

1 Title 36 MARYLAND STATE LOTTERY AND
2 GAMING CONTROL AGENCY
3 Subtitle 03 GAMING PROVISIONS

4 Chapter 07 Mandatory Exclusion

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

6 **.01 General.**

7 (text unchanged)

8 **.02 Definitions.**

9 (text unchanged)

10 **.03 Mandatory Exclusion List.**

11 A. – B. (text unchanged)

12 C. The entry of an individual on the mandatory exclusion list ~~may~~ **shall** include at least the
13 following identifying **sufficient** information **to identify the excluded individual.**

14 **D. The information used to identify an excluded individual may include:**

15 (1) Individual's **The individual's:**

16 (a) Name and any nickname or alias;

17 (b) Residential address;

18 (c) Telephone numbers;

For October 26, 2017 Commission meeting.

The basis for these proposed amendments is to expand .04 to allow an individual who the Director decides should be mandatorily excluded from the State's casinos to ask for a reconsideration meeting with the Director or the Director's designee as an intermediary step before appealing to the Commission. This process parallels the process for individuals who are recommended for license denial, and by these amendments would also apply in .05 to an excluded individual requesting removal from the list. The other amendments are primarily clean-up: the deletion in .03C accounts for the fact that not all of the listed items may be available for each individual; the amendment to .03D updates a statutory citation; and the deletion of .08B(7) removes the requirement for casinos to monitor other states' exclusion lists.

- 1 (d) Gender;
- 2 (e) Physical description, including any birthmarks, scars, or tattoos;
- 3 (f) Race or ethnic origin;
- 4 (g) For non-United States citizens, country of origin; and
- 5 (h) Photograph;
- 6 (2) Date of placement on the mandatory exclusion list;
- 7 (3) Brief statement of the basis for placing the individual on the mandatory exclusion list;
- 8 and
- 9 (4) Any other information the Commission requires.

10 ~~D. E.~~ The mandatory exclusion list and related records ~~shall be considered a~~ **are** public record
11 **records** under State Government **General Provisions** Article, §10-611 **4-101**, Annotated Code
12 of Maryland.

13 **.04 Inclusion on Mandatory Exclusion List.**

14 A. Upon receipt of information that reasonably indicates an individual meets any criteria under
15 Regulation .03B of this chapter, the Director shall:

- 16 (1) Evaluate the information;
- 17 (2) Ensure that the information required under Regulation .03C ~~D~~ of this chapter is ~~complete~~
18 **sufficiently identifies the individual**; and
- 19 (3) Decide whether to place the individual on the mandatory exclusion list.

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1 B. If the Director ~~places~~ **decides to place** an individual on the mandatory exclusion list, staff
2 shall deliver to the individual by regular U.S. mail a written notice explaining:

3 ~~(1) That the individual has been placed on a mandatory exclusion list that will be~~
4 ~~distributed to all facility operators in the State and be publicly available;~~

5 ~~(2)~~ The factual basis for placing the individual on the mandatory exclusion list;

6 ~~(3)~~ **(2)** The availability of an appeal hearing before the Commission **a reconsideration**
7 **meeting with the Director or the Director's designee;**

8 ~~(4)~~ **(3)** The requirements for filing an appeal **submitting a request for a reconsideration**
9 **meeting;**

10 ~~(5)~~ **(4)** That if ~~no appeal is filed~~ **a timely reconsideration request is not submitted**, the
11 individual's name shall ~~remain~~ **be placed** on the **a mandatory** exclusion list **that will be**
12 **distributed to all facility operators in the State and be publicly available;** and

13 ~~(6)~~ **(5)** That the excluded individual is **shall be**:

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

16 (b) **Subject to criminal charges for trespassing or any other appropriate**
17 **criminal charge, and**

18 ~~(b)~~ (c) Required to:

19 ~~_____~~ (i) **Redeem or liquidate an unredeemed item with monetary value**
20 **that the individual has received since being placed on the mandatory**
21 **exclusion list, and**

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1 (ii) Surrender to the Problem Gambling Fund established under State
2 Government Article, §9-1A-33 any unredeemed items and prizes won at a
3 video lottery facility after placement on the mandatory exclusion list.

4 **C. Reconsideration Meeting**

5 **(1) An individual may submit to the Director a written request for a reconsideration**
6 **meeting within 15 days of the date of the individual's receipt of the notice described**
7 **in §B of this regulation.**

8 **(2) If an individual fails to timely submit a request under §C(1) of this regulation,**
9 **the individual shall be placed on the exclusion list.**

10 **(3) A reconsideration meeting may be held by the Director or the Director's**
11 **designee;**

12 **(4) During a reconsideration meeting, an individual may:**

13 **(a) Be represented by counsel; and**

14 **(b) Present evidence as to why the individual does not meet the criteria under**
15 **Regulation .03B of this chapter;**

16 **(5) The Director or the Director's designee shall deliver to the individual by regular**
17 **U.S. mail a written notice of the decision following the reconsideration meeting.**

18 **(6) An individual dissatisfied with the result of a reconsideration meeting may**
19 **submit a written request to the Commission for an appeal.**

20 **(7) The request for an appeal shall:**

21 **(a) Be submitted within 15 days of the date of the individual's receipt of the**
22 **written notice of the decision following the reconsideration meeting; and**

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1 (b) Describe the individual's legal and factual bases for disagreeing with
2 placement on the mandatory exclusion list.

3 (8) If an individual fails to timely submit a written request for an appeal hearing
4 under § C(7) of this regulation, the individual shall be placed on the exclusion list.

5 (9) Upon receipt of a timely written request for an appeal hearing, the Director shall
6 provide the individual with a hearing notice for a hearing.

7 ~~C.~~ D. Appeal.

8 (1) ~~An excluded individual may appeal placement on the mandatory exclusion list only~~
9 ~~by filing a written appeal to the Commission within 10 calendar days after receipt of the~~
10 ~~notice.~~

11 ~~(2) If after an appeal hearing the Commission decides that the excluded individual does~~
12 ~~not meet any criteria under Regulation .03B of this chapter, the individual's name shall~~
13 ~~not be removed from placed on the mandatory exclusion list and the exclusion~~
14 ~~immediately terminated.~~

15 ~~(3)~~ (2) If after an appeal hearing the Commission decides that the excluded individual
16 meets any criteria under Regulation .03B of this chapter:

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

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

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

21 (d) The individual may request to be removed from the mandatory exclusion list
22 only as provided in Regulation .05 of this chapter.

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1 **.05 Removal from Mandatory Exclusion List.**

2 A. After an excluded individual has been on the mandatory exclusion list for at least 5 years, the
3 individual may request removal from the mandatory exclusion list.

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

6 (1) Good cause for removal of the individual's name from the list; and

7 (2) A material change in the individual's circumstances since the individual's name was
8 placed on the list.

9 **C. The Director or the Director's designee shall investigate the request and make a**
10 **recommendation to the Commission whether to grant or deny the request.**

11 ~~The Commission shall hold a hearing on the excluded individual's request for removal from the~~
12 ~~mandatory exclusion list.~~

13 ~~D. If the Commission:~~ **Director or the Director's designee recommends removing the**
14 **individual from the list, the Commission may approve the recommendation without a**
15 **hearing, and Agency staff**

16 ~~(1) Grants the request, it shall:~~

17 ~~(a) (1) Remove the individual from the mandatory exclusion list;~~

18 ~~(b) (2) Deliver to the individual by regular U.S. mail a notice of removal from the~~
19 ~~mandatory exclusion list; and~~

20 ~~(c) (3) Notify the State's facility operators of the individual's removal from the~~
21 ~~mandatory exclusion list; ~~or,~~~~

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1 ~~(2)~~

2 **E. If the Director or the Director's designee recommends continued placement on the list,**
3 **the excluded individual may submit a written appeal to Commission.**

4 **F. Appeal.**

5 **(1) The request for an appeal shall:**

6 **(a) Be submitted within 15 days of the date of the individual's receipt of the**
7 **written notice of the recommendation of the Director or the Director's**
8 **designee; and**

9 **(b) Describe the individual's legal and factual bases for disagreeing with**
10 **recommendation.**

11 **(2) If an individual fails to timely submit a written request for an appeal hearing**
12 **under § F(1)(a) of this regulation, the individual shall remain on the exclusion list.**

13 **(3) Upon receipt of a timely written request for an appeal hearing, the Director shall**
14 **provide the individual with a hearing notice for a hearing.**

15 **G. If after a hearing the Commission** ~~Denies~~ **denies** the request, it shall deliver to the
16 individual by regular U.S. mail a notice that the:

17 ~~(a)~~ **(1)** Request was denied; and

18 ~~(b)~~ **(2)** Individual shall remain on the mandatory exclusion list.

19 **.06 Judicial Review.**

20 The Commission's decision under Regulations ~~.04C(2)~~ **.04D(2)** and ~~.05D(2)~~ **.05G** of this
21 chapter may be subject to judicial review.

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1 **.07 Enforcement.**

2 (text unchanged)

3 **.08 Facility Exclusion Plan.**

4 A. (text unchanged)

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

6 (1) Goals;

7 (2) Procedures and deadlines for implementation;

8 (3) Identification of facility personnel responsible for implementation;

9 (4) Responsibilities of facility personnel identified as responsible for implementation;

10 (5) Training for facility personnel on the requirements of this chapter;

11 (6) Regular monitoring of the mandatory exclusion list;

12 ~~(7) Regular monitoring of other states' mandatory exclusion lists;~~

13 ~~(8)~~ (8) Prompt reports to the Commission about the presence on facility premises of an
14 individual who:

15 (a) Is included on the mandatory exclusion list; and

16 (b) Is required to be prevented from playing video lottery terminals or table games;

17 ~~(9)~~ (8) Prompt reports to the Commission about an individual who is permanently
18 excluded from the facility;

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1 ~~(10)~~ **(9)** The facility’s response to the discovery of an individual who is on the
2 mandatory exclusion list on facility property, which may include pursuing criminal
3 charges against the individual; and

4 ~~(11)~~ **(10)** Any other element required by the Commission.

5 C. (text unchanged)

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