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NEVADA GAMING COMMISSION  
CARSON CITY, NEVADA

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STATE OF NEVADA

BEFORE THE NEVADA GAMING COMMISSION

NEVADA GAMING CONTROL BOARD,  
  
Complainant,  
  
v.  
  
HOTSPUR CASINOS NEVADA, INC., dba  
RAMPART CASINO AT THE RESORT AT  
SUMMERLIN,  
  
Respondent.

COMPLAINT

The State of Nevada, on relation of the NEVADA GAMING CONTROL BOARD ("BOARD"), Complainant herein, by and through its counsel, ADAM PAUL LAXALT, Attorney General, by KETAN D. BHIRUD, Deputy Attorney General, hereby files this Complaint for disciplinary action against Respondent HOTSPUR CASINOS NEVADA, INC. dba RAMPART CASINO AT THE RESORT AT SUMMERLIN ("RAMPART") pursuant to NRS 463.310(2) and alleges as follows:

1. Complainant, BOARD, is an administrative agency of the State of Nevada duly organized and existing under and by virtue of chapter 463 of the Nevada Revised Statutes and is charged with the administration and enforcement of the gaming laws of this state as set forth in Title 41 of the Nevada Revised Statutes and the Regulations of the Nevada Gaming Commission.

2. Respondent RAMPART, located at 221 North Rampart Boulevard, Las Vegas, Nevada 89145, at all times relevant hereto is the holder of a nonrestricted gaming license and, as such, is charged with the responsibility of complying with all the provisions of the Nevada Gaming Control Act and the Regulations of the Nevada Gaming Commission.

Office of the Attorney General  
Gaming Division  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101

RELEVANT LAW

3. The Nevada Legislature has declared:

(a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.

(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

NRS 463.0129(1)(a)-(d).

4. The Nevada Gaming Commission has full and absolute power and authority to limit, condition, restrict, revoke or suspend any license, or fine any person licensed, for any cause deemed reasonable. NRS 463.1405(3).

5. The BOARD is authorized to observe the conduct of all licensees in order to ensure that the gaming operations are not being conducted in an unsuitable manner. NRS 463.1405(1).

6. This continuing obligation is repeated in Nevada Gaming Commission Regulation 5.040, which provides as follows:

***A gaming license is a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The burden of proving his qualifications to hold any license rests at all times on the licensee. The board is charged by law with the duty of observing the conduct of all licensees to the end that licenses shall not be held by***

1 unqualified or disqualified persons or unsuitable persons or  
2 *persons whose operations are conducted in an unsuitable*  
3 *manner.*

3 Nev. Gaming Comm'n Reg. 5.040 (emphasis added).

4 7. Nevada Gaming Commission Regulation 5.010 states, in relevant part, as  
5 follows:

6 1. It is the policy of the commission and the board to require  
7 that all establishments wherein gaming is conducted in this state  
8 be operated in a manner suitable to protect the public health,  
9 safety, morals, good order and general welfare of the inhabitants of  
10 the State of Nevada.

11 2. Responsibility for the employment and maintenance of  
12 suitable methods of operation rests with the licensee, and willful or  
13 persistent use or toleration of methods of operation deemed  
14 unsuitable will constitute grounds for license revocation or other  
15 disciplinary action.

12 Nev. Gaming Comm'n Reg. 5.010.

13 8. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as  
14 follows:

15 The board and the commission deem any activity on the  
16 part of any licensee, his agents or employees, that is inimical to the  
17 public health, safety, morals, good order and general welfare of the  
18 people of the State of Nevada, or that would reflect or tend to  
19 reflect discredit upon the State of Nevada or the gaming industry,  
20 to be an unsuitable method of operation and shall be grounds for  
21 disciplinary action by the board and the commission in accordance  
22 with the Nevada Gaming Control Act and the regulations of the  
23 board and the commission. Without limiting the generality of the  
24 foregoing, the following acts or omissions may be determined to be  
25 unsuitable methods of operation:

21 1. Failure to exercise discretion and sound judgment to  
22 prevent incidents which might reflect on the repute of the State of  
23 Nevada and act as a detriment to the development of the industry.

22 2. Permitting persons who are visibly intoxicated to  
23 participate in gaming activity.

23 3. Complimentary service of intoxicating beverages in the  
24 casino area to persons who are visibly intoxicated.

25 . . . .

26 8. *Failure to comply with or make provision for*  
27 *compliance with all federal, state and local laws and*  
28 *regulations and with all commission approved conditions and*  
*limitations pertaining to the operations of a licensed*  
*establishment* including, without limiting the generality of the  
foregoing, payment of all license fees, withholding any payroll

1 taxes, liquor and entertainment taxes and antitrust and monopoly  
2 statutes.

3 The Nevada gaming commission in the exercise of its sound  
4 discretion can make its own determination of whether or not the  
5 licensee has failed to comply with the aforementioned, but any  
6 such determination shall make use of the established precedents  
7 in interpreting the language of the applicable statutes. Nothing in  
8 this section shall be deemed to affect any right to judicial review.

9 Nev. Gaming Comm'n Reg. 5.011(1), (2), (3), and (8) (emphasis added).

10 9. Nevada Gaming Commission Regulation 5.030 (emphasis added) provides as  
11 follows:

12 ***Violation of any provision of the Nevada Gaming***  
13 ***Control Act or of these regulations by a licensee, his agent or***  
14 ***employee shall be deemed contrary to the public health, safety,***  
15 ***morals, good order and general welfare of the inhabitants of the***  
16 ***State of Nevada and grounds for suspension or revocation of a***  
17 ***license. Acceptance of a state gaming license or renewal thereof***  
18 ***by a licensee constitutes an agreement on the part of the licensee***  
19 ***to be bound by all of the regulations of the commission as the***  
20 ***same now are or may hereafter be amended or promulgated. It is***  
21 ***the responsibility of the licensee to keep himself informed of***  
22 ***the content of all such regulations, and ignorance thereof will***  
23 ***not excuse violations.***

24 Nev. Gaming Comm'n Reg.5.030 (emphasis added).

25 10. NRS 463.310 states, in relevant part, as follows:

26 1. The Board shall make appropriate investigations:

27 (a) To determine whether there has been any violation of  
28 this chapter or chapter 462, 464, 465 or 466 of NRS or any  
regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters  
which it may deem necessary or proper to aid in the enforcement  
of any such law or regulation.

....

2. If, after any investigation the Board is satisfied that . . .  
[a] person or entity which is licensed, registered, found suitable or  
found preliminarily suitable pursuant to this chapter or chapter 464  
of NRS or which previously obtained approval for any act or  
transaction for which Commission approval was required or  
permitted under the provisions of this chapter or chapter 464 of  
NRS should be fined,

↪ the Board shall initiate a hearing before the Commission by filing  
a complaint with the Commission in accordance with NRS 463.312  
and transmit therewith a summary of evidence in its possession

1 bearing on the matter and the transcript of testimony at any  
2 investigative hearing conducted by or on behalf of the Board.

3 NRS 463.310(1)(a) and (b), (2)

4 11. Clark County Code 8.20.300 provides as follows:

5 It is unlawful for any licensee under the provisions of this  
6 chapter, or any of his servants or employees, to sell, serve or give  
7 away alcoholic liquor to any intoxicated person.

7 Clark County, Nev., County Code 8.20.300.

8 12. Clark County Code 8.20.465 provides as follows:

9 It is the affirmative duty of each holder of an alcoholic liquor  
10 license to strictly enforce all the provisions of this code and state  
11 statutes in the licensed establishment, and without limiting the  
12 generality of the foregoing, each holder of a liquor license must:

13 (a) Maintain and conduct all activities upon the premises in  
14 a decent, orderly and respectful manner and shall not knowingly  
15 permit within or upon the licensed premises any lewd activity,  
16 nudity, or topless activity (except in those limited circumstances  
17 which are enumerated in Section 8.20.570), disorder, disturbances,  
18 or other activities which endanger the health or safety of the  
19 patrons or disrupt the peace or order of the neighborhood;

20 . . . .

21 (c) Maintain adequate security to ensure compliance with  
22 requirements of subsections (a) and (b) of this section and remain  
23 qualified to hold a liquor license as provided in Section 8.20.010.  
24 For the purpose of this section, "premises" means all portions of  
25 the building in which the licensee is located and over which it has  
26 control and that area of the parking lot over which the licensee has  
27 ownership or contractual parking privileges. For the purposes of  
28 this section and Section 8.20.570, use of the word "premises" for  
liquor licenses that also offer "transient lodging" (as that term is  
defined in CCC Chapter 4.08) shall not include private rooms  
designed and used for sleeping purposes.

22 Clark County, Nev., County Code 8.20.465 (a) and (c).

23 13. Clark County Code 8.20.475 provides as follows:

24 It is the responsibility of the licensee to keep himself  
25 informed of the content of all liquor ordinances, and comply  
26 therewith, and ignorance thereof will not excuse violations. Every  
27 licensee has a duty to cooperate with county licensing officials and  
28 members of the Las Vegas metropolitan police department in their  
enforcement responsibilities under this title.

28 Clark County, Nev., County Code 8.20.475.

**BACKGROUND**

1  
2 14. All events and activities described in this Complaint took place on the premises  
3 of the RAMPART.

4 15. The RAMPART is a local casino in the Summerlin area of Las Vegas, Nevada,  
5 which is located in the JW Marriott Las Vegas Resort and Spa.

6 16. On January 30, 2015, at around 11:38 a.m., a patron (the "Intoxicated Patron")  
7 began gambling at the RAMPART. At that time, he did not have any drinks in his hand.

8 17. Between 11:38 a.m. and 5:00 p.m., the Intoxicated Patron played pai gow and  
9 blackjack, switching between games and tables several times.

10 18. During that time, he was served eleven glasses of red wine, nine of which were  
11 served by Cocktail Server #1 and two of which were served by Cocktail Server #2.

12 19. As a result of the drinks, the Intoxicated Patron became visibly intoxicated as  
13 evidenced by his spilling a drink, staggering from left to right, walking with an uneven gait,  
14 losing his balance, having trouble handling his cards, and lacking the ability to stand straight.

15 20. By 5:00 p.m., the Intoxicated Patron was demonstrating signs that he was  
16 extremely intoxicated.

17 21. Around 5:30 p.m., the Intoxicated Patron was cut off from receiving alcoholic  
18 drinks.

19 22. Around that same time, another patron (the "Reporting Patron"), who was  
20 gambling on a slot machine, reported that the Intoxicated Patron had "slammed" into her.

21 23. The Reporting Patron turned on her slot machine light to get the attention of  
22 casino personnel.

23 24. After advising an unknown casino employee about what she had observed, the  
24 Reporting Patron asked to speak to security.

25 25. A Security Supervisor arrived and the Reporting Patron told him what she had  
26 observed.

27 26. A few minutes later, the Intoxicated Patron was at an ATM machine taking out  
28 more money.

1 27. During that time, the Intoxicated Patron was being watched in person by the  
2 Security Supervisor and via security cameras by the Surveillance Supervisor.

3 28. Although the Intoxicated Patron was clearly and visibly intoxicated by this point,  
4 RAMPART personnel continued to allow the Intoxicated Patron to gamble.

5 29. Although the Security Supervisor personally observed the Intoxicated Patron's  
6 intoxication and advised casino management, which cut him off from drinking, RAMPART did  
7 not stop the Intoxicated Patron from gambling.

8 30. Around 7:30 p.m., the Intoxicated Patron went to dinner.

9 31. It is unknown if the Intoxicated Patron had any alcoholic drinks during dinner.

10 32. After returning from dinner at around 9:00 p.m., the Intoxicated Patron gambled  
11 for approximately an hour and a half.

12 33. During that time, he was served two additional glasses of red wine.

13 34. According to casino player ratings, the Intoxicated Patron had a total cash-in  
14 amount of \$38,755 and a cash-out amount of \$25,790, resulting in a total loss of \$12,965 for  
15 the entire day.

16 35. The conduct described above, violates Nevada Gaming Commission  
17 Regulations 5.011(1)-(3) and, as such, is grounds for disciplinary action.

18 **COUNT ONE**

19 **Violation of Nevada Gaming Commission Regulation 5.011 and 5.011(1)**

20 36. The BOARD realleges and incorporates by reference, as though fully set forth  
21 here, the allegations stated above.

22 37. RAMPART knew, or should have known, about the conduct described above,  
23 which violated Nevada Gaming Commission Regulation 5.011(1).

24 38. Nevada Gaming Commission Regulation 5.011(1) provides:

25 The board and the commission deem any activity on the  
26 part of any licensee, his agents or employees, that is inimical to the  
27 public health, safety, morals, good order and general welfare of the  
28 people of the State of Nevada, or that would reflect or tend to  
reflect discredit upon the State of Nevada or the gaming industry,  
to be an unsuitable method of operation and shall be grounds for  
disciplinary action by the board and the commission in accordance  
with the Nevada Gaming Control Act and the regulations of the  
board and the commission. Without limiting the generality of the

1 foregoing, the following acts or omissions may be determined to be  
2 unsuitable methods of operation:

3 1. Failure to exercise discretion and sound judgment to  
4 prevent incidents which might reflect on the repute of the State of  
5 Nevada and act as a detriment to the development of the industry.

6 Nev. Gaming Comm'n Reg. 5.011(1).

7 39. RAMPART failed to take action to prevent the conduct described above from  
8 occurring.

9 40. As a result of the conduct described above, RAMPART failed to exercise  
10 discretion and sound judgment to prevent incidents which might reflect on the repute of the  
11 State of Nevada and act as a detriment to the development of the industry.

12 41. This failure to prevent the above (1) is inimical to the public health, safety,  
13 morals, good order and general welfare of the people of the State of Nevada and, (2) reflects  
14 or tends to reflect discredit upon the State of Nevada and the gaming industry.

15 42. Said violation constitutes an unsuitable method of operation under Nevada  
16 Gaming Commission Regulations 5.011 and 5.011(1) and, as such, grounds for disciplinary  
17 action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011, and 5.030.

18 **COUNT TWO**

19 **Violation of Nevada Gaming Commission Regulation 5.011 and 5.011(2)**

20 43. The BOARD realleges and incorporates by reference, as though fully set forth  
21 here, the allegations stated above.

22 44. RAMPART knew, or should have known, about the conduct described above,  
23 which violated Nevada Gaming Commission Regulation 5.011(2).

24 45. Nevada Gaming Commission Regulation 5.011(2) provides:

25 The board and the commission deem any activity on the  
26 part of any licensee, his agents or employees, that is inimical to the  
27 public health, safety, morals, good order and general welfare of the  
28 people of the State of Nevada, or that would reflect or tend to  
reflect discredit upon the State of Nevada or the gaming industry,  
to be an unsuitable method of operation and shall be grounds for  
disciplinary action by the board and the commission in accordance  
with the Nevada Gaming Control Act and the regulations of the  
board and the commission. Without limiting the generality of the

.....



1 foregoing, the following acts or omissions may be determined to be  
 2 unsuitable methods of operation:

3 . . . .

4 2. Permitting persons who are visibly intoxicated to  
 participate in gaming activity.

5 Nev. Gaming Comm'n Reg. 5.011(2).

6 46. RAMPART failed to take action to prevent the conduct described above from  
 7 occurring.

8 47. As a result of the conduct described above, RAMPART failed to exercise  
 9 discretion and sound judgment to prevent incidents which might reflect on the reputе of the  
 10 State of Nevada and act as a detriment to the development of the industry.

11 48. This failure to prevent the above (1) is inimical to the public health, safety,  
 12 morals, good order and general welfare of the people of the State of Nevada and, (2) reflects  
 13 or tends to reflect discredit upon the State of Nevada and the gaming industry.

14 49. Said violation constitutes an unsuitable method of operation under Nevada  
 15 Gaming Commission Regulations 5.011 and 5.011(2) and, as such, grounds for disciplinary  
 16 action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011, and 5.030.

17 **COUNT THREE**

18 **Violation of Nevada Gaming Commission Regulation 5.011 and 5.011(3)**

19 50. The BOARD realleges and incorporates by reference, as though fully set forth  
 20 here, the allegations stated above.

21 51. RAMPART knew, or should have known, about the conduct described above,  
 22 which violated Nevada Gaming Commission Regulation 5.011(3).

23 52. Nevada Gaming Commission Regulation 5.011(3) provides:

24 The board and the commission deem any activity on the  
 25 part of any licensee, his agents or employees, that is inimical to the  
 26 public health, safety, morals, good order and general welfare of the  
 27 people of the State of Nevada, or that would reflect or tend to  
 28 reflect discredit upon the State of Nevada or the gaming industry,  
 to be an unsuitable method of operation and shall be grounds for  
 disciplinary action by the board and the commission in accordance  
 with the Nevada Gaming Control Act and the regulations of the  
 board and the commission. Without limiting the generality of the

1                    foregoing, the following acts or omissions may be determined to be  
2                    unsuitable methods of operation

3                    . . . . .

4                    3. Complimentary service of intoxicating beverages in the  
5                    casino area to persons who are visibly intoxicated.

6 Nev. Gaming Comm'n Reg. 5.011(3).

7                    53. RAMPART failed to take action to prevent the conduct described above from  
8                    occurring.

9                    54. As a result of the conduct described above, RAMPART failed to exercise  
10                    discretion and sound judgment to prevent incidents which might reflect on the repute of the  
11                    State of Nevada and act as a detriment to the development of the industry.

12                    55. This failure to prevent the above (1) is inimical to the public health, safety,  
13                    morals, good order and general welfare of the people of the State of Nevada and, (2) reflects  
14                    or tends to reflect discredit upon the State of Nevada and the gaming industry.

15                    56. Said violation constitutes an unsuitable method of operation under Nevada  
16                    Gaming Commission Regulations 5.011 and 5.011(3) and, as such, grounds for disciplinary  
17                    action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011, and 5.030.

18                    **COUNT FOUR**

19                    **Violation of Nevada Gaming Commission Regulation 5.011 and 5.011(8)**

20                    57. The BOARD realleges and incorporates by reference, as though fully set forth  
21                    here, the allegations stated above.

22                    58. RAMPART knew, or should have known, about the conduct described above,  
23                    which violated Nevada Gaming Commission Regulation 5.011(8).

24                    59. Nevada Gaming Commission Regulation 5.011(8) provides:

25                                       The board and the commission deem any activity on the  
26                                       part of any licensee, his agents or employees, that is inimical to the  
27                                       public health, safety, morals, good order and general welfare of the  
28                                       people of the State of Nevada, or that would reflect or tend to  
                         reflect discredit upon the State of Nevada or the gaming industry,  
                         to be an unsuitable method of operation and shall be grounds for  
                         disciplinary action by the board and the commission in accordance  
                         with the Nevada Gaming Control Act and the regulations of the  
                         board and the commission. Without limiting the generality of the

1           foregoing, the following acts or omissions may be determined to be  
2           unsuitable methods of operation

3                       ....

4           8. Failure to comply with or make provision for compliance  
5           with all federal, state and local laws and regulations and with all  
6           commission approved conditions and limitations pertaining to the  
7           operations of a licensed establishment including, without limiting  
8           the generality of the foregoing, payment of all license fees,  
9           withholding any payroll taxes, liquor and entertainment taxes and  
10          antitrust and monopoly statutes.

11          The Nevada gaming commission in the exercise of its sound  
12          discretion can make its own determination of whether or not the  
13          licensee has failed to comply with the aforementioned, but any  
14          such determination shall make use of the established precedents  
15          in interpreting the language of the applicable statutes. Nothing in  
16          this section shall be deemed to affect any right to judicial review.

17          Nev. Gaming Comm'n Reg. 5.011(8).

18          60. As a result of the conduct described above, RAMPART failed to exercise  
19          discretion and sound judgment to prevent incidents which might reflect on the reputе of the  
20          State of Nevada and act as a detriment to the development of the industry.

21          61. This failure to prevent the above (1) is inimical to the public health, safety,  
22          morals, good order and general welfare of the people of the State of Nevada and, (2) reflects  
23          or tends to reflect discredit upon the State of Nevada and the gaming industry.

24          62. Said violation constitutes an unsuitable method of operation under Nevada  
25          Gaming Commission Regulations 5.011 and 5.011(8) and, as such, grounds for disciplinary  
26          action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011, and 5.030.

27                               **PRAYER FOR RELIEF**

28          WHEREFORE, based upon the allegations stated above, which constitute reasonable  
29          cause for disciplinary action against the RAMPART pursuant to  
30          NRS 463.310 and Nevada Gaming Commission Regulations 5.010, 5.011, and 5.030, the  
31          BOARD prays for relief as follows:

32          1. The Nevada Gaming Commission serve a copy of this Complaint on the  
33          RAMPART pursuant to NRS 463.312(2);

34                       ....

1           2.     The RAMPART be fined a monetary sum pursuant to the parameters defined in  
2 NRS 463.310(4) for each separate violation of the provisions of the Nevada Gaming Control  
3 Act and the Regulations of the Nevada Gaming Commission;

4           3.     The Nevada Gaming Commission take appropriate action against the  
5 RAMPART's license or licenses pursuant to the parameters defined at NRS 463.310(4) for  
6 each separate violation of the provisions of the Nevada Gaming Control Act and the  
7 Regulations of the Nevada Gaming Commission; and

8           4.     Such other relief as the Nevada Gaming Commission may deem just and  
9 proper.

10           DATED this 8<sup>th</sup> day of April, 2016.

NEVADA GAMING CONTROL BOARD

11  
12   
13 \_\_\_\_\_  
A.G. BURNETT, Chairman

14   
15 \_\_\_\_\_  
SHAWN R. REID, Member

16   
17 \_\_\_\_\_  
TERRY JOHNSON, Member

18 Submitted by:

19 ADAM PAUL LAXALT  
20 Nevada Attorney General

21 By: 

22 \_\_\_\_\_  
EDWARD L. MAGAW  
23 Deputy Attorney General  
Gaming Division  
(702) 486-3224