

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement
Dkt No. 11-1395-VC

STATE OF NEW JERSEY, DEPARTMENT)
OF LAW AND PUBLIC SAFETY,)
DIVISION OF GAMING ENFORCEMENT,)
)
Petitioner,)
)
v.)
)
BALLY'S PARK PLACE INC. d/b/a)
BALLY'S ATLANTIC CITY,)
)
)
Respondent.)
)

ORDER

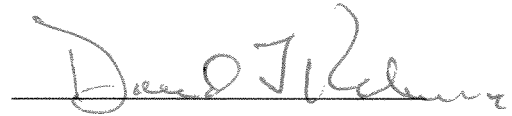
On October 2, 2011, the Division filed a complaint against Bally's Park Place Inc. d/b/a Bally's Atlantic City ("Bally's") alleging a violation of N.J.A.C. 13:69G-2.4 and 13:69D1.11 by allowing a self-excluded individual to place wagers at the game of poker in its casino hotel facility; and,

Having considered the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq. and the regulations promulgated thereunder, specifically N.J.A.C. 13:69G-2.4 and 13:69D1.11; and,

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

I further **ORDER** that the settlement between Bally's and the Division be adopted and that a civil penalty in the amount of \$10,000 be imposed upon Bally's, payable upon receipt of an invoice from the Division.

Dated: June 22, 2012



DAVID L. 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. 11-1395-VC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
)	
Complainant,)	Civil Action
)	
v.)	STIPULATION
)	OF SETTLEMENT
BALLY'S PARK PLACE INC. d/b/a)	
BALLY'S ATLANTIC CITY,)	
)	
)	
Respondent.)	
)	

The matter involved in the above-captioned action, having been discussed by and between the parties involved, Jeffrey S. Chiesa, Attorney General of New Jersey, Department of Law and Public Safety, Division of Gaming Enforcement ("Division"), by Robert A. Moncrief Jr., Deputy Attorney General, and Bally's Park Place, Inc d/b/a Bally's Atlantic City ("Bally's"), Respondent, by N. Lynne Hughes, Esq., Vice

President Legal Affairs & Chief Legal Officer, and said matter having been resolved, it is hereby consented to and agreed by and between the parties.

PRELIMINARY FACTS

1. Respondent, Bally's is a New Jersey corporation having its principal place of business at Park Place and the Boardwalk, Atlantic City, New Jersey 08401.

2. Bally's is the holder of a casino license first issued on or about December 29, 1980 and most recently renewed effective June 30, 2008. At all times relevant herein, Bally's was authorized to conduct casino gaming within its casino hotel facility.

APPLICABLE LAW

3. N.J.S.A. 5:12-71.2 provides, in pertinent part:

a. 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 division 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 provides, in pertinent part, that:

(a) Each casino licensee shall establish procedures that are 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 licensee designated to monitor the presence of self-excluded persons; and

ii. Designated representatives of the Division;

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

5. N.J.A.C. 13:69D-1.11 provides, in pertinent part, that:

...

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include at a minimum, the following departments and supervisory positions. Each of the departments and supervisors required or authorized by this section (a "mandatory" department or supervisor) shall cooperate with, yet perform independently of, all other mandatory departments and supervisors of the casino licensee. Mandatory departments and supervisory positions are as follows:

1. A surveillance department supervised by a person referred herein as the director of surveillance. The director of surveillance shall be subject to the requirements specified in (c) below. The surveillance department monitoring room shall be supervised by a casino key employee who shall be present in the room at all times or, if not present, be within immediate contact and at a known location on the premises. The surveillance department shall be responsible for, without limitation, the following:

...

vii. The detection of the presence in the establishment of any person...who is self excluded pursuant to N.J.S.A. 5:12-71.2...

ALLEGATION AND ADMISSIONS

6. The Division, by Complaint filed October 2, 2011, Docket No. 11-1395-VC, a copy of which is attached hereto as Exhibit "A", sought sanctions against Bally's for reasons set forth therein and, more specifically that on April 17, 2011 Bally's permitted GSD, a self-excluded individual, to wager at the game of poker in its casino hotel facility.

7. Respondent Bally's acknowledges the accuracy of the facts set forth in Paragraph 8, *supra*, and the attached Complaint and admits that its actions violate the provisions of N.J.A.C. 13:69G-2.4 and N.J.S.A. 13:69D-1.11.

PRIOR REGULATORY HISTORY OF LICENSEE

8. Bally's has been the subject of one similar regulatory complaint within the preceding three year period. In that matter a self-excluded individual was permitted to wager at various table games in Bally's and as a result of the violation Bally's was assessed a \$10,000 civil penalty.

9. Bally's also has one similar regulatory complaint which is currently pending and is the subject of another stipulation of settlement.

CORRECTIVE ACTION OF THE LICENSEE AND MITIGATING FACTORS

10. Bally's was unable to properly identify this individual due to the

individual's refusal to be rated during play. GSD was not under thirty years of age, which would have triggered a request for identification.

11. Due to the confidential nature of an individual's self-excluded status, their names and other identifying information are provided to only a very small number of Bally's employees. Most employees in direct contact with the public, such as dealers, slot attendants and beverage servers, do not have access to this information and, therefore, are unable to recognize self-excluded individuals when interacting with them.

12. Bally's has developed and implemented various initiatives to promote responsible gaming:

a. Bally's, along with its parent, subsidiary and affiliated companies, has adopted responsible gaming initiatives, which teach employees and guests about the consequences of problem gambling. These initiatives include, without limitation, front and back-of-house signage, detailed employee training on cues for identifying problem gambling, and the on-going creation of materials to keep employees and players aware, including community awareness through TV public service announcements.

b. Bally's, through its Code of Commitment, repeatedly emphasizes to its employees, guests and surrounding communities the importance of responsible gaming, and Bally's requires its employees to

remain vigilant in their efforts to prevent problem gambling, using all available means to identify and deny services to individuals who are self-excluded. Bally's employees have been trained in the methods of ensuring self-excluded customers/accounts are flagged as such in the player systems.

In sum, Bally's asserts that it takes its responsibilities and obligations regarding responsible gaming seriously and it is consistently exploring avenues in which to advance its responsible gaming initiatives.

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 Bally's, admits that it violated the provisions of the Act and the regulations promulgated thereunder, specifically N.J.A.C. 13:69G-2.4 and N.J.S.A. 13:69D-1.11 in that it permitted a self-excluded individual to wager at the game of poker in hits casino hotel facility.

- C. For the violations admitted in Paragraphs B, *supra.*, Respondent, Bally's, 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, the

sum of \$10,000;


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: 6/22/2012



N. Lynne Hughes, Esq
Vice President Legal Affairs & Chief Legal Officer
Bally's Park Place, Inc.

Dated: 6/20/2012

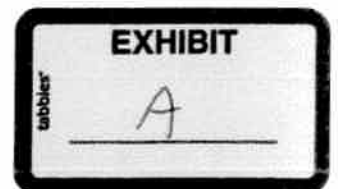
PAULA T. DOW
Attorney General of New Jersey
Attorney for Complainant
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, New Jersey 08401

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

STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT
DOCKET NO. 11-1395-VC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
)	
Complainant,)	Civil Action
)	
v.)	COMPLAINT
)	
BALLY'S PARK PLACE INC. d/b/a)	
BALLY'S ATLANTIC CITY,)	
)	
Respondent.)	
)	
)	

Complainant, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement (hereinafter "Division"), located at 1300 Atlantic
Avenue, Atlantic City, New Jersey, 08401 says:



COUNT I
(Self-Exclusion)

1. Respondent, Bally's Park Place Inc. d/b/a Bally's Atlantic City ("Bally's") is a New Jersey enterprise located at 2100 Pacific Ave., Atlantic City, New Jersey 08401.

2. Bally's is the holder of a casino license first issued on or about December 29, 1979 and most recently renewed on or about June 18, 2008.

3. At all times relevant herein, Bally's was authorized to conduct casino gaming within its casino hotel facility.

4. N.J.S.A. 5:12-71.2 provides, in pertinent part:

a. 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 division 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

5. N.J.A.C. 13:69G-2.4 provides, in pertinent part, that:

(a) Each casino licensee shall establish procedures that are 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 licensee designated to monitor the presence of self-excluded persons; and
 - ii. Designated representatives of the Division;
2. Refuse wagers from and deny any gaming privileges to any self-excluded person;...

6. N.J.A.C. 13:69D-1.11 provides, in pertinent part, that:

...

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include at a minimum, the following departments and supervisory positions. Each of the departments and supervisors required or authorized by this section (a "mandatory" department or supervisor) shall cooperate with, yet perform independently of, all other mandatory departments and supervisors of the casino licensee. Mandatory departments and supervisory positions are as follows:

1. A surveillance department supervised by a person referred herein as the director of surveillance. The director of surveillance shall be subject to the requirements specified in (c) below. The surveillance department monitoring room shall be supervised by a casino key employee who shall be present in the room at all times or, if not present, be within immediate contact and at a known location on the premises. The surveillance department shall be responsible for, without limitation, the following:

...

- vii. The detection of the presence in the establishment of any person...who is self excluded pursuant to N.J.S.A. 5:12-71.2...

7. On or about January 30, 2003, GSD requested to be placed on the self-exclusion list for life.

8. On or about January 31, 2003, the Commission notified all casino licensees, including Bally's, that GSD was a self-excluded person. Thereafter, Bally's caused GSD to be identified as a self-excluded person within its computerized business records by amending a patron account in the name of GSD to identify or "flag" GSD as a self-excluded person.

9. Subsequent to being placed on the self-exclusion list, on April 17, 2011, GSD entered Bally's and played poker at table #4 for approximately 3 hours from 1:30 PM to 4:22 PM. At the conclusion of play, GSD won a bad beat jackpot valued at \$53,933.00. Due to the value of the jackpot GSD was asked for identification, and at that time it was discovered by Bally's personnel that GSD was a self-excluded person.

10. After GSD was identified as a self-excluded person Bally's personnel secured the \$53,933.00 jackpot, which amount is being held by Bally's at the main cage.

11. According to Bally's personnel despite being a self-excluded person GSD had been a regular player in Bally's poker room, as well as a regular simulcast patron for two years prior to winning the \$53,933.00 jackpot on April 17, 2011. Further, Bally's personnel have often asked GSD if he would like to be rated, however, GSD would always decline the request and refuse to provide any information.

12. Based upon the information in Paragraphs 1 through 11, of this Complaint, Bally's failed to exclude or eject GSD, a self-excluded person, from its licensed casino hotel facility, in violation of N.J.A.C. 13:69G-2.4.

WHEREFORE, Complainant demands the following relief against Respondent, Bally's:

A. Judgment that Bally's, failed to exclude GSD from its licensed casino hotel facility, in violation of N.J.A.C. 13:69G-2.4;

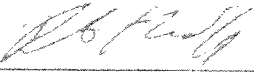
B. Judgment that Bally's Surveillance Department failed to adequately detect GSD's presence in its casino and simulcasting facility for a period of approximately 2 years while GSD was a regular patron and a self-excluded person in violation of N.J.S.A. 13:69D-1.11;

C. Judgment imposing a civil monetary penalty, pursuant to N.J.S.A. 5:12-129(5), upon Bally's; and,

D. Judgment for such other and further relief as the Director may deem just and appropriate under the circumstances.

Respectfully submitted,

PAULA T. DOW
Attorney General of New Jersey

By: 

Robert A. Moncrief Jr.
Deputy Attorney General

Dated: 10/3/11

File No. O-02-11-030