

**STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT**

IN THE MATTER OF THE)
BORGATA WINTER POKER)
OPEN, A GAMING TOURNAMENT)
CONDUCTED BY MARINA)
DISTRICT DEVELOPMENT CORP,)
LLC d/b/a BORGATA CASINO)
HOTEL AND SPA BETWEEN)
JANUARY 14, 2014 AND)
JANUARY 18, 2014.)

**FINAL
ORDER**

WHEREAS, Marina District Development Corp., LLC d/b/a Borgata Casino Hotel and Spa (hereinafter "Borgata"), a casino licensee in the State of New Jersey, offered a gaming tournament, known as "The Borgata Winter Poker Open", to the public, which tournament consists of multiple events; and,

WHEREAS, Event #1 of the Borgata Winter Poker Open ("Event #1") commenced on January 14, 2014, and continued thereafter; and,

WHEREAS, on or about January 16, 2014, investigation by Borgata and the Division of Gaming Enforcement ("Division") determined that the integrity of Event #1 had been compromised by alleged criminal acts; and,

WHEREAS, on January 17, 2014, Event #1 was suspended by Borgata pending further investigation; and

WHEREAS, on January 18, 2014, the Division, pursuant to authority granted by N.J.A.C. 13:69F-8.6(b), entered an Order directing that Event #1 be immediately cancelled subject to certain specified conditions; and,

WHEREAS, Borgata, the Division and the New Jersey State Police, Casino Gaming Bureau have investigated the facts and circumstances surrounding Event #1, which investigation disclosed that an individual entrant to Event #1 had allegedly committed a criminal act by allegedly introducing a significant number of counterfeit tournament chips into play, in violation of the New Jersey Casino Control Act, N.J.S.A. 5:12-1 et seq. (the "Act"); and

WHEREAS, the Division has determined that Borgata was in compliance with the Act and the regulations promulgated thereunder, specifically regulations

related to the conduct of tournaments, and its poker tournament internal controls as pertains to Event #1; and

WHEREAS, the terms and conditions of Event #1 required each entrant to pay a total of \$560, which amount represented \$60 in revenue to Borgata in the form of an entry fee and a \$500 contribution to the prize fund; and

WHEREAS, Borgata received revenue, in the total amount of \$288,660, in entry fees which, after consultation with the Division, it has represented it will return to entrants consistent with this Order; and

WHEREAS, Borgata has, pursuant to the Order of the Division, retained and reserved \$1,433,145 in unallocated prize funds; and

WHEREAS, Borgata has determined that prizes, in the amount of \$892,690, were won by 423 entrants, of which \$50,893 remains to be paid; and

WHEREAS, the investigation by the Division, which included a review of a comprehensive analysis prepared by Borgata, determined that 2218 entrants were not impacted by the alleged criminal conduct; and

WHEREAS, the investigation by the Division, which included a review of a comprehensive analysis prepared by Borgata, determined that 2143 entrants who may have been impacted by the alleged criminal conduct were eliminated from Event #1 without qualifying for a prize award; and

WHEREAS, 27 participants remained active in Event #1 at the time the event was canceled, each of whom was eligible for a minimum prize of \$8,140 paid from the prize funds; and

WHEREAS, the investigation by the Division determined that Borgata was negatively impacted by an alleged criminal act; and

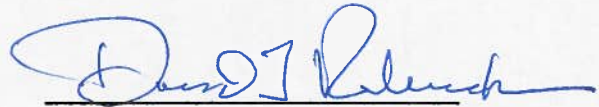
WHEREAS, a total of \$1,721,805, representing all of the remaining funds received by Borgata from the Borgata Winter Poker Open, Event #1, has been retained pending further Order by the Division; and

HAVING considered all the facts and circumstances surrounding the conduct of Event #1 of the Borgata Winter Poker Open, and the Act and the regulations promulgated thereunder and considering the representations and information supplied by Borgata,

I HEREBY ORDER Borgata to:

- I. Pay prize awards, in the total amount of \$50,893, to all entrants who were awarded a prize but who have not yet been paid; and
- II. Disburse the total amount of \$1,721,805, which amount represents the sum of the remaining unpaid prize funds together with all revenue collected from entrants which Borgata has represented it will return to certain entrants, as follows:
 - a) Distribute \$560 to each of the 2143 entrants who may have been impacted by the alleged criminal conduct who were eliminated from the event without qualifying for a prize award;
 - b) Distribute all remaining funds, in equal amounts of approximately \$19,323 to each of the 27 entrants remaining active in Event #1 at the time the event was canceled.

Dated: April 14, 2014



DAVID L. REBUCK
DIRECTOR