



# Maryland Register

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Volume 40 • Issue 6 • Pages 451—594

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General Assembly  
Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 4, 2013, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of March 4, 2013.

Brian Morris  
Acting Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at [www.dsd.state.md.us/CumulativeIndex.pdf](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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## PERSONS WITH DISABILITIES

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## COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.sos.state.md.us](http://www.sos.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

## Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

## CLOSING DATES AND ISSUE DATES through JULY 26, 2013

Issue Date	Emergency and Proposed Regulations 5:00 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
April 5	March 18	March 27	March 25
April 19	April 1	April 10	April 8
May 3	April 15	April 24	April 22
May 17	April 29	May 8	May 6
May 31**	May 13	May 21	May 20
June 14**	May 23	June 5	June 3
June 28	June 10	June 19	June 17
July 12**	June 24	July 2	June 28
July 26	July 8	July 17	July 15

\* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title            Chapter            Section            Paragraph  
                   Subtitle            Regulation        Subsection        Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

### Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

#### 03 COMPTROLLER OF THE TREASURY

**03.01.01.04** • 40:3 Md. R. 221 (2-8-13)  
**03.06.01.08** • 40:3 Md. R. 222 (2-8-13)  
**03.06.01.09** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.10** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.22** • 40:3 Md. R. 224 (2-8-13)  
**03.06.01.28** • 40:2 Md. R. 77 (1-25-13)  
**03.06.01.43** • 40:3 Md. R. 226 (2-8-13)  
**03.06.01.45** • 40:3 Md. R. 227 (2-8-13)  
**03.06.02.06** • 39:3 Md. R. 261 (2-10-12)  
**03.06.03.02** • 40:3 Md. R. 227 (2-8-13)  
**03.06.03.05** • 40:3 Md. R. 228 (2-8-13)

#### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**05.03.02.01—,04,,06—,09,,11—,14,,19,**  
**.20** • 40:2 Md. R. 78 (1-25-13)  
**05.17.03.01—,06** • 40:2 Md. R. 81 (1-25-13)

#### 07 DEPARTMENT OF HUMAN RESOURCES

**07.07.11.02,,05** • 40:1 Md. R. 26 (1-11-13)  
**07.07.24** • 39:26 Md. R. 1678 (12-28-12) (err)  
**07.07.24.01—,06** • 39:24 Md. R. 1579 (11-30-12)

#### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.05.01** • 40:2 Md. R. 83 (1-25-13)  
**08.02.13.01—,03,,05,,08** • 40:3 Md. R. 228 (2-8-13)  
**08.02.15.07** • 40:2 Md. R. 83 (1-25-13)  
**08.02.22.02,,04** • 40:6 Md. R. 477 (3-22-13)

#### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**09.03.14.01** • 40:2 Md. R. 86 (1-25-13)  
**09.09.02.01—,03** • 40:6 Md. R. 478 (3-22-13)

**09.10.01.64** • 40:1 Md. R. 27 (1-11-13)  
**09.11.02.02** • 40:1 Md. R. 28 (1-11-13)  
**09.12.31** • 40:6 Md. R. 479 (3-22-13)  
**09.12.31** • 40:6 Md. R. 479 (3-22-13)  
**09.12.31** • 40:6 Md. R. 480 (3-22-13)  
**09.14.04.12** • 40:3 Md. R. 237 (2-8-13)  
**09.14.05.01** • 40:3 Md. R. 238 (2-8-13)  
**09.14.05.03** • 40:3 Md. R. 239 (2-8-13)  
**09.15.05.01—,03** • 40:3 Md. R. 240 (2-8-13) (ibr)  
**09.20.01.01,,02,,04** • 40:3 Md. R. 241 (2-8-13) (ibr)  
**09.28.03.03** • 39:25 Md. R. 1620 (12-14-12)  
**09.34.03.01,,02** • 40:3 Md. R. 245 (2-8-13)  
**09.34.05.01,,02** • 39:20 Md. R. 1315 (10-5-12)  
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**09.35.01.01** • 39:23 Md. R. 1543 (11-16-12)

#### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

##### Subtitles 01 — 08 (1st Volume)

**10.01.04.01,,02** • 40:2 Md. R. 87 (1-25-13)  
**10.03.01.13** • 40:2 Md. R. 87 (1-25-13)  
**10.05.05.03** • 39:15 Md. R. 976 (7-27-12)  
**10.07.05.04** • 39:15 Md. R. 977 (7-27-12)  
**10.07.14.07** • 39:15 Md. R. 978 (7-27-12)  
**10.07.22.01—,33** • 40:2 Md. R. 88 (1-25-13) (ibr)  
**10.09.35.01,,04,,05,,07** • 40:6 Md. R. 480 (3-22-13)  
**10.09.41.02—,04,,07** • 40:5 Md. R. 413 (3-8-13)  
**10.09.47.03** • 40:6 Md. R. 482 (3-22-13)  
**10.09.54.14-1,,30-1,,33** • 40:3 Md. R. 246 (2-8-13)  
**10.09.55.26-3,,29** • 40:3 Md. R. 248 (2-8-13)  
**10.09.65.19** • 40:2 Md. R. 93 (1-25-13)  
**10.09.76.14** • 40:2 Md. R. 93 (1-25-13)  
**10.09.83.01—,07** • 39:23 Md. R. 1546 (11-16-12)  
 40:6 Md. R. 482 (3-22-13)

**Subtitles 10 — 22 (3rd Volume)**

- 10.10.04.02 • 39:15 Md. R. 979 (7-27-12)
- 10.14.01.01,.02,.02-1,.07 • 40:2 Md. R. 98 (1-25-13) (ibr)
- 10.21.07.02—.07,.09,.11—.14 • 39:20 Md. R. 1324 (10-5-12)
- 10.21.20.07 • 39:19 Md. R. 1260 (9-21-12)
- 10.22.02.01 • 40:2 Md. R. 99 (1-25-13) (ibr)
- 10.22.17.02,.06—.08,.10 • 40:2 Md. R. 99 (1-25-13)
- 10.22.18.04 • 40:2 Md. R. 99 (1-25-13)

**Subtitles 23 — 36 (4th Volume)**

- 10.24.01.01 • 39:25 Md. R. 1622 (12-14-12)
- 10.25.02.02 • 40:6 Md. R. 483 (3-22-13)
- 10.25.03.02 • 40:6 Md. R. 484 (3-22-13)
- 10.29.01.01,.10—.13 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.16.01,.02 • 39:20 Md. R. 1326 (10-5-12)
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- 10.29.20.01,.02 • 39:20 Md. R. 1326 (10-5-12)
- 10.32.03.17,.18 • 39:15 Md. R. 981 (7-27-12)
- 10.32.06.12,.13 • 39:15 Md. R. 986 (7-27-12)
- 10.32.08.01—.12 • 39:16 Md. R. 1091 (8-10-12)
- 10.32.10.04,.05,.05-1,.05-2,.06 • 40:2 Md. R. 106 (1-25-13)
- 10.32.10.16,.19 • 39:15 Md. R. 990 (7-27-12)
- 10.32.11.15,.16 • 39:15 Md. R. 994 (7-27-12)
- 10.33.01.03,.08,.13 • 40:2 Md. R. 107 (1-25-13)
- 10.34.29.01—.11 • 40:2 Md. R. 108 (1-25-13)
- 10.34.36.01—.10 • 39:19 Md. R. 1266 (9-21-12)  
40:3 Md. R. 249 (2-8-13)

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- 10.39.03.03 • 40:1 Md. R. 41 (1-11-13)
- 10.41.08.01-1,.02 • 40:3 Md. R. 251 (2-8-13)
- 10.41.08.11 • 39:18 Md. R. 1209 (9-7-12)
- 10.44.04.01—.28 • 40:2 Md. R. 111 (1-25-13)
- 10.44.20.02 • 40:2 Md. R. 111 (1-25-13)
- 10.44.30.01-1,.02,.03 • 40:3 Md. R. 251 (2-8-13)
- 10.46.04.04 • 40:2 Md. R. 116 (1-25-13)
- 10.52.15.01—.08 • 39:19 Md. R. 1275 (9-21-12)  
40:2 Md. R. 117 (1-25-13)
- 10.54.01.19 • 40:6 Md. R. 485 (3-22-13)
- 10.60.01.01—.05 • 40:2 Md. R. 118 (1-25-13)
- 10.60.02.01—.08 • 40:2 Md. R. 118 (1-25-13)
- 10.60.03.01,.02 • 40:2 Md. R. 118 (1-25-13)
- 10.60.04.01—.12 • 40:2 Md. R. 118 (1-25-13)
- 10.60.05.01,.02 • 40:2 Md. R. 118 (1-25-13)
- 10.60.06.01 • 40:2 Md. R. 118 (1-25-13)
- 10.60.07.01,.02 • 40:2 Md. R. 118 (1-25-13)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 01—10**

- 11.04.02.01,.05 • 40:2 Md. R. 130 (1-25-13)
- 11.07.05.01—.05 • 40:2 Md. R. 131 (1-25-13)

**Subtitles 11—22 (MVA)**

- 11.11.05.02 • 39:22 Md. R. 1454 (11-2-12)

**12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

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- 12.15.02.01—.13 • 39:8 Md. R. 559 (4-20-12)
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- 12.15.04.01,.03—.06,.08,.09 • 39:8 Md. R. 559 (4-20-12)
- 12.15.05.02—.09 • 39:8 Md. R. 559 (4-20-12)

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- 13A.06.08.01—.07 • 40:6 Md. R. 487 (3-22-13) (ibr)
- 13A.12.01.02,.06,.11 • 39:22 Md. R. 1458 (11-2-12)
- 13A.13.01.01—.14 • 40:2 Md. R. 132 (1-25-13)
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**14 INDEPENDENT AGENCIES**

- 14.30.07.04 • 39:6 Md. R. 448 (3-23-12)
- 14.30.11.12 • 39:6 Md. R. 448 (3-23-12)
- 14.31.06.02—.19 • 40:3 Md. R. 252 (2-8-13)
- 14.34.02.04 • 39:8 Md. R. 578 (4-20-12)
- 14.35.01.01,.02 • 40:3 Md. R. 270 (2-8-13)
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- 21.05.08.07 • 40:4 Md. R. 349 (2-22-13)
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- 21.11.12.01—.09 • 39:25 Md. R. 1631 (12-14-12)

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- 26.11.02.17,.19 • 39:24 Md. R. 1584 (11-30-12)
- 26.11.09.08 • 39:16 Md. R. 1120 (8-10-12)  
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- 26.11.14.06—.08 • 39:16 Md. R. 1120 (8-10-12)
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- 31.03.12.02,.03 • 40:2 Md. R. 166 (1-25-13)
- 31.08.05.02,.03 • 39:20 Md. R. 1345 (10-5-12)
- 31.08.12.02—.06 • 39:20 Md. R. 1346 (10-5-12)
- 31.08.13.01—.06 • 39:26 Md. R. 1674 (12-28-12)
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- 31.16.11.01—.03 • 39:20 Md. R. 1348 (10-5-12)

**36 MARYLAND STATE LOTTERY AND GAMING  
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- 36.02.06.01—.18 • 40:5 Md. R. 415 (3-8-13)
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- 36.03.11.01—.08 • 40:6 Md. R. 490 (3-22-13)
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- 36.04.01.01—.32 • 40:4 Md. R. 364 (2-22-13)
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- 36.05.01.01,.02 • 40:6 Md. R. 541 (3-22-13)
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- 36.05.03.01—.24 • 40:6 Md. R. 541 (3-22-13)
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- 36.06.02.01,.02 • 40:4 Md. R. 381 (2-22-13)
- 36.06.03.01—.16 • 40:4 Md. R. 381 (2-22-13)
- 36.06.04.01—.05 • 40:4 Md. R. 381 (2-22-13)
- 36.06.05.01—.10 • 40:4 Md. R. 381 (2-22-13)
- 36.07.01.01—.03 • 40:5 Md. R. 431 (3-8-13)
- 36.07.02.01—.18 • 40:5 Md. R. 431 (3-8-13)
- 36.07.03.01—.03 • 40:5 Md. R. 431 (3-8-13)
- 36.07.04.01—.19 • 40:5 Md. R. 431 (3-8-13)
- 36.07.05.01 • 40:5 Md. R. 431 (3-8-13)



# The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

## SYNOPSIS NO. 4

### House Bills

- HB1469** Dels F. Turner and Frick. Consumer Protection - Consumer Goods Offered at a Sale Price - Rain Checks.
- HB1470** Dels Kipke and Beidle. Anne Arundel County - County Council and County Executive Special Elections - Voting by Mail.
- HB1471** Del Myers. Health - Statistics and Records - Electronic Filing of Death Certificates.
- HB1472** Del Valderrama, et al. Creation of a State Debt - Prince George's County - National Philippine Multi-Cultural Center.
- HB1473** Dels Griffith and Gaines. Creation of a State Debt - Prince George's County - Arthur & Mary E. Ridgley, Sr. Museum Phase I.
- HB1474** Del Luedtke, et al. Education - State Funding - Operating and Capital Funds.
- HB1475** Del Cluster, et al. Baltimore County - Correctional Officers' Bill of Rights.
- HB1476** Del Branch. Gas and Electric Companies - Consumer Relations - Missed Appointments.
- HB1477** Del Cane. Creation of a State Debt - Dorchester County - Sailwinds Wharf Development Project.
- HB1478** Del Cardin, et al. Baltimore County - Division of Animal Control - Treatment of Unclaimed Dogs or Cats.
- HB1479** Del Gaines, et al. Creation of a State Debt - Prince George's County - Prince George's Arts and Humanities Council Creative Business Incubator.
- HB1480** Del Glenn, et al. Family Law - Unattended Child Under the Age of Three.
- HB1481** Del Waldstreicher. Medical Records - Disclosure in Response to Compulsory Process.
- HB1482** Del Cane. Hunting - Domesticated, Stray, or Feral Animals - Prohibited Acts.
- HB1483** Del Hixson. Maryland Consolidated Capital Bond Loan of 2012 - Montgomery County - Quebec Terrace Lighting.
- HB1484** Del Nathan-Pulliam, et al. Mental Health - Crisis Response - Standards and Protocols.
- HB1485** Del Jacobs, et al. Oyster Sanctuaries - Oyster Bar Cleaning and Removal of Diseased Oysters.
- HB1486** Del McHale, et al. Procurement - Occupational Safety and Health Prequalification.
- HB1487** Del Pena-Melnyk. Sales and Use Tax - Online Sales Presumption.
- HB1488** Del Smigiel, et al. Vehicle Laws - Towing Companies - Disposal of Abandoned Vehicles.
- HB1489** Del Mizeur. Housing - Energy-Efficient and Green Homes - Construction Financing.
- HB1490** Del Wilson. Drunk and Drugged Driving - Refusal to Take a Blood or Breath Test - Prohibition.
- HB1491** Del Wilson, et al. Task Force to Study the Establishment of a Maryland Higher Education Grant Program for Veterans.
- HB1492** Del Wilson. Crimes - Identification Theft - Vulnerable Children.
- HB1493** Del Hammen, et al. Creation of a State Debt - Baltimore City - Education Based Latino Outreach ADA/Elevator Project.
- HB1494** Del Conway, et al. Correctional Services - Standards for Correctional Facilities - Funding.
- HB1495** Dels Anderson and Oaks. Creation of a State Debt - Baltimore City - Morgan State University Athletic Facility Renovations.
- HB1496** Dels Rosenberg and Hubbard. Mental Hygiene Administration - Psychiatric Bed Registry - Report.
- HB1497** Del Anderson. Creation of a State Debt - Baltimore City - Mattie B. Uzzle Outreach Center.
- HB1498** Del Vaughn, et al. Creation of a State Debt - Prince George's County - Palmer Park Boys & Girls Club.
- HB1499** The Spkr (Campaign Finance Comm), et al. Campaign Finance Reform Act of 2013.
- HB1500** Del Conaway. Vehicle Laws - Handicapped Parking Placards - Required Statement.
- HB1501** Del Eckardt. Task Force to Evaluate Regional Health Delivery and Health Planning in Rural Areas.
- HB1502** Del Healey, et al. Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools.
- HB1503** Del Rudolph. Horse Racing - Purse Dedication Account - Annual Grant to Fair Hill.
- HB1504** Del McIntosh, et al. Maryland Consolidated Capital Bond Loan of 2006 - Baltimore City - Assisted Living on the Green.
- HB1505** Del Jacobs, et al. Oysters - Power Dredging - Time Period.
- HB1506** Del Sophocleus, et al. Maryland Consolidated Capital Bond Loan of 2012 - Anne Arundel County - Meade High School Concession Stand.
- HB1507** St. Mary's County Delegation. St. Mary's County - Property Maintenance.
- HB1508** Del Mizeur. Montgomery County - Highway Construction and Maintenance - Maryland Route 410 in Takoma Park.
- HB1509** Del Mizeur. Public Service Commission - Disparity Study - Contracts and Subcontracts.
- HB1510** Montgomery County Delegation. Montgomery County - Transportation - Block Grant.
- HB1511** Washington County Delegation. Washington County Building Code Board of Appeals - Decisions.
- HB1512** Del Dwyer. Public Safety - Firearm Exemptions for Law Enforcement Officers - Repeal.
- HB1513** Del Hixson. Public Safety - Response to a State Disaster or Emergency - Licensing and Taxes.
- HB1514** Howard County Delegation. Howard County - Noise Control - Outdoor Concert Venues Ho. Co. 9-13.
- HB1515** The Spkr (Admin). Transportation Infrastructure Investment Act of 2013.
- HB1516** Del McHale, et al. Maryland Consolidated Capital Bond Loan of 2003 - Baltimore City - Carroll Mansion Museum.
- HB1517** Del Beitzel. Maryland Consolidated Capital Bond Loan of 2011 - Allegany County - Cumberland City Market.
- HB1518** Del Clippinger. Pension and Retirement Health Benefits - Child Support Enforcement Administration Employees - Transferees from Baltimore City State's Attorney's Office.
- HB1519** Del Donoghue. Insurance - Premium Financing.
- HB1520** Del Parrott. Public Safety - SWAT Team Reports - Required Information and Extension of Sunset.
- HB1521** Del Rosenberg. Maryland Consolidated Capital Bond Loan of 2005 - Baltimore City - Babe Ruth Birthplace and Museum.
- HB1522** Del Barkley. Maryland Consolidated Capital Bond Loan of 2010 - Montgomery County - Montgomery Village Martin Roy Park Pavilion.

**HB1523** Del Carter, et al. Public Safety - DNA Samples and Records - Collection, Use, Storage, and Expungement.  
**HB1524** Balt Co Deleg (By Request). Election Law - Baltimore County Democratic Party Central Committee - Membership.  
**HB1525** Del Swain, et al. Creation of a State Debt - Prince George's County - Lake Arbor Center Water and Sewage Connection Project.  
**HB1526** Del Swain, et al. Creation of a State Debt - Prince George's County - Lake Arbor Capital Improvements.

[13-06-52]

### Senate Bills

**SB1023** Sen Pinsky. Creation of a State Debt - Prince George's County - Prince George's Arts and Humanities Council Creative Business Incubator.  
**SB1024** Sen Shank. Family Law - Domestic Violence Incident Report - Dissemination.  
**SB1025** Sen Garagiola. Creation of a State Debt - Montgomery County - Potomac Community Resources Home.  
**SB1026** Sen Colburn. Honey - License Exemptions.  
**SB1027** Sen Forehand. Creation of a State Debt - Montgomery County - Metropolitan Ballet Theatre Relocation and Expansion.  
**SB1028** Sen Klausmeier. Baltimore County - Alcoholic Beverages - License Transfers.  
**SB1029** Sen Middleton. Maryland Agricultural Certainty Program.  
**SB1030** Sen Conway, et al. Creation of a State Debt - Baltimore City - Morgan State University Athletic Facility Renovations.  
**SB1031** Sen Colburn. Hunting - Domesticated, Stray, or Feral Animals - Prohibited Acts.  
**SB1032** Sen Colburn. Oysters - Power Dredging - Time Period.  
**SB1033** Sen Rosapepe. Public Education - Alternative Schooling.  
**SB1034** Sen Conway. Maryland Consolidated Capital Bond Loan of 2006 - Baltimore City - Assisted Living on the Green.  
**SB1035** Sen Conway. Creation of a State Debt - Baltimore City - Rebirth Community Center.  
**SB1036** Sen Edwards. Maryland Consolidated Capital Bond Loan of 2011 - Allegany County - Cumberland City Market.  
**SB1037** Sen King, et al. Public Safety - Response to a State Disaster or Emergency - Licensing and Taxes.  
**SB1038** Sen King. Maryland Consolidated Capital Bond Loan of 2010 - Montgomery County - Montgomery Village Martin Roy Park Pavilion.  
**SB1039** The Pres (Campaign Finance Comm), et al. Campaign Finance Reform Act of 2013.  
**SB1040** Sen Garagiola. Mental Hygiene - Reform of Laws and Delivery of Services.  
**SB1041** Sen Muse. Creation of a State Debt - Prince George's County - National Philippine Multi-Cultural Center.  
**SB1042** Sen Shank. Washington County Building Code Board of Appeals - Decisions.  
**SB1043** Sen Frosh. Commercial Law - Acceleration of Loan Indebtedness Due to Death - Prohibited.  
**SB1044** Sens Benson and Currie. Creation of a State Debt - Prince George's County - Lake Arbor Center Water and Sewage Connection Project.  
**SB1045** Sens Benson and Currie. Creation of a State Debt - Prince George's County - Lake Arbor Capital Improvements.  
**SB1046** Sen Benson. Maryland Consolidated Capital Bond Loan of 2011 - Prince George's County - Capitol Heights Seat Pleasant Boys and Girls Club Initiative.  
**SB1047** Sen Ferguson. Creation of a State Debt - Baltimore City - Education Based Latino Outreach ADA/Elevator Project.  
**SB1048** Sen Pipkin. Work Zone Speed Control Systems - Refund of Civil Penalties.

**SB1049** Sens Mathias and Astle. Recycling - Apartment Buildings and Condominiums.  
**SB1050** Sen Rosapepe, et al. Creation of a State Debt - Prince George's County - College Park Aviation Museum.  
**SB1051** Sen Rosapepe. Maryland Private Sector Employees Pension Plan and Trust.  
**SB1052** Sen Kittleman. Criminal Law - Electronic Harassment of a Minor.  
**SB1053** Sen Jones-Rodwell. Creation of a State Debt - Baltimore City - Fayette Street Outreach Community Center.  
**SB1054** The Pres (Admin). Transportation Infrastructure Investment Act of 2013.  
**SB1055** Sen Manno, et al. State Aid for Critical Services - County Maintenance of Effort Requirements.  
**SB1056** Sen Ferguson. Election Law - Independent Expenditures and Electioneering Communications - Disclosure.  
**SB1057** Sen Middleton. Department of Health and Mental Hygiene - Health Care Staff Agencies - Regulation.  
**SB1058** Sen Jennings. Education - The Reasonable School Discipline Act of 2013.  
**SB1059** Sen Raskin. Landlord and Tenant - Application Fees - Prospective Tenants Who Receive Housing Assistance.

[13-06-53]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of this Court dated February 11, 2013, PAUL WINSTON GARDNER, II, 10 North Calvert Street, Suite 735, Baltimore, Maryland 21202, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated February 15, 2013, ERIN MARIE WEBER, aka ERIN WEBER ANDERSON, 6621 Homespun Lane, Falls Church, Virginia 22044, has been suspended, effective immediately, from the further practice of law in this State and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-773(d)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated February 21, 2013, DONALD BENSON THOMPSON, III, 10 Public Square 4th Floor, Hagerstown, Maryland 21740, has been disbarred by consent from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated February 27, 2013, WILLIAM F. HICKEY, III, 139 West Main Street, Elkton, Maryland 21912, has been disbarred by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

\* \* \* \* \*

This is to certify that by an Opinion and Order of this Court dated March 5, 2013, ALFRED AMOS PAGE, JR., 1403 Muffet Road, Silver Spring, Maryland 20908, has been disbarred from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

[13-06-48]

## STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

### Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, April 5, 2013, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 A.M., to consider any questions relating to rules changes as may be brought before the meeting.

For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[13-06-42]

### Rules Order

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Seventy-Fifth Report to the Court recommending adoption of proposed new Rules 14-208.1 and 16-407 and proposed amendments to Rules 6-122, 12-704, 14-102, 14-202, 14-207, 14-209, 14-209.1, 14-211, 14-214, 14-215, 14-502, and 14-504, all as set forth in that Report published in the *Maryland Register*, Vol. 39, Issue 26, pages 1647-1661 (December 28, 2012); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 11<sup>th</sup> day of March, 2013,

ORDERED, by the Court of Appeals of Maryland, that new Rule 14-208.1 be, and it is hereby, adopted in the form previously published; and it is further

ORDERED that new Rule 16-407 be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 12-704, 14-102, 14-202, 14-207, 14-209, 14-209.1, 14-211, 14-214, 14-215, 14-502, and 14-504 be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that amendments to Rule 6-122 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after May 1, 2013 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell  
Glenn T. Harrell, Jr.  
Lynne A. Battaglia  
Clayton Greene, Jr.  
\*Sally D. Adkins  
Mary Ellen Barbera  
\*\*Robert N. McDonald

\* Judge Adkins

voted against adoption of Rule 16-407.

\*\* Judge McDonald

voted against adoption of Rule 16-407 (f). Dissent attached.

Filed: March 11, 2013

Bessie M. Decker  
Clerk  
Court of Appeals of Maryland

McDONALD, R.

Among the many admirable principles set forth on the Professionalism Center's website is promotion of the "rule of law." Ideals of Professionalism (8). The new admittees who complete the program offered by the Center will take an oath to support the Maryland Constitution. Maryland Code, Business & Occupations Article, §10-212. I voted against the rule establishing the Center, not because of any policy difference with my colleagues, but because, in

my view, part of the rule falls short of those ideals under the well-established precedents of this Court.

*Rule 16-407(f)*

As explained at the rules hearing, the rule was proposed as a result of a request to recast a very recent administrative order in the form of a rule. The portion of the rule that is of concern is the section that funds the Center. It reads as follows:

(f) Funding

The Court of Appeals shall provide funding for the Center:

- (1) from the fees paid by the new Bar Admittees for the required Professionalism Course;
- (2) commencing July 1, 2013, from the assessment collected from each attorney by the Client Protection Fund on behalf of the Disciplinary Fund maintained pursuant to Rule 16-714, not to exceed five dollars; and
- (3) from such other sources as may be provided for in the judicial budget.

Maryland Rule 16-407(f).

In my view, this provision raises constitutional questions for three reasons.

(1) *Constitutional process for appropriating funds*

Under the State Constitution, money may only be expended pursuant to an appropriation. Maryland Constitution, Article III, §32. All appropriations must be made through the annual State budget bill or supplementary appropriation bills. Maryland Constitution, Article III, §52. Under §52, the budget bill is to include the “complete plan of proposed expenditures” for the fiscal year. The Judiciary budget is certified to the Governor, who must include it without alteration in the budget the Governor submits to the General Assembly. §52(4). The General Assembly may increase or reduce appropriations for the Judiciary, though it may not reduce judicial compensation. §52(6).

This constitutional budget process trumps other provisions of the State Constitution. §52(14). The precedence given to the budget provision of the State Constitution is quite deliberate, as it was an amendment of the Constitution adopted about a century ago to resolve fiscal difficulties caused by appropriations made outside a unified budget process.<sup>1</sup> See generally *Judy v. Schaefer*, 331 Md. 239, 627 A.2d 1039 (1993) (describing history and operation of Article III, §52); *Kelly v. Marylanders for Sports Sanity*, 310 Md. 437, 452-54, 530 A.2d 245 (1987); *Maryland Action for Foster Children, Inc. v. State*, 279 Md. 133, 140-53, 367 A.2d 491 (1977). There is no provision in the State Constitution for the Judiciary to appropriate funds outside of this process.

It is not self-evident why funding for the Center need not comply with this constitutional process.

(2) *Constitutional prohibition against assessing fees without legislative assent*

While the rule itself does not appear to directly assess fees, it alludes to an assessment on new admittees. Under Article 14 of the Maryland Declaration of Rights, “no ... charge ... or fees ought to be

rated or levied, under any pretense, without the consent of the Legislature.” This Court has interpreted that provision to apply broadly to “encompass virtually all payments imposed by the government.” *Benson v. State*, 389 Md. 615, 635, 887 A.2d 525 (2005). There appears to be no question that the Center is a judicial agency assisting in the Court’s regulation of the legal profession and therefore part of the government subject to this constitutional provision.

It may be that legislative assent may be found in a variety of ways short of being directly expressed in statute,<sup>2</sup> but it is not clear to me on what basis we infer legislative assent for this fee.

(3) *Constitutional requirement that revenues be deposited in State Treasury*

Finally, although the rule is not explicit on this point, it appears that the fees would be expended without being deposited in the State Treasury. The State Constitution requires that moneys of the State be held, pending their appropriation and disbursement, in the Treasury and administered by the State Treasurer and the Comptroller. Maryland Constitution, Article VI; see also Maryland Code, State Finance & Procurement Article, §6-213; *Panitz v. Comptroller*, 267 Md. 296, 300, 297 A.2d 289 (1972). Again, it is not clear to me how this constitutional mandate is avoided.

It may be that the Court is simply taking an “aggressive” position on its prerogatives for the benevolent purpose of improving the legal profession and, ultimately, our system of justice. If so, that would be a mistake, in my view, for an institution that is the final word on whether others have faithfully adhered to the State Constitution. A high court often best asserts its constitutional powers in recognizing the limitations of those powers under the constitution it construes. E.g., *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) (in the course of deciding that it was the final arbiter of the meaning of the U.S. Constitution, Supreme Court held that it lacked constitutional power to issue original writs of mandamus).

**MARYLAND RULES OF PROCEDURE  
TITLE 6 - SETTLEMENT OF DECEDENTS’ ESTATES  
CHAPTER 100 - GENERAL PROVISIONS**

AMEND Rule 6-122 to add the word “substantially” to section (a), to change certain amounts in the initial petition form, to add a Note following the caption of the form, to add to the initial petition form a section regarding mental competency and a section regarding conviction for a serious crime and to delete section 7., to delete the affirmation clause after Schedule A, to add language to section 4. of Schedule B, to delete the notes after section 4. of Schedule B, to add lines to the form for an attorney’s facsimile number and e-mail address, and to make stylistic changes, as follows:

**Rule 6-122. PETITIONS**

(a) Initial Petition

The Initial Petition shall be *substantially* in the following form:

IN THE ORPHANS’ COURT FOR

(OR) \_\_\_\_\_, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

\_\_\_\_\_ ESTATE NO: \_\_\_\_\_

<sup>1</sup>An interesting monograph on the history of the budget provision of the Maryland Constitution may be found on website of the Archives of Maryland. See Richard E. Israel, *A History of the Adoption of the Maryland Executive Budget Amendment* (2004), found at <http://www.aoml.net/megafile/msa/speccol/sc2900/sc2908/html/israel.pdf>

<sup>2</sup>E.g., *Benson, supra*, (finding legislative assent to commission charged to agency vendors implicit in statute creating special fund for revenues generated from that commission); 76 *Opinions of the Attorney General* 95 (1991) (finding non-statutory legislative assent for fee for Medevac transport in legislative budget materials and joint resolutions).

FOR:

REGULAR ESTATE     SMALL ESTATE     WILL OF NO  
PETITION FOR ADMINIS- PETITIONFOR ESTATE Complete  
TRATION Estate value ADMINISTRATION items 2 and 5  
in excess of [\$30,000] Estate value of  
\$50,000. (If spouse [\$30,000] \$50,000  
is sole heir or or less. (If spouse  
legatee, [\$50,000] is sole heir or  LIMITED ORDERS  
\$100,000.) Complete legatee, [\$50,000] Complete item 2  
and attach Schedule A. \$100,000.) Complete and attach  
and attach Schedule B. Schedule C

*NOTE: For the purpose of computing whether an estate qualifies as a small estate, value is determined by the fair market value of property less debts of record secured by the property as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt. See Code, Estates and Trusts Article, §5-601 (d).*

The petition of:

_____	_____
Name	Address
_____	_____
Name	Address
_____	_____
Name	Address
_____	_____

Each of us states:

1. I am (a) at least 18 years of age and either a citizen of the United States or a permanent resident of the United State who is the spouse of the decedent, an ancestor of the decedent, a descendant of the decedent, or a sibling of the decedent or (b) a trust company or any other corporation authorized by law to act as a personal representative.

2. The Decedent, \_\_\_\_\_,  
was domiciled in \_\_\_\_\_,  
(County)

State of \_\_\_\_\_ and died on  
the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_  
(place of death)

3. If the decedent was not domiciled in this county at the time of death, this is the proper office in which to file this petition because:  
\_\_\_\_\_

4. I am entitled to priority of appointment as personal representative of the decedent's estate pursuant to §5-104 of the Estates and Trusts Article, Annotated Code of Maryland because:  
\_\_\_\_\_

5. I am mentally competent.

6. I have not been convicted of a serious crime.

[and] 7. I am not excluded by other provisions of §5-105 (b) of the Estates and Trusts Article, Annotated Code of Maryland from serving as personal representative.

[5.] 8. I have made a diligent search for the decedent's will and to the best of my knowledge:

none exists; or

the will dated \_\_\_\_\_ (including codicils, if any, dated \_\_\_\_\_) accompanying this petition is the last will and it came into my hands in the following manner: \_\_\_\_\_

and the names and last known addresses of the witnesses are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[6.] 9. Other proceedings, [if any] known to petitioner, regarding the decedent or the estate are as follows:  
\_\_\_\_\_

[7. If any information required by paragraphs 2 through 6 has not been furnished, the reason is:  
\_\_\_\_\_]

[8.] 10. If appointed, I accept the duties of the office of personal representative and consent to personal jurisdiction in any action brought in this State against me as personal representative or arising out of the duties of the office of personal representative.

WHEREFORE, I request appointment as personal representative of the decedent's estate and the following relief as indicated:

- that the will and codicils, if any, be admitted to administrative probate;
- that the will and codicils, if any, be admitted to judicial probate;
- that the will and codicils, if any, be filed only;
- that only a limited order be issued;
- that the following additional relief be granted: \_\_\_\_\_

I solemnly affirm under the penalties of perjury that the contents of the foregoing [petition] document are true to the best of my knowledge, information, and belief.

_____	_____	_____
Attorney	Petitioner	Date
_____	_____	_____
Address	Petitioner	Date
_____	_____	_____
Telephone Number	Petitioner	Date
_____	_____	_____
Facsimile Number	Telephone Number (optional)	
_____	_____	
E-mail Address	_____	

IN THE ORPHANS' COURT FOR

(OR) \_\_\_\_\_, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

\_\_\_\_\_ ESTATE NO. \_\_\_\_\_

SCHEDULE - A
Regular Estate

Estimated Value of Estate and Unsecured Debts

Personal property (approximate value) ..... \$ \_\_\_\_\_
Real property (approximate value) ..... \$ \_\_\_\_\_
Value of property subject to:
(a) Direct Inheritance Tax of \_\_\_% ..... \$ \_\_\_\_\_
(b) Collateral Inheritance Tax of \_\_\_% ..... \$ \_\_\_\_\_
Unsecured Debts (approximate amount) .... \$ \_\_\_\_\_

[I solemnly affirm under the penalties of perjury that the contents of the foregoing schedule are true to the best of my knowledge, information, and belief.]

Attorney Petitioner Date
Address Petitioner Date
Telephone Number Telephone Number (optional)
Facsimile Number
E-mail Address

(FOR REGISTER'S USE)

Safekeeping Wills \_\_\_\_\_ Custody Wills \_\_\_\_\_
Bond Set \$ \_\_\_\_\_ Deputy \_\_\_\_\_

IN THE ORPHANS' COURT FOR

(OR) \_\_\_\_\_, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

\_\_\_\_\_ ESTATE NO. \_\_\_\_\_

SCHEDULE - B

Small Estate - Assets and Debts of the Decedent

1. I have made a diligent search to discover all property and debts of the decedent and set forth below are:

(a) A listing of all real and personal property owned by the decedent, individually or as tenant in common, and of any other property to which the decedent or estate would be entitled, including descriptions, values, and how the values were determined:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

(b) A listing of all creditors and claimants and the amounts claimed, including secured, contingent and disputed claims:

2. Allowable funeral expenses are \$ \_\_\_\_\_; statutory family allowances are \$ \_\_\_\_\_; and expenses of administration claimed are \$ \_\_\_\_\_.

3. Attached is a List of Interested Persons.

4. After the time for filing claims has expired, subject to the statutory order of priorities, and subject to the resolution of disputed claims by the parties or the court, I shall [(1)] (a) pay all proper claims made pursuant to Code, Estates and Trusts Article, §8-104 in the order of priority set forth in Code, Estates and Trusts Article, §8-105, expenses, and allowances not previously paid; [(2)] (b) if necessary, sell property of the estate in order to do so; and [(3)] (c) distribute the remaining assets of the estate in accordance with the will or, if none, with the intestacy laws of this State.

Date Personal Representative

[\*NOTE: §5-601 (d) of the Estates and Trusts Article, Annotated Code of Maryland "For the purpose of this subtitle - value is determined by the fair market value of property less debts of record secured by the property as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt." ]

[\*\*NOTE: Proper claims shall be paid pursuant to the provisions of Code, Estates and Trusts Article, §§8-104 and 8-105.]

I solemnly affirm under the penalties of perjury that the contents of the foregoing [schedule] document are true to the best of my knowledge, information, and belief.

Attorney Petitioner Date
Address Petitioner Date
Telephone Number Telephone Number (optional)
Facsimile Number
E-mail Address

IN THE ORPHANS' COURT FOR

(OR) \_\_\_\_\_, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

\_\_\_\_\_ ESTATE NO. \_\_\_\_\_

SCHEDULE - C
Request for Limited Order

- [ ] To Locate Assets
[ ] To Locate Will

1. I am entitled to the issuance of a limited order because I am:
[ ] a nominated personal representative or
[ ] a person interested in the proceedings by reason of

Blank lines for providing reasons for entitlement to a limited order.

2. The reasons(s) a limited order should be granted are:

Blank lines for providing reasons why a limited order should be granted.

I solemnly affirm under the penalties of perjury that the contents of the foregoing [schedule] document are true to the best of my knowledge, information, and belief. I further acknowledge that this order may not be used to transfer assets.

Table with 3 columns: Field (Attorney, Address, Telephone Number, Facsimile Number, E-mail Address), Petitioner, Date.

- (b) Other Petitions
...
(c) Limited Order to Locate Assets
...
(d) Limited Order to Locate Will
...

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

ADD new Rule 16-407, as follows:

Rule 16-407. MARYLAND PROFESSIONALISM CENTER

- (a) Existence
There is a Maryland Professionalism Center, which exists as a unit of the Maryland Judiciary.
(b) General Purposes and Mission
The general purposes and mission of the Maryland Professionalism Center are:
(1) to implement the professionalism policies adopted by the Court of Appeals;
(2) to examine ways of promoting professionalism among Maryland judges, judicial appointees and personnel, and attorneys and to encourage them to exercise the highest level of professional integrity in their relationship with each other, the courts, and the public and fulfill their obligations to improve the law and the legal system; and

(3) to help ensure that the practice of law remains a high calling focused on serving clients, promoting the proper administration of justice, and furthering the public good.

(c) Duties

To carry out its purposes, the Maryland Professionalism Center shall:

- (1) develop and refine mechanisms to advance professionalism as an important core value of the legal profession and the legal process;
(2) design a professionalism website and gather and maintain on it information that will serve as a resource on professionalism for judges, judicial appointees and personnel, attorneys, and the public;
(3) monitor professionalism efforts and developments in other States;
(4) monitor and attempt to coordinate professionalism efforts by the various segments of the Maryland legal and judicial community -- the Bar, the courts, the law schools, and attorneys and law firms -- with particular emphasis on professionalism training in the law schools;
(5) monitor the efforts of the Maryland State Bar Association and other bar associations in the State in carrying out the mandate of the Court of Appeals with respect to the advancement of professionalism;
(6) publicly acknowledge judges, judicial appointees and personnel, and attorneys for particularly commendable acts of professionalism;
(7) administer the New Bar Admittees' Professionalism Course and mentoring program; and
(8) recognize the efforts of attorneys engaged in the Professionalism Course and Mentoring Program.

(d) Board of Directors

(1) Membership

The Maryland Professionalism Center shall be governed by a Board of Directors, to consist of (A) a judge of the Court of Appeals, who shall serve as Chair; (b) a judge of the Court of Special Appeals; (C) a judge of a circuit court; (D) a judge of the District Court; (E) the Dean of the University of Maryland School of Law, or the Dean's designee; (F) the Dean of the University of Baltimore School of Law, or the Dean's designee; and (G) seven practicing members of the Maryland Bar, one from each judicial circuit, giving due regard to ethnic, gender, and experiential diversity.

(2) Appointment

The members of the Board shall be appointed by the Chief Judge of the Court of Appeals.

(3) Terms

(A) The judge of the Court of Appeals serves at the pleasure of the Chief Judge;

(B) The term of the other judges shall be three years or during the incumbency of the individual as a judge of the court upon which the individual was serving at the time of appointment, whichever is shorter.

(C) The term of the Deans' designees shall be three years or during the incumbency of the individual in the capacity in which the individual serves at the law school, whichever is shorter.

(D) The term of the other members shall be three years.

(E) Of the initial appointees, four shall be appointed for an initial term of three years, four shall be appointed for an initial term of two years, and four shall be appointed for an initial term of one year, in order that the terms shall remain staggered. At the end of a term, a member may continue to serve until a successor is appointed.

(F) With the approval of the Chief Judge, the Chair may remove a member prior to the expiration of the member's term and appoint from the same category of membership a successor for the remainder of the unexpired term.

(G) (i) Subject to subsection (d)(3)(G)(ii) of this Rule, a member may be reappointed.

(ii) The period of consecutive service by a member other than the Chair shall be not more than two consecutive terms, except that if the member was appointed to fill the unexpired term of a former member, the period of consecutive service also may include the remainder of the term of the former member.

(4) Secretary

The Chair shall appoint one of the members of the Board to serve as Secretary, at the pleasure of the Chair. The Secretary shall take minutes of the meetings of the Board and perform other duties related to the work of the Board as may be directed by the Chair.

(5) Compensation

The members of the Board shall serve without compensation but shall be reimbursed for expenses in connection with travel related to the work of the Center in accordance with the approved budget of the Center.

(6) Vice Chair; Committees

The Chair may appoint a Vice Chair and committees of the Board.

(7) Meetings

The Board shall meet at least twice each year, at the call of the Chair.

(8) Quorum

Seven members of the Board shall constitute a quorum for the transaction of business.

(9) Duties

The Chair in collaboration with the Board shall (A) provide managerial oversight of the policies, programs, operations, and personnel of the Maryland Professionalism Center, (B) prepare a proposed annual budget for the Professionalism Center and transmit the proposed budget to the Chief Judge of the Court of Appeals, (C) establish clear standards for the procurement of goods and services needed by the Center and the establishment and maintenance of a bank account for the Center, and (D) retain a certified public accountant to perform an annual audit of the books and records of the Center.

(e) Personnel

(1) Appointment

The Chair of the Board of Directors shall appoint an Executive Director, a bookkeeper, and such other personnel as are authorized by the approved budget of the Center. The Executive Director and the other personnel serve at the pleasure of the Chair.

(2) Executive Director

Subject to oversight by the Chair and the Board, the Executive Director is responsible for the day-to-day administration of the Center, implementation of the Board's policies and directions, and performance of the other duties specified in this Rule.

(3) Advisors

The Chair may invite other persons to provide advice to and participate in the work of the Center. Unless funds are available in the approved budget of the Center for that purpose, service by those persons shall be without compensation.

(f) Funding

The Court of Appeals shall provide funding for the Center:

(1) from the fees paid by new Bar Admittees for the required Professionalism Course;

(2) commencing July 1, 2013, from the assessment collected from each attorney by the Client Protection Fund on behalf of the Disciplinary Fund, an annual amount from the Disciplinary Fund maintained pursuant to Rule 16-714, not to exceed five dollars; and

(3) from such other sources as may be provided for in the judicial budget.

Source: This Rule is new.

[13-06-56]

# COURT OF SPECIAL APPEALS

## SCHEDULE FOR APRIL 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 2013

### Monday, April 1, 2013

#### Courtroom No. 1

- No. 00890/12\* Beth Michelle Katz vs. Jerold P. Katz
- No. 01206/12\* Tara Adams vs. Christopher R. Adams
- No. 00115/12 Essam A. Mohammed Ali et al. vs. Rushern L. Baker, III et al.
- No. 01409/12\* Stephen W. Rhine vs. Marjorie E. Anderson
- No. 02669/11 Sean Kelley et al. vs. Debra Carter
- \*8-207(a)

#### Courtroom No. 2

- No. 01510/12\* In Re: Adoption/Guardianship of Anthony R.
- No. 00352/12 George Kusi vs. State of Maryland
- No. 00015/12 Westbard Apartments, LLC et al. vs. estbard Investments, LLC et al.
- No. 01816/11 Lillian Jean Jacobs vs. State of Maryland
- No. 02686/11 Tijee Bennett vs. State of Maryland
- \*8-207(a)

### Tuesday, April 2, 2013

#### Courtroom No. 1

- No. 02088/12\*\* State of Maryland vs. Kevin Andre Bowie, Jr.
- No. 00107/12 Fraternal Order of Police, Montgomery County Lodge 35 et al. vs. Montgomery County, Maryland et al.
- No. 02700/11 Ludmila Clifton vs. Potomac Electric Power Company
- No. 00048/12 Amanda M. Whisler vs. Stephen D. Whisler
- No. 00716/12 Taurin D. Carraway vs. Jennifer T. Carraway
- \*\*120 DAY RULE

#### Courtroom No. 2

- No. 02274/11\* Lauren McClanahan f/k/a Lauren Hottinger vs. John Hottinger
- No. 00651/12 DeAndre Ricardo Williams vs. State of Maryland
- No. 01705/11 Jonathan Lee Dugger vs. State of Maryland
- No. 00284/12 Gineene Williams etc. et al. vs. Peninsula Regional Medical Center et al.
- No. 00156/12 Travis Anderson vs. State of Maryland
- \*8-207(a)

### Wednesday, April 3, 2013

#### Courtroom No. 1

- No. 01431/12\* James Wolf vs. Maureen Carter
- No. 00286/12 Talbot Bank of Easton, Maryland vs. Retirement Community of Easton, Inc.
- No. 02810/11 Walter Raymond Taylor, Jr. vs. State of Maryland
- No. 00256/12 Cherice Willis vs. Derrick Ford
- No. 00096/12 Board of Appeals, Department of Labor, Licensing and Regulation vs. Beckman's Green Street Pharmacy, Inc.
- \*8-207(a)



Courtroom No. 2

No. 00110/12\* Christina A. Carter n/k/a Christina A. Quin vs. Justin L. Davis et al.  
 No. 02473/11 William Macon Richardson III vs. Jeffrey Scott Miller Sr. et ux.  
 No. 02887/11 Brault Graham, LLC et al. vs. The Law Offices of Peter G. Angelos, P.C.  
 No. 00079/12 Deborah Proctor vs. Steven P. Hulsey, Personal Representative of the Estate of Sylvia H. Sasnett  
 No. 00281/12 Leon C. Alexander, Jr. vs. Maryland State Department of Labor, Licensing & Regulation et al.

\*8-207(a)

**Thursday, April 4, 2013**Courtroom No. 1

No. 01286/12\* In Re: Adoption/Guardianship of Shawn L.  
 No. 00258/12 Thomas H. Quispe del Pino vs. Maryland Department of Public Safety and Correctional Services et al.  
 No. 00238/12 Rodney Seltzer et al. vs. Geraldine Price et al.  
 No. 00049/12 Melvin Roberson et ux. vs. Nathaniel Lee Pope, Jr. et al.  
 No. 01878/11 Donald R. Twigg vs. State of Maryland  
 No. 00777/12 In Re: Gabriel L.

\*8-207(a)

Courtroom No. 2

No. 02612/11 Domingo Ezirike vs. Stella Ayika  
 No. 00052/12 Kimberly Pinsky et al. vs. Pikesville Recreation Council et al.  
 No. 00044/12 Calidad Furniture & Linen, Inc. vs. Adarrien Jackson  
 No. 00072/12 John S. Hopkins, Jr. et al. vs. Birach Broadcasting Corporation  
 No. 00065/12 Bronson Yake vs. Deborah Keith f/k/a Deborah Yake

**Friday, April 5, 2013**Courtroom No. 1

No. 00255/11 State of Maryland vs. Lisa Harris  
 No. 00470/12 Brian Chigbue vs. Angelique Keev Lucas  
 No. 00504/12 Joseph T. Bruder vs. Lisa M. Bruder n/k/a Lisa M. Ragazzo  
 No. 01602/11 Ernest Thomas Briscoe vs. State of Maryland  
 No. 00636/12 Mark Christian, II vs. State of Maryland

Courtroom No. 2

No. 00596/11 Union Carbide Corporation vs. Christine Pittman et al.  
 No. 01504/12\* In Re: Kristin M.  
 No. 00287/12 Prince George's County Police Department vs. Scott Campbell  
 No. 00237/12 Saint Luke Institute, Inc. vs. Rosio Castro et al.  
 No. 02965/10 Publish America, LLLP vs. Sally Stern a/k/a Sally Ann Miketa Stern

\*8-207(a)

**Monday, April 8, 2013**Courtroom No. 1

No. 00397/12 Jovonne Lane vs. Department of Public Safety and Correctional Services  
 No. 00288/12 Robert S. Lee vs. Mary Lou Lee  
 No. 00365/12 Damon Carter vs. Ajibade Alhali Hasson et al.  
 No. 02802/11 Kevin Modecki vs. State of Maryland  
 No. 02356/11 Old Frederick Rd., LLC et al. vs. John H. Wiseman

Courtroom No. 2

No. 00376/12 W. R. Grace & Company et al. vs. Abbie Shiflett-Karavas  
 No. 00492/12 Back Creek Partners, LLC vs. First American Title Insurance Corporation  
 No. 00085/12 Don D. Andrews, Jr. vs. Morgan Stanley & Co., Inc.  
 No. 00412/12 Shahid Nazir et al. vs. Muhammad Yasin  
 No. 00022/12 Curtis Portland Litten vs. Mary Ann Williams

**Tuesday, April 9, 2013**Courtroom No. 1

No. 00228/12 Daniel Redding et ux. vs. Farside Community Association, Inc.  
 No. 00624/12 Charles E. Hill, III vs. State of Maryland  
 No. 00388/11 Debra Swann a/k/a Debra Milstead vs. Kevin Reeves et ux.  
 No. 02664/10 Wisp Resort Master Association, Inc. vs. Highline Property Owners Association, Inc.  
 No. 00091/12 Edwin Florez Mazo vs. Maryland Transit Administration

Courtroom No. 2

No. 00296/12 Keystone Plus Construction Corporation vs. Gaylord National, LLC t/a Gaylord Entertainment et al.  
 No. 00604/12 Leroy Adams vs. State of Maryland  
 No. 00326/12 State Farm Insurance Company vs. Michael Santini et al.  
 No. 00615/12 Russell Dobash, Sr. vs. State of Maryland  
 No. 02219/11 Eileen Santangelo vs. State of Maryland  
 No. 00143/12 Chukwuemeka John Mezu vs. Mercedes-Benz USA, LLC

**Wednesday, April 10, 2013**Courtroom No. 1

No. 00210/12 Chad Michael Hook vs. State of Maryland  
 No. 02659/11 Kim Marks vs. State Retirement & Pension System  
 No. 02241/11 Frank P. Ellis, IV et al. vs. NVR, Inc. et al.  
 No. 00094/12 Nader Rezaie vs. Mahnaz Zarpak et al.  
 No. 00102/12 Andrew Cherner et al. vs. Marc Abshire et al.

Courtroom No. 2

No. 00053/12 Charles Johnson, III vs. State of Maryland  
 No. 01949/12\* In Re: Adoption/Guardianship of David A. and Jacob M.  
 No. 00092/12 Michael C. Fomalont vs. PSI Investments, LLC et al.  
 No. 00277/12 Paul C. Clark vs. Zalco Realty, Inc. et al.

\*8-207(a)

THE JUDICIARY

Thursday, April 11, 2013

Courtroom No. 1

- No. 00692/12 Randy Wayne Smith vs. State of Maryland
No. 00407/12 Peter A. Muntjan vs. Phillip E. Harris
No. 00386/12 Cortez Clark vs. State of Maryland
No. 00736/11 George McDermott vs. Kenneth J. MacFadyen et al. Substitute Trustees
No. 00169/12 Kenisha Monique Thomas vs. State of Maryland
No. 01402/11 Raymond Leach vs. State of Maryland
No. 01389/11 Julian Gray vs. State of Maryland
No. 00466/12 Sunday Isieza vs. State of Maryland
No. 00929/10 Howard Bay Diggs vs. State of Maryland
No. 02848/11 Deval Wallace vs. State of Maryland

Courtroom No. 2

- No. 01415/12\* In Re: Lydia B.
No. 00405/12 Nick Bergeris vs. Jeanine Bergeris
No. 02760/11 James Matthews vs. State of Maryland
No. 02768/11 Terrance Sims vs. State of Maryland
No. 02847/11 Aluseni Kanu vs. State of Maryland
No. 02840/11 Jordan Rich vs. State of Maryland
No. 02536/11 Maurice Brown vs. State of Maryland
No. 00573/12 Toney Wall vs. State of Maryland

\*8-207(a)

Friday, April 12, 2013

All cases submitted on brief

Courtroom No. 1

- No. 00112/12 Theodore J. Glick vs. Supervisor of Assessments of Worchester County et al.
No. 00103/12 Phyllis P. Edmonds vs. Ronald L. Edmonds
No. 00662/12 Joseph Jerome Clark vs. State of Maryland
No. 02896/10 Brian M. Savage vs. State of Maryland
No. 00671/12 Armando Zuniga Sanchez vs. State of Maryland
No. 00846/12 Denorris Davis vs. State of Maryland
No. 00578/12 Terrell Singleton vs. State of Maryland
No. 00510/12 Rashadd Alexis vs. State of Maryland

Courtroom No. 2

- No. 00070/12\* Jacob Kogan vs. Nelly Kogan
No. 00355/12 Eric Hearley vs. State of Maryland
No. 00137/12 Daryl Redfearn vs. State of Maryland
No. 01840/12\* In Re: Christopher S.
No. 02809/11 James Joseph Clark vs. State of Maryland
No. 00356/12 Jason M. Millhouse vs. State of Maryland
No. 00093/12 Denise Ann Taylor vs. Board of Appeals for Cecil County et al.
No. 00351/12 Meza Hayder Smith Herrera vs. State of Maryland
No. 00331/12 Tykeshia Willis vs. State of Maryland
No. 02779/11 Davon Pearson vs. State of Maryland

\*8-207(a)

Monday, April 15, 2013

All cases submitted on brief

Courtroom No. 1

- No. 01326/11 Robert M. Levenson vs. Michele G. Janis
No. 00394/12 Shari Acosta vs. Ellsworth White
No. 00652/12 Curtis Young vs. State of Maryland
No. 00682/12 Phillip Scott Bailey vs. State of Maryland
No. 00679/12 Edgar L. Sayles vs. State of Maryland
No. 00901/12 David Shawn Ardinger vs. State of Maryland
No. 00361/12 Cinderella White vs. State of Maryland

- No. 00577/12 Rodney Gasque vs. State of Maryland
No. 00456/12 Gregory Jones vs. State of Maryland

Courtroom No. 2

- No. 01299/11 Hesman Tall vs. Linda Lewis, et al.
No. 00179/12 Randy Craig Gisiner, Jr. vs. State of Maryland
No. 00032/12 Chris Bush vs. Maryland Public Service Commission
No. 00655/12 Troy Diandre Gray vs. State of Maryland
No. 00354/12 Mario Amaro vs. State of Maryland
No. 00462/12 Daryl Bland vs. State of Maryland
No. 00920/12 Andrew Baird vs. State of Maryland
No. 02489/11 Aaron Christopher Marcus vs. State of Maryland
No. 00840/12 Tony F. Oliver, Jr. vs. State of Maryland
No. 00721/12 Thracy Robin Parks vs. State of Maryland
No. 00217/12 Keonte Depre Bratten vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk no later than 9 a.m. The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After April, 2013, the Court will recess until May, 2013.

LESLIE D. GRADET
Clerk

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of April be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in April, 2013.

Chief Judge's signature appears on original Administrative Order

Dated: February 22, 2013

[13-06-39]

# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitle 52 PREVENTIVE MEDICINE

#### *10.52.15 Screening for Critical Congenital Heart Disease (CCHD) in Newborns*

*Authority: Health-General Article, §§13-109, 13-111, and 18-107(a),  
Annotated Code of Maryland*

#### Notice of Extension of Emergency Status

[12-252-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to new Regulations .01—.08 under a new chapter, **COMAR 10.52.15 Screening for Critical Congenital Heart Disease (CCHD) in Newborns**.

**Emergency status has been extended to: June 1, 2013.**

**Emergency action was published in: 39:22 Md. R 1427  
(November 2, 2012).**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 39:19 Md. R. 1275—1278 (September 21, 2012), referenced as [12-252-P].

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

#### Notice of Emergency Action

[13-046-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) New Regulations .01—.05 under a new chapter, **COMAR 10.60.01 General Regulations;**

(2) New Regulations .01—.08 under a new chapter, **COMAR 10.60.02 Licensing Procedures;**

(3) New Regulations .01 and .02 under a new chapter, **COMAR 10.60.03 Approved Training;**

(4) New Regulations .01—.12 under a new chapter, **COMAR 10.60.04 Rules of Procedure for Board Hearings;**

(5) New Regulations .01 and .02 under a new chapter, **COMAR 10.60.05 Code of Ethics;**

(6) New Regulation .01 under a new chapter, **COMAR 10.60.06 Fee Schedule;** and

(7) New Regulations .01 and .02 under a new chapter, **COMAR 10.60.07 Compelling Public Purpose Disclosure.**

**Emergency status began: January 3, 2013.**

**Emergency status expires: July 2, 2013.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:2 Md. R. 118—130 (January 25, 2013), referenced as [13-046-P].

JOSHUA M. SHARFSTEIN, MD  
Secretary of Health and Mental Hygiene

# Title 31 MARYLAND INSURANCE ADMINISTRATION

## Subtitle 10 HEALTH INSURANCE — GENERAL

### 31.10.21 Private Review Agents

Authority: Insurance Article, §§2-109(a)(1) and 15-10B-03(h), Annotated Code of Maryland

#### Notice of Emergency Action

[13-037-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .02-1 under COMAR 31.10.21 Private Review Agents.

Emergency status began: January 1, 2013.

Emergency status expires: June 30, 2013.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:2 Md. R. 166—167 (January 25, 2013), referenced as [13-037-P].

THERESE M. GOLDSMITH  
Insurance Commissioner

# Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

## Subtitle 03 GAMING PROVISIONS

#### Notice of Emergency Action

[13-071-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the following new chapters under a new subtitle, **Subtitle 03 Gaming Provisions**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

(1) New Regulations .01 — .04 under COMAR 36.03.01 **General**;

(2) New Regulations .01 — .18 under COMAR 36.03.02 **Investigation and Licensing**;

(3) New Regulations .01 — .09 under COMAR 36.03.03 **Video Lottery Operation License**;

(4) New Regulations .01 — .07 under COMAR 36.03.04 **Enforcement**;

(5) New Regulations .01 — .03 under COMAR 36.03.05 **Unannounced Inspections**;

(6) New Regulations .01 — .03 under COMAR 36.03.06 **Enforcement of Voluntary Exclusion Program**;

(7) New Regulations .01 — .08 under COMAR 36.03.07 **Mandatory Exclusion**;

(8) New Regulations .01 — .04 under COMAR 36.03.08 **Collection of Taxes, Fees, and Penalties**;

(9) New Regulations .01 and .02 under COMAR 36.03.09 **Junkets**;

(10) New Regulations .01 — .49 under COMAR 36.03.10 **Video Lottery Facility Minimum Internal Control Standards**;

(11) New Regulations .01 — .08 under COMAR 36.03.11 **Facility Standards**; and

(12) New Regulations .01 — .06 under COMAR 36.03.12 **Transportation and Testing of Video Lottery Terminals and Table Game Equipment**.

Emergency status began: March 1, 2013.

Emergency status expires: July 20, 2013.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 490—541 of this issue, referenced as [13-071-P].

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

## *Subtitle 04 VIDEO LOTTERY TERMINALS*

#### Notice of Emergency Action

[13-072-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the following new chapters under a new subtitle, **Subtitle 04 Video Lottery Terminals**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

(1) Regulations .01—.32 under COMAR 36.04.01 **Video Lottery Technical Standards**; and

(2) Regulations .01 and .02 under COMAR 36.04.02 **Video Lottery Terminal Machines**.

Emergency status began: March 1, 2013.

Emergency status expires: July 20, 2013.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:4 Md. R. 364—380 (February 22, 2013), referenced as [13-072-P].

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

***Subtitle 05 TABLE GAMES*****Notice of Emergency Action**

[13-073-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the following new chapters under a new subtitle, **Subtitle 05 Table Games**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

- (1) Regulations **.01** and **.02** under **COMAR 36.05.01 General**;
- (2) Regulations **.01—,19** under **COMAR 36.05.02 Table Game Equipment**;
- (3) Regulations **.01—,24** under **COMAR 36.05.03 Table Games Procedures**;
- (4) Regulations **.01—,14** under **COMAR 36.05.04 Blackjack Rules**; and
- (5) Regulations **.01—,11** under **COMAR 36.05.05 Craps Rules**.

**Emergency status began: March 1, 2013.**

**Emergency status expires: July 20, 2013.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 541—581 of this issue, referenced as [13-073-P].

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

## Title 05

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

#### Subtitle 16 MARYLAND BUILDING REHABILITATION CODE

##### 05.16.01 Maryland Building Rehabilitation Code

Authority: Public Safety Article, §§12-1004 and 12-1007(a), Annotated Code of Maryland

#### Notice of Final Action

[13-002-F-I]

On March 7, 2013, the Secretary of Housing and Community Development adopted the repeal of existing Regulations **.01—****.13** and new Regulations **.01 —.08** under **COMAR 05.16.01 Maryland Building Rehabilitation Code**. This action, which was proposed for adoption in 40:1 Md. R. 23—25 (January 11, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

RAYMOND A. SKINNER  
Secretary of Housing and Community Development

## Title 07

### DEPARTMENT OF HUMAN RESOURCES

#### Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

##### 07.07.03 Location of Parents

Authority: Family Law Article, §§10-114 and 12-105, Annotated Code of Maryland

Agency Note: Federal Regulatory References—45 CFR §§302.35, 303.3, 303.7(b), 303.15, 303.69, and 303.70; 42 U.S.C. §§653, 654, 654A, and 663

#### Notice of Final Action

[13-001-F]

On March 4, 2013, the Secretary of Human Resources adopted amendments to Regulation **.04** under **COMAR 07.07.03 Location of Parents**. This action, which was proposed for adoption in 40:1 Md. R. 25—26 (January 11, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

THEODORE DALLAS  
Secretary of Human Resources

## Title 08

### DEPARTMENT OF NATURAL RESOURCES

#### Subtitle 01 OFFICE OF THE SECRETARY

##### 08.01.09 Land Acquisition and Transfer

Authority: Natural Resources Article, §1-109, Annotated Code of Maryland

#### Notice of Final Action

[13-038-F]

On March 12, 2013, the Secretary of Natural Resources adopted new Regulations **.01** and **.02** under a new chapter, **COMAR 08.01.09 Land Acquisition and Transfer**. This action, which was proposed for adoption in 40:2 Md. R. 83 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOHN R. GRIFFIN  
Secretary of Natural Resources

#### Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

##### 08.18.01 General

Authority: Natural Resources Article, §§8-101, 8-703, and 8-704, Annotated Code of Maryland

#### Notice of Final Action

[13-029-F]

On March 12, 2013, the Secretary of the Maryland Department of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.18.01 General**. This action, which was proposed for adoption in 40:2 Md. R. 84—85 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOHN R. GRIFFIN  
Secretary of Natural Resources

# Title 10

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 10 LABORATORIES

#### 10.10.01 General

Authority: Health-General Article, §§17-202(a) and 17-205, Annotated Code of Maryland

##### Notice of Final Action

[13-013-F]

On March 8, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .03 under **COMAR 10.10.01 General**. This action, which was proposed for adoption in 40:1 Md. R. 33 (January 11, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: April 1, 2013.**

##### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03A(28)(b)(iii): This change clarifies the scope of what kinds of health awareness tests the Secretary will approve and the nature of the criteria he will use to approve them. No group is either benefited or disadvantaged by this change. The change could have been reasonably anticipated by the interested parties because it was discussed with them during the regulatory drafting process. Because this change simply clarifies the intended scope and criteria for the approval of health awareness tests, it is not a substantive change.

#### .03 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1)—(27) (proposed text unchanged)

(28) Health Awareness Test.

(a) (proposed text unchanged)

(b) "Health awareness test" is limited to *tests that* ~~[[are]]~~:

(i) ~~[[Performed]]~~ Are performed *solely for the purposes of screening for certain medical conditions and are not to be used for diagnostic or management of healthcare conditions;*

(ii) ~~[[Performed]]~~ Are performed *on a CLIA waived testing device; and*

(iii) ~~[[Approved by the Secretary to be performed]]~~ Measure glucose, lipids, or another clinical values which the Secretary has concluded are in the interest of public health to be measured at a health awareness ~~[[sites]]~~ event.

(29)—(89) (proposed text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

### Subtitle 10 LABORATORIES

#### 10.10.03 Medical Laboratories — Licenses

Authority: Health-General Article, §§17-202(a) and 17-205, Annotated Code of Maryland

##### Notice of Final Action

[13-014-F]

On March 8, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 under **COMAR 10.10.03 Medical Laboratories — Licenses**. This action, which was proposed for adoption in 40:1 Md. R. 33-34 (January 11, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

### Subtitle 10 LABORATORIES

#### 10.10.06 Medical Laboratories — Quality Assurance

Authority: Health-General Article, §17-504, Annotated Code of Maryland

##### Notice of Final Action

[13-010-F]

On March 8, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .02, .12, and .15 and the repeal of Regulation .16 under **COMAR 10.10.06 Medical Laboratories — Quality Assurance**. This action, which was proposed for adoption in 40:1 Md. R. 34—36 (January 11, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

### Subtitle 10 LABORATORIES

#### 10.10.12 Medical Laboratories — Public Health HIV Testing Programs

Authority: Health-General Article, §§17-201—17-210, Annotated Code of Maryland

##### Notice of Final Action

[13-012-F]

On March 8, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01—, .04, .06, .07, .09, and .10 under **COMAR 10.10.12 Medical Laboratories — Public Health HIV Testing Programs**. This action, which was proposed for adoption in 40:1 Md. R. 36—38 (January 11, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 27 BOARD OF NURSING

### Notice of Final Action

[12-350-F]

On March 7, 2013, the Secretary of Health and Mental Hygiene adopted:

(1) The repeal of existing Regulation .02 and new Regulation .02 under **COMAR 10.27.01 Examination and Licensure**; and

(2) The repeal in their entirety of Regulations .01— .04 under **COMAR 10.27.17 Advanced Practice Nurses — HCACC User Fee Collection**.

This action, which was proposed for adoption in 39:26 Md. R. 1669—1670 (December 28, 2012), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 27 BOARD OF NURSING

### 10.27.01 Examination and Licensure

Authority: Health Occupations Article, §§8-205(a)(1), 8-304, and 8-312, Annotated Code of Maryland

### Notice of Final Action

[12-351-F]

On March 7, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .12 under **COMAR 10.27.01 Examination and Licensure**. This action, which was proposed for adoption in 39:26 Md. R. 1670 (December 28, 2012), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 04 SPECIFIC SUBJECTS

#### 13A.04.15 Digital Learning

Authority: Education Article, §§2-205 and 7-1002, Annotated Code of Maryland

### Notice of Final Action

[12-326-F]

On February 26, 2013, the Maryland State Board of Education adopted new Regulations .01— .06 under a new chapter, **COMAR 13A.04.15 Digital Learning**. This action, which was proposed for adoption in 39:24 Md. R. 1581—1582 (November 30, 2012), has been adopted with the nonsubstantive changes shown below.

**Effective Date: April 1, 2013.**

### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

There are six changes to the proposed regulation. Each one addresses the same issue, accessibility of digital content for persons with disabilities. The six changes are:

Regulation .02B(6) adds a definition of accessible.

Regulation .03C is amended to add approval “by a committee to ensure that the course meets instructional standards and is in compliance with the technology standards outlined in Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H.”

Regulation .04B(1)(c) is added to state “Department review shall include an assessment of the accessibility of the course.”

Regulation .04B(2)(c) is added to state “The LEA review shall include an assessment of accessibility of the course.”

Regulation .04B(3)(a) is amended to add a review “that includes an assessment of the accessibility of the course.”

Regulation .06 is added to state “The Department shall only approve courses and digital learning resources that are accessible and meet the technology standards outline in Section 508 of the Rehabilitation Act and COMAR 13A05.02.13H.”

Those changes occurred in response to a public comment received from the disability community. Those changes are not substantive because they merely reflect the legal requirements that implicitly governed the proposed regulations — that the digital technology courses approved through the review process established in the regulation will conform to accessibility requirements in existing federal law, Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H. The changes make the applicable law explicit in the regulations. In addition, the existing review process consistently included an accessibility review. Those changes do not worsen the position of any group affected by the regulation or the general public and they could reasonably have been anticipated by the participants in the rule making.

#### .02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) “Accessible” means fully and equally accessible for independent use by individuals with disabilities to online course content, materials, and features.

[[ (1) ]] (2) — [[ (5) ]] (6) (proposed text unchanged)

#### .03 Approval Requirements.

A. — B. (proposed text unchanged)

C. All online professional development courses offered by vendors to local education agencies are subject to Department approval *by a committee to ensure that the course meets instructional standards and is in compliance with the technology standards outlined in Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H.*

#### .04 Review and Approval Procedures.

A. (proposed text unchanged)

B. *Options for Obtaining Review and Approval.*

(1) *Departmental Review and Approval.*

(a) — (b) (proposed text unchanged)

(c) Department review shall include an assessment of the accessibility of the course.

[[ (c) ]] (d) — [[ (e) ]] (f) (proposed text unchanged)

(2) *Local Education Agency Review and Approval Process.*

(a) — (b) (proposed text unchanged)

(c) The LEA review shall include an assessment of the accessibility of the course.

[[ (c) ]] (d) — [[ (f) ]] (g) (proposed text unchanged)

(3) *MSDE-Approved Reviewing Program.*

(a) A vendor may request an MSDE-Approved Reviewing Program review of an online credit-bearing course or a professional development course *that includes an assessment of the accessibility of the course.*



(b) — (c) (proposed text unchanged)

**.06 Accessibility.**

*The Department shall only approve courses and digital learning resources that are accessible and meet the technology standards outlined in Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H.*

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Subtitle 07 SCHOOL PERSONNEL**

**13A.07.10 Comprehensive Principal Induction Program**

*Authority: Education Article, §§2-205(b), (c), and (g) and 6-202(b), Annotated Code of Maryland*

**Notice of Final Action**

[12-355-F-I]

On February 26, 2013, the Maryland State Board of Education adopted new Regulations .01—.08 under a new chapter, **COMAR 13A.07.10 Comprehensive Principal Induction Program**. This action, which was proposed for adoption in 39:26 Md. R. 1672—1673 (December 28, 2012), has been adopted as proposed.

**Effective Date: April 1, 2013.**

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Subtitle 12 CERTIFICATION**

**13A.12.03 Specialists**

*Authority: Education Article, §§2-205, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland*

**Notice of Final Action**

[12-347-F]

On March 7, 2013, the Professional Standards and Teacher Education Board adopted amendments to Regulation .02 under **COMAR 13A.12.03 Specialists**. This action, which was proposed for adoption in 39:26 Md. R. 1673—1674 (December 28, 2012), has been adopted as proposed.

**Effective Date: April 1, 2013.**

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Title 14**

**INDEPENDENT AGENCIES**

**Subtitle 15 COLLEGE SAVINGS PLANS OF MARYLAND**

**14.15.01 Master Agreement for Contract Holders**

*Authority: Education Article, §18-1905, Annotated Code of Maryland*

**Notice of Final Action**

[12-339-F]

On February 28, 2013, the College Savings Plans of Maryland (formerly the Maryland Higher Education Investment Program) Board adopted:

(1) The repeal of Regulations .01—.03 under **COMAR 14.15.01 Master Agreement for Contract Holders**; and

(2) The amendment of **Subtitle 15 Maryland Higher Education Investment Program** to be **Subtitle 15 College Savings Plans of Maryland**.

This final action was considered by the Board at an open meeting held on February 28, 2013, notice of which was given by posting on the website of the College Savings Plans of Maryland (<http://www.collegesavingsmd.org/our-board.aspx>) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. This action, which was proposed for adoption in 39:25 Md. R. 1627 (December 14, 2012), has been adopted as proposed.

**Effective Date: April 1, 2013.**

JOAN MARSHALL  
Executive Director  
College Savings Plans of Maryland

**Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY**

**14.22.02 Criminal Offenses and Seriousness Categories**

*Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland*

**Notice of Final Action**

[13-031-F]

On March 12, 2013, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to Regulation .02 under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**. This action, which was proposed for adoption in 40:2 Md. R. 145—153 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

DAVID A. SOULE  
Executive Director

**Title 15  
DEPARTMENT OF  
AGRICULTURE**

**Subtitle 16 MARYLAND HORSE  
INDUSTRY BOARD**

**Notice of Final Action**  
[13-018-F]

On March 13, 2013, the Secretary of Agriculture adopted:

(1) Amendments to Regulations **.02**, and **.04 — .08** under **COMAR 15.16.01 General Regulations**; and

(2) Amendments to Regulations **.01** and **.02**, the repeal of existing Regulation **.03**, and amendments to and the recodification of existing Regulations **.04—06** to be Regulations **.03—05** under **COMAR 15.16.03 Administrative Penalty Standards**.

This action, which was proposed for adoption in 40:2 Md. R. 155 — 157 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

EARL F. HANCE  
Secretary of Agriculture

**Title 24  
DEPARTMENT OF BUSINESS  
AND ECONOMIC  
DEVELOPMENT**

**Subtitle 05 ECONOMIC  
DEVELOPMENT**

**24.05.15 Special Fund for Preservation of  
Cultural Arts in Maryland**

Authority: Economic Development Article, §§2-108 and 4-801, Annotated Code of Maryland

**Notice of Final Action**  
[13-026-F]

On March 12, 2013, the Secretary of Business and Economic Development adopted amendments to Regulations **.02—05** under **COMAR 24.05.15 Special Fund for Preservation of Cultural Arts in Maryland**. This action, which was proposed for adoption in 40:2 Md. R. 164-165 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

CHRISTIAN S. JOHANSSON  
Secretary of Business and Economic Development

**Subtitle 05 ECONOMIC  
DEVELOPMENT**

**24.05.26 Arts and Entertainment Districts**

Authority: Economic Development Article, §§2-108 and 4-701—4-707, Annotated Code of Maryland

**Notice of Final Action**  
[13-025-F]

On March 12, 2013, the Secretary of Business and Economic Development adopted amendments to Regulations **.03**, **.06**, and **.09** under **COMAR 24.05.26 Arts and Entertainment Districts**. This action, which was proposed for adoption in 40:2 Md. R. 165—166 (January 25, 2013), has been adopted as proposed.

**Effective Date: April 1, 2013.**

CHRISTIAN S. JOHANSSON  
Secretary of Business and Economic Development

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.22 Sharks

Authority: Natural Resources Article, §4-206 and 4-2A-03, Annotated Code of Maryland

#### Notice of Proposed Action

[13-079-P]

The Secretary of Natural Resources proposes to amend Regulations .02 and .04 under **COMAR 08.02.22 Sharks**.

#### Statement of Purpose

The purpose of this action is to add shark species to the recreational catch card reporting program. Currently, bluefin tuna, swordfish, and billfishes are required to be reported through this program. The addition of sharks is an effort to: 1) validate recreational estimates of shark harvest in Maryland, and 2) collect biological data such as length and weight to supplement stock assessments. Both of these kinds of data are lacking, and Maryland will be the first state to implement a census of recreational shark harvest. The Department will educate shark fishermen about the reporting requirement and location of reporting stations through social media, tournaments, tackle shops, fishing areas, and current permit holders.

The proposed action also updates the public notice provision to include the reasons for making changes to the fishery by public notice. Sharks are managed interjurisdictionally, in cooperation with federal agencies, state agencies and advisory bodies. It also modifies the method of dispersing public notices by requiring public notices to be posted on the Fisheries Service's website rather than in the newspaper. Social media (twitter, facebook, text messaging, etc.) will also be used. Stakeholder comments have indicated that the legal

section of the newspapers is not an effective means for communicating fishing rule changes.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Shark Regulations, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

#### .02 Recreational Shark Fishery.

A. — E. (text unchanged)

##### F. Tags and Reporting.

(1) *An individual shall obtain tags and catch information forms from a reporting station designated by the Department.*

(2) *Before removing a landed shark from a boat or removing a boat containing a shark from the water, a person shall:*

(a) *Affix a tail tag, provided by the reporting station, to the shark; and*

(b) *Complete a catch information form provided by the reporting station.*

(3) *Before removing a landed shark from the point of landing if caught on shore, a person shall:*

(a) *Affix a tail tag, provided by the reporting station, to the shark; and*

(b) *Complete a catch information form provided by the reporting station.*

(4) Upon landing a shark, an individual shall immediately return the catch information form to a reporting station designated by the Department.

[F.] G. (text unchanged)

**.04 General.**

- A. (text unchanged)
- B. Public Notice.

(1) The Secretary may modify size limits, catch limits, gear provisions, [and] shark species lists, [or open, close, or modify a season.] and seasons for sharks in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks by [publishing] issuing a public notice [in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date] on the Fisheries Service website.

(2) The public notice shall state its effective hour and date and shall be published on the Fisheries Service website at least 48 hours in advance of the effective hour and date.

[(2)] (3) The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected [person] individual has a reasonable opportunity to be informed.

(4) A violation of the restrictions set by the Secretary in accordance with §B of this regulation is a violation of this regulation.

C. (text unchanged)

JOHN R. GRIFFIN  
Secretary of Natural Resources

# Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 09 MARYLAND BOARD OF MASTER ELECTRICIANS

### 09.09.02 Continuing Education

Authority: Business Occupations and Professions Article, §§ 6-205(2)(ii) and 6-310(c)(3), Annotated Code of Maryland

**Notice of Proposed Action**

[13-078-P]

The Maryland Board of Master Electricians proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 09.09.02 Continuing Education**. This action was considered by the Maryland Board of Master Electricians at a public meeting held on June 26, 2012, notice of which was given by publication in 39:10 Md. R. 673 (May 18, 2012), in accordance with State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to establish by regulation the requirements for continuing education for renewal of a State master electrician license, including required hours, subject matter, and approved methods for completion, in compliance with Business Occupations and Professions Article, §6-310(c)(3), Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Gae Herzberger, Administrative Aide, Maryland Board of Master Electricians, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Room 302, Baltimore, Maryland 21202, or call 410-230-6270, or email to gherzberger@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through May 22, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Board of Master Electricians during a public meeting to be held on May 28, 2013 at 10:00 a.m., at the Department of Labor, Licensing and Regulation, 500 North Calvert Street, Third Floor Conference Room, Baltimore, Maryland 21202.

**.01 Required Hours of Continuing Education.**

A. Except as provided in §B of this regulation, to be eligible for renewal of a license, a master electrician shall have completed 10 hours of continuing education during the prior license term, as required by Business Occupations and Professions Article, §6-310(c)(3), Annotated Code of Maryland.

B. Application of Continuing Education Requirements.

(1) If a license expires on or before July 30, 2013, a licensee is not required to fulfill the continuing education requirement as provided in §A of this regulation.

(2) If a license expires between August 1, 2013 and July 30, 2014, a licensee is required to fulfill 50 percent of the continuing education requirement as provided in §A of this regulation.

(3) If a license expires on or after August 1, 2014, a licensee is required to fulfill the full continuing education requirement as provided in §A of this regulation.

C. Acquisition of Qualifying Continuing Education.

(1) The continuing education required by §A of this regulation must have been obtained during the 24 months immediately preceding license renewal.

(2) Continuing education hours required by §A of this regulation obtained prior to the immediately preceding license term shall not be considered toward an applicant's eligibility for license renewal.

D. The following standards will be used to measure the hours of credit to be given for acceptable continuing education programs completed by individual applicants.

(1) Only participation hours or the equivalent, and not hours devoted to preparation, shall be counted.

(2) Services as teacher, lecturer, or instructor of subject matter related to the provision of electrical services qualifying for continuing education credit shall be included to the extent that such services contribute to the licensee's occupational competence. Repetitious presentation, that is, those that are substantially the same subject material, may be included only once in each reporting cycle. Hours allowable in the capacity of teacher, lecturer, or instructor may not exceed 5 hours of the minimum requirements with no carry-over provision for excess hours.

(3) A teacher, lecturer, or instructor of a qualifying continuing education program shall receive 1 hour of continuing education credit for every hour of presentation or instruction.

**.02 Subject Matter for Continuing Education.**

A. Continuing educational hours from a course or training satisfy the requirement of Regulation .01A of this chapter if the course or training is:

(1) Based on any article of or update to the National Electrical Code (NEC) currently adopted by the Board; or

(2) Based on any code or standard of the National Fire Prevention Association (NFPA) that relates to the provision of electrical services as defined in Business Occupations and Professions Article, §6-101(i), Annotated Code of Maryland.

B. The course or training shall be offered by a provider approved by the Board.

**.03 Approved Methods for Completion of Required Continuing Education.**

At least 5 of the 10 hours of continuing education required by Regulation .01A of this chapter for license renewal shall be obtained in a classroom setting.

FRANK MANCINI  
Chairman  
Board of Master Electricians

**Subtitle 12 DIVISION OF LABOR AND INDUSTRY**

**09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b), Annotated Code of Maryland

**Notice of Proposed Action**

[13-082-P]

The Commissioner of Labor and Industry proposes to adopt, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, a technical amendment to OSHA’s Bloodborne Pathogens Standard; Corrections and Technical Amendment, 29 CFR Part 1910, published in 77 FR 19933 — 19934 (April 3, 2012), as amended. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on May 2, 2012, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to make a technical amendment to OSHA’s Bloodborne Pathogens Standard by moving the rule’s paragraph on sharps injury log requirements from paragraph (i), entitled “Dates,” to paragraph (h), entitled “Recordkeeping.”

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dllr.state.md.us, or fax to 410-767-2986. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

**Subtitle 12 DIVISION OF LABOR AND INDUSTRY**

**09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b), Annotated Code of Maryland

**Notice of Proposed Action**

[13-083-P]

The Commissioner of Labor and Industry proposes to adopt, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, corrections and amendments related to Respiratory Protection; Mechanical Power Presses; Scaffold Specifications; Correction and Technical Amendment, 29 CFR Parts 1910 and 1926, published in 77 FR 46948 — 46950 (August 7, 2012), as amended. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on September 5, 2012, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to correct the OSHA medical evaluation questionnaire in Appendix C of its Respiratory Protection Standard by removing the term “fits” in a question; correct the OSHA Standard on Mechanical Power Presses for general industry by restoring requirements that were removed inadvertently from the regulatory text; and correct a cross reference made in two paragraphs in Appendix A to Subpart L of its Scaffold Standard for Construction.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dllr.state.md.us, or

fax to 410-767-2986. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

**Subtitle 12 DIVISION OF LABOR AND INDUSTRY**

**09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b), Annotated Code of Maryland

**Notice of Proposed Action**  
[13-084-P]

The Commissioner of Labor and Industry proposes to adopt, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, amendments relating to Rigging Equipment for Material Handling Construction Standard; Correction and Technical Amendment, 29 CFR Part 1926, published in 77 FR 23117 — 23118 (April 18, 2012), as amended. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on September 5, 2012, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to amend OSHA’s sling standard for construction titled “Rigging Equipment for Material Handling” by removing the rated capacity tables and making minor, nonsubstantive revisions to the regulatory text.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to [dstone@dllr.state.md.us](mailto:dstone@dllr.state.md.us), or fax to 410-767-2986. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

**Title 10  
DEPARTMENT OF HEALTH  
AND MENTAL HYGIENE**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.35 Hospice Care**

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-089-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.01**, **.04**, **.05**, and **.07** under **COMAR 10.09.35 Hospice Care**.

**Statement of Purpose**

The purpose of this action is to eliminate outdated terminology and procedures in the Maryland Medical Assistance Hospice Program to be consistent with comparable federal terminology, procedures, and requirements.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhhm.regs@maryland.gov](mailto:dhhm.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) “Attending physician” means [a]:

(a) A doctor of medicine or osteopathy[, identified at the time of the recipient’s election of hospice care as having the most significant role in the determination and delivery of the recipient’s medical care.] *legally authorized to practice medicine and surgery by the State; or*

(b) A nurse practitioner who meets the qualifications set forth in *COMAR 10.27.07*.

(2)—(5) (text unchanged)

(6) “Election period” means [one of three periods] *a period for which a recipient may elect to receive hospice care[, consisting of two 90-day periods and one 30-day period.] in accordance with Regulation .04 of this chapter.*

(7)—(9) (text unchanged)

(10) "Hospice nurse practitioner" means a nurse practitioner who:

- (a) Is an employee of the hospice; and
- (b) Meets the qualifications set forth in COMAR 10.27.07.

(11) "Hospice physician" means a doctor of medicine or osteopathy who is:

- (a) Employed by or contracted by the hospice; and
- (b) Legally authorized to practice medicine and surgery by the State.

[(10)] (12)—[(11)] (13) (text unchanged)

(14) "Managed care organization (MCO)" has the meaning stated in Health-General Article, §15-101, Annotated Code of Maryland.

[(12)](15)—[(22)](25) (text unchanged)

[(23)] (26) "Room and board" means [the following] services provided to a participant who is a nursing facility resident[:

- (a) Lodging and food services; and
- (b) Personal care services such as:
  - (i) Assistance in activities of daily living;
  - (ii) Socializing activities;
  - (iii) Medication administration;
  - (iv) Maintenance of the cleanliness of the participant's room; and

(v) Supervision and assisting in a participant's use of durable medical equipment and prescribed therapies].

[(24)](27)—[(25)](28) (text unchanged)

**.04 Duration of Hospice Care.**

A. Hospice care shall be available to a participant for two 90-day election periods and one 30-day election period.

B. A participant shall use the two 90-day election periods before using the 30-day election period.

C. At the expiration of the 30-day election period, hospice care may be continued without a break for one or more 30-day extended election periods, so long as the certification requirements in Regulation .05A(3) of this chapter are met.]

A. An individual may elect to receive hospice care during one or more of the following election periods:

- (1) An initial 90-day period;
- (2) A subsequent 90-day period; or
- (3) An unlimited number of subsequent 60-day periods.

B. The periods of care indicated in §A of this regulation are available in the order listed and may be elected separately at different times.

[D.] C.—[G.] F. (text unchanged)

**.05 Eligibility for and Election of Hospice Care.**

[A.] (proposed for repeal)

A. To be eligible for hospice care, written certification of terminal illness shall be obtained by the hospice for each of the election periods listed in Regulation .04 of this chapter. Procedures for certification of terminal illness are as follows:

(1) The hospice shall obtain the written certification before the hospice submits a claim for payment;

(2) If the hospice is unable to obtain written certification within 2 calendar days after an election period begins, an oral certification shall be obtained within 2 calendar days and a written certification shall be obtained before the hospice submits a claim for payment;

(3) Certifications shall be completed not more than 15 calendar days before the start of the election period;

(4) For the initial election period, the hospice shall obtain written certification statements and shall document oral certification statements in accordance with §A(2) of this regulation from:

(a) The medical director of the hospice or the physician member of the hospice interdisciplinary team; and

(b) The attending physician, if there is an attending physician;

(5) For subsequent election periods, certification by one of the physicians listed in §A(4) of this regulation is required;

(6) All certifications shall:

(a) Be signed and dated by the certifying physician; and

(b) Include the date of the election for which the certification applies;

(7) Certifications shall be based on the certifying physician's clinical judgment regarding the normal course of the recipient's illness and conform to the following requirements:

(a) Document that the participant's prognosis is for a life expectancy of 6 months or less if the terminal illness runs its normal course;

(b) Clinical information documenting the prognosis of a terminal illness shall accompany the certification and shall be filed in the medical record;

(c) Clinical information for the initial election period may be provided orally and shall be documented in the medical record and included as part of the hospice's eligibility assessment;

(d) A brief narrative written by the certifying physician:

(i) Shall be included in the certification;

(ii) Shall be located immediately before the certifying physician's signature or included as an addendum signed by the certifying physician;

(iii) Shall include a statement inserted directly above the certifying physician's signature and based on a review of the participant's medical record or examination of the participant;

(iv) Shall reflect the participant's individual clinical circumstances; and

(v) May not contain checkboxes or standard language used for all participants;

(8) To determine continued eligibility for hospice care, a face-to-face encounter by the hospice physician or the hospice nurse practitioner shall occur:

(a) When a stay across all hospices is anticipated to reach the third election period; and

(b) Not more than 30 days before the third election period and any subsequent election period; and

(9) A narrative associated with an election period requiring a face-to-face encounter shall include:

(a) An explanation of why the clinical findings support a prognosis of a terminal illness; and

(b) A written attestation of the date of the encounter and that the clinical findings were provided to the certifying physician.

B. A recipient 21 years old or older meeting the eligibility requirements and electing to receive hospice care shall file a signed election declaration with the provider which shall contain the following:

(1)—(6) (text unchanged)

C. A recipient younger than 21 years old meeting the eligibility requirements and electing to receive hospice care shall file a signed election declaration with the provider which shall contain the following:

(1) A statement that the recipient or the representative elects hospice care for the recipient;

(2) Identification of the provider that will furnish hospice care to the recipient;

(3) The effective date of the election, which may not be earlier than the date that the election is made;

(4) A statement that the recipient or representative acknowledges being given a full description of hospice care and of its palliative nature as it relates to the recipient's terminal illness and related conditions;

(5) *A statement that the recipient or representative understands that hospice services shall be made available without forgoing Program payments for curative treatment for the terminal illness; and*

(6) *The signature of the recipient or representative.*

[C.] D.—[F.] G. (text unchanged)

**.07 Limitations.**

A. (text unchanged)

B. A recipient *21 years old or older* enrolled with an HMO provider shall be disenrolled from the HMO, effective with an election of hospice care.

C. *A recipient younger than 21 years old enrolled in an MCO may remain enrolled for Program payments of any curative treatment for the terminal illness.*

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.47 Disproportionate Share Hospitals**

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

**Notice of Proposed Action**

[13-080-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.09.47 Disproportionate Share Hospitals**.

**Statement of Purpose**

The purpose of this action is to redistribute uncompensated care funds if necessary. This change would allow the Program to adjust the payments after year end based on audited results.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

**.03 Disproportionate Share Payment.**

A.—G. (text unchanged)

H. *If it is determined that a payment made to any hospital under this regulation exceeds the actual amount of uncompensated care and would result in reverting funds to CMS, the overpayment shall be used for another provider that received less than that provider was eligible to receive. The redistribution shall be available to all*

*providers that are eligible for disproportionate share payments except those whose rates are set by HSCRC.*

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.83 Third Party Liability**

Authority: Health-General Article, §§2-104(b), 15-103, 15-120—15-121.3, Annotated Code of Maryland

**Notice of Proposed Action**

[12-314-R]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.07 under a new chapter, **COMAR 10.09.83 Third Party Liability**. Because substantive changes have been made to the original proposal as published in 39:23 Md. R. 1546—1549 (November 16, 2012), this action is being repropose at this time.

**Statement of Purpose**

The purpose of this action is to set forth procedures for the calculation and recovery of the Department’s subrogation claims as required by federal law. Since its initial publication of the regulations on September 24, 2010, the Department has solicited written comments from and convened numerous meetings with interested parties. As a result of these comments and meetings, the Department has agreed to modify the regulations to: (1) defer to the trier of fact’s determination regarding the amount of the overall award attributable to medical expenses, compared to the amount attributable to pain and suffering and other factors, in cases involving a determination by a judge or jury; (2) clarify the right to place undisputed portions of a settlement or award into a trust; (3) clarify and modify all timing requirements to be consistent with Health-General Article, §15-120, Annotated Code of Maryland; (4) provide for a proportional reduction of recoveries if the judgment or award is greater than available liability coverage; (5) limit the Department’s recoupment to only the portion of the allocation related to past medical expenses; (6) reduce the Department’s recovery by one-third of the amount of the recipient’s attorney’s fees in the event that the Department, after notice, fails to intervene in the recipient’s case; and (7) provide the recipient an opportunity to present evidence at a fair hearing to challenge the Department’s proposed subrogation claim.

The repropose text is in response to several comments received during the most recent comment period.

(1) Regulation .04 has been amended to provide details about the notices the recipient’s attorney and the Department are required to provide. Section D provides that the attorney is required to provide notice to the Program’s Division of Recoveries and Financial Services not later than 30 calendar days after judgment, award or settlement of the amount and terms of such disposition of the action or claim. Section F provides that the Department shall advise the recipient or the attorney of the recipient whether the individual is a Medicaid recipient, a member of an MCO, or not a Medicaid recipient within 3 business of receiving the notice under Section A. Section G provides that the Department shall provide the amount of the claim and an itemized list of charges within 15 business of receiving the Section A notice.

(2) A comment suggested that the Department’s notice of the recipient’s right to a fair hearing under Regulation .02F(3) should await the disposition of the case, whether by judgment, award or settlement. The Department agrees with this suggestion but does not



believe that an amendment to Regulation .02F(3) is necessary. The Department will, however, change its practice so that the notice referred to in Regulation .02F(3) is provided after the Department receives the notice required by newly proposed Regulation .04D.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Helvetica Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01—.03 (originally proposed text unchanged)

**.04 Notice to the Department.**

A.—C. (originally proposed text unchanged)

**D. In addition to the notices required in §5A and C of this regulation, an attorney required to give notice under §A or C of this regulation shall give the Program’s Division of Recoveries and Financial Services additional written notice not later than 30 calendar days after judgment, award, or settlement of the action or claim stating the amount and terms of any judgment, award, or settlement of the action or claim.**

[[[D.]]] E. (originally proposed text unchanged)

[[[E. Upon receiving the notice required pursuant to §A of this regulation, the Department shall, within 3 business days, acknowledge in writing its claim to the recipient or the attorney of the recipient and to the third party. The Department shall provide the amount of the claim and an itemized list of charges within 15 business days pursuant to Regulation .06 of this chapter. Nothing herein shall prevent the Department from thereafter updating the amount of the claim and itemized list of charges within a reasonable time after the recipient’s provider notifies the Department of additional charges.]]]

**F. Upon receiving the notice required pursuant to §A of this regulation, the Department shall, within 3 business**

**days, advise the recipient or the attorney of the recipient and the third party, in writing, whether the recipient is:**

- (1) A Medicaid recipient;**
- (2) A member of a Medicaid Managed Care Organization (MCO); or**
- (3) Not a Medicaid recipient.**

**G. Under Regulation .06 of this chapter, the Department shall provide the amount of the claim and an itemized list of charges within 15 business days of receipt of the notice required under §A of this regulation. Nothing in this regulation shall prevent the Department from updating the amount of the claim and itemized list of charges within a reasonable time after the recipient’s provider notifies the Department of additional charges.**

.05—.07 (originally proposed text unchanged)

JOSHUA M.SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 25 MARYLAND HEALTH CARE COMMISSION**

**10.25.02 User Fee Assessment on Health Care Practitioners**

Authority: Health-General Article, §19-111, Annotated Code of Maryland

**Notice of Proposed Action**

[13-088-P]

The Maryland Health Care Commission proposes to amend Regulation .02 under **COMAR 10.25.02 User Fee Assessment on Health Care Practitioners**. This action was considered by the Commission at an open meeting on December 20, 2012 notice of which was given through publication in the Maryland Register, pursuant to State Government Article, §10-506, Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to implement Health-General Article, §19-111, Annotated Code of Maryland, as it relates to the assessment and collection of Maryland Health Care Commission user fees from health care practitioners.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** This user fee assessment applies to licensed health care practitioners and represents, at a maximum, 22 percent of the total user fees assessed by the Maryland Health Care Commission, as mandated by Health-General Article, §19-111, Annotated Code of Maryland.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$3,080,000 (Maximum)
B. On other State agencies:	NONE	
C. On local governments:	NONE	

**Subtitle 25 MARYLAND HEALTH CARE COMMISSION**

**10.25.03 User Fee Assessment on Payers, Hospitals, and Nursing Homes**

Authority: Health-General Article, §19-111, Annotated Code of Maryland

**Notice of Proposed Action**

[13-087-P]

The Maryland Health Care Commission proposes to amend Regulation .02 under **COMAR 10.25.03 User Fee Assessment of Payers, Hospitals and Nursing Homes**. This action was considered by the Commission at an open meeting on December 20, 2012 notice of which was given through publication in the Maryland Register, pursuant to State Government Article, §10-506, Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to implement Health-General Article, §19-111, Annotated Code of Maryland, as it relates to the assessment and collection of Maryland Health Care Commission user fees from payers, hospitals, and nursing homes.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** This user fee assessment applies to payers, hospitals, and nursing homes and represents, at a maximum, 78 percent of the total user fees assessed by the Maryland Health Care Commission, as mandated by Health-General Article, §19-111, Annotated Code of Maryland.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$10,920,000 (Maximum)
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	
		Magnitude
D. On regulated industries or trade groups:	(-)	\$10,920,000 (Maximum)
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$3,080,000 (Maximum)
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. Health-General Article, §111, Annotated Code of Maryland, caps the total number of user fees assessed by the Maryland Health Care Commission at 12,000,000 per fiscal year. The Commission will propose to raise the user fee statutory cap in the 2014 Session of the General Assembly to 14 million. Under the law, the maximum percentage of this amount that may be assessed payers is 28 percent. The maximum percentage that may be assessed hospitals is 33 percent. The maximum percentage that may assessed nursing homes is 17 percent. Because the Commission budget is less than the cap on total assessments, the total user fees collected in practice will be less than the maximum amount, depending on the Commission’s budget in any fiscal year.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Bridget Zombro, Director of Administration, Maryland Health Care Commission, 4160 Patterson Avenue Baltimore, Maryland 21215, or call (410) 764-3460, or email to , or fax to (410) 358-8811. Comments will be accepted through 4:30 p.m. on April 22, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Commission during a public meeting to be held on May 16, 2013 @ 1:00 P.M., at 4160 Patterson Ave, Conference Rm. 100 Baltimore, Maryland 21215.

**.02 Method of User Fee Assessment.**

A. — B. (text unchanged)

C. The formula the Commission shall use to calculate the fee set forth in the fee schedule is [18] 22 percent of the total assessed fees per fiscal year divided by the number of health care practitioners identified pursuant to §A of this regulation.

D. (text unchanged)

CRAIG P. TANIO, M.D.  
Chairman

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. Health-General Article, §111, Annotated Code of Maryland, caps the total number of user fees assessed by the Maryland Health Care Commission at 12,000,000 per fiscal year. The Commission will propose to raise the user fee statutory cap in the 2014 Session of the General Assembly to 14 million. Under the law, the maximum percentage of this amount that may be assessed payers

is 28 percent. The maximum percentage that may be assessed hospitals is 33 percent. The maximum percentage that may assessed nursing homes is 17 percent. Because the Commission budget is less than the cap on total assessments, the total user fees collected in practice will be less than the maximum amount, depending on the Commission’s budget in any fiscal year.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Bridget Zombro, Director of Administration, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3460, or email to , or fax to 410-358-8811. Comments will be accepted through 4:30 pm on April 22, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Commission during a public meeting to be held on May 16, 2013 at 1:00 pm, at 4160 Patterson Avenue, Conference Room 100, Baltimore, MD 21215.

**.02 Method of User Fee Assessment.**

A.—B. (text unchanged)

C. For [July 1, 2009—June 30, 2013] *July 1, 2013—June 30, 2017*, the amount assessed on payers may not exceed [29] 28 percent of the total amount assessed by the Commission. The amount assessed on hospitals may not exceed [31] 33 percent of the total amount assessed. The amount assessed on nursing homes may not exceed [22] 17 percent of the total amount assessed.

CRAIG P. TANIO, M.D.  
Chairman

**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

**10.54.01 Eligibility, Participation, and Benefits**

Authority: Health-General Article, §18-107(a), Annotated Code of Maryland

**Notice of Proposed Action**

[13-090-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .19 under **COMAR 10.54.01 Eligibility, Participation, and Benefits**.

**Statement of Purpose**

The purpose of this action is to revise sanctions that can be imposed against a participant for violating WIC program rules.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

**.19 Sanctions.**

A. (text unchanged)

B. If a participant or a child or infant participant’s parent, guardian, or caretaker, has deliberately misrepresented the participant’s income, residence, family size, health status, medical data, or date of birth, the:

(1) Program shall [disqualify]:

(a) *Disqualify* the participant from the Program for 3 months; or [terminate]

(b) *Disqualify the participant for 1 year if the State agency assesses a monetary claim of \$100 or more; or*

(c) *Terminate* the participant from the Program if Program eligibility standards are not met; and

(2) (text unchanged)

C. If a participant or a child or infant participant’s parent, guardian, caretaker, or proxy obtains or attempts to obtain food instruments to which the participant is not entitled, sanctions shall be applied according to the following:

(1) If the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker:

(a) (text unchanged)

(b) For a subsequent offense, the Program shall disqualify the participant from the Program for:

(i) 3 months; [and] or

(ii) *1 year if the State agency assesses a monetary claim of \$100 or more; and*

(c) (text unchanged)

(2) (text unchanged)

D. If a participant engages in dual participation as defined in Regulation .04B of this chapter:

(1) For the first offense, the Program shall counsel the participant or a child or infant participant’s parent, guardian, or caretaker, and disqualify the participant [from]:

(a) *From* the appropriate WIC Programs; [and] or

(b) *For 1 year if the State agency assesses a monetary claim of \$100 or more; and*

(2) For a subsequent offense, the:

(a) Program shall disqualify the participant from the Program enrollment for [3 months] *1 year*; and [the offending]

(b) *Offending* party shall pay to the State agency, in cash, the monetary value of the items received.

E. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy steals or attempts to steal a food instrument, the:

(1) Program shall:

(a)—(b) (text unchanged)

(c) *Disqualify the offending party for 1 year if the State agency assesses a monetary claim of \$100 or more;*

[(c) Remove] (2) Program shall remove the proxy if the offending party is a proxy; and

[(2)] (3) (text unchanged)

F.—G. (text unchanged)

H. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy sells or exchanges supplemental food purchased with a food instrument or sells a food instrument to another individual or entity, the:

(1) Program shall:

(a) (text unchanged)

(b) Disqualify the offending party for 1 year if the State agency assesses a monetary claim of \$100 or more; or

[(b)] (c) (text unchanged)

(2) (text unchanged)

I. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy attempts to redeem or redeems a food instrument for unauthorized foods or for quantities of food in excess of that indicated on the food instrument, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue a warning letter; [and]

(b) For a subsequent offense, the Program shall disqualify:

(i) [disqualify the] The participant from the Program for 3 months; or

(ii) The offending party from the Program for 1 year if the State agency assesses a monetary claim of \$100 or more; or

(2) (text unchanged)

J. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy receives cash or credit toward the purchase of unauthorized food or other items of value instead of or in addition to authorized supplemental foods or exchanges, or attempts to exchange or returns or attempts to return authorized WIC food to the vendor for cash or non-WIC items, the:

(1) Program shall disqualify the:

(a) [Disqualify the participant] Participant from the Program for 3 months if the offending party is a participant or a child or infant participant's parent, guardian, or caretaker; or

(b) Offending party for 1 year if the State agency assesses a monetary claim of \$100 or more;

[(b) Remove] (2) Program shall remove the proxy if the offending party is a proxy; and

[(2)] (3) (text unchanged)

K. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy attempts to redeem or redeems a food instrument that was reported lost or stolen, the:

(1) Program shall disqualify the:

(a) [Disqualify the participant] Participant from the Program for 3 months if the offending party is a participant or a child or infant participant's parent, guardian, or caretaker; or

(b) Offending party for 1 year if the State agency assesses a monetary claim of \$100 or more;

[(b) Remove] (2) Program shall remove the proxy if the offending party is a proxy; and

[(2)] (3) (text unchanged)

L. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy alters a food instrument [the]:

(1) For the first offense, the Program shall disqualify the:

(a) [Disqualify the participant] Participant from the Program for 3 months if the offending party is a participant or a child or infant participant's parent, guardian, or caretaker; or

(b) Offending party for 1 year if the State agency assesses a monetary claim of \$100 or more;

(2) For subsequent offenses, the Program shall:

(a) Disqualify the offending party for 1 year if the State agency assesses a monetary claim in any amount; and

(b) (text unchanged)

[(2) Offending] (3) The offending party shall pay to the State agency, in cash, the monetary value of the items received through the use of an altered food instrument.

M. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy redeems a food instrument before or after the valid dates:

(1) If the offending party is a:

(a) Participant or a child or infant participant's parent, guardian, or caretaker:

(i) For the first offense, the Program shall counsel the individual and issue [a warning letter] an education letter; [and]

(ii) For the second offense, the Program shall issue a warning letter; and

[(ii)] (iii) (text unchanged)

(b) (text unchanged)

(2) (text unchanged)

N. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy allows an unauthorized individual to redeem a food instrument, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter or a warning letter; and

(b) (text unchanged)

(2) (text unchanged)

O. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy allows an unauthorized individual to use the Maryland WIC participant identification folder, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter or a warning letter; and

(b) (text unchanged)

(2) (text unchanged)

P. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy fails to sign a food instrument at the time of the WIC purchase, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter or a warning letter; and

(b) (text unchanged)

(2) (text unchanged)

Q. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy redeems a food instrument at a store not authorized by the Program, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue [a warning letter] an education letter; [and]

(b) For a second offense, the Program shall issue a warning letter; and

[(b)] (c) For a subsequent offense, the Program shall disqualify the participant from the Program for 3 months; [and] or

[(c) In either case in §Q(1)(a) and (b) of this regulation, the offending party shall pay to the State agency, in cash, the monetary value of the items received; or]

(2) (text unchanged)

R. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy redeems a food instrument to which a participant is not entitled, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue [a warning letter] *an education letter*; [and]

(b) *For the second offense, the Program shall issue a warning letter; and*

[(b)](c) (text unchanged)

(2) (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 04 SPECIFIC SUBJECTS

#### *13A.04.15 Digital Learning*

*Authority: Education Article, §§2-205 and 7-1002, Annotated Code of Maryland*

#### **Notice of Change to Impact on Individuals with Disabilities**

[12-326-P]

The Impact on Individuals with Disabilities which appeared in 39:24 Md. R. 1581—1582 (November 30, 2012) and was corrected in 40:5 Md. R. 415 (March 8, 2013) has been changed. The correct notice follows.

#### **Impact on Individuals with Disabilities**

The proposed action will have an impact on individuals with disabilities who need access to digital content, for example, the blind/visually impaired and the deaf/hard of hearing. To ensure that individuals with disabilities are not adversely impacted, each course must meet the technology standards outlined in Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H.

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

### Subtitle 06 SUPPORTING PROGRAMS

#### *13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events*

*Authority: Education Article, §7-433; Health-General Article, §14-501; Annotated Code of Maryland*

#### **Notice of Proposed Action**

[13-081-P-I]

The Maryland State Board of Education proposes to adopt new Regulations .01—.07 under a new chapter, **COMAR 13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events**. This action was considered at the Maryland State Board of Education meeting on January 22, 2013.

#### **Statement of Purpose**

The purpose of this action is to adopt regulations to address head injuries and concussions in extracurricular athletic events to insure that each local school system trains coaches in risk and management of such injuries as well as establish a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Edward F. Sparks, Executive Director, Maryland Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0555 TTY: 410-333-6442, or email to nsparks@msde.state.md.us, or fax to 410-333-3111. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

#### **Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 21, 2013 at 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Policies and Programs on Concussions for Public Schools and Youth Sports Programs (Updated December 2012) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### **.01 Scope.**

*This chapter implements Education Article, §§7-433 and Health-General Article, §14-501, Annotated Code of Maryland, to establish a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches.*

#### **.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) “Concussion” means a type of traumatic brain injury (TBI) causing an immediate and usually short-lived change in mental status or an alteration of normal consciousness resulting from a bump, blow, jolt, shaking, or spinning of the head or body.*

(2) "Graduated return to play protocols" means the progressive return to play stages included in the Policies and Programs on Concussions for Public Schools and Youth Sport Programs (Maryland State Department of Education, updated through December 2012).

(3) "Return to play" means participation in a non-medically supervised practice or athletic competition after a period of exclusion.

(4) "School personnel" means those directly responsible for administering or coaching interscholastic athletic program within a school or county and those employees of the school or school system with overall responsibility for student-athletes' academic performance and medical well-being.

(5) "Student-athlete" means a student participating in any try-out, practice, or contest of a school team.

(6) "Youth sports program" means a program organized for recreational athletic competition instruction for participants who are younger than 19 years old.

**.03 Incorporation by Reference.**

The Policies and Programs on Concussions for Public Schools and Youth Sport Programs (Maryland State Department of Education, updated through December 2012) is incorporated by reference.

**.04 Training.**

A. Each local school system shall train each coach in concussion risk and management. At a minimum, the coach's training shall include:

- (1) The nature of the risk of a brain injury;
- (2) The risk of not reporting a brain injury;
- (3) Criteria for removal and return to play;
- (4) Understanding concussions;
- (5) Recognizing concussions;
- (6) Signs and symptoms; and
- (7) Response and action plan.

B. Each school system shall require a certificate of completion from a coaches' training course with refresher training every 2 years as a condition of coaching employment.

C. Each school system shall require all Physical Education teachers to provide a certificate of completion of concussion education training.

**.05 Policies and Procedures.**

A. Each school system shall implement policies consistent with this chapter and the Policies and Programs on Concussions for Public Schools and Youth Sport Programs to assure student-athletes, parents, or guardians and school personnel receive an informational sheet describing:

- (1) The nature and risk of a concussion or head injury;
- (2) The criteria for removal from play and return to play;
- (3) The risks of not reporting injury and continuing to play;

and

- (4) Appropriate academic accommodations for diagnosed concussion victims.

B. Under the policy, each school system shall require every student-athlete and at least one parent or guardian to verify in writing that they have received information on concussions and sign a statement acknowledging receipt of the information before a student participates in an authorized interscholastic athletic activity.

C. By August 15, 2013, each local school system shall implement policies consistent with the Policies and Programs on Concussions for Public Schools and Youth Sport Programs that:

- (1) Identify and ensure appropriate academic accommodations and restrictions are made available to student athletes during the recovery phase from a concussion;

(2) Ensure that the parent, guardian, or emergency contact person is notified in person or by telephone and in writing immediately after a student athlete sustains a suspected concussion; and

(3) Ensure that the athletic director and school nurse are notified before the start of the next school day of a student athlete who has sustained a suspected concussion.

D. By August 15, 2013 the MSDE in collaboration with an appropriate medical, academic and athletic advisory team shall:

- (1) Identify collision, contact, and noncontact sports; and
- (2) Recommend limitations of contact exposures in those sports.

**.06 Removal and Return to Play.**

A. Any student-athlete suspected of sustaining a concussion shall immediately be removed from practice or play.

B. Each school shall use the graduated return to play protocols instituted in the Policies and Programs on Concussions for Public Schools and Youth Sport Programs.

C. The student-athlete may not return to play until the student receives written clearance after receiving an appropriate medical assessment by one of the following:

- (1) A licensed physician trained in the evaluation and management of concussions;
- (2) A licensed physician's assistant trained in the evaluation and management of concussions in collaboration with the physician assistant's supervising physician or alternate supervising physician within the scope of the physician assistant's Delegation Agreement approved by the Board of Physicians;
- (3) A licensed nurse practitioner trained in the evaluation and management of concussions;
- (4) A licensed psychologist with training in neuropsychology and in the evaluation and management of concussions; or
- (5) A licensed athletic trainer trained in the evaluation and management of concussions, in collaboration with the athletic trainer's supervising physician or alternate supervising physician and within the scope of the Evaluation and Treatment protocol approved by the Board of Physicians.

D. To assist student-athletes, parents, and school personnel, to manage concussion events, each local school system shall provide to all involved persons:

- (1) Written notification of possible head injury;
- (2) Medical clearance forms for gradual return to sports participation following concussion; and
- (3) Graduated return to play protocols.

**.07 Youth Sports Programs Use of School Property.**

A. Youth sports programs seeking to use school facilities shall verify in writing distribution of concussion information to parents or guardians and receive verifiable acknowledgement of receipt.

B. Each youth sports program shall annually affirm to the local school system their compliance with concussion information procedures.

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Title 18**  
**DEPARTMENT OF**  
**ASSESSMENTS AND**  
**TAXATION**  
**Subtitle 04 BUSINESS**  
**ORGANIZATIONS**

**18.04.07 Acceptance of Documents**

Authority: Tax-Property Article, §2-201; Corporations and Associations Article, §§1-102, 1-203 and 1-406; *Commercial Law Article, §21-117*; Annotated Code of Maryland

**Notice of Proposed Action**  
 [13-086-P]

The Department of Assessments and Taxation proposes to amend Regulation .01 and adopt new Regulation .04 under COMAR 18.04.07 Acceptance of Documents.

**Statement of Purpose**

The purpose of this action is to affirm that even though electronic signatures may not be expressly provided for in the Corporations and Associations Article, Annotated Code of Maryland, when a record is filed with the Department of Assessments and Taxation using an information processing system, the Department will, pursuant to Commercial Law Article, §21-117, Annotated Code of Maryland, accept and rely on any electronic signature submitted therewith.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Robert Young, Director, Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-4881, or email to ryoung@dat.state.md.us, or fax to 410-333-5873. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.

(1)—(2) (text unchanged)

(3) “*Electronic signature*” has the meaning stated in *Commercial Law Article, §21-101, Annotated Code of Maryland.*

(4) “*Information processing system*” has the meaning stated in *Commercial Law Article, §21-101, Annotated Code of Maryland.*

**.04 Electronic Signatures.**

A. *The general provisions of the Corporations and Associations Article, Annotated Code of Maryland, require certain signatures to be affixed to certain records filed with the Department.*

B. *Commercial Law Article, §21-117, Annotated Code of Maryland, permits the Department to determine whether, and the extent to which, it will accept electronic signatures and rely upon electronic signatures.*

C. *When a record is filed with the Department using an information processing system, the Department shall accept and rely on any associated electronic signature.*

ROBERT YOUNG  
 Director  
 Department of Assessments and Taxation

**Title 27**  
**CRITICAL AREA**  
**COMMISSION FOR THE**  
**CHESAPEAKE AND**  
**ATLANTIC COASTAL BAYS**  
**Subtitle 01 CRITERIA FOR LOCAL**  
**CRITICAL AREA PROGRAM**  
**DEVELOPMENT**

**Notice of Proposed Action**  
 [13-085-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to amend:

- (1) Regulation .01 under COMAR 27.01.01 **General Provisions**;
- (2) Regulation .03 under COMAR 27.01.04 **Shore Erosion Protection Works**; and
- (3) Regulations .01 and .04 under COMAR 27.03.01 **Notification of Project Applications.**

This action was considered by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on February 6, 2013 pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to: update the definition of “buffer” so it is consistent with the Maryland Department of the Environment’s description of where the limit of tidal wetlands is located; update the definition of “application” to include buffer management plans so they are required to be submitted as part of an application to the Commission; insert language requiring a local government to submit final approved buffer management plans for all shore erosion control projects which is tied to new requirements in recently adopted regulations by the Maryland Department of the Environment; and require a local government to submit a proposed and final major buffer management plan for site plans and subdivisions.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Lisa Hoerger, Regulations Coordinator, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100 Annapolis, Maryland 21401, or call 410-260-3478, or email to lhoerger@dnr.state.md.us, or fax to 410-974-5338. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

**27.01.01 General Provisions**

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) — (7) (text unchanged)
  - (8) Buffer.
    - (a) “Buffer” means an area that:
      - (i) Based on conditions present at the time of development, is immediately landward from mean high water of tidal waters, the edge of each bank of a tributary stream, or the landward [edge] *boundary* of a tidal wetland; and
      - (ii) (text unchanged)
    - (b) (text unchanged)
  - (9) — (78) (text unchanged)

**27.01.04 Shore Erosion Protection Works**

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

**.03 Criteria.**

In developing their Critical Area programs, local jurisdictions shall use these criteria:

- A.—B. (text unchanged)
- C. *A local jurisdiction shall provide the Commission with the approved buffer management plan for a shore erosion control measure in accordance with COMAR 26.24.04.01-3 and 27.01.09.01-3.*

**27.03.01 Notification of Project Applications**

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) Application.
    - (a) “Application” means whatever initial forms, documents, plats or other materials, *including buffer management plans*, that are officially submitted to the local authority for the approval of subdivision plats, consolidations, reconfigurations, site plans, grading permits, rezoning (including the consideration of areas within floating zones), the issuance of zoning permits, special exceptions, or conditional use permits.
      - (b) — (c) (text unchanged)
    - (2) Buffer.
      - (a) “Buffer” means an area that:
        - (i) Based on conditions present at the time of development, is immediately landward from mean high water of tidal waters, the edge of each bank of a tributary stream, or the landward [edge] *boundary* of a tidal wetland; and
        - (ii) (text unchanged)
      - (b) (text unchanged)
    - (3) — (13) (text unchanged)

**.04 Categories of Applications of Which the Commission Wishes to Receive Notification.**

A. Developments, Subdivisions, and Site Plans Requiring Project Approval.

(1) The local approving authority[, or the applicant,] shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the critical area, except those specified in §A(2), below.

(2) (text unchanged)

B. Rezoning, Including Floating Zones. The local approving authority[, or the applicant,] shall submit a copy of all initial and subsequent applications for rezoning and floating zones that would occur wholly or partially within the critical area.

C. Special Exceptions, Conditional Uses, or Zoning Variances. The local approving authority[, or the applicant,] shall submit a copy of all applications for special exceptions or conditional uses which allow industrial, commercial, institutional, nonresidential, or multifamily uses that would occur wholly or partially within an LDA or an RCA.

D. Variances. The local approving Authority[, or the applicant,] shall submit a copy of all applications for variances from the local critical area program.

*E. Buffer Management Plans. The local approving Authority shall submit a copy of the proposed major buffer management plan and the approved major buffer management plan for those categories of applications in §A(1) of this Regulation and for critical area variances.*

*F. Shore Erosion Control Plans. The local approving Authority shall submit a copy of the approved buffer management plan in accordance with COMAR 26.24.04.01-3A(4) and COMAR 27.01.09.01-3B.*

MARGARET G. MCHALE  
Chair  
Critical Area Commission for  
the Chesapeake and Atlantic Coastal Bays

**Title 36  
MARYLAND STATE LOTTERY  
AND GAMING CONTROL  
AGENCY**

**Subtitle 03 GAMING PROVISIONS**

**Notice of Proposed Action**

[13-071-P]

The Maryland State Lottery and Gaming Control Agency proposes to adopt the following new chapters under a new subtitle, **Subtitle 03 Gaming Provisions**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

- (1) New Regulations **.01 — .04** under **COMAR 36.03.01 General**;
- (2) New Regulations **.01 — .18** under **COMAR 36.03.02 Investigation and Licensing**;
- (3) New Regulations **.01 — .09** under **COMAR 36.03.03 Video Lottery Operation License**;
- (4) New Regulations **.01 — .07** under **COMAR 36.03.04 Enforcement**;
- (5) New Regulations **.01 — .03** under **COMAR 36.03.05 Unannounced Inspections**;
- (6) New Regulations **.01 — .03** under **COMAR 36.03.06 Enforcement of Voluntary Exclusion Program**;



(7) New Regulations .01 — .08 under **COMAR 36.03.07 Mandatory Exclusion;**

(8) New Regulations .01 — .04 under **COMAR 36.03.08 Collection of Taxes, Fees, and Penalties;**

(9) New Regulations .01 and .02 under **COMAR 36.03.09 Junkets;**

(10) New Regulations .01 — .49 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**

(11) New Regulations .01 — .08 under **COMAR 36.03.11 Facility Standards;** and

(12) New Regulations .01 — .06 under **COMAR 36.03.12 Transportation and Testing of Video Lottery Terminals and Table Game Equipment.**

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on December 18, 2012, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update regulations of the State Lottery and Gaming Control Agency to incorporate provisions for expanded gambling contained in S.B. 1 of 2012, Second Special Session, and passed by referendum on November 6, 2012, specifically to include provisions necessary for the implementation of table games operations.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the revenues from table games will be \$36.7 million in FY 2013; \$136 million in FY 2014; \$231.1 million in FY 2015; \$249.1 million in FY 2016; and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B.1 of 2012, Second Special Session)

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
C. On local governments:	(R+)	Large
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Large
E. On other industries or trade groups:	(+)	Large
F. Direct and indirect effects on public:	(+)	Large

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

C. — E. Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the revenues from table games will be \$36.7 million in FY 2013; \$136 million in FY 2014; \$231.1 million in FY 2015; \$249.1 million in FY 2016; and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B.1 of 2012, Second Special Session)

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

To the extent that the VLT facility purchases goods from local businesses that are small businesses, these small businesses will benefit. Expenditures from the Small, Minority, and Woman-owned Business Investment Account will benefit small businesses. Other small businesses will be harmed by the substantial substitution of consumer spending away from other consumption to gambling. Small businesses in the entertainment and retail food service near VLTs could be particularly harmed. (Ref: Fiscal & Policy Note (rev) for SB1 2012 Second Special Session)

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to rhowells@msla.state.md.us, or fax to 410-230-8727. Comments will be accepted through April 22, 2013.

**36.03.01 General**

*Authority: State Government Article, §§9-1A-02(b), 9-1A-04(d), Annotated Code of Maryland*

**.01 Scope.**

*This subtitle applies to the State’s Video Lottery Terminal and Table Games Program.*

**.02 Definitions.**

A. *In addition to the terms defined in State Government Article, §9-1A-01, Annotated Code of Maryland, which have the same meanings in this subtitle, in this subtitle the following terms have the meanings indicated.*

**B. Terms Defined.**

(1) *“Contractor” means a person or individual, other than an employee of a video operation licensee, who contracts with a video lottery operation licensee or other person to:*

- (a) *Manage or operate a video lottery facility;*
- (b) *Provide security for a video lottery facility;*
- (c) *Perform service, maintenance, or repairs of a video lottery terminal, table game device, central operating system, associated equipment, or software;*

(d) *Own or control a person described in §B(1)(a) — (c) of this regulation;*

(e) *Provide junket enterprise services; or*

(f) *Provide any other service that is essential to operation of a video lottery facility.*

(2) *“Controlling entity” means an entity that possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, by contract, by beneficial ownership, or otherwise.*

(3) “Counter check” means a negotiable instrument made available by a facility operator to a player for whom credit has been authorized under COMAR 36.03.10.24 of this chapter to effect:

(a) A short-term extension of credit to enable the player to take part in gaming; and

(b) The payment of the credit extended by the transfer of funds from the player’s bank account to the facility operator in accordance with a deposit schedule complying with COMAR 36.03.10.29.

(4) “Dealer” means an employee of a facility operator whose primary function is to directly operate and conduct table games.

(5) “Facility” means a video lottery facility.

(6) “Facility operator” means a person who operates or manages the operation of a video lottery facility.

(7) “Fill” means the distribution of gaming chips, coins, and plaques to a gaming table to replenish the table inventory.

(8) “Floorperson” means an employee of a facility operator whose primary function is to supervise the conduct of table games at multiple tables on the gaming floor.

(9) “Gaming chip” means a roulette chip, poker rake chip, tournament chip, or value chip.

(10) “Gaming day” means a period of time determined by a facility operator not to exceed 24 hours marking the beginning and ending times of gaming activities for the purposes of accounting reports and determination by the central monitor and control system of daily proceeds.

(11) “Gaming employee” means an individual who:

(a) Is or is seeking to be employed by an applicant for or holder of an operation license, whose duties relate or will relate to the operation of a facility, and who performs or supervises or will perform or supervise the performance of:

(i) Operating, servicing, or maintaining a video lottery terminal, table game, or associated equipment;

(ii) Accounting, maintaining, or auditing a facility’s financial records;

(iii) Counting or processing video lottery terminal or table game revenue;

(iv) Conducting security or surveillance in or around a facility; or

(v) Operating or maintaining a facility’s information systems;

(b) Is employed by a contractor or manufacturer, whose duties directly relate to the repair, service or distribution of a video lottery terminal, table game, or associated equipment, or is otherwise required to be present on the gaming floor or in a restricted area of the facility;

(c) Is employed by a contractor as a junket representative; or

(d) Is otherwise required by the Commission to be licensed as a gaming employee.

(12) “Gaming floor” means that part of a facility where video lottery terminals or table games have been installed for use or play.

(13) “Independent certified testing laboratory” means a person engaged in the testing and verification of video lottery terminals and the equipment, systems, and software utilized to collect, monitor, interpret, analyze, authorize, issue, redeem, report, and audit data with regard to activity at video lottery terminals that:

(a) Holds a certificate in good standing for compliance with:

(i) International Organization for Standardization # 17025 — General Requirements for the Competence of Testing and Calibration Laboratories; and

(ii) International Organization for Standardization # 17020 — General Criteria for the Operation of Various Types of Bodies Performing Inspections;

(b) Has performed testing and certification of gaming equipment, systems, and software on behalf of a state within the United States for a period of 5 or more years;

(c) Has been approved by the Commission to test and certify equipment, systems, and software on its behalf; and

(d) Meets all conditions and requirements enumerated in any request for proposals issued by the Commission pertaining to testing, as amended or clarified.

(14) “Jackpot” means any cash, annuity, or merchandise to be paid to a player as a result of a specific combination of characters on a video lottery terminal.

(15) “Junket” means an arrangement:

(a) That is intended to induce an individual who is selected or approved for participation based on the individual’s ability to satisfy financial qualification obligations, willingness to gamble, or any other basis related to propensity to gamble; and

(b) Under which, or as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for an individual is directly or indirectly paid by a facility operator or an employee or agent of a facility operator.

(16) “Junket enterprise” means a person, other than a facility operator, who employs or otherwise engages the services of a junket representative in connection with a junket to a facility, regardless of whether the activity occurs in the State.

(17) “Junket representative” means an individual who negotiates the terms of, or engages in the referral or selection of an individual who may participate in, a junket to a facility, regardless of whether the activity occurs in the State.

(18) “License” means a license issued under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, to:

(a) An operator of a facility;

(b) A person that contracts with an operator of a facility to provide any of the services related to operating a facility;

(c) A manufacturer as defined in State Government Article, §9-1A-01, Annotated Code of Maryland;

(d) A video lottery employee as defined in State Government Article, §9-1A-01, Annotated Code of Maryland; or

(e) Any other person whom the Commission requires to be licensed.

(19) “Location Commission” means the Video Lottery Facility Location Commission established by State Government Article, §9-1A-36, Annotated Code of Maryland.

(20) “Nongaming employee” means an individual who is:

(a) Employed or is seeking to be employed by an applicant for or holder of an operation license and whose duties are or will be other than the duties of a gaming employee; or

(b) Otherwise required by the Commission to be licensed as a gaming employee.

(21) “Operation license” means a license awarded by the Location Commission to operate a video lottery facility.

(22) “Plaque” means a rectangular, square, or oval marker that can be used instead of value chips.

(23) “Player” means an individual who plays a video lottery terminal or a table game at a video lottery facility licensed by the Commission.

(24) “Principal” means:

(a) An officer, director, or person who directly holds a beneficial interest in, or ownership of, the securities of an applicant or licensee;

(b) A person who has a controlling interest in an applicant or licensee or has the ability to elect a majority of the board of directors of a licensee or to otherwise control a licensee;

(c) A lender or other licensed financial institution of an applicant or licensee, other than a bank or lending institution which

makes a loan or holds a mortgage or other lien acquired in the ordinary course of business;

(d) An underwriter of an applicant or licensee; or

(e) Another person or employee of an applicant or licensee deemed by the Commission to be a principal.

(25) **Principal Employee.**

(a) "Principle employee" means a video lottery employee who owns, controls, or manages a licensee, or otherwise exercises control over a video lottery or table game function of a licensee;

(b) "Principle employee" includes an employee of a contractor who performs any function described in §B(1) of this regulation; and

(c) "Principle employee" does not include a gaming employee.

(26) "Principal entity" means a person, other than an individual, that is a principal.

(27) "Restricted area" means that part of a facility directly related to the operation of the gaming floor where access is specifically designated by the Commission as restricted, including:

(a) Cashier's cage, including a satellite cashiers' cage and ancillary offices;

(b) Computer space allocated to the central monitor and control system;

(c) Count room and trolley storage areas;

(d) Areas designated for the storage or repair of equipment of video lottery terminals or table game devices;

(e) Information technology department operations centers;

(f) Progressive controller locations;

(g) Surveillance monitoring rooms;

(h) Vault and armored car bay locations; and

(i) Any area that the facility operator has designated as restricted in its Commission-approved accounting an internal control systems.

(28) "Signature" means, at a minimum, an employee's first initial, last name, and Commission license number, written by the employee.

(29) "Table game equipment" means equipment that is related to the operation of table games and that is owned or leased by a video lottery facility and located on the video lottery facility's premises, and includes table layouts, cards, dice, chips, shufflers, tiles, wheels, or any mechanical, electrical, or computerized device, apparatus, or supplies used to conduct a table game or designated by the Commission as table game equipment.

(30) "Terminal" means a computerized unit specifically designed for issuing and processing tickets and for printing of special reports.

(31) "Value chip" means a chip that contains a denomination on each face.

**.03 Unclaimed Video Lottery Terminal Jackpots.**

A. A video lottery terminal player shall have a maximum of 182 days from the date a jackpot is won to claim the jackpot.

B. After 182 days, an unclaimed jackpot shall become the property of the State.

**.04 Waivers.**

A. *General.* A person seeking an exemption from a Commission regulation issued under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, shall request that the Commission waive the regulation.

B. *Process.*

(1) A person requesting a waiver of a regulation shall submit a written waiver request in a format specified by the Commission.

(2) A written waiver request shall contain at least the following:

(a) The Maryland regulation for which the waiver is sought;

(b) Detailed facts in support of the waiver request;

(c) An explanation of the unique circumstances justifying the request; and

(d) Any other information requested by the Commission.

(3) Upon receipt of a waiver request that fails to comply with §B(1) or (2) of this regulation, Commission staff shall notify the requestor:

(a) Of any deficiency in the waiver request; and

(b) That the waiver request will not be presented to the Commission unless the identified deficiency is corrected.

(4) Upon receipt of a waiver request that complies with §B(1) and (2) of this regulation, Commission staff shall present the waiver request to the Commission as soon as practicable.

C. *Decision.*

(1) In deciding whether to grant a waiver request, the Commission may consider:

(a) The particular facts supporting the waiver request;

(b) Whether enforcement of the regulation as to the subject of the waiver request is necessary to protect the public interest or accomplish the policies established by State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland;

(c) Limiting or restricting the relief sought as the Commission considers necessary in the public interest;

(d) Granting the waiver request subject to a condition;

(e) Requiring the requestor to submit any additional information; and

(f) Any other relevant information.

(2) The Commission shall provide the requestor with written notification of its decision.

D. This regulation does not apply to a request for waiver of a licensing requirement under COMAR 36.03.02.11.

**36.03.02 Investigation and Licensing**

Authority: State Government Article, §§9-1A-04, 9-1A-06, 9-1A-07, 9-1A-12, 9-1A-14 — 9-1A-16, 9-1A-19, and 9-1A-20, Annotated Code of Maryland

**.01 Process.**

A. *General Provisions.*

(1) Upon filing of an application for a license under this chapter other than an operation license, the applicant shall pay a nonrefundable application fee established by the Commission.

(2) If a license must be submitted to the Commission by a particular date, the application documents shall be delivered to the Commission not later than 5 p.m. on the last day of this period, and an application submitted after the deadline may not be accepted or considered by the Commission.

(3) An applicant may not submit an application less than 1 year after the Commission has:

(a) Taken final action on a license denial of a previous license application involving the applicant; or

(b) Taken final action on a sanction resulting in revocation of a previous license application involving the applicant.

B. *Applications.*

(1) Documents submitted to the Commission or the Location Commission under this chapter shall consist of an original and the number of copies required by the relevant commission and shall be in the electronic format required by the relevant commission.

(2) Documents and information submitted to the Commission or the Location Commission in a license application shall be sworn before a notary public as to their truth and validity by the applicant or, if the applicant is not an individual, by the chief executive officer of the applicant.

(3) Upon receipt of an application by the Commission, the Commission staff shall review the application to determine whether it contains all the information required under this chapter.

(4) If the Commission determines that the required information has not been submitted, the Commission staff shall notify the applicant in writing and state the nature of the deficiency.

(5) An applicant notified in accordance with §B(4) of this regulation may submit the documents necessary to complete the application not later than 15 days after issuance of the notification.

(6) The Commission may not consider the application of an applicant who is notified in accordance with §B(4) of this regulation and who fails to submit the requested documents in a timely manner.

(7) The Commission shall consider a timely, complete application.

**C. Changes in Application.**

(1) If information submitted by an applicant as part of a license application changes or becomes inaccurate before the Commission acts on the application, the applicant shall immediately notify the Commission in writing of the change or inaccuracy.

(2) After an application has been filed by an applicant, the applicant may not amend the application except:

(a) To address a deficiency in accordance with a notice sent under §B(4) of this regulation;

(b) As required by the Commission or the Commission staff for clarification of information contained in the application; or

(c) To address a change in the circumstances surrounding the application that was outside the control of the applicant and that affects the ability of the applicant to comply with the law or the regulations of the Commission.

(3) To amend an application under §C(2)(c) of this regulation, an applicant shall submit to the Commission a written request to amend the application, stating:

(a) The change in the circumstances surrounding the application that necessitates the amendment;

(b) The nature of the amendment; and

(c) The reason why the amendment is necessary to bring the application into compliance with the law or the regulations of the Commission.

(4) The Commission or Commission staff shall grant or deny each request submitted under §C(3) of this regulation.

(5) A request shall be granted if the applicant demonstrates to the satisfaction of the Commission that:

(a) The circumstances requiring the amendment were outside the control of the applicant;

(b) Before the change in the circumstances surrounding the application, the application complied with the pertinent provisions of the law or the regulations of the Commission; and

(c) The amendment is necessary to bring the application into compliance with the pertinent provisions of the law or the regulations of the Commission.

(6) An application for a video lottery employee license may be withdrawn if the:

(a) Applicant submits a written request to the Commission to withdraw the application; and

(b) Written request is submitted before the Commission has denied the application.

**D. Burden of Proof.**

(1) The burden of proof shall be on the applicant to show by clear and convincing evidence that the applicant complies with the regulations of the Commission regarding eligibility and qualifications for the license.

(2) Subject to State Government Article, §9-1A-14(c)(9), Annotated Code of Maryland, the Commission may deny a video lottery employee license to an applicant whose past or present conduct would bring the State into disrepute.

(3) The Commission may deny a license to an applicant whose gaming license has been suspended or revoked in another jurisdiction.

**E. Administrative Costs of Background Investigations.**

(1) Promptly upon receipt of an invoice from the Commission, an applicant for a license shall reimburse the Commission for:

(a) The administrative costs associated with performing background investigations of the applicant and any individual required to provide information under Regulation .04 of this chapter; and

(b) Any payments made by the Commission to a person approved by the Commission to conduct the background investigations.

(2) Failure to reimburse the Commission shall be grounds for disqualification of the applicant.

(3) The Commission may require an advance deposit from an applicant for the Commission's estimate of the administrative costs of conducting the applicant's background investigation.

(4) The Commission shall refund to an applicant any unused amount of the advance deposit.

**F. Payment and collection.** Applicants shall pay the administrative costs and fees required under this regulation by:

(1) Wire transfer;

(2) Money order;

(3) Certified check made payable to the "Maryland Lottery and Gaming Control Commission;" or

(4) Any other manner designated by the Commission.

**G. Continuing Obligations.**

(1) Applicants who are awarded a license shall, during the term of their licensures, conform to all of the information contained in their license applications.

(2) If information submitted by an applicant who is issued a license changes during the term of the license, the licensee shall immediately submit written notification of the change to the Commission.

(3) In addition to the requirements of this regulation, a holder of an operation license must also comply with the requirements of COMAR 36.03.03.

(4) Failure to comply with the obligations of §G(1), (2), or (3) of this regulation shall be grounds for the Commission taking enforcement action against the licensee under COMAR 36.03.04.

**.02 Personal and Background Information.**

**A.** Except as otherwise provided by this regulation, the application documents shall include the information under §B of this regulation, for an individual who is:

(1) The applicant;

(2) A director, officer, or key management individual employed by the applicant;

(3) A partner of the applicant;

(4) An owner of an interest of 5 percent or more in the applicant; or

(5) A principal.

**B.** An individual listed under §A of this regulation shall furnish the following:

(1) Full name and any previous names or aliases;

(2) Date of birth;

(3) Physical description;

(4) Home and business addresses and telephone numbers;

(5) Driver's license number and state of issuance;

(6) Social Security number; and

(7) Passport or identification photo.

**C.** If the applicant is a corporation, the application documents shall state the:

(1) State in which the applicant is incorporated; and

(2) Name and address of the applicant's agent for service of process in Maryland.

D. If an applicant is a nonprofit corporation, only an individual who is a director or officer of the applicant shall provide the information required under §B of this regulation.

E. The Commission may require an applicant to furnish the information listed in §B of this regulation with regard to the applicant's family and associates.

F. Inadvertent, nonsubstantive errors that might be made in furnishing the information required by this regulation may not be used as a reason by the Commission for disqualifying the applicant.

**.03 Information for Background Investigation.**

A. An individual required to provide information under this chapter shall also submit three complete legible sets of the individual's fingerprints and complete a background form supplied by the Commission which includes a statement disclosing whether the individual has ever been:

- (1) Arrested;
- (2) Convicted of, pled nolo contendere to, or received probation before judgment for, a felony or misdemeanor, other than a misdemeanor traffic offense;
- (3) Sanctioned by a government agency related to gaming;
- (4) Found liable in connection with a civil action related to gaming;
- (5) A debtor in a bankruptcy proceeding; or
- (6) Denied a bond.

B. The forms submitted in compliance with this regulation shall be accompanied by the:

- (1) Fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to Maryland criminal history records;
- (2) Mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and
- (3) Mandatory processing fee required by Interpol for an international criminal history records check.

C. If an applicant for any license under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, is a citizen of any country other than the United States, the background investigation required under State Government Article, §9-1A-07(d), Annotated Code of Maryland, shall include an international criminal history records check.

**.04 Consent for Investigation.**

A. An individual who is required to provide personal and background information under this chapter shall provide a statement that irrevocably gives consent to the Commission, the Location Commission, the Maryland State Police, and persons authorized by the Commission to:

- (1) Verify all information provided in the application documents; and
- (2) Conduct a background investigation of the individual.

B. An applicant shall authorize the Commission and, if appropriate, the Location Commission to have access to any and all information the applicant has provided to any other jurisdiction while seeking a similar license in that other jurisdiction, as well as the information obtained by that other jurisdiction during the course of any investigation it may have conducted regarding the applicant.

**.05 Organizational Documents.**

A. If the applicant is a corporation, the application documents shall include a:

- (1) Statement of when the corporation was organized;
- (2) Copy of the articles of incorporation and bylaws of the corporation;
- (3) Statement and documentation of whether the corporation has been reorganized or reincorporated during the 5-year period

preceding the date on which the application documents are submitted to the Commission; and

(4) Statement and documentation of whether the corporation has filed restated articles of incorporation.

B. If the applicant is an unincorporated business association, the application documents shall include a:

- (1) Copy of each organizational document of the applicant, including any partnership agreement; and
- (2) Description of any oral agreements involving the organization of the applicant.

**.06 Owners.**

A. If the applicant is an unincorporated business association, the application documents shall identify:

- (1) Each person who exercises voting rights in the applicant; and
- (2) Each person who directly or indirectly owns 5 percent or more of the business association.

B. If the applicant is authorized to issue capital stock, the applicant shall state, for each class of stock authorized, the:

- (1) Total number of shares;
- (2) Par value, if any;
- (3) Voting rights;
- (4) Current rate of dividend; and
- (5) Number of shares outstanding and the market value of each share.

C. If the applicant is a corporation, the application documents shall identify each person who:

- (1) Exercises voting rights in the corporation; and
- (2) Directly or indirectly owns 5 percent or more of the corporation.

D. The application documents shall include a certified copy of each voting trust or voting agreement in which capital stock of the applicant is held and shall state the:

- (1) Name and address of each stockholder participating in the trust or agreement;
- (2) Class of stock involved; and
- (3) Total number of shares held by the trust or agreement.

E. The application documents shall describe the terms of any proxy by which any capital stock may be voted and shall state the:

- (1) Name and address of the person holding the proxy;
- (2) Name and address of the stockholder who granted the proxy;
- (3) Class of stock for which the proxy may vote; and
- (4) Total number of shares voted by the proxy.

F. The application documents shall state any provisions, and the procedures by which these provisions may be modified, for the redemption, repurchase, retirement, conversion, or exchange of an ownership interest.

G. The application documents shall state whether the applicant's stock may be traded through options and whether the corporation or a stockholder has executed an agreement or contract to convey any of the corporation's or the stockholder's stock at a future date.

H. The application documents shall include a copy or a description of each agreement or contract disclosed under §G of this regulation.

I. The application documents shall include a copy of each prospectus, pro forma, or other promotional material given to potential investors about the video lottery facility.

J. The application documents shall provide full disclosure for any stock options that may exist or have been granted.

K. The application documents shall disclose all principal entities of the applicant.

**.07 Directors, Officers, and Partners.**

A. If the applicant is not an individual, the application documents shall include a list of the individuals who are serving, or who are designated to serve, during the first year after the date the application documents are submitted to the Commission or the Location Commission, as a director, officer, partner, an individual having key management responsibility, or any other principal.

B. For each individual listed under §A of this regulation, the applicant shall provide:

- (1) The individual's name and address;
- (2) Each position or office of the applicant held by the individual;
- (3) The individual's principal occupation during the 5-year period preceding the date on which the application documents are submitted to the Commission; and
- (4) The nature and extent of any ownership interest that the individual has in the applicant.

**.08 Controlling Entity.**

The application documents shall:

A. State whether another entity has a beneficial ownership in the applicant, as defined in Business Regulation Article, §11-301, Annotated Code of Maryland;

B. Describe the:

- (1) Nature of the beneficial ownership; and
- (2) Extent of control exercised by the beneficial owner; and

C. Include information and documents required under Regulations .04 — .09 of this chapter as to each beneficial owner and principal entity.

**.09 Outside Interests.**

A. The application documents shall state whether the applicant, a director, an officer, or a partner of the applicant, or an owner of 5 percent or more of an interest in the applicant:

- (1) Has ever held an ownership interest in a licensee of the Commission; or
- (2) Is currently engaged in the business of gaming in another state, and the nature and extent of that involvement.

B. The applicant shall describe the nature of participation stated under §A of this regulation.

**.10 Alternative Licensing Standards.**

A. General.

(1) The Commission may establish an abbreviated process for licensing an applicant who holds a valid license in another state if the Commission determines that the licensing standards of the other state:

- (a) Are comprehensive;
- (b) Are thorough; and
- (c) Provide similar adequate safeguards to those in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(2) Except for an operation or manufacturer license applicant, the Commission may:

- (a) Waive some or all of the requirements in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; and
- (b) Issue a license to a person having a similar license in another state.

(3) The Commission may delegate its authority to decide whether to apply an alternative license standard to staff.

B. Process.

(1) An applicant or licensee requesting the application of alternative licensing requirements shall submit a written request in a format specified by the Commission.

(2) A written waiver request shall contain at least the following:

- (a) The state in which the applicant holds a valid license;
  - (b) An explanation of the unique circumstances justifying the request; and
  - (c) Any other information requested by staff or the Commission.
- (3) Upon receipt of a request that fails to comply with §B(1) and (2) of this regulation, staff shall notify the requestor:
- (a) Of any deficiency; and
  - (b) That the waiver request will not be presented to the Commission unless the identified deficiency is corrected.

C. Decision.

(1) Upon receipt of a waiver request that complies with §B of this regulation, staff shall:

- (a) Present the waiver request to the Commission as soon as practicable; or
- (b) If the Commission has delegated to staff the authority to decide the waiver request, decide the waiver request as soon as practicable.

(2) After the Commission or staff decides whether to grant the waiver request, staff shall notify the requestor.

**.11 Exemption or Waiver of License Requirement.**

A. General.

(1) The Commission may:

- (a) Grant an exemption to a licensing requirement;
- (b) Waive a licensing requirement; or
- (c) Waive grounds for denial of a license.

(2) Except for an operation or manufacturer license applicant, the Commission may grant an exemption or waive a requirement under this regulation only after the Commission determines that the requirement or grounds for denial of a license as applied to the applicant are not necessary in order to protect the public interest or accomplish the policies established by State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(3) The Commission may delegate its authority to decide a waiver request to staff.

B. Process.

(1) An applicant or licensee requesting an exemption or waiver of a licensing requirement shall submit a written waiver request in a format specified by the Commission.

(2) A written waiver request shall contain at least the following:

- (a) The COMAR section for the standard for which the waiver is sought;
- (b) Detailed facts in support of the waiver request;
- (c) An explanation of the unique circumstances justifying the request; and
- (d) Any other information requested by staff or the Commission.

(3) Upon receipt of a waiver request that fails to comply with §B(1) or (2) of this regulation, staff shall notify the requestor:

- (a) Of any deficiency; and
- (b) That the waiver request will not be presented to the Commission unless the identified deficiency is corrected.

C. Decision.

(1) Upon receipt of a waiver request that complies with §§A and B of this regulation, staff shall:

- (a) Present the waiver request to the Commission as soon as practicable; or
- (b) If the Commission has delegated to staff the authority to decide the waiver request, decide the waiver request as soon as practicable.

(2) At any time before or after a waiver or exemption has been granted, the Commission may:

- (a) Limit or place restrictions on the exemption or waiver as the Commission considers necessary in the public interest; and
- (b) Require the licensee who is granted the exemption or waiver to cooperate with the Commission and to provide the Commission with any additional information required by the Commission as a condition of the waiver or exemption.

(3) After the Commission or staff decides whether to grant the waiver request, staff shall notify the requestor.

**.12 Video Lottery Employee Licenses.**

A. General. Unless an individual holds a valid video lottery employee license issued by the Commission, the individual may not be employed by a licensed facility operator, manufacturer, or contractor as a video lottery employee.

B. License Categories. The Commission may issue a video lottery employee license that is a:

- (1) Principal employee license;
- (2) Gaming employee license;
- (3) Nongaming employee license;
- (4) Sponsored principal employee license; or
- (5) Sponsored gaming employee license.

C. Requirements. The Commission may issue a video lottery employee license to an individual who has:

- (1) Paid all required application and license fees;
- (2) Submitted a completed license application to the Commission;
- (3) Furnished the personal and background information required under Regulation .02 of this chapter;
- (4) Provided the documentation required under Regulation .03 of this chapter;
- (5) Executed the consent for investigation required under Regulation .04 of this chapter;
- (6) Unless exempt, obtained a bond required under Regulation .15 of this chapter;
- (7) Received at least a conditional offer of employment as a video lottery employee from a licensed facility operator, manufacturer, or contractor;
- (8) Demonstrated that within the 365 days before the application is submitted, the applicant has not served as a Commission member or been employed by the Agency; and
- (9) Provided the Commission with sufficient information, documentation, and assurances to establish, by clear and convincing evidence, that the individual:

- (a) Has not been disqualified under State Government Article, §9-1A-14(c), Annotated Code of Maryland;
- (b) Has met the applicable requirements of State Government Article, §9-1A-07(c), Annotated Code of Maryland; and
- (c) Is otherwise qualified for a video lottery employee license.

D. Application and License Fees.

- (1) For a principal employee, the:
  - (a) Application fee is \$2,500;
  - (b) License fee is \$750;
  - (c) Refundable advance deposit authorized under Regulation .01E(3) of this chapter for the administrative costs of conducting the applicant's background investigation is \$2,000; and
  - (d) Required fees for conducting a criminal history records check are specified in Regulation .03B of this chapter.
- (2) For a gaming employee, the:
  - (a) Application fee is \$250;
  - (b) License fee is \$150; and
  - (c) Required fees for conducting a criminal history records check are specified in Regulation .03B of this chapter.

(3) For a nongaming employee, the:

- (a) Application fee is \$50;
- (b) License fee is \$100; and
- (c) Required fees for conducting a criminal history records check are specified in Regulation .03B of this chapter.

E. A video lottery employee license authorizes the licensee to be employed as a principal, gaming or nongaming employee in the State.

F. A licensed video lottery employee may not play a video lottery terminal or table game at, or receive a jackpot from, a facility:

- (1) Where the individual is employed; or
- (2) That is operated by the individual's employer.

G. A licensee has a continuing duty to inform the Commission of an act or omission that the licensee knows or should know constitutes a violation of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or the Commission's regulations.

H. Term; Renewal.

- (1) The term of a video lottery employee license is 3 years.
- (2) Except for a sponsored principal or sponsored gaming employee, the Commission may renew the license if, before the term of the license expires, the licensee:
  - (a) Applies for renewal;
  - (b) Continues to comply with all licensing requirements;
  - (c) Maintains employment as a video lottery employee;
  - (d) Submits to a background investigation under Regulation .03 of this chapter; and

(e) Pays a nonrefundable application fee of:

- (i) \$750 for a principal employee;
- (ii) \$150 for a gaming employee; or
- (iii) \$100 for a nongaming employee;

(f) Pays the fees required under Regulation .03B of this chapter for conducting a criminal history records check; and

(g) For a principal employee, pays a refundable advance deposit of \$2,000 authorized under Regulation .01E(3) of this chapter for the administrative costs of conducting the applicant's background investigation.

I. Sponsored License.

(1) The Commission may issue to a video lottery employee license applicant a sponsored license to permit the individual to work legally as a video lottery employee before the Commission's licensing process is complete.

(2) A licensed facility operator, manufacturer, or contractor may submit an application for a sponsored license on behalf of an individual who is seeking a principal, gaming, or nongaming employee license.

(3) An application for a sponsored license shall be in a format designated by the Commission and shall include:

- (a) A completed application for a principal, gaming, or nongaming employee license;
- (b) Payment of the fees required under §D of this regulation;
- (c) Documentation to verify that the sponsor has:
  - (i) Offered the individual at least conditional employment;
  - (ii) Obtained bond as required under Regulation .15 of this chapter; and
  - (iii) Performed, at a minimum, a Social Security database check, criminal check, employment verification, and national database search.

(4) The Commission may grant a sponsored license after:

- (a) Receiving all items required under §I(3) of this regulation; and
- (b) Performing on the individual a:
  - (i) Criminal background investigation under Regulation .03 of this chapter; and

(ii) Credit check.

(5) A sponsored license:

(a) Is valid for one nonrenewable 3-year term;

(b) A sponsored license is not transferable to employment with a different facility operator, manufacturer, or contractor unless the new employer submits to the Commission a Certificate of Sponsorship for the sponsored licensee before the sponsored licensee commences employment with the new employer; and

(c) Automatically converts to a principal, gaming, or nongaming employee license when the Commission notifies the sponsor that the individual meets the license qualification requirements under §C of this regulation.

**.13 Manufacturer Licenses.**

A. General.

(1) Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee or the State, the manufacturer may not offer any video lottery terminal, table game equipment, central monitor and control system, associated equipment or software, or goods or services that directly relate to the operation of video lottery terminals or table games under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(2) The following persons must meet the Commission's manufacturer license requirements:

(a) A manufacturer; and

(b) Each person that owns, controls, or is a representative of a manufacturer.

B. Qualification Requirements. After conducting a hearing that complies with the requirements of COMAR 36.01.02.06, the Commission may issue a manufacturer license to a manufacturer that has:

(1) Paid the application and license fee under §C of this regulation;

(2) Unless exempt, obtained a bond required under Regulation .15 of this chapter;

(3) Furnished the Commission with the information and documentation required under this chapter;

(4) Established by clear and convincing evidence that each person identified in §A(2) of this regulation has:

(a) Qualified under State Government Article, §9-1A-07(c), Annotated Code of Maryland; and

(b) Not been disqualified under State Government Article, §9-1A-08, Annotated Code of Maryland;

(5) Provided the Commission with sufficient information to establish that the manufacturer has otherwise qualified for a manufacturer license; and

(6) Established that its system, associated equipment or software, or goods or services meet the specifications and procedures in COMAR 36.03.12.

C. Application and License Fees.

(1) The application fee is:

(a) \$10,000 for a manufacturer of a video lottery terminal or table game equipment;

(b) \$10,000 for a manufacturer of a central monitor and control system;

(c) \$10,000 for a manufacturer of associated equipment and software; and

(d) \$10,000 for a distributor or reseller of a video lottery terminal, table game equipment, a central monitor and control system, or associated equipment and software.

(2) The license fee is:

(a) \$5,000 for a manufacturer of a video lottery terminal or table game equipment;

(b) \$25,000 for a manufacturer of a central monitor and control system;

(c) \$5,000 for a manufacturer of associated equipment and software; and

(d) \$1,000 for a distributor or reseller of a video lottery terminal, table game equipment, a central monitor and control system, or associated equipment and software.

D. The manufacturer license authorizes the licensee to manufacture or distribute a video lottery terminal, table game equipment, central monitor and control system, and associated equipment and software to the Commission or a video lottery destination location in the State.

E. A licensee has a continuing duty to inform the Commission of an act or omission that the licensee knows or should know constitutes a violation of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or the Commission's regulations.

F. Term; Renewal; License Renewal Fee.

(1) The term of a manufacturer license is 3 years.

(2) The Commission may renew the license if, before the term of the license expires, the licensee applies for renewal and:

(a) Continues to comply with all licensing requirements;

(b) Submits to a background investigation under Regulation .05 of this chapter; and

(c) Pays a license renewal fee in the amount of the license fee that is required under §C(2) of this regulation.

**.14 Contractor Licenses.**

A. General. If a video lottery operation licensee engages a contractor to provide services described in COMAR 36.03.01.02B(1), the contractor shall qualify under the standards and provisions set forth in State Government Article, §§9-1A-07 and 9-1A-08, Annotated Code of Maryland.

B. Qualification Requirements. The Commission may find a contractor qualified if it has provided the Commission with sufficient information to establish by clear and convincing evidence that it has:

(1) Qualified under State Government Article, §9-1A-07(c), Annotated Code of Maryland; and

(2) Not been disqualified under State Government Article, §9-1A-08, Annotated Code of Maryland.

C. The Commission may charge a contractor for the administrative costs associated with performing a background investigation.

D. Application and License Fees.

(1) The application fee for the Commission's qualification of a contractor is \$1,500; and

(2) The license fee for a contractor is \$2,500.

E. Term; Renewal; Fees.

(1) The term of qualification is 3 years.

(2) The Commission may renew the qualification if, before the expiration of 3 years, the contractor:

(a) Applies to renew qualification;

(b) Continues to comply with all qualification requirements;

(c) Submits to a background investigation under Regulation .05 of this chapter; and

(d) Pays a renewal fee of \$2,500.

F. A contractor is exempt from:

(1) Bond requirements under Regulation .15 of this chapter; and

(2) Labor peace agreement requirements under State Government Article, §9-1A-07(c)(7)(v), Annotated Code of Maryland, unless the contractor is engaged:

(a) As a lessee;

(b) As a tenant; or

(c) Under a management agreement.



**.15 Bonds.**

A. The Commission may require an applicant or licensee to obtain a bond before the Commission issues or reissues a license.

B. A video lottery employee may be exempted if the employee is not directly involved in video lottery operations and is employed:

- (1) As a nongaming employee; or
- (2) In any other category of video lottery employee for whom the Commission determines the bond is not necessary to protect the public interest.

C. A bond shall be for the benefit of the State for the faithful performance of the requirements imposed by State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and any regulations issued under that subtitle.

D. For an operator of a facility, or an entity that contracts with the operator of a facility to provide any of the services related to operating the facility, the amount of the bond may not exceed three times the initial licensing fee under State Government Article, §9-1A-36(j), Annotated Code of Maryland.

E. For a manufacturer, the amount of the bond shall be specified in the Commission's contract with manufacturers of video lottery terminals.

F. For a gaming employee, who is not covered by a bond under §D of this regulation, the amount of the bond:

- (1) Shall be determined by the Commission based on the employee's level of responsibility and the State's risk of exposure to liability for the employee's performance; and
- (2) May not exceed three times the gaming employee's initial licensing fee.

G. For any other licensee, the amount of the bond shall be determined by the Commission.

H. The Commission may not issue or reissue a license unless it has received satisfactory proof of a bond.

I. The Commission may apply a bond to the payment of an unpaid liability of the applicant or licensee.

**.16 Denial of a License.**

A. Denial of a Video Lottery Employee or Contractor License.

(1) In addition to the hearing requirements in §B of this regulation, the following process shall precede a hearing on the denial of a video lottery employee or contractor license.

(2) After reviewing an application submitted for a video lottery employee or contractor license, the Director may recommend that the Commission deny the applicant of an applicant who:

- (a) Has not established by clear and convincing evidence that the applicant meets applicable qualifications; or
- (b) Has violated:
  - (i) A provision of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland;
  - (ii) A regulation adopted pursuant to State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or
  - (iii) A condition set by the Commission.

(3) If the Director recommends that the Commission deny a video lottery employee or contractor license, the Director, or the Director's designee, shall promptly provide the applicant with written notice of the:

- (a) Recommendation for denial;
- (b) Basis for the recommendation; and
- (c) Applicant's right to request a reconsideration meeting with the Director or the Director's designee.

(4) An applicant may submit to the Commission a written request for a reconsideration meeting within 15 days of the date of the notice described in §A(3) of this regulation.

(5) If an applicant fails to timely submit a request under §A(4) of this regulation, the Commission may adopt as final the recommendation of the Director or the Director's designee.

- (6) During a reconsideration meeting, an applicant may:
    - (a) Be represented by counsel; and
    - (b) Present evidence as to why the license should be granted;
  - (7) If after the reconsideration meeting the applicant is dissatisfied with the recommendation of the Director or the Director's designee, the applicant may submit to the Commission, in writing:
    - (a) A request for hearing before the Commission on the recommendation of the Director or the Director's designee; and
    - (b) The applicant's legal and factual bases for disagreeing with the recommendation of the Director or the Director's designee.
  - (8) An applicant may submit a hearing request to the Commission within 15 days of the date of the recommendation of the Director or the Director's designee after the reconsideration meeting.
  - (9) If an applicant fails to timely submit a written hearing request under §A(8) of this regulation, the Commission may adopt as final the recommendation of the Director or the Director's designee.
  - (10) Upon receipt of a timely written hearing request, the Director shall provide the applicant a hearing notice for a hearing before the Commission.
  - (11) The Director's hearing notice, and the Commission hearing at which the recommended denial will be considered, shall comply with the requirements of COMAR 36.01.02.06.
  - (12) The Commission shall:
    - (a) Grant the license after determining that the applicant is qualified; or
    - (b) Deny the license after determining that the applicant:
      - (i) Is not qualified or is disqualified; or
      - (ii) Has violated a provision described in §A(2)(b) of this regulation.
  - (13) Following a hearing, the Commission shall:
    - (a) Prepare an order denying the license with a statement of the reasons and specific findings of fact; and
    - (b) Provide the applicant with written notification of its final action.
- B. The Commission's final action on a license denial is subject to judicial review as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

**.17 Vendor Registration and Certification.**

A. Definition.

- (1) In this regulation, the following term has the meaning indicated.
- (2) Term Defined. "Vendor" means a person who provides goods or services to a video lottery operation applicant or licensee and who is not required to be licensed as a manufacturer or contractor under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or this subtitle, and includes:
  - (a) Suppliers of alcoholic beverages;
  - (b) Suppliers of food and nonalcoholic beverages;
  - (c) Refuse handlers;
  - (d) Vending machine providers and service personnel;
  - (e) Janitorial and maintenance companies;
  - (f) Tenant businesses or franchises located within facilities if such goods and services are not gaming related;
  - (g) Providers of transportation services if such services are not gaming related;
  - (h) Persons involved in the construction of a facility;
  - (i) Lessors of real property or goods;
  - (j) Payroll services and other employer related services;
  - (k) Employee recruiting services; and
  - (l) Persons whose services the Commission reviews and determines must be registered or certified under this regulation.

B. A vendor that conducts business with a video lottery operation applicant or licensee shall be registered or certified by the Commission if the vendor is not exempt, and:

(1) The vendor is providing nongaming related goods and services to a video lottery operation applicant or licensee for a value described in §D or E of this regulation; or

(2) The Commission:

(a) Reviews a vendor's services and determines that registration or certification is required to protect the public interest of the State or accomplish the policies in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this subtitle; and

(b) Notifies the vendor that registration or certification is required.

C. The following persons that provide any of the enumerated services to a video lottery operation applicant or licensee are exempt from vendor registration and certification requirements:

(1) Public utilities that provide:

- (a) Water;
- (b) Sewerage;
- (c) Electricity; or
- (d) Natural gas;

(2) Insurance companies that provide insurance to a video lottery applicant or licensee or its employees;

(3) Employee benefit and retirement plans, including 401(k) plans and employee stock purchase programs;

(4) Professional associations that receive funds from the video lottery applicant or licensee for the cost of enrollment, activities, and membership;

(5) Units of federal, State, county, or municipal government;

(6) Manufacturers of alcoholic beverages;

(7) State-chartered or federally chartered banks or savings and loan associations;

(8) Providers of professional services, including accountants, attorneys, engineers or architects, and others identified by Commission staff to be providers of professional services;

(9) Telecommunication, satellite, or internet services;

(10) Shipping services;

(11) Persons that engage in efforts to influence legislative or administrative action on behalf of a video lottery operation applicant or licensee for economic consideration;

(12) Educational or training opportunities for facility employees;

(13) Professional entertainers, sports figures, or other celebrities engaged by a video lottery operation licensee to appear at a licensee-sponsored entertainment or promotional event;

(14) Representatives of a media outlet or provider of a simulcast service;

(15) A vendor that provides, or anticipates providing, within a calendar year a combined total value of nongaming related goods and services to State video lottery operation applicants or licensees of less than \$2,500; or

(16) A vendor for whom the Commission determines registration or certification is not necessary in order to protect the public interest.

D. Vendor Registration.

(1) A vendor that provides, or anticipates providing, in a calendar year nongaming related goods and services to a video lottery applicant or licensee that are valued from \$2,500 to \$99,999 shall be registered with the Commission.

(2) The video lottery applicant or licensee to which a vendor provides, or anticipates providing, the nongaming related goods and services shall submit to the Commission a completed registration form in a format designated by the Commission that includes:

(a) Vendor name;

(b) Vendor business address;

(c) Type of service provided;

(d) Total value of goods or services provided to video lottery applicants or licensees in the State within a calendar year;

(e) Verification that the vendor's business is in good standing with the Maryland Department of Assessment and Taxation; and

(f) Any other information the Commission requires.

(3) Upon receipt of a completed registration form, the Commission shall provide the applicant or licensee with written notification of whether it has registered the vendor.

E. Vendor Certification.

(1) A vendor that provides, or anticipates providing, in a calendar year nongaming related goods and services to a video lottery applicant or licensee that are valued at or above \$100,000 shall be certified by the Commission.

(2) A vendor that provides, or anticipates providing, the nongaming related goods and services shall submit to the Commission a:

(a) Completed certification form in a format designated by the Commission that includes:

(i) Vendor name;

(ii) Vendor business address;

(iii) Each video lottery operation applicant or licensee in the State with which it does or expects to do business;

(iv) Type of service provided;

(v) Total value of goods or services provided to video lottery applicants or licensees in the State within a calendar year;

(vi) Any other jurisdiction where it conducts business related to a video lottery operation;

(vii) Verification that the vendor's business is in good standing with the Maryland Department of Assessment and Taxation; and

(viii) Any other information the Commission requires; and

(b) Certification fee of \$500.

(3) Upon receipt of a certification fee and completed certification form, the Commission shall verify the information provided by the vendor and:

(a) If the Commission determines that the vendor's conduct of business with a video lottery operation applicant or licensee is consistent with the public interest of the State and the policies in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this subtitle, grant the vendor's application for certification; or

(b) If the Commission determines that the vendor's conduct of business with a video lottery operation applicant or licensee is contrary to the public interest of the State or the policies in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or this subtitle, deny the vendor's request for certification.

(4) The Commission shall provide the vendor with written notification of its decision.

F. Except as provided in §G of this regulation, a nonexempt vendor may not conduct business that relates to facility operations with a video lottery operation applicant or licensee until it is registered or certified by the Commission.

G. Emergency Notification. An applicant or licensee may accept goods or services from a vendor that is not registered or certified by the Commission if:

(1) The applicant or licensee encounters an emergent threat to public health, safety, or welfare that is outside its control and requires immediate provision of goods or services by a vendor; and

(2) Unless the vendor is exempt under §C of this regulation:

(a) No later than the next State business day after the vendor's emergency provision of goods or services, the applicant or

licensee shall submit to the Commission a vendor emergency notification form that includes an explanation of the need for its emergency use of a vendor that is not registered or certified by the Commission; and

(b) Within 20 business days of submitting the vendor emergency notification form:

(i) The applicant or licensee shall submit to the Commission a vendor registration form; or

(ii) The vendor shall submit to the Commission a vendor certification form and the \$500 certification fee.

H. A vendor's registration or certification:

(1) Remains in effect for 3 years from the date the Commission approves registration or certification;

(2) May be renewed by the Commission if the applicable form, and any required fee, are submitted as required under §D or E of this regulation at least 90 days before the expiration of 3 years from the date of written notification under §D(3) or E(3)(c) of this regulation;

(3) Shall automatically expire if a vendor does not comply with renewal requirements under this regulation; and

(4) Is subject to cancellation by the Commission if the Commission determines that the vendor's continued conduct of business with a video lottery operation applicant or licensee is contrary to the public interest of the State or the policies in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or this subtitle.

I. The Commission's decision to deny or cancel a vendor registration or certification does not give rise to an appeal right under the contested case provisions of the Maryland Administrative Procedure Act.

J. The Commission may maintain and make publicly available a list of:

(1) Registered and certified vendors; and

(2) Vendors that are prohibited from doing business with a video lottery operation applicant or licensee because the Commission has denied or cancelled their registration or certification.

K. A video lottery operation applicant or licensee shall:

(1) Submit to the Commission a monthly vendor payments report in a format prescribed by the Commission; and

(2) Ensure that a vendor appearing on its monthly vendor payments report is:

(a) Registered;

(b) Certified; or

(c) Exempt.

**.18 Identification Cards for Video Lottery Employees.**

A. The Commission shall issue an identification card to an individual who is licensed as a video lottery employee.

B. Identification Card.

(1) An identification card shall display a photograph of the licensee and, at a minimum, indicate:

(a) The individual's name;

(b) By color, pattern, or symbol, the licensing category; and

(c) The license expiration date.

(2) An identification card is evidence that the licensee is authorized to be employed in the designated licensing category by a licensed facility operator, manufacturer, or contractor.

(3) An identification card is the property of the Commission.

C. Licensee Obligations. A licensee:

(1) Shall wear or otherwise prominently display his or her identification card at all times while working;

(2) Shall immediately report a loss or theft of the card to the licensee's employer and the Commission;

(3) May not allow another individual to possess the card; and

(4) Shall comply with an order of the Commission to surrender the card.

D. Replacement Identification Card.

(1) If an identification card issued under this regulation is lost or stolen:

(a) The licensee shall immediately:

(i) Report the loss or theft to his or her employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description of the circumstances of the loss or theft; and

(b) After verifying the licensee's identity, the Commission may issue a new identification card to the licensee.

(2) If an identification card issued under this regulation is temporarily unavailable to the licensee:

(a) The licensee shall immediately:

(i) Report the temporary unavailability of the card to his or her employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description as to why the card is temporarily unavailable;

(b) After verifying the licensee's identity, the Commission may issue an emergency credential to the licensee that is valid for 1 work day; and

(c) The licensee shall surrender the emergency credential to the Commission at the end of the work day on which he or she received the card.

(3) If the Commission issues a replacement or temporary identification card to a licensee, the licensee's employer shall pay the Commission:

(a) \$40 for the cost of a replacement identification card; or

(b) \$20 for the cost of a temporary identification card.

E. Surrender and Reissuance of Identification Card.

(1) The employer of the video lottery employee who was issued an identification card under this regulation shall ensure that the licensee surrenders his or her identification card to the Commission if the:

(a) Commission suspends or revokes the license;

(b) License is not renewed;

(c) Licensee separates from employment with his or her employer; or

(d) Licensee is otherwise ordered to surrender the identification card.

(2) If an identification card is not surrendered as required under §D(2)(c) or §E(1) of this regulation, the licensee's employer may be subject to enforcement action under COMAR 36.03.04.

(3) If an identification card was surrendered when the licensee separated employment from his or her employer, the Commission may issue the licensee another identification card if the:

(a) Licensee obtains employment with a licensed facility operator, manufacturer, or contractor;

(b) Term of the license has not expired; and

(c) Commission verifies:

(i) The licensee's identity;

(ii) That the license was in good standing when the card was surrendered; and

(iii) That the license has not expired and remains in good standing.

(4) There is no fee for an identification card issued under §E(3) of this regulation.

(5) Nothing in this regulation shall preclude the Commission from taking enforcement action against a licensee based on the circumstances related to the licensee's separation from employment.

**36.03.03 Video Lottery Operation License**

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-07, 9-1A-08, 9-1A-11, 9-1A-19, 9-1A-23, 9-1A-24, and 9-1A-36, Annotated Code of Maryland

**.01 General.**

A. This chapter articulates the standards which the Commission shall use to qualify an applicant for a video lottery facility operation license.

B. After being awarded an operation license by the Location Commission, a facility operation license holder shall maintain compliance with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this subtitle.

**.02 Definition.**

A. In addition to the terms defined in COMAR 36.03.01.02, in this chapter, the following term has the meaning indicated.

B. Term Defined. "Application" means a written request for an operation license, and includes a proposal submitted to the Location Commission in response to a solicitation from that Commission.

**.03 Application.**

A. An applicant for an operation license shall submit an application in the form and format established by the Location Commission.

B. The Commission shall receive an application for an operation license from the Location Commission.

C. The Commission shall review an application to determine whether the applicant is qualified to hold an operation license.

D. Upon making a determination as to an applicant's qualifications to hold an operation license, the Commission shall notify the Location Commission.

**.04 Qualification by the Commission.**

A. In determining the qualifications of an applicant for an operation license, the Commission shall consider the information submitted by the applicant in response to the Location Commission's solicitation.

B. An applicant for an operation license shall present in its application sufficient information, documentation, and assurances to establish the following qualification criteria by clear and convincing evidence:

- (1) The applicant's financial stability, integrity, and responsibility;
- (2) The integrity of any financial backers, investors, mortgagees, bondholders, and holders of other evidences of indebtedness that bears a relation to the application;
- (3) The applicant's good character, honesty, and integrity;
- (4) Sufficient business ability and experience of the applicant; and
- (5) The viability and appropriateness of the applicant's labor practices.

C. The Commission shall disqualify an applicant for an operation license on the basis of any of the following criteria:

- (1) Failure of the applicant to prove by clear and convincing evidence that the applicant and each person who owns or controls the applicant are qualified;
- (2) Failure of the applicant or any person required to be qualified as a condition of a license to provide information, documentation, and assurances required by or requested by the Commission or the Location Commission;
- (3) Failure of the applicant or any person required to be qualified as a condition of a license to reveal any fact material to qualification;
- (4) Supplying, by the applicant or any person required to be qualified as a condition of a license, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5) Conviction of the applicant, or of any person required to be qualified as a condition of a license, of an offense under the laws of the United States, or any jurisdiction within the United States, that is a criminal offense involving moral turpitude or a gambling offense;

(6) Current prosecution of the applicant, or a person who is required to be qualified as a condition of a license, for an offense described under §C(5) of this regulation, provided that, at the request of the applicant, the Commission may defer its decision on the application during the pendency of the charge;

(7) Pursuit by the applicant, or a person who is required to be qualified as a condition of a license, of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of State law and this chapter;

(8) Identification of the applicant, or a person who is required to be qualified as a condition of a license, as a career offender, a member of a career offender cartel, or an associate of a career offender or career offender cartel, in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of State law and this chapter;

(9) The committing of an act by the applicant, or a person who is required to be qualified as a condition of a license, that would constitute an offense described under §C(5) of this regulation, even if the act has not been or may not be prosecuted under the criminal laws of the State; or

(10) Willful defiance by the applicant, or a person who is required to be qualified as a condition of a license, of a legislative investigatory body or other official investigatory body of the United States, or a jurisdiction within the United States, when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity.

D. If the Commission identifies potential problems in the information submitted by the applicant with regard to a subject area that is not relevant to §B or C of this regulation, the Commission shall notify the Location Commission of these potential problems.

E. The Commission shall notify the Location Commission upon making a determination that an applicant is or is not qualified to hold an operation license.

F. Interpretation of §C(9) of this Regulation.

(1) Act Committed in the State.

(a) An act that was committed in the State by an applicant or a person who is required to be qualified shall disqualify the applicant or person if the act would constitute a criminal offense involving moral turpitude or a gambling offense under the criminal laws of the State, and the act:

- (i) Was not prosecuted under the criminal laws of the State; or
- (ii) Cannot be prosecuted under the criminal laws of the State.

(b) If an act described in §F(1)(a) of this regulation was prosecuted but did not result in a conviction, it may be considered by the Commission in determining whether the applicant or person has established the required qualification criteria.

(2) Act Committed in Another Jurisdiction.

(a) Except for an act described in §F(1) of this regulation, an act that was committed by an applicant or a person who is required to be qualified shall disqualify the applicant or person if the act occurred within 10 years before the date of the application and would constitute a criminal offense involving moral turpitude or a gambling offense under the criminal laws of any jurisdiction, and the act:

- (i) Was not prosecuted under the criminal laws of any jurisdiction; or

(ii) Cannot be prosecuted under the criminal laws of any jurisdiction.

(b) If an act described in §F(2)(a) of this regulation was prosecuted but did not result in a conviction, it may be considered by the Commission in determining whether the applicant or person has established the required qualification criteria.

(3) The Commission must determine the existence of an act described in §F of this regulation by a preponderance of the evidence.

**.05 Issuance of License.**

The Commission shall issue an operation license to the applicant selected for award by the Location Commission.

**.06 Continuing Obligations.**

A. Upon issuance of an operation license, a license holder shall exercise all diligence in fulfilling the specific requirements set out in the Location Commission’s request for proposals and the specific details in its license application, including all of the details in the final proposal that the license holder submitted to, and was approved by, the Location Commission.

B. As required under State Government Article, §9-1A-19(b), Annotated Code of Maryland, an operation licensee may not sell or otherwise transfer more than 5 percent of the legal or beneficial interests of the licensee unless the Commission approves the transfer in advance.

C. Failure to comply with the specific details referred to in §A or B of this regulation shall be grounds for the Commission invoking against the licensee the sanctions described in COMAR 36.03.04.

**.07 Automated Teller Machines.**

A. Placement; Limitations.

(1) Subject to surveillance requirements in COMAR 36.03.10.11 and 36.03.11.04, a facility operator may place automated teller machines on the gaming floor within the facility.

(2) Gaming Floor. The proximity of an automated teller machine to a video lottery terminal or table game that is on a gaming floor is subject to the following limitations:

(a) An automated teller machine may be placed no closer than 10 feet to a video lottery terminal or table game; and

(b) There may be no more than one automated teller machine for every 125 video lottery terminals and table game seats.

B. Withdrawal Limits. The maximum amount that a player may withdraw from an account by using an automated teller machine shall be:

(1) No more than \$250 per transaction; and

(2) No more than \$1,000 per gaming day.

C. Negotiable Instruments Prohibited.

(1) In this regulation, “negotiable instruments” means an electronic benefit card, debit card, or similar instrument issued by the Department of Human Resources for the purpose of accessing temporary cash assistance.

(2) An automated teller machine may not accept a negotiable instrument.

**.08 Predatory Marketing.**

A. Definition. In this regulation, the following term has the meaning indicated.

B. Term Defined.

(1) “Predatory marketing practice” means an advertisement or promotion of an activity, product, or service related to play of a video lottery terminal or table game that is:

(a) False or deceptive;

(b) Illegal; or

(c) Knowingly directed to an individual:

(i) Who is under the age of 21 years;

(ii) Whose name is included on the voluntary exclusion list maintained by the Commission under COMAR 36.01.03;

(iii) Whose name is included on the mandatory exclusion list maintained by the Commission under COMAR 36.03.07; or

(iv) Who is otherwise prohibited by law or court order from being on the premises of any video lottery operation licensed by the State.

(2) “Predatory marketing practice” includes an advertisement or promotion of an activity, product, or service related to play of a video lottery terminal or table game that:

(a) Uses or depicts an individual who is, or appears to be, under the age of 21 years;

(b) By font, color, placement, or any other means:

(i) Obscures or fails to disclose any material condition or limiting factor associated with the activity, product, or service that is being marketed; or

(ii) Obscures the gambling assistance message required under COMAR 36.03.06.

C. A facility operator may not:

(1) Engage in a predatory marketing practice; or

(2) Contract with another person to engage in a predatory marketing practice.

**.09 Noninterference.**

A. Interference. Unless allowed by the First Amendment of the Constitution of the United States, a licensee may not knowingly, directly or indirectly, interfere with, hinder, obstruct, impede, or take any action to delay the implementation or establishment of a video lottery facility.

B. Prohibition. The restrictions specified in §A of this regulation shall:

(1) Prohibit, as unlawful indirect conduct, activity:

(a) By an entity in which the licensee owns a beneficial or proprietary interest; or

(b) By an entity in which an affiliate of the licensee owns a beneficial or proprietary interest; and

(2) Be deemed to prohibit as unlawful, activity:

(a) By an entity in which the licensee owns a beneficial or proprietary interest; or

(b) By an entity in which an affiliate of the licensee owns a beneficial or proprietary interest.

C. Civil Penalty or Sanction. A knowing violation of §A of this regulation may be used by the Commission to take enforcement action under COMAR 36.03.04.

**36.03.04 Enforcement**

Authority: State Government Article, §§9-1A-04, 9-1A-24, and 9-1A-25, Annotated Code of Maryland

**.01 General.**

This chapter establishes a framework within which the Commission may take enforcement action against a licensee that results in a reprimand, fine, or condition placed on a licensee, or a suspension or revocation of a license.

**.02 Definitions.**

A. In addition to the terms defined in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, which have the same meanings in this chapter, in this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) “Penalty” means a per day fine, not exceeding \$5,000 for each separate violation, that the Commission may impose on a licensee under State Government Article, §9-1A-25(b), Annotated Code of Maryland.

(2) "Sanction" means a nonmonetary enforcement action that the Commission may take against a licensee for a violation specified in State Government Article, §9-1A-25(a), Annotated Code of Maryland, and includes suspension or revocation of a license, reprimand, or imposition of a condition on a licensee.

**.03 Violations.**

A licensee may not:

A. Violate a provision of:

(1) State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland;

(2) A regulation adopted pursuant to State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or

(3) A condition that the Commission sets;

B. Take, or attempt to take, any action that is intended to:

(1) Change or influence the outcome of a game;

(2) Influence any person or unit of government that is involved in implementing or enforcing State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or

(3) Interfere with the regular operation of:

(a) The central monitor and control system;

(b) A video lottery terminal; or

(c) Associated equipment or software; or

C. Fail to:

(1) Conform to the information contained in a license application;

(2) Meet a licensing requirement;

(3) Promptly submit to the Commission a change to the information contained in a license application;

(4) Comply with a directive of the Director or the Commission;

or

(5) Adequately remedy a deficiency of which the licensee has received notice under Regulation .04 of this chapter.

**.04 Corrective Action.**

A. Deficiency. If the Director, or the Director's designee, determines that a licensee has committed a violation described in Regulation .03 of this chapter, the Director, or the Director's designee, shall:

(1) Assess the seriousness of the deficiency;

(2) Require the licensee to develop a corrective action plan;

(3) Determine whether it is necessary during the pendency of the corrective action process to emergently suspend the license;

(4) Evaluate, and if acceptable to the Agency, approve a corrective action plan;

(5) Determine appropriate timelines for the completion of corrective action;

(6) Conduct periodic monitoring of a licensee for which a corrective action plan was required to assess the licensed retailer's progress toward remedying a deficiency; and

(7) If a deficiency is not remedied through implementation of correction, recommend that the Commission impose a penalty or sanction.

B. Deficiency Notice. Upon determining that corrective action is required to remedy a deficiency, the Director, or the Director's designee, shall give written notice to a licensee that includes:

(1) A description of the violation;

(2) A description of the possible sanctions; and

(3) The requirement for the licensee to submit a corrective action plan to the Director.

C. Corrective Action Plan.

(1) Within 10 days of receipt of a deficiency notice under §B of this regulation, the licensee shall submit a corrective action plan to the Director, or the Director's designee.

(2) The Director, or the Director's designee, shall review the corrective action plan and inform the licensee whether the corrective action plan is acceptable.

(3) If the licensee fails to submit an acceptable corrective action plan within the time described under §C(1) of this regulation, the Director may:

(a) Provide the licensee with additional time within which to submit a revised corrective action plan; or

(b) Recommend to the Commission that it impose a penalty or sanction on the licensee.

(4) If the Director, or the Director's designee, provided a licensee with a deficiency notice under §B of this regulation and did not receive a timely written response, the Commission may adopt as final the Director's recommendation to impose a penalty or sanction.

D. Corrective Action Outcomes.

(1) After a licensee has adequately addressed the deficiency, the deficiency may be:

(a) The basis of a subsequent corrective action plan, penalty, or sanction if a similar deficiency occurs; or

(b) Raised during a Commission hearing as part of the Agency's enforcement record for the licensee.

(2) If at any time during the corrective action period the Director, or the Director's designee, determines that the licensee has failed to fulfill a requirement of the corrective action plan or has made insufficient progress toward remedying a deficiency, the Director may:

(a) For good cause, extend the time for completion of a corrective action plan; or

(b) Emergently suspend the license.

(3) If at the end of the corrective action period the licensee has failed to adequately remedy a deficiency, the Director shall recommend to the Commission that it impose a penalty or sanction.

**.05 Notice of Violation.**

A. Failure to Take Corrective Action. Upon receipt of information that a licensee has failed to take corrective action required under Regulation .04 of this chapter, the Director shall:

(1) Evaluate the information;

(2) Make a recommendation to the Commission as to the imposition of a penalty or sanction; and

(3) Schedule a Commission hearing on the violation and provide the licensee with written notice of the:

(a) Recommendation for imposition of the penalty or sanction;

(b) Basis for the recommendation for imposition of the penalty or sanction;

(c) Consequences of a decision by the Commission to impose a penalty or sanction; and

(d) Applicable hearing rights associated with the recommendation.

B. Emergency Suspension. The Director may emergently suspend a license if the Director determines that suspension is necessary in order to protect the State's video lottery terminal program against a serious and imminent risk of harm to its integrity, security, or profitability.

C. Emergency Suspension — Process. If the Director emergently suspends a license, the Director shall promptly schedule a Commission hearing on the emergency suspension and provide the licensee with the written notice required under §A(3) of this regulation, along with notice directing the licensee that:

(1) The licensee shall immediately cease performing under the license; and

(2) Failure to comply with the Director's directive to cease performing under the license constitutes a separate violation of Regulation .03 of this chapter for which an additional penalty or sanction may be imposed.

**.06 Imposition of Penalties and Sanctions.**

A. *Consequences.* For a violation of Regulation .03 of this chapter, the Commission may impose a:

- (1) Penalty not exceeding \$5,000 for each day and each violation; or
- (2) Sanction, including:
  - (a) Revocation of a license;
  - (b) Suspension of a license for a period of time;
  - (c) Reprimand; and
  - (d) A condition that must be met within a specified time as

to:

- (i) Training;
- (ii) Staffing;
- (iii) Supervision;
- (iv) Compliance with internal controls;
- (v) Probationary periods; or
- (vi) Any other directive to address the violation;

B. *Penalty — Required Considerations.* To determine the amount of a penalty to impose on a licensee, the Commission shall consider:

- (1) The seriousness of the violation;
- (2) The harm caused by the violation; and
- (3) Whether the person who committed the violation acted in good faith.

C. *Sanction — Considerations.* To determine the appropriate sanction to impose on a licensee, the Commission may consider the factors in §B of this regulation and:

- (1) Whether a violation was willful;
- (2) Whether the licensee had, or should have had, control of the situation;
- (3) Whether the violation may have occurred in connection with unclear or insufficient:
  - (a) Information;
  - (b) Training;
  - (c) Communication; or
  - (d) Requirements;
- (4) Any extraordinary circumstances;
- (5) Prior disciplinary history with the Commission;
- (6) Profit that resulted, or may have resulted, from the violation;
- (7) Harm that resulted, or may have resulted, from the violation;
- (8) How the violation was detected;
- (9) Tailoring the discipline to address the violation;
- (10) Action taken by the licensee to prevent recurrence of the violation;
- (11) Action taken by the Commission to address similar violations; and
- (12) Any other information that the Commission finds relevant.

D. *Ignorance No Defense.* Because a licensee is presumed to be familiar with applicable statutes and regulations governing the State's video lottery terminal program, a claim of ignorance of the law may not be used as a defense to a finding of a violation or to the imposition of a penalty or sanction.

E. *Imposition of Penalty and Sanction.* A penalty and a sanction may be imposed for each violation.

**.07 Commission Action.**

A. *Hearing Required.* A hearing under Regulation .05 of this chapter shall be conducted as specified in COMAR 36.01.02.06, during which the Commission shall:

- (1) Make a finding whether the licensee violated a provision of Regulation .04 of this chapter; and
- (2) If the licensee violated a provision of Regulation .03 of this chapter, decide whether, and to what extent, to impose a penalty or sanction.

B. A licensee may seek judicial review of the Commission's decision.

C. A licensee against whom the Commission ordered the imposition of suspension or revocation of a license shall immediately comply with the Commission's order.

D. A licensee against whom the Commission imposed a penalty shall remit to the Commission payment in full of the penalty within 30 calendar days.

**36.03.05 Unannounced Inspections**

Authority: State Government Article, §9-1A-04, Annotated Code of Maryland

**.01 General.**

This chapter establishes the manner and method by which the Commission may conduct an unannounced inspection of the premises, records, and equipment of a licensee and related entities in order to evaluate and verify a licensee's compliance with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and the regulations promulgated by the Commission for the Video Lottery Terminal Program.

**.02 Inspections.**

A. A licensee is subject to unannounced inspections conducted by the Commission in order to evaluate and verify the licensee's compliance with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland and the regulations promulgated by the Commission for the Video Lottery Terminal Program.

B. The Commission or a designee may conduct an unannounced inspection without a warrant and take any of the following actions:

(1) Conduct an inspection of premises in which:

- (a) Video lottery or table game operations are conducted;
- (b) Authorized video lottery terminals, table game equipment, a central monitor and control system, or associated equipment and software are:
  - (i) Designed;
  - (ii) Built;
  - (iii) Constructed;
  - (iv) Assembled;
  - (v) Manufactured;
  - (vi) Sold;
  - (vii) Distributed; or
  - (viii) Serviced; or

(c) Records are prepared or maintained for activities referenced in §B(1)(a) or (b) of this regulation;

(2) Conduct an inspection of a video lottery terminal, table game equipment, a central monitor control system, or associated equipment and software in, about, on, or around the premises specified in §B(1) of this regulation;

(3) From the premises specified in §B(1) of this regulation, summarily seize, remove, impound, or assume physical control of, for the purposes of examination and inspection:

- (a) A video lottery terminal;
- (b) Table game equipment;
- (c) A central monitor and control system; or
- (d) Associated equipment and software;

(4) Inspect, examine, and audit books, records, and documents concerning a licensee's video lottery or table game operations, including the financial records of a:

- (a) Parent corporation;
- (b) Subsidiary corporation; or
- (c) Similar business entity; or

(5) Seize, impound, or assume physical control of:

- (a) Books;
- (b) Records;
- (c) Ledgers;
- (d) Cash boxes and their contents;
- (e) A counting room or its equipment;

(f) Other physical objects relating to video lottery operations; or

(g) Any record or object that a licensee is required by law or license terms to maintain.

C. During an inspection, a licensee and its employees, agents, and representatives:

(1) Shall:

(a) Make available for inspection, copying, or physical control a record that a licensee is required to maintain;

(b) Authorize any person having financial records relating to the licensee to provide those records to the Commission; and

(c) Otherwise cooperate with the activities of the Commission described in this chapter; and

(2) May not knowingly interfere with the authorized activity of the Commission during an unannounced inspection.

D. An unannounced inspection may be conducted:

- (1) Any time during reasonable business hours; and
- (2) Periodically, as determined by the Commission.

E. The refusal of a licensee or a licensee's employees or agents to provide the Commission with the access necessary to perform an unannounced inspection may be the basis for enforcement action under COMAR 36.03.04.

**.03 Records and Reports.**

A. Within a reasonable time after the conclusion of the unannounced inspection, the Commission's inspectors shall submit a written report of the inspection to:

- (1) The Commission;
- (2) The Director; and
- (3) The licensee who was the subject of the Commission's unannounced inspection.

B. A written report of an unannounced inspection shall be considered a public record to the extent allowable under State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

**36.03.06 Enforcement of Voluntary Exclusion Program**

Authority: State Government Article, §9-1A-24, Annotated Code of Maryland

**.01 Enforcement.**

A. The Commission shall notify each State facility operator of the placement of an individual on the voluntary exclusion list established in COMAR 36.01.03.

B. A facility operator may disclose information about individuals on the voluntary exclusion list to the Commission and to the facility's:

- (1) Manager;
- (2) Security department;
- (3) Surveillance department; or
- (4) Employees who are directly responsible for excluding unauthorized individuals from the premises of the facility.

C. A facility operator shall immediately notify the Commission if an individual on the voluntary exclusion list is found on the premises of the facility.

D. A facility operator may not:

- (1) Permit an individual on the voluntary exclusion list to:
  - (a) Enter into the video lottery facility; or
  - (b) Play a video lottery terminal or table game;

(2) Knowingly fail to exclude from the premises an individual on the voluntary list; or

(3) Disclose information about individuals on the voluntary exclusion list beyond the disclosures that are authorized under §B of this regulation.

**.02 Responsible Gaming Plan.**

A. A facility shall establish a responsible gaming plan that sets forth the facility's plan for addressing problem gambling at the facility that shall include at least the following elements of the plan:

- (1) Goals;
- (2) Procedures and deadlines for implementation;
- (3) Identification of facility personnel responsible for implementation;
- (4) Responsibilities of facility personnel identified as responsible for implementation;
- (5) Training for facility personnel on problem gambling and voluntary exclusion;
- (6) Means of controlling access to records pertaining to voluntary exclusion;
- (7) Means of educating players about:
  - (a) Problem gambling;
  - (b) Problem gambling treatment resources, including treatment and prevention programs established under State Government Article, §9-1A-33, Annotated Code of Maryland; and
  - (c) Voluntary exclusion;
- (8) Placement of responsible gambling awareness materials in the facility as required under Regulation .03 of this chapter;
- (9) Ensuring that an individual on the voluntary exclusion list is not permitted to claim a jackpot; and
- (10) Any other element required by the Commission.

B. A facility operator shall submit to the Commission the responsible gaming plan required under §A of this regulation at least 60 days before video lottery terminal operations are to commence.

C. A facility operator shall submit any amendments to a facility's responsible gaming plan to the Commission prior to implementation.

D. A facility operator shall submit to the Commission an annual report describing the operation the facility's responsible gaming plan.

**.03 Requirements.**

A. Definitions.

(1) In this regulation the following terms have the meaning indicated.

(2) Terms Defined.

(a) "Advertisement" means any material that is:

- (i) Disseminated to the public through broadcasting, publication, mail, or any other means; and
- (ii) Intended to encourage video lottery terminal or table game play.

(b) "Billboard advertisement" means a roadside sign, aviation banner, or event banner that is intended to encourage video lottery terminal or table game play.

(c) "Gambling assistance message" means the phrase: "Please play responsibly, for help visit mdgamblinghelp.org or call 1-800-522-4700";

(d) "Printed advertisement" means an advertisement that appears in or on a sign, direct mailing, poster, brochure or other written material and is intended to encourage video lottery terminal or table game play.

(e) "Responsible gambling awareness materials" means a sticker, a brochure, a wallet card, or other material that conveys only problem gambling resource information.

(f) "Underage warning message" means the phrase: "No person under the age of 21 is permitted on the casino floor".



B. A facility operator shall:

- (1) Post signage approved by the Commission that prominently bears the gambling assistance message and the underage warning message at each customer entrance to the gaming floor;
- (2) Include the gambling assistance message on an advertisement that is intended to encourage video lottery terminal or table game play at its facility;
- (3) Ensure that a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
- (4) Ensure that a billboard bearing a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
- (5) Ensure that a radio, television, or video advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
- (6) Ensure that the gambling assistance message is printed on a paper product that is associated with player consumption of food or beverage if the paper product is:
  - (a) Special ordered; and
  - (b) Branded with the facility's logo;
- (7) Ensure that the gambling assistance message is printed on ticket stock; and
- (8) Place in the facility responsible gambling awareness materials according to its responsible gaming plan required under Regulation .02 of this chapter.

**36.03.07 Mandatory Exclusion**

Authority: State Government Article, §9-1A-24(d), Annotated Code of Maryland

**.01 General.**

This chapter establishes a mechanism by which the Commission:

- A. Maintains a list of individuals who are to be mandatorily excluded or ejected from a video lottery facility; and
- B. Establishes standards that require a video lottery operation licensee to:

- (1) Exclude or eject an individual from the premises of a video lottery facility; and
- (2) Ensure that intoxicated individuals and individuals under the age of 21 are not allowed:
  - (a) To play video lottery terminals or table games; and
  - (b) In areas of the video lottery facility where video lottery terminals or table games are located.

**.02 Definitions.**

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

- (1) "Excluded individual" means an individual whose name and identifying information have been placed on the mandatory exclusion list.
- (2) "Mandatory exclusion list" means a list that is maintained by the Commission and identifies those individuals whom the Commission has directed be mandatorily excluded or ejected by a video lottery operation licensee from any video lottery operation licensed in the State.

**.03 Mandatory Exclusion List.**

A. The Commission shall establish a mandatory exclusion list.

B. The Commission shall place on the mandatory exclusion list an individual who:

- (1) Is a career offender;
- (2) Has been convicted of a criminal offense under the laws of the United States or any jurisdiction within the United States that is a criminal offense involving moral turpitude or a gambling offense;

(3) Would adversely affect the interests of the State, the licensee, or the individual if the individual is present in the establishment of a licensee;

(4) Is the subject of any administrative or judicial order directing the individual to stay away from a video lottery or other gaming facility;

(5) Presents a threat to the safety of any individual on the premises of a video lottery facility;

(6) Engages in, or has a documented history of engaging in, disruption of video lottery or table game play;

(7) The Commission or a facility operator has a reasonable belief has cheated, or attempted to cheat, at a facility by engaging in conduct including:

- (a) Altering or misrepresenting the outcome of a game or event on which bets have been placed;
- (b) Placing, cancelling, increasing, or decreasing a bet based on knowledge that is not available to other players;
- (c) Claiming or collecting a prize from a video lottery facility that the individual did not win or earn or that the individual was not otherwise authorized to claim or collect;
- (d) Manipulating a video lottery terminal, a table game, a central monitor and control system, or associated equipment or software to affect the outcome of a game or bet; or
- (e) Altering the elements of chance or methods of selection or criteria that determine the outcome of a game or bet; or
- (8) Engages in any conduct that would adversely affect public confidence in, or perception of, video lottery or table game operations in the State.

C. The entry of an individual on the mandatory exclusion list shall include at least the following identifying information:

- (1) Individual's:
  - (a) Name and any nickname or alias;
  - (b) Residential address;
  - (c) Telephone numbers;
  - (d) Gender;
  - (e) Physical description, including any birthmarks, scars, or tattoos;
  - (f) Race or ethnic origin;
  - (g) For non-United States citizens, country of origin;
  - (h) Photograph; and
  - (i) Social Security numbers;
- (2) Date of placement on the mandatory exclusion list;
- (3) Brief statement of the basis for placing the individual on the mandatory exclusion list; and
- (4) Any other information the Commission requires.

D. The mandatory exclusion list and related records shall be considered a public record under State Government Article, §10-611, Annotated Code of Maryland.

**.04 Inclusion on Mandatory Exclusion List.**

A. Upon receipt of information that reasonably indicates an individual meets any criteria under Regulation .03B of this chapter, the Director shall:

- (1) Evaluate the information;
- (2) Ensure that the information required under Regulation .03C of this chapter is complete; and
- (3) Decide whether to place the individual on the mandatory exclusion list.

B. If the Director places an individual on the mandatory exclusion list, staff shall deliver to the individual by regular U.S. mail a written notice explaining:

- (1) That the individual has been placed on a mandatory exclusion list that will be distributed to all facility operators in the State and be publicly available;

(2) The factual basis for placing the individual on the mandatory exclusion list;

(3) The availability of an appeal hearing before the Commission;

(4) The requirements for filing an appeal;

(5) That if no appeal is filed, the individual's name shall remain on the exclusion list; and

(6) That the excluded individual is:

(a) Prohibited from entering any video lottery facility in the State; and

(b) Required to surrender any prizes won at a video lottery facility after placement on the mandatory exclusion list.

**C. Appeal.**

(1) An excluded individual may appeal placement on the mandatory exclusion list only by filing a written appeal to the Commission within 10 calendar days after receipt of the notice.

(2) If the Commission decides that the excluded individual does not meet any criteria under Regulation .03B of this chapter, the individual's name shall be removed from the mandatory exclusion list and the exclusion immediately terminated.

(3) If the Commission decides that the excluded individual meets any criteria under Regulation .03B of this chapter:

(a) The individual's name shall remain on the mandatory exclusion list;

(b) The Commission shall notify all facility operators in the State of the individual's addition to the mandatory exclusion list;

(c) The individual may seek judicial review of the Commission's decision; and

(d) The individual may request to be removed from the mandatory exclusion list only as provided in Regulation .06 of this chapter.

**.05 Removal from Mandatory Exclusion List.**

A. After an excluded individual has been on the mandatory exclusion list for at least 5 years, the individual may request removal from the mandatory exclusion list.

B. An excluded individual's request under §A of this regulation shall be submitted to the Director in writing and shall include a detailed statement about why there is:

(1) Good cause for removal of the individual's name from the list; and

(2) A material change in the individual's circumstances since the individual's name was placed on the list.

C. The Commission shall hold a hearing on the excluded individual's request for removal from the mandatory exclusion list.

**D. If the Commission:**

(1) Grants the request, it shall:

(a) Remove the individual from the mandatory exclusion list;

(b) Deliver to the individual by regular U.S. mail a notice of removal from the mandatory exclusion list; and

(c) Notify the State's facility operators of the individual's removal from the voluntary exclusion list; or

(2) Denies the request, it shall deliver to the individual by regular U.S. mail a notice that the:

(a) Request was denied; and

(b) Individual shall remain on the mandatory exclusion list.

**.06 Judicial Review.**

The Commission's decision under Regulations .04C(2) and .06D of this chapter may be subject to judicial review.

**.07 Enforcement.**

A facility operator may not:

A. Knowingly fail to exclude or eject from the facility premises an excluded individual;

B. Fail to notify the Commission if an excluded individual is excluded or ejected from the facility;

C. Permit an intoxicated individual or individual under the age of 21 to:

(1) Play a video lottery terminal or table game; or

(2) Be in areas of the video lottery facility where video lottery terminals or table games are located; or

D. Knowingly allow the following individuals to collect a jackpot:

(1) An excluded individual who has been placed on the mandatory exclusion list; or

(2) An individual under the age of 21.

**.08 Facility Exclusion Plan.**

A. A facility operator shall establish a plan for identifying and:

(1) Excluding or ejecting from a facility:

(a) Excluded individuals; and

(b) Individuals who may be eligible for placement on the mandatory exclusion list; and

(2) Ensuring that intoxicated individuals and individuals under the age of 21 are not allowed:

(a) To play video lottery terminals; and

(b) In areas of the video lottery facility where video lottery terminals or table games are located.

B. The plan required under §A of this regulation shall include at least the following elements:

(1) Goals;

(2) Procedures and deadlines for implementation;

(3) Identification of facility personnel responsible for implementation;

(4) Responsibilities of facility personnel identified as responsible for implementation;

(5) Training for facility personnel on the requirements of this chapter;

(6) Regular monitoring of the mandatory exclusion list;

(7) Regular monitoring of other states' mandatory exclusion lists;

(8) Prompt reports to the Commission about the presence on facility premises of an individual who must be excluded from the facility or prevented from playing video lottery terminals or table games; and

(9) Any other element required by the Commission.

C. A facility operator shall submit to the Commission for its approval:

(1) The exclusion plan required under §A of this regulation at least 60 days before video lottery terminal operations are to commence;

(2) Any amendments to a facility's exclusion plan prior to implementation; and

(3) An annual report describing the operation of the facility's exclusion plan.

**36.03.08 Collection of Taxes, Fees, and Penalties**

Authority: State Government Article, §§9-1A-04 and 9-1A-33, Annotated Code of Maryland

**.01 General.**

This chapter establishes the manner and method by which the Commission may collect from an applicant or licensee a tax, fee or civil penalty established under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

**B. Terms Defined.**

(1) "Fee" means an amount established by the Commission that an applicant or licensee is required to pay and includes:

(a) A license fee under State Government Article, §9-1A-07(b), Annotated Code of Maryland;

(b) A fee associated with an applicant's criminal history records check under State Government Article, §9-1A-20(d), Annotated Code of Maryland;

(c) An application, license, or renewal fee under COMAR 36.03.02;

(d) An annual fee of \$425 for each video lottery terminal to be paid by a video lottery operation licensee as required by State Government Article, §9-1A-33, Annotated Code of Maryland;

(e) An annual fee of \$500 for each table game to be paid by a video lottery operation licensee for each table game as authorized by State Government Article, §9-1A-33, Annotated Code of Maryland; and

(f) Except for a license fee for a video lottery operation license, any other fee imposed by the Commission under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(2) "Penalty" has meaning stated in COMAR 36.03.04.02.

**.03 Obligation to Pay.**

A. A tax that is due and payable shall be paid by an applicant or licensee and collected in accordance with State and federal law.

B. For a fee or penalty:

(1) The Commission shall issue an invoice or other order to pay; and

(2) An applicant or licensee shall remit payment to the Commission within 30 days after the date of the invoice or order to pay.

**.04 Collection and Deposit of Payments.**

A. An applicant or licensee shall pay a fee or civil penalty by:

- (1) Wire transfer;
- (2) Money order;
- (3) Certified check made payable to the "State of Maryland" or
- (4) Any other manner designated by the Commission.

B. The Commission shall deposit payment of:

(1) An application, license, renewal, or other fee into a bank account that the State Treasurer designates to the credit of the State Lottery and Gaming Control Agency Fund to cover the Commission's administrative costs related to licensing; and

(2) An annual fee of \$425 for a video lottery terminal into the Problem Gambling Fund established in the Department of Health and Mental Hygiene under State Government Article, §9-1A-33(b), Annotated Code of Maryland.

C. The Commission may recover from an applicant or licensee whose payment of a fee or penalty is overdue:

- (1) The unpaid amount of the fee or penalty;
- (2) Revenues lost to the State as the result of the nonpayment;
- (3) Attorney's fees; and
- (4) Any other penalty, interest, cost, and expense allowable by law.

D. The failure of a licensee to timely pay a fee or penalty is a violation of an order of the Commission.

E. The Commission's election to seek recovery under §C of this regulation for a licensee's failure to pay a fee or penalty does not preclude the Commission or the State from enforcing other rights, or seeking other remedies, for the same failure to pay.

F. Nothing in this chapter shall be construed to preclude the Commission from withholding or reducing the distribution of proceeds to an operator under State Government Article, §9-1A-27, Annotated Code of Maryland, or instituting as set-off, counterclaim,

finances, penalties, or any other legally permitted deduction, for a licensee's:

- (1) Failure to pay a fee or penalty;
- (2) Unsatisfactory performance;
- (3) Failure to timely fulfill all of the Commission's requirements; or
- (4) Material breach of a term or condition of a license.

G. The Commission shall account for collection of a fee or penalty in accordance with applicable law.

**36.03.09 Junkets**

Authority: State Government Article, §§9-1A-02 and 9-1A-12, Annotated Code of Maryland

**.01 Junket Agreements and Final Reports.**

A. A facility operator shall ensure that:

- (1) A junket agreement between a facility operator and a junket enterprise, or junket representative, is in writing; and
- (2) An executed copy of the junket agreement is submitted to the Commission before a junket arrives at the video lottery facility.

B. A junket agreement shall include at least the following provisions:

(1) If the Commission disapproves a term of the junket agreement, or determines that a junket enterprise or junket representative has engaged in an activity prohibited under Regulation .02 of this chapter:

(a) The Commission shall notify the facility operator that is a party to the junket agreement of the disapproval or determination; and

(b) The operations under the agreement shall be suspended as of the date of the Commission's disapproval until it is amended by the parties to the satisfaction of the Commission.

(2) The junket enterprise or junket representative shall:

(a) Maintain good standing with the Maryland Department of Assessment and Taxation; and

(b) Obtain and maintain all required business licenses and permits;

(3) The services of the junket enterprise and junket representative will comply with all applicable laws.

C. Junket final reports shall:

(1) Be prepared by a facility operator for a junket engaged in or on its property, and shall include:

(a) The origin of a junket and its date and time of arrival and departure;

(b) The name of all junket enterprises and junket representatives involved in the junket;

(c) A junket manifest that lists the names and addresses of the junket participants;

(d) The nature, amount, and value of complimentary services, accommodations, and other items provided by the facility to a junket participant; and

(e) The total amount of services or other items of value provided to or for the benefit of a patron participating in a junket that was paid for by the junket enterprise, a junket representative, or an agent or employee of a junket enterprise or junket representative;

(2) Be prepared and signed by an employee of the facility operator;

(3) Be prepared within 7 days of completion of the junket; and

(4) Upon request of the Commission, be submitted to the Commission.

**.02 Prohibited Activities.**

A facility operator shall ensure that a junket enterprise or a junket representative, or an agent or employee of a junket enterprise or a junket representative, does not:

A. Unless approved in writing by the Commission, accept compensation on any basis other than theoretical win;

B. Engage in collection efforts;

C. Solicit, receive, or accept any fee or gratuity from a patron for the privilege of participating in a junket or for performance of any function for which the junket enterprise or junket representative is licensed;

D. Unless disclosed in writing to the facility operator for which the junket was arranged, pay for transportation or any other service or item of value that is provided to or for the benefit of a patron participating in a junket;

E. Extend credit to, or grant credit on behalf of a facility operator to, a patron participating in a junket;

F. Accept an advance of money or a loan from a patron participating in a junket;

G. Engage in conduct that would bring the State into disrepute;

H. Pursue economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the junket enterprise or junket representative would be inimical to the policies of State law or the State's video lottery terminal operations;

I. Engage in activities that create a reasonable belief that the junket enterprise or junket representative is, or is an associate of, a career offender or a member of a career offender cartel.

J. Engage in a predatory marketing practice prohibited under COMAR 36.03.03.08; or

K. Perform junket services under an agreement that has not been reduced to writing.

**36.03.10 Video Lottery Facility Minimum Internal Control Standards**

Authority: State Government Article, §§9-1A-02, 9-1A-04, and 9-1A-24, Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

**B. Terms Defined.**

(1) "Bill validator" means an element of a video lottery terminal designed and configured to accept any combination of currency, gaming tickets, promotional play instruments, or other instruments authorized by the Commission for activating credits on a video lottery terminal.

(2) "Cash" means currency and coin.

(3) "Cash equivalent" means a:

(a) Certified check, cashier's check, treasurer's check, travelers check, or money order that is:

- (i) Payable to the facility operator, "bearer", or "cash";
- (ii) Drawn for a specific amount;
- (iii) Currently dated not postdated;
- (iv) Payable on demand; and
- (v) Without an endorsement; and

(b) Certified check, cashier's check, treasurer's check, or money order that is:

- (i) Made payable to the presenting player;
- (ii) Drawn for a specific amount;
- (iii) Currently dated not postdated;
- (iv) Payable on demand;
- (v) Endorsed by the presenting player; and
- (vi) Without an endorsement other than that of the presenting player.

(4) "Cash storage box" means a secure tamper resistant container in a bill validator into which currency, gaming tickets, promotional play instruments, or other instruments authorized by the Commission for activating credits on a video lottery terminal are deposited.

(5) "Cashable credit" means a credit on a video lottery terminal which activates play and is convertible to cash at the conclusion of play.

(6) Complimentary Services.

(a) "Complimentary services" means any lodging, service, or item which:

(i) Is offered by a facility operator directly or indirectly to a player at no cost or at a reduced cost; and

(ii) Is not generally available to the public.

(b) "Complimentary services" does not include:

(i) Noncashable credits issued to a player as part of a player incentive or reward program; and

(ii) Lodging available to the public through convention or government rates.

(7) "Customer deposit account" means a player-specific account established in a facility operator's cashiers' cage accountability into which a player may deposit cash or funds accepted by means of personal check, wire transfer, cash equivalent, or other negotiable instrument.

(8) "Gaming ticket" means an instrument that upon insertion into a video lottery terminal bill validator entitles the player inserting the gaming ticket to credits on a video lottery terminal corresponding to the amount printed on the gaming ticket.

(9) "Gaming ticket system" means the collective hardware, software, communications technology, and other ancillary equipment owned or leased by a facility operator to facilitate the issuance or redemption of a gaming ticket.

(10) "Noncashable credit" means a credit on a video lottery terminal which activates play but is not convertible to cash at the conclusion of play.

(11) "Promotional play" means an award by a facility operator of noncashable credits on a video lottery terminal:

(a) Directly or indirectly to a player; and

(b) With or without regard to the:

- (i) Identity of the player; or
- (ii) Player's level of gaming activity.

(12) "Promotional play system" means the collective hardware, software, communications technology and other ancillary equipment owned or leased by a facility operator to facilitate the award of promotional play at a video lottery terminal or table game by means of a:

- (a) Promotional play instrument; or
- (b) Download from the system to the video lottery terminal.

(13) "Replacement check" means a personal check accepted by a facility operator in a counter check substitution, consolidation, or redemption transaction under Regulation .28 of this chapter.

(14) "Signature", for a facility employee or contractor, means:

(a) At a minimum, the first initial, last name, and Commission license number, written by the facility employee or contractor; or

(b) The unique identification code issued to the facility employee or contractor by the facility operator if the document to be signed is authorized by the Commission to be generated by a video lottery system and the method of signature is approved or required by the Commission.

(15) "Video lottery system" means the collective hardware, software, communications technology, and other ancillary equipment owned or leased by a facility operator to collect, monitor, interpret, analyze, authorize, issue, redeem, report, and audit data with regard to activity at video lottery terminals, including, but not limited to, a:

- (a) Video lottery terminal data system;
- (b) Casino management system;

- (c) Gaming ticket system;
- (d) Promotional play system; and
- (e) Player tracking system.

(16) "Wire transfer" means a transfer of funds by means of the Federal Reserve Bank wire system in accordance with the requirements of 12 C.F.R. 210.25 et seq.

**.02 Accounting Records.**

A. A facility operator shall maintain complete, accurate, and legible records of all transactions pertaining to the revenues and expenses of a facility.

B. General ledger records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States.

C. Subsidiary ledgers and records supporting general ledger records shall be prepared in accordance with generally accepted accounting principles in the United States.

D. Subsidiary ledgers and records shall include, at a minimum, documents that:

- (1) Support the financial statements and all transactions impacting the financial statements including contracts or agreements with manufacturers, contractors, and management companies;
- (2) Pertain to proceeds including generation of, accounting for, and transmission into the State Lottery Fund;
- (3) Identify for each video lottery terminal and table game on a week-to-date, month-to-date, and year-to-date basis:
  - (a) Handle;
  - (b) Payout;
  - (c) Win amount;
  - (d) Win percentage; and
  - (e) Average payout percentage;
- (4) Summarize the cost, by number of individuals and category of service, of complimentary services under Regulation .09 of this chapter;
- (5) Identify all costs and expenses associated with the operation of a facility;
- (6) Are prepared in compliance with the internal controls approved by the Commission under Regulation .05 of this chapter; and
- (7) Relate to:
  - (a) Loans and other amounts payable by a facility operator;
  - (b) Player disputes including player complaint forms filed with the Commission under Regulation .47 of this chapter;
  - (c) Negotiable instruments accepted, deposited, returned as uncollected or ultimately written-off by a facility operator under this chapter; and
  - (d) Investments in property and equipment for the benefit of a facility.

**.03 Forms and Documents.**

A. A form or document required by this chapter, including stored data, shall have:

- (1) All information placed on the form or document recorded in ink or another permanent form; and
- (2) The title of the form or document and the name of the facility imprinted or preprinted on it.

B. If under this chapter multiple copies are required of a form or document, all copies shall have the name of the recipient receiving the copy preprinted on the bottom of the copy in order to differentiate between the copies.

C. If under this chapter a form or document is required to be accounted for by series number or copies of a form or document are required to be compared for agreement, the responsible department shall report exceptions in writing to the facility's internal audit department not later than 2 days after identification of the exception.

D. A facility operator may prepare more copies of a form or document than required by this chapter.

**.04 Content of Internal Controls.**

A. A facility operator shall develop a written description of its administrative and accounting procedures, including the system of internal controls over video lottery terminal and table game operations.

B. A facility operator's internal controls are subject to review and approval under Regulation .05 of this chapter.

C. Internal controls shall, at a minimum, include:

- (1) Administrative controls and record keeping that document the authorization of transactions;
  - (2) Accounting controls that provide reasonable assurance that:
    - (a) Transactions or financial events which occur in connection with the operation of a video lottery terminal or table game are:
      - (i) Executed in accordance with the facility operator's authorization protocols;
      - (ii) Recorded to permit preparation of financial statements in conformance with generally accepted accounting principles in the United States and the requirements of this chapter; and
      - (iii) Recorded to permit proper and timely reporting and calculation of proceeds and to maintain accountability for assets;
    - (b) Access to assets is permitted only in accordance with the facility operator's authorization protocols; and
    - (c) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with regard to a discrepancy;
  - (3) Procedures and controls for ensuring:
    - (a) That a video lottery terminal accurately and timely communicates all required activities and financial details to the:
      - (i) Central monitor and control system; and
      - (ii) Video lottery system;
    - (b) That all functions, duties, and responsibilities are segregated and performed in accordance with sound financial practices by qualified personnel; and
    - (c) Through the use of a surveillance and a security department, that the facility is secure at all times during normal operation and during any emergency due to malfunctioning equipment, loss of power, natural disaster, or any other cause;
  - (4) Access controls which address, at a minimum:
    - (a) Content of, and administrative responsibility over, the manual or computerized access control matrix governing employee access to restricted areas;
    - (b) Issuance of a temporary access credential; and
    - (c) Comprehensive key controls;
  - (5) A record retention policy in accordance with Regulation .08 of this chapter;
  - (6) Procedures and controls over the movement of cash and the count room;
  - (7) Procedures and standards for conducting internal audits; and
  - (8) Other procedures and controls the Commission may require to be included in a facility operator's internal controls.
- D. A facility operator shall make available a current version of its Commission-approved internal controls, in hard copy or through secure computer access, to:
- (1) All mandatory departments required under Regulation .10E(6) of this chapter; and
  - (2) The Commission's on-site office.
- E. A facility operator shall maintain, in hard copy or electronic form, all superseded internal controls together with the written

representations required under Regulation .05 of this chapter, for at least 5 years subsequent to the date the internal controls were superseded.

**.05 Review of Internal Controls.**

A. At least 60 days before video lottery terminal or table game operations are to commence, a facility operator shall submit its internal controls to the Commission for review and written approval.

B. The internal controls shall be accompanied by:

(1) A certification by the facility operator's chief executive officer or chief legal officer that the submitted internal controls conform to the requirements of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this chapter;

(2) A certification by the facility operator's director of finance that the submitted internal controls:

(a) Establish a consistent overall system of internal controls;

(b) Provide reasonable assurance that financial reporting conforms to generally accepted accounting principles in the United States; and

(c) Conform to the requirements of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this chapter; and

(3) An opinion letter by an independent certified public accountant expressing an opinion as to:

(a) The effectiveness of the design of the submitted system of internal controls over financial reporting;

(b) Whether the submitted system of internal controls conforms to the requirements of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and this chapter; and

(c) If applicable, whether a deviation from the requirements of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or this chapter identified by the independent certified public accountant in the course of its review of the submitted system of internal controls is material.

C. A facility operator may not commence operations until its internal controls are approved in writing by the Commission.

D. If the Commission determines that a submitted internal control is deficient the:

(1) Commission shall provide the facility operator with written notice of the deficiency; and

(2) Facility operator shall revise the internal control as appropriate and resubmit to the Commission for review.

E. A facility operator may not implement a change or amendment in its approved internal controls without the prior written approval of the Commission.

F. A facility operator's initial internal controls submission and a change or amendment to its approved internal controls shall be reviewed and approved in accordance with a process and time frame developed and implemented by the Commission.

G. The process developed by the Commission under §F of this regulation shall, at a minimum, require the facility operator to:

(1) Submit a redlined copy of any section of the approved internal controls to be changed or amended with added text underlined and deleted text lined out;

(2) Document on the redlined copy the date the Commission approved the section to be changed or amended and the date the revision was submitted to the Commission for review;

(3) Submit a narrative explaining the reason for the change or amendment which includes the facility operator's target date for implementation;

(4) Submit the written representations required in §B(1) and (2) of this regulation with regard to the proposed change or amendment;

(5) Maintain a log of all changes or amendments in approved internal controls which includes the initial approval date and the

effective date of any change or amendment approved by the Commission; and

(6) Mark each page of approved internal controls with the date on which it was approved by the Commission.

**.06 Standard Financial and Statistical Reports.**

A. The Commission may require a facility operator to submit daily, weekly, monthly, quarterly, and annual reports of financial and statistical data.

B. Reports required under this regulation shall be in a form and submitted in accordance with a time frame specified by the Commission.

C. Unless otherwise specified by the Commission, reports to the Commission shall be signed by the:

(1) Chief executive officer if the facility operator is a corporation;

(2) General partner if the facility operator is a partnership;

(3) Manager if the facility operator is a limited liability company;

(4) Chief executive officer or functional equivalent if the facility operator is any other form of business association; or

(5) Owner if the facility operator is a sole proprietorship.

D. A facility operator shall submit a report to the Commission on the due date specified by the Commission unless an extension has been approved in writing by the Commission.

E. The Commission may, on written notice to a facility operator, require an interim report to be submitted in a form and in accordance with a time frame specified by the Commission.

**.07 Annual Audit and Other Regulatory Reports.**

A. A facility operator shall cause its annual financial statements to be audited in accordance with generally accepted auditing standards by an independent certified public accountant.

B. The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present financial position and results of operations in conformity with generally accepted accounting principles in the United States.

C. The audited financial statements shall include a footnote reconciling and explaining any difference between the financial statements included in any report submitted to the Commission under Regulation .06 of this chapter and the audited financial statements.

D. A facility operator shall with regard to adjustments resulting from the annual audit:

(1) Disclose to the Commission all adjustments whether or not recorded in the accounting records; and

(2) Record the adjustment in the accounting records of the year to which the adjustment relates.

E. No later than 90 days after the end of its fiscal year, a facility operator shall submit to the Commission:

(1) A copy of its audited financial statements; and

(2) Any management letter or report prepared with regard to the financial statements by its independent certified public accountant.

F. A facility operator shall require the independent certified public accountant auditing its financial statements to render the following additional reports:

(1) A report identifying:

(a) Material weaknesses or significant deficiencies in the facility operator's Commission-approved internal controls noted in the course of the examination of the financial statements; and

(b) Recommendations as to how to eliminate each material weakness or significant deficiency identified; and

(2) A report expressing an opinion as to the adequacy of the facility operator's Commission-approved internal controls over financial reporting.

G. A facility operator shall prepare a written response to the reports required by §F of this regulation which includes details as to any corrective action taken.

H. No later than 120 days after the end of its fiscal year, a facility operator shall submit to the Commission a copy of:

- (1) The reports required under §F of this regulation;
- (2) The response required under §G of this regulation; and
- (3) Any other report on internal controls or other matters relative to its accounting or operating procedures rendered by its independent certified public accountant.

I. If a facility operator or any of its affiliates are publicly held, the facility operator shall submit to the Commission a copy of:

- (1) Any report required to be filed with the Securities and Exchange Commission including:
  - (a) Form S-1;
  - (b) Form 8-K;
  - (c) Form 10-Q;
  - (d) Form 10-K;
  - (e) Proxy statement;
  - (f) Information statement; and
  - (g) Registration statement; and
- (2) Any other report required to be filed with a domestic or foreign securities regulatory agency.

J. A report required to be filed under §I of this regulation shall be submitted to the Commission no later than 10 days after the date of filing with the applicable agency.

K. A facility operator shall submit a written report to the Commission if an independent certified public accountant who is engaged as the principal accountant to audit its financial statements:

- (1) Resigns;
- (2) Is dismissed as the facility operator's principal accountant;

or

(3) Is replaced by another independent certified public accountant as principal accountant.

L. A report required to be filed under §K of this regulation shall include:

- (1) The date of the resignation, dismissal, or new engagement;
- (2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal, or new engagement there were any disagreements, resolved or unresolved, with the former accountant on:
  - (a) Accounting principles or practices;
  - (b) Financial statement disclosure; or
  - (c) Auditing scope or procedure;
- (3) The nature of any disagreement disclosed in §L(2) of this section;
- (4) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified;
- (5) The nature of any adverse opinion, disclaimer of opinion, or qualification; and
- (6) A letter from the former principal accountant addressed to the Commission stating whether the principal accountant concurs with the statements made by the facility operator in the report to the Commission submitted under this section.

M. A report required to be filed under §K of this regulation shall be submitted to the Commission no later than 10 days after the end of the month in which the resignation, dismissal, or new engagement occurred.

N. No later than 2 days after the date of filing with the applicable agency, a facility operator shall file with the Commission a copy of each Suspicious Activity Report-Casino filed under 31 CFR §103.21.

O. A facility operator or a director, officer, employee, or agent of a facility operator who reports suspicious activity under 31 CFR

§103.21 may not notify an individual involved in the suspicious activity that the suspicious activity has been reported.

P. No later than 2 days after the date of filing with the applicable agency, a facility operator shall file with the Commission a copy of each Currency Transaction Report by Casino filed under 31 CFR §103.22.

Q. At least 30 days before video lottery terminal operations are to commence, a facility operator shall submit to the Commission a copy of its compliance program required under 31 CFR §103.64.

R. On or before the effective date, a facility operator shall submit to the Commission any change or amendment to its compliance program required under 31 CFR §103.64.

**.08 Record Retention.**

**A. Definition.**

(1) In this regulation, the following term has the meaning indicated.

(2) *Term Defined.* "Books and records" means any document pertaining to, prepared in, or generated by a facility operator, without regard to the medium through which the record is generated or maintained, including all general ledger records, subsidiary records and ledgers, computer-generated data, forms, documents, internal audit reports and work papers, correspondence, and personnel records.

**B. All original books and records shall be:**

- (1) Prepared and maintained in a complete, accurate, and legible form;
- (2) Stored in a format that ensures readability, regardless of whether the technology or software that created or maintains it has become obsolete;
- (3) Retained in a secure location equipped with a fire notification system:
  - (a) At the facility; or
  - (b) An off-site location approved by the Commission under §G of this regulation for the express purpose of document storage;
- (4) Kept immediately available for inspection by the Commission during all hours of operation;
- (5) Organized and indexed in a manner designed to provide immediate accessibility to the Commission; and
- (6) Destroyed only after expiration of the minimum retention period required under this regulation.

C. The Commission may, on submission of a written request by a facility operator, authorize destruction prior to the expiration of the minimum retention period required under this regulation.

D. Unless a request for destruction is submitted in writing and approved in writing by the Commission, a facility operator shall retain indefinitely original books and records documenting:

- (1) Ownership of the facility;
- (2) Internally initiated investigations and due diligence;
- (3) Personnel matters;
- (4) Signature cards of current employees; and
- (5) Destruction of documents including:
  - (a) The identity of the document;
  - (b) Period of retention; and
  - (c) Date of destruction.

E. Unless a request for destruction is submitted in writing and approved in writing by the Commission, a facility operator shall retain for a minimum of 5 years all original books and records not:

- (1) Identified for indefinite retention under §D of this regulation; or
- (2) Subject to an exemption under §F of this regulation.

F. The following exceptions apply to the retention period in §D of this regulation:

- (1) A minimum retention period of 4 years shall apply to documentation pertaining to cashiers' cage transactions;

- (2) A minimum retention period of 3 years shall apply to:
  - (a) Signature cards of terminated employees;
  - (b) Insurance records relating to claims by players;
  - (c) Surveillance and security department:
    - (i) Employee duty logs;
    - (ii) Visitor logs;
    - (iii) Incident logs;
    - (iv) Recording logs; and
    - (v) Equipment malfunction reports; and
  - (d) Documentation pertaining to gaming tickets or promotional play instruments reported to the Commission as possibly counterfeit, altered, or tampered with;

- (3) A minimum retention period of 6 months shall apply to:
  - (a) Cancelled promotional play instruments for which all reconciliations required by the facility operator's approved internal controls have been conducted and resolved;
  - (b) Voided gaming tickets; and
  - (c) Gaming tickets redeemed at a location other than a video lottery terminal or ticket redemption unit; and
  - (4) A minimum retention period of 30 days shall apply to gaming tickets redeemed at a video lottery terminal or ticket redemption unit.

G. The Commission may, on submission of a written request by the facility operator, approve a location outside the facility to store original books and records.

H. A facility operator requesting to store original books and records outside the facility shall submit to the Commission:

- (1) A description of the proposed location, including details with regard to security and fire notification systems;
- (2) Details with regard to the ownership of the proposed storage facility; and
- (3) Procedures for Commission access to original books and records retained at the proposed location.

I. A facility operator may not store books and records outside the facility without the prior written approval of the Commission.

J. The Commission may, on submission of a written request by a facility operator, approve a microfilm, microfiche, or other suitable media system for the copying and storage of original books and records.

K. A facility operator submitting a system for the copying and storage of original books and records shall demonstrate to the satisfaction of the Commission that the:

- (1) Processing, preservation, and maintenance methods to be utilized will make books and records readily available for review and reproduction;
- (2) Inspection and quality control methods to be utilized will insure that when books and records are viewed or reproduced they will exhibit a high degree of legibility and readability;
- (3) Equipment necessary to readily locate, read, and reproduce books and records is available to the Commission at the facility or approved off-site storage location; and
- (4) Detailed index of all microfilmed, microfiched, or other stored data maintained and arranged to facilitate the immediate location of particular books and records is available to the Commission at the facility or approved off-site storage location.

L. A facility operator may not utilize a microfilm, microfiche, or other suitable media system for the copying and storage of original books and records without the prior written approval of the Commission.

M. A facility operator may utilize the services of a contractor for the destruction of books and records permitted to be destroyed under this regulation.

N. Nothing in this regulation shall be construed as relieving a facility operator of any obligation to prepare or maintain books and

records required by any other federal, State, or local governmental entity.

**.09 Complimentary Services.**

**A. Definition.**

(1) In this regulation, the following term has the meaning indicated.

(2) *Term Defined.* "Guest" means an individual who receives complimentary services as a result of a relationship with the primary recipient of the complimentary services.

B A facility operator may offer complimentary services subject to the following requirements:

(1) A facility operator shall be under the authority of the County Alcoholic Beverages Licensing Authority for the county in which the facility is located with regard to the sale to individuals of food and alcoholic beverages;

(2) Except as provided in this section, a facility operator may not provide food or alcoholic beverages to individuals at no cost;

(3) Food or alcoholic beverages offered by a facility operator for sale to individuals may be offered only at prices that are determined by the County Alcoholic Beverages Licensing Authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the facility is located; and

(4) A facility operator may provide food at no cost to individuals to the same extent allowed under Article 2B, §12-106, Annotated Code of Maryland, for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed in Maryland.

C. A facility operator shall develop, maintain in writing, and implement adequate internal controls over the authorization and provision of complimentary services.

D. A facility operator shall at all times make available to the Commission the internal controls required under §C of this regulation but is not required to include them in the system of internal controls submitted to the Commission for approval under Regulation .05 of this chapter.

E. A facility operator shall collect and retain data pertaining to the cost of, and number of individuals provided with, each category of complimentary services.

F. A facility operator shall submit to the Commission an annual report summarizing complimentary services provided during the calendar year.

G. The report required under §F of this regulation shall:

- (1) Be submitted no later than March 31 of the following year;
- (2) Separate complimentary services into the following categories:

- (a) Rooms;
- (b) Food and Beverage;
- (c) Travel;
- (d) Gifts:
  - (i) Cash; and
  - (ii) Noncash; and
- (e) Other; and

(3) Determine the cost of complimentary services provided to a player as follows:

(a) Complimentary services offered by a facility operator in the normal course of business shall be reported at an amount based upon the full retail price normally charged for the service by the facility operator;

(b) Complimentary services not offered for sale by the facility operator in the normal course of business but provided directly by the facility operator to the player shall be reported at an amount based upon the actual cost to the facility operator of providing the service;

(c) Complimentary services provided directly or indirectly on behalf of a facility operator by a third party not related to the facility



operator shall be reported at an amount based upon the actual cost to the facility operator of having the third party provide the service; and

(d) Complimentary services provided directly or indirectly on behalf of a facility operator by a third party related to the facility operator shall be reported at an amount based upon the actual cost to the third party of providing the service.

H. A facility operator shall submit to the Commission a report identifying a player who, together with guests, received \$5,000 or more in complimentary services within a period of 5 consecutive days.

I. The report required by §H of this regulation shall:

(1) State the reason complimentary services were provided;  
 (2) Include the player's rating in the facility operator's player rating system at the time the complimentary services were provided;

(3) Disclose the total amount provided in complimentary services separated into the following categories:

- (a) Rooms;
- (b) Food and Beverage;
- (c) Travel;
- (d) Gifts:
  - (i) Cash; and
  - (ii) Noncash; and
- (e) Other; and

(4) Be submitted by the 15th day of the month following the month in which the complimentary services were provided.

**.10 Table of Organization.**

A. For the purposes of this regulation, the title used to describe a department head is intended to indicate responsibility for the functions of the enumerated department and does not obligate the facility operator to the use of that particular title.

B. Subject to the requirements of this regulation, a facility operator shall tailor its table of organization to meet its needs and policies.

C. At least 30 days before video lottery terminal or table game operations are to commence, a facility operator shall submit to the Commission for review and written approval a table of organization depicting all direct and indirect reporting lines for:

- (1) The chief executive officer required under §E(5) of this regulation;
- (2) Mandatory departments required under §E(6) of this regulation;
- (3) The cashiers' cage manager required under §M of this regulation;
- (4) Employees authorized to verify credit applications under Regulation .25 of this chapter; and
- (5) Employees authorized to extend credit or to approve credit limit increases under Regulation .24 of this chapter.

D. A facility operator may not commence operations until the table of organization submitted under §C of this regulation is approved in writing by the Commission.

E. A facility operator's table of organization shall include:

- (1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility;
- (2) The segregation of incompatible functions, duties, and responsibilities so that no individual is in a position to both:
  - (a) Commit an error or to perpetrate a fraud; and
  - (b) Conceal the error or fraud in the normal course of the individual's duties;
- (3) All functions, duties, and responsibilities of qualified personnel;
- (4) Areas of responsibility which are not so extensive as to be impractical for one individual to monitor;

(5) A chief executive officer:

- (a) Based for employment purposes at the facility;
- (b) Licensed as a principal employee; and
- (c) Ultimately responsible for the daily conduct of all operations at the facility; and

(6) The following mandatory departments and supervisors:

(a) A surveillance department supervised by a director of surveillance:

- (i) Based for employment purposes at the facility;
- (ii) Subject to the reporting requirements of §G of this regulation;
- (iii) Licensed as a principal employee; and
- (iv) Responsible for the surveillance of all aspects of video lottery terminal and table game operations;

(b) An internal audit department supervised by a director of internal audit:

- (i) Based for employment purposes at the facility;
- (ii) Subject to the reporting requirements of §G of this regulation;
- (iii) Licensed as a principal employee; and
- (iv) Responsible for assessing compliance with approved internal controls, applicable laws and regulations, the reliability of financial reporting, deterring and investigating fraud, and the safeguarding of assets;

(c) An information technology department supervised by a director of information technology:

- (i) Based for employment purposes at the facility;
- (ii) Licensed as a principal employee; and
- (iii) Responsible for the quality, reliability, accuracy, and security of all video lottery systems and associated equipment and software utilized by the facility operator regardless of whether the data, software, or systems are located in or outside the facility;

(d) A security department supervised by a director of security:

- (i) Based for employment purposes at the facility;
- (ii) Licensed as a principal employee; and
- (iii) Responsible for the overall security of the facility;

(e) An accounting department supervised by a director of finance:

- (i) Based for employment purposes at the facility;
- (ii) Licensed as a principal employee; and
- (iii) Responsible for all accounting and finance functions including the control and supervision of the cashiers' cage, satellite cages, and count room; and

(f) A gaming operations department supervised by a director of gaming operations:

- (i) Based for employment purposes at the facility;
- (ii) Licensed as a principal employee; and
- (iii) Responsible for the operation and conduct of gaming at video lottery terminals and table games.

F. Nothing in this regulation shall preclude a facility operator from establishing a video lottery terminals and table games department supervised by a director of video lottery terminal operations and a director of table games operation.

G. The director of surveillance and the director of internal audit required under §E(6) of this regulation shall be independent of the chief executive officer regarding matters of policy, purpose, responsibility, and authority and shall report directly to an:

(1) Individual based for employment purposes at the facility with no incompatible functions; or

(2) Audit committee of:

(a) The facility operator; or

(b) A Commission-authorized licensed affiliate of the facility operator.

H. The individual or audit committee to whom the director of surveillance and the director of internal audit report under §G of this regulation shall also control the hiring, termination, and salary of the director.

I. The director of surveillance and the director of internal audit may report to the chief executive officer with regard to daily operations.

J. Mandatory departments and the supervisors over them shall cooperate with, yet perform independently of, all other mandatory departments and supervisory positions.

K. A facility operator may designate more than one individual to serve jointly as the director of a mandatory department required by §E of this regulation.

L. A joint director of a mandatory department under §K of the regulation shall be:

(1) Based for employment purposes at the facility; and

(2) Individually and jointly accountable and responsible for the operation of the department

M. A department that is not mandatory may operate under, or in conjunction with, a mandatory department where the table of organization is consistent with the requirements of §E of this regulation.

N. A facility operator's cashiers' cage manager shall be licensed as a principal employee.

O. On any shift for which the cashiers' cage manager is not present in the facility, the cashiers' cage shift manager responsible for the cashiers' cage shall be licensed as a principal employee.

P. A facility operator may not implement a change in the table of organization approved by the Commission under §D of this regulation without the prior written approval of the Commission.

Q. A facility operator shall ensure that an individual employed at the facility is trained in the policies, procedures, and internal controls relevant to the individual's function.

R. If there is a vacancy in the chief executive officer position or any mandatory department director position required by §E of this regulation, the following shall apply:

(1) No later than 5 days after the date of a vacancy, a facility operator shall notify the Commission in writing of:

(a) The vacant position;

(b) The date on which the position will become or became vacant; and

(c) The date on which the facility operator anticipates that the vacancy will be filled on a permanent basis;

(2) No later than 30 days after the date of a vacancy, a facility operator shall fill the vacant position on a temporary basis;

(3) No later than 120 days after the original date of the vacancy, a facility operator shall fill the vacant position on a permanent basis; and

(4) No later than 5 days after filling a vacancy, a facility operator shall notify the Commission in writing of:

(a) The vacant position filled;

(b) The name of the individual designated to fill the position;

(c) The date that the vacancy was filled; and

(d) Whether the vacancy has been filled on a temporary or permanent basis.

**.11 Surveillance System Design Standards.**

A. A facility operator shall install in its facility a surveillance system that complies with the requirements of this regulation.

B. A facility operator's surveillance system shall be reviewed and approved by the Commission under Regulation .12 of this chapter.

C. A facility operator's surveillance system shall include:

(1) Light sensitive cameras enabled by:

(a) Lenses of sufficient magnification to read a video lottery terminal reel strip and credit meter;

(b) Lighting which is continuous and of sufficient quality to produce clear video recordings and still pictures; and

(c) 360-degree pan, tilt, and zoom capability, without camera stops, configured to clandestinely monitor and record:

(i) Play and transactions conducted at video lottery terminals;

(ii) Transactions conducted in the cashiers' cage and any satellite cage including the face of each individual transacting business with a cashier;

(iii) Transactions conducted at ticket redemption units, automated jackpot payout machines, and automated teller machines;

(iv) Activity in the count room;

(v) Movement of cash and cash storage boxes within the facility;

(vi) Entrances and exits to the facility and the gaming floor;

(vii) Activities in all other restricted areas; and

(viii) Other areas and events designated by the Commission;

(2) A monitor room located in the facility:

(a) Staffed by employees of the facility operator's surveillance department 24 hours per day; and

(b) Equipped with:

(i) A communication system capable of monitoring all security department communications;

(ii) Connections, direct or through a documented communication protocol with the security department, to all facility alarm systems;

(iii) A surveillance failure notification system that provides an audible, as well as a visual notification, of any failure in the surveillance system or the digital video recording media storage system;

(iv) An emergency power system, tested by the facility operator in the presence of the Commission at least once a year, which can be used to operate the surveillance system in the event of a power failure;

(v) Computer terminals permitting event notification to, and read only access by authorized surveillance department employees to, the facility operator's video lottery system;

(vi) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the facility;

(vii) A copy of the facility operator's gaming floor plan required under COMAR 36.03.11.05;

(viii) A copy of the procedures addressing the evacuation of the facility in the event of fire or other emergency required under Regulation .14 of this chapter; and

(ix) Copies of the surveillance system contingency plans required under Regulation .12 of this chapter;

(3) Digital video recording capability equipped to:

(a) Superimpose the date and time on all monitoring and recording;

(b) Identify and locate, through the use of a meter, counter, or other device or method, a particular event which was recorded;

(c) Identify on video recording disks or other storage media the type of media player and software prerequisite to viewing the digital images; and

(d) Be authenticated through use of an embedded video verification encryption code or watermark;

(4) Audio recording capability in the count room that is:

(a) Installed and disclosed to employees of the facility; and

(b) Consistent with Courts and Judicial Proceedings Article, §§10-401 — 10-414, Annotated Code of Maryland; and

(5) An access system which:

(a) Controls:

(i) Physical and logical access to the surveillance system;

and

(ii) Physical access to the surveillance monitor room;

and

(b) Restricts access to the security administration capabilities of the system.

D. A facility operator shall configure its surveillance system to record all areas and transactions enumerated in §C(1)(c) of this regulation at a minimum of 30 frames per second with a resolution of 4 common image format.

E. A facility operator may configure its surveillance system to record activity in areas of the facility not covered by §D of this regulation at a reduced frame rate with a resolution of 4 common image format, as follows:

(1) Public areas shall be recorded at a minimum frame rate of 15 frames per second; and

(2) Areas not accessible to the public shall be recorded at a minimum frame rate of 7.5 frames per second.

F. Except as provided in §G of this regulation, a facility operator shall retain surveillance recordings:

(1) For a minimum of 7 days for transactions or events in the areas covered under §E of this regulation; and

(2) For a minimum of 14 days for transactions or event in the areas covered under §D of this regulation.

G. Upon the request of the Commission or a law enforcement agency that has proper jurisdiction over the facility, a recording shall be retained and stored in accordance with the directives of the Commission or law enforcement agency pertaining to that recording.

H. Except as provided in this regulation, the surveillance system shall be under the exclusive control of the facility operator's surveillance department.

I. A facility operator shall provide the Commission with timely and unfettered access to its surveillance monitor room, surveillance system, and all transmissions.

J. A facility operator shall timely comply with a request from the Commission to:

(1) Use, as necessary, any monitor room in the facility;

(2) Display on the monitors in its monitor room or in the Commission's on-site monitor room any event capable of being captured by the surveillance system;

(3) Relinquish control of a camera or monitor;

(4) Discontinue monitoring a particular camera or recording activity captured by it;

(5) Make a video recording or photograph of any event capable of being captured by the surveillance system; and

(6) Restrict or deny access to a recording or photograph.

K. A surveillance system may not be remotely accessed from a location outside the surveillance monitor room without the prior written approval of the Commission.

L. An entrance to a surveillance monitor room may not be visible from the gaming floor.

**.12 Surveillance Department Operating Procedures.**

A. At least 60 days before video lottery terminal or table game operations are to commence, a facility operator shall submit to the Commission for review and written approval:

(1) A surveillance system meeting the requirements of Regulation .11 of this chapter including, at a minimum, details pertaining to:

(a) Camera configuration inside and outside the facility;

(b) Monitor room configuration;

(c) Video recording format and configuration specifications;

(d) Authentication of digital recordings, including Commission access to the system's video verification encryption code or watermark;

(e) Audio recording format; and

(f) System access controls; and

(2) Surveillance department operating procedures conforming to this regulation.

B. A facility operator may not commence operations until its surveillance system and surveillance department operating procedures are approved in writing by the Commission.

C. A facility operator's surveillance department operating procedures shall, at a minimum, require:

(1) Coverage of all areas and transactions enumerated in Regulation .11 of this chapter;

(2) Contingency plans addressing:

(a) Full and partial failure of the surveillance system including:

(i) A contact list with telephone numbers for individuals required to be notified in the event of a failure; and

(ii) Facility closure protocols; and

(b) Planned shutdown of the surveillance system;

(3) A surveillance incident log:

(a) Maintained by monitor room employees in:

(i) A book with bound numbered pages that cannot be readily removed; or

(ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

(b) Documenting the scheduled coverage in §C(1) of this regulation and all other nonroutine surveillance activity as follows:

(i) Date and time surveillance is commenced;

(ii) Name and Commission license number of the individual initiating, performing, or supervising the surveillance;

(iii) Reason for the surveillance;

(iv) Whether the suspicious activity involves an alleged regulatory violation or criminal activity;

(v) Name, if known, alias, or description of an individual being monitored;

(vi) Description of the activity in which the individual being monitored is engaged;

(vii) Reading on a meter, counter, or device that identifies the point on the video recording at which the event was recorded;

(viii) Time at which a video recording is commenced and terminated, if different than when surveillance is commenced or terminated;

(ix) Date and time surveillance is terminated;

(x) Summary of the results of the surveillance; and

(xi) Description of the time, date, and cause of any equipment or camera malfunction which occurred during the conduct of surveillance;

(4) A surveillance room entry log:

(a) To be signed by an individual entering the surveillance monitor room who is not a surveillance department employee assigned to the monitor room's work shift at the time of entry;

(b) Maintained by monitor room employees in:

(i) A book with bound numbered pages that cannot be readily removed; or

(ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

(c) Documenting the following:

(i) Date and time of entering the monitor room;

(ii) The entering individual's name and department or affiliation;

(iii) The reason for entering the monitor room;

(iv) The name of the individual authorizing the individual's entry into the monitor room; and

(v) The date and time of exiting the monitor room;

(5) That surveillance monitor room employees notify:

(a) Security department supervisory personnel within 5 minutes of an incident of equipment failure affecting coverage of the facility; and

(b) The Commission within 30 minutes of an incident of equipment failure affecting coverage of the facility citing:

(i) Date and time;

(ii) Cause of the malfunction; and

(iii) Time the facility operator's security department was notified of the malfunction;

(6) That the facility operator confirm in writing a notice given verbally to the Commission under §C(5) of this regulation; and

(7) That, on a daily basis, the facility operator synchronize the date and time on the surveillance system to the date and time on the central monitor and control system and its video lottery system.

D. A facility operator may not implement a change or amendment in its surveillance system or surveillance department operating procedures approved by the Commission under §B of this regulation without the prior written approval of the Commission.

E. Surveillance department employees shall be reasonably segregated and independent of all other departments at the facility.

F. A surveillance department employee may not transfer to any other department in the facility without the prior written approval of the Commission.

**.13 Surveillance Department Minimum Staffing.**

A. At least 60 days before video lottery terminal or table game operations are to commence, a facility operator shall submit its surveillance department minimum staffing plan to the Commission for review and written approval.

B. A facility operator may not commence operations until its surveillance department minimum staffing plan is approved in writing by the Commission.

C. A surveillance department minimum staffing plan shall assess, on a per-shift basis, the minimum number of on duty surveillance department employees necessary to:

(1) Provide adequate and effective surveillance of all activities in and outside the facility;

(2) Ensure the physical safety of employees of and invitees to the facility;

(3) Comply with all applicable laws and regulations including Commission-approved internal controls and operating procedures;

(4) Monitor the facility to ensure that the following individuals are identified, prohibited from entering the facility, and, if necessary, immediately removed from the facility:

(a) An intoxicated individual;

(b) An individual who is mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; and

(c) An individual who is voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland; and

(5) Monitor the gaming floor to ensure that an individual under the age of 21 years is identified, prohibited from accessing the gaming floor in accordance with State Government Article, §9-1A-24(c), Annotated Code of Maryland, and, if necessary, immediately removed from the gaming floor.

D. A facility operator's proposed surveillance department minimum staffing plan shall consider:

(1) Square footage and layout of the facility;

(2) Number and configuration of video lottery terminals and table games;

(3) Use of fixed and roving security posts;

(4) Activity level on a per-shift basis and identify it as slow, normal, or peak;

(5) Department supervisory needs; and

(6) A limit of one employee per monitor station.

E. A facility operator may not implement a change or amendment in the surveillance department minimum staffing plan approved by the Commission under §B of this regulation without the prior written approval of the Commission.

**.14 Security Department Operating Procedures.**

A. At least 60 days before video lottery or table game operations are to commence, a facility operator shall submit to the Commission for review and written approval its security department operating procedures.

B. A facility operator may not commence operations until its security department operating procedures are approved in writing by the Commission.

C. A facility operator's security department operating procedures shall, at a minimum, include:

(1) A security zone plan for the facility, employing fixed security posts and roving security officers designed to ensure:

(a) The physical safety of employees of and invitees to the facility;

(b) The safeguarding of assets;

(c) Compliance with all applicable laws and regulations including Commission approved internal controls and operating procedures;

(d) That the following individuals are identified, prohibited from entering the facility, and, if necessary, immediately removed from the facility:

(i) An intoxicated individual;

(ii) An individual who is mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; and

(iii) An individual who is voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland; and

(e) That an individual under the age of 21 years is identified, prohibited from accessing the gaming floor in accordance with State Government Article, §9-1A-24(c), Annotated Code of Maryland, and, if necessary, immediately removed from the gaming floor;

(2) Procedures and controls addressing:

(a) Facility access controls including:

(i) An access badge system;

(ii) If utilized, specifications pertaining to a computerized access control system; and

(iii) Administrative responsibility over a manual or computerized access control system;

(b) A temporary access credential;

(c) Key controls;

(d) Emergency alarm and fire command responsibilities including communication protocols with the surveillance department;

(e) Evacuation of the facility in the event of fire or other emergency;

(f) The identification and immediate removal of an intoxicated individual, an individual under the age of 21 years, an individual who is mandatorily excluded, and an individual who is voluntarily excluded;

(g) Player disputes under Regulation .47 of this chapter; and

(h) The notice requirements of §C(4) of this regulation;

(3) A security department incident log:

(a) Maintained by security department employees in:

(i) A book with bound numbered pages that cannot be readily removed; or

(ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

(b) Documenting the following:

(i) Assignment number of the incident;

(ii) Date and time;

(iii) Name and Commission license of the department member covering the incident;

(iv) Nature of the incident; and

(v) Resolution of the incident; and

(4) A requirement that a facility operator notice the Commission on detection of:

(a) An individual engaged in, attempting to engage in, or suspected of cheating, theft, embezzlement, or other illegal activities;

(b) An individual possessing a firearm, electronic control device, dangerous weapon, or other device or object prohibited under Regulation .49 of this chapter; or

(c) An individual who is:

(i) Under the age of 21 years;

(ii) Intoxicated;

(iii) Mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; or

(iv) Voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland.

**.15 Security Department Minimum Staffing.**

A. At least 60 days before video lottery terminal or table game operations are to commence, a facility operator shall submit its security department minimum staffing plan to the Commission for review and written approval.

B. A facility operator may not commence operations until its security department minimum staffing plan is approved in writing by the Commission.

C. A security department minimum staffing plan shall assess, on a per-shift basis, the minimum number of on-duty security department employees necessary to:

(1) Ensure the physical safety of employees of and invitees to the facility;

(2) Effectively safe guard assets;

(3) Comply with all applicable laws and regulations including Commission-approved internal controls and operating procedures;

(4) Monitor the facility to ensure that the following individuals are identified, prohibited from entering the facility, and, if necessary, immediately removed from the facility:

(a) An intoxicated individual;

(b) An individual who is mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; and

(c) An individual who is voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland; and

(5) Monitor the gaming floor to ensure that an individual under the age of 21 years is identified, prohibited from accessing the gaming floor in accordance with State Government Article, §9-1A-24(c), Annotated Code of Maryland and, if necessary, immediately removed from the gaming floor.

D. A facility operator's proposed security department minimum staffing plan shall consider:

(1) Square footage and layout of the facility;

(2) Number and configuration of video lottery terminals and table games;

(3) Use of fixed and roving security posts;

(4) Activity level on a per-shift basis and identify it as slow, normal, or peak; and

(5) Department supervisory needs.

E. A facility operator may not implement a change or amendment in the security department minimum staffing plan approved by the Commission under §B of this regulation without the prior written approval of the Commission.

**.16 Internal Audit Department Standards.**

A. At least 60 days before video lottery terminal operations are set to commence, a facility operator shall submit to the Commission for review and approval internal audit department operating standards and procedures that:

(1) Meet the requirements of Regulation .10E(6)(b) of this chapter;

(2) Conform to this regulation; and

(3) Ensure that an internal audit is conducted in accordance with generally accepted auditing standards in the United States.

B. A facility operator's internal audit department operating procedures and standards shall, at a minimum, require the internal audit department to:

(1) Work independently of the departments of the facility that are subject to audit;

(2) Assess whether the facility's internal controls comply with applicable law and Commission directives;

(3) Test the facility's compliance with its internal controls;

(4) Immediately report a deficiency in, or noncompliance with, the facility's internal controls to:

(a) The audit committee;

(b) The chief executive officer;

(c) Management; and

(d) The Commission;

(5) Recommend resolution for eliminating a deficiency in, or noncompliance with, the facility's internal control system;

(6) Meet periodically with the audit committee or director of internal audit;

(7) Perform audits of:

(a) All departments of the facility that are designated under §§C and D of this regulation; and

(b) A department of the facility designated by the Commission;

(8) Prepare an audit report for each audit conducted;

(9) Accurately document the audit process and results in an audit report that, at a minimum, shall include:

(a) Audit objectives;

(b) Audit procedures and scope;

(c) Findings and conclusions;

(d) A recommendation for addressing a deficiency in, or noncompliance with, the facility's internal controls;

(e) Resolution of all exceptions; and

(f) Management's response;

(10) Submit audit reports to the Commission on a schedule specified by the Commission; and

(11) Within 90 days of the issuance of an audit report, verify that:

(a) A deficiency or noncompliance revealed during an audit has been corrected; and

(b) An exception disclosed during an audit has been resolved.

C. The audit department shall audit at least semiannually the functions and operations of the facility's:

(1) Cashiers' cage;

(2) Main bank;

(3) Collection of cash storage boxes;

- (4) Cash count;
- (5) Revenue audit;
- (6) Operations department;
- (7) Surveillance department;
- (8) Player tracking system; and
- (9) Key control.

D. The audit department shall audit at least annually:

- (1) Responsible gaming program;
- (2) Security department;
- (3) Currency transaction reporting;
- (4) Suspicious activity reporting;
- (5) Information technology controls;
- (6) Accounts payable; and
- (7) Purchasing.

E. The internal audit department shall conduct an audit on an unannounced basis when possible.

**.17 Access to Central Monitor and Control System Equipment.**

A. Central monitor and control system equipment shall reside in an area physically segregated from other systems and equipment utilized by the facility operator which conforms to the requirements of COMAR 36.03.11.03.

B. At least 10 days before video lottery terminal operations are to commence, the Commission shall issue to the facility operator a list of individuals that it has approved to have access to the central monitor and control system equipment under State Government Article, §9-1A-02(c)(5), Annotated Code of Maryland.

C. A facility operator may not implement a change or amendment in its approved access list without the prior written approval of the Commission.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing physical access to central monitor and control system equipment located in the facility.

E. Central monitor and control system equipment may be accessed by:

- (1) An individual on the list described under §B of this regulation;
- (2) A compliance agent of the Commission; and
- (3) Commission staff authorized by the Director.

F. The facility operator's internal controls shall require:

(1) All keys which access the segregated area where the central monitor and control system equipment resides to be maintained by representatives of the:

- (a) Commission; and
- (b) Central monitor and control system operator; and

(2) An individual requiring access to the segregated area where the central monitor and control system equipment resides who is not included on the Commission-approved access list maintained under §B of this regulation to be:

- (a) Authorized by the Commission; and
- (b) At all times, escorted by a Commission compliance agent, or Commission staff authorized by the Director; and

(c) Reported in the entry log maintained in accordance with §G of this regulation.

G. The Commission shall maintain an entry log for the segregated area where the central monitor and control system equipment resides which is:

- (1) Kept inside the segregated area in a book with bound numbered pages that cannot be readily removed; and
- (2) Utilized by an individual entering the segregated area to record:

- (a) Date and time of entering;
- (b) Entering individual's name and department or affiliation;

- (c) Reason for entering;
- (d) Name of the individual authorizing the individual's entry into the segregated area; and
- (e) Date and time of exiting.

**.18 Cashiers' Cage Design Standards.**

A. A facility operator shall have on, adjacent, or proximate to the gaming floor a physical structure known as a cashiers' cage to house the cashiers and to serve as the central location in the facility for:

- (1) The custody of the cash, accounting records, and forms and documents required under this chapter to conduct video lottery and table game operations;
- (2) The initial financial consolidation of all transactions pertaining to video lottery terminal and table game activity; and
- (3) Other functions normally associated with the operation of a cashiers' cage.

B. A cashiers' cage shall include the following design features:

- (1) A manually triggered silent alarm system connected:
  - (a) Directly to the security department; and
  - (b) Directly, or through a documented communication protocol, to the monitor room of the surveillance department;
- (2) A double door entry and exit system that will not permit an individual to pass through the second door until the first door is securely locked, as follows:

(a) The first door leading from the gaming floor shall be controlled by the security department, the surveillance department, or a Commission-approved computerized access control system.

(b) The second door leading into the cashiers' cage shall be controlled by the cashiers' cage or a Commission-approved computerized access control system.

(c) The double door entry and exit system shall be equipped with surveillance capability sufficient to allow monitoring of:

- (i) All ingress and egress; and
- (ii) The interior compartment; and

(d) Both doors of the double door entry and exit system shall be equipped with:

- (i) Separate locks with a key or release mechanism which is different on each door; and
- (ii) Locks which are operational in the event of a power failure; and

(3) Any entrance to the cashiers' cage that is not a double door entry and exit system shall be equipped as an alarmed emergency exit door.

C. A facility may have one or more satellite cages physically separate from the cashiers' cage which:

- (1) May perform all of the functions of a cashiers' cage authorized by this chapter; and
- (2) Shall be equipped with an alarm system in compliance with §B(1) of this regulation.

D. A facility operator shall make readily available to the Commission:

(1) An access control matrix indicating which employee job descriptions are authorized to have access to the cashiers' cage and any satellite cage; and

(2) A list of employees, with license number, who are authorized:

- (a) To have access to the:
  - (i) Cashiers' cage and any satellite cage;
  - (ii) Keys to the manual locks securing the double door entry and exit system; and
  - (iii) Release button on magnetic locks securing the double door entry and exit system;
- (b) To activate or deactivate alarm systems for the cashiers' cage and any satellite cage; and

(c) To grant access to the cashiers' cage and any satellite cage through the access control matrix or a computerized access control system.

**.19 Accounting Controls for a Cashiers' Cage.**

A. A facility operator may only conduct transactions with individuals at its cashiers' cage and any satellite cage during the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02.

B. A facility operator shall at all times maintain in its cashiers' cage a reserve cash bankroll sufficient to pay all winning wagers.

C. A facility operator shall:

(1) Compute its reserve cash bankroll requirement based on a calendar year; and

(2) Submit its computation to the Commission:

(a) At least 30 days prior to the commencement of video lottery or table game operations; and

(b) On or before January 30 of each year subsequent to the year in which operations are commenced.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the segregation of the cashiers' cage and the general conduct of cashiers' cage transactions.

E. A facility operator's internal controls shall require:

(1) The cashiers' cage and any satellite cage to be physically segregated by personnel and function as follows:

(a) General cashiers shall be responsible for:

(i) An individual imprest inventory of cash;

(ii) Receipt and payout of cash, negotiable instruments, gaming tickets, and other documentation from and to players subject to the limitations imposed under this chapter;

(iii) Preparation of jackpot documents; and

(iv) Other functions designated by the facility operator which are not incompatible with the functions of a general cashier; and

(b) Main bank cashiers shall be responsible for:

(i) Receipt of cash, negotiable instruments, gaming tickets, jackpot, and other documentation from general cashiers in exchange for cash or documentation;

(ii) Replenishment of ticket redemption units and automated jackpot payout machines;

(iii) Receipt of unsecured cash and unsecured gaming tickets;

(iv) Receipt of cash and documentation from the count room;

(v) Preparation of the overall cashiers' cage reconciliation;

(vi) Preparation of bank deposits;

(vii) Compliance with reserve cash bankroll requirements;

(viii) Receipt of original and redemption copies of counter checks;

(ix) Receipt from general cashiers of documentation supporting counter check substitution, consolidation, or redemption; and

(x) Other functions designated by the facility operator which are not incompatible with the functions of a main bank cashier;

(2) Each general cashier and main bank cashier to prepare a cashiers' count sheet on each shift:

(a) Recording the amount of the inventory in the window or bank;

(b) Reconciling the total closing inventory with the total opening inventory; and

(c) Including the signature of the:

(i) Outgoing general or main bank cashier; and

(ii) Incoming general or main bank cashier; and

(3) At the end of the gaming day, the cashiers' cage to forward a copy of each cashiers' count sheet and related documentation to the accounting department for:

(a) Agreement of opening and closing inventories; and

(b) Comparison of forms or documents.

**.20 Checks Accepted from a Player.**

A. A facility operator may accept a negotiable instrument in the form of a check meeting the requirements of this regulation from a player to enable the player to take part in gaming.

B. A facility operator may accept a check only during the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02.

C. A facility operator may accept a personal check that is:

(1) Made payable to the facility operator;

(2) Drawn on a bank, savings and loan association, or credit union subject to federal or State banking regulation;

(3) Drawn for a specific amount;

(4) Currently dated, not postdated; and

(5) Payable on demand.

D. Subject to the requirements of §E of this regulation, a facility operator may accept a check issued by a:

(1) Facility operator; and

(2) Person that:

(a) Is an affiliate of the facility operator; and

(b) Holds a valid gaming license in another jurisdiction.

E. A facility operator shall only accept a check under §D of this regulation which has been issued to an individual as:

(1) Employment compensation; or

(2) A payout in connection with gaming activity.

F. A facility operator may not:

(1) Except as provided under §C of this regulation, accept a check that is payable to an individual, including:

(a) A Social Security check;

(b) An unemployment insurance check;

(c) A disability payment check; or

(d) A public assistance check;

(2) Except for a check issued under §E of this regulation, accept from a player under this regulation a check or multiple checks which in the aggregate exceed \$2,500 during a gaming day; or

(3) Charge a player a fee for accepting a check.

G. For a personal check equaling or exceeding \$500, a facility operator shall confirm the availability of funds by:

(1) Directly contacting the bank, savings and loan association, or credit union upon which the check is drawn; or

(2) Obtaining an authorization and guarantee of the check from a check verification and warranty service licensed as a contractor under COMAR 36.03.02.14.

H. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter, procedures addressing the acceptance and verification of checks meeting the requirements of this regulation.

I. A facility operator's internal controls shall require a check accepted from a player by a general cashier to be:

(1) Restrictively endorsed "for deposit only" to the bank account designated for this purpose by the facility operator;

(2) Initialed by the accepting general cashier;

(3) Date and time stamped;

(4) Verified for signature authenticity by a general cashier who shall:

(a) Obtain from the player one form of identification that is a valid, unexpired government-issued photographic identification;

(b) Satisfactorily compare the:

(i) Signature of the player on the personal check or endorsing the payroll or payout check with the signature on an identification credential; and

(ii) Player's physical appearance with the photograph contained on the valid, unexpired government-issued photographic identification presented by the player; and

(c) Document on the face of the check the number on the player's government-issued photographic identification;

(5) If presented by a player as a payroll or payout check under §E of this regulation, confirmed to have been issued as employment compensation or as a payout in connection with gaming activity;

(6) If a personal check equaling or exceeding \$500, confirmed for availability of funds under §G of this regulation; and

(7) Immediately exchanged for:

(a) Cash;

(b) If the facility operator has the capability, a gaming ticket;

(c) A chip or plaque; or

(d) A customer deposit account in accordance with this chapter.

**.21 Wire Transfers.**

A. A facility operator may accept a negotiable instrument in the form of a wire transfer from a player to enable the player to take part in gaming.

B. A facility operator shall record in its cashiers' cage accountability any funds accepted by wire transfer with no documented business purpose other than to enable a player to take part in gaming within 24 hours of receipt of the wire transfer.

C. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the acceptance, verification, and sending of wire transfers meeting the requirements of this regulation.

D. A facility operator's internal controls shall:

(1) Require preparation of a cashiers' cage wire transfer log to record the following information pertaining to a wire transfer accepted by a facility operator on behalf of a player:

(a) A sequential number assigned by the facility operator to the wire transfer accepted;

(b) Date and time notice of the wire transfer was received;

(c) Name of the financial institution to which the funds were sent;

(d) Account number to which the funds were sent;

(e) Amount transferred;

(f) Name of the player for whose benefit the funds were accepted;

(g) The name and address of the financial institution from which the funds were transferred;

(h) Account number from which the funds were debited;

(i) The method by which the facility operator was notified of the receipt of the wire transfer;

(j) If noticed by telephone, the name and title of the individual providing notice;

(k) The signature of the cashiers' cage employee receiving and recording the information required by this section; and

(l) If applicable, a notation that the wire transfer has been returned under §E of this regulation;

(2) Require that a cashiers' cage supervisor other than the cashiers' cage employee who initially documented acceptance of the wire transfer:

(a) Independently confirm:

(i) Date, time, and method by which the facility operator was notified of the wire transfer; and

(ii) If noticed by telephone, the name and title of the individual providing notice;

(b) Record the date and time of confirmation in the wire transfer log; and

(c) Sign the wire transfer log as completing the confirmation process;

(3) Document the procedures used to:

(a) Establish, verify, and document the identity of a player sending a wire transfer;

(b) Make the wire transfer proceeds available to a player at the cashiers' cage; and

(c) Adjust the cashiers' cage accountability;

(4) Require preparation of a cashiers' cage wire transfer log to record the following information pertaining to a wire transfer sent by a facility operator on behalf of a player:

(a) A sequential number assigned by the facility operator to the wire transfer sent;

(b) Name of the player;

(c) Date of the transaction;

(d) Amount wired;

(e) Source of funds;

(f) The name and address of the financial institution to which the funds were wired;

(g) Account number to which the funds are credited;

(h) If the request to send a wire transfer is made in person at the cashiers' cage, the signature of the player;

(i) If the request to send a wire transfer is not made in person at the cashiers' cage, documentation supporting the receipt of a request by the facility operator to send a wire transfer on behalf of a player;

(j) The signature of the cashiers' cage employee receiving and recording the information required by this regulation; and

(k) The signature of the cashiers' cage supervisor or accounting department supervisor authorizing the wire transfer; and

(5) Document the procedures used to:

(a) Establish, verify, and document the identity of a player requesting that a wire transfer be sent;

(b) Send the wire transfer; and

(c) Adjust the cashiers' cage accountability.

E. A facility operator shall take immediate action to return to a player by wire transfer funds initially accepted by wire transfer under the following circumstances:

(1) The wired funds received by the facility operator have no documented business purpose other than to enable a player to take part in gaming;

(2) All or a substantial portion of the wired funds remain in the facility operator's cashiers' cage accountability more than 14 days following transfer to that accountability; and

(3) The player has engaged in minimal or no video lottery or table game play since receipt of the wire transfer.

F. A wire transfer returned in accordance with §E of this regulation shall be sent to the same individual, financial institution, and account number from which the funds were debited.

G. Return of a wire transfer shall be recorded in the wire transfer log maintained under §D of this regulation.

**.22 Cash Equivalents.**

A. A facility operator may accept a negotiable instrument in the form of a cash equivalent from a player to enable the player to take part in gaming.

B. A facility operator may accept a cash equivalent only during the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02.

C. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the acceptance



and verification of cash equivalents meeting the requirements of this chapter.

D. A facility operator's internal controls shall:

(1) Enumerate the type of cash equivalents complying with this chapter to be accepted;

(2) Detail the specific verification procedures required by each issuer;

(3) Require that a general cashier:

(a) Perform the specific verification procedures required by each issuer;

(b) Prepare and maintain documentation evidencing the verification of a cash equivalent accepted; and

(c) Examine a cash equivalent for counterfeiting, forgery, or alteration;

(4) Detail the criteria for cashiers' cage supervisor involvement in the verification process; and

(5) Include procedures for verifying the authenticity of a player's signature on a cash equivalent in conformance with the signature authentication procedures in Regulation .20 of this chapter.

**.23 Customer Deposits.**

A. A facility operator may establish a customer deposit account for a player to enable the player to take part in gaming.

B. A facility operator shall perform all procedures required by this chapter before depositing funds accepted by means of check, wire transfer, cash equivalent, or other negotiable instrument into a customer deposit account.

C. A facility operator may accept a customer deposit only during the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the acceptance of customer deposits meeting the requirements of this regulation.

E. A facility operator's internal controls shall:

(1) Require acceptance of customer deposits at the cashiers' cage;

(2) Require preparation of a receipt documenting:

(a) Amount deposited;

(b) Date of the deposit; and

(c) The signature of the general cashier accepting the customer deposit;

(3) Provide for full or partial withdrawal of a customer deposit:

(a) By a player at the cashiers' cage; or

(b) Upon receipt by the facility operator of a written request for withdrawal whose validity has been established; and

(4) Include procedures for documenting acceptance and withdrawal of customer deposits including a verification of the authenticity of a player's signature on a customer deposit withdrawal document in conformance with the signature authentication procedures in Regulation .20 of this chapter.

**.24 Credit Authorization.**

A. For the purposes of this regulation, "derogatory information" means any information associated with a credit account indicating that the account is partially or completely uncollectible, has had checks returned unpaid, or has required settlement, lien, judgment, or other collection efforts by a gaming operator.

B. A facility operator may not extend a line of credit to a player to enable the player to take part in gaming which exceeds the player's authorized credit limit.

C. A facility operator may extend credit to a player if a:

(1) Player submits a credit application in writing in accordance with this regulation;

(2) Facility operator complies with the:

(a) Credit application verification requirements of Regulation .25 of this chapter; and

(b) Credit authorization and credit file documentation requirements of this regulation;

(3) Credit is issued:

(a) By acceptance of a negotiable instrument in the form of a counter check under Regulation .26 or .27 of this chapter; and

(b) During the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02; and

(4) Player's outstanding counter check balance does not at any time exceed the player's authorized credit limit.

D. A facility operator shall accept a credit application submitted by a player:

(1) During the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02; and

(2) By mail.

E. A facility operator shall create and maintain a credit file for a player applying for an extension of credit or authorized counter check privileges.

F. A credit file shall:

(1) Be prepared, either manually or by computer, by a general cashier or credit department representative with no incompatible functions including the ability to authorize credit or approve a change in a credit limit;

(2) Contain the credit application submitted by the player documenting, at a minimum, the following:

(a) Name;

(b) Residential address;

(c) Personal telephone number;

(d) Personal checking account information including:

(i) Name and address of a bank, savings and loan or credit union subject to federal or State banking regulation on which a counter check is to be drawn;

(ii) Account number; and

(iii) A representation that the player is individually authorized to draw on the account;

(e) Credit limit requested by the player;

(f) Good faith estimate of:

(i) Outstanding indebtedness including gaming related credit limits and outstanding balances; and

(ii) The amount and source of income and assets that support the requested credit limit; and

(g) Signature of the player:

(i) Acknowledging the request for an extension of credit and counter check privileges;

(ii) Certifying that all information provided on the application is true and accurate;

(iii) Authorizing the facility operator to conduct the due diligence it deems appropriate prior to the credit decision; and

(iv) Acknowledging that the player may be subject to civil or criminal liability if any material information provided is willfully false; and

(3) Document, in accordance with §J of this regulation, the credit limit initially authorized by the facility operator for a player and any change in that credit limit.

G. A facility operator may:

(1) Consider a checking account of a sole proprietorship owned by a player to be a personal checking account; and

(2) Not consider a partnership or corporate checking account to be a personal checking account even if a player is individually authorized to draw on the account.

H. Prior to authorizing an extension of credit, the facility operator shall verify the information on the credit application submitted by the player in accordance with Regulation .25 of this chapter.

I. A facility operator shall restrict authority to extend credit or to approve a change in a credit limit to the following employees:

(1) If the facility operator's table of organization includes a separate credit department, cage credit director, credit manager, cage/credit shift manager, or credit executive who has no involvement with the verifications required under Regulation .25 of this chapter;

(2) A principal employee in a direct reporting line above the director of gaming operations or a credit manager; and

(3) A credit committee composed of principal employees:

(a) Which may authorize credit as a group; and

(b) Whose members may not act individually to authorize credit unless an individual meets the requirements of §I(1) or (2) of this regulation.

J. A facility operator shall record in a player's credit file the initial decision to authorize an extension of credit including:

(1) The credit limit assigned to the player;

(2) Date and time the credit limit was activated;

(3) Information used to support the extension of credit including the source of the information, if such information is not otherwise recorded in the credit file under Regulation .25 of this chapter;

(4) If applicable, a brief explanation as to why:

(a) The credit limit authorized deviates from the credit limit requested by the player in the credit application; and

(b) Credit was authorized when the verification process conducted under Regulation .25 of this chapter disclosed derogatory information; and

(5) The signature or authorization code of the employee authorizing the extension of credit.

K. A facility operator shall require a request for a change in credit limit to be in writing and include:

(1) Date and time of the request;

(2) New limit requested by the player; and

(3) Signature of the player.

L. Prior to approving a change in a player's authorized credit limit, a facility operator shall:

(1) Verify the player's current gaming related credit limits and outstanding balances in accordance with Regulation .25 of this chapter unless the facility operator verified that same information earlier in the same gaming day;

(2) If a player's increased credit limit will exceed \$2,500, verify the player's outstanding indebtedness in accordance with Regulation .25 of this chapter unless the facility operator verified the player's outstanding indebtedness in the previous 12 months;

(3) Verify the player's personal checking account information in accordance with Regulation .25 of this chapter unless the facility operator verified the player's checking account information in the previous 24 months;

(4) Review player rating system data regarding the amount and frequency of play subsequent to the initial extension of credit; and

(5) Document in the player's credit file:

(a) If approved, the change in credit limit;

(b) If disapproved, the reason the credit limit was not changed;

(c) The verifications required by this regulation;

(d) The player's rating in the player rating system on the date the change in credit limit was authorized; and

(e) The signature or authorization code of the employee responsible for the assessment of the request for a change in credit limit.

M. A facility operator may approve a "this trip only" increase in a credit limit without performing the verifications required by §L of this regulation if:

(1) The increase:

(a) Is in effect for a single trip to the facility consisting of consecutive gaming days; and

(b) Does not exceed 25 percent of the currently authorized credit limit; and

(2) The increase is documented in the player's credit file including the signature or authorization code of the employee approving the "this trip only" credit limit increase.

N. A facility operator may not accept a counter check from a player before the decision to authorize an extension of credit, approve a change in a credit limit, or approve a "this trip only" credit limit increase is recorded in the credit file, including the signature or authorization code of the employee authorizing the extension of credit or credit limit increase.

O. A facility operator shall suspend the counter check privileges of a player:

(1) On receipt of:

(a) Derogatory information;

(b) Information that indicates that a player's financial position has materially deteriorated;

(c) A returned check; or

(d) Notice from the Commission that the player has requested a suspension of credit privileges under Regulation .32 of this chapter; or

(2) Who has been inactive at the facility's video lottery terminals and table games for more than 24 months.

P. A facility operator may reinstate the counter check privileges of a player suspended under §O of this regulation after:

(1) Completion of the verification requirements of Regulation .25 of this chapter;

(2) Receipt as a result of those verifications of information supporting the authorized credit limit; and

(3) If applicable:

(a) Payment in full of a returned check; or

(b) Notice from the Commission that the player's credit privileges have been reinstated under Regulation .32 of this chapter.

Q. If derogatory information develops pertaining to a player's account at a facility, a facility operator shall report the derogatory information to the same casino credit bureau it utilizes to verify gaming related credit limits and outstanding balances under Regulation .25 of this chapter within 24 hours of development of the derogatory information.

R. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the issuance of credit including:

(1) Identifying the employee positions authorized to extend credit or approve a change in a credit limit; and

(2) Creation and maintenance of the credit file.

**.25 Verification of Credit Application Information.**

A. Prior to authorizing an extension of credit and counter check privileges under Regulation .24 of this chapter, a facility operator shall verify the information on the credit application submitted by the player in accordance with this regulation.

B. The verification of credit application information required under this regulation:

(1) Shall be conducted by a general cashier or credit department representative with no incompatible functions including the ability to authorize credit or approve a change in a credit limit;

(2) Shall be documented in the player's credit file by recording the following:

(a) Source of the verification;

(b) Date and time;

(c) Method of verification; and

(d) Signature of the verifying general cashier or credit department representative; and

(3) *May be performed telephonically if the facility operator:*

(a) *Requests documentation confirming the information verified telephonically;*

(b) *Documents the request for confirming information in the player's credit file; and*

(c) *Maintains all confirming documentation received in the player's credit file.*

C. *If a player's credit limit will exceed \$2,500, the facility operator shall verify the player's residential address with:*

(1) *A consumer credit bureau;*

(2) *The player's bank; or*

(3) *An alternative source which may not include examination of additional identification credentials or other documentation presented by the player at the facility.*

D. *The facility operator shall:*

(1) *Verify the player's current gaming related credit limits and outstanding balances with:*

(a) *A casino credit bureau; or*

(b) *Each gaming operator with whom the player has an outstanding limit;*

(2) *Document the player's current gaming related credit limits and outstanding balances in the credit file by recording for each gaming related credit limit:*

(a) *The date the player's credit account was established;*

(b) *Amount of the current authorized credit limit;*

(c) *Current balance; and*

(d) *Any derogatory information noted in the player's account; and*

(3) *If applicable, document in the credit file that no gaming related credit limit or outstanding balance information is available on the player.*

E. *A facility operator shall:*

(1) *Verify the player's outstanding indebtedness with a:*

(a) *Consumer credit bureau; or*

(b) *Casino credit bureau; and*

(2) *Document the player's outstanding indebtedness in the credit file by recording:*

(a) *If available, the current balance of each debt obligation; and*

(b) *Any derogatory information noted.*

F. *A facility operator shall:*

(1) *Verify the player's personal checking account information with:*

(a) *The player's bank; or*

(b) *A bank verification service; and*

(2) *Document the player's personal checking account information by recording in the credit file:*

(a) *Confirmation that the account is a personal account on which the player may draw individually;*

(b) *Account number;*

(c) *Date the account was opened;*

(d) *If available, average balance of the account for the last 12 months;*

(e) *Balance in the account; and*

(f) *Name and title of the person supplying the information.*

G. *A facility operator shall verify that the player is not an individual who is:*

(1) *Under 21 years of age;*

(2) *Voluntarily suspended from counter check privileges under Regulation .32 of this chapter;*

(3) *Mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; or*

(4) *Voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland.*

H. *A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures:*

(1) *Identifying those employees authorized to conduct the verifications required under this regulation; and*

(2) *Addressing the verification process required under this regulation.*

**.26 Counter Check Issuance at the Cashiers' Cage.**

A. *Subject to the requirements of this chapter, a facility operator may accept a negotiable instrument in the form of a counter check from a player at the cashiers' cage to enable the player to take part in gaming.*

B. *A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the issuance of a counter check at the cashiers' cage.*

C. *A facility operator's internal controls shall include:*

(1) *The use of a four-part computer-generated counter check that:*

(a) *Consists of an original, redemption, issuance, and accounting copy;*

(b) *Is initiated on receipt by a general cashier of a request for counter check document; and*

(c) *Is serially numbered and issued;*

(2) *Procedures and controls addressing the identification of a player which include:*

(a) *A requirement that a player complete a one-part request for counter check document which includes:*

(i) *Amount requested;*

(ii) *If a facility operator has the capability of offering a gaming ticket as an alternative to cash, an indication as to the desired form of payment; and*

(iii) *Signature of the player;*

(b) *A requirement that a general cashier obtain from the player two forms of identification, at least one of which is a valid, unexpired government-issued photographic identification;*

(c) *A requirement that a general cashier satisfactorily compare the:*

(i) *Signature of the player on the counter check request document with the signatures on both identification credentials; and*

(ii) *Player's physical appearance with the photograph contained on the valid, unexpired government-issued photographic identification presented by the player;*

(d) *A requirement that a general cashier record on the counter check request document the:*

(i) *Number on the player's government-issued photographic identification;*

(ii) *Type and number of the second identification credential presented and reviewed; and*

(iii) *Signature of the general cashier;*

(e) *An option for a general cashier who has on that same shift previously verified the identity of a player by credential review in accordance with §C(2)(b) of this regulation to satisfy the requirements of this regulation by recording on the counter check request document:*

(i) *The series number of the counter check for which the identity of the player was established by credential review; and*

(ii) *Signature of the general cashier;*

(f) *An option for a facility operator who has created a signature file on a player prior to the completion by the player of a request for counter check document to satisfy the requirements of this regulation by having the general cashier:*

(i) *Confirm that the player's signature on the counter check request document matches the signature in the signature file; and*

- (ii) Sign the counter check request document; and
- (g) A requirement that a credential review in accordance with §C(2)(b) and (c) of this regulation is a prerequisite to creation of a player signature file;
- (3) A requirement that prior to issuing a counter check a general cashier confirm with a check bank cashier or through the video lottery system that the amount requested does not exceed the player's credit limit;
- (4) A requirement that all copies of a computer-generated counter check include the following information:
  - (a) Name of the player;
  - (b) Name of the bank, savings and loan, or credit union on which the counter check is to be drawn;
  - (c) Date and time;
  - (d) Amount of the counter check;
  - (e) Location of preparation of the counter check;
  - (f) Signature of a cashiers' cage supervisor; and
  - (g) Signature or identification code of the preparer of the counter check;
- (5) A requirement that the back of the original copy of the counter check contain a restrictive endorsement "for deposit only" to the facility operator's designated bank account;
- (6) Procedures and controls over the counter check issuance process which require:
  - (a) A cashiers' cage supervisor to sign all copies of the counter check after confirming that the counter check was prepared for the amount the player recorded on the counter check request document;
  - (b) A player to sign all copies of the counter check in the presence of the same general cashier who verified the player's identification and prepared the counter check;
  - (c) A general cashier to immediately exchange the counter check for:
    - (i) Cash;
    - (ii) If a facility operator has the capability, a gaming ticket; or
    - (iii) A customer deposit account in accordance with this chapter; and
  - (d) A general cashier to distribute the copies of the counter check as follows:
    - (i) The original and redemption copies of the counter check shall be expeditiously transferred to the check bank directly or to a security department employee for transportation to the cashiers' cage if the counter check is issued in a satellite cage;
    - (ii) The issuance copy of the counter check shall be maintained by the general cashier to serve as documentation supporting the exchange of cash, a gaming ticket, or a customer deposit for the counter check; and
    - (iii) The accounting copy of the counter check shall be attached by the general cashier to the counter check request document and deposited into a locked accounting box for forwarding to the accounting department;
- (7) If utilized, procedures and controls addressing:
  - (a) Use of a signature exemplar;
  - (b) Creation of a player signature file; and
  - (c) Generation of a gaming ticket at the cashiers' cage;
- (8) Procedures and controls addressing:
  - (a) Voided counter checks;
  - (b) The use and location of accounting drop boxes; and
  - (c) Audit procedures performed by the facility operator's accounting department at the conclusion of each gaming day;
- (9) Details which establish the ability of the facility operator's video lottery system to ensure that a four-part computer-generated counter check is not susceptible to change or deletion from the system after preparation; and

- (10) Procedures utilized to issue a manual counter check which:
  - (a) Are to be utilized only when the video lottery system is unable to generate a counter check;
  - (b) Conform to the requirements of this regulation;
  - (c) Require use of a serially pre-numbered five-part counter check consisting of an original, redemption, issuance, accounting, and acknowledge copy residing in a book, wiz machine, or functional equivalent;
  - (d) Require manual counter checks to be maintained in a secured locked cabinet in the cashiers' cage; and
  - (e) Require the key to the cabinet in §C(10)(d) of this regulation to be:
    - (i) Controlled by the security department or the accounting department; and
    - (ii) Limited to sign out by a cashiers' cage shift manager or cashiers' cage manager.

**.27 Counter Check Issuance at a Video Lottery Terminal.**

A. Subject to the limitations of this chapter, a facility operator may accept a negotiable instrument in the form of a counter check from a player at a video lottery terminal to enable the player to take part in gaming.

B. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter, procedures addressing the issuance of a counter check at a video lottery terminal or table game.

C. A facility operator's internal controls shall include:

- (1) Use of a player signature file which shall:
    - (a) Be established prior to the completion by a player of a request for counter check document at the video lottery terminal; and
    - (b) Require an identification credential review in accordance with Regulation .26C(2) of this chapter;
  - (2) Procedures and controls addressing the identification of the player which include:
    - (a) A requirement that a player complete a two-part request for counter check document at the video lottery terminal in the presence of a gaming operations department supervisor which includes:
      - (i) Amount requested;
      - (ii) If a facility operator has the capability of offering a gaming ticket as an alternative to cash, an indication as to the desired form of payment; and
      - (iii) Signature of the player;
    - (b) A requirement that a gaming operations department supervisor transport both copies of the request for counter check document to a general cashier; and
    - (c) A requirement that a general cashier:
      - (i) Confirm that the player's signature on the counter check request document matches the signature in the signature file; and
      - (ii) Sign the counter check request document;
  - (3) A requirement that prior to issuing a counter check a general cashier confirm with a check bank cashier or through the video lottery system that the amount requested does not exceed the player's credit limit;
  - (4) A requirement that all copies of a computer-generated counter check include the following information:
    - (a) Name of the Player;
    - (b) Name of the bank, savings and loan, or credit union on which the counter check is to be drawn;
    - (c) Date and time;
    - (d) Amount of the counter check;
    - (e) Location of preparation of the counter check;
    - (f) Signature of a gaming operations department supervisor;
- and

(g) Signature or identification code of the preparer of the counter check;

(5) A requirement that the back of the original copy of the counter check contain a restrictive endorsement "for deposit only" to the facility operator's designated bank account; and

(6) Procedures and controls over the counter check issuance process which require:

(a) A general cashier to:

(i) Prepare the counter check in accordance with this regulation;

(ii) Summon to the cashiers' cage a verifying employee from the security department or gaming operations department provided the verifying employee is not the gaming operations department supervisor who transported the counter check request document to the cashiers' cage;

(iii) Present the original and duplicate copy of the counter check request document, all copies of the counter check and the cash, gaming ticket, chip, or plaque to the gaming operations department supervisor and the verifying employee;

(iv) Obtain the signature of the gaming operations department supervisor on all copies of the counter check confirming that the amount of the counter check agrees with the amount on the counter check request document;

(v) Obtain the signature of the verifying employee on the original and duplicate copy of the request for counter check document confirming that the amount of cash, gaming ticket, chip, or plaque to be transported to the player agrees with the amount on the counter check and on the counter check request document;

(vi) Retain the duplicate copy of the request for counter check document; and

(vii) Release to the verifying employee the original of the request for counter check document, all copies of the counter check, and the cash, gaming ticket, chip, or plaque for transportation, in the presence of the gaming operations department supervisor who transported the counter check request to the cashiers' cage, to the player;

(b) A verifying employee to present all copies of the counter check to the player for signature in the presence of the gaming operations department supervisor;

(c) A gaming operations department supervisor to compare the player's signature on the counter check to the signature on the request for counter check document;

(d) A verifying employee to immediately exchange the counter check for:

(i) Cash;

(ii) If a facility operator has the capability, a gaming ticket;

(iii) Chip; or

(iv) Plaque;

(e) A gaming operations department supervisor to:

(i) Sign the back of the accounting copy confirming the exchange with the player; and

(ii) Drop the accounting copy of the counter check and the original request for counter check document into an accounting drop box for forwarding to accounting;

(f) A verifying employee to immediately return the original, redemption, and issuance copies of the counter check to a general cashier; and

(g) A general cashier to:

(i) Expeditiously transfer the original and redemption copies of the counter check to the check bank directly or to a security department employee for transportation to the cashiers' cage if the counter check is issued in a satellite cage; and

(ii) Attach the duplicate copy of the request for counter check document to the accounting copy of the counter check to serve

as documentation supporting the exchange of cash, gaming ticket, chip, or plaque for the counter check.

**.28 Counter Check Substitution, Consolidation, and Redemption.**

A. A player to whom a counter check has been issued by a facility operator may use a personal check meeting the requirements of §B of this regulation to:

(1) Substitute for a counter check which has not been deposited by the facility operator;

(2) Consolidate two or more counter checks which have not been deposited by the facility operator; and

(3) Redeem, partially or in full, a counter check which has not been deposited by a facility operator.

B. A personal check accepted by a facility operator in a substitution, consolidation, or redemption transaction shall:

(1) Be drawn on an account which has been verified in accordance with Regulation .25 of this chapter;

(2) Comply with the requirements of Regulation .20 of this chapter; and

(3) Be redeemed or deposited in accordance with Regulation .29 of this chapter.

C. A player who has issued a replacement check to a facility operator may present another replacement check in a substitution, consolidation, or partial redemption transaction involving the original replacement check.

D. A replacement check accepted by a facility operator in a substitution, consolidation, or partial redemption transaction shall be:

(1) Dated with the date of the initial counter check being substituted, consolidated, or partially redeemed; or

(2) If the check is subject to Commission-approved internal controls which ensure that the date of the initial counter check being substituted, consolidated, or partially redeemed is used to determine the date on which the replacement check is deposited under Regulation .29 of this chapter, currently dated.

E. A facility operator may not accept a replacement check in substitution, consolidation, or partial redemption for the purpose of avoiding or delaying the deposit requirements for a counter check or replacement check under Regulation .29 of this chapter.

F. If a player has more than one counter check or replacement check which has not been deposited, the most recently dated check shall be redeemed first, except that:

(1) If more than one check bears the same date, the player may choose the order in which to redeem the checks; and

(2) If, pursuant to Commission-approved internal controls, a facility operator does not require a replacement check used in a substitution, consolidation, or partial redemption transaction to be dated with the date of the initial counter check being substituted, consolidated, or partially redeemed, then the date of the initial counter check and not the date of the replacement check shall be used to determine the order in which outstanding checks are redeemed.

G. A facility operator may conduct a substitution, consolidation, or partial redemption transaction:

(1) At the cashiers' cage during the hours of operation approved by the Commission for the facility under COMAR 36.03.11.02; and

(2) By mail.

H. A facility operator shall develop and include in the internal controls submitted to and approved under Regulation .05 of this chapter procedures and controls addressing the substitution, consolidation, and full or partial redemption of a counter check.

**.29 Deposit of Counter Checks.**

A. A facility operator shall deposit a counter check in its bank account or present the counter check directly to the player's bank:

(1) No later than:

(a) 7 days after the date of the check for a check of \$1,000 or less;

(b) 14 days after the date of the check for a check greater than \$1,000 but not more than \$2,500; and

(c) 21 days after the date of the check for a check greater than \$2,500 but not more than \$5,000; or

(2) In accordance with a deposit schedule agreed to between the facility operator and the player if the deposit schedule:

(a) Does not authorize deposit more than 21 days after the date of the check;

(b) May not be amended or modified to change the deposit date of a counter check after acceptance of the counter check from the player; and

(c) Was at the time of the initial authorization of credit or an approved change in a credit limit:

(i) Agreed to and approved by the employee who extended the credit; and

(ii) Documented in the credit file.

B. A facility operator shall deposit a replacement check accepted from a player in a substitution, consolidation, or partial redemption transaction in its bank account or present the replacement check directly to the player's bank:

(1) On the deposit date of the initial counter check in accordance with Regulation .28D of this chapter; and

(2) In accordance with one of the deposit options of §A of this regulation.

C. A facility operator shall deposit in its bank account or present directly to the player's bank a personal check accepted in full redemption of a counter check on the next day.

D. A facility operator shall:

(1) If there are a series of consolidation or redemption transactions with a player, consider the initial counter check to be the earliest dated counter check returned to the player in the first of the series of consolidation or redemption transactions; and

(2) In computing the time periods in §§A, B, and C of this regulation, consider the last day of the period to be included unless it is a Saturday, Sunday, or a State or federal holiday, in which event the time period shall run until the next banking day.

E. A facility operator shall develop and include in the internal controls submitted to and approved under Regulation .05 of this chapter procedures and controls addressing the deposit of counter checks and replacement checks.

F. A facility operator's internal controls shall include:

(1) Procedures and controls addressing:

(a) Release of a counter check or replacement check for presentment to a player's bank to:

(i) A principal employee of the facility operator; or

(ii) An attorney; and

(b) Correction, prior to deposit or presentment or on redeposit of a returned check, of data entry errors in:

(i) Bank name;

(ii) Bank routing number;

(iii) Bank account number; or

(iv) Micro-encoding number; and

(2) A prohibition against correcting information that identifies the verified bank account on which the counter check was originally drawn.

**.30 Returned Checks.**

A. All checks returned after deposit shall be:

(1) Returned directly to an accounting department employee with no incompatible functions; and

(2) Maintained by a check bank cashier with no incompatible functions.

B. A facility operator shall immediately redeposit a returned check unless there is a reasonable basis for concluding that the check will not be honored a second time.

C. A facility operator shall:

(1) Limit collection efforts pertaining to a returned check to the following persons:

(a) A gaming or principal licensed employee of the accounting department with no incompatible functions; and

(b) An attorney representing the facility operator;

(2) Notice the employee or attorney authorized to conduct collection efforts of any verbal or written communication with a player regarding collection efforts;

(3) Document all collection efforts in the player's credit file; and

(4) Send a statement to a player at reasonable intervals.

D. After reasonable collection efforts, returned checks may be considered uncollectible for accounting purposes if the write off is authorized by the:

(1) Chief executive officer; and

(2) Director of finance or another designated principal employee who does not possess authority to authorize credit or approve a change in a credit limit.

**.31 Accounting Controls in a Check Bank.**

A. In addition to the documentation requirements of Regulations .24 and .25 of this chapter, a facility operator shall record in a player's credit file all transactions affecting a player's outstanding indebtedness to the facility operator, and the credit file shall include:

(1) Transactions recorded in chronological order;

(2) Credit transactions segregated from customer deposit transactions; and

(3) Documentation of:

(a) For counter checks, the date, amount, and series number;

(b) For each substitution check:

(i) The date, amount, and check number of the substitute check; and

(ii) The series number of the counter check or check number of the replacement check returned to the player;

(c) For each consolidation check:

(i) The date, amount, and check number of the consolidation check; and

(ii) The series numbers of the counter check or check number of the replacement check returned to the player;

(d) For each redemption check:

(i) The date, amount, and check number of the redemption check;

(ii) An indication as to whether the redemption was partial or full; and

(iii) The series number of the counter check or check number of the replacement check returned to the player;

(e) Date, amount, and series or check number of each check:

(i) Deposited; and

(ii) Returned;

(f) If a check has been returned, the reason for its return;

(g) Player's outstanding balance after each transaction;

(h) Date, amount, and series or check number of a check which has been partially or completely written off by the facility operator; and

(i) If a write off, the reason for the write off.

B. A facility operator shall maintain original and redemption copies of counter checks and replacement checks accepted in substitution, consolidation, and redemption transactions in its check bank.

C. A facility operator's check bank shall prepare and maintain for each shift, manually or by computer, a log of all counter checks exchanged and of all replacement checks received in substitution, consolidation, and redemption transactions which includes the following:

(1) The balance of the checks on hand in the check bank at the beginning of each shift;

(2) For counter checks accepted and for replacement checks received in substitution, consolidation, or redemption on the shift:

- (a) Date of the check;
- (b) Name of the drawer of the check;
- (c) Amount of the check;
- (d) If a counter check, the series number;
- (e) If a replacement check, the check number; and
- (f) If applicable, an indication that the check was accepted in a substitution, consolidation, or redemption transaction;

(3) For checks deposited, substituted, consolidated, or redeemed by a player on the shift:

(a) Date on which the check was deposited, substituted, consolidated, or redeemed;

- (b) Name of the drawer of the check;
- (c) Amount of the check;
- (d) If a counter check, the series number;
- (e) If a replacement check, the check number; and
- (f) An indication as to whether the check was deposited, substituted, consolidated, or redeemed; and

(4) The balance of the checks on hand in the check bank at the end of each shift.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing accounting controls over the check bank, including end of shift and end of gaming day deposits and reconciliations.

**.32 Player Request for Suspension of Credit Privileges.**

A. A player may voluntarily suspend his credit privileges at all Maryland facilities by submitting a written request to the Commission in a form specified by the Commission.

B. A request for suspension of credit privileges shall be made:

- (1) In person at locations specified by the Commission; or
- (2) By mail if:

(a) Submitted with a signature signed before a notary public or other individual empowered by law to take oaths; and

(b) Accompanied by a certificate of acknowledgement by the notary public or other individual empowered by law to take oaths attesting to the identity of the individual making the request.

C. The Commission shall:

(1) Maintain a master list of all individuals who have requested suspension of credit privileges under this regulation; and

(2) Expediently notify a facility operator in writing of any additions to or deletions from the master list.

D. A facility operator shall suspend the credit privileges of an individual requesting suspension within 24 hours of receipt of notice that the individual's name has been added to the Commission's master list.

E. A facility operator shall:

(1) Maintain the most current Commission master list in its cashiers' cage; and

(2) Within 24 hours of receipt of notice that an individual has requested a suspension of credit privileges, record the suspension in the player's credit file.

F. No less than 60 days after the request for suspension of credit privileges, a player whose credit privileges have been suspended under this regulation may request reinstatement of credit privileges by submitting a written request to the Commission in a form specified by the Commission.

G. The Commission shall on receipt of a request for reinstatement:

(1) Update its master list of individuals to document the request for reinstatement; and

(2) Notify a facility operator in writing of an individual's removal from the Commission's master list.

H. A facility operator may not reinstate the credit privileges of a player removed from the Commission's master list without performing the verifications required by Regulation .25 of this chapter.

I. A facility operator shall notice the Commission in a form specified by the Commission as to its decision with respect to restoration of the player's counter check privileges at the facility.

J. Information furnished to or obtained by the Commission under this regulation shall be deemed confidential and may not be disclosed except to facility personnel whose duties and functions require access to the information.

K. A facility operator requested to provide information regarding the status of a player's credit account may not disclose any information other than to identify the credit account as voluntarily suspended.

**.33 Prohibition on the Use of Credit Cards and Debit Cards.**

A video lottery terminal or table game may not be played or activated in any way by insertion, directly or indirectly, or use of a:

- A. Credit card;
- B. Debit card; or
- C. Electronic transfer of funds from a credit card or debit card.

**.34 Player Tracking System.**

A. For the purposes of this regulation, a "player tracking system" means the collective hardware, software, communications technology, and other ancillary equipment owned or leased by a facility operator to collect, monitor, interpret, analyze, authorize, report, and audit data pertaining to:

(1) Player activity generally at video lottery terminals and table games; and

(2) Individual player activity at video lottery terminals and table games where the player has registered with the facility operator for inclusion in the player tracking system.

B. A facility operator shall utilize a player tracking system meeting the requirements of this subtitle.

C. A facility operator may not collect or monitor the activity of an individual who it knows, suspects, or has reason to know or suspect is:

- (1) Under the age of 21 years;
- (2) Mandatorily excluded in accordance with State Government Article, §9-1A-24(d), Annotated Code of Maryland; or
- (3) Voluntarily excluded in accordance State Government Article, §9-1A-24(e), Annotated Code of Maryland.

D. A facility operator shall provide a player with a record of video lottery terminal and table game spending levels if:

(1) The player:

- (a) Has registered with the facility for inclusion in the player tracking system; and
- (b) Submits a signed request for the spending level documentation at the cashiers' cage; and

(2) The identification of the player is established including the authenticity of the player's signature on the request in accordance with the signature authentication procedures in Regulation .20I(4) of this chapter.

**.35 Gaming Ticket.**

A. A facility operator may issue a gaming ticket and utilize a gaming ticket system meeting the requirements of this subtitle.

B. A facility operator shall:

(1) Issue a gaming ticket which does not expire for 182 days after the date of issuance;

(2) Configure its gaming ticket system to:

(a) Prevent issuance of a gaming ticket exceeding \$10,000; and

(b) Require gaming tickets of \$5,000 or more to be redeemed only at the cashiers' cage;

(3) Configure a ticket redemption unit under Regulation .38 of this regulation to:

(a) Redeem only a gaming ticket of less than \$5,000; and

(b) Direct a player attempting to redeem a gaming ticket of \$5,000 or more to the cashiers' cage; and

(4) Redeem at its cashiers' cage a gaming ticket of:

(a) \$5,000 or more by check; and

(b) Less than \$5,000 by:

(i) Cash or check; or

(ii) Check on the request of a player.

C. A facility operator shall immediately report to the Commission evidence that a gaming ticket has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, or reliability of the gaming ticket.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the issuance and redemption of a gaming ticket.

E. A facility operator's internal controls shall:

(1) Require a gaming ticket to include:

(a) Name or trade name of the facility operator;

(b) Date and time of issuance;

(c) Amount of the gaming ticket;

(d) Unique series number automatically generated by the gaming ticket system;

(e) Asset number of the video lottery terminal dispensing the gaming ticket;

(f) At least one anticounterfeiting measure, which appears on one or both sides of the gaming ticket;

(g) Locations where the gaming ticket may be redeemed and any restrictions applicable to redemption;

(h) A bar code or magnetic strip which enables the gaming ticket system to identify the numeric information required by this section; and

(i) Notice to the player of the terms of expiration; and

(2) Include procedures and controls which:

(a) Require a gaming ticket system to perform the following prior to payment:

(i) Verify the validity of the series number and amount of the gaming ticket; and

(ii) Electronically cancel the gaming ticket;

(b) Require the gaming ticket system to be configured:

(i) To permit access to the complete series number of an unredeemed gaming ticket only to gaming ticket system administrative employees and accounting department employees not assigned to the cashiers' cage; and

(ii) To maintain a record of all unredeemed gaming tickets for a minimum of 2 years from the date of issuance of the gaming ticket unless a request to remove or relocate system records is submitted in writing and approved in writing by the Commission;

(c) Address the following events:

(i) Calculation and transmittal by the facility operator of its outstanding expired unredeemed gaming ticket balance to the State;

(ii) An election by a facility operator to pay a gaming ticket when the gaming ticket system is inoperable or otherwise unable to verify the validity of the gaming ticket at the time of payment; and

(iii) An election by a facility operator to pay a gaming ticket where the gaming ticket system fails to verify and electronically cancel the gaming ticket when it is presented by the player and scanned for verification; and

(d) Require generation, at the conclusion of each gaming day, of reports detailing:

(i) Gaming tickets issued;

(ii) Gaming tickets redeemed and cancelled by redemption location;

(iii) Unredeemed liability for gaming tickets;

(iv) Readings on gaming ticket related video lottery terminal meters;

(v) Meter readings compared to number and amount of issued and redeemed gaming tickets; and

(vi) Any exceptions.

**.36 Promotional Play.**

A. A facility operator may:

(1) Issue promotional play if it is not awarded as cashable credit; and

(2) Utilize a promotional play system meeting the requirements of this subtitle.

B. A facility operator may not issue to a player promotional play equaling or exceeding \$5,000 per gaming day without approval from the chief executive or the chief executive's designee.

C. A facility operator shall immediately report to the Commission evidence that a promotional play instrument has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, or reliability of the promotional play instrument.

D. A facility operator shall submit to the Commission in a form and in accordance with a time frame specified by the Commission a weekly report summarizing:

(1) Promotional play awarded for the period including:

(a) Total amount in promotional play awarded in noncashable credits; and

(b) Other forms of promotional play; and

(2) Promotional play redeemed by players for the period including:

(a) Total amount in promotional play redeemed in noncashable credits; and

(b) Other forms of promotional play redeemed.

E. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing:

(1) Methods utilized to:

(a) Issue promotional play; and

(b) Redeem promotional play; and

(2) A promotion play instrument including a requirement that it document:

(a) Name or trade name of the facility operator;

(b) Amount in noncashable credits;

(c) Unique series number automatically generated by the promotional play system;

(d) Locations where a promotional instrument may be redeemed and any restrictions applicable to redemption;

(e) A bar code or magnetic strip which enables the promotional play system to identify the numeric information required by this section; and

(f) Notice to the player of the terms of expiration.



*F. Limitation on Free Promotional Play.*

(1) Through the first full fiscal year of a facility's operations, the proceeds of a facility excludes money given away by a licensee as free promotional play and used by players to bet in a video lottery terminal.

(2) After the first full fiscal year of a facility's operations, the amount of money given away as free promotional play in a fiscal year may not exceed a percentage of the facility's proceeds received in the prior fiscal year under State Government Article, §9-1A-27(a)(2) or (b)(1), Annotated Code of Maryland, that equates to 20 percent of total video lottery terminal proceeds the facility generated in the prior fiscal year.

(3) An amount of money given away as free promotional play in a fiscal year exceeding the percentage defined in §F(2) of this regulation of the facility's proceeds of the prior fiscal year shall be allocated as proceeds under State Government Article, §9-1A-27, Annotated Code of Maryland.

G. No later than 90 days after the end of the fiscal year, a facility operator shall submit to the Commission a written:

(1) Report of its use of free promotional play during the prior fiscal year; and

(2) Recommendation for any adjustment to the limitation on free promotional play established under §F(2) of this regulation.

H. For purposes of §§F and G of this regulation, "fiscal year" means the fiscal year of the facility operator.

**.37 Ticket Redemption Unit.**

A. A facility operator may utilize a ticket redemption unit meeting the requirements of this subtitle.

B. A facility operator shall locate a ticket redemption unit on the gaming floor subject to the surveillance coverage requirements of Regulation .11 of this chapter.

C. A ticket redemption unit:

(1) Shall in accordance with Regulation .36 of this chapter be configured to:

- (a) Redeem a gaming ticket of less than \$5,000; and
- (b) Direct a player attempting to redeem a gaming ticket of \$5,000 or more to the cashiers' cage; and

(2) May be configured to function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

D. A facility operator shall develop and include in the internal controls submitted under Regulation .05 of this chapter, procedures addressing a ticket redemption unit.

E. A facility operator's internal controls shall address:

- (1) Distribution of cash to a ticket redemption unit;
- (2) Removal of gaming tickets and cash accepted by a ticket redemption unit;
- (3) Reconciliations associated with the replenishment process;
- (4) Generation of the following reports by a ticket redemption unit or ancillary system or application for the reconciliation period, which may be by gaming day, shift, or drop cycle:

- (a) A gaming ticket transaction report which details:
  - (i) Disposition, as paid, partially paid, or unpaid, of gaming tickets accepted by a ticket redemption unit;
  - (ii) Gaming ticket validation number;
  - (iii) Date and time of redemption;
  - (iv) Amount requested; and
  - (v) Amount dispensed;
- (b) A reconciliation report which details:
  - (i) Date and time;
  - (ii) Unique asset identification number of the ticket redemption unit;
  - (iii) Total amount of cash in the currency and coin cassettes;
  - (iv) Total number of bills accepted by denomination; and

(v) Total amount of gaming tickets accepted; and  
 (c) A gaming ticket and currency storage box report which details the following data whenever a storage box is removed from the ticket redemption unit:

- (i) Date and time;
- (ii) Unique asset identification number of the ticket redemption unit;
- (iii) Unique identification number for each storage box in the ticket redemption unit;
- (iv) Total amount of currency dispensed;
- (v) Total number of bills dispensed by denomination;
- (vi) Total amount of gaming tickets accepted;
- (vii) Total count of gaming tickets accepted; and
- (viii) Details required to be included in the gaming ticket transaction report required under §E(4)(a) of this regulation; and

(5) A transaction history report which details all critical player transaction history including the date, time, amount, and disposition of each complete and incomplete transaction.

**.38 Jackpot Payout.**

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Term Defined. "Supervisor or above" means a supervisor, a shift manager, or a higher level employee in the department cited.

B. A facility operator shall utilize a multipurpose jackpot or credit meter payout document meeting the requirements of this regulation to pay:

- (1) A jackpot not totally and automatically paid by a video lottery terminal; or
- (2) Credits accumulated by a player on a video lottery terminal if:

- (a) The number of accumulated credits exceeds the amount which may be paid utilizing a gaming ticket under Regulation .36 of this chapter;
- (b) Due to malfunction, the credits cannot be paid by the video lottery terminal; or
- (c) A single jackpot event requires the filing of IRS Form W-2G, Certain Gambling Winnings.

C. A facility operator shall:

- (1) Prepare and timely file IRS Form W-2G, Certain Gambling Winnings, in accordance with IRS rules and regulations; and
- (2) Immediately report to the Commission any incident in which a video lottery terminal fails to lock up and preclude play following a single jackpot event of \$1,200 or more.

D. A facility operator shall pay a jackpot or credit meter payout of:

- (1) \$5,000 or more by check; and
- (2) Less than \$5,000 by:
  - (a) Cash or check; or
  - (b) Check on the request of a player.

E. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the payment of a jackpot or credit meter payout not totally and automatically paid by a video lottery terminal.

F. A facility operator's internal controls shall include:

- (1) The use of a two-part computer-generated jackpot or credit meter payout document initiated on the request of a gaming operations department attendant or gaming operations department supervisor or above after verifying the:
  - (a) Winning combination of characters on the video lottery terminal or table game and the amount of the jackpot; or
  - (b) Number of accumulated credits;

(2) A requirement that, if a jackpot or credit meter payout is \$1,200 or more but less than \$10,000, a security department employee or a gaming operations department attendant or gaming operations department supervisor or above other than the preparer of the document sign the jackpot or credit meter payout document after verifying the payment of the jackpot or credit meter payout to the player and:

- (a) Winning combination of characters on the video lottery terminal and the amount of the jackpot; or
- (b) Number of accumulated credits;

(3) A requirement that, if a jackpot or credit meter payout is \$10,000 or more but less than \$25,000, a security department employee or a gaming operations department supervisor or above other than the preparer of the document sign the jackpot or credit meter payout document after verifying the payment of the jackpot or credit meter payout to the player and:

- (a) Winning combination of characters on the video lottery terminal and the amount of the jackpot; or
- (b) Number of accumulated credits;

(4) A provision that, if a jackpot or credit meter payout document generated under §F(1) of this regulation is requested by a gaming operations department supervisor or above, the verification required by §F(3) of this regulation may be completed by a gaming operations department attendant, a gaming operations department supervisor or above, or a security department employee;

(5) A requirement that, if a jackpot or credit meter payout is \$25,000 or more, an operations department shift manager or higher level operations department employee other than the preparer of the document sign the jackpot or credit meter payout document after verifying the payment of the jackpot or credit meter payout to the player and:

- (a) Winning combination of characters on the video lottery terminal and amount of the jackpot; or
- (b) Number of accumulated credits;

(6) A provision that, if a jackpot or credit meter payout document required under §F(1) of this regulation is requested by a gaming operations department shift manager or higher level gaming operations department employee, the verification required by §F(5) of this regulation may be completed by a gaming operations department attendant, a gaming operations department supervisor or above, or a security department employee;

(7) A requirement that the following information be on a two-part computer-generated jackpot or credit meter payout document:

- (a) Date and time;
- (b) Asset number of the video lottery terminal or table game on which the jackpot was registered or credits accumulated;
- (c) Winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot or an indication that a credit meter payout is to be made;
- (d) Amount to be paid;
- (e) Unique transaction number generated by the video lottery system;
- (f) Signature or identification code of the preparer of the document;
- (g) If the payout is \$1,200 or more, the signature or identification code of a verifying witness in accordance with this regulation; and
- (h) Unless an automated jackpot payout machine or a cash wallet is utilized to effect the payment, the signature or identification code of the cashier issuing the funds;

(8) If utilized, procedures and controls applicable to a jackpot or credit meter payout:

- (a) Using an automated jackpot payout machine meeting the requirements of Regulation .42 of this chapter; and

(b) By a gaming operations department attendant from a cash wallet impressed with \$5,000 or less;

(9) If utilized, procedures and controls to be implemented if the facility operator resets the video lottery terminal or credit meter before the player is paid;

(10) A requirement that the surveillance department:

(a) Be notified of a jackpot or credit meter payout of \$25,000 or more;

(b) Log all notices regarding a jackpot or credit meter payout in the surveillance log required under Regulation .12 of this chapter; and

(c) Obtain and retain in accordance with Regulation .11 of this chapter a photograph of the face of the player receiving the payout;

(11) Details pertaining to:

(a) Payment of a jackpot or credit meter payout at the:

- (i) Cashiers' cage;
- (ii) Video lottery terminal; and
- (iii) Table game;

(b) The use of an accounting drop box; and

(c) Audit procedures to be performed by the facility operator's accounting department at the conclusion of each gaming day;

(12) Procedures addressing unclaimed jackpots or accumulated credits abandoned on a video lottery terminal or table game;

(13) Details which establish the ability of the facility operator's video lottery system to:

(a) Ensure that a two-part computer-generated jackpot or credit meter payout document is not susceptible to change or deletion from the system after preparation;

(b) Process and document system overrides or adjustments to jackpot or credit meter payouts including:

(i) Overrides or adjustments where the payout requested does not match the payout amount sent from the video lottery terminal to the video lottery system; and

(ii) Identification of the level of employee having override authority; and

(c) Process voided jackpot or credit meter payout documents; and

(14) Procedures utilized to issue a manual jackpot or credit meter payout document which:

(a) Are to be used only when the video lottery system is unable to generate a jackpot or credit meter payout document;

(b) Conform to the jackpot payout or credit meter payout verification and signature requirements of this regulation;

(c) Involve use of a three-part serially prenumbered manual jackpot or credit meter payout document residing in a book, wiz machine, or functional equivalent;

(d) Require manual jackpot or credit meter payout books, wiz machines, or their functional equivalent to be maintained in a secured locked cabinet in the cashiers' cage; and

(e) Require the key to the cabinet in §F(14)(d) of this regulation to be:

(i) Controlled by the security department or the accounting department; and

(ii) Limited to sign out by a gaming operations department supervisor or above.

**.39 Annuity Jackpot.**

**A. Definitions.**

(1) In this regulation, the following terms have the meanings indicated.

(2) *Terms Defined.*

(a) "Annuity jackpot" means a video lottery terminal or table game jackpot in which a player wins the right to receive fixed cash payments at specified intervals; and

(b) "Discount rate" means a discount rate equal to the United States

Treasury constant maturity rate for 20-year United States government securities for the week ending prior to the date of the jackpot, as identified in the applicable H.15 Statistical Release issued by the Federal Reserve Board plus 0.5 percent.

B. A facility operator may not offer an annuity jackpot without the prior written approval of the Commission.

C. A facility operator submitting a request for approval of an annuity jackpot to the Commission shall submit details pertaining to the annuity jackpot including:

(1) *The specific terms of:*

(a) *The annuity; and*

(b) *Any cash payout option;*

(2) *The written trust agreement supporting the trust fund used to make future cash payments on the annuity jackpot, including details pertaining to:*

(a) *Administration and funding of the trust agreement;*

(b) *Liability for payments owed to a player; and*

(c) *Designation of a trustee;*

(3) *Internal controls addressing the offer and award of an annuity jackpot in accordance with §G of this regulation; and*

(4) *Documentation supporting that the average payout percentage on the video lottery terminal offering the annuity jackpot will comply with this subtitle.*

D. A facility operator that offers an annuity jackpot payable over 10 years or more may offer a player the option to be paid in a single cash payout provided that payout is equal to the present value of the annuity jackpot as calculated in §E of this regulation.

E. The present value of a cash payout option on an annuity jackpot shall be determined by:

(1) *Applying the discount rate to each of the future annuity jackpot payments;*

(2) *Multiplying the number of years until each jackpot payment would otherwise have been received; and*

(3) *Adding to that amount the amount of the first cash payment that would otherwise have been received.*

F. A facility operator shall pay a cash payout requested by a player in lieu of an annuity jackpot in accordance with Regulation .39 of this chapter.

G. A facility operator shall develop and include in the internal controls submitted to and approved under Regulation .05 of this chapter procedures addressing the offer and award of an annuity jackpot.

H. A facility operator's internal controls shall include:

(1) *Procedures to be followed by a player to exercise a cash payout option; and*

(2) *Procedures utilized to document payment of an annuity jackpot.*

**.40 Merchandise Jackpot.**

*A. Definitions.*

(1) *In this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) "Merchandise" means goods, commodities, or other things of value; and

(b) "Merchandise jackpot" means a video lottery terminal or table game jackpot in which a player wins:

(i) *Merchandise;*

(ii) *A combination of a cash payout and merchandise; or*

(iii) *An option to choose between a cash payout and merchandise.*

B. A facility operator may not offer a merchandise jackpot without the prior written approval of the Commission.

C. A facility operator submitting a request for approval of a merchandise jackpot to the Commission shall submit details pertaining to the merchandise jackpot including:

(1) *The specific terms of:*

(a) *The merchandise offer; and*

(b) *Any cash payout option;*

(2) *Documentation supporting the acquisition of the merchandise and its cash equivalent value under §D of this regulation;*

(3) *Internal controls addressing the offer and award of a merchandise jackpot in accordance with §H of this regulation; and*

(4) *Documentation supporting that the average payout percentage on the video lottery terminal offering the merchandise jackpot will comply with this subtitle.*

D. If a facility operator offers a merchandise jackpot consisting of merchandise or an optional cash payout, the optional cash payout shall equal the cash equivalent value of the merchandise determined in accordance with §E of this regulation.

E. The cash equivalent value of merchandise shall be determined as follows:

(1) *Merchandise that the facility operator sells directly to the public in the normal course of business shall be valued at an amount equal to the full retail price normally charged for the merchandise;*

(2) *Merchandise that the facility operator does not sell directly to the public in the normal course of business, but which is provided directly to a player by the facility operator, shall be valued at an amount equal to the actual cost to the facility operator of the merchandise;*

(3) *Merchandise that is provided directly or indirectly to a player on behalf of a facility operator by a third party not related to the facility operator shall be valued at an amount equal to the actual cost to the facility operator of having the third party provide the merchandise; and*

(4) *Merchandise that is provided directly or indirectly to a player on behalf of a facility operator by a third party who is related to the facility operator shall be valued as if the related party were the facility operator under §E(1) and (2) of this regulation.*

F. For the purpose of determining proceeds, the cash equivalent value of any merchandise paid as, or as a portion of, a jackpot shall be included in total winnings paid.

G. A facility operator shall pay a cash payout portion of a merchandise jackpot and a cash payout requested by a player in lieu of a merchandise jackpot in accordance with Regulation .39 of this chapter.

H. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the offer and award of a merchandise jackpot.

I. A facility operator's internal controls shall include:

(1) *Procedures to be followed by a player to exercise a cash payout option; and*

(2) *Procedures utilized to document payment of a merchandise jackpot.*

**.41 Automated Jackpot Payout Machine.**

A. A facility operator may utilize an automated jackpot payout machine meeting the requirements of this subtitle.

B. A facility operator may locate an automated jackpot payout machine on the gaming floor subject to the surveillance coverage requirements of Regulation .11 of this chapter.

C. A facility operator shall, in accordance with Regulation .39D of this chapter, configure an automated jackpot payout machine to only process a jackpot or credit meter payout of less than \$5,000.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the payment of a jackpot or credit meter payout utilizing an automated jackpot payout machine.

E. A facility operator's internal controls shall include procedures and controls documenting:

(1) A jackpot or credit meter payout transaction at an automated jackpot payout machine; and

(2) Reconciliation and replenishment of an automated jackpot payout machine.

**.42 Access to Bill Validators, Cash Storage, and Table Game Drop Boxes.**

**A. Access.**

(1) A facility operator shall control access to a bill validator, a cash storage box housed in a video lottery terminal, and a table game drop box in accordance with this regulation.

(2) Access to a bill validator shall be controlled by:

(a) At least one lock; and

(b) Requiring the key to the lock to be maintained by the gaming operations department.

(3) The cash storage box shall be secured to a bill validator by two separate locks, the keys to which are different from each other, and, for the lock on the belly door or main door of the video lottery terminal:

(a) The key shall be controlled by the gaming operations department;

(b) Immediately prior to the commencement of the drop, the operations department may, issue its belly door or main door key to the accounting department;

(c) A key transferred from the gaming operations department to the accounting department shall be returned immediately following the conclusion of the drop; and

(d) The facility operator shall establish sign in and sign out procedures in its internal controls documenting the transfers.

(4) The lock on the release mechanism securing the cash storage box to the bill validator shall be controlled by the security department.

(5) Access to the contents of a cash storage box shall be controlled by:

(a) At least one lock; and

(b) Requiring the key to the lock to be maintained by the accounting department.

**B. Control. A facility operator shall either:**

(1) Assign to a cash storage box an asset number that:

(a) Is permanently imprinted or affixed to the outside of the cash storage box; and

(b) Corresponds to the asset number of the video lottery terminal in which the cash storage box is installed; or

(2) With the written approval of the Commission, utilize a computerized system for:

(a) Assigning a unique identification number to a cash storage box; and

(b) Attributing it to the video lottery terminal in which the cash storage box is installed.

C. Unique identification number. A facility operator shall ensure that an asset number or unique identification number on a cash storage box is clearly visible to:

(1) An employee involved in removing or replacing a cash storage box; and

(2) The surveillance department.

D. Emergency cash storage box. A facility operator may maintain an emergency cash storage box without an asset number or a unique identification number if:

(1) The word "emergency" is permanently imprinted or affixed on the box; and

(2) When put into use, the cash storage box is temporarily marked with the asset number of the video lottery terminal in which it is installed.

**E. Table Game Drop Box.**

(1) A table game shall have a secure tamper-resistant table game drop box attached to it in which the following shall be deposited:

(a) Cash exchanged for gaming chips and plaques at the gaming table;

(b) Issuance copies of counter checks exchanged at the gaming table for gaming chips and plaques;

(c) Copies of fill request slips, fill slips, credit request slips, credit slips, and table inventory slips; and

(d) Other table game wagering instruments approved by the Commission.

(2) A table game drop box shall have:

(a) Two separate locks securing the contents deposited into it, the keys to which must be different from each other;

(b) A separate lock securing the table game drop box to the gaming table, the key to which must be different from each of the keys to the locks securing the contents of the table game drop box;

(c) A slot opening through which currency, value chips, or poker rake chips for nonbanking games, other table game wagering instruments approved by the Commission, and required instruments can be inserted into it;

(d) A mechanical device that automatically closes and locks the slot opening upon removal of the table game drop box from the gaming table; and

(e) Permanently imprinted or impressed thereon, and clearly visible to surveillance, either:

(i) A number corresponding to a unique permanent number on the gaming table to which the table game drop box is attached and at least one letter indicating the type of game; and

(ii) The word "emergency".

(3) In addition to the requirements of §E(2)(e) of this regulation, a table game drop box may also be identified by a bar code label that is securely affixed to the table game drop box and shall be:

(a) At a minimum, encoded with the information required under §E(2)(e) of this regulation; and

(b) Prepared in accordance with the facility operator's approved internal controls.

(4) The security department shall control the key used to release a table game drop box from a table game, and:

(a) Immediately prior to the commencement of the table game count process, the security department may issue its release key to the count room supervisor for the purpose of resetting the release mechanism on empty table game drop boxes;

(b) A key transferred by the security department shall be immediately returned after the conclusion of the table game drop box count; and

(c) In its internal controls, a facility operator shall establish sign-in and sign-out procedures governing key transfers and control of a key during breaks taken by count room personnel.

(5) The keys to the two table game drop box locks required under §E(2) of this regulation shall be separately controlled:

(a) One by the accounting department; and

(b) One by Commission compliance personnel.

(6) Before using a table game drop box labeled "Emergency" for a table game, a facility manager shall:

(a) Obtain verbal approval of Commission compliance personnel; and

(b) Temporarily mark the emergency table game drop box with the number of the gaming table and at least one letter indicating the game type.

**.43 Collection of Cash Storage and Table Game Drop Boxes.**

A. At least 30 days before video lottery terminal or table game operations are to commence, a facility operator shall submit to the Commission in writing a drop schedule setting forth:

(1) Specific pick-up days and times for collection of cash storage and table game drop boxes and requirements that:

(a) Cash storage boxes may not be commingled with table game drop boxes; and

(b) Table game drop boxes shall be collected once each gaming day regardless of whether the gaming table was open during the gaming day;

(2) Specifications as to what areas of the gaming floor will be covered on each pick-up day; and

(3) Specific transportation routes to be utilized from the gaming floor to the count room on each pick-up day.

B. A facility operator shall:

(1) Notify the Commission in writing of a permanent change in the drop schedule including a pick-up day or time, area of the floor to be dropped, or transportation route; and

(2) Notify the Commission prior to any temporary deviation from the drop schedule.

C. A facility operator shall make readily available to the Commission:

(1) An access control matrix indicating which employee job descriptions are authorized to participate in the cash storage and table game drop box collection process; and

(2) A list of employees, with license numbers, who are authorized to participate in the cash storage and table game drop box collection process.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the collection of cash storage and table game drop boxes.

E. A facility operator's internal controls shall:

(1) Detail the actual procedures to be performed and documentation to be generated by drop team employees collecting cash storage and table game drop boxes:

(a) In accordance with the drop schedule; and

(b) On an emergency basis; and

(2) Require:

(a) Cash storage and table game drop boxes to be transported directly to, and secured in:

(i) The count room; or

(ii) A trolley storage area approved by the Commission under COMAR 36.03.11;

(b) The cash storage and table game drop box collection process to involve the participation of at least three employees, at least one of whom is an employee of the:

(i) Security department; and

(ii) Accounting department;

(c) Prior to the movement of a trolley containing cash storage boxes from the gaming floor into the count room, an accounting department supervisor to verify that the number of cash storage boxes being transported from the gaming floor equals the number of cash storage boxes scheduled for collection that day;

(d) Prior to the movement of a trolley containing table game drop boxes from the gaming floor into the count room, an accounting

department supervisor or floormen or above to verify that the number of table game drop boxes being transported from the gaming floor equals the number of table game drop boxes scheduled for collection; and

(e) Prior to changing the type of table game offered, or removing a video lottery terminal or table game from the gaming floor, that an emergency drop shall be conducted.

F. A facility operator shall transport cash storage and table game drop boxes in an enclosed trolley secured by one lock that has a key which is controlled by the security department.

G. A facility operator shall store cash storage and table game drop boxes not attached to a bill validator, including emergency cash storage and table game drop boxes that are not actively in use, in a cabinet or trolley:

(1) In the count room; or

(2) A trolley storage area approved by the Commission under COMAR 36.03.11.

H. The cabinet or trolley used for storage under §G of this regulation shall be secured by one lock that has a key which is controlled by the security department.

I. Immediately prior to the commencement of the count process, the security department may issue its key to the storage cabinet or trolley required under §G of this regulation to a count room supervisor for the purpose of allowing count room personnel to gain access to the cash storage or table game drop boxes to be counted.

J. A trolley storage area utilized to store cash storage or table game drop boxes prior to the count process shall meet the design standards for a count room under Regulation .45 of this chapter.

**.44 Count Room Design Standards.**

A. A facility operator shall have adjacent or proximate to its cashiers' cage a count room designated, designed, and used for counting the contents of cash storage and table game drop boxes.

B. A count room shall conform to the following standards:

(1) Be constructed of materials and have an interior design which provides maximum security over the assets stored, and the activities conducted in, the room;

(2) Meet the surveillance requirements of Regulation .11 of this chapter including audio coverage of the count process; and

(3) Be constructed with doors equipped with:

(a) An alarm system which tracks all ingress to and egress from the room and:

(i) Directly alerts the security department; or

(ii) Directly, or through a documented communications protocol, alerts the surveillance department; and

(b) A locking mechanism with key backup, or a key that is:

(i) Different from the key to any other door to the count room;

(ii) Different from the keys to the locks securing each cash storage and table game drop box; and

(iii) Controlled by the security department or the accounting department.

C. A facility operator shall install in its count room a table constructed of clear glass or similar transparent material to be used for the emptying, counting, and recording of the contents of cash storage and table game drop boxes.

**.45 Accounting Controls for a Count Room.**

A. At least 30 days before video lottery terminal or table game operations are to commence, a facility operator shall submit to the Commission a count schedule setting forth the specific times during which cash storage and table game drop boxes are to be counted and recorded.

B. Notifications. A facility operator shall:

(1) Notify the Commission in writing of any permanent change in the count schedule; and

(2) Notify the Commission of any temporary deviation from the count schedule.

C. Count Frequency.

(1) A facility operator shall count the contents of each cash storage box at least once every 7 days unless an alternative count schedule is submitted in writing to and approved in writing by the Commission.

(2) A facility operator shall count the contents of each table game drop box at least once each gaming day unless an alternative count schedule is submitted to, and approved in writing by, the Commission.

(3) The following shall be counted and recorded separately:

- (a) Table game drop boxes from banking games; and
- (b) Table game drop boxes from nonbanking games.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .05 of this chapter procedures addressing the counting and recording of cash storage and table game drop boxes.

E. A facility operator's internal controls shall:

(1) Detail all hardware, software, and related equipment utilized by the facility operator to conduct the count;

(2) Detail the actual procedures to be performed and documentation to be generated by:

(a) Count team employees conducting the counting process; and

(b) The main bank cashier in verifying and accepting the count;

(3) Require computerized equipment utilized to count and strap currency, gaming tickets, and promotional play instruments to:

(a) Conduct two separate counts;

(b) If the separate counts are not in agreement, document the discrepancy;

(c) Be capable of determining the amount of a gaming ticket or promotional play instrument by independently examining information printed on the gaming ticket or promotional play instrument and:

(i) Calculating the amount internally; or

(ii) Obtaining the amount directly from a gaming ticket system or promotional play system in a secure manner; and

(d) If a gaming ticket system or promotional play system is utilized to obtain the amount of a gaming ticket or promotional play instrument, require the system to perform a calculation or integrity check to ensure that the amount of the gaming ticket or promotional play instrument has not been altered in the system in any manner since the time of issuance;

(4) Require a count room employee to:

(a) Wear a one-piece, pocketless garment;

(b) Carry only a handbag or other container constructed of transparent material; and

(c) Remove their hands from, or return them to, a position on or above the count table or counting equipment only after holding the backs and palms of the hands straight out and exposing them to the view of other employees of the count team and a surveillance camera; and

(5) Prior to the commencement of the count, require a count room employee to notify the surveillance department and receive confirmation that recording of the count process has commenced.

F. Table Game Drop Box Count Requirements.

(1) The Commission may require that the table game drop box be conducted in the presence of a Commission compliance representative.

(2) After the contents of each table game drop box from a banking table game are counted, a member of the count team shall record, on a three-part Daily Banking Table Game Count Report or electronic equivalent prepared on a computer system, the following:

(a) Value of each denomination of currency counted;

(b) Total value of all denominations of currency counted;

(c) Gaming date of the items being recorded;

(d) Total number of banking table game drop boxes opened and counted; and

(e) Current date.

(3) After the contents of each table game drop box from a nonbanking table game are counted, a member of the count team shall record the following on a three-part Daily Nonbanking Table Game Count Report or electronic equivalent prepared on a computer system:

(a) Value of poker rake chips counted;

(b) Value of value chips counted;

(c) Total value of poker rake chips and value chips counted;

(d) Gaming date of the items being recorded;

(e) Total number of nonbanking table game drop boxes opened and counted; and

(f) Current date.

(4) After the preparation of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report, the count team members and the count room supervisor shall sign the reports attesting to the accuracy of the information recorded thereon.

(5) After the contents of all table game drop boxes have been counted, all cash, value chips, and poker rake chips shall be presented in the count room by a count team member to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the Daily Banking Table Game Count Report and Daily Nonbanking Table Game Count Report, and in the presence of the count team members and, if required, a Commission compliance representative, shall recount the currency, value chips, and poker rake chips as follows:

(a) The main bank cashier or cage supervisor may bulk count all strapped currency;

(b) The Commission compliance representative may direct that currency straps be recounted by the main bank cashier or cage supervisor if a discrepancy is discovered during the initial bulk recount;

(c) All partial straps, loose currency, mutilated or torn currency, value chips, and poker rake chips shall be recounted by the main bank cashier or cage supervisor.

(6) Upon completion of the recount, the main bank cashier or cage supervisor shall attest to the accuracy of the count by signature on the Daily Banking Table Game Count Report and Daily Nonbanking Table Game Count Report.

(7) The Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report shall be distributed as follows:

(a) Immediately after leaving the count room, the count room supervisor shall deliver the original to revenue audit or place it in a secure locked box controlled by revenue audit;

(b) The Commission compliance representative who observed the count shall retain the second copy; and

(c) The cage supervisor or main bank cashier shall retain the third copy.

(8) Immediately after leaving the count room, the count room supervisor shall deliver any additional documents contained in the table game drop boxes to revenue audit or place the documents in a secured locked box controlled by revenue audit, including:

(a) Requests for fills;

(b) Fill slips;

(c) Requests for credit;

(d) Credit slips;

(e) Issuance copies of counter checks; and

(f) Table inventory slips.

(9) In the presence of the Commission compliance representative who observed the count, a count room employee shall

conduct a thorough inspection of the count room, and all counting equipment in the count room, to verify that no currency, chips, checks, vouchers, coupons, or other documentation remains in the room.

G. A gaming ticket or promotional play instrument accepted by a cash storage or table game drop box shall be counted and included in the calculation of proceeds without regard to the validity of the gaming ticket or promotional play instrument.

H. A promotional play instrument which is not cancelled upon acceptance or during the count process shall be cancelled prior to the conclusion of the count.

I. A facility operator shall report in writing to the Commission within 72 hours of the count:

(1) Any variance between the actual count of cash, gaming tickets, and promotional play instruments in a cash storage box as determined in the count room and the amount for that particular cash storage box recorded on the:

(a) Facility operator's video lottery terminal; and

(b) If the data has been made available to the facility operator, the central monitor and control system;

(2) The reason for the variance; and

(3) Corrective action taken or adjustments made.

**.46 Signs.**

A. A facility operator shall construct all signs required under this regulation using a color scheme and font size reasonably expected to produce a sign which is readily visible to and readable by an individual entering the facility.

B. A facility operator shall post signs containing the following messages in a conspicuous location not more than 20 feet from each customer entrance to the facility: "An individual, including an off-duty officer or agent of a local, state or federal law enforcement agency, may not possess a weapon or other device designed to be used to inflict pain or cause injury in (name of facility) without the prior written approval of the Maryland State Lottery and Gaming Control Commission."

**.47 Player Complaints.**

A. A facility operator shall attempt to timely resolve a dispute with a player concerning operation of a video lottery terminal, table game, or payment of alleged winnings.

B. A facility operator who is unable to satisfactorily resolve a dispute with a player within 3 days of notice of the dispute shall notify the Commission of the dispute.

C. On receipt of notice by the facility operator of the dispute, the Commission shall provide the player with a Commission player complaint form together with instructions for completing and submitting the form.

D. The Commission shall investigate a complaint submitted to the Commission and notice the player and facility operator of its determination.

E. The Commission may provide a player with a complaint form at any time upon request.

**.48 Possession of a Weapon in a Facility.**

A. Except as otherwise provided in this regulation, an individual may not possess in a facility:

(1) A firearm as defined in Public Safety Article, §5-101, Annotated Code of Maryland;

(2) An electronic control device as defined in Criminal Law Article, §4-109, Annotated Code of Maryland;

(3) A dangerous weapon as defined in Criminal Law Article, §4-101, Annotated Code of Maryland; or

(4) Any other device or object designed to be used to inflict pain or cause injury.

B. The prohibition in §A of this regulation:

(1) Applies to all employees and contractors of the facility operator including security department employees; and

(2) Does not apply to:

(a) An on-duty officer or agent of a local, State or federal law enforcement agency having proper jurisdiction over the facility when the officer or agent is acting in an official capacity;

(b) An individual who is employed by an armored car company or other entity that is under contract with the facility to transport cash or a cash equivalent; or

(c) An individual authorized by the Commission to possess a weapon or device identified in §A of this regulation.

C. An individual requesting Commission authorization to possess a weapon identified in §A of this regulation in a facility shall submit to the Commission in writing a request documenting:

(1) A compelling need to possess a weapon in the facility;

(2) That the individual is lawfully in possession of the weapon under applicable federal and State law; and

(3) That the individual has received training in the possession and use of the weapon.

**.49 Acceptance of Tips or Gratuities.**

A. Except as otherwise provided in this regulation:

(1) A supervisory video lottery employee of a facility is prohibited from soliciting or accepting a tip or gratuity directly from a player;

(2) A video lottery employee is prohibited from soliciting a tip or gratuity from a player; and

(3) A facility operator may permit an employee who is authorized to accept a gratuity from a player to accept a gaming ticket if the gaming ticket is redeemed:

(a) At the cashiers' cage; and

(b) With approval of a cashiers' cage supervisor, if the amount of the gaming ticket exceeds \$100.

B. At least 30 days before table game operations are to commence, a facility operator shall submit to the Commission for approval internal controls relating to the acceptance of tips or gratuities by dealers at banking and nonbanking table games.

C. Except as provided in §G of this regulation, a dealer shall immediately deposit all tips and gratuities into a transparent locked box reserved for tips and gratuities, and:

(1) If roulette chips are received as a tips or gratuity, the marker button indicating the specific value of the roulette chips may not be removed until after the dealer, in the presence of a floorperson or above, has converted the roulette chips into value chips which shall then be immediately deposited in the transparent locked box reserved for tips and gratuities;

(2) Tip and gratuities shall be:

(a) Collected and accounted for at least once each gaming day; and

(b) Placed in a common pool for distribution pro rata among all dealers in accordance with §E of this regulation; and

(3) A facility operator may include dealer supervisors in the common pool described in §C(3) of this regulation.

D. Upon receipt of a tip or gratuity from a patron, a dealer shall extend his arm in an overt motion and deposit the tip or gratuity in the locked box reserved for tips and gratuities.

E. Tips and gratuities placed in a common pool shall be distributed pro rata among the dealers in the pool based on the number of hours worked and based on any standards for distribution established by a facility operator, which may include:

(a) Hours of vacation time, personal leave time, or any other authorized leave of absence in the number of hours worked by each employee; and

(b) Different full-time or part-time employees.

F. A distribution of tips and gratuities from a common tip pool shall occur no more than once every 7 calendar days.

G. Notwithstanding the requirements in §C of this regulation, a facility operator that offers the game of poker:

(1) May establish a separate common pool for tips and gratuities received by its poker dealers; or

(2) If it allows a poker dealer to retain his or her own tips and gratuities:

(a) Shall require tips and gratuities received by a poker dealer to be deposited in a transparent locked box assigned to the particular dealer; and

(b) Shall require that the transparent locked box be moved from table to table with the dealer.

H. If a facility operator elects to follow the requirements of §G(2) of this regulation, at the end of the poker dealer's shift:

(1) The dealer shall take the transparent locked box assigned to the dealer to a cage cashier; and

(2) The cage cashier shall open the container and count the tips and gratuities in the presence of the Poker dealer, and record the total amount of the tips and gratuities received by the dealer, and:

(a) Return the tips and gratuities to the dealer; or

(b) Retain all or a portion of the tips and gratuities for inclusion in the dealer's paycheck.

I. A facility operator shall specify in its internal controls how dealer tips and gratuities will be reported to the Internal Revenue Service.

### 36.03.11 Facility Standards

Authority: State Government Article, §§9-1A-04, 9-1A-11, and 9-1A-23, Annotated Code of Maryland

#### .01 Definitions.

The terms defined in State Government Article, §9-1A-01, Annotated Code of Maryland, have the same meanings in this chapter.

#### .02 Hours of Operation.

A. A facility operator may not offer fewer hours of operation than provided for in State law without the prior written approval of the Commission.

B. A facility operator that has received Commission approval to offer fewer hours of operation under §A of this regulation may, upon written notice to the Commission, extend its hours of operation up to and including those allowable under State law.

#### .03 Facility Design Standards.

A. A facility operator shall, at its own expense, construct its facility in accordance with specifications established by the Commission, including:

(1) Computer space for the central monitor and control system contractor that is:

(a) Equipped with heating, ventilation, and air conditioning;

(b) Supplied with power including an uninterruptible backup power supply;

(c) Secured with a key or alternative locking mechanism maintained and controlled by representatives of the Commission and central monitor and control system operator in accordance with this subtitle;

(d) Equipped with a door that, when opened, audibly signals the facility operator's surveillance monitoring room; and

(e) Covered by a surveillance system enabled to record all entry and exit to the computer space and activity in the area;

(2) Equipment storage space for the central monitor and control system contractor;

(3) Equipment storage and repair space for video lottery terminal contractors;

(4) Cable infrastructure access to the gaming floor;

(5) All necessary wiring for the gaming floor, except that wiring which the Commission requires to be installed by a Commission contractor;

(6) A base and high backed seat for each video lottery terminal;

(7) At least 400 square feet of office space for use by Commission staff that is located immediately adjacent to the gaming floor and is equipped with:

(a) Partitioned work space, computers, telephones, copy capability, and supplies sufficient to meet the Commission's data processing and related needs;

(b) Computer terminals permitting read only access by authorized Commission staff to any computerized slot monitoring system, casino management system, or player tracking system used by the facility operator; and

(c) Keys or alternative locking mechanisms which are under the exclusive control of the Commission;

(8) A surveillance system approved in writing by the Commission that is:

(a) Configured to provide surveillance of all video lottery terminal and table game related activities within the facility in accordance with standards established by the Commission;

(b) Enabled with a digital video recording format in accordance with standards established by the Commission; and

(c) Equipped with a monitoring station for the exclusive use of the Commission which is configured with full camera control capability over the surveillance system and is capable of overriding the camera control capability of the facility operator;

(9) An alarm system connected to all emergency exits from the gaming floor which:

(a) Produces a distinguishable warning sound that is discernible in the vicinity of an exit when the emergency door is opened; and

(b) Requires deactivation and reset by means of a key or alternative locking mechanism maintained and controlled by the security department;

(10) An area for the detention of individuals taken into custody by any law enforcement agency that has jurisdiction over the facility;

(11) Adequate space for use by the Commission in connection with conducting background investigations of applicants or licensees;

(12) Any signage required by the Commission;

(13) Communication systems capable of effecting timely communication between the facility and the Commission, law enforcement exercising proper jurisdiction over the facility, and emergency first responders; and

(14) Any other equipment or design feature required by the Commission.

#### B. State Lottery Games.

(1) A facility operator shall provide at least two locations at the facility for the sale of State Lottery games that are offered by or through the Commission.

(2) State Lottery game sales locations shall be situated as near as practicable to a cashiers' cage.



**.04 Table Games Surveillance Requirements.**

A. *Surveillance System.* In addition to the surveillance system requirements in Regulation .03 of this chapter and COMAR 36.03.10, a facility operator that offers table games shall have a surveillance system that includes:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the certificate holder to clandestinely monitor in detail:

(a) The gaming conducted at each gaming table in the licensed facility with sufficient clarity and coverage to simultaneously:

(i) Identify patrons and dealers; and

(ii) View the table and determine the configuration of wagers, card, dice and tile values and game outcomes;

(b) The movement of cash, gaming chips, and plaques, tip boxes, and drop boxes within the facility; and

(c) Any other activity or areas designated by the Commission; and

(2) Stationary cameras dedicated to table games, including:

(a) Except for Craps, Baccarat, Roulette and Big Six Wheel, at least one stationary camera for each table game offered by the facility;

(b) At least two stationary cameras for each Craps table, with one camera covering each end of the table;

(c) At least two stationary cameras for each Baccarat table, with one camera covering each end of the table;

(d) At least two stationary cameras for each Roulette table, with one camera covering the Roulette wheel and one camera covering the Roulette table layout;

(e) At least two stationary cameras for each Big Six Wheel, with one camera covering the Big Six Wheel and one camera covering the Big Six Wheel table layout; and

(f) Additional cameras as required by the Commission, which may include cameras with 360-degree pan, tilt, and zoom capabilities.

B. *Required Recordings.* A facility's surveillance system must continuously record transmissions from cameras used to observe the:

(1) Gaming conducted at table games;

(2) Collection of drop boxes and tip boxes;

(3) Distribution of cards, dice, and tiles to gaming pits;

(4) Inspection of cards, dice, and tiles in the gaming pits and at the gaming tables;

(5) Retrieval of cards, dice, and tiles from the gaming pits at the end of the gaming day; and

(6) Delivery of cards, dice, and tiles to the location designated and approved by the Commission for inspection, cancellation, destruction, or, if applicable, packaging for reuse.

C. *Retention.*

(1) The surveillance recordings required under §B of this regulation shall be retained for a minimum of 7 days.

(2) A surveillance recording of suspicious activity, suspected or alleged regulatory violations, or suspected or alleged criminal activity shall be retained for a minimum of 30 days.

(3) A surveillance recording shall be made available for review upon request by law enforcement.

D. *Commission approval of monitoring rooms.*

(1) Prior to the commencement of table game operations, a facility shall submit to the Commission a revised minimum staffing submission for the facility operator's surveillance monitor rooms.

(2) The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of table games and must at all times provide for surveillance of activities inside and outside the licensed facility.

(3) A facility operator may not implement a surveillance plan, or an amendment to a surveillance plan or minimum staffing submission, without prior Commission approval.

**.05 Gaming Floor Plan.**

A. At least 60 days before video lottery terminal or table game operations are to commence, a facility operator shall submit a floor plan depicting its gaming floor and all restricted areas to the Commission for review and written approval.

B. A facility operator may not commence operations until its gaming floor plan is approved in writing by the Commission.

C. A gaming floor plan that a facility operator submits to the Commission shall:

(1) Be drawn to 1/8 inch scale, unless another scale is approved by the Commission;

(2) Be certified by an architect licensed to practice in Maryland;

(3) Depict the gaming floor with a notation as to:

(a) Total square feet;

(b) Total square feet utilized for the placement of video lottery terminals and table games;

(c) Total square feet reserved for future placement of video lottery terminals and table games;

(d) Each video lottery terminal or table game location, identified by number and notation as to whether it is proposed for present use or reserved for future use;

(e) Number of video lottery terminal and table game locations proposed for use on the gaming floor;

(f) Number of video lottery terminal and table game locations reserved for future use;

(g) Each seat on the gaming floor;

(h) Perimeter of the gaming floor;

(i) A clearly delineated route for and individual who is not allowed to play video lottery terminals or table games to bypass the gaming floor;

(j) Each automated bill breaker, gaming ticket redemption, coupon redemption, and jackpot payout machine; and

(k) Each security department zone, including a notation as to whether it is a fixed or roving post;

(4) Depict all restricted areas within the facility with a notation as to:

(a) Cashiers' cage, any satellite cashiers' cage, and ancillary offices, inclusive of each cashiers' cage window location and location number;

(b) Computer space allocated to the central monitor and control system;

(c) Count rooms and any trolley storage areas;

(d) An area designated for the storage or repair of equipment or video lottery terminals or table game equipment;

(e) Information technology department operations centers;

(f) Progressive controller locations;

(g) Surveillance monitoring room;

(h) Vault and armored car bay locations; and

(i) Any area designated as restricted by the facility operator in its Commission-approved internal controls;

(5) Depict each surveillance camera with a notation as to camera type and location number; and

(6) Depict each automated teller machine installed in accordance with COMAR 36.03.03.07.

D. A facility operator may not implement any change to its approved gaming floor plan without the prior written approval of the Commission.

**.06 Issuance of an Operation License.**

A. A facility operator may not commence video lottery operations until the Commission has issued an operation license.

B. The operation license issued by the Commission shall specify:

- (1) Date and time at which operations may commence;
- (2) Maximum square footage of gaming floor; and
- (3) Maximum number of video lottery terminals which may be operated by the facility operator under the operation license.

C. The initial 15-year term of an operation license shall commence with the date the Commission issues an operation license.

D. The Commission may issue an operation license subject to conditions.

E. The Commission may issue an operation license after determining that:

(1) The facility operator's proposed hours of operation comply with State Government Article, §9-1A-23, Annotated Code of Maryland, and Regulation .02 of this chapter;

(2) The facility complies with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and Regulation .03 of this chapter;

(3) All video lottery terminals and associated equipment have been tested and comply with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and any standards established by the Commission;

(4) The gaming floor plan complies with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and Regulation .05 of this chapter;

(5) The facility operator's internal controls comply with State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, and COMAR 36.03.10;

(6) The facility operator is prepared to implement the internal controls, surveillance, and security procedures that are necessary to ensure that the operation of the video lottery terminals and video lottery facility is conducted safely and legally;

(7) The facility operator's employees are:

- (a) Licensed and registered with the Commission; and
- (b) Trained in the performance of their responsibilities;

(8) The facility is prepared in all respects to receive the public;

(9) The facility operator has complied with any additional pre-opening conditions imposed by the Commission; and

(10) The facility operator has successfully completed a test period.

**.07 Permanent Facility.**

A. A facility operator shall commence operation of video lottery terminals in a permanent facility within 18 months after the date the Commission issues an operation license.

B. The permanent facility must be located at the location for which the Video Lottery Facility Location Commission awarded a video lottery operation license.

C. The Commission may approve an extension of time for the commencement of operations if:

(1) A facility operator submits a written request for an extension; and

(2) The Commission determines that extenuating circumstances exist that are beyond the control of the facility operator which have prevented the facility operator from complying with §A of this regulation.

D. The Commission may:

(1) Approve an extension of 6 months to comply with §A of this regulation; and

(2) Not grant more than two extensions to a facility operator.

E. If a facility operator fails to comply with the requirements of this regulation, its operation license shall be revoked and shall automatically revert to the State.

**.08 Temporary Facility.**

A. The Commission may issue an operation license for a temporary facility.

B. A temporary facility must comply with the requirements this chapter.

C. Upon the written submission of a facility operator, the Commission may authorize a deviation from the requirements of Regulation .05 of this chapter when it issues an operation license for a temporary facility.

D. A facility shall be operational in a permanent facility no later than 30 months after the Commission issues an operation license.

E. If the Commission issues an operation license for a temporary facility, the facility operator shall be responsible for all costs associated with the transition from a temporary facility to a permanent facility, including the cost of relocating the:

- (1) Central control monitor and control computer system;
- (2) Video lottery terminals; and
- (3) Associated equipment.

**36.03.12 Transportation and Testing of Video Lottery Terminals and Table Game Equipment**

Authority: State Government Article, §§9-1A-04, 9-1A-15, and 9-1A-21, Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Transport; Transportation.

(a) "Transport" or "transportation" means any shipping, transfer, delivery, or other movement of a video lottery terminal or table game equipment into or out of the State, or between facilities within the State.

(b) "Transport" or "transportation" does not include the movement of a video lottery facility or table game equipment within a facility.

(2) "Written notice" means information provided to the Commission in an electronic or written form or format designated by the Commission.

**.02 Compliance with Federal Law.**

A person who transports a video lottery terminal or table game equipment shall comply with applicable provisions of 15 U.S.C. §§1171—1178, commonly known as the Johnson Act.

**.03 Transportation.**

A. Unless otherwise directed by the Commission, a person shall submit a written notice to the Commission prior to transporting a video lottery terminal or table game equipment.

B. A person proposing to transport a video lottery terminal or table game equipment shall submit to the Commission a written notice containing:

- (1) Name and address of person initiating transportation;
- (2) Reason for transportation;
- (3) Method of transportation;
- (4) Name of and address of carrier;
- (5) Anticipated beginning and end dates of transportation;
- (6) Name and address of destination;
- (7) Name and address of manufacturer;
- (8) Manufacturer's serial number;
- (9) Model number;
- (10) Description; and
- (11) Any other information requested by the Commission.

C. The person proposing to transport or transporting a video lottery terminal or table game equipment shall promptly provide the Commission with written notice of any changes to the information already submitted as required under §B of this regulation.

D. A person transporting a video lottery terminal or table game equipment shall plainly and clearly label the package so that the name and address of the shipper and recipient, and the contents of the package, may be readily ascertained during an inspection of the outside of the package.

E. After delivery of a video lottery terminal or table game equipment, the facility to which the terminal is delivered shall promptly provide the Commission with written notice that includes:

- (1) Date video lottery terminal or table game equipment was received;
- (2) Date video lottery terminal or table game equipment will be placed into operation; and
- (3) Any other information requested by the Commission.

F. Storage.

(1) If a video lottery terminal or table game equipment will not be placed into operation upon delivery to a facility, the facility shall provide the Commission with written notice that includes:

- (a) Identification of the video lottery terminal or table game equipment;
  - (b) Reason for storage;
  - (c) Storage facility location; and
  - (d) Any other information requested by the Commission.
- (2) A facility shall store a video lottery terminal or table game equipment only in a manner that the Commission has approved.

**.04 Registration.**

A. The Commission shall maintain a register of each video lottery terminal and specified table game equipment placed in operation in the State.

B. The table game equipment for which the Commission shall maintain a register under §A of this regulation is:

- (1) Table games that contain an approved table layout;
- (2) Automated table game shuffling devices;
- (3) Table game progressive controllers; and
- (4) Any other table game equipment specified by the Commission.

C. For each video lottery terminal placed into operation, the Commission shall incorporate the video lottery terminal into the Commission’s central monitoring system.

D. For each piece of video lottery and table gaming equipment specified in §B of this regulation that is placed into operation, the Commission shall:

- (1) Assign a registration control number; and
- (2) Affix a Commission registration tag.

E. A video lottery terminal or gaming table may not be transported out of the State unless the Commission:

- (1) Approves the action; and
- (2) If the video lottery terminal is being permanently removed from the State, removes the registration tag.

**.05 Testing.**

A. The Commission may test video lottery terminals and associated equipment for:

- (1) Accuracy;
- (2) Compatibility with the central monitor and control system; and
- (3) Any other function that the Commission determines may be necessary to validate the proper functionality and performance of the terminals and equipment.

B. The Commission may test table game rules and table game equipment for:

- (1) Accuracy; and
- (2) Any other function the Commission determines is necessary to validate the proper functionality and performance of table game equipment.

**.06 Request for Authorization.**

A. A facility shall obtain prior written Commission authorization before taking any of the following actions with respect to a video lottery terminal or table game equipment in its facility:

- (1) Placing a video lottery terminal or table game into operation;
- (2) Relocating a video lottery terminal or table game within the facility;
- (3) Converting a game theme or table layout;
- (4) Converting a play denomination on a video lottery terminal;
- (5) Changing percentage payout;
- (6) Changing an erasable programmable read only memory chip;
- (7) Changing a jackpot lockup amount;
- (8) Changing a configuration;
- (9) Performing a substantial replacement of parts;
- (10) Implementing any variation, composite, or new feature of a table game; or
- (11) Performing any other action that materially alters or interrupts the operation of a video lottery terminal or table game.

B. Before the Commission may authorize an action described in §A of this regulation, a facility shall submit to the Commission written notice of the request that includes:

- (1) Description of proposed action;
- (2) Location of action;
- (3) Start and end dates and times;
- (4) Estimated “go live” date for the video lottery terminal or table game;
- (5) Approval of the manufacturer of the affected video lottery terminal or table game equipment;
- (6) Approval of the operator of the central monitor and control system for video lottery terminals; and
- (7) Any other information requested by the Commission.

C. Notice of Changes. A facility shall promptly provide the Commission with written notice of any changes to the information already submitted under §A or B of this regulation.

D. Commission Response to Request for Authorization.

- (1) The Commission may impose additional requirements on the facility or the manufacturer before authorizing the action.
- (2) The Commission may deny approval of the action.
- (3) A facility shall notify the Commission if the action is not completed as approved by the Commission.

STEPHEN L. MARTINO  
Director

Maryland State Lottery and Gaming Control Agency

**Subtitle 05 TABLE GAMES**

**Notice of Proposed Action**

[13-073-P]

The Maryland State Lottery and Gaming Control Agency proposes to adopt the following new chapters under a new subtitle, **Subtitle 05 Table Games**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

- (1) Regulations .01 and .02 under **COMAR 36.05.01 General**;
- (2) Regulations .01—.19 under **COMAR 36.05.02 Table Game Equipment**;
- (3) Regulations .01—.24 under **COMAR 36.05.03 Table Games Procedures**;
- (4) Regulations .01—.14 under **COMAR 36.05.04 Blackjack Rules**; and
- (5) Regulations .01—.11 under **COMAR 36.05.05 Craps Rules**.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on December 18, 2012, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update regulations of the State Lottery and Gaming Control Agency to incorporate provisions for expanded gambling contained in S.B. 1 of 2012, Second Special Session, and passed by referendum on November 6, 2012, specifically to include provisions necessary for the implementation of table games operations.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the revenues from table games will be \$36.7 million in FY 2013, \$136 million in FY 2014, \$231.1 million in FY 2015, \$249.1 million in FY 2016, and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B.1 of 2012, Second Special Session)

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State Agencies:	NONE	
C. On local governments:	(R+)	Large
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Large
E. On other industries or trade groups:	(+)	Large
F. Direct and indirect effects on public:	(+)	Large

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

C.—F. Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the revenues from table games will be \$36.7 million in FY 2013, \$136 million in FY 2014, \$231.1 million in FY 2015, \$249.1 million in FY 2016, and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B.1 of 2012, Second Special Session)

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

To the extent that the VLT facility purchases goods from local businesses that are small businesses, these small businesses will benefit. Expenditures from the Small, Minority, and Woman-owned Business Investment Account will benefit small businesses. Other

small businesses will be harmed by the substantial substitution of consumer spending away from other consumption to gambling. Small businesses in the entertainment and retail food service near VLTs could be particularly harmed. (Ref: Fiscal & Policy Note (rev) for S.B.1. of 2012, Second Special Session)

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to rhowells@msla.state.md.us, or fax to 410-230-8727. Comments will be accepted through April 22, 2013.

**36.05.01 General**

*Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland*

**.01 Scope.**

*This subtitle applies to the State’s Table Games Program.*

**.02 Definitions.**

A. In addition to the terms defined in State Government Article, §9-1A-01, Annotated Code of Maryland, which have the same meanings in this subtitle, in this subtitle the following terms have the meanings indicated.

**B. Terms Defined.**

(1) “Ante” means the wager that a player may be required to make prior to any cards being dealt to participate in the round of play.

(2) “Assistant table games shift manager” means an employee of a facility operator whose primary function is to supervise all of the table games in a licensed facility and who may be authorized to act as the table games shift manager in his absence.

(3) “Automated card shuffling device” means a software compatible mechanical or electronic contrivance that automatically randomizes playing cards, either continuously or on command, to be utilized for table gaming activity.

(4) “Bad Beat” means one or more predesignated high value Poker hands which, when held by a player as a losing hand in a round of play, results in a Bad Beat payout.

(5) “Bad Beat payout” means one or more payouts made to a player upon the occurrence of a Bad Beat.

(6) “Banking table game” means a table game in which a player competes against a facility operator rather than against another player.

(7) “Boxperson” means an employee of a facility operator whose primary function is to participate in and supervise the conduct of gaming at a single craps table.

(8) “Cover card” means an opaque card that is a solid color readily distinguishable from the color of the backs and edges of the playing cards.

(9) “Dealer controlled electronic table game” means a table game that requires a live dealer and utilizes electronics as part of the games operation to collect and store game outcome, accounting and other significant event data.

(10) “Dealing shoe” means a device that holds multiple decks of playing cards that the dealer deals during the operation of a table game.

(11) “Fill” means the distribution of gaming chips, coins, and plaques to a gaming table to replenish the table inventory.

(12) “Match Play Coupon” means an approved wagering instrument with a stated denomination that when presented with

gaming chips at a banking game is included in the amount of the patron's wager.

(13) "Nonbanking table game" means a table game in which a player competes against another player and in which the facility operator collects a rake.

(14) "Pit clerk" means an employee of a facility operator whose primary function is to prepare documentation required for the operation of table games, including requests for fills, requests for credits, counter checks or other documents that evidence the exchange of gaming chips.

(15) "Pit manager" means an employee of a facility operator whose primary function is to supervise all of the table games in one or more gaming pits.

(16) "Poker rake chip" means a chip used by dealers to facilitate the collection of the rake in the poker room.

(17) "Poker shift manager" means an employee of a facility operator whose primary function is to supervise all of the poker tables in a poker room.

(18) "Rake" means a set fee or percentage assessed by a facility operator for providing the services of a dealer, gaming table or location, to allow the play or operation of any nonbanking game.

(19) "Roulette chip" means a nonvalue chip which does not contain a denomination on either face which is used for wagering at the game of Roulette.

(20) "Round of play" means one complete cycle of play during which all wagers have been placed, all cards have been dealt and all wagers have been settled in accordance with the rules of the game.

(21) "Stickperson" means an employee of a facility operator whose primary function is to control the selection and use of the dice at a craps table.

(22) "Stub" means the remaining portion of a deck or decks after all cards in a round of play have been dealt.

(23) "Suit" means one of the four categories of cards:

- (a) Clubs;
- (b) Diamonds;
- (c) Hearts; or
- (d) Spades.

(24) "Table games shift manager" means an employee of a facility operator whose primary function is to supervise all of the table game operations in a licensed facility during a shift.

(25) "Table inventory" means the chips, coins, or plaques used for the operation of a table game.

(26) "Table inventory container" means the area of a gaming table where a boxman or dealer keeps gaming chips, coins or plaques used for the operation of a table game.

(27) "Tournament chip" means a chip used for wagering in a table game tournament or poker tournament.

(28) "Washing" means mixing of a deck or decks of cards or tiles by placing the cards or tiles face down on a table and mixing them around with both hands so that they are in no particular order.

(29) "Vigorous" means a percentage commission that is taken by a facility operator from a wager placed by a player or the winnings of a player.

### 36.05.02 Table Game Equipment

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

#### .01 Definitions.

A. In this chapter the following terms have the meanings indicated.

##### B. Terms Defined.

(1) "Chip runner" means an employee of a facility operator whose job duties include transporting cash to the poker room cage or

the poker cashier window at the main cage for dealers or players of the poker room to be exchanged for value chips.

(2) "Edge" means the surface of a gaming chip across which its thickness can be measured in a perpendicular line from one face to the other.

(3) "Edge spot" means an identifying characteristic used on the edge of each value chip issued by a facility operator.

(4) "Face" means each of the two surfaces of a gaming chip across which the diameter of the gaming chip can be measured.

(5) "Impress" means the roulette chips, which are used for gaming, that remain at each roulette table.

(6) "Impressment" means an inventory conducted on each impress.

(7) "Primary color" means the predominant color used on a gaming chip.

(8) "RFID chip" means a value or roulette chip which contains a radio-frequency identification tag which can be used to determine the authenticity of the chip.

(9) "Secondary color" means any color on the face or edge of the gaming chip that is used as a contrast to the gaming chip's primary color.

#### .02 Gaming Chips and Promotional Chips.

A. A gaming chip issued by a facility operator shall be in the form of a disk.

B. A gaming chip may not be issued by a facility operator or utilized in a facility until:

(1) The facility operator submits to the Commission for approval the design specifications of the proposed gaming chip, including a detailed schematic depicting the actual size and location of:

- (a) Each face, including any indentations or impressions;
- (b) The edge; and

(c) Any colors, words, designs, graphics, or security measures contained on the gaming chip;

(2) The facility operator submits to the Commission, a sample of each gaming chip, manufactured in accordance with its approved design specifications; and

(3) The Commission approves the gaming chip design under COMAR 36.05.03.16.

C. To prevent the counterfeiting of the gaming chip, a gaming chip issued by a facility operator shall be designed and manufactured with graphics and security measures required to appear on the face or edge of a value chip under this regulation and Regulation.03 of this chapter.

##### D. Prohibitions.

(1) A facility operator may not issue, use or allow a player to use in its facility, a gaming chip that it knows, or reasonably should know, is materially different from the sample of a gaming chip approved in accordance with §B of this regulation.

(2) A facility operator or other person licensed by the Commission may not manufacture, sell or distribute to, or use in, a licensed facility outside of Maryland a gaming chip that has the same edge spot or design specifications as a chip approved for use in a facility in Maryland.

##### F. Promotional Nongaming Chips.

(1) A facility operator may issue a promotional nongaming chip that:

(a) Is unique from an approved gaming chip and promotional chip in size or color;

(b) Has no edge designs; and

(c) On both faces, bears:

(i) The name of the facility issuing the promotional nongaming chip; and

(ii) Language that the promotional nongaming chip has no redeemable value.

(2) A promotional nongaming chip may not be used for table game play in a facility.

(3) To prevent confusion with approved gaming chips in use in Maryland facilities, the physical characteristics of promotional nongaming chips must be sufficiently distinguishable from approved gaming chips.

(4) A facility operator shall submit to the Commission for approval a detailed schematic depicting the actual size, face, and any colors, words, designs, or graphics on the promotional nongaming chip under COMAR 36.05.03.16.

G. A facility operator may issue a promotional chip with value that is permitted to be used for gaming purposes in a licensed facility.

(1) The physical characteristics of promotional chips with value must be sufficiently distinguishable from approved gaming chips issued by any facility operator in Maryland so as to reasonably ensure that the promotional chips with value will not to be confused with approved gaming chips and promotional nongaming chips.

(2) A facility operator shall submit to the Commission for approval, under COMAR 36.05.03.16, a detailed schematic depicting the actual size, face and any colors, words, designs or graphics on the promotional gaming chip.

(3) At a minimum, a promotional gaming chip shall:

(a) Be unique in terms of size or color;

(b) Have no edge designs;

(c) Bear the name of the facility operator issuing the promotional gaming chip; and

(d) Contain language on both faces stating value of the promotional chip.

(4) A promotional chip with value may be redeemed only at a gaming table in which a player wagers against the house.

(5) A promotional chip with value that is wagered shall be positioned as follow:

(a) For all games other than craps, mini-craps or roulette, in the player's betting area;

(b) For craps and mini-craps, on the Pass or Don't Pass Line; and

(c) For roulette, in the box marked "Black", "Red", "Odd", "Even," "1-18", "19-36", "1st 12", "2nd 12", or "3rd 12".

(6) The dealer shall deposit the promotional chip with value into the drop box attached to the gaming table at the time the winning wager is paid or the losing wager is collected.

(7) If the wager wins, it shall be paid in accordance with the terms and conditions of the promotional chip.

**.03 Value Chips.**

A. A facility operator may issue and use value chips in denominations of \$1, \$2, \$2.50, \$5, \$20, \$25, \$100, \$500, \$1,000, \$5,000, \$10,000, \$25,000, and other denominations approved in advance by the Commission under COMAR 36.05.03.16.

B. A primary color may not be used as a secondary color on a value chip of another denomination if its use on the edge is reasonably likely to cause confusion as to the chip's denomination when the edge alone is visible.

C. A manufacturer shall submit sample color disks to the Commission that identify all primary and secondary colors to be used for the manufacture of value chips for facility operators in Maryland.

D. The Commission may not approve a primary color for use in a value chip unless it visually appears, when viewed in daylight or incandescent light, as the following colors for these denominations:

(1) \$1, white;

(2) \$2, blue;

(3) \$2.50, pink;

(4) \$5, red;

(5) \$20, yellow;

(6) \$25, green;

(7) \$100, black;

(8) \$500, purple;

(9) \$1,000, fire orange;

(10) \$5,000, brown;

(11) \$10,000, silver; and

(12) \$25,000, gold.

E. After the Commission has approved a manufacturer's primary or secondary color for a gaming chip, the color shall be consistently manufactured in accordance with the approved sample color disk.

F. At least once on any location of each face of a value chip, a value chip issued by a facility operator must contain identifying characteristics that are applied in a manner ensuring that each identifying characteristic is clearly visible and remains a permanent part of the value chip.

G. The identifying characteristics required under §F of this regulation shall be visible to surveillance employees using the licensed facility's surveillance system, and include:

(1) The denomination of the value chip, expressed in numbers;

(2) The name, logo or other Commission-approved identification of the facility operator issuing the value chip; and

(3) The letters "MD" and the name of the city or county in which the licensed facility is located.

H. In addition to the characteristics specified in §G of this regulation, a value chip in a denomination of \$100 or more must contain a design or other identifying characteristic that is unique to the gaming chip manufacturer.

I. After the Commission approves a manufacturer's value chip design or characteristic under COMAR 36.05.03.16:

(1) The manufacturer has the exclusive right to use that design or characteristic on any denomination of value chip;

(2) The approved unique design or characteristic:

(a) May be used on all value chips manufactured for use in Maryland; and

(b) May be changed only after receiving the Commission's written approval of a new unique design or other identifying characteristic under COMAR 36.05.03.16.

J. Each value chip issued by a facility operator must contain an edge spot that:

(1) Is applied in a manner that ensures the edge spot:

(a) Is clearly visible on the edge and on each face of the value chip; and

(b) Remains a permanent part of the value chip; and

(2) Is created using both:

(a) The primary color of the chip; and

(b) One or more secondary colors; and

(3) Includes a design, pattern, or other feature that an individual may use to identify, through the facility's surveillance system, the denomination of a particular value chip that is in:

(a) A stack of gaming chips;

(b) The table inventory; or

(c) Any other location when only the edge of the value chip is visible.

K. A facility operator shall use as a secondary color to make an edge spot on a particular denomination of value chip only a secondary color that is reasonably likely to differentiate the facility operator's value chip from the same denomination of value chip issued by any other facility operator in the State.

L. If an approved value chip uses a single secondary color, no other facility operator may use a similar secondary color as the sole secondary color on the same denomination of value chip unless it is used in a different pattern or design approved by the Commission.

M. A facility operator may not use the identical combination of secondary colors on the same denomination of value chip unless it is used in a different pattern or design approved by the Commission.

N. A value chip issued by a facility operator is limited to a specific size for each denomination:

- (1) Less than \$500 must have a uniform diameter of 1-9/16 inch;
- (2) \$500 and \$1,000 must have a uniform diameter of 1-9/16 inch or 1-11/16 inch; and
- (3) \$5,000 or more must have a uniform diameter of 1-11/16 inch.

O. In addition to the features that are required under this regulation to appear on the face and edge of a value chip:

- (1) Each value chip with a denomination below \$100 must contain at least one anti-counterfeiting measure; and
- (2) Each value chip with a denomination of \$100 or more must contain at least two anti-counterfeiting measures.

**.04 Roulette Chips.**

A. A facility operator shall issue a roulette chip solely for the purpose of gaming at roulette.

B. At least once on any location of each face of a roulette chip, a roulette chip issued by a facility operator must contain identifying characteristics that are applied in a manner ensuring that each identify characteristic is clearly visible and remains a permanent part of the roulette chip.

C. The identifying characteristics required under §B of this regulation shall be visible to surveillance employees using the facility's surveillance system, and include:

- (1) The name, logo or other Commission-approved identification of the facility operator issuing the roulette chip;
- (2) A unique design, insert or symbol that will permit a set of roulette chips being used at a particular roulette table to be distinguished from the roulette chips being used at another roulette table in the facility;
- (3) The word "Roulette;"
- (4) Color and design combinations distinguish the roulette chips of a player at a particular roulette table from:
  - (a) The roulette chips of another player at the same roulette table; and
  - (b) The value chips issued by a facility operator; and
- (5) An edge spot that:
  - (a) Is applied in a manner which ensures that the edge spot;
  - (b) Is clearly visible on the edge and on each face of the roulette chip; and
  - (c) Remains a permanent part of the roulette chip; and
  - (d) Is created by using the colors approved for the face of the particular roulette chip in combination with one or more other colors that provides a contrast with the color on the face of the roulette chip and that enables the roulette chip to be distinguished from the roulette chips issued by any other facility operator; and
  - (e) Includes a design, pattern or other feature that an individual may use to identify, through the facility's surveillance system, the player to whom the roulette chip has been assigned when the roulette chip is placed in a stack of gaming chips or in any other location where only the edge of the roulette chip is visible.

**.05 Roulette Chips—Permitted Uses, Inventory, and Impressment.**

A. A roulette chip shall be issued to a particular roulette table and be used for gaming at that table only, and:

- (1) A roulette chip used at a particular roulette table must have the same design, insert or symbol as required under Regulation .04 of this chapter; and
- (2) A facility operator or an employee may not knowingly allow a player to remove a roulette chip from the roulette table to which it was issued.

B. A player at a roulette table may not purchase or be permitted to game with roulette chips that are identical in color and design to any roulette chip purchased by another player at the same table. When a player purchases a roulette chip, the dealer shall place a:

- (1) Roulette chip of the same color and design in a slot or receptacle attached to the outer rim of the roulette wheel, or in another device or location approved by the Commission under COMAR 36.05.03.16; and
- (2) Marker button denoting the value of a stack of 20 roulette chips of the same color and design in the slot, receptacle or other device.

C. At least once every 3 months, a floorperson, or higher-ranking individual specified in the facility operator's internal controls, shall complete an impressment of the Roulette chips assigned to a roulette table; and:

- (1) The facility operator shall record the results of the impressment in the chip inventory ledger required under Regulation .11 of this chapter;

(2) If additional roulette chips are required to restore the impress, the floorperson, or higher-ranking individual specified in the facility operator's internal controls, shall complete a Roulette Chip Impressment Form.

D. The completed Roulette Chip Impressment Form required under §C(2) of this regulation shall be maintained by the accounting department and contain at least the following:

- (1) The date and time of preparation;
- (2) The design schematic of the chip, including its primary color and the applicable table number;
- (3) The number of roulette chips needed to restore the impress;
- (4) The signature of the individual who completes the Roulette Chip Impressment Form and the impressment for the table; and
- (5) The signature of the main bank cashier or chip bank cashier who issued the roulette chips to restore the impress.

E. The accounting department shall immediately report a discrepancy in the impressment to a Commission compliance representative on a written report that includes at least the following for each roulette chip color and design:

- (1) The balance on hand at the beginning of the 3-month period;
- (2) The number of roulette chips distributed to the roulette table during the 3-month period;
- (3) The number of roulette chips returned to inventory during the 3-month period; and
- (4) The balance on hand at the end of the 3-month period.

**.06 Tournament Chips.**

A. If a facility operator conducts a table game tournament, the tournament shall be conducted using tournament chips.

B. The identifying characteristics of a tournament chip must include at least:

- (1) The name, logo, or other approved identification of the facility operator issuing the tournament chip;
- (2) The word "Tournament;"
- (3) The denomination of the chip;
- (4) The phrase "No Cash Value;"
- (5) Color or design combinations that distinguish the tournament chips from:
  - (a) Roulette chips used for the play of roulette at the facility;
  - (b) Value chips issued by a facility operator in the State; and
  - (c) Poker rake chips.

C. A facility operator shall store tournament chips in a secure area approved in advance by the Commission under COMAR 36.05.03.16.

D. A facility operator shall conduct an inventory of all tournament chips prior to the start and after the completion of each tournament.

E. A facility operator shall immediately report to Commission compliance representatives a discrepancy in the inventory on a report that shall include the balance for each denomination of tournament chip on hand at the beginning of the tournament and the balance on hand at the end of each tournament.

**.07 Poker Rake Chips.**

A. To facilitate the collection of the rake, a facility operator may use poker rake chips in the poker room.

B. Poker rake chips:

(1) Shall only be used by dealers; and

(2) May only be substituted for value chips that have been collected as part of the rake prior to the rake being placed in a drop box.

C. A dealer shall keep unused poker rake chips in the table inventory container.

D. The denominations that may be used for poker rake chips are \$2, \$3, or \$4.

E. The identifying characteristics of a poker rake chip must include:

(1) The name, logo or other approved identification of the facility operator;

(2) The words "Poker Rake Chip;"

(3) One of the following denominations:

(a) "\$2";

(b) "\$3"; or

(c) "\$4"; and

(4) Color or design combinations to distinguish the poker rake chips from:

(a) Roulette chips used for the play of roulette at the facility;

(b) Tournament chips used for tournament play at the facility; and

(c) Value chips issued by any facility operator in the State.

**.08 Additional Gaming Chips; Removing Chips from Use.**

A. Value Chips.

(1) Within 120 days of the commencement of table games at a facility, the facility operator shall have at least one Commission-approved set of value chips that may be used as a back-up for \$100 and \$500 value chips in active use.

(2) A back-up set of value chips maintained for use by a facility operator shall have secondary colors that are different from the secondary colors of the value chips in active use and may use a different shade of the primary color.

(3) A back-up set of value chips shall conform to the color and design requirements in this chapter.

B. Roulette Chips.

(1) A facility operator shall have at least one reserve set of roulette chips for each color roulette chip used in the facility with a design insert or symbol different from the roulette chips comprising the primary sets.

(2) A back-up set of roulette chips must conform to the color and design requirements in this chapter.

C. RFID chips. If a facility operator uses RFID chips for its value or roulette chips, the facility operator may submit a request to the Commission for waiver of the requirements in §A or B of this regulation B that shall include at least:

(1) A detailed description of the RFID technology and devices that will be used at the facility;

(2) A detailed description of how the RFID chips and related equipment will be used in the facility;

(3) A detailed explanation of how the use of the RFID chips and related equipment will reduce or eliminate the potential use of counterfeit value or roulette chips; and

(4) The approximate length of time it will take the facility operator to install the necessary devices and related equipment for the RFID technology to be operational in the facility.

D. The facility operator shall remove a set of gaming chips in use from active play when:

(1) A facility operator reasonably believes that the facility is taking on multiple counterfeit chips valued at \$100 or more so as to call into question the security and integrity of the gaming chip set;

(2) A facility operator determines there is an impropriety or defect in the use of a set of chips makes removal of the chips in active use necessary; and

(3) The Commission directs a facility operator to remove a set of chips from active use.

E. A facility operator shall place into active play a Commission-approved back-up set of value chips or a reserve set of roulette chips required under §§A and B of this regulation when an active set is removed.

F. Before a set of chips in active use is removed from play, the facility operator shall notify the Commission compliance representatives of the impending removal and the reasons for the removal.

G. A facility operator shall immediately notify a Commission compliance representative of the discovery of counterfeit value chips.

**.09 Plaques.**

A. A plaque issued by a facility operator shall be a solid, one-piece object constructed entirely of plastic or other substance, and a plaque shall:

(1) Be square, rectangular, or elliptical in shape;

(2) Have at least two, but not more than six, smooth, plane surfaces;

(3) Have at least two faces opposite and parallel to each other and identical in shape;

B. A facility operator shall not issue a plaque or allow its use in a facility unless:

(1) The facility operator submitted design specifications of the proposed plaque to the Commission that included a detailed schematic depicting the actual size and location of:

(a) Each face;

(b) The edge; and

(c) Any colors, words, designs, graphics, or security measures on the plaque including the minimum identifying characteristics listed in §F of this regulation;

(2) In accordance with COMAR 36.05.03.16, the facility operator made available for the Commission's inspection a sample plaque of each denomination to be manufactured and used in accordance with its approved design specifications;

(3) The Commission approved the facility operator's submissions; and

(4) The facility operator submitted to the Commission a system of internal procedures and administrative and accounting controls governing the distribution, redemption, receipt and inventory of plaques, by serial number that the Commission approved as part of the facility operator's internal controls.

C. Dimensions of a Plaque.

(1) The face of a square plaque shall have a surface area of not less than 9 square inches.

(2) The face of a rectangular or elliptical plaque may not be less than 3 inches in length by 2 inches in width.

(3) The length and width of an elliptical plaque shall be measured by its axes.

D. A plaque issued by a facility operator shall be designed and manufactured with sufficient graphics or other security measures to prevent, to the extent possible, the counterfeiting of the plaque.



*E. Denominations.*

(1) A facility operator may issue and use plaques in denominations of \$5,000 or \$10,000, and in other denominations approved by the Commission in advance under COMAR 36.05.03.16.

(2) A plaque of a specific denomination used by a facility operator shall be in a shape and of a size that is identical to the shape and size of all other plaques of that denomination issued by the facility operator.

(3) The size and shape of each denomination of plaque issued by a facility operator must be readily distinguishable from the size and shape of every other denomination of plaque issued by the facility operator.

F. A plaque issued by a facility operator must contain identifying characteristics that appear at least once on each face of the plaque and are applied in a manner that ensures each identifying characteristic is clearly visible and remains a permanent part of the plaque.

G. The characteristics required under §F of this regulation must be visible to surveillance employees using the licensed facility's surveillance system, and shall include at least:

(1) The denomination of the plaque, expressed in numbers of at least 3/8 inch in height;

(2) The name, logo, or other approved identification of the facility operator issuing the plaque; and

(3) A unique serial number.

H. A facility operator may not issue, use, or allow a player to use in its facility, any plaque that it knows, or reasonably should know, is materially different from the sample of that plaque approved in accordance with §B of this regulation.

**.10 Permissible Wagers; Exchange and Redemption of Chips and Plaques.**

A. Wagering at table games in a facility shall be conducted with gaming chips, plaques, electronic wagering credits, and other wagering instruments approved in advance by the Commission.

B. A value chip previously issued by a facility operator that is not in active use by that facility operator may not be used for any gaming purpose in a facility, and may be redeemed only at the cage as provided in §E of this regulation.

C. A facility operator shall issue a gaming chip or plaque to a player only at the request of the player, and may not be given as change in any transaction other than a gaming transaction.

D. A gaming chip or plaque shall be issued to player by:

(1) A dealer at a banking or nonbanking table game;

(2) The poker room cage, poker room impressed bank or the poker window cashier at the main cage; or

(3) A chip runner to a player seated at a poker table at which a game is in progress.

E. A player may redeem a plaque or value chip only at the cage.

F. Except as provided in §§L and M of this regulation, or as otherwise approved in advance by the Commission, a facility operator shall redeem a gaming chip or plaque that it issued only from players.

*G. Roulette Chips.*

(1) A player may present a roulette chip for redemption only at the roulette table from which it was issued.

(2) When a player presents a roulette chip for redemption, a dealer shall accept it in exchange for an equivalent amount of value chips.

*H. Value Chips at Roulette.*

(1) A facility operator may permit, limit or prohibit the use of a value chip in gaming at roulette in accordance with its rules submission submitted under COMAR 36.05.03.19.

(2) If a value chip is used at roulette, the facility operator and its employees shall keep accurate account of the wagers being made

with value chips so that wagers made by one player are not confused with the wagers made by another player at the table.

I. A gaming chip or plaque is solely evidence of a debt that the issuing facility operator owes to an individual legally in possession of the gaming chip or plaque, and it remains the property of the issuing facility operator.

*J. Redemption at the Facility.*

(1) A facility operator shall have the right at any time to demand that an individual possessing a gaming chip or plaque surrender the gaming chip or plaque for redemption in accordance with this regulation.

(2) Unless a gaming chip or plaque was obtained or is being used unlawfully, a facility operator shall promptly redeem its gaming chip or plaque presented by a player.

(3) A facility operator shall redeem its value chip or plaque by:

(a) Exchanging the value chip or plaque for an equivalent amount of cash; or

(b) Exchanging the value chip or plaque for a check issued by the facility operator in the amount of the value chip or plaque surrendered and dated the day of the redemption.

*K. Redemption by Mail.*

(1) Notwithstanding the requirements of §J of this regulation, if a player requests by mail to redeem value chips, in any amount, by mail, a facility operator may effectuate the redemption in accordance with its approved internal controls.

(2) A facility operator's internal controls for redemption of a value chip by mail shall, at a minimum, include procedures for the:

(a) Facility operator's issuance of a check to the player; and

(b) Transfer of a surrendered value chip to the chip bank in a documented transaction.

L. A facility operator shall accept, exchange, use or redeem only a gaming chip or plaque that the facility operator has issued and may not knowingly accept, exchange, use or redeem a gaming chip or plaque, or an object that appears to be a gaming chip or plaque, that has been issued by any other facility operator.

M. Notwithstanding §L of this regulation, a facility operator may accept and redeem a value chip issued by another facility operator in the State from a player.

*N. Employee Receiving a Value Chip as Gratuity.*

(1) A video lottery employee of a facility operator may receive a value chip as a gratuity.

(2) A video lottery employee may receive a value chip in exchange for food or beverage that a player purchases from the video lottery employee.

(3) A video lottery employee of a facility operator who receives a value chip as a gratuity, or in exchange for food or beverage, shall redeem the value chip prior to leaving the facility at the end of the work shift during which the employee received the value chip.

(4) A value chip received by a video lottery employee shall be redeemed at the cage or at another secure location approved in advance by the Commission.

(5) A value chip received by a video lottery employee that is redeemed at a noncage employee redemption site shall be exchanged on a daily basis with the cage.

(6) A facility operator shall include in its internal controls a means of ensuring the proper exchange and accounting of a value chip received as a gratuity or for the purchase of food and beverage.

*O. Redemption of Facility Chips From Another Operator.*

(1) A facility operator shall promptly redeem its own value chip that is presented to it by another facility operator in the State.

(2) A facility operator shall include in its internal controls a system for the exchange, with other legally operated facility operators, of a value chip that:

(a) Is in the facility operator's possession that has been issued by another facility operator in the State; and

(b) The facility operator has issued that is presented to it for redemption by another facility operator in the State.

P. A facility operator shall post, in a prominent place on the front of the main cage, any satellite cage and the poker room cage, a sign that reads as follows: "Gaming chips or plaques issued by another facility may not be used, exchanged or redeemed in this facility."

**.11 Chips and Plaques—Receipt, Inventory, Security, Storage, and Destruction.**

**A. Receipt.**

(1) A shipment of gaming chips or plaques that is received from a manufacturer or supplier shall be unloaded and transported to a secure area, which is covered by the facility operator's surveillance system, by at least two employees of the facility operator.

(2) The chips or plaques shall then be opened and checked by at least two employees, who shall promptly report to a Commission compliance representative any deviation between the invoice accompanying the shipment of gaming chips or plaques and the actual chips or plaques received, or any defects found in the chips or plaques.

(3) The functions required under §A(1) and (2) of this regulation shall be performed by at least the following employees of the facility operator:

- (a) A supervisor from the accounting department; and
- (b) An employee from the security department.

**B. Inventory.**

(1) After a shipment of gaming chips or plaques is checked as required under §A of this regulation, the employees identified in §A(3) of this regulation shall record, in a chip inventory ledger, the:

- (a) Denomination of the value chips and plaques received;
- (b) Number of each denomination;
- (c) Serial numbers of the value chips and plaques received;
- (d) For any roulette chips received, the number and description of the roulette chips received;
- (e) Date of the receipt;
- (f) Signatures and license numbers of the employees who checked the chips and plaques.

(2) If the value chips or roulette chips are not to be immediately put into active use, the chip inventory ledger must also identify the storage location of the chips.

**C. Storage.**

(1) A gaming chip or plaque not in active use shall be stored in:

- (a) A vault located in the main bank;
- (b) Locked cabinets in the main cage; or
- (c) Another restricted storage area approved in advance by the Commission.

(2) A gaming chip or plaque may not be stored in the same storage area as dice, cards, pai gow tiles or any other table game equipment.

(3) When a gaming chip or plaque is removed from or returned to an approved storage area, at least the two employees identified in §A(3) of this regulation shall be present and ensure that the chip inventory ledger contains the following information:

- (a) Date;
- (b) Signatures and license numbers of the employees supervising the transaction;
- (c) Quantity;
- (d) If applicable, the serial numbers and dollar amounts for each denomination of value chip or plaque;
- (e) Number and description of the roulette chip;
- (f) Specific storage area being entered; and
- (g) Reason for the entry into the storage area.

D. At the end of each gaming day, a facility operator shall compute and record the unredeemed liability for each denomination

of value chip and plaque according to procedures specified in the facility operator's internal controls.

**E. Inventory.**

(1) A facility operator shall inventory all sets of value chips, roulette chips and plaques in its possession and record the result of the inventory in the chip inventory ledger.

(2) The inventory required under §E(1) of this regulation shall be conducted at least once every month for value chips and plaques and at least once every 3 months for roulette chips.

(3) If a facility operator's inventory procedures incorporate the sealing of the locked compartment containing the facility's value chips, roulette chips, and plaques not in active use, a physical inventory of value chips, roulette chips, and plaques not in active use is required to be conducted annually.

(4) A facility operator shall include in its internal controls the procedures to be utilized to inventory value chips, roulette chips, and plaques.

**F. Destruction.**

(1) At least 5 days prior to the destruction of a gaming chip or plaque, a facility operator shall notify a Commission compliance representative of the:

- (a) Date and the location at which the destruction will be performed;
- (b) Denomination, number, and when applicable, the serial number and amount of value chips or plaques to be destroyed;
- (c) Description and number of roulette chips to be destroyed; and
- (d) Detailed explanation of the method of destruction.

(2) The destruction of a gaming chip or plaque shall be carried out in the presence of at least the two employees identified in §A(3) of this regulation.

(3) The facility operator shall record in the chip inventory ledger the names and license numbers of all employees and nonemployees involved in each destruction, and:

- (a) The denomination, quantity, total value, and serial number, if applicable, of all value chips or plaques destroyed;
- (b) The description and number of roulette chips destroyed;
- (c) The signatures and license numbers of the individuals who carried out the destruction; and
- (d) The date and location where the destruction took place.

G. A facility operator shall ensure that at all times there is adequate security for all gaming chips and plaques in the facility operator's possession.

**.12 Dice.**

A. Except as otherwise provided in §§B and C of this regulation, each die used in the play of table games shall:

(1) Be formed in the shape of a perfect cube and of a size not smaller than 0.750 inch on each side nor any larger than 0.775 inch on each side, with a tolerance of +/- 0.005;

(2) Be transparent and made exclusively of cellulose except for the spots, name or logo of the facility operator, and serial number or letters on the die;

(3) Be perfectly flat on the surface of each of its sides, with the spots contained in each side flush with the area surrounding them;

(4) Have all edges and corners perfectly square and forming 90 degree angles.

(5) Have the texture and finish of each side identical to the texture and finish of all other sides;

(6) Have its weight equally distributed throughout the cube with no side of the cube heavier or lighter than any other side of the cube;

(7) Have the six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die;

(8) Have spots arranged so that:

(a) The side containing one spot is directly opposite the side containing six spots;

(b) The side containing two spots is directly opposite the side containing five spots; and

(c) The side containing three spots is directly opposite the side containing four spots;

(9) Have each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube and extends into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of 0.0004 inch;

(10) Have imprinted or impressed on the die a serial number or letters and the name or logo of the facility operator using the die.

**B. Pai Gow and Pai Gow Poker.** Dice used in the table games of pai gow and pai gow poker must comply with the requirements of §A of this regulation, except as follows:

(1) Each die must be formed in the shape of a perfect cube and of a size not smaller than 0.637 inch on each side nor any larger than 0.643 inch on each side;

(2) With the Commission's approval, a facility operator may have an identifying mark imprinted or impressed on each die instead of the name or logo of the facility operator; and

(3) The spots on each die do not have to be equal in diameter.

**C. Sic Bo.** Dice used in the table game of sic bo must comply with §A of this regulation, except each die may be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

**D.** Dice may not be used in a facility unless a detailed schematic depicting the actual size and color of the dice, and the location of serial numbers, letters or logos on the dice, has been submitted to, and approved by, the Commission under COMAR 36.05.03.16.

### **.13 Dice — Receipt, Storage, Inspection, and Removal.**

#### **A. Receipt.**

(1) A shipment of dice that is received from a manufacturer or supplier shall be immediately unloaded and transported to a secure area which is covered by the facility operator's surveillance system under the supervision of at least two employees of the facility operator.

(2) The boxes of dice shall then be inspected by at least two employees of the facility operator to ensure that the seals on each box are intact, unbroken and free from tampering.

(a) Boxes that do not appear to be intact, unbroken and free from tampering shall be immediately inspected to ensure that the dice in those boxes conform to the requirements of this chapter and there is no evidence of tampering with them.

(b) If dice inspected as required under §A(2)(a) of this regulation show no evidence of tampering, they shall be placed, along with boxes of dice that are intact, unbroken and free from tampering, for storage.

(3) Dice shall be stored in a storage area that the Commission has approved in advance under COMAR 36.05.03.16.

(4) The functions required under §A(1), (2), and (3) of this regulation shall be performed by at least the following employees of the facility operator:

(a) A floor supervisor or above; and

(b) An employee from the security department.

**B. Storage.** The Commission-approved storage area must have two separate locks, to which access shall be controlled as follows:

(1) The security department shall maintain one key and the gaming operations department shall maintain the other key; and

(2) An employee of the gaming operations department, below a floorperson in the organizational hierarchy, may not have access to the gaming operations department key.

**C.** Dice which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

**D.** Once each gaming day and at other times as may be necessary, a floorperson or above, in the presence of a security department employee, shall remove the appropriate number of dice for that gaming day from the approved storage area.

**E.** Envelopes and containers used to hold or transport dice must be:

(1) Transparent;

(2) Designed or constructed with seals so that any tampering is evident; and

(3) Submitted to the Commission and approved under COMAR 36.05.03.16.

**F. Inspection and Distribution.** Dice shall be inspected and distributed to the gaming tables in accordance with one of the following alternatives:

(1) Alternative No. 1.

(a) The floorperson or above, and the security department employee who removed the dice from the approved storage area, shall distribute sufficient dice directly to the pit manager or above in each pit, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of the pit manager or above.

(b) Immediately upon opening a table for gaming, the floorperson or above shall distribute a set of dice to the table.

(i) To ensure that the dice are in a condition to ensure fair play and otherwise conform to the requirements of this chapter, at the time of receipt of a set of dice, a floorperson at each craps, pai gow, pai gow poker, sic bo or mini-craps table, shall, in the presence of the dealer, inspect the dice with a micrometer or any other instrument approved by the Commission to perform the function of a micrometer, a balancing caliper, a steel set square and a magnet.

(ii) The instruments described in §F(1)(b)(i) of this regulation shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the Commission compliance representatives or other Commission employees.

(iii) The inspection required under §F(1)(b)(i) of this regulation shall be performed on a flat surface which allows the dice inspection to be observed through the facility operator's surveillance system and by any persons in the immediate vicinity of the table.

(c) Following the inspection required under §F(1)(b)(i) of this regulation:

(i) For craps, the floorperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming;

(ii) For mini-craps, the floorperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming;

(iii) For sic bo, the floorperson shall, in the presence of the dealer, place the required number of dice into the shaker and seal or lock the shaker, and the floorperson shall secure the sic bo shaker to the table in the presence of the dealer who observed the inspection; or

(iv) For pai gow and pai gow poker, the floorperson shall, in the presence of the dealer, place the dice in the pai gow shaker.

(d) The floorperson or above shall place extra dice for the dice reserve in the pit stand.

(i) Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the floorperson or above.

(ii) No dice taken from the pit stand reserve may be used for actual gaming until the dice have been inspected in accordance with §F(1)(b)(i) of this regulation.

(2) *Alternative No. 2.*

(a) *The pit manager or above and the security department employee who removed the dice from the approved storage area shall distribute the dice directly to the following facility operator's employees who shall perform an inspection in each pit:*

(i) *For craps and mini-craps, a floorperson in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of a craps or mini-craps game;*

(ii) *For sic bo, pai gow and pai gow poker, a floorperson, in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of sic bo, pai gow or pai gow poker games;*

(iii) *For storage of the dice for the dice reserve in the pit stand, to the pit manager or above.*

(b) *To ensure that the dice are in a condition to ensure fair play and otherwise conform to the requirements of this chapter, at the time of receipt of a set of dice, the dice shall be inspected by one of the individuals listed in §F(2)(a) of this regulation with a micrometer or other instrument approved by the Commission which performs the same function as a micrometer, a balancing caliper, a steel set square, and a magnet.*

(c) *The instruments described in §F(2)(b) of this regulation shall be kept at the pit stand and shall be at all times readily available for use by the Commission compliance representatives or other Commission employees.*

(d) *The inspection required under §F(2)(a) of this regulation shall be performed on a flat surface which allows the dice inspection to be observed through the facility operator's surveillance system and by any persons in the immediate vicinity of the pit stand.*

(e) *After completion of the inspection, the dice shall be distributed as follows:*

(i) *For craps and mini-craps, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice to the floorperson assigned at each craps table or to the floorperson assigned at each mini-craps table, and the craps floorperson or the mini-craps floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming.*

(ii) *For sic bo, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, place the required number of dice into the shaker and seal or lock the shaker, and the floorperson shall then secure the sic bo shaker to the table in the presence of the other floorperson who observed the inspection.*

(iii) *For pai gow and pai gow poker, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice directly to the dealer at each pai gow table, and the dealer shall immediately place the dice in the pai gow shaker.*

(f) *The pit manager or above shall place extra sets of dice for the dice reserve in the pit stand, as follows:*

(i) *Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above.*

(ii) *Except as otherwise provided in §F(2)(e) of this regulation, dice taken from the reserve in the pit stand shall be reinspected by a floorperson or above in the presence of another floorperson or above in accordance with the inspection procedures set forth in §F(2)(b) of this regulation prior to their use for actual gaming.*

(g) *Previously inspected reserve dice may be used for gaming without being reinspected if the dice are maintained in a locked compartment in the pit stand in accordance with the following procedures:*

(i) *For craps and mini-craps, a set of five dice, after being inspected, shall be placed in a sealed envelope or container, to which shall be attached a label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to the envelope or container.*

(ii) *For sic bo, three dice, after being inspected, shall be placed in a sealed envelope or container or sealed or locked in a sic bo shaker, to which shall be attached a label or seal that identifies the date of inspection and contains the signatures of those responsible for the inspection shall, respectively, be attached to each envelope or container or placed over the area that allows access to open the sic bo shaker.*

(iii) *For pai gow and pai gow poker, a set of three dice, after being inspected, shall be placed in a sealed envelope or container, to which shall be attached a label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.*

G. *Removal. A facility operator shall remove dice at any time of the gaming day and submit a Dice Discrepancy Report as required under §H of this regulation:*

(1) *If there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game; or*

(2) *At the request of a Commission compliance representative or other Commission employee.*

H. *Inspection.*

(1) *At the end of each gaming day or at other times as may be necessary, a floorperson or above, other than the individual who originally inspected the dice, shall visually inspect each die that was used for play for evidence of tampering. Evidence of tampering shall be immediately reported to a Commission compliance representative by:*

(a) *Completing a two-part Dice Discrepancy Report; and*

(b) *Submitting the completed Dice Discrepancy Report and the dice to a Commission compliance representative.*

(2) *Dice showing evidence of tampering shall be placed in a sealed envelope or container.*

(a) *A label shall be attached to each envelope or container that:*

(i) *Identifies the table number, date, and time the dice were removed; and*

(ii) *Contains the signatures of the person assigned to directly operate and conduct the game at that table and the floorperson assigned the responsibility for supervising the operation and conduct of the game.*

(b) *A floorperson or above, or a security department employee responsible for delivering the dice to the casino compliance representatives, shall also sign the label.*

(c) *The Commission compliance representative receiving the dice shall sign the original and duplicate copy of the Dice Discrepancy Report and retain the original copy.*

(d) *The Commission compliance representative shall return the duplicate copy to the pit and maintain it in a secure place within the pit until it is collected by a security department employee.*

(3) *Other dice that were used for play shall be put into envelopes or containers when removed from active use at the table.*

(a) *A label shall be attached to each envelope or container which:*

(i) *Identifies the table number, date and time the dice were removed; and*

(ii) *Contains the signatures of the person assigned to directly operate and conduct the game at that table and the*

floorperson assigned the responsibility for supervising the operation and conduct of the game.

(b) The envelope or container shall be sealed and maintained within the pit until it is collected by a security department employee.

I. Reserve dice in the locked compartment in a pit stand at the end of the gaming day may be:

- (1) Collected and transported to the security department for cancellation or destruction;
- (2) Returned to the approved storage area; or
- (3) Retained in the locked compartment in the pit stand for future use.

J. Reserve dice in the locked compartment in a pit stand at the end of the gaming day that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which:

- (1) Identifies the pit stand where the reserve dice were being stored;
- (2) Identifies the date and time the dice were placed in the envelope or container; and
- (3) Contains the signature of the pit manager or above.

K. A security department employee shall collect and sign all envelopes or containers of used dice and reserve dice that are to be destroyed or cancelled and shall transport the dice to the security department for cancellation or destruction.

- (1) Envelopes and containers shall be collected:
  - (a) At the end of each gaming day or at least once each gaming day, as designated by the facility operator and approved in advance by the Commission under COMAR 36.05.03.16; and
  - (b) At other times as may be necessary.
- (2) The security department employee shall also collect any duplicate copies of Dice Discrepancy Reports.

L. An assistant table games shift manager or above may collect all reserve dice in a locked compartment in a pit stand.

- (1) If collected:
  - (a) Reserve dice shall be returned to the approved storage area; and
  - (b) Reserve dice shall be collected at the end of each gaming day or at least once each gaming day, as designated by the facility operator and approved in advance by the Commission under COMAR 36.05.03.16.
- (2) Except for dice maintained in a locked compartment in accordance with §F(2) of this regulation, if the reserve dice are not collected, all dice in the dice reserve shall be reinspected in accordance with one of the alternatives listed in §F of this regulation prior to their use for gaming.

M. Facility operators shall submit to the Commission for approval internal control procedures for:

- (1) A dice inventory system which includes, at a minimum, records of the:
  - (a) Number of three and five dice sticks, and the corresponding number of single die, received from a manufacturer or supplier;
  - (b) Balance of three and five dice sticks, and the corresponding number of single die, on hand;
  - (c) Number of three and five dice sticks removed from storage;
  - (d) Number of three and five dice sticks returned to storage;
  - (e) Number of single die destroyed or canceled;
  - (f) Date of each transaction; and
  - (g) Signatures of the individuals involved.
- (2) A daily reconciliation of the:
  - (a) Number of three or five dice sticks distributed;
  - (b) Number of single die destroyed or cancelled;

(c) Number of three or five dice sticks returned to the approved storage area; and,

(d) Reserve three or five dice sticks in a locked compartment in a pit stand, if any; and

(3) A physical inventory of all dice at least once every 3 months:

- (a) That shall be performed by an individual with no incompatible functions and shall be verified to the balance of dice on hand required under § M(1)(a) of this regulation; and
- (b) For which discrepancies shall immediately be reported to a Commission compliance representative.

N. Destruction or Cancellation of Dice.

(1) Other than those retained for Commission or facility operator inspection, destruction or cancellation of dice shall be completed within 7 days of collection.

(2) Cancellation shall be accomplished by drilling a circular hole of at least 1/4 inch in diameter through the center of the die.

(3) Destruction shall be accomplished by shredding or crushing the die.

(4) The destruction or cancellation of dice must take place in a secure location in the facility that is covered by the facility operator's surveillance system.

**.14 Sic Bo Shaker Security Procedures.**

A. Storage.

(1) Manual and automated sic bo shakers that have not been filled with dice may be stored in a locked compartment in a pit stand.

(2) An automated sic bo dice shaker which has been filled with dice shall be secured to the sic bo table at all times.

B. Inspection.

(1) At the end of each gaming day, a pit manager or above shall inspect all sic bo shakers that have been placed in use for gaming for evidence of tampering.

(2) Evidence of tampering shall be immediately reported to a Commission compliance representative on a written report that includes at least:

- (a) The date and time when the tampering was discovered;
- (b) The name and signature of the individual discovering the tampering;
- (c) The table number where the sic bo shaker was used; and
- (d) The name and signature of the employee who is:
  - (i) Assigned to directly operate and conduct the game at the sic bo table; and
  - (ii) The supervisor assigned the responsibility for supervising the operation and conduct of the game at the sic bo table.

**.15 Cards.**

A. Cards used to play table games shall be in decks of 52 cards with each card identical in size and shape to every other card in the deck.

(1) Nothing in this regulation shall be construed to prohibit a manufacturer from manufacturing decks of cards with one or more jokers in each deck.

(2) Jokers may not be used by the facility operator in the play of any game unless authorized by the rules of the game.

B. Each deck shall be composed of cards in four suits: diamonds, spades, clubs and hearts.

(1) Each suit shall be composed of 13 cards:

- (a) Ace;
- (b) King;
- (c) Queen;
- (d) Jack;
- (e) 10;
- (f) 9;
- (g) 8;
- (h) 7;

- (i) 6;
- (j) 5;
- (k) 4;
- (l) 3; and
- (m) 2.

(2) If approved in advance by the Commission under 36.05.03.16, the face of the ace, king, queen, jack and 10 may contain an additional marking that will permit a dealer, prior to exposing his or her hole card at the game of blackjack, to determine if the value of the hole card gives the dealer a blackjack.

C. The backs of each card in a deck shall:

(1) Be identical and may not contain any marking, symbol or design that may enable an individual to know the identity of any element printed on the face of the card or that will in any way differentiate the back of the card from any other card in the deck;

(2) Be designed to diminish the ability of any individual to place concealed markings thereon; and

(3) Contain the name or logo of the facility operator using the cards.

D. Each deck of cards shall be packaged separately or in a batch containing the number of decks selected by a facility operator for use in a particular table game.

(1) Each package of cards shall be sealed in a manner approved by the Commission under COMAR 36.05.03.16 to reveal evidence of any tampering with the package.

(2) If multiple decks of cards are packaged and sealed in a batch, the package must have a label that indicates or contain a window that reveals an adequate description of the contents of the package, including the:

- (a) Name of the facility operator for which the cards were manufactured;
- (b) Colors of the backs of the cards;
- (c) Date that the cards were manufactured;
- (d) Total number of cards in the batch; and
- (e) Total number of decks in the batch.

E. Individual decks of cards that are packaged and sealed in a multideck batch may not be separated from the batch for independent use at a table game.

F. The cards used by a facility operator for poker shall be:

- (1) Visually distinguishable from the cards used by that facility operator for other banked table game play; and
- (2) Made of plastic.

G. Each facility operator that offers the game of poker shall have and use on a daily basis at least four decks of cards with visually distinguishable card backings.

(1) Card backings may be distinguished by different logos, different colors or different design patterns.

(2) The facility operator shall submit, as part of its internal controls, the procedure for distributing and rotating the four visually distinguishable decks of cards required for use in the game of poker.

H. At a minimum, all poker cards that have been in play at least 3 months shall be replaced.

I. Cards may not be utilized in a facility unless a schematic depicting the face and backs of the cards, the colors, words, designs and graphics has been submitted to, and approved by, the Commission under COMAR 36.05.03.16.

**.16 Cards—Receipt, Storage, Inspection, and Removal.**

A. Receipt.

(1) A shipment of decks of cards that is received from a manufacturer or supplier shall be unloaded immediately and transported to a secure area which is covered by the facility operator's surveillance system under the supervision of at least two employees of the facility operator.

(2) The boxes of decks of cards shall be opened and inspected to ensure that the seals on each box are intact, unbroken, and free from tampering.

(a) Boxes that do not appear to be intact, unbroken, and free from tampering shall be immediately inspected to ensure that the decks of cards in those boxes conform to the requirements of this chapter and there is no evidence of tampering with them.

(b) If the decks of cards inspected as required under §A(2)(a) of this regulation show no evidence of tampering, they shall be placed, along with boxes of cards that are intact, unbroken and free from tampering, for storage.

(3) Decks of cards shall be stored in a storage area that the Commission has approved in advance under COMAR 36.05.03.16.

(4) The functions required under §A(1) and (2) of this regulation shall be performed by the employees identified in Regulation .13A(4) of this chapter.

B. Storage. The Commission-approved storage area must have two separate locks, to which access shall be controlled as follows:

(1) The security department shall maintain one key and the gaming operations department shall maintain the other key.

(2) An employee of the gaming operations department, below an assistant table games shift manager in the organizational hierarchy, may not have access to the gaming operations department key.

(3) If the facility operator has a separate Poker storage area, an employee below a poker shift manager in the organizational hierarchy may not have access to the gaming operations department key to the poker storage area.

C. Distribution.

(1) Except as provided under §E of this regulation, as may be necessary, a floorperson or above, in the presence of a security department employee, shall remove the appropriate number of decks of cards from the approved storage area.

(2) The floorperson or above and the security department employee who removed the decks shall distribute sufficient decks to the pit managers or above and, if applicable, to the poker shift manager.

(3) The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve.

(4) Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit managers or above or the poker shift manager or above.

D. Inspection.

(1) If the decks are to be inspected at open gaming tables under §F of this regulation, the pit manager or above shall distribute the decks to the dealer at each table or the poker shift manager shall transport the decks to the poker pit stand for subsequent distribution to the dealer at each poker table either directly by the poker shift manager or through the floorperson assigned to supervise the dealer.

(2) If the decks are to be preinspected and reshuffled at a closed gaming table as permitted under §R of this regulation, the pit manager or above or Poker shift manager shall deliver the decks to the dealer and the floorperson or above at the closed gaming table where the preinspection and reshuffling shall be performed.

(3) If the decks have already been preinspected, reshuffled, sealed in containers and placed in the card storage area as permitted under §R(8)(b) or (e) of this regulation, the assistant table games shift manager or above and a security department employee shall transport the number of sealed containers of cards needed for that gaming day to the gaming pits where the cards will be utilized and shall ensure that the containers are locked in the pit stand.

(4) Consistent with the facility operator's internal controls, the security department shall maintain a record of the removal of the sealed containers of cards from the approved storage area and the distribution of sealed containers to the gaming pits.

*E. Removal.*

(1) If the decks of cards to be used for poker are removed from the poker storage area, the poker shift manager or above and a security department employee shall, at times as may be necessary, remove the appropriate number of decks from the Poker storage area and distribute the decks under §D(1), (2) or (3) of this regulation.

(2) The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve.

(3) Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the poker shift manager or above.

*F. Verification.*

(1) Except for decks of cards that are preinspected and reshuffled under §R of this regulation, the dealer shall sort the cards in each deck according to suit and in sequence to verify that all cards are present and visually inspect the backs of the cards for any defects that might compromise the integrity or fairness of the game.

(2) The floorperson or above shall verify the inspection.

*G. Unsuitable or Missing Card.* If, while inspecting the cards in accordance with §F of this regulation, the dealer finds that a card is unsuitable for use, a card is missing from the deck or an extra card is found, the following procedures shall be observed:

(1) A supervisor or above or a poker shift manager shall bring a replacement deck of cards or card from the card reserve in the pit stand.

(2) The unsuitable deck or card shall be placed in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson assigned to that table or above.

(3) The pit manager or above or a poker shift manager shall maintain the envelope or container in a secure place within the pit until collection by a security department employee.

*H. Envelopes and containers used to hold or transport cards must be:*

(1) Transparent.

(2) Designed or constructed with seals so that any tampering is evident.

(3) Submitted to the Commission and approved under COMAR 36.05.03.16.

*I. Damaged Cards.*

(1) If any card in a deck appear to be damaged during the course of play, the dealer shall immediately notify a floorperson or above.

(2) If after inspection, the floorperson or above determines that the card is damaged and needs to be replaced, the floorperson shall notify the pit manager or above or the poker shift manager.

(3) The pit manager or above or the poker shift manager shall:

(a) Notify surveillance of a card change;

(b) Bring a replacement deck of cards or card from the pit stand to replace the damaged card or cards;

(c) Place the damaged card face up on the table and remove the matching card from the replacement deck and place it face up on the table;

(d) Turn over both the damaged card and the replacement card to verify that the backs of the cards match;

(e) Place the replacement card in the discard rack;

(f) Tear the damaged card down the center, or cancel the card, and place it face up in the replacement deck; and

(g) Return the replacement deck to the pit stand.

(4) At least once each gaming day, the replacement decks of cards shall be collected and placed in an envelope or container and sealed. A label shall be attached to each envelope or container which identifies the deck as a replacement deck and signed by the pit manager or above or the poker shift manager.

(5) The pit manager or above or the poker shift manager shall maintain the sealed envelopes or containers in a secure place within

the pit until collection by a security department employee in accordance with §M of this regulation.

(6) This subsection does not apply to cards showing indications of tampering, flaws or other defects that might affect the integrity or fairness of the game.

*J. Decks of cards that were used for play shall be put into envelopes or containers when removed from active use at the table.*

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the decks of cards were collected and signed by the dealer and floorperson assigned to the table.

(2) The poker shift manager or pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

*K. A facility operator shall remove a deck of cards at any time if there is an indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of a Commission compliance representative or other Commission employee.*

*L. Extra decks or packaged sets of multiple decks in the card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that:*

(1) Contains the number of decks or packaged sets of multiple decks that are included;

(2) The date and time the decks were placed in the envelope or container; and

(3) The signature of the floorperson or above for decks used for poker and the pit manager or above for decks used for all other games.

*M. At the end of each gaming day or at least once each gaming day, as designated by the facility operator and approved in advance by the Commission under COMAR 36.05.03.16, and at other times as may be necessary:*

(1) A security department employee shall collect and sign all envelopes or containers with damaged decks of cards, decks of cards required to be removed that gaming day, and all extra decks in the card reserve with broken seals and return the envelopes or containers to the security department; and

(2) A supervisor or above may collect all extra decks with intact seals in the card reserve.

*N. When the envelopes or containers of used cards and reserve cards with broken seals are returned to the security department, the cards shall be inspected for tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play:*

(1) For cards used in blackjack, Spanish 21, baccarat, midibaccarat or minibaccarat, the facility operator shall inspect:

(a) All decks used during the day; or

(b) If Commission has approved, as part of the facility's internal controls, the procedures for selecting the sample size and for ensuring a proper selection of the sample, a sample of decks selected at random or in accordance with an approved stratification plan.

(2) The facility operator shall also inspect:

(a) A deck of cards that the Commission requested the facility operator to remove for the purpose of inspection;

(b) A deck of cards the facility operator removed for indication of tampering;

(c) All cards used for all banked table games other than the games listed in §N(1) of this regulation; and

(d) All cards used for poker.

(3) The procedures for inspecting all decks required to be inspected under this subsection shall include the:

(a) Sorting of cards sequentially by suit or utilizing a machine approved by the Commission capable of reading the cards to determine whether any deck contains missing or additional cards;

(b) Inspection of the backs with an ultraviolet light;

(c) Inspection of the sides of the cards for crimps, bends, cuts or shaving; and

(d) Inspection of the front and back of all plastic cards for consistent shading and coloring.

(4) If during the inspection procedures required for cards used in poker, one or more of the cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with §N(8) of this regulation.

(5) Upon completion of the inspection procedures required under §N(2) of this regulation, each deck of cards used in Poker that is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the approved or poker storage area for subsequent use.

(6) The facility operator shall develop internal control procedures for returning the repackaged cards to the poker card inventory in accordance with §R of this regulation.

(7) An individual performing an inspection shall complete a work order form which details the procedures performed and lists the tables from which the cards were removed and the results of the inspection, and shall sign the form upon completion of the inspection procedures.

(8) The facility operator shall submit to the Commission the training procedures for the employees performing the inspections required under this subsection in its internal controls.

(9) Evidence of tampering, marks, alterations, missing, or additional cards or anything that might indicate unfair play discovered during an inspection, or at any other time, shall be immediately reported to a Commission compliance representative by the completion and delivery of a two-part Card Discrepancy Report.

(a) The two-part report must include the cards or decks of cards which are the subject of the report.

(b) The cards or decks of cards shall be retained by a Commission compliance representative for further inspection.

(c) The Commission compliance representative receiving the cards shall sign the original and duplicate copy of the Card Discrepancy Report and retain the original, and the facility operator shall retain the duplicate copy.

O. Facility operators shall submit to the Commission for approval internal control procedures for:

(1) A card inventory system, which includes, at a minimum, records of the:

(a) Balance of decks of cards on hand;

(b) Decks of cards removed from storage;

(c) Decks of cards returned to storage or received from a manufacturer or supplier;

(d) Date of each transaction; and

(e) Signatures of the employees involved;

(2) A daily reconciliation of the decks of cards distributed, destroyed or cancelled, returned to the storage area and any the decks of cards in the card reserve;

(3) A physical inventory of all decks of cards at least once every 3 months;

(a) A physical inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand required in §O(1)(a) of this regulation.

(b) Discrepancies shall immediately be reported to a Commission compliance representative.

P. Except for plastic cards used at poker which are of sufficient quality for reuse, decks of cards in an envelope or container that are inspected as required under §N of this regulation and found to be without any indication of tampering, marks, alterations, missing or

additional cards or any indication of unfair play shall be destroyed or cancelled within 5 days of collection.

(1) Cards submitted to the Commission shall be destroyed or cancelled within 5 days of release from the Commission.

(2) Destruction of cards must be by shredding.

(3) Cancellation of cards must be by drilling a circular hole of at least 1/4 inch in diameter through the center of each card in the deck.

(4) The destruction or cancellation of cards must take place in a secure location in the licensed facility covered by the facility operator's surveillance system, the physical characteristics of which shall be approved by the Commission under COMAR 36.05.03.16.

Q. Reused Deck.

(1) If a deck of plastic cards has been determined to not be suitable for reuse by the individual performing the inspection procedures required under subsection §N(3) of this regulation, the deck shall be placed in a sealed envelope or container with a label attached which identifies the date and time the deck was placed in the envelope or container and that shall be signed by the Poker shift manager or floorperson.

(2) At the end of the gaming day or at other times as may be necessary, the envelope or container shall be collected by a security department employee and returned to the security department for destruction or cancellation in accordance with §P of this regulation.

R. If a facility operator elects to preinspect and reshuffle cards at a closed gaming table prior to the delivery of the cards to an open gaming table, a dealer and supervised by a floorperson or above with no concurrent supervisory responsibility for open gaming tables shall perform the procedures required under this section.

(1) The facility operator shall provide a Commission compliance representative with a schedule of the proposed time and location for the preinspection and reshuffling at least 24 hours prior to commencement of the process.

(2) The procedures required under §R(1)—(7) of this regulation shall be recorded by the surveillance department and the facility operator shall retain a recording for at least 7 days.

(3) Upon receipt of the decks of cards in accordance with §E of this regulation, the dealer shall perform the procedures in §R(2)—(7) of this regulation independently for each batch of cards that will be sealed in a container in accordance with §R(7) of this regulation with the number of decks of cards in each batch being equal to the number of decks of cards required for the table game in which the decks are intended to be used.

(4) The dealer shall visually inspect the back of each card to assure that it is not flawed, scratched, or marked in a way that might compromise the integrity or fairness of the game.

(5) By hand or by using a machine approved by the Commission, the dealer shall inspect the front of each card to ensure that all cards are present and that there are no extra cards in the deck.

(6) If after inspection a card is determined to be unsuitable for use, or the deck is missing a card or an extra card is found, the following procedures shall occur:

(a) The deck containing the unsuitable, missing, or extra card shall be placed in an envelope or container which shall be identified by table number, date, and time the deck of cards was placed in the envelope or container and signed by the dealer and floorperson or above performing the preinspection and reshuffle; and

(b) The sealed envelope or container containing the deck containing the unsuitable, missing, or extra card shall be maintained by the floorperson or above until collection by a security department employee at the conclusion of the preinspection and reshuffling procedure.



(7) The dealer shall then shuffle the cards by hand or by using an automated card shuffling device.

(8) Upon completion of the preinspection and reshuffling process of the cards in the batch, the dealer and floorperson or above shall complete a two-part Reshuffled/Preinspected Form or other documentation that includes the:

(a) Time and date the Reshuffled/Preinspected Form was prepared;

(b) Number of decks in the batch;

(c) Table games at which the batch will be utilized if the batch contains more or less than 52 cards per deck;

(d) Signature of the dealer who preinspected and reshuffled the cards, certifying that the cards were preinspected and reshuffled in accordance with this subsection;

(e) Signature of the floorperson or above who witnessed and verified the preinspection and reshuffling;

(f) Time, date and gaming table to which the sealed container of cards is subsequently delivered; and

(g) Signature of the floorperson or above who delivered the sealed container of cards to the gaming table in accordance with §R(9) of this regulation.

(9) The dealer shall place the preinspected and reshuffled batch of cards, together with the Reshuffled/Preinspected Form or other documentation, in a clear container that conforms to the requirements under §H of this regulation and seal the container with a prenumbered label unique to the container.

(10) A facility operator shall include in its internal controls procedures for the maintenance and security of unused seals, and the distribution, return and reconciliation of seals used on containers holding preinspected and reshuffled cards.

(11) The sealed containers of cards shall be transported by:

(a) A pit manager or above or poker shift manager to the gaming pit of the gaming tables where the cards will be utilized and locked in the pit stand; or

(b) An assistant table games shift manager or above and a security department employee to the approved storage area or Poker storage area where the cards shall be placed back into the card inventory and segregated from cards that have not been preinspected and reshuffled.

(12) A record of the transport of the sealed containers of cards to the approved storage area shall be maintained by the security department in a manner consistent with the facility operator's approved internal controls.

(13) When the preinspected and reshuffled cards are needed for play, each container of cards shall be delivered by a floorperson or above to an open gaming table.

(14) Upon delivery, the floorperson or above shall unseal the container, place the decks of cards on the gaming table in front of the dealer, complete and sign the Reshuffled/Preinspected Form, drop the original Reshuffled/Preinspected Form in a locked box in the gaming pit, and forward the copy of the Reshuffled/Preinspected Form to the security department.

(15) The dealer at the gaming table shall then cut the cards in the manner prescribed by the rules governing the particular table game.

S. If the Commission has approved a licensed manufacturer or contractor to provide preinspected and reshuffled decks or batches of decks, a facility operator may use preinspected and reshuffled decks or batches of decks obtained from that licensed manufacturer or contractor in the same manner as decks or batches of decks that are preinspected and reshuffled §R of this regulation.

**.17 Dealing Shoes and Automated Card Shuffling Devices.**

A. In this regulation, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Base plate" means an interior shelf of a dealing shoe on which a card rests.

(2) "Face plate" means the front wall of the dealing shoe against which the next card to be dealt rests and which typically contains a cutout.

C. A manual dealing shoe must be designed and constructed to maintain the integrity of the game at which the shoe is used, and shall include these features:

(1) At least the first 4 inches of the base plate shall be white;

(2) The sides of the shoe below the base plate shall:

(a) Be transparent, have a transparent sealed cutout, or be otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate; and

(b) Permit the inspection of this portion of the shoe; and

(3) A stop underneath the top of the face plate that precludes the next card to be dealt from being moved upwards more than 1/8 inch.

D. In addition to the requirements of §C of this regulation, a manual dealing shoe used in minibaccarat, midibaccarat or baccarat must also meet these specifications:

(1) Have a removable lid that is opaque from the point where it meets the face plate to a point at least 4 inches from the face plate;

(2) The sides and back above the base plate must be opaque; and

(3) Have a device within the shoe which, when engaged, prevents the cards from moving backward in the shoe.

E. An automated card shuffling device that has been submitted, and approved by the Commission may be used in addition to a manual or automated dealing shoe.

F. An automated shuffling device must meet a 95 percent confidence level using a standard chi-squared test for goodness of fit.

G. An automated card shuffling device may not provide any information that can be used to aid a player in:

(1) Projecting the outcome of a game;

(2) Tracking the cards played and cards remaining to be played;

(3) Analyzing the probability of the occurrence of an event relating to a game; or

(4) Analyzing the strategy for playing or betting to be used in a game.

H. Tampering.

(1) At the beginning of each gaming day and before a card is placed in them, the floorperson assigned to the table shall inspect the dealing shoes and automated card shuffling devices to be used for gaming to ensure that they have not been tampered with.

(2) Evidence of tampering shall be immediately reported to a Commission compliance representative in a written report that shall include:

(a) The date and time when the tampering was discovered;

(b) The name and signature of the individual who discovered the tampering;

(c) A description of the evidence of tampering;

(d) The table number where the dealing shoe or shuffler was used; and

(e) The name and signature of the person assigned to directly operate and conduct the game and the supervisor assigned the responsibility for supervising the operation and conduct of the game.

**.18 Pai Gow Tiles.**

A. Pai gow shall be played with a set of 32 rectangular tiles  
 B. Each tile in a set must be identical in size and shading to every other tile in the set, and shall:

(1) Be made of a nontransparent black material, formed in the shape of a rectangle, and be not smaller than 2-1/2 inches in length, 1 inch in width and 3/8 inch in thickness;

(2) Have the surface of each of its sides perfectly flat, except that the front side of each tile must contain spots which extend into the tile exactly the same distance as every other spot;

(3) Have on the back or front of each tile an identifying feature unique to each facility operator;

(4) Except for the front side containing spots, have an identical texture and finish on each side;

(5) Have no tile within a set contain any markings, symbols or designs that would enable a player to know the identity of any element on the front side of the tile or that would distinguish any tile from any other tile within a set; and

(6) Have identifying spots on the front side of the tiles which are red, white or both.

C. Unless a facility has submitted to the Commission under COMAR 36.05.03.16 a detailed schematic depicting the actual size and identifying features on pai gow tiles, and the Commission has approved the submission, pai gow tiles shall not be used in a facility

D. Each set of tiles shall be packaged separately and sealed under COMAR 36.05.03.19.

**.19 Pai Gow Tiles — Receipt, Storage, Inspection, and Removal.**

A. Receipt.

(1) A shipment of tiles that a facility operator receives from a manufacturer or contractor shall be unloaded immediately and transported to a secure area which is covered by the facility operator's surveillance system under the supervision of at least two employees of the facility operator.

(2) The boxes of tiles shall then be inspected by at least two employees of the facility operator to ensure that the seals on each box are intact, unbroken, and free from tampering.

(a) Boxes that do not appear to be intact, unbroken and free from tampering shall be inspected immediately to ensure that the tiles in those boxes conform to the requirements of this chapter and there is no evidence of tampering with them.

(b) If tiles inspected as required under §A(2)(a) of this regulation show no evidence of tampering, they shall be placed, along with boxes of tiles that are intact, unbroken and free from tampering, for storage in a storage area, the location and physical characteristics of which shall be approved by the Commission in accordance with under COMAR 36.05.03.16.

(3) The functions required under §A(1) and (2) of this regulation shall be performed by at least the following employees of a facility operator:

- (a) An assistant table games shift manager or above; and
- (b) An employee from the security department.

B. Sets of tiles which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

C. The approved storage area shall have two separate locks, to which access shall be controlled as follows:

(a) The security department shall maintain one key and the gaming operations department shall maintain the other key.

(b) An employee of the gaming operations department below an assistant table games shift manager in the facility's organizational hierarchy may not have access to the gaming operations department key.

D. Once each gaming day and at other times as may be necessary, a floorperson or above, in the presence of a security department

employee, shall remove the appropriate number of sets of tiles from the approved storage area.

E. Envelopes and containers used to hold or transport tiles shall be:

- (1) Transparent;
- (2) Designed or constructed with seals so that any tampering is evident; and
- (3) Submitted to, and approved by, the Commission in advance under COMAR 36.05.03.16.

F. The assistant table games shift manager or above shall distribute sufficient sets of tiles to the pit manager or above in each pai gow pit.

(1) The pit manager or above shall then distribute the sets of tiles to the dealer at each pai gow table and place extra sets of tiles in the reserve in the pit stand.

(2) Sets of tiles in the reserve shall be placed in a locked compartment in the pit stand, keys to which shall be in the possession of the pit manager or above.

G. If during the course of play a damaged tile is detected, the dealer or a floorperson shall immediately notify the pit manager or above, who shall bring a substitute set of tiles to the table from the reserve in the pit stand to replace the entire set of tiles.

(1) A set containing a damaged tiles shall be placed in an envelope or container, identified by table number, date and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelope or container in a secure place within the pit until collection by a security department employee.

H. The floorperson responsible for supervising the table or the pit manager or above shall collect used tiles which shall be placed in an envelope or container when removed from active use.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

I. A facility operator shall remove a tile from play if there is any indication of tampering, flaws, or other defects that might affect the integrity or fairness of the game, or at the request of a Commission compliance representative or other Commission employee.

(1) A label shall be attached to each envelope or container which identifies the table number, date, and time the tiles were placed in the envelope or container and sealed and signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the sealed envelopes or containers in a secure place within the pit until collection by a security department employee.

J. Extra sets of tiles in the reserve which have been opened shall be placed in an envelope or container with a label attached to each envelope or container which identifies the date and time the tiles were placed in the envelope or container and sealed and is signed by the pit manager or above.

K. At the end of each gaming day or in the alternative, at least once each gaming day, as designated by the facility operator and approved by the Commission in accordance with under COMAR 36.05.03.16, and at other times as may be necessary:

(1) A security department employee shall collect and sign all envelopes or containers with damaged tiles, tiles used during the gaming day, and all extra tiles in the reserve which have been

opened, and return the envelopes or containers to the security department; and

(2) An assistant table games shift manager or above may collect all extra sets of tiles in the reserve which have not been opened. If collected, all unopened sets of tiles shall be cancelled, destroyed, or returned to the approved storage area.

L. When envelopes or containers of used tiles and reserve sets of tiles which have been opened are returned to the security department, the security department shall inspect the tiles for tampering, marks, alterations, missing, or additional tiles or anything that might indicate unfair play.

(1) The procedures for inspecting sets of tiles shall include:

(a) Sorting of tiles by pairs;

(b) Visually inspecting the sides and back of each tile for tampering, markings, or alterations; and

(c) Inspecting the sides and back of each tile with an ultraviolet light.

(2) The individual performing the inspection shall complete a work order form which details the procedures performed, lists the tables from which the tiles were removed and the results of the inspection, and shall sign the form upon completion of the inspection procedures.

(3) The facility operator shall submit to the Commission the training procedures for the employees performing the inspections required under this subsection in its internal controls.

(4) Evidence of tampering, marks, alterations, missing, or additional tiles or anything that might indicate unfair play discovered during the inspection, or at any other time, shall be immediately reported to a Commission compliance representative by the completion and delivery of a two-part Tile Discrepancy Report.

(a) The two-part report shall include the tiles which are the subject of the report.

(b) A Commission compliance representative shall retain the tile for further inspection.

(c) The Commission compliance representative receiving the tile shall sign the original and duplicate copy of the tile discrepancy report and retain the original.

(d) The facility operator shall retain the duplicate copy.

M. If after completing the inspection procedures required under §N of this regulation, it is determined that a complete set of 32 tiles removed from a gaming table is free from tampering, markings, or alterations, the set shall be packaged separately and sealed before being returned to the pai gow storage area for subsequent use.

N. A facility operator shall develop internal control procedures for returning the repackaged tiles to the tile inventory in accordance with §P of this regulation.

O. Individual tiles from different sets may not be used to make a complete set for subsequent gaming.

P. A facility operator may create replacement and reconstructed sets in accordance with the following requirements:

(1) If after completing the inspection procedures required under §M of this regulation, it is determined that a tile has scratches or other markings on the back, sides or edges which make the tiles unsuitable for continued use, the tile shall be removed from the set and destroyed in accordance with § R of this regulation.

(2) The remaining usable tiles from the set shall be designated as a replacement set.

(3) The employee who removes the tiles from a set shall complete a two-part form that shall:

(a) Include the date and time the tiles were removed from the set;

(b) Identify the specific tile or tiles removed from the set and sent for destruction; and

(c) Contain the name and signature of the individuals involved.

(4) The duplicate copy of the form shall be retained with the replacement set and the security department shall retain the original.

(5) The assistant table games shift manager or above shall return the replacement set, accompanied by the duplicate copy of the form, to the tile inventory under §P of this regulation where replacement sets shall be inventoried and stored separately from any stored and new, used or complete reconstructed sets.

(6) Tiles in one or more replacement sets may be used to create a complete reconstructed set of tiles in accordance with the following procedures:

(a) The assistant table games shift manager or above shall conduct an inspection of each reconstructed set in the storage area, in the presence of a security department employee, and ensure that any replacement tile possesses the same color, texture, and finish as all other tiles in the reconstructed set.

(b) The assistant table games shift manager or above shall sort the tiles by pairs and verify the needed replacement tile or tiles and visually inspect the sides, backs and edges of each tile in the reconstructed set for tampering, markings, and alterations and for comparison as to shading, texture and finish.

(c) After a complete set of tiles has been assembled from replacement sets, the assistant table games shift manager or above shall attach a label to the envelope or container for the reconstructed set, which shall:

(i) Include the date and time of reconstruction;

(ii) Contain the signature of the assistant table games shift manager or above and the security department employee who witnessed the inspection; and

(iii) Identify the inspection steps that were followed to determine that the reconstructed set of tiles is suitable for use in gaming.

(d) A facility operator shall submit to the Commission for approval internal control procedures for returning the reconstructed sets into inventory, identifying all reconstructed sets and maintaining an accurate inventory balance of remaining replacement sets.

Q. A facility operator shall submit internal control procedures for:

(1) An inventory system which includes records of at least the following:

(a) The balance of sets of tiles on hand;

(b) The sets of tiles removed from storage;

(c) The sets of tiles returned to storage or received from a manufacturer or contractor;

(d) The date of each transaction; and

(e) The signatures of the individuals involved;

(2) A daily reconciliation of the:

(a) Sets of tiles distributed;

(b) Sets of tiles destroyed or cancelled;

(c) Sets of tiles returned to the approved storage area; and

(d) Sets of tiles in the tile reserve in a pit stand; and

(3) A physical inventory of the sets of tiles at least once every 3 months.

(a) An inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of the sets of tiles on hand required in §Q(1)(a) of this regulation.

(b) Discrepancies shall immediately be reported to a Commission compliance representative.

R. Destruction or cancellation of tiles other than those retained for Commission inspection shall be completed within 7 days of collection.

(1) The method of destruction or cancellation shall be included in the facility operator's internal controls.

(2) The destruction or cancellation of tiles shall take place in a secure location in the licensed facility covered by the facility operator's surveillance system.

### 36.05.03 Table Games Procedures

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

#### .01 Personnel Operating and Conducting Table Games.

A. A facility operator may use the following personnel to operate table games:

- (1) Dealer;
- (2) Stickperson;
- (3) Boxperson;
- (4) Floorperson;
- (5) Pit manager;
- (6) Poker manager;
- (7) Assistant table games shift manager; and
- (8) Table games shift manager.

B. A facility operator shall maintain the following minimum levels of staffing when table games are being operated:

- (1) Excluding craps or baccarat, one dealer for a table game;
- (2) Two dealers for a big baccarat table;
- (3) Two dealers for a craps table, one of whom shall act as the stickperson; and
- (4) One boxperson or floorperson for a craps table.

C. A facility operator shall provide a sufficient number of floorpersons to supervise the operation of table games in accordance with the standards in this chapter, so that a floorperson may not supervise more than the number of tables specified in one of the following:

- (1) Excluding baccarat, midibaccarat, craps, mini-craps, and pai gow, six tables comprised of a combination of banking table games;
- (2) One baccarat table;
- (3) Three midibaccarat tables;
- (4) Excluding baccarat, caps and mini-craps, one midibaccarat table and one table of any other table game;
- (5) Three craps tables;
- (6) Excluding baccarat, midibaccarat, mini-craps and pai gow, two craps tables and two tables of a banking table game;
- (7) If only one dealer is assigned to a table, two mini-craps table;
- (8) If there is a dealer and a stickperson assigned to the tables, four mini-craps tables;
- (9) If the tables are in a side-by-side configuration, two pai gow tables;
- (10) Excluding baccarat, craps and mini-craps, one pai gow table and one table of another banking table game;
- (11) Ten poker tables; and
- (12) If the floorperson assigned to poker does not have responsibilities for seating players, 12 poker tables.

D. If the gaming tables being supervised by a floorperson are dealer controlled electronic table games, the maximum number of gaming tables that the floorperson may supervise may be increased by 100 percent of the limits provided in §C of this regulation.

E. Subject to the limitation that a pit manager or assistant table games shift manager may not directly supervise more than 12 floorpersons, a facility operator shall provide a sufficient number of pit managers or assistant table games shift managers to supervise the operation of table games.

F. A facility operator shall provide a poker manager to supervise all open poker tables.

G. If no more than three poker tables are open, a poker manager is not required.

H. A facility operator shall provide a table games shift manager to supervise the operation of table games during every shift.

(1) An assistant table games shift manager may be designated to act as the table games shift manager in the table games shift manager's absence.

(2) An assistant table games shift manager designated under §H(1) of this regulation may not be counted toward the number of pit managers or assistant table games shift managers required under §E of this regulation.

I. A facility operator may request the Commission to approve its use of a staffing plan that differs from the minimum standards in this section by submitting a written alternate minimum staffing plan which must include at least:

- (1) The pit number and configuration of any pit affected;
- (2) The type, location and table number of any table affected;
- (3) The standard staffing level required under this regulation for a gaming table and the proposed alternative staffing;
- (4) The days, shifts or times during which the alternative staffing would be in effect; and
- (5) A narrative explaining the rationale for the proposed alternative staffing and how the alternative staffing would protect the integrity of gaming at the affected gaming tables.

J. A facility operator may not implement an alternate minimum staffing plan unless the Commission has approved the plan in writing.

K. Nothing in this regulation shall be construed to limit:

- (1) A facility operator from using more personnel than required by this regulation; or
- (2) The Commission's discretion to direct a facility to use more personnel than required by this regulation in the operation of table games.

#### .02 Table Inventory.

A. When a table game is opened for gaming, table game operations shall commence with the table inventory.

B. A facility operator may not cause or permit gaming chips, coins, or plaques to be added to, or removed from, a table inventory during the gaming day except:

- (1) In exchange for cash;
- (2) In exchange for an issuance copy of a counter check presented by a player;
- (3) For the payment of winning wagers and collection of losing wagers made at the gaming table;
- (4) In exchange for a gaming chip or plaque received from a player having an equal aggregate face value;
- (5) In conformity with fill and credit procedures; and
- (6) For the collection of vigorish.

C. When a table game is not open for gaming activity, the table inventory and a Table Inventory Slip shall:

- (1) Be stored in a locked container that is clearly marked on the outside with the game and the gaming table number to which it corresponds;
- (2) Have the information on the Table Inventory Slip be visible from the outside of the container; and
- (3) Be stored either in the cage or secured to the gaming table, in a manner consistent with the facility's approved internal controls.

D. The keys to the locked containers containing the table inventories shall be maintained and controlled by the gaming operations department and may not be made accessible to cage personnel or to any employee responsible for transporting the table inventories to or from the gaming tables.

E. Table Inventory Slips shall be two-part forms upon which the following is recorded:

- (1) The date and identification of the shift ended;
- (2) The game and table number;

(3) The total value of each denomination of value chips, coins and plaques remaining at the gaming table;

(4) The total value of all denominations of value chips, coins and plaques remaining at the gaming table; and

(5) The signatures of the dealer, or boxperson and floorperson, assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

**.03 Procedures for Opening a Table Game.**

A. When a table game is to be opened for gaming activity, a security department employee shall transport directly from the cage to the gaming table the locked container with the table inventory and the duplicate copy of the Table Inventory Slip if the Slip is not already attached to the gaming table.

B. Immediately prior to opening the table game for gaming, the floorperson assigned to the gaming table shall unlock the container with the table inventory after assuring that it is the proper container for that gaming table.

C. The dealer or boxperson assigned to the gaming table shall count the contents of the table inventory in the presence of the floorperson assigned to the gaming table and reconcile the count to the totals on the duplicate copy of the Table Inventory Slip removed from the container.

D. The dealer or boxperson assigned to the table, and the floorperson who observed the dealer or boxperson count the contents of the container, shall attest to the accuracy of the information recorded on the duplicate copy of the Table Inventory Slip by signing the duplicate copy of the Table Inventory Slip.

E. After the duplicate copy of the Table Inventory Slip has been signed as required under §D of this regulation, the dealer, boxperson or floorperson shall immediately deposit the slip into the table game drop box attached to the gaming table.

F. If there is a discrepancy between the amount of gaming chips and plaques counted and the amount of the gaming chips and plaques recorded on the duplicate copy of the Table Inventory Slip:

(1) The discrepancy shall be immediately verbally reported to the floorperson or above, the security department and a Commission compliance representative;

(2) In the presence of the floorperson or above and a security department employee, the dealer or boxperson assigned to the table shall recount the table inventory and complete a new Table Inventory Slip reflecting the results of the dealer's or boxperson's recount of the table inventory;

(3) The floorperson or above shall:

(a) Prepare an Error Notification Slip, which shall be a three-part form containing:

- (i) The date and time;
- (ii) The type of game;
- (iii) The table number and pit; and
- (iv) An explanation of the discrepancy;

(b) Write "Incorrect Copy" on the copy of the Table Inventory Slip that was in the table inventory;

(c) Sign the "Incorrect Copy;" and

(d) Write "Correct Copy" on both copies of the Table Inventory Slip required to be prepared by the dealer or boxperson under §F(2) of this regulation.

(4) The "Correct Copy" shall be signed by the dealer or boxperson who recounted the table inventory, the security department employee who witnessed the recount and the floorperson or above.

(5) After the signatures required under §F(4) of this regulation have been obtained, the dealer or boxperson shall deposit in the drop box the "Incorrect Copy" Table Inventory Slip, both copies of the

"Correct Copy" Table Inventory Slip and the first copy of the Error Notification Slip.

G. A dealer or boxperson shall give the second copy of the Error Notification Slip to the pit clerk or floorperson or above, and shall deliver the third copy of the Error Notification Slip to a Commission compliance representative.

H. For any discrepancy greater than \$100, the security or surveillance department shall investigate the discrepancy and, within 24 hours, complete a written incident report and immediately forward a copy to a Commission compliance representative.

**.04 Procedure for Distributing Chips, Coins, and Plaques to a Gaming Table.**

A. A pit clerk or floorperson or above shall prepare a request for a fill to add value chips, coins, and plaques to a table game using a Fill Request Slip.

B. Access to the blank Fill Request Slips shall be restricted to pit clerks and floorpersons or above.

C. A Fill Request Slip shall be a two-part form on which the following information shall be recorded:

- (1) The date, time and shift of preparation;
- (2) The denomination of value chips, coins and plaques to be distributed to the gaming table;
- (3) The total amount of each denomination of value chips, coins and plaques to be distributed to the gaming table;
- (4) The game and table number to which the value chips, coins and plaques are to be distributed; and
- (5) The signature of the floorperson or above requesting the fill.

D. After the Fill Request Slip has been prepared, the security department employee shall transport the chip bank copy of the Fill Request Slip directly to the chip bank.

E. The dealer or boxperson shall place the drop box copy of the Fill Request Slip in view of the facility operator's surveillance system on the gaming table to which the value chips, coins, and plaques are to be received.

F. Notwithstanding the requirements of §§A—E of this regulation, a fill request may be prepared electronically if:

- (1) The input data for preparation of the fill is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above; and
- (2) A Fill Slip is generated in the chip bank as a direct result of the input.

G. A Fill Slip shall be prepared by a chip bank cashier or, if the required information was inputted in conformity with § F of this regulation, the Fill Slip may be electronically generated in the chip bank.

H. A Fill Slip shall be:

- (1) A serially prenumbered form;
- (2) Used in sequential order;
- (3) Accounted for by employees with no incompatible functions; and
- (4) If applicable, marked "Void" and signed by the preparer.

I. If a Fill Slip is manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Fill Slips shall be a four-part form and shall be inserted in a locked dispenser or bound in a Fill Slip form book that permits an individual Fill Slip in the series and its copies to be written upon while still locked in the dispenser or bound in the Fill Slip form book;

(2) The Fill Slip dispenser shall discharge the drop box, acknowledgement and chip bank copies of the Fill Slip while the accounting copy remains in a continuous, unbroken form in the dispenser; or

(3) If a Fill Slip form book is utilized, the accounting copy must remain in the bound Fill Slip form book until removed in accordance with §I(4) of this regulation; and

(4) Access to copies of the Fill Slips shall be maintained and controlled by accounting department employees with no incompatible functions who are responsible for controlling and accounting for the unused supply of Fill Slips, placing Fill Slips in the dispensers and removing the accounting copies of the Fill Slips from the dispensers or Fill Slip form book each gaming day.

J. If a Fill Slip is electronically prepared, each series of Fill Slips must be a three-part form and:

(1) Be inserted in a printer that will simultaneously print a drop box, acknowledgment and chip bank copy of the Fill Slip in the chip bank; and

(2) Store, in machine readable form, the information printed on the drop box, acknowledgement, and chip bank copies of the Fill Slips so that the stored data may not be susceptible to change or removal by any personnel involved in the preparation of a Fill Slip after the Fill Slip has been prepared.

K. A copy of a Fill Slip and, if applicable, the stored data, must contain at least the:

(1) Denominations of the value chips, coins, and plaques being distributed;

(2) Total amount of each denomination of value chips, coins, and plaques being distributed;

(3) Total amount of all denominations of value chips, coins, and plaques being distributed;

(4) Game and table number to which the value chips, coins, and plaques are being distributed;

(5) Date and shift during which the distribution of value chips, coins, and plaques occurs; and

(6) Signature of the preparer or, if electronically prepared, the license number of the preparer.

L. The time of preparation of the Fill Slip shall be recorded on the drop box, acknowledgement, and chip bank copies of the Fill Slip upon preparation.

M. A security department employee shall directly transport a value chip, coin or plaque distributed to a gaming table from the chip bank to a gaming table.

N. Upon receipt of a value chip, coin or plaque at a gaming table, the floorperson shall:

(1) Compare the Fill Request Slip to the Fill Slip; and

(2) Attest to the accuracy of the fill by signing the drop box copy and acknowledgement copy of the Fill Slip.

O. If a fill request is generated electronically in the chip bank in accordance with §F of this regulation, the floorperson shall:

(1) Compare the Fill Slip with the electronically generated fill request; and

(2) Attest to the accuracy of the fill by signing the drop box and acknowledgement copies of the Fill Slip.

P. Signatures on the drop box and acknowledgement copies of the Fill Slip attesting to the accuracy of the information contained on a Fill Slip shall be required of the specified employees at the specified times:

(1) The chip bank cashier, upon preparation;

(2) The security department employee transporting the value chips, coins and plaques to the gaming table, upon receipt from the cashier of the value chips, coins and plaques to be transported;

(3) The dealer or boxperson assigned to the gaming table, upon receipt and verification of the amounts of the value chips, coins and plaques at the gaming table from the security department employee; and

(4) The floorperson assigned to the gaming table, upon receipt and verification of the amounts of the value chips, coins and plaques at the gaming table.

Q. After the signature requirements in §P of this regulation have been satisfied, the security department employee who transported to a gaming table a value chip, coin or plaque, the drop box, and acknowledgement copies of the Fill Slip, shall:

(1) Observe the dealer's or boxperson's immediate placement of the drop box copy of the Fill Slip and the drop box copy of the Fill Request Slip, if applicable, in the drop box attached to the gaming table to which a value chip, coin, or plaque was transported; and

(2) Return the acknowledgement copy of the Fill Slip to the chip bank cashier.

R. The chip bank cashier shall maintain together the chip bank copies of the Fill Request Slip, if applicable, and the chip bank and acknowledgement copies of the Fill Slip, until those items are forwarded to the accounting department.

S. All parts of voided Fill Slips, as well as the chip bank copies of Fill Request Slips, if applicable, and the acknowledgement and chip bank copies of the Fill Slips that are maintained and controlled in conformity with §Q of this regulation, shall be forwarded to the accounting department for agreement, on a daily basis, with:

(1) The drop box copies of the Fill Request Slips, if applicable, and Fill Slips removed from the drop box on the gaming table; and

(2) If applicable, the electronically stored data and accounting copies of the Fill Slips.

**.05 Removing a Value Chip, Coin, or Plaque from a Gaming Table.**

A. A pit clerk or floorperson or above shall prepare a request for a credit to remove a value chip, coin or plaque from a table game by using a Credit Request Slip.

B. Access to the blank Credit Request Slips shall be restricted to pit clerks and floorpersons or above.

C. A Credit Request Slip shall be a two-part form on which the following information shall be recorded:

(1) The date, time and shift of preparation;

(2) The denomination of chips, coins, and plaques to be removed from the gaming table;

(3) The total amount of each denomination of value chips, coins and plaques to be removed from the gaming table;

(4) The game and table number from which the value chips, coins, and plaques are to be removed; and

(5) The signature of the floorperson or above assigned to the gaming table from which the value chips, coins and plaques are to be removed.

D. A security department employee shall transport the chip bank copy of a prepared Credit Request Slip directly to the chip bank.

E. A dealer or boxperson shall place the drop box copy of the Credit Request Slip in view of the facility operator's surveillance system on the gaming table from which the value chips, coins and plaques are to be removed.

F. The drop box copy of the Credit Request Slip may not be removed until the drop box and acknowledgement copies of the Credit Slip are received from the chip bank.

G. Notwithstanding the requirements of §§A—F of this regulation, a request for a credit may be prepared electronically if:

(1) The input data for preparation of the credit is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above; and

(2) A Credit Slip is generated in the chip bank as a direct result of the input.

H. A Credit Slip shall be prepared by a chip bank cashier or, if the required information was inputted in conformity with § G of this regulation, the Credit Slip may be electronically generated in the chip bank.

I. Credit Slips shall be:

(1) Serially prenumbered forms;

(2) Used in sequential order;

(3) Accounted for by employees with no incompatible functions; and

(4) If applicable, marked "Void" and signed by the preparer.

J. When Credit Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Credit Slips shall be a four-part form and shall be inserted in a locked dispenser or bound in a Credit Slip form book that permits an individual Credit Slip in the series and its copies to be written upon while still locked in the dispenser or bound in the Credit Slip form book;

(2) The Credit Slip dispenser must discharge the drop box, acknowledgement and chip bank copies of the Credit Slip while the accounting copy remains in a continuous, unbroken form in the dispenser; or

(3) If a Credit Slip form book is utilized, the accounting copy must remain in the bound Credit Slip form book until removed in accordance with §J(4) of this regulation; and

(4) Access to the copies of the Credit Slips shall be maintained and controlled by accounting department employees with no incompatible functions who shall be responsible for controlling and accounting for the unused supply of the Credit Slips, placing Credit Slips in the dispensers, and removing the accounting copies of the Credit Slips from the dispensers or Credit Slip form book each gaming day.

K. When Credit Slips are electronically prepared, each series of Credit Slips must be a three-part form and:

(1) Be inserted in a printer that simultaneously prints drop box, acknowledgement and chip bank copies of the Credit Slip in the chip bank;

(2) Store, in machine-readable form, the information printed on the drop box, acknowledgement and chip bank copies of the Credit Slip; and

(3) The stored data may not be susceptible to change or removal by any personnel after the preparation of a Credit Slip after the Credit Slip has been prepared.

L. Copies of the Credit Slip, and when applicable, the stored data, must contain at least the following information:

(1) The denominations of the value chips, coins, and plaques being returned to the chip bank;

(2) The total amount of each denomination of value chips, coins and plaques being returned;

(3) The total amount of all denominations of value chips, coins, and plaques being returned;

(4) The game and table number from which the value chips, coins, and plaques are being returned;

(5) The date and shift during which the removal of value chips, coins, and plaques occurs; and

(6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

M. When the Credit Slip is prepared, the time of its preparation shall be recorded on the drop box, acknowledgement and chip bank copies of the Credit Slip.

N. After the Credit Slip has been prepared by the chip bank cashier or has been printed in the chip bank as a result of the information being inputted electronically by a pit clerk or floorperson or above, the security department employee shall transport the drop box, acknowledgement and chip bank copies of the Credit Slip directly to the gaming table.

O. The dealer or boxperson shall compare the value chips, coins and plaques to be removed from the table inventory container with the drop box copy of the Credit Slip and the Credit Request Slip, if applicable, and shall sign the Credit Slip.

P. Signatures on the drop box, acknowledgement and chip bank copies of a Credit Slip attesting to the accuracy of the information

contained on the Credit Slip shall be required of the specified employees at the specified times:

(1) The chip bank cashier, upon preparation;

(2) The dealer or boxperson assigned to the gaming table, upon removal of the value chips, coins and plaques from the table inventory container and verification of the Credit Slip and Credit Request Slip, if applicable;

(3) The floorperson assigned to the gaming table, upon observing the removal of the value chips, coins and plaques from the table inventory container and the verification of the Credit Slip and Credit Request Slip, if applicable; and

(4) The security department employee, upon receipt of the value chips, coins and plaques from the gaming table.

Q. After meeting the signature requirements required under §P of this regulation:

(1) The security department employee shall transport the value chips, coins and plaques directly to the chip bank along with the acknowledgement and chip bank copies of the Credit Slip;

(2) The dealer or boxperson shall place the drop box copy of the Credit Slip on the gaming table in view of the facility's surveillance system;

(3) Upon receipt of the value chips, coins and plaques from the security department employee, the chip bank cashier shall:

(a) Compare the chip bank copy of the Credit Request Slip with the Credit Slip; or

(b) If the credit request is electronically generated in accordance with §G of this regulation, the chip bank cashier shall compare the Credit Slip with the electronically generated credit request; and

(c) The chip bank cashier shall attest to the accuracy of the credit by signing the acknowledgement and chip bank copies of the Credit Slip.

(4) After transporting the acknowledgement copy of the Credit Slip back to the gaming table from which the value chips, coins and plaques were removed, the security department employee shall observe the immediate placement by the dealer or boxperson of the drop box copy of the Credit Request Slip, if applicable, and the drop box and acknowledgement copies of the Credit Slip into the drop box.

(5) The chip bank copies of the Credit Request Slip, if applicable, and Credit Slip shall be maintained together by the chip bank cashier until forwarded to the accounting department.

R. All parts of voided Credit Slips, chip bank copies of Credit Request Slips, if applicable, and the chip bank copies of the Credit Slips that are maintained and controlled in conformity with §Q of this regulation, shall be forwarded by a chip bank cashier to the accounting department for agreement, on a daily basis, with:

(1) The drop box copies of the Credit Request Slips, if applicable, and the drop box and acknowledgement copies of the Credit Slips removed from the drop box on the gaming table; and

(2) The electronically stored data and accounting copies of Credit Slips, if applicable.

**.06 Accepting Cash for Gaming Chips, Plaques, or Electronic Wagering Credits.**

When a player presents cash at a table game for exchange for gaming chips, plaques or electronic wagering credits:

A. The dealer or boxperson shall spread the cash on the top of the gaming table in full view of the player who presented it, the floorperson assigned to the gaming table and the facility operator's surveillance system.

B. The amount of cash shall be verbalized by the dealer or boxperson accepting it in a tone of voice to be heard by the player who presented it and the floorperson assigned to the gaming table.

C. Immediately after an equivalent amount of gaming chips, plaques or electronic wagering credits has been given to the player

by the dealer or boxperson, the dealer or boxperson shall take the cash from the top of the gaming table and place it into the drop box attached to the gaming table.

**.07 Drop at an Open Table Game.**

A. When a table game being dropped is to remain open for gaming activity, the dealer or boxperson assigned to the gaming table shall count the value chips, coins, and plaques remaining in the table inventory at the time of the drop and record the amount on a Table Inventory Slip.

B. The floormperson who is responsible for supervising the table game at the time of the drop shall observe the count required under §A of this regulation.

C. The dealer or boxperson assigned to the table, and the floormperson who observed the dealer or boxperson count the contents of the table inventory, shall attest to the accuracy of the information recorded on the Table Inventory Slip by signing the Table Inventory Slip.

D. After the Table Inventory Slip is signed as required under §C of this regulation:

(1) The dealer or boxperson shall deposit the original copy of the Table Inventory Slip in the drop box that is attached to the gaming table immediately before the drop box is removed from the gaming table as part of the drop; and

(2) The dealer or boxperson shall deposit the duplicate copy of the Table Inventory Slip in the drop box that is attached to the gaming table immediately after the removal of the drop box that is removed from the gaming table as part of the drop.

**.08 Procedure for Closing a Table Game.**

A. When gaming activity at a table game is concluded, the dealer or boxperson assigned to the gaming table, in the presence of the floormperson assigned to the gaming table, shall count the value chips, coins, and plaques remaining at the gaming table.

B. The floormperson assigned to the gaming table shall record the amounts of the value chips, coins and plaques counted on the Table Inventory Slip, and the original copy of the Table Inventory Slip shall be signed by the dealer or boxperson who counted the table inventory and by the floormperson who observed the dealer or boxperson count the contents of the table inventory.

C. After the original copy of the Table Inventory Slip has been signed as required under §B of this regulation, the dealer or boxperson shall immediately deposit the original copy of the Table Inventory Slip in the table game drop box attached to the gaming table.

D. After the original copy of the Table Inventory Slip has been deposited in the table game drop box attached to the gaming table, the dealer or boxperson shall place the duplicate copy of the Table Inventory Slip and the value chips, coins and plaques remaining at the gaming table in the container required under Regulation .02 of this chapter, after which the floormperson shall lock the table inventory container and cause it to be transported directly to the cage by a security department member or secured to the gaming table.

E. If the locked table inventory containers are transported to the cage, a cage supervisor shall determine that all locked containers have been returned.

F. If the locked table inventory containers are secured to the gaming table, a pit manager or above shall verify that all the containers are locked.

**.09 Table Inventory for a Poker Table.**

A. Notwithstanding the requirements in Regulations .02, .03, .06, and .07 of this chapter, a facility operator may establish procedures for the issuance of table inventories that are maintained by poker dealers on an impress basis.

B. A facility operator shall submit to the Commission the procedures developed under §A of this regulation as part of the facility operator's internal controls.

**.10 Table Inventory Counts.**

A. In addition to the requirements in Regulations .03, .07, and .08 of this chapter for opening a table game, conducting a drop during an open game, and closing a table game, a facility operator may establish procedures for the use of a three-compartment drop box.

B. The use of a three-compartment drop box requires the preparation of a Table Inventory Slip for each shift that the table was open at least once each gaming day.

C. A facility operator shall submit to the Commission the procedures developed under §A of this regulation as part of the facility operator's internal controls.

**.11 Match Play Coupons.**

A. A facility operator may use a Match Play Coupon.

B. A Match Play Coupon may not be issued by a facility operator or used in a facility until:

(1) The design specifications of the proposed Match Play Coupons are submitted to and approved by the Commission; and

(2) A system of internal procedures and administrative and accounting controls governing the inventory, distribution and redemption of the Match Play Coupons is submitted to and approved by the Commission as part of the facility operator's internal controls.

C. A Match Play Coupon issued by a facility operator shall contain at least:

(1) The name or logo of the facility operator;

(2) The value of the coupon, which can be identified when viewing the coupon through the facility operator's surveillance system;

(3) A sequential serial number;

(4) Any restrictions regarding redemption, including the type of game or wager on which the coupon may be used;

(5) The expiration date of the coupon; and

(6) An area designated for the placement thereon of the required gaming chips that does not obscure the visibility of the denomination of the coupon.

D. The accounting department and the marketing department, or other department as specified in the facility operator's internal controls, shall be responsible for administering the Match Play Coupon program.

(1) The marketing department shall be responsible for distributing the coupon to a player.

(2) The accounting department shall be responsible for maintaining the Match Play Coupon ledger and administering the coupon accounting procedures set forth in §M of this regulation.

E. A Match Play Coupon received from a manufacturer or contractor, or produced by the facility operator, in accordance with §P of this regulation shall be opened and examined by at least one member of the accounting department and one member of the marketing department, who shall report any deviation between the invoice accompanying the coupon and the actual coupon received to a supervisor from the accounting department and to the Commission.

F. After checking a Match Play Coupon received from a manufacturer or contractor, or produced by the facility operator, an accounting department supervisor shall record the following information in the Match Play Coupon Ledger:

(1) The date a coupon was received;

(2) The quantity and denomination of coupons received;

(3) The beginning and ending serial number of the coupons received; and

(4) The name, signature and license number of the individuals who checked the coupons.



G. A marketing department supervisor shall estimate the number of Match Play Coupons needed for each gaming day or promotion and complete a requisition document which contains the following information:

- (1) The date the requisition was prepared;
- (2) The date for which the coupons are needed;
- (3) The denomination and quantity of coupons requested;
- (4) The name, signature, and license number of the marketing department supervisor completing the requisition; and
- (5) The name, signature and license number of the accounting department supervisor authorizing the requisition.

H. Upon receipt of the requisition document, the accounting department supervisor shall record in the Match Play Coupon Ledger the following information before issuing the coupons to the marketing department supervisor:

- (1) The beginning and ending serial number of the coupons to be issued;
- (2) The denomination and quantity of coupons to be issued;
- (3) The name, signature and license number of the accounting department supervisor who will be issuing the coupons; and
- (4) A record and explanation of coupons that were voided.

I. A Match Play Coupon that is not issued to the marketing department shall be controlled by an accounting department supervisor or above and stored in a secured and locked area approved by the Commission, as designated in the facility operator's internal controls the location of the approved storage area.

J. The marketing department shall maintain a daily Match Play Coupon Reconciliation Form which shall contain:

- (1) The date;
- (2) The beginning and ending serial numbers of the coupons received from the accounting department;
- (3) The denomination and quantity of coupons the marketing department has to distribute to players;
- (4) The denomination and quantity of coupons the marketing department distributed to players;
- (5) The denomination, quantity, and serial numbers of coupons remaining;
- (6) The serial numbers of coupons that were voided and the reason the coupons were voided;
- (7) Any discrepancy discovered in the accounting for match play coupons and an explanation of the discrepancy; and
- (8) The name, signature and license number of the marketing department supervisor completing the form.

K. At the end of the gaming day or promotional period, a copy of the Match Play Coupon Reconciliation Form and all Match Play Coupons that were not distributed to players shall be returned to the accounting department.

(1) The marketing department may keep for use during the next gaming day all coupons that were not distributed to players if the coupons are:

- (a) Stored in a secured and locked area approved in advance by the Commission; and
- (b) Recoded on the daily Match Play Coupon Reconciliation Form for the next gaming day.
- (2) All expired coupons shall be returned to the accounting department on a daily basis.
- (3) When unused and expired Match Play Coupons are returned to the accounting department, an accounting department supervisor shall record the following information in the Match Play Coupon ledger:

- (a) The date the coupons were returned;
- (b) The beginning and ending serial numbers of the coupons returned;
- (c) The denomination and quantity of coupons returned;

(d) The serial numbers of any coupons that were voided and the reason the coupons were voided;

(e) The name, signature, and license number of the marketing department supervisor returning the unused coupons; and

(f) The name, signature, and license number of the accounting department supervisor who received the unused coupons.

L. All documentation, voided coupons, redeemed coupons, and coupons that were not distributed to players shall be forwarded daily the accounting department where the coupons shall be:

- (1) Counted and examined for proper calculation and recording;
- (2) Reviewed for the propriety of signatures on the documentation and cancelled;
- (3) Reconciled by total number of coupons given to the marketing department for distribution to players, returned for reissuance, voided, distributed to players and redeemed; and
- (4) Recorded, maintained, and controlled by the accounting department.

M. At least once every month, a facility operator shall inventory all Match Play Coupons that are not distributed to players and record the result of the inventory in the Match Play Coupon ledger in accordance with the Match Play Coupon inventory procedures that the Commission approved as part of the facility operator's internal controls.

N. A facility operator shall prepare and submit to the Commission a quarterly report that lists, by denomination of Match Play Coupon, the total value of the coupons redeemed by players.

O. If a facility operator's Commission-approved internal controls include its production and subsequent reconciliation of Match Play Coupons, a facility operator may internally manufacture or print Match Play Coupons.

P. If a facility operator's Commission-approved internal controls include the production of Match Play Coupons by a manufacturer or contractor, a facility operator may authorize a manufacturer or contractor to print and mail Match Play Coupons directly to players in accordance with the following requirements:

- (1) The Match Play Coupons shall comply with the requirements in §§B and C of this regulation;
- (2) The facility operator shall supply the manufacturer or contractor, through electronic means, a list of the following information for each player to whom the Match Play Coupon shall be mailed:

- (a) The player's name and address;
- (b) The denomination of the Match Play Coupon;
- (c) The expiration date of the Match Play Coupon; and
- (d) A serial number on each Match Play Coupon;

(3) The Match Play Coupon issued must include a magnetic strip or bar code that will enable the facility operator's computer system to identify the information required under §Q(2) of this regulation;

(4) The information in §Q(2) of this regulation shall be provided to the accounting department, which shall maintain the information for purposes of reconciliation as required under §M of this regulation;

(5) Prior to redemption of the Match Play Coupon; a dealer shall verify the expiration date and confirm that the coupon has not expired;

(6) All Match Play Coupons issued must be electronically canceled in the facility operator's computer system immediately upon redemption or during the counting of the table game drop boxes; and

(7) The facility operator shall ensure that the manufacturer or contractor does not engage in a predatory marketing practice in violation of COMAR 36.03.03.08.

*Q.* A facility operator may use a computerized system that complies with the requirements in this regulation if:

- (1) The computerized system creates Match Play Coupons that comply with the requirements in §C of this regulation;
- (2) The computerized system provides an audit trail and allows for the segregation of duties to satisfy the requirements in this section; and
- (3) The facility operator includes in its internal controls procedures governing the production, recording and reconciliation of computer-generated Match Play Coupons.

**.12 Use of Match Play Coupons.**

A. A Match Play Coupon may be redeemed only at a gaming table in which a player wagers against the house.

B. A Match Play Coupon shall be redeemed by a dealer or boxperson if accompanied by gaming chips or cash that are equal to or greater in value to the stated value of the coupon.

(1) The dealer shall place a Match Play Coupon under a gaming chip wagered by the player so that the value of the coupon is visible at all times.

(2) If the gaming chips wagered by the player are greater in value than the stated gaming chip or cash value of the Match Play Coupon, the dealer shall break down the wager by placing:

- (a) An amount of gaming chips equal to the stated gaming chip or cash value of the coupon directly on the coupon; and
- (b) The remainder of the gaming chips wagered next to the coupon.

(3) If the player's wager wins, it shall be paid in accordance with the terms and conditions of the coupon.

C. A Match Play Coupon and any gaming chip wagered shall be positioned as follows:

(1) For all games other than Craps, Mini-Craps or Roulette, in the player's betting area;

(2) For Craps and Mini-Craps, on the Pass or Don't Pass Line; and

(3) For Roulette, in the box marked:

- (a) "Black";
- (b) "Red";
- (c) "Odd";
- (d) "Even";
- (e) "1-18";
- (f) "19-36";
- (g) "1st 12";
- (h) "2nd 12"; or
- (i) "3rd 12".

D. Whether the wager wins or loses, the dealer shall deposit the Match Play Coupon into the drop box attached to the gaming table at the time the winning wager is paid or the losing wager is collected.

E. The coupon shall remain in the event of a push.

**.13 Electronic, Electrical, and Mechanical Devices Prohibited.**

A. A player, or an individual acting in concert with a player, may not use, or possess with the intent to use, at a table game a calculator, computer or other electronic, electrical, or mechanical device to assist in:

- (1) Projecting an outcome at any table game;
- (2) Tracking or analyzing cards that have been dealt;
- (3) Tracking the changing probabilities of a table game; or
- (4) Developing or tracking a playing strategy to be used by a player.

B. A violation of §A of this regulation may be the basis for immediate ejection from the facility, placement on the Commission's mandatory exclusion list under COMAR 36.03.07, or other civil or criminal penalty.

**.14 Minimum and Maximum Wagers; Payout Odds.**

A. A facility operator shall establish minimum and maximum wagers for any authorized table game in a facility.

B. In accordance with Regulation .23 of this chapter, a facility operator shall provide notice of the minimum and maximum wagers in effect at each gaming table.

C. A wager accepted by a dealer that exceeds the current table maximum, or is lower than the current table minimum, shall be paid or lost in its entirety in accordance with the rules of the game.

D. If a facility operator includes a wagering requirement in its rules of the game under Regulation .21 of this chapter nothing in this regulation shall preclude a facility operator from establishing additional wagering requirements that are consistent with the rules of the game, including a requirement that wagers be made in specified increments.

E. Unless otherwise specified in a Commission-approved paytable, the payout odds for wagers printed on a layout, signage, brochure or other publication distributed by the facility operator shall be stated through the use of the word "to" and may not be stated through use of the word "for."

**.15 Table Game Taxes and Gross Table Game Revenue.**

A. The tax on table game revenue shall be payable to the Commission on the next business day, with the exception of Maryland State holidays, and must be based upon the gross table game revenue derived during a gaming day reported in the manner prescribed by the Commission.

B. Gross table game revenue includes the following:

- (1) The net revenue from all banking table games;
- (2) The net revenue from nonbanking table games; and
- (3) The net revenue from contests or tournaments.

C. Net revenue from banking table games must be the sum of the net revenue determined for each banking table game individually.

D. The net revenue for an individual banking table game must be equal to the total of §D(1)—(3) of this regulation, minus the total of §D(4)—(5) of this regulation:

(1) The ending inventory of value chips, coins and plaques at the gaming table as reported on the Table Inventory Slip for a table game that remained open for gaming activity when the table was being dropped at the end of the gaming day or the Table Inventory Slip for a table game that was closed prior to the end of the gaming day;

(2) The sum of all Credit Slips for the gaming table for that gaming day;

(3) The total of the currency, promotional instruments, and counter checks collected from the drop box for that gaming table;

(4) The inventory of value chips, coins, and plaques at the gaming table as reported on the Table Inventory Slip for a table game that remained open for gaming activity when the table was being dropped at the end of the previous gaming day or the Table Inventory Slip for a table game that was opened during the gaming day; and

(5) The sum of all Fill Slips and payments for counter checks and markers made at the table for the gaming table for that gaming day.

E. Net revenue from a nonbanking table game shall be the sum of the net revenue determined for each nonbanking table game individually, and the net revenue for an individual nonbanking table game shall be equal to the poker rake.

F. Net revenue from an electronic wagering system shall be determined through the Commission's central monitor and control system.

G. Net revenue from any contest or tournament shall be the sum of the net revenue determined for each contest or tournament individually.

H. The net revenue for an individual contest or tournament must be equal to the sum of all entry fees, buy-ins, re-buy-ins and administrative fees imposed by the facility operator on the contest or tournament participants, minus:

(1) The cash paid by the facility operator to the contest or tournament winners as prizes; and

(2) The actual cost paid by the facility operator for noncash prizes awarded to the contest or tournament winners.

I. If the net revenue from a contest or tournament results in a loss, that loss may not offset the net revenue from another contest or tournament and may not be deducted from the calculation of gross table game revenue.

J. Gross table game revenue may not include:

(1) Counterfeit cash or counterfeit value chips;

(2) Coins or currency of other countries that is not readily convertible to cash; or

(3) Cash taken in a fraudulent act for which the facility operator is not reimbursed.

**.16 Approval of Table Game Layout, Signage, and Equipment.**

A. A facility operator shall submit to the Commission for approval table game staffing plans, tournament schedules, dealer training programs, and schematics of gaming guides, table game layouts, signage and equipment.

B. For purposes of this chapter, schematics of table game equipment that shall be submitted to the Commission for review and approval include:

(1) Cards;

(2) Dice;

(3) Pai gow tiles;

(4) Gaming chips;

(5) Plaques;

(6) Commemorative chips;

(7) Pai gow and sic bo shakers;

(8) Big Six and roulette wheels;

(9) Envelopes and containers used to hold or transport table game equipment;

(10) Match Play Coupons; and

(11) Table game equipment that are not otherwise required to be submitted to an independent certified testing laboratory for approval under COMAR 36.03.12.05.

C. Upon receipt of written approval from the Commission of its submission under §A of this regulation, a facility operator may implement a table game staffing plan, tournament schedule or dealer training program and may utilize a gaming guide, table game layout, signage or equipment in the licensed facility.

D. A facility operator's equipment storage and destruction areas may not be used until their location and physical characteristics have been approved by the Commission.

E. A facility operator shall obtain approval from the Commission for the following:

(1) Alternative locations for:

(a) Equipment that is required to be on the gaming table, including drop boxes, shakers, shufflers, discard racks and tip boxes; and

(b) The complete text of the rules of all authorized games as required under Regulation .24 of this chapter;

(2) Amendments to the facility operator's plan for the distribution and collection of slot cash storage boxes, table game drop boxes or bad beat boxes under COMAR 36.03.10.45 and Regulations .07 and .08 of this chapter;

(3) Sample sets of gaming chips and plaques manufactured in accordance with approved design specifications as required under COMAR 36.05.02.02 and COMAR 36.05.02.09; and

(4) The collection times for dice, cards, tiles and other table game equipment from the gaming floor.

**.17 Employee Training by Facility Operators.**

A. A facility operator shall develop a training program for its dealers which, at a minimum, includes training in each of the following:

(1) Procedures for opening and closing tables for gaming, including the proper security procedures regarding table chip inventories;

(2) Procedures for distributing and removing gaming chips and plaques from gaming tables;

(3) Procedures for accepting cash at gaming tables;

(4) Procedures for the acceptance of tips and gratuities from players;

(5) Procedures for shift changes at gaming tables;

(6) Procedures for the proper placement of wagers by players and the proper collection of losing wagers and payment of winning wagers; and

(7) Training in recognizing problem and compulsive gamblers at table games and procedures for informing supervisory personnel.

**.18 Table Test; Employee Personnel File.**

A. Before conducting a table game on the facility operator's gaming floor, a prospective dealer shall pass a table test on the table games that the dealer will be conducting.

B. A table test required under §A of this regulation shall consist of the dealer demonstrating proficiency at the table game to the satisfaction of an employee of the facility operator who is a pit manager or higher.

C. A facility operator shall document the following in a dealer's personnel file:

(1) Completion of the training program required under Regulation .17 of this chapter; and

(2) Successful completion of the table test required under §A of this regulation.

**.19 Table Games Rules Submissions.**

A. Before offering a table game authorized under this chapter, a facility operator shall submit and obtain approval of a Rules Submission that specifies which options the facility operator will use in the conduct of the table game.

B. A facility operator may implement the provisions in a rules submission upon receipt of written notice of approval from the Commission.

C. A facility operator shall maintain the current version of each Commission-approved rules submission so that it is available in electronic form, through secure computer access, to the facility operator's internal audit and surveillance department and the Commission's compliance representatives.

D. Each page of a table game's rules submission shall indicate the date on which it was approved by the Commission.

E. A facility operator shall maintain a paper or electronic copy of any superseded rules submission for a minimum of 5 years from the date of approval.

**.20 Request to Offer a New Table Game or Feature.**

A. A facility operator that desires to offer a table game that is not specifically authorized in this subtitle, or to offer a new wager, payable or other feature as part of an authorized table game, shall submit a written request with the Commission that contains at least:

(1) A detailed description of the table game or new feature, including the rules of play and wagering for the new table game or feature;

(2) Description of whether the game is a variation of an authorized game, a composite of authorized games, or a new game;

- (3) Provide the true odds, the payout odds, and the house advantage for each wager;
- (4) Provide a sketch or picture of the game layout, if any;
- (5) Provide sketches, pictures, or samples of the equipment used to play the game;
- (6) The reason for proposing the new table game or feature;
- (7) A list of other gaming jurisdictions where the new table game or feature is currently being offered;
- (8) Whether the game, its name, or any of the equipment used to play the game is covered by any issued or pending copyrights, trademarks or patents; and
- (9) Any other information the Commission requests.

B. In addition to filing a request with the Commission, a facility operator shall, at its expense, submit the new table game or new feature for review to an independent certified testing laboratory certified by the Commission.

C. Following testing by the Commission's independent certified testing laboratory, the Commission will notify the facility operator whether the new table game or new feature has been approved, approved with conditions, or rejected.

**.21 Game Rules; Notice.**

A. Except as provided in §B of this regulation, a facility operator may not change the rules under which a particular table game is being operated unless the facility operator submits to, and receives written approval from, the Commission for an amendment to its rules submission under Regulation .19 of this chapter.

B. A facility operator may increase or decrease the permissible maximum wager or decrease the permissible minimum wager at a table game:

- (1) If no players are playing at the table, at any time;
- (2) While players are playing the game if the facility operator:
  - (a) Provides at least 30 minutes advance notice of the change;
  - (b) Posts a sign at the gaming table advising players of the change and the time that it will go into effect; and
  - (c) Announces the change to players who are at the table.

**.22 Player Access to Game Rules; Gaming Guide.**

A. A facility operator shall maintain, at its security podium or other location approved in advance by the Commission, a printed copy of the complete text of the rules of all authorized games that shall be available to the public for inspection upon request.

B. A facility operator shall make available to players upon request a gaming guide that contains, in a printed format, an abridged version of the complete text of the rules of all authorized games.

C. The gaming guide required under §B of this regulation may not be issued, displayed or distributed by a facility operator until a sample of the gaming guide has been submitted to and approved by the Commission in accordance with Regulation .16 of this chapter.

D. A facility operator may display an approved gaming guide at any location in its licensed facility.

E. Each facility operator shall make the approved gaming guide available on its web site.

**.23 Table Game Payouts.**

A. A facility operator shall use a table game payout document meeting the requirements of this regulation to pay a single payout event that requires the filing of a IRS Form W-2G, Certain Gambling Winnings.

B. A facility operator shall prepare and timely file IRS Form W-2G, Certain Gambling Winnings, in accordance with IRS rules and regulations.

C. A facility operator shall pay a table game payout of:

- (1) \$25,000 or more by check; and

- (2) Less than \$25,000 by:
  - (a) Cash or check; or
  - (b) Check on the request of a player.

D. A facility operator shall develop and include in the internal controls submitted to and approved by the Commission under COMAR 36.03.10.05 procedures addressing the payment of a table game payout event that requires the filing of an IRS Form W-2G, Certain Gambling Winnings.

E. A facility operator's internal controls shall include:

(1) The use of a two-part computer generated table game payout document initiated on the request of a dealer or above after verifying the winning combination of characters at the table game and the amount of the payout.

(2) A requirement that, if a single payout event that requires the filing of an IRS Form W-2G, Certain Gambling Winnings, is less than \$25,000, a security department employee or floorperson or above sign the payout document after verifying the winning combination of characters at the table game and the amount of the payout.

(3) A requirement that, if a single payout event that requires the filing of an IRS Form W-2G, Certain Gambling Winnings, is \$25,000 or more, a table game shift manager or higher level gaming operations department employee other than the preparer of the document sign the table game payout document after verifying the winning combination of characters at the table game and amount of the payout.

(4) A requirement that the following information be on a two-part computer generated table game payout document:

- (a) Date and time;
- (b) Identification number of the table game on which the payout was registered;
- (c) Winning combination of characters constituting the payout or a code corresponding to the winning combination of characters constituting the payout;
- (d) Amount to be paid;
- (e) Signature or identification code of the preparer of the document;
- (f) The signature or identification code of a verifying witness in accordance with this regulation; and
- (g) The signature or identification code of the employee issuing the funds;

(5) A requirement that the surveillance department:

- (a) Be notified of a table game payout of \$25,000 or more;
- (b) Log all notices regarding a table game payout in the surveillance log required under COMAR 36.03.10.12; and
- (c) Obtain and retain in accordance with COMAR 36.03.10.11 a photograph of the face of the player receiving the payout;

(6) Details pertaining to:

- (a) Payment of a payout at the table game;
- (b) The use of an accounting drop box; and
- (c) Audit procedures to be performed by the facility operator's accounting department at the conclusion of each gaming day;

(7) Procedures addressing unclaimed table game payouts;

(8) Details which establish the ability of the facility operator's video lottery system to:

- (a) Ensure that a two-part computer generated table game payout document is not susceptible to change or deletion from the system after preparation;
- (b) Process and document system overrides or adjustments to table game payouts including:
  - (i) Overrides or adjustments where the payout requested does not match the payout amount; and

(ii) Identification of the level of employee having override authority; and

(c) Process voided table game payout documents; and

(9) Procedures utilized to issue a manual table game payout document which:

(a) Are to be used only when the video lottery system is unable to generate a table game payout document;

(b) Conform to the table game payout verification and signature requirements of this regulation;

(c) Involve use of a three-part serially pre-numbered manual table game payout document residing in a book, wiz machine, or functional equivalent;

(d) Require manual table game payout books, wiz machines, or their functional equivalent to be maintained in a secured locked cabinet; and

(e) Require the key to the cabinet in §E(9)(d) of this regulation to be:

(i) Controlled by the security department or the accounting department; and

(ii) Limited to sign out by a floorperson or above.

**.24 Progressive Table Games.**

A. A table game offering a progressive jackpot may:

(1) Stand alone;

(2) Be linked to:

(a) Other table games in a facility; or

(b) Table games in two or more facilities in or outside the State through a wide area progressive system.

B. A manufacturer may not install in a facility, and a facility operator may not make available for play, table game equipment offering a progressive jackpot without written Commission approval of:

(1) A progressive proposal; and

(2) Internal controls submitted addressing the payment of a progressive jackpot.

C. A manufacturer may not modify the terms of a progressive jackpot, and a facility operator may not make available for play, a table game or table game equipment that offers a progressive jackpot that differs from its approved progressive proposal without the approval in writing of the Commission.

D. A table game may offer multiple progressive jackpots.

E. A progressive jackpot amount may be calculated and transmitted to a table game or table game device by:

(1) The operating system of a table game; or

(2) A separate progressive controller interfaced to a table game or table game equipment.

F. A progressive controller shall be:

(1) Located in a restricted area;

(2) Secured:

(a) In a dual key controlled compartment with:

(i) One key controlled by a manufacturer; and

(ii) One key controlled by the Commission; or

(b) By alternative means approved by the Commission; and

(3) Capable of:

(a) Displaying an available progressive jackpot amount on a table game's, or table game equipment's:

(i) Progressive meter; or

(ii) Common progressive meter;

(b) Transmitting to a table game for metering purposes the amount of a progressive jackpot;

(c) If linked to a common progressive meter in accordance with §H of this regulation, displaying the Commission asset number of the table game on which a progressive jackpot is won;

(d) If a progressive controller is servicing multiple table games, automatically resetting all table games connected to it to a pre-established reset amount; and

(e) If the progressive offers multiple jackpot levels, maintaining and displaying for each progressive level the:

(i) Number of progressive jackpots won;

(ii) Cumulative amount paid;

(iii) Maximum progressive payout;

(iv) Minimum amount or reset amount; and

(v) Rate of progression.

G. A table game offering a progressive jackpot shall be equipped, for each progressive jackpot offered, with the following mechanical, electrical, or electronic meters:

(1) A progressive meter which:

(a) May increase in value based upon wagers;

(b) Advises the player of the amount which may be won if the table game characters that result in the award of a progressive jackpot appear as a result of activation of play; and

(c) Is visible from the table game through:

(i) A meter display housed in the video lottery terminal;

or

(ii) A common progressive meter display unit;

(2) A progressive payout meter;

(3) An attendant paid progressive jackpot meter; and

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid whether paid:

(a) Directly at the table game; or

(b) Hand paid by a facility operator as a result of a progressive jackpot that exceeds the physical or configured capability of a table game or table game equipment.

H. A table game linked to a common progressive meter for the purpose of offering the same progressive jackpot on two or more table games shall:

(1) Have the same probability of hitting the combination of characters that will award the progressive jackpot as every other table game linked to that common progressive meter; and

(2) Require each:

(a) Player to wager the same amount to receive a chance at winning the progressive jackpot; and

(b) Wager to increment the progressive meter by the same rate of progression on every table game connected to the common progressive meter.

I. Notwithstanding the requirements of §H of this regulation, table games linked to a common progressive meter for the purpose of offering the same progressive jackpot on two or more table games may be of different denominations or require different wagers, or both, if:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win a jackpot; and

(2) A notice indicating the proportional probability of hitting the progressive jackpot on the common progressive meter is conspicuously displayed in a manner specified by the Commission on each linked table game.

J. A manufacturer may not:

(1) Set a limit for a progressive jackpot which exceeds the display capability of the progressive meter; and

(2) Adjust a progressive meter without the prior approval of the Commission unless the adjustment is:

(a) Required as a direct result of table game equipment or meter malfunction; and

(b) Reported by the manufacturer in a form and in a time frame specified by the Commission to the:

(i) Commission; and

(ii) Facility operator.

**36.05.04 Blackjack Rules**

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter the following terms have the meaning indicated.

B. Terms Defined.

(1) "Any 20" means two cards of different suits with a total point count of 20.

(2) "Blackjack" means an ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

(3) "Card reader device" means a device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

(4) "Crown Treasure Bonus" means an additional payout when both the player and dealer have a Royal Match.

(5) "Determinant card" means the first card drawn for each round of play to determine from which side of a double shoe the cards for that hand shall be dealt.

(6) "Double shoe" means a dealing shoe that has two adjacent compartments in which cards are stacked separately and from which cards may be dealt from only one compartment at any given time.

(7) "Flush" means three cards of the same suit.

(8) "Four-of-a-kind" means four cards of the same rank.

(9) "Hard total" means the total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

(10) "Hole card" means the second card dealt face down to the dealer.

(11) "Lucky Player Bonus" means an additional payout to a player who placed a Bad Beat Progressive Wager if the player is seated in the player position that is randomly selected by the table game system.

(12) "Magic Card Bonus" means an additional payout to a player who placed a Bad Beat Progressive Wager if one of the player's first two cards matches the card randomly selected by the table game system.

(13) "Matched 20" means two identical cards with a total point count of 20 except for a queen of hearts pair.

(14) "Pair" means two cards of the same rank.

(15) "Royal Match" means king and queen of the same suit.

(16) "Soft total" means the total point count of a hand containing an ace when the ace is counted as 11 in value.

(17) "Straight" means three cards in consecutive rank.

(18) "Straight flush" means three cards of the same suit in consecutive rank.

(19) "Suited Match" means two cards of the same suit that are not a king and queen.

(20) "Suited pair" means two cards of the same rank and suit.

(21) "Suited 20" means two cards of the same suit with a total point count of 20.

(22) "Three-of-a-kind" means three cards of the same rank.

(23) "Triple Match" means the player's initial two cards and the dealer's up card which are all the same rank.

**.02 Blackjack Tables and Card Reader Devices.**

A. Blackjack shall be played at a table having betting positions for not more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

B. The layout for a blackjack table shall be submitted to the Commission and approved under Regulation .16 of this chapter and contain at least:

(1) The name or logo of the facility operator;

(2) A separate betting area designated for the placement of the Blackjack Wager for each player; and

(3) The following inscriptions:

(a) "Blackjack pays 3 to 2";

(b) "Insurance pays 2 to 1"; and

(c) "Dealer shall draw to 16 and stand on all 17s," or other similar language approved in advance by the Commission under Regulation .16 of this chapter;

(4) If a facility operator offers the Lucky Ladies Twenty Point Bonus Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Twenty Point Bonus Wager for each player;

(5) If a facility operator offers the Match-the-Dealer Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Match-the-Dealer Wager for each player;

(6) If a facility operator offers the In Between Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the In Between Wager for each player;

(7) If a facility operator offers the Royal Match 21 Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Royal Match 21 Wager for each player;

(8) If a facility operator offers the Bet the Set 21 Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Bet the Set 21 Wager for each player;

(9) If a facility operator offers the King's Bounty Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the King's Bounty Wager for each player;

(10) If a facility operator offers Blackjack Switch authorized under Regulation .12 of this chapter, the table must be designated for play as a Blackjack Switch table and contain:

(a) Two separate areas designated for the placement of the two equal Blackjack Wagers for each player; and

(b) A separate area designated for the placement of the Super Match Wager authorized under Regulation .06 of this chapter for each player;

(11) If the facility operator offers the Three Card Poker Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Three Card Poker Wager for each player;

(12) If the facility operator offers the Hit and Run Progressive Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the Hit and Run Progressive Wager;

(13) Inscriptions that advise players of the payout odds or amounts for all permissible wagers offered by the facility operator;

(14) If the payout odds or amounts are not inscribed on the layout as required under § B(13) of this regulation, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Blackjack table; and

(15) An inscription indicating the payout limit per hand established by the facility operator under Regulation .16 of this chapter or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Blackjack table.

C. If a facility operator offers the Bad Beat Progressive Wager authorized under Regulation .06 of this chapter, the Blackjack table must have a progressive table game system in accordance with COMAR 36.05.03.24.

(1) Each betting position must contain an electronic wagering system for the placement of the Bad Beat Progressive Wager.

(2) The system must include a mechanism, such as a lock-out button, that prevents the placement of any Bad Beat Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

D. If a facility operator offers the Hit and Run Progressive Wager in accordance with Regulation .06 of this chapter, the Blackjack table must have a progressive table game system in accordance with COMAR 36.05.03.24 for the placement of Hit and Run or Straight Jack Progressive Wagers that must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Hit and Run Progressive Wager; and

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the placement of any Hit and Run Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

E. A blackjack table shall have a drop box and a tip box attached on the same side of the table as, but on opposite sides of the dealer as approved by the Commission under COMAR 36.05.03.16.

F. When a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer, the Commission may approve an alternative location for the tip box from the location required under §E of this regulation.

G. A blackjack table shall have a card reader device attached to the top of the dealer's side of the table.

H. The floorperson assigned to a blackjack table shall inspect the card reader device required under §G of this regulation at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

I. A blackjack table must have a discard rack securely attached to the top of the dealer's side of the table, and the height of a discard rack shall:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table; or

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

J. When a double shoe is used at a blackjack table, the height and marking requirements under §I of this regulation for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

**.03 Cards, Number of Decks, Value of Cards.**

A. Except as provided under §B and §C of this regulation, blackjack shall be played with at least one deck, the cards of which are identical in appearance, and at least one cover card.

B. Other than a continuous shuffler, if an automated card shuffling device is used, blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with an equal number of decks included in each batch;

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch;

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game;

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and

(5) The cards from only one batch shall be placed in the discard rack at any given time.

C. If a double shoe is used, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe, with the same number of decks used in each side of the double shoe.

(1) The cards dealt from both sides of the shoe must be of the same design but the backs of the cards being dealt from one side of the shoe must be of a different color than the cards being dealt from the other side of the shoe.

(2) A separate cover card shall be used in each side of the shoe.

D. The decks of cards opened for use at a Blackjack table shall be changed at least once every 24 hours unless the facility operator is dealing Blackjack from the hand under Regulation .12 of this chapter, in which the cards shall be changed at least every 4 hours.

E. The value of the cards shall be:

(1) Any card from 2 to 10 shall have its face value;

(2) Any jack, queen, or king shall have a value of 10; and

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

**.04 Opening a Table Game.**

A. After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects and the floorperson assigned to the table shall verify the inspection.

B. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table.

C. The cards shall be spread in horizontal fan-shaped columns by deck according to suit and in sequence.

D. After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table and mixed thoroughly by a washing of the cards and stacked.

E. After the cards have been stacked, the cards shall be shuffled in accordance with Regulation .05 of this chapter.

F. If a double shoe is used, all decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe.

G. After the player is afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall be turned face downward on the table separately, mixed thoroughly by a washing of the cards and stacked.

H. Other than a continuous shuffler, if an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with §A—C of this regulation separate from the decks in the other batch of cards.

I. If the decks of cards received at the table are preinspected and preshuffled as approved under COMAR 36.05.03.16A—E of this regulation do not apply.

**.05 Shuffling and Cutting Cards.**

A. Immediately prior to commencement of play, unless the cards were preshuffled as approved under COMAR 36.05.03.16, after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed.

(1) Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack.

(2) A facility operator may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

B. After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under §C of this regulation.

C. If no player accepts the cut offered under §B of this regulation, the dealer shall cut the cards.

D. The cut of the cards shall be offered to players in the following order:

(1) If the game is just beginning, the first player arriving at the table;

(2) The player on whose betting area the cover card appeared during the last round of play;

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer;

(4) If the player described in §D(3) of this regulation refuses the offer to cut, the offer shall rotate to each player in a counterclockwise manner;

(5) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer; and

(6) If the player described in §D(5) of this regulation refuses the offer to cut the cards, the offer shall rotate to each player in a counterclockwise manner.

E. The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack.

(1) After the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack.

(2) The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack.

(3) The stack of cards shall then be inserted into the dealing shoe for commencement of play.

F. After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(1) If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under §C of this regulation.

(2) The stack of cards shall then be inserted into the dealing shoe for commencement of play.

G. A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in Regulation .07 of this chapter, except that a floorperson may determine that the cards should be reshuffled after any round of play.

H. If there is no gaming activity at a blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table.

I. After the first player arriving at the table described in §H of this regulation is afforded an opportunity to visually inspect the cards:

(1) The cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with §I of this regulation, if there is no automated shuffling device in use.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled:

(a) The batch of cards already in the shuffler shall then be removed; and

(b) Unless a player requests otherwise, the batch of cards removed from the shuffler is not required to be spread for inspection and reshuffled prior to being dealt if the automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

J. A facility operator may use a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Commission's independent certified testing laboratory and approved in prior to its use in the facility.

K. If a facility operator is using an approved device under §J of this regulation, §B—G of this regulation do not apply.

**.06 Wagers.**

A. A wager at blackjack shall be made by placing a value chip, plaque, or other Commission-approved table game wagering instrument on the appropriate area of the blackjack layout.

B. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

C. After the cards have been shuffled as required under Regulation .05 of this chapter, a facility operator may prohibit a player who is seated or unseated at the gaming table, who does not make a wager on a given round of play, from placing a wager on the next round of play and a subsequent round of play at that gaming table until:

(1) The facility operator chooses to permit the player to begin wagering again; or

(2) A reshuffle of the cards has occurred.

D. Except for an Insurance Wager under Regulation .08 of this chapter, a Double Down Wager under Regulation .10 of this chapter, or a wager on split pairs under Regulation .11 of this chapter, all wagers shall be placed prior to the first card being dealt for each round of play.

E. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

F. To participate in a round of play and compete against the dealer's hand, a player shall place a Blackjack Wager.

G. If specified in its rules submission under COMAR 36.05.03.19, a facility operator may offer to a player who placed a Blackjack Wager the option of placing these additional wagers:

(1) A Lucky Ladies Twenty Point Bonus Wager that the player's initial two cards will have a total point count of 20;

(2) A Match-the-Dealer Wager that either of the player's initial two cards will match the rank of dealer's up card;

(3) An In Between Wager that the dealer's up card will either fall between or will be of the same rank as the player's initial two cards;

(4) A Royal Match 21 Wager that either of the player's initial two cards will be a Suited Match or a Royal Match;

(5) A Bet the Set 21 Wager that the player's initial two cards will be a pair or a suited pair;

(6) A King's Bounty Wager that the player's initial two cards will have a total point count of 20;

(7) If offering Blackjack Switch in accordance with Regulation .12 of this chapter, a Super Match Wager that the player's first four cards will be a pair, a three-of-a-kind, two pair or a four-of-a-kind;

(8) A Bad Beat Progressive Wager that the player's hand will have a total point count of 20 and the dealer will have Blackjack or a hand with a total point count of 21;

(9) A Three Card Poker Wager that the dealer's up card and the player's initial two cards will form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush. For purposes of the Three Card Poker Wager, the rank of the cards shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. An ace may be used to complete a straight flush or a straight with a 2 and 3 but may not be combined with any other sequence of cards; or

(10) A Hit and Run Progressive Wager that the dealer will have blackjack or a hand containing five or more cards.



H. A facility operator shall specify in its Rules Submission under COMAR 36.05.03.19 the number of adjacent boxes on which a player may place a Blackjack Wager in one round of play.

**.07 Dealing Cards and Completing a Round of Play.**

A. Except as provided in Regulation .12 of this chapter, all cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Commission under COMAR 36.05.03.16.

B. After the procedures under Regulation .05 of this chapter have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(1) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(2) The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(3) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack.

(4) Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

C. If a double shoe is utilized, the following procedures shall be used instead of the procedures under §C(3) and (4) of this regulation:

(1) Before a round of play commences, the dealer shall draw a determinate card from either side of the double shoe.

(a) The suit of that card shall determine from which side of the shoe that round of play will be dealt.

(b) The facility operator shall designate that the suits of hearts and diamonds correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card.

(3) A determinant card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

D. If the cover card appears as the first card in the dealing shoe at the beginning of a round of play, or appears during play, the dealer shall remove the cover card and place it to the side, and the hand will be completed.

E. After following the procedure described under §E of this regulation, the dealer shall collect and reshuffle the cards as follows:

(1) When a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(2) When a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cover card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

**.08 Insurance Wager.**

A. A player may make an Insurance Wager by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Blackjack Wager.

(1) A player may wager an amount in excess of 1/2 of the initial Blackjack Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial Blackjack Wager cannot be bet.

(2) A player shall place an Insurance Wager prior to the dealer inserting his or her hole card into the card reader device.

B. If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen, jack or 10.

C. A winning Insurance Wager shall be paid in accordance with the payout odds in Regulation .13 of this chapter.

D. A losing Insurance Wager shall be collected by the dealer immediately after the dealer inserts his or her hole card into the card reader device and determines that he or she does not have a blackjack and before drawing any additional cards.

E. Notwithstanding the requirements under §A—D of this regulation:

(1) A facility operator may offer a player who has blackjack the option to be paid even money on the Blackjack Wager instead of making an Insurance Wager.

(2) If a player elects to be paid even money, the dealer shall pay out the Blackjack Wager at odds of 1 to 1 and remove the player's cards.

F. A facility operator may offer the even money payout specified in §E of this regulation only if its rules submission under COMAR 36.05.03.19 specified this payout.

**.09 Surrender.**

A. After the first two cards are dealt to a player, the player may elect to discontinue play on the hand for that round by surrendering 1/2 of the player's wager.

B. A decision to surrender shall be made prior to the player indicating whether he or she wishes to double down as permitted under Regulation .10 of this chapter, split pairs as permitted under Regulation .11 of this chapter, stand or draw.

C. If the first card dealt to the dealer:

(1) Is not an ace or 10 value card, the dealer shall immediately collect 1/2 of the wager and return 1/2 to the player; or

(2) Is an ace or 10 value card, the dealer shall place the player's wager on top of the player's cards, and when the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has blackjack or collecting 1/2 of the wager and returning 1/2 of the wager to the player if the dealer does not have blackjack.

D. If the player has made an Insurance Wager and then elects to surrender, each wager shall be settled separately in accordance with §A of this regulation and Regulation .08 of this chapter.

**.10 Double Down Wager.**

A. Except when a player has a blackjack, a player may elect to make a Double Down Wager on the first two cards dealt to the player, or the first two cards of any split pair.

(1) A Double Down Wager may not exceed the amount of a player's original Blackjack Wager.

(2) Only one additional card shall be dealt to the hand on which the player has elected to double down.

B. If a dealer obtains blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original Blackjack Wager of the player and may not collect the additional Double Down Wager.

C. Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up or face down and place it sideways on the layout.

**.11 Splitting Pairs.**

A. If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands if the player makes a wager on the second hand formed in an amount equal to the player's original Blackjack Wager.

B. When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete

hand on the dealer's left before proceeding to deal any cards to the second hand.

C. After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand.

D. A facility operator shall specify in its rules submission required under COMAR 36.05.03.19 the number of additional times a player may split a pair, including aces.

E. If the dealer obtains blackjack after a player splits pairs, the dealer shall collect only the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

**.12 Blackjack Variations.**

A. If specified in its rules submission under COMAR 36.05.03.19, a facility operator may offer Blackjack Switch under the following requirements:

(1) A player shall make two equal Blackjack Wagers by placing value chips on the two designated betting areas prior to the first card being dealt.

(2) In addition to the two equal Blackjack Wagers, a player may make an additional Super Match Wager in accordance with Regulation .06 of this chapter.

(3) Two hands shall then be dealt to each player in accordance with the dealing procedures in Regulation .07 of this chapter.

(4) As a player's point total is announced, the player shall indicate whether the player wishes to:

(a) Switch the second card of each hand dealt;

(b) Double down as permitted under Regulation .10 of this chapter;

(c) Split pairs as permitted under Regulation .11 of this chapter;

(d) Stand; or

(e) Draw additional cards.

(5) The round of play shall then be completed in accordance with the dealing procedures in Regulation .07 of this chapter, but if the dealer's hand:

(a) Has a total point count of 21 in more than two cards and the player has blackjack, the winning Blackjack Wager shall be paid at odds of 1 to 1;

(b) Is a Blackjack and the player's hand is a blackjack, the Blackjack Wager shall tie and be returned to the player;

(c) Is a blackjack and the player has switched to a blackjack, the player's hand shall have a total point count of 21 and the player's Blackjack Wager shall be lost;

(d) Has a total point count of 21 or 22 and the player has switched to a blackjack, the player's Blackjack Wager shall be returned to the player; or

(e) Has a total point count of 22 and a player's hand has a total point count of 21 or less, the player's Blackjack Wager shall be returned to the player.

B. If specified in its rules submission under COMAR 36.05.03.19, a facility operator may deal blackjack from the hand and allow the players to touch the cards in accordance with the following requirements:

(1) No more than two decks of cards shall be used in the game.

(2) An automated shuffling device shall be used to shuffle the cards.

(3) After the procedures required under Regulation .05 of this chapter have been completed, the dealer shall place the deck or decks of cards on top of a cover card and then place the deck or decks of cards and the cover card in either hand.

(4) After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play.

(5) The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(6) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(7) Prior to commencement of each round of play, the dealer shall remove the first card and place it in the discard rack, and then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, deal the cards as follows:

(a) One card face down to each box on the layout in which a Blackjack Wager is contained;

(b) One card face up to the dealer;

(c) A second card face down to each box in which a wager is contained; and

(d) A second card face down to the dealer.

(8) After two cards have been dealt face down to each player and the dealer, each player shall, with one hand, examine his or her cards, keeping their cards in full view of the dealer at all times.

(9) Each player, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, shall then indicate whether the player wishes to surrender as permitted under Regulation .09 of this chapter, double down as permitted under Regulation .10 of this chapter, split pairs as permitted under Regulation .11 of this chapter, stand or draw additional cards.

(10) If a player:

(a) Indicates that the player wishes to surrender, double down or split a pair, the dealer shall turn over the player's two cards and complete the dealing procedures in accordance with Regulation .07 of this chapter; and

(b) Is dealt additional cards which cause the total point count to exceed 21, the player shall immediately discard the player's cards.

(11) As each player indicates the player's decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(12) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn over the hole card and draw any additional cards in accordance with Regulation .07 of this chapter.

(13) The dealer shall announce the dealer's total point count after each additional card is dealt.

(14) After all additional cards have been dealt, the dealer shall turn over each player's two cards and shall settle all remaining wagers in accordance with Regulation .07 of this chapter.

**.13 Payout Odds and Limitation.**

A. A facility operator shall pay a winning:

(1) Blackjack Wager at odds of 1 to 1;

(2) Blackjack at odds of 3 to 2;

(3) Insurance Wager at odds of 2 to 1;

(4) Lucky Ladies Twenty Point Bonus Wager at the odds in the following payable:

(a) For a queen of hearts pair and dealer blackjack the payout shall be 1,000 to 1;

(b) For a queen of hearts pair the payout shall be 200 to 1;

(c) For a Matched 20 the payout shall be 25 to 1;

(d) For a Suited 20 the payout shall be 10 to 1; and

(e) For Any 20 the payout shall be 4 to 1;

(5) Match-the-Dealer Wagers at the odds in the following payable:

(a) If six decks of cards are being used:

(i) For each matching card of the same suit the payout shall be 11 to 1; and

(ii) For each matching card of a different suit the payout shall be 4 to 1;

- (b) If eight decks of cards are being used:
  - (i) For each matching card of the same suit the payout shall be 14 to 1; and
  - (ii) For each matching card of a different suit the payout shall be 3 to 1;
- (6) In Between Wagers at the odds in the following payable:
  - (a) For each Triple Match the payout shall be 30 to 1;
  - (b) For each one-card spread the payout shall be 10 to 1;
  - (c) For each two-card spread the payout shall be 6 to 1;
  - (d) For each three-card spread the payout shall be 4 to 1;
 and
  - (e) For all others the payout shall be 1 to 1;
- (7) Royal Match 21 Wagers and the Crown Treasure Bonus at the odds in one of the following paytables selected by the facility operator in its rules submission under COMAR 36.05.03.19:
  - (a) If a single deck of cards is being used, payout under Paytable A:
    - (i) For a Royal Match the payout shall be 10 to 1;
    - (ii) For a Suited Match the payout shall be 3 to 1; or
    - (iii) For a Crown Treasure the payout shall be 1,000 for 1;
  - (b) If a single deck of cards is being used, payout under Paytable B:
    - (i) For a Royal Match the payout shall be 5 to 1;
    - (ii) For a Suited Match the payout shall be 3 to 1; or
    - (iii) For a Crown Treasure the payout shall be 1,000 for 1;
  - (c) If multiple decks of cards are being used, payout under Paytable C:
    - (i) For a Royal Match the payout shall be 30 to 1;
    - (ii) For a Suited Match the payout shall be 2.5 to 1; or
    - (iii) For a Crown Treasure the payout shall be 1,000 for 1;
  - (d) If multiple decks of cards are being used, payout under Paytable D:
    - (i) For a Royal Match the payout shall be 25 to 1;
    - (ii) For a Suited Match the payout shall be 2.5 to 1; or
    - (iii) For a Crown Treasure the payout shall be 1,000 for 1.
  - (e) If multiple decks of cards are being used, payout under Paytable E:
    - (i) For a Royal Match the payout shall be 50 to 1;
    - (ii) For a Suited Match the payout shall be 2 to 1; or
    - (iii) For a Crown Treasure the payout shall be 1,000 for 1;
- (8) Bet the Set 21 Wagers at the odds in one of the following pay tables selected by the facility operator in its Rules Submission submitted under COMAR 36.05.03.19:
  - (a) If a single deck is being used, payout under Paytable A, which means that for Pairs the payout shall be 15 to 1;
  - (b) If two decks are being used, payout under Paytable B:
    - (i) For Suited Pairs the payout shall be 25 to 1.
    - (ii) For Pairs the payout shall be 10 to 1.
  - (c) If four or more decks are being used payout under Paytable C:
    - (i) For Suited Pairs the payout shall be 15 to 1; or
    - (ii) For Pairs the payout shall be 10 to 1;
  - (d) If four or more decks are being used payout under Paytable D:
    - (i) For Suited Pairs the payout shall be 12 to 1; or
    - (ii) For Pairs the payout shall be 10 to 1.

- (9) King's Bounty Wagers at the odds in the following payable:
  - (a) For a King of spades pair and dealer Blackjack the payout shall be 1,000 to 1; or
  - (b) For a King of spades pair the payout shall be 200 to 1;
  - (c) For a Suited kings pair the payout shall be 50 to 1;
  - (d) For a Suited queens, jacks or 10s pair the payout shall be 25 to 1;
  - (e) For a Suited 20 the payout shall be 9 to 1;
  - (f) For a Pair of kings the payout shall be 6 to 1; or
  - (g) For Any 20 the payout shall be 4 to 1;
- (10) Super Match Wagers at the odds in the following payable:
  - (a) If six decks are being used:
    - (i) For a Four-of-a-kind the payout shall be 40 to 1;
    - (ii) For Two pair the payout shall be 8 to 1;
    - (iii) For Three-of-a-kind the payout shall be 5 to 1; or
    - (iv) For a Pair the payout shall be 1 to 1;
  - (b) If eight decks are being used:
    - (i) For a Four-of-a-kind the payout shall be 50 to 1;
    - (ii) For Two pair the payout shall be 7 to 1;
    - (iii) For Three-of-a-kind the payout shall be 5 to 1; or
    - (iv) For a Pair the payout shall be 1 to 1;
- B. If a facility operator offers a Bad Beat Progressive Wager, the facility operator shall pay out a winning Bad Beat Progressive Wager at the odds in the following paytables:
  - (1) When a player has a 20 and the dealer has:
    - (a) 21 with seven or more cards the payout shall be 100 percent of the meter;
    - (b) 21 with six cards the payout shall be 1,000 for 1;
    - (c) 21 with five cards the payout shall be 100 for 1;
    - (d) 21 with four cards the payout shall be 50 for 1;
    - (e) 21 with three cards the payout shall be 25 for 1; or
    - (f) Blackjack the payout shall be 10 for 1;
  - (2) Player has 20 the payout shall be 1 to 1;
  - (3) Magic Card Bonus the payout shall be 20 for 1;
  - (4) Lucky Player Bonus the payout shall be 5 for 1.
- C. A facility operator's Rules Submission submitted under COMAR 36.05.03.19 shall specify:
  - (1) The rate of progression for the meter used for the Bad Beat Progressive Wager; and
  - (2) That the initial and reset amounts and shall be at least \$5,000.
- D. A facility operator shall pay out winning Three Card Poker Wagers at odds of 9 to 1.
- E. If a facility operator offers the Hit and Run Progressive Wager, the facility operator shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable when the dealer has:
  - (1) Eight or more cards the payout shall be 100 percent of the meter;
  - (2) Seven cards the payout shall be 100 for 1;
  - (3) Six cards the payout shall be 25 for 1;
  - (4) Five cards the payout shall be 7 for 1; or
  - (5) Blackjack the payout shall be 4 for 1.
- F. A facility operator's Rules Submission submitted under COMAR 36.05.03.19 shall specify:
  - (1) The rate of progression for a meter used for the Hit and Run Progressive Wager; and
  - (2) That the initial and reset amounts and shall be at least \$1,000.
- G. Notwithstanding the payout odds in under § A(3) and (8) of this regulation, a facility operator may, in its rules submission under COMAR 36.05.03.19, establish a maximum amount that is payable to a player, with a winning hand in the aggregate on a single round of play:
  - (1) With a queen of hearts pair and dealer blackjack; or

(2) King of spades pair and dealer blackjack.

H. If a facility operator establishes a maximum payout and more than one player at a table has a winning hand specified in §G(1) or (2) of this regulation, each player shall share the maximum payout amount proportionately to the amount of the player's wager.

I. A maximum payout amount established under §G of this regulation shall be the greater of at least \$25,000 or the maximum amount that one player could win per round when betting the maximum possible wager.

J. A maximum payout limit established by the facility operator shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

**.14 Irregularities.**

A. A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack or in a segregated area of the double shoe.

B. A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

C. After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe.

(1) A player refusing to accept the card may not have any additional cards dealt to him or her during the round.

(2) If a card is refused by the players, and the dealer cannot use the card, the card shall be placed in the discard rack.

D. If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

E. If the dealer misses dealing his first or second card to himself or herself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to himself or herself.

F. If there are insufficient cards remaining in the shoe to complete a round of play, the dealer shall:

(1) Shuffle and cut, according to the procedures in Regulation .05 of this chapter, all of the cards in the discard rack or in a segregated area of the double shoe; and

(2) Draw the first card face down and place it in the discard rack, and then complete the round of play.

G. If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal.

H. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

I. If a double shoe is used, any round of play drawn from the incorrect side of a double shoe shall be treated as if it were drawn from the correct side of the shoe and concluded.

J. If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall:

(1) Deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card; or

(2) Call the player's hand dead and return the player's original Blackjack Wager.

K. If a dealer inserts his hole card into a card reader device when the value of his or her first card is not an ace, king, queen, jack or 10, after notifying a floorman or above, the dealer shall:

(1) If the card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager; or

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

L. If a card reader device malfunctions, the dealer may not continue dealing the game of blackjack at that table until the card reader device is repaired or replaced.

M. If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

N. If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be used at the table.

**36.05.05 Craps Rules**

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter the following terms have the meaning indicated.

B. Terms Defined.

(1) "Buy Bet" means a Place Bet to Win which offers a payout of true odds.

(2) "Call Bet" means a wager made without cash or chips for a known customer.

(3) "Come out point" means a total of 4, 5, 6, 8, 9, or 10 thrown by the shooter on the come out roll.

(4) "Come out roll" means the first roll of the dice at the opening of the game and the first roll of the dice after a decision with respect to a Pass Bet and Don't Pass Bet has been affected.

(5) "Come point" means a total of 4, 5, 6, 8, 9, or 10 thrown by the shooter on the next roll following placement of a Come Bet or Don't Come Bet.

(6) "Lay Bet" means a Place Bet to Lose which offers a payout of true odds.

**.02 Craps and Mini-Craps Tables.**

A. Craps and mini-craps shall be played on an oblong table with rounded corners and high walled sides.

B. A craps table may not be larger than 14 feet in length.

C. A mini-craps table may not be longer than 9-1/2 feet in length and shall have seating locations for a maximum of nine players.

D. A facility operator shall submit its proposed layout for a craps or mini-craps table to the Commission for approval under COMAR 36.05.03.16 with at least:

(1) The name or logo of the facility operator;

(2) Specific areas designated for the placement of wagers authorized under Regulation .03 of this chapter;

(3) The words "no call bets;"

(4) If a facility operator offers the Fire Bet in accordance with Regulation .11 of this chapter:

(a) Not more than 16 areas may be designated for the placement of Fire Bets;

(b) Fire Bet areas must be located around the perimeter of the layout, corresponding to player positions at the table, and sequentially numbered in a clockwise direction, with the area numbered 1 being located immediately to the left of the boxperson or dealer;

(c) A designated area of the layout for the relocation and identification of all Fire Bets placed by players prior to the come out roll of a shooter;

(d) The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in §D(4)(a) of this regulation; and

(e) The following information, visible to all player positions, on the inside wall of the table:

(i) The payout odds for four, five, and six different unique points made;

(ii) Fire Bets shall be accepted only prior to a shooter's initial come out roll; and

(iii) The wager limitations applicable to the Fire Bet.

E. A craps and mini-craps table must have a drop box and tip box attached to the table in locations approved by the Commission under COMAR 36.05.03.16.

**.03 Wagers.**

A. The following wagers are authorized in the games of craps and mini-craps:

(1) A Pass Bet placed on the Pass Line of the layout immediately prior to the come out roll, for which a winning or losing Pass Bet shall be determined as follows:

(a) A Pass Bet shall win if, on the come out roll:

(i) A total of 7 or 11 is thrown; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is thrown again before a 7 is thrown;

(b) A Pass Bet shall lose if, on the come out roll:

(i) A total of 2, 3, or 12 is thrown; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown and a 7 is subsequently thrown before that total is thrown again;

(2) A Don't Pass Bet placed on the Don't Pass Line of the layout immediately prior to the come out roll, for which winning or losing Don't Pass Bet shall be determined as follows:

(a) A Don't Pass Bet shall win if, on the come out roll:

(i) A total of 2 or 3 is thrown; or

(ii) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again;

(b) A Don't Pass Bet shall lose if, on the come out roll:

(i) A total of 7 or 11 is thrown; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is thrown again before a 7 is thrown; and

(c) If a total of 12 is thrown on the come out roll, a Don't Pass Bet shall be void and any Don't Pass Bets shall be returned to the players.

(3) A Come Bet placed on the Come Line of the layout at any time after the come out roll.

(a) If a 4, 5, 6, 8, 9, or 10 is thrown after the placement of a Come Bet, the dealer shall move the Come Bet into the numbered box corresponding to the number that was thrown;

(b) A Come Bet shall win if:

(i) A total of 7 or 11 is thrown on the roll immediately following placement of the Come Bet; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Come Bet and that total is thrown again before a 7 is thrown; and

(c) A Come Bet shall lose if:

(i) A total of 2, 3 or 12 is thrown on the roll immediately following placement of the Come Bet; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Come Bet and a 7 is subsequently thrown before that total is thrown again.

(4) A Don't Come Bet placed on the Don't Come Line of the layout at any time after the come out roll.

(a) If a 4, 5, 6, 8, 9, or 10 is thrown after the placement of a Don't Come Bet, the dealer shall move the Don't Come Bet into a box adjacent to the numbered box corresponding to the number that was thrown.

(b) A Don't Come Bet shall win if either:

(i) A total of 2 or 3 is thrown on the roll immediately following placement of the Don't Come Bet; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Don't Come Bet and a 7 is subsequently thrown before that total is thrown again.

(c) A Don't Come Bet shall lose if:

(i) A total of 7 or 11 is thrown on the roll immediately following placement of the Don't Come Bet; or

(ii) A total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Don't Come Bet and that total is thrown again before a 7 is thrown.

(d) If a total of 12 is thrown on the roll immediately following placement of a Don't Come Bet, the Don't Come Bet shall be void and any Don't Come Bets shall be returned to the players.

(5) A Place Bet to Win on any of the numbers 4, 5, 6, 8, 9, or 10, which may be made at any time.

(a) A Place Bet to Win shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Place Bet to Win shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(c) A Place Bet to Win shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(6) A Place Bet to Lose placed in a box adjacent to any of the numbers 4, 5, 6, 8, 9, or 10 which may be made at any time.

(a) A Place Bet to Lose shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Place Bet to Lose shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(c) A Place Bet to Lose shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, which may be made at any time.

(a) A Four the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Four the Hardway Bet shall win if a total of 4 is thrown with a 2 appearing on each die before a 4 is thrown in any other way or before a 7 is thrown.

(c) A Four the Hardway Bet shall lose if a total of 4 is thrown without a 2 appearing on each die or a 7 is thrown before a total of 4 is thrown with a 2 appearing on each die.

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, which may be made at any time.

(a) A Six the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Six the Hardway Bet shall win if a total of 6 is thrown with a 3 appearing on each die before a 6 is thrown in any other way or before a 7 is thrown.

(c) A Six the Hardway Bet shall lose if a total of 6 is thrown without a 3 appearing on each die or a 7 is thrown before a total of 6 is thrown with a 3 appearing on each die.

(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, which may be made at any time.

(a) An Eight the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) An Eight the Hardway Bet shall win if a total of 8 is thrown with a 4 appearing on each die before an 8 is thrown in any other way or before a 7 is thrown.

(c) An Eight the Hardway Bet shall lose if a total of 8 is thrown without a 4 appearing on each die or a 7 is thrown before a total of 8 is thrown with a 4 appearing on each die.

(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, which may be made at any time.

(a) A Ten the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Ten the Hardway Bet shall win if a total of 10 is thrown with a 5 appearing on each die before a 10 is thrown in any other way or before a 7 is thrown.

(c) A Ten the Hardway Bet shall lose if a total of 10 is thrown without a 5 appearing on each die or a 7 is thrown before a total of 10 is thrown with a 5 appearing on each die.

(11) A Field Bet placed in a box which shows the numbers 2, 3, 4, 9, 10, 11, and 12, which may be made at any time.

(a) A Field Bet shall win if a 2, 3, 4, 9, 10, 11, or 12 is thrown on the roll immediately following placement of the Field Bet.

(b) A Field Bet shall lose if a 5, 6, 7, or 8 is thrown on the roll immediately following placement of the Field Bet.

(12) An Any Seven Bet placed in a box which contains the phrase "Any Seven," which may be made at any time.

(a) An Any Seven Bet shall win if a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(b) An Any Seven Bet shall lose if any total other than a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(13) An Any Craps Bet placed in a box which contains the phrase "Any Craps," which may be made at any time.

(a) An Any Craps Bet shall win if a 2, 3, or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(b) An Any Craps Bet shall lose if any total other than a 2, 3, or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(14) A Craps Two Bet placed in a box which shows two dice, each of which displays a value of 1, which may be made at any time:

(a) A Craps Two Bet shall win if a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(b) A Craps Two Bet shall lose if any total other than a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(15) A Craps Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other of which displays a value of 2, which may be made at any time.

(a) A Craps Three Bet shall win if a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(b) A Craps Three Bet shall lose if any total other than a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(16) A Craps Twelve Bet placed in a box which shows two dice, each of which displays a value of 6, which may be made at any time.

(a) A Craps Twelve Bet shall win if a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(b) A Craps Twelve Bet shall lose if any total other than a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(17) An 11 in One Roll Bet placed in a box which shows two dice, one of which displays a value of 5 and the other of which displays a value of 6, which may be made at any time.

(a) An 11 in One Roll Bet shall win if an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(b) An 11 in One Roll Bet shall lose if any total other than an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(18) A Craps-Eleven or C and E Bet placed in an area on the table layout that contains the letters "C" and "E", which may be made at any time.

(a) A Craps-Eleven or C and E Bet shall win if a 2, 3, 11, or 12 is rolled immediately following placement of the Craps-Eleven or C and E Bet.

(b) A Craps-Eleven or C and E Bet shall lose if any total other than a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Craps-Eleven or C and E Bet.

(19) A Horn Bet placed in a box which contains the words "Horn Bet", which may be made at any time.

(a) A Horn Bet shall be placed in units of four.

(b) A Horn Bet shall win if a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn Bet.

(c) A Horn Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(20) A Horn High Bet placed in a box which contains the words "Horn High Bet" and two dice with a total value of 2, 3, 11, or 12, which may be made at any time.

(a) A Horn High Bet shall be placed in units of five.

(b) A facility operator that does not have a designated area on its layout for the acceptance of a Horn High Bet shall break down a Horn High Bet into two separate wagers of four units on the Horn Bet and one unit on one of the boxes that contains two dice with a total value of 2, 3, 11, or 12.

(c) A Horn High Bet shall win if a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(d) A Horn High Bet shall lose if any total other than a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(21) A Whirl Bet placed in a box which contains the words "Whirl Bet," which may be made at any time.

(a) A Whirl Bet shall be placed in units of five.

(b) A facility operator that does not have a designated area on its layout for the acceptance of a Whirl Bet shall break down a Whirl Bet into two separate wagers of four units on the Horn Bet and one unit on the Any Seven Bet.

(c) A Whirl Bet shall win if a 2, 3, 7, 11, or 12 is thrown on the roll immediately following placement of the Whirl Bet.

(d) A Whirl Bet shall lose if any total other than a 2, 3, 7, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(22) A Four the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four the Hardway on the Hop Bet shall win if a total of 4 is thrown with a 2 appearing on each die on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(b) A Four the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four the Hardway on The Hop Bet.

(23) A Six the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Six the Hardway on the Hop Bet shall win if a total of 6 is thrown with a 3 appearing on each die on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(b) A Six the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(24) An Eight the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) An Eight the Hardway on the Hop Bet shall win if a total of 8 is thrown with a 4 appearing on each die on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(b) An Eight the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(25) A Ten the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Ten the Hardway on the Hop Bet shall win if a total of 10 is thrown with a 5 appearing on each die on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(b) A Ten the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(26) A One-Three or Ace-Trey on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Three or Ace-Trey on the Hop Bet shall win if a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(b) A One-Three or Ace-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(27) A One-Four or Ace-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Four or Ace-Four on the Hop Bet shall win if a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(b) A One-Four or Ace-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(28) A Two-Three or Deuce-Trey on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Three or Deuce-Trey on the Hop Bet shall win if a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(b) A Two-Three or Deuce-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(29) A One-Five or Ace-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Five or Ace-Five on the Hop Bet shall win if a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(b) A One-Five or Ace-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(30) A Two-Four or Deuce-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Four or Deuce-Four on the Hop Bet shall win if a total of 6 is thrown with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Two-Four or Deuce-Four on the Hop Bet.

(b) A Two-Four or Deuce-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(31) A One-Six or Ace-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Six or Ace-Six on the Hop Bet shall win if a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(b) A One-Six or Ace-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(32) A Two-Five or Deuce-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Five or Deuce-Five on the Hop Bet shall win if a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(b) A Two-Five or Deuce-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(33) A Three-Four or Trey-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Three-Four or Trey-Four on the Hop Bet shall win if a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(b) A Three-Four or Trey-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Six or Deuce-Six on the Hop Bet shall win if a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(b) A Two-Six or Deuce-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(35) A Three-Five or Trey-Five on the Hop Bet placed in an area on the layout for this bet which may be made at any time.

(a) A Three-Five or Trey-Five on the Hop Bet shall win if a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(b) A Three-Five or Trey-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(36) A Three-Six or Trey-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Three-Six or Trey-Six on the Hop Bet shall win if a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(b) A Three-Six or Trey-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(37) A Four-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four-Five on the Hop Bet shall win if a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Four-Five on the Hop Bet.

(b) A Four-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Five on the Hop Bet.

(38) A Four-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four-Six on the Hop Bet shall win if a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Four-Six on the Hop Bet.

(b) A Four-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Six on the Hop Bet.

(39) A 6-7-8 Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A 6-7-8 Bet shall win if a total of 6, 7, or 8 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(b) A 6-7-8 Bet shall lose if a 2, 3, 4, 5, 9, 10, 11, or 12 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(40) A Fire Bet that may only be made prior to the come out roll of a new shooter.

(a) A Fire Bet shall win if at least four different unique point totals of either 4, 5, 6, 8, 9, or 10 are made by the shooter before a 7 is thrown.

(b) A Fire Bet shall lose if less than four different unique point totals of either 4, 5, 6, 8, 9, or 10 are made by the shooter before a 7 is thrown.

(41) In addition to Place Bets to Win on 4, 5, 6, 8, 9, and 10, a facility operator may, if specified in its Rules Submission under COMAR 36.05.03.19, offer players the option of placing a Buy Bet to receive true odds on the Place Bet to Win.

(a) A Buy Bet shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A winning or losing Buy Bet shall be determined as follows:

(i) A Buy Bet shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(ii) A Buy Bet shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(42) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9, and 10, a facility operator may, if specified in its Rules Submission under COMAR 36.05.03.19, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose.

(a) A Lay Bet shall be active on a come out roll unless called "off" by the player and confirmed by the dealer through placement of an "off" marker button on top of the player's wager.

(b) A Lay Bet shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(c) A Lay Bet shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

B. Except as permitted under Regulation .06 of this chapter, the amount of a craps or mini-craps wager:

(1) May not be less than the minimum wager; and

(2) May not be more than the maximum wager.

C. The minimum and maximum wagers shall be posted at each craps or mini-craps table.

**.04 Making and Removing Wagers.**

A. A wager shall be made before the dice are thrown.

B. A wager shall be made by placing value chips or plaques on the appropriate areas of the layout.

C. A verbal wager accompanied by cash may be accepted if:

(1) It is confirmed by the dealer; and

(2) The cash is expeditiously converted into value chips or plaques.

D. A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of the wager, except that:

(1) A Pass Bet may not be removed or reduced after a come out point is established with respect to the Pass Bet;

(2) A Come Bet may not be removed or reduced after a come point is established with respect to the Come Bet; and

(3) A Fire Bet may not be reduced or increased at any time, and may not be removed prior to the throwing of a loser 7.

E. A Don't Come Bet and a Don't Pass Bet may be removed or reduced at any time but may not be replaced or increased after the bet has been removed or reduced.

F. Only a player seated at a mini-craps table may place a wager at the game, and after a player places a wager, the player shall remain seated until completion of the round of play.

**.05 Payout Odds.**

A. The facility operator shall pay out winning craps and mini-craps wagers as follows:

- (1) For Pass Bet the payout shall be 1 to 1;
- (2) For Don't Pass Bet the payout shall be 1 to 1;
- (3) For Come Bet the payout shall be 1 to 1;
- (4) For Don't Come Bet the payout shall be 1 to 1;
- (5) For Place Bet to Win on 4 the payout shall be 9 to 5;
- (6) For Place Bet to Win on 5 the payout shall be 7 to 5;
- (7) For Place Bet to Win on 6 the payout shall be 7 to 6;
- (8) For Place Bet to Win on 8 the payout shall be 7 to 6;
- (9) For Place Bet to Win on 9 the payout shall be 7 to 5;
- (10) For Place Bet to Win on 10 the payout shall be 9 to 5;
- (11) For Place Bet to Lose on 4 the payout shall be 5 to 11;
- (12) For Place Bet to Lose on 5 the payout shall be 5 to 8;
- (13) For Place Bet to Lose on 6 the payout shall be 4 to 5;
- (14) For Place Bet to Lose on 8 the payout shall be 4 to 5;
- (15) For Place Bet to Lose on 9 the payout shall be 5 to 8;
- (16) For Place Bet to Lose on 10 the payout shall be 5 to 11;
- (17) For Four the Hardway Bet the payout shall be 7 to 1;
- (18) For Six the Hardway Bet the payout shall be 9 to 1;
- (19) For Eight the Hardway Bet the payout shall be 9 to 1;
- (20) For Ten the Hardway Bet the payout shall be 7 to 1;
- (21) For a Field Bet on a 3, 4, 9, 10 or 11 the payout shall be 1 to 1;
- (22) For a Field Bet on a 2 or 12 the payout shall be 2 to 1;
- (23) For Any Seven Bet the payout shall be 4 to 1;
- (24) For Any Craps Bet the payout shall be 7 to 1;
- (25) For Craps 2 Bet the payout shall be 30 to 1;
- (26) For Craps 3 Bet the payout shall be 15 to 1;
- (27) For Craps 12 Bet the payout shall be 30 to 1;
- (28) For 11 in One Roll the payout shall be 15 to 1;
- (29) For Four the Hardway on the Hop Bet the payout shall be 30 to 1;
- (30) For Six the Hardway on the Hop Bet the payout shall be 30 to 1;
- (31) For Eight the Hardway on the Hop Bet the payout shall be 30 to 1;
- (32) For Ten the Hardway on the Hop Bet the payout shall be 30 to 1;
- (33) For One-Three or Ace-Trey on the Hop Bet the payout shall be 15 to 1;
- (34) For One-Four or Ace-Four on the Hop Bet the payout shall be 15 to 1;
- (35) For One-Five or Ace-Five on the Hop Bet the payout shall be 15 to 1;
- (36) For One-Six or Ace-Six on the Hop Bet the payout shall be 15 to 1;
- (37) For Two-Three or Deuce-Trey on the Hop Bet the payout shall be 15 to 1;



(38) For Two-Four or Deuce-Four on the Hop Bet the payout shall be 15 to 1;

(39) For Two-Five or Deuce-Five on the Hop Bet the payout shall be 15 to 1;

(40) For Two-Six or Deuce-Six on the Hop Bet the payout shall be 15 to 1;

(41) For Three-Four or Trey-Four on the Hop Bet the payout shall be 15 to 1;

(42) For Three-Five or Trey-Five on the Hop Bet the payout shall be 15 to 1;

(43) For Three-Six or Trey-Six on the Hop Bet the payout shall be 15 to 1;

(44) For Four-Five on the Hop Bet the payout shall be 15 to 1;

(45) For Four-Six on the Hop Bet the payout shall be 15 to 1;

(46) For 6-7-8 Bet on a 6 that is a One-Five or Two-Four, on any 7 or an 8 that is a Two-Six or Three Five the payout shall be 1 to 1; and

(47) For a 6-7-8 Bet on a 6 that is a Three-Three or an 8 that is a Four-Four the payout shall be 2 to 1.

B. A Craps-Eleven or C and E Bet shall be paid as if 1/2 of the Craps-Eleven or C and E Bet had been placed as an Any Craps Bet (7 to 1) and 1/2 as an 11 in One Roll (15 to 1), and shall be paid as if two separate wagers were made for the one roll.

C. A Horn Bet shall be paid as if it were four separate wagers on the 2, 3, 11, and 12, each of which equaling 25% of the Horn Bet.

D. A Horn High Bet shall be paid as if it were four separate wagers on the 2, 3, 11, and 12, each of which equaling 20 percent of the Horn High Bet and a fifth wager on the 2, 3, 11 or 12, equaling 20 percent of the Horn High Bet.

E. A Whirl Bet shall be paid as if it were two separate wagers with four units wagered as a Horn Bet and one unit wagered as an Any Seven Bet.

F. A winning Fire Bet shall be paid once for the highest number of different unique points made at the odds in one of the following pay tables selected by the facility operator in its rules submission under COMAR 36.05.03.19:

(1) Pay Table A:

- (a) For four points the payout shall be 24 to 1;
- (b) For five points the payout shall be 249 to 1; and
- (c) For six or more points the payout shall be 999 to 1;

(2) Pay Table B:

- (a) For four points the payout shall be 39 to 1;
- (b) For five points the payout shall be 199 to 1; and
- (c) For six or more points the payout shall be 499 to 1;

G. A facility operator that offers Buy Bets and Lay Bets:

(1) Shall pay winning Buy Bet wagers as follows:

- (a) For a Buy Bet on the 4 the payout shall be 2 to 1;
- (b) For a Buy Bet on the 5 the payout shall be 3 to 2;
- (c) For a Buy Bet on the 6 the payout shall be 6 to 5;
- (d) For a Buy Bet on the 8 the payout shall be 6 to 5;
- (e) For a Buy Bet on the 9 the payout shall be 3 to 2; and
- (f) For a Buy Bet on the 10 the payout shall be 2 to 1;

(2) Shall pay winning Lay Bet wagers as follows:

- (a) For a Lay Bet against the 4 the payout shall be 1 to 2;
- (b) For a Lay Bet against the 5 the payout shall be 2 to 3;
- (c) For a Lay Bet against the 6 the payout shall be 5 to 6;
- (d) For a Lay Bet against the 8 the payout shall be 5 to 6;
- (e) For a Lay Bet against the 9 the payout shall be 2 to 3;

and

- (f) For a Lay Bet against the 10 the payout shall be 1 to 2;

(3) May collect a vigorish:

(a) At time the player makes the wager, of up to 5 percent, as specified in the facility operator's rules submission, of the amount wagered on the Buy or Lay Bet; or

(b) Only on a winning Buy or Lay Bet.

H. If a facility collects a vigorish, the facility operator shall specify in its Rules Submission which vigorish procedure under §G(3) of this regulation it will use.

I. Except as permitted under §G(3) of this regulation, a facility operator may not charge a percentage, fee, or vigorish to a player in making any wager in the game of craps or mini-craps.

J. Except as permitted under Regulation .06 of this chapter, a facility operator may not accept any wager in excess of the maximum bet posted at the table.

**.06 Supplemental Wagers.**

A. When a player makes a Pass Bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Pass Bet which may be limited by the facility operator to an amount that is equal to the amount of the original Pass Bet, and if the Pass Bet wins after a supplemental wager is made:

- (1) The original Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
  - (a) 2 to 1 if the come out point was 4 or 10;
  - (b) 3 to 2 if the come out point was 5 or 9; or
  - (c) 6 to 5 if the come out point was 6 or 8.

B. When a player makes a Don't Pass Bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Don't Pass Bet which may be limited by the facility operator to an amount calculated as to provide winnings not in excess of the amount originally wagered on the Don't Pass Bet, and if the Don't Pass Bet wins after a supplemental wager is made:

- (1) The original Don't Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
  - (a) 1 to 2 if the come out point was 4 or 10;
  - (b) 2 to 3 if the come out point was 5 or 9; or
  - (c) 5 to 6 if the come out point was 6 or 8.

C. When a player makes a Come Bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Come Bet, the player may make a supplemental wager in support of the Come Bet which may be limited by the facility operator to an amount that is equal to the amount of the original Come Bet, and if the Come Bet wins after a supplemental wager is made:

- (1) The original Come Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
  - (a) 2 to 1 if the come point was 4 or 10;
  - (b) 3 to 2 if the come point was 5 or 9; or
  - (c) 6 to 5 if the come point was 6 or 8.

D. When a player makes a Don't Come Bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Don't Come Bet, the player may make a supplemental wager in support of the Don't Come Bet which may be limited by the facility operator to an amount calculated as to provide winnings not in excess of the amount originally wagered on the Don't Come Bet, and if the Don't Come Bet wins after a supplemental wager is made:

- (1) The original Don't Come Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
  - (a) 1 to 2 if the come point was a 4 or 10;
  - (b) 2 to 3 if the come point was 5 or 9; or
  - (c) 5 to 6 if the come point was 6 or 8.

E. Except as permitted under § F of this regulation, a facility operator may allow a supplemental wager in support of a Pass or Come Bet in an amount up to ten times the amount of the original Pass or Come Bet.

(1) A facility operator may allow a supplemental wager in support of a Don't Pass or Don't Come Bet in an amount calculated as to provide a winning player with winnings not in excess of up to ten times the amount originally wagered on the Don't Pass or Don't Come Bet.

(2) The original Pass, Don't Pass, Come or Don't Come Bet and any supplemental wager allowed in accordance with this subsection shall be paid at the same odds as the original and supplemental wagers are paid under §A—D of this regulation.

F. A facility operator may accept a supplemental wager that exceeds an amount that is otherwise authorized by this section or posted as the maximum wager permitted if the excess amount of the supplemental wager is necessary to facilitate the payouts permitted by this regulation.

**.07 Dice Retention and Selection.**

A. A set of five dice shall be present at the craps or mini-craps table during gaming.

(1) The stickperson at the table shall be responsible for control of the dice at a craps table, or at a mini-craps table with an optional stickperson.

(2) The dealer at the table shall be responsible for control of the dice at a mini-craps table without an optional stickperson.

(3) Except for dice in active play, the stickperson or mini-craps dealer at a table shall retain all dice in a dice cup at the table.

B. At the commencement of play:

(1) For Craps:

(a) The stickperson shall offer the set of dice to the player immediately to the left of the boxperson at the table.

(b) If a player rejects the dice offered under §B(1)(a) of this regulation, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(2) For mini-craps:

(a) The dealer or the optional mini-craps stickperson shall offer the set of dice to the player immediately to his left at the table.

(b) If a player rejects the dice offered under §B(2)(a) of this regulation, the dealer or stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

C. The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered.

D. The remaining dice of the set under §C of this regulation shall be returned to the dice cup which shall:

(1) For craps, be placed immediately in front of the craps stickperson.

(2) For mini-craps, be placed immediately in front of the mini-craps dealer or stickperson.

E. A set of five dice used at a craps or mini-craps table shall be changed at least once every 24 hours.

F. A new set of dice shall be used:

(1) When a craps or mini-craps table is reopened for gaming;

(2) If a die goes off the table during play and is lost;

(3) If the dice show signs of tampering or alteration; or

(4) The dice are otherwise marked, chipped, scratched, or no longer suitable for play.

**.08 Throw or Invalid Roll of the Dice.**

A. After selection of the dice, the shooter shall make a Pass Bet or Don't Pass Bet after which the shooter shall throw the two selected dice so that they leave the shooter's hand simultaneously and in a

manner which causes the dice to strike the end of the table farthest from the shooter.

B. A roll of the dice shall be invalid when either or both of the dice go off the table or when one die comes to rest on top of the other.

C. The individuals listed in under §E of this regulation may invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the shooter's hand simultaneously;

(2) A die fails to strike the end of the table farthest from the shooter;

(3) A die comes to rest on the chips constituting the craps bank of chips located in front of the boxperson;

(4) A die comes to rest in the dice cup in front of the craps stickperson, in front of the mini-craps dealer or stickperson, or on one of the rails surrounding the table;

(5) The use of a cheating, crooked or fixed device or technique in the roll of the dice; or

(6) The craps boxperson or stickperson, or the mini-craps dealer or stickperson, considers the throw to be improper.

D. A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the Craps bank of chips located in front of the boxperson, may not be a cause for a call of "no roll."

E. "No roll" may be called:

(1) In craps, by a boxperson or stickperson; and

(2) In mini-craps, by the dealer, stickperson or floorperson.

**.09 Point Throw and Settlement of Wagers.**

A. When the dice come to rest from a valid throw, the craps stickperson or the mini-craps dealer or stickperson shall at once call out the sum of the numbers on the uppermost or skyward sides of the two dice.

B. Only one face on each die shall be considered uppermost or skyward.

C. In the event a die does not land flat on the table, the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward.

D. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be rethrown.

E. In the event of a dispute as to which face is uppermost:

(1) In Craps, the boxperson may determine which face is uppermost or may order the throw be void and the dice be rethrown.

(2) In mini-craps, the floorperson may determine which face is uppermost or order the throw be void and the dice be rethrown.

F. In craps, after calling the throw, the stickperson shall collect the dice and bring them to the center of the table between the stickperson and the boxperson.

(1) All wagers decided by that throw shall then be settled, and then the stickperson shall pass the dice to the shooter for the next throw.

(2) When collecting the dice and passing them to the shooter, the stickperson shall use a stick designed for that purpose.

G. In mini-craps, after calling the throw, the dealer or stickperson shall collect the dice and bring them to the center of the table.

(1) All wagers decided by that throw shall then be settled, and then the dealer or stickperson shall pass the dice to the shooter for the next throw.

(2) When collecting the dice and passing them to the shooter, the dealer or stickperson shall use a stick designed for that purpose.

**.10 Selection and Continuation of Shooter.**

A. Except as provided in §§(1) and (2) of this regulation, after a roll, a shooter may pass the dice or remain the shooter.

(1) The shooter shall pass the dice upon throwing a loser 7.

(2) The craps boxperson or the mini-craps dealer may order the shooter to pass the dice if the shooter unreasonably delays the

game, repeatedly makes invalid rolls or violates either the act or this part.

B. If after making the come out point, a shooter elects not to place another Pass Bet or Don't Pass Bet, and other Come Bets or Don't Come Bets remain on the table, the craps stickperson or the mini-craps dealer or stickperson shall offer the dice to the player immediately to the left of the previous shooter as provided for under §C of this regulation.

(1) If there are no other players at the table, or if no other player at the table elect to make a Pass Bet or Don't Pass Bet to shoot the dice and continue the game, the previous shooter may shoot the dice without making a Pass Bet or Don't Pass Bet.

(2) The previous shooter may shoot the dice as described in §B(1) of this regulation only for the purpose of effecting a decision on the remaining Come Bets or Don't Come Bets.

(3) The on/off marker shall be placed on the Don't Pass Line in the off position in front of the shooter to indicate that the shooter is rolling the dice only to effectuate a decision for the Come Bets or Don't Come Bets remaining on the layout.

(4) After the remaining Come Bets or Don't Come Bets have been decided, or a player wishes to place a Pass Bet or Don't Pass Bet, the game shall proceed in accordance with Regulation .08 of this chapter.

C. When a shooter voluntarily or compulsorily relinquishes the dice, the craps stickperson or the mini-craps dealer or stickperson shall offer the complete set of five or more dice to the player immediately to the left of the previous shooter.

D. If the player described in §C of this regulation does not accept the dice, the craps stickperson or the mini-craps dealer or stickperson shall offer the complete set of five or more dice to each of the other players clockwise around the table.

E. The first player to accept the dice when offered shall become the new shooter who shall select and retain two of the dice offered.

F. After a new shooter is selected under §E of this regulation, the remaining dice of the set shall be returned to the dice cup, and the cup shall be placed immediately in front of the craps stickperson or the mini-craps dealer or stickperson.

**.11 Fire Bets.**

A. If a facility operator elects to offer the Fire Bet in the game of craps as permitted under Regulation .03 of this chapter, it shall observe the following additional procedures:

(1) Prior to a new shooter's initial come out roll, a player shall place his Fire Bet on the numbered designated area for the placement of Fire Bets that is closest to the player's position at the craps table.

(2) If there is a voluntary or compulsory surrender of the dice by a shooter under Regulation .10 of this chapter, prior to the throwing of a loser 7, any pending Fire Bet shall be settled upon the successor shooter throwing a loser 7.

(3) After all Fire Bets are placed, the dealer shall bring in each Fire Bet in numerical order and place it on the corresponding number of the designated area in front of the boxperson, where the Fire Bets shall remain until they are either lost or paid.

(4) With each individual point made by a shooter, the dealer shall place a Fire Bet point marker inscribed with the total number of different unique points made by the shooter in the area of the table layout containing the number of the point that was just made.

(a) A Fire Bet point marker shall be visually distinguishable from and have a diameter larger than any authorized value chip.

(b) A Fire Bet point marker shall be maintained by a boxperson or dealer at the craps table.

(5) A Fire Bet shall be collected or paid upon a shooter throwing a loser 7.

(6) After a shooter makes four different unique points, the surveillance department shall be notified for the purpose of confirming all Fire Bets and payouts.

B. If a facility operator elects to offer the Fire Bet in the game of craps under Regulation .03 of this chapter, the following additional rules shall apply:

(1) Wagers.

(a) A minimum wager shall be \$1.

(b) A maximum wager shall be \$5.

(c) A wager shall be made in an increment of \$1.

(2) When a shooter makes the same point total more than once, the total number of different unique points made for purposes of settling a Fire Bet do not increment.

(3) The four or more different unique points required to win a Fire Bet are not required to be made in any specific order or combination.

STEPHEN S. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

## Special Documents

### DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

#### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1 through January 31, 2013

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22(f) for the time period specified above:

#### Approvals By Rule Issued Under 18 CFR 806.22(e):

Moxie Energy, LLC, Moxie Patriot, LLC Facility, ABR-201301006, Clinton Township, Lycoming County, Pa.; Consumptive Use of Up to 0.060 mgd; Approval Date: January 18, 2013.

Moxie Energy, LLC, Moxie Liberty, LLC Facility, ABR-201301007, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 0.060 mgd; Approval Date: January 18, 2013.

#### Approvals By Rule Issued Under 18 CFR 806.22(f):

EOG Resources, Inc., Pad ID: HARKNESS C Pad, ABR-201301001, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 7, 2013.

EOG Resources, Inc., Pad ID: HOPPAUGH C Pad, ABR-201301002, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 7, 2013.

Chief Oil & Gas LLC, Pad ID: Cochran Drilling Pad, ABR-201301003, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 11, 2013.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad A, ABR-201301004, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: January 11, 2013.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad B, ABR-201301005, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: January 11, 2013.

Range Resources – Appalachia, LLC, Pad ID: Grays Run 6H-10H, ABR-201301008, McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 25, 2013.

Chesapeake Appalachia, LLC, Pad ID: Three D Acres, ABR-201301009, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 25, 2013.

Southwestern Energy Production Company, Pad ID: WALKER WEST PAD 14, ABR-201301010, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 25, 2013.

WPX Energy Appalachia, LLC, Pad ID: Buxbaum Well Pad, ABR-201301011, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 25, 2013.

Chesapeake Appalachia, LLC, Pad ID: Alvarez, ABR-201301012, Wilmot and Windham Townships, Bradford and Windham Counties, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 25, 2013.

Seneca Resources, Pad ID: DCNR 100 Pad T, ABR-201301013, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 30, 2013.

Chesapeake Appalachia, LLC, Pad ID: Finan, ABR-201301014, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2013.

Chesapeake Appalachia, LLC, Pad ID: Outback, ABR-201301015, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2013.

Chesapeake Appalachia, LLC, Pad ID: Rosiemar, ABR-201301016, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2013.

Cabot Oil & Gas Corporation, Pad ID: KropaT P1, ABR-201301017, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 30, 2013.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: February 25, 2013.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

### DEPARTMENT OF NATURAL RESOURCES FISHERIES SERVICE

#### Public Notice — Delineations of Submerged Aquatic Vegetation (SAV) Protection Zones

Pursuant to Natural Resources Article, §4-1006.1, Annotated Code of Maryland, the Secretary of the Maryland Department of Natural Resources (DNR), announces delineations of submerged aquatic vegetation (SAV) protection zones. The delineations announced below are identical to previous delineations which were compiled and published on DNR's website on December 7, 2012. (<http://www.dnr.state.md.us/fisheries/SAV/baydelineatedSAV1.pdf>) These delineations are republished here to provide additional notice to the public.

Using a hydraulic clam dredge, a traditional bottom dredge, or a shinnecock rake in a SAV protection zone is strictly prohibited. Any person who intends to use a hydraulic clam dredge, a traditional bottom dredge, or a shinnecock rake in Maryland waters is strongly encouraged to contact Louis Wright, Hydrographic Operations, 303 Marine Academy Drive, Stevensville, MD 21666, or telephone 410-643-6521 for detailed charts further defining SAV protection zones.

The following areas are SAV protection zones and are delineated by DNR for the protection from uprooting and the restoration of SAV:

#### Somerset County

All of the waters of Fishing Creek north of a line beginning at a point at or near the shore at the west side of Fishing Creek (26A), defined by Lat. 38° 08' 54.1" N. and Long. 75° 53' 18.2" W.; then running approximately 72° True to a point at or near the shore at the east side of Fishing Creek (26B), defined by Lat. 38° 08' 57.0" N. and Long. 75° 53' 6.8" W.

All of the waters of Cow Point Creek east of a line beginning at a point at or near the shore at the north side of Cow Point Creek (48A), defined by Lat. 37° 56' 18.8" N. and Long. 75° 53' 39.9" W.; then running approximately 193° True to a point at or near the shore at the south side of Cow Point Creek (48B), defined by Lat. 37° 56' 7.4" N. and Long. 75° 53' 43.1" W.

All of the waters of Tangier Sound, Terrapin Sand Cove, Back Cove, Fog Point Cove, Big Thorofare, Chesapeake Bay, Shanks Creek, and Tyler Creek enclosed by a line beginning at a point at or near the Maryland-Virginia Line at Horse Hammock (58A), defined by Lat. 37° 57' 11.6" N. and Long. 75° 59' 33.9" W.; then running approximately 21° True to a point (58B), defined by Lat. 37° 57' 38.4" N. and Long. 75° 59' 20.7" W.; then running approximately 22° True to a point (58C), defined by Lat. 37° 58' 15.3" N. and Long. 75° 59' 2.1" W.; then running approximately 18° True to a point (58D), defined by Lat. 37° 59' 13.7" N. and Long. 75° 58' 38.4" W.; then running approximately 20° True to a point (58E), defined by Lat. 38° 00' 14.8" N. and Long. 75° 58' 10.9" W.; then running approximately 331° True to a point (58F), defined by Lat. 38° 01' 25.4" N. and Long. 75° 58' 59.6" W.; then running approximately 307° True to a point (58G), defined by Lat. 38° 02' 12.7" N. and Long. 76° 00' 18.3" W.; then running approximately 302° True to a point (58H), defined by Lat. 38° 02' 26.6" N. and Long. 76° 00' 45.9" W.; then running approximately 260° True to a point (58I), defined by Lat. 38° 02' 11.8" N. and Long. 76° 02' 34.6" W.; then running approximately 163° True to a point at or near the shore at Fog Point (58J), defined by Lat. 38° 01' 59.0" N. and Long. 76° 02' 29.8" W.; then running southerly along the west shore of Smith Island to a point at or near the shore at the north side of the entrance of Big Thorofare (58K), defined by Lat. 38° 00' 35.1" N. and Long. 76° 02' 57.1" W.; then running approximately 194° True to a point (58L), defined by Lat. 38° 00' 1.9" N. and Long. 76° 03' 7.8" W.; then running approximately 175° True to a point (58M), defined by Lat. 37° 57' 13.2" N. and Long. 76° 02' 50.2" W.; then running easterly along the Maryland-Virginia State Line to the point of beginning.

All of the waters of Cedar Island Creek, Green Straits, and Pocomoke Sound east and north of a line beginning at a point at or near the shore at the north side of Cedar Island Creek (50A), defined by Lat. 37° 55' 12.5" N. and Long. 75° 53' 44.8" W.; then running approximately 144° True to a point (50B), defined by Lat. 37° 55' 4.3" N. and Long. 75° 53' 37.2" W.; then running approximately 185° True to a point (50C), defined by Lat. 37° 54' 51.4" N. and Long. 75° 53' 38.6" W.; then running approximately 202° True to a point (50D), defined by Lat. 37° 54' 40.2" N. and Long. 75° 53' 44.5" W.; then running approximately 239° True to a point at or near the Maryland-Virginia Line (50E), defined by Lat. 37° 54' 37.3" N. and

Long. 75° 53' 50.5" W.; then running approximately 85° True to a point at or near the Maryland-Virginia boundary corner at Watkins Point (50F), defined by Lat. 37° 54' 40.7" N. and Long. 75° 52' 58.8" W.; then running approximately 89° True to a point at or near the Maryland-Virginia Line (50G), defined by Lat. 37° 54' 41.0" N. and Long. 75° 52' 35.7" W.; then running approximately 12° True to a point (50H), defined by Lat. 37° 54' 54.6" N. and Long. 75° 52' 32.1" W.; then running approximately 79° True to a point (50I), defined by Lat. 37° 54' 59.8" N. and Long. 75° 51' 57.2" W.; then running approximately 78° True to a point (50J), defined by Lat. 37° 55' 1.7" N. and Long. 75° 51' 45.9" W.; then running approximately 319° True to a point at or near the shore at Cedar Island Marsh (50K), defined by Lat. 37° 55' 5.4" N. and Long. 75° 51' 50.0" W.

All of the waters of Fishing Creek east of a line beginning at a point at or near the shore at Cedar Island Marsh (49A), defined by Lat. 37° 56' 5.4" N. and Long. 75° 53' 41.8" W.; then running approximately 159° True to a point (49B), defined by Lat. 37° 55' 57.6" N. and Long. 75° 53' 38.0" W.; then running approximately 194° True to a point at or near the shore at Cedar Island Marsh (49C), defined by Lat. 37° 55' 40.5" N. and Long. 75° 53' 43.6" W.

All of the waters of Broad Creek west of a line beginning at a point at or near the shore at Cedar Island Marsh (51A), defined by Lat. 37° 55' 12.2" N. and Long. 75° 51' 39.8" W.; then running approximately 87° True to a point (51B), defined by Lat. 37° 55' 12.6" N. and Long. 75° 51' 29.1" W.; then running approximately 62° True to a point (51C), defined by Lat. 37° 55' 16.4" N. and Long. 75° 51' 20.0" W.; then running approximately 35° True to a point (51D), defined by Lat. 37° 55' 19.9" N. and Long. 75° 51' 16.9" W.; then running approximately 13° True to a point (51E), defined by Lat. 37° 55' 36.8" N. and Long. 75° 51' 11.9" W.; then running approximately 7° True to a point (51F), defined by Lat. 37° 55' 50.7" N. and Long. 75° 51' 9.5" W.; then running approximately 302° True to a point (51G), defined by Lat. 37° 55' 54.6" N. and Long. 75° 51' 17.5" W.; then running approximately 275° True to a point at or near the shore at the west side of Broad Creek (51H), defined by Lat. 37° 55' 54.9" N. and Long. 75° 51' 21.3" W.

All of the waters of Broad Creek northwest of a line beginning at a point at or near the shore at the north entrance to the Prong (52A), defined by Lat. 37° 56' 8.1" N. and Long. 75° 51' 41.0" W.; then running approximately 117° True to a point (52B), defined by Lat. 37° 56' 4.6" N. and Long. 75° 51' 32.2" W.; then running approximately 88° True to a point (52C), defined by Lat. 37° 56' 4.7" N. and Long. 75° 51' 28.2" W.; then running approximately 356° True to a point (52D), defined by Lat. 37° 56' 18.1" N. and Long. 75° 51' 29.5" W.; then running approximately 347° True to a point (52E), defined by Lat. 37° 56' 25.0" N. and Long. 75° 51' 31.5" W.; then running approximately 272° True to a point at or near the shore at the west side of Broad Creek (52F), defined by Lat. 37° 56' 25.1" N. and Long. 75° 51' 33.8" W.

All of the waters of Broad Creek north of a line beginning at a point at or near the shore at the east side of Broad Creek (53A), defined by Lat. 37° 56' 25.2" N. and Long. 75° 51' 28.0" W.; then running approximately 175° True to a point (53B), defined by Lat. 37° 56' 4.6" N. and Long. 75° 51' 25.7" W.; then running approximately 123° True to a point (53C), defined by Lat. 37° 55' 58.9" N. and Long. 75° 51' 14.4" W.; then running approximately 133° True to a point (53D), defined by Lat. 37° 55' 53.3" N. and Long. 75° 51' 6.9" W.; then running approximately 349° True to a point (53E), defined by Lat. 37° 55' 56.2" N. and Long. 75° 51' 7.6" W.; then running approximately 354° True to a point (53F), defined by Lat. 37° 56' 4.3" N. and Long. 75° 51' 8.8" W.; then running approximately 337° True to a point at or near the shore at the west side of Fishing Ditch (53G), defined by Lat. 37° 56' 12.2" N. and Long. 75° 51' 13.0" W.

All of the waters of Fishing Ditch north of a line beginning at a point at or near the shore at the north side of Fishing Ditch (54A), defined by Lat. 37° 56' 15.1" N. and Long. 75° 51' 3.6" W.; then running approximately 165° True to a point (54B), defined by Lat. 37° 56' 10.6" N. and Long. 75° 51' 2.0" W.; then running approximately 130° True to a point (54C), defined by Lat. 37° 56' 8.5" N. and Long. 75° 50' 59.0" W.; then running approximately 167° True to a point (54D), defined by Lat. 37° 56' 6.9" N. and Long. 75° 50' 58.5" W.; then running approximately 113° True to a point (54E), defined by Lat. 37° 56' 5.2" N. and Long. 75° 50' 53.6" W.; then running approximately 20° True to a point (54F), defined by Lat. 37° 56' 6.6" N. and Long. 75° 50' 53.0" W.; then running approximately 61° True to a point at or near the shore at the north side of Fishing Ditch (54G), defined by Lat. 37° 56' 9.9" N. and Long. 75° 50' 45.1" W.

All of the waters of Massey Creek north of a line beginning at a point at or near the shore at the southwest entrance of Massey Creek (57A), defined by Lat. 37° 56' 5.0" N. and Long. 75° 49' 53.4" W.; then running approximately 26° True to a point at or near the shore at the northeast entrance of Massey Creek (57B), defined by Lat. 37° 56' 15.0" N. and Long. 75° 49' 47.2" W.

All of the waters of Broad Creek Gut and Cow Gap Creek north of a line beginning at a point at or near the shore at Eastward Point (56A), defined by Lat. 37° 55' 25.9" N. and Long. 75° 50' 54.5" W.; then running approximately 64° True to a point (56B), defined by Lat. 37° 55' 37.9" N. and Long. 75° 50' 23.9" W.; then running approximately 33° True to a point (56C), defined by Lat. 37° 55' 47.2" N. and Long. 75° 50' 16.3" W.; then running approximately 79° True to a point at or near the shore at Oystershell Point (56D), defined by Lat. 37° 55' 49.5" N. and Long. 75° 50' 0.8" W.

All of the waters of Broad Creek east of a line beginning at a point at or near the shore of the east side of Broad Creek (55A), defined by Lat. 37° 55' 53.5" N. and Long. 75° 50' 57.6" W.; then running approximately 294° True to a point (55B), defined by Lat. 37° 55' 53.9" N. and Long. 75° 50' 58.6" W.; then running approximately 212° True to a point (55C), defined by Lat. 37° 55' 50.3" N. and Long. 75° 51' 1.5" W.; then running approximately 205° True to a point (55D), defined by Lat. 37° 55' 45.2" N. and Long. 75° 51' 4.4" W.; then running approximately 183° True to a point (55E), defined by Lat. 37° 55' 34.6" N. and Long. 75° 51' 5.1" W.; then running approximately 143° True to a point at or near the shore at the east side of Broad Creek (55F), defined by Lat. 37° 55' 27.0" N. and Long. 75° 50' 58.0" W.

All of the waters of Cedar Creek, Pond Creek, Muddy Creek, and the Little Annessex River south of a line beginning at a point at or near the shore at the east side of the entrance of Cedar Creek (47A), defined by Lat. 37° 57' 1.8" N. and Long. 75° 52' 11.2" W.; then running approximately 270° True to a point (47B), defined by Lat. 37° 57' 1.8" N. and Long. 75° 52' 18.1" W.; then running approximately 278° True to a point (47C), defined by Lat. 37° 57' 3.8" N. and Long. 75° 52' 35.9" W.; then running approximately 347° True to a point (47D), defined by Lat. 37° 57' 20.6" N. and Long. 75° 52' 41.0" W.; then running approximately 293° True to a point (47E), defined by Lat. 37° 57' 29.5" N. and Long. 75° 53' 7.0" W.; then running approximately 265° True to a point at or near Great Point (47F), defined by Lat. 37° 57' 28.0" N. and Long. 75° 53' 29.3" W.

All of the waters of Jenkins Creek east of a line beginning at a point at or near the shore of the Little Annessex River (46A), defined by Lat. 37° 57' 53.9" N. and Long. 75° 52' 0.9" W.; then running approximately 162° True to a point (46B), defined by Lat. 37° 57' 39.9" N. and Long. 75° 51' 55.3" W.; then running approximately 191° True to a point (46C), defined by Lat. 37° 57' 32.5" N. and Long. 75° 51' 57.2" W.; then running approximately 123° True to a point (46D), defined by Lat. 37° 57' 29.7" N. and

Long. 75° 51' 51.8" W.; then running approximately 177° True to a point at or near the shore at the south side of Jenkins Creek (46E), defined by Lat. 37° 57' 11.8" N. and Long. 75° 51' 50.5" W.

All of the waters of the Little Annessex River east of a line beginning at a point at or near the shore on the east side of the Little Annessex River (45A), defined by Lat. 37° 58' 27.7" N. and Long. 75° 51' 47.9" W.; then running approximately 171° True to a point (45B), defined by Lat. 37° 58' 24.1" N. and Long. 75° 51' 47.2" W.; then running approximately 204° True to a point (45C), defined by Lat. 37° 58' 18.7" N. and Long. 75° 51' 50.2" W.; then running approximately 184° True to a point (45D), defined by Lat. 37° 58' 13.2" N. and Long. 75° 51' 50.7" W.; then running approximately 215° True to a point (45E), defined by Lat. 37° 58' 1.0" N. and Long. 75° 52' 1.5" W.; then running approximately 163° True to a point at or near the shore on the east side of the Little Annessex River (45F), defined by Lat. 37° 57' 58.8" N. and Long. 75° 52' 0.6" W.

All of the waters of Old House Cove and the Little Annessex River enclosed by a line beginning at a point at or near the west shore of Old House Gut (44A), defined by Lat. 37° 58' 28.1" N. and Long. 75° 53' 37.7" W.; then running approximately 91° True to a point (44B), defined by Lat. 37° 58' 28.0" N. and Long. 75° 53' 33.4" W.; then running approximately 58° True to a point (44C), defined by Lat. 37° 58' 34.4" N. and Long. 75° 53' 20.5" W.; then running approximately 7° True to a point (44D), defined by Lat. 37° 58' 43.3" N. and Long. 75° 53' 19.1" W.; then running approximately 150° True to a point (44E), defined by Lat. 37° 58' 39.0" N. and Long. 75° 53' 16.0" W.; then running approximately 190° True to a point (44F), defined by Lat. 37° 58' 34.8" N. and Long. 75° 53' 16.9" W.; then running approximately 208° True to a point (44G), defined by Lat. 37° 58' 27.7" N. and Long. 75° 53' 21.7" W.; then running approximately 123° True to a point (44H), defined by Lat. 37° 58' 7.8" N. and Long. 75° 52' 42.2" W.; then running approximately 57° True to a point (44I), defined by Lat. 37° 58' 25.7" N. and Long. 75° 52' 7.3" W.; then running approximately 8° True to a point (44J), defined by Lat. 37° 58' 33.7" N. and Long. 75° 52' 5.8" W.; then running approximately 72° True to a point (44K), defined by Lat. 37° 58' 35.6" N. and Long. 75° 51' 58.9" W.; then running approximately 5° True to a point (44L), defined by Lat. 37° 58' 47.3" N. and Long. 75° 51' 57.7" W.; then running approximately 92° True to a point at or near the shore at the east side of the Little Annessex River (44M), defined by Lat. 37° 58' 47.1" N. and Long. 75° 51' 52.6" W.

All of the waters of Rock Hole and Rock Pond east of a line beginning at a point at or near the shore of James Island (43A), defined by Lat. 38° 01' 36.2" N. and Long. 75° 52' 28.0" W.; then running approximately 163° True to a point (43B), defined by Lat. 38° 01' 29.7" N. and Long. 75° 52' 25.5" W.; then running approximately 97° True to a point (43C), defined by Lat. 38° 01' 28.2" N. and Long. 75° 52' 10.5" W.; then running approximately 212° True to a point (43D), defined by Lat. 38° 01' 16.8" N. and Long. 75° 52' 19.5" W.; then running approximately 160° True to a point at or near the shore of James Island (43E), defined by Lat. 38° 01' 6.3" N. and Long. 75° 52' 14.6" W.

All of the waters of the Big Annessex River and Red Hole Creek south of a line beginning at a point at or near the shore at Lawsons Marsh (42A), defined by Lat. 38° 02' 1.7" N. and Long. 75° 50' 48.5" W.; then running approximately 346° True to a point (42B), defined by Lat. 38° 02' 12.9" N. and Long. 75° 50' 52.1" W.; then running approximately 294° True to a point (42C), defined by Lat. 38° 02' 19.7" N. and Long. 75° 51' 11.3" W.; then running approximately 282° True to a point (42D), defined by Lat. 38° 02' 21.8" N. and Long. 75° 51' 23.8" W.; then running approximately 249° True to a point at or near the shore at Tenth Point (42E), defined by Lat. 38° 02' 18.2" N. and Long. 75° 51' 36.0" W.

All of the waters of Jones Creek, Daugherty Creek, and Acre Creek south of a line beginning at a point at or near the south shore of Jones Creek (41A), defined by Lat. 38° 01' 38.0" N. and Long. 75° 49' 25.0" W.; then running approximately 358° True to a point (41B), defined by Lat. 38° 01' 43.7" N. and Long. 75° 49' 25.3" W.; then running approximately 274° True to a point (41C), defined by Lat. 38° 01' 44.1" N. and Long. 75° 49' 32.8" W.; then running approximately 338° True to a point (41D), defined by Lat. 38° 01' 50.4" N. and Long. 75° 49' 35.9" W.; then running approximately 307° True to a point (41E), defined by Lat. 38° 01' 56.5" N. and Long. 75° 49' 46.3" W.; then running approximately 246° True to a point (41F), defined by Lat. 38° 01' 53.9" N. and Long. 75° 49' 53.7" W.; then running approximately 313° True to a point (41G), defined by Lat. 38° 02' 1.8" N. and Long. 75° 50' 4.6" W.; then running approximately 246° True to a point (41H), defined by Lat. 38° 01' 53.5" N. and Long. 75° 50' 28.0" W.; then running approximately 213° True to a point (41I), defined by Lat. 38° 01' 49.3" N. and Long. 75° 50' 31.4" W.; then running approximately 149° True to a point (41J), defined by Lat. 38° 01' 36.7" N. and Long. 75° 50' 21.8" W.; then running approximately 298° True to a point (41K), defined by Lat. 38° 01' 45.4" N. and Long. 75° 50' 42.9" W.; then running approximately 227° True to a point (41L), defined by Lat. 38° 01' 37.1" N. and Long. 75° 50' 54.1" W.; then running approximately 186° True to a point (41M), defined by Lat. 38° 01' 24.0" N. and Long. 75° 50' 56.0" W.; then running approximately 334° True to a point (41N), defined by Lat. 38° 01' 43.1" N. and Long. 75° 51' 7.7" W.; then running approximately 79° True to a point (41O), defined by Lat. 38° 01' 44.8" N. and Long. 75° 50' 56.4" W.; then running approximately 15° True to a point at or near the shore on the north side of Acre Creek (41P), defined by Lat. 38° 01' 58.5" N. and Long. 75° 50' 51.7" W.

All of the waters of Jones Creek north of a line beginning at a point at or near the north shore of Jones Creek (40A), defined by Lat. 38° 01' 56.5" N. and Long. 75° 49' 32.1" W.; then running approximately 167° True to a point (40B), defined by Lat. 38° 01' 45.3" N. and Long. 75° 49' 28.7" W.; then running approximately 85° True to a point at or near the north shore of Jones Creek (40C), defined by Lat. 38° 01' 45.9" N. and Long. 75° 49' 21.1" W.

All of the waters of Jones Creek, the Big Annemessex River, and Joes Cove enclosed by a line beginning at a point at or near the shore at the east side of Joes Cove (39A), defined by Lat. 38° 02' 39.8" N. and Long. 75° 49' 1.9" W.; then running approximately 314° True to a point (39B), defined by Lat. 38° 02' 51.9" N. and Long. 75° 49' 17.8" W.; then running approximately 262° True to a point (39C), defined by Lat. 38° 02' 48.0" N. and Long. 75° 49' 50.7" W.; then running approximately 223° True to a point (39D), defined by Lat. 38° 02' 20.8" N. and Long. 75° 50' 23.0" W.; then running approximately 141° True to a point (39E), defined by Lat. 38° 02' 11.8" N. and Long. 75° 50' 13.6" W.; then running approximately 49° True to a point (39F), defined by Lat. 38° 02' 18.1" N. and Long. 75° 50' 4.4" W.; then running approximately 112° True to a point (39G), defined by Lat. 38° 02' 15.4" N. and Long. 75° 49' 55.7" W.; then running approximately 171° True to a point (39H), defined by Lat. 38° 02' 7.2" N. and Long. 75° 49' 54.1" W.; then running approximately 118° True to a point (39I), defined by Lat. 38° 02' 5.5" N. and Long. 75° 49' 50.0" W.; then running approximately 65° True to a point (39J), defined by Lat. 38° 02' 7.9" N. and Long. 75° 49' 43.4" W.; then running approximately 103° True to a point (39K), defined by Lat. 38° 02' 5.8" N. and Long. 75° 49' 31.6" W.; then running approximately 118° True to a point (39L), defined by Lat. 38° 02' 3.4" N. and Long. 75° 49' 26.1" W.; then running approximately 227° True to a point at or near the shore on the north side of Jones Creek (39M), defined by Lat. 38° 01' 58.5" N. and Long. 75° 49' 32.7" W.

All of the waters of Moon Bay north of a line beginning at a point at or near the shore of Moon Bay (37A), defined by Lat. 38° 04' 19.2" N. and Long. 75° 48' 0.7" W.; then running approximately 109° True to a point at or near the shore of Moon Bay (37B), defined by Lat. 38° 04' 16.3" N. and Long. 75° 47' 50.3" W.

All of the waters of an unnamed cove of the Big Annemessex River north of a line beginning at a point at or near the shore at Mud Point (38A), defined by Lat. 38° 04' 13.5" N. and Long. 75° 47' 42.8" W.; then running approximately 73° True to a point at or near the shore at Horsehead Point (38B), defined by Lat. 38° 04' 15.7" N. and Long. 75° 47' 33.6" W.

All of the waters of Mine Cove, Shirtpond Cove, Flatland Cove, Muddy Creek, Fords Cove, and the Big Annemessex River north of a line beginning at a point at or near the shore at the west side of Mine Cove (36A), defined by Lat. 38° 03' 33.0" N. and Long. 75° 51' 58.6" W.; then running approximately 83° True to a point (36B), defined by Lat. 38° 03' 34.2" N. and Long. 75° 51' 45.8" W.; then running approximately 112° True to a point (36C), defined by Lat. 38° 03' 31.2" N. and Long. 75° 51' 36.6" W.; then running approximately 46° True to a point (36D), defined by Lat. 38° 03' 37.6" N. and Long. 75° 51' 28.2" W.; then running approximately 358° True to a point (36E), defined by Lat. 38° 03' 53.2" N. and Long. 75° 51' 28.8" W.; then running approximately 41° True to a point (36F), defined by Lat. 38° 04' 2.2" N. and Long. 75° 51' 18.9" W.; then running approximately 94° True to a point (36G), defined by Lat. 38° 04' 0.8" N. and Long. 75° 50' 54.5" W.; then running approximately 36° True to a point (36H), defined by Lat. 38° 04' 11.8" N. and Long. 75° 50' 44.3" W.; then running approximately 73° True to a point (36I), defined by Lat. 38° 04' 13.5" N. and Long. 75° 50' 37.7" W.; then running approximately 119° True to a point (36J), defined by Lat. 38° 04' 9.2" N. and Long. 75° 50' 28.1" W.; then running approximately 113° True to a point (36K), defined by Lat. 38° 04' 0.7" N. and Long. 75° 50' 2.6" W.; then running approximately 68° True to a point (36L), defined by Lat. 38° 04' 5.4" N. and Long. 75° 49' 48.2" W.; then running approximately 94° True to a point (36M), defined by Lat. 38° 04' 4.7" N. and Long. 75° 49' 34.6" W.; then running approximately 90° True to a point (36N), defined by Lat. 38° 04' 4.7" N. and Long. 75° 49' 27.6" W.; then running approximately 357° True to a point (36O), defined by Lat. 38° 04' 11.4" N. and Long. 75° 49' 28.1" W.; then running approximately 89° True to a point (36P), defined by Lat. 38° 04' 11.5" N. and Long. 75° 49' 20.7" W.; then running approximately 123° True to a point (36Q), defined by Lat. 38° 04' 7.5" N. and Long. 75° 49' 12.8" W.; then running approximately 69° True to a point (36R), defined by Lat. 38° 04' 8.2" N. and Long. 75° 49' 10.7" W.; then running approximately 144° True to a point (36S), defined by Lat. 38° 04' 4.3" N. and Long. 75° 49' 7.2" W.; then running approximately 239° True to a point (36T), defined by Lat. 38° 04' 1.5" N. and Long. 75° 49' 13.3" W.; then running approximately 139° True to a point (36U), defined by Lat. 38° 03' 47.8" N. and Long. 75° 48' 58.2" W.; then running approximately 152° True to a point at or near the shore at Scott Point (36V), defined by Lat. 38° 03' 33.1" N. and Long. 75° 48' 48.2" W.

All of the waters of Hazard Cove east of a line beginning at a point at or near the shore of Hazard Island (35A), defined by Lat. 38° 04' 7.6" N. and Long. 75° 52' 20.5" W.; then running approximately 189° True to a point at or near the shore of Pat Island (35B), defined by Lat. 38° 03' 59.2" N. and Long. 75° 52' 22.2" W.

All of the waters of Hazard Cove north of a line beginning at a point at or near the shore at Hazard Point (34A), defined by Lat. 38° 04' 29.8" N. and Long. 75° 52' 46.7" W.; then running approximately 103° True to a point at or near the shore on the north side of Hazard Cove (34B), defined by Lat. 38° 04' 26.0" N. and Long. 75° 52' 25.0" W.

All of the waters of Mine Creek southeast of a line beginning at a point at or near the shore of Mine Creek (33A), defined by Lat. 38° 04' 39.5" N. and Long. 75° 51' 32.2" W.; then running approximately 244° True to a point (33B), defined by Lat. 38° 04' 36.4" N. and Long. 75° 51' 40.2" W.; then running approximately 205° True to a point at or near shore on the south side of Mine Creek (33C), defined by Lat. 38° 04' 26.1" N. and Long. 75° 51' 46.4" W.

All of the waters of Mine Creek north of a line beginning at a point at or near the shore at the north entrance of Mine Creek (32A), defined by Lat. 38° 05' 19.8" N. and Long. 75° 52' 22.2" W.; then running approximately 179° True to a point (32B), defined by Lat. 38° 05' 11.6" N. and Long. 75° 52' 22.1" W.; then running approximately 159° True to a point (32C), defined by Lat. 38° 05' 8.7" N. and Long. 75° 52' 20.7" W.; then running approximately 118° True to a point (32D), defined by Lat. 38° 05' 3.8" N. and Long. 75° 52' 8.9" W.; then running approximately 104° True to a point (32E), defined by Lat. 38° 05' 1.8" N. and Long. 75° 51' 58.4" W.; then running approximately 140° True to a point (32F), defined by Lat. 38° 04' 59.4" N. and Long. 75° 51' 55.9" W.; then running approximately 169° True to a point (32G), defined by Lat. 38° 04' 53.6" N. and Long. 75° 51' 54.5" W.; then running approximately 169° True to a point (32H), defined by Lat. 38° 04' 47.5" N. and Long. 75° 51' 53.0" W.; then running approximately 151° True to a point (32I), defined by Lat. 38° 04' 42.1" N. and Long. 75° 51' 49.2" W.; then running approximately 114° True to a point (32J), defined by Lat. 38° 04' 40.6" N. and Long. 75° 51' 45.0" W.; then running approximately 90° True to a point (32K), defined by Lat. 38° 04' 40.6" N. and Long. 75° 51' 38.0" W.; then running approximately 36° True to a point at or near the shore on the north side of Mine Creek (32L), defined by Lat. 38° 04' 43.8" N. and Long. 75° 51' 35.0" W.

All of the waters of Goose Creek enclosed of a line beginning at a point at or near the shore on the south side of Goose Creek (31A), defined by Lat. 38° 05' 16.7" N. and Long. 75° 51' 46.7" W.; then running approximately 67° True to a point (31B), defined by Lat. 38° 05' 19.4" N. and Long. 75° 51' 38.7" W.; then running approximately 307° True to a point (31C), defined by Lat. 38° 05' 28.4" N. and Long. 75° 51' 53.7" W.; then running approximately 276° True to a point (31D), defined by Lat. 38° 05' 29.6" N. and Long. 75° 52' 8.3" W.; then running approximately 250° True to a point at or near the shore at Prickly Point (31E), defined by Lat. 38° 05' 26.6" N. and Long. 75° 52' 18.7" W.

All of the waters of Drum Point Cove and Goose Creek enclosed by a line beginning at a point at or near the shore at the east side of Drum Point Cove (30A), defined by Lat. 38° 05' 55.2" N. and Long. 75° 51' 33.2" W.; then running approximately 288° True to a point (30B), defined by Lat. 38° 06' 0.2" N. and Long. 75° 51' 52.3" W.; then running approximately 212° True to a point (30C), defined by Lat. 38° 05' 45.0" N. and Long. 75° 52' 4.2" W.; then running approximately 136° True to a point at or near the shore on the north shore of Goose Creek (30D), defined by Lat. 38° 05' 33.0" N. and Long. 75° 51' 49.3" W.

All of the waters of Saint Peter's Creek north of a line beginning at a point at or near the shore of Saint Peter's Creek (29A), defined by Lat. 38° 08' 51.8" N. and Long. 75° 49' 20.5" W.; then running approximately 101° True to a point at or near the shore of Saint Peter's Creek (29B), defined by Lat. 38° 08' 50.3" N. and Long. 75° 49' 10.8" W.

All of the waters of Geanquakin Creek north of a line beginning at a point at or near the shore of the Manokin River (28A), defined by Lat. 38° 08' 42.0" N. and Long. 75° 50' 30.0" W.; then running approximately 52° True to a point (28B), defined by Lat. 38° 08' 53.6" N. and Long. 75° 50' 11.5" W.; then running approximately 19° True to a point (28C), defined by Lat. 38° 08' 57.8" N. and Long. 75° 50' 9.6" W.; then running approximately 78° True to a point at or

near the shore of the Manokin River (28D), defined by Lat. 38° 09' 0.9" N. and Long. 75° 49' 51.7" W.

All of the waters of Broad Creek north and west of a line beginning at a point at or near the shore of the Manokin River (27A), defined by Lat. 38° 08' 26.8" N. and Long. 75° 51' 26.3" W.; then running approximately 86° True to a point (27B), defined by Lat. 38° 08' 27.7" N. and Long. 75° 51' 11.4" W.; then running approximately 358° True to a point at or near the west shore of Broad Creek (27C), defined by Lat. 38° 08' 42.8" N. and Long. 75° 51' 12.0" W.

All of the waters of Big Sound and Little Sound creeks north of a line beginning at a point at or near the shore of Little Sound Creek (25A), defined by Lat. 38° 08' 54.3" N. and Long. 75° 54' 56.4" W.; then running approximately 173° True to a point (25B), defined by Lat. 38° 08' 36.0" N. and Long. 75° 54' 53.5" W.; then running approximately 42° True to a point (25C), defined by Lat. 38° 08' 48.7" N. and Long. 75° 54' 38.9" W.; then running approximately 112° True to a point at or near the east shore of Big Sound Creek (25D), defined by Lat. 38° 08' 45.9" N. and Long. 75° 54' 29.7" W.

All of the waters of Laws Thorofare and Laws Gut north of a line beginning at a point at or near the entrance of Laws Gut (24A), defined by Lat. 38° 09' 5.2" N. and Long. 75° 55' 28.6" W.; then running approximately 220° True to a point (24B), defined by Lat. 38° 08' 59.3" N. and Long. 75° 55' 34.8" W.; then running approximately 141° True to a point (24C), defined by Lat. 38° 08' 48.2" N. and Long. 75° 55' 23.4" W.; then running approximately 127° True to a point (24D), defined by Lat. 38° 08' 38.1" N. and Long. 75° 55' 6.0" W.; then running approximately 22° True to a point at or near the shore of Laws Thorofare (24E), defined by Lat. 38° 08' 47.2" N. and Long. 75° 55' 1.3" W.

All of the waters of Laws Thorofare enclosed by a line beginning at a point at or near the west shore of Laws Thorofare (23A), defined by Lat. 38° 08' 40.1" N. and Long. 75° 55' 50.8" W.; then running approximately 101° True to a point (23B), defined by Lat. 38° 08' 37.3" N. and Long. 75° 55' 32.4" W.; then running approximately 43° True to a point (23C), defined by Lat. 38° 08' 41.6" N. and Long. 75° 55' 27.5" W.; then running approximately 311° True to a point (23D), defined by Lat. 38° 08' 58.9" N. and Long. 75° 55' 52.8" W.; then running approximately 212° True to a point at or near the west shore of Laws Thorofare (23E), defined by Lat. 38° 08' 47.0" N. and Long. 75° 56' 2.3" W.

All of the waters of Lower Thorofare and Man Gut north of a line beginning at a point at or near the west shore of Man Gut (22A), defined by Lat. 38° 07' 58.1" N. and Long. 75° 56' 39.6" W. then running approximately 179° True to a point (22B), defined by Lat. 38° 07' 46.5" N. and Long. 75° 56' 39.4" W.; then running approximately 91° True to a point (22C), defined by Lat. 38° 07' 46.2" N. and Long. 75° 56' 25.0" W.; then running approximately 360° True to a point at or near the north shore of Lower Thorofare (22D), defined by Lat. 38° 07' 55.6" N. and Long. 75° 56' 25.1" W.

All of the waters of the Manokin River north of a line beginning at a point at or near the shore of Little Deal Island (21A), defined by Lat. 38° 06' 50.0" N. and Long. 75° 56' 15.6" W.; then running approximately 36° True to a point at or near the shore at Claw Point (21B), defined by Lat. 38° 07' 1.6" N. and Long. 75° 56' 5.1" W.

All of the waters of Piney Creek north of a line beginning at a point at or near the shore at Pin Point (20A), defined by Lat. 38° 06' 42.2" N. and Long. 75° 56' 27.0" W.; then running approximately 43° True to a point at or near the shore on the west side of Piney Creek (20B), defined by Lat. 38° 06' 48.5" N. and Long. 75° 56' 19.5" W.

All of the waters of Muscle Hole Creek north of a line beginning at a point at or near the west shore of Muscle Hole Creek (18A), defined by Lat. 38° 04' 30.6" N. and Long. 76° 00' 37.2" W.; then running approximately 48° True to a point at or near the east shore of



Muscle Hole Creek (18B), defined by Lat. 38° 04' 39.0" N. and Long. 76° 00' 25.1" W.

All of the waters of Sheepshead Harbor east of a line beginning at a point at or near the shore at the north side of Sheepshead Harbor (17A), defined by Lat. 38° 05' 0.4" N. and Long. 76° 01' 37.9" W.; then running approximately 216° True to a point (17B), defined by Lat. 38° 04' 47.7" N. and Long. 76° 01' 49.5" W.; then running approximately 174° True to a point (17C), defined by Lat. 38° 04' 29.2" N. and Long. 76° 01' 47.2" W.; then running approximately 104° True to a point at or near the shore at the east entrance of Sheepshead Harbor (17D), defined by Lat. 38° 04' 19.6" N. and Long. 76° 00' 59.4" W.

All of the waters of Pry Cove south of a line beginning at a point at or near the south shore of Pry Cove (16A), defined by Lat. 38° 05' 20.6" N. and Long. 76° 02' 7.0" W.; then running approximately 331° True to a point (16B), defined by Lat. 38° 05' 37.3" N. and Long. 76° 02' 18.6" W.; then running approximately 297° True to a point (16C), defined by Lat. 38° 05' 43.8" N. and Long. 76° 02' 34.9" W.; then running approximately 207° True to a point at or near the south shore of Pry Cove (16D), defined by Lat. 38° 05' 26.5" N. and Long. 76° 02' 46.1" W.

All of the waters of Pry Cove north of a line beginning at a point at or near the north shore of Pry Cove (15A), defined by Lat. 38° 06' 4.7" N. and Long. 76° 02' 23.7" W.; then running approximately 134° True to a point (15B), defined by Lat. 38° 05' 59.7" N. and Long. 76° 02' 17.2" W.; then running approximately 106° True to a point at or near the north shore of Pry Cove (15C), defined by Lat. 38° 05' 55.3" N. and Long. 76° 01' 58.2" W.

All of the waters of Johnson Cove and Little Pungers Creek east of a line beginning at a point at or near the north entrance of Johnson Cove (14A), defined by Lat. 38° 07' 3.9" N. and Long. 76° 02' 37.2" W.; then running approximately 207° True to a point (14B), defined by Lat. 38° 06' 56.4" N. and Long. 76° 02' 42.2" W.; then running approximately 189° True to a point (14C), defined by Lat. 38° 06' 42.0" N. and Long. 76° 02' 45.0" W.; then running approximately 135° True to a point at or near the south shore of Johnson Cove (14D), defined by Lat. 38° 06' 34.7" N. and Long. 76° 02' 35.7" W.

All of the waters of Pungers Creek south of a line beginning at a point at or near the shore at the east side of Pungers Creek (13A), defined by Lat. 38° 07' 28.3" N. and Long. 76° 02' 1.7" W.; then running approximately 254° True to a point at or near the shore at the west side of Pungers Creek (13B), defined by Lat. 38° 07' 27.4" N. and Long. 76° 02' 5.7" W.

All of the waters of Gunbarrel Cove south of a line beginning at a point at or near the shore at the east side of Gunbarrel Cove (12A), defined by Lat. 38° 07' 23.7" N. and Long. 76° 01' 45.4" W.; then running approximately 306° True to a point at or near the shore at the west side of Gunbarrel Cove (12B), defined by Lat. 38° 07' 31.8" N. and Long. 76° 01' 59.6" W.

All of the waters of Pungers Creek, Pungers Cove, and Sound Gut west of a line beginning at a point at or near the shore on the east side of South Marsh Island (19A), defined by Lat. 38° 06' 13.6" N. and Long. 76° 01' 2.7" W.; then running approximately 14° True to a point (19B), defined by Lat. 38° 06' 20.2" N. and Long. 76° 01' 0.7" W.; then running approximately 345° True to a point (19C), defined by Lat. 38° 06' 30.4" N. and Long. 76° 01' 4.2" W.; then running approximately 16° True to a point at or near the shore on the east side of Old Ground Marsh (19D), defined by Lat. 38° 07' 18.4" N. and Long. 76° 00' 47.1" W.

#### Dorchester County

All of the waters of Okahanikan Cove, Pone Cove, Holland Straits, and Northeast Cove enclosed by a line beginning at a point at or near the shore of Okahanikan Cove (10A), defined by Lat. 38° 11' 32.2" N. and Long. 76° 03' 31.6" W.; then running approximately

273° True to a point (10B), defined by Lat. 38° 11' 37.1" N. and Long. 76° 05' 23.8" W.; then running approximately 182° True to a point (10C), defined by Lat. 38° 10' 18.4" N. and Long. 76° 05' 27.3" W.; then running approximately 181° True to a point (10D), defined by Lat. 38° 09' 39.1" N. and Long. 76° 05' 27.8" W.; then running approximately 181° True to a point (10E), defined by Lat. 38° 09' 9.1" N. and Long. 76° 05' 28.4" W.; then running approximately 180° True to a point (10F), defined by Lat. 38° 08' 41.1" N. and Long. 76° 05' 28.5" W.; then running approximately 180° True to a point (10G), defined by Lat. 38° 08' 8.6" N. and Long. 76° 05' 28.3" W.; then running approximately 111° True to a point (10H), defined by Lat. 38° 07' 58.0" N. and Long. 76° 04' 52.5" W.; then running approximately 143° True to a point (10I), defined by Lat. 38° 07' 49.6" N. and Long. 76° 04' 44.5" W.; then running approximately 20° True to a point (10J), defined by Lat. 38° 08' 57.4" N. and Long. 76° 04' 13.2" W.; then running approximately 96° True to a point at or near the shore at Cove Point on Bloodworth Island (10K), defined by Lat. 38° 08' 51.7" N. and Long. 76° 03' 7.6" W.

All of the waters of Piney Island Cove west of a line beginning at a point at or near the shore of Bloodworth Island on the south side of Piney Island Cove (11A), defined by Lat. 38° 11' 2.2" N. and Long. 76° 01' 49.0" W.; then running approximately 330° True to a point at or near the shore of Bloodworth Island on the north side of Piney Island Cove (11B), defined by Lat. 38° 11' 33.7" N. and Long. 76° 02' 11.8" W.

All of the waters of Brannock Bay east of a line beginning at a point at or near the south side of Cook's Point (9A), defined by Lat. 38° 36' 35.9" N. and Long. 76° 16' 38.6" W.; then running approximately 185° True to a point (9B), defined by Lat. 38° 35' 51.4" N. and Long. 76° 16' 43.2" W.; then running approximately 201° True to a point (9C), defined by Lat. 38° 35' 7.5" N. and Long. 76° 17' 5.0" W.; then running approximately 249° True to a point at or near Mills Point (9D), defined by Lat. 38° 34' 59.5" N. and Long. 76° 17' 31.5" W.

All of the waters of Cook's Point Cove south of a line beginning at a point at or near the shore at the east side of Cooks Point Cove (8A), defined by Lat. 38° 37' 2.2" N. and Long. 76° 15' 39.4" W.; then running approximately 268° True to a point (8B), defined by Lat. 38° 37' 1.5" N. and Long. 76° 16' 4.3" W.; then running approximately 296° True to a point at or near the east shore of Cook's Point (8C), defined by Lat. 38° 37' 9.4" N. and Long. 76° 16' 25.2" W.

All of the waters of Cook's Point Cove east of a line beginning at a point at or near the shore of the west side of Todd's Point (7A), defined by Lat. 38° 37' 16.7" N. and Long. 76° 15' 12.6" W.; then running approximately 227° True to a point (7B), defined by Lat. 38° 37' 7.5" N. and Long. 76° 15' 25.1" W.; then running approximately 179° True to a point at or near the shore (7C), defined by Lat. 38° 36' 52.5" N. and Long. 76° 15' 24.8" W.

All of the waters of Todd's Point Cove west of a line beginning at a point at or near the shore at the south side of Todd's Point Cove (6A), defined by Lat. 38° 36' 46.8" N. and Long. 76° 13' 46.6" W.; then running approximately 19° True to a point (6B), defined by Lat. 38° 36' 58.1" N. and Long. 76° 13' 41.7" W.; then running approximately 339° True to a point (6C), defined by Lat. 38° 37' 15.0" N. and Long. 76° 13' 50.1" W.; then running approximately 339° True to a point (6D), defined by Lat. 38° 37' 31.3" N. and Long. 76° 13' 58.3" W.; then running approximately 255° True to a point at or near the east shore of Todds Point (6E), defined by Lat. 38° 37' 29.7" N. and Long. 76° 14' 5.8" W.

#### Talbot County

All of the waters of Blackwalnut Cove enclosed by a line beginning at a point at or near the west shore of Blackwalnut Cove

(5A), defined by Lat. 38° 40' 47.3" N. and Long. 76° 20' 21.0" W.; then running approximately 32° True to a point (5B), defined by Lat. 38° 40' 55.1" N. and Long. 76° 20' 14.7" W.; then running approximately 123° True to a point (5C), defined by Lat. 38° 40' 53.2" N. and Long. 76° 20' 10.9" W.; then running approximately 153° True to a point (5D), defined by Lat. 38° 40' 49.5" N. and Long. 76° 20' 8.5" W.; then running approximately 168° True to a point (5E), defined by Lat. 38° 40' 43.8" N. and Long. 76° 20' 6.9" W.; then running approximately 262° True to a point at or near the west shore of Blackwalnut Cove (5F), defined by Lat. 38° 40' 42.5" N. and Long. 76° 20' 18.4" W.

All of the waters of Blackwalnut Cove enclosed by a line beginning at a point at or near the east shore of Blackwalnut Cove (4A), defined by Lat. 38° 40' 46.8" N. and Long. 76° 19' 56.2" W.; then running approximately 252° True to a point (4B), defined by Lat. 38° 40' 46.0" N. and Long. 76° 19' 59.5" W.; then running approximately 327° True to a point (4C), defined by Lat. 38° 40' 51.4" N. and Long. 76° 20' 4.0" W.; then running approximately 360° True to a point (4D), defined by Lat. 38° 40' 54.8" N. and Long. 76° 20' 4.0" W.; then running approximately 359° True to a point (4E), defined by Lat. 38° 40' 58.3" N. and Long. 76° 20' 4.0" W.; then running approximately 20° True to a point (4F), defined by Lat. 38° 41' 3.9" N. and Long. 76° 20' 1.5" W.; then running approximately 100° True to a point at or near the east shore of Blackwalnut Cove (4G), defined by Lat. 38° 41' 3.0" N. and Long. 76° 19' 54.8" W.

All of the waters of the Choptank River west of a line beginning at a point at or near the shore at Upper Bar Neck Point (3A), defined by Lat. 38° 41' 19.9" N. and Long. 76° 19' 18.8" W.; then running approximately 166° True to a point (3B), defined by Lat. 38° 40' 55.0" N. and Long. 76° 19' 10.9" W.; then running approximately 260° True to a point at or near the shore of Bar Neck (3C), defined by Lat. 38° 40' 53.4" N. and Long. 76° 19' 22.8" W.

All of the waters of the Choptank River southwest of a line beginning at a point at or near the shore of Tilghman Island (2A), defined by Lat. 38° 41' 38.1" N. and Long. 76° 19' 39.7" W.; then running approximately 87° True to a point (2B), defined by Lat. 38° 41' 38.5" N. and Long. 76° 19' 28.2" W.; then running approximately 164° True to a point at or near the shore of Tilghman Island, north of Upper Bar Neck Point (2C), defined by Lat. 38° 41' 27.7" N. and Long. 76° 19' 24.1" W.

All of the waters of the Choptank River southwest of a line beginning at a point at or near the shore of Tilghman Island (1A), defined by Lat. 38° 42' 1.3" N. and Long. 76° 19' 56.5" W.; then running approximately 129° True to a point (1B), defined by Lat. 38° 41' 52.3" N. and Long. 76° 19' 42.6" W.; then running approximately 183° True to a point at or near the shore of Tilghman Island (1C), defined by Lat. 38° 41' 45.3" N. and Long. 76° 19' 43.1" W.

#### **Saint Mary's County**

All of the waters of Calvert Bay and Calvert Creek northeast of a line beginning at a point at or near the shore of Calvert Bay (61A), defined by Lat. 38° 05' 57.2" N. and Long. 76° 23' 25.0" W.; then running approximately 300° True to a point (61B), defined by Lat. 38° 06' 3.1" N. and Long. 76° 23' 37.7" W.; then running approximately 319° True to a point at or near the shore of Tick Neck (61C), defined by Lat. 38° 06' 15.6" N. and Long. 76° 23' 51.7" W.

All of the waters of Saint Mary's River enclosed by a line beginning at a point at or near the shore at Windmill Point (62A), defined by Lat. 38° 09' 31.3" N. and Long. 76° 26' 59.6" W.; then running approximately 34° True to a point (62B), defined by Lat. 38° 09' 43.3" N. and Long. 76° 26' 49.5" W.; then running approximately 167° True to a point (62C), defined by Lat. 38° 09' 30.9" N. and Long. 76° 26' 45.8" W.; then running approximately

195° True to a point (62D), defined by Lat. 38° 09' 19.2" N. and Long. 76° 26' 49.8" W.; then running approximately 325° True to a point at or near the shore at Windmill Point (62E), defined by Lat. 38° 09' 31.2" N. and Long. 76° 27' 0.3" W.

All of the waters of Saint Mary's River west of a line beginning at a point at or near the shore at Edmund Point (63A), defined by Lat. 38° 08' 22.2" N. and Long. 76° 27' 40.3" W.; then running approximately 89° True to a point (63B), defined by Lat. 38° 08' 22.3" N. and Long. 76° 27' 35.6" W.; then running approximately 173° True to a point (63C), defined by Lat. 38° 07' 58.2" N. and Long. 76° 27' 32.1" W.; then running approximately 219° True to a point at or near the shore at Cherryfield Point (63D), defined by Lat. 38° 07' 41.1" N. and Long. 76° 27' 49.9" W.

All of the waters of Saint Mary's River and Saint George's Creek west of a line beginning at a point at or near the shore at Indigo Point of Saint Georges Island (64A), defined by Lat. 38° 06' 34.6" N. and Long. 76° 28' 1.9" W.; then running approximately 53° True to a point (64B), defined by Lat. 38° 06' 42.4" N. and Long. 76° 27' 49.0" W.; then running approximately 359° True to a point at or near the shore at Cherryfield Point (64C), defined by Lat. 38° 07' 41.6" N. and Long. 76° 27' 50.2" W.; and south of a line beginning at a point at or near the east shore of Price Cove (64D), defined by Lat. 38° 08' 22.8" N. and Long. 76° 28' 18.3" W.; then running approximately 234° True to a point at or near a point at or near the west shore of Price Cove (64E), defined by Lat. 38° 08' 15.8" N. and Long. 76° 28' 30.4" W.; and east of a line beginning at a point at or near the shore at Taylor Point (64F), defined by Lat. 38° 08' 32.7" N. and Long. 76° 29' 37.5" W.; then running approximately 145° True to a point at or near the shore on an unnamed island (64G), defined by Lat. 38° 08' 31.7" N. and Long. 76° 29' 36.6" W.; and east of a line beginning at a point at or near the shore of an unnamed island (64H), defined by Lat. 38° 08' 29.8" N. and Long. 76° 29' 39.1" W.; then running approximately 227° True to a point (64I), defined by Lat. 38° 08' 12.9" N. and Long. 76° 30' 1.7" W.; then running approximately 132° True to a point at or near the north tip of Saint George's Island (64J), defined by Lat. 38° 08' 9.3" N. and Long. 76° 29' 56.7" W.

#### **Worcester County**

All of the waters of Parker Bay enclosed by a line beginning at a point at or near the north side of Purnell Point (100001), defined by Latitude 38° 01.960' North and Longitude 75° 21.443' West; then running northwesterly along the shore to a point (100002), defined by Latitude 38° 02.157' North and Longitude 75° 21.793' West; then running approximately 29° (true) to a point at or near the shore (100003), defined by Latitude 38° 02.169' North and Longitude 75° 21.785' West; then running northerly along the shore to a point at or near the north side of Georges Island Landing (100004), defined by Latitude 38° 02.487' North and Longitude 75° 21.684' West; then running approximately 34° (true) to a point (100005), defined by Latitude 38° 03.024' North and Longitude 75° 21.220' West; then running approximately 59° (true) to a point at or near the northwest tip of Mills Island (100006), defined by Latitude 38° 03.223' North and Longitude 75° 20.799' West; then running easterly along the shore of Mills Island to a point (100007), defined by Latitude 38° 03.236' North and Longitude 75° 20.630' West; then running approximately 115° (true) to a point at or near the west shore of Mills Island (100008), defined by Latitude 38° 03.226' North and Longitude 75° 20.603' West; then running southwesterly along the west shore of Mills Island to a point at or near the southwest tip of Mills Island (100009), defined by Latitude 38° 02.228' North and Longitude 75° 21.337' West; then running approximately 197° (true) to the point of beginning.

All of the waters of Chincoteague Bay enclosed by a line beginning at a point at or near the shore of a cove on the east side of Mills Island (100010), defined by Latitude 38° 02.713' North and

Longitude 75° 19.987' West; then running approximately 41° (true) to a point at or near the shore of a cove on the east side of Mills Island (100011), defined by Latitude 38° 02.998' North and Longitude 75° 19.670' West; then running southwesterly along the shore of Mills Island to the point of beginning.

All of the waters of Johnson Bay enclosed by a line beginning at a point at or near the shore of a cove on the north side of Mills Island (100012), defined by Latitude 38° 03.212' North and Longitude 75° 20.589' West; then running approximately 91° (true) to a point at or near the shore of a cove on the north side of Mills Island (100013), defined by Latitude 38° 03.206' North and Longitude 75° 19.742' West; then running westerly along the shore of Mills Island to the point of beginning.

All of the waters of Johnson Bay enclosed by a line beginning at a point (100014), defined by Latitude 38° 04.196' North and Longitude 75° 19.748' West; then running approximately 294° (true) to a point (100015), defined by Latitude 38° 04.514' North and Longitude 75° 20.662' West; then running approximately 34° (true) to a point at or near the south shore of Tizzard Island (100016), defined by Latitude 38° 04.609' North and Longitude 75° 20.582' West; then running southeasterly along the shore of Tizzard Island to a point (100017), defined by Latitude 38° 04.302' North and Longitude 75° 19.695' West; then running approximately 201° (true) to the point of beginning.

All of the waters of Rowley Bay enclosed by a line beginning at a point (100018), defined by Latitude 38° 04.954' North and Longitude 75° 20.991' West; then running approximately 347° (true) to a point at or near the shore (100019), defined by Latitude 38° 05.008' North and Longitude 75° 21.007' West; then running easterly along the shore to a point (100020), defined by Latitude 38° 05.145' North and Longitude 75° 20.736' West; then running approximately 126° (true) to a point (100021), defined by Latitude 38° 05.091' North and Longitude 75° 20.644' West; then running approximately 213° (true) to a point (100022), defined by Latitude 38° 04.975' North and Longitude 75° 20.740' West; then running approximately 264° (true) to the point of beginning.

All of the waters of Chincoteague Bay enclosed by a line beginning at a point at or near the west side of Assateague Island near the Maryland - Virginia State line (100023), defined by Latitude 38° 01.598' North and Longitude 75° 15.023' West; then running approximately 264° (true) to a point (100024), defined by Latitude 38° 01.409' North and Longitude 75° 17.131' West; then running approximately 30° (true) to a point (100025), defined by Latitude 38° 02.031' North and Longitude 75° 16.676' West; then running approximately 72° (true) to a point (100026), defined by Latitude 38° 02.102' North and Longitude 75° 16.398' West; then running approximately 31° (true) to a point (100027), defined by Latitude 38° 02.859' North and Longitude 75° 15.815' West; then running approximately 348° (true) to a point (100028), defined by Latitude 38° 04.103' North and Longitude 75° 16.150' West; then running approximately 37° (true) to a point (100029), defined by Latitude 38° 06.194' North and Longitude 75° 14.132' West; then running approximately 75° (true) to a point (100030), defined by Latitude 38° 06.374' North and Longitude 75° 13.297' West; then running approximately 40° (true) to a point (100031), defined by Latitude 38° 07.492' North and Longitude 75° 12.089' West; then running approximately 350° (true) to a point (100032), defined by Latitude 38° 11.081' North and Longitude 75° 12.915' West; then running approximately 45° (true) to a point (100033), defined by Latitude 38° 12.131' North and Longitude 75° 11.571' West; then running approximately 62° (true) to a point (100034), defined by Latitude 38° 12.640' North and Longitude 75° 10.331' West; then running approximately 357° (true) to a point (100035), defined by Latitude 38° 13.262' North and Longitude 75° 10.374' West; then running approximately 37° (true) to a point (100036), defined by Latitude 38°

14.220' North and Longitude 75° 09.473' West; then running approximately 48° (true) to a point (100037), defined by Latitude 38° 14.660' North and Longitude 75° 08.862' West; then running southerly along the west shore of Assateague Island to the point of beginning.

All of the waters of Sinepuxent Bay west of a line beginning at a point at or near Green Point (100038), defined by Latitude 38° 13.868' North and Longitude 75° 10.241' West; then running approximately 41° (true) to a point (100039), defined by Latitude 38° 14.237' North and Longitude 75° 09.829' West; then running approximately 46° (true) to a point (100040), defined by Latitude 38° 14.768' North and Longitude 75° 09.125' West; then running approximately 316° (true) to a point at or near the shore of Sinepuxent Neck (100041), defined by Latitude 38° 14.807' North and Longitude 75° 09.174' West; then running southwesterly along the shore of Sinepuxent Neck to the point of beginning.

All of the waters of Newport Bay enclosed by a line beginning at a point at or near South Point (100042), defined by Latitude 38° 12.467' North and Longitude 75° 11.563' West; then running approximately 211° (true) to a point (100043), defined by Latitude 38° 12.423' North and Longitude 75° 11.597' West; then running approximately 263° (true) to a point (100044), defined by Latitude 38° 12.401' North and Longitude 75° 11.814' West; then running approximately 332° (true) to a point (100045), defined by Latitude 38° 12.900' North and Longitude 75° 12.154' West; then running approximately 77° (true) to a point at or near Island Point (100046), defined by Latitude 38° 12.921' North and Longitude 75° 12.038' West; then running southeasterly along the shore of Lower Sinepuxent Neck to the point of beginning.

All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore of the MD Route 611 causeway (100047), defined by Latitude 38° 14.583' North and Longitude 75° 08.739' West; then running approximately 40° (true) to a point (100048), defined by Latitude 38° 15.073' North and Longitude 75° 08.219' West; then running approximately 22° (true) to a point (100049), defined by Latitude 38° 15.633' North and Longitude 75° 07.929' West; then running approximately 97° (true) to a point at or near the west shore of Assateague Island (100050), defined by Latitude 38° 15.613' North and Longitude 75° 07.712' West; then running southerly along the shore to the point of beginning.

All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore at Sandy Point (100051), defined by Latitude 38° 14.807' North and Longitude 75° 09.103' West; then running approximately 24° (true) to a point (100052), defined by Latitude 38° 15.126' North and Longitude 75° 08.919' West; then running approximately 343° (true) to a point at or near the shore of Lower Sinepuxent Neck (100053), defined by Latitude 38° 15.647' North and Longitude 75° 09.117' West; then running southerly along the shore to the point of beginning.

All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore at Sandy Cove (100054), defined by Latitude 38° 15.773' North and Longitude 75° 08.941' West; then running approximately 69° (true) to a point (100055), defined by Latitude 38° 15.941' North and Longitude 75° 08.402' West; then running approximately 16° (true) to a point at or near the shore at Grays Point (100056), defined by Latitude 38° 16.576' North and Longitude 75° 08.171' West; then running southerly along the shore to the point of beginning.

All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the west shore of Assateague Island (100057), defined by Latitude 38° 16.331' North and Longitude 75° 07.358' West; then running approximately 325° (true) to a point (100058), defined by Latitude 38° 16.796' North and Longitude 75° 07.778' West; then running approximately 5° (true) to a point (100059), defined by Latitude 38° 17.377' North and Longitude 75° 07.709'

West; then running approximately 29° (true) to a point (100060), defined by Latitude 38° 17.533' North and Longitude 75° 07.598' West; then running approximately 41° (true) to a point (100061), defined by Latitude 38° 17.929' North and Longitude 75° 07.157' West; then running approximately 91° (true) to a point at or near the west shore of Assateague Island (100062), defined by Latitude 38° 17.923' North and Longitude 75° 06.754' West; then running southerly along the shore to the point of beginning.

All of the waters of Isle of Wight Bay and Assawoman Bay enclosed by a line beginning at a point at or near the shore (100063), defined by Latitude 38° 22.195' North and Longitude 75° 04.430' West; then running approximately 336° (true) to a point (100064), defined by Latitude 38° 23.262' North and Longitude 75° 05.038' West; then running approximately 19° (true) to a point (100065), defined by Latitude 38° 24.152' North and Longitude 75° 04.644' West; then running approximately 355° (true) to a point (100066), defined by Latitude 38° 24.659' North and Longitude 75° 04.698' West; then running approximately 51° (true) to a point at or near the shore (100067), defined by Latitude 38° 25.017' North and Longitude 75° 04.127' West; then running southerly along the shore to the point of beginning.

All of the waters of Assawoman Bay enclosed by a line beginning at a point (100068), defined by Latitude 38° 25.160' North and Longitude 75° 04.639' West; then running approximately 360° (true) to a point (100069), defined by Latitude 38° 25.342' North and Longitude 75° 04.639' West; then running approximately 90° (true) to a point (100070), defined by Latitude 38° 25.342' North and Longitude 75° 04.417' West; then running approximately 180° (true) to a point (100071), defined by Latitude 38° 25.160' North and Longitude 75° 04.417' West; then running approximately 270° (true) to the point of beginning.

JOHN R. GRIFFIN

Secretary

Maryland Department of Natural Resources

**Contact:** Tamara O'Connell (410) 260-8271

[13-06-55]

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### ATHLETIC COMMISSION

**Subject:** Public Meeting  
**Date and Time:** March 28, 2013, 2 — 4:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223  
 [13-06-41]

### ADVISORY COUNCIL ON CEMETERY OPERATIONS

**Subject:** Public Meeting  
**Date and Time:** March 28, 2013, 10 a.m. — 1 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Marilyn Harris-Davis (410) 230-6228  
 [13-06-16]

### ADVISORY COUNCIL ON CEMETERY OPERATIONS

**Subject:** Public Meeting  
**Date and Time:** April 25, 2013, 10 a.m. — 1 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Marilyn Harris-Davis (410) 230-6228  
 [13-06-17]

### CONSUMER COUNCIL OF MARYLAND

**Subject:** Public Meeting  
**Date and Time:** April 5, 2013, 9:15 — 11 a.m.  
**Place:** 200 St. Paul Pl., 16th Fl., Baltimore, MD  
**Contact:** Stephanie A. Hodge (410) 576-6557  
 [13-06-57]

### BOARD OF MASTER ELECTRICIANS

**Subject:** Public Meeting  
**Date and Time:** May 28, 2013, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Gae Herzberger (410) 230-6163  
 [13-06-27]

### STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

**Subject:** Public Meeting  
**Date and Time:** April 4, 2013, 1 — 3 p.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [13-06-19]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** April 9, 2013, 9 — 11 a.m.; part of the meeting may include a closed session  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [13-06-18]

### UNINSURED EMPLOYERS' FUND BOARD

**Subject:** Public Meeting  
**Date and Time:** April 16, 2013, 10 a.m. — 12 p.m.  
**Place:** 300 E. Joppa Rd., Ste. 402, Towson, MD  
**Add'l. Info:** Portions of this meeting may be held in closed session.  
**Contact:** William Konstas (410) 321-4136  
 [13-06-22]

### BOARD FOR PROFESSIONAL ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** April 11, 2013, 9 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262  
 [13-06-46]

### BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

**Subject:** Public Meeting  
**Date and Time:** April 6, 2013, 10 a.m. — 3 p.m.  
**Place:** Howard Co. Bureau of Utilities Bldg., 8270 Old Montgomery Rd. Columbia, MD  
**Add'l. Info:** The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.  
**Contact:** James T. Merrrow (410) 764-4788  
 [13-06-35]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting  
**Date and Time:** April 18, 2013, 9:30 a.m.  
**Place:** Laurel Municipal Bldg. Council Chambers, 8103 Sandy Spring Rd., Laurel, MD  
**Add'l. Info:** If public schools in Prince George's County are closed due to inclement weather, the meeting and any appeals will be rescheduled.  
**Contact:** Heidi Ritchie (877) 890-0199  
 [13-06-43]

### BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

**Subject:** Public Meeting  
**Date and Time:** April 10, 2013, 9:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Steve Smitson (410) 230-6169  
 [13-06-09]

### STATE ADVISORY BOARD FOR JUVENILE SERVICES

**Subject:** Public Meeting  
**Date and Time:** April 16, 2013, 2 — 4 p.m.; Additional Dates: May 21, June 18, September 9, October 15, November 19, December 12, 2013, 2 — 4 p.m.  
**Place:** Meeting Locations to Be Announced  
**Contact:** Tim Gilbert (410) 230-3488  
 [13-06-26]

GENERAL NOTICES

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Meeting
Date and Time: April 9, 2013, 8 a.m.
Place: 10946 Golden West Dr., Ste. 160, Hunt Valley, MD
Add'l. Info: The Board of Boiler Rules will hold a joint meeting with the Board of Stationary Engineers to discuss issues relating to boiler and pressure vessel safety. Following the joint meeting, the Board of Boiler Rules will hold their regularly scheduled board meeting and may consider requests for variance from regulations. Interested persons should call the contact person to confirm the meeting.
Contact: Debbie Stone (410) 767-2225 [13-06-36]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: April 3, 2013, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: The Minimum Standards of Practice Committee will convene immediately following the regular meeting.
Contact: Pamela J. Edwards (410) 230-6262 [13-06-45]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: April 18, 2013, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460 [13-06-21]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Meeting
Date and Time: April 2, 2013, 8:30
Place: Maryland Public Television, Owings Mills, MD
Contact: Sharon Abernathy (410) 581-4141 [13-06-07]

GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS

Subject: Public Meeting
Date and Time: April 8, 2013, 1 — 3:30 p.m.
Place: Maryland Historical Trust, 100 Community Pl., Crownsville, MD
Contact: Khary McDonald (410) 260-3838 [13-06-51]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: April 10, 2013, 9:30 a.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750 [13-06-38]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: April 19, 2013, 8:30 a.m. — 2 p.m.
Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.
Contact: Marilyn Pinkney (410) 402-8556 [13-06-15]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: May 20, 2013, 10 a.m. — 12 p.m.
Place: Maryland Dept. of Aging, 301 W. Preston St., Rm. 1007, Baltimore, MD
Contact: Paul Ballard (410) 767-6918 [13-06-44]

BOARD OF PILOTS

Subject: Public Meeting
Date and Time: April 12, 2013, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262 [13-06-47]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: April 11, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [13-06-10]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: May 9, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [13-06-11]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: June 13, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [13-06-12]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: July 11, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [13-06-13]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 12, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [13-06-14]

POLICE TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 10, 2013, 1:30 — 5 p.m.
Place: Public Safety Education & Training Center, Sykesville, MD
Add'l. Info: Please note that this is a change in the meeting time from that published in the March 8, 2013, issue of the Maryland Register.
Contact: Thomas C. Smith (410) 875-3605 [13-06-49]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Meeting
Date and Time: April 12, 2013, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided

upon request. Proposed changes to COMAR may be discussed.

**Contact:** Dorothy Kutcherman (410) 764-4703

[13-06-28]

**COMMISSION OF REAL ESTATE  
APPRAISERS AND HOME  
INSPECTORS**

**Subject:** Public Meeting

**Date and Time:** April 9, 2013, 10:30 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., Baltimore, MD

**Contact:** Patti Schott (410) 230-6165

[13-06-06]

**REAL ESTATE COMMISSION**

**Subject:** Public Meeting

**Date and Time:** April 17, 2013, 10:30 a.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-06-24]

**REAL ESTATE COMMISSION**

**Subject:** Public Hearing

**Date and Time:** April 17, 2013, 12:30 p.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-06-25]

**MARYLAND STATE  
REHABILITATION COUNCIL AND  
THE MARYLAND DIVISION OF  
REHABILITATION SERVICES  
(DORS)**

**Subject:** Public Meeting

**Date and Time:** April 2, 2013, 3:30 — 5 p.m.

**Additional Dates:** April 4, 2013 (Teleconference), 10 — 11 a.m.; April 5, 2013, 1:30 — 3 p.m.; April 9, 2013, 2:30 — 4 p.m.; April 10, 2013, 2:30 — 4 p.m.

**Place:** Southern Maryland — Beco Conference Center, 4425 Forbes Blvd., Ste. D, Lanham, MD

**Add'l. Info:** The Maryland State Rehabilitation Council and the Maryland Division of Rehabilitation Services (DORS) invite people with disabilities, parents, educators, advocates, and others to public meetings to comment on the State's public vocational rehabilitation program and the State Plan for Vocational Rehabilitation. The State Plan assures that DORS operates in accordance with the federal Rehabilitation Act. The public can read in advance and comment about

updates in the Division's policies, initiatives, and the State Plan by visiting [www.dors.state.md.us](http://www.dors.state.md.us), by calling 410-554-9435 or 1-888-554-0334, or by emailing [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

There will also be time for audience members to discuss other topics of concern.

After each meeting, DORS staff will be on hand for individualized assistance. For directions, more information, or to arrange accommodations visit [www.dors.state.md.us](http://www.dors.state.md.us), call 888-554-0334, or email [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

Sign language interpreters will attend each meeting. Contact DORS to request a foreign language interpreter.

If local government closes that county's schools for inclement weather, that day's meeting will be canceled.

Address requests for copies of the State Plan for Vocational Rehabilitation Services as well as other inquiries to Kimberlee Schultz, Staff Specialist, Public Information & Planning, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9435 or 1-888-554-0334, or email [kschultz@dors.state.md.us](mailto:kschultz@dors.state.md.us).

**Contact:** Kimberlee Schultz, Staff Specialist (410) 554-9435

[13-06-30]

**MARYLAND STATE  
REHABILITATION COUNCIL AND  
THE MARYLAND DIVISION OF  
REHABILITATION SERVICES  
(DORS)**

**Subject:** Public Meeting

**Date and Time:** April 4, 2013, 10 — 11 a.m.

**Additional Dates:** April 5, 2013, 1:30 — 3 p.m.; April 9, 2013, 2:30 — 4 p.m.; April 10, 2013, 2:30 — 4 p.m.

**Place:** Statewide Teleconference

**Add'l. Info:** Statewide Teleconference, Toll Free: 855-297-3227, Conference Code: 2962465410.

The Maryland State Rehabilitation Council and the Maryland Division of Rehabilitation Services (DORS) invite people with disabilities, parents, educators, advocates, and others to participate in a teleconference to comment on the State's public vocational rehabilitation program and the State Plan for Vocational Rehabilitation. The State Plan assures that DORS operates in accordance with the federal Rehabilitation Act. The public can read in advance and comment about updates in the Division's policies, initiatives, and the State Plan by visiting [www.dors.state.md.us](http://www.dors.state.md.us), by calling 410-554-9435 or 1-888-554-0334, or by emailing [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

There will also be an open discussion period at the end of the teleconference when participants may bring up other topics of concern.

For more information, or to arrange accommodations, visit [www.dors.state.md.us](http://www.dors.state.md.us), call 888-554-0334, or email [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

Contact DORS to request a foreign language interpreter.

If Baltimore City government closes city schools for inclement weather, the teleconference will be canceled.

Address requests for copies of the State Plan for Vocational Rehabilitation Services as well as other inquiries to Kimberlee Schultz, Staff Specialist, Public Information & Planning, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9435 or 1-888-554-0334, or email [kschultz@dors.state.md.us](mailto:kschultz@dors.state.md.us).

**Contact:** Kimberlee Schultz, Staff Specialist (410) 554-9435

[13-06-33]

**MARYLAND STATE  
REHABILITATION COUNCIL AND  
THE MARYLAND DIVISION OF  
REHABILITATION SERVICES  
(DORS)**

**Subject:** Public Meeting

**Date and Time:** April 5, 2013, 1:30 — 3 p.m.

**Additional Dates:** April 9, 2013, 2:30 — 4 p.m.; April 10, 2013, 2:30 — 4 p.m.

**Place:** Western Maryland — Frederick Co. Business and Employment Center, 5340 Spectrum Dr., Ste. A, Frederick, MD

**Add'l. Info:** The Maryland State Rehabilitation Council and the Maryland Division of Rehabilitation Services (DORS) invite people with disabilities, parents, educators, advocates, and others to public meetings to comment on the State's public vocational rehabilitation program and the State Plan for Vocational Rehabilitation. The State Plan assures that DORS operates in accordance with the federal Rehabilitation Act. The public can read in advance and comment about updates in the Division's policies, initiatives, and the State Plan by visiting [www.dors.state.md.us](http://www.dors.state.md.us), by calling 410-554-9435 or 1-888-554-0334, or by emailing [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

There will also be time for audience members to discuss other topics of concern.

After each meeting, DORS staff will be on hand for individualized assistance. For directions, more information, or to arrange accommodations visit [www.dors.state.md.us](http://www.dors.state.md.us), call 888-554-0334, or email [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

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Sign language interpreters will attend each meeting. Contact DORS to request a foreign language interpreter.

If local government closes that county's schools for inclement weather, that day's meeting will be canceled.

Address requests for copies of the State Plan for Vocational Rehabilitation Services as well as other inquiries to Kimberlee Schultz, Staff Specialist, Public Information & Planning, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9435 or 1-888-554-0334, or email [kschultz@dors.state.md.us](mailto:kschultz@dors.state.md.us).

**Contact:** Kimberlee Schultz, Staff Specialist (410) 554-9435

[13-06-31]

### MARYLAND STATE REHABILITATION COUNCIL AND THE MARYLAND DIVISION OF REHABILITATION SERVICES (DORS)

**Subject:** Public Meeting

**Date and Time:** April 9, 2013, 2:30 — 4 p.m.

**Additional Date:** April 10, 2013, 2:30 — 4 p.m.

**Place:** Baltimore City — VSP (Located in the Seton Business Park), 5607 Metro Dr., Baltimore, MD

**Add'l. Info:** The Maryland State Rehabilitation Council and the Maryland Division of Rehabilitation Services (DORS) invite people with disabilities, parents, educators, advocates, and others to public meetings to comment on the State's public vocational rehabilitation program and the State Plan for Vocational Rehabilitation. The State Plan assures that DORS operates in accordance with the federal Rehabilitation Act. The public can read in advance and comment about updates in the Division's policies, initiatives, and the State Plan by visiting [www.dors.state.md.us](http://www.dors.state.md.us), by calling 410-554-9435 or 1-888-554-0334, or by emailing [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

There will also be time for audience members to discuss other topics of concern.

After each meeting, DORS staff will be on hand for individualized assistance. For directions, more information, or to arrange accommodations visit [www.dors.state.md.us](http://www.dors.state.md.us), call 888-554-0334, or email [dors@dors.state.md.us](mailto:dors@dors.state.md.us).

Sign language interpreters will attend each meeting. Contact DORS to request a foreign language interpreter.

If local government closes that county's schools for inclement weather, that day's meeting will be canceled.

Address requests for copies of the State Plan for Vocational Rehabilitation Services as well as other inquiries to Kimberlee

Schultz, Staff Specialist, Public Information & Planning, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9435 or 1-888-554-0334, or email [kschultz@dors.state.md.us](mailto:kschultz@dors.state.md.us).

**Contact:** Kimberlee Schultz (410) 554-9435

[13-06-32]

### RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

**Subject:** Public Meeting

**Date and Time:** April 16, 2013, 10 a.m.

**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD

**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.

**Contact:** Angie Jenkins (410) 625-5609

[13-06-20]

### BOARD OF SOCIAL WORK EXAMINERS

**Subject:** Public Meeting

**Date and Time:** April 8, 2013, 11 a.m. — 3 p.m.

**Place:** Metro Building, 4201 Patterson Ave., Rm. 109, Baltimore, MD

**Add'l. Info:** The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.

**Contact:** James T. Merrow (410) 764-4788

[13-06-34]

### MARYLAND STATE TREASURER'S OFFICE COMMISSION ON STATE DEBT

**Subject:** Public Meeting

**Date and Time:** April 8, 2013, 2 p.m.

**Place:** Louis L. Goldstein Treasury Bldg. 80 Calvert St., Assembly Rm., #114—116, Annapolis, MD

**Add'l. Info:** Set Property Tax Rate for 2014

**Contact:** Amber Teitt (410) 260-7920

[13-06-29]

### MARYLAND VETERANS COMMISSION

**Subject:** Public Meeting

**Date and Time:** April 23, 2013, 10:30 a.m. — 1 p.m.

**Place:** Maryland Historical Trust, 100 Community Pl., Crownsville, MD

**Contact:** Khary McDonald (410) 260-3838

[13-06-50]

### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting

**Date and Time:** April 25, 2013, 9 — 11 a.m.

**Place:** 10 E. Baltimore St., Baltimore, MD

**Add'l. Info:** Portions of this meeting may be held in closed session.

**Contact:** Amy Lackington (410) 864-5300

[13-06-01]

### YOUTH CAMP SAFETY ADVISORY COUNCIL

**Subject:** Public Meeting

**Date and Time:** April 3, 2013, 10 a.m. — 12 p.m.

**Place:** Howard Co. Health Dept., 7178 Columbia Gateway Dr., Conf. Rm. A, Columbia, MD

**Add'l. Info:** The Youth Camp Safety Advisory Council meets quarterly each year to advise the Department of Health and Mental Hygiene on Maryland laws and regulations concerning youth camps.

**Contact:** Linda Rudie (410) 767-8419

[13-06-37]



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- 10 Laboratories
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- 25 Maryland Health Care Commission
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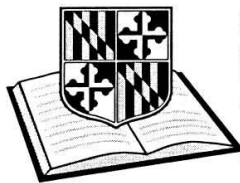
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