violated a provision of these regulations. Such factors shall only go to the degree of the civil penalty to be imposed by the Commission.
- (f) A violation of any provision of these regulations, which is an offense of a continuing nature, shall be deemed to be a separate offense on each day during which it occurs. Nothing herein shall be deemed to preclude the Commission from enforcing multiple violations within the same day of those provisions of the regulations which establish offenses consisting of separate and distinct acts.

## **15.0 Privilege Fees**

### **15.1 Payment Requirements**

- (a) Franchise holders conducting wagering on electronic games of skill under this chapter shall pay the following fees for the privilege of conducting the wagering:
- i. An amount equal to eighteen percent (18%) of the net wagering revenues from electronic games of skill shall be paid by the franchise holder to the Director of the Department of Finance and Administration for deposit in the State Treasury as general revenues;
  - ii. An amount equal to one-half of one percent (0.5%) of the net wagering revenues from electronic games of skill shall be paid by the franchise holder to the county in which the franchise holder is operating the electronic games of skill; and
  - iii. An amount equal to one and one-half percent (1.5%) of the net wagering revenues from electronic games of skill shall be paid by the franchise holder to the city or town in which the franchise holder is operating the

electronic games of skill.

- (b) The privilege fees shall be reported under oath and paid on a monthly basis on or before the twentieth day of each month to the Director of the Department of Finance and Administration. Reporting forms will be prescribed and furnished by the Director and shall show the total net wagering revenues from electronic games of skill during the preceding calendar month.
- (c) The privilege fees levied by this section are in lieu of any state or local gross receipts, sales, or other similar taxes, and to this end the Arkansas Gross Receipts Tax Act of 1941, § 26-52-101 et seq., shall not be applicable to gross receipts derived by franchise holders from wagering on electronic games of skill.
- (d) The privilege fee payable to the Director of the Department of Finance and Administration under subdivision (a)(i) of this section shall be administered by the director pursuant to the Arkansas Tax Procedure Act, § 26-18-101 et seq. However, regulatory authority over licensing and other matters under these regulations not relating to the administration, payment, and collection of the privilege fee shall remain with the Arkansas Racing Commission.

## **15.2 Distribution of privilege fees, License fees, etc.**

- (a) All privilege fees received by the Director of the Department of Finance and Administration required by these regulations shall be deposited in the State Treasury as general revenues.
- (b) All permit or license fees, penalties, and fines received by the Arkansas Racing Commission under these regulations shall be deposited in the State Treasury as general revenues.

## **16.0 Exclusions**

### **16.1 Exclusions – Inimicals, Cheats, Career Criminals - Definitions**

The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

- (a) "Candidate" means any person whose name is included on the exclusion

list.

- (b) "Career or professional offender" means any person, whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing methods that constitute violations of the laws of the State of Arkansas.
- (c) "Cheat" means any person whose act or acts in any jurisdiction would constitute any criminal offense relating to gaming play.
- (d) "Excluded Person" means any person who has been placed upon the List of Excluded Persons by order of the Commission and is required to be ejected from a gaming facility.
- (e) "Inimical" means adverse, unfriendly or hostile to the integrity of gaming.
- (f) "List of Excluded Persons" means a list of names of persons who are required to be excluded or ejected from the Franchise Holder's premises.
- (g) "Occupational manner or context" means the systematic planning, administration, management or execution of an activity for financial gain.

#### **16.2 Maintenance and Distribution of List**

- (a) The Commission shall maintain a list of persons to be excluded from a Franchise Holder's premises.
- (b) The list shall be distributed to every Franchise Holder in the State of Arkansas on at least a quarterly basis via E-Mail or U.S. Postal Service. Each Franchise Holder shall acknowledge receipt thereof by notifying the Commission via E-Mail or correspondence.
- (c) The following information and data shall be provided for each excluded person:
  - i. The full name and aliases of the person to be excluded;
  - ii. A description of the person's physical appearance, including height, weight, type build, color of hair and eyes and other physical characteristics which might assist in the identification of the person;
  - iii. Date of birth
  - iv. The effective date of the order of exclusion; and
  - v. A photograph, if obtainable and the date of the photo or a photo taken by the Franchise Holder's surveillance department.

### **16.3 Criteria for Exclusion**

- (a) The exclusion list may include any person who meets the following criteria:
- i. A career or professional offender whose presence in a Franchise Holder's premises would be contrary to the interests of the State of Arkansas.
  - ii. An associate of a career offender or professional offender whose association is such that his or her presence in a Franchise Holder's premises would be inimical to the interest of the State of Arkansas.
  - iii. Any person whose presence in a Franchise Holder's premises would be inimical to the interest of the State of Arkansas, but not limited to:
    - (1) Cheats;
    - (2) Persons whose privileges for an Employee License have been revoked;
    - (3) Persons who pose a threat to the safety of patrons or employees of the Franchise Holder and
    - (4) Persons with a documented history of conduct involving undue disruption of a Franchise Holder's operations.

### **16.4 Procedure for Entry of Names**

The Racing Commission shall, on its own initiative, or upon referral by the Franchise Holder, investigate or review any individual who would appear to be an appropriate candidate for placement on the exclusion list. An agent or other representative of the Racing Commission may conduct the investigation and place any candidate for exclusion on the list and notify that person. The Commission administrator or designee shall, within 30 days of placement thereon, affirm the decision of the Racing Commission representative to place an individual on the exclusion list, or the person's name shall be removed from the list.

### **16.5 Duty of Franchise Holder RE: Excluded Persons**

- (a) A Franchise Holder shall exclude or eject any person that has been placed on the exclusion list;
- (b) If an excluded person enters, attempts to enter, or is in a Franchise

Holder premises and is recognized by the Franchise Holder personnel, the Franchise Holder personnel shall immediately notify the Racing Commission.

- (c) It shall be a continuing duty of Franchise Holder to inform the Racing Commission of the names of persons it believes are appropriate candidates for placement on the exclusion list.
- (d) Each Franchise Holder shall have the right to exclude undesirable individuals from its premises, and without limiting the generality of the foregoing, each Franchise Holder may have the person whose name appears on the exclusion list removed from the Franchise Holder's premises or may press trespass charges against the individual.
- (e) Any excluded person who has engaged in gaming activity at a Franchise Holder's premises prior to detection and whose gaming has resulted in a win by the excluded patron, shall forfeit all winnings immediately upon detection of the excluded person by the Franchise Holder or Racing Commission. A Franchise Holder shall not reimburse the excluded person for any losses incurred while the excluded person engaged in gaming activity.

#### **16.6 Removal from the Exclusion List**

- (a) An excluded person may petition the Commission to remove his or her name from the exclusion list.
- (b) The petition for removal shall state with specificity the grounds believed by the petitioner to constitute good cause for the removal from the list.
- (c) The Racing Commission or designee may decide the petition on the basis of the documents submitted or grant the petitioner a hearing. A hearing shall be granted only upon a finding that there is new evidence which is material and necessary, or that circumstances have changed since the placement of the excluded person on the list. All exclusion decisions may be appealed to the Racing Commission.

## **17.0 Underage Patrons or Employees**

### **17.1 Obligation of Franchise Holder RE: Underage**

(a) A Franchise Holder, any agent or employee thereof shall not:

- i. Allow a person who has not attained 21 years of age to play any EGS ;
- ii. Allow a person who has not attained 21 years of age access to the designated EGS gaming area of an Franchise Holder during the hours of operation;
- iii. Allow a person who has not attained 21 years of age to be employed in any position allowing or requiring access to the designated EGS gaming area of an Franchise Holder.

### **17.2 RESERVED**

### **17.3 Remitting Forfeited Funds from Underage**

Franchise Holder each quarter shall report and remit to the EGS Section of the Arkansas Racing Commission all winnings withheld from patrons who are determined to be less than 21 years of age.

### **17.4 Sanctions on Franchise Holder for Underage Gaming**

The license of any person issued pursuant to the provisions of Act 1151 of 2005 or these regulations, who is found by the Racing Commission to have intentionally allowed a person less than 21 years of age to play or operate an EGS shall be subject to sanction including the implementation of a fine, suspension or revocation at the discretion of the Commission.

## **18.0 Days and Hours of Operation**

(a) Days and hours of operation shall be determined by the Franchise and approved by the Commission. Changes to approved days and hours of operation shall be submitted to the Commission for approval prior to implementation.

- (b) EGS gaming areas may be opened everyday during the year (excluding Easter and Christmas) during such operating hours as the Commission may approve.
- (c) The Gaming Day (which may differ from hours of operation) for a Franchise Holder shall be the 24 hour period which commences on the current calendar day at 6:00am and terminates at 5:59am the following calendar day. Franchise Holder may choose to begin and end their Gaming Day at other than hours specified in this section. Hours of operation may differ from the Gaming Day.
- (d) No Gaming Day shall be longer than 24 hours. However, each Franchise Holder may establish hours of operation for EGS which differ from its hours of operation for pari-mutuel wagering on horse or greyhound racing.

## **19.0 On-Site Commission Offices**

### **19.1 Commission Office Space at each Licensed Facility**

There shall be, for the exclusive use of the Commission agents, office space at each Franchise Holder's licensed premises for monitoring and recording purposes. The designation of the EGS office shall be approved by the Commission.

## **20.0 Accounting and Internal Controls**

### **20.1 Accounting and Security Records**

- (a) Each Franchise Holder shall maintain complete, accurate, and legible records of all Transactions pertaining to the revenues and costs for each establishment.
- (b) General accounting records shall be maintained on a double entry system of accounting with Transactions recorded on the accrual basis. Detailed, supporting, subsidiary records sufficient to meet the

requirements of (c) below shall also be maintained in accordance with the requirements of this section.

- i. The Franchise Holder will submit to the Commission for its approval a chart of accounts and accounting classification in order to insure consistency, comparability, and effective disclosure of financial information.
  - ii. The chart of accounts shall provide the classifications necessary to prepare the standard financial statements required by Section 20.4.
  - iii. The prescribed chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the Franchise Holder.
  - iv. The Franchise Holder shall not use other than the prescribed chart of accounts but may, with the permission of the Commission, expand the level of detail for some or all accounting classifications and/or alter the account numbering system. In such instances, the Franchise Holder shall provide to the Commission, upon request, a cross-reference from the prescribed chart of accounts.
- (c) The detailed, supporting, and subsidiary records shall include, but not necessarily be limited to:
- i. Records supporting the accumulation of the costs and number of persons, by category of service, for regulated complimentary services.
  - ii. Records of all investments, advances, loans and receivable balances, due to the establishment.
  - iii. Records related to investments in property and equipment.
  - iv. Records which identify the Gross Wagering Revenue, payout, win amounts and percentages will be reported daily, and theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each EGS periodically, as requested by the Commission.
  - v. Records of all loans and other amounts payable by the establishment.
  - vi. Records provided for in the system of internal accounting controls submitted to the Commission.

## **20.2 Franchise Holder's System of Internal Controls to be Submitted to the**

### **Commission**

(a) Each Franchise Holder shall submit to the Commission a narrative description of its system of internal procedures and administrative and accounting controls ("internal controls"), or modifications to previously approved internal controls, at least 30 days before the Franchise Holder's EGS operations are to commence, unless otherwise directed by the Commission. Each submission shall be accompanied by a certification by the Franchise Holder's Chief Financial Officer or equivalent that the submitted internal controls are adequate, effective and establish a consistent overall system of internal controls, and conform to generally accepted accounting principles. The initial submission shall be accompanied by a report of an independent certified public accountant licensed to practice in Arkansas or other state acceptable by the Commission, stating that the submitted system conforms in all respects to the standards of internal control set forth in the Commission's rules or in what respects the system does not conform. Except as otherwise provided in this section, a Franchise Holder may, upon submission to the Commission of a narrative description of a change in its system of internal controls and the two original signed certifications described above, implement the change on the 16th calendar day following the completed submission. Any submission received by the Commission after 3:00 P.M. shall be considered to have been submitted on the next business day. Each submission by a licensee or applicant shall include, as applicable and without limitation, the following:

- i. Administrative controls which include, without limitation, the procedures and records that are concerned with the decision making processes leading to management's authorization of Transactions;
- ii. Accounting controls which have as their primary objectives the safeguarding of assets and the reliability of financial records and are consequently designed to provide reasonable assurance that:
  - (1) Transactions are executed in accordance with management's general and specific authorization;
  - (2) Transactions are recorded to permit preparation of financial

- statements in conformity with generally accepted accounting principles and Section 20.4, and to maintain accountability for assets;
- (3) Access to assets is permitted only in accordance with management authorization; and
- iii. The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences;
  - iv. A list of persons assigned to the repairing and maintenance of EGS and bill acceptors, participating in the filling of payout reserve containers and payment of jackpots or any other job duty involving the operation of the EGS. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section. Nothing in this section shall be construed to limit a Franchise Holder from utilizing personnel in addition to those described herein nor shall anything in this section be construed to limit the discretion of the Commission to order the utilization of additional personnel by the Franchise Holder necessary for the proper conduct and effective supervision of gaming in an establishment;
  - v. Records regarding Franchise Holder ownership;
  - vi. Procedures for patron signature files used for identifying a person or validity of a signature, if applicable;
  - vii. Maintain internal controls for the authorization and issuance of complimentary services and items, including cash and non-cash gifts. Such internal controls shall include, without limitation, the procedures by which the Franchise Holder delegates to its employees the authority to approve the issuance of complimentary services and items for EGS patrons and the procedures by which conditions or limits, if any, which may apply to such authority are established and modified, including limits based on relationships between the authorizer and recipient, and shall further include effective provisions for audit purposes.
  - viii. Procedures on overall reconciliation of all documents including jackpot payout slips, ticket redemption terminal fills, receipts generated by cashiers, change persons and attendants along with the conforming soft count room receipt;

- ix. Develop a plan that defines handling of the receipt of chips from the manufacturer, inventory of chips at the Franchise Holder and the destruction of the chips by the Franchise Holder, where applicable.
- (b) The Commission shall review a submission made pursuant to 20.2 (a) above and information made available to the Commission pursuant to 20.2A(a) and determine whether the internal controls conform to the requirements of the Commission and provides adequate and effective controls for the operations of the Franchise Holder. No applicant for a license shall commence wagering on EGS until the Franchise Holder's system of internal controls is approved by the Commission.
- (c) If, during its review of a Franchise Holder's internal controls the Commission determines that a procedure in the internal controls contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of gaming or the control of gross revenue, the Commission, by written notice to the Franchise Holder, shall:
  - i. Specify the precise nature of the insufficiency and when possible, an acceptable alternative procedure;
  - ii. Schedule a hearing before the Commission no later than 15 calendar days after the date of such written notice to determine whether the internal controls are insufficient; and
  - iii. Direct that any internal controls in issue not be implemented until approved by the Commission.
- (d) Examples of procedures that the Commission may, under appropriate circumstances, determine to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of gaming or the control of gross revenue shall include, without limitation, the following:
  - i. Procedures that fail to provide an adequate audit trail that would permit the review of the Franchise Holders EGS operations or the reconstruction of gross revenue of Transactions;
  - ii. Procedures that fail to provide for the segregation of Incompatible Functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal

- course of his or her duties;
- iii. Procedures that do not include forms or other materials referenced in the submission or required by the regulations that are essential elements of the internal controls and prevent a meaningful review of the submission;
  - iv. Procedures that would implement accounting procedures not yet authorized by the regulations of the Commission; and
  - v. Procedures that are dependent upon the use of equipment or related devices or software not yet approved by the Commission, unless such procedures are required as part of an authorized test of the equipment or related device or software.
- (e) If a Franchise Holder is notified pursuant to (c) above that a particular internal control procedure contains a substantial and material insufficiency and that a hearing on the procedure has been scheduled before the Commission on a specific date, the 20-day review period for any revision to those internal control procedures after receipt of the Commission's notice shall not commence unless the revision is accompanied by the two certifications required (a) above.
- (f) A current version of the internal controls of a Franchise Holder shall be maintained in, or made available through secure computer access to, the accounting department and surveillance department of the Franchise Holder. The Franchise Holder shall also maintain a copy of any superseded changes to its internal control procedures and the two certifications required for each change for a minimum of five years in a location approved by the Commission. Each page of the internal controls shall indicate, as applicable, the date on which it was submitted to the Commission and the date on which it was either approved by the Commission or implemented pursuant to (a) above or immediate changes to internal controls which shall include the date on which it was filed internally and implemented by the Franchise Holder.
- i. Notwithstanding any other provision of this section to the contrary, the two certifications otherwise required by (a) above shall not be required for changes to the jobs compendium of a Franchise Holder other than the licensed categories, job codes, job functions, reporting lines (including but not limited to new positions and deleted positions) or job titles as provided

within the organizational structure.

- (g) Nothing contained herein would preclude any Franchise Holder from implementing procedures which constitute an acceptable alternative to the specific standards set forth herein. Any such alternative procedure would have to be submitted to the Commission in accordance with the procedures set forth in this section and would have to be reviewed and approved by the Commission.

**20.2A Franchise Holder's System of Internal Controls Not Required To Be Submitted To the Commission**

- (a) Each Franchise Holder offering gaming operations shall make available to the Commission for inspection and approval, which are not required to be submitted to the commission, as applicable and without limitation, the following:
- i. An organizational structure which is designed to preserve the integrity of the Franchise Holder. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;
  - ii. The design, construction, location and security of the count room, currency vault, Cashier Booths and Cashier Cages. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;
  - iii. The names of persons possessing access to the currency bank, security keys and those that are authorized to access the alarm system. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;
  - iv. Removal, transportation and count of cash storage boxes including the signature procedures. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;
  - v. The Franchise Holder's Surveillance System plan, including the Surveillance System location(s). This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;

- vi. Policies and procedures that allows and tracks those individuals who request to be “excluded” from the facility that are voluntarily agreeing to be excluded from all EGS gaming activities and to be prohibited from collecting any winnings or recovering any losses at all eligible facilities. This information does not have to be submitted to the Commission however, must be available for auditing by the EGS Section;
- (b) This information will be assessed by the Commission in conjunction with the submitted system of internal controls, as outlined within section 20.2 to ensure the Franchise Holder is operating with adequate and effective controls.

### **20.3 Records Regarding Ownership**

- (a) In addition to other records and information required by this regulation, each Franchise Holder shall maintain the following records regarding the equity structure and owners:
  - i. If a corporation:
    - (1) A certified copy of articles of incorporation and any amendments thereto;
    - (2) A copy of by-laws and amendments thereto;
    - (3) A current list of officers and directors;
    - (4) Minutes of all meetings of stockholders and directors;
    - (5) A current list of all stockholders and stockholders of Affiliates, including their names and the names of beneficial owners of shares held in street or other name where any beneficial owner has a beneficial interest in two percent or more of the outstanding shares of any class, addresses and the number of shares held by each and the date acquired;
    - (6) A complete record of all transfers of stock;
  - (b) All records regarding ownership shall be located on the premises of the establishment, unless a specific exemption is allowed to the Franchise Holder by the Racing Commission.
  - (c) Each Franchise Holder or applicant shall, upon request by the Racing Commission, provide a list of all record holders of any or all classes of

publicly traded securities issued by any holding company or by any other affiliated entity which is required to qualify as a financial source.

#### **20.4 Standard Financial and Statistical Reports**

- (a) Each Franchise Holder, unless specifically exempted by the Commission, shall file annual reports of financial and statistical data as required by the Commission. The data may be used by the Commission to evaluate the financial position and operating performance of individual Franchise Holders and compile information regarding the performance and trends of the industry in the State of Arkansas.
- (b) The Commission shall periodically prescribe a set of standard reporting forms and instructions to be used by each Franchise Holder in filing the reports.
- (c) Each report to the EGS Section shall be received or postmarked not later than the required filing date unless specific approval for an extension is granted to the Franchise Holder. Requests for a filing extension must be submitted to the EGS Section in writing prior to the required filing date.
  - i. Annual reports shall be due not later than March 31 for greyhound franchise holder and June 1 for thoroughbred franchise holder of the following year.

Franchise Holders shall report to the Commission essential details of any loans, borrowings, significant installment contracts with a value of over \$25,000 per year, guarantees, leases, or capital contributions at least annually.

#### **20.5 Annual audit and other reports**

- (a) Each Franchise Holder, unless specifically exempted by the Commission, shall, at its own expense, cause its annual financial statements to be audited in accordance with generally accepted auditing standards by an independent certified public accountant licensed to practice in the State of Arkansas.
- (b) The annual financial statements shall be prepared for the current year and shall present financial position and results of operations in

conformity with generally accepted accounting principles.

- (c) The financial statements required by this section shall include a footnote reconciling and explaining any differences between the financial statements included in the Franchise Holder's annual report, filed in conformity with Section 20.4 of this regulation, and the audited financial statements. Such footnote shall, at a minimum, disclose the effect of such adjustments on:
  - i. Revenues from the EGS ;
  - ii. Revenues net of complimentary services;
  - iii. Total costs and expenses;
  - iv. Income before extraordinary items; and
  - v. Net income.
- (d) Two copies of the annual audited financial statements, together with the report thereon of the Franchise Holder's independent certified public accountant, shall be filed with the Commission, not later than June 1 following the end of the calendar year.
- (e) Each Franchise Holder shall require its independent certified public accountant to render the following additional reports:
  - i. Report on material weaknesses in internal accounting control. Whenever in the opinion of the independent certified public accountant there exists no material weaknesses in internal accounting control, the report shall so state.
  - ii. Whenever, in the opinion of the independent certified public accountant, the Franchise Holder has materially deviated from the system of internal accounting control approved by the Commission or the accounts, records, and control procedures examined are not maintained by the Franchise Holder in accordance with the this document, the report shall enumerate such deviations and such areas of the system no longer considered effective, and shall make recommendations regarding improvements in the system of internal accounting control.
  - iii. The Franchise Holder shall prepare a written response to the independent certified public accountant's reports required by (e)(i) and (ii) above. The response shall indicate, in detail, the corrective actions taken. Such response shall be submitted to the Commission within 90 days from

receipt of the independent certified public accountant's reports.

- (f) Two copies of the reports required by (e) above, and two copies of any other reports on internal accounting control, administrative controls, or other matters relative to the Franchise Holder's accounting or operating procedures rendered by the Franchise Holder's independent certified public accountant, shall be filed with the Commission by the Franchise Holder by June 1 following the end of the calendar year or upon receipt, whichever is earlier.
- (g) If the Franchise Holder or any of its Affiliates is publicly held, the Commission may require the Affiliate to submit five copies to the Commission of any report, including but not limited to forms S-1, 8-K, 10-Q and 10-K, proxy or information statements and all registration statements, required to be filed by such Franchise Holder or Affiliates with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency, at the time of filing with such agency.
- (h) If an independent certified public accountant who was previously engaged as the principal accountant to audit the Franchise Holder's financial statements resigns or is dismissed as the Franchise Holder's principal accountant, or another independent certified public accountant is engaged as principal accountant, the Franchise Holder shall file a report with the Commission within ten days following the end of the month in which such event occurs, setting forth the following:
  - i. The date of such resignation, dismissal, or engagement.
  - ii. Whether in connection with the audits of the two most recent years preceding such resignation, dismissal, or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his report to the subject matter of the disagreement, including a description of each such disagreement. The disagreements to be reported include those resolved and those not resolved.
  - iii. Whether the principal accountant's report on the financial statements for

any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified. The nature of such adverse opinion, disclaimer of opinion, or qualification shall be described.

- iv. The Franchise Holder shall request the former accountant to furnish to the Franchise Holder a letter addressed to the Commission, stating whether he/she agrees with the statements made by the Franchise Holder in response to (i) of this section. Such letter shall be filed with the Commission as an exhibit to the report required by (i) of this section.

## **20.6 Retention, Storage and Destruction of Books, Records and Documents**

(a) All original books, records and documents pertaining to the Franchise Holder's operations shall be:

- i. Prepared and maintained in a complete, accurate and legible form;
- ii. Retained on site or at another secure location approved for the time period specified in (c) below;
- iii. Held immediately available for inspection by agents of the Commission during all hours of operation;
- iv. Organized and indexed in such a manner so as to provide immediate accessibility to agents of the Commission; and
- v. Destroyed only after:
  - 1. Expiration of the minimum retention period specified in (c) below, except that the Commission may, upon the written petition of any Franchise Holder and for good cause shown, permit such destruction at an earlier date;
  - 2. Written notice has been received by the Commission;
  - 3. In conformance with Arkansas Code Annotated 19-4-1108, the records, as outlined within (b) below, of the Franchises must be kept a minimum of three years after the review and filing of audits by the Legislative Joint Auditing committee of the records of the Racing Division and the Gaming section, however, they may not be destroyed without concurrence from the Commission's Gaming Section.

(b) For the purposes of this section, "books, records and documents" shall

be defined as any book, record or document pertaining to, prepared in or generated by the operation of the Franchise Holder including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records. This definition shall apply without regard to the medium through which the record is generated or maintained, for example, paper, magnetic media or encoded disk.

(c) All original books, records and documents shall be retained by a Franchise Holder in accordance with the following schedules. For purposes of this subsection, "original books, records or documents" shall not include copies of originals, except for copies which contain original comments or notations or parts of multi-part forms.

i. The following original books, records and documents shall be retained indefinitely unless destruction is requested by the Franchise Holder and approved by the Commission:

- (1) Corporate records required by Section 20.2;
- (2) Records of corporate investigations and due diligence procedures;
- (3) Current employee personnel files; and
- (4) A record of any original book, record or document destroyed, identifying the particular book, record or document, the period of retention and the date of destruction.

ii. All other original books, records and documents shall be retained by a Franchise Holder for a minimum of five (5) years unless destruction is requested by the Franchise Holder and approved by the Commission.

## **21.0 Security of the Franchise Holder**

### **21.1 Surveillance System Control & Restrictions**

(a) Each Franchise Holder shall install, maintain and continuously operate an on-site Surveillance System at the Franchise Holder. The purpose of the Surveillance System is to assist the Franchise Holder and the Commission in safeguarding the Franchise Holder's assets, in deterring, detecting and prosecuting criminal acts, and in maintaining public confidence and trust that licensed EGS gaming activity is conducted honestly and free of criminal

elements and activity.

- (b) The Surveillance System plan shall be available for inspection and approval by the Commission at the Franchise Holder's facility.

## **21.2 Security and Surveillance Logs**

- (a) The Franchise Holder shall maintain a surveillance log(s) approved by the Commission. The log(s) shall be maintained by surveillance room personnel in the surveillance room. The Commission staff and other staff authorized by the Commission shall have access at all times to the log(s). A log(s) entry shall be made in the surveillance log(s) of each surveillance activity. The following information shall be recorded in the Surveillance Log(s):
- i. the names of all persons entering or exiting the surveillance room;
  - ii. a summary, including the date and time each surveillance activity commenced and terminated;
  - iii. record of any equipment or camera malfunctions;
  - iv. description of the activity observed or performed; and
  - v. any additional information as required by the Commission or its Agents.
- (b) A Franchise Holder shall maintain a security log of any and all unusual occurrences for which the assignment of a security department employee is made. Each incident, without regard to materiality, shall be assigned a sequential number and an entry made in the log(s) containing, at a minimum, the following information:
- i. the assignment number;
  - ii. the date of the incident;
  - iii. the time of the incident;
  - iv. the location of the incident;
  - v. the nature of the incident;
  - vi. the person(s) involved in the incident; and
  - vii. the security department employee(s) assigned.

## **21.3 Storage and Retrieval of Surveillance Recordings**

- (a) All surveillance recordings shall be retained for at least seven days, unless these rules provide otherwise, and shall be listed on a log by surveillance personnel with the date, times, and identification of the person monitoring or

changing the tape or other recording medium in a recorder. Original surveillance recordings will be released to the Commission upon demand.

- (b) Any surveillance recording of illegal or suspected illegal activity shall, upon completion of the tape or other recording medium, be removed from the recorder and etched or otherwise labeled in a manner as approved by the Commission with date, time and identity of surveillance personnel. The recordings shall be placed in a separate, secure area and notification given to the Commission or Commission agent.
- (c) All surveillance recordings relating to the following shall be retained in a secure area approved by the Commission for at least 15 days and shall be listed on a log maintained by surveillance personnel:
  - i. all count room areas;
  - ii. the vault area;
  - iii. all credit and fill slip confirmation recordings; and
  - iv. any areas with cashiers or where the patrons go to cash out vouchers.

#### **21.4 Maintenance and Testing**

- (a) The Franchise Holder shall be responsible to ensure that any malfunction of surveillance equipment shall be immediately repaired or replaced with a working unit. If immediate replacement is not possible, alternative live monitoring must be provided by the Franchise Holder's personnel; otherwise, gaming in the unmonitored area(s) of the Franchise Holder must immediately cease.

#### **21.5 Surveillance System Compliance**

- (a) The Franchise Holder shall have a continuing duty to review its surveillance system plan to ensure the surveillance system plan remains in compliance with provisions of the Commission rules.

#### **21.6 Weapons**

- (a) No weapons shall be permitted on the Franchise Holder's licensed premises except by licensed security officers of the Franchise Holder and police officers.

**21.7 Cashiers' cage; satellite cages**

- (a) Each establishment shall have on or immediately adjacent to the Gaming Floor a physical structure known as a cashiers' cage ("cage") to house the cashiers and to serve as the central location.
- (b) The cage shall be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein.
- (c) Each establishment may also have one or more "satellite cages" separate and apart from the cashiers' cage, but in or adjacent to an EGS facility, established to maximize security, efficient operations, or patron convenience and comfort and designed and constructed in accordance with Section 21.7(b). Subject to Commission approval, a satellite cage may perform any or all of the functions of the cashiers' cage. The functions which are conducted in a satellite cage shall be subject to the applicable accounting controls set forth in this document.
- (d) Whenever the rules of the Commission or the approved internal controls of a Franchise Holder require or authorize documents to be transported from the cashiers' cage to a satellite cage or from a satellite cage to the cashiers' cage or another satellite cage, the Franchise Holder shall, unless the rule or approved internal control specifically provides otherwise, transport the documents through the use of a pneumatic tube system or a security department representative.

**21.8 Accounting Controls for the Cashiers' Cage, And Satellite Cages**

The internal controls submitted and subsequently approved by the Commission must include the accounting controls to protect the cashier's cage and satellite cage assets.

**21.9 Bill Acceptors in Electronic Games of Skill**

- (a) Each bill acceptor in an EGS facility shall have contained in it a secure tamper-resistant container approved by the Commission known as a "cash storage box" or "cash box" in which shall be deposited all cash, gaming tickets and coupons inserted into the bill acceptor. In addition, each cash

storage box shall:

- i. Have a lock securing the contents of the cash storage box;
- ii. Have an opening through which currency, gaming tickets and coupons can be inserted into the cash storage box;
- iii. Have a mechanical arrangement or device that prohibits removal of currency, gaming tickets and coupons from the EGS opening whenever the cash storage box is removed from the bill acceptor;
- iv. Be fully enclosed, except for such openings as may be required for the operation of the bill acceptor or the cash storage box; provided, however, that the location and size of such openings shall not affect the security of the cash storage box, its contents or the bill acceptor, and shall be approved by the Commission; and
- v. Have an Asset Number that is imprinted, affixed or impressed on the outside of the cash storage box which corresponds to the Asset Number of the EGS to which the bill acceptor has been attached. In lieu of the Asset Number, a Franchise Holder may develop and maintain, with prior Commission approval, a system for assigning a unique identification number to its cash storage boxes, which system ensures that each cash storage box can readily be identified, either manually or by computer, when in use with, attached to, and removed from a particular bill acceptor. Each such unique identification number shall be permanently imprinted, affixed or impressed on the outside of each cash storage box that does not otherwise bear an Asset Number. The Asset Number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the cash storage box in the bill acceptor and through the Franchise Holder's closed circuit camera coverage system. The size and location of the Asset Number or unique identification number are subject to prior approval by the Commission. Notwithstanding the foregoing, emergency cash storage boxes may be maintained without such numbers, provided the word "emergency" is permanently imprinted, affixed or impressed thereon, and when put into use, are temporarily marked with the Asset Number of the EGS to which the bill acceptor is attached.

### **21.10 Jackpot Payouts in the Form of an Annuity**

- (a) For purposes of this section, the phrase "annuity jackpot" refers to any EGS jackpot offered by a Franchise Holder or multi-license Progressive System pursuant to which a patron wins the right to receive cash payments at specified intervals in the future. No annuity jackpot shall be permitted unless it provides for the payment of fixed amounts at fixed intervals which must clearly be stated to the player.

### **21.11 Removal of drop and cash containers; Unsecured Currency; meter readings**

- (a) For each EGS and attached bill acceptor on the Gaming Floor, the cash storage box shall be removed at a time designated by the Franchise Holder and accepted by the Commission. However, a Franchise Holder may, with prior Commission approval, establish a less frequent schedule for the removal of cash storage boxes from those EGS connected to an approved EGS gaming ticket system. No cash storage box shall be emptied or removed from its compartment at other than the times specified on such schedule except with the express notification to the Commission. Prior to emptying or removing any cash storage box, a Franchise Holder shall notify security and the surveillance department of the transportation route that will be utilized.

## **22.0 Prohibited Transactions**

### **22.1 SARC and FinCEN**

A Franchise Holder shall not exchange cash for cash with or on behalf of a patron in any Transaction in which the amount of the exchange is more than \$3,000.

## **23.0 Suspicious Activity Reporting**

### **23.1 SARC and FinCEN**

Each Franchise Holder shall follow all Federal Law regarding SARC and FinCEN.

### **23.2 Confidentiality of Reports; Limitation of Liability**

- (a) No Franchise Holder, and no director, officer, employee, or agent of any Franchise Holder, who reports a suspicious Transaction under this part, may notify any person involved in the Transaction that the Transaction has been reported, unless required to do so by applicable law or regulations.
- (b) Thus, any person subpoenaed or otherwise requested to disclose a SARC or the information contained in a SARC, except where such disclosure is requested by FinCEN or another appropriate law enforcement or regulatory agency, shall decline to produce the SARC or to provide any information that would disclose that a SARC has been prepared or filed, citing the requirements of Title 31 U.S.C. and shall notify FinCEN of any such request and its response thereto.
- (c) A Franchise Holder, and any director, officer, employee, or agent of such Franchise Holder, that makes a report pursuant to this section, whether such report is required by this section or made voluntarily, shall be protected from liability for any disclosure contained in, or for failure to disclose the fact of, such report, or both, to the extent provided by Title 31 U.S.C or other applicable law.

### **23.3 Currency Transactions and Suspicious Transactions Compliance Programs**

- (a) Each Franchise Holder shall develop and implement a written program reasonably designed to assure and monitor compliance with the requirements set forth in this section.
- (b) At a minimum, each compliance program shall provide for:
  - i. A system of internal controls to assure ongoing compliance;
  - ii. Internal and/or external independent testing for compliance;
  - iii. Training of Franchise Holder personnel, including training in the identification of unusual or suspicious Transactions, to the extent that the reporting of such Transactions is required by applicable law or regulation, or by the Franchise Holder's own administrative and compliance policies;
  - iv. An individual or individuals to assure day-to-day compliance;
  - v. Procedures for using all available information to determine:
    - (1) When required by this section, the name, address, social

security number, and other information, and verification of same, of a person;

(2) When required by this section, the occurrence of unusual or suspicious Transactions; and

(3) Whether any record must be made and retained.

(c) For Franchise Holder's that have automated data processing systems, the use of automated programs to aid in assuring compliance is permissible.

#### **23.4 Notification to the EGS Section**

(a) In addition to any SARC activity, the Franchise Holder will notify the EGS Section of:

- i. Any variance of \$1,000 upon reconciliation at any teller cage, bank or redemption kiosk. The notification shall include at which the variance took place and the name of the employee responsible for the variance; and
- ii. Any facts which the Franchise Holder has reasonable grounds to believe indicate of a violation of law, or minimum internal control standard requirements committed by the Franchise Holder its employee or others.

### **24.0 EGS Technical Specifications**

#### **24.1 Compliance with Regulations**

(a) All electronic equipment used for EGS Gaming must be scientifically tested and certified in accordance with these regulations by an approved Independent Testing Laboratory, which is demonstrably competent and qualified. All equipment sent to the Test Laboratory for the purpose of testing and certifying the EGS Gaming equipment must be in accordance with the Test Laboratory's submission requirements.

(b) All control chips, EPROMS, flash drives, CD-ROM, etc. containing game control information will be shipped directly by the manufacturing to the EGS Section for testing and verification prior to them being installed at the gaming

facility. Chips, EPROMS, flash drives, CD-Rom, etc. are to be received no less than five (5) days before the gaming device is received at the gaming facility.

- (c) All gaming devices will be shipped to the gaming facility in an inoperable fashion and will not include game control chips, EPROMS, flash drives, CD-ROM, etc.

## **24.2 Software Verification**

- (a) In general, all components involved in EGS Gaming that have an effect on the integrity of the operation (hereinafter, 'Critical Files') must utilize Control Program Storage Media that can be verified via a third-party verification procedure. This would include EGS, all Systems addressed herein, and all associated equipment whether it is internal to the EGS or a component of the system. The third-party verification may be embedded within the game software provided the requirements in (iii) are met or the component shall have an interface port for a third-party device to authenticate the media. This integrity check will provide a means for field testing the software to identify and validate the program. Unless otherwise defined, Control Program Storage Media must have the ability to:

- i. Authenticate all Critical Files including, but not limited to, executables, data, operating system files and other files;
- ii. The third-party method utilized must employ a secure hashing algorithm. (e.g. MD5 or SHA1) or equivalent. The algorithm shall use a key or seed of sufficient length and complexity. The Manufacturer should be prepared to demonstrate the algorithm choice to the Test Laboratory for approval. This would include 'downloadable' software;
- iii. The third-party verification process shall not include any process or security software provided by the operating system Manufacturer. A secondary checking method may use commercially available software by the operating system Manufacturer. The third-party verification tool maybe embedded within the program provided:

- (1) The Test Laboratory shall evaluate and approve the method, as required within subsection (ii);

- (2) The Test Laboratory is supplied with the tools needed to 'extract' the program from the component to have the ability to perform forensic examinations should the EGS or System yield an invalid signature, at the request of the Commission or its personnel.

#### **24.3 Physical Security and Player Safety Requirements for EGS**

The EGS shall be robust enough to withstand forced illegal entry, unless such entry causes an error condition, and which does not affect the subsequent play or any other play, prize or aspect of the game. The following rules shall apply to the EGS access areas:

- (a) All external doors and Logic Compartment doors shall be locked and monitored by door access sensors, which shall have the ability to detect and immediately report the door opened event to the EGS by way of an error;
- (b) It shall not be possible to insert a device into the EGS that will disable a door open sensor when the machine's door is closed, without leaving evidence of tampering; and
- (c) The sensor system shall register a door as being open when the door is moved from its fully closed and locked position.

#### **24.4 Player Safety**

Electrical and mechanical parts and design principles of the EGS may not subject a player to any physical hazards.

#### **24.5 Environmental Effects on Game Integrity**

The Laboratory will perform certain tests to determine whether or not outside influences affect EGS game fairness to the player or create cheating opportunities. Electrical Testing shall be performed by a Test Laboratory that specializes in that type of testing for health or safety matters. Electrical Testing is the responsibility of the Manufacturer, purchaser, and operator of the equipment. An EGS shall be able to withstand the following tests, resuming game play without operator intervention:

- (a) Random Number Generator. The random number generator and random selection process shall be impervious to influences from outside the device;
- (b) Electro-Magnetic Interference. EGS gaming devices shall not create electronic noise that would effect the integrity or fairness of neighboring machines or associated equipment;
- (c) Electro-Static Interference. Protection against static discharges requires that the machine's conductive cabinets be earthed in such a way that static discharge energy shall not damage, or inhibit the normal operation of the electronics or other components within the EGS gaming device. EGS gaming devices may exhibit temporary disruption when subjected to a significant electro-static discharge greater than human body discharge, but they shall exhibit a capacity to recover and complete any interrupted play without loss or corruption of any control or data information associated with the gaming device. The tests will be conducted with a severity level of a minimum of 27KV air discharge;
- (d) Radio Frequency Interference (RFI). EGS gaming devices shall not divert from normal operation by the application of RFI at a frequency range from twenty-seven (27) to one thousand (1000) MHZ with a field strength of three (3) volts per meter;
- (e) Magnetic Interference. EGS gaming devices shall not be adversely affected by magnetic interference;
- (f) Liquid Spills. Liquid spills applied to the outside of an EGS shall not affect the normal operation of the machine, the integrity of the material or information stored inside the cabinet, or the safety of the players operating the equipment. If liquids are spilled into a bill acceptor, the only degradation permitted is for the acceptor to reject all inputs or generate an Error Condition; and
- (g) Temperature and Humidity. Gaming devices can be expected to operate in a variety of extreme environments. In the event that the designed operational parameters of an EGS are exceeded, the machine, if incapable of continued proper operation, shall perform an orderly shutdown without loss of game status, accounting, and security event data. The Manufacturer should supply any documentation if the device has had temperature and humidity testing against any recognized standard.

#### **24.6 EGS Identification**

An EGS shall have a not easily removable, without leaving evidence of tampering, identification badge, permanently affixed to the exterior of the cabinet by the Manufacturer, and this badge shall include the following information:

- (a) The Manufacturer;
- (b) A unique serial number;
- (c) The EGS model number; and
- (d) The date of manufacture.

#### **24.7 Tower Light**

The EGS must have a light located conspicuously on top of the EGS that automatically illuminates when a player is redeeming credits that the EGS cannot automatically pay, or an Error Condition has occurred, or a 'Call Attendant' condition has been initiated by the player. This requirement may be substituted for an audible alarm for 'bar-top' style games where multiple terminals share a common Tower Light.

#### **24.8 On/Off Switch**

An on/off switch that controls the electrical current shall be located in a place which is readily accessible within the interior of the machine so that power cannot be disconnected from outside of the machine using the on/off switch. The on/off positions of the switch shall be labeled.

#### **24.9 Logic Compartment**

The logic compartment is a locked cabinet area with its own locked door that is separate from any external door lock. Logic Compartment(s) are area(s) within an EGS that house(s) Critical Electronic Components (components that have the potential to significantly influence the operation of the EGS), which would include:

- (a) CPUs and other electronic components involved in the operation and calculation or display of game play (e.g., game controller electronics and components housing the game or system firmware program storage media); and
- (b) Communication controller electronics, and components housing the communication control program that is used for communicating financial data, program information and security events to the On-line Accounting and Monitoring, Ticket Validation, and any other system used that would affect the integrity of EGS Gaming.

#### **24.10 Currency Compartments**

All currency compartments shall be locked separately from the main cabinet area. Currency Compartments must also meet the following rules:

- (a) Shall be fitted with sensors that will allow the EGS to immediately communicate the currency door open event or when the storage container has been removed; and
- (b) Access to the currency storage area (Bill Stacker) is to be through two (2) levels of locks (the relevant outer door plus one other door or lock) before the receptacle or currency can be removed; and
- (c) The Bill Stacker device shall have a 'stacker full' sensor.

#### **24.11 Cabinet Wiring**

The EGS shall be designed so that power and data cables into and out of the EGS can be routed so that they are not accessible to the general public. This is for game integrity reasons only, not for health and safety. Security-related wires and cables that are routed into a Logic Compartment shall not be able to be easily removed.

#### **24.12 Power Surges**

The EGS shall not be adversely affected, other than resets, by surges or dips of  $\pm 20\%$  of the supply voltage. It is acceptable for the equipment to reset provided no damage to the equipment or loss or corruption of data occurs.

#### **24.13 Microprocessor Controlled**

EGS must be controlled by one (1) or more Microprocessors or the equivalent in such a manner that the game is controlled by the Microprocessor.

#### **24.14 Ticket Printers**

For printer games, the printer shall be located in a locked area of the EGS (e.g., require opening of the main door to access), with the exception of a logic area or the drop box. This requirement ensures that changing the paper does not require access to the drop (cash) or logic areas containing Critical Electronic Components. Ticket Printers shall be interfaced in such a way as to allow the EGS Control program to interpret and act when the Ticket Printer is out of paper or low on paper, there is a printer jam or failure or the printer is disconnected.

#### **24.15 Printed Circuit Board (PCB) Identification**

Each Printed Circuit Board (PCB) shall be identifiable by some sort of name (or number) and revision level and:

- (a) The top assembly revision level of the PCB shall be identifiable (if track cuts and/or patch wires are added to the PCB, then a new revision number or level shall be assigned to the assembly); and
- (b) Manufacturers shall ensure that Circuit Board assemblies, used in their EGS, conform functionally to the documentation and the certified versions of those PCBs that were evaluated and certified by the Test Laboratory.

#### **24.16 Mechanical Devices Used for Displaying Game Outcomes**

If the game has mechanical or electro-mechanical devices, which are used for displaying game outcomes, the following rules shall be observed:

- (a) Electro-mechanically controlled display devices (e.g., reels or wheels) shall have a sufficiently closed loop of control so as to enable the software to detect a malfunction, or an attempt to interfere with the correct operation of

- that device. This requirement is designed to ensure that if a reel or wheel is not in the position it is supposed to be in, an error condition will be generated;
- (b) Mechanical assemblies (e.g., reels or wheels) shall have some mechanism that ensures the correct mounting of the assembly's artwork, if applicable;
  - (c) Displays shall be constructed in such a way that winning symbol combinations match up with pay lines or other indicators; and
  - (d) A mechanical assembly shall be so designed that it is not obstructed by any other components.

#### **24.17 Video Monitors/Touchscreens**

Games that have video monitors must meet the following rules, as applicable:

- (a) Touch screens (if applicable) shall be accurate, and once calibrated, shall maintain that accuracy for at least the Manufacturer's recommended maintenance period;
- (b) A touch screen (if applicable) should be able to be re-calibrated by venue staff without access to the EGS cabinet other than opening the main door; and
- (c) There shall be no hidden or undocumented buttons/touch points (if applicable) anywhere on the screen, except as provided for by the game rules that affect game play.

#### **24.18 Bill Acceptors**

All acceptance devices shall be able to detect the entry of valid bills, coupons, Ticket Vouchers, or other approved notes, and provide a method, utilizing a bi-directional communication protocol, to enable the EGS software to interpret and act appropriately upon a valid or invalid input. The acceptance device(s) shall be electronically-based and in a highly accurate manner, ensure that only valid bills of legal tender are accepted. The bill input system shall be constructed in a manner that protects against vandalism, abuse, or fraudulent activity. In addition, bill acceptance device(s) shall only register credits when:

- (a) The bill or other note has passed the point where it is accepted and stacked;  
and
- (b) The bill or other note is "irrevocably stacked."

#### **24.19 Factory Set Bill Acceptors**

If Bill Acceptors are designed to be factory set only, it shall not be possible to access or conduct maintenance or adjustments to those Bill Acceptors in the field, other than:

- (a) The selection of bills, coupons, Ticket Vouchers, or other approved notes and their limits;
- (b) Changing of the certified Control Program;
- (c) Adjustment of the tolerance level for accepting bills or notes of varying quality should not be allowed externally to the machine. Adjustments of the tolerance level should only be allowed with adequate levels of security in place. This can be accomplished through lock and key, physical switch settings, or other accepted methods approved on a case-by-case basis;
- (d) Maintenance, adjustment, and repair per approved factory procedures; or
- (e) Options that set the direction or orientation of acceptance.

#### **24.20 Payglass/Video Display**

Payglasses or video displays shall be clearly identified and shall accurately state the rules of the game and the award that will be paid to the player when the player obtains a specific win. The payglasses or video displays shall clearly indicate whether awards are designated in credits, currency, or some other unit. The Denomination being played shall be clearly displayed. The EGS gaming device shall reflect any change in award value, which may occur in the course of play. This may be accomplished with a digital display in a conspicuous location of the EGS gaming device, and the game must clearly indicate as such. All payable information should be able to be accessed by a player, prior to them committing to a bet. Pay glasses or video displays shall not be certified if the information is inaccurate or may cause confusion. The "reasonable player" standard shall be used for evaluation:

- (a) Upcoming wins. The game shall not advertise 'upcoming wins,' for example three (3) times pay coming soon;
- (b) Extended Feature Information. Each game which offers an extended feature (i.e., Free Games, Re-Spins, Bonus Paytable during the next 'x' games, etc.) must display the number of feature games that are remaining, during each game; and
- (c) Multiple Decks of Cards. Any games which utilize multiple decks of cards should alert the player as to the number of card decks in play.

#### **24.21 Information to be Displayed**

An EGS shall display, or shall have displayed on the glass, the following information to the player at all times the machine is available for player input:

- (a) The player's current credit balance;
- (b) The current bet amount. This is only during the base game or if the player can add to the bet during the game;
- (c) All possible winning outcomes, or be available as a menu item or on the help menu;
- (d) Win amounts for each possible winning outcome, or be available as a menu or help screen item;
- (e) The amount won for the last completed game (until the next game starts or betting options are modified); and
- (f) The player options selected (e.g., bet amount, lines played) for the last completed game (until the next game starts or a new selection is made).

#### **24.22 Games with Multiple Win Lines**

Each individual line to be played shall be clearly indicated by the EGS so that the player is in no doubt as to which lines are being bet on. In addition, the winning playline(s) shall be clearly discernable to the player (e.g., on a video game it may be accomplished by drawing a line over the symbols on the playline(s) and/or the flashing of winning symbols and line selection box. Where there are wins on multiple lines, each winning playline may be indicated in turn. This would not apply to games that use mechanical reels).

#### **24.23 Multiple Games offered for Play at one EGS**

The following rules apply to EGS that offer more than one (1) game to be played:

- (a) The methodology employed by a player to select and discard a particular game for play on a multi-game EGS shall be clearly explained to the player on the EGS, and be easily followed.
- (b) The EGS shall be able to clearly inform the player of all games, their rules and/or the paytables before the player must commit to playing them.
- (c) The player shall at all times be made aware of which game has been selected for play and is being played, as applicable.
- (d) The player shall not be forced to play a game just by selecting that game. The player shall be able to return to the main menu.
- (e) It should not be possible to start a new game before the current play is completed and all relevant meters have been updated (including bonus features, double up and other options of the game) unless the action to start a new game terminates the current play in an orderly manner.
- (f) The set of games offered to the player for selection, or the payable, can be changed only by a secure certified method which includes turning on and off games available for play through a video screen interface. The rules outlined in 'Configuration Setting' of this document shall govern the RAM Clear control requirements for these types of selections. However, for games that keep the previous payable's (the payable just turned off) data in memory, a RAM clear is not required.
- (g) No changes to the set of games offered to the player for selection (or to the payable) are permitted while there are credits on the player's credit meter or while a game is in progress.

#### **24.24 Merchandise Prizes in Lieu of Cash Awards**

Games offering merchandise prizes shall display the amount of merchandise prize clearly to the player on the EGS that is offering the prize.

**24.25 Percentage Payout**

- (a) Each EGS shall pay out a minimum of 83% during the expected lifetime of the game as required by Arkansas Code Ann 23-113-201(f).

**24.26 Odds**

The highest single advertised payout on each gaming device shall occur, statistically, at least once in 100,000,000 games. This does not apply to multiple awards won together on the same game play where the aggregate prize is not advertised. This odds rule shall not apply to games which make it possible for a player to win the highest win multiple times through the use of free games. This rule does apply to each Wager that wins the maximum award.

**24.27 Credit Redemption**

Available credits may be collected from the EGS by the player pressing the 'COLLECT' button at any time other than during:

- (a) A game being played;
- (b) Audit mode;
- (c) Any door open;
- (d) Test mode;
- (e) A Credit Meter or Win Meter incrementation, unless the entire amount is placed on the meters when the collect button is pressed; or
- (f) A payout or Memory Error Condition.

**24.28 Credit Meter**

The credit meter shall be maintained in credits or cash value. In addition, it must meet the following, where applicable:

- (a) Progressives may be added to the credit meter if either:
  - i. The credit meter is maintained in the local currency amount; or
  - ii. The progressive meter is incremented to whole credit amounts; or
  - iii. The prize in the local currency amount is converted to credits on transfer to the player's credit meter in a manner that does not mislead the player

(i.e., make unqualified statement “wins meter amount” and then rounds down on conversion) or cause accounting imbalances.

**24.29 Cancel Credit**

If credits are collected, and the total credit value is greater than or equal to a specific limit (e.g., Printer Limit for printer games, etc.), the game shall lock up until the credits have been paid, and the handpay is cleared by an Attendant.

**24.30 Taxation Reporting Limits**

The game shall be capable of entering a lock-up condition if the sum of awards from a single game is equal to the ‘Taxation Limit’ and which requires an Attendant to clear.

**24.31 Game Cycle**

A game is considered completed when the final transfer to the player’s credit meter takes place (in case of a win), or when all credits Wagered or won that have not been transferred to the credit meter, are lost. The following are all considered to be part of a single game:

- (a) Games that trigger a free game feature and any subsequent free games;
- (b) “Second screen” bonus feature(s);
- (c) Games with player choice (e.g., Draw Poker or Blackjack);
- (d) Games where the rules permit Wagering of additional credits (e.g., Blackjack insurance; and
- (e) Double-up features.

**24.32 Player Assistance or Auto Hold Features**

An Electronic Game of Skill may have player assistance or ‘Auto Hold’ features provided that the features may be disabled using a secure method.

### **24.33 Ticket Issuance**

Cash Tickets can be generated at an EGS through an internal document printer. Additionally, cashier/change booth issuance is permitted, if supported by the validation system. Payment by ticket printer as a method of credit redemption is only permissible when the EGS gaming device is linked to a computerized 'Ticket Validation System', which allows validation of the printed ticket. Validation approval or information shall come from the Ticket Validation System in order to validate tickets. Tickets may be validated at any location, as long as it meets the standards in this section. Provisions must be made if communication is lost, and validation information cannot be sent to the central system, thereby requiring the Manufacturer to have an alternate method of payment. The validation system must be able to identify duplicate tickets to prevent fraud by reprinting and redeeming a ticket that was previously issued by the EGS gaming device. A ticket shall contain the following printed information at a minimum, some of which may also be part of the validation number or barcode:

- (a) Franchise holder Name/Site Identifier;
- (b) Machine Number (or Cashier/Change Booth location number, if ticket creation, outside the EGS is supported);
- (c) Date and Time (24hr format);
- (d) Alpha and numeric dollar amount of the ticket;
- (e) Ticket sequence number;
- (f) Validation number;
- (g) Bar code or any machine readable code representing the Validation number;
- (h) Type of Transaction or other method or differentiating ticket types; (assuming multiple ticket types are available) and
- (i) Indication of an expiration period from date of issue, or date and time the ticket will expire (24hr format which is understood by the local date/time format).

### **24.34 Online Ticket Redemption**

Tickets may be inserted in any EGS gaming device participating in the validation system providing that no credits are issued to the EGS gaming device prior to

confirmation of ticket validity. The patron may also redeem a ticket at a cashier/change booth or other approved validation terminal.

#### **24.35 Randomness Requirements**

Where the authorized game or system uses a Random Number Generator (RNG) to make selections, such RNG and the selections shall:

- (a) Be statistically independent;
- (b) Conform to the desired random distribution;
- (c) Pass various recognized statistical tests;
- (d) Be unpredictable;
- (e) Be cycled continuously in the background between games and during game play at a speed that cannot be timed by the player. It is understood that at some time during the game, the RNG may not be cycled when interrupts may be suspended however, this exception shall be kept to a minimum;
- (f) Randomly determine the first seed by an uncontrolled event. After every game there shall be a random change in the RNG process (new seed, random timer, delay, etc.). This will verify the RNG does not start at the same value, every time. It is permissible not to use a random seed; however, the Manufacturer must ensure that games will not synchronize;
- (g) If a random number with a range shorter than that provided by the RNG is required for some purpose within the EGS, the method of re-scaling, (i.e., converting the number to the lower range), is to be designed in such a way that all numbers within the lower range are equally probable;
- (h) If a particular random number selected is outside the range of equal distribution of re-scaling values, it is permissible to discard that random number and select the next in sequence, or some other acceptable method, for the purpose of re-scaling.
- (i) Unless otherwise denoted on the payglass, where the EGS plays a game that is recognizable such as Poker, Blackjack, etc., the same probabilities associated with the live game shall be evident in the simulated game. For example, the odds of drawing a specific card or cards in Poker shall be the

same in the live game as if a physical deck of cards were being used. Card games also must meet the following:

- i. Cards once removed from the deck shall not be returned to the deck except as provided by the rules of the game depicted; and
  - ii. As cards are removed from the deck they shall be immediately used as directed by the Rules of the Game (i.e., the cards are not to be discarded due to adaptive behavior by the EGS );
- (j) Where used, games that use the laws of physics to generate the outcome of the game (mechanical-based RNG games) must meet the Randomness requirements of this document with the exception of the regulations stated above that are applicable only to electronic RNGs. Mechanical-based RNG games must be constructed of materials to prevent decomposition of any component over time (e.g., a ball shall not disintegrate.) The laboratory reserves the right to require replacement parts after a pre-determined amount of time for the game to comply with this rule and the device(s) may require periodic inspections to ensure the integrity of the components of the device. The properties of physical items used to chose the selection shall not be altered; and the player shall not have the ability to physically interact or come into physical contact or manipulate the machine physically with the mechanical portion of the game;
- (k) Each possible permutation or combination of game elements that produces winning or losing game outcomes shall be available for random selection at the initiation of each play, unless otherwise denoted by the game;
- (l) An EGS shall use appropriate Communication Protocols to protect the RNG and random selection process from influence by associated equipment, which may be communicating with the EGS ;
- (m)All Combinations and Outcomes Shall Be Available. Each possible permutation or combination of game elements that produces winning or losing game outcomes shall be available for random selection at the initiation of each play, unless otherwise denoted by the game rules;
- (n) No Near Miss. After selection of the game outcome, the EGS gaming device shall not make a variable secondary decision, which affects the result shown

to the player or gives the impression that the player is getting close to a win, or in any way gives a false impression that the chance to win is improved by another play.

- (o) For instance, the random number generator chooses an outcome that the game will be a loser. The game shall not substitute a particular type of loser to show to the player;
- (p) No Corruption from Associated Equipment. An EGS shall use appropriate communication protocols to protect the random number generator and random selection process from influence by associated equipment, which may be communicating with the gaming device.

#### **24.36 Financial, Security and Game Play Auditing**

The Financial, Security and Game Auditing information that is maintained by the EGS memory must only be available to authorized personnel.

#### **24.37 Electronic Accounting and Occurrence Meters**

Electronic accounting meters shall be at least seven (7) digits in length. If the meter is being used in dollars and cents, at least nine (9) digits must be used for the dollar amount. The meter must roll over to zero upon the next occurrence any time the meter is seven (7) digits or higher and after 9,999,999 has been reached (or any other value that is logical). Occurrence meters shall be at least three (3) digits in length and roll over to zero upon the next occurrence any time the meter is higher than the maximum number of digits for that meter. The required electronic meters are as follows (accounting meters are designated with an asterisk '\*'):

- (a) The Amounts Wagered\* (OR cash in) meter shall cumulatively count the total amounts Wagered during game play, except credits that are won during the game that are subsequently risked in a double-up mode.
- (b) The Amounts Won\* (OR credit out) meter shall cumulatively count all amounts won by the player at the end of the game that were not paid by an

Attendant, including amounts paid by a ticket printer. This meter must not increment for bills inserted and cashed out (used as a change machine).

- (c) The drop\* meter shall maintain a cumulative credit value of all bills and tickets/coupons inserted into the Bill Acceptor for play.
- (d) The handpays\* meter shall reflect the cumulative amounts paid by an Attendant for progressive and non-progressive wins.
- (e) The games-played meter shall display the cumulative number of games played since the last RAM clear.
- (f) A cabinet door meter shall display the number of times the front cabinet door was opened since the last RAM clear.
- (g) The drop door meter shall display the number of times the drop door and the Bill Acceptor door was opened since the last RAM clear.
- (h) The cancelled credit\* meter shall reflect the cumulative amounts paid by an Attendant that are in excess of the credit limit and residual credits that are collected.
- (i) NOTE: printer games do not require a cancelled credit meter unless a 'printer limit' option exists on the game.
- (j) The progressive occurrence meter shall count the number of times each progressive meter is activated.

#### **24.38 Multi-Game Game Specific Meters**

In addition to the Electronic Accounting Meters required above, each individual game available for play shall have at least "Amount Bet" and "Amount Won" meters in either credits or dollars. Even if a double-up game is lost, the initial win amount/credits bet amount shall be recorded in the game specific meters. Alternatively, there can be separate meters that account for the double-up information. Either way, the method of metering must be understood on the screen.

#### **24.39 Double-Up Meters**

For each type of Double-up offered, there shall be two meters to indicate the amount doubled and the amount won, which should increment every time a Double-up occurs. If the EGS does not supply accounting for the Double-Up

information, the feature must not be enabled for use.

**24.40 Cashless Transaction Log**

All EGS must have the capacity to display a complete Transaction history for the most recent Transaction with a cashless Wagering system (this would include Tickets, Coupons, electronically transferred Promotional and/or Bonusing credits, etc.), and the previous thirty-four Transactions prior to the most recent Transaction that incremented any of the Accounting Meters.

**24.41 Accountability of Bills/Tickets or Other Items Accepted**

An EGS, which contains a Bill Acceptor device, shall maintain sufficient electronic metering to be able to report the following:

- (a) Total monetary value of all items accepted;
- (b) Total number of all items accepted; and
- (c) A breakdown of the bills accepted:
  - i. For bills, the game shall report the number of bills accepted for each bill denomination;
  - ii. For all other notes, the game shall have a separate meter that reports the number of notes accepted, not including bills.

**24.42 Bill Acceptor Recall**

An EGS that uses a Bill Acceptor shall retain in its memory and display the denomination of the last five (5) items accepted by the Bill Acceptor (including U.S. currency, Ticket Vouchers, Coupons, etc.)

**24.43 Number of Last Plays Required**

Information on at least the last ten (10) games is to always be retrievable on the operation of a suitable external key-switch, or another secure method that is not available to the player. Last play information shall provide all information required to fully reconstruct the last ten (10) plays. All values shall be displayed, including the initial credits, credits bet, credits won, and credits paid. If a progressive was

awarded, it is sufficient to indicate the progressive was awarded and not display the value. This information should include the final game outcome, including all player choices and bonus features. The results of Double-up (if applicable) should also be included. The Last Game Recall shall reflect bonus rounds in their entirety. If a bonus round lasts 'x number of events,' each with separate outcomes, each of the 'x events' shall be displayed with its corresponding outcome if the outcome results in an award. The recall shall also reflect position-dependent events if the outcome results in an award. For games that may have infinite free games, there shall be a minimum of fifty (50) games recallable.

**24.44 Control Program Storage Media**

All Program Storage Media (Writable/Non-Writable), including EPROMs, DVD, CD-ROM, Compact Flash and any other type of Program Storage Devices shall be clearly marked with sufficient information to identify the software and revision level of the information stored in the devices and shall only be accessible with access to the locked logic compartment, where applicable. In addition, if the program is copied to and executed from RAM, the game shall have a method to display the Program Storage Media identification information, on demand.

**24.45 Write Once (Non-Writable) Program Storage**

For Program Storage Media that are written to once (i.e., EPROM, CD), the following rules shall be met:

(a) CD-ROM-based Program Storage shall:

- i. Not be a re-writeable disk; and
- ii. The "Session" shall be closed to prevent any further writing.

(b) Non-EPROM specific (including CD-ROM) Program Storage shall meet the following rules:

- i. The Control Program shall authenticate all Critical Files by employing a Hashing Algorithm which produces a 'Message Digest' output of at least 128 bits at minimum, as certified by the Test Laboratory and

agreed upon by the Commission. The Message Digest(s) shall be stored on a memory device (ROM-based or other medium) within the EGS. Message Digests which reside on any other medium shall be encrypted, using a public/private key Algorithm with a minimum of a 512 bit key. However, a 768 bit key is recommended, or an equivalent encryption Algorithm with similar security certified by the Test Laboratory and agreed upon by the Commission.

- ii. The EGS shall authenticate all Critical Files against the stored Message Digest(s), as required in (i), above. In the event of a failed authentication after the game has been powered up, the EGS should immediately enter an error condition with the appropriate tower light signal and record the details including time and date of the error in a log. This error shall require operator intervention to clear. The game shall display specific error information and shall not clear until either the file authenticates properly, following the operator intervention or the medium is replaced or corrected, and the device's memory is cleared, the game is restarted, and all files authenticate correctly.

*The values in (i) and (ii), above will constantly be re-evaluated based on technology advancements and new security methods available.*

#### **24.46 Writable Program Storage**

This section does not apply to EGS that function as part of a Game Download System, as defined within section 30.0. This section applies to EGS where the control program is capable of being erased and re-programmed without being removed from the EGS, Bill Acceptor or other equipment or related device, and such control program shall meet the following requirements:

- (a) Critical data, files and programs may only be re-programmed provided that:
  - i. A log of all information that is added, deleted, and modified be stored on the media;

- ii. Verifies the validity of all data, files, and programs which reside on the media using the methods listed in the Non-EPROM Specific requirements;
- iii. Contains appropriate security to prevent unauthorized modifications;
- iv. Does not allow execution of the updated program while the game is in play.

#### **24.47 Integrity of Control Programs**

The control program shall ensure the integrity of all critical program components that operate the EGS. The integrity checks must at a minimum occur during the execution of said components and the first time the files are loaded for use (even if only partially loaded), where applicable.

RAM and PSD (Program Storage Device) space that is not critical to machine security (e.g., video or sound ROM) are not required to be validated, although the Test Laboratory recommends a method be in place for the files to be tested for corruption. If any of the video or sound files contain payout amounts or other information needed by the player, the files or program storage must have a secure method of verification.

#### **24.48 Critical Memory Defined**

Critical memory storage shall be maintained by a methodology that enables errors to be identified and corrected in most circumstances. This methodology may involve signatures, Checksums, partial Checksums, multiple copies, timestamps and/or effective use of validity codes. Critical memory is used to store all data that is considered vital to the continued operation of the EGS. This includes, but is not limited to:

- (a) All electronic meters required in 'Electronic Metering within the EGS ,' including last bill data and power up and door open metering;
- (b) Current credits;
- (c) EGS/game configuration data;

- (d) Information pertaining to the last ten (10) plays with the RNG outcome (including the current game, if incomplete); and
- (e) Software state (the last normal state the EGS software was in before interruption).

#### **24.49 Critical Memory Integrity**

Comprehensive checks of Critical Memory shall be made during each EGS restart (e.g., power-up cycle). The EGS Control Program shall test for possible corruption of Critical Memory. Test methodology shall detect 99.99 percent of all possible failures. In addition, all Critical Memory (Non-Volatile) shall:

- (a) Have the ability to retain data for a minimum of thirty (30) days after power is discontinued from the machine. If the method used is an 'off chip' battery source, it shall re-charge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life shall be at least five (5) years. Random access memory that uses an off-chip back-up power source to retain its contents when the main's power is switched off shall have a detection system which will provide a method for software to interpret and Act upon a low battery condition;
- (b) Only be cleared by accessing the locked logic area in which it's housed;
- (c) Result in a RAM Error if the Control Program detects an unrecoverable memory error; and
- (d) The RAM should not be cleared automatically, but shall require a full RAM clear (RAM Reset) performed by an authorized person.

#### **24.50 RAM Clear**

Following the initiation of a RAM Clear procedure (utilizing a certified RAM Clear method), the Game Program (EGS Control Program) shall execute a routine, which initializes each and every bit in RAM to the default state. For games that allow for partial RAM clears, the methodology in doing so must be accurate and the game must validate the un-cleared portions of RAM. The default reel position or game display after a RAM reset shall not be the top award on any selectable

line. The default game display, upon entering game play mode, shall also not be the top award. This applies to the base game only and not any secondary bonus devices.

#### **24.51 Error Conditions**

EGSs shall be capable of detecting and displaying the following error conditions and illuminate the tower light for each or sound an audible alarm, unless otherwise noted. They shall be cleared either by an Attendant (denoted by '\*' – in these cases the EGS must cease play) or upon initiation of a new play sequence and be communicated to an on-line monitoring system:

- (a) Loss of Communication with the central monitoring system;
- (b) RAM error\*;
- (c) Low RAM battery, for batteries external to the RAM itself or low power source;
- (d) Currency-in jam\*;
- (e) Program error or authentication mismatch\*;
- (f) Door open (including Bill Acceptor)\*;
- (g) Reel spin errors (if applicable), including a mis-index condition for rotating reels, that affects the outcome of the game\*:
  - i. The specific reel number shall be identified in the error code;
  - ii. In the final positioning of the reel, if the position error exceeds one-half of the width of the smallest symbol excluding blanks on the reel strip; and
  - iii. Microprocessor-controlled reels shall be monitored to detect malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position.
- (h) Power reset;
- (i) 'Out-Of-Paper\*' or 'Paper Low;'
- (j) Printer Jam\*;

- (k) Printer Failure\*'
- (l) Printer Disconnected\* (it is permissible for the EGS to detect this error condition when the game tries to print.)

For games that use error codes, a description of EGS error codes and their meanings shall be affixed inside the EGS. This does not apply to video-based games; however, video-based games shall display meaningful text as to the error conditions.

#### **24.52 Game Interruption and Resumption**

After a program interruption (e.g., power down), the software shall be able to recover to the state it was in immediately prior to the interruption occurring and:

- (a) If an EGS is powered down while in an error condition, then upon restoring power, the error message shall be displayed and the EGS shall remain locked-up. This is unless power-down is used as part of the error reset procedure, or if on power-up or door closure, the EGS checks for the error condition and detects that the error is no longer in existence.
- (b) Upon program resumption, the following procedures shall be performed as a minimum requirement:
  - i. Any Communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;
  - ii. EGS control programs shall test themselves for possible corruption due to failure of the program storage media. The authentication may use the Checksum; however, it is preferred that the Cyclic Redundancy Check (CRC) calculations are used as a minimum (at least 16 bit). Other test methodologies shall be of a certified type;
  - iii. The integrity of all critical memory shall be checked; and
  - iv. Games utilizing Microprocessor-controlled mechanical displays (e.g., reels or wheels), shall re-spin automatically to display the last valid

game's result when the play mode is re-entered, and the reel positions have been altered.

#### **24.53 Door Open Events**

When the EGS main door is opened, the game shall cease play, enter an error condition, display an appropriate error message, disable bill acceptance, and either sound an alarm or illuminate the tower light or both. When the EGS main door is closed, the game shall return to its original state and display an appropriate error message, until the next game has ended. The software shall be able to detect any meter access to the following doors or secure areas:

- (a) All external doors;
- (b) Drop box door;
- (c) Bill Acceptor door.

#### **24.54 Bill Acceptor Error Conditions**

Each EGS and/or Bill Acceptor shall have the capability of detecting and displaying an Error Condition, for the conditions below. It is acceptable for the Bill Acceptor to disable or flash a light or lights to indicate the error has occurred, provided the information is communicated to the EGS and the Bill Acceptor disables:

- (a) Bill Stacker Full;
- (b) Bill Jams;
- (c) Bill Acceptor Door Open – where a Bill Acceptor door is the belly glass door, a door open signal is sufficient; and
- (d) Bill Stacker Door Open or Bill Stacker Removed.

#### **24.55 Unable to Upload Credits onto Cashless System**

Any credits on the EGS that are attempted to be transferred to the host system that is unsuccessful must provide for an alternate payment method or must require the EGS to enter an Error Condition that requires a HandPay by an

Attendant.

#### **24.56 Communication Protocol**

All EGS must accurately implement a 'general accepted' communication protocol that must be compatible with the systems used. EGS must, at a minimum, communicate with the facilities Central Monitoring System.

#### **24.57 EGS Significant Events**

The following are the events that EGS must immediately report to the Central Monitoring System, in real-time. All Accounting and Occurrence meters and Error Conditions as defined within these regulations that are not listed below must also be communicated to the Central Monitoring System although, not in real-time unless requested by the system itself:

- (a) Power Resets or power failure;
- (b) Handpay Conditions (amount needs to be sent to the system):
  - i. EGS Jackpot (An award in excess of the single win limit of the EGS );
  - ii. Cancelled Credit Handpay; and
  - iii. Progressive Jackpot (As per EGS Jackpot, above.)
- (c) Door Openings (any external door that accesses a critical area, on the EGS).  
Door switches (discrete inputs to the Interface Element) are acceptable if their operation does not result in redundant or confusing messaging.
- (d) Bill Acceptor Errors ('i' and 'ii' should each be sent as a unique message, if supported by the Communication Protocol):
  - i. Stacker Full (if supported); and
  - ii. Bill (Item) jam.
- (e) EGS Low RAM Battery Error;
- (f) Reel Spin Errors (if applicable with individual reel number identified);
- (g) Printer Errors (if printer supported):
  - i. Printer Empty/Paper Low; and
  - ii. Printer Disconnect/Failure.
- (h) The following priority events must be conveyed to the On-Line Monitoring System where a mechanism must exist for timely notification:
  - i. Loss of Communication with Interface Element;
  - ii. Loss of Communication with EGS ;
  - iii. Memory corruption of the Interface Element, if storing critical information; and

- iv. RAM corruption of the EGS.

#### **24.58 Ticketing Requirements**

EGS containing Ticket Printers must be communicating to a Ticket Validation System, which records the ticket information. Validation approval or information shall come from the Ticket Validation System in order to validate tickets. Provisions must be made if Communication is lost, and validation information cannot be sent to the Ticket Validation System, thereby requiring the EGS or the Franchise Holder's operations to have an alternate method of payment. The Ticket Printer shall print on a ticket and must provide the ticket data to a Ticket Validation System that records the following information regarding each payout ticket printed:

- (a) Value of credits in local monetary units in numerical form;
- (b) Time of day the ticket was printed in twenty-four (24) hour format showing hours and minutes – printing of this information is not required, provided that storage of this information is in the Database;
- (c) Date, in any recognized format, indicating the day, month, and year;
- (d) EGS number or machine number; and
- (e) Unique validation number or barcode.

#### **24.59 Machine Diagnostics**

It shall not be possible to change a Configuration setting that causes an obstruction to the electronic accounting meters, affect the integrity of the EGS or communications with any of the associated systems, without a RAM Clear. Notwithstanding, any such change must be done by a secure means, which includes access to the locked logic area.

#### **24.60 Test Mode**

If in a test mode the game shall clearly indicate that it is in a test mode, not normal play, and:

- (a) Any test that incorporates credits entering or leaving the EGS shall be completed on resumption of normal operation;
- (b) There shall not be any test mode that increments any of the electronic meters (test meters are permissible provided the meter indicates as such);
- (c) Any credits on the EGS that were accrued during the test mode shall be cleared before the test mode is exited;
- (d) The main cabinet door of the EGS may automatically place the EGS in a service or test-mode or may also be entered, via an appropriate instruction, from an Attendant during an audit mode access; and
- (e) When exiting from test mode, the game shall return to the original state it was in when the test mode was entered.

## **25.0 General System Requirements**

EGS Gaming at Pari-Mutuel Wagering Facilities must at a minimum utilize an On-Line Monitoring System that maintains all financial and security data. The rules outlined within this section apply to all Critical Systems (systems that have an effect on the integrity of EGS Gaming.)

### **25.1 Phases of System Testing**

All Critical Systems must endure the following phases of tests:

- (a) Phase I - Within the laboratory setting; and
- (b) Phase II - On-site following the initial install of the system to ensure proper configuration of the equipment and installation of the security applications.

### **25.2 Interface Elements**

An Interface Element, where applicable, is any component within a system that is external to the operations of the EGS that assists in the collection and processing of data that is sent to a system. All critical Interface Elements shall:

- (a) Be installed in a secure area (which may be inside an EGS).
- (b) The Interface Element setup/Configuration menu(s) must not be available unless using an authorized access method.

- (c) When not directly communicating with EGS meters, the Interface Element must maintain separate electronic meters, of sufficient length, to preclude the loss of information from meter rollovers, or a means to identify multiple rollovers, as provided for in the connected EGS. These electronic meters should be capable of being reviewed on demand at the Interface Element level via an authorized access method.
- (d) The Interface Element must retain the required information after a power loss for a minimum of 30 days. If this data is stored in volatile RAM, a Battery Backup must be installed within the Interface Element.
- (e) If unable to communicate the required information to the On-Line Monitoring System, the Interface Element must provide a means to preserve all mandatory meter and Significant Event information until at such time as it can be communicated to the On-Line Monitoring System. EGS operation may continue until critical data is overwritten and lost. There must be a method to check for corruption of the above data storage locations.
- (f) The Interface Element must allow for the association of a unique identification number to be used in conjunction with an EGS file on the On-Line Monitoring System. This identification number will be used by the On-Line Monitoring System to track all mandatory information of the associated EGS. Additionally, the On-Line Monitoring System should not allow for a duplicate EGS file entry of this identification number.
- (g) An On-Line Monitoring System may possess a Front End Processor (FEP) that gathers and relays all data from the connected Data Collectors to the associated database(s). The Data Collectors, in turn, collect all data from, connected EGS. Communication between components must be a defined Communication Protocol(s) and function as indicated by the Communication Protocol(s). An On-Line Monitoring System must provide for the following:
  - i All critical data Communication shall be Protocol based and/or incorporate an error detection and correction scheme to ensure an accuracy of ninety-nine percent (99%) or better of messages received; and
  - ii All critical data Communication that may affect revenue and is unsecured either in transmission or implementation shall employ encryption. The encryption Algorithm shall employ variable keys or similar methodology to preserve secure Communication.

### **25.3 System Server(s)**

System Server(s), networked system(s) or distributed system(s) that directs the overall operation and an associated Database(s) that stores all entered and collected system information, is considered the 'Server'. In addition, the Server shall:

- (a) Maintain an internal clock that reflects the current time in 24-hr format and data that shall be used to provide for the following:
  - i. Time stamping of Significant Events, Section 24.57;
  - ii. Reference clock for reporting; and
  - iii. Time stamping of Configuration changes.
  - iv. If multiple clocks are supported, the On-Line Monitoring System shall have a facility whereby it is able to update those clocks in On-Line Monitoring System components where conflicting information could occur.

### **25.4 Remote Access Requirements**

If supported, System(s) may utilize password controlled remote access, provided the following requirements are met:

- (a) A 'Remote Access User Activity' log is maintained depicting logon name, time/date, duration, activity while logged in;
- (b) No unauthorized remote user administration functionality (adding users, changing permissions, etc.);
- (c) No unauthorized access to Database other than information retrieval using existing functions;
- (d) No unauthorized access to operating system; and
- (e) If remote access is to be continuous basis then a Network filter (firewall) should be installed to protect access.

### **25.5 Security Access Control**

The On-Line Monitoring System must support either a hierarchical role structure whereby user and password define program or individual menu item access or logon program/device security based strictly on user and password or PIN. In

addition, the On-Line Monitoring System shall not permit the alteration of any significant log information communicated from the EGS. Additionally, there should be a provision for system administrator notification and user lockout or audit trail entry, after a set number of unsuccessful login attempts.

#### **25.6 Data Alteration**

The On-Line Monitoring System shall not permit the alteration of any accounting or significant event log information that was properly communicated from the EGS without supervised access controls. In the event financial data is changed, an audit log must be capable of being produced to document:

- (a) Data element altered;
- (b) Data element value prior to alteration;
- (c) Data element value after alteration;
- (d) Time and Date of alteration; and
- (e) Personnel that performed alteration (user login).

#### **25.7 System Back-Up**

The System(s) shall have sufficient redundancy and modularity so that if any single component or part of a component fails, gaming can continue. There shall be redundant copies of each log file or system Database or both, with open support for Backups and restoration.

#### **25.8 Recovery Requirements**

In the event of a catastrophic failure when the System(s) cannot be restarted in any other way, it shall be possible to reload the system from the last viable Backup point and fully recover the contents of that Backup, recommended to consist of at least the following information:

- (a) Significant Events, Section 24.57;
- (b) Accounting information;

- (c) Auditing information; and
- (d) Specific site information such as device file, employee file, progressive set-up, etc.

## **25.9 Downloading of Interface Element Control Programs**

If supported, a System may utilize writable program storage technology to update Interface Element software if all of the following requirements are met:

- (a) Writable program storage functionality must be, at a minimum, password-protected, and should be at a supervisor level. The System can continue to locate and verify versions currently running but it cannot load code that is not currently running on the system without user intervention;
- (b) A non-alterable audit log must record the time/date of a writable program storage download and some provision must be made to associate this log with which version(s) of code was downloaded, and the user who initiated the download. A separate Download Audit Log Report would be ideal; and
- (c) All modifications to the download executable or other file(s) must be submitted to the Test Laboratory for approval. The laboratory will assign signatures to any relevant executable code and file(s) that should be verified by a regulator in the field. Additionally, all downloadable files must be available to a regulator to verify the signature.
- (d) The system must have the ability to verify the program on demand for regulatory audit purposes.

The above refers to loading of new system executable code only. Other program parameters may be updated as long as the process is securely controlled and subject to audit. The parameters will have to be reviewed on an individual basis.

## **25.10 Self Monitoring of Gaming System Servers**

The Systems must implement self monitoring of all critical Interface Elements (e.g. Central hosts, network devices, firewalls, links to third parties, etc.) and shall have the ability to effectively notify the system administrator of the condition, provided the condition is not catastrophic.

## **26.0 On-Line Monitoring System Requirements**

The On-Line Monitoring System shall communicate to all EGS for the purpose of gathering all financial data and security events. The On-Line Monitoring System may perform this sole function or may also incorporate other system functions that are addressed within this document. For systems that serve multiple purposes, each of the relevant sections herein shall apply.

### **26.1 Required On-Line Monitoring System Functionality**

At a minimum, an On-Line Monitoring System shall provide for the following Security and Audit ability requirements:

- (a) An interrogation program that enables on-line comprehensive searching of the Significant Event Log for the present and for the previous 14 days through archived data or restoration from backup where maintaining such data on a live database is deemed inappropriate. The interrogation program shall have the ability to perform a search based at least on the following:
  - i. Date and Time range;
  - ii. Unique Interface Element/EGS identification number; and
  - iii. Significant event number/identifier.
  
- (b) An On-Line Monitoring System must have a master "EGS File" which is a Database of every EGS in operation, including at minimum the following information for each entry. If the On-Line Monitoring System retrieves any of these parameters directly from the EGS, sufficient controls must be in place to ensure accuracy of the information.
  - i. Unique Interface Element/location identification number;
  - ii. EGS identification number as assigned by the Franchise Holder;
  - iii. Denomination of the EGS (please note that the Denomination may reflect an alternative value, in the case of a multi-Denomination game);
  - iv. Theoretical hold of the EGS ; and
  - v. Control Program(s) Identification Number within the EGS.

(c) Significant Events, Section 24.57 are generated by an EGS and sent via the Interface Element to the On-Line Monitoring System utilizing an approved Communication Protocol. Each event must be stored in a database(s), which includes the following:

- i. Date and time which the event occurred;
- ii. Identity of the EGS that generated the event;
- iii. A unique number/code that defines the event; or
- iv. A brief text that describes the event in the local language.

## **26.2 Stored Accounting Meters**

Metering information is generated on an EGS and collected by the Interface Element and sent to the On-Line Monitoring System via a Communication Protocol. This information may be either read directly from the EGS or relayed using a delta function. The On-Line Monitoring System must collect and store the following meter information from each EGS:

- (a) Total In (credits-in);
- (b) Total Out (credits-out);
- (c) Total Dropped (total value of all, bills, tickets and other approved notes in the cash box or 'drop');
- (d) Hand Paid (handpays);
- (e) Cancelled Credits (if supported on EGS );
- (f) Bills In (total monetary value of all bills accepted);
- (g) Individual Bill Meters (total number of each bill accepted per denomination);
- (h) Games-Played;
- (i) Cabinet Door (instance meter which may be based on On-Line Monitoring System count of this event);
- (j) Drop Door(s) (instance meter which may be based on On-Line Monitoring System count of this event);
- (k) Tickets In (total monetary value of all tickets accepted); and
- (l) Tickets Out (total monetary value of all tickets produced).

Please refer to the EGS Software Electronic Accounting and Occurrence Metering requirements for more detailed descriptions of the above meters. While these electronic accounting meters should be communicated directly from the EGS to the On-Line Monitoring System, it is acceptable to use secondary On-Line Monitoring System calculations where appropriate.

### **26.3 Required Reports**

Reports will be generated on a schedule determined by the Commission which typically consists of daily, monthly, yearly period, and life to date reports generated from stored Database information. These reports at minimum will consist of the following:

- (a) Net Win/Revenue Report for each EGS ;
- (b) Drop Comparison Reports for each medium dropped (examples = tickets, bills) with dollar and percent variances for each medium and aggregate for each type;
- (c) Metered vs. Actual Jackpot Comparison Report with the dollar and percent variances for each and aggregate;
- (d) Theoretical Hold vs. Actual Hold comparison with variances;
- (e) Significant Event Log for each EGS ; and
- (f) Other Reports, as required by individual Jurisdictions.

It is acceptable to combine reporting data where appropriate (e.g., revenue, theoretical/actual comparison).

### **26.4 Jackpot Functionality**

An On-Line Monitoring System must have an application or facility that captures and processes every Handpay message from each EGS and meet the following rules:

- (a) Handpay messages must be created for single wins (jackpots), progressive jackpots and accumulated credit cash outs (canceled credits), which result in Handpays.
- (b) For every single win event that is equal to or greater than the applicable IRS tax reporting threshold, as established from time to time by the US Internal Revenue Service, the On-Line Monitoring System user must be advised of the need for a W2G

or 1042-S Form, as required by the US Internal Revenue Service, which is to be processed, either via the On-Line Monitoring System or manually. This option must not be capable of being overridden. The keyed reset ability to return winnings from a taxable event to an EGS should require user intervention to void the original jackpot slip that is generated.

(c) The following information is required for all jackpot slips generated with some/all fields to be completed by the On-Line Monitoring System:

- i. Numeric Slip identifier (which increments per event);
- ii. Date and Time (Shift if required) ;
- iii. EGS number;
- iv. Denomination;
- v. Amounts of Jackpot, Accumulated Credit, and Additional Pay;
- vi. W2G indication, if applicable;
- vii. Additional Payout, if applicable;
- viii. Total before taxes and taxes withheld, if applicable;
- ix. Amount to Patron; and
- x. Total credits played and game outcome of award.

## **27.0 Ticket Validation System Requirements**

A Ticket Validation System may be entirely integrated into an On-Line Monitoring System or exist as an entirely separate entity. Payment by ticket printer as a method of credit redemption on an EGS is only permissible when the EGS is linked to an approved Ticket Validation System. Validation information shall be communicated from the system to the EGS using a secure Communication Protocol. This section concerns bi-directional Ticket Validation System specific requirements where a Ticket Validation System that is independent of an On-Line Monitoring System would also require the Security and Integrity standards previously outlined within this document, would also apply.

### **27.1 Loss of Communication**

In the event there is a loss of communication between the EGS and the Ticket Validation System, an alternate method of payment must be provided either by the validation system possessing unique features (e.g., validity checking of ticket information in conjunction with a local Database storage) to identify duplicate

tickets and prevent fraud by reprinting and redeeming a ticket that was previously issued by the EGS; or by use of an approved alternative method that will accomplish the same. Where EGS ticket generation is to be supported while not connected to the validation system, a ticket system must generate two different types of tickets at minimum. On-line and off-line types are denoted respectively by ticket generation either when the validation system and EGS are properly communicating or the validation system and EGS are not communicating properly. When a patron cashes out of an EGS that has lost Communication with the validation system, the EGS must lock up and, after reset, may print an off-line ticket or handpay receipt. The ticket or handpay receipt must be visually distinct from an on-line ticket either in format or content while still maintaining all information required.

## **27.2 Ticket Issuance**

A ticket can be generated at an EGS through an internal document printer, at a player's request, by redeeming all credits. Tickets that reflect partial credits may be issued automatically from an EGS. Additionally, cashier/change booth issuance is allowed if supported by the validation system.

## **27.3 Ticket Redemption**

Tickets may be inserted in any EGS participating in the validation system providing that no credits are issued to the EGS prior to confirmation of ticket validity. The customer may also redeem a ticket at a validation terminal (i.e., cashier/change booth, Redemption Terminal or other approved methods.) All validation terminals shall be user and password-controlled with the exception of a Redemption Terminal that does not require human interaction. Where the Validation is to take place at a Cashier/Change Booth, the cashier shall:

- (a) Scan the bar code via an optical reader or equivalent; or
- (b) Input the ticket validation number manually; and
- (c) May print a validation receipt, after the ticket is electronically validated, if applicable.

The validation receipt, at a minimum, shall contain the following printed information:

- i. Machine number;
- ii. Validation number;
- iii. Date and Time paid;
- iv. Amount; and
- v. Cashier/Change Booth identifier.

#### **27.4 Invalid Ticket Notification**

The Ticket Validation System must have the ability to identify duplicate tickets invalid tickets and notify the EGS to 'Reject' the ticket or advise the cashier that one of the following conditions exists:

- (a) Ticket cannot be found on file (stale date, forgery, etc.);
- (b) Ticket has already been paid; or
- (c) Amount of ticket differs from amount on file (requirement can be met by display of ticket amount for confirmation by cashier during the redemption process).

#### **27.5 Required Reports**

The following reports shall be generated at a minimum and reconciled with all validated/redeemed tickets:

- (a) Ticket Issuance Report;
- (b) Ticket Redemption Report;
- (c) Ticket Liability Report;
- (d) Ticket Drop Variance Report;
- (e) Transaction Detail Report must be available from the validation system that shows all tickets generated by an EGS and all tickets redeemed by the validation terminal or other EGS; and
- (f) Cashier Report, which is to detail individual tickets, the sum of the tickets paid by Cashier/Change Booth or Redemption Terminal.

The requirements for 'b' & 'd' are waived where two-part tickets exist for the EGS , and where the first part is dispensed as an original ticket to the patron and the second part remains attached to the printer mechanism as a copy (on a continuous roll) in the EGS .

## **27.6 Security of Ticket Information**

Once the validation information is stored in the Database, the data may not be altered in any way. The validation system Database must be encrypted or password-protected and should possess a non-alterable user audit trail to prevent unauthorized access. Further, the normal operation of any device that holds ticket information shall not have any options or methods that may compromise ticket information. Any device that holds ticket information in its memory shall not allow removing of the information unless it has first transferred that information to the Database or other secured component(s) of the validation system.

## **28.0 Cashless System Requirements**

A Cashless System may be entirely integrated into an On-Line Monitoring System or exist as an entirely separate entity. Cashless systems may include Promotional, Bonusing or Player Account based systems.

### **28.1 Error Conditions**

The following sections outline the Error Conditions that apply to the Cashless System, which must be monitored, and a message must be displayed to the patron at the host Card Reader for the following:

- (a) invalid PIN or Player ID (can prompt for re-entry up to maximum allowed); and
- (b) Account Unknown.

### **28.2 Transfer of Transactions**

If a player initiates a cashless Transaction and that Transaction would exceed game configured limits (i.e. the credit limit, etc) then this Transaction may only be processed provided that the patron is clearly notified that he/she has received or deposited less than requested to avoid patron disputes.

### **28.3 Security Requirements**

The Communication process used by the EGS and the host system must be robust and stable enough to secure each cashless Transaction such that failure event(s) can be identified and logged for subsequent audit and reconciliation. In addition, Cashless systems must conform to the following Security Requirements:

- (a) The numbers of users that have the requisite permission levels/login to adjust critical parameters are limited.
- (b) Only a logged, authorized employee shall have the ability to access all player information. Security of this information (including patron PIN codes or equivalent patron identification) must be maintained at all times.
- (c) Any adjustment to an account balance, would require a supervisor's approval with all changes being logged and/or reported indicating who, what, when, and the item value before and after the change, with the reason.

### **28.4 Prevention of Unauthorized Transactions**

The following minimal controls shall be implemented by the host system to ensure that games are prevented from responding to commands for crediting outside of properly authorized Cashless Transactions (hacking):

- (a) The Network hubs are secured (either in a locked/monitored room or area) and no access is allowed on any Node without valid login and password;
- (b) The number of stations where critical Cashless applications or associated Databases could be accessed is limited; and
- (c) Procedures shall be in place on the system to identify and flag suspect player and employee accounts to prevent their unauthorized use to include:
  - i. Having a maximum number of incorrect PIN entries before account lockout;
  - ii. Flagging of "hot" accounts where cards have been stolen;
  - iii. Invalidating accounts and transferring balances into a new account;and

- iv. Establishing limits for maximum Cashless activity in and out as a global or individual variable to preclude money laundering.

#### **28.5 Diagnostic Tests on a Cashless EGS**

Controls must be in place for any diagnostic functionality available at the device such that all activity must be reported to the system that would reflect the specific account(s) and the individual(s) tasked to perform these diagnostics. This would allow all Cashless diagnostic activity that affect the EGS associated electronic meters to be audited by the EGS Section.

#### **28.6 Transaction Auditing**

The Cashless system shall have the ability to produce logs for all pending and completed Cashless Transactions. These logs shall be capable of being filtered by:

- (a) Machine number
- (b) Patron account; and
- (c) Time/date.

#### **28.7 Financial and Player Reports**

The system shall have the ability to produce the following financial and player reports:

- (a) Patron Account Summary and Detail Reports. These reports shall be immediately available to a patron upon request. These reports shall include beginning and ending account balance, Transaction information depicting EGS number, amount, and date/time.
- (b) Liability Report. This report is to include previous days starting value of outstanding Cashless liability, aggregate Cashless-in and out totals, and ending Cashless liability.

- (c) Cashless Meter Reconciliation Summary and Detail Reports. These reports will reconcile each participating EGS Cashless meter(s) against the host system's Cashless activity.
- (d) Cashier Summary and Detail Reports. These reports will include patron account, buy-ins and cash-out, amount of Transaction, date and time of Transaction.

## **28.8 Account Balance**

Current account balance information should be available on demand from any participating EGS via the associated Card Reader (or equivalent) after confirmation of patron identity and be presented, in terms of currency, to the patron.

## **29.0 Progressive System Requirements**

A Progressive System is a computerized system linking EGS in one or more licensed facilities within the State of Arkansas and offering one or more common progressive payouts based on the amounts Wagered.

### **29.1 Progressive Meter/Display**

A progressive meter/display can be one or more progressive EGS (s) that are linked, directly or indirectly, to a display (e.g., mechanical, electrical, or electronic device, including the video display, if applicable) that shows the payoff which increments at a set rate of progression as credits are Wagered. For games that have progressives such as 'Mystery Jackpot', the payoff does not have to be displayed to the player, although there should be an indication as to this type of feature on the game. The following rules apply to all Progressive Meter displays:

- (a) A Progressive Meter shall be visible to all players who are playing a device, which may potentially win the progressive amount if the progressive jackpot combination appears, except for 'mystery jackpots.'

- (b) A player shall know that he/her is playing a progressive game and not have to play the max bet amount to find out. The above are parameters that are verified on-site prior to implementation.
- (c) The progressive meter shall display the current total of the progressive jackpot in the monetary value or credits (the monetary value may vary for Multi-Site Progressive Displays.) Because the polling cycle does cause a delay, the jackpot meter need not precisely show the actual monies in the progressive pool at each instance;
- (d) The use of odometer and other “paced” updating displays are allowed. The progressive meter shall display the winning value within 30 seconds of the jackpot being recognized by the central system. In the case of the use of paced updating displays, the system jackpot meter shall display the winning value after the jackpot broadcast is received from the central system.
- (e) If the progressive meter(s) progresses to its maximum display amount, the meter shall freeze and remain at the maximum value until awarded to a player. This can be avoided by setting the jackpot limit in accordance with the digital limitations of the sign.
- (f) If this rule prescribes multiple items of information to be displayed on an EGS or progressive meter, it is sufficient to have the information displayed in an alternating fashion.
- (g) When a progressive jackpot is recorded on an electronic EGS which is attached to the Progressive Controller, the Progressive Controller shall allow for the following to occur on the device and/or progressive display:
  - i. Display of the winning amount;
  - ii. Display of the electronic EGS identification that caused the progressive meter to activate if more than one (1) electronic EGS is attached to the controller;
  - iii. The Progressive Controller shall automatically reset to the reset amount and continue normal play; and
  - iv. The new progressive values that are current on the link.

Any device that has a feature that doubles or triples, etc. any win shall have a sign that states the progressive award will not be doubled or tripled if won during the feature, if this is the intention.

- (h) For progressives offering multiple levels of awards, the player must always be paid the higher progressive amount if a particular combination is won that should trigger the higher paying award. This may occur when a winning combination may be evaluated as more than one of the available payable combinations (i.e., a Straight Flush is a form of a Flush and a Royal Flush is a form of a Straight Flush). Therefore, there may be situations where the progressive levels shall be swapped to ensure the player is being awarded the highest possible progressive value based on all combinations the outcome may be defined as.

## **29.2 Progressive Controllers**

The requirements of this Section are intended to apply equally to one progressive EGS linked to a Progressive Controller or is internally controlled, as well as several progressive EGS linked to one Progressive Controller within one track or multiple tracks. A Progressive Controller is all of the hardware and software that controls all Communications among the devices that calculates the values of the progressives and displays the information within a progressive EGS link (if applicable, progressive EGS (s) may be internally controlled) and the associated progressive meter. This equipment includes but is not limited to PC-based computers, wiring, and collection Nodes, etc. The method by which system jackpot parameter values are modified or entered is to be secure. Progressive Controllers shall:

- (a) During the 'Normal Mode' of progressive EGS , the Progressive Controller shall continuously monitor each device on the link for credits bet and shall multiply the same by the rate of progression and Denomination in order to determine the correct amounts to apply to the progressive jackpot. This shall be at least 99.99% accurate.
- (b) The Progressive Controller or other approved Progressive System component shall keep the following information in non-volatile memory, which shall be displayed on demand. Additionally, meters shall be 99.99% accurate:
- i. The number of progressive jackpots won on each progressive level if the progressive display has more than one (1) winning amount;
  - ii. The cumulative amounts paid on each progressive level if the progressive display has more than one (1) winning amount;

- iii. The maximum amount of the progressive payout for each level displayed;
  - iv. The minimum amount of the progressive payout for each level displayed;
  - v. The rate of progression for each level displayed.
- (c) When a controller error occurs, it is preferred that it alternates the displays, or equivalent, between the current amount and an appropriate error message that is visible to all players, or can alert the Franchise Holder to the error condition. If the following events occur, the game that is using the progressive is to be disabled, and an error shall be displayed on the progressive meter, other approved Progressive System component or EGS :
- i. During a Communication Failure;
  - ii. When there have been multiple Communication errors;
  - iii. When a controller Checksum or signature has failure;
  - iv. When a controller's RAM or PSD (program storage device) mismatch or failure occurs;
  - v. When the jackpot configuration is lost or is not set;
- (d) The Progressive Controller shall have a secure means of transferring a progressive jackpot and/or prizes to another Progressive Controller or other approved Progressive System component. Transferring of progressive jackpots must meet the local Internal Control procedures.
- (e) There shall be a secure, two-way Communication Protocol between the main game processor board and progressive. In addition, the Progressive System shall be able to:
- i. Send to the electronic EGS the amount that was won for metering purposes; and
  - ii. Constantly update the progressive display as play on the link is continued.

- (f) Each external Progressive Controller used with a progressive EGS shall be housed in a secure environment allowing only authorized accessibility. Access to the controller must conform to the local Internal Control procedures.
- (g) All progressive EGS (internal to the game) or any approved Progressive System component (external to the game(s)) shall display, upon request, the following information for each progressive prize offered (if applicable):
  - i. CURRENT VALUE: current prize amount;
  - ii. OVERFLOW: amount exceeding limit;
  - iii. HITS: number of times this progressive was won;
  - iv. WINS: total value of wins for this progressive or a history of the last 25 progressive hits;
  - v. BASE: starting value (the initial amount of a progressive jackpot shall begin at or above an award for that particular EGS that makes the entire meter payout greater than the minimum percentage requirement, if one is set);
  - vi. LIMIT: jackpot limit value (if the Jackpot is capped at a maximum limit, this standard does not require to add the overflow amounts to the next starting value and will be determined on a Franchise Holder basis);
  - vii. INCREMENT: percentage increment rate;
  - viii. SECONDARY INCREMENT: percentage increment rate after limit is reached;
  - ix. HIDDEN INCREMENT: percentage increment rate for the reserve pool (the next base amount shall be computed or posted to advise the player of this contribution);
  - x. RESET VALUE: the amount the progressive resets to after the progressive is won; and
  - xi. The participating EGS.

Any change to the jackpot amount must conform to the local Internal Control procedures.

### **29.3 Linked EGS Odds**

Each device on the link shall have the same probability of winning the progressive, adjusted for the Denomination played. For instance, the probability shall remain the same for multiple Denomination games, based on the monetary value of the Wager (e.g., A two (2) credit \$1 game has the probability of one (1) in 10,000 and a two (2) credit, \$2 game on the same link has the probability one (1) in 5,000.)

### **29.4 Multi-Site Progressives**

Multi-site progressive EGS are interconnected in more than one Franchise Holder in Arkansas. The purpose of a Multi-site Progressive System is to offer a common progressive jackpot (system jackpot) at all participating locations. Multi-Site Progressive Systems shall meet the following regulations:

(a) Be certified in two phases:

- i. Initial laboratory testing, where the laboratory will test the integrity of the EGS in conjunction with a Progressive System in the laboratory setting with the equipment assembled; and
- ii. On-site certification, where the progressive Communications and set up are tested on the EGS Gaming Floor prior to implementation.

(b) It is recommended that the method of Communication be a non-shared, dedicated line or equivalent. Dial-tone systems may be used as long as devices at the local site would not be able to be disabled from another outside line or manipulated by any other means. When the method of Communication is a shared line, appropriate encryption and security must be in place to avoid corruption or compromise of data.

(c) Multi-Site systems shall ensure that security information and the amounts Wagered information is communicated, at least once every 60 seconds for terrestrial lines (dedicated phone lines), and a reasonable amount of time for Radio Frequency, from each participating device to the central monitoring system.

(d) All Multi-Site property systems shall utilize an encryption method that has been approved by the Laboratory. Such encryption method shall include the use of

different encryption “keys” or “seeds” so that encryption can be changed in a real-time fashion.

- (e) The on-line provision is to be able to monitor the meter readings and error events of each device regardless of any outside monitoring system. Therefore, the on-line security system requirement when EGS are in play is not altered in any way.
- (f) The Multi-Site central server shall be equipped with non-interruptible power supply that will allow the server to conduct an orderly shutdown if the power is lost. Should the system utilize hard disk peripherals, the server shall be capable of on-line data redundancy.
- (g) An EGS shall immediately disable itself and suspend play if Communication is lost to the local collection unit and security hub. The EGS may resume play only when Communication to the local hub is restored. If the Communication is lost between the local hub and the server, the EGS may continue to play. However, once Communications are re-established, the system-wide totals are to be updated; notwithstanding this rule, if the Communication is lost for more than 24 hours the Multi-Site EGS must be shut down.
- (h) Any "Multi-Site" system shall supply, as requested, the following reports:
  - i. PROGRESSIVE SUMMARY: A report indicating the amount of, and basis for, the current jackpot amount (the amount currently in play);
  - ii. AGGREGATE REPORT: A report indicating the balancing of the system with regard to system wide totals; and
  - iii. PAYOFF REPORT: A report that will clearly demonstrate the method of arriving at the payoff amount. This will include the credits contributed beginning at the polling cycle, immediately following the previous jackpot and will include all credits contributed up to and including the polling cycle which includes the jackpot signal.

**NOTE:** Credits contributed to the system after the jackpot occurs in real-time, but during the same polling cycle, shall be deemed to have been contributed to the progressive amount prior to the jackpot. Credits contributed to the system subsequent to the jackpot message being received, as well as credits contributed to the system before the jackpot message is received by the system, but registered after the jackpot message is received at the system, will be deemed to

have been contributed to the progressive amount of the next jackpot, if applicable.

- (i) All meter reading data shall be obtained in Real Time in an on-line, automated fashion. For Progressive Amount reconciliation purposes, the Progressive System shall return the 'Credits Bet' meter readings on all EGS attached to the system. The meter readings shall be identical to the meter information retained in the EGS (s) accounting meters.
- (j) The Multi-Site Progressive System shall have the ability to monitor entry into the front door of the EGS and report it to the central system IMMEDIATELY.
- (k) If a jackpot is recognized in the middle of a System-Wide Poll Cycle, the overhead display may contain a value less than the aggregated jackpot amount calculated by the central system. The credit values from the remaining portion of the poll cycle will be received by the central system but not the local site, in which case the jackpot amount paid will always be the higher of the two reporting amounts.
- (l) Procedures shall be developed, implemented and documented for the following. These reports shall adequately document the procedures, be generated and retained:
  - i. Reconciliation of meters and jackpot payouts;
  - ii. Collection drop of EGS funds;
  - iii. Jackpot verification and payment procedures that include a Commission Agent be present for independent prize verification and payment.
  - iv. System maintenance;
  - v. System accuracy;
  - vi. System security;
  - vii. System failures including:
    - (1) The local hub;
    - (2) The central site;
    - (3) Failures in Communications; and
    - (4) Backup and recovery.
- (m) Internal controls that address the following occurrences are to be submitted by the vendor and approved by the Commission:

- i. When multiple jackpots occur, where there is no definitive way of knowing which jackpot occurred first, they will be deemed to have occurred simultaneously; and
- ii. if there is a Communication failure, and a player wins the jackpot at a non-updated site.

### **30.0 Game Download System Requirements**

A Server-Based Game Download System (SBGDS) is the combination of an on-site Central Server, EGS and all Interface Elements that function collectively for the purpose of downloading EGS Game Content from the system's Central Server to the EGS, which may include:

- (a) The EGS Control Program; and/or
- (b) Randomly Generated Numbers; and/or
- (c) Other Game Content that is generated by the Central Server and downloaded to the EGS for the operation of the game.

The 'host' computer or Central Server is the primary source of the system controls and information. The control program is the software that operates the EGS functions, including the payable(s) for the game. The Control Program can run independently of the SBGDS or may require information generated by the system to perform the EGS functions.

#### **30.1 Communication Protocol**

Each component of a SBGDS must function as indicated by the communication protocol implemented. All protocols must use communication techniques that have proper error detection and/or recovery mechanisms which are designed to prevent unauthorized access or tampering, employing Data Encryption Standards (DES) or equivalent encryption with secure seeds or algorithms. Any alternative measures will be reviewed on a case-by-case basis, with regulator approval.

### **30.2 System Security**

In the event the Central Server is utilized in conjunction with other systems (i.e. On-Line Monitoring and Control Systems, Ticket Validation Systems, Progressive Systems, etc.), all communications, including Remote Access, must pass through at least one approved application-level firewall and must not have a facility that allows for an alternate network path.

Each SBGDS as submitted to the Test Laboratory will be examined thoroughly to ensure that the proposed field configuration is secure. The Test Laboratory will provide additional security recommendations within the final certification and on-site training to the regulators, if requested.

### **30.3 Firewall Audit Logs**

The firewall application (Firewall Network security barrier. A firewall is a device that guards the entrance to a private network and keeps out unauthorized or unwanted traffic) must maintain an audit log of the following information and must disable all communications and generate an error event if the audit log becomes full:

- (a) all changes to configuration of the firewall;
- (b) all successful and unsuccessful connection attempts through the firewall; and
- (c) the source and destination IP Addresses, Port Numbers and MAC Addresses.

### **30.4 Remote Access**

Remote Access, where permitted, shall authenticate all computer systems based on the authorized settings of the SBGDS or firewall application that establishes a connection with the SBGDS. The security of Remote Access will be reviewed on a case-by-case basis, in conjunction with the current technology and:

- (a) No unauthorized remote user administration functionality (adding users, changing permissions, etc.);
- (b) No unauthorized access to any database other than information retrieval using existing functions; and

- (c) No unauthorized access to the operating system.

*It is acknowledged that the system Manufacturer may, as needed, remotely access the SBGDS and its associated components for the purpose of product and user support, if permitted.*

### **30.5 Remote Access Auditing**

The Central Server must maintain an activity log depicting all Remote Access information that is to include the:

- (a) Log on Name;
- (b) Time and date the connection was made;
- (c) Duration of connection; and
- (d) Activity while logged in, including the specific areas accessed and changes that were made.

### **30.6 Central Server Requirements**

This Section describes the SBGDS requirements pertaining to the Central Server where the Central Servers may be used locally and applies only to the download of EGS Game Contents (The downloading of any data, with the exception of the Game Program or Random Values (where a Random Number Generator is stored on the Central Server, and communicates random numbers to the EGS that are required for the EGS to function, where the EGS Control Program is not independent of the Central Server)) from the Central Server to the EGS . In the case where the SBGDS Central Server also performs tasks as required by other systems, (i.e. On-Line Monitoring and Control System, Ticket Validation System, etc) those portions do not apply to the these Technical Standards and would have to be evaluated against the appropriate standard.

### **30.7 Game Program Library**

Where applicable, the Game Program Library shall only be written to, with secure access that is controlled by the Commission or its designee, in which case the Manufacturer and/or operator will be able to access the Game Program Library, provided that this access does not permit adding or deleting Game Programs; or

the Game Program Library shall only be written to using the method that is acceptable by the Test Laboratory and Commission.

### **30.8 Audit Log**

Any changes that are made to the Game Program Library, including the addition, changing or deletion of Game Programs, must be stored in an un-alterable audit log, which shall include:

- (a) Time and Date of the access and/or event;
- (b) Log In Name;
- (c) Game Program ID Numbers added, changed, or deleted;
- (d) The EGS which the Game Program was downloaded to and the program it replaced;  
and
- (e) Changes to the EGS configuration settings and what the changes were.

### **30.9 Control Program**

(a) This section will detail the minimum technical standards that shall be met when downloading the EGS Control Program from the Central Server to the EGS , which may occur at any time, provided the process does not adversely affect the game operation:

- i. The EGS must have a method to monitor and report to the Central Monitoring System all external door access during the program download process. If the SBGDS does not have the ability to monitor the door access during the program download, the Test Laboratory's report shall indicate as such so that Internal Controls can be developed to ensure the security of the EGS security, primarily with regard to the cash compartments, where applicable.
- ii. Below are the methods to store the current Game Data (The data stored within non-volatile memory that reflects the accounting and security events that is specific to the individual EGS, which includes Error Logs, all Drop Meters, Last Game Recall (this should be maintained within the game history in the event there is a player dispute where the suggested problem took place earlier and was not reported until after the update of the new game), Bill Recall, Cashless Transaction Logs, and Audit Logs for the EGS Game Program Transactions) that is pertinent to the individual EGS when updating the Control Program:

- (b) The Game Data is uploaded and security stored on the Central Server and is maintained for a minimum of 24-hours; or is maintained in log or script file. If this method is used, the process in downloading the new Control Program to the EGS must ensure that all critical areas of memory are overwritten by a default value; or
  - (c) The Game Data is maintained by the EGS, is stored in non-volatile memory and is available upon successful download of the new Control Program. If this method is used, the process of downloading the new program must ensure that all critical areas of memory are overwritten by a default value with the exception of the stored Game Data; or
  - (d) If the SBGDS is not capable of meeting either of the above two regulations, Regulatory Control (A method used by and is only accessible to the EGS Section to ensure the security of the SBGDS) may be required from the Central Server for new EGS Control Program downloads. In addition, the alternate methods used will be reviewed by the Test Laboratory and the EGS Section on a case-by-case basis.
- i. Prior to execution of updated software, the EGS must be in an Idle State (The EGS is in an Idle State, including while the game is disabled, when there is no activity on the device, no credits, no player's card, and no Error Conditions) and the software is successfully authenticated.

### **30.10 Control of EGS Configurations**

EGS used in a SBGDS environment that have alterable configurations that require Regulatory Control, as outlined within the EGS Requirements may be waived provided that the rules within this section are met.

### **30.11 Paytable/Denomination Configuration Changes**

EGS Control Programs that offer multiple paytables and/or Denominations that can be configured via the Central Server will not require Regulatory Control to change the paytable selected, provided:

- (a) All paytables that are available meet the local theoretical payback percentage and odds requirements, where applicable;

- (b) The player terminal maintains the Amounts Bet and Amounts Won meters within Critical Memory for each of the paytables that are available;
- (c) The EGS maintains the Master Accounting meters in dollars and cents or the lowest Denomination available for the local currency;
- (d) The game is in an Idle State when the update occurs; and
- (e) The change will not cause inaccurate crediting or payment.

#### **30.12 EGS RAM Clear**

The process of clearing RAM on the EGS via the SBGDS must utilize a secure method that would require Regulatory Control. For systems that do not comply with this rule, the method used must be approved by the Commission.

#### **30.13 Download of Random Values**

The Central Server generation of Random Values does not include the generation of game outcomes.

#### **30.14 Random Number Generator**

In the event the SBGDS has the ability to download Random Values to the EGS where Elements of a SBGDS that may be utilized for the generation of Random Values, which are subsequently communicated to the EGS Control Program that is required for the determination of game outcomes, the Random Number Generator shall function in accordance with the 99% confidence levels, as outlined within the Randomness Requirements of these Standards.

### **31.0 Redemption Terminal (Kiosk) Standards**

Kiosks are only to be used for the purpose of accepting, validating and providing payment for tickets inserted. Kiosks may incorporate other functions that would not have any effect on the integrity of gaming, with the exception of Automated Teller Machine functionality. Kiosks must use a Communication Protocol that will not permit the Kiosk to write directly to the system Database and only process payments based on commands from the system. Redemption Kiosks shall meet the EGS Hardware Requirements for Security and Player Safety, as previously outlined.

### **31.1 Error Conditions**

Kiosks must be capable of detecting and displaying the following Error Conditions. The Error Condition must illuminate the tower light or sound an audible alarm. This requirement may be substituted for a notification system that alerts staff of Error Conditions. The Kiosk shall be able to recover to the state it was in immediately prior to any interruption that occurred, including during payment. Error Conditions requiring Attendant intervention are denoted by '\*':

- (a) Power loss or power reset;
- (b) System and kiosk not communicating (this may be detected upon ticket insertion only)
- (c) RAM error (critical memory)\*;
- (d) Low RAM battery (if battery external to the RAM itself used)\*;
- (e) Ticket voucher-in jam\*;
- (f) Door open (all external doors);
- (g) Bill Acceptor stacker full (this condition should cause the Bill Acceptor to disable itself to no longer accept anything);
- (h) Bill Acceptor door open;
- (i) Bill Stacker door open or Bill Stacker removed; and
- (j) Printer errors (If internal printer is supported)\*.

If the Redemption Kiosk uses error codes instead of a text explanation of the Error Conditions, a description of error codes and their meanings must be affixed on the inside of the Redemption Kiosk.

If any of the above Error Conditions occur during the acceptance and/or escrowing of a ticket voucher, the ticket voucher must be returned to the patron without a status change on the Validation System or, once the Error Condition is cleared, proceed to pay the patron and have a status of 'Redeemed' on the system.

**31.2 Maximum Redeemable Value**

There shall be a maximum ticket value that can be paid by a kiosk or have available the ability to select the maximum amount.

**31.3 Metering**

Metering information is maintained in critical memory at the Redemption Kiosk. The Redemption Kiosk must maintain the following Meters, which can be by Denomination:

- (a) A "Total In" Meter that accumulates the total value of all bills and ticket vouchers accepted by the device. Separate In meters shall report the value of all tickets redeemed and the value of all bills redeemed; and
- (b) A "Total Out" Meter(s) for payments issued by the machine. Separate 'Out Meters' shall report the value of all tickets or other notes.

**31.4 Clearing Meters**

The Redemption Kiosk must not have a mechanism whereby an unauthorized user can cause the loss of stored accounting Meter information.

**31.5 Required Logs**

Logs must be maintained in critical memory or on a paper log (see NOTE, below within this section) housed within the Redemption Kiosk that consists of the following:

- (a) Voucher In Event Log which must properly log the following information about the voucher redeemed:
  - i. Date/Time of redemption;
  - ii. Amount of voucher; and
  - iii. At least last 4-digits of validation number.

- (b) The Redemption Kiosk must maintain at least 35 events in the "Voucher In" event log.

*NOTE: If the device utilizes a printer to record the information required within this section, the printer must be capable of monitoring any Printer Fault (i.e., 'Printer Disconnected', 'Paper Jam', 'Out of Paper', etc.)*

### **31.6 Ticket Acceptance**

Tickets may only be accepted when the Kiosk is communicating with the system. Tickets inserted into a kiosk must be rejected when the system link is down and Payment shall only be made when the ticket is 'Stacked' within the Bill Stacker.

### **31.7 Wireless Networks**

This section shall address security precautions and minimum recommendations that govern Wireless Networks.

### **31.8 Wireless Ethernet Connections**

Should a wireless Ethernet Communication solution be adopted, then additional security precautions must be taken. The current wireless Ethernet technology (Wi-Fi) is vulnerable and should not be considered secure. If Wi-Fi is chosen as the Communication method for your system, the following recommendations are to be considered minimum recommendations and not restrictions:

- a) The wireless access point must be physically positioned in the building so that it is not easily accessible by unauthorized individuals.
- b) Wireless Network traffic must be secured with additional encryption to compensate for the weaknesses in Wi-Fi.
  - i. The keys used to encrypt the Communication through the wireless Network must be stored in a secure location.

### **31.9 Security Considerations for WLAN used with a Wired LAN**

The wired LAN (Local Area Network) must be isolated from the wireless (WLAN) Network through the layering of additional Network security methods.