

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 23 WORK PERMIT REVOCATION BY THE GAMING CONTROL BOARD

15.1.23.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[15.1.23.1 NMAC - N, 10/15/00]

15.1.23.2 SCOPE: This rule applies to all persons holding or required to hold a work permit or certification of finding of suitability under the Gaming Control Act.
[15.1.23.2 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.3 STATUTORY AUTHORITY: Section 60-2E-7(B)(3) of the Gaming Control Act authorizes the gaming control board to develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act. Pursuant to Section 60-2E-36 of the Gaming Control Act, a work permit may be revoked as provided in regulations adopted by the gaming control board. Pursuant to Section 60-2E-16(G) of the Gaming Control Act the gaming control board may limit, condition, restrict, revoke or suspend a license, certification or permit for any cause.
[15.1.23.3 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.4 DURATION: Permanent.
[15.1.23.4 NMAC - N, 10/15/00]

15.1.23.5 EFFECTIVE DATE: October 15, 2000, unless a later date is cited at the end of a section.
[15.1.23.5 NMAC - N, 10/15/00; A, 1/31/02]

15.1.23.6 OBJECTIVE: The objective of this rule is to provide to persons holding work permits or certifications of finding of suitability issued by the gaming control board notice of the types of circumstances under which the board may revoke the work permit or finding of suitability.
[15.1.23.6 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.7 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 New Mexico Gaming Control Act.

B. "This title" means Title 15, Chapter 1 of the New Mexico Administrative Code (NMAC).

[15.1.23.7 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.8 REVOCABLE PRIVILEGE: The holder of a work permit or certification of finding of suitability issued by the board under the act has a revocable privilege only.
[15.1.23.8 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.9 GROUNDS FOR REVOCATION OF A WORK PERMIT OR CERTIFICATION OF FINDING OF SUITABILITY:

A. The board may initiate action to revoke a work permit or certification of finding of suitability for any cause deemed reasonable by the board, 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 crime in any jurisdiction;

(3) conviction of any gambling offense in any jurisdiction;

(4) entry of a civil judgment against the licensee that is based, in whole or in part, on conduct that allegedly constituted a crime;

(5) 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 gaming activity;

- (6) any aspect of the past conduct, character, or behavior of the holder of the work permit of finding of suitability that the board determines would adversely affect the credibility, security, integrity, honesty, fairness or reputation of the conduct of gaming activity or licensee’s involvement in gaming activity;
- (7) failure to timely respond to any request by, or order of, the board or its agent;
- (8) revocation or suspension of a work permit or other gaming license or certification in any jurisdiction;
- (9) violation of any provision of the act or this title;
- (10) failure to notify the board in writing of any criminal conviction or criminal charge pending against the licensee within ten (10) days of any arrest, summons, or conviction as required in 15.1.10.30 NMAC;
- (11) theft or attempted theft;
- (12) falsification of, failure to make a required entry in, or destruction of records required to be maintained;
- (13) failure to notify the board of any matter requiring notice under the act or rules or failure to obtain approval of the board as required under the act or rules;
- (14) termination of employment;
- (15) refusal to submit to a background investigation;
- (16) failure to appear and testify at the designated time and place, unless excused by the board;
- (17) refusal or failure to renew a work permit or certification of finding of suitability;
- (18) refusal or failure to notify the board of any change in employment or address;
- (19) refusal or failure to possess the licensee’s work permit or certification of finding of suitability badge while engaged in the conduct of gaming activities;
- (20) failure to follow minimum internal controls; and
- (21) any other cause deemed appropriate by the board.

B. Any person whose certification of finding of suitability has been revoked by the board may not reapply for a certification of finding of suitability or other gaming license in New Mexico.
[15.1.23.9 NMAC - N, 10/15/00; A, 1/31/02; A, 10/15/15]

15.1.23.10 REVOCATION PROCEEDINGS; SURRENDER OF WORK PERMIT OR CERTIFICATION OF FINDING OF SUITABILITY:

A. If after investigation the board determines that sufficient grounds exist to revoke a work permit or certification of finding of suitability, the board will 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 will be conducted in accordance with board rule 15.1.14 NMAC, “Enforcement Proceedings Under the Gaming Control Act.”

C. A work permit or certification of finding of suitability badge issued by the board is state property and must be returned to the board by the licensee upon revocation of the work permit or certification of finding of suitability.

[15.1.23.10 NMAC - N, 10/15/00; A, 10/15/15]

15.1.23.11 DELEGATION OF AUTHORITY TO INITIATE WORK PERMIT 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 work permit and to issue a complaint seeking revocation. The initial determination must be based on evidence sufficient to support issuance of a complaint seeking to revoke the work permit.

B. The board retains accountability for the authority delegated and retains the authority to make the final decision to revoke a work permit following the initial decision by the executive director, public hearing before a duly appointed hearing officer, and receipt of the hearing officer’s recommended decision.

[15.1.23.11 NMAC - N, 10/15/00; A, 10/15/15]

HISTORY OF 15.1.23 NMAC: [RESERVED]