

3772-15-01

Independent testing laboratory certification.

An independent testing laboratory may request to be certified by the commission to scientifically test and technically evaluate slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other electronic gaming equipment for compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.

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CERTIFIED ELECTRONICALLY

Certification

03/22/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03
Rule Amplifies: 3772.03, 3772.31

3772-15-02

Independent testing laboratory information, certification period and certification renewal.

- (A) An independent testing laboratory shall submit all information required by the commission and pay a certification fee as described in rule 3772-15-03.
- (B) An independent testing laboratory's certification expires three years after the date of certification.
- (C) A certified independent testing laboratory may request renewal of the certification by completing and submitting, not less than ninety days before the expiration of the certification, the information required by the commission and paying a certification fee as described in rule 3772-15-03 of the Administrative Code.
- (D) All certified independent testing laboratories shall undergo an investigation at least once every three years, as determined by the commission, to verify that each certified independent testing laboratory remains in compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.
- (E) The independent testing laboratory requesting certification or requesting renewal certification shall provide all information, documents and materials at the independent testing laboratory's sole expense and cost and shall bear the cost of the investigation.
- (F) The independent testing laboratory must clearly identify those portions of the information submitted that it deems to be confidential, proprietary commercial information or trade secrets. Information provided as part of the certification process shall be open to public inspection to the extent permitted by section 149.43 of the Revised Code and consistent with section 1333.61 of the Revised Code. Upon request by a third-party for information that the independent testing laboratory has identified as confidential, proprietary commercial information or trade secrets, the commission will notify the independent testing laboratory and, following such notification, will make a determination whether the information must be disclosed. If the commission determines that the information is to be disclosed, the commission shall notify the independent testing laboratory of its decision. Following that notification, the information shall be provided to the third-party within a reasonable period of time unless otherwise prohibited from being released. The independent testing laboratory waives any liability of the State of Ohio, the commission, the employees of the commission and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner.

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Certification fees.

- (A) An independent testing laboratory requesting certification or renewal certification shall pay a nonrefundable certification fee of two thousand dollars.
- (B) The certification fee for independent testing laboratory certification or renewal certification may be increased to the extent that the cost of the background investigation relating to an independent testing laboratory exceeds the certification fee set forth in paragraph (A) of this rule. The executive director of the commission, or the designee thereof, shall advise the independent testing laboratory in writing that an additional certification fee is required and the amount of the additional fee. Once an independent testing laboratory is directed to submit an additional certification fee, the commission will take no additional steps with respect to the certification until the increased certification fee is paid in accordance with paragraph (C) of this rule.
- (C) All fees shall be submitted to the commission in the form of a certified check, cashier's check, business check or electronic funds transfer payable to the Treasurer of the State of Ohio.

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3772-15-04

Background investigation of an independent testing laboratory.

- (A) Before an independent testing laboratory is certified by the commission, it shall undergo an investigation to determine its competency and qualifications to conduct testing under Chapter 3772. of the Revised Code and the rules adopted thereunder.
- (B) The commission may obtain and use information gathered by another gaming jurisdiction in its decision to approve or deny certification of an independent testing laboratory.
- (C) The background investigation may include, but is not limited to, a review of the following:
- (1) The corporate structure including, but not limited to, ownership and controlling interests in the independent testing laboratory;
 - (2) The policies and procedures of the independent testing laboratory to determine if the policies and procedures prevent conflicts of interest, detect and prevent fraud and guarantee impartiality;
 - (3) The experience and expertise of the independent testing laboratory's staff used by the independent testing laboratory to conduct all tests required by the commission;
 - (4) The sufficiency of staff and equipment of the independent testing laboratory to conduct all required testing; and
 - (5) The financial viability of the independent testing laboratory to conduct all required testing.

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Conditions of certification.

In order to be certified and maintain certification, the independent testing laboratory shall agree to the following conditions:

(A) Obtain and maintain Professional Liability (Errors and Omissions) Insurance in the amount of one million dollars. If such insurance is not renewed, or revoked or terminated in any way, the commission shall be notified immediately;

(B) Ensure that testing and support procedures are performed consistently at all laboratory locations;

(C) Maintain its national accreditation. If the national accreditation is not renewed, or revoked or terminated in any way the commission shall be notified immediately;

(D) Make available to the commission, upon request, all policies, procedures and records of the independent test laboratory;

(E) Have a full time quality manager on staff who is responsible for ensuring compliance with national accreditation standards and Chapter 3772. of the Revised Code and the rules adopted thereunder.

(F) Make available to the commission, upon request, a master list of all test methods, standards, forms and other relevant documents used in the independent test laboratory;

(G) Maintain an inventory of gaming equipment and authorized versions of software submitted for testing;

(H) Maintain records for testing equipment requiring calibration and make the records available to the commission upon request;

(I) Provide twenty-four hour technical service support to the commission;

(J) Provide jackpot verification assistance when requested by the commission or a casino operator, holding company or management company licensee;

(K) Assist the commission in investigations when requested;

(L) Assist and/or train commission agents on the security, compliance, and accounting/auditing practices that should be used;

(M) Provide gaming software verification tools to the commission for on-site inspections, when laboratory presence is requested;

(N) Have internal policies and controls that prohibit any one individual from having the sole responsibility for both review and approval of gaming devices or technologies to be used in a casino facility;

- (O) Have physical security at each laboratory facility, including but not limited to, surveillance systems and alarms to minimize the risk that confidential information is misappropriated;
- (P) Ensure that all software media that is used in games, along with the documentation and source code that is supplied on storage media shall be labeled and archived in a safe or other locked, fire-proof and monitored enclosure that shall only be accessible to approved laboratory personnel;
- (Q) Maintain all records about previous and current submissions for a minimum of three years;
- (R) Agree to not subcontract testing of any electronic gaming related equipment to be used in a casino facility without the prior written approval of the commission;
- (S) Maintain any other records, information or conditions the commission determines is necessary to ensure the integrity of casino gaming; and
- (T) Provide immediate notification to the commission of any breach or failure to meet any condition of certification listed in this rule and any additional condition imposed by the commission.

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3772-15-06

Duties of a certified independent testing laboratory.

- (A) A certified independent testing laboratory shall determine whether the electronic gaming equipment complies with Chapter 3772. of the Revised Code and the rules adopted thereunder.
- (B) A certified independent test laboratory shall provide a report to the commission of its findings with a recommendation to approve or deny a gaming-related vendor's submission. The report shall be provided either electronically or by hard copy as requested by the commission. The laboratory shall provide assistance to the commission in understanding the details of the report when requested.
- (C) A certified independent testing laboratory shall testify at any administrative hearing or court proceeding as requested by the commission.
- (D) A certified independent testing laboratory shall annually review each of its employees. This review shall include criminal background checks, an update of background forms, motor vehicle checks, credits checks and employee interviews.
- (E) A certified independent testing laboratory shall take corrective action whenever any nonconforming work is discovered, laboratory procedures are not followed, procedures are required to be changed or other unsatisfactory conditions exist. A report shall be filed internally by the quality manager describing why the problem occurred, what was done to resolve the problem and how the problem will be prevented in the future. Such report shall be available to the commission upon request.
- (F) A certified independent testing laboratory shall establish and maintain a training program for its employees to ensure that the employees can adequately review gaming devices and new technologies in accordance with Chapter 3772. of the Revised Code and the rules adopted thereunder. Training records shall be maintained for all employees and made available to the commission upon request.
- (G) A certified independent testing laboratory shall test and verify that all testing software used internally is suitable for use. Internal policies shall be developed by the laboratory to verify that such software used by the laboratory will perform as needed. The laboratory shall maintain records of test cases involving the validation of software and methods to provide evidence that the test method is valid. All testing performed by the laboratory shall be traceable to a test method that has been suitably validated.

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