



ADMINISTRATIVE RULES OF MONTANA



23.16.107 GROUNDS FOR DENIAL OF GAMBLING LICENSE, PERMIT, OR AUTHORIZATION

- (1) With respect to any gambling license, permit, or authorization, the department may deny initial issuance, or, if issued, deny renewal or take any action authorized in 23-5-136, MCA, when the department can demonstrate that the applicant or holder of such license, permit or authorization has:
 - (a) concealed, failed to disclose, or otherwise attempted to mislead the department with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant or licensee for any licensing purpose;
 - (b) purposely or knowingly failed to comply with Title 23, chapter 5, MCA, or these rules;
 - (c) been convicted of any felony within five years of the date of application;
 - (d) been placed and remains on probation or parole or under deferred prosecution for committing a felony;
 - (e) purposely or knowingly possessed or permitted to remain in or upon any premise licensed for gambling activity any device designed for the purpose of cheating or manipulating the outcome of any gambling activity or gambling enterprise authorized by Title 23, chapter 5, MCA;
 - (f) been prohibited by a governmental authority from being present upon the premises of any gambling establishment or gambling enterprise or any establishment where parimutuel wagering is conducted for any reason relating to improper gambling activities or any illegal act;
 - (g) failed to cooperate with any legislative investigative committee or other officially constituted body acting on behalf of the United States or any state, county, or municipality which seeks to investigate crimes relating to gambling, corruption of public officials, or any organized criminal activities;
 - (h) failed within a reasonable time to supply records within the applicant's or licensee's control requested by the department in any license or permit application or renewal application, or in any financial audit initiated by the department or ordered through administrative or court action;
 - (i) had any action taken against a gambling license by any agency of the state of Montana or other jurisdiction, which resulted in a final order declaring a violation or a conviction of any crime which is contrary to the declared gambling policy of the state of Montana;
 - (j) been voluntarily or involuntarily dissolved as an entity;

- (k) failed to meet other qualifications for licensure as set forth in 23-5-176, MCA;
 - (l) had a gambling license denied for other than technical defects in the application; or
 - (m) failed to apply for or receive approval of a premises within the timeframe required in ARM 23.16.502.
- (2) The department may, in its discretion, deny a license under (1) with or without prejudice. If the division's decision to deny an application is made with prejudice, it must be based on a finding that the applicant has engaged or is engaging in an act or practice constituting a violation of a provision of Title 23, chapter 5, MCA, or a rule or order of the department, or that the applicant is a person whom the department determines is not qualified to receive a license under 23-5-176, MCA, or this rule. This decision is subject to challenge pursuant to the Montana Administrative Procedure Act. Any person whose application has been denied with prejudice is not eligible to apply again for licensing or approval until after expiration of one year from the date of the final department action upon the decision to deny the application with prejudice.

Authorizing statute(s): 23-5-112, 23-5-115, MCA

Implementing statute(s): 23-5-115, 23-5-117, 23-5-176, 23-5-177 MCA

History: EMERG, NEW, 1990 MAR p. 286, Eff. 2/9/90; AMD, 1991 MAR p. 1942, Eff. 10/18/91; AMD, 1993 MAR p. 2786, Eff. 11/25/93; AMD, 1994 MAR p. 2834, Eff. 10/28/94; AMD, 1997 MAR p. 404, Eff. 2/25/97; AMD, 2013 MAR p. 1606, Eff. 9/6/13; AMD, 2019 MAR p. 302, Eff. 3/16/19; AMD, 2019 MAR p. 1860, Eff. 10/19/19.