

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 17 SCHEDULE OF VIOLATIONS UNDER THE GAMING CONTROL ACT WHICH
PENALTIES COULD BE ASSESSED

15.1.17.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[12/31/98; 15.1.17.1 NMAC - Rn, 15 NMAC 1.17.1, 3/31/00]

15.1.17.2 SCOPE: This rule applies to all licensees and other persons subject to the Gaming Control Act.
[12/31/98; 15.1.17.2 NMAC - Rn, 15 NMAC 1.17.2, 3/31/00]

15.1.17.3 STATUTORY AUTHORITY: Section 60-2E-7(B)(3) of the Gaming Control Act authorizes the board to develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act. Section 60-2E-7(C)(1) of the Act authorizes the board to impose civil fines for violation of any prohibitory provision of the Act or rule adopted by the board.
[12/31/98; 15.1.17.3 NMAC - Rn, 15 NMAC 1.17.3, 3/31/00]

15.1.17.4 DURATION: Permanent.
[12/31/98; 15.1.17.4 NMAC - Rn, 15 NMAC 1.17.4, 3/31/00]

15.1.17.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12/31/98; 15.1.17.5 NMAC - Rn, 15 NMAC 1.17.5, 3/31/00; A, 1/31/02]

15.1.17.6 OBJECTIVE: The objective of this rule is to establish a schedule of violations in which to cite under the Gaming Control Act which penalties could be assessed.
[12/31/98; 15.1.17.6 NMAC - Rn, 15 NMAC 1.17.6, 3/31/00; A, 5/14/04]

15.1.17.7 DEFINITIONS: Unless otherwise defined below, terms used in this rule have the same meanings as set forth in the Gaming Control Act:

A. “Act” means the Gaming Control Act.

B. “associating with” or “association with” means maintaining, directly or indirectly, a business relationship with a licensed distributor or manufacturer when the business relationship is prohibited by the Act or this title.

C. “ATM” means a machine used for banking services, including withdrawals and deposits, balance inquiries, transfers, and other services; “ATM” includes credit card cash advance machines and other devices activated by debit or credit cards.

D. “license” means an authorization, including a work permit, required by the board for engaging in gaming activities.

E. “person” means a legal entity or individual.

F. “public nuisance” means knowingly engaging in, creating, allowing, or maintaining any act or activity that is injurious to public health, safety, morals, or welfare, interferes with the exercise and enjoyment of public rights, or is offensive to the average citizen.

G. “State” means the State of New Mexico.

H. “this title” means Title 15, Chapter 1 of the State Administrative Code.

[12/31/98; 15.1.17.7 NMAC - Rn & A, 15 NMAC 1.17.7, 3/31/00]

15.1.17.8 BASIS FOR BOARD ACTION:

A. The board may suspend or revoke, or deny renewal of, a license or other approval for any violation of, or noncompliance with, the provisions of the Act or this title.

B. The board may impose administrative fines in lieu of or in addition to any other actions taken.
[12/31/98; 15.1.17.8 NMAC - Rn, 15 NMAC 1.17.8, 3/31/00]

15.1.17.9 SCHEDULE OF VIOLATIONS:

A. Licensing violations include.

(1) Engaging in gaming activity without valid license.

(2) Possession of illegal gaming device.

- (3) Failure to apply for certification of finding of suitability.
- (4) Employing persons without work permits or key person certifications.
- (5) Expired work permit.
- (6) Unlicensed gaming machine.
- (7) Selling, offering to sell, or distributing a gaming device to other than a gaming operator licensee.
- (8) Purchasing, leasing, or otherwise receiving a gaming machine from other than an authorized licensee.
- (9) Association with distributor or manufacturer with revoked license.
- (10) Unauthorized transfer of license.
- B. Operating violations include.**
 - (1) Permitting play on an unauthorized gaming machine.
 - (2) Permitting play of an unauthorized game.
 - (3) Possessing or installing a gaming machine at other than an authorized location.
 - (4) Engaging in dishonest or deceptive practices involving gaming activity.
 - (5) Public nuisance.
 - (6) Minor playing a gaming machine.
 - (7) Unauthorized person on licensed premises.
 - (8) Unauthorized person playing a gaming machine.
 - (9) Sale, service, delivery or consumption of alcoholic beverage on licensed premises.
 - (10) Operating or permitting the playing of gaming machine on unauthorized days or times.
 - (11) Operating or permitting the operation of more than maximum number of gaming machines allowed.
 - (12) Failure to pay winnings or award prizes.
 - (13) Failure to maintain adequate security.
 - (14) Unauthorized or improper use of tokens.
 - (15) Unauthorized or improper disposition of tokens.
 - (16) Unauthorized or improper disposal of gaming device.
 - (17) Unauthorized modification of gaming device where the modification changes the manner of operation from that approved by the board or from that represented to patrons.
 - (18) Knowingly associating with, employing, or assisting, directly or indirectly, persons or businesses of disreputable character.
 - (19) Employing a person who has been denied, or failed or refused to apply for, a gaming license, work permit or finding of suitability in any jurisdiction.
 - (20) Failing to comply with all federal, state and local laws and rules governing gaming activity, including payment of fees and taxes due.
 - (21) Conducting, operating, or dealing with any cheating game or device.
 - (22) Unauthorized modification of licensed premises.
 - (23) Facilitating, participating in, or allowing the issuance of any loans or extending credit to a gaming patron for gaming purposes.
 - (24) Misleading or deceptive payoff schedule.
 - (25) Failure to make payments in accordance with payoff schedule.
 - (26) Failure to install or maintain adequate surveillance system.
 - (27) Insufficient funds in gaming tax transfer account.
 - (28) Failure to comply with minimum accounting standards.
 - (29) Commingling of gaming receipts with other monies of nonprofit organization gaming operator licensee.
 - (30) Failure to maintain minimum bankroll required or to notify board of deficiencies.
 - (31) Failure to request excluded person to leave or to prohibit entry on licensed premises or to properly notify board of excluded person on licensed premises.
 - (32) Failure to implement or maintain adequate internal controls for gaming operations.
 - (33) Unlawful or unauthorized operation of progressive system.
 - (34) Unlawful or unauthorized promotion or additional payout.
 - (35) Shipment of unapproved gaming device.
 - (36) Unauthorized change in minimum internal controls.
 - (37) Engaging in other unsuitable method of operation.
- C. Miscellaneous violations include.**

- (1) Interference with investigation, including denying the board or its agent or other authorized person access to, or inspection of, a gaming establishment.
- (2) Providing false or misleading information to the board or the board's agent.
- (3) Failure to file required report or disclose information.
- (4) Failure to renew license while continuing to conduct licensed activity.
- (5) Unlawful gaming operations contract.
- (6) ATM on licensed premises.
- (7) Failure to implement or maintain compulsive gambling assistance plan.
- (8) Failure to disclose gaming contracts.
- (9) Failure to retain required records.
- (10) Felony conviction of licensee, employee or other agent of licensee.
- (11) Failure to be in possession of work permit.
- (12) Failure to post gaming license.
- (13) Failure to post required signs.
- (14) Failure to provide required notice.
- (15) Failure to comply with gaming machine registration, transport, possession and use requirements by public post-secondary educational institution or a trade show vendor.
- (16) Other violation.

[12/31/98; 15.1.17.9 NMAC - Rn & A, 15 NMAC 1.17.9, 3/31/00; A, 1/31/02; A, 7/31/02; A, 10/31/02; A, 5/14/04]

15.1.17.10 [RESERVED]

[12/31/98; 15.1.17.10 NMAC - Rn, 15 NMAC 1.17.10, 3/31/00; Repealed, 5/14/04]

15.1.17.11 COMPROMISE:

A. In the matter of any alleged violation of the Act or this title, the board or the board's agent may do either or both of the following:

- (1) determine whether a compromise would be in the best interests of the State; and
- (2) suspend any portion of the penalty imposed under circumstances deemed appropriate by the board or its agent.

B. The fines and penalties imposed by the board or the board's agent may not exceed those that could be imposed after an administrative hearing.

[12/31/98; 15.1.17.11 NMAC - Rn, 15 NMAC 1.17.11, 3/31/00]

HISTORY OF 15.1.17 NMAC:

Pre NMAC History: None.

History of Repealed Material: [Reserved]

Other History:

15 NMAC 1.17, Schedule of Penalties Under the Gaming Control Act, effective 12/31/98.

15 NMAC 1. 17, Schedule of Penalties Under the Gaming Control Act (filed 12/14/98) reformatted, renumbered, amended and replaced by 15.1.17 NMAC, Schedule of Penalties Under the Gaming Control Act, effective 3/31/2000.