**Section 1800.815 Licensed Video Gaming Locations Within Malls**

a) The Board shall not grant an application to become a licensed video gaming location within a mall if the Board determines that granting the application would more likely than not cause a terminal operator, individually or in combination with other terminal operators, licensed video gaming locations, or other persons or entities, to operate the video gaming terminals in two or more licensed video gaming locations as a single video gaming operation. In making determinations under this subsection (a), factors to be considered by the Board shall include, but not be limited to, the following:

1) the physical aspects of the location, including but not limited to, common entrances with other units and other shared operating resources;

2) the ownership, control or management of the applicant;

3) the occupancy of the mall;

4) any arrangements, understandings or agreements, written or otherwise, among or involving any persons or entities, including landlords or municipalities, that involve the conducting of any video gaming business or the sharing of costs or revenues, or the guarantee thereof; and

5) the manner in which any terminal operator, licensed video gaming location, or other related entity markets, advertises or otherwise describes any location or locations to any other person or entity or to the public.

b) The Board shall presume, subject to rebuttal, that the granting of an application to become a licensed video gaming location within a mall will cause a terminal operator, individually or in combination with other terminal operators, licensed video gaming locations, or other person or entities, to operate the video gaming terminals in two or more licensed video gaming locations as a single video gaming operation, if the Board determines that granting the license would create a local concentration of licensed video gaming locations. For purposes of this subsection (b):

1) "local concentration of licensed video gaming locations" means that the combined number of licensed video gaming locations within a mall exceeds half the separate locations within the mall; and

2) "location" means a space within a mall containing a separate business, a place for a separate business, or a place subject to a separate leasing arrangement by the mall owner.

c) For purposes of this Section:

1) A "mall" means one of the following that contains four or more units:

A) a building;

B) neighboring, adjoining or connected buildings;

C) buildings with a single property postal address; or

D) buildings with a single parcel number or property index number.

2) A "unit" means a location within a mall that is physically distinct or is subject to a separate leasing or other ownership arrangement.

(Source: Added at 41 Ill. Reg. 2939, effective February 24, 2017)