

1 **Title 36 STATE LOTTERY AND**
2 **GAMING CONTROL AGENCY**

3
4 **Subtitle 03 GAMING PROVISIONS**

5
6 **Chapter .07 Mandatory Exclusion**
7

8 **Authority: State Government Article, §§ 9-1A-24(d), Annotated Code of Maryland**
9

10 **.01 General.**
11

12 This chapter establishes a mechanism by which the Commission:
13

14 A. Maintains a list of individuals who are to be mandatorily excluded or ejected from a
15 video lottery facility; and
16

17 B. Establishes standards that require a video lottery operation licensee to:
18

19 (1) Exclude or eject an individual from the premises of a video lottery facility;
20 and
21

22 (2) Ensure that intoxicated individuals and individuals under the age of 21 are not
23 allowed:
24

25 (a) To play video lottery terminals or table games; and
26

27 (b) In areas of the video lottery facility where video lottery terminals or
28 table games are located.
29

30 **.02 Definitions**
31

32 A. In this chapter the following terms have the meaning indicated.
33

34 B. Terms Defined.
35

36 (1) "Excluded individual" means an individual whose name and identifying
37 information have been placed on the mandatory exclusion list; and
38

For January 23, 2014 Commission meeting.

The proposed amendments to this chapter will clarify how: (1) the Director places an individual on the list, and (2) the facility operators eject excluded individuals and report excluded individuals found on facility property. The proposed amendments include stylistic changes as well.

1 (2) “Mandatory exclusion list” means a list that is maintained by the Commission
2 and identifies those individuals who the Commission has directed be mandatorily
3 excluded or ejected by a video lottery operation licensee from any video lottery
4 operation licensed in the State.
5

6 **.03 Mandatory Exclusion List**

7

8 A. The Commission shall establish a mandatory exclusion list.

9
10 B. The ~~Commission~~ **Director** shall may place on the mandatory exclusion list an
11 individual who:

12
13 (1) Is a career offender;

14
15 (2) Has been convicted of a criminal offense under the laws of the United States
16 or any jurisdiction within the United States that is a criminal offense involving
17 moral turpitude or a gambling offense;

18
19 (3) Would adversely affect the interests of the State, the licensee, or the individual
20 if the individual is present in the establishment of a licensee;

21
22 (4) Is the subject of any administrative or judicial order directing the individual to
23 stay away from a video lottery or other gaming facility;

24
25 (5) Presents a threat to the safety of any individual on the premises of a video
26 lottery facility;

27
28 (6) Engages in, or has a documented history of engaging in, disruption of video
29 lottery or table game play;

30
31 (7) The ~~Commission~~ **Director** or a facility operator has a reasonable belief has
32 cheated, or attempted to cheat, at a facility by engaging in conduct including:

33
34 (a) Altering or misrepresenting the outcome of a game or event on which
35 bets have been placed;

36
37 (b) Placing, cancelling, increasing or decreasing a bet based on knowledge
38 that is not available to other players;

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1
2 (c) Claiming or collecting a prize from a video lottery facility that the
3 individual did not win or earn or that the individual was not otherwise
4 authorized to claim or collect;

5
6 (d) Manipulating a video lottery terminal, table game, central monitor and
7 control system, associated equipment or software to affect the outcome of
8 a game or bet; or

9
10 (e) Altering the elements of chance or methods of selection or criteria that
11 determine the outcome of a game or bet; or

12
13 (8) Engages in any conduct that ~~would~~ may adversely affect public confidence in,
14 or perception of, video lottery or table game operations in the State.

15
16 C. The entry of an individual on the mandatory exclusion list ~~shall~~ may include at least
17 the following identifying information:

18
19 (1) Individual's:

20
21 (a) Name, and any nickname or alias;

22
23 (b) Residential address;

24
25 (c) Telephone numbers;

26
27 (d) Gender;

28
29 (e) Physical description, including any birthmarks, scars or tattoos;

30
31 (f) Race or ethnic origin;

32
33 (g) For non-United States citizens, country of origin; and

34
35 (h) Photograph; ~~and~~

36
37 (i) ~~Social Security numbers;~~

38

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- 1 (2) Date of placement on the mandatory exclusion list;
2
3 (3) Brief statement of the basis for placing the individual on the mandatory
4 exclusion list; and
5
6 (4) Any other information the Commission requires.
7
8 D. The mandatory exclusion list and related records shall be considered a public record
9 under State Government Article, § 10-611, Annotated Code of Maryland.
10
11 **.04 Inclusion on Mandatory Exclusion List**
12
13 A. Upon receipt of information that reasonably indicates an individual meets any criteria
14 under Regulation .03B of this chapter, the Director shall:
15
16 (1) Evaluate the information;
17
18 (2) Ensure that the information required under Regulation .03C of this chapter is
19 complete; and
20
21 (3) Decide whether to place the individual on the mandatory exclusion list.
22
23 B. If the Director places an individual on the mandatory exclusion list, staff shall deliver
24 to the individual by regular U.S. mail a written notice explaining:
25
26 (1) That the individual has been placed on a mandatory exclusion list that will be
27 distributed to all facility operators in the State and be publicly available;
28
29 (2) The factual basis for placing the individual on the mandatory exclusion list;
30
31 (3) The availability of an appeal hearing before the Commission;
32
33 (4) The requirements for filing an appeal;
34
35 (5) That if no appeal is filed, the individual's name shall remain on the exclusion
36 list; and
37
38 (6) That the excluded individual is:

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(a) Prohibited from entering any video lottery facility, **and playing any video lottery terminal or table game,** in the State; and

(b) Required to surrender any prizes won at a video lottery facility after placement on the mandatory exclusion list.

C. Appeal. An excluded individual may appeal placement on the mandatory exclusion list only by filing a written appeal to the Commission within 10 calendar days after receipt of the notice.

(1) If the Commission decides that the excluded individual does not meet any criteria under Regulation .03B of this chapter, the individual's name shall be removed from the mandatory exclusion list and the exclusion immediately terminated.

(2) If the Commission decides that the excluded individual meets any criteria under Regulation .03B of this chapter:

(a) The individual's name shall remain on the mandatory exclusion list;

(b) The Commission shall notify all facility operators in the State of the individual's addition to the mandatory exclusion list;

(c) The individual may seek judicial review of the Commission's decision; and

(d) The individual may request to be removed from the mandatory exclusion list only as provided in Regulation .06 of this chapter.

.05 Removal from mandatory exclusion list.

A. After an excluded individual has been on the mandatory exclusion list for at least five years, the individual may request removal from the mandatory exclusion list.

B. An excluded individual's request under § A of this regulation shall be submitted to the Director in writing and shall include a detailed statement about why there is:

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- 1 (1) Good cause for removal of the individual's name from the list; and
2
3 (2) A material change in the individual's circumstances since the individual's
4 name was placed on the list.
5
6 C. The Commission shall hold a hearing on the excluded individual's request for removal
7 from the mandatory exclusion list.
8
9 D. If the Commission:
10
11 (1) Grants the request, it shall:
12
13 (a) Remove the individual from the mandatory exclusion list;
14
15 (b) Deliver to the individual by regular U.S. mail a notice of removal from
16 the mandatory exclusion list; and
17
18 (c) Notify the State's facility operators of the individual's removal from
19 the voluntary exclusion list;
20
21 (2) Denies the request, it shall deliver to the individual by regular U.S. mail a
22 notice that the:
23
24 (a) Request was denied; and
25
26 (b) Individual shall remain on the mandatory exclusion list.
27

28 **.06 Judicial Review**

29
30 The Commission's decision under Regulation .04C(2) and Regulation ~~.06D~~ **.05D(2)** of
31 this chapter may be subject to judicial review.
32

33 **.07 Enforcement**

34
35 A facility operator shall not:
36

37 A. Knowingly fail to exclude or eject from the facility premises an excluded individual;
38

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1 B. Fail to notify the Commission if an excluded individual is excluded or ejected from the
2 facility;

3
4 C. Permit an intoxicated individual or individual under the age of 21 to:

5
6 (1) Play a video lottery terminal or table game; or

7
8 (2) Be in areas of the video lottery facility where video lottery terminals or table
9 games are located; or

10
11 D. Knowingly allow the following individuals to collect a jackpot:

12
13 (1) An excluded individual ~~who has been placed on the mandatory exclusion list;~~
14 or

15
16 (2) An individual under the age of 21.

17
18 **.08 Facility exclusion plan.**

19
20 A. A facility operator shall establish a plan for identifying and:

21
22 (1) Excluding or ejecting from a facility:

23
24 (a) Excluded individuals;

25
26 (b) Individuals who may be eligible for placement on the mandatory
27 exclusion list; and

28
29 (2) Ensuring that intoxicated individuals and individuals under the age of 21 are
30 not allowed:

31
32 (a) To play video lottery terminals; and

33
34 (b) In areas of the video lottery facility where video lottery terminals or
35 table games are located.

36
37 B. The plan required under § A of this regulation shall include at least the following
38 elements:

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- (1) Goals;
- (2) Procedures and deadlines for implementation;
- (3) Identification of facility personnel responsible for implementation;
- (4) Responsibilities of facility personnel identified as responsible for implementation;
- (5) Training for facility personnel on the requirements of this chapter;
- (6) Regular monitoring of the mandatory exclusion list;
- (7) Regular monitoring of other states' mandatory exclusion lists;
- (8) Prompt reports to the Commission about the presence on facility premises of an individual who ~~must be:~~
 - (a) Is included on the mandatory ~~excluded~~ exclusion list ~~from the facility; or~~ and
 - (b) Is required to be prevented from playing video lottery terminals or table games; ~~and~~
- (9) Prompt reports to the Commission about an individual who is permanently excluded from the facility;
- (10) The facility's response to the discovery of an individual who is on the mandatory exclusion list on facility property, which may include pursuing criminal charges against the individual; and
- (11) Any other element required by the Commission.

C. A facility operator shall submit to the Commission for its approval:

- (1) The exclusion plan required under § A of this regulation at least 60 days before video lottery terminal operations are to commence;

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(2) Any amendments to a facility's exclusion plan to the Commission prior to implementation; and

(3) An annual report describing the operation of the facility's exclusion plan.

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