

## OPERATION OF GAMING ESTABLISHMENTS

### REGULATION 5

#### AMENDMENT OF REGULATION 5.160: SURVEILLANCE SYSTEMS AND THE ADOPTION OF SURVEILLANCE STANDARDS FOR NONRESTRICTED LICENSEES

**PURPOSE OF AMENDMENTS:** To change the adoption process applicable to Surveillance Standards, but not change the current Surveillance Standards, to allow the Chairman of the State Gaming Control Board (Board) to quickly respond to changing technologies; to establish an adoption process applicable to the adoption or revision of Surveillance Standards that is materially similar to the process set forth within NRS 463.145 for the Nevada Gaming Commission (Commission) to adopt, amend or repeal regulations; to require that the Chairman of the Board must give notice and publish proposed Surveillance Standards or revisions thirty (30) days before they become effective; to allow a licensee to file an objection to the Surveillance Standards or revisions with the Commission; to establish that Surveillance Standards will become effective on the date established by the Chairman of the Board if a licensee does not file an objection thereto with the Commission; to establish that if an objection is filed with the Commission, the Commission must consider the objection and the Surveillance Standard may be amended and shall become effective as ordered by the Commission; to take such additional action as may be necessary and proper to effectuate these stated purposes.

(Draft date: 06/23/05)

#### **5.160 Surveillance systems.**

1. As used in this section:

(a) "Applicant" means a person or entity having a pending application to become a licensee.

(b) "Chairman" means the chairman of the board or his designee.

(c) "Licensed establishment" means the establishment of a licensee.

(d) "Licensee" means a person or entity licensed to conduct a non-restricted operation. The term does not include a person or entity licensed as a holder of a security or other ownership interest in the operation, or as an officer, director or key employee of the operation, or due to any other relationship or involvement with the operation.

2. The chairman shall adopt ~~and the commission shall approve~~ standards for the installation, maintenance and operation of casino surveillance systems at all licensed establishments. The purposes of a casino surveillance system are to

assist the licensee and the state in safeguarding the licensee's assets, in deterring, detecting and prosecuting criminal acts, and in maintaining public confidence and trust that licensed gaming is conducted honestly and free of criminal elements and activity.

3. ~~At least 45~~ 30 days, before adopting any casino surveillance standards or revisions, the chairman shall:

(a) ~~Publish notice of the proposed adoption in such newspapers as the commission shall prescribe~~ or revision, together with the effective date thereof, once a day for seven (7) consecutive days in a newspaper of daily general circulation, one of which is published in Reno, Nevada, and the other published in Las Vegas, Nevada;

(b) ~~Mail a copy of this section and the proposed casino surveillance standards or revisions, together with the effective date thereof, to each licensee and every other person who has filed a request therefor with the commission board;~~ and

(c) ~~Provide a copy of the proposed casino surveillance standards or revisions and their effective date, to the commission.~~

4. ~~Each licensee may object to any of the proposed casino surveillance standards by submitting a written objection to the chairman within 30 days after publication and service of proposed casino surveillance standards in accordance with subsection 3. Before adopting any of the proposed casino surveillance standards, the chairman shall consider all objections submitted to him, and may revise the proposed casino surveillance standards in response to those objections.~~

5. ~~Once casino surveillance standards are adopted by the chairman, the chairman shall send written notice of such action, together with a copy of the casino surveillance standards to the commission and to each licensee and every other person who has filed a request therefor with the commission. Any licensee may object to any of the proposed casino surveillance standards or revisions, by filing a written objection with the commission request for a review of the chairman's administrative decision, pursuant to Regulation 4.190 within 30 days after service of such notice. If, during that 30-day period, any licensee files a request for review, objects to any of the casino surveillance standards, then the effective date of all of the proposed casino surveillance standards or revisions will be stayed pending action by the commission board, and if the board's decision is appealed pursuant to Regulation 4.195, the commission pursuant to subsection 6. If, during that 30-day period, no objections no requests for review are filed with the commission board, then the commission shall consider and approve the casino surveillance standards, and the casino surveillance standards or revisions shall as approved become effective 60 days after approval become effective on the date set by the chairman.~~

6. ~~Every objection to the casino surveillance standards adopted by the chairman that is filed with the commission pursuant to subsection 5 must be considered by the commission. If all of the objections are denied, then the casino surveillance standards adopted by the chairman will be deemed approved by the commission and become effective 60 days after the date of the order denying the last objection. If any of the objections are sustained in any part, then~~

~~the casino surveillance standards must be revised to reflect the order of the commission, and the casino surveillance standards as revised will be deemed approved by the commission and become effective 60 days after the date of the order.~~

~~7. At least 30 days before the effective date of the casino surveillance standards as approved by the commission, the chairman shall serve written notice of the effective date, together with a copy of the casino surveillance standards, to each licensee and every other person who has filed a request therefor with the commission.~~

8.5 Any licensee may propose the repeal or revision of any existing casino surveillance standard or the adoption and approval of any new casino surveillance standard by submitting a request to the chairman, who shall consider the request at his discretion. If such a request is approved by the chairman or if the chairman, acting on his own initiative, proposes the repeal or revision of any existing casino surveillance standard or the adoption of any new casino surveillance standard, then the proposed repeal, revision or adoption must be processed in accordance with subsections 3 to 7 inclusive and 4. If such a request is denied by the chairman, then the licensee may file the request for a review as an administrative approval decision with the commission board pursuant to Regulation 4.190, and the commission, pursuant to Regulation 4.195. ~~which shall consider the request at its discretion. If such a request is approved by the commission, then the proposed repeal, revision or adoption must be processed in accordance with subsections 3 to 7, inclusive.~~

9.6. Except as otherwise provided in subsections 11 8 and 12 9, each licensee shall install, maintain and operate a casino surveillance system in accordance with the casino surveillance standards adopted by the chairman and approved by the commission. The failure of a licensee to comply with this section and the casino surveillance standards adopted by the chairman and approved by the commission or any variation to the casino surveillance standards approved pursuant to subsection 11 8 is an unsuitable method of operation.

~~10~~ 7. Neither this section or any casino surveillance standard adopted pursuant to it alters, amends, supersedes or removes any condition of any licensee or approval imposed on any licensee and in effect on the effective date of this section by the commission. However, a licensee shall be deemed to have complied with a condition requiring the board's approval of a surveillance system if the licensee complies with subsection ~~9-6.~~

14 8. Upon request and at his discretion, the chairman may exempt a licensee from compliance with any casino surveillance standard. All requests for exemption must be in writing and state the reasons for the request and the alternative measures, if any, the licensee will undertake to accomplish the objectives of the casino surveillance standard. The licensee must comply with the casino surveillance standards while the request for exemption is pending. Any request for exemption that is not granted, in writing, within 90 days after it is received by the chairman will be deemed denied.

12 9. Each licensee and applicant must submit a written casino surveillance system plan to the chairman. The plan must be in a form approved or required

by the chairman, and must include a description of all equipment utilized in the casino surveillance system, a blueprint or diagram that shows all of the areas to be monitored and the placement of surveillance equipment in relation to the activities being observed, a description of the procedures utilized in the operation of the casino surveillance system, and any other information required by the casino surveillance standards. If an applicant will not be conducting or a licensee does not conduct an activity that is addressed in the casino surveillance standards, then the plan must include a statement to that effect. ~~Each applicant and licensee as of the effective date of this subsection must submit its plan within 180 days after the initial casino surveillance standards adopted by the chairman and approved by the commission become effective.~~ Each subsequent applicant must submit its plan within 60 days after its application is filed. Thereafter, the plan must be amended and the amendments to the plan or the plan as amended must be submitted to the board on an annual basis by each licensee, to reflect any modification made to the licensee's casino surveillance system during the preceding year that resulted from (a) the repeal or revision of any existing casino surveillance standard or the adoption of any new casino surveillance standard, (b) a change in the layout or configuration of any area required to be monitored, or (c) any exemption granted by the chairman pursuant to subsection 44 8. If no such modifications were made, then the licensee must submit a statement to the board to that effect.

~~43~~ 10. If, after reviewing the licensee's written casino surveillance system plan, the chairman determines the plan does not comply with subsection ~~42~~ 9, the chairman shall notify the licensee in writing, and the licensee shall revise the plan to comply with subsection ~~42~~ 9 and submit the revised plan within 30 days after receipt of the chairman's written notice.

~~14. This regulation is effective upon adoption, except for subsection 9, which becomes effective on the effective date of the initial casino surveillance standards adopted by the chairman and approved by the commission.~~

(Adopted and Effective: 11/21/91.)  
(Effective: July 28, 2005).