

1 NGC 10-07

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4 STATE OF NEVADA
5 BEFORE THE NEVADA GAMING COMMISSION
6

7 STATE GAMING CONTROL BOARD,)
8 Complainant,)
9 vs.)
10 TREASURE ISLAND, LLC, dba)
11 TREASURE ISLAND,)
12 Respondents.)

COMPLAINT

13 The State of Nevada, on relation of its State Gaming Control Board (BOARD),
14 Complainant herein, by and through its counsel, CATHERINE CORTEZ MASTO, Attorney
15 General, by JOHN S. MICHELA, Deputy Attorney General, hereby files this Complaint for
16 disciplinary action against RESPONDENT pursuant to Nevada Revised Statute (NRS)
17 463.310(2) and alleges as follows:

18 1. Complainant, BOARD, is an administrative agency of the State of Nevada duly
19 organized and existing under and by virtue of chapter 463 of NRS and is charged with the
20 administration and enforcement of the gaming laws of this state as set forth in Title 41 of NRS
21 and the Regulations of the Nevada Gaming Commission.

22 2. TREASURE ISLAND, LLC, dba TREASURE ISLAND, holds a nonrestricted gaming
23 license and is located at 3300 South Las Vegas Boulevard, Las Vegas, Nevada.

24 RELEVANT LAW

25 3. The Nevada Legislature has declared under NRS 463.0129(1) that:

- 26 (a) The gaming industry is vitally important to the economy of
27 the State and the general welfare of the inhabitants.
28 (b) The continued growth and success of gaming is
dependent upon public confidence and trust that licensed gaming and
the manufacture,

1 sale and distribution of gaming devices and associated equipment
2 are conducted honestly and competitively, that establishments which
3 hold restricted and nonrestricted licenses where gaming is conducted
4 and where gambling devices are operated do not unduly impact the
5 quality of life enjoyed by residents of the surrounding neighborhoods,
6 that the rights of the creditors of licensees are protected and that
7 gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by
strict regulation of all persons, locations, practices, associations and
activities related to the operation of licensed gaming establishments,
the manufacture, sale or distribution of gaming devices and
associated equipment and the operation of inter-casino linked
systems.

8 NRS 463.0129(1)(a), (b) and (c).

9 4. The BOARD is authorized to observe the conduct of licensees in order to ensure
10 that the gaming operations are not being conducted in an unsuitable manner. See NRS
11 463.1405(1).

12 5. This continuing obligation is repeated in Nevada Gaming Commission Regulation
13 5.040, which provides as follows:

14 A gaming license is a revocable privilege, and no holder
15 thereof shall be deemed to have acquired any vested rights therein or
16 thereunder. The burden of proving his qualifications to hold any
17 license rests at all times on the licensee. The board is charged by
18 law with the duty of observing the conduct of all licensees to the end
19 that licenses shall not be held by unqualified or disqualified persons
20 or unsuitable persons or persons whose operations are conducted in
21 an unsuitable manner.

22 Nev. Gaming Comm'n Reg. 5.040.

23 6. Nevada Gaming Commission Regulation 5.010 provides as follows:

24 1. It is the policy of the commission and the board to require
25 that all establishments wherein gaming is conducted in this state be
26 operated in a manner suitable to protect the public health, safety,
27 morals, good order and general welfare of the inhabitants of the State
28 of Nevada.

2. Responsibility for the employment and maintenance of
suitable methods of operation rests with the licensee, and willful or
persistent use or toleration of methods of operation deemed
unsuitable will constitute grounds for license revocation or other
disciplinary action.

Nev. Gaming Comm'n Reg. 5.010.

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1 7. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as follows:

2 The board and the commission deem any activity on the part
3 of any licensee, his agents or employees, that is inimical to the public
4 health, safety, morals, good order and general welfare of the people
5 of the State of Nevada, or that would reflect or tend to reflect discredit
6 upon the State of Nevada or the gaming industry, to be an unsuitable
7 method of operation and shall be grounds for disciplinary action by
8 the board and the commission in accordance with the Nevada
9 Gaming Control Act and the regulations of the board and the
10 commission. Without limiting the generality of the foregoing, the
11 following acts or omissions may be determined to be unsuitable
12 methods of operation:

13
14 8. Failure to comply with or make provision for compliance
15 with all federal, state and local laws and regulations pertaining to the
16 operations of a licensed establishment including, without limiting the
17 generality of the foregoing, payment of all license fees, withholding
18 any payroll taxes, liquor and entertainment taxes and antitrust and
19 monopoly statutes.

20 Nev. Gaming Comm'n Reg. 5.011 (8).

21 8. Nevada Revised Statute 465.101 provides as follows:

22 1. Any licensee, or his officers, employees or agents may
23 question any person in his establishment suspected of violating
24 any of the provisions of this chapter. No licensee or any of his
25 officers, employees or agents is criminally or civilly liable:

- 26 (a) On account of any such questioning; or
- 27 (b) For reporting to the State Gaming Control Board or law
28 enforcement authorities the person suspected of the violation.

29 2. Any licensee or any of his officers, employees or agents
30 who has probable cause for believing that there has been a
31 violation of this chapter in his establishment by any person may
32 take that person into custody and detain him in the establishment
33 in a reasonable manner and for a reasonable length of time. Such
34 a taking into custody and detention does not render the licensee or
35 his officers, employees or agents criminally or civilly liable unless it
36 is established by clear and convincing evidence that the taking into
37 custody and detention are unreasonable under all the
38 circumstances.

39 3. No licensee or his officers, employees or agents are
40 entitled to the immunity from liability provided for in subsection 2
41 unless there is displayed in a conspicuous place in his
42 establishment a notice in boldface type clearly legible and in
43 substantially this form:

44 Any gaming licensee, or any of his officers, employees or
45 agents who has probable cause for believing that any person has

1 violated any provision of chapter 465 of NRS prohibiting cheating
2 in gaming may detain that person in the establishment.

3 NRS 465.101.

4 9. Nevada Revised Statute 465.070 provides, in relevant part, as follows:

5 It is unlawful for any person:

6

7 3. To claim, collect or take, or attempt to claim, collect or
8 take, money or anything of value in or from a gambling game, with
9 intent to defraud, without having made a wager contingent thereon,
10 or to claim, collect or take an amount greater than the amount won.

11 NRS 465.070(3).

12 10. Nevada Gaming Commission Regulation 5.055 provides as follows: "Each
13 licensee shall immediately notify the board's enforcement division by telephone of the
14 discovery of any violation of chapter 465 of NRS and of any violation or suspected violation of
15 any gaming law regarding which the licensee has notified the local police or sheriff." Nev.
16 Gaming Comm'n Reg. 5.055.

17 11. Nevada Revised Statute 171.126 provides as follows:

18 A private person may arrest another:

19 1. For a public offense committed or attempted in his
20 presence.

21 2. When the person arrested has committed a felony,
22 although not in his presence.

23 3. When a felony has been in fact committed, and he has
24 reasonable cause for believing the person arrested to have
25 committed it.

26 NRS 171.126.

27 12. Nevada Revised Statute 171.178 provided, in relevant part, as follows:

28 2. A private person making an arrest without a warrant shall
deliver the arrested person without unnecessary delay to a peace
officer. Except as otherwise provided in subsections 5 and 6 and
NRS 171.1772, the peace officer shall take the arrested person
without unnecessary delay before the nearest available magistrate
empowered to commit persons charged with offenses against the
laws of the State of Nevada.

NRS 171.178 (2).

1 13. Nevada Revised Statute 171.1235 provides:

2 1. As used in this section:

3 (a) "Establishment" means any premises whereon any
4 gaming is done or any premises owned or controlled by a licensee
5 for the purpose of parking motor vehicles owned or operated by
6 patrons of such licensee.

7 (b) "Licensee" has the meaning ascribed to it in NRS
8 463.0171.

9 2. Any licensee or his officers, employees or agents may
10 take into custody and detain any person when such licensee or his
11 officers, employees or agents have reasonable cause to believe the
12 person detained has committed a felony, whether or not in the
13 presence of such licensee or his officers, employees or agents.

14 3. Detention pursuant to this section shall be in the
15 establishment, in a reasonable manner, for a reasonable length of
16 time and solely for the purpose of notifying a peace officer. Such
17 taking into custody and detention shall not render the licensee or
18 his officers, employees or agents criminally or civilly liable for false
19 arrest, false imprisonment, slander or unlawful detention unless
20 such taking into custody and detention are unreasonable under all
21 the circumstances.

22 4. No licensee or his officers, employees or agents are
23 entitled to the immunity from liability provided for in this section
24 unless there is displayed in a conspicuous place in his
25 establishment a notice in boldface type clearly legible and in
26 substantially this form:

27 Any gaming licensee or his officers, employees or agents
28 who have reasonable cause to believe that any person has
committed a felony may detain such person in the establishment
for the purpose of notifying a peace officer.

21 NRS 171.1235.

22 14. Nevada Gaming Commission Regulation 5.030 provides as follows:

23 ***Violation of any provision of the Nevada Gaming Control
24 Act or of these regulations by a licensee, his agent or employee
25 shall be deemed*** contrary to the public health, safety, morals, good
26 order and general welfare of the inhabitants of the State of Nevada
27 and ***grounds for suspension or revocation of a license.***

28 Acceptance of a state gaming license or renewal thereof by a
licensee constitutes an agreement on the part of the licensee to be
bound by all of the regulations of the commission as the same now
are or may hereafter be amended or promulgated. ***It is the
responsibility of the licensee to keep himself informed of the***

content of all such regulations, and ignorance thereof will not excuse violations.

Nev. Gaming Comm'n Reg. 5.030 (emphasis added).

COUNT ONE

VIOLATION OF NEVADA REVISED STATUTES 171.178 and/or 171.1235

and/or NEVADA GAMING COMMISSION REGULATION 5.055

15. Complainant BOARD realleges and incorporates by reference as though set forth in full herein paragraphs 1 through 14 above.

16. On or about November 10, 2009, a patron was playing mini-baccarat at RESPONDENT. At approximately 11:30 p.m., the patron placed a wager in the amount of \$500. The dealer then dealt the cards. Prior to the dealer exposing the cards, the patron decided he did not wish to continue with the wager and removed his wager.

17. The dealer informed the patron that he could not remove his wager after the cards were dealt. A floor supervisor responded to the scene and indicated to the patron that he could not remove his wager after the cards were dealt.

18. The patron then, without returning his wager to the table, left the mini-baccarat table and proceeded toward an exit of RESPONDENT.

19. Prior to being able to exit RESPONDENT, RESPONDENT's security physically detained the patron, escorted him to the security holding room, and informed him that he was going to jail.

20. RESPONDENT's security performed a search of the patron and removed all money and chips from the patron's pockets. A casino shift manager of RESPONDENT then removed five (5) black \$100 chips of RESPONDENT from the patron's possession.

21. RESPONDENT then released the patron and trespassed him from its premises.

22. RESPONDENT's actions with regard to the patron constitute a citizen's arrest.

23. RESPONDENT did not contact the Enforcement Division of the BOARD or any other law enforcement agency with regard to the citizen's arrest.

24. RESPONDENT's actions as set out above are a violation of NRS 171.178 and/or NRS 171.1235 and/or Nevada Gaming Commission Regulation 5.055. This constitutes an

1 unsuitable method of operation, and, as such, is grounds for disciplinary action. See Nev.
2 Gaming Comm'n Regs. 5.010(2), 5.011(8) and 5.030.

3 WHEREFORE, based upon the allegations contained herein which constitute
4 reasonable cause for disciplinary action against RESPONDENT, pursuant to NRS 463.310,
5 and Nevada Gaming Commission Regulations 5.010 and 5.030 the STATE GAMING
6 CONTROL BOARD prays for the relief as follows:

7 1. That the Nevada Gaming Commission serve a copy of this Complaint on the
8 RESPONDENT pursuant to NRS 463.312(2);

9 2. That the Nevada Gaming Commission fine RESPONDENT a monetary sum
10 pursuant to the parameters defined at NRS 463.310(4) for each separate violation of the
11 provisions of the Nevada Gaming Control Act or the Regulations of the Nevada Gaming
12 Commission;

13 3. That the Nevada Gaming Commission take action against RESPONDENT'S license
14 or licenses pursuant to the parameters defined in NRS 463.310(4); and

15 4. For such other and further relief as the Nevada Gaming Commission may deem just
16 and proper.

17 DATED this 19th day of July, 2010.

18 STATE GAMING CONTROL BOARD

19 
20 DENNIS K. NEILANDER, Chairman


21 
22 RANDALL E. SAYRE, Member

23 
24 MARK A. LIPPARELLI, Member

25 Submitted by:

26 CATHERINE CORTEZ MASTO
27 Attorney General

28 By:


JOHN S. MICHELA
Deputy Attorney General
Gaming Division