

**From:** [REDACTED]  
**Sent:** Tuesday, August 9, 2022 7:38 AM  
**To:** regcomments <[regcomments@gcb.nv.gov](mailto:regcomments@gcb.nv.gov)>  
**Subject:** Comments re: multiple proposed regulatory amendments

To the chair and members of the board,

I am a resident of Summerlin, Clark County, and these comments arise out of my personal concerns in regards to some of the proposed regulatory amendments and comments submitted by parties, universally corporate entities in this case, on such proposals.

In regards to the proposed changes to Regulation 22.140, with reference to the proposed changes to Regulation 5.225, it seems incongruous at best that there should be a specific carve-out that in 22.140 that renders the changes proposed to 5.225 effectively inapplicable when events and sports wagering are concerned. I support the proposed new version of 5.225, as it clearly, and finally, brings the state, long the leader of gaming and innovations in gaming in the United States, to where the current technology stands. It would make very little sense to continue to insist on in-person registration when technology that can adequately and if properly implemented, securely ascertain the identity of the patron and the validity of the identification present. The proposed new language of 5.225 section 7(b) affirmatively even lists a nonexhaustive list of acceptable forms of identification. The proposed language in the proposed changes to 22.140 retains the requirement to follow 5.225 writ large, except the proposed 22.140 section 6(a)(1) specifically excludes the additions proposed in 5.225 section 7(b).

No explanation is provided to indicate a possible deficiency in the proposed language, the identification listed, or indeed any aspect introduced to 5.225 by the proposed amendment makes any distinction or point out any reason whatsoever that would render the procedures adequate in 5.225 but not in 22.140. If I may be allowed to borrow the wording used in federal cases in regards to administrative law, such a carve-out for additional requirements without any stated reason is certainly both arbitrary and capricious, and represents something that, not borrowed from any federal case law, represents the apotheosis of a regulatory change that is two steps forward and one step back. In the unlikely but possible case in the future where I find myself on the faculty of a law school teaching gaming and/or administrative law, both courses I have taken in such a setting and would be qualified to teach if not by experience or ability but by credentials alone, it would certainly be a question I'd pose to students on day one, if only to show outside of the APA context what sort of legally relevant situation would the plain meaning of the words can be facially applicable. The plausibility that the procedures involved in opening an account to partake in gaming is adequate and implemented via multiple forms of identification suddenly becomes wholly and absolutely inadequate when event wagering is the game. The proposed regulations would be self-defeating, and the undermining of the adequacy of the proposed 5.225 by the proposed 22.140, even if just by implication, risk becoming a matter that garners notice beyond administrative law twitter (yes, much like Appellate Twitter, Admin Law Twitter is a thing) and further damage the credibility of the board and the image of the state as a whole to those interested in gaming.

Furthermore, the pandemic have unexpectedly created many who are not necessarily in danger of dying but nevertheless are much more homebound than before. There are COVID-19 "long

haulers”, but also some like myself whose COVID infection revealed a preexisting condition and in one fell swoop, also exacerbated it to a fairly extreme degree. As residents, it seems shortsighted to the extreme for any gaming establishment to support measures that make it more difficult for a potential customer to sign up and play. That makes the Corrigan Companies’ comment dated July 28 in regards to Regulation 5A particularly galling, but also, sufficiently out of touch that I can offer short retorts to all of them.

“Nevada currently has significantly more physical gaming locations than any other state.”

And none of them do you or anyone any good if customers are unable to go to these physical gaming locations, or simply don’t want to go to them for whatever person reason one may have. Since when is “fewer choices” the way to profitability to any company and by extension, any state government? I’m rather fond of capitalism and competition, having come from an ostensibly communist one where I remember buying rice with tickets. In 1991.

“Online gaming would undermine billions of dollars of investment in physical gaming locations in Nevada.”

Sunk cost fallacy is not an argument, it’s literally a cognitive bias.

“Online gaming will reduce jobs and economic development in Nevada.”

This argument is a slightly less-than-subtle insult about Nevada. We’re not a one-industry state. We’ve never been, and likely never will. Therefore, the idea, which is a fancy and fanciful way of saying that there’s a hard limit of gaming money and related economic development to go around, is cartoonishly simplistic and wrong. It assumes that gaming is the only reason anyone comes to Nevada. I suppose the pro sports teams, the conventions, the outdoors, the shows, the golf, the lack of state income taxes don’t produce jobs that share at least some of the skills involved in physical casinos and hotels operations. Also, to characterize the operation of physical infrastructure in terms of colocation centers and datacenter operations tells me that whoever decided that argument is an argument at all thinks the internet is a series of tubes that run itself or some other wizardry worthy of Harry Potter. That’s not the reality we live in. And Nevada is no stranger to datacenters, nor do we have to import from out of state since the universities here, not to mention the existing workforce, since there’s a small subsidiary of some tech company called Google that just happens to have built their us-west4 datacenter in Henderson for their cloud operations. And Lumen, aka CenturyLink, has 4 in the state, plus Switch, which was founded here and has facilities in both Vegas and Reno. That’s just the part of the datacenter landscape that’s already here. Colocation is a competitive industry here. I don’t know how many servers you run in house, but datacenters run 4, 5, 6000 racks and likely hire more staff whose primary duty is preventing servers from catching fire than your IT operation. This isn’t 1995 anymore. Also, do you have a problem with hiring from out of state or the country qualified individuals to Nevada? Would you rather have them go to Arizona instead? And have you wondered how many countries can actually attract technical talent and can afford, however nonsensically, to let them wait in line? To even have the option is an anomaly that speaks favorably for the state.

“Online gaming will undermine the long-standing public policy and regulatory framework established in Nevada. “

If the Constitution can be amended, so can regulatory frameworks. In fact, we’re doing that right now. Do you usually participate in something that has the same deleterious effect you claim some other,

unrelated activity produces? You can't avoid change by staying in place. If you have such little faith in the quality of product you offer that you must petition the government regulators to impose additional burdens on businesses, residents, and the state itself just to save you and only you a few bucks, whatever fix you think you'll get is only going to be temporary, and the damage done is something worth far more than your company. Luddite chic isn't happening, it just isn't.

I realize that this ran a bit long, but it felt imperative that the issues must be addressed. Also, the laughably self-serving comment that is basically 4 arguments about why one company may have to innovate and invest, with the company swapped out with the state and the "may" to "will", is so plainly outlandish and poorly researched yet so transparent that if left unchallenged I'd genuinely feel offended for the state that, in spite of the summer heat, have given so much opportunity to members of my family, most of whom, before retirement, worked in gaming, but my generation are all working in tech, except me, who merely works with tech and a lot of it. I shall end with a line from the immortal philosopher Dylan, "you don't need a weatherman to tell which way the wind blows."

For the record,

J. Z