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AUG 09 2021

NEVADA GAMING COMMISSION
CARSON CITY, NEVADA

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5 STATE OF NEVADA

6 BEFORE THE NEVADA GAMING COMMISSION

7 NEVADA GAMING CONTROL BOARD,

8 Complainant,

9 vs.

10 BETTE M. LARSEN
(100% Owner of The Timbers)

11 Respondent.
12

COMPLAINT

13 The State of Nevada, on relation of its NEVADA GAMING CONTROL BOARD
14 (BOARD), Complainant herein, by and through its counsel, AARON D. FORD, Attorney
15 General, and JOHN S. MICHELA, Senior Deputy Attorney General, hereby files this
16 Complaint before the Nevada Gaming Commission (Commission) for disciplinary action
17 against BETTE M. LARSEN (100% Owner of The Timbers), RESPONDENT herein,
18 pursuant to Nevada Revised Statute (NRS) 463.310(2), and alleges as follows:

19 JURISDICTION

20 1. Complainant, BOARD, is an administrative agency of the State of Nevada
21 duly organized and existing under and by virtue of Chapter 463 of NRS and is charged with
22 the administration and enforcement of the gaming laws of this State as set forth in Title
23 41 of NRS (Nevada Gaming Control Act) and the Regulations of the Commission.

24 2. RESPONDENT, BETTE M. LARSEN, is the 100% owner of The Timbers,
25 located at 124 East 8th Street, Carson City, Nevada 89701 and currently holds a restricted
26 gaming license. The Nevada Gaming Commission approved RESPONDENT's license on
27 June 27, 1991. As such, RESPONDENT is charged with the responsibility of complying

28

1 with all of the provisions of the Nevada Gaming Control Act and the Regulations of the
2 Commission.

3 INTRODUCTION

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

15 RELEVANT LAW

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

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

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

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

1 (e) To ensure that gaming is conducted honestly,
2 competitively and free of criminal and corruptive elements, all
3 gaming establishments in this state must remain open to the
4 general public and the access of the general public to gaming
5 activities must not be restricted in any manner except as
6 provided by the Legislature.

7 NRS 463.0129(1).

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

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

15 7. Nevada Revised Statute 463.170 provides in relevant part as follows:

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

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

(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:

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

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

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

5 (2) From a suitable source.

6 ↪ Any lender or other source of money or credit which the
7 Commission finds does not meet the standards set forth in
8 subsection 2 may be deemed unsuitable.

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

19

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

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

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

8. Nevada Gaming Commission Regulation 5.010(1) states that "[i]t is the policy
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."

10. Nevada Gaming Commission Regulation 5.010(2) states that "[r]esponsibility
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."

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

. . . .

1 1 The Board and the Commission deem any activity on
2 the part of a licensee, registrant, or person found suitable by the
3 Commission, or an agent or employee thereof, that is inimical to
4 the public health, safety, morals, good order, or general welfare
5 of the people of the State of Nevada, or that would reflect or tend
6 to reflect discredit upon the State of Nevada or the gaming
7 industry, to be an unsuitable method of operation and shall be
8 grounds for disciplinary action by the Board and the Commission
9 in accordance with the Nevada Gaming Control Act and the
10 regulations of the Commission. The following acts or omissions,
11 without limitation, may be determined to be unsuitable methods
12 of operation:

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

17

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

23

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

 2. The Commission, in the exercise of its sound
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.

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

12. NRS 414.070 provides in relevant part the following:

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

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

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

15

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

19 NRS 414.070(4) and (7).

20 13. Nevada Gaming Commission Regulation 8.030 provides, in relevant part, as
21 follows:

22 1. Except as and to the extent provided in these
23 regulations pertaining to emergency situations, no individual
24 who is the owner of any interest in a licensed gaming operation
25 shall in any manner whatsoever transfer any interest therein to
26 any person, firm or corporation not then an owner of an interest
27 therein, and no such transfer shall become effective for any
28 purpose until the proposed transferee or transferees shall have
made application for and obtained all licenses required by the
Nevada Gaming Control Act and these regulations, or have been
found to be individually qualified to be licensed, as appropriate.

29 Nev. Gam'g Comm'n Reg. 8.030(1).

30 14. Nevada Revised Statute 463.161 provides, in relevant part, as follows:

31 1. A license to operate 15 or fewer slot machines at an
32 establishment in which the operation of slot machines is
33 incidental to the primary business conducted at the
34 establishment may only be granted to the operator of the
35 primary business or to a licensed operator of a slot machine
36 route.

37 NRS 463.161(1).

38

1 15. Nevada Gaming Commission Regulation 4.040(2) provides that:

2 It is grounds for denial of an application or disciplinary
3 action for any person to make any untrue statement of material
4 fact in any application, notice, statement or report filed with the
5 board or commission in compliance with the provisions of law
6 and regulations referred to in paragraph 1, or willfully to omit to
7 state in any such application, notice, statement or report any
8 material fact which is required to be stated therein or omit to
9 state a material fact necessary to make the facts stated in view
10 of the circumstances under which they were stated, not
11 misleading.

12 Nev. Gaming Comm'n Regulation 4.040(2).

13 16. Nevada Gaming Commission Regulation 3.020 provides, in relevant part, as
14 follows:

15 4. Every licensee shall furnish to the Board complete
16 information pertaining to any change of ownership of the
17 premises or of any change of any interest in the premises
18 wherein or whereon the licensed gaming is operated at least 30
19 days before the date of such change; or, if the licensee is not a
20 party to the transaction effecting such change of ownership,
21 immediately upon acquiring knowledge of such change of
22 ownership or any contemplated change of ownership.

23 Nev. Gam'g Comm'n Reg. 3.020(4)

24 17. Nevada Gaming Commission Regulation 5.030 provides as follows:

25 Violation of any provision of the Nevada Gaming Control
26 Act or of these regulations by a licensee, the licensee's agent or
27 employee shall be deemed contrary to the public health, safety,
28 morals, good order and general welfare of the inhabitants of the
29 State of Nevada and grounds for suspension or revocation of a
30 license. Acceptance of a state gaming license or renewal thereof
31 by a licensee constitutes an agreement on the part of the licensee
32 to be bound by all of the regulations of the Commission as the
33 same now are or may hereafter be amended or promulgated. It
34 is the responsibility of the licensee to keep informed of the
35 content of all such regulations, and ignorance thereof will not
36 excuse violations.

37 Nev. Gaming Comm'n Reg. 5.030.

38

1 18. Nevada Revised Statute 463.310 states in relevant part as follows:

2 1. The Board shall make appropriate investigations:

3 (a) To determine whether there has been any violation of

4 this chapter or chapter 462, 464, 465 or 466 of NRS or any
regulations adopted thereunder.

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

7

8 2. If, after any investigation the Board is satisfied that:

9 (a) A license, registration, finding of suitability,
preliminary finding of suitability, pari-mutuel license or prior
10 approval by the Commission of any transaction for which the
approval was required or permitted under the provisions of this
chapter or chapter 462, 464 or 466 of NRS should be limited,
11 conditioned, suspended or revoked; or

12 (b) A person or entity which is licensed, registered, found
suitable . . . pursuant to this chapter or chapter 464 of NRS or
13 which previously obtained approval for any act or transaction for
which Commission approval was required or permitted under
14 the provisions of this chapter or chapter 464 of NRS should be
fined,

15 ➤ the Board shall initiate a hearing before the Commission by
filing a complaint with the Commission in accordance with NRS
16 463.312 and transmit therewith a summary of evidence in its
possession bearing on the matter and the transcript of testimony
17 at any investigative hearing conducted by or on behalf of the
Board.

18 3. Upon receipt of the complaint of the Board, the
Commission shall review the complaint and all matter presented
19 in support thereof, and shall conduct further proceedings in
accordance with [NRS 463.3125](#) to [463.3145](#), inclusive.

20 4. After the provisions of subsections 1, 2 and 3 have been
complied with, the Commission may:

21 (a) Limit, condition, suspend or revoke the license of any
licensed gaming establishment or the individual license of any
22 licensee without affecting the license of the establishment . . .

23 NRS 463.310(1)(a) and (b), (2), (3), and (4)(a).

24 **BACKGROUND**

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

28

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

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

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

12 SECTION 13: Gaming operations, not including licensed online
13 gaming or mobile wagering operations, shall remain closed until
14 the Gaming Control Board determines that operations may
15 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.

16 23. On or about May 1, 2020, the BOARD issued Health and Safety Policies for
17 Reopening after Temporary Closure pursuant to section 13 of Governor Sisolak’s
18 Declaration of Emergency Directive 016 in order to effectuate a safe, measured, and
19 incremental resumption of gaming operations. These Health and Safety Policies were
20 updated at various times.

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

23 Section 9: All employers must take proactive measures to ensure
24 compliance with the social distancing and sanitation guidelines.
25 All employers shall require employees who interact with the
26 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).

27

28 SECTION 21: Section 13 of Directive 016 is hereby amended.
Gaming operations, not including licensed online gaming or

1 mobile wagering operations, shall remain closed through Phase
2 One. The Gaming Control Board shall promulgate guidance for
a phased and incremental resumption of gaming operations.”

3 25. On or about May 28, 2020, Governor Sisolak issued Declaration of Emergency
4 Directive 021 – Phase Two Reopening Plan wherein he ordered, in part, the following:

5 SECTION 7: The phrase “social distancing” references guidance
6 promulgated by the United States Centers for Disease Control
7 and Prevention, including without limitation, maintaining at
at least six feet of physical distancing from other individuals.

8

9 SECTION 12: All employers must take proactive measures to
10 ensure compliance with the social distancing and sanitation
11 guidelines. All employers shall continue to require employees
who interact with the public to wear face coverings to the
12 maximum extent possible and shall abide by all other guidelines
promulgated by NV OSHA.

13

14 SECTION 35: Directive 002 and Section 021 of Directive 018 are
15 hereby terminated. The Nevada Gaming Control Board shall
16 promulgate requirements for a phased and incremental
17 resumption of gaming operations, with openings commencing no
18 sooner than 12:01 am June 4, 2020. Failure of a gaming licensee
19 to comply with any such requirements shall be considered
20 injurious to the public health, safety, morals, good order and
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.

21 26. As of June 24, 2020, (1) Nevada was experiencing an increase in both its
22 cumulative test positivity rate and its seven-day moving average of daily new COVID-19
23 cases; (2) Nevada was experiencing an increasing trend of hospitalizations for confirmed
24 COVID-19 cases since May 31, 2020; (3) infectious disease scientists and experts advised
25 that “masks indisputably protect individuals against airborne transmission of respiratory
26 diseases;” (4) infectious disease scientists and experts advised that “universal masking at
27 80% adoption flattens the curve significantly more than maintaining a strict lock-down,”
28 and “masking at only 50% adoption is not sufficient to prevent continued spread” of

1 COVID-19; and (5) the Governor’s COVID-19 Medical Advisory Team advised that “a
2 mouth-and-nose lockdown is far more sustainable than a full-body lockdown.” Therefore,
3 on or about June 24, 2020, Governor Sisolak issued Declaration of Emergency Directive
4 024 wherein he ordered, in part and with limited exceptions, the following:

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

7

8 SECTION 6: Businesses operating during Phase Two of the
9 *Nevada United: Roadmap to Recovery* plan shall ensure that all
10 patrons, customers, patients, or clients utilize face coverings . . .
including prohibiting persons without face coverings from
entering the premises.

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

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

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

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

22

- 23 • Mitigation measures for gaming and cannabis
24 establishments.
- 25 • All other mitigation measures not specifically delegated
26 pursuant to this Directive.

27 29. On or about April 19, 2021, Governor Sisolak issued Declaration of Emergency
28 Directive 044 wherein he ordered that statewide social distancing requirements would

1 terminate on April 30, 2021, but that the statewide face covering requirements contained
2 in Declaration of Emergency Directive 024 remained in effect. Declaration of Emergency
3 Directive 044 allowed counties to set their own social distancing requirements as part of
4 their COVID-19 mitigation plans.

5 30. On April 23, 2021, the BOARD issued a notice to licensees in which it
6 rescinded its Health and Safety Policies concerning restricted gaming locations. Instead,
7 the BOARD required restricted licensees to comply with their respective COVID-19 Local
8 Mitigation and Enforcement Plan. The BOARD also reiterated that the face covering
9 requirements as set out in Declaration of Emergency Directive 044 remained in effect.

10 31. Effective May 1, 2021, Carson City's COVID-19 mitigation plan required six
11 (6) feet of social distancing and reiterated the statewide face covering requirement.

12 32. On or about May 3, 2021, Governor Sisolak issued Declaration of Emergency
13 Directive 045 wherein he ordered that face coverings shall be required in a manner
14 consistent with current and subsequent guidance issued by the Centers for Disease Control
15 (CDC) and that businesses would be required to ensure their patrons comply with such
16 guidance.

17 33. Until May 13, 2021, CDC guidance recommended masks be worn by all people
18 in indoor locations.

19 34. On or about May 5, 2021, the BOARD received a complaint that employees
20 and patrons at The Timbers bar were not wearing face coverings and were not practicing
21 social distancing.

22 35. On or about May 5, 2021, at approximately 9:00 p.m., a BOARD agent
23 conducted an inspection of The Timbers bar. During the inspection, the BOARD agent
24 observed approximately 20-30 patrons inside the bar who were not wearing face coverings
25 and were not practicing social distancing. The BOARD agent also observed three
26 employees behind the bar who were not wearing face coverings. Upon the BOARD agent
27 commencing to take pictures, one of the employees behind the bar covered his mouth and
28 nose with his face covering.

1 36. On or about May 10, 2021, a BOARD agent contacted RESPONDENT and
2 informed her of the violations observed by BOARD agents at The Timbers bar.

3 37. On October 28, 2020, the BOARD filed a complaint against RESPONDENT
4 (October 2020 Complaint). This complaint alleged the bartender and patrons at The
5 Timbers were not wearing face coverings and were not practicing social distancing.

6 38. On November 19, 2020, the Nevada Gaming Commission accepted a
7 Stipulation for Settlement concerning the October 2020 Complaint (Settlement). In the
8 Settlement, RESPONDENT admitted all of the allegations of the October 2020 Complaint
9 and agreed to pay a fine in the amount of \$5,000 and have a condition placed on its license
10 requiring a key employee application be filed no later than January 18, 2021.

11 39. A key employee application has not been filed in relation to RESPONDENT's
12 license. However, key employee applications were submitted on January 21, 2021, with an
13 application for a restricted gaming license submitted by a new entity, The Timbers, LLC,
14 dba Timbers Saloon, at the location for which RESPONDENT presently holds a restricted
15 gaming license. It appears RESPONDENT will have a beneficial interest in the new entity.

16 40. On or about February 1, 2007, RESPONDENT formed The Timbers, LLC.
17 RESPONDENT is the sole manager of The Timbers, LLC. Sometime after February 1,
18 2007, and prior to 2018, RESPONDENT transferred her licensed gaming operation to The
19 Timbers, LLC. As of June 1, 2021, the BOARD has not received any applications related
20 to this transfer, and this transfer was not approved by the Nevada Gaming Commission.

21 41. The Timbers, LLC, holds Carson City, Nevada business licenses to operate a
22 tavern and gaming at the location of RESPONDENT.

23 42. RESPONDENT completed yearly NGC-09 attestations regarding the
24 accuracy of the information on her license on March 3, 2018; February 2, 2019; March 4,
25 2020; and March 1, 2021. In completing these attestations, RESPONDENT acknowledged
26 "that all information listed on this license is true, complete and accurate . . ."

27 43. RESPONDENT, in these attestations, stated it was accurate that she was the
28 100% owner of The Timbers gaming operation. RESPONDENT did not attempt to correct

1 that The Timbers gaming operation is now run through the limited liability corporation
2 The Timbers, LLC.

3 44. On or about November 16, 2007, RESPONDENT and Michael Van Overbeke
4 purchased the real property of RESPONDENT's licensed premises. On or about March 3,
5 2021, Timbers Land, LLC became the owner of RESPONDENT's licensed premises.
6 RESPONDENT and Michael Van Overbeke are the managing members of Timbers Land,
7 LLC.

8 **COUNT I**
9 **VIOLATION OF NEVADA GAMING COMMISSION REGULATIONS 5.011**

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

12 46. On or about May 5, 2021, a BOARD agent conducted an inspection of The
13 Timbers bar.

14 47. On or about May 5, 2021, a BOARD agent observed 20 to 30 patrons inside
15 The Timbers bar not wearing face coverings.

16 48. On or about May 5, 2021, a BOARD agent observed patrons of The Timbers
17 bar not practicing social distancing.

18 49. On or about May 5, 2021, a BOARD agent observed three employees behind
19 the bar at The Timbers bar not wearing face coverings and making no effort to enforce face
20 covering or social distancing requirements.

21 50. RESPONDENT failed to comply with Governor Sisolak's Declaration of
22 Emergency Directives, which constitutes a violation of Nevada Gaming Commission
23 Regulations 5.011, 5.011(a), 5.011(h), and/or 5.011(k).

24 51. The failure to comply with Nevada Gaming Commission Regulations 5.011,
25 5.011(a), 5.011(h), and/or 5.011(k) is an unsuitable method of operation and provides
26 grounds for disciplinary action against RESPONDENT. *See Nev. Gaming Comm'n Reg.*
27 *5.010(2) and 5.030.*

28

1 **COUNT II**
2 **VIOLATION OF NEVADA REVISED STATUTE 463.310(4) and/or**
3 **NEVADA GAMING COMMISSION REGULATIONS 5.011**

4 52. The BOARD realleges and incorporates the above paragraphs by reference as
5 though set forth in full herein.

6 53. On November 19, 2020, the Nevada Gaming Commission placed a condition
7 on the restricted gaming license of RESPONDENT requiring a key employee application
8 be filed no later than January 18, 2021.

9 54. Key employee applications were filed with a new application for restricted
10 gaming license for RESPONDENT's location on January 21, 2021. However, a key
11 employee application related to RESPONDENT's current restricted gaming license, on
12 which the key employee condition exists, had not been filed as of May 24, 2021.

13 55. RESPONDENT failed to comply with the key employee condition on
14 RESPONDENT's license which constitutes a violation of NRS 463.310(4) and/or Nevada
15 Gaming Commission Regulations 5.011, 5.011(a), 5.011(h), and/or 5.011(k).

16 56. The failure to comply with NRS 463.310(4) and/or Nevada Gaming
17 Commission Regulations 5.011, 5.011(a), 5.011(h), and/or 5.011(k) is an unsuitable method
18 of operation and provides grounds for disciplinary action against RESPONDENT. *See Nev.*
19 *Gaming Comm'n Reg. 5.010(2) and 5.030.*

20 **COUNT III**
21 **VIOLATION OF NEVADA REVISED STATUTE 463.161 and/or**
22 **NEVADA GAMING COMMISSION REGULATIONS 5.011 and/or 8.030**

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

25 58. At some point after February 1, 2007, RESPONDENT transferred her 100%
26 interest in The Timbers to The Timbers, LLC.

27 59. RESPONDENT, as manager of The Timbers, LLC, did not cause The Timbers,
28 LLC to file an application for transfer of interest.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, based upon the allegations contained herein, which constitute
3 reasonable cause for disciplinary action against RESPONDENT, pursuant to NRS 463.310
4 and/or NGC Regulations 5.010, 5.011, and/or 5.030, the Board prays for relief as follows:

5 1. That the Commission serve a copy of this Complaint on RESPONDENT
6 pursuant to NRS 463.312(2);

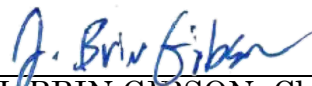
7 2. That the Commission fine RESPONDENT a monetary sum pursuant to the
8 parameters defined at NRS 463.310(4) for each separate violation of the provisions of the
9 Nevada Gaming Control Act or the Regulations of the Commission;

10 3. That the Commission take action against RESPONDENT'S license pursuant
11 to the parameters defined in NRS 463.310(4); and

12 4. For such other and further relief as the Commission may deem just and
13 proper.

14 DATED this 9th day of August, 2021.

15 NEVADA GAMING CONTROL BOARD

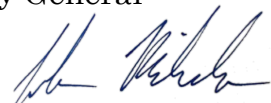
16 
17 _____
18 J. BRIN GIBSON, Chairman

19 
20 _____
21 PHILIP KATSAROS, Member

22 
23 _____
24 BRITTANIE WATKINS, Member

25 Submitted by:

26 AARON D. FORD
27 Attorney General

28 By: 

JOHN S. MICHELA
Senior Deputy Attorney General
Gaming Division
(775) 687-2118