



GAMING COMMISSION

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: January 8, 2010

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

PETITION FOR AUTHORITY TO DESTROY RECORDS

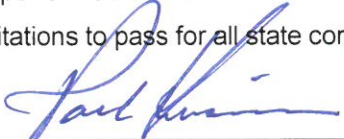
I, Paul Kinsman (name), acting in my position as Secretary of the Department of Revenue and Regulation (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Gaming Commission (department) consists of 10 pages and contains record series number(s) GAME-1 (consecutively re-numbered) through GAME-17.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Gaming Commission (department) record series numbers(s) COM-55 thru COM-57, COM-60 thru COM-64, COM-66, COM-67, COM-73, COM-74, COM-76, COM-78, COM-79, COM-80 thru COM-85, and COM-87 thru COM-90.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Paul Kinsman, Secretary of the Dept. of Revenue and Regulation

12-1-08
Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



Dana Hoffer, State Records Manager

12-11-08
Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 11th day of December, 2008, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Signature, Chairman of the Board

12-11-08
Date

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STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Revenue
DIVISION: Lottery and Gaming
OFFICE: Gaming Commission
PROGRAM: _____
RECORDS OFFICER: Bobi Adams
RM CUSTOMER #: 0280

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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GAME-1. ADMINISTRATIVE REFERENCE FILE:

08-003

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, and property management information; monthly reports; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; general correspondence and any other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Cull files on a yearly basis to avoid build-up of superseded or obsolete materials.)

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GAME-2. ADMINISTRATIVE RULES PROMULGATION FILES:

08-003

This series contains notices of public hearings, affidavits of publication of notice, written comments from the public, and transcript of hearings. These are also filed with the Code Counsel and Secretary of State. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. Information serves to document the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: Retain in office for as long as rules are in effect, then destroy.

(NOTE: SDCL 1-26-7 states in part that "each agency shall keep the original records, documents, and instruments required by this chapter." There is no time frame included for these records. Since SDCL 1-26-6.8 provides that "No rule is enforceable in the Courts unless properly adopted," the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26A-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD. Consider maintaining on microfilm instead of paper and destroying paper after microfilm has been inspected and verified to meet quality standards.)

(Note: Previous record series number was COM-50.)

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GAME-3. ANNUAL REPORTS, GAMING COMMISSION:

08-003

This series contains copies of annual reports as submitted by the Gaming Commission to the Secretary. Information may include: financial statements, budget information, goals, missions, performance indicators, a narrative description of accomplishments, and a list of significant problems encountered. This record series is maintained for reference purposes.

RETENTION: Retain permanently in office.

(Note: Consider microfilming when volume warrants.)

(Note: Previous record series number was COM-51.)

GAME-4. APPLICATIONS (EMPLOYMENT), UNSUCCESSFUL:

08-003

This series is arranged alphabetically by applicants' names and may contain copies of resumes and credentials and standard commission application forms from individuals who have applied for "Key" or "Support" employee licenses. Information may include: name of applicant, address, education, training, experience and results of background investigations. This record series is maintained as a source of information and reference. Applicants cannot reapply for one year.

RETENTION: Retain 2 years in office, then transfer to storage for 3 years. Destroy after 5 years.

(Note: Previous record series number was COM-52.)

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GAME-5. APPLICATIONS FILE, LICENSES:

08-003

This series contains the original application for state licensure as submitted by individual horse/dog owners, trainers, and everyone else involved in race track operations. The licenses are renewed annually and contain: name, date, address, type of license, animal name, race track name, and other personal information.

RETENTION: Retain 1 year in office, then transfer to storage for 2 years. Destroy after 3 years.

(Note: Previous record series number was COM-53.)

GAME-6. APPLICATIONS (LICENSE), UNSUCCESSFUL:

08-003

This series is arranged alphabetically by establishments that have applied for licenses. Information may include, but is not limited to: name of establishment, names of partners, floor plans of the establishment and related correspondence. Applicants cannot reapply for one year.

RETENTION: Retain 2 year in office, then destroy.

(Note: Previous record series number was COM-54.)

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GAME-7. AUDIT REPORTS, INTERNAL:

08-003

This series contains audits which are performed by departmental auditors on a continuing basis to monitor bookkeeping practices by the gaming establishments. Information may include: audits and working papers. This record series is maintained for reference purposes.

RETENTION: Retain 2 year in office, then transfer to storage for 3 years. Destroy after 5 years.

(Note: Previous record series number was COM-58.)

GAME-8. AUDIT REPORTS, RACE TRACKS:

08-003

This series is arranged chronologically by date of report and contains copies of audit reports conducted by Division employees of various Race Tracks around the State. Information may include: track name, commission percentages, Breeders' Fund, County Commission percentages, breakage, winner's share, totals, and auditor's signature and date. This record series is maintained for verification of accuracy by the division.

RETENTION: Retain 1 year in office, then transfer to storage for 2 years. Destroy after 3 years.

(Note: Previous record series number was COM-59.)

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GAME-9. COMPLAINT FILES:

08-003

This series is arranged alphabetically by establishment and contains correspondence received from either the general public or initiated by the commission concerning problems with various licensed gaming establishments. Information may include: type and nature of complaint, name and address of person filing the complaint and related materials. This record series is used by the commission to determine if a complaint is substantiated and, if so, to take corrective action. The file is also used as a record of the number and type of complaints against each establishment.

RETENTION: Retain 3 years in office, then transfer to storage for 3 years. Destroy after 6 years provided all litigations, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was COM-65.)

GAME-10. ESTABLISHMENT LICENSE FILES:

08-003

This series is arranged alphabetically by establishment name and contains the files of gaming establishments that hold Manufacturer/Distributor, Operator or Retailer licenses. Information may include, but is not limited to: the name of the establishment, the type of license, copies of the floor plans of the establishment, names of the partners, complaints, disciplinary actions, correspondence and attachments. This record series is maintained to track and identify these licenses.

RETENTION: Retain current in office. Transfer terminated to storage for 2 years. Destroy 2 years after terminated.

(Note: Previous record series number was COM-68.)

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GAME-11. FINANCIAL STATEMENTS:

08-003

This series contains financial statements which provide an overview of an establishment's financial condition for a given year. Information may include, but is not limited to balance sheets; statement of revenues, expenditures and changes in fund balances--budgeted and actual; statement of fixed assets; summary of significant accounting procedures; supplemental information and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain current in office, then transfer to storage for 4 years. Destroy after 4 years provided all litigations, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was COM-69.)

GAME-12. HEARING FILES, GAMING COMMISSION:

08-003

This series contains the Gaming Commission's hearing files. Hearings are held when a rule has been broken or when a race track is sold or transferred to new ownership. Information may include: the rule broken, original minutes of the hearing, correspondence, and the original ruling by Track Steward. This record series is maintained to document the public hearings held by the Gaming Commission.

RETENTION: Retain 2 years in office, then transfer to storage for 3 years. Destroy after 5 years.

(Note: Previous record series number was COM-70.)

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GAME-13. HEARING FILES, STEWARD AND JUDGE:

08-003

This ring-binder series contains the steward and judge hearing files. Information may include: the violation noted, the decision rendered, race meetings, authorized signatures, and violator's name, address, and social security number. This records series is maintained to document the hearings held by judges and stewards concerning noted violations.

RETENTION: Retain 2 years in office, then transfer to storage for 3 years. Destroy after 5 years provided no appeals are pending.

(Note: Decisions handed down may be appealed to the Gaming Commission within a one year time frame.)

(Note: Previous record series number was COM-71.)

GAME-14. LABORATORY REPORTS, ANIMAL:

08-003

This series contains a copy of animal laboratory reports. Information may include: owner's name and address, race track, date, animal name, animal description, and the test results from blood and urine samples taken. This record series is used to monitor animals to insure that no illegal drugs or substances have been used.

RETENTION: Retain 1 year in office, then destroy.

(Note: Previous record series number was COM-72.)

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GAME-15. LICENSES, (KEY AND SUPPORT EMPLOYEE):

08-003

This series is arranged alphabetically by name and contains a folder for each licensee. Information may include, but is not limited to: information sheets, application forms, personal data sheets, background investigation forms, and standard commission personnel forms. This record series is maintained to review history of former employees and for audit purposes.

RETENTION: Retain active in office. Transfer terminated to storage for 3 years. Destroy 3 years after closed provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was COM-75.)

GAME-16. MINUTES:

08-003

This series is arranged chronologically and contains copies of the commission minutes. Information may include: dates of meetings, members in attendance, topics discussed, actions taken, and authorized signatures. This record series is maintained for reference concerning actions taken.

RETENTION: Retain 3 years in office, then destroy.

(Note: Subject to archival screening prior to disposal.)

(Note: Previous record series number was COM-77.)

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GAME-17. RECEIPT BOOKS:

08-003

This series contains forms issued to document the receipt of money. Receipts are prenumbered and include: date money was received, amount received, funds and accounts to be credited, the amount to be credited, and signature of the person receiving the money. This record series is maintained for audit purposes.

RETENTION: Retain full book 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigations, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was COM-86.)

GAME-18. SURPLUS PROPERTY FILES:

09-012

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.