

license applicants and hold transactional waivers to conduct business in New Jersey. Patrons may wager online if physically present in New Jersey and are not prohibited from doing so by reason of being excluded, self-excluded, underage or otherwise prohibited.

2. SGD offers online gaming to the public through its partnership with Resorts Digital Gaming, LLC (“Resorts Digital”), which is affiliated with DGMB Casino, LLC d/b/a Resorts Casino Hotel (“Resorts”). SGD offers these services through the websites ResortsCasino.com and MoheganSunCasino.com.

3. Resorts holds, and at all times relevant hereto, held, a valid casino license.

4. Resorts Digital holds, and at all times relevant hereto, held, a valid Internet gaming permit. Accordingly, Resorts Digital was authorized to conduct Internet gaming.

5. *N.J.S.A. 5:12-71.2a* provides in pertinent part:

The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. ...

6. *N.J.S.A. 5:12-71.2b* provides:

The regulations of the division shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed casinos ... of identifying information concerning self-excluded persons, and shall require licensed casinos ... to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check cashing privileges, club programs, and other similar benefits.

7. *N.J.S.A. 5:12-71.3*, which governs the forfeiture of monies by persons prohibited from gaming in licensed New Jersey casinos or simulcasting facilities, provides in pertinent 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.*)...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 the 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 of 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. ...

8. *N.J.A.C. 13:69O-1.4(c)2* provides in pertinent part that “[a]n Internet or mobile gaming system shall be designed to detect and report ... [e]xcluded persons pursuant to ... 5:12-71.2. ...”

9. *N.J.A.C. 13:69D-2.3(d)* provides in pertinent part that a casino licensee “shall ensure all software utilized works as intended and functions properly in compliance with the Division’s rules prior to installation.”

10. On February 14, 2019, a patron reported to Resorts Digital that he self-excluded on MoheganSun.com on January 26, 2019, but he was still able to play on ResortsCasino.com.

11. SGD determined that the problem was caused by a release which was deployed on October 10, 2018, which included code to support adding self-excluded individuals to the Division's self-excluded list ("List") by operator/skin. Due to an omission in that release, any patron who self-excluded on MoheganSunCasino.com was not added to the List.

12. SGD identified a total of nine patrons who were impacted by this issue. On February 16, 2019, all nine patrons were manually added to the List.

13. Five of the nine patrons played on other platforms on various dates from October 10, 2018 to February 16, 2019, with a total loss of \$31,060.71.

14. MM self-excluded on MoheganSun.com on February 9, 2019 and subsequently lost \$1,093.16 playing on other platforms.

15. JC self-excluded on MoheganSun.com on January 27, 2019 and subsequently lost \$13,762.50 playing on other platforms.

16. AD self-excluded on MoheganSun.com on January 24, 2019 and subsequently lost \$2.42 playing on other platforms.

17. JC2 self-excluded on MoheganSun.com on December 9, 2018 and subsequently lost \$16,099.12 playing on other platforms.

18. JR self-excluded on MoheganSun.com on November 9, 2018 and subsequently lost \$103.51 playing on other platforms

19. On February 19, 2019, SGD successfully deployed an emergency fix.

20. By implementing a release which did not properly export names of patrons who self-excluded on MoheganSun.com to the List, SGD's software did not function as intended, in violation *N.J.A.C. 13:69D-2.3(d)*.

21. By not reporting nine self-excluded individuals to the Division, SGD violated *N.J.A.C. 13:69O-1.4(c)2*.

WHEREFORE, Complainant demands the following relief:

- A. Judgment that SGD violated *N.J.A.C. 13:69D-2.3(d)*;
- B. Judgment that SGD violated *N.J.A.C. 13:69O-1.4(c)2*;
- C. Judgment imposing an appropriate civil penalty pursuant to *N.J.S.A. 5:12-129a(5)*, including \$31,060.71, the amount lost by the MoheganSunCasino.com patrons while self-excluded, which would be subject to forfeiture pursuant to *N.J.S.A. 5:12-71.3*; and
- D. Judgment imposing such other relief as may be deemed just and appropriate under the circumstances.

Respectfully submitted,

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