

Article 111.-INVOLUNTARY EXCLUSIONS

- 112-111-1. Involuntary exclusion list.**
- 112-111-2. Inclusion on list; notice.**
- 112-111-3. Effect of placement on the exclusion list.**
- 112-111-4. Facility manager duties.**
- 112-111-5. Petition for removal.**

K.A.R. 112-111-1. Involuntary exclusion list. (a) An “involuntary exclusion list” shall be created by the commission staff and shall consist of the names of people who the executive director determines meet any one of the following criteria:

(1) Any person whose presence in a gaming facility would be inimical to the interest of the state of Kansas or gaming in Kansas, including the following:

(A) Any person who cheats, including by intentionally doing any one of the following:

(i) Altering or misrepresenting the outcome of a game or event on which wagers have been made, after the outcome is determined but before the outcome is revealed to the players;

(ii) placing, canceling, increasing, or decreasing a bet after acquiring knowledge, not available to other players, of the outcome of the game or subject of the bet or of events affecting the outcome of the game or subject of the bet;

(iii) claiming or collecting money or anything of value from a game or authorized gaming facility not won or earned from the game or authorized gaming facility;

(iv) manipulating a gaming device or associated equipment to affect the outcome of the game or the number of plays or credits available on the game; or

(v) altering the elements of chance or methods of selection or criteria that determine the result of the game or amount or frequency of payment of the game;

- (B) any person who poses a threat to the safety of the patrons or employees;
 - (C) persons who pose a threat to themselves;
 - (D) persons with a documented history of conduct involving the disruption of a gaming facility;
 - (E) persons included on another jurisdiction's exclusion list; or
 - (F) persons subject to an order of the courts of Kansas excluding those persons from any gaming facility;
- (2) any felon or person who has been convicted of any crime or offense involving moral turpitude and whose presence in a gaming facility would be inimical to the interest of the state of Kansas or of gaming in Kansas; or
- (3) any person who has been identified by the director of security as being a criminal offender or gaming offender and whose presence in a gaming facility would be inimical to the interest of the state of Kansas or of gaming in Kansas.
- (b) As used in this article, a person's presence shall be deemed "inimical to the interest of the state of Kansas or gaming in Kansas" if the presence meets any one of the following conditions:
- (1) Is incompatible with the maintenance of public confidence and trust in the integrity of licensed gaming;
 - (2) is reasonably expected to impair the public perception of or confidence in the regulation or conduct of gaming; or
 - (3) creates or enhances a risk of unfair or illegal practices in the conduct of gaming.
- (c) The executive director's determination of inimicality may be based upon any

of the following:

- (1) The nature and notoriety of the person to be excluded from gaming facilities;
- (2) the history and nature of the involvement of the person with a gaming facility in Kansas or any other jurisdiction or with any particular licensee or licensees or any related company of any licensee;
- (3) the nature and frequency of any contacts or associations of the person with any licensee; or
- (4) any other factor reasonably related to the maintenance of public confidence in the regulatory process or the integrity of gaming in Kansas.

(d) The involuntary exclusion list shall contain the following information, if known, for each excluded person:

- (1) The full name and all known aliases and the date of birth;
- (2) a physical description;
- (3) the date the person's name was placed on the list;
- (4) a photograph, if available;
- (5) the person's occupation and current home and business addresses; and
- (6) any other relevant information as deemed necessary by the commission.

(e) The involuntary exclusion list shall be open to public inspection and shall be distributed by the executive director. (Authorized by K.S.A. 2007 Supp. 74-8772; implementing K.S.A. 2007 Supp. 74-8752 and 74-8772; effective May 1, 2009.)

K.A.R. 112-111-2. Inclusion on list; notice. (a) Upon the executive director's determination that a person meets the criteria for exclusion from gaming facilities in this

article, the person's name shall be added to the involuntary exclusion list, and the commission staff shall be directed by the executive director to file a notice of exclusion.

The notice of exclusion shall identify all of the following:

- (1) The person to be excluded;
- (2) the nature and scope of the circumstances or reasons that the person should be placed on the involuntary exclusion list;
- (3) the names of potential witnesses;
- (4) a recommendation as to whether the exclusion will be permanent; and
- (5) the availability of a hearing by the commission.

(b) The notice of exclusion shall be served on the excluded person using any method that is appropriate for service under Kansas law.

(c) A written request for a hearing shall be delivered to the executive director within 10 calendar days from the date the notice of exclusion was served on the person to be excluded. If no request for hearing is made, an order shall be issued by the commission affirming the placement of the person on the involuntary exclusion list. If the excluded person timely requests a hearing, the commission staff shall set the matter for a hearing before the commission. (Authorized by K.S.A. 2007 Supp. 74-8772; implementing K.S.A. 2007 Supp. 74-8752 and 74-8772; effective May 1, 2009.)

K.A.R. 112-111-3. Effect of placement on the exclusion list. (a) Each excluded person shall be prohibited from entry to a gaming facility.

(b) If the commission or a Kansas court finds that the person does not meet the criteria for exclusion, then the person's name shall be removed from the involuntary

exclusion list and the exclusion shall be terminated effective upon the date of the action by the commission or the court. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective May 1, 2009.)

K.A.R. 112-111-4. Facility manager duties. (a) Each facility manager shall exclude from the gaming facility any person on the involuntary exclusion list.

(b) Each facility manager's director of security shall notify the commission's security staff if an excluded person has attempted entry to the gaming facility.

(c) Each facility manager shall distribute copies of the involuntary exclusion list to its employees.

(d) Each facility manager shall notify the commission in writing of the names of persons the facility manager believes meet the criteria for placement on the involuntary exclusion list. (Authorized by and implementing K.S.A. 2008 Supp. 74-8772; effective May 1, 2009.)

K.A.R. 112-111-5. Petition for removal. (a) An excluded person shall not petition the commission for removal from the involuntary exclusion list until at least five years have passed from date of the commission's order affirming placement of the person on the list.

(b) Each petition shall be verified with supporting affidavits and shall state in detail the grounds that the petitioner believes constitute good cause for the petitioner's removal from the list.

(c) The petition may be decided by the commission on the basis of the documents submitted by the excluded person. The petition may be granted or summarily denied by the

commission or a hearing on the matter may be directed to be held by the commission. The petition may be granted or a hearing may be directed to be held by the commission only upon a finding that there is new evidence that would alter the original decision to affirm the person's placement on the involuntary exclusion list. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective May 1, 2009.)