**Section 3000.530 Modification of Organization Gaming Facilities**

a) Construction Approval Procedures. Requests to modify organization gaming facilities shall be submitted to the Administrator before an organization gaming licensee constructs any form of building, or makes alterations to an existing building or structure of its organization gaming facility. Those requests shall include:

1) A description of where the gaming facility or facilities will be located on the property used.

2) Clear and legible diagrams of the interior of the facility or facilities. The diagrams must be representative and proportional, and must include specific reference to the size of the gaming floor or areas through the use of detailed measurements.

3) Plans for the surveillance and security systems for the facility or facilities.

4) Certification that the modifications are in compliance with all applicable local building codes and ordinances.

b) The organization gaming licensee shall provide any additional information or documentation requested by the Administrator.

c) The Administrator may deny approval for construction, modification, or alteration if he or she determines that the construction, modification, or alteration alters the grounds of the organization gaming licensee so that the act of live racing is an ancillary activity to gaming under the Act. Factors to be considered include, but are not limited to:

1) Prominence or maintenance of racetrack character relative to the organization gaming facility and gaming operation, including but not limited to the planned and actual locations of all proposed and existing buildings on the subject property to be used to facilitate gaming;

2) Proposed placement of gaming operations and use of gaming equipment within existing or new structures;

3) The placement of the racetrack grandstand, pari-mutuel betting windows, and other related facilities;

4) Organization gaming facility capacity and gaming positions;

5) The frequency of live racing.

d) If the Administrator denies a request for modification or construction, the organization gaming licensee may request the Board review the Administrator's determination. The request must be submitted no later than 14 days after service of the Administrator's Notice of Denial.

e) The organization gaming licensee must satisfy the Board by clear and convincing evidence that any construction, modification, or alteration does not cause the act of live racing to be ancillary to gaming under the Act.

1) When reviewing an Administrator's Notice of Denial, the Board will consider any information that was previously provided to the Administrator.

2) The Board may consider any additional information it deems relevant.

3) The Board may request any additional information from the organization gaming licensee the Board deems necessary.

4) The Board will make its determination based upon the factors in subsection (c).

f) The Board shall provide written notice to the organization gaming licensee of its approval or denial of the request.

(Source: Added at 44 Ill. Reg. 13653, effective August 6, 2020)