

SUBCHAPTER 3. FORFEITURE OF WINNINGS BY PROHIBITED PERSON

19:48-3.1 Definitions

19:48-3.2 Prohibited person; forfeiture of winnings

19:48-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Prohibited person” shall mean any excluded person within the meaning of N.J.A.C. 19:48-1.1; any self-excluded person within the meaning of N.J.A.C. 19:48-2.1; any person who is under the age at which a person may purchase and consume alcoholic beverages within the meaning of N.J.A.C. 19:43-16.1(a); and any person who is prohibited from engaging in gaming activity pursuant to N.J.S.A. 5:12-100(n).

“Thing(s) of value” shall mean any thing of value which may be used to engage in gaming activity including, without limitation, any gaming plaques, gaming chips, slot machine tokens, slot machine gaming vouchers, slot machine credits, and slot machine jackpots, but shall not include non-cashable slot credits.

“Winnings” shall mean the aggregate total of proceeds from each individual winning round of play at an authorized game and shall not be reduced by any individual losing rounds of play.

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19:48-3.2 Prohibited person; forfeiture of winnings

(a) If a casino licensee detects, or is notified of, the presence of a patron suspected of being a prohibited person, who had engaged or is engaging in gaming activity, such casino licensee shall:

1. Verify, using reasonable measures, that the patron is a prohibited person and the basis for the person’s prohibition. If the person is

unable to establish that he or she is not underage, the person shall be presumed to be a prohibited person for the purposes of this section;

2. Upon verification of a prohibited status, remove the prohibited person from the gaming floor;

3. Seize from such person any winnings or things of value obtained from engaging in a gaming transaction as follows:

i. Confiscate all gaming chips, gaming plaques, slot machine tokens and gaming vouchers;

ii. Process any slot machine jackpot obtained by the prohibited person pursuant to N.J.A.C. 19:45-1.40 through 1.40F, depending upon the type of jackpot obtained;

iii. Cash out any cashable credits remaining on a slot machine credit meter or automated table game credit meter and confiscate the gaming voucher that is issued as payment thereof; and

iv. Obtain control and physical possession of any other form of winnings or things of value not specifically enumerated and obtained by or owed to the prohibited person as a result of engaging in any type of gaming transaction;

4. Deliver any winnings or things of value obtained from a prohibited person pursuant to (a)(3) above to the cashiers' cage, where they shall be converted into cash and maintained separately and designated as funds that are subject to forfeiture; and

5. Prepare a multipart form known as a Disputed Payout Receipt, which shall include, without limitation, the following information:

i. The total value and a detailed description of winnings or things of value that were seized;

ii. The date of the incident;

iii. The name of the prohibited person, if known, and basis for determining the person is a prohibited person;

iv. The street and mailing address of the prohibited person, if known; and

v. The location (table type and number, slot machine asset number, keno window, etc.) where the prohibited person was engaged in a gaming transaction.

(b) The document required by (a)5 above shall be signed and attested to by:

1. The prohibited person, unless the person refuses to sign or is unknown;

2. The casino employee delivering the winnings or things of value to the cashiers' cage; and

3. The cashiers' cage employee to whom the winnings or things of value are delivered.

(c) The original Disputed Payout Receipt prepared and signed as required by (b) and (c), above, shall be maintained in the cashiers' cage. Copies of the document shall be provided to the prohibited person, the casino accounting department and filed with the Division and the Commission.

(d) The casino licensee shall present the prohibited person with a document known as a Notice of Potential Forfeiture, which shall be signed by the prohibited person, or if the prohibited person refuses to sign or is unknown, the casino licensee shall indicate the reason for the lack of a signature on the signature line for the prohibited person. The Notice of Potential Forfeiture shall:

1. Advise the prohibited person that a proceeding may be brought by the Division seeking forfeiture of the winnings or things of value seized pursuant to (a) above;

2. Advise the prohibited person that he or she has the right to be heard in any such proceeding as set forth in (h) below and that failure to respond to a forfeiture complaint will result in the waiver of their right to be heard; and

3. Contain a mailing address of the prohibited person at which he or she may be noticed regarding any future proceedings.

(e) All funds maintained separately and designated as subject to forfeiture pursuant to (a)4 above shall be held by the casino licensee until further order of the Commission or upon notice from the Division that they may be released.

(f) Pursuant to N.J.S.A. 5:12-71.3, any winnings or things of value obtained by a prohibited person in a gaming transaction shall be subject to forfeiture by order of the Commission, on complaint of the Division, following notice to the prohibited person and an opportunity to be heard.

(g) The internal controls of a casino licensee shall contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person as if the winnings or things of value were paid and reported in accordance with normal procedures applicable to such payouts. Such procedures shall include, however, such modification to forms or additional documentation as is necessary to record and report the payout as a disputed payout confiscated or withheld from a prohibited person. This documentation shall be compared by the casino accounting department at the end of the gaming day to the copy of the Disputed Payout Receipt. Any winnings or things of value confiscated or withheld from a prohibited person that are paid and reported in accordance with the normal procedures applicable to such payouts, as modified in this section, shall be deducted in the calculation of gross revenue as if the winnings or things of value were actually paid to the prohibited person.

(h) All proceedings brought by the Division pursuant to N.J.S.A. 5:12-71.3(c) seeking forfeiture of any winnings or things of value shall be heard by the Commission.

(i) In the event that winnings or things of value are obtained by a prohibited person from a casino licensee as a result of a gaming transaction, the Division may file a complaint requesting forfeiture of the winnings or things

of value with the Commission who will notice the prohibited person via personal service or regular mail of the forfeiture complaint and the prohibited person's right to a hearing.

(j) If the prohibited person wishes to contest the forfeiture complaint filed pursuant to (i), above, the prohibited person shall request a hearing in writing with the Commission within 15 days of the date of the notice of the forfeiture complaint. If no response is filed by the prohibited person within 15 days of the date of the notice of the forfeiture complaint, the winnings or things of value shall be ordered forfeited and shall be disposed of pursuant to N.J.S.A. 5:12-71.3.

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