

STATE OF NEW JERSEY  
Office of the Attorney General  
Department of Law and Public Safety  
Division of Gaming Enforcement  
Dkt No. 11-1396-VC

STATE OF NEW JERSEY, DEPARTMENT	)	
OF LAW AND PUBLIC SAFETY,	)	
DIVISION OF GAMING ENFORCEMENT,	)	
	)	
Petitioner,	)	ORDER
	)	
v.	)	
	)	
MARINA DISTRICT DEVELOPMENT	)	
COMPANY, LLC d/b/a BORGATA HOTEL,	)	
CASINO & SPA,	)	
	)	
Respondent.	)	
	)	
	)	

On October 3, 2011, the Division of Gaming Enforcement (“Division”) filed a complaint against Marina District Development Company, LLC d/b/a Borgata Hotel Casino and Spa (“Borgata”) alleging a violation of N.J.A.C. 13:69D-1.11 and 13:69G-2.4 by allowing a self-excluded individual to place wagers at the game of Baccarat.

Having considered the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et. seq., specifically 5:12-71.2 and the regulations promulgated thereunder, specifically N.J.A.C. 13:69G-2.4; and;

Having considered the Stipulation of Settlement which the parties executed and finding sufficient legal and factual support for the recommended penalty therein.

I hereby ORDER that the settlement be adopted and that a civil penalty in the amount of \$10,000 be imposed upon Borgata, payable upon receipt of an invoice from the Division.

Dated: April 17, 2012

A handwritten signature in cursive script, appearing to read "David Rebeck", written over a horizontal line.

DAVID REBUCK  
DIRECTOR

**JEFFREY S. CHIESA**  
Attorney General of New Jersey  
Attorney for Complainant  
State of New Jersey  
Department of Law and Public Safety  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, New Jersey 08401

By: Robert A. Moncrief Jr.  
Deputy Attorney General  
(609) 317-6218

STATE OF NEW JERSEY  
DIVISION OF GAMING ENFORCEMENT  
DOCKET NO. 10-1396-VC

STATE OF NEW JERSEY, DEPARTMENT	)	
OF LAW AND PUBLIC SAFETY,	)	
DIVISION OF GAMING ENFORCEMENT,	)	
	)	
Complainant,	)	Civil Action
	)	
v.	)	STIPULATION OF
	)	SETTLEMENT
MARINA DISTRICT DEVELOPMENT	)	
COMPANY, LLC d/b/a BORGATA	)	
HOTEL, CASINO & SPA,	)	
	)	
Respondent.	)	
	)	

The above-captioned matter having been discussed by and between the parties involved, Jeffrey S. Chiesa, Attorney General of New Jersey, attorney for Complainant State of New Jersey, Department of Law and Public Safety, Division of Gaming Enforcement (“Division”) by Robert A. Moncrief Jr., Deputy Attorney General,

and Joseph A. Corbo, Esq., Vice President and General Counsel, attorney for Respondent, Marina District Development Company, LLC d/b/a Borgata Hotel, Casino & Spa ("Borgata"), the following facts have been agreed upon and stipulated.

### **Preliminary Facts**

1. Respondent, Marina District Development Company, LLC d/b/a Borgata Hotel, Casino & Spa ("Borgata") is a New Jersey enterprise located at One Borgata Way, Atlantic City, New Jersey 08401.

2. Borgata is the holder of a casino license first issued by the Casino Control Commission ("Commission") on June 11, 2003. At all times relevant herein, Borgata was authorized to conduct casino gaming within its casino hotel facility.

### **Applicable Law**

3. N.J.S.A. 5:12-71.2a provides that:

The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities

4. N.J.A.C. 13:69G-2.4(a) provides that:

Each casino licensee shall establish procedures designed, to the greatest extent practicable, to:

1. Permit appropriate employees of the casino licensee to identify a self-excluded person when present in a casino or simulcasting facility and upon such identification, notify:

i. Those employees of the casino designated to monitor the presence of self-excluded persons; and

ii. Designated representatives of the Commission and Division;

2. Refuse wagers from and deny gaming privileges to any self-excluded person;

### **Facts and Admissions**

5. The Division, by Complaint filed October 3, 2011, Docket No. 11-1396-VC, a copy of which is attached hereto as Exhibit "A", sought sanctions against Borgata for reasons set forth therein and, more specifically, that Borgata permitted a self excluded person to engage in wagering activity.

6. Borgata acknowledges the accuracy of the facts set forth in Paragraph 5, above, and admits that it permitted a self-excluded person to engage in wagering activity and, thus violated the provisions of N.J.S.A. 5:12-71.2(a) and N.J.A.C. 13:69G-2.4(a).

### **Prior Regulatory History of the Licensee**

7. Borgata has been the subject of one prior administrative complaint alleging a regulatory violation relating to persons who were self-excluded, and that complaint is as of yet unresolved.

### **Corrective Action Of The Licensee And Mitigating Factors**

8. Borgata has implemented policies, procedures and practices to promote compliance with its regulatory obligations concerning self-excluded individuals that are both proactive and reactive. This includes flagging player accounts for "PREVENT PLAY" and marking accounts "N" (for NO MAIL) in Borgata's applicable databases so that if a self-excluded individual provides identification while engaging in gaming or gaming related activities he is identified. In addition, Borgata associates identifying self-excluded individuals are eligible to receive a \$50 reward/incentive under Borgata's "Check It Out" program when the Borgata associate's identification of a self-excluded individual results in apprehension by the Division.

9. In this case, while the self-excluded individual did not identify himself on a prior game and therefore he was not identified through the above referenced player account system, a Borgata associate recognized the patron as a self-excluded player. The Borgata associate then promptly followed Borgata policies and procedures by notifying Surveillance, who confirmed the individual was self-excluded. Surveillance

in turn notified Security and the Table Games shift manager; Security then notified the Division. The patron's accumulated winnings were forfeited and processed in accordance with Borgata's forfeiture procedures.

10. Borgata associates are well trained and aware of the seriousness of identifying self-excluded, as well as excluded patrons, and they strive to comply with internal controls in place to effectuate the requirements of applicable law.

### **Settlement Agreement**

IT IS THEREFORE AGREED AND STIPULATED by and between the parties hereto that:

- A. The facts stated herein are true and accurate.
  
- B. Respondent Borgata admits that it violated the provisions of the Casino Control Act and the regulations, specifically N.J.S.A. 5:12-71.2a and N.J.A.C. 13:69G-2.4(a), in that it permitted a self-excluded person to engage in wagering activity;
  
- C. For the violations admitted herein Respondent, Borgata, shall pay to the New Jersey Casino Revenue Fund, as a civil penalty pursuant N.J.S.A. 5:12-129(5), and in recognition of the provisions of N.J.S.A. 5:12-130, in the amount of \$10,000; and,

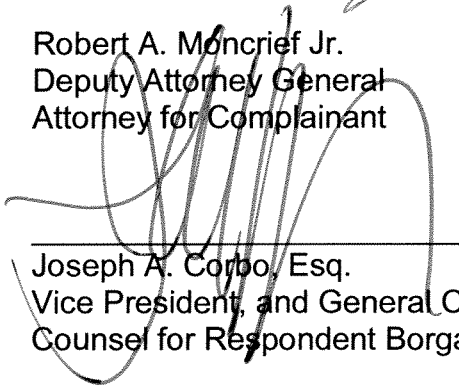
D. The parties agree that a monetary penalty, in the total amount of \$10,000 is just and equitable and in accordance with the criteria set forth in N.J.S.A. 5:12-130, and shall be in full and final settlement of the allegations set forth in the above-captioned complaint.

The undersigned consent to the form and entry of the above Stipulation.



Robert A. Moncrief Jr.  
Deputy Attorney General  
Attorney for Complainant

Dated: 4/17/12



Joseph A. Corbo, Esq.  
Vice President, and General Counsel,  
Counsel for Respondent Borgata

Dated: 4-13-12