

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 4 BINGO AND RAFFLES
PART 13 LICENSE OR STAFF PERMIT REVOCATION

15.4.13.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.4.13.1 NMAC - Rp, 15.4.13.1 NMAC, 2/23/2021]

15.4.13.2 SCOPE: This rule applies to all persons subject to regulations promulgated under the New Mexico Bingo and Raffle Act by the New Mexico gaming control board.
[15.4.13.2 NMAC - Rp, 15.4.13.2 NMAC, 2/23/2021]

15.4.13.3 STATUTORY AUTHORITY: Authority for this rule derives from the New Mexico Bingo and Raffle Act Section 60-2F-3 NMSA 1978. Subsection A of 60-2F-6 NMSA 1978 authorizes the board to grant, deny, suspend, condition or revoke license or permits issued.
[15.4.13.3 NMAC - Rp, 15.4.13.3 NMAC, 2/23/2021]

15.4.13.4 DURATION: Permanent.
[15.4.13.4 NMAC - Rp, 15.4.13.4 NMAC, 2/23/2021]

15.4.13.5 EFFECTIVE DATE: February 23, 2021, unless a later date is cited at the end of a section.
[15.4.13.5 NMAC - Rp, 15.4.13.5 NMAC, 2/23/2021]

15.4.13.6 OBJECTIVE: This rule is established to provide persons holding licenses or staff permits issued by the New Mexico gaming control board notice of the types of circumstances under which the board may revoke the staff permit or license.
[15.4.13.6 NMAC - Rp, 15.4.13.6 NMAC, 2/23/2021]

15.4.13.7 DEFINITIONS: See 15.4.1.7 NMAC for applicable definitions.
[15.4.13.7 NMAC - Rp, 15.4.13.7 NMAC, 2/23/2021]

15.4.13.8 REVOCABLE PRIVILEGE: The holder of a staff permit or license issued by the board under the act has a revocable privilege only.
[15.4.13.8 NMAC - Rp, 15.4.13.8 NMAC, 2/23/2021]

15.4.13.9 GROUNDS FOR REVOCATION OF A STAFF PERMIT OR LICENSE:

A. The board or its agents may initiate action to revoke a staff permit or license for any cause deemed reasonable, including but not limited to the following:

- (1) the making of an untrue or misleading statement of material fact, or willful omission of any material fact, in any application, statement, or notice filed with the board or made in connection with any investigation, including a background investigation, regardless of when discovered by the board;
- (2) conviction of any gambling offense in any jurisdiction, or any offense involving theft, fraud, embezzlement, or any fiduciary misconduct;
- (3) entry of a civil judgment against the licensee that is based, in whole or in part, on conduct that allegedly constituted a crime involving theft, fraud, embezzlement or any fiduciary misconduct;
- (4) direct or indirect association with persons or businesses of known criminal background or persons of disreputable character that may adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the conduct of games of chance;
- (5) failure to timely respond to any request by, or order of, the board or its agent;
- (6) revocation of a work permit, or finding of suitability issued pursuant to the New Mexico Gaming Control Act;
- (7) violation of any provision of the act or this title;
- (8) failure to notify the board in writing of any criminal conviction or criminal charge pending, which is grounds for revocation under this part, against the licensee within ~~ten~~ 10 days of any arrest, summons, or conviction;
- (9) falsification of, failure to make a required entry in, or destruction of records required to be maintained;

- (10) failure to file any report as required under the act or rules;
- (11) failure to appear and testify at the designated time and place, unless excused by the board;
- (12) refusal or failure to possess the licensee's staff permit badge while engaged in the conduct of games of chance;
- (13) failure to follow operating procedures;
- (14) failure to remain current on child support payments; and
- (15) any other cause deemed appropriate by the board.

B. Any person whose staff permit has been revoked by the board may not reapply for a permit or license issued by the board for the period of at least one year pursuant to Section 60-2F-14 NMSA 1978 or as ordered by the board.

[15.4.13.9 NMAC - Rp, 15.4.13.9 NMAC, 2/23/2021]

15.4.13.10 CRIMINAL CONVICTION AS GROUNDS FOR REVOCATION OR SUSPENSION: The board may revoke or suspend the license, or staff permit, of a person convicted of a felony or a crime of dishonesty, regardless of whether that person has exhausted their post-conviction rights and remedies.

[15.4.13.10 NMAC - Rp, 15.4.13.10 NMAC, 2/23/2021]

15.4.13.11 REVOCATION PROCEEDINGS; SURRENDER OF STAFF PERMIT OR LICENSE:

A. If after investigation the board determines that sufficient grounds exist to revoke a staff permit, the board shall initiate a hearing on the matter by issuing a complaint.

B. The required contents and service of the complaint and all other aspects of the proceeding shall be conducted in accordance with board rule 15.4.12 NMAC, "Enforcement Proceedings."

C. A staff permit badge issued by the board is state property and shall be returned to the board by the licensee upon revocation of the staff permit.

[15.4.13.11 NMAC - Rp, 15.4.13.11 NMAC, 2/23/2021]

15.4.13.12 DELEGATION OF AUTHORITY TO INITIATE REVOCATION PROCEEDINGS:

A. At the board's discretion, the board may delegate to the executive director authority to make the initial determination to revoke a staff permit or license and to issue a complaint seeking revocation. The initial determination shall be based on evidence sufficient to support issuance of a complaint seeking to revoke the staff permit or license.

B. The board retains accountability for the authority delegated and retains the authority to make the final decision to revoke a staff permit or license following the initial decision by the executive director and public hearing before the board.

[15.4.13.12 NMAC - Rp, 15.4.13.12 NMAC, 2/23/2021]

HISTORY OF 15.4.13 NMAC: [RESERVED]

History of Repealed Material:

15.4.13 NMAC, Bingo and Raffles - License or Staff Permit Revocation, filed 3/27/2013 - Repealed 2/23/2021,

Other History:

15.4.13 NMAC, Bingo and Raffles - License or Staff Permit Revocation, filed 3/27/2013, Replaced by 15.4.13 NMAC, Bingo and Raffles - License or Staff Permit Revocation, effective 2/23/2021.