



1 NGC 20-07

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6 **STATE OF NEVADA**

7 **BEFORE THE NEVADA GAMING COMMISSION**

8 NEVADA GAMING CONTROL BOARD,

9 Complainant,

10 vs.

11 SB GAMING, LLC, dba  
12 SAHARA LAS VEGAS,

13 Respondent.

**COMPLAINT**

14 The State of Nevada, on relation of its NEVADA GAMING CONTROL BOARD  
15 (BOARD), Complainant herein, by and through its counsel, AARON D. FORD, Attorney  
16 General, and EDWARD L. MAGAW, Senior Deputy Attorney General, hereby files this  
17 Complaint before the Nevada Gaming Commission (NGC or Commission) for disciplinary  
18 action against SB GAMING, LLC, dba SAHARA LAS VEGAS (SAHARA), Respondent  
19 herein, pursuant to Nevada Revised Statute (NRS) 463.310(2), and alleges as follows:

20 **JURISDICTION**

21 1. Complainant, BOARD, is an administrative agency of the State of Nevada duly  
22 organized and existing under and by virtue of Chapter 463 of NRS and is charged with the  
23 administration and enforcement of the gaming laws of this State as set forth in Title 41 of  
24 NRS (Nevada Gaming Control Act) and the regulations of the Commission.

25 2. Respondent, SAHARA, located at 2535 South Las Vegas Boulevard, Las Vegas,  
26 Nevada, 89109, currently holds a nonrestricted gaming license, and, as such, is charged  
27 with the responsibility of complying with all of the provisions of the Nevada Gaming  
28 Control Act and the regulations of the Commission.

1 **INTRODUCTION**

2 3. On March 12, 2020, Nevada Governor Steve Sisolak declared an emergency due  
3 to the COVID-19 pandemic declared by the World Health Organization. COVID-19 is a  
4 highly contagious respiratory illness spread through the close proximity of persons and has  
5 been spreading through the world, including the State of Nevada. In an effort to contain  
6 the COVID-19 pandemic, and in an effort to save lives, protect property, and protect the  
7 health and safety of the public, Governor Sisolak has imposed certain restrictions on  
8 individuals and businesses as further described herein.

9 4. The BOARD was tasked by the Nevada Legislature with ensuring that all  
10 establishment wherein gaming is conducted, and wherein gaming devices are operated, be  
11 licensed, controlled, and assisted to protect the public health, safety, morals, good order,  
12 and general welfare of the inhabitants of the State of Nevada, and is therefore making  
13 every effort to ensure compliance by Nevada Gaming licensees, like the SAHARA, with any  
14 applicable Declaration of Emergency Directives issued by Governor Sisolak.

15 5. In Section 13 of Governor Sisolak’s Declaration of Emergency Directive  
16 (Emergency Directive) 016, the BOARD was directed to promulgate guidance for a phased  
17 and incremental resumption of gaming operations. The BOARD fulfilled this requirement  
18 by issuing Health and Safety Policies for Resumption of Gaming Operations for both  
19 restricted and nonrestricted gaming licensees.

20 6. In Section 10 of Emergency Directive 021 gatherings of groups of people were  
21 limited to 50 or less individuals.

22 7. In Section 35 of Emergency Directive 021, which set the requirement for the  
23 State of Nevada’s Phase Two Reopening Plan, the BOARD was given explicit authority to  
24 enforce the provisions contained therein as necessary.

25 8. This Complaint addresses four instances where the SAHARA violated NRS  
26 463.170(8), and/or NGC Regulations 5.011(1)(a), (h), and/or (k) by not complying with  
27 Emergency Directive 021 and/or the BOARD’s Health and Safety Policies for Resumption  
28 of Gaming Operations – Nonrestricted Licensees (BOARD’s Health and Safety Policies).

1           9. The incidents addressed herein are as follows:

2           a. On July 23, 2020, the SAHARA permitted a local trade organization to  
3 hold a luncheon meeting in its Congo Conference Rooms, which approximately 135  
4 individuals attended. This event violated Section 10 of Emergency Directive 021, which  
5 limits gatherings of groups of people to 50 or less individuals.

6           b. On June 16, 2020, an agent of the BOARD observed four patrons of the  
7 SAHARA standing on the side of a craps table, but only three of the patrons were actively  
8 participating in the craps game. The fourth person was not participating in the game. By  
9 allowing the fourth patron to stand at the craps table while not participating in the game,  
10 the SAHARA violated the BOARD's Health and Safety Policies that prohibit the  
11 congregation of groups around table games, and that require patrons to be at least one  
12 betting station apart.

13           c. On June 16, 2020, an agent of the BOARD observed a patron of the  
14 SAHARA standing in between two patrons sitting at a blackjack table actively  
15 participating in the game. The third person was not participating in the game. By allowing  
16 the third patron to stand at the blackjack table between the seats designated for active  
17 players, the SAHARA violated the BOARD's Health and Safety Policies that prohibit the  
18 congregation of groups around table games, and that require patrons to be at least one  
19 betting station apart.

20           d. On June 16, 2020, an agent of the BOARD observed five patrons  
21 congregating around another patron who was actively playing a slot machine. The five  
22 patrons congregating around the sixth were not participating in any gaming activity. By  
23 permitting the five patrons to congregate around the sixth, the SAHARA violated the  
24 BOARD's Health and Safety Policies that require that proper social distancing between  
25 patrons be maintained in regard to gaming machines.

26           10. Such violations constitute an unsuitable method of operation and provide the  
27 basis for this disciplinary action.

28 ...

1 **RELEVANT LAW**

2 11. The Nevada Legislature set forth the importance of the gaming industry to the  
3 State of Nevada and its responsibility to the State's inhabitants in NRS 463.0129(1), which  
4 reads in relevant part as:

5 (a) The gaming industry is vitally important to the economy  
6 of the State and the general welfare of the inhabitants.

7 (b) The continued growth and success of gaming is  
8 dependent upon public confidence and trust . . . that  
9 establishments which hold restricted and nonrestricted licenses  
10 where gaming is conducted and where gambling devices are  
11 operated do not unduly impact the quality of life enjoyed by  
12 residents of the surrounding neighborhoods . . . .

13 (c) Public confidence and trust can only be maintained by  
14 strict regulation of all persons, locations, practices, associations  
15 and activities related to the operation of licensed gaming  
16 establishments . . . .

17 (d) All establishments where gaming is conducted and where  
18 gaming devices are operated . . . must therefore be licensed,  
19 controlled and assisted to protect the public health, safety,  
20 morals, good order and general welfare of the inhabitants of the  
21 State, to foster the stability and success of gaming and to  
22 preserve the competitive economy and policies of free  
23 competition of the State of Nevada.

24 NRS 463.0129(1)(a)-(d).

25 12. To ensure proper oversight and control over the gaming industry, the Nevada  
26 Legislature has granted the Commission "full and absolute power and authority to limit,  
27 condition, restrict, revoke or suspend any license . . . or fine any person licensed . . . for any  
28 cause deemed reasonable by the Commission." NRS 463.1405 (4).

13 13. The BOARD is authorized to observe the conduct of licensees in order to  
14 ensure that gaming operations are not being operated in an unsuitable manner or by an  
15 unqualified or unsuitable person. NRS 463.1405(1) and Nev. Gaming Comm'n Reg. 5.040.

16 14. When determining the qualifications of a person to receive a license, to be  
17 found suitable, or to receive any approval under NRS Chapter 463, the Commission shall  
18 give due consideration to the proper protection of the health, safety, morals, good order,  
19 and general welfare of the inhabitants and declared policy of the State of Nevada. NRS  
20 463.170(1).

21 . . .

1           15. A person must not receive a license unless the Commission is satisfied that  
2 the applicant is a (1) "person of good character, honesty and integrity;" (2) "whose prior  
3 activities, . . . reputation, habits and associations do not pose a threat to the public interest  
4 of this State or to the effective regulation and control of gaming . . . or create or enhance  
5 the dangers of unsuitable . . . or illegal practices, methods;" and (3) is in "all other respects  
6 qualified to be licensed . . . consistently with the declared policy of the State." NRS  
7 463.170(2).

8           16. A license to operate a gaming establishment shall not be granted by the  
9 Commission unless the applicant has proven that he or she has, among other things,  
10 "adequate business probity, competence and experience, in gaming or generally." *Id.*

11           17. Each licensee bears the continuing obligation to continue to meet such  
12 standards and qualifications, and failure to do so constitutes grounds for disciplinary  
13 action. NRS 463.170(8) and Nev. Gaming Comm'n Reg. 5.040.

14           18. The burden of proving a licensee's qualifications to continue to hold a license  
15 rests at all times on the licensee. Nev. Gaming Comm'n Reg. 5.040.

16           19. Nevada Gaming Commission Regulation 5.010(1) states that it is "the policy  
17 of the Commission and the Board to require that all establishments wherein gaming is  
18 conducted in this state be operated in a manner suitable to protect the public health, safety,  
19 morals, good order and general welfare of the inhabitants of the State of Nevada."

20           20. Nevada Gaming Commission Regulation 5.010(2) states that responsibility  
21 "for the employment and maintenance of suitable methods of operation rests with the  
22 licensee, and willful or persistent use or toleration of methods of operation deemed  
23 unsuitable will constitute grounds for license revocation or other disciplinary action."

24           21. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as  
25 follows:

26                   1. The Board and the Commission deem any activity on the  
27 part of a licensee, registrant, or person found suitable by the  
28 Commission, or an agent or employee thereof, that is inimical to  
the public health, safety, morals, good order, or general welfare  
of the people of the State of Nevada, or that would reflect or tend

1 to reflect discredit upon the State of Nevada or the gaming  
2 industry, to be an unsuitable method of operation and shall be  
3 grounds for disciplinary action by the Board and the Commission  
4 in accordance with the Nevada Gaming Control Act and the  
5 regulations of the Commission. The following acts or omissions,  
6 without limitation, may be determined to be unsuitable methods  
7 of operation:

8 (a) Failure to exercise discretion and sound judgment to  
9 prevent incidents which might reflect on the repute of the State  
10 of Nevada and act as a detriment to the development of the  
11 industry.

12 . . . .

13 (h) Failure to comply with or make provisions for compliance  
14 with all federal, state, or local laws and regulations and with all  
15 conditions and limitations approved by the Commission relating  
16 to the operation of a licensed gaming establishment or other  
17 gaming business . . . .

18 . . . .

19 (k) Failure to conduct gaming operations in accordance with  
20 proper standards of custom, decorum, and decency, or permit a  
21 type of conduct in a gaming establishment that reflects or tends  
22 to reflect on the repute of the State of Nevada and act as a  
23 detriment to the gaming industry.

24 . . . .

25 2. The Commission, in the exercise of its sound discretion,  
26 may make its own determination as to whether or not a licensed  
27 gaming establishment or other gaming business has failed to  
28 comply with a law or regulation described in paragraph (h) of  
subsection 1, but any such determination shall make use of  
established precedents when interpreting the applicable statute.  
Nothing in this section affects the right of a licensee to judicial  
review.

29 Nev. Gaming Comm'n Reg. 5.011(1)(a), (h), and (k), and (2).

30 22. Nevada Revised Statute 414.070(4) and (7) provide, in relevant part, the  
31 following:

32 The provisions of this section are operative only during the  
33 existence of a state of emergency or declaration of disaster. The  
34 existence of such an emergency or disaster may be proclaimed by  
35 the Governor or by resolution of the Legislature if the Governor  
36 finds that an attack upon the United States has occurred or is  
37 anticipated in the immediate future, or that a natural,  
38 technological or man-made emergency or disaster of major  
proportions has actually occurred within this State, and that the  
safety and welfare of the inhabitants of this State require an  
invocation of the provisions of this section. Any such emergency

1 or disaster, whether proclaimed by the Governor or by the  
2 Legislature, terminates upon the proclamation of the  
3 termination thereof by the Governor, or the passage by the  
4 Legislature of a resolution terminating the emergency or  
5 disaster. During the period when a state of emergency or  
6 declaration of disaster exists or continues, the Governor may  
7 exercise the following additional powers:

4. To provide for and compel the evacuation of all or part  
of the population from any stricken or threatened area or areas  
within the State and to take such steps as are necessary for the  
receipt and care of those persons.

.....

7. To perform and exercise such other functions, powers  
and duties as are necessary to promote and secure the safety and  
protection of the civilian population.

10 NRS 414.070(4) and (7).

11 23. The Declaration of Emergency for COVID-19, issued by Governor Sisolak on  
12 March 12, 2020, under the authority granted to him in Chapter 414 of NRS, states, in  
13 relevant part:

14 I, Steve Sisolak, Governor of the State of Nevada,  
15 pursuant to the authority vested in me by the Constitution and  
16 laws of the State of Nevada, hereby declare an emergency and  
17 direct all state agencies to supplement the efforts of all impacted  
18 and threatened counties to save lives, protect property, and  
19 protect the health and safety of persons in this state. Under my  
20 authority, I will perform and exercise such other functions,  
21 powers, and duties as are necessary to promote and secure the  
22 safety and protection of the civilian population.

23 Gov. Decl. of Emerg. (March 12, 2020).

24 24. Section 10 of Emergency Directive 021 provides as follows:

25 Section 1 of [Emergency] Directive 007 is hereby further  
26 amended to provide that effective 12:01 am on May 29, 2020, the  
27 Nevada general public shall not gather in groups of more than  
28 fifty in any indoor or outdoor area subject to the limitations of  
this section, whether publicly owned or privately owned where  
the public has access by right or invitation, express or implied,  
whether by payment of money or not. Section 3 of [Emergency]  
Directive 007 shall remain in force.

29 Nev. Gov. Decl. of Emerg., Dir. 021, Sec. 10 (May 28, 2020).

30 25. Section 35, of Emergency Directive 021 provides as follows:

...

1 [Emergency] Directive 002 and Section 021 of  
2 [Emergency] Directive 018 are hereby terminated. The Nevada  
3 Gaming Control Board shall promulgate requirements for the  
4 phased and incremental resumption of gaming operations, with  
5 openings commencing no sooner than 12:01 am June 4, 2020.  
6 Failure of a gaming licensee to comply with any such  
7 requirements shall be considered injurious to the public health,  
8 safety, morals, good order and general welfare of the inhabitants  
9 of the State, and constitute a failure to comply with this  
10 [Emergency] Directive. The Nevada Gaming Control Board is  
11 hereby authorized to enforce this [Emergency] Directive as  
12 necessary, including, but without limitation, pursuing  
13 disciplinary action to limit, condition, suspend, and/or revoke a  
14 license, and/or impose a monetary fine against a licensee in  
15 accordance with the Gaming Control Act.

16 Nev. Gov. Decl. of Emerg., Dir. 021, Sec. 35 (May 28, 2020).

17 26. The BOARD's Health and Safety Policies, as updated on May 27, 2020,  
18 provide, in relevant part, the following:

19 Gaming Machines:

20 Plans must ensure that the floor plan for gaming  
21 machines creates proper social distancing between patrons. For  
22 example, chairs and stools in front of every other gaming  
23 machine could be removed so that patrons do not sit next to each  
24 another, or licensees could propose other measures to ensure  
25 proper distance between patrons. Additionally, licensees should  
26 assign employees to focus on ensuring guests do not congregate  
27 in groups.

28 Plans must address how gaming machines, devices,  
chairs, and other ancillary equipment will be cleaned and  
disinfected on a regular basis. Plans should also address the  
availability of hand sanitizer or disinfectant wipes for patron use  
on the gaming floor.

Table Games and Card Games:

Plans must limit the number of patrons based on type of  
game to ensure proper distance between players by limiting the  
number of seats or betting positions per table, or licensees may  
submit alternative plans for approval by the Board. At a  
minimum, patrons must be at least one betting position apart.  
Casino supervisors and managers must ensure that patrons do  
not congregate in groups around gaming tables. Licensees should  
ensure dealers have hand sanitizer available to offer to patrons  
throughout their shifts.

Plans should ensure regular cleaning and disinfection of,  
without limitation, table games, rails, dice, card shoes, shufflers,  
roulette wheels, Pai Gow tiles, pit podiums, blackjack discard  
holders, and token boxes on a regular basis and when a new



1 employee comes into contact with any of the aforementioned  
2 gaming equipment. Plans should also address how licensees will  
3 disinfect cards and chips.

4 Proc. for Reopening after Temp. Closure, p. 4 (as updated May 27, 2020).

5 27. Nevada Gaming Commission Regulation 5.030 provides as follows:

6 Violation of any provision of the Nevada Gaming Control  
7 Act or of these regulations by a licensee, the licensee's agent or  
8 employee shall be deemed contrary to the public health, safety,  
9 morals, good order and general welfare of the inhabitants of the  
10 State of Nevada and grounds for suspension or revocation of a  
11 license. Acceptance of a state gaming license or renewal thereof  
12 by a licensee constitutes an agreement on the part of the licensee  
13 to be bound by all of the regulations of the Commission as the  
14 same now are or may hereafter be amended or promulgated. It  
15 is the responsibility of the licensee to keep informed of the  
16 content of all such regulations, and ignorance thereof will not  
17 excuse violations.

18 Nev. Gaming Comm'n Reg. 5.030.

19 28. Nevada Revised Statute 463.310 states in relevant part as follows:

20 1. The Board shall make appropriate investigations:

21 (a) To determine whether there has been any violation of this  
22 chapter or chapter 462, 464, 465 or 466 of NRS or any regulations  
23 adopted thereunder.

24 (b) To determine any facts, conditions, practices or matters  
25 which it may deem necessary or proper to aid in the enforcement  
26 of any such law or regulation.

27 . . . .

28 2. If, after any investigation the Board is satisfied that:

(a) A license, registration, finding of suitability, preliminary  
finding of suitability, pari-mutuel license or prior approval by the  
Commission of any transaction for which the approval was  
required or permitted under the provisions of this chapter or  
chapter 462, 464 or 466 of NRS should be limited, conditioned,  
suspended or revoked; or

(b) A person or entity which is licensed, registered, found  
suitable pursuant to this chapter or chapter 464 of NRS or which  
previously obtained approval for any act or transaction for which  
Commission approval was required or permitted under the  
provisions of this chapter or chapter 464 of NRS should be fined,  
the Board shall initiate a hearing before the Commission by  
filing a complaint with the Commission in accordance with NRS  
463.312 and transmit therewith a summary of evidence in its  
possession bearing on the matter and the transcript of testimony

1 at any investigative hearing conducted by or on behalf of the  
Board.

2 NRS 463.310(1)(a) and (b), and (2).

3 29. In response to a Complaint brought by the BOARD, NRS 463.310(4) provides  
4 in relevant part that the Commission may:

5 (a) Limit, condition, suspend or revoke the license of any  
6 licensed gaming establishment or the individual license of any  
licensee without affecting the license of the establishment;

7 . . . .

8 (d) Fine each person or entity or both, which is licensed,  
9 registered, found suitable . . . pursuant to this chapter or chapter  
464 of NRS . . . :

10 . . . .

11 (2) . . . not more than \$100,000 for each separate violation  
12 of the provisions of this chapter or chapter 464 or 465 of NRS or  
13 of the regulations of the Commission which is the subject of an  
14 initial complaint and not more than \$250,000 for each separate  
violation of the provisions of this chapter or chapter 464 or 465  
of NRS or of the regulations of the Commission which is the  
subject of any subsequent complaint.

15 NRS 463.310(4)(a) and (d)(2).

16 **BACKGROUND**

17 **A. Declaration of Emergency, Directives, and Policies.**

18 30. On or about March 12, 2020, Steve Sisolak, Governor of the State of Nevada,  
19 issued a Declaration of Emergency for COVID-19 to facilitate the State's response to the  
20 COVID-19 pandemic declared by the World Health Organization.

21 31. On or about March 17, 2020, in furtherance of his Declaration of Emergency,  
22 Governor Sisolak verbally mandated that all gaming machines, devices, table, games, and  
23 any equipment related to gaming activity be shut down effective at midnight.

24 32. On or about March 18, 2020, Governor Sisolak issued Emergency Directive  
25 002, reaffirming his March 17, 2020 verbal order, wherein he ordered that "the Nevada  
26 general public shall cease gathering at gaming establishments, and all gaming devices,  
27 machines, tables, games, and any equipment related to gaming activity shall cease

28 . . .

1 operations effective March 17, 2020, at 11:59 p.m., for the duration that this Directive shall  
2 be in effect.”

3 33. On or about April 29, 2020, Governor Sisolak issued Emergency Directive 016,  
4 wherein he ordered the following:

5 Section 13: Gaming operations, not including licensed  
6 online gaming or mobile wagering operations, shall remain  
7 closed until the Gaming Control Board determines that  
8 operations may safely resume. The Gaming Control Board shall  
promulgate guidance for a phased and incremental resumption  
of gaming operations, as well as criteria regarding when  
operations may resume.

9 Nev. Gov. Decl. of Emerg., Dir. 016, Sec. 13 (April 29, 2020).

10 34. On or about May 1, 2020, the BOARD issued Health and Safety Policies for  
11 Reopening after Temporary Closure pursuant to section 13 of Governor Sisolak’s  
12 Declaration of Emergency Directive 016 in order to effectuate a safe, measured, and  
13 incremental resumption of gaming operations.

14 35. On or about May 7, 2020, Governor Sisolak issued Declaration of Emergency  
15 Directive 018 – Phase One Reopening, wherein he ordered the following:

16 Section 9: All employers must take proactive measures to  
17 ensure compliance with the social distancing and sanitation  
18 guidelines. All employers shall require employees who interact  
19 with the public to wear face coverings to the maximum extent  
possible, and shall abide by all other guidelines promulgated by  
the Nevada State Occupational Safety and Health  
Administration (NV OSHA).

20 Section 21: Section 13 of [Emergency] Directive 016 is  
21 hereby amended. Gaming operations, not including licensed  
22 online gaming or mobile wagering operations, shall remain  
23 closed through Phase One. The Gaming Control Board shall  
promulgate guidance for a phased and incremental resumption  
of gaming operations.”

24 Nev. Gov. Decl. of Emerg., Dir. 018, Sec. 9 and 21 (May 7, 2020).

25 36. On or about May 27, 2020, the BOARD issued Updated Health and Safety  
26 Policies for Reopening after Temporary Closure. The May 27, 2020 updated and amended  
27 health and safety policies impose operational requirements on licensees to mitigate and  
28 reduce the risk of exposure to COVID-19 for all employees, patrons, and other guests. The

1 following provisions remained in effect after the BOARD's Health and Safety Policies were  
2 updated:

3           Gaming Machines:

4           Plans must ensure that the floor plan for gaming  
5 machines creates proper social distancing between patrons. For  
6 example, chairs and stools in front of every other gaming  
7 machine could be removed so that patrons do not sit next to each  
8 another, or licensees could propose other measures to ensure  
9 proper distance between patrons. Additionally, licensees should  
10 assign employees to focus on ensuring guests do not congregate  
11 in groups.

12           Plans must address how gaming machines, devices,  
13 chairs, and other ancillary equipment will be cleaned and  
14 disinfected on a regular basis. Plans should also address the  
15 availability of hand sanitizer or disinfectant wipes for patron use  
16 on the gaming floor.

17           Table Games and Card Games:

18           Plans must limit the number of patrons based on type of  
19 game to ensure proper distance between players by limiting the  
20 number of seats or betting positions per table, or licensees may  
21 submit alternative plans for approval by the Board. At a  
22 minimum, patrons must be at least one betting position apart.  
23 Casino supervisors and managers must ensure that patrons do  
24 not congregate in groups around gaming tables. Licensees should  
25 ensure dealers have hand sanitizer available to offer to patrons  
26 throughout their shifts.

27           Plans should ensure regular cleaning and disinfection of,  
28 without limitation, table games, rails, dice, card shoes, shufflers,  
roulette wheels, Pai Gow tiles, pit podiums, blackjack discard  
holders, and token boxes on a regular basis and when a new  
employee comes into contact with any of the aforementioned  
gaming equipment. Plans should also address how licensees will  
disinfect cards and chips.

29 Proc. for Reopening after Temp. Closure, p. 4 (as updated May 27, 2020).

30           37. On or about May 28, 2020, Governor Sisolak issued Declaration of Emergency  
31 Directive 021 – Phase Two Reopening Plan, wherein he ordered in relevant part the  
32 following:

33           Section 10: Section 1 of [Emergency] Directive 007 is  
34 hereby further amended to provide that effective 12:01 am on  
35 May 29, 2020, the Nevada general public shall not gather in  
36 groups of more than fifty in any indoor or outdoor area subject to  
37 the limitations of this section, whether publicly owned or

1 privately owned where the public has access by right or  
2 invitation, express or implied, whether by payment of money or  
3 not. Section 3 of [Emergency] Directive 007 shall remain in force.

4 Section 35: [Emergency] Directive 002 and Section 021 of  
5 [Emergency] Directive 018 are hereby terminated. The Nevada  
6 Gaming Control Board shall promulgate requirements for a  
7 phased and incremental resumption of gaming operations, with  
8 openings commencing no sooner than 12:01 am June 4, 2020.  
9 Failure of a gaming licensee to comply with any such  
10 requirements shall be considered injurious to the public health,  
11 safety, morals, good order and general welfare of the inhabitants  
12 of the State, and constitute a failure to comply with this  
13 Directive. The Nevada Gaming Control Board is hereby  
14 authorized to enforce this [Emergency] Directive as necessary,  
15 including, but without limitation, pursuing disciplinary action to  
16 limit, condition, suspend, and/or revoke a license, and/or impose  
17 a monetary fine against a licensee in accordance with the  
18 Gaming Control Act.

19 Nev. Gov. Decl. of Emerg., Dir. 021, Sec. 10 and 35 (May 28, 2020).

20 **B. Conduct Observed at the SAHARA on June 16, 2020.**

21 38. Sometime in early June 2020, the BOARD received an anonymous complaint  
22 alleging that the SAHARA employees were allowing more players in the slot area than  
23 permitted by the BOARD's Health and Safety Policies.

24 39. On June 16, 2020, an agent of the BOARD conducted covert observations at  
25 the SAHARA. During the visit, the agent observed the following:

26 a. Four patrons of the SAHARA were standing on the side of a craps table,  
27 but only three of the patrons were actively participating in the craps game. The fourth  
28 person was not participating in the game. The agent determined that, by allowing the  
29 fourth patron to stand at the craps table while not participating in the game, the SAHARA  
30 was in violation of the BOARD's Health and Safety Policies, which prohibit the  
31 congregation of groups around table games and require patrons to be at least one betting  
32 station apart.

33 b. One patron of the SAHARA standing in between two patrons sitting at  
34 a blackjack table who were actively participating in the game. The third person was not  
35 participating in the game. The agent determined that, by allowing the third patron to stand  
36 at the blackjack table between the seats designated for active players, the SAHARA was in

1 violation of the BOARD's Health and Safety Policies, which prohibit the congregation of  
2 groups around table games and require patrons to be at least one betting station apart.

3 c. Five patrons congregating around another patron who was actively  
4 playing a slot machine. The five patrons congregating around the sixth were not  
5 participating in any gaming activity. The agent determined that, by permitting the five  
6 patrons to congregate around the sixth, the SAHARA was in violation of the BOARD's  
7 Health and Safety Policies, which require that proper social distancing between patrons be  
8 maintained in regard to gaming machines.

9 40. When asked about the instances of noncompliance, the Assistant Casino  
10 Manager acknowledged and immediately corrected the situations at the craps and  
11 blackjack table (the patrons congregating at the slot machine had already dispersed of their  
12 own accord). The Assistant Casino Manager also spoke with the dealers at the respective  
13 tables about the requirements.

14 41. In response to these violations, the BOARD sent a violation letter to the  
15 SAHARA dated June 18, 2020.

16 **C. Luncheon Meeting at the SAHARA Held on July 23, 2020.**

17 42. On July 30, 2020, the BOARD received information that a luncheon meeting  
18 of a local organization was held in the Congo Conference Rooms at the SAHARA on July  
19 23, 2020. The information provided indicated that the attendance at the meeting was  
20 planned at up to 250 individuals.

21 43. That same day, an agent of the BOARD contacted the Vice President of Hotel  
22 Sales (VP of Sales) at the SAHARA to ask about the luncheon meeting that took place on  
23 July 23, 2020. During the questioning, the VP of Sales indicated that he had received the  
24 go ahead to hold the luncheon meeting from the Chief Financial Officer (CFO) and the Vice  
25 President of Government Affairs (VP of Gov Affairs), who had told the VP of Sales that they  
26 had received verbal approval from a BOARD Member; however, the VP of Sales  
27 acknowledged that there may have been a misunderstanding regarding this approval and  
28 stated that the CFO and VP of Gov Affairs were scheduled to have a conference call with

1 the BOARD to discuss the approval. When asked later about the conference call, the VP of  
2 Gov Affairs stated that no such conference call had been scheduled.

3 44. When asked by the agent how many individuals attended the luncheon  
4 meeting on July 23, 2020, the VP of Sales stated there were 135 people in attendance. He  
5 further added that the tables and chairs were arranged in a manner to allow attendees to  
6 social distance in adherence to CDC guidelines.

7 45. When observing surveillance footage of the hallway outside the conference  
8 room in which the luncheon meeting was held, the investigation agent noticed that for a  
9 short period of time before the luncheon meeting began a small crowd had gathered outside  
10 the entrance.

11 46. When interviewed by the investigating BOARD agent on July 30, 2020, the  
12 VP of Gov Affairs stated that he believed that there was a misunderstanding about  
13 occupancy limits on gatherings such as the luncheon meeting. He stated that he interpreted  
14 information discussed during a conference call held by the Nevada Resort Association on  
15 July 16, 2020, in which Clark County Commissioner Marilyn Kirkpatrick and BOARD  
16 Chair Morgan participated, to mean that events that included food and beverage services  
17 could be held to the occupancy standards of restaurants at 50% capacity.

18 **COUNT I**  
19 **VIOLATION OF NRS 463.170(8) AND/OR**  
20 **NGC REGULATIONS 5.011(1)(a), (h), AND/OR (k)**

21 47. The BOARD realleges and incorporates the above paragraphs by reference as  
22 though set forth in full herein.

23 48. On or about July 23, 2020, the SAHARA permitted a luncheon meeting for a  
24 local trade group to take place in one or more conference rooms located on its licensed  
25 gaming premises at which approximately 135 individuals attended.

26 49. This luncheon meeting violated Governor Sisolak's Emergency Directive 021,  
27 which limits gatherings of groups of people to 50 or less individuals.

28 50. By allowing such an event to take place on its licensed gaming premises, the  
SAHARA:

1 a. Failed to continue to meet the applicable standards and qualifications  
2 necessary to hold a gaming license in violation of NRS 463.170(8), specifically by acting in  
3 a manner that put at risk that health, safety, morals, good order, and general welfare of  
4 the inhabitants of the State of Nevada and that was not consistent with the declared policy  
5 of this State;

6 b. Failed to exercise discretion and sound judgment to prevent an incident  
7 or incidents that might reflect on the repute of the State of Nevada and/or might act as a  
8 detriment to the industry in violation of NGC Regulation 5.011(1)(a);

9 c. Failed to comply, or make provisions for compliance with all state laws  
10 in violation of NGC Regulation 5.011(1)(h); and/or

11 d. Failed to conduct its gaming operation in accordance with proper  
12 standards of custom, decorum, and decency and/or permitted a type of conduct in its gaming  
13 establishment that reflects or tends to reflect on the repute of the State of Nevada and acts  
14 as a detriment to the gaming industry.

15 51. The failure to comply with NRS 463.170(8) and/or NGC Regulation  
16 5.011(1)(a), (h), and/or (k) is an unsuitable method of operation and provides grounds for  
17 disciplinary action against the SAHARA. *See Nev. Gaming Comm'n Reg. 5.010(2) and*  
18 *5.030.*

19 **COUNT II**  
20 **VIOLATION OF NRS 463.170(8) AND/OR**  
21 **NGC REGULATIONS 5.011(1)(a), (h), AND/OR (k)**

22 52. The BOARD realleges and incorporates the above paragraphs by reference as  
23 though set forth in full herein.

24 53. On or about June 16, 2020, an agent of the BOARD observed the following  
25 occurrences on the licensed gaming premises of the SAHARA:

26 a. An individual standing adjacent to three players at a craps table while  
27 not participating in the game;

28 b. An individual standing adjacent to a blackjack table, between two  
seated players, while not participating in the game; and



1 c. Five individuals gathering around another patron who was playing a  
2 slot machine.

3 54. Such conduct violated the BOARD's Health and Safety Policies found in the  
4 sections relating to "Gaming Machines" and "Table Games and Card Games."

5 55. Because of its failure to prevent this conduct from occurring on its licensed  
6 gaming premises, the SAHARA:

7 a. Failed to continue to meet the applicable standards and qualifications  
8 necessary to hold a gaming license in violation of NRS 463.170(8), specifically by acting in  
9 a manner that put at risk that health, safety, morals, good order, and general welfare of  
10 the inhabitants of the State of Nevada and that was not consistent with the declared policy  
11 of this State;

12 b. Failed to exercise discretion and sound judgment to prevent an incident  
13 or incidents that might reflect on the repute of the State of Nevada and/or might act as a  
14 detriment to the industry in violation of NGC Regulation 5.011(1)(a);

15 c. Failed to comply, or make provisions for compliance with all state laws  
16 in violation of NGC Regulation 5.011(1)(h); and/or

17 d. Failed to conduct its gaming operation in accordance with proper  
18 standards of custom, decorum, and decency and/or permitted a type of conduct in its gaming  
19 establishment that reflects or tends to reflect on the repute of the State of Nevada and acts  
20 as a detriment to the gaming industry.

21 56. The failure to comply with NRS 463.170(8) and/or NGC Regulation  
22 5.011(1)(a), (h), and/or (k) is an unsuitable method of operation and provides grounds for  
23 disciplinary action against the SAHARA. *See Nev. Gaming Comm'n Reg. 5.010(2) and*  
24 *5.030.*

25 ...

26 ...

27 ...

28

1 PRAYER FOR RELIEF

2 WHEREFORE, based upon the allegations contained herein, which constitute  
3 reasonable cause for disciplinary action against the SAHARA, pursuant to NRS 463.310  
4 and/or NGC Regulations 5.010, 5.011, and/or 5.030, the BOARD prays for relief as follows:

5 1. That the Commission serve a copy of this Complaint on the SAHARA  
6 pursuant to NRS 463.312(2);

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

10 3. That the Commission take action against the SAHARA's licenses pursuant to  
11 the parameters defined in NRS 463.310(4); and

12 4. For such other and further relief as the Commission may deem just and  
13 proper.

14 DATED this 3rd day of August, 2020.

15 NEVADA GAMING CONTROL BOARD


16   
17 SANDRA MORGAN, Chairwoman

18   
19 TERRY JOHNSON, Member

20   
21 PHILIP KATSAROS, Member

22 Submitted by:

23 AARON D. FORD  
24 Attorney General

25 By:   
26 EDWARD L. MAGAW (NV Bar No. 9111)  
27 Senior Deputy Attorney General  
28 Gaming Division  
Office of the Nevada Attorney General  
(702) 486-3420