

**CHAPTER 69G****EXCLUSION OF PERSONS****Authority**

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**Chapter Historical Note**

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**SUBCHAPTER 1. PERSONS REQUIRED TO BE EXCLUDED****13:69G-1.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Candidate” means any person whose name is included in a petition to place such person on the exclusion list pursuant to section 71 of the Act and this chapter.

“Career or professional offender” means any person whose behavior is pursued in an occupational manner or context for

the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State.

“Cheat” means any person whose act or acts in any jurisdiction would constitute any offense under Sections 113, 114, and 115 of the Act, if prosecuted under New Jersey law.

“Excluded person” means any person who has been placed upon the list by preliminary or final order of the Division and who, pursuant to section 71 of the Act and this chapter, is required to be excluded or ejected from a casino hotel facility.

“List or exclusion list” means a list of names of persons who, pursuant to Section 71 of the Act and the Division’s rules, are required to be excluded or ejected from casino hotel facilities.

“Occupational manner or context” means the systematic planning, administration, management, or execution of an activity for financial gain.

**13:69G-1.2 Maintenance and distribution of list**

(a) The Division shall maintain a list of persons to be excluded or ejected from a licensed casino establishment.

(b) The list shall be open to public inspection and shall be distributed to every casino licensee within this State, which shall acknowledge receipt thereof in writing.

(c) Each casino licensee shall have the responsibility to distribute copies of the list to its employees. Any additions, deletions, or other updates to the list shall be distributed by each casino licensee to its employees within two business days of the casino licensee’s receipt of such updates from the Division.

**13:69G-1.3 Criteria for exclusion**

(a) The exclusion list may include any person who meets any of the following criteria:

1. A career or professional offender whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

2. An associate of a career or professional offender whose association is such that his or her presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

3. Any person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by more than six months of incarceration, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein; or

4. Any person whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or licensed gaming therein, including, but not limited to:

- i. Cheats;
- ii. Persons whose privileges for licensure have been revoked;
- iii. Persons who pose a threat to the safety of the patrons or employees of a casino licensee;
- iv. Persons with a documented history of conduct involving the undue disruption of the gaming operations of casino licensees; and
- v. Persons subject to an order of the Superior Court of New Jersey excluding such persons from all casino hotel facilities.

(b) For purposes of (a) above:

1. A person's presence may be considered "inimical to the interest of the State of New Jersey or of licensed gaming therein" if known attributes of such person's character and background:

- i. Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of licensed casino gaming;
- ii. Could reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by the Act; or
- iii. Would create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

2. A finding of inimicality may be based upon the following:

- i. The nature and notoriety of the attributes of character or background of the person;
- ii. The history and nature of the involvement of the person with licensed casino gaming in New Jersey or any other jurisdiction, or with any particular casino licensee or licensees or any related company thereof;
- iii. The nature and frequency of any contacts or associations of the person with any casino licensee or licensees, or with any employees or agents thereof; or
- iv. Any other factor reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations, the casino industry and its employees.

(c) Race, color, creed, national origin or ancestry, or sex shall not be a reason for placing the name of any person upon such list.

#### **13:69G-1.4 Duties of the Division of Gaming Enforcement**

(a) The Division shall, on its own initiative, or upon referral by a casino licensee, investigate any individual who would appear to be an appropriate candidate for placement on the exclusion list.

(b) If, upon completion of an investigation, the Division determines that an individual should be placed on the exclusion list, the Division shall commence an action, identifying the candidate and setting forth a factual basis why the Division believes the candidate satisfies the criteria for exclusion established by section 71 of the Act and this chapter.

(c) If the Division files a complaint alleging a violation of section 71d of the Act and N.J.A.C. 13:69G-1.7(a) against any licensee, the Division shall simultaneously commence an action to exclude the person alleged in the complaint to meet the criteria for exclusion in N.J.A.C. 13:69G-1.3.

#### **13:69G-1.5 Procedure for entry of names**

(a) The Division may place a person on the exclusion list upon:

1. Commencement of an action in accordance with the procedures set forth at N.J.A.C. 13:69B-4; or

2. Receipt of an order of the Superior Court of New Jersey excluding such person from all casino hotel facilities. The Division shall consider such action forthwith upon receipt of the court order, with at least 15 days notice to such person by certified mail at his or her last known address.

(b) An action to exclude an individual shall be commenced with a petition which shall be served upon the respondent by certified mail at his or her last known address. Upon receipt of the petition, a respondent shall have 20 days within which to request a hearing.

(c) The Division may, in its discretion, seek to preliminarily place the respondent on the list of excluded persons.

1. Preliminary placement on the list shall be supported by reliable documentary or other evidence which establishes a reasonable possibility that the candidate satisfies any of the criteria for exclusion.

2. Upon receipt of the petition seeking preliminary placement, the respondent shall have 10 days within which to request a hearing.

3. The preliminary placement of a candidate on the exclusion list pursuant to section 71 of the Act, N.J.A.C. 13:69B-4 and this chapter shall have the effect of requiring the exclusion or ejection of the excluded person from any casino hotel facility.

(d) Should a respondent fail to timely request a hearing, an order for placement on the exclusion list may be entered.

**13:69G-1.6 Information contained on list**

(a) The following information and data shall be provided for each excluded person:

1. The full name and all aliases the person is believed to have used;
2. A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the person;
3. The date of birth;
4. The effective date of the order mandating the exclusion or ejection of the person named therein;
5. A photograph, if obtainable, and the date thereof; and
6. Such other miscellaneous information as is deemed necessary by the Division for the enforcement of this subchapter.

**13:69G-1.7 Duty of casino licensee**

(a) A casino licensee shall exclude or eject the following persons from its casino hotel facility:

1. Any excluded person; or
2. Any person known to the casino licensee to satisfy the criteria for exclusion set forth in section 71 of the Act and N.J.A.C. 13:69G-1.3(a).

(b) If an excluded person enters, attempts to enter, or is in a casino hotel facility and is recognized by the casino licensee, the casino licensee shall immediately notify the Division of such fact.

(c) It shall be the continuing duty of a casino licensee to inform the Division in writing of the names of persons it believes are appropriate for placement on the exclusion list.

**13:69G-1.8 Petition to remove name from exclusion list**

(a) A person excluded pursuant to N.J.A.C. 13:69G-1.3(a)1 or 2 may petition the Division to request a hearing concerning his or her removal from the list at any time after 10 years from the placement by the Division of such person on the list.

(b) A person excluded pursuant to N.J.A.C. 13:69G-1.3(a)3 or 4 may petition the Division to request a hearing concerning his or her removal from the list at any time after five years from the placement by the Division of such person on the list.

(c) The petition shall be verified, with supporting affidavits, and shall state with particularity the grounds believed by the petitioner to constitute good cause for his or her removal from the list.

(d) The Division may decide the petition on the basis of the documents submitted by the excluded person. The Division may summarily deny the petition, may grant the petition or may direct that a hearing be held in accordance with N.J.A.C. 13:69B-4. Such petition shall be granted by the Division only upon a finding that circumstances have changed to such an extent since the placement of the excluded person on the list that the excluded person no longer satisfies the criteria for exclusion set forth in N.J.A.C. 13:69G-1.3.

(e) The Division may, at any time, remove an excluded person from the list upon a determination that the excluded person no longer satisfies any of the criteria for exclusion set forth in N.J.A.C. 13:69G-1.3.

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**SUBCHAPTER 2. SELF-EXCLUSION****13:69G-2.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Self-excluded person" means any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Division.

"Self-exclusion list" means a list of names of 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.

**13:69G-2.2 Request for self-exclusion**

(a) Any 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.

(b) Any person requesting placement on the self-exclusion list shall submit, in person, a completed request for self-exclusion as required in (c) below. The request shall be delivered to either the Identification Unit of the Division located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. The Division may designate other locations for submission of completed requests for self-exclusion in accordance with this subchapter, which locations may be designated on a temporary basis. Any person submitting a self-exclusion request shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description. Any person requesting self-exclusion pursuant to this subchapter shall be required to have his or her photograph taken by the Division upon submission of the request.

(c) A request for self-exclusion shall be in a form prescribed by the Division, which form shall include:

1. The following identifying information concerning the person submitting the request for self-exclusion:

- i. The name, including any aliases or nicknames;
- ii. The date of birth;
- iii. The address of current residence;
- iv. The telephone number of current residence; and
- v. The Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a; and
- vi. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;

2. The length of minimum self-exclusion requested by the person:

- i. One year;
- ii. Five years; or
- iii. Lifetime;

3. A waiver and release which shall release and forever discharge the State of New Jersey, the Division and its employees and agents, and all casino licensees and their employees and agents from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list, including:

- i. Its processing or enforcement;
- ii. The failure of a casino licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;
- iii. Permitting a self-excluded person to engage in gaming activity in a licensed casino or simulcasting facility while on the list of self-excluded persons; and
- iv. Disclosure of the information contained in the self-exclusion request or list, except for a willfully unlawful disclosure of such information;

4. The signature of the person submitting the request for self-exclusion indicating acknowledgment of the following statement:

"I am voluntarily requesting exclusion from all gaming activities at all New Jersey licensed casinos and simulcasting facilities because I am a problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read and understand

and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Division of Gaming Enforcement to direct all New Jersey casino licensees to restrict my gaming activities in accordance with this request and, unless I have requested to be excluded for life, until such time as the Division removes my name from the self-exclusion list in response to my written request to terminate my voluntary self-exclusion. I am aware and agree that during any period of self-exclusion any money or thing of value seized from me, or owed to me by, a casino licensee shall be subject to forfeiture.";

5. The type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or general physical description of the person; and

6. The signature of a Division employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

### 13:69G-2.3 Self-exclusion list

(a) The Division shall maintain the official self-exclusion list and shall notify each casino licensee of any addition to or deletion from the list by transmitting a notice directly to each casino licensee.

(b) Each casino licensee shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino licensee are notified of any addition to or deletion from the list within five business days after the day the notice is transmitted pursuant to (a) above. The notice provided by the Division shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

1. The name, including any aliases or nicknames;
2. The date of birth;
3. The address of current residence;
4. The telephone number of current residence;
5. The Social Security Number, if voluntarily provided by the person requesting self-exclusion;
6. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and
7. A copy of the photograph taken by the Division pursuant to N.J.A.C. 13:69G-2.2(b).

(c) Information furnished to or obtained by the Division pursuant to this subchapter shall be deemed confidential and not be disclosed except in accordance with this subchapter and N.J.A.C. 13:69-4.

(d) No casino licensee or employee or agent thereof shall disclose the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the casino licensee whose duties and functions require access to such information. Notwithstanding the foregoing, a casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Atlantic City for the purpose of alerting other casino licensees that a self-excluded person has tried to gamble or obtain gaming related privileges or benefits in the casino licensee's casino or simulcasting facility.

#### 13:69G-2.4 Duties of casino licensee

(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;

3. Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;

4. Ensure that self-excluded persons do not receive, either from the casino licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or simulcasting facility; and

5. Enforce the provisions of N.J.A.C. 13:69G-2.3(d).

(b) Without limitation of the requirements imposed by (a) above, each casino licensee shall, upon notification that a person has been added to or deleted from the self-exclusion list, comply with all relevant provisions of N.J.A.C. 13:69D-1.27A as if such person has also been added to or deleted from the list of persons who have requested suspension of their credit privileges pursuant to that section.

(c) Each casino licensee shall maintain on file a current copy of its internal control procedures established pursuant to N.J.A.C. 13:69G-2.3(b) and (a) and (b) above.

#### 13:69G-2.5 Removal from self-exclusion list

(a) Except for those persons choosing a lifetime self-exclusion, any self-excluded person may, upon the expiration of the period of self-exclusion requested pursuant to N.J.A.C. 13:69G-2.2(c)2, request removal of his or her name from the self-exclusion list by submitting, in person, a completed request for removal as required in (b) below. The request shall be delivered to the Identification Unit of the Division located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. Any person submitting a request for removal from the list shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description.

(b) A request for removal from the self-exclusion list shall be in a form prescribed by the Division, which form shall include:

1. The identifying information specified in N.J.A.C. 13:69G-2.2(c)1i through iv;

2. The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Division to permit all New Jersey casino licensees to reinstate my gaming privileges at licensed casinos and simulcasting facilities.";

3. The type of identification credentials examined containing the signature of the person requesting removal from the self-exclusion list, and whether said credentials included a photograph or general physical description of the person; and

4. The signature of a Division employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

(c) The Division shall, by the end of the fifth business day following receipt of the request, delete the name of the person requesting removal from the self-exclusion list and notify each casino licensee of such removal by transmitting a notice directly to each casino licensee.

### SUBCHAPTER 3. FORFEITURE OF WINNINGS BY PROHIBITED PERSON

#### 13:69G-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Prohibited person” shall mean any excluded person within the meaning of N.J.A.C. 13:69G-1.1; any self-excluded person within the meaning of N.J.A.C. 13:69G-2.1; any person who is under the age at which a person may purchase and consume alcoholic beverages within the meaning of N.J.A.C. 13:69C-16.1(a); and any person who is prohibited from engaging in gaming activity pursuant to N.J.S.A. 5:12-100(n).

“Thing(s) of value” shall mean any thing of value which may be used to engage in gaming activity including, without limitation, any gaming plaques, gaming chips, slot machine tokens, slot machine gaming vouchers, slot machine credits, and slot machine jackpots, but shall not include non-cashable slot credits.

“Winnings” shall mean the aggregate total of proceeds from each individual winning round of play at an authorized game and shall not be reduced by any individual losing rounds of play.

#### 13:69G-3.2 Prohibited person; forfeiture of winnings

(a) If a casino licensee detects, or is notified of, the presence of a patron suspected of being a prohibited person, who had engaged or is engaging in gaming activity, such casino licensee shall verify, using reasonable measures, that the patron is a prohibited person and the basis for the person’s prohibition. If the person is unable to establish that he or she is not underage, the person shall be presumed to be a prohibited person for the purposes of this section.

(b) Upon verification of a prohibited status, the casino licensee shall:

1. Remove the prohibited person from the gaming floor;
2. Seize from such person any winnings or things of value obtained from engaging in a gaming transaction as follows:
  - i. Confiscate all gaming chips, gaming plaques, slot machine tokens and gaming vouchers;
  - ii. Process any slot machine jackpot obtained by the prohibited person pursuant to N.J.A.C. 13:69D-1.40 through 1.40F, depending upon the type of jackpot obtained;
  - iii. Cash out any cashable credits remaining on a slot machine credit meter or automated table game credit meter and confiscate the gaming voucher that is issued as payment thereof; and

- iv. Obtain control and physical possession of any other form of winnings or things of value not specifically enumerated and obtained by or owed to the prohibited person as a result of engaging in any type of gaming transaction; and

3. Deliver any winnings or things of value obtained from a prohibited person pursuant to (b)2 above to the cashiers’ cage, where they shall be converted into cash, maintained separately and designated as funds that are subject to forfeiture.

(c) A casino licensee shall prepare a multipart form known as a Payout Receipt and Notice of Forfeiture, which shall include, without limitation, the information in (c)1 through 6 below. The Payout Receipt and Notice of Forfeiture shall be signed and attested to by: the prohibited person, unless the person refuses to sign or is unknown; the casino employee delivering the winnings or things of value to the cashiers’ cage; and the cashiers’ cage employee who received the winnings or things of value.

1. The total value and a detailed description of winnings or things of value that were seized;
2. The date of the incident;
3. The name of the prohibited person, if known, and basis for determining the person is a prohibited person;
4. The street and mailing address of the prohibited person, if known, at which he or she may be noticed regarding any future proceedings;
5. The location (table type and number, slot machine asset number, keno window, etc.) where the prohibited person was engaged in a gaming transaction; and
6. Notice to the prohibited person that a proceeding may be brought by the Division seeking forfeiture of the winnings or things of value seized, that he or she has the right to be heard in any such proceeding and that failure to respond to a forfeiture complaint will result in the waiver of their right to be heard.

(d) The original Payout Receipt and Notice of Forfeiture prepared and signed as required in (c) above shall be maintained in the cashiers’ cage. Copies of the document shall be provided to the prohibited person, the casino accounting department and filed with the Division, which filing may be made electronically.

(e) All funds maintained separately and designated as subject to forfeiture pursuant to (a)4 above shall be held by the casino licensee until further order of the Division or upon notice from the Division that they may be released.

(f) Pursuant to N.J.S.A. 5:12-71.3, any things of value seized from a prohibited person shall be subject to forfeiture on complaint of the Division, following notice to the prohibited person and an opportunity to be heard. A failure to

respond to a forfeiture complaint will result in the waiver of their right to be heard.

(g) The internal controls of a casino licensee shall contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person as if the winnings or things of value were paid and reported in accordance with normal procedures applicable to such payouts. Such procedures shall include, however, such modification to forms or additional documentation as is necessary to record and report the payout as a payout confiscated or withheld from a prohibited person. This documentation shall be compared by the casino accounting department at the end of the gaming day to the copy of the Payout Receipt and Notice of Forfeiture. Any winnings or things of value confiscated or withheld from a prohibited person that are paid and reported in accordance with the normal procedures applicable to such payouts, as modified in this section, shall be deducted in the

calculation of gross revenue as if the winnings or things of value were actually paid to the prohibited person.

(h) The Division may file a complaint requesting forfeiture of the winnings or things of value and shall notice the prohibited person via personal service or regular mail sent to the address contained on the Payout Receipt and Notice of Forfeiture form of the forfeiture complaint and the prohibited person's right to a hearing.

(i) If the prohibited person wishes to contest the forfeiture complaint, the person shall request a hearing in writing with the Division within 15 days of the date of the notice of the forfeiture complaint. If no response is filed by the prohibited person within 15 days of the date of the notice of the forfeiture complaint, the winnings or things of value shall be ordered forfeited and shall be disposed of pursuant to N.J.S.A. 5:12-71.3.