

Patron Disputes Questions and Answers

General Questions and Answers (“Q & A”) for Patron Disputes (with a casino)

1. Do I need an attorney?
 - a. No. However, the Nevada Gaming Control Board (“Board”) **cannot and will not** provide legal advice or strategy. This entire website is for informational purposes only and should be used as a starting point, not as legal advice or strategy.
 - b. This is not a criminal proceeding. An attorney will not be provided to you by the Board. Of course, you can seek your own counsel.
2. What are some of the laws involved?
 - a. See the Board’s website for most of the statutes and regulations pertaining to patron disputes by visiting www.gaming.nv.gov
 - b. Some often used laws (but not all) are:
 - i. NRS 463
 - ii. Regulation 7A
3. I called the Board and an agent came out to the casino to investigate. What is the status of my dispute now?
 - a. You must contact the Board’s Enforcement Division to find out the status of the dispute.
 - b. You **cannot** file an appeal until you receive a letter (“Decision Letter”) from the Enforcement Division stating that your dispute has been denied.
 - c. You have 20 days from the date of the Enforcement Division’s Decision Letter to file an appeal with this office. The appeal must be physically received at the Board within 20 days per NRS 463.363. You can walk the petition in, mail it in, or email the Hearings Office at GCBhearingsadmin@gcb.nv.gov.
 - d. If you fail to timely request an appeal, the Agent’s decision will be upheld and you will be prohibited from judicial review.
 - e. It is your responsibility to keep your address updated with the Board.
 - i. The Board is only required to mail the Decision Letter to the last known address of the licensee and patron. If you move and do not provide a current address, your appeal rights may be barred if it is filed after the 20 days. (NRS 463.362)
4. I am within the 20-day time frame and I disagree with the Enforcement Division’s decision. I would like to file an appeal. What are my next steps?
 - a. You must file a “Petition.” The petition lets this Office know that you are seeking an appeal, the reasons why you believe you deserve an appeal, and why you believe the Enforcement Division’s decision was incorrect.
 - b. The Decision Letter sent to you by the Enforcement Division should have some instructions on how to file an appeal. If you need another copy, please visit the Board’s website at <https://gaming.nv.gov/divisions/administration/hearings/>
 - c. It is **IMPORTANT** to remember that all correspondence sent to the Office of the Hearings Examiner need to be also sent to the other party (the casino), **INCLUDING** a copy of the Petition.

5. I have filed my appeal with the Office of the Hearings Examiner and I have served the other party with the petition. What should I do now?
 - a. You must wait at least 2 weeks to contact the Office of the Hearings Examiner to find out if a hearing has been scheduled. A letter will be sent to your last known address advising you of the hearing date and time.
 - b. You should consider how you would like to present your case at the hearing and if “discovery” is required. Discovery is a pre-hearing procedure used by a party to discover certain information from the opposing party that will be reasonably helpful at the pending hearing (e.g. evidence, witnesses, etc.).
6. Who is responsible for providing evidence at the hearing?
 - a. The Hearings Office will request evidence used by the agent when he or she made the original decision regarding the dispute.
 - i. This evidence will be available at the hearing.
 - b. Each party is responsible for acquiring and providing all witnesses, exhibits, or other evidence at the hearing, even witnesses and evidence from the opposing party.
7. I asked the opposing party for information during discovery but they have not responded or is unwilling to provide the evidence requested. What can I do now?
 - a. You must keep track of all correspondence with the opposing party (e.g. a certificate of service).
 - b. If the opposing party is refusing to provide evidence or has not responded, a Motion to Compel Discovery can be filed with this Office. Because this is an administrative hearing, a formal Motion is not required but the motion must include, at minimum, the following:
 - i. Your name
 - ii. The case name (e.g. Joe Smith vs. The Desert Hotel and Casino)
 - iii. Case#
 - iv. What information has been requested from the opposing party?
 - v. What has the opposing party provided, if anything?
 - vi. That you attempted to resolve the matter without the Hearings Officer’s involvement and informed the opposing party that you are filing this Motion to Compel Discovery.
 - vii. All relevant correspondence between you and the opposing party.
 - viii. A certificate of service showing that you served a copy of the motion to the other party.
 - c. Please visit the Board’s website for a sample Certificate of Service (<https://gaming.nv.gov/divisions/administration/hearings/>).
8. What will happen at the hearing?
 - a. The Petitioner (the party appealing the matter) has to show by a preponderance of the evidence (e.g. more likely than not, by 51%, etc.) that the Enforcement Division’s decision to deny your claim must be overturned.
 - b. In plain language, the Petitioner will have to prove their case-in-chief. The Respondent (the opposing party) does not have to provide any evidence because the initial burden is on the Petitioner to show the Board that the Enforcement Division’s decision must be overturned.

- c. At the hearing, there will generally be at least the Agent who performed the investigation, the Petitioner, the Respondent, and the Hearings Officer. There may also be witnesses.
- 9. What to expect at the hearing?
 - a. The Hearings Officer will preside and introduce parties.
 - b. The Enforcement Agent will testify first. The Petitioner will have a chance to question the Agent and then the Respondent will be allowed to question the Agent.
 - c. The Petitioner will be allowed to present their case-in-chief. This may include presenting evidence, testifying, calling witnesses, etc.
 - i. Each item or person presented by the Petitioner can be examined or questioned by the Respondent.
 - d. The Respondent can present evidence or witnesses.
 - i. Each item or person presented by the Respondent can be examined or questioned by the Petitioner.
 - e. Closing Arguments
- 10. The hearing is over. What should I expect now?
 - a. The Hearings Officer will prepare a recommendation to present to the entire Board at the next Board meeting. The Board generally meets once a month. Depending on how in-depth the hearing is, the recommendation may not be ready for the Board's decision until the following Board meeting. If the recommendation will be heard at the Board's meeting, it will be included in the agenda. Agendas are available online and in person by the Monday before the scheduled meeting. To see the Board's schedule and agenda online, visit the Board's website at www.gaming.nv.gov
- 11. The Board met at a monthly Board meeting and has decided against me. What can I do now?
 - a. A letter from the Board will be sent to your and the other party's last known address advising of the Board's decision. That letter will also state that any party wishing to appeal the Board's decision will have 20 days to file for judicial review. (NRS 463.3662).