

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement
Dkt. No. 19-0283-FS

STATE OF NEW JERSEY, DEPARTMENT
OF LAW AND PUBLIC SAFETY,
DIVISION OF GAMING ENFORCEMENT,

Complainant,

v.

THE AMOUNT OF \$15,115.35 IN GAMING
WINNINGS THEORETICALLY OWED TO
CTL, HW, VA, DM, MFS, EJC, TOM, RRY,
DH, TLH, EL, CA, GS, YSK, ML, UR, LN and
NK by MARINA DISTRICT DEVELOPMENT
COMPANY, LLC d/b/a BORGATA CASINO
HOTEL & SPA,

Respondents.

Civil Action

ORDER

The Division of Gaming Enforcement ("Division") having filed a complaint on April 11, 2019, seeking forfeiture, pursuant to *N.J.S.A. 5:12-71.3*, of \$15,115.35 in gaming winnings presently being retained by Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa ("Borgata"), which the casino confiscated from eighteen (18) self-excluded individuals; and

The complaint having been served upon Borgata and the eighteen (18) self-excluded individuals, together with notice of their right to demand a plenary hearing within fifteen (15) days pursuant to *N.J.S.A. 5:12-71.3* and *N.J.A.C. 13:69B-2.2a(4)* and - 2.3(a); and

Counsel for the Borgata having interposed no objection to the entry of a forfeiture order; and

The eighteen (18) self-excluded individuals having failed to demand a plenary hearing within the allotted time period permitted, thereby waiving their right to a hearing and constructively admitting the allegations in the complaint pursuant to *N.J.S.A. 5:12-71.3* and *N.J.A.C. 13:69B-2.4(a)2vi*; and

Having considered the entire record in this matter.

IT IS ORDERED that the amount of \$15,115.35 in gaming winnings owed to the self-excluded patrons, as indicated above, is hereby forfeited pursuant to *N.J.S.A. 5:12-71.3*; and

IT IS FURTHER ORDERED that Marina District Development Company, LLC d/b/a Borgata Hotel Casino & Spa is directed to remit the forfeited money to the Division of Gaming Enforcement upon receipt of an invoice from the Division's Revenue Unit for appropriate disposition in accordance with the terms of *N.J.S.A. 5:12-71.3c*.

Dated: May 31, 2019



DAVID L. REBUCK
DIRECTOR

GURBIR S. GREWAL
 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.: 19-0283-FS

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	Civil Action
)	
Complainant,)	COMPLAINT
)	FOR FORFEITURE
v.)	
)	
THE AMOUNT OF \$15,115.35 IN GAMING)	
WINNINGS THEORETICALLY OWED TO)	
CTL, HW, VA, DM, MFS, EJC, TOM, RRY, DH,)	
TLH, EL, CA, GS, YSK, ML, UR, LN and NK by))	
MARINA DISTRICT DEVELOPMENT)	
COMPANY, LLC d/b/a BORGATA CASINO)	
HOTEL & SPA,)	
)	
Respondents.)	
)	

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:

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 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. 5:12-71.2* provides that "[T]he 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".

4. *N.J.A.C. 13:69G-2.1* defines "Self-exclusion list" as follows:

[A] list of names or persons who, pursuant to this subchapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casinos and simulcasting facilities.

N.J.A.C. 13:69G-2.1 further defines "Self-excluded person" as "any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Division."

5. *N.J.A.C. 13:69G-2.2(a)* provides that "[a]ny person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this section."

6. *N.J.S.A. 5:12-71.3*, which governs the forfeiture of winnings by persons prohibited from gaming in licensed New Jersey casinos or simulcasting facilities, provides in relevant part:

a. A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L. 1977, c. 110 (C. 5:12-1 et seq.) .including any person on the self-exclusion list ... shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

b. For the purposes of P.L. 1977, c. 110 (C. 5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

c. In addition to any other penalty provided by law, any money or thing of value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture, following notice to the prohibited person and opportunity to be heard. A licensed casino or simulcasting facility shall inform a prohibited person of the availability of such notice on the division's Internet website when ejecting the prohibited person and seizing any chips, vouchers or other representative or money owed by a casino to the prohibited person as authorized by this subsection.

7. As detailed in the table included in this paragraph, on various dates several individuals, then on the self-exclusion list, engaged in gaming activity. These individuals were identified as self-excluded persons by Borgata personnel and the

assets, as set forth below, then in the possession of the several individuals were secured.

Patron	Date of Incident	Form	Amount
CTL	3/20/2007	Jackpot	\$1,920.00
HW	1/3/2012	Jackpot	\$1,270.00
VA	11/30/2015	Jackpot	\$1,435.00
VA	11/30/2015	Jackpot	\$2,765.00
VA	11/30/2015	Jackpot	\$1,212.00
VA	11/30/2015	Jackpot	\$1,260.00
DM	3/14/2006	Gaming Voucher	\$445.00
MFS	11/28/2008	Gaming Voucher	\$5.00
EJC	12/21/2008	Cash	\$1,005.00
TOM	2/6/2009	Gaming Voucher	\$7.70
RRY	3/3/2009	Chips	\$350.00
DH	4/22/2009	Gaming Voucher	\$42.00
TLH	2/2/2010	Chips	\$250.00
EL	7/31/2010	Gaming Voucher	\$110.50
CA	1/17/2010	Gaming Voucher	\$22.15
GS	7/17/2011	Gaming Voucher	\$80.00
YSK	6/3/2012	Gaming Voucher	\$1,000.00
ML	1/23/2013	Racebook	\$1,075.00
UR	1/16/2013	Chips	\$525.00
LN	4/2/2014	Chips	\$132.00
NK	4/5/2017	Chips	\$204.00
			\$15,115.35

8. Borgata deposited the funds secured from the several patrons, identified in Paragraph 7 of this Complaint, in an account established to hold such funds. Each individual from whom assets were secured was given a receipt for the amount.

9. Based on the information set forth in Paragraphs 1 through 8 of this Complaint, the gaming activity which resulted in the several patrons, identified in Paragraph 7 of this Complaint, each becoming a person theoretically owed a portion of the \$15,115.35 by Borgata shall be considered, pursuant to *N.J.S.A. 5:12-71.3b*, and solely for purposes of *N.J.S.A. 5:12-71.3*, to be a fully executed gambling transaction.

10. Based on the information set forth in Paragraphs 1 through 9 of this Complaint, the assets, in the aggregate amount of \$15,115.35, secured by Borgata are subject to forfeiture by Order of the Division pursuant to *N.J.S.A. 5:12-71.3a and b*.

WHEREFORE, Complainant demands the following relief:

A. Judgment that the several individuals identified in Paragraph 7, above, are prohibited from gaming activity by *N.J.S.A. 5:12-71.2* from gaming at licensed casinos in New Jersey, including Borgata;

B. Judgment that the gaming activity which resulted in the several individuals identified in Paragraph 7, above, each becoming a person theoretically owed a portion of the aggregate amount of \$15,115.35 by Borgata shall be considered, pursuant to *N.J.S.A. 5:12-71.3b*, and solely for the purpose of *N.J.S.A. 5:12-71.3*, to be a fully executed gambling transaction;

C. Judgment that the several individuals identified in Paragraph 7, above, are barred by *N.J.S.A. 5:12-71.3a* from redeeming gaming chips and/or gaming vouchers, in the aggregate amount of \$15,115.35, which arose as a result of their prohibited gaming activity at Borgata;

D. Judgment that the assets, in the aggregate amount of \$15,115.35, secured by Borgata, as described in Paragraphs 7 and 8 of this Complaint, are subject to forfeiture by Order of the Division pursuant to *N.J.S.A. 5:12-71.3c*;

E. Judgment ordering the forfeiture \$15,115.35 theoretically owed to the several individuals identified in Paragraph 7, above, by Borgata for disposition in accordance with the terms of *N.J.S.A. 5:12-71.3c*; and

F. Judgment for such other and further relief as may be deemed just and appropriate under the circumstances.

Respectfully submitted,

GURBIR S. GREWAL
Attorney General of New Jersey
Attorney for Complainant

By: 

R. Lane Stebbins
Deputy Attorney General

Dated: April 11, 2019

O-56-18-192