

Santa Clara Pueblo Gaming Commission



Prohibited Persons

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CHAPTER IV – GENERAL PROVISIONS

SECTION 24: PROHIBITED PERSONS

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CHAPTER V – GENERAL PROVISIONS

SECTION 24: PROHIBITED PERSONS

24.1 Purpose. The purpose of these regulations is to require for the Commission to adopt and enforce procedures for prohibiting persons on the gaming premises during the conduct of Class III Gaming that are in compliance with the Tribal/State Compact approved on October 23, 2015.

24.2 Authority. The Commission has authority to regulate and to promulgate and enact regulations pursuant to delegated authority from the Santa Clara Pueblo Tribal Council and the Santa Clara Pueblo Gaming Code. The Commission has the responsibility under the Gaming Code to enforce all policies and procedures for prohibiting persons on the gaming premises. The Commission also has the authority to issue regulations, not inconsistent with the Gaming Code, the Compact, and IGRA, to govern the operation and management of each gaming operation and gaming facility. The Commission shall work with each gaming enterprise or management contractor to establish policies and procedures for prohibiting persons applicable to the gaming operation and/or occurring on the gaming premises.

24.3 Underage Persons.

- (1) No person under the age of twenty-one (21) years shall be allowed access to the gaming floor of the gaming facility unless such person is employed by the gaming enterprise in accordance with Section 6.6(4) of Chapter II of these regulations.
- (2) The gaming operation shall establish procedures necessary to ensure that persons under the age of twenty-one (21) are prohibited from participating in any gaming activity.
- (3) The gaming operation shall establish procedures for processing any winnings or things of value confiscated or withheld from an underage patron.

24.4 Banned Persons.

- (1) The gaming operation shall prohibit any banned person from establishing a player services account and prevent the person from participating in any gaming activity at the gaming facility.
- (2) The gaming operation may, based upon information obtained by the Commission, and/or the State Gaming Representative or on its own initiative may place a person on the Exclusion List if:
 - (a) Any person voluntarily excludes themselves from gaming facilities statewide
 - (b) Such person has been convicted of, or pled guilty or no contest to, any felony, any gaming related crime, or any other crime involving dishonesty or moral turpitude, including without limitation, theft, robbery, burglary, embezzlement, or a conspiracy to commit or be an accessory to any such crime;
 - (c) Such person has violated or conspired to violate any provisions of the Gaming Code, the IGRA, these Regulations, the Compact or other applicable law;
 - (d) Such person has a notorious or unsavory reputation or engaged in actions that would likely undermine public confidence and trust in the integrity of gaming. Descriptions or examples

of the types of conduct, habits, and associations that would produce such a reputation are, but not limited to:

- (i) Unethical conduct or association with persons who have an unethical reputation;
 - (ii) Impeding or undermining official enforcement or investigative efforts from organizations such as but not limited to:
 - (A) The Public Safety Department;
 - (B) The Surveillance Department;
 - (C) The Commission;
 - (D) The NIGC;
 - (E) The FBI;
 - (F) Federal, State, Local, and Tribal law enforcement agencies;
 - (e) Such person has been recognized by the observation of one or more reliable witnesses as a person who counts cards or engages in other forms of cheating or manipulation of games;
 - (f) The person's name appears on any valid and current Exclusion List from another jurisdiction and the reason for such person's exclusion in the other jurisdiction would also be likely to result in exclusion from gaming facility located within the Santa Clara Pueblo's jurisdiction.
- (3) If the gaming operation detects, or is notified of, a person suspected of being a banned person who had engaged or is engaging in gaming activity, the gaming operation must use reasonable steps to verify whether the person is prohibited or not. If the gaming operation cannot establish using reasonable steps that the person has a ban, the person shall be presumed to not be prohibited for the purposes of this section.
- (4) Upon verification of a prohibited status, the gaming operation shall do both of the following:
- (a) Immediately prevent access to the person's player services account.
 - (b) Seize from such person any winnings or things of value obtained from engaging in gaming activity.
 - (c) Promptly escort the person from the gaming facility and/or gaming premises.
- (5) The gaming operation shall establish procedures for processing any winnings or things of value confiscated or withheld from a banned person.
- (6) The gaming operation shall establish procedures for a person to request changes to their prohibited status and to be reviewed by the gaming manager of the gaming operation.

24.5 Self-Excluded Persons.

- (1) The gaming operation shall prohibit any self-excluded person from establishing a player services account and prevent the person from participating in any gaming activity at the gaming facility.
- (2) If the gaming operation detects, or is notified of, a person suspected of being a self-excluded person who had engaged or is engaging in gaming activity, the gaming operation must use reasonable steps to identify whether the person is prohibited or not. If the gaming operation cannot establish using reasonable steps that the person has a self-exclusion, the person shall be presumed to not be prohibited for the purposes of this section.
- (3) Upon verification of a prohibited status, the gaming operation shall do the following:
- (a) Immediately prevent access to the person's player services account.

- (b) Seize from such person any winnings or things of value obtained from engaging in gaming activity.
 - (c) Promptly escort the person from the gaming facility and/or gaming premises.
 - (d) A report shall be generated to include at minimum the following information:
 - (i) Name of the self-excluded,
 - (ii) Gaming employee involved,
 - (iii) Date of removal,
 - (iv) Amount of money forfeited, if any, and
 - (v) Any other action taken.
- (4) The gaming operation shall establish procedures for processing any winnings or things of value confiscated or withheld from a self-excluded person including:
- (a) If a person is participating in a state-wide self-exclusion program, all money or other property forfeited shall be used to fund or support programs for the treatment and assistance of compulsive gamblers.
- (5) The gaming operation shall remove any self-excluded person from mailings lists for advertisements or promotions and eligibility for any player services promotions.
- (6) The gaming operation shall establish procedures for a person to request changes to their prohibited status and to be reviewed by the gaming manager of the gaming operation.
- (7) The Commission will notify the State Gaming Representative of any incidents involving self-excluded persons and provide information as identified in Subsection (3)(d).

24.6 Employee Training. Each gaming enterprise shall see that all of its applicable employees are fully trained in the requirements of these regulations pertaining to prohibited persons applicable to the gaming operation and/or occurring on the gaming premises. Such training shall be updated regularly by the gaming enterprise.

24.7 Role of the Commission. The Commission shall ensure the gaming enterprise has procedures established to administer, monitor and ensure compliance with this regulation.