

Overview Of Administrative Hearing Process

I. DECISION TO DENY/REVOKE LICENSE:

- **Casino**

Decision by: Casino Review Committee (3 member panel)
Decision usually based upon: unsuitability (generally due to a criminal record); falsification, failure to disclose; financial irresponsibility (tax non-compliance)

- **Lottery**

Decision by: Security/GRU; CLC (for Delinquency Assessment Hearings only)
Decision based upon: reputation for honesty and integrity; veracity and completeness of the application; criminal convictions; financial responsibility

- **Pari-mutuel (Greyhound racing, Jai Alai, OTB)**

Decision by: Security/GRU
Decision usually based upon: falsification; failure to disclose; criminal record

- **Charitable Games (Registrations and Personal Identification Numbers)**

Decision by: Security/GRU
Decision based upon: falsification; failure to disclose; criminal record

II. COMPLIANCE MEETINGS

Held when:

1. a licensee issued a permanent license is alleged to have violated the statutes/regulations;
2. derogatory information is discovered with a permanent license renewal;
3. an individual has only a temporary license, however, has been employed for a lengthy period of time.

Compliance Meeting officers cannot unilaterally overturn the decision of the Division to seek license revocation but must proceed to a show cause hearing unless one of the following outcomes has occurred:

1. respondent has shown compliance or the matter is otherwise resolved and no further action is necessary;
2. a consent decree is entered into between the respondent and the Division;
3. the allegations are dismissed, due to error, omission or misinformation.

III. SHOW CAUSE HEARINGS

Held when:

1. a matter cannot be resolved at the compliance meeting. Show cause hearings are de novo, meaning as if the compliance meeting was never held. The hearing officer should have no prior knowledge of what occurred at the compliance meeting nor should it be discussed at the show cause hearing.
2. a license application has been denied and the respondent has requested a hearing within 15 days of his/her receipt of the notice of denial.

IV. BOARD OF JUDGES HEARING

Held when:

The board of administrative judges may conduct hearings in the field for both allegations of fraudulent or corrupt practices and patron reinstatements.

Potential outcomes:

The board may impose fines (up to \$500) or suspensions (up to 60 days), or both, for infractions. If they do not believe the penalty is sufficient, the board refers the matter to the Division for a hearing. An aggrieved party may also petition the Division for a hearing de novo (as if the prior hearing had never been held).

V. GAMING POLICY BOARD APPEALS

Who may appeal:

1. An applicant for a license or a licensee aggrieved by a final decision of the executive director may appeal to the Gaming Policy Board. Any such appeal must be in writing and made within fifteen days of the date notice was mailed of the final decision to be appealed.
2. Charitable Games matters, Patron Reinstatements and Lottery Delinquency Assessment Hearings are not appealable to the Board.

Potential Outcomes:

The Board may affirm, modify, reverse, or remand the Division's decision.

Standard of Review:

The reversal of the Division's decision can only occur if substantial rights of the appellant have been prejudiced because of the Division's findings, inferences, or conclusions, or if the Division's decision is:

1. In violation of constitutional or statutory provisions;
(2) in excess of the statutory authority of the division;
(3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

The Board cannot consider evidence not presented at the show cause hearing and cannot substitute its judgment for that of the hearing officer's.

In accordance with C.G.S. Sec 4-183, the decision of the Board may be appealed to Superior Court. This appeal must be made within forty-five days after mailing or personal delivery of the final decision.