

REPEAL OF NGC REGULATION 4.175
AND
ADOPTION OF NGC REGULATION 5.109

(Adopted: 11/20/03. Effective: 11/20/03)

NGC Regulation 4.175 repealed and replaced as follows:

5.109 Petition for hearing to reconsider objection to registration or to reconsider suspension or revocation of registration.

1. Any person whose application for registration as a gaming employee has been objected to pursuant to NRS 463.335, or whose registration as a gaming employee has been suspended pursuant to 463.336 or revoked pursuant to NRS 463.337, may not request a hearing for reconsideration of the final administrative or judicial action which resulted in such objection, suspension or revocation for a period of one (1) year following the date of such final administrative or judicial action.

2. After the one (1) year period prescribed in subsection 1, an aggrieved person may request a hearing by filing a petition with the board which sets forth the basis of the request for reconsideration. The aggrieved person shall, upon filing such petition, include the statement prescribed in subsections 1 and 2 of NRS 463.3351 and, if requested by the board, two new complete sets of fingerprints together with the fee charged by the Central Repository for Nevada Records of Criminal History to process such fingerprints.

3. Upon receipt of a petition, the board shall conduct an investigation of the person who filed such petition and schedule a hearing. At the hearing, the board shall take any testimony deemed necessary. The board may appoint a hearing examiner and authorize that person to conduct the hearing, including, but not limited to, any of the functions required of the board in the case of hearing conducted pursuant to NRS 463.335.

4. After conducting a hearing pursuant to subsection 3, the board shall in the case of a petition for reconsideration of:

(a) An objection entered pursuant to NRS 463.335 which is the subject of such hearing, review the testimony taken and any other evidence, and render a decision sustaining, modifying or withdrawing the objection which shall be mailed to the person within 45 days after the date of the hearing; or

(b) The suspension of a person's registration pursuant to 463.336 or the revocation of a person's registration pursuant to NRS 463.337, adopt a recommendation to the commission to sustain, modify or reverse the administrative or judicial decision which is the subject of such hearing.

5. After the board:

(a) Renders a decision pursuant to subsection 4(a), other than a decision to withdraw an objection or a unanimous decision to sustain or modify an objection; or

(b) Adopts a recommendation pursuant to subsection 4(b),

it shall present such decision or recommendation to the commission at the next meeting of the commission.

In the case of a unanimous decision to sustain or modify an objection which is rendered by the board pursuant to subsection 4(a), the board is not required to present it to the commission unless the person aggrieved by the decision applies in writing to the commission for review of such decision within 15 days after the announcement of the decision. The failure of the person to apply for a review within such 15-day period shall be deemed to be an admission that the unanimous decision of the board sustaining or modifying the objection is well founded and, pursuant to subsection 9, such person may not file another petition pursuant to this regulation for a period of five (5) years after the date of the board's decision, or such lesser period of time as may be ordered by the board.

6. The commission, in reviewing a decision or recommendation of the board, may sustain, modify or reverse the decision or recommendation of the board or remand the petition to the board for such further investigation or reconsideration as the commission may order. The review by the commission of a board decision or recommendation is limited to the record of the proceedings before the board.

7. An aggrieved person who files a petition pursuant to this regulation may submit a written request for withdrawal of such petition to:

(a) The board at any time prior to the board rendering a decision or adopting a recommendation to the commission pursuant to subsection 4; or

(b) The commission at any time before the commission has acted upon a decision or recommendation of the board pursuant to subsection 6.

8. If a person who files a petition pursuant to this regulation is deemed eligible for employment as a gaming employee, such person shall file a change of employment notice with the board by submitting it to the licensee for whom he becomes employed as a gaming employee within 10 days, unless otherwise prescribed by the chairman. Unless objected to by the board, or otherwise suspended or revoked, the registration of such person as a gaming employee expires 5 years after the date employment commences with the applicable licensee or, in the case of an independent agent, 5 years after the date he contracts with a licensee. Such registration shall be subject to any limitations and conditions that are prescribed by the board or commission.

9. If a person who files a petition pursuant to this regulation is deemed ineligible for employment as a gaming employee, such person may not file a new petition for a period of five (5) years after the date of final board or commission action, as the case may be, or such lesser period of time as may be ordered by the board or commission. Any such petition shall be processed in accordance with the applicable provisions of this regulation.