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ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat and Casino Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.106                      Adopted Action: New Section
- 4) Statutory Authority: Authority for the rulemaking comes from several paragraphs within Section 5 (b) (14) of the Illinois Gambling Act 203 ILCS 10/5 (b) (14)] which requires the Illinois Gaming Board (Board) “[t]o adopt, by rule, a code of conduct governing Board members and employees that ensure, to the maximum extent possible, that persons subject to this Code avoid situations, relationships, or associations that may represent or lead to a conflict or interest.”
- 5) Effective Date of Rule:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: 44 Ill. Reg. 1752; January 24, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There are no substantive differences between the original and final version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this part? Yes

<u>Section Numbers</u>	<u>Proposed Actions</u>	<u>Illinois Register Citations</u>
3000.286	Amendment	44 Ill. Reg. 5974; April 17, 2020
3000.520	New Section	44 Ill. Reg. 6205; April 24, 2020
3000.530	New Section	44 Ill. Reg. 6205; April 24, 2020

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3000.540                      New Section                      44 Ill. Reg. 6205; April 24, 2020

- 15) Summary and purpose of rulemaking: This amendment enacts the Code of Conduct mandated by Section 5 (b) (14) of the Illinois Gambling Act [230 ILCS 10/5 (b) 194]. The rulemaking identifies and prohibits specific conducts that could lead to conflicts of interest or the appearance of conflicts of interest, and provides consequences for violations.
- 16) Information and Questions regarding this adopted rulemaking may be addressed to:

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

[IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)

The full text of the Adopted Amendment begins on the next page.

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TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000  
RIVERBOAT AND CASINO GAMBLING

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3000.350 Modifications (Repealed)

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3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

**AUTHORITY:** Implementing and authorized by the Illinois Gambling Act [230 ILCS 10], Video Gaming Act [230 ILCS 40], Sports Wagering Act [230 ILCS 45], and Illinois Horse Racing Act of 1975 [230 ILCS 5].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31,



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2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. 12312, effective August 18, 2015; amended at 40 Ill. Reg. 12776, effective August 19, 2016; amended at 41 Ill. Reg. 380, effective December 29, 2016; amended at 41 Ill. Reg. 12840, effective September 28, 2017; emergency amendment at 43 Ill. Reg. 9801, effective August 23, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10512, effective September 5, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10733, effective September 13, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 521, effective December 30, 2019; amended at 44 Ill. Reg. 3224, effective February 4, 2020; emergency amendment at 44 Ill. Reg. 6426, effective April 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 3000.106 Code of Conduct**

The purpose of this Code of Conduct is to assure, to the maximum extent possible, that persons subject to this Code avoid situations, relationships or associations that may lead to or represent an actual or potential conflict of interest.

a) Policy and Application

1) Definitions

For purposes of this Section, the following terms shall have the following meanings:

"Applicant": Any person that has submitted an application or has publicly expressed an intent to submit an application for licensure under the Illinois

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Gambling Act, Video Gaming Act, or Sports Wagering Act [230 ILCS 45].

"Covered Person": Any of the following:

Applicants;

Licensees;

Affiliates of an applicant or licensee;

Persons with significant influence or control of an applicant or licensee as defined in 11 Ill. Adm. Code 1800.110;

Key Persons of an applicant or licensee; or

Representatives of persons or entities included in this definition.

"Employee": Any person employed full-time, part-time, or pursuant to a contract of any kind and whose employment duties are subject to the direction and control of the Board with regard to the material details of how the work is to be performed, including any State employees detailed or assigned to the Board from other State entities, contract employees, and independent contractors in the service of the Board.

"Licensee": Any person who holds a license issued pursuant to the Illinois Gambling Act, Video Gaming Act, or Sports Wagering Act.

- 2) Members and employees of the Board are to discharge their duties and responsibilities with undivided loyalty to the Board and in such a manner as to promote and preserve public trust and confidence in the integrity of the conduct of gaming and in the integrity and impartiality of the Board.
- 3) No Board member or employee shall use or attempt to use his or her official position to secure, or attempt to secure, any privilege, advantage, favor or influence for himself, herself or others.
- 4) Members and employees of the Board shall bear responsibility for adherence to the provisions of this Code of Conduct.

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- 5) Provisions of this Code of Conduct applying to relatives or household members of an employee or Board member apply regardless of the nature of the relationship, including, but not limited to, relationships by blood, marriage, adoption or other relationship.
  - 6) When evaluating the circumstances of a violation or potential violation of this Code of Conduct by a relative or household member of a Board member or employee, the level of influence held by the Board member or employee over that relative or household member shall be considered.
- b) Conflict of Interest
- 1) Board members and employees and their respective spouses, domestic partners, boyfriends, girlfriends, parents, children and household members shall have an affirmative duty to avoid relationships that may cause or have the appearance of causing an actual or potential conflict of interest.
  - 2) A "conflict of interest" means a situation in which a Board member's or a Board employee's private interest, whether personal, financial or otherwise, influences, or creates the appearance that it may influence, the Board member's or employee's judgment in the performance of his or her regulatory duties and responsibilities to act in a fair and impartial manner.
- c) Gambling
- 1) Except as may be required in the conduct of official duties, Board members and employees shall not engage in gambling conducted under the Illinois Gambling Act, Video Gaming Act, Sports Wagering Act, or Illinois Horse Racing Act of 1975 [230 ILCS 5].
  - 2) Board members and employees shall not engage in any other legalized gambling identified by Board action that, in the judgement of the Board, could represent a potential for, or the appearance of, a conflict of interest.
- d) Outside Employment
- 1) Board members and employees shall not hold or pursue employment, office, position, business or occupation that may conflict with the official duties of that Board member or employee.

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- 2) Employees may engage in other gainful employment that does not interfere or conflict with their duties, provided that the employment is disclosed to the Administrator and the Board and approved by the Board or, as delegated, by the Administrator.
  - 3) Disclosure of outside employment must be made at the time of appointment to the Board or at the time the employee is hired to work for the Board or prior to accepting the outside employment.
  - 4) Any Board member who discloses outside employment to the Board shall recuse himself or herself from any discussion and decision made by the Board relative to his or her outside employment.
  - 5) Outside employment that, despite recusal from Board action and discussion, presents recurring or continuing possibilities for potential or actual conflicts of interest shall be grounds for removal from the Board under Section 5(a)(6) of the Act.
  - 6) No Board member shall hold any other public office.
- e) Restrictions on Receiving Gifts
- 1) Board members and employees and their spouses, domestic partners, boyfriends or girlfriends, children, parents, and household members may not, directly or indirectly, accept any gift, gratuity, service, compensation, travel, lodging, or thing of value from a covered person, with the exception of unsolicited items of an incidental nature.
  - 2) This prohibition may be extended by Board action to any person who, in the judgment of the Board, could represent a potential for, or the appearance of, a conflict of interest.
- f) Prohibition on Holding or Acquiring Ownership
- 1) Board members and employees of the Board, their spouses, domestic partners, boyfriends or girlfriends, children, parents, and household members may not, directly or indirectly, hold or acquire, or cause or encourage any other person to acquire, any actual or contingent form of ownership interest or other financial interest in a covered person.

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- 2) The prohibition in subsection (f)(1) may extend to the holding or acquisition of an interest in any entity identified by Board action that, in the judgment of the Board, could represent the potential for, or the appearance of, a conflict of interest.
- 3) The holding or acquisition of an interest in these entities through an indirect means (e.g., through a mutual fund) shall not be prohibited, except that the Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for, or the appearance of, a conflict of interest.
- 4) Every Board member, Board employee, and spouse or immediate family member living with that person shall be subject to applicable provisions of Section 5-45 of the State Officials and Employees Ethics Act [5 ILCS 430] (the "revolving door prohibition") for a period of two years immediately after termination of Board appointment or employment.

g) Prohibition of Economic Association

- 1) Notwithstanding subsections (d)(4) and (5), Board members and employees of the Board and their spouses, domestic partners, boyfriends, girlfriends, children, parents, and household members shall not have an economic association with a covered person or any race track, racing association, or any person engaged in the conducting of horse racing in the State of Illinois.
- 2) An "economic association" shall mean any current economic relationship, direct or indirect, representing the potential for, or the appearance of, an actual or potential conflict of interest that may exist between a Board member or Board employee and a covered person.
- 3) The prohibition of economic association provided by this subsection (g) may be extended to any person identified by Board action that, in the judgment of the Board, could represent the potential for, or the appearance of, a conflict of interest.
- 4) This prohibition on economic association may be waived by Board action for a spouse, domestic partner, boyfriend, girlfriend, child, parent, or household member of an employee of the Board.

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h) Disclosure of Economic Association

- 1) Each Board member who owns or is employed by a firm or business entity shall, to the best of his or her ability, identify any economic association with any covered person.
- 2) Subject to the prohibition contained in subsection (g)(1), the Board member shall declare his or her intention to refrain from deliberations and voting on questions related to the gaming entity or individual in that economic association. This requirement may be extended by Board action to any person who, in the judgment of the Board, could represent the potential for, or the appearance of, a conflict of interest.
- 3) Board members shall refrain from working on any gaming-related matters on behalf of any person with whom the Board member has an economic association.

i) Recusal Process

- 1) Board member duties of disclosure and recusal are ongoing.
- 2) In advance of each Board meeting, and before engaging in any deliberations or voting, Board members must review lists provided by Board staff of all persons and locations that will come before the Board, at the upcoming Board meeting, for consideration for licensure, discipline or any other action. This review will assist the members in determining whether recusal from a particular Board deliberation or vote is required.
- 3) To the extent practicable, each Board member who owns or is employed by a firm or entity shall employ a conflict check process, subject to approval by the Administrator, to determine whether any existing or new firm or entity client is, or has become, a covered person. This process will assist the Board member in discharging his or her disclosure and recusal duties.

j) Restrictions on Professional Service Agents

- 1) Professional service agents of the Board may be subject to terms and conditions relating to restrictions or prohibitions in representation, employment and contracting with licensees, applicants, their affiliates,

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persons with significant influence and control, Key Persons, and their representatives. These restrictions and prohibitions shall be contained in the professional service contracts of the Board.

2) For purposes of this subsection (j), professional service agents of the Board include any person, corporation or organization providing legal, accounting, financial, public relations, auditing, architectural, data processing, or management consulting services.

k) Disclosure Statements. Board members and employees shall complete and timely file the Statement of Economic Interest required by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420], a copy of which shall be provided to the Administrator.

l) Post-Board Affiliation or Employment. Every Board member, Board employee, and their spouse or immediate family members shall be subject to all applicable provisions of Section 5-45 of the State Officials and Employees Ethics Act [5 ILCS 430] (the "revolving door prohibition") for a period of one year after termination of Board appointment or employment.

m) Violations

1) Violation of this Code of Conduct by a member of the Board may result in sanctions up to and including removal from the Board.

2) Violation of this Code of Conduct by an employee or agent of the Board may result in discipline up to and including termination.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)