

STATE OF NEW JERSEY
 Office of the Attorney General
 Department of Law and Public Safety
 Division of Gaming Enforcement
 Docket No. 19-0088-FC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	Civil Action
)	
Complainant,)	ORDER
)	
v.)	
)	
THE AMOUNT OF \$6,390.97 IN GAMING)	
WINNINGS THEORETICALLY OWED TO)	
DD, DS, DB, DC, DK, DL, DN, DP, DR, DB,)	
DR, DJ, DH, DL, DK, DD, DB, DB, DB, DD,)	
DR, EW, EC, EF, EL, EB, EO, EF, EM, EM,)	
ER, EJ, EJ, EB, ER, EH, EH, EC, EH, EJ,)	
ET, FK, EH, FA, FK, FL, FV, FA, FM, FA,)	
FA/CR, FB/FM, FM, FP, FM, FC, by)	
MARINADISTRICT DEVELOPMENT)	
COMPANY, LLC d/b/a BORGATA HOTEL)	
CASINO and SPA,)	
Respondents.)	

The Division of Gaming Enforcement (“Division”) having filed a complaint on February 20, 2019, seeking forfeiture, pursuant to *N.J.S.A. 5:12–71.3*, of \$6,390.97 in gaming winnings retained by MARINA DISTRICT DEVELOPMENT COMPANY, LLC d/b/a BORGATA CASINO HOTEL & SPA (“Borgata”), which Borgata confiscated from fifty-six (56) individuals, who failed to produce adequate identification, abandoned certain assets, or were otherwise prohibited from engaging in gaming activity; and

The complaint and notice of the 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), has been served upon the individuals and the Borgata; and

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

All 56 individuals have either expressly waived or failed to demand a plenary hearing within the allotted time period permitted, or otherwise having abandoned the hearing process, thereby waiving the 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 \$6,390.97 in gaming winnings owed to 56 individuals, are 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 CASINO HOTEL & 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 1, 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: Jennifer K. Russo-Belles
 Deputy Attorney General
 Attorney ID# 026132004
 (609) 441-7531

STATE OF NEW JERSEY
 DIVISION OF GAMING ENFORCEMENT
 DOCKET NO. 19-0088-FC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	Civil Action
)	
Complainant,)	COMPLAINT
)	FOR FORFEITURE
v.)	
)	
THE AMOUNT OF \$6,390.97 IN GAMING)	
WINNINGS THEORETICALLY OWED TO)	
DD, DS, DB, DC, DK, DL, DN, DP,)	
DR, DB, DR, DJ, DH, DL, DK, DD,)	
DB, DB, DB, DD, DR, EW, EC, EF,)	
EL, EB, EO, EF, EM, EM, ER, EJ,)	
EJ, EB, ER, EH, EH, EC, EH, EJ,)	
ET, FK, EH, FA, FK, FL, FV, FA,)	
FM, FA, FA/CR, FB/FM, FM, FP,)	
FM, FC, by MARINADISTRICT)	
DEVELOPMENT COMPANY, LLC)	
d/b/a BORGATA HOTEL CASINO)	
and 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 CASINO HOTEL & 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 or about 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. 5:12-71.3*, governs the forfeiture of winnings by persons prohibited from gaming in licensed New Jersey casinos or simulcasting facilities and 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.). . . 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

4. Additionally, *N.J.A.C. 13:69B-2.8(f)* provides, in pertinent part:

Any winnings or other things of value resulting from a gaming transaction that are not claimed within six months of the date of the transaction shall be presumed to have been won by a prohibited person who has waived his or her right to a hearing. There shall be a rebuttable presumption that the winnings or things of value seized from the respondent were obtained from engaging in a gaming transaction and therefore subject to forfeiture. In order for the respondent to rebut this presumption the respondent shall have the affirmative obligation to prove by a preponderance of the evidence that the winnings or things of value, or any portion thereof, were not obtained from engaging in a gaming transaction.

5. On various dates between January 1, 2016 and March 23, 2018, Borgata personnel retained gaming chips and/or cash having an aggregate value of \$6,390.97. These gaming chips and/or cash were abandoned at various poker tables or found by patrons and turned over to Borgata security personnel. The table below details the date(s) of the incident(s), the name(s) provided to Borgata personnel, and the type and amount of asset(s) secured. It is unknown whether the individuals listed below are were the owners of the gaming chips and/or cash or whether they are the individuals who turned the items over to Borgata security personnel. Borgata does not possess a valid address for any of the patrons listed below.

Patron	Date of Incident	Form	Amount
D.D.	6/9/17	Cash	\$500.00
D.S.	6/23/17	Cash	\$20.00
D.B.	10/21/16	Chips	\$50.00
D.C.	6/10/17	Cash	\$40.00
D.K.	6/3/17	Cash	\$20.00
D.L.	11/25/17	Cash	\$82.00

D.N.	12/3/16	Chip	\$7.00
D.P.	9/23/17	Cash	\$91.00
D.R.	12/21/17	Cash	\$25.00
D.B.	6/11/17	Cash	\$20.00
D.R.	6/3/17	Cash	\$5.97
D.J.	11/25/17	Cash	\$2000.00
D.H.	11/25/17	Cash	\$100.00
D.L.	8/19/17	Cash	\$100.00
D.K.	6/3/17	Cash	\$20.00
D.D.	6/9/17	Cash	\$20.00
D.B.	6/23/17	Cash	\$20.00
D.B.	1/1/16	Chips	\$5.00
D.B.	3/31/16	Chips	\$11.00
D.D.	9/23/17	Cash	\$6.00
D.R.	6/23/17	Cash	\$25.00
E.W.	7/22/17	Cash	\$80.00
E.C.	6/11/17	Cash	\$6.00
E.F.	8/19/17	Cash	\$9.00
E.L.	6/3/17	Cash	\$20.00
E.B.	9/23/17	Cash	\$1000.00
E.O.	6/23/17	Cash	\$20.00
E.F.	6/23/17	Cash	\$10.00
E.M.	10/21/17	Cash	\$9.00
E.M.	1/19/18	Chips	\$100.00
E.R.	6/23/17	Cash	\$100.00
E.J.	11/25/17	Cash	\$20.00
E.J.	1/19/18	Chips	\$20.00
E.B.	9/23/17	Cash	\$100.00
E.R.	6/3/17	Cash	\$52.00
E.H.	10/21/17	Cash	\$20.00
E.H.	6/9/17	Cash	\$20.00
E.C.	6/11/17	Cash	\$10.00
E.H.	2/23/18	Cash	\$40.00
E.J.	6/4/17	Cash	\$58.00
E.T.	5/31/17	Chips	\$10.00
F.K.	6/9/17	Cash	\$100.00
F.H.	11/25/17	Cash	\$5.00
F.A.	7/22/17	Cash	\$20.00
F.K.	6/10/17	Cash	\$861.00

F.L.	10/21/17	Cash	\$116.00
F.V.	2/23/18	Cash	\$100.00
F.A.	1/19/18	Chips	\$10.00
F.M.	3/23/18	Cash	\$100.00
F.A.	6/23/17	Cash	\$8.00
F.A./C.R.	2/23/18	Cash	\$51.00
F.B./F.M.	9/23/17	Cash	\$100.00
F.M.	6/10/17	Cash	\$10.00
F.P.	6/4/17	Cash	\$20.00
F.M.	8/19/17	Cash	\$8.00
F.C.	6/4/17	Cash	\$10.00
			\$6,390.97

6. Borgata personnel deposited the secured funds, identified in Paragraph 5, in a designated account pending retrieval by the patron.

7. Based upon the information set forth in Paragraphs 3 through 6, more than six (6) months have elapsed since Borgata secured the assets from the individuals listed in Paragraph 5 and said assets remain unclaimed.

8. Based upon the information set forth in Paragraphs 3 through 6, the individuals identified in Paragraph 5 are presumed to be prohibited person(s) and have waived his or her right to a hearing, pursuant to *N.J.A.C. 13:69B-2.8(f)*.

9. Based upon the information set forth in Paragraphs 3 through 6, the assets, in the aggregate amount of \$6,390.97, secured by Borgata are presumed to be winnings by prohibited persons, pursuant to *N.J.A.C. 13:69B-2.8(f)*.

10. Based upon the information set forth in Paragraphs 3 through 6, the assets, in the aggregate amount of \$6,390.97, secured by Borgata are subject to forfeiture by order of the Division pursuant to *N.J.S.A. 5:12-71.3c* and *N.J.A.C. 13:69B-2.8(f)*.

WHEREFORE, Complainant demands the following relief:

A. Judgment that on various dates between January 1, 2016 and March 23, 2018, the numerous individuals identified in Paragraph 5 are presumed to be prohibited persons whom have waived their right to a hearing, pursuant to *N.J.A.C. 13:69B-2.8(f)*;

B. Judgment that the assets, in the aggregate amount of \$6,390.97, secured by Borgata as described in Paragraphs 5 through 6 of this Complaint, are presumed to be winnings by a prohibited person, pursuant to *N.J.A.C. 13:69B-2.8(f)*;

C. Judgment that the assets, in the aggregate amount of \$6,390.97, secured by Borgata, as described in Paragraphs 5 through 6 of this Complaint, are subject to forfeiture by order of the Division pursuant to *N.J.S.A. 5:12-71.3c* and *N.J.A.C. 13:69B-2.8(f)*;

D. Judgment ordering the forfeiture of assets in the aggregate amount of \$6,390.97 and the payment of said \$6,390.97 by Borgata for disposition in accordance with the terms of *N.J.S.A. 5:12-71.3c*; and,

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

Respectfully submitted,

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

By: 
Jennifer K. Russo-Belles
Deputy Attorney General

Dated: 2.20.19