NGC Case No. 17-06

- 1

.

RECEIVED/FILED
NOV 1 5 2018

NEVADA GAMING COMMISSION CARSON CITY, NEVADA

### STATE OF NEVADA

## BEFORE THE NEVADA GAMING COMMISSION

In the Matter of the Exclusion of:

JAMES RUSSELL COOPER, a.k.a.: James Russell Powel; James Russell Cooper, Jr.: and James R. Cooper.

From Licensed Gaming Establishments in the State of Nevada.

# FINAL ORDER OF EXCLUSION

On July 12, 2018, the Nevada Gaming Control Board ("Board") entered its Order nominating JAMES RUSSELL COOPER ("COOPER") (a.k.a.: James Russell Powel; James Russell Cooper, Jr.; and James R. Cooper) as a candidate to Nevada's List of Excluded Persons pursuant to Nevada Revised Statues ("NRS") 463.151 through NRS 463.155 and Nevada Gaming Commission ("Commission" or "NGC") Regulation 28. After being served by certified mail with the Notice of Candidacy and Order of Nomination to List of Excluded Persons on August 22, 2018, COOPER failed to request a hearing before the Commission pursuant to NRS 463.153(1). On October 9, 2018, COOPER was served by certified mail with a Bill of Particulars and Notice of Meeting. This matter came before the Commission on November 15, 2018. COOPER, being duly noticed of the hearing did not appear either in person or through legal counsel. EDWARD L. MAGAW, Deputy Attorney General for the Nevada Office of the Attorney General, appeared at the hearing on behalf of the Board. Having reviewed and carefully considered the record together with all evidence presented, the Commission, believing to be fully advised on the facts and issues before it, finds as follows:

### FINDINGS OF FACT

1. Pursuant to NRS 463.151(3)(a), COOPER has been convicted of a crime that constitutes a felony in this state. Specifically, on or about September 29, 2015, COOPER was indicted by a Clark County Grand Jury for 60 counts, including theft and cheating at

gambling. On November 3, 2016, COOPER pleaded guilty to the crime of theft (Category C Felony) in violation of NRS 205.0832 and NRS 205.0835(3), and was adjudged guilty accordingly. COOPER was sentenced to a maximum of 60 months in the Nevada Department of Corrections, with eligibility for parole after 19 months. In addition, COOPER was ordered to pay \$1,050,000 in restitution for his crimes. The crime that lead the this felony conviction centered on COOPER's involvement in a cheating scheme executed at a gambling game offered at a licensed gaming establishment in Nevada for which COOPER was functioning in the capacity of dealer.

- 2. Pursuant to NRS 463.151(3)(c), COOPER is a person of notorious and unsavory reputation whose presence in a licensed gaming establishment would adversely affect public confidence that gaming is free from criminal and corruptive elements. This reputation is established based on the above described felony conviction. Specifically the underlying criminal activity that lead to the felony conviction centered on COOPER's involvement in a cheating scheme executed at a gambling game offered at a licensed gaming establishment in Nevada for which COOPER was functioning in the capacity of dealer.
- 3. COOPER continues to pose a threat to the interests of the State of Nevada and to licensed gaming as demonstrated through the above described felony conviction.
- 4. The race, color, creed, national origin, ancestry, or sex of COOPER is not and has not been considered for placing him on Nevada's List of Excluded Persons.
- 5. If any of the foregoing Findings of Fact shall be deemed Conclusions of Law, they shall so be construed.

# **CONCLUSIONS OF LAW**

- 6. The Commission has jurisdiction in this matter pursuant to NRS 463.153(1).
- 7. The procedural requirements of the Nevada Gaming Control Act and NGC Regulation 28 have been satisfied.
- 8. The sole issue before the Commission is whether at least one of the criteria set forth in NRS 463.151(3) to add COOPER to Nevada's List of Excluded Persons has been met.

9. The Nevada Legislature has provided that the Board may nominate and the Commission may so include a person on the List of Excluded Persons by reason of the fact that such person has a "[p]rior conviction of a crime which is a felony in this state or under the laws of the United States, a crime involving moral turpitude or a violation of the gaming laws of any state." See NRS 463.151(3)(a).

10. The Nevada Legislature has provided that the Board may nominate and the Commission may so include a person on the List of Excluded Persons by reason of the fact that such person has a "[n]otorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements." See NRS 463.151(3)(c).

11. Given the preceding findings of fact, the criterion of NRS 463.151(3)(a), in that COOPER has been convicted of a crime which is a felony under the laws of this State, is met, and the criterion of NRS 463.151(3)(c), in that COOPER has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements, is met. Each of these, standing on its own, is sufficient to place COOPER on the list of persons to be excluded or ejected from any licensed gaming establishment in the State of Nevada which conducts pari-mutuel wagering or operates any race book, sports pool, or games, other than slot machines only.

- 12. Accordingly, the Commission finds and concludes that COOPER is a person whose presence in licensed gaming establishments would pose a threat to the interests of this state or to licensed gaming, or both.
- 13. Should any of the foregoing Conclusions of Law be deemed Findings of Fact, they shall be so construed.

#### ORDER

Based on the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that JAMES RUSSELL COOPER (a.k.a.: James Russell Powel; James Russell Cooper, Jr.; and James R. Cooper) be, and hereby is placed on the list of persons to be excluded or ejected from any licensed gaming establish-ment in the

1	State of Nevada which conducts pari-mutuel wagering or operates any race book, sports
2	pool or games, other than slot machines only.
3	DATED this 15th day of November, 2018.
4	NEVADA GAMING COMMISSION
5 6	1. A Campy
7	TONY ALAMO, M.D., Chairman
8	Submitted by: ADAM PAUL LAXALT
9	Attorney General
10	7/// 11
11	By. EDWARD L. MAGAW
12	Deputy Attorney General Gaming Division
13	Attorneys for State of Nevada, <i>ex rel</i> . its Nevada Gaming Control Board
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	