**Section 3000.232 Undue Economic Concentration**

a) In addition to considering all other requirements under the Act and this Part, in deciding whether to approve direct or indirect ownership or control of an Owner's license the Board shall consider the impact of any economic concentration of the ownership or control. No direct or indirect ownership or control shall be approved and no Owner's license shall be issued or transferred to or held by any person or entity if the Board determines that approval, issuance, transfer or holding will result in undue economic concentration in the direct or indirect ownership or control of riverboat gambling operations in Illinois.

b) For purposes of this Section, "undue economic concentration" means that a person or entity would have actual or potential domination of riverboat gambling in Illinois sufficient to:

1) substantially impede or suppress competition among holders of Owner's licenses;

2) adversely impact the economic stability of the riverboat casino industry in Illinois; or

3) negatively impact the purposes of the Act, including tourism, economic development, benefits to local communities, and State and local revenues.

c) In determining whether the issuance, transfer or holding, directly or indirectly, of an Owner's license will result in undue economic concentration, the Board shall consider the following criteria:

1) The percentage share of the market presently owned or controlled by a person or entity, directly or indirectly, in each of the following categories:

i) The total number of licensed riverboat casinos in Illinois;

ii) Total riverboat casino square footage;

iii) Number of persons employed in the riverboat gambling operation and any affiliated hotel operation;

iv) Number of guest rooms in an affiliated hotel;

v) Number of Electronic Gaming Devices;

vi) Number of table games;

vii) Net revenue and Adjusted Gross Receipts;

viii) Table Win;

ix) Electronic Gaming Device Win;

x) Table Drop; and

xi) Electronic Gaming Device Drop;

2) The estimated increase in the market shares in the categories in subsection (c)(1) above if the person or entity is approved, or is issued or permitted to hold the Owner's license;

3) The relative position of other persons or entities that own or control Owner's licenses in Illinois, as evidenced by the market shares of each license in the categories in subsection (c)(1) above;

4) The current and projected financial condition of the riverboat gaming industry;

5) Current market conditions, including proximity and level of competition, consumer demand, market concentration, and any other relevant characteristics of the market;

6) Whether the licenses to be issued, transferred or held, directly or indirectly, by the person or entity have separate organizational structures or other independent obligations;

7) The potential impact on the projected future growth and development of the riverboat gambling industry, the local communities in which licenses are located, and the State of Illinois;

8) The barriers to entry into the riverboat gambling industry, including the licensure requirements of the Act and this Part, and whether the issuance or transfer to, or holding, directly or indirectly, of, an Owner's license by the person or entity will operate as a barrier to new companies and individuals desiring to enter the market;

9) Whether the issuance or transfer to or holding, directly or indirectly, of the license by the person or entity will adversely impact on consumer interests, or whether such issuance, transfer or holding is likely to result in enhancing the quality and customer appeal of products and services offered by riverboat casinos in order to maintain or increase their respective market shares;

10) Whether a restriction on the issuance or transfer of a license to, or holding, directly or indirectly, of, an additional license by the person is necessary in order to encourage and preserve competition in casino operations; and

11) Any other information deemed relevant by the Board.

(Source: Added at 23 Ill. Reg. 1037, effective January 1, 2000)