



January 14, 2022

Via email only to regcomments@gcb.nv.gov
Nevada Gaming Control Board
555 East Washington Ave. Suite 2600
Las Vegas, Nevada 89101

Re: Workshop to Solicit Comments on Proposed Regulation 5.195 (December 8, 2021 draft)

Dear Chairman Gibson and Members Katsaros and Watkins:

I am writing this letter on behalf of Gaughan South LLC dba the South Point Hotel and Casino to comment on proposed regulation 5.195 that is scheduled to be heard at a workshop on January 18, 2022 at 1:00 p.m. The South Point is concerned about the unintended consequences posed by this proposed regulation. The South Point fully supports all efforts to enforce NRS 363.0129 which provides:

NRS 463.0129 Public policy of state concerning gaming; license or approval revocable privilege.

1. The Legislature hereby finds, and declares to be the public policy of this state, that:

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

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.

(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the Legislature.

2. No applicant for a license or other affirmative Commission or Board approval has any right to a license or the granting of the approval sought. Any license issued or other Commission or Board approval granted pursuant to the provisions of this chapter or [chapter 464](#) of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.

3. This section does not:

(a) Abrogate or abridge any common-law right of a gaming establishment to exclude any person from gaming activities or eject any person from the premises of the establishment for any reason; or

(b) Prohibit a licensee from establishing minimum wagers for any gambling game or slot machine.

The South Point has always viewed NRS 463.0129 (e) to be quite clear, in requiring the general public to have access to gaming activities conducted at a licensee's location, subject of course to

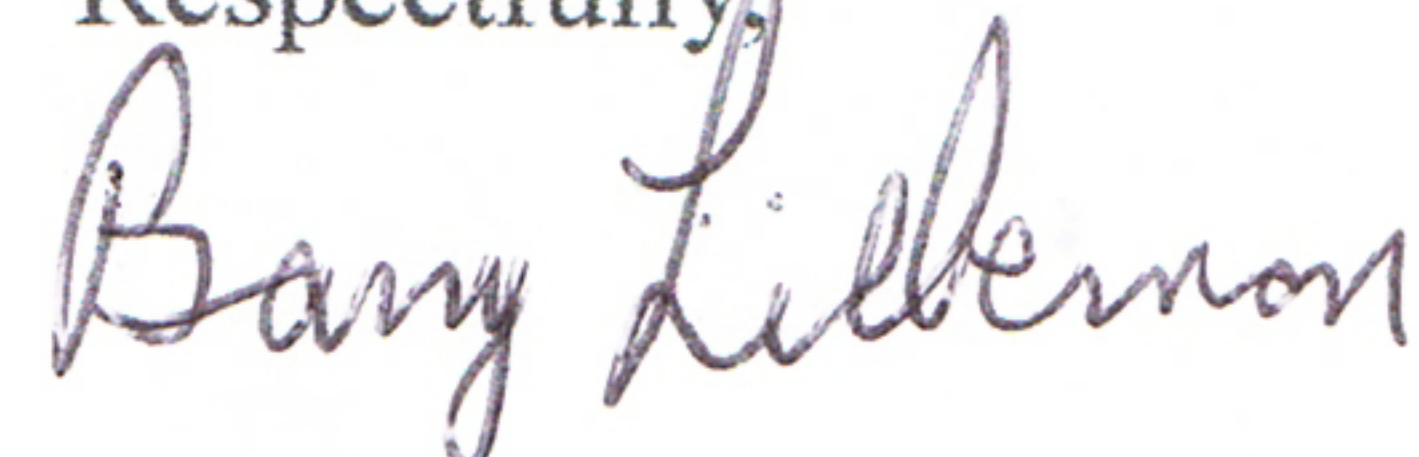
limitations such as prohibiting individuals on the list of excluded persons from being on the premises and preventing minors from participating in gaming activity. We believe that Proposed Regulation 5.195 is overbroad, creates confusion and potentially limits a licensee's ability to conduct a variety of contests and tournaments that are separate and apart from the gaming activities taking place at the licensee's location. The South Point is located at 9777 Las Vegas Boulevard South and is licensed to conduct gaming at that location. Thus, anywhere gaming is conducted at that address, subject to the surveillance and other regulatory requirements, is authorized and must be accessible to the general public. And of course, the Gaming Control Board requires all areas where gaming is conducted to have surveillance cameras, which insures that the gaming activity is "conducted honestly, competitively and free of criminal and corruptive elements."

Thus, the South Point is confused by the language in Section 3 tying access to the gaming activities to only areas covered by sections 3(a)(b) and (c). With respect to Section 5, there should be no prohibition on a property limiting, at its discretion, public access to areas where tournaments or contests are taking place, since the Gaming Control Board requires surveillance cameras for locations in the licensee's property where tournaments and contests are conducted. However, if the activity does not qualify as a contest or tournament, and is a gaming activity, NRS 363.0129 would apply and the public would be required to have access.

To the extent this proposed regulation is intended to address problems arising in connection with gaming salons, then Regulation 5.200 should be amended to address the specific problems.

In summary, the South Point believes that Proposed Regulation 5.195 is not necessary and only complicates matters for both the licensee and the Gaming Control Board and its agents. We do not believe that the proposed regulation should be recommended by the Gaming Control Board for adoption.

Respectfully,



Barry Lieberman, Esq.

Cc: J. Brin Gibson, Chairman
Phil Katsaros, Member
Brittnie Watkins, Member
Marie Bell, Executive Secretary