

1 **PROPOSED AMENDMENTS TO REGULATIONS 5.100 THROUGH 5.109**

2 **PROPOSED NEW REGULATION SECTIONS 5.1055 and 5.1085**

3 **PURPOSE:** To add, delete, and modify gaming employee registration definitions; to modify
4 which gaming employees are eligible for temporary registration; to state the Board will expedite
5 gaming employee registration investigations regarding armed security personnel; to modify
6 suspension and reinstatement of temporary registration of gaming employees; to modify the
7 criteria for objection to gaming employee registrations; to modify licensee duties with regard to
8 gaming employee registration; to create required policies and procedures regarding armed
9 security personnel; to modify change of employment notice requirements; to update
10 requirements regarding the Board’s system of records; to create the process for temporary
11 suspension of a gaming employee registration as required by SB 72; to modify requirements
12 concerning a petition for hearing to reconsider an objection, suspension, or revocation of a
13 gaming employee registration; to modify reporting requirements regarding independent hosts;
14 and to take such additional action as may be necessary and proper to effectuate these stated
15 purposes.

16 **REGULATION 5**

17 **OPERATION OF GAMING ESTABLISHMENTS**

18 (Draft Date September 24, 2020)

19 ADOPTED

20 *New*

21 ~~{Deleted}~~

22 **5.100 Definitions** As used in Regulations 5.100 to 5.109, inclusive:

23 1. No Change.

24 2. ~~["Application for registration" means an application package, in electronic or paper form,~~
25 ~~containing all the components of a complete application for registration or renewal of registration~~
26 ~~as a gaming employee consisting of:~~

27 ~~(a) The online or paper form for application;~~

28 ~~(b) Two sets of fingerprints of the applicant or, if applicable, proof that the applicant's~~

1 ~~fingerprints were submitted electronically or by another means to the Central Repository for~~
2 ~~Nevada Records of Criminal History;~~

3 ~~(c) The fee or a voucher guaranteeing payment of the fee for processing the application for~~
4 ~~registration; and~~

5 ~~(d) The statement prescribed in subsections 1 and 2 of NRS 463.3351.~~

6 ~~Unless otherwise indicated, an “application for registration” also means the change of~~
7 ~~employment notice prescribed by the Board, in electronic or paper form.]~~

8 “Armed security personnel” means security personnel who carry firearms as part of their
9 employment duties.

10 3. “Chair” means the Chair of the Nevada Gaming Control Board or the Chair’s designee.

11 ~~[3]~~4. “Form for application” means the application form prescribed by the Board for
12 registration or renewal of registration as a gaming employee and, unless otherwise indicated,
13 also means the change of employment notice form prescribed by the Board, in electronic or
14 paper form.

15 **5.102 Temporary registration.**

16 1. Except as otherwise provided in this section, a [A] person is deemed temporarily
17 registered as a gaming employee upon submission of an application for registration to the
18 licensee for which the applicant will commence or continue working as a gaming employee,
19 unless otherwise prescribed by the Chair.

20 2. A [F] temporary registration as a gaming employee is valid for ~~[a period of]~~ 120 days after
21 an application for registration is received by the Board, unless such temporary registration is
22 objected to, suspended, or revoked by the Board ~~[, or otherwise suspended or revoked]~~ or
23 Commission.

24 3. A person who submits an application for registration or a change of employment notice to
25 a licensee concerning an armed security personnel position is deemed temporarily registered for
26 such position if:

27 (a) The person

28 (1) Holds a current concealed weapon permit issued by a political subdivision of the State of

1 Nevada;

2 (2) Holds a current armed work credential issued by a political subdivision of the State of

3 Nevada;

4 (3) Is presently employed as an active duty law enforcement officer in the State of Nevada;

5 (4) Is a retired law enforcement officer who holds a current Law Enforcement Officers Safety

6 Act card;

7 (5) Is presently registered as a gaming employee in an armed security personnel position

8 with another licensee; or

9 (6) Is submitting a renewal of registration as a gaming employee in an armed security

10 personnel position and

11 (b) The licensee maintains a record of the permit, credential, certification, or employment
12 authorizing temporary registration for such armed security personnel position;

13 4. A person who submits an application for registration or a change of employment notice to
14 a licensee concerning an armed security personnel position shall only be deemed temporarily
15 registered as a gaming employee for work in an unarmed capacity if the licensee does not
16 maintain a record of the permit, credential, certification, or employment set out in subsection 3.
17 Registration as a gaming employee in an armed security personnel position for such person shall
18 only be effective upon notice from the Board or the expiration of the 120 day temporary
19 registration period without Board objection, whichever occurs earlier.

20 5. The Board shall expedite its investigations of applications concerning gaming employees
21 in armed security personnel positions and endeavor to notify such employees that they are
22 registered or that the Board is objecting to the registration within 15 days of the Board's receipt
23 of a completed application.

24 **5.103 Suspension and reinstatement of temporary registration.**

25 ~~1. [The Board may suspend the temporary registration of an applicant if it determines that:~~

26 ~~(a) The application for registration received from the applicant is not complete; or~~

27 ~~(b) If the application for registration is not a change of employment notice, the fingerprints~~

28 ~~submitted by the applicant are illegible or unclassifiable.~~

1 ~~2. The Board shall suspend the temporary registration of an applicant if it determines that the~~
2 ~~statement prescribed by the Welfare Division of the Department of Human Resources pursuant~~
3 ~~to NRS 425.520 is not completed, not signed, or the applicant indicates on the statement that the~~
4 ~~applicant is subject to a court order for the support of a child and is not in compliance with the~~
5 ~~order or a plan approved by the district attorney or other public agency enforcing the order for~~
6 ~~the repayment of the amount owed pursuant to the order.]~~

7 ~~[3]~~1. If the Board suspends the temporary registration of an applicant pursuant to
8 subsection~~[s-4]~~ 8 of NRS 463.335 or ~~[2]~~ subsection 3 of NRS 463.3351, it shall notify the
9 applicant and the ~~[applicant's place of employment]~~ applicable licensees of such suspension.

10 ~~[4]~~2. An applicant whose temporary registration is suspended pursuant to subsection~~[s-4]~~ 8
11 of NRS 463.335 or ~~[2]~~ subsection 3 of NRS 463.3351 shall not ~~[be eligible to]~~ work as a gaming
12 employee until such time as the applicant rectifies the cause for such suspension and the Board
13 reinstates the applicant's temporary registration. If an applicant rectifies the cause for his or her
14 suspension and the Board reinstates the applicant's temporary registration, the period of time in
15 which the applicant's temporary registration was suspended ~~[pursuant to this regulation shall]~~
16 must not be included in measuring the 120-day period in which the Board may object to such
17 temporary registration of the applicant.

18 **5.104 Investigation; uniform criteria for objection; objection.**

19 1. No Change.

20 2. Unless the Board, after reviewing an application for registration, suspends the temporary
21 registration of the applicant pursuant to ~~[Regulation]~~ section 5.103, it shall conduct an
22 investigation of the applicant to determine whether the applicant is eligible ~~[to be or continue to~~
23 ~~be registered]~~ for registration or renewal of registration as a gaming employee.

24 3. The Board may object to the registration of an applicant within 120 days after receipt of a
25 complete application for registration for any cause deemed reasonable, including, without
26 limitation, any of the specific grounds ~~[cited at]~~ set forth in subsection 12 of NRS 463.335~~[(12)]~~.

27 4. ~~[An objection to the registration of an applicant shall be entered]~~ In addition to the criteria
28 set forth in subsection 12 of NRS 463.335, the Board may object to the registration of an

1 applicant within 120 days after receipt of a complete application for registration if the applicant
2 has committed, attempted or conspired to commit an offense:

3 (a) ~~[Has committed, attempted or conspired to commit any offense i]~~n violation of chapters
4 463, 463B, 464 or 465 of NRS [465.070 to 465.085, inclusive] or the regulations adopted
5 pursuant thereto.

6 (b) ~~[Has committed, attempted or conspired to commit any offense, within the past 10 years,~~
7 ~~i]~~nvolving or related to gambling, which is a gross misdemeanor or felony in this state or, if the
8 offense was committed in another state, it would be considered a gross misdemeanor or felony
9 in this state.

10 (c) ~~[Has committed, attempted or conspired to commit any offense i]~~nvolving larceny ~~[related~~
11 ~~offenses]~~ committed against, or on the premises of, a gaming establishment ~~[within the past 10~~
12 ~~years].~~

13 5. If the Board objects to the registration of an applicant pursuant to this ~~[regulation]~~ section,
14 the Board ~~[shall]~~ must notify:

15 (a) The applicant ~~[pursuant to the notice requirement prescribed]~~ in accordance with
16 subsection 10 of NRS 463.335~~[(10)]~~ and provide notice of his or her ~~[the]~~ right to apply for a
17 hearing pursuant to subsection 11 of NRS 463.335~~[(11)]~~; and

18 (b) The ~~[applicant's place of employment]~~ applicable licensees.

19 ~~[The failure of an applicant to seek review of a determination that the applicant is not eligible~~
20 ~~for registration as a gaming employee shall be deemed to be an admission that the objection is~~
21 ~~well founded and such failure precludes administrative or judicial review.]~~

22 6. If the Board does not object to the registration of an applicant pursuant to this ~~[regulation,]~~
23 section, the applicant shall be deemed registered as a gaming employee and is eligible for
24 employment with any ~~[nonrestricted]~~ licensee in ~~[the]~~ this state until such registration expires ~~[as~~
25 ~~prescribed in]~~ pursuant to subsection 7 of NRS 463.335~~[(7)]~~, is suspended pursuant to NRS
26 463.3352 or 463.336, or is revoked pursuant to NRS 463.337.

27 **5.105 Duties of licensee.**

28 1. A ~~[nonrestricted]~~ licensee shall not knowingly employ a~~[ny]~~ person as a gaming employee

1 unless such person is temporarily registered or registered as a gaming employee. A licensee
2 shall check, and may rely on, the system of records maintained by the Board to verify the
3 temporary registration, registration or eligibility of a person seeking employment as a gaming
4 employee with such licensee.

5 2. A licensee shall only access the system of records after a person applies for a position as
6 a gaming employee solely to determine whether the person is registered, temporarily registered,
7 or subject to objection, suspension or revocation, or to initiate an application transaction in the
8 Board's online gaming employee registration system. A licensee shall maintain ~~[written]~~
9 documentation establishing that it received an application for employment from a person for a
10 position as a gaming employee prior to accessing the system of records and ~~[shall]~~ retain such
11 documentation for at least 5 years.

12 3. ~~[Before a licensee grants any employee access to the system of records maintained by~~
13 ~~the Board, it shall provide the Board with the name, social security number and date of birth of~~
14 ~~such employee.]~~ Upon the termination of employment of ~~[such]~~ an employee with access to the
15 system of records maintained by the Board or the reassignment of such employee to a position
16 that no longer requires ~~[the employee to]~~ access to the system of records, the licensee shall
17 ~~[immediately]~~ notify the Board of such termination or reassignment not later than the next
18 business day. The information contained within the system of records is confidential and must
19 not be disclosed by such employee or the licensee.

20 4. If a licensee determines, after accessing the system of records maintained by the Board,
21 that a person seeking employment as a gaming employee with such licensee is not temporarily
22 registered or registered as a gaming employee, and is not subject to objection, suspension or
23 revocation, the licensee shall provide the person with a form for application, the statement
24 ~~[prescribed in]~~ required by subsection~~[s]~~ 1 ~~[and 2]~~ of NRS 463.3351 and instruct the person to:

25 (a) Complete the form for application and the statement ~~[prescribed in]~~ required by
26 subsection~~[s]~~ 1 ~~[and 2]~~ of NRS 463.3351;

27 (b) Obtain ~~[two]~~ a complete set~~[s]~~ of fingerprints or provide proof of submission of fingerprints
28 to the Central Repository for Nevada Records of Criminal History;

1 (c) Complete an online payment by credit or debit card through the Board's online gaming
2 employee registration system or obtain a money order, cashier's check or voucher in the amount
3 prescribed by the Board in accordance with NRS 463.335(5); and

4 (d) Unless otherwise prescribed by the Chair, complete the application for gaming employee
5 registration online via the Board's online gaming employee registration system or return a
6 completed paper application for registration to the licensee in a sealed envelope, or in any other
7 confidential manner permitted by the Board, for submission to the Board.

8 ~~[(If the person's fingerprints are submitted electronically or by another means to the Nevada
9 Records of Criminal History, tangible proof of such shall be included in the application for
10 registration in lieu of the fingerprint cards.)~~

11 ~~A licensee shall not employ a person who is not temporarily registered or registered as a
12 gaming employee until such time as the person complies with this subsection.]~~

13 5. No Change.

14 6. If a licensee determines, after accessing the system of records maintained by the Board,
15 that a person seeking employment as a gaming employee with such licensee is temporarily
16 registered or registered as a gaming employee, the licensee shall provide such person with a
17 change of employment notice and the statement ~~[prescribed in]~~ required by subsection[s] 1 ~~{and~~
18 ~~2}~~ of NRS 463.3351, and instruct the person to complete such notice and statement, unless
19 otherwise prescribed by the Chair, either online via the Board's online gaming employee
20 registration system or by completing the paper version of the notice and statement and returning
21 them to the licensee in a sealed envelope, or in any other confidential manner permitted by the
22 Board, for submission to the Board.

23 7. ~~[A licensee which instructs a person to obtain two complete sets of fingerprints shall be
24 responsible for nonpayment by such person of the fee charged by the Central Repository for
25 Nevada Records of Criminal History and the Federal Bureau of Investigation for processing such
26 fingerprints.]~~

27 8. ~~Upon receipt of an application for registration, a licensee shall mail or deliver it to the
28 Board within 5 business days as prescribed in NRS 463.335(4).]~~

1 ~~9.]~~ The application for registration is confidential and shall not be accessed or used for any
2 purpose by a licensee unless otherwise permitted by law, or prior, written consent is given by the
3 person seeking employment.

4 ~~{10. A licensee shall immediately terminate a person it has employed or contracted with as a~~
5 ~~gaming employee, or reassign the person to a position that does not require registration as a~~
6 ~~gaming employee, if the Board notifies a licensee that the temporary registration or registration~~
7 ~~of the person it has employed as a gaming employee has been objected to by the Board, or~~
8 ~~otherwise suspended or revoked.~~

9 ~~11]8.~~ On or before the fifteenth (15th) day of each month, each licensee shall submit a
10 written report to the Board containing the name, gaming registration number, position held, and
11 date of hire of each gaming employee hired during the ~~{previous}~~ immediately preceding month.

12 ~~{12]9.~~ On or before the fifteenth (15th) day of each month, each licensee shall enter a
13 termination date for all gaming employees terminated or separated from service within the
14 immediately preceding month into the Board's online gaming employee registration system. With
15 regard to persons required to register pursuant to section 5.320, such entry shall include a
16 truthful statement of the reason(s) for each termination ~~{and}~~ or resignation and any additional
17 information regarding the termination or resignation requested by the Chair.

18 ~~{13]10.~~ Each licensee must maintain a photo of every gaming employee employed by the
19 licensee. The licensee shall maintain the photo for a period of no less than 5 years after the date
20 ~~{in}~~ on which the gaming employee is no longer employed by the licensee as a gaming
21 employee. The photo must be large enough and of sufficient clarity to ~~{be able to}~~ clearly identify
22 the gaming employee from the photo. The photo may be in the form of a photograph or it may
23 be digitally stored, ~~{but it}~~ and must be capable of being reproduced and provided at the request
24 of the Board.

25 ~~{14. Any violation of subsections 2 or 3 constitutes an unsuitable method of operation and~~
26 ~~shall be grounds for disciplinary action by the Board and the Commission in accordance with the~~
27 ~~Nevada Gaming Control Act and the regulations of the Commission.]~~

28 **5.1055 Required policies and procedures regarding armed security personnel.**

1 1. Each licensee which employs armed security personnel shall have written policies and
2 procedures regarding such personnel.

3 2. In order to determine whether a licensee has established appropriate policies and
4 procedures with regard to armed security personnel, the Board and Commission may consider,
5 without limitation, the following factors:

6 (a) The extent of the background investigations conducted by the licensee prior to hiring a
7 person for an armed position;

8 (b) The extent of the firearms training required by the licensee prior to hiring a person for an
9 armed position;

10 (c) The extent of mandatory annual training and qualifications regarding a person filling an
11 armed position; and

12 (d) The extent to which testing for illegal use of controlled substances by armed security
13 personnel occurs.

14 **5.106 Change of employment notice.**

15 1. ~~Whenever a registered gaming employee becomes employed as a gaming employee with~~
16 ~~another or additional licensee, the gaming employee shall file a change of employment notice by~~
17 ~~submitting it to such licensee for submission to the Board within 10 days of the employee~~
18 ~~becoming employed with such licensee.]~~ A change of employment notice must be filed with the
19 Board through the applicable licensee pursuant to NRS 463.335(2) unless otherwise prescribed
20 by the Chair.

21 2. Except as otherwise provided in section 5.102, a [A] person is deemed temporarily
22 registered as a gaming employee upon the ~~[filing]~~ submission of a change of employment notice
23 in accordance with subsection 1 and such temporary registration is valid for a period of 120 days
24 after the change of employment notice is received by the Board, unless objected to, suspended,
25 or revoked by the Board ~~[, or otherwise suspended or revoked]~~ or Commission, as applicable.

26 3. The expiration date of the registration of a gaming employee ~~[s registration]~~ shall not
27 change as a result of the filing of a change of employment notice.

28 4. When a licensee temporarily reassigns a gaming employee employed by the licensee to

1 work at an affiliated licensee, a change of employment notice is not required if:

2 (a) The gaming employee does not act in an unarmed or armed security personnel position
3 for an affiliated licensee if the gaming employee is not so employed in such capacity with the
4 licensee and

5 (b) The gaming employee is not temporarily reassigned to an affiliated licensee for more
6 than 30 calendar days per calendar year.

7 5. A licensee which temporarily reassigns employees to an affiliated licensee shall, upon
8 request from the Board, furnish current information concerning gaming employees who have
9 been temporarily reassigned to an affiliate licensee, the affiliated licensee to which each gaming
10 employee was assigned, and the dates on which each gaming employee was temporarily
11 reassigned to the affiliated licensee.

12 **5.107 System of records: contents; confidentiality; penalties.**

13 1. The Board shall create and maintain a system of records that:

14 (a) Contains information regarding the current place of employment of each person who is
15 registered as a gaming employee; and

16 (b) Identifies each person whose registration as a gaming employee has expired, was
17 objected to, suspended, or revoked by the Board ~~[, or otherwise suspended or revoked]~~ or
18 Commission, as applicable.

19 2. No Change.

20 **5.1085 Temporary suspension of registration.**

21 1. If the Board issues a temporary suspension of the registration of a gaming employee after
22 his or her arrest by an agent of the Board, the suspension becomes effective when:

23 (a) Notice is sent to the applicable licensee and

24 (b) The notice of suspension is served upon the gaming employee through:

25 (1) U.S. mail to the applicant's last known address; or

26 (2) Personal service,

27 ↪ For purposes of this section, a notice of temporary suspension shall be deemed to have
28 been received by the gaming employee upon the date of personal service or 5 days after it is

1 deposited with the United States Postal Service with the postage thereon prepaid.

2 2. The notice of temporary suspension provided to the gaming employee must:

3 (a) Include a statement of facts upon which the temporary suspension is based; and

4 (b) Inform the gaming employee that he or she may apply to the Board for a review or
5 hearing on the temporary suspension by filing a notice of defense within 30 days after receipt of
6 the notice of temporary suspension as set out in subsection 3.

7 3. Not later than 30 days after the effective date of the temporary suspension, a gaming
8 employee who has been notified of a temporary suspension may file a written notice of defense
9 with the Board. Such notice of defense shall state specific reasons why the gaming employee
10 believes temporary suspension is not appropriate and may include any documentary evidence
11 deemed relevant by the gaming employee.

12 4. Upon receipt of a notice of temporary suspension of a gaming employee, the applicable
13 gaming licensee must:

14 (a) Reassign the gaming employee to a position that does not require registration as a
15 gaming employee; or

16 (b) Otherwise ensure that the employee does not work as a gaming employee while the
17 temporary suspension is in effect.

18 5. Within 5 business days after receipt of the gaming employee's notice of defense, the
19 Board shall:

20 (a) Schedule and conduct a hearing pursuant to subsection 14 of NRS 463.335 and issue a
21 decision on the temporary registration within 5 business days after the hearing; or

22 (b) Upon the request of the gaming employee:

23 (1) Review the statement of facts surrounding the temporary suspension, along with the
24 notice of defense; and

25 (2) Issue a decision summarily sustaining or reversing the temporary suspension.

26 6. A failure of a gaming employee whose registration has been temporarily suspended
27 pursuant to this section to apply for a hearing or review within 30 days or his or her failure to
28 appear at a hearing of the Board conducted pursuant to this regulation:

1 (a) Shall be deemed an admission that the temporary suspension is well-founded; and

2 (b) Precludes administrative or judicial review of the temporary suspension.

3 7. If, after a review of or hearing on the temporary suspension, the Board reverses the
4 temporary suspension of a gaming employee, the Board shall:

5 (a) Remove the temporary suspension from its system;

6 (b) Reinstate the registration of the gaming employee; and

7 (c) Notify the affected gaming employee and applicable licensee immediately.

8 8. Any person aggrieved by a decision of the Board entered pursuant to this section may,
9 within 15 days after entry of the decision, apply in writing to the Commission for a review of the
10 decision. Any such review shall be limited to the record of the proceedings before the Board.

11 9. Within 5 business days after receipt of an application for review of the decision of the
12 Board, the Commission shall schedule a hearing on the temporary suspension. The Commission
13 may sustain, modify, or reverse the Board's decision on the temporary suspension.

14 10. Unless a temporary suspension of a gaming employee is reversed by the Board after a
15 review or hearing conducted pursuant to subsection 5, a temporary suspension shall lapse:

16 (a) Upon separation of the gaming employee from all positions which require registration as
17 a gaming employee;

18 (b) Upon a reversal of the temporary suspension by the Commission;

19 (c) Upon a rescission of the temporary suspension by the Board upon a finding that it is no
20 longer necessary; or

21 (d) If, within 60 days after final administrative or judicial review of the temporary suspension,
22 the Board has not filed a complaint for revocation of the gaming employee's registration as
23 provided in NRS 463.337 and 463.312 to 463.3145, inclusive.

24 **5.109 Petition for hearing to reconsider objection to registration or to reconsider**
25 **suspension or revocation of registration.**

26 1. Any person whose application for registration as a gaming employee has been objected to
27 pursuant to NRS 463.335, ~~for whose registration as a gaming employee has been~~ suspended
28 pursuant to 463.336, or revoked pursuant to NRS 463.337, may not request a hearing for

1 reconsideration of the final administrative or judicial action which resulted in such objection,
2 suspension or revocation for a period of one (1) year following the date of such final
3 administrative or judicial action.

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

10 3. Upon receipt of a petition, the Board shall conduct an investigation of the person who filed
11 such petition. ~~and~~ Upon completion of the investigation, which may include an examination of
12 any relevant facts or circumstances which occurred subsequently to the initial objection, the
13 Board may grant the relief sought in the petition based on the information presented therein. If
14 the Board does not grant the relief sought based on the filing of the petition, the Board must
15 schedule a hearing in accordance with subsection 14 of NRS 463.335. At the hearing, the Board
16 ~~shall~~ may take any testimony deemed necessary. The ~~Board~~ Chair may designate a member
17 of the Board or the Board may appoint a hearing examiner and authorize that person to perform
18 on behalf of the Board any of the following functions required of the Board in the case of a
19 hearing conducted pursuant to NRS 463.335:

20 (a) Granting the relief sought in the petition;

21 (b) Conducting a hearing and taking testimony;

22 ~~(b)~~(c) Reviewing the testimony and evidence presented at the hearing;

23 ~~(c)~~(d) Making a recommendation to the Board based upon the testimony and evidence or
24 rendering a decision on behalf of the Board pursuant to this section; and

25 ~~(d)~~(e) Notifying the person who filed the petition of the decision.

26 ~~4.~~ 4. Any decision rendered on behalf of the Board by a designated member of the Board
27 ~~member~~ or an appointed hearing examiner shall be deemed a unanimous decision of the Board
28 and shall be treated as such for purposes of this section.

1 ~~[4]~~5. After conducting a hearing pursuant to subsection 3, the Board, designated member of
2 the Board ~~[member]~~, or appointed hearing examiner shall ~~[in the case of a petition for~~
3 ~~reconsideration of:~~

4 ~~(a) An objection entered pursuant to NRS 463.335 which is the subject of such hearing,]~~
5 review the testimony taken and any other evidence, and render a decision sustaining, modifying,
6 or withdrawing the objection, suspension, or revocation ~~[which shall be mailed to]~~ and provide a
7 copy of the decision to the person ~~[of the decision]~~ by mail within 45 days after the date of the
8 hearing. ~~;~~ or

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

13 ~~[5]~~6. ~~[A]~~ Except as otherwise provided in subsection 7, the Board shall present its decision
14 or recommendation to the Commission at the next meeting of the Commission after the Board,
15 designated Board member, or appointed hearing examiner~~;~~

16 ~~(a) Renders]~~ renders a decision pursuant to subsection ~~[4(a)]~~ 5, ~~other than a decision to~~
17 ~~withdraw an objection or a unanimous decision by the Board to sustain or modify an objection; or~~

18 ~~(b) Adopts a recommendation pursuant to subsection 4(b), the Board shall present such~~
19 ~~decision or recommendation to the Commission at the next meeting of the Commission.]~~

20 7. ~~[→ In the case of a unanimous decision by the Board to sustain or modify an objection~~
21 ~~which is rendered by the Board pursuant to subsection 4(a), t]~~ The Board is not required to
22 present its decision to the Commission if the Board issues a unanimous decision to sustain or
23 modify an objection, suspension, or revocation to a registration as a gaming employee pursuant
24 to subsection 5 unless the person aggrieved by the decision applies in writing to the Commission
25 for review of such decision within 15 days after the announcement of the decision. The failure of
26 the person to apply for a review within such 15-day period shall be deemed to be an admission
27 that the unanimous decision of the Board sustaining or modifying the objection is well founded
28 and, pursuant to subsection 9, such person may not file another petition pursuant to this

1 regulation for a period of five (5) years after the date of the Board's decision, or such lesser
2 period of time as may be ordered by the Board.

3 ~~[6]~~8. The Commission, in reviewing a decision or recommendation of the Board, designated
4 member of the Board ~~[member]~~, or appointed hearing examiner, may sustain, modify, or reverse
5 the decision or recommendation ~~[of the Board, designated Board member, or appointed hearing~~
6 ~~officer]~~ or remand the petition to the Board for such further investigation or reconsideration as the
7 Commission may order. The review by the Commission ~~[of a Board, designated Board member,~~
8 ~~or appointed hearing examiner decision or recommendation]~~ is limited to the record of the
9 proceedings before the Board, designated member of the Board ~~[member]~~, or appointed hearing
10 examiner.

11 ~~[7]~~9. An aggrieved person who files a petition pursuant to this ~~[regulation]~~ section may
12 submit a written request for withdrawal of such petition to:

13 (a) The Board at any time prior to the Board rendering a decision or adopting a
14 recommendation to the Commission pursuant to subsection ~~[4]~~ 5; or

15 ~~(b)~~ The Commission at any time before the Commission has acted upon a decision or
16 recommendation of the Board, designated member of the Board ~~[member]~~, or appointed hearing
17 examiner pursuant to subsection ~~[6]~~ 8.

18 ~~[8]~~10. If a person who files a petition pursuant to this ~~[regulation]~~ section is deemed eligible
19 for employment as a gaming employee, such person shall, as directed by the Board, file a new
20 application for registration as a gaming employee or a change of employment notice with the
21 Board by submitting it to the licensee for whom the person becomes employed as a gaming
22 employee within 10 days, unless otherwise prescribed by the Chair. Unless objected to,
23 suspended, or revoked by the Board[,], or ~~[otherwise suspended or revoked]~~ Commission, the
24 registration of such person as a gaming employee expires 5 years after the date employment
25 commences with the applicable licensee or, in the case of an independent agent, 5 years after
26 the date the independent agent contracts with a licensee. Such registration shall be subject to
27 any limitations and conditions that are prescribed by the Board or Commission.

28 ~~[9]~~11. If a person who files a petition pursuant to this ~~[regulation]~~ section is deemed ineligible

1 for employment as a gaming employee, such person may not file a new petition for a period of
2 five (5) years after the date of final action taken by the Board or Commission [~~action~~], as [~~the~~
3 ~~case may be~~] applicable, or such lesser period of time as may be ordered by the Board or
4 Commission. Any such petition shall be processed in accordance with the applicable provisions
5 of this [~~regulation~~] section.

6 **5.345 Registration of Independent Hosts.**

7 1. No Change.

8 2. No Change.

9 3. No Change.

10 4. No Change.

11 5. No Change.

12 6. No Change.

13 7. No Change.

14 8. No Change.

15 9. No Change.

16 10. No Change.

17 11. No Change.

18 12. No Change.

19 ~~[13. A licensee or club venue operator shall provide to the Board within 15 days following~~
20 ~~each calendar month, separate reports listing all independent hosts:~~

21 ~~(a) With which the licensee or club venue operator has an active agreement and~~

22 ~~(b) With which the licensee or club venue operator terminated its business relationship during~~
23 ~~that month. Such reports shall include truthful statements of the reason(s) for each termination of~~
24 ~~business relationship and any additional information regarding the terminations requested by the~~
25 ~~Chair.]~~

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28 Effective upon adoption (September 24, 2020).

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