

PAULA T. DOW

Attorney General of New Jersey
Attorney for Complainant
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, New Jersey 08401

By: Robert A. Moncrief Jr.
Deputy Attorney General
609-317-6218

STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT
DOCKET NO.: 11-1262-FS

_____)	
STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	Civil Action
)	
Complainant,)	COMPLAINT
)	FOR FORFEITURE
v.)	
)	
THE AMOUNT OF \$13,228.00)	
IN GAMING WINNINGS THEORETICALLY)	
OWED TO PATRON YZ)	
by MARINA DISTRICT DEVELOPMENT)	
COMPANY, LLC d/b/a BORGATA HOTEL,)	
CASINO & SPA,)	
)	
Respondents.)	
_____)	

Complainant, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement ("Division"), located at 1300 Atlantic Avenue, Atlantic
City, New Jersey 08401, says:

COUNT I (YZ)

1. Respondent, Marina District Development Company, LLC d/b/a Borgata Hotel, Casino & Spa ("Borgata") is a New Jersey enterprise located at One Borgata Way, Atlantic City, New Jersey 08401.

2. Borgata is the holder of a casino license first issued by the Casino Control Commission ("Commission") on June 11, 2003 and most recently renewed on or about June 24, 2010. At all times relevant herein, Borgata was authorized to conduct casino gaming within its casino hotel facility.

3. Respondent YZ is a resident of New Jersey.

4. N.J.A.C. 13:69G-2.2(a), at all times relevant hereto, provided that "[a]ny person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this section." At all times relevant hereto, N.J.A.C. 13:69G-2.1 defined "Self-exclusion list" as follows:

[A] list of names or persons who, pursuant to this subchapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casinos and simulcasting facilities.

N.J.A.C. 13:69G-2.1 further defined "Self-excluded person" as "any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Division."

5. At all times relevant hereto, N.J.S.A. 5:12-71.3, which governs the forfeiture of winnings by persons prohibited from gaming in licensed New Jersey casinos or simulcasting facilities, provided in the relevant part:

a. A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L. 1977, c. 110 (C. 5:12-1 et seq.) or any order of the director, commission or court of competent jurisdiction, including any person on the self exclusion list pursuant to section 1 of P.L.2001, c. 39 (C.5:12-71.2), shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

b. For the purposes of P.L. 1977, c. 110 (C. 5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

c. In addition to any other penalty provided by law, any money or thing or value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture following notice to the prohibited person and opportunity to be heard. A licensed casino or

simulcasting facility shall inform a prohibited person of the availability of such notice on the division's Internet website when ejecting the prohibited person and seizing any chips, vouchers or other representative of money owed by a casino to the prohibited person as authorized by this subsection.

d. In any proceeding brought by the division against a licensee or registrant pursuant to section 108 of P.L. 1977, c. 110 (C. 5:12-108) for a willful violation of the commission's self exclusion regulations, the division may order, in addition to any other sanction authorized by section 129 of P.L. 1977, c. 110 (C.5:12-129), the forfeiture of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subsection c. of this section.

6. On or about September 17, 2007, YZ requested that his name be placed on the self-exclusion list for a period of five years.

7. On or about September 18, 2007, the Commission notified all casino licensees, including Borgata, that YZ was a self-excluded person. Thereafter, Borgata caused YZ to be identified as a self-excluded person within its computerized business records by amending a patron account in the name of YZ to identify or "flag" YZ as a self-excluded person.

8. On February 19, 2011 YZ was approached by a Borgata Pit

Manager while he was engaged in play at Baccarat Table #02. YZ refused to provide his name to the Pit Manager. Thereafter the Pit Manager reviewed the self exclusion list and determined that YZ may be a self excluded person. At that time Security was notified and, after confirming YZ's identity and his presence on the exclusion list ,he was evicted from the casino. At the time of his eviction YZ had in his possession \$13,228.00 in gaming chips, which were confiscated from him.

9. As YZ was a self-excluded person, Borgata secured the \$13,228.00 in gaming chips, which amount is being held by Borgata at the main cage.

10. Based on the information set forth in Paragraphs 1 through 9, *supra*, YZ is barred by N.J.S.A. 5:12-71.3a & d from collecting said \$13,228.00 in gaming winnings as he was prohibited from engaging in gaming activity at Borgata.

11. Based on the information set forth in Paragraphs 1 through 9 of this Complaint, the gaming activity which resulted in YZ becoming a person theoretically owed said \$13,228.00 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3d, subject to forfeiture and be disposed of in the manner dictated by N.J.S.A. 5:12-71.3c.

WHEREFORE, Complainant demands the following relief:

A. Judgment that on or about February 19, 2011, YZ was a person prohibited by N.J.S.A. 5:12-71.3 and N.J.A.C. 13:69G-2.2(a) from gaming;

B. Judgment that YZ is barred by N.J.S.A. 5:12-71.3d from collecting the money or things of value, namely the \$13,228.00 seized by Borgata, as a result of YZ's prohibited gaming activity at Borgata;

C. Judgment that the gaming activity which resulted in YZ becoming a person theoretically owed said \$13,228.00 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3d, subject to forfeiture and be disposed of in the manner dictated by N.J.S.A. 5:12-71.3c;

D. Judgment ordering the forfeiture of said \$13,228.00 theoretically owed to YZ by Borgata to the Division for disposition in accordance with the terms of N.J.S.A. 5:12-71.3c; and,

E. Judgment for such other and further relief as the Director may deem just and appropriate under the circumstances.

Respectfully submitted,

PAULA T. DOW
Attorney General of New Jersey

Dated: 8/1/11

By: 
Robert A. Moncrief Jr.
Deputy Attorney General