



In the matter of:

Request for Variance submitted by the New Mexico Gaming Control Board Audit Division (“Audit Division”) regarding the Non-Profit Gaming Operator Reports of Responsible Gaming Activities in relation to Board Rule 15.1.18.19 NMAC as applied to Nonprofit Gaming Operators (“Licensees”).

DECISION AND ORDER

This Decision and Order is issued pursuant to the New Mexico Gaming Control Act (“Act”), Sections 60-2E-1 through 60-2E-62, NMSA 1978. All relevant evidence having been considered, and based on the information made available to the New Mexico Gaming Control Board (“Board”) at its regular board meeting on April 21, 2021, and as of the date of this Decision and Order, the Board hereby finds as follows:

Findings of Fact

1. All licensed nonprofit gaming operators (“Licensees”) are required to “submit to the board, no later than March 31 annually, a report detailing the licensee’s compulsive gambling activities for the previous 12-month period ending December 31. The report shall be in form and content prescribed or approved by the board.” Board Rule 15.1.18.11 NMAC.
2. The Licensees, in accordance with state government orders, have been closed for gaming operations since March 16, 2020, until reopening at a lower percentage of full capacity was allowed on February 24, 2021 (the percentage of occupancy set by public health order based on the Covid19 positivity status of the county in which the nonprofit gaming operators reside).
3. The Audit Division has determined that these closures have impacted revenues and caused furloughs that limited staff resources to comply with this deadline. The Audit Division is requesting that the payment of the for or nonprofit gaming operators, be deferred for a period of 90 days after the March 31, 2021 deadline.

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4. This matter was presented to the Board at the April 21, 2021 regular Board meeting and was discussed in the open session only.

5. In the open session of the Board's regular meeting on April 21, 2021, the Board voted 3-0 to grant the Licensees a global variance deferring the due date for annual report detailing the individual licensee's compulsive gambling activities until 90 days after the Rule-based deadline of March 31, 2021

Conclusions of Law

6. The Board has jurisdiction and authority to act in this matter pursuant to the New Mexico Gaming Control Act ("Act"), Sections 60-2E-1 through 60-2E-62, NMSA 1978.

7. Section 60-2E-7(B)(3) of the Gaming Control Act authorizes the board to develop, adopt and promulgate all necessary regulations to implement and administer the provisions of the Act.

8. Additionally, the Board has authority pursuant to Board Rule 15.1.10.48(C) NMAC to grant the variance to its Board Rules when it is consistent with the purposes of the Act and is not contrary to the public interest.

9. A 90-day deferral of reporting of Rule-required annual report of activities in Board Rule 15.1.19. Granting a 90-day extension to Licensees regarding these Rule-based reporting requirements would not be contrary to the public interest.

Order

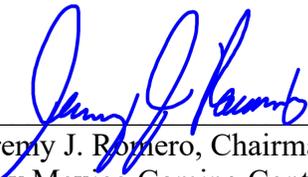
IT IS HEREBY ORDERED that the request for variance is GRANTED to Licensees. It is further ORDERED that a global variance is GRANTED to all nonprofits gaming operators extending the deadline to June 29, 2021 for Licensees to submit the annual report detailing the individual licensee's compulsive gambling activities in calendar year 2020.

Notice of Right to Appeal

Pursuant to Section 60-2E-59(A) of the Gaming Control Act, any person aggrieved by this decision may request and receive a hearing for the purpose of reviewing the Board's action. To obtain a hearing, the aggrieved person must file a request for hearing with the Board within 30 days after the date the action is taken. Failure to file the request within the specified time is an irrevocable

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waiver of the right to a hearing, and the action complained of will be final with no further right to review, either administratively or by a court.



Jeremy J. Romero, Chairman
New Mexico Gaming Control Board

4/21/2021

Date