

Chapter 66: COMPLAINTS AND DISCIPLINARY ACTIONS

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This rule establishes procedures for the investigation and resolution of complaints received by the Director. This rule should be read in conjunction with the statutory provisions for adjudicatory proceedings in the *Maine Administrative Procedure Act*. The rule helps to ensure that the investigation and resolution of complaints are handled in an expeditious and procedurally fair manner.

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1. An operator must make contact information for complaints and dispute resolution, as well as a link to the Gambling Control Unit's website, readily accessible to sports wagering patrons through the communication channel used to access the sports wagering system and available through brochures and or signage at facility operator locations.
2. Mobile operators shall have a guest service link to resolve inquiries such as "password reset".
3. Patrons must be able to lodge complaints and disputes any time of the day and any day of the week. Operators must respond to the complaint within 48 hours of receipt of the initial complaint.
4. A sports wagering operator shall attempt to resolve all patron disputes with a patron. A sports wagering operator shall investigate each patron complaint and provide a response to the patron within ten (10) business days and provide a copy of the response to the Director. The response shall inform the patron of their right to appeal the decision of the operator to the Director.
5. With a request for appeal from the patron, the Director shall conduct whatever investigation is necessary and must determine whether a different resolution shall be made. A Unit inspector may investigate the dispute and shall report to the Director for a decision.
6. The Director must notify the operator and the patron in writing of the Director's decision regarding the dispute, within ten (10) business days after the completion of the investigation.
7. A patron or operator aggrieved by the decision of the Director may appeal the decision to the Commissioner of Public Safety for a final decision. After review, the Commissioner shall issue a decision to uphold, modify or overrule the Director's decision. In the case of appeal to the Commissioner, the patron or operator must be afforded the opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act at the expense of the patron or operator, if applicable. A person aggrieved by the final decision of the Commissioner may appeal the Commissioner's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

8. An operator must maintain records of all correspondence relating to a patron's complaint and/or dispute for a period of five years.
9. All complaints that are submitted to the Director must be in writing. The Director may initiate a complaint alleging any ground for disciplinary action.
10. The Director may investigate complaints in accordance with 8 M.R.S. §1205(3).
11. The Director may review all complaints and investigative files.
12. Sanctions under 8 M.R.S. §1205(4) may be proposed by the Director or imposed by the Commissioner after a hearing.
13. If the Director determines that the complaint is or may be true and the violation is of sufficient gravity to warrant further action, the Director may take appropriate action against an application or license in a written decision that informs the operator, management services provider, or other licensee of the right to appeal the decision to the Commissioner for a final decision in accordance with 8 M.R.S. § 1205(5).
  - A. The written decision shall state the alleged violation, the statute or rule believed to have been violated, and the proposed resolution, and shall inform the operator, management services provider, or other licensee that the operator, management services provider, or other licensee has the right to request a hearing before the Commissioner.
  - B. Service of the decision is complete upon mailing to the party or the party's attorney using the last known address, or upon in-hand delivery to the recipient or the recipient's office.
  - C. The operator, management services provider, or other licensee must file a written request for hearing within 30 days of receipt of the decision that informs the operator, management service provider, or other licensee of the opportunity for hearing. The request is considered filed when received by the Director by mail, in-hand delivery or electronic mail.
  - D. Failure to make a timely request for hearing shall be a waiver of any right to a hearing and may result in the proposed action becoming final without further hearing, in accordance with 5 M.R.S. §9053(3), if the notice informed the operator, management services provider, or other licensee of the possibility of default.
14. For each violation of Maine Revised Statutes, Title 8, chapter 35, the rules adopted pursuant to that chapter, or conditions of licensure, the Director may take one or more of the following actions in accordance with Maine Revised Statutes, Title 8, chapter 35:
  - A. A written reprimand;
  - B. Issue a probationary license with conditions;
  - C. Suspend a license;
  - D. Revoke a license; or
  - E. Impose a civil penalty of up to \$25,000.00 per violation of any provision of this chapter or rule adopted pursuant to this chapter.