

205 CMR 132.00: DISCIPLINE OF A GAMING LICENSEE

Section

132.01: Discipline of a Gaming License

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(1) Grounds for Action. In addition to the reasons specifically provided for throughout 205 CMR, a gaming license or racing meeting license may be conditioned, suspended, or revoked, and/or the licensee assessed a civil administrative penalty if it is determined that:

- (a) A licensee engaged in an act or practice that caused irreparable harm to the security and integrity of the gaming establishment or the interests of the Commonwealth in ensuring the security and integrity of gaming;
- (b) Circumstances have arisen that render the licensee unsuitable under M.G.L. c. 23K, §§ 12 and 16;
- (c) A licensee failed to comply with its approved system of internal controls in accordance with 205 CMR 138.02: *Licensee's System of Internal Controls*;
- (d) A licensee refused or was unable to separate itself from an unsuitable qualifier;
- (e) As provided in M.G.L. c. 23K, § 23(b), a licensee:
  1. has committed a criminal or civil offense under M.G.L. c. 23K or under any other laws of the commonwealth;
  2. is not in compliance with 205 CMR or is under criminal investigation in another jurisdiction;
  3. has breached a condition of licensure;
  4. has affiliates, close associates or employees that are not qualified or licensed under M.G.L. c. 23K and 205 CMR with whom the gaming licensee continues to conduct business or employ;
  5. is no longer capable of maintaining operations at a gaming establishment; or
  6. whose business practice, upon a determination by the commission, is injurious to the policy objectives of M.G.L. c. 23K; or
- (f) A licensee failed to abide by any provision of M.G.L. c. 23K, 205 CMR, condition of gaming license, or order of the commission.

(2) Finding and Decision. If the bureau finds that a gaming licensee has violated a provision of 205 CMR 132.01(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said licensee. Either in conjunction with or in lieu of such a recommendation, the bureau may assess a civil administrative penalty upon said licensee in accordance with M.G.L. c. 23K, § 36. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision, including citation to the applicable statute(s) or regulation(s) that supports the decision. The bureau may alternatively issue an order temporarily suspending the license in accordance with M.G.L. c. 23K, § 35(e).

(3) Civil Administrative Penalties. The bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 133.07(1).

(4) Review of Decision. A recommendation made by the bureau to the commission that a gaming license be suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01: *Hearings Before the Commission*. If the gaming licensee is aggrieved by a decision made by the bureau to assess a civil administrative penalty in accordance with 205 CMR 133.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*.

REGULATORY AUTHORITY

205 CMR 101.00: M.G.L. c. 23K, § 4(28), 5, and M.G.L. c. 30A.