

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement
Dkt No. 12-0064-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 February 2, 2012, 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.S.A. 5:12-119(b), 9:17B-1b and N.J.A.C. 13:69C-16.1 by allowing to underage individuals to place wagers at slot machines in its casino hotel facility; and,

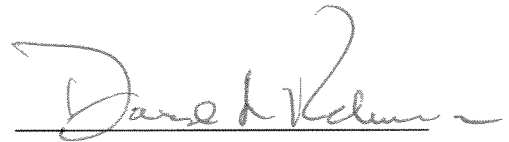
Having considered the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq. and the regulations promulgated thereunder, specifically N.J.A.C. 13:69C-16.1; and,

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 \$5,000 be imposed upon Bally's, payable upon receipt of an invoice from the Division.

Dated:

June 22, 2010

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

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. 12-0064-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. 5:12-119(b) was effective at all times referenced herein and provides in pertinent part:

b. Any licensee or employee of a casino who allows a person under the age at which a person is authorized to purchase and consume alcoholic beverages to remain in or wager in a casino or simulcasting facility is guilty of a disorderly persons offense; . . .

4. N.J.S.A. 9:17B-1b was effective at all times referenced herein and

provides in pertinent part:

"The Legislature finds and declares and by this act intends to: . . .
b. Extend to persons 21 years of age and older the right to purchase and consume alcoholic beverages. . .

5. N.J.A.C. 13:69C-16.1(a) was effective at all times referenced

herein and provides in pertinent part:

(a) No casino licensee or agent or employee thereof, shall allow, permit or suffer any person under the age at which a person is authorized to purchase and consume alcoholic beverages in this State ("underage person") to:

1. Enter a casino or casino simulcasting facility, except to pass directly to another room, unless the underage person is licensed under the Act and is acting in the regular course of his or her licensed activities;

2. Remain in a casino or casino simulcasting facility, unless the underage person is licensed under the Act and is acting in the regular course of his or her licensed activities;

3. Wager at any game or at casino simulcasting in a casino or casino simulcasting facility;

ALLEGATION AND ADMISSIONS

6. The Division, by Complaint filed February 2, 2012, Docket No. 12-0064-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 July 29, 2011 Bally's permitted two underage individuals to place wagers on a slot machine while on the

casino floor at Bally's.

7. Respondent Bally's acknowledges the accuracy of the facts set forth in Paragraph 6, *supra*, and the attached Complaint and admits that its actions violate the provisions of N.J.S.A. 5:12-119(b), 9:17B-1b and N.J.A.C. 13:69C-16.1(a).

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 an underage individual was repeatedly allowed to place wagers at slot machines at Bally's and was also served alcoholic beverages on more than one occasion. Due to the repetitive nature of that violation the Bally's was assessed a \$25,000 civil penalty.

CORRECTIVE ACTION OF THE LICENSEE AND MITIGATING FACTORS

9. The service of alcoholic beverages and the issuance of credit were not involved in the incidents of gambling activity.

10. Bally's represents that its records indicate that it has caught and subsequently either arrested or ejected, prevented from entering or escorted from its casino floor 16,256 underage individuals in calendar year 2011, and 8,065 in calendar year 2012, as of June 7, 2012.

11. Bally's has developed and implemented various initiatives to identify and stop individuals from participating in underage gambling:

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

b. Bally's trains its employees to card individuals who appear to be below the age of 30, and take other actions to detect potentially invalid identification. Bally's now uses electronic ID scanners to card its guests. Bally's issues appropriate and consistent discipline to its employees who fail to perform his or her employment obligations with regard to underage gaming or drinking.

c. Bally's, through its Code of Commitment, repeatedly emphasizes to its employees, guests and surrounding communities that casino gaming is an adults-only activity, and Bally's requires its employees to remain vigilant in their efforts to prevent underage gaming. In so doing, Bally's restricts the

placement and content of its advertising and marketing materials to age-appropriate venues and messages.

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, specifically N.J.S.A. 5:12-119(b), 9:17B-1b and N.J.A.C. 13:69C-16.1(a), in that two underage individuals were permitted to place wagers at slot machines on the casino floor at Bally's.

- 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 \$5,000;

D. The parties agree that a monetary penalty, in the total amount of \$5,000 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

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

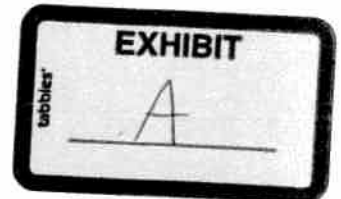
STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT
DOCKET NO. 12-0064-VC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
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Complainant,)	Civil Action
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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 ("Division"), located at 1300 Atlantic Avenue, Atlantic City, New Jersey, 08401 says:

COUNT I (IC)

1. Respondent, Bally's Park Place, Inc d/b/a Bally's Atlantic City ("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.

3. N.J.S.A. 5:12-119(b) was effective at all times referenced herein and provides in pertinent part:

b. Any licensee or employee of a casino who allows a person under the age at which a person is authorized to purchase and consume alcoholic beverages to remain in or wager in a casino or simulcasting facility is guilty of a disorderly persons offense;. . .

4. N.J.S.A. 9:17B-1b was effective at all times referenced herein and provides in pertinent part:

"The Legislature finds and declares and by this act intends to: . . .
b. Extend to persons 21 years of age and older the right to purchase and consume alcoholic beverages. . .

5. N.J.A.C. 13:69C-16.1(a) was effective at all times referenced herein and provides in pertinent part:

(a) No casino licensee or agent or employee thereof, shall allow, permit or suffer any person under the age at which a person is authorized to purchase and consume alcoholic beverages in this State ("underage

person") to:

1. Enter a casino or casino simulcasting facility, except to pass directly to another room, unless the underage person is licensed under the Act and is acting in the regular course of his or her licensed activities;

2. Remain in a casino or casino simulcasting facility, unless the underage person is licensed under the Act and is acting in the regular course of his or her licensed activities;

3. Wager at any game or at casino simulcasting in a casino or casino simulcasting facility;

6. IC is a resident of New Jersey having a date of birth of August 15, 1991. At all times relevant herein, IC was 19 years of age.

7. On July 29, 2011, at approximately 10:30 p.m. Division Investigators observed three youthful looking female patrons playing slot machines on the casino floor at Bally's. Based upon their youthful looking appearance Investigators requested that each of the patrons in question provide identification.

8. When asked for identification IC informed the Investigators that he or she was not able to provide identification and admitted to be 19 years of age. IC further informed the Investigators that no one from the casino had questioned her regarding his or her age despite being on the casino floor at Bally's for approximately one hour.

9. As a result of IC's admissions to the Investigators, and their observations, IC was charged with underage gambling, in violation of N.J.S.A. 5:12-119(a).

10. By permitting IC to enter the casino floor, remain on the casino floor and wager at a slot machine in the casino for approximately one hour, Respondent Bally's violated N.J.S.A. 5:12-119(b), N.J.A.C. 19:43-16.1(a)1, N.J.A.C. 19:43-16.1(a)2, and N.J.A.C. 19:43-16.1(a)3.

WHEREFORE, Complainant demands judgment as follows:

A. Judgment that Bally's violated N.J.S.A. 5:12-119(b), N.J.A.C. 19:43-16.1(a)1, N.J.A.C. 19:43-16.1(a)2, N.J.A.C. 19:43-16.1(a)3, and N.J.A.C. 19:43-16.1(a)4;

B. Judgment imposing an appropriate monetary penalty pursuant to N.J.S.A. 5:12-129(5) upon Bally's for said violations; and,

C. Judgment imposing such other relief as the Director may deem just and appropriate.

COUNT II (MM)

11. Complainant repeats Paragraphs 1 through 5 of Count I as if fully

set forth herein.

12. MM is a resident of New Jersey having a date of birth of June 22, 1992. At all times relevant herein, MM was 19 years of age.

13. Complainant repeats Paragraph 7 as if fully set forth herein.

14. When asked for identification MM informed the Investigators that he or she was not able to provide identification and admitted to be 19 years of age. MM further informed the Investigators that no one from the casino had questioned him or her regarding his or her age despite being on the casino floor at Bally's for approximately one hour.

15. As a result of MM's admissions to the Investigators, and their observations, MM was charged with underage gambling, in violation of N.J.S.A. 5:12-119(a)

16. By permitting MM to enter the casino floor, remain on the casino floor and wager at a slot machine in the casino for approximately one hour, Respondent Bally's violated N.J.S.A. 5:12-119(b), N.J.A.C. 19:43-16.1(a)1, N.J.A.C. 19:43-16.1(a)2, and N.J.A.C. 19:43-16.1(a)3.


WHEREFORE, Complainant demands judgment as follows:

A. Judgment that Bally's violated N.J.S.A. 5:12-119(b), N.J.A.C. 19:43-16.1(a)1, N.J.A.C. 19:43-16.1(a)2, N.J.A.C. 19:43-16.1(a)3, and N.J.A.C. 19:43-16.1(a)4;

B. Judgment imposing an appropriate monetary penalty pursuant to N.J.S.A. 5:12-129(5) upon Bally's for said violations; and,

C. Judgment imposing such other relief as the Director may deem just and appropriate.

Respectfully submitted,
JEFFREY S. CHIESA
Attorney General of New Jersey
Attorney for Complainant

By: 
Robert A. Moncrief Jr.
Deputy Attorney General

Dated: 2/2/12

File No. O-02-11-072, O-02-11-081