

3772-50-13 Record retention requirements.

(A) Each skill-based amusement machine operator, vendor, and location licensee shall retain and maintain accurate, complete, legible, and permanent records, whether in electronic or other format, of any books, records, or documents related to the conduct or participation in the conduct of skill-based amusement machine gaming in this state for at least three years after they are created and, upon request, provide the commission with those records.

(B) At a minimum, each skill-based amusement machine vendor shall retain and maintain the following records:

- (1) The name, address, and phone number for each skill-based amusement machine operator or vendor with which the skill-based amusement machine vendor sold or otherwise provided skill-based amusement machines for use in Ohio;
- (2) The manufacturer, game name, model, and serial number of each type-B and type-C skill-based amusement machine sold or otherwise provided for use in Ohio; and
- (3) Copies of all documentation from a certified independent skill-based amusement machine testing laboratory regarding skill-based amusement machines sold or otherwise provided to a skill-based amusement machine vendor or operator licensee in Ohio.

(C) At a minimum each type-B and type-C skill-based amusement machine operator shall retain and maintain the following records:

- (1) Invoices for each skill-based amusement machine purchased or otherwise obtained from a skill-based amusement machine vendor or operator for use in this state;
- (2) Invoices for all merchandise prizes, including wholesale price per individual merchandise prize for use in this state;
- (3) A list of prizes available to be awarded to a player and the dates the listed prizes were available to be awarded to a player;
- (4) Copies of all documentation from a certified independent skill-based amusement machine testing laboratory regarding any skill-based amusement machine placed at a skill-based amusement machine location or otherwise available for play in the state of Ohio;
- (5) Copies of all contracts or revenue-sharing agreements with any type-C skill-based amusement machine location; and
- (6) Accounting for all amounts paid to or revenue shared with a skill-based amusement machine location.

(D) At a minimum each type-C skill-based amusement machine location shall retain and maintain the following records:

- (1) A copy of the contract or revenue-sharing agreement with any skill-based amusement machine operator;
- (2) An accurate accounting of all amounts received or revenue shared with a skill-based amusement machine operator; and
- (3) A list of all prizes available to be awarded to a player and the dates the listed prizes were available to be awarded to a player.

(E) Each skill-based amusement machine vendor, operator, and location licensee shall organize and index all required records in a manner that enables the commission to locate, inspect, review, and analyze the records with reasonable ease and efficiency. Records may be retained at a skill-based amusement machine vendor, operator, or location licensee's principal place of business, provided that records retained at a location outside this state are maintained in such a manner to allow for the electronic transmission of records to the commission within a reasonable time.

(F) Nothing in this rule shall be construed to require disclosure of a record that is protected by the attorney-client privilege as long as the skill-based amusement machine vendor, operator, or location licensee provides the commission with written notification of the record's existence. Any such notification shall also include a general description of the record's contents and the basis for the privilege.