

PROPOSED AMENDMENTS TO
NEVADA GAMING COMMISSION REGULATION 28

Draft Dated: 05/06/2024

PURPOSE STATEMENT: To amend the Nevada Gaming Commission (“Commission” or “NGC”) Regulation 28 to update the language to match the language used in the relevant statutes; To amend NGC Regulation 28.010(3), to updated the list of examples of reports covered; To amend NGC Regulation 28.030(1) to modify the process the Board follows to determine whether a person meets the requirements to be included on the list and whether to seek to add such person to the list; To make various non-substantive changes to conform with modern formatting standards; And to take such additional actions as may be necessary and proper to effectuate this stated purpose.

EFFECTIVE DATES: All changes shall become effective upon adoption by the Commission.

EXPLANATION: Matter in *blue italics* is new language; and matter between ~~red brackets with single strikethrough~~ is material to be omitted.

REGULATION 28

LIST OF EXCLUDED PERSONS

28.010 List of exclusion and ejection.

1. Pursuant to NRS 463.151 through 463.155, the Commission hereby provides for the establishment of a list of persons who are to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any ~~horse~~ race book, sports pool or games, other than slot machines only.

2. The criteria applied by the Board and Commission for inclusion of a person upon such list are those set forth in NRS 463.151(3), any one of which is sufficient for inclusion.

3. Evidence of notorious or unsavory reputation, as that term is used in NRS 463.151(3), may be established by identification of a person’s criminal activities in published reports of various federal and state legislative and executive bodies that have inquired into various aspects of criminal activities ~~[including but not limited to the following:-~~

~~(a) California Crime Commission;-~~

- ~~(b) Chicago Crime Commission;~~
- ~~(c) McClellan Committee (Senate Subcommittee on Investigation);~~
- ~~(d) New York Waterfront Commission;~~
- ~~(e) Pennsylvania Crime Commission Report;~~
- ~~(f) Senate Permanent Subcommittee on Investigations;~~
- ~~(g) State of Colorado Organized Crime Strike Force;~~
- ~~(h) President's Commission on Organized Crime].~~

4. Evidence of notorious or unsavory reputation, as that term is used in NRS 463.151(3), may be established by identification of a person's criminal activities with respect to wagering on or attempting to influence the result of a collegiate sport or athletic event in a published report by:

(a) Any federal, state or local legislative, executive or judicial body or officer; or

(b) Any association of colleges and universities devoted to the regulation and promotion of intercollegiate athletics, including, but not limited to the National Collegiate Athletic Association.

28.020 Definitions. As used herein, the following terms shall have the following meanings:

1. "Candidate" means ~~{any}~~ a person who the Board believes should be placed on the list.

2. "Excluded person" means ~~{any}~~ a person who has been placed upon the list by the Board and who has failed to timely request a hearing as provided in NRS 463.153, or who remains on the list after a final determination by the Commission. The term shall be synonymous with "ejected person" or "listed person."

3. "List" means a list of names of persons who are required to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any ~~{horse}~~ race book, sports pool or games, other than slot machines only. The term shall be synonymous with "exclusion list."

28.030 Entry of names. The Board may place on the list the name of any person who, by reason of any of the criteria set forth in NRS 463.151(3) is to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any ~~{horse}~~ race book, sports pool or games, other than slot machines only, whenever such exclusion or ejection is in the best interests of the State of Nevada or of licensed gaming, after the same has been determined as hereinafter provided:

1. Before a name is placed on the list, ~~the~~ *each* Board *member* shall ~~first informally~~ *independently* review the information and evidence in ~~its~~ *the Board's* possession ~~and~~. *After opportunity for such review, the Board shall, at a public meeting,* make a determination ~~that~~ *whether* there is sufficient reason to believe that any one of the criteria specified in NRS 463.151(3) is applicable to the candidate *and whether the candidate should be placed on the list.* ~~[At least two Board members shall concur in such decision at an investigative hearing, but no formal meeting of the Board shall be required to reach a decision.]~~

2. Except as hereinafter provided, the operative effect of such list shall not occur as to any given individual until such time as that person whose name has been placed upon the list has had notice and an opportunity for a hearing as provided for by this regulation, and until such time as the Commission's decision becomes final.

3. The filing of a petition for judicial review pursuant to NRS 463.315 does not stay the enforcement of any Board or Commission action placing an excluded person on the list. The Commission may grant a stay upon appropriate terms.

28.040 Distribution and contents of the list.

1. The list shall be open to public inspection and shall be distributed to:

(a) Every licensed gaming establishment within the state that conducts pari-mutuel wagering or operates *any race book, sports pool or any game, other than slot machines only*;

(b) Law enforcement agencies situated in the State of Nevada.

2. The following information and data shall be provided for each excluded person:

(a) The full name and all aliases the person is believed to have used;

(b) Description of the person's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the person;

(c) Date of birth;

(d) The effective date the person's name was placed on the list;

(e) A photograph and the date thereof.

3. The list shall contain the names of those persons now living who have been previously listed in that certain list promulgated on the 13th day of June, 1960, by the Commission. Such inclusion shall be made without the necessity of notice and hearing as provided for in sections 28.060 and 28.070 of these regulations.

28.060 Notice of candidacy.

1. After the Board has determined an individual should be placed upon the list, notice of such determination shall be given to said person by:

(a) Personal service;

(b) Certified mail to the address of such person last known to the Board; or

(c) Publication once a day for 7 consecutive days in a newspaper of daily general circulation, one of which is published in Reno, Nevada, and the other published in Las Vegas, Nevada, and for 7 consecutive days in a newspaper of daily general circulation which is distributed in the community wherein the candidate was last known to reside.

2. All reasonable efforts shall be made to give such candidate actual notice of the proceedings, but the methods of notice are cumulative, and each may be utilized with, after, or independently of the abovestated or other methods of notice.

3. A notice shall be directed to the candidate by his or her full name and by any aliases known to the Board and shall state in essence as follows:

TO: (Name of candidate)

You are hereby notified that the Nevada Gaming Control Board deems you to be a person to be excluded from licensed gaming establishments within the State of Nevada that conduct pari-mutuel wagering or operate any ~~horse~~ race book, sports pool or games, other than slot machines only, pursuant to Nevada Revised Statutes 463.151, et seq., for the reasons specified in NRS 463.151(3)-----
(designate subsection or subsections as grounds). You are further advised that you may request, within thirty (30) days from the date of service, a hearing before the Nevada gaming commission pursuant to NRS 463.153 and the regulations of the commission so as to show cause why your name shall be excluded from said list.

DATED this-----day of-----, 20----.

Board Member

4. In the event notice by publication is made, the notice shall specify that the request for hearing may be made any time within 60 days after the last day of publication.

5. After a candidate has requested a hearing before the Commission, the candidate shall be entitled to receive, upon request, a bill of particulars specifying the grounds upon which a determination of exclusion was made. Such bill of particulars shall be furnished the candidate at least 20 days prior to the hearing before the Commission.

6. In the event a candidate does not request a hearing, the Board will file with the Commission the bill of particulars heretofore specified, and the Commission may make its decision thereon and any other information it may request from the Board.

28.070 Hearing.

1. The procedures, rights, and remedies specified in chapter 463 *of NRS* for the conduct of proceedings before the Commission other than those in NRS 463.310, and in the applicable ~~[sections]~~ *subsections* of ~~[Regulation]~~ *section 7 of these regulations* shall apply to any hearings provided to the candidate. As used throughout the above-mentioned sections of chapter 463 *of NRS* the following terms shall have the following meanings:

- (a) “Respondent” shall mean “candidate”;
- (b) “Complaint” shall mean “notice of exclusion,” or “bill of particulars”;
- (c) “Notice of defense” shall mean “request for hearing.”

2. Written notice of the Commission’s decisions shall be given to the candidate and to all licensed gaming establishments within the state that conducts pari-mutuel wagering or operates *any race book, sports pool or any game, other than slot machines only.*

3. When the Commission determines a person should not be placed upon the list, or should be removed pursuant to the provisions of section 28.080, notice of the decision shall be made in the same manner as notice under section 28.060, and additionally in the case of removal proceedings under section 28.080, notice shall be given to all licensed gaming establishments within the state that conduct pari-mutuel wagering or operate any ~~[horse]~~ race book, sports pool or games, other than slot machines only.

28.080 Petition to remove from the list.

1. Any person who, after a final determination by the Commission, has been placed upon the list may petition the Commission in writing and request that his or her name be removed

from such list. The petition shall be verified and state with specificity the grounds believed by the petitioner to constitute good cause for removal of his or her name.

2. The Commission shall have 90 days in which to entertain such petition, after which time the Commission shall either set the petition for hearing or deny the petition. In the event the Commission elects to entertain the petition, a date for hearing shall be specified, and thereafter the procedures specified in section 28.070 ~~above~~ shall apply.

3. The record of evidence and testimony, if any, used by the Commission in making its original determination of exclusion may be considered by the Commission; provided, however, said record shall not be reopened except upon the express consent of the Commission. Unless otherwise allowed by the Commission, only evidence relevant as to the ground specified in the petition shall be heard; provided, however, the Commission may request additional investigation in this regard. The burden of showing good cause for removal shall at all times rest with the petitioner.

28.090 Duty of licensee to exclude.

1. The area within a licensed gaming establishment that conducts pari-mutuel wagering or operates any ~~horse~~ race book, sports pool or games, other than slot machines only, from which an excluded person is to be excluded is every portion of said gaming establishment including but not limited to the casino, rooms, theater, bar, pool, lounge, showroom and all other related facilities of said gaming establishment.

2. Whenever an excluded person enters or attempts to enter or is upon the premises of a licensed gaming establishment that conducts pari-mutuel wagering or operates any ~~horse~~ race book, sports pool or games, other than slot machines only, and is recognized by the licensee, its agents or employees, then the licensee and its agents or employees must do the following:

(a) Immediately notify the Board of the presence of the excluded person in any area of the gaming establishment;

(b) Request ~~such~~ *the* excluded person to not enter or if on the premises to immediately leave;

(c) Notify the appropriate local law enforcement agency and the Board if ~~such~~ *the* excluded person fails to comply with the request of the licensee, its agents or employees.

3. Failure to request ~~{such}~~ *the* excluded person to leave or to prohibit entry of ~~{such}~~ *the* person upon its premises in a timely fashion or failure to properly notify the Board of the presence of ~~{such}~~ *the* excluded person is an unsuitable method of operation.

4. Catering to ~~{any}~~ *an* excluded person, including the granting of complimentary room, food or beverage or the issuance of credit to ~~{any-such}~~ *an excluded* person, by any licensed gaming establishment *that conducts pari-mutuel wagering or operates any race book, sports pool or any game, other than slot machines only*, is an unsuitable method of operation.