

IN THE MATTER OF THE  
MGM NATIONAL HARBOR,  
Respondent.

\* BEFORE THE  
\* MARYLAND LOTTERY  
\* AND GAMING CONTROL  
\* COMMISSION  
\* Case Nos. 2017-06-172, -182 and -187

\* \* \* \* \*

### **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 August 4, 2017, September 1, 2017 and September 12, 2017, the Agency notified MGM National Harbor that it was investigating alleged violations of the Gaming Law pertaining to underage individuals.

On September 18, 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 three (3) 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 \$5,000.00 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 September 18, 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 September 18, 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) 10/19/17  
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. 2017-06-172, -182 AND -187**

**Case #2017-06-172**

On July 23, 2017, an underage female was allowed to enter the casino after showing her identification that indicated she was not 21 until September 9, 2017. 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 2 hours 20 minutes. The underage did gamble but did not consume any alcoholic beverages. The underage female exited the casino but returned shortly because she left her ID in the casino. The underage was not permitted back into the casino without identification, so her male companion obtained the ID. When it was determined that the female was underage, she was issued an eviction notice.

Proposed Settlement Amount: \$2,000.00

**Case #2017-06-182**

On August 25, 2017, an underage female (20 years old) was allowed to enter the casino after showing her identification. 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 1 hour. The underage did gamble but did not consume any alcoholic beverages. The underage female was found to be under 21 when she had to provide ID after winning a jackpot.

Proposed Settlement Amount: \$2,000.00

**Case #2017-06-187**

On September 2, 2017, an unidentified male patron and an unidentified female patron, who was pushing an infant in a stroller, were able to enter the casino through an unlocked gate near a lounge/smoking terrace. The patrons and child were in the casino for approximately 2 minutes when they were approached by casino personnel and escorted out the casino. As a result of this incident, an infant was able to access the gaming floor where VLTs and table games are located at MGM National Harbor Casino. No further action was taken.

Proposed Settlement Amount: \$1,000.00