



1 NGC 21-01

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3
4 STATE OF NEVADA

5 BEFORE THE NEVADA GAMING COMMISSION

6 NEVADA GAMING CONTROL BOARD,

7 Complainant,

8 vs.

9 MGNV, LLC dba
10 MOHEGAN SUN CASINO LAS VEGAS,

11 Respondent.

COMPLAINT

12 The State of Nevada, on relation of its NEVADA GAMING CONTROL BOARD
13 (BOARD), Complainant herein, by and through its counsel, AARON D. FORD, Attorney
14 General, and JOHN S. MICHELA, Senior Deputy Attorney General, hereby files this
15 Complaint before the Nevada Gaming Commission (Commission) for disciplinary action
16 against MGNV, LLC, dba MOHEGAN SUN CASINO LAS VEGAS, herein, pursuant to
17 Nevada Revised Statute (NRS) 463.310(2), and alleges as follows:

18 JURISDICTION

19 1. Complainant, BOARD, is an administrative agency of the State of Nevada
20 duly organized and existing under and by virtue of Chapter 463 of NRS and is charged with
21 the administration and enforcement of the gaming laws of this State as set forth in Title
22 41 of NRS (Nevada Gaming Control Act) and the Regulations of the Commission.

23 2. RESPONDENT, MGNV, LLC, dba MOHEGAN SUN CASINO LAS VEGAS
24 (RESPONDENT), located at 4455 Paradise Road, Las Vegas, Nevada currently holds a
25 nonrestricted gaming license, and, as such, is charged with the responsibility of complying
26 with all of the provisions of the Nevada Gaming Control Act and the Regulations of the
27 Commission.

28

1 INTRODUCTION

2 1. On March 12, 2020, Nevada Governor Sisolak declared an emergency due to
3 the COVID-19 pandemic declared by the World Health Organization. COVID-19 is a highly
4 contagious respiratory illness spread through the close proximity of persons and that has
5 been spreading throughout the world, including Nevada. In an effort to contain the
6 COVID-19 pandemic and in an effort to save lives, protect property, and protect the health
7 and safety of the public, Governor Sisolak has imposed restrictions on individuals and
8 businesses as further described herein. The BOARD, tasked with ensuring that all
9 establishments where gaming is conducted and where gaming devices are operated be
10 licensed, controlled and assisted to protect the public health, safety, morals, good order and
11 general welfare of the inhabitants of the State, is therefore making every effort to ensure
12 compliance by Nevada gaming licensees with Governor Sisolak's directives.

13 RELEVANT LAW

14 2. The Nevada Legislature set forth the importance of the gaming industry to
15 the State of Nevada and its responsibility to the State's inhabitants in NRS 463.0129(1),
16 which provides as follows:

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

19 (b) The continued growth and success of gaming is
20 dependent upon public confidence and trust . . . that
21 establishments which hold restricted and nonrestricted licenses
22 where gaming is conducted and where gambling devices are
23 operated do not unduly impact the quality of life enjoyed by
24 residents of the surrounding neighborhoods . . .

25 (c) Public confidence and trust can only be maintained
26 by strict regulation of all persons, locations, practices,
27 associations and activities related to the operation of licensed
28 gaming establishments . . .

(d) All establishments where gaming is conducted and
where gaming devices are operated . . . 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.

(e) To ensure that gaming is conducted honestly,
competitively and free of criminal and corruptive elements, all
gaming establishments in this state must remain open to the
general public and the access of the general public to gaming

1 activities must not be restricted in any manner except as
2 provided by the Legislature.

3 NRS 463.0129(1).

4 3. To ensure proper oversight and control over the gaming industry, the Nevada
5 Legislature has granted the Commission "full and absolute power and authority to . . .
6 limit, condition, restrict, revoke or suspend any license . . . or fine any person licensed . . .
7 for any cause deemed reasonable by the Commission." NRS 463.1405(4).

8 4. The BOARD is authorized to observe the conduct of licensees in order to
9 ensure that gaming operations are not being operated in an unsuitable manner or by an
10 unqualified or unsuitable person. NRS 463.1405(1) and Nev. Gaming Comm'n Reg. 5.040.

11 5. NRS 463.170 provides in relevant part as follows:

12 1. Any person who the Commission determines is
13 qualified to receive a license, to be found suitable or to receive
14 any approval required under the provisions of this chapter, or to
15 be found suitable regarding the operation of a charitable lottery
16 under the provisions of chapter 462 of NRS, having due
17 consideration for the proper protection of the health, safety,
18 morals, good order and general welfare of the inhabitants of the
19 State of Nevada and the declared policy of this State, may be
20 issued a state gaming license, be found suitable or receive any
21 approval required by this chapter, as appropriate. The burden of
22 proving an applicant's qualification to receive any license, be
23 found suitable or receive any approval required by this chapter
24 is on the applicant.

25 2. An application to receive a license or be found suitable
26 must not be granted unless the Commission is satisfied that the
27 applicant is:

28 (a) A person of good character, honesty and integrity;
(b) A person whose prior activities, criminal record, if
any, reputation, habits and associations do not pose a threat to
the public interest of this State or to the effective regulation and
control of gaming or charitable lotteries, or create or enhance the
dangers of unsuitable, unfair or illegal practices, methods and
activities in the conduct of gaming or charitable lotteries or in
the carrying on of the business and financial arrangements
incidental thereto; and

(c) In all other respects qualified to be licensed or found
suitable consistently with the declared policy of the State.

3. A license to operate a gaming establishment or an
inter-casino linked system must not be granted unless the
applicant has satisfied the Commission that:

(a) The applicant has adequate business probity,
competence and experience, in gaming or generally; and

(b) The proposed financing of the entire operation is:

1 (1) Adequate for the nature of the proposed operation;
2 and

3 (2) From a suitable source.
4 ↪ Any lender or other source of money or credit which the
5 Commission finds does not meet the standards set forth in
6 subsection 2 may be deemed unsuitable.

7 4. An application to receive a license or be found suitable
8 constitutes a request for a determination of the applicant's
9 general character, integrity, and ability to participate or engage
10 in, or be associated with gaming or the operation of a charitable
11 lottery, as appropriate. Any written or oral statement made in
12 the course of an official proceeding of the Board or Commission
13 by any member thereof or any witness testifying under oath
14 which is relevant to the purpose of the proceeding is absolutely
15 privileged and does not impose liability for defamation or
16 constitute a ground for recovery in any civil action.

17

18 8. Any person granted a license or found suitable by the
19 Commission shall continue to meet the applicable standards and
20 qualifications set forth in this section and any other
21 qualifications established by the Commission by regulation. The
22 failure to continue to meet such standards and qualifications
23 constitutes grounds for disciplinary action.

24 NRS 463.170(1)-(4) and (8).

25 6. The burden of proving a licensee's qualifications to continue to hold a license
26 rests at all times on the licensee. Nev. Gaming Comm'n Reg. 5.040.

27 7. Nevada Gaming Commission Regulation 5.010(1) states that it is "the policy
28 of the Commission and the Board to require that all establishments wherein gaming is
conducted in this state be operated in a manner suitable to protect the public health, safety,
morals, good order and general welfare of the inhabitants of the State of Nevada."

8. Nevada Gaming Commission Regulation 5.010(2) states that "responsibility
for the employment and maintenance of suitable methods of operation rests with the
licensee, and willful or persistent use or toleration of methods of operation deemed
unsuitable will constitute grounds for license revocation or other disciplinary action."

9. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as
follows:

1. The Board and the Commission deem any activity on
the part of a licensee, registrant, or person found suitable by the
Commission, or an agent or employee thereof, that is inimical to

1 the public health, safety, morals, good order, or general welfare
2 of the people of the State of Nevada, or that would reflect or tend
3 to reflect discredit upon the State of Nevada or the gaming
4 industry, to be an unsuitable method of operation and shall be
5 grounds for disciplinary action by the Board and the Commission
6 in accordance with the Nevada Gaming Control Act and the
7 regulations of the Commission. The following acts or omissions,
8 without limitation, may be determined to be unsuitable methods
9 of operation:

10 (a) Failure to exercise discretion and sound judgment to
11 prevent incidents which might reflect on the repute of the State
12 of Nevada and act as a detriment to the development of the
13 industry.

14

15 (h) Failure to comply with or make provision for
16 compliance with all federal, state, or local laws and regulations
17 and with all conditions and limitations approved by the
18 Commission relating to the operations of a licensed gaming
19 establishment or other gaming business . . .

20

21 (k) Failure to conduct gaming operations in accordance
22 with proper standards of custom, decorum, and decency, or
23 permit a type of conduct in a gaming establishment that reflects
24 or tends to reflect on the repute of the State of Nevada and act
25 as a detriment to the gaming industry.

26

27 2. The Commission, in the exercise of its sound
28 discretion, may make its own determination as to whether or not
a licensed gaming establishment or other gaming business has
failed to comply with a law or regulation described in paragraph
(h) of subsection 1, but any such determination shall make use
of established precedents when interpreting the applicable
statute. Nothing in this section affects the right of a licensee to
judicial review.

29 Nev. Gaming Comm'n Reg. 5.011(1)(a), (h), and (k), and (2).

30 10. NRS 414.070 provides in relevant part the following:

31 The provisions of this section are operative only during the
32 existence of a state of emergency or declaration of disaster. The
33 existence of such an emergency or disaster may be proclaimed by
34 the Governor or by resolution of the Legislature if the Governor
35 in his or her proclamation, or the Legislature in its resolution,
36 finds that an attack upon the United States has occurred or is
37 anticipated in the immediate future, or that a natural,
38 technological or man-made emergency or disaster of major
proportions has actually occurred within this State, and that the

1 safety and welfare of the inhabitants of this State require an
2 invocation of the provisions of this section. Any such emergency
3 or disaster, whether proclaimed by the Governor or by the
4 Legislature, terminates upon the proclamation of the
5 termination thereof by the Governor, or the passage by the
6 Legislature of a resolution terminating the emergency or
7 disaster. During the period when a state of emergency or
8 declaration of disaster exists or continues, the Governor may
9 exercise the following additional powers:

4. To provide for and compel the evacuation of all or part
of the population from any stricken or threatened area or areas
within the State and to take such steps as are necessary for the
receipt and care of those persons.

.....

7. To perform and exercise such other functions, powers
and duties as are necessary to promote and secure the safety and
protection of the civilian population.

11 NRS 414.070(4) and (7).

12 11. Nevada Gaming Commission Regulation 5.030 provides as follows:

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

20 Nev. Gaming Comm'n Reg. 5.030.

21 12. Nevada Revised Statute 463.310 states in relevant part as follows:

22 1. The Board shall make appropriate investigations:
23 (a) To determine whether there has been any violation of
24 this chapter or chapter 368A, 462, 464, 465 or 466 of NRS or any
25 regulations adopted thereunder.

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

.....

2. If, after any investigation the Board is satisfied that:
(a) A license, registration, finding of suitability,
preliminary finding of suitability, pari-mutuel license or prior

1 approval by the Commission of any transaction for which the
2 approval was required or permitted under the provisions of this
chapter or chapter 462, 464 or 466 of NRS should be limited,
conditioned, suspended or revoked; or

3 (b) A person or entity which is licensed, registered, found
4 suitable pursuant to this chapter or chapter 464 of NRS or which
previously obtained approval for any act or transaction for which
5 Commission approval was required or permitted under the
6 provisions of this chapter or chapter 464 of NRS should be fined,
7 the Board shall initiate a hearing before the Commission by
8 filing a complaint with the Commission in accordance with NRS
463.312 and transmit therewith a summary of evidence in its
possession bearing on the matter and the transcript of testimony
at any investigative hearing conducted by or on behalf of the
Board.

9 NRS 463.310(1)(a) and (b), and (2).

10 BACKGROUND

11 13. On or about March 12, 2020, Steve Sisolak, Governor of the State of Nevada,
12 issued a Declaration of Emergency for COVID-19 to facilitate the State's response to the
13 COVID-19 pandemic declared by the World Health Organization.

14 14. On or about March 17, 2020, in furtherance of his Declaration of Emergency,
15 Governor Sisolak verbally mandated that all gaming machines, devices, tables, games, and
16 any equipment related to gaming activity be shut down effective at midnight.

17 15. On or about March 18, 2020, Governor Sisolak issued Declaration of
18 Emergency Directive 002, reaffirming his March 17, 2020 verbal order wherein he ordered
19 that "the Nevada general public shall cease gathering at gaming establishments, and all
20 gaming devices, machines, tables, games, and any equipment related to gaming activity
21 shall cease operations effective March 17, 2020, at 11:59 p.m., for the duration that this
22 Directive shall be in effect."

23 16. On or about April 29, 2020, Governor Sisolak issued Declaration of Emergency
24 Directive 016 wherein he ordered in relevant part the following:

25 Section 13: Gaming operations, not including licensed online
26 gaming or mobile wagering operations, shall remain closed until
27 the Gaming Control Board determines that operations may
28 safely resume. The Gaming Control Board shall promulgate
guidance for a phased and incremental resumption of gaming
operations, as well as criteria regarding when operations may
resume.

1 17. On or about May 1, 2020, the BOARD issued Health and Safety Policies for
2 Reopening after Temporary Closure pursuant to section 13 of Governor Sisolak's
3 Declaration of Emergency Directive 016 in order to effectuate a safe, measured, and
4 incremental resumption of gaming operations.

5 18. On or about May 7, 2020, Governor Sisolak issued Declaration of Emergency
6 Directive 018 – Phase One Reopening wherein he ordered in relevant part the following:

7 Section 9: All employers must take proactive measures to ensure
8 compliance with the social distancing and sanitation guidelines.
9 All employers shall require employees who interact with the
10 public to wear face coverings to the maximum extent possible,
and shall abide by all other guidelines promulgated by the
Nevada State Occupational Safety and Health Administration
(NV OSHA).

11 Section 21: Section 13 of Directive 016 is hereby amended.
12 Gaming operations, not including licensed online gaming or
13 mobile wagering operations, shall remain closed through Phase
One. The Gaming Control Board shall promulgate guidance for
a phased and incremental resumption of gaming operations.

14 19. On or about May 28, 2020, Governor Sisolak issued Declaration of Emergency
15 Directive 021 – Phase Two Reopening Plan wherein he ordered in relevant part the
16 following:

17 Section 12: All employers shall continue to require employees
18 who interact with the public to wear face coverings to the
maximum extent possible . . .

19 Section 35: Directive 002 and Section 021 of Directive 018 are
20 hereby terminated. The Nevada Gaming Control Board shall
21 promulgate requirements for a phased and incremental
22 resumption of gaming operations, with openings commencing no
23 sooner than 12:01 am June 4, 2020. Failure of a gaming licensee
24 to comply with any such requirements shall be considered
25 injurious to the public health, safety, morals, good order and
26 general welfare of the inhabitants of the State, and constitute a
failure to comply with this Directive. The Nevada Gaming
Control Board is hereby authorized to enforce this Directive as
necessary, including, but without limitation, pursuing
disciplinary action to limit, condition, suspend, and/or revoke a
license, and/or impose a monetary fine against a licensee in
accordance with the Gaming Control Act.

27 20. As of June 24, 2020, (1) Nevada was experiencing an increase in both its
28 cumulative test positivity rate and its seven-day moving average of daily new COVID-19

1 cases; (2) Nevada was experiencing an increasing trend of hospitalizations for confirmed
2 COVID-19 cases since May 31, 2020; (3) infectious disease scientists and experts advised
3 that “masks indisputably protect individuals against airborne transmission of respiratory
4 diseases;” (4) infectious disease scientists and experts advised that “universal masking at
5 80% adoption flattens the curve significantly more than maintaining a strict lock-down,”
6 and “masking at only 50% adoption is not sufficient to prevent continued spread” of
7 COVID-19; and (5) the Governor’s COVID-19 Medical Advisory Team advised that “a
8 mouth-and-nose lockdown is far more sustainable than a full-body lockdown.” Therefore,
9 on or about June 24, 2020, Governor Sisolak issued Declaration of Emergency Directive
10 024 wherein he ordered in relevant part, and with limited exceptions, the following:

11 Section 5: Individuals . . . shall be required to cover their nose
12 and mouth with a mask or face covering when in a public space.

13 Section 6: Businesses operating during *Phase Two of the Nevada*
14 *Roadmap to Recovery* shall ensure that all patrons, customers,
15 patients, or clients utilize face coverings . . . including prohibiting
16 persons without face coverings from entering the premises.

17 21. On or about November 23, 2020, Governor Sisolak issued Declaration of
18 Emergency Directive 035 wherein he noted an upward trend in COVID-19 cases and
19 imposed restrictions including occupancy limitations generally of not more than 25%.

20 22. On or about March 12, 2021, Governor Sisolak issued Declaration of
21 Emergency Directive 041 wherein he ordered in relevant part the following:

22 SECTION 7: Notwithstanding any delegation of authority
23 pursuant to this Directive, certain mitigation measures (or
24 “Baseline Statewide Mitigation Measures”) shall remain in place
25 and will continue to be managed and enforced by the State,
26 including but not limited to:

- 27 • Statewide mask/face covering requirement as set forth in
28 Directive 024.
- Social distancing and hygiene considerations as set forth in
Directive 021.

••••

- Mitigation measures for gaming and cannabis
establishments.

- All other mitigation measures not specifically delegated pursuant to this Directive.

23. The Board's Health and Safety Policies for Resumption of Gaming Operations for Nonrestricted Licensees dated March 15, 2021, and effective at all times relevant to this complaint provided the following:

Pursuant to Governor Sisolak's Emergency Directive 024, licensees shall ensure that all patrons and guests properly utilize face coverings, subject to the guidelines in the Directive. This Policy fully incorporates Emergency Directive 024, including, without limitation, all of its requirements, conditions, limitations, and exceptions. Licensees should have dedicated signage throughout the establishment notifying patrons that face coverings are required. Pursuant to the authority granted to the Board in section 10 of Emergency Directive 024, the Board will strictly enforce Emergency Directive 024.

.....

The Board expects all licensees to comply with any and all health and safety guidelines and directives issued by federal, state, and local governing authorities with respect to the operation of hotels, restaurants, retail establishments, and pools.

24. The BOARD'S Health and Safety Policies for Resumption of Gaming Operations for Nonrestricted Licensees provided, as of March 19, 2021, the following in relevant part:

Pursuant to Governor Sisolak's Emergency Directive 024, licensees shall ensure that all patrons and guests properly utilize face coverings, subject to the guidelines in the Directive. This Policy fully incorporates Emergency Directive 024, including, without limitation, all of its requirements, conditions, limitations, and exceptions. Licensees should have dedicated signage throughout the establishment notifying patrons that face coverings are required. Pursuant to the authority granted to the Board in section 10 of Emergency Directive 024, the Board will strictly enforce Emergency Directive 024.

.....

Plans must limit the number of patrons based on type of game to ensure proper distance between players by limiting the number

1 of seats or betting positions per table, or licensees may submit
2 alternative plans for approval by the Board. At a minimum,
3 patrons must be at least one betting position apart. Casino
4 supervisors and managers must ensure that patrons do not
5 congregate in groups around gaming tables. Licensees should
6 ensure dealers have hand sanitizer available to offer to patrons
7 throughout their shifts.

8 25. RESPONDENT is the gaming licensee which operates the casino floor located
9 at Virgin Hotels Las Vegas.

10 26. On or about March 25, 2021, RESPONDENT opened to the public.

11 27. As part of RESPONDENT's opening events, a number of patrons, including
12 celebrities, were photographed. These photographs were widely disseminated and showed
13 multiple violations by RESPONDENT of Emergency Directives and/or the BOARD's
14 Health and Safety Policies for Resumption of Gaming Operations for Nonrestricted
15 Licensees.

16 28. On or about April 27, 2021, the Nevada Occupational Safety & Health
17 Administration issued a citation to RESPONDENT with a violation summary stating:
18 "Social distancing not maintained between employees and guests, and guests not wearing
19 face coverings, while within six feet of each other at table games."

20 **COUNT I**

21 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011**

22 29. The BOARD realleges and incorporates the above paragraphs by reference as
23 though set forth in full herein.

24 30. The Las Vegas Review-Journal posted a photograph in an article showing two
25 patrons at RESPONDENT not wearing face coverings while playing at a blackjack table
26 with a third patron, also not wearing a face covering, standing closely behind the first two
27 patrons. In addition to the deficient use of face coverings, these patrons did not appear to
28 engage in proper social distancing.

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....

1 Directive 035, and/or March 12, 2021 Directive 041 and/or the BOARD'S Health and Safety
2 Policies for Resumption of Gaming Operations for Nonrestricted Licensees, which
3 constitutes a violation of Nevada Gaming Commission Regulations 5.011, 5.011(a),
4 5.011(h), and/or 5.011(k).

5 45. The failure to comply with Nevada Gaming Commission Regulations 5.011,
6 5.011(a), 5.011(h), and/or 5.011(k) is an unsuitable method of operation and provides
7 grounds for disciplinary action against RESPONDENT. *See Nev. Gaming Comm'n Reg.*
8 *5.010(2) and 5.030.*

9 **COUNT IV**
10 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011**

11 46. The BOARD realleges and incorporates the above paragraphs by reference as
12 though set forth in full herein.

13 47. On or about March 25, 2021, The Virgin Hotels Las Vegas official Twitter
14 account (@VirginHotelsLV) posted a photograph showing Mario Lopez without a face
15 covering throwing dice at a craps table at RESPONDENT while surrounded by a crowd of
16 people. Mr. Lopez was not in possession of food or drink, was not actively smoking, and
17 was not engaged in any other activity which would authorize the removal of face coverings.

18 48. Review of surveillance footage showed that Mr. Lopez entered the craps pit
19 without a face covering and did not put on a face covering at least until he left
20 RESPONDENT approximately 10 minutes later.

21 49. Surveillance footage further showed a large crowd begin to form next to the
22 craps table as Mr. Lopez, without a face covering, began taking pictures with other patrons
23 in violation of social distancing requirements.

24 50. The Virgin Hotels Las Vegas official Twitter account (@VirginHotelsLV)
25 removed the posted photograph of Mr. Lopez prior to the filing of this complaint.

26 51. RESPONDENT failed to comply with Governor Sisolak's May 7, 2020
27 Directive 018, May 28, 2020 Directive 021, June 24, 2020 Directive 024, November 23, 2020
28 Directive 035, and/or March 12, 2021 Directive 041 and/or the BOARD'S Health and Safety

1 Policies for Resumption of Gaming Operations for Nonrestricted Licensees, which
2 constitutes a violation of Nevada Gaming Commission Regulations 5.011, 5.011(a),
3 5.011(h), and/or 5.011(k).

4 52. The failure to comply with Nevada Gaming Commission Regulations 5.011,
5 5.011(a), 5.011(h), and/or 5.011(k) is an unsuitable method of operation and provides
6 grounds for disciplinary action against RESPONDENT. See Nev. Gaming Comm'n Reg.
7 5.010(2) and 5.030.

8 **COUNT V**
9 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011**

10 53. The BOARD realleges and incorporates the above paragraphs by reference as
11 though set forth in full herein.

12 54. On or about March 25, 2021, The Virgin Hotels Las Vegas official Twitter
13 account (@VirginHotelsLV) posted two photographs, in addition to the photograph
14 described in Count IV of this complaint, showing patrons of RESPONDENT who were not
15 wearing face coverings on RESPONDENT's casino floor.

16 55. The first of the posted photographs showed one female patron playing a slot
17 machine who was not wearing a face covering next to a male patron who was not wearing
18 a face covering. These two patrons were also in the photograph described in Count I of this
19 complaint. Neither of these patrons were in possession of food or drink, were actively
20 smoking, or were engaged in any other activity which would authorize the removal of face
21 coverings.

22 56. The second of the posted photographs showed a female patron who was not
23 wearing a face covering blowing on a pair of dice at a craps table located on
24 RESPONDENT's casino floor. There appeared to be dealers present at the craps table in
25 this photograph. The patron was not in possession of food or drink, was not actively
26 smoking, and was not engaged in any other activity which would authorize the removal of
27 face coverings.

28

