



STATE OF ARKANSAS
**Department of Finance
and Administration**

Arkansas Racing Commission
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Ms. Jan Bartlett
Office of the Secretary
General Counsel
Arkansas Department of Finance and Administration
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Ms. Bartlett,

The Arkansas Racing Commission is in receipt of your July 21, 2021, email regarding the requirements of Ark. Code Ann. 25-15-216(a). In the most recent legislative session, the General Assembly passed an amendment to Ark. Code Ann. 23-117-102, which was identified as Act 682 of 2021. The newly enacted law requires the Arkansas Racing Commission to license employees of Arkansas casinos and to conduct background checks of applicants for an employee license. The Act also requires the Arkansas Racing Commission to fingerprint job applicants and to forward the fingerprints to the Arkansas State Police and the FBI for criminal history and background checks.

The Arkansas Racing Commission has rules in place that comply with the requirements of this newly enacted Arkansas law. In March 2019, the Racing Commission adopted the Casino Gaming Rules. Below are Arkansas Racing Commission Casino Gaming Rules Rules 3.25 Employee Licenses and 3.26 Initial Application for an Employee License. These Rules require state and federal background checks and require the Arkansas Racing Commission staff to send the applicants' information and fingerprints to the State Police and the FBI.

3.25 Employee Licenses

1. Key Employee and General Employee Licenses

(a) Except in cases of emergency and/or unavoidable temporary incidental entry, no person may work or provide services to the Casino Gaming Operations of a Casino Licensee in the State of Arkansas unless the person has a current Key Employee License or a General Employee License issued by the Commission, as provided in these Rules. The Key or General Employee License requirements apply to persons who have direct access to the Casino Gaming equipment, games, surveillance or computer systems.

(b) Employees who perform duties in the racing industry of a Casino Licensee must have a

Racing License. In the event the employee is assigned to work in both the Racing and Casino Gaming areas, the employee must obtain both a General Employee License and a Racing License.

- (c) Key Employee and General Employee Licenses are issued for three-year periods.
- (d) Qualifications for a Key Employee or General Employee license must meet the same qualifications as stated in Section 13.10 Qualifying as a Person Related with a Service Industry License.
- (e) Key Employee Licenses or a General Employee Licenses issued pursuant to Regulations for Franchise Holders Operating Electronic Games of Skill shall also be valid Key Employee Licenses or General Employee Licenses for Casino Gaming and shall be subject to the requirements of these Rules. Such Key Employee Licenses or General Employee Licenses shall expire and be subject to renewal three years from the date of issuance of such license for Electronic Games of Skill.

3.26 Initial Application for an Employee License

- (a) Every initial application for an Employee License shall include:
 - i. A duly completed original and a photocopy of the Arkansas Racing Commission Personal History Disclosure form in accordance with these Rules;
 - ii. The documents to identify applicant, as provided in these Rules;
 - iii. A photo identification card shall be submitted by the applicant to the Commission with the filing of the license application, which will be stapled to the Arkansas Racing Commission Personal History Disclosure form in addition to submission of fingerprinting of the applicant by Commission staff or their designees, which will be submitted for state and federal regulatory inquiry purposes for criminal and financial background checks.
 - iv. The fees to be paid as provided in these Rules including late fees for late filings.
- (b) Each initial application shall be filed at or mailed to the Commission at the address of the Commission as provided on the application itself.

It is the position of the Arkansas Racing Commission that the current Casino Gaming Rules comply with the requirements of Ark. Code Ann. 23-117-102 as amended by Act 682.

If you have any questions regarding these issues, please contact me.

J.C. Campbell