

**SAN JOSE POLICE DEPARTMENT
DIVISION OF GAMING CONTROL**

**REGULATION 3
OBSERVED PATRON MONITORING REQUIREMENTS**

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3.010 Definitions.

The definitions below shall govern the application and interpretation of this Regulation.

1. "Observed Patron" shall mean a Patron has been present on the Cardroom Premises for a period exceeding ten (10) hours and whose continued presence for more than another ten (10) hours would violate the San Jose 20-hour continuous presence limitation in Title 16.
2. "Gambling Activity Log" shall mean a document in a format approved by the Administrator for use by the Cardroom Permittee to track the presence of any Observed Patron.
3. "Patron Tracking Coordinator" shall mean a designated employee of a Cardroom to monitor Patron activities on the Cardroom Premises to ensure that no Patron is allowed to participate in Permissible Games and/or allowed to be in the Cardroom Premises for a period longer than twenty (20) hours.
4. "Privacy Protections" shall mean those procedures adopted by the Cardrooms to separately identify Observed Patrons by number or other designation such that the personal identity of the Observed Patron shall not be contained in the Gambling Activity Log. The document identifying the Observed Patron's name with the number or other designation shall be made available for review and examination by the Gaming Administrator immediately upon request and shall not be required to be made part of the Cardroom's permanent record but shall be maintained by the Cardroom Permittee as required pursuant to the written procedures in Section 3.050 of this Regulation. If this or any other documentation required under this Regulation is required by the Administrator as part of an administrative investigation into a violation of this Regulation or of a provision of Title 16, the documentation shall be provided to the Administrator pursuant to Section 16.06.070.

3.020 Patron Tracking and Notification Requirements.

1. Each Permittee shall designate at least one (1) employee for each eight (8) hour shift as the Patron Tracking Coordinator.

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2. An Observed Patron shall be listed in the Gambling Activity Log once the Patron has been on the Cardroom Premises longer than sixteen (16) hours, provided that his or her identification within the Gambling Activity Log shall be by means of a unique number or other designation.
3. At the beginning of each shift, the in-coming Patron Tracking Coordinator shall examine the Gambling Activity Log and communicate with the out-going Patron Tracking Coordinator regarding the activities of all Observed Patrons.
4. The tracking of a Observed Patron shall continue regardless of whether or not the Observed Patron plays a Permissible Game, observes play, takes breaks, or leaves the gaming area of the Cardroom Premises less than four (4) hours.
5. Once an Observed Patron has been at the Cardroom Premises longer than two consecutive eight (8) hour shifts, the Patron Tracking Coordinator shall notify the Observed Patron that he/she is reaching the twenty (20) hour limit and that he/she can not continue to stay on the Cardroom Premises once the twenty (20) hour period has been reached.
6. Once an Observed Patron has been present on the Cardroom Premises more than twenty (20) hours, the Patron Tracking Coordinator and/or the Casino Shift Manager must ask such Patron to temporarily leave the Cardroom Premises (“Temporarily Suspended Patron” or “TSP”). The Temporarily Suspended Patron shall be advised that if he or she refuses to leave he or she may be subject to citation or arrest for trespass. For the purposes of this Regulation, a TSP is considered “present” on the Cardroom Premises unless he or she leaves for a period of more than four (4) hours.
7. If the TSP does not voluntarily leave the Cardroom Premises, the Patron Tracking Coordinator and/or the Casino Shift Manager shall call the San José Police, and the Cardroom Permittee shall take all steps necessary to charge the TSP with a trespassing violation under San José Municipal Code §10.20.140, and all other applicable legal authority. Additionally, the Division of Gaming Control shall be notified via facsimile or other written form of communication regarding this incident no later than two (2) hours after the San Jose Police Department has been called.

3.030 Industry-Wide Barring Requirements.

1. A TPS from one San Jose Cardroom Premises shall also be barred from all other San Jose Cardroom Premises for the same minimum four (4) hour period.
2. The Patron Tracking Coordinator of a Cardroom that has identified a TSP shall telephone or e-mail or send a facsimile to the Patron Tracking Coordinator of the other San José Cardroom as well as the Division of Gaming Control advising of the TSP. The communication shall include, at a

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minimum, the name, a photograph, description, approximate weight and height, tattoos if any, of the TSP and the time the TSP was asked to leave the Cardroom Premises (“TSP Advisement”).

3. Once a Cardroom Permittee receives a Barred Patron Advisement as required by the preceding paragraph, no Cardroom Permittee, Patron Tracking Coordinator, or Casino Shift Manager shall allow any TSP to be on its Cardroom Premises unless and until a minimum of four (4) hours has passed.

3.040 Signage and Written Materials.

1. Each Cardroom Permittee must post signage, in clear view of the public, at all entrances to the Cardroom Premises advising, in bold-type:

IT IS A VIOLATION OF THE SAN JOSÉ MUNICIPAL CODE AND GAMING REGULATIONS FOR ANY PERSON TO REMAIN ON THE CARDROOM PREMISES LONGER THAN TWENTY (20) HOURS, WITHOUT AT LEAST A FOUR (4) HOUR ABSENCE. ANY PERSON VIOLATING THIS PROVISION WILL BE SUBJECT TO CITATION OR ARREST FOR TRESPASS.

3.050 Written Procedures and Training.

1. Each Cardroom Permittee shall develop and implement written procedures which provide for tracking of Patrons consistent with this Regulation.
2. Each Cardroom Permittee shall develop and implement procedures for the training of Cardroom Permittee Employees who are responsible for the tracking of Patrons pursuant to this Regulation.
3. Each Cardroom Permittee shall submit a copy of its written procedures and training program to the Gaming Administrator for review. If the Gaming Administrator determines the written procedures or training program is deficient in addressing the requirements of this Regulation, the Gaming Administrator shall notify the Cardroom Permittee in writing of the deficiencies and provide the Cardroom Permittee thirty (30) days to correct such deficiencies and submit revised written procedures and training program.

3.060 Record Retention.

1. Unless otherwise approved by the Administrator in writing, all records required by this Regulation shall comprise of original source (paper) documentation.

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2. Each Permittee shall provide the Division, upon request, with the records required to be maintained by this Regulation. Unless the Administrator approves or requires otherwise in writing, each Permittee shall retain all such records on the Cardroom Premises or an approved outside storage facility for a minimum of five (5) years.