



Introduction to the Gaming Division, Office of the Nevada Attorney General

By J. Brin Gibson, Chief Deputy, Gaming Division, Office of the Attorney General and Michael P. Soms, Senior Deputy, Gaming Division, Office of the Attorney General

The Attorney General and his or her deputies serve as legal counsel to the Nevada Gaming Commission (“Commission”), Gaming Control Board (“Board”), and Gaming Policy Committee. The Gaming Division of the Office of the Nevada Attorney General (“Gaming Division”) is tasked with providing this legal representation. In this article, we will introduce the Gaming Division through a brief discussion of its structure, its clients, and the manner in which issues and matters are assigned and staffed.

Gaming Division Composition

The Gaming Division is comprised of four full-time attorney positions and one part-time attorney position and is assisted by three support staff. Currently, Chief Deputy Attorney General Brin Gibson and Deputies Attorney General Edward Magaw and Darlene Caruso, supported by Jennifer King, are located in Las Vegas. Senior Deputies Attorney General Michael Soms and John Michela, supported by Melissa Mendoza and Rebecca Zatarain, are located in Reno.

Gaming Division Clients

The Gaming Division provides legal representation to the Board and the Commission, as well as the Gaming Policy Committee. The Board and Commission are separate agencies of the State of Nevada and both are charged with administering the Nevada Gaming Control Act (NRS Title 41), as well as the regulations of the Commission. The Gaming Policy Committee is convened at the pleasure of the Governor to discuss matters of gaming policy.

The Board, which is comprised of three individuals appointed by the Governor and who devote their full time and attention to the business of the Board, is the primary agency tasked with the regulation of the gaming industry. The Board’s job is to protect the stability of the gaming industry through investigations, licensing, and enforcement of the Gaming Control Act, to ensure the collection of gaming taxes and fees, and to maintain public confidence in gaming. The Board has a staff of approximately 400 employees in six divisions: Enforcement Division, Investigations Division, Tax & License Division, Audit Division, Technology Division, and Administration Division. Among other things, the Board initiates discipline against gaming licensees, investigates applicants for gaming approvals, and makes recommendations on applications to the Commission.

The Commission, which is comprised of five individuals appointed by the Governor and who maintain separate occupations besides serving as Commission members, is tasked with acting on recommendations of the Board in licensing matters and adjudicating disciplinary matters and tax disputes. The Commission is the final authority on licensing matters, having the ability to approve,

restrict, limit, condition, deny, revoke, or suspend any gaming license. The Commission also is charged with adopting regulations to implement and enforce the gaming laws.

The Gaming Policy Committee, consisting of the Governor and 11 additional members designated by statute, meets at the pleasure of the Governor. The Gaming Policy Committee meets to discuss matters of gaming policy.

General Duties of the Gaming Division

In assisting the Board, Commission, and Gaming Policy Committee in fulfilling their statutory duties, the Gaming Division provides the following:

- Legal opinions
- Legal advice and representation in gaming licensee disciplinary matters
- Legal advice and representation in tax disputes between the Board and gaming licensees
- Legal advice and representation in nominating and including individuals in Nevada's list of persons who are to be excluded or ejected from licensed gaming establishments
- Legal advice and representation when either the Board or Commission is a party in state or federal court
- Legal advice and representation when either the Board or Commission is the subject of a subpoena or a public records request
- Legal counsel during Board and Commission meetings
- Legal advice and representation to the Gaming Policy Committee when convened by the Governor
- Legal advice and representation in the adoption of regulations
- Legal advice and representation concerning Indian gaming compacts
- Legal advice and representation relating to contracts for services
- Legal advice regarding gaming employee registrations
- Legal advice and representation regarding personnel issues including employee disciplinary matters, disciplinary review hearings, and Equal Employment Opportunity Commission proceedings.

Gaming Division Operations

As a general practice, requests from the clients on all matters including opinion requests, requests for a legal analysis, requests for regulation drafting, and requests to initiate discipline are presented to the Chief Deputy Attorney General ("Chief"). The Chief then assigns matters as he deems appropriate to one of the attorneys in the Division. Assignments have historically been made based on workload and a particular expertise or skill set that an attorney may have.

Currently, Ms. Darlene Caruso serves as Commission counsel. She represents the Commission during all of its meetings and will typically be the attorney who initially receives any request for legal assistance from the Commission. Ms. Caruso is also tasked with handling all subpoenas and public record requests made to the Board and Commission.

All other legal matters are handled by the Gaming Division's other attorneys. Over the course of a year, Board meetings are equally divided between the attorneys, including the Chief. The Division attorney assigned to a particular meeting will act as counsel for the Board during those meetings and for agenda meetings and RUMP sessions leading up to the Board meetings. Generally, the Division Chief's workload includes administrative matters, in addition to writing legal opinions, taking on an occasional disciplinary or tax-related case, and overseeing cases that present the possibility of litigation. The Chief's duties also include handling day-to-day legal advice, reviewing trust documents pursuant to NRS 463.172, and managing Indian gaming compacts.

Conclusion

It is an honor for members of the Gaming Division to provide legal support to Nevada's gaming regulators. The goal of our Division is to provide accurate and timely legal advice to our clients to ensure that they are able to perform their critical gaming regulatory functions.



Brin Gibson is Chief of the Gaming and Government Affairs Bureau in the office of the Nevada Attorney General. He practiced gaming and regulatory law with Lionel Sawyer & Collins through December of 2014.

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