

IN THE MATTER OF THE
MGM NATIONAL HARBOR,
Respondent.

* BEFORE THE
* MARYLAND LOTTERY
* AND GAMING CONTROL
* COMMISSION
* Case Nos. 2017-06-147, -149, -162, -165,
and -166

* * * * *

CONSENT AGREEMENT

Pursuant to the Annotated Code of Maryland, State Government Article (“SG”), §§ 9-1A-01, *et seq.* (“Gaming Law”), and Code of Maryland Regulations (“COMAR”) 36.03.04.06, the Maryland Lottery and Gaming Control Commission (“Commission”) and MGM National Harbor Casino (“MGM National Harbor”) desire to resolve this matter without a formal administrative hearing. Accordingly, the parties recite the following facts and make the following agreements:

BACKGROUND

The Commission, with the assistance of the Maryland Lottery and Gaming Control Agency (“MLGCA” or “Agency”), regulates the operation of the State’s video lottery terminals (“VLTs”) and table games, and is responsible for licensing qualified facility operators and ensuring that the operation of video lottery facilities, VLTs and table games is conducted legally. SG §§ 9-1A-02(b), 9-1A-04(b)(14).

If a licensee violates a provision of the Gaming Law, a regulation promulgated by the Commission, or a directive of the Commission or the Director of the MLGCA, the Commission is authorized to, after a hearing, take action against a licensee that may include suspension or revocation of a license, and levying a civil penalty for each violation. SG §§ 9-1A-04(a)(3) – (8), -25; Code of Maryland Regulations (“COMAR”) 36.03.04. The Commission may also take other enforcement action, such as a corrective action plan, a reprimand, or imposition of a condition on

a license. SG §§ 9-1A-04(a)(3), -25; COMAR 36.03.04. The Commission may also agree with a licensee to settle a violation. COMAR 36.03.04.06.

MGM National Harbor is licensed by the Commission as the operator of the video lottery facility in Prince George's County.

By letters dated June 20, 2017, July 7, 2017 and July 12, 2017, the Agency notified MGM National Harbor that it was investigating alleged violations of the Gaming Law pertaining to underage individuals.

On July 17, 2017, the Agency issued a Notice of Alleged Violations of the Maryland Gaming Law ("Notices of Violation") to MGM National Harbor. The Notice of Violation alleged that on five (5) separate occasions, an underage individual(s) was admitted into the casino and onto the gaming floor where VLTs and table games are located at MGM National Harbor. The Notices of Violation asserted that these actions violated the Gaming Law and regulations promulgated thereunder, and that these actions were sanctionable.

MGM National Harbor has taken a variety of corrective measures to restrict underage individuals from entering the casino.

The parties agree to the following terms and conditions as a means of resolving the captioned alleged violations.

TERMS AND CONDITIONS

1. This Consent Agreement is being entered into as a means of settling the alleged violations and avoiding the potential expense and inconvenience of a formal hearing.
2. There has not been a formal finding as to the merits of the allegations in the Notices of Violation. This Consent Agreement does not constitute an admission or denial by either party that a violation of law or regulation has occurred.


3. Upon the parties' execution of this Consent Agreement, Commission staff shall submit this Consent Agreement to the Commission for review and final approval at its meeting on October 26, 2017.
4. Upon the Commission's final approval of this Consent Agreement, and no later than 10 days after, MGM National Harbor shall remit payment of \$1,750.00 to the Commission.
5. Upon receipt of payment from MGM National Harbor, the Commission will close these matters.
6. MGM National Harbor will continue to take appropriate measures to prevent underage individuals from entering the casino.
7. If MGM National Harbor violates a term of this Consent Agreement, the Commission may impose a sanction or penalty on MGM National Harbor for violating the Agreement or for the underlying violations. COMAR 36.03.04.06.
8. By entering into this Consent Agreement, MGM National Harbor waives all rights to administrative or judicial review of these alleged violations.
9. This Consent Agreement extends only to those alleged violations referenced in the July 17, 2017 Notice of Violation. If the Commission subsequently discovers additional facts of a material and substantial nature involving any of the incidents cited in the July 17, 2017 Notice of Violation, and said facts constitute, additional alleged violations, the Commission may pursue such additional alleged violations. MGM National Harbor reserves the right to dispute such additional alleged violations.
10. This Consent Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written that are not

specified or referenced within this document will be valid provisions of this Consent Agreement.

11. This Consent Agreement may not be modified, supplemented or amended, in any manner, except by written agreement signed by the parties.

12. This Consent Agreement is not final and binding until it is approved by the Commission.
COMAR 36.03.04.06B(2).

IN WITNESS WHEREOF, the parties have signed this Consent Agreement as set forth below:



William Boasberg (date) 10/12/17
General Manager
MGM National Harbor

Gordon Medenica (date)
Director
Maryland Lottery and Gaming Control
Agency

APPROVED:

Kimberly Robertson (date)
Chair, Maryland Lottery and Gaming Control Commission

MGM National Harbor – Underage Violations
Case Nos. 2017-06-147, -149, -162, -165 and -166

Case #2017-06-147

On June 5, 2017, two minor children were able to gain access onto the casino floor through a glass partition that separates the retail corridor from the casino portion of Starbucks. The children went to nearby VLTs that were unattended, sat down and started pushing buttons. Several minutes passed before the children's father, who was at Starbucks, realized two of his children were missing and observed them in the casino. As the father was calling for the children, a third child squeezed through the partition appearing to help get the other children, but was called back by the father and a casino worker who was in Starbucks. As a result of this incident, the children were able to access the gaming floor where VLTs and table games are located at MGM National Harbor Casino. The children did not gamble or consume any alcoholic beverages.

Proposed Settlement Amount: \$250.00

Case #2017-06-149

On June 7, 2017, an underage female was able to gain entry into the casino by using identification belonging to her mother. The underage female, her mother and a male patron entered at the West entrance. A security officer requested identification from the underage female, but she ignored the request and continued to walk into the casino followed by her mother and the male patron. While the security officer was speaking with the male patron, the mother gave her identification to the underage female and she then produced it to the security officer. The security officer did not scan the license. The security officer allowed the underage female into the casino. Because the male patron refused to give identification, he was evicted (John Doe) from the casino. Upon his exit, the male patron stated that the female, which was his girlfriend, was underage. As a result of this incident, the underage female was able to access the gaming floor where VLTs and table games are located at MGM National Harbor Casino. The underage female was in the casino for approximately 5 minutes before security and PG County police apprehended her. The underage female did not gamble or consume any alcoholic beverage. The underage female was arrested for disorderly and assault on a police officer. The mother was issued an eviction notice.

Proposed Settlement Amount: \$500.00

Case #2017-06-162

On July 1, 2017, an underage male was able to gain entry into the casino by using identification belonging to someone else. As a result of this incident, the underage male was able to access the gaming floor where VLTs and table games are located at MGM National Harbor Casino. The underage male was in the casino for approximately 2 hours, gambled and consumed an alcoholic beverage. The underage male was properly identified at the main cage. He was issued an eviction notice and criminal charges are pending.

Proposed Settlement Amount: \$1,000.00

Case #2017-06-165

On July 4, 2017, an underage male was denied entry at the west entrance of the casino. The underage male did not leave the area, and a short time later when the security officer's back was turned, the underage male entered the casino via the exit side of the west entrance. As a result of this incident, the underage male was able to access the gaming floor where VLTs and table games are located at MGM National Harbor Casino. The underage male went immediately into the men's restroom. When he exited the restroom, the underage male walked the casino floor for approximately 10 minutes before he was apprehended by security. The underage male did not gamble or consume any alcoholic beverages. The underage male was issued a citation for trespassing by PG County Police and was evicted from the casino.

Proposed Settlement Amount: No Fine

Case #2017-06-166

On July 5, 2017, a male patron, who was in Section J of the casino, opened an emergency door and handed his identification card to an underage male. A short time later, the underage male was able to gain entry into the casino by using that identification card. As a result of this incident, the underage male was able to gain access to the gaming floor where VLTs and table games are located at MGM National Harbor Casino. The underage male was in the casino for approximately 20 minutes before he was apprehended by security. The underage male did not gamble but he did consume an alcoholic beverage. The underage male was evicted from the casino.

Proposed Settlement Amount: No Fine