

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.

§1. Complaints

1. A fantasy contest 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 fantasy contestants through the communication channel used to access the fantasy contest platform.
2. A fantasy contest operator must implement a system within the platform that enables fantasy contestants to log complaints and disputes on a 24/7 basis. Fantasy contest operators must respond to the complaint within 48 hours of receipt of the initial complaint.
3. A fantasy contest operator must maintain records of all correspondence relating to a fantasy contestant’s complaint and/or dispute for a period of five years.
4. All complaints that are submitted to the director must be in writing. The director may initiate a complaint alleging any ground for disciplinary action.
5. The director may investigate complaints in accordance with 8 M.R.S. §1102(E).
6. The director must review all complaints and investigative files and, in the director's discretion, may consult with an Assistant Attorney General assigned to the Gambling Control Unit.

§2. Disciplinary Action

1. Following this review and any consultation, the director may take any of the following actions:
 - A. Take adverse action against an application or license in a written decision that informs the licensee of the right to appeal the decision to the commissioner;
 - B. Dismiss the complaint or otherwise close the investigation. Dismissal may be appropriate when the complaint alleges conduct that is not a violation of Maine Revised Statutes, Title 8, chapter 33 or the rules adopted pursuant to that chapter, is factually unfounded, or is of insufficient gravity to warrant further action. Notice of dismissal must be sent to any complainants; or
 - C. Request additional investigation.

2. If, based upon the information obtained from the investigation, 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 adverse action against an application or license in a written decision that informs the licensee of the right to appeal the decision to the commissioner for a final decision in accordance with 8 M.R.S. § 1103(8).
 - 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 licensee that the 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 licensee must file a written request for hearing within 30 days of receipt of the decision that informs the 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 licensee of the possibility of default.
3. In the event of a hearing, the provisions of the *Administrative Procedure Act*, Maine Revised Statutes, Title 5, chapter 375, subchapter 4 will govern.
4. For each violation of Maine Revised Statutes, Title 8, chapter 33, 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 33:
 - A. Deny an application for licensure;
 - B. Refuse to renew a license;
 - C. Limit or restrict a license;
 - D. Suspend a license;
 - E. Revoke a license;
 - F. Impose a fine of up to \$1,000.00 per violation;
 - G. Impose a fine not to exceed \$5,000.00 for violations arising out of the same transaction or occurrence; and
 - H. Impose costs of investigation and hearing.