

Title 13: Gaming

Part 4: MANUFACTURERS AND DISTRIBUTORS

Part 4 Chapter 1: DEFINITIONS

Rule 1.1 Definitions

As used in this regulation, unless the context otherwise requires:

- (a) "Cashless wagering system" means the collective hardware, software (including "digital wallet"), communications technology, and other associated equipment used to facilitate wagering with instruments of value other than chips, tokens or legal tender of the United States.
- (b) "Conversion" means a change in a gaming device from one pre-approved configuration to another pre-approved configuration or from one approved mode of play to another approved mode of play.
- (c) "Distributor" is any person that sells, leases, markets, offers, or otherwise distributes any gaming device or cashless wagering system for use or play in this state or sells, leases, or otherwise distributes any gaming device or cashless wagering system from a location within this state.
- (d) "Distributor of associated equipment" is any person that sells, leases, markets, offers, or otherwise distributes associated equipment in this state for use by licensees.
- (e) "Executive Director" means the Executive Director of the Mississippi Gaming Commission or his designee.
- (f) "Game outcome" is the final result of the wager.
- (g) "Inter-casino linked system" means an inter-casino linked system including the collective hardware, software, communications technology and other associated equipment used to link and monitor games or devices located at two or more licensed gaming establishments. Systems that solely record a patron's wagering activity among affiliated properties are not inter-casino linked systems.
- (h) "Inter-casino linked system modification" means a change or alteration to an inter-casino linked system made by an operator who has been previously approved by the commission to operate that system. With regard to inter-casino linked systems that link progressive payout schedules, the term includes, but is not limited to:
 - 1. A change in a system name or theme; or
 - 2. A change in gaming device denomination.
- (i) "Manufacturer" is any person that manufactures, assembles, produces, programs, or makes modifications to any gaming device or cashless wagering system for use or play in this state or for distribution outside of this state.
- (j) "Manufacturer of associated equipment" is any person that manufactures, assembles, or produces any associated equipment, including inter-casino linked systems, for use by licensees.
- (k) "Modification" means a change or alteration in a gaming device that affects the manner or mode of play of the device. The term includes a change to control or graphics programs and, except as provided in (4) and (5) below, in the theoretical hold percentage. The term does not include:
 - 1. A conversion;
 - 2. Replacement of one component with another, pre-approved component;
 - 3. The rebuilding of a previously approved device with pre-approved components;
 - 4. A change in the theoretical hold percentage of a mechanical or electromechanical device, provided that the device as changed meets the standards of Rule 12.5(b) of this regulation; or

5. A change in the theoretical hold percentage of an electronic device which is the result of a top award jackpot or bonus jackpot payment which is paid directly by an attendant and which is not accounted for by the device.

(l) "On-line slot metering system" means the collective hardware, software and other associated equipment used to monitor, accumulate, and record meter information from gaming devices within a licensed establishment.

(m) "Operator" means any person or entity holding a license to operate an inter-casino linked system in this state, or a person or entity holding a license to operate a gaming operation that operates an inter-casino linked system of affiliates.

(n) "Randomness" is the observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

(o) "Theme" means a concept, subject matter and methodology of design.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Part 4 Chapter 2: IN GENERAL

Rule 2.1 License Required; Applications.

(a) A person may act as a manufacturer, distributor, or operator only if that person holds a license specifically permitting the person to act as a manufacturer, distributor, or operator.

(b) Applications for manufacturer's, distributor's, or operator's licenses must be made, processed, and determined in the same manner as applications for gaming licenses, using such forms as the Executive Director may require or approve.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.2 Certain Themes Prohibited in Association with Gaming Devices or Slot Machines.

A gaming device or gaming device modification submitted for approval by a manufacturer or made available for play by a licensee must not use a theme that is otherwise contrary to the public policy of the state or would constitute an unsuitable method of operation.

(Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.3 Approval Of Gaming Devices; and the Operation of New Inter- Casino Linked Systems; Applications And Procedures.

(a) A manufacturer or distributor shall not distribute a gaming device in this state and a licensee shall not offer a gaming device for play unless it has been approved by the Commission or is offered for play pursuant to a field test ordered by the Executive Director.

(b) An operator of an inter-casino linked system shall not install and operate a new inter-casino linked system in this state and a licensee shall not offer any gaming device or game for play that is part of such a system unless operation of the inter-casino linked system and all gaming devices or games that are part of or connected to the inter-casino linked system have been approved by the Executive Director or are offered for play pursuant to a field test ordered by the Executive Director.

(c) Applications for approval of a new gaming device or to operate a new inter-casino linked

system must be made and processed in such manner and using such forms as the Executive Director may prescribe. Only licensed manufacturers may apply for approval of a new gaming device. Only operators may apply for approval to operate a new inter-casino linked system. Each application must include, in addition to such other items or information as the Executive Director may require:

1. A complete, comprehensive, and technically accurate description and explanation in both technical and lay language of the manner in which the device or inter-casino linked system operates, signed under penalty of perjury;
2. A statement under penalty of perjury in such form as required by the Executive Director, that to the best of the manufacturer's knowledge, the gaming device meets the standards of Regulations Part 3, Chapter 12 and Part 8, or, in the case of an inter-casino linked system, that to the best of the operator's knowledge, the system meets the standards of Regulations Part 3, Chapter 12 and Part 8;
3. In the case of a gaming device, a copy of all executable software, including data and graphic information, and a copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a gaming device, submitted on electronically readable, unalterable media;
4. In the case of a gaming device, a copy of all graphical images displayed on the gaming device including, but not limited to, reel strips, rules, instructions and paytables; and
5. In the case of an inter-casino linked system:
 - i. An operator's manual;
 - ii. An internal control system;
 - iii. A hold harmless agreement;
 - iv. A graphical representation in such form as required by the Executive Director of the system theme and all related signage; and
 - v. Information sufficient to calculate a theoretical payoff schedule amount including, but not limited to, the base and reset amounts, the total contribution percentage and a breakdown of that percentage including contribution rates to all progressive payoff schedules and all reset funds, the odds of winning the progressive payoff schedule and the amount of the wager required to win the progressive payoff schedule.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.4 Minimum Standards For Gaming Devices.

All gaming devices submitted for approval:

- (a) Must be electronic in design and operation and must be controlled by a microprocessor or the equivalent. Microcontrollers are allowed.
- (b) Must theoretically pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than eighty percent (80%) or greater than one hundred percent (100%) for each wager available for play on the device. Gaming devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- (c) Must use a random selection process to determine the game outcome of each play of a game. The random selection process must meet 95 percent confidence limits using a standard chi-squared test for goodness of fit.

1. Each possible permutation or combination of game elements which produce winning or losing game outcomes must be available for random selection at the initiation of each play.
 2. For gaming devices that are representative of live gambling games, the mathematical probability of a symbol or other element appearing in a game outcome must be equal to the mathematical probability of that symbol or element occurring in the live gambling game. "Equal to" shall mean within the thousandths of a percent – i.e., .001% to .009%. For other gaming devices, the mathematical probability of a symbol appearing in a position in any game outcome must be constant.
 3. The selection process must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play.
- (d) Must display an accurate representation of the game outcome. After selection of the game outcome, the gaming device must not make a variable secondary decision which affects the result shown to the player.
- (e) Must display the rules of play and payoff schedule.
- (f) Must not automatically alter pay-tables or any function of the device based on internal computation of the hold percentage.
- (g) Must be compatible to on-line data monitoring.
- (h) Must contain an irremovable identification plate containing the following information, appearing on the exterior of the device:
1. Manufacturer;
 2. Serial Number; and
 3. Model Number.
- (i) Must have equipment that enables the device to communicate with a central computer system accessible to the Commission, using an industry standard protocol data format approved by the Executive Director.
- (j) Must be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if a device is rendered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron.
- (k) Must have attached a locked compartment separate from any other compartment of the device for housing a drop bucket.
- (l) Must have a mechanical, electrical, or electronic device that automatically precludes a player from operating the device after a jackpot requiring a manual payout and requires an attendant to reactivate the device.
- (m) Must meet the Technical Standards adopted pursuant to Regulation Part 8.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.5 Minimum Standards for Inter-Casino Linked Systems.

All inter-casino linked systems submitted for approval:

- (a) Shall have a method to secure data transmissions between the games and devices and the main computer of the operator, as approved by the Executive Director;
- (b) Gaming devices connected to a common payoff schedule shall:
 1. All be of the same denomination; or
 2. If of different denominations, equalize the expected value of winning the payoff

schedule on the various denominations by setting the odds of winning the payoff schedule in proportion to the amount wagered or by requiring the same wager to win the payoff schedule regardless of the device's denomination. The method of equalizing the expected value of winning the payoff schedule shall be conspicuously displayed on each device connected to the inter-casino linked system;

- (c) Shall display the rules of play and the payoff schedule;
 - (d) Shall meet the applicable minimum standards for internal control; and
 - (e) Shall meet the Technical Standards adopted pursuant to Regulation Part 8. Any percentage changes to the rate of progression of the primary meter shall be submitted for approval of the Executive Director.
- (Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.6 Computer Monitoring Requirements Of Gaming Devices.

A licensee must have a computer connected to all gaming devices to record and monitor the activities of such devices. No gaming devices shall be operated unless it is on-line and communicating to a computer monitoring system approved by the Executive Director. Such computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.7 Employment Of Individual To Respond To Inquiries From The Commission.

Each manufacturer shall employ or retain an individual who understands the design and function of each of its gaming devices, cashless wagering systems, or inter-casino linked systems who shall respond within the time specified by the Executive Director to any inquiries related thereto. Each manufacturer or operator shall on or before December 31st of each year report in writing the name of the individual designated pursuant to this section and shall report in writing any change in the designation within fifteen (15) calendar days of the change.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.8 Evaluation Of New Gaming Devices.

The Executive Director or his designee may require transportation of not more than two working models of a new gaming device to a designated electronics laboratory for review and inspection. The Executive Director may employ the services of an outside electronics laboratory to evaluate the device. The manufacturer seeking approval of the device must pay the cost of the inspection and investigation. The lab may dismantle the models and may destroy electronic components in order to fully evaluate the device. The Executive Director may require that the manufacturer provide specialized equipment or the services of an independent technical expert to evaluate the device.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.9 Evaluation of Inter-Casino Linked Systems.

The Executive Director or his designee may require transportation of not more than one working model of an inter-casino linked system to the commission's offices or some other location for review and inspection. The Executive Director may employ the services of an outside electronics laboratory to evaluate the system. The associated equipment manufacturer seeking approval of the system shall pay the cost of the inspection and investigation. The Commission may dismantle the model and may destroy electronic components in order to fully evaluate the inter-casino linked system. The Executive Director may require that the operator of an inter-casino linked system provide specialized equipment or the services of an independent technical expert to evaluate the inter-casino linked system. (Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.10 Field Test of New Gaming Devices and New Inter-Casino Linked Systems.

(a) The Executive Director shall make a preliminary, nonbinding determination whether a new gaming device or a new system meets the governing standards. If the Executive Director makes a preliminary determination that a new gaming device or a new inter-casino linked system has met the governing standards, he may allow or require that one or more models of the gaming device or the intercasino linked system be tested at a licensed gaming establishment(s) for not less than 60 nor more than 180 calendar days under terms and conditions that he may approve or require.

(b) A manufacturer shall not modify a gaming device and an operator shall not modify a new inter-casino linked system during the test period without the prior written approval of the Executive Director.

(c) The Executive Director may order termination of the test period, if he determines, in his sole and absolute discretion, that the manufacturer, operator, or licensed gaming establishment has not complied with the terms and conditions of the order allowing or requiring a test period or if the new gaming device or new intercasino linked system fails to meet the governing standards.

1. If the test period is terminated due to the licensed gaming establishment's failure to comply with the terms and conditions of the order allowing or requiring a test period, the Executive Director may order that the test be conducted at another licensed gaming establishment.

2. A manufacturer or operator may object to the termination of the test period by filing a written objection with the Commission. The filing of an objection shall not stay the order terminating the test. If the Commission fails to order resumption of the test within 60 calendar days of the written objection, the objection will be deemed denied. If the Commission sustains the objection, the testing may be resumed under terms that may be approved or required by the Commission.

(d) A licensee or manufacturer, or their agent, shall not play a new gaming device during a test period. A licensee or operator, or their agent, shall not play a gaming device or game connected to a new inter-casino linked system during a test period.

(e) If the Executive Director has made a determination that a new gaming device or new inter-casino linked system is not eligible for testing at a licensed gaming establishment because the new device or new system does not meet the governing standards, he shall notify the manufacturer or operator in writing. Not later than 10 calendar days after receipt of such notification, the manufacturer or operator may object to such a determination by filing written objection with the Commission. If the Commission fails to order a test period within 60 calendar days of the written objection, the objection will be deemed denied. If the Commission sustains the objection, the new gaming device or new inter-casino linked system may be tested at a licensed gaming establishment under terms and conditions that may be approved or required by the Commission.

(Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.11 Certification By Manufacturer.

(a) After completing its evaluation of a new gaming device, cashless wagering system or inter-casino linked system, the lab shall send a report of its evaluation to the Executive Director and the manufacturer seeking approval of the device. The report must include an explanation of the manner in which the device or system operates. A separate recommendation as to whether the device should be approved shall also be provided to the Executive Director only. The manufacturer shall return the report to the Executive Director within fifteen (15) calendar days and shall either:

1. Certify under penalty of perjury that to the best of its knowledge the explanation is correct; or
2. Make appropriate corrections, clarifications, or additions to the report and certify under penalty of perjury that to the best of its knowledge the explanation of the gaming device is correct as amended.

(b) The Executive Director may order additional evaluation and a field test of the new gaming device or system of up to 60 calendar days in addition to the test period provided for in Section 11 if he determines that such additional evaluation is necessary. (Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.12 Approval Of New Gaming Devices.

After completing his evaluation of the new gaming device, the Executive Director shall recommend to the Commission whether the application for approval of the new gaming device should be granted. In considering whether a new gaming device will be given final approval, the Commission shall consider whether approval of the new gaming device is consistent with the public policy of the state. Commission approval of a gaming device does not constitute certification of the device's safety.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.13 Duplication Of Program Storage Media.

A licensee other than a manufacturer shall not duplicate the contents of gaming device program storage media unless its duplication process, including internal controls related thereto, has received written approval of the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.14 Marking, Registration, And Distribution Of Gaming Devices.

(a) Except as otherwise provided in subsection (2), a manufacturer or distributor shall not distribute a gaming device in this state or from a location within this state out of state unless the gaming device has:

1. A permanent serial number which must be the same number as given the device pursuant to the provisions of the Gaming Device Act of 1962, 15 U.S.C. 1173, permanently stamped or engraved

in lettering no smaller than five (5) millimeters on the metal frame or other permanent component of the device and on a removable metal plate attached to the cabinet of the device; and

2. For devices distributed in this state, the Commission approval number or, if the device has been modified since initial approval of the device, the modification approval number affixed on all program storage media placed in the device.

(b) Each manufacturer or distributor shall keep a written list of the date of each distribution, the serial numbers of the devices, the Commission approval number, or, if the device has been modified since initial approval of the device, the modification approval number, and the name, state of residence, addresses and telephone numbers of the person to whom the gaming devices have been distributed and shall provide such list to the Executive Director immediately upon his request.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.15 Approval To Distribute Gaming Device into or out of Mississippi; Applications and Procedures.

(a) Manufacturers and distributors shall not distribute gaming devices into or out of this state without the prior, written approval of the Executive Director or his designee. Applications for approval to distribute gaming devices into or out of this state must be made, processed, and determined in such manner and using such forms as the Executive Director may prescribe. Each application must include, in addition to such other items or information as the Executive Director may require:

1. The full name, state of residence, address, telephone number, social security number, and driver's license number of both the purchaser and the person to whom the shipment is being made, if neither is currently licensed by the commission. If the purchaser or person to whom the shipment is being made does not have a social security number or driver's license number, the birth date of the purchaser or person to whom the shipment is being made may be substituted;
2. The name and permanent address of the purchaser or person to whom the shipment is being made if either is currently licensed by the Commission;
3. The destination, including the port of exit if the destination is outside the continental United States;
4. The number of devices to be shipped;
5. The serial number of each device;
6. The model number of each device and year each device was manufactured, if known;
7. The denomination of each device;
8. The expected date and time of shipment;
9. The method of shipment and name and address of carrier;
10. A statement by the purchaser under penalty of perjury that each device will be used only for lawful purposes, unless the purchaser is currently licensed by the commission or the destination is outside the United States.

(b) Manufacturers and distributors shall not ship gaming devices to a destination where possession of a gaming device is unlawful.

(c) Manufacturers and distributors shall, on or before December 31st of each year, give the Commission a copy of their registration with the United States Attorney General pursuant to the provisions of the Gaming Devices Act of 1962, 15 U.S.C. § 1173, for the ensuing year.

(d) An agent of the Commission may inspect all gaming devices prior to distribution into or out of this state. Manufacturers and distributors shall make the gaming devices available for such inspection.

(e) If the Executive Director does not deny the application for approval to distribute gaming devices into or out of this state within five (5) working days of receipt of a complete application, the application will be deemed to be approved.

(f) A manufacturer or distributor shall keep a record of all shipments made into or out of state of parts specifically designed for use in a gaming device. The record must include the information set forth in subsection (a), if applicable. A manufacturer or distributor shall not ship parts specifically designed for use in a gaming device to a destination where possession of a gaming device is unlawful.

(g) A fee of \$100 per slot machine will be assessed by the Mississippi Gaming Commission (MGC) when an approved slot machine is transferred to or from a licensed operator. Notifications must be submitted to the MGC Laboratory (on approved form provided by the MGC) for processing and billing.

(Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.16 Approval To Sell Or Dispose Of Gaming Devices.

A licensee, other than a manufacturer and distributor, shall not dispose of gaming devices without the prior written approval of the Executive Director, unless the devices are sold or delivered to its affiliated companies or a licensed manufacturer or distributor, in which case approval is deemed granted. A licensee shall not request approval to sell or deliver gaming devices to a person other than its affiliated companies or a licensed manufacturer or distributor unless the devices have been marked pursuant to Rule 12.15 of this regulation. Applications for approval to sell or dispose of gaming devices must be made, processed, and determined in such manner and using such forms as the Executive Director may prescribe. Each application must include the information required by Rule 12.16 of this regulation in addition to such other items or information as the Executive Director may require.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.17 Maintenance Of Gaming Devices.

A licensee shall not alter the operation of approved gaming devices and shall maintain the gaming devices in a suitable condition. Each licensee shall keep a written list of repairs made to gaming devices offered for play to the public that require a replacement of parts that affect the game outcome and shall make the list available for inspection by the Executive Director upon his request. All parts that are integral to the playing of the gaming device, related to the actual game outcome, or associated equipment of the machine must be sold by a licensed manufacturer or distributor. These parts include software, artwork, and other integral components whose installation may be considered a modification of the machine by the MGC. Simple parts that do not constitute a modification of a gaming device or associated equipment (such as simple hardware, bolts, screws, light bulbs, etc.) may be sold by a non-licensed vendor but must be equivalent in performance, specifications and dimensions as the original equipment. The Executive Director reserves the right to make a determination as to whether any seller of gaming device parts and equipment must be

licensed by the Commission.
(Adopted: 09/25/1991; Amended: 09/15/04.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.18 Analysis Of Questioned Electronic Gaming Devices.

(a) If the operation of any electronic gaming device is questioned by any licensee, patron or the Executive Director, the questioned device will be examined in the presence of the Executive Director and a representative of the licensee. If the malfunction cannot be cleared by other means to the satisfaction of the Executive Director, the patron and the licensee, the electronic gaming device will be subjected to an EPROM memory test to verify "signature" comparison by the Executive Director.

(b) In the event that the malfunction cannot be determined and corrected by this testing, the electronic gaming device may be removed from service and secured in a remote, locked compartment. The electronic gaming device may then be transported to an industry-recognized laboratory selected by the Executive Director where the device will be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis must be borne by the licensee.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.19 Summary Suspension Of Approval Of Gaming Devices.

(a) The Executive Director may call a special Commission meeting so that the Commission may issue a summary order, with or without notice to the manufacturer, distributor, operator or licensee, suspending approval of a gaming device or system if it determines that the device or system does not operate:

1. In the manner certified by the manufacturer;
2. As approved by the Executive Director; or
3. Is experiencing malfunctions.

(b) After issuing an order pursuant to subsection (a), the Executive Director may seal or seize all models of that gaming device.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.20 Approval Of Associated Equipment; Applications And Procedures.

(a) A manufacturer or distributor of associated equipment shall not distribute associated equipment unless it has been approved by the Executive Director. Applications for approval of associated equipment shall be made and processed in such manner and using such forms as the Executive Director may prescribe. Each application must include, in addition to such other items or information as the Executive Director may require:

1. The name, permanent address, social security number, and driver's license number of the manufacturer or distributor of associated equipment unless the manufacturer or distributor is currently licensed by the commission. If the manufacturer or distributor of associated equipment is a corporation, the names, permanent addresses, social security numbers, and driver's license numbers of the directors and officers must be included. If the

manufacturer or distributor of associated equipment is a partnership, the names, permanent addresses, social security numbers, driver's license numbers, and partnership interest of the partners must be included. If social security numbers or driver's license numbers are not available, the manufacturer's or distributor's birth date may be substituted;

2. A complete, comprehensive and technically accurate description and explanation in both technical and lay language of the associated equipment or a modification to previously approved associated equipment and its intended usage, signed under penalty of perjury;

3. Detailed operating procedures for the associated equipment; and

4. Details and results of all tests performed and the standards under which such tests were performed, together with a confirmation that the associated equipment is functioning as represented, signed under penalty of perjury.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.21 Evaluation Of Associated Equipment.

The Executive Director may require transportation of not more than 2 working models of associated equipment to a designated lab for review and inspection. The lab may dismantle the associated equipment and may destroy electronic components in order to fully evaluate the equipment. The Executive Director may require the manufacturer or distributor seeking approval to provide specialized equipment or the services of an independent technical expert to evaluate the equipment, and may employ an outside laboratory to conduct the evaluation. The manufacturer seeking approval of the associated equipment must pay the cost of the evaluation.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.22 Installation Of Associated Equipment.

A licensee shall not install or use associated equipment that has not been approved by the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.23 Maintenance Of Associated Equipment.

A licensee shall not alter the manner in which associated equipment operates without prior written approval of the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/04.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.24 Retention Of Records.

All records required by this regulation must be maintained for 5 years.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.25 Storage of Gaming Equipment

- (a) All licensees shall store gaming equipment only in locations approved by the Commission.
 - 1. The Commission shall approve the location of any proposed storage area or facility prior to utilization of the storage area or facility.
 - 2. The Commission shall conduct an inspection of the storage area or facility prior to utilization of the storage area or facility and periodically for security compliance.
 - 3. All associated equipment that requires licensure may only be stored in counties where gaming is legal.
- (b) Minimum standards for off-site storage facilities:
 - 1. The storage facility must have security panels or bars over any windows, or windows must be equipped with an alarm system;
 - 2. Gaming equipment must not be visible from the exterior of the facility;
 - 3. The gaming storage area must be monitored either by security personnel or a professional alarm system;
 - 4. Slot machines must be dropped and currency boxes removed prior to storage, and slot machines shall be housed separately from other gaming equipment within the storage facility;
 - 5. CPU boards and/or other sensitive gaming devices or supplies shall be maintained in a separate secured key controlled area with limited access.
- (c) Minimum standards for on-site storage facilities:
 - 1. Gaming equipment must not be visible from the exterior of the facility;
 - 2. The gaming storage area must have surveillance coverage to detect the movement(s) of personnel within the storage area;
 - 3. Slot machines must be dropped and currency boxes removed prior to storage; and
 - 4. If CPU boards are being maintained in the slot machine, the boards must be secured by a lock.
- (d) The licensee must provide the following information to the Commission:
 - 1. A list of key holders who have access to the storage area or facility;
 - 2. An access list of personnel who are permitted in the storage facility or in the gaming storage area prior to the storing of gaming equipment. Only necessary personnel should have access to this area;
 - 3. A list of key control procedures should be established and provided for approval prior to storing equipment;
 - 4. An inventory of all slot machines shall be maintained at the storage facility that includes manufacturer, serial number, and date of storage on a form approved by the Commission. Information on movement of the machines should be included in the inventory log; and
 - 5. Immediate notification of vandalism or theft of gaming equipment.

(Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Title 13: Gaming

Part 4: ~~EXCLUSION OF PERSONS~~ MANUFACTURERS AND DISTRIBUTORS

Part 4 Chapter 1: ~~IN GENERAL~~ DEFINITIONS

Rule 1.1 Duty To Exclude.

~~No excluded person shall be permitted entry into any portion of a licensed gaming establishment. When a person is placed on the exclusion list by the Executive Director, such person shall be prohibited from contact of any kind with any licensed establishment unless and until a determination is made by the Commission or a court to the contrary. It shall be the duty of the licensee and of his employees to exclude or eject from a licensed establishment any excluded person when such licensee or employee knows or reasonably should know of the presence of such excluded person. It shall further be the duty of the licensee to inform the Executive Director in writing of the names of persons such licensee reasonably believes meet the criteria for placement on an Exclusion List.~~

~~(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

Rule 1.2 Distribution And Availability Of Exclusion Lists.

~~The Commission shall maintain a list of persons to be ejected or excluded from licensed establishments. The list shall be distributed to each licensed establishment which shall acknowledge receipt of the list in writing. The list shall also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each excluded person:~~

- ~~(a) The full name and date of birth and all aliases;~~
- ~~(b) A physical description;~~
- ~~(c) The effective date the person's name was placed on the list;~~
- ~~(d) A photograph, if available;~~
- ~~(e) The person's occupation and his current home and business address; and~~
- ~~(f) Such other information as deemed necessary by the Executive Director.~~

~~(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

Rule 1.3 Criteria For Exclusion Or Ejection And Placement On An Exclusion List.

~~The Executive Director may place a person on the exclusion list pending a hearing if such person has:~~

- ~~(a) Been convicted of a felony in any jurisdiction, of any crime of moral turpitude or of a crime involving Gaming;~~
- ~~(b) Violated or conspired to violate the provisions of the Act relating to involvement in gaming without required licenses, or willful evasion of fees or taxes;~~
- ~~(c) A notorious or unsavory reputation which would adversely affect public confidence and trust in gaming; or~~

~~(d) His name on any valid and current exclusion list from another jurisdiction in the United States.
(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

~~*Rule 1.4 Procedure For Entry Of Names.*~~

~~(a) Upon a determination that a person comes under any one of the criteria listed in Part 4 Chapter 1 Rule 1.3, such person shall be deemed a candidate for exclusion and a petition for exclusion may be filed by the Executive Director. Such petition shall include the identity of the candidate and the nature and scope of the circumstances or reasons that such person should be placed on the exclusion list. The petition shall also notify such person of the availability of a hearing by the Commission pursuant to Section 20 of the Act. Notice of the petition must be given pursuant to Section 19 of the Act.~~

~~(b) If the Commission or a subsequent judicial review finds in favor of the candidate or excluded person, then his name shall be removed from the exclusion list and his exclusion shall be terminated as of the date of the action by the Commission or the court. If the finding is against the candidate or excluded person, his name shall be placed on the exclusion list. If no hearing is requested, the person's name shall be placed on the exclusion list.
(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

~~*Rule 1.5 Petition For Removal From Exclusion List.*~~

~~Any person who has been placed on any exclusion list may petition the Commission in writing and request that his name be removed from the list.
(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

~~Part 4 Chapter 2: INVESTIGATIONS~~

~~*Rule 2.1 Investigation Of Gaming Establishments, Generally.*~~

~~A license, registration, finding of suitability, or other affirmative approval granted by the Commission to any person authorizing that person to have any involvement in the gaming industry is a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The Commission and the Executive Director shall observe the conduct of all such persons to the end that unqualified or unsuitable persons or persons whose operations are conducted in an unsuitable manner shall not be involved in the gaming industry in the State of Mississippi.
(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-33~~

~~*Rule 2.2 Access To Premises And Production Of Records.*~~

~~(a) No applicant or any person licensed, registered, found suitable or approved by the Commission shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by any Commission member, the Executive Director or any agent of the Commission or the Executive Director, or shall otherwise interfere or attempt to interfere with any proper and lawful efforts~~

~~by the Commission, the Executive Director or any agent to obtain such information.~~

~~(b) Each gaming licensee, licensed manufacturer, and licensed distributor or seller shall immediately make available for inspection by any Commission member, the Executive Director, or any agent, all papers, books and records produced by any gaming business and all portions of the premises upon which gaming is conducted or where gambling devices or equipment are manufactured, sold or distributed.~~

~~(c) The Executive Director or Commission may require any person licensed, found suitable, registered, or approved by the Commission to appear and testify before them or their agents with regard to any matter within their jurisdiction. Such testimony shall be under oath and may embrace any matters which the Executive Director, the Commission or their agents deem relevant to the discharge of their official duties. Any person required to appear and testify shall have the right to be represented by counsel. Any testimony so taken may be used by the Executive Director as evidence in any proceeding or matter then before him or the Commission or which may later come before him or the Commission. Failure to appear and testify fully at the time and place designated, unless excused, shall constitute grounds for revocation or suspension of any license, finding of suitability, registration or approval held by the person summoned, his principal, or employer.~~

~~(Adopted: 9/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.3 Orders To Show Cause.

~~The Executive Director may issue an Order to Show Cause why a license, finding of suitability, registration or approval granted by the Commission should not be limited, conditioned, suspended or revoked or why the person licensed, found suitable, registered, or approved should not be fined by the Commission. The Order to Show Cause must set forth the basic facts alleged to constitute a violation of the Gaming Control Act or these regulations and notify the person licensed, found suitable, registered or approved of his right to respond to the allegations in writing within twenty (20) days of the receipt of the Order to Show Cause. The time for response may be extended by the Executive Director upon written request. The response shall be confidential but may be provided to the Commission or any hearing examiner appointed by the Commission in subsequent disciplinary proceedings.~~

~~(Adopted: 09/25/1991; Amended: 06/28/1993; Amended: 10/22/1998.)~~

Source: *Miss. Code Ann. § 75-76-33*

Part 4 Chapter 3: DISCIPLINARY PROCEEDINGS

Rule 3.1 Complaint.

~~If the Executive Director believes that any person licensed, found suitable, registered or approved by the Commission should have his license, finding of suitability, registration or~~

approval limited, conditioned, suspended or revoked, or should be fined by the Commission, he shall file a complaint with the Commission setting forth the facts constituting reasonable cause for the disciplinary action sought.

(Adopted: 09/25/1991.)

Source: *Miss. Code Ann. § 75-76-103*

Rule 3.2 Service Of Complaint. The Executive Director shall cause the complaint to be served upon the respondent by registered or certified mail, or personally. Proof of service may be provided by a certificate or affidavit of service, which shall be signed by the person effecting service and which shall specify the date and manner of service. (Adopted: 09/25/1991.)

Source: *Miss. Code Ann. § 75-76-107*

Rule 3.3 Appointment And Authority Of Hearing Examiner.

(a) Upon receipt of the complaint, the Commission shall appoint a hearing examiner pursuant to Miss. Code Ann. § 75-76-103(3).

(b) The hearing examiner shall review the complaint and all matters submitted in support thereof and the respondent's answer, if any, and shall schedule a hearing as soon after receipt of the respondent's answer as practicable.

(c) The hearing examiner may issue rulings on discovery issues, scheduling matters, protective orders, admissibility of evidence, and other procedural or pre-hearing matters. The hearing examiner's rulings are appealable to the Commission only in accordance with the principles of finality applicable in the courts of the State of Mississippi.

(d) The hearing examiner may alter any of the time periods provided by these regulations, upon his own initiative or upon a motion by a party or other person affected for good cause shown. (Adopted: 09/25/1991.)

Source: *Miss. Code Ann. §§ 75-76-103, 75-76-27*

Rule 3.4 Ex Parte Communications.

(a) Unless required for the disposition of ex parte matters authorized by law:

1. A party or his representative shall not communicate directly or indirectly in connection with any issue of fact or law related to a proceeding under this regulation, with the hearing examiner or any member of the Commission, except upon notice and opportunity to all parties to participate; and

2. The hearing examiner or a member of the Commission shall not communicate, directly or indirectly, in connection with any issue of fact or law related to a proceeding under this regulation, with any party or his representative, except upon notice and opportunity to all parties to participate;

(b) This section shall not preclude:

1. The hearing examiner or any member of the Commission from consulting with Commission counsel or supervisory counsel concerning any matter before the Commission; or

~~2. A party or his representative from conferring with the hearing examiner, the Chairman, or Commission counsel concerning procedural matters that do not involve issues of fact or law related to the proceeding.~~

~~(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. §§ 75-76-27, 75-76-107~~

~~*Rule 3.5 Appearance Through Counsel.*~~

~~(a) Parties to proceedings governed by this regulation may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless his attendance has been waived, in writing, by the hearing examiner or the Chairman.~~

~~(b) When a party has appeared through an attorney, service of all notices, motions, orders, decisions and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing.~~

~~(c) When a party is represented by an attorney, the attorney shall sign all motions, oppositions, notices, requests, and other papers on behalf of the party, including a request for subpoenas.~~
~~(Adopted: 09/25/1991.)~~

~~Source: Miss. Code Ann. § 75-76-111~~

~~*Rule 3.6 Pre-hearing Conferences; Scheduling.*~~

~~(a) After the respondent files an answer to the complaint, the hearing examiner may direct the parties to participate in a conference or conferences before the hearing on the merits, for such purposes as expediting the disposition of the action, resolving discovery issues, and facilitating the settlement of the case.~~

~~(b) The participants at any pre-hearing conference under this section shall be prepared to consider and take action with respect to any or all of the following, as determined by the hearing examiner:~~

- ~~1. The formulation and simplification of the issues;~~
- ~~2. The necessity or desirability of amendments to the complaint or answer;~~
- ~~3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the hearing examiner on the admissibility of evidence;~~
- ~~4. The avoidance of unnecessary proof and of cumulative evidence;~~
- ~~5. The identification of witnesses and documents, the need and schedule for filing and exchanging pre-hearing briefs, and the date or dates for further conferences and for the hearing on the merits;~~
- ~~6. The possibility of settlement;~~
- ~~7. The disposition of pending motions;~~
- ~~8. The possibility that all evidence can be submitted by affidavits, transcripts, and other documents; and~~
- ~~9. Such other matters as may aid in the disposition of the action.~~

~~(c) After any conference held pursuant to this regulation, the parties shall set forth in a written stipulation, to be filed with the hearing examiner, any matters no longer in dispute. As to those matters for which no agreement has been reached, but which require a ruling from the hearing examiner, the hearing examiner shall enter an order reciting the ruling.~~

~~(d) At any time considered appropriate by the hearing examiner, or at the request of a party, the hearing examiner may enter a scheduling order that sets the date for the hearing on the merits and other hearings deemed necessary or appropriate by the hearing examiner and that limits the time within which the parties may:~~

- ~~1. Amend the complaint or answer without leave of the hearing examiner;~~
- ~~2. File pre-hearing motions;~~
- ~~3. Complete discovery;~~
- ~~4. File pre-hearing briefs.~~

~~(e) This section shall not be interpreted to give any party or other person a right to a pre-hearing conference with the hearing examiner. The hearing examiner may direct the parties to participate in a pre-hearing conference without the hearing examiner's presence. The hearing examiner may at any time enter an order on any matter delegated to him, without consulting the parties and without granting oral argument.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-125*

Rule 3.7 Discovery.

~~(a) Within 20 calendar days after the service of the answer by the first answering respondent, and thereafter as each respondent answers the complaint, the parties shall confer for the purpose of complying with Subsection (b) of this Section.~~

~~(b) At each conference the parties shall:~~

- ~~1. Exchange copies of all documents then reasonably available to a party which are then intended to be offered as evidence in support of the party's case in chief;~~
- ~~2. Identify, describe, or produce all tangible things, other than documents, then reasonably available to a party which are then intended to be offered as evidence in support of the party's case in chief, and upon request, arrange for the opposing parties to inspect, copy, test, or sample the same under the supervision of the parties; and~~
- ~~3. Exchange written lists of persons each party then intends to call as a material witness in support of that party's case in chief. Each witness shall be identified by name, if known, position, business address, and a brief description of the purpose for which the witness will be called. If no business address is available, the party shall provide a home address for the witness, or shall make the witness available for service of process. For the purpose of this paragraph, a "material witness" is a person whose testimony relates to a genuine issue in dispute which might affect the outcome of the proceeding.~~

~~(c) In addition to the documents required to be produced by the Executive Director pursuant to subsection (b) of this Section, the Executive Director shall provide to a respondent who requests the same, a copy of any formal statement given to the Executive Director or his agents by that respondent during the Executive Director's investigation of the matters contained in the complaint, in accordance with this subsection.~~

- ~~1. Where the respondent is a corporation, partnership, or other association, the Executive Director shall provide to the requesting respondent, a copy of any formal statement made by officers or directors of the corporation, general partners of the partnership, or managing agents of the association, unless any such statement was given in confidence.~~
- ~~2. If any statement governed by this subsection is embodied or included in a report, summary, or other document which is not otherwise required to be produced by this~~

~~Regulation, the Executive Director may produce only an excerpt of such report, summary, or document which contains the statement.~~

~~3. For the purpose of this subsection, a "formal statement" is a statement given to the Executive Director or his agent by a person knowing he is speaking to a government official or agent, and which is either signed by the person giving the statement, or given under oath or affirmation such as in an investigative hearing. The term does not include discussion, conversations, or other statements obtained surreptitiously; or memoranda, notes, or other internal documents made by the Executive Director, an attorney for the Executive Director, or an agent of the Executive Director.~~

~~(d) In addition to the other materials required to be produced by the Executive Director, the Executive Director shall make arrangements with a respondent who requests the same for the respondent to inspect, copy, test, or sample any other documents or tangible things the Executive Director seized from or which belong to that respondent. Such inspection, copying, testing, or sampling shall be conducted under the supervision of a representative of the Executive Director.~~

~~(e) The inspection, copying, sampling, or testing of any evidence or other matter pursuant to subsections (b) and (d) of this Section, shall be accomplished without the alteration or destruction of the evidence or evidentiary value of the matter, either in whole or in part, except as otherwise ordered by the hearing examiner upon a finding that extraordinary circumstances exist. Such destruction or alteration shall not be permitted if it would prejudice any party to the action or any other law enforcement or administrative agency.~~

~~(f) It shall be a continuing obligation of the parties to produce documents, witness lists, and other matters governed by this Section as such become identified by and available to the parties. A party may amend its responses to the requirements of this section by informing the adverse party that documents previously produced or witnesses previously listed, will not be introduced in that party's case in chief.~~

~~(g) The hearing examiner may order the parties to submit periodic reports regarding the parties' compliance with this Section.~~

~~(Adopted: 09/25/1991.)~~

Source: Miss. Code Ann. § 75-76-125

~~Rule 3.8 Confidential And Privileged Materials.~~

~~(a) The Executive Director shall not produce documents in his possession if prohibited by state or federal law. If the Executive Director intends to introduce any such document in his case in chief, the Executive Director shall inform the hearing examiner and the hearing examiner shall make appropriate orders regarding dissemination of such documents. The hearing examiner may prohibit the admission of the evidence, or make such orders as he deems necessary to limit dissemination of the document.~~

~~(b) A respondent shall not further disseminate confidential or privileged materials except to counsel of record in the action and necessary staff employed by counsel. Upon the conclusion of the action, the respondent shall return all such materials and copies to the Executive Director.~~

~~(Adopted: 09/25/1991.)~~

Source: Miss. Code Ann. § 75-76-133

~~Rule 3.9 Depositions.~~

- (a) ~~A party wishing to take the deposition of a material witness residing within or without the State of Mississippi who will be unavailable to testify at the hearing pursuant to Miss. Code Ann. §75-76-109 (2), shall file a motion with the hearing examiner setting forth the witness' name, position, business or home address, a sufficient description of the purpose for which the witness will be called to enable the hearing examiner to determine the materiality of the witness, and the reason the witness will be unavailable to testify at the hearing.~~
- (b) ~~Any other party may file a written opposition to the motion within five (5) days after receipt of the motion.~~
- (c) ~~If the hearing examiner finds that the witness is a material witness and that he will be unavailable to testify at the time of the hearing, the hearing examiner shall order the deposition to be taken upon such terms and conditions as he deems appropriate.~~
- (d) ~~A deposition of a non-party witness may be compelled by subpoena.~~
- (e) ~~Depositions shall be taken before an officer authorized to administer oaths. A deposition shall not be taken before a person who is a relative, employee, attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is interested in the proceeding.~~
- (f) ~~Testimony shall be taken upon oath or solemn affirmation. Unless the hearing examiner orders otherwise, the testimony shall be reported by stenographic means. The cost of transcription shall be borne by the party requesting the deposition. Such party shall provide a copy of the transcript to all parties interested in the proceeding.~~
- (g) ~~Unless the parties and the witness agree otherwise, a deposition shall not take place on less than fifteen (15) calendar days' notice.~~
- (h) ~~A deposition may be used in a proceeding governed by this regulation for the same or similar purposes as depositions may be used in a court of law, or for any other purpose allowed by the hearing examiner.~~
- (i) ~~Objection may be made at the hearing on the merits to receiving into evidence any deposition or a part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. If a deposition is received in evidence, any party may rebut any relevant evidence contained in the deposition.~~
- (Adopted: 09/25/1991.)

Source: ~~Miss. Code Ann. § 75-76-109~~

~~Rule 3.10 Subpoenas:~~

- (a) ~~The hearing examiner shall issue subpoenas, including subpoenas duces tecum, upon the request of a party, in accordance with this Section.~~
- (b) ~~Subpoenas may be issued only for the following purposes:~~
- ~~1. To compel a non-party witness to appear and give oral testimony at a deposition as provided by Section 9 of this regulation; or~~
 - ~~2. To compel any person to appear at the hearing on the merits of the case, to give testimony, or to produce documents or other tangible things.~~
- (c) ~~Subpoenas shall be submitted to the hearing examiner for issuance on a form approved by the Commission. Concurrently with the submission of the subpoena to the hearing examiner, the requesting party shall serve a copy on all of the parties to the proceeding and shall file proof of such service with the hearing examiner.~~
- (d) ~~Subpoenas will not be issued in blank. A subpoena submitted for issuance must contain the title and number of the case, the name of the person to whom it will be directed, the date, time~~

~~and place of hearing or deposition, and the name and signature of the requesting party or his attorney. A subpoena duces tecum must, in addition, contain a complete description of specific documents or other tangible things that the witness will be required to produce at the hearing.~~

~~(e) Unless the witness agrees otherwise, a subpoena issued for the purposes provided by subsection (b)(2) must be served by the requesting party at least ten (10) calendar days prior to the hearing. A subpoena will be issued during the hearing or on less than ten (10) days notice only upon order of the hearing examiner for reasonable cause shown by the requesting party. (Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-109*

Rule 3.11 Protective Orders.

~~Upon motion by a party or by a person to whom a subpoena is directed, or from whom discovery or testimony is sought, the hearing examiner may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:~~

~~(a) That a subpoena be quashed or modified;~~

~~(b) That the discovery not be had, or that it be had only on specified terms and conditions, including a designation of the time or place;~~

~~(c) That certain matters not be inquired into or produced, or that testimony or production be limited to certain matters;~~

~~(d) That a deposition be conducted with no one present except persons designated by the hearing examiner, or that a deposition transcript be sealed; or~~

~~(e) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-109*

Rule 3.12 Discovery Disputes.

~~The parties shall make every effort to resolve disputes regarding discovery. Disputes that are unresolved may be brought to the hearing examiner for resolution by way of a motion to compel discovery, motion for protective order, or other appropriate motion. The disputed discovery is not stayed during the pendency of such motion, unless the hearing examiner so orders. The filing of such motion shall not extend the time to complete discovery, nor provide cause for a continuance of the hearing on the merits, unless the hearing examiner otherwise orders.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-109*

Rule 3.13 Sanctions.

~~If any party or his attorney fails reasonably to comply with any provision of this regulation, the Gaming Control Act, or any order entered, regarding any matter, including discovery, the hearing examiner upon motion or upon its own initiative, may impose upon such party or attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including the following:~~

- ~~(a) An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited or exchanged pursuant to this regulation or order of the hearing examiner;~~
 - ~~(b) An order that designated facts shall be taken to be established;~~
 - ~~(c) An order that the disobedient party may not support or oppose designated claims or defenses;~~
 - ~~(d) An order striking out pleadings or parts thereof, or staying further proceedings or dismissing the proceeding or any part thereof, or entering a judgment by default against the disobedient party;~~
 - ~~(e) The initiation of contempt proceedings as provided by Miss. Code Ann. §75-76-117.~~
- ~~(Adopted: 09/25/1991.)~~

Source: ~~Miss. Code Ann. § 75-76-117~~

Rule 3.14 Conduct Of Hearings.

~~In addition to the procedures prescribed by statute, the following procedures will apply when appropriate:~~

- ~~(a) The respondent will be allowed to present and argue any legal objections to the complaint set forth in the answer; the Executive Director may thereupon present its answering argument; and thereafter the respondent may present rebuttal argument. The matter will then be submitted to the hearing examiner for decision. The hearing examiner may rule upon such objections immediately or take the matter under advisement and proceed with the hearing.~~
 - ~~(b) The Executive Director will present his opening statement on the merits. The respondent will then be permitted to make an opening statement of the defense, or he may reserve the same until commencement of the presentation of the defense.~~
 - ~~(c) The Executive Director will then present its case in chief in support of the complaint.~~
 - ~~(d) Upon conclusion of the Executive Director's case in chief, the respondent may move for dismissal of the complaint. The hearing examiner may hear arguments on the motion, or may grant, deny, or reserve decision thereon, with or without argument.~~
 - ~~(e) If no motion to dismiss is made, or if such motion is denied or decision reserved thereon, the respondent shall thereupon present the case for the defense.~~
 - ~~(f) Upon conclusion of the respondent's case, the Executive Director may present its case in rebuttal.~~
 - ~~(g) Upon conclusion of the Executive Director's case in rebuttal, the Executive Director shall present its closing argument, the respondent may present answering argument, and thereafter the Executive Director may present rebuttal argument. Thereupon the matter will stand submitted for decision.~~
 - ~~(h) The hearing examiner may ask questions of witnesses, and may request or allow additional evidence at any time, including additional rebuttal evidence.~~
 - ~~(i) The burden of proof is at all times on the licensee, applicant or aggrieved party to show compliance with the Gaming Control Act and Mississippi Gaming Commission Regulations.~~
 - ~~(j) Hearing Examiners shall be chosen as follows; either from the Attorney General's Office, a contracted private party or an individual whose expertise is relevant to properly interpret and enforce the Gaming Control Act and Mississippi Gaming Commission Regulations. Hearings may be conducted by telephone if the parties agree.~~
- ~~(Adopted: 09/25/1991; Amended: 03/29/1993.)~~

Source: Miss. Code Ann. §§ 75-76-117, 75-76-119, 75-76-123, 75-76-125

Rule 3.15 Evidence: Admissibility.

- ~~(a) For the purpose of this Section, evidence is reliable if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.~~
 - ~~(b) In hearings governed by this regulation, the technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted, and such evidence shall be sufficient in itself to support a finding if it is reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.~~
 - ~~(c) By way of illustration only, those matters that would be admissible in a court of law are hereby deemed to be reliable, in addition to those matters that satisfy the standards set forth in subsections (a) and (b) of this Section.~~
 - ~~(d) Irrelevant or unduly repetitious evidence shall be excluded upon request of a party or the hearing examiner's own initiative.~~
- ~~(Adopted: 09/25/1991.)~~

Source: Miss. Code Ann. § 75-76-111

Rule 3.16 Evidence: Authentication And Identification.

- ~~(a) Documentary and other physical evidence may be authenticated or identified by any reasonable means, by evidence or other showing that the matter in question is what its proponent claims it to be.~~
 - ~~(b) By way of illustration only, those matters that would be accepted as authentic in a court of law, are hereby deemed to be authentic, in addition to matters that satisfy the standard set forth in subsection (a) of this section.~~
- ~~(Adopted: 09/25/1991.)~~

Source: Miss. Code Ann. § 75-76-111

Rule 3.17 Failure Or Refusal To Testify.

- ~~(a) If a respondent fails to testify in his own behalf or asserts a claim of privilege with respect to any question propounded to him, the hearing examiner may infer therefrom that such testimony or answer would have been adverse to his case.~~
 - ~~(b) If any person controlling, controlled by, or under common control with, or employed by, or an agent of, a respondent fails to respond to a subpoena, or asserts a claim of privilege with respect to any question propounded to him, the hearing examiner may, taking into account all of the circumstances, infer that such testimony would have been adverse to the respondent.~~
 - ~~(c) If, on a ground other than the properly invoked privilege against self incrimination, a respondent fails to respond to a subpoena, or fails or refuses to answer a material question propounded to him, the hearing examiner may deem such failure or refusal to be independent grounds for granting the relief requested by the Executive Director in the complaint with respect to that respondent.~~
- ~~(Adopted: 09/25/1991.)~~

Source: Miss. Code Ann. §§ 75-76-109, 75-76-111

Rule 3.18 Amended Or Supplemental Pleadings.

~~(a) Upon motion of a party made before submission of the case for decision, the hearing examiner may permit the filing of an amended or supplemental complaint or answer, including amended or supplemental pleadings that conform to the evidence presented at the hearing.~~

~~(b) If such motion is granted, all parties shall be permitted to introduce additional evidence with respect to any new matter contained in such amended or supplemental pleadings.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-115*

Rule 3.19 Motions.

~~(a) All motions shall be in writing, unless made during a hearing.~~

~~(b) A motion shall state with particularity the grounds therefore, shall be supported by a memorandum of points and authorities, and shall set forth the relief or order sought.~~

~~(c) Every written motion other than one which may be considered ex parte shall be filed with the hearing examiner and served by the moving party upon the adverse party or as the hearing examiner directs.~~

~~(d) An opposing party shall have ten (10) calendar days after service of the motion within which to file and serve a memorandum of points and authorities in opposition to the motion.~~

~~(e) The moving party shall have five (5) calendar days after service of the opposing memorandum to serve and file a reply memorandum of points and authorities if he so desires.~~

~~(f) If a motion or opposition is served by mail, three (3) calendar days shall be added to the time periods specified herein for response.~~

~~(g) The failure of a moving party to file a memorandum of points and authorities in support of a motion shall constitute consent to the denial of the motion. The failure of an opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-119*

Rule 3.20 Continuances.

~~Continuances will not be granted except for good cause shown. A motion to continue a hearing must be made at least ten (10) calendar days prior to the hearing date.~~

~~(Adopted: 09/25/1991.)~~

Source: *Miss. Code Ann. § 75-76-119*

Rule 3.21 Defaults.

~~Failure of a respondent to file an answer to the complaint or to request a hearing, or to appear personally at a hearing on the merits without having obtained a waiver of appearance, shall constitute an admission of all matters and facts contained in the complaint filed with respect to such respondent, and shall be deemed a waiver of the right to an evidentiary hearing. In such cases the hearing examiner may take action based upon such admission or upon any other evidence, including affidavits, and without any further notices whatever to the respondent.~~

(Adopted: 09/25/1991.)

Source: *Miss. Code Ann. § 75-76-107*

Rule 3.22 Recommendation Of The Hearing Examiner And Decision Of The Commission.

All findings of fact made by the hearing examiner or the Commission in disciplinary actions shall be based upon the preponderance of the evidence.

(Adopted: 09/25/1991.)

Source: *Miss. Code Ann. § 75-76-119*

Rule 1.1 Definitions

As used in this regulation, unless the context otherwise requires:

- (a) “Cashless wagering system” means the collective hardware, software (including “digital wallet”), communications technology, and other associated equipment used to facilitate wagering with instruments of value other than chips, tokens or legal tender of the United States.
- (b) “Conversion” means a change in a gaming device from one pre-approved configuration to another pre-approved configuration or from one approved mode of play to another approved mode of play.
- (c) “Distributor” is any person that sells, leases, markets, offers, or otherwise distributes any gaming device or cashless wagering system for use or play in this state or sells, leases, or otherwise distributes any gaming device or cashless wagering system from a location within this state.
- (d) “Distributor of associated equipment” is any person that sells, leases, markets, offers, or otherwise distributes associated equipment in this state for use by licensees.
- (e) “Executive Director” means the Executive Director of the Mississippi Gaming Commission or his designee.
- (f) “Game outcome” is the final result of the wager.
- (g) “Inter-casino linked system” means an inter-casino linked system including the collective hardware, software, communications technology and other associated equipment used to link and monitor games or devices located at two or more licensed gaming establishments. Systems that solely record a patron’s wagering activity among affiliated properties are not inter-casino linked systems.
- (h) “Inter-casino linked system modification” means a change or alteration to an inter-casino linked system made by an operator who has been previously approved by the commission to operate that system. With regard to inter-casino linked systems that link progressive payout schedules, the term includes, but is not limited to:
 - 1. A change in a system name or theme; or
 - 2. A change in gaming device denomination.

- (i) "Manufacturer" is any person that manufactures, assembles, produces, programs, or makes modifications to any gaming device or cashless wagering system for use or play in this state or for distribution outside of this state.
- (j) "Manufacturer of associated equipment" is any person that manufactures, assembles, or produces any associated equipment, including inter-casino linked systems, for use by licensees.
- (k) "Modification" means a change or alteration in a gaming device that affects the manner or mode of play of the device. The term includes a change to control or graphics programs and, except as provided in (4) and (5) below, in the theoretical hold percentage. The term does not include:
1. A conversion;
 2. Replacement of one component with another, pre-approved component;
 3. The rebuilding of a previously approved device with pre-approved components;
 4. A change in the theoretical hold percentage of a mechanical or electromechanical device, provided that the device as changed meets the standards of Rule 12.5(b) of this regulation; or
 5. A change in the theoretical hold percentage of an electronic device which is the result of a top award jackpot or bonus jackpot payment which is paid directly by an attendant and which is not accounted for by the device.
- (l) "On-line slot metering system" means the collective hardware, software and other associated equipment used to monitor, accumulate, and record meter information from gaming devices within a licensed establishment.
- (m) "Operator" means any person or entity holding a license to operate an inter-casino linked system in this state, or a person or entity holding a license to operate a gaming operation that operates an inter-casino linked system of affiliates.
- (n) "Randomness" is the observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.
- (o) "Theme" means a concept, subject matter and methodology of design.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Part 4 Chapter 2: IN GENERAL

Rule 2.1 License Required; Applications.

- (a) A person may act as a manufacturer, distributor, or operator only if that person holds a license specifically permitting the person to act as a manufacturer, distributor, or operator.
- (b) Applications for manufacturer's, distributor's, or operator's licenses must be made, processed, and determined in the same manner as applications for gaming licenses, using such forms as the Executive Director may require or approve.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.2 Certain Themes Prohibited in Association with Gaming Devices or Slot Machines.

A gaming device or gaming device modification submitted for approval by a manufacturer or made available for play by a licensee must not use a theme that is otherwise contrary to the public policy of the state or would constitute an unsuitable method of operation.

(Adopted: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.3 Approval Of Gaming Devices; and the Operation of New Inter- Casino Linked Systems; Applications And Procedures.

(a) A manufacturer or distributor shall not distribute a gaming device in this state and a licensee shall not offer a gaming device for play unless it has been approved by the Commission or is offered for play pursuant to a field test ordered by the Executive Director.

(b) An operator of an inter-casino linked system shall not install and operate a new inter-casino linked system in this state and a licensee shall not offer any gaming device or game for play that is part of such a system unless operation of the inter-casino linked system and all gaming devices or games that are part of or connected to the inter-casino linked system have been approved by the Executive Director or are offered for play pursuant to a field test ordered by the Executive Director.

(c) Applications for approval of a new gaming device or to operate a new inter-casino linked system must be made and processed in such manner and using such forms as the Executive Director may prescribe. Only licensed manufacturers may apply for approval of a new gaming device. Only operators may apply for approval to operate a new inter-casino linked system. Each application must include, in addition to such other items or information as the Executive Director may require:

1. A complete, comprehensive, and technically accurate description and explanation in both technical and lay language of the manner in which the device or inter-casino linked system operates, signed under penalty of perjury;
2. A statement under penalty of perjury in such form as required by the Executive Director, that to the best of the manufacturer's knowledge, the gaming device meets the standards of Regulations Part 3, Chapter 12 and Part 8, or, in the case of an inter-casino linked system, that to the best of the operator's knowledge, the system meets the standards of Regulations Part 3, Chapter 12 and Part 8;
3. In the case of a gaming device, a copy of all executable software, including data and graphic information, and a copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a gaming device, submitted on electronically readable, unalterable media;
4. In the case of a gaming device, a copy of all graphical images displayed on the gaming device including, but not limited to, reel strips, rules, instructions and paytables; and
5. In the case of an inter-casino linked system:
 - i. An operator's manual;
 - ii. An internal control system;

- iii. A hold harmless agreement;
- iv. A graphical representation in such form as required by the Executive Director of the system theme and all related signage; and
- v. Information sufficient to calculate a theoretical payoff schedule amount including, but not limited to, the base and reset amounts, the total contribution percentage and a breakdown of that percentage including contribution rates to all progressive payoff schedules and all reset funds, the odds of winning the progressive payoff schedule and the amount of the wager required to win the progressive payoff schedule.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.4 Minimum Standards For Gaming Devices.

All gaming devices submitted for approval:

- (a) Must be electronic in design and operation and must be controlled by a microprocessor or the equivalent. Microcontrollers are allowed.
- (b) Must theoretically pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than eighty percent (80%) or greater than one hundred percent (100%) for each wager available for play on the device. Gaming devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- (c) Must use a random selection process to determine the game outcome of each play of a game. The random selection process must meet 95 percent confidence limits using a standard chi- squared test for goodness of fit.
 - 1. Each possible permutation or combination of game elements which produce winning or losing game outcomes must be available for random selection at the initiation of each play.
 - 2. For gaming devices that are representative of live gambling games, the mathematical probability of a symbol or other element appearing in a game outcome must be equal to the mathematical probability of that symbol or element occurring in the live gambling game. "Equal to" shall mean within the thousandths of a percent – i.e., .001% to .009%. For other gaming devices, the mathematical probability of a symbol appearing in a position in any game outcome must be constant.
 - 3. The selection process must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play.
- (d) Must display an accurate representation of the game outcome. After selection of the game outcome, the gaming device must not make a variable secondary decision which affects the result shown to the player.
- (e) Must display the rules of play and payoff schedule.
- (f) Must not automatically alter pay-tables or any function of the device based on internal computation of the hold percentage.
- (g) Must be compatible to on-line data monitoring.
- (h) Must contain an irremovable identification plate containing the following information, appearing on the exterior of the device:

1. Manufacturer;
2. Serial Number; and
3. Model Number.

(i) Must have equipment that enables the device to communicate with a central computer system accessible to the Commission, using an industry standard protocol data format approved by the Executive Director.

(j) Must be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if a device is rendered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron.

(k) Must have attached a locked compartment separate from any other compartment of the device for housing a drop bucket.

(l) Must have a mechanical, electrical, or electronic device that automatically precludes a player from operating the device after a jackpot requiring a manual payout and requires an attendant to reactivate the device.

(m) Must meet the Technical Standards adopted pursuant to Regulation Part 8.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.5 Minimum Standards for Inter-Casino Linked Systems.

All inter-casino linked systems submitted for approval:

(a) Shall have a method to secure data transmissions between the games and devices and the main computer of the operator, as approved by the Executive Director;

(b) Gaming devices connected to a common payoff schedule shall:

1. All be of the same denomination; or

2. If of different denominations, equalize the expected value of winning the payoff schedule on the various denominations by setting the odds of winning the payoff schedule in proportion to the amount wagered or by requiring the same wager to win the payoff schedule regardless of the device's denomination. The method of equalizing the expected value of winning the payoff schedule shall be conspicuously displayed on each device connected to the inter-casino linked system;

(c) Shall display the rules of play and the payoff schedule;

(d) Shall meet the applicable minimum standards for internal control; and

(e) Shall meet the Technical Standards adopted pursuant to Regulation Part 8. Any percentage changes to the rate of progression of the primary meter shall be submitted for approval of the Executive Director.

(Adopted: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.6 Computer Monitoring Requirements Of Gaming Devices.

A licensee must have a computer connected to all gaming devices to record and monitor the activities of such devices. No gaming devices shall be operated unless it is on-line and communicating to a computer monitoring system approved by the Executive Director. Such

computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Executive Director.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.7 Employment Of Individual To Respond To Inquiries From The Commission.

Each manufacturer shall employ or retain an individual who understands the design and function of each of its gaming devices, cashless wagering systems, or inter-casino linked systems who shall respond within the time specified by the Executive Director to any inquiries related thereto. Each manufacturer or operator shall on or before December 31st of each year report in writing the name of the individual designated pursuant to this section and shall report in writing any change in the designation within fifteen (15) calendar days of the change.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.8 Evaluation Of New Gaming Devices.

The Executive Director or his designee may require transportation of not more than two working models of a new gaming device to a designated electronics laboratory for review and inspection. The Executive Director may employ the services of an outside electronics laboratory to evaluate the device. The manufacturer seeking approval of the device must pay the cost of the inspection and investigation. The lab may dismantle the models and may destroy electronic components in order to fully evaluate the device. The Executive Director may require that the manufacturer provide specialized equipment or the services of an independent technical expert to evaluate the device.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.9 Evaluation of Inter-Casino Linked Systems. The Executive Director or his designee may require transportation of not more than one working model of an inter-casino linked system to the commission's offices or some other location for review and inspection. The Executive Director may employ the services of an outside electronics laboratory to evaluate the system. The associated equipment manufacturer seeking approval of the system shall pay the cost of the inspection and investigation. The Commission may dismantle the model and may destroy electronic components in order to fully evaluate the inter-casino linked system. The Executive Director may require that the operator of an inter-casino linked system provide specialized equipment or the services of an independent technical expert to evaluate the inter-casino linked system. (Adopted: 09/15/2004.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 2.10 Field Test of New Gaming Devices and New Inter-Casino Linked Systems.

(a) The Executive Director shall make a preliminary, nonbinding determination whether a new gaming device or a new system meets the governing standards. If the Executive Director makes

a preliminary determination that a new gaming device or a new inter-casino linked system has met the governing standards, he may allow or require that one or more models of the gaming device or the intercasino linked system be tested at a licensed gaming establishment(s) for not less than 60 nor more than 180 calendar days under terms and conditions that he may approve or require.

(b) A manufacturer shall not modify a gaming device and an operator shall not modify a new inter-casino linked system during the test period without the prior written approval of the Executive Director.

(c) The Executive Director may order termination of the test period, if he determines, in his sole and absolute discretion, that the manufacturer, operator, or licensed gaming establishment has not complied with the terms and conditions of the order allowing or requiring a test period or if the new gaming device or new intercasino linked system fails to meet the governing standards.

1. If the test period is terminated due to the licensed gaming establishment's failure to comply with the terms and conditions of the order allowing or requiring a test period, the Executive Director may order that the test be conducted at another licensed gaming establishment.

2. A manufacturer or operator may object to the termination of the test period by filing a written objection with the Commission. The filing of an objection shall not stay the order terminating the test. If the Commission fails to order resumption of the test within 60 calendar days of the written objection, the objection will be deemed denied. If the Commission sustains the objection, the testing may be resumed under terms that may be approved or required by the Commission.

(d) A licensee or manufacturer, or their agent, shall not play a new gaming device during a test period. A licensee or operator, or their agent, shall not play a gaming device or game connected to a new inter-casino linked system during a test period.

(e) If the Executive Director has made a determination that a new gaming device or new inter-casino linked system is not eligible for testing at a licensed gaming establishment because the new device or new system does not meet the governing standards, he shall notify the manufacturer or operator in writing. Not later than 10 calendar days after receipt of such notification, the manufacturer or operator may object to such a determination by filing written objection with the Commission. If the Commission fails to order a test period within 60 calendar days of the written objection, the objection will be deemed denied. If the Commission sustains the objection, the new gaming device or new inter-casino linked system may be tested at a licensed gaming establishment under terms and conditions that may be approved or required by the Commission.

(Adopted: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.11 Certification By Manufacturer.

(a) After completing its evaluation of a new gaming device, cashless wagering system or inter-casino linked system, the lab shall send a report of its evaluation to the Executive Director and the manufacturer seeking approval of the device. The report must include an explanation of the manner in which the device or system operates. A separate recommendation as to whether the device should be approved shall also be provided to the Executive Director only. The manufacturer shall return the report to the Executive Director within fifteen (15) calendar days and shall either:

1. Certify under penalty of perjury that to the best of its knowledge the explanation is correct; or

2. Make appropriate corrections, clarifications, or additions to the report and certify under penalty of perjury that to the best of its knowledge the explanation of the gaming device is correct as amended.

(b) The Executive Director may order additional evaluation and a field test of the new gaming device or system of up to 60 calendar days in addition to the test period provided for in Section 11 if he determines that such additional evaluation is necessary. (Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.12 Approval Of New Gaming Devices.

After completing his evaluation of the new gaming device, the Executive Director shall recommend to the Commission whether the application for approval of the new gaming device should be granted. In considering whether a new gaming device will be given final approval, the Commission shall consider whether approval of the new gaming device is consistent with the public policy of the state. Commission approval of a gaming device does not constitute certification of the device's safety.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.13 Duplication Of Program Storage Media.

A licensee other than a manufacturer shall not duplicate the contents of gaming device program storage media unless its duplication process, including internal controls related thereto, has received written approval of the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.14 Marking, Registration, And Distribution Of Gaming Devices.

(a) Except as otherwise provided in subsection (2), a manufacturer or distributor shall not distribute a gaming device in this state or from a location within this state out of state unless the gaming device has:

1. A permanent serial number which must be the same number as given the device pursuant to the provisions of the Gaming Device Act of 1962, 15 U.S.C. 1173, permanently stamped or engraved in lettering no smaller than five (5) millimeters on the metal frame or other permanent component of the device and on a removable metal plate attached to the cabinet of the device; and

2. For devices distributed in this state, the Commission approval number or, if the device has been modified since initial approval of the device, the modification approval number affixed on all program storage media placed in the device.

(b) Each manufacturer or distributor shall keep a written list of the date of each distribution, the serial numbers of the devices, the Commission approval number, or, if the device has been modified since initial approval of the device, the modification approval number, and the name, state of residence, addresses and telephone numbers of the person to whom the gaming devices

have been distributed and shall provide such list to the Executive Director immediately upon his request.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.15 Approval To Distribute Gaming Device into or out of Mississippi; Applications and Procedures.

(a) Manufacturers and distributors shall not distribute gaming devices into or out of this state without the prior, written approval of the Executive Director or his designee. Applications for approval to distribute gaming devices into or out of this state must be made, processed, and determined in such manner and using such forms as the Executive Director may prescribe. Each application must include, in addition to such other items or information as the Executive Director may require:

1. The full name, state of residence, address, telephone number, social security number, and driver's license number of both the purchaser and the person to whom the shipment is being made, if neither is currently licensed by the commission. If the purchaser or person to whom the shipment is being made does not have a social security number or driver's license number, the birth date of the purchaser or person to whom the shipment is being made may be substituted;
2. The name and permanent address of the purchaser or person to whom the shipment is being made if either is currently licensed by the Commission;
3. The destination, including the port of exit if the destination is outside the continental United States;
4. The number of devices to be shipped;
5. The serial number of each device;
6. The model number of each device and year each device was manufactured, if known;
7. The denomination of each device;
8. The expected date and time of shipment;
9. The method of shipment and name and address of carrier;
10. A statement by the purchaser under penalty of perjury that each device will be used only for lawful purposes, unless the purchaser is currently licensed by the commission or the destination is outside the United States.

(b) Manufacturers and distributors shall not ship gaming devices to a destination where possession of a gaming device is unlawful.

(c) Manufacturers and distributors shall, on or before December 31st of each year, give the Commission a copy of their registration with the United States Attorney General pursuant to the provisions of the Gaming Devices Act of 1962, 15 U.S.C. § 1173, for the ensuing year.

(d) An agent of the Commission may inspect all gaming devices prior to distribution into or out of this state. Manufacturers and distributors shall make the gaming devices available for such inspection.

(e) If the Executive Director does not deny the application for approval to distribute gaming devices into or out of this state within five (5) working days of receipt of a complete application, the application will be deemed to be approved.

(f) A manufacturer or distributor shall keep a record of all shipments made into or out of state of parts specifically designed for use in a gaming device. The record must include the information

set forth in subsection (a), if applicable. A manufacturer or distributor shall not ship parts specifically designed for use in a gaming device to a destination where possession of a gaming device is unlawful.

(g) A fee of \$100 per slot machine will be assessed by the Mississippi Gaming Commission (MGC) when an approved slot machine is transferred to or from a licensed operator. Notifications must be submitted to the MGC Laboratory (on approved form provided by the MGC) for processing and billing.

(Adopted: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.16 Approval To Sell Or Dispose Of Gaming Devices.

A licensee, other than a manufacturer and distributor, shall not dispose of gaming devices without the prior written approval of the Executive Director, unless the devices are sold or delivered to its affiliated companies or a licensed manufacturer or distributor, in which case approval is deemed granted. A licensee shall not request approval to sell or deliver gaming devices to a person other than its affiliated companies or a licensed manufacturer or distributor unless the devices have been marked pursuant to Rule 12.15 of this regulation. Applications for approval to sell or dispose of gaming devices must be made, processed, and determined in such manner and using such forms as the Executive Director may prescribe. Each application must include the information required by Rule 12.16 of this regulation in addition to such other items or information as the Executive Director may require.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.17 Maintenance Of Gaming Devices.

A licensee shall not alter the operation of approved gaming devices and shall maintain the gaming devices in a suitable condition. Each licensee shall keep a written list of repairs made to gaming devices offered for play to the public that require a replacement of parts that affect the game outcome and shall make the list available for inspection by the Executive Director upon his request. All parts that are integral to the playing of the gaming device, related to the actual game outcome, or associated equipment of the machine must be sold by a licensed manufacturer or distributor. These parts include software, artwork, and other integral components whose installation may be considered a modification of the machine by the MGC. Simple parts that do not constitute a modification of a gaming device or associated equipment (such as simple hardware, bolts, screws, light bulbs, etc.) may be sold by a non-licensed vendor but must be equivalent in performance, specifications and dimensions as the original equipment. The Executive Director reserves the right to make a determination as to whether any seller of gaming device parts and equipment must be licensed by the Commission.

(Adopted: 09/25/1991; Amended: 09/15/04.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.18 Analysis Of Questioned Electronic Gaming Devices.

(a) If the operation of any electronic gaming device is questioned by any licensee, patron or the Executive Director, the questioned device will be examined in the presence of the Executive Director and a representative of the licensee. If the malfunction cannot be cleared by other means to the satisfaction of the Executive Director, the patron and the licensee, the electronic gaming device will be subjected to an EPROM memory test to verify "signature" comparison by the Executive Director.

(b) In the event that the malfunction cannot be determined and corrected by this testing, the electronic gaming device may be removed from service and secured in a remote, locked compartment. The electronic gaming device may then be transported to an industry-recognized laboratory selected by the Executive Director where the device will be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis must be borne by the licensee.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.19 Summary Suspension Of Approval Of Gaming Devices.

(a) The Executive Director may call a special Commission meeting so that the Commission may issue a summary order, with or without notice to the manufacturer, distributor, operator or licensee, suspending approval of a gaming device or system if it determines that the device or system does not operate:

1. In the manner certified by the manufacturer;
2. As approved by the Executive Director; or
3. Is experiencing malfunctions.

(b) After issuing an order pursuant to subsection (a), the Executive Director may seal or seize all models of that gaming device.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.20 Approval Of Associated Equipment; Applications And Procedures.

(a) A manufacturer or distributor of associated equipment shall not distribute associated equipment unless it has been approved by the Executive Director. Applications for approval of associated equipment shall be made and processed in such manner and using such forms as the Executive Director may prescribe. Each application must include, in addition to such other items or information as the Executive Director may require:

1. The name, permanent address, social security number, and driver's license number of the manufacturer or distributor of associated equipment unless the manufacturer or distributor is currently licensed by the commission. If the manufacturer or distributor of associated equipment is a corporation, the names, permanent addresses, social security numbers, and driver's license numbers of the directors and officers must be included. If the manufacturer or distributor of associated equipment is a partnership, the names, permanent addresses, social security numbers, driver's license numbers, and partnership interest of the partners must be included. If social security numbers or driver's license numbers are not available, the manufacturer's or distributor's birth date may be substituted;

2. A complete, comprehensive and technically accurate description and explanation in both technical and lay language of the associated equipment or a modification to previously approved associated equipment and its intended usage, signed under penalty of perjury;
3. Detailed operating procedures for the associated equipment; and
4. Details and results of all tests performed and the standards under which such tests were performed, together with a confirmation that the associated equipment is functioning as represented, signed under penalty of perjury.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.21 Evaluation Of Associated Equipment.

The Executive Director may require transportation of not more than 2 working models of associated equipment to a designated lab for review and inspection. The lab may dismantle the associated equipment and may destroy electronic components in order to fully evaluate the equipment. The Executive Director may require the manufacturer or distributor seeking approval to provide specialized equipment or the services of an independent technical expert to evaluate the equipment, and may employ an outside laboratory to conduct the evaluation. The manufacturer seeking approval of the associated equipment must pay the cost of the evaluation.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.22 Installation Of Associated Equipment.

A licensee shall not install or use associated equipment that has not been approved by the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.23 Maintenance Of Associated Equipment.

A licensee shall not alter the manner in which associated equipment operates without prior written approval of the Executive Director.

(Adopted: 09/25/1991; Amended: 09/15/04.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.24 Retention Of Records.

All records required by this regulation must be maintained for 5 years.
(Adopted: 09/25/1991; Amended: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33

Rule 2.25 Storage of Gaming Equipment

- (a) All licensees shall store gaming equipment only in locations approved by the Commission.
1. The Commission shall approve the location of any proposed storage area or facility prior to utilization of the storage area or facility.
 2. The Commission shall conduct an inspection of the storage area or facility prior to utilization of the storage area or facility and periodically for security compliance.
 3. All associated equipment that requires licensure may only be stored in counties where gaming is legal.
- (b) Minimum standards for off-site storage facilities:
1. The storage facility must have security panels or bars over any windows, or windows must be equipped with an alarm system;
 2. Gaming equipment must not be visible from the exterior of the facility;
 3. The gaming storage area must be monitored either by security personnel or a professional alarm system;
 4. Slot machines must be dropped and currency boxes removed prior to storage, and slot machines shall be housed separately from other gaming equipment within the storage facility;
 5. CPU boards and/or other sensitive gaming devices or supplies shall be maintained in a separate secured key controlled area with limited access.
- (c) Minimum standards for on-site storage facilities:
1. Gaming equipment must not be visible from the exterior of the facility;
 2. The gaming storage area must have surveillance coverage to detect the movement(s) of personnel within the storage area;
 3. Slot machines must be dropped and currency boxes removed prior to storage; and
 4. If CPU boards are being maintained in the slot machine, the boards must be secured by a lock.
- (d) The licensee must provide the following information to the Commission:
1. A list of key holders who have access to the storage area or facility;
 2. An access list of personnel who are permitted in the storage facility or in the gaming storage area prior to the storing of gaming equipment. Only necessary personnel should have access to this area;
 3. A list of key control procedures should be established and provided for approval prior to storing equipment;
 4. An inventory of all slot machines shall be maintained at the storage facility that includes manufacturer, serial number, and date of storage on a form approved by the Commission. Information on movement of the machines should be included in the inventory log; and
 5. Immediate notification of vandalism or theft of gaming equipment.

(Adopted: 09/15/2004.)

Source: Miss. Code Ann. § 75-76-33