

STATE OF NEW JERSEY  
Office of the Attorney General  
Department of Law and Public Safety  
Division of Gaming Enforcement  
Dkt No. 12-0093-VC

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

ORDER

The Division filed a complaint on February 16, 2012, Docket No. 12-0093-VC, seeking sanctions against MARINA DISTRICT DEVELOPMENT COMPANY, LLC d/b/a BORGATA HOTEL, CASINO & SPA ("BORGATA") for reasons set forth therein and, more specifically that BORGATA permitted an underage individual to enter and remain within the licensed casino premises and to engage in wagering activity; and,

Having considered the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., specifically N.J.S.A. 5:12-119(b) and the regulations promulgated thereunder, specifically N.J.A.C. 19:43-16.1(a); 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 \$15,000 be imposed upon BORGATA, payable upon receipt of an invoice from the Division.

Dated: May 23, 2012

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

DAVID L. REBUCK  
DIRECTOR

**JEFFERY 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: R. Lane Stebbins  
Deputy Attorney General  
(609) 317-6218

STATE OF NEW JERSEY  
DIVISION OF GAMING ENFORCEMENT  
DOCKET NO. 12-0093-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, Jeffery S. Chiesa, Attorney General of New Jersey, attorney for Complainant State of New Jersey, Department of Law and Public Safety, Division of Gaming Enforcement by R. Lane Stebbins, 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 1 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. M At all times relevant herein, Borgata was authorized to conduct casino gaming within its casino hotel facility.

### **Applicable Law**

3. N.J.S.A. 5:12-119(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;

4. Be rated as a player;

5. Receive complimentary services or items as a result of or in anticipation of his or her gaming activity; or

6. Utilize credit.

#### **Facts and Admissions**

6. The Division, by Complaint filed February 16, 2012, Docket No. 12-0093-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 an underage individual to engage in wagering for approximately 6 and ½ hours at 9 separate blackjack tables.

7. Borgata acknowledges the accuracy of the facts set forth in Paragraph 6, above, and admits that it permitted an underage individual to engage in wagering activity as alleged in the complaint.

#### **Prior Regulatory History**

8. Borgata has been the subject of three administrative complaints in the preceding two years which alleged violations related to underage gambling as follows:

- a. State v. Borgata, Dkt No 10-0346-VC, settled with the imposition of a civil penalty of \$40,000 by Order dated February 12, 2012.
- b. State v. Borgata, Dkt No 10-0165-VC, settled with the imposition of a civil penalty of \$40,000 by Order dated September 22, 2010.
- c. State v. Borgata, Dkt No 09-0643-VC, settled with the imposition of a civil penalty of \$40,000 by Order dated March 12, 2010.

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

9. Borgata represents that its records indicate that it has caught and subsequently either arrested or ejected, prevented from entering or escorted from its casino floor 40,042 underage individuals in calendar year 2011, and 11,245 thus far in 2012.

10. Borgata has developed and implemented a program for the prevention of underage gambling and drinking. The proactive efforts that Borgata has undertaken to establish a culture of regulatory compliance with regard to enforcement of underage related requirements includes training and

other ongoing efforts to maintain awareness on the importance of this issue to all relevant management and operational personnel.

First, Borgata, through a regime of policies and procedures, training and enforcement, has established a culture of zero tolerance of underage gambling and alcohol consumption. In fact that portion of Borgata's Responsible Gaming Policy that pertains to underage gaming and alcohol consumption is actually stricter than the law in that underage individuals are generally not permitted to traverse Borgata's casino floor, even though this is permitted by law.

Borgata's underage avoidance policies and procedures relating to identifying underage individuals relate not only to those individual Borgata employees whose responsibilities directly involve underage enforcement issues, such as Borgata Security, Beverage and Casino Departments, but to all Borgata employees. Borgata brings continual awareness to its internal requirements in this regard in many ways, including notably the issuance of a \$50 payment to its employees who identify an underage individual who is flouting the law. Borgata also issues appropriate and consistent discipline to its employees who fail to perform their responsibilities with regard to underage issues. These policies and procedures have created both incentives to identify underage individuals and disincentives to Borgata employees who either perform or fail to perform their underage identification responsibilities, respectively. This has led to an environment in which the overwhelming majority of underage individuals at

Borgata who are attempting to engage in gaming or alcohol related activities are identified before they partake in those activities.

Borgata has also instituted a practice in which its Surveillance Department reviews each underage incident that is documented in its CCTV system. The purpose for this review is to determine if any Borgata employees came into contact with the underage individual prior to that underage individual being identified and/or arrested. This permits Borgata to issue corrective discipline to those employees who fail to identify underage individuals in accordance with Borgata's policy to seek identification of all individuals who appear to be 25 years of age or younger.

In the situation at hand, there was a breakdown in Borgata's policies and procedures that are geared to prevent underage gambling to the point that the underage individual was able to engage in gambling at Borgata as set forth above. However, ultimately, a Borgata employee did identify the underage individual, upon which Borgata personnel turned the underage individual over to the appropriate authorities.

### **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 Act and the regulations, specifically the provisions of N.J.S.A. 5:12-119(b), in that it permitted an underage individual to engage in wagering activity;



C. For the violations admitted herein 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 \$15,000; and,

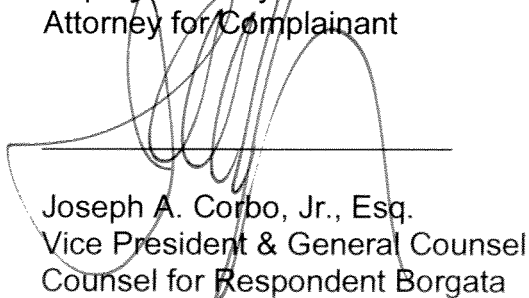
D. The parties agree that a monetary penalty, in the total amount of \$15,000 is just and equitable and in accordance with the criteria set forth in N.J.S.A. 5:12-130, and shall be in full and final settlement of the allegations set forth in the above-captioned complaint.

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



R. Lane Stebbins, Esq.  
Deputy Attorney General  
Attorney for Complainant

Dated: May 18, 2012



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

Dated: 5-16-12

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

By: R. Lane Stebbins  
Deputy Attorney General  
(609) 317-6218

STATE OF NEW JERSEY  
CASINO CONTROL COMMISSION  
DOCKET NO. 12-0093-VC

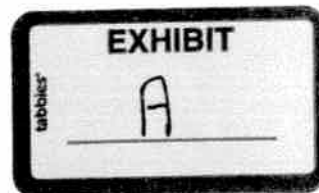
STATE OF NEW JERSEY, DEPARTMENT )  
OF LAW AND PUBLIC SAFETY, )  
DIVISION OF GAMING ENFORCEMENT, )  
Complainant, )  
v. )  
MARINA DISTRICT DEVELOPMENT )  
COMPANY, LLC d/b/a BORGATA )  
HOTEL, CASINO & SPA, )  
Respondent. )

Civil Action  
COMPLAINT

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 (JW)**

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.

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;

4. Be rated as a player;

5. Receive complimentary services or items as a result of or in anticipation of his or her gaming activity; or

6. Utilize credit

6. JW is a resident of California, having a date of birth of December 31, 1991. At all times relevant herein, CS was 19 years of age.

7. November 25, 2011, for approximately 6 hours and 31 minutes, commencing at approximately 1:15 a.m. and continuing until approximately 7:46 a.m., JW was on the casino floor within the licensed premises of Borgata.

8. During this events described in Paragraph 7, above, JW engaged in gaming activity at 9 separate Blackjack tables and performed 14 separate cash buy-ins in the aggregate amount of \$6,400. On 6 occasions JW was asked to present

identification, which identification accepted by the games personnel at the table(s).

9. Subsequent to the events described in Paragraphs 7 and 8, above, JW attempted to redeem her chips at the casino cage. The cashier asked JW to produce identification. JW gave the cashier identification issued by the State of Illinois. The cashier determined that the photograph did not match JW's appearance and summoned Borgata security personnel. When questioned JW admitted that she was 19 year of age and had utilized identification provided by a friend. A summons was issued to JW charging her with underage gambling in violation of N.J.S.A. 5:12-119(b).

10. By permitting JW to enter the casino, remain in the casino and wager at multiple table games in the casino for over 6 hours, Respondent Borgata violated N.J.S.A. 5:12-119(b), N.J.A.C. 13:69C-16.1(a)1, N.J.A.C. 13:69C-16.1(a)2, and N.J.A.C. 13:69C-16.1(a)3.

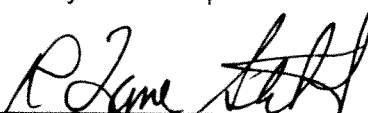
WHEREFORE, Complainant demands judgment as follows:

A. Judgment that Borgata 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. 13:69C-16.1(a)2, and N.J.A.C. 13:69C-16.1(a)3;

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

C. Judgment imposing such other relief as may be just and appropriate.

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

By:   
R. Lane Stebbins  
Deputy Attorney General

Dated: *Feb 16, 2012*

O-56-11-148