

# An Overview of Disciplinary Proceedings Before the Nevada Gaming Commission

*Neil H. Friedman*

*Deputy Attorney General, Gaming Division  
Counsel to the Nevada Gaming Commission and State Gaming Control Board*

## Introduction

With the passage of the Nevada Gaming Control Act in 1959,<sup>1</sup> the Nevada Legislature took a large and visionary step towards the long-term economic viability of legalized gaming in Nevada. In order to assure the economic growth and success of Nevada's gaming industry, the Legislature has mandated that gaming be strictly regulated.<sup>2</sup> The public policy underlying this strict regulation is to protect the revenues that flow from gaming and that are vital to Nevada's economy.<sup>3</sup> To foster this strict regulation, the Nevada Legislature has delegated the authority to regulate licensed gaming within Nevada to the Nevada Gaming Commission (the "Commission") and the State Gaming Control Board (the "Board").<sup>4</sup> Once a license is granted to an applicant, that licensee's activities and business practices become subject to regulatory scrutiny by the State Gaming Control Board. One of the methods employed by the State Gaming Control Board to police the gaming industry is the threat of disciplinary action.

In 1992 and 1993 the State Gaming Control Board filed forty-three complaints for disciplinary action. A table of these cases accompanies this article. These disciplinary actions resulted in total fines of \$1,443,700. On payment by the respondent, the fine is deposited in the state general fund.<sup>5</sup>

This article provides a procedural overview of disciplinary actions before the Nevada Gaming Commission. It is intended as a primer for licensees and their counsel who may have little experience before this regulatory agency. Parties should review the Gaming Control Act (the "Act") and the Nevada Gaming Commission Regulations (the "Regulations") to familiarize themselves with the laws, regulations, and procedures employed in these proceedings.

## Grounds for Disciplinary Action

The basis for instituting a disciplinary action is founded in the public policy underlying the Act. The Legislature has declared that Nevada licensees must be persons of good character, honesty, and integrity whose activities, criminal records, and reputation must not threaten the public interest or effective regulation of gaming.<sup>6</sup> Actions by a licensee that reflect discredit on Nevada or the gaming industry constitute unsuitable methods of operation and furnish the Board with grounds for instituting disciplinary action.<sup>7</sup>

A review of the Act and Regulations leads one to conclude that the grounds for filing disciplinary actions are almost unlimited. As declared by the Commission:

[A]ny activity on the part of any licensee, his agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Nevada, or that would reflect or tend to reflect discredit upon the State of Nevada [or] the gaming industry, [is] an unsuitable method of operation and shall be grounds for disciplinary action by the board and commission . . . .<sup>8</sup>

Other bases for filing a disciplinary action are provided by regulation. These violations include, but are not limited to, allowing inebriated patrons to participate in gaming;<sup>9</sup> associating with persons of notorious or unsavory reputation;<sup>10</sup> failing to comply with all state, federal, and local laws;<sup>11</sup> and cheating or allowing others to cheat at gaming.<sup>12</sup>

## Instituting Disciplinary Action

The Board may instigate a disciplinary proceeding in one of two ways. The Board may either file a complaint for disciplinary action<sup>13</sup> or petition the Commission for an emergency order.<sup>14</sup>

### 1. The Filing of a Complaint for Disciplinary Action.

After determining that disciplinary action should be instituted against a licensee, the Board requests the Attorney General's office to prepare a complaint for disciplinary action.<sup>15</sup> The filing of a complaint must be supported by a quorum of the Board.<sup>16</sup> Therefore, a complaint is required to bear the signatures of at least two Board members.

Once a complaint is prepared by the Attorney General's office and signed by the individual Board members, it is filed with the Nevada Gaming Commission. "The complaint . . . must be a written statement of charges which must be set forth in ordinary and concise language the acts or omissions with which the respondent is charged."<sup>17</sup>

After the filing of a complaint, the Commission must serve a copy of the complaint on the respondent. Service may be made either personally or by registered or certified mail.<sup>18</sup> The Commission may refer the complaint to the Board for service by a Board agent. The certificate or affidavit of service must specify the date of service and the manner that service was made.<sup>19</sup>

### 2. The Filing of an Emergency Order.

The Board may also institute emergency action against a licensee by filing an application for emergency order of suspension.<sup>20</sup> The order may be issued only with the signature of at least three members of the Commission,<sup>21</sup> and only "when the commission believes" that action is necessary because the licensee or other approved person has engaged in willful tax evasion or cheating at gambling, the person has engaged in gaming without the requisite license, or where the order must be issued "for the immediate preservation of the public peace, health, safety, morals, good order or general welfare."<sup>22</sup>

In addition to the factual predicate required of any complaint for disciplinary action, an emergency order must also contain a recitation of facts giving rise to the emergency nature of the action.<sup>23</sup> Within five days after the emergency order is issued, the Board is required to file and serve a complaint for disciplinary action.<sup>24</sup> "The emergency order is effective immediately upon issuance and service" and "remains effective until further order of the commission or final disposition of the case."<sup>25</sup>

### 3. Responding to a Complaint for Disciplinary Action.

After service of a complaint, a respondent has twenty days to answer the complaint or otherwise plead.<sup>26</sup> In the answer, the respondent must assert all his defenses, including affirmative defenses, and admit, deny, or assert that he is without knowledge as to the facts alleged in the complaint.<sup>27</sup> The respondent should also include in his answer a demand for hearing.<sup>28</sup> If a respondent requests a hearing, he is assured all of the due process safeguards afforded by the Gaming Control Act. At the hearing the respondent is allowed to subpoena witnesses, introduce evidence, and argue on his own behalf.<sup>29</sup>

The respondent can choose to waive many of these procedural safeguards. Specifically, the right to an evidentiary hearing may be waived by a respondent's failure to request one in his answer.<sup>30</sup> A failure to request a hearing also constitutes a waiver of the right to judicial review of the Commission's decision.<sup>31</sup> If the Commission wishes, it can order a hearing even though the respondent has waived his right to such a proceeding.<sup>32</sup>

**The Board may instigate a disciplinary proceeding in one of two ways.**

## Discovery in a Disciplinary Proceeding

The filing of an answer triggers discovery in a disciplinary proceeding.<sup>33</sup> Pursuant to regulation, the Board has an "open file" policy towards discovery. So long as the evidence is not confidential in nature, all evidence is provided to the respondent in a timely manner prior to a hearing before the Commission.

### 1. Mandatory Discovery Conference

Within twenty days after service of an answer, the parties to the disciplinary action are required to meet and exchange all documents to be offered in the party's case in chief, produce all physical evidence intended to be offered in the party's case in chief, and exchange witness lists.<sup>34</sup> The Board is also required to share any formal statements given to the Board by the respondent.<sup>35</sup>

During this discovery conference, the respondent may arrange to "inspect, copy, test, or sample any other documents or tangible things the board seized from or which belong to the respondent."<sup>36</sup> The only limitation to this exchange is that the inspection, testing, or sampling shall not take place if it would jeopardize the evidence or its evidentiary value. The Commission, however, may still permit the inspection, testing or sampling in "extraordinary circumstances."<sup>37</sup>

### 2. Discretionary Settlement Conference

"The [Commission] chairman may direct the parties to participate in a conference . . . for such purposes as expediting the disposition of the action, resolving discovery issues, and facilitating the settlement of the case."<sup>38</sup> Traditionally, these conferences are informal in nature with the Commission chairman, counsel for the Board and respondent in attendance.

During this conference the parties are encouraged to narrow the issues, stipulate to facts, and stipulate to the admissibility of evidence.<sup>39</sup> After the meeting, the Chairman may issue a scheduling order. This order will specify when the matter is to be heard on the merits.<sup>40</sup> It will also require the parties to meet, confer, and mark exhibits to be offered into evidence. The parties are also advised of any deadlines during which they have an opportunity to make written objections to the introduction and admissibility of any piece of evidence. Counsel are encouraged to stipulate to the authenticity and admissibility of evidence wherever possible.

The Commission order may also require the parties to file prehearing briefs.<sup>41</sup> The parties are normally required to file these statements at least a week before the hearing is to take place. The statements typically include a statement of the facts in support of that party's position, a statement of admitted facts, a list of witnesses the party intends to call in support of its position, and a memorandum of points and authorities in support of that party's position.

### 3. Noticing a Deposition

Any party to a disciplinary action may notice the deposition of any "material witness"<sup>42</sup> or adverse party.<sup>43</sup> The scope of such a deposition is limited to the subject matter of the anticipated testimony.<sup>44</sup> All other witnesses may be deposed only on order of the Commission.<sup>45</sup>

A deposition may be noticed to a party by a notice of deposition.<sup>46</sup> Notice to a nonparty shall be by subpoena issued by the executive secretary of the Commission.<sup>47</sup> Depositions must be recorded by stenographic means; testimony must be given under oath.<sup>48</sup> Subpoenas may be issued to compel testimony, to produce documents, or both.<sup>49</sup>

### 4. Discovery of Confidential or Privileged Material

If the Board wishes to introduce confidential or privileged material in its case in chief, it must be made available in a timely manner to the respondent.<sup>50</sup> The respondent is not permitted to disseminate the material except in the necessary course of his defense, and must return all confidential or privileged exhibits to the Board on the conclusion of the disciplinary proceeding.<sup>51</sup>

## 5. Discovery Disputes

In those instances where there are discovery disputes between the parties, the Commission may entertain a motion in limine, motion for protective order, motion to compel discovery, or any other discovery-related motions.<sup>52</sup> Motions must include points and authorities in support of the movant's position. After an opposition has been filed to the motion, the Commission will schedule a date for oral argument at which time the Commission enters its ruling on the motion.

### Hearings on Disciplinary Complaints

#### A. Hearing Procedure

Although informal in nature, hearings before the Nevada Gaming Commission have a defined structure similar to a civil trial. The Board, represented by the Attorney General's office, opens the hearing with an opening statement.<sup>53</sup> The respondent may then make an opening statement or may reserve his opening until his case in chief.<sup>54</sup> The Board then presents its case in chief by calling its witnesses and introducing evidence in support of its position.<sup>55</sup>

After the Board concludes its case in chief, the respondent may move to dismiss the complaint.<sup>56</sup> If the motion is granted, the hearing is concluded. If the Commission denies the motion, then the respondent presents his case.<sup>57</sup> After the defense concludes its case, the Board is permitted rebuttal.<sup>58</sup> After rebuttal, both sides are afforded closing arguments with a final rebuttal argument by the Board. Thereafter, the matter stands submitted for final determination by the Commission.<sup>59</sup>

**Although informal in nature, hearings before the Nevada Gaming Commission have a defined structure similar to a civil trial.**

#### B. Introduction of Testimony

##### 1. Oral Testimony

In a proceeding before the Commission, testimony may be introduced either by live testimony or by affidavit.<sup>60</sup> Oral evidence is taken under oath.<sup>61</sup> Pursuant to the dictates of due process, each side has the opportunity to call and examine, cross-examine, and impeach witnesses.<sup>62</sup> The parties may introduce physical evidence and offer rebuttal evidence.<sup>63</sup> If a respondent fails to testify on his own behalf, he may be called to testify by the Board. If the Board calls the respondent as a witness, he may be treated as hostile and may be examined as if under cross-examination.<sup>64</sup>

In a disciplinary proceeding, the formal rules of evidence do not apply: "Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs . . . ."<sup>65</sup>

The Commission may construe the respondent's failure to testify or invocation of any privilege as an admission that the answer would have been adverse to his defense.<sup>66</sup> This rule equally applies to any person employed or otherwise controlled by the respondent.<sup>67</sup>

##### 2. Testimony by Affidavit

The Act allows for the introduction of testimony by affidavit in lieu of oral testimony.<sup>68</sup> The party wishing to introduce the affidavit is required to notify the opposing party and furnish a copy of the proposed affidavit at least ten days before the scheduled hearing.<sup>69</sup> After notice, the opposing party has seven days to object to the use of the affidavit; failure to object is a waiver of the party's right to cross-examine the witness.<sup>70</sup> If the opposing party objects to the affidavit, the affidavit may still be introduced, "but must be given only the same effect as other hearsay evidence."<sup>71</sup>

### Standard of Proof

After considering the parties' evidence and arguments, the Commission deliberates on the merits of the case. In determining whether to find for the Board or the respondent, the Commission bases its decision on the "preponderance of the evidence" standard.<sup>72</sup> This standard is defined as "such evidence as when considered and compared with that opposed to it, has more convincing force, and produces in the minds of the members of the commission a belief that what is sought to be proved is more likely true than not true."<sup>73</sup>

### Penalties for Unsuitable Methods of Operation

After hearing and considering the evidence presented by the Board and the defense offered by the licensee, the Commission has several options. If the evidence is insufficient to establish by a preponderance of the evidence that a violation of the Act or the Regulations has taken place, the Commission may dismiss the complaint. If, on the other hand, after weighing the evidence the Commission determines that the licensee has operated in an unsuitable manner, the Commission may fine the licensee or limit, condition, suspend, or revoke the license, finding of suitability, registration, or approval.<sup>74</sup>

In assessing a fine, the Commission is constrained by law. A violation of Regulation 6A (dealing with certain large cash transactions) is punishable by a fine "of not less than \$10,000 nor more than \$250,000 for each separate violation."<sup>75</sup> For any other violation of the Act or Regulations, the Commission may assess a fine of no more than \$100,000 for each violation.<sup>76</sup> In those instances where a respondent is the subject of a second complaint for disciplinary action, the Commission may impose a fine of up to \$250,000 for each separate violation.<sup>77</sup>

### Judicial Review

"Any person aggrieved by a final decision or order of the commission" has a right to judicial review.<sup>78</sup> A petition for judicial review must be filed with the state district court of the county where the petitioner resides or has his principal place of business.<sup>79</sup> The petition must be filed within twenty days after entry of the final order or decision of the Commission.<sup>80</sup>

The petition for judicial review must be served on the Commission and all parties of record and must contain the basis for appeal.<sup>81</sup> The filing of the petition does not automatically stay the Commission's decision or order; only the Commission can stay its own action.<sup>82</sup>

Judicial review is conducted on the record established before the Commission.<sup>83</sup> The reviewing court, however, may "order that additional evidence in the case be taken by the commission upon such terms and conditions as the court deems just and proper."<sup>84</sup> In those instances where the Commission takes additional evidence, the Commission may modify its decision or order.<sup>85</sup> A party that fails to prevail on judicial review has the right to appeal to the Nevada Supreme Court.<sup>86</sup>

The Nevada Constitution does not authorize court intrusion into the disciplinary process of the Board and Commission.<sup>87</sup> Only final orders and decisions of the Commission are reviewable.<sup>88</sup> Even then, the decision of the Commission should be affirmed unless it is determined that the Commission acted in violation of constitutional provisions, in excess of its statutory authority or jurisdiction, or if its decision was made on unlawful procedure, was unsupported by any evidence, or was arbitrary or capricious or otherwise not in accordance with law.<sup>89</sup>

### Conclusion

The filing of a complaint for disciplinary action by the State Gaming Control Board is one of the many tools available to regulators to enforce the Gaming Control Act and the regulations promulgated thereunder. On service of the complaint, a respondent may choose either to contest the proceeding or stipulate to settle the matter. When a case is contested, certain procedural due process rights attach which allow the respondent to review evidence to be offered against him, to offer evidence in his own behalf, to cross-examine the state's witnesses, and to argue his innocence. Ultimately, most disciplinary actions are settled through stipulations subjecting the licensee to a fine and conditions or limitations on the license.

## References

- <sup>1</sup>See 1959 Nev. Stat. 427.
- <sup>2</sup>NEV. REV. STAT. § 463.0129 (1993).
- <sup>3</sup>*Id.* § 463.0129(1)(a); *see also* Hughes Properties v. State, 100 Nev. 295, 298, 680 P.2d 970, 971 (1984) (“The state licenses gambling games primarily as a means of producing revenue.”).
- <sup>4</sup>NEV. REV. STAT. § 463.1405 (1993); *see also* State v. Rosenthal, 93 Nev. 36, 41, 559 P.2d 830, 833 – 34 (1977).
- <sup>5</sup>NEV. REV. STAT. § 463.310(4)(d) (1993).
- <sup>6</sup>*Id.* § 463.170(2)(a), (b) (1993).
- <sup>7</sup>Nev. Gaming Comm’n Reg. 5.011(1) (1993).
- <sup>8</sup>*Id.* 5.011 (1993).
- <sup>9</sup>*Id.* 5.011(2).
- <sup>10</sup>*Id.* 5.011(5).
- <sup>11</sup>*Id.* 5.011(8).
- <sup>12</sup>*Id.* 5.011(9).
- <sup>13</sup>NEV. REV. STAT. § 463.310(2), .312(1) (1993).
- <sup>14</sup>*Id.* § 463.311 (1993).
- <sup>15</sup>*See id.* § 463.0199 (1993).
- <sup>16</sup>*See* NEV. REV. STAT. § 463.110(3) (1993).
- <sup>17</sup>*Id.* § 463.312(1) (1993).
- <sup>18</sup>*Id.* § 463.312(2).
- <sup>19</sup>Nev. Gaming Comm’n Reg. 7.030 (1993).
- <sup>20</sup>NEV. REV. STAT. § 463.311 (1993).
- <sup>21</sup>*Id.* § 463.311(3).
- <sup>22</sup>*Id.* § 463.311(1).
- <sup>23</sup>*Id.* § 463.311(2).
- <sup>24</sup>*Id.* § 463.311(5).
- <sup>25</sup>*Id.* § 463.311(4).
- <sup>26</sup>*Id.* § 463.312(3) (1993).
- <sup>27</sup>*Id.*
- <sup>28</sup>*Id.* § 463.312(3)(e).
- <sup>29</sup>*Id.* § 463.313(1) (1993).
- <sup>30</sup>*Id.* § 463.312(3)(e) (1993).
- <sup>31</sup>*Id.*
- <sup>32</sup>*Id.*
- <sup>33</sup>Nev. Gaming Comm’n Reg. 7.080 (1993).
- <sup>34</sup>*Id.* 7.080(2).
- <sup>35</sup>*Id.* 7.080(3).
- <sup>36</sup>*Id.* 7.080(4).
- <sup>37</sup>*Id.* 7.080(5).
- <sup>38</sup>*Id.* 7.070(1).
- <sup>39</sup>*Id.* 7.070(2).
- <sup>40</sup>*Id.* 7.070(4).
- <sup>41</sup>*Id.*
- <sup>42</sup>*Id.* 7.100(1). A “material witness” is defined as “a person whose testimony relates to a genuine issue in dispute which might affect the outcome of the proceeding.” *Id.* 7.080(2)(c).
- <sup>43</sup>*Id.* 7.100(3).
- <sup>44</sup>*Id.* 7.100(1).
- <sup>45</sup>*Id.* 7.100(2).
- <sup>46</sup>*Id.* 7.100(3).
- <sup>47</sup>*Id.* 7.110(1) – (2).
- <sup>48</sup>*Id.* 7.100(6).
- <sup>49</sup>*Id.* 7.110(2)(b).
- <sup>50</sup>*See id.* 7.090(1).
- <sup>51</sup>*Id.* 7.090(2).
- <sup>52</sup>*Id.* 7.130.
- <sup>53</sup>*Id.* 7.150(2).
- <sup>54</sup>*Id.*
- <sup>55</sup>*Id.* 7.150(3).
- <sup>56</sup>*Id.* 7.150(4).
- <sup>57</sup>*Id.* 7.150(5).
- <sup>58</sup>*Id.* 7.150(6).
- <sup>59</sup>*Id.* 7.150(7).
- <sup>60</sup>NEV. REV. STAT. § 463.313(1), (3) (1993).

<sup>61</sup>*Id.* § 463.313(1)(a).

<sup>62</sup>*Id.* § 463.313(1)(b).

<sup>63</sup>*Id.*

<sup>64</sup>*Id.* 463.313(1)(c).

<sup>65</sup>*Id.* § 463.313(1)(d); *see also* Nev. Gaming Comm'n Reg. 7.160(1) (1993).

<sup>66</sup>Nev. Gaming Comm'n Reg. 7.180(1) (1993).

<sup>67</sup>*Id.* 7.180(2).

<sup>68</sup>NEV. REV. STAT. § 463.313(3) (1993).

<sup>69</sup>*Id.* § 463.313(3)(a).

<sup>70</sup>*Id.* § 463.313(3)(b).

<sup>71</sup>*Id.*

<sup>72</sup>Nev. Gaming Comm'n Reg. 7.230(1) (1993).

<sup>73</sup>*Id.* 7.230(2).

<sup>74</sup>NEV. REV. STAT. § 463.310(4) (1993).

<sup>75</sup>*Id.* § 463.310(4)(d)(1).

<sup>76</sup>*Id.* § 463.310(4)(d)(2).

<sup>77</sup>*Id.*

<sup>78</sup>*Id.* § 463.315(1).

<sup>79</sup>*Id.* § 463.315(2).

<sup>80</sup>*Id.*

<sup>81</sup>*Id.* § 463.315(2), (3).

<sup>82</sup>*Id.* § 463.315(5).

<sup>83</sup>*Id.* § 463.317(2).

<sup>84</sup>*Id.* § 463.317(1).

<sup>85</sup>*Id.*

<sup>86</sup>*Id.* § 463.318.

<sup>87</sup>*State Gaming Control Board v. Eight Judicial District Court*, 82 Nev. 38, 40, 409 P.2d 974, 975 (1966) (citing NEV. CONST. art. 6, § 6).

<sup>88</sup>*See* NEV. REV. STAT. § 463.315(1) (1993); *Resnick v. Nevada Gaming Comm'n*, 104 Nev. 60, 63, 752 P.2d 229, 230 – 31 (1988).

<sup>89</sup>NEV. REV. STAT. § 463.317(3) (1993).

## Disciplinary Actions Taken

1992-1993

\*This exhibit was compiled and prepared by Jim Lewis, a student at the University of Nevada, Reno who conducted an internship with the Office of the Attorney General, Gaming Division.

CASE NUMBER	RESPONDENT	DATE FILED	TYPE OF VIOLATION(s)	AMOUNT OF FINE	LIMITATIONS ON LICENSE	CONDITIONS ON LICENSE
92-01	SGCB v. Jerry Patrick Shea dba Del Mar Station	02/06/92	NRS 463.160(1)(c)	\$1,000	none	none
92-02	SGCB v. Rockabilly's Inc. dba Rockabilly's	01/28/92	NGCR 8.010(1), 8.020, 8.050	\$2000.00	none	none
92-03	SGCB v. Greenbrae Lanes Inc. dba Greenbrae Lanes	02/06/92	NGCR 8.010(1), 8.020, 15.510-3 NRS 463.300, 463.510(1)	\$1,000	none	none
92-04	SGCB v. William J. Casentini dba Casentini's Italian Restaurant	02/14/92	NGCR 4.040 NRS 463.160(1)(c), 463.200, 463.339	\$1,000	license suspended for three months	none
92-05	SGCB v. Elko Gaming Corporation dba Silver Dollar Saloon & Casino	03/31/92	NGCR 8.010(1), 8.020, 15.510.1-3 NRS 463.300, 463.510(1)	\$10,500	none	none
92-08	Little Caesar's Inc. dba Little Caesar's	04/27/92	NGCR 6A.020,6A.030,6A.040, 6A.090, 6.090, 22.040, 22.050, 22.060, 22.115 NRS 463.366	\$100,000	none	refer to endnotes 12, 13,14, 15
92-10	SGCB v. Horseshoe Club Operating Company dba Horseshoe Club	05/20/92	NGCR 6A.020(1), 6A.040, 6A.090(1)(b), 6A,100(2)(a), 6.090	\$20,000	none	refer to endnote 6
92-11	SGCB v. M&P Inc. dba The Joint Venture	04/10/92	NGCR 8.010(1), 8.020, 15.510.1-3 NRS 463.300, 463.510(1)	\$1,500	none	none



CASE NUMBER	RESPONDENT	DATE FILED	TYPE OF VIOLATION(s)	AMOUNT OF FINE	LIMITATIONS ON LICENSE	CONDITIONS ON LICENSE
92-14	SGCB v. Irwin Spencer Soper dba Montgomery Pass Lodge	08/06/92	NGCR 6.040, 6.060, 6.090, 6.100, 6.130, 8.130(2) ICPv.1-table games 31,32 ICPv.2 table games 60,71,72,76,78,79,81,82 ICPv.1 slots 1,33 ICPv.2 slots 1,13,15(a),26,29,30,32,35,49	\$45,000	none	refer to endnotes 10,11
92-15	SGCB v. MarCor Resorts, Ltd. Partnership dba Rio Suite Hotel/Casino	06/12/92	NGCR 6A.020(1), 6A.090	\$10,000	none	none
92-16	SGCB v. B-P Gaming Corporation dba Howard Johnson on Tropicana	06/12/92	NRS 463.162(1)(c)	\$3,000	none	none
92-17	SGCB v. Riviera, Inc. dba Hotel Riviera	06/12/92	NGCR 6A.020(1)(2), 6A.090(1)(a)(b)	\$10,000	none	none
92-18	Fitzgerald's Limited Partnership dba Fitzgerald's Casino/Hotel	06/12/92	NGCR 6A.020, 6A.040(4), 6A.050(2), 6.090	\$10,000	none	none
92-19	SGCB v. Hotel Continental dba Hotel Continental	08/26/92	NGCR 6A.020	\$10,000	none	none
92-26	Rainbow Vegas Hotel dba Rainbow Vegas Hotel	07/08/92	NGCR 5.010, 6.040, 6.060, 6.100, 8.010(2), 8.130(2) NRS 463.160, 463.162(1) MICSv1-slots 13,14,15,25,26,27,33,34,35,36	\$40,000	none	-Rainbow Vegas Hotel shall now be treated as a group II licensee

CASE NUMBER	RESPONDENT	DATE FILED	TYPE OF VIOLATION(s)	AMOUNT OF FINE	LIMITATIONS ON LICENSE	CONDITIONS ON LICENSE
92-29	SGCB v. Union Plaza Operating Company dba Union Plaza Hotel & Casino	07/28/92	NGCR 6A.020(1), 6A.090	\$10,000	none	none
92-31	SGCB v. Instant Replay Inc. dba Instant Replay Lounge	09/28/92	NGCR 15.530(1) NRS 463.510(1)	\$1,000	none	none
92-32	SGCB v. Gateway Inn Inc. dba Gateway Inn	12/10/92	NGCR 12.060	\$1,250	none	none
92-33	SGCB v. Frontier Hotel and Gambling Hall	10/15/92	NGCR 6A.020, 6A.030, 6A.040, 6A.060, 6A.090, 6A.100, 6.090	\$100,000	none	refer to endnotes 1,2,3,4,5
92-34	SGCB v. James Lee Delaney dba The Frontier Club	12/17/92	NGCR 8.010(1)(2), 8.030(1), 8.050 NRS 463.300	\$750	none	none
92-35	SGCB v. Janal Inc. dba Bourbon Barrel	12/04/92	NGCR 8.020, 15.510.4-1 NRS 463.300	\$2,000	none	none
92-36	SGCB v. Richard Lamont Cundick dba The Cork Room Lounge	02/03/92	NGCR 8.010(1), 8.020, 8.030(1) NRS 463.300, 463.160(1)(a)(c), 463.530	\$2,000	none	none
93-01	SGCB v. MSA Enterprises dba Roadrunner Saloon	01/05/93	NGCR 8.010(1)(2), 8.030(1), 15.530-1 NRS 463.300	\$2,500	none	none
93-04	SGCB v. Kenneth Wynn	07/23/93	NRS 453.336	\$10,000 and a twelve month suspension of his gaming license	none	Respondent will indefinitely be subject to random drug testing at his own expense
93-06	SGCB v. Spark's Nugget dba John Ascauga's Nugget	3/30/93	NGCR 6A.020	\$10,000	none	none

CASE NUMBER	RESPONDENT	DATE FILED	TYPE OF VIOLATION(s)	AMOUNT OF FINE	LIMITATIONS ON LICENSE	CONDITIONS ON LICENSE
93-09	SGCB v. Casper's Inc. dba Casper's Lounge	02/24/93	NGCR 8.020, 15.510.1-3 NRS 463.300, 463.490, 463.510	voluntary surrender of gaming license	N/A	N/A
93-11	Tripp Enterprises Inc. dba Tripp Plastics	04/07/93	NGCR 8.010(1), 8.020, 15.510.1- 3 NRS 463.300, 463.510(1)	\$2,500	none	none
93-12	SGCB v. Horseshoe Operating Company dba Horseshoe Club	05/25/93	NGCR 6A.020(1)(2), 6A.030, 6A.040, 6A.070, 6A.090(1) 6A.100	\$1,000,000	none	refer to endnotes 6,7,8,9
93-13	SGCB v. Ponderosa Ranch Inc., dba Ponderosa Ranch	05/17/93	NGCR 8.020, 8.030 NRS 463.540	\$5,000	none	none
93-18	SGCB v. Steven Wilford Garfinkle dba Fireside Chat	06/24/93	NGCR 8.050 NRS 463.300	\$750	none	none
93-19	SGCB v. DT's Lounge	06/18/93	NGCR 8.020, 8.050	\$1,750	none	none
93-20	SGCB v. Sly Fox Cocktail Lounge	05/20/93	NGCR 8.020, 8.050	\$1,000	none	none
93-21	SGCB v. Say When, Inc. dba Say When	09/01/93	NGCR 8.020, 8.050, 8.130 NRS 463.300, 463.510(1)	\$2,700	none	none
93-22	SGCB v. Sahara Operating Limited Partnership dba Sahara Hotel & Casino	06/07/93	NGCR 6A.020, 6A.090	\$10,000	none	none
93-24	SGCB v. Jack's Club, Mae Allicene McElroy and Rose Goings	07/14/93	NGCR 8.020, NRS 463.300	no fine-- license revoked	none	none
93-25	SGCB v. Time Out Lounge dba Time Out Lounge	07/14/93	NGCR 8.020 NRS 463.300	\$1,500	none	none

CASE NUMBER	RESPONDENT	DATE FILED	TYPE OF VIOLATION(s)	AMOUNT OF FINE	LIMITATIONS ON LICENSE	CONDITIONS ON LICENSE
93-26	SGCB v. RGA Inc. dba Magoo's, Butch Cassidy's Inc. dba Butch Cassidy's, and David Harry Wolfe individually	07/28/93	NGCR 8.010, 8.030 NRS 463.540	\$1,500	none	none
93-28	SGCB v. Fizzer's Inc. dba Fizzer's and Frank Charles Fisbeck	09/23/93	NGCR 6.050, 8.020, 8.050, 15.510.1-4 NRS 463.510(1)(4), 463.530, 463.540(2)	\$2,500	none	none
93-29	SGCB v. Town Pump Inc. dba Town Pump Liquors#1, Town Pump Liquors #2, Town Pump Liquors D.I.	09/14/93	NGCR 4.040(2), 8.010(1), 8.020, NRS 463.510, 463.300	\$1,500	none	none
93-31	SGCB v. Marlan Inc. dba Shifty's Cocktail Lounge	09/08/93	NGCR 8.010, 8.030	\$1,500	none	none
93-35	SGCB v. H.O.K. Inc. dba Noreen's	09/08/93	NGCR 8.010, 8.020, 8.050 NRS 463.490(3)-(4)(a)(b)	\$500	none	none
93-38	SGCB v. Donald Francis Gilbert dba Washing on the Lamb	09/23/93	NGCR 8.010, 8.030, 8.050, 15.510.1-4 NRS 463.161, 463.300	\$1,500	none	none
93-41	Reno Wings Inc. dba Hooters of Reno	10/22/93	NGCR 4.040(2)(3), 15.482-6, 15.482-8, 15.585.7-4 NRS 463.161, 463.485(1), 463.595	\$5,000	none	none

## References

1. The respondent must require all new cage personnel to attend weekly Regulation 6A training classes until passing a written 6A examination.
2. The respondent must provide continuous quarterly training of all managerial and cage employees involved with 6A transactions.
3. All cage transactions over \$2500.00 must be witnessed by a supervisor.
4. All cage marker payment logs, cage department slips, front money logs, cage check register, cage action logs will be forwarded to respondent's controller to monitor 6A activity.
5. The respondent will have a contractual arrangement with an independent auditor (CPA) to perform reviews and on site compliance procedures.
6. The respondent must conduct quarterly training sessions for all employees involved or potentially involved in Regulation 6A transactions.
7. The respondent must employ a full-time auditor who possesses technical knowledge of Regulation 6 and 6A. That individual must perform monthly reviews and on site compliance procedures of Regulation 6 and 6A.
8. The respondent must submit, on a quarterly basis, any currency transactions violating Regulation 6 and 6A.
9. The respondent must file within 90 days, any currency transactions reportable, pursuant to 6A.030 and 6A.040, and if any violations are found, report in accordance to 6A.060.
10. The respondent shall employ a CPA whose task it will be to see that the operation of the respondent's gaming establishment comes into compliance with the Nevada Gaming Commission Regulations that were violated as stated by the complaint.
11. No later than July 10, 1993, October 10, 1993, January 10, 1994, and April 10, 1994, the respondent's CPA will submit compliance reports to the Board's Audit department. No later than October 10, 1994 and April 10, 1995 will compliance reports be submitted to the Audit division. Thereafter, no later than the 10th of October every year until the board chairman or designee administratively removes the sentence.
12. The respondent must retain an independent person or firm to conduct periodic reviews of their compliance with NGCR 6A and 22.
13. The respondent must implement and comply with a plan approved by the Board which establishes the frequency, scope, content, and procedures for the independent compliance review and report the results to the Board.
14. The respondent must implement and comply with a plan for mandatory training of its employees on NGCR 6A and 22.
15. The respondent will submit to the Board the three plans mentioned above for re-approval annually.

