

ARTICLE I:
INTRODUCTION
AND
GENERAL PROVISIONS
(§§401-403)

32 V.I.C. § 401

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article I. Introduction and General Provisions (§§ 401 — 403)**

§ 401. Short Title; Declaration of Policy and Legislative Findings

- (a) This chapter shall be known as the “Virgin Islands Casino and Resort Control Act of 1995.”
- (b) The Legislature finds that:

(1) The Virgin Islands population as of the 1990 census was 101,809:
50,139 persons on St. Croix
48,166 persons on St. Thomas; and
3,504 persons on St. John.

(2) On September 17 and 18, 1989, Hurricane Hugo struck the Virgin Islands and caused severe, extensive and widespread damage to the Virgin Islands, particularly on the island of St. Croix, and inflicted severe damage and losses on many residents and businesses on the island. Prior to Hurricane Hugo, St. Croix had 26 hotels and 1,074 hotel rooms, while St. Thomas/St. John had 31 hotels and 2,914 hotel rooms. As of 1993, St. Thomas/St. John has increased its capacity to 39 hotels and 3,354 hotel rooms, whereas St. Croix has 21 hotels, and 895 hotel rooms. St. Croix has yet to recoup its hotel room capacity to pre-Hugo levels. Lack of hotel rooms has directly impacted promotion of St. Croix as a tourism destination and resulted in reduced air flights into the island and increasingly depressed economic conditions.

(3) Visitor arrivals on St. Thomas far surpass St. Croix arrivals, demonstrating a growing tourism disparity between the islands:

	<u>ST. THOMAS/ST. JOHN</u>		<u>ST. CROIX</u>	
	1991	1994	1991	1994
Air Visitors	505.7	540.7	117.2	142.3
Cruise Pass.*	1,214.98	1,226.0	28.9	31.8

*Numbers are in thousands

(4) The economic disparity is further evidenced by the differing unemployment rate: unemployment on St. Croix for 1994 was 8.2%, whereas unemployment on St. Thomas for the same period was 3.1%.

(5) Moreover, in 1994, banks and financial institutions in the Virgin Islands which engaged in commercial and residential lending throughout the Virgin Islands loaned fifteen (15) times as much in total dollars on St. Thomas as they loaned on St. Croix.

(6) Compounding the depressed economic state on St. Croix, in Mar. 1995, the island's second largest industry and employer, Virgin Islands Alumina Corporation (VIALCO), ceased operation resulting in the layoff of 475 employees. Additionally, in Mar. 1995, the island's largest industrial employer, Hess Oil Virgin Islands Corporation (HOVIC) discharged 175 long-time employees and the possibility of more cuts in the work force exists, further intensifying the unemployment crisis on St. Croix.

(7) Over the past year, one hundred and six (106) businesses on the island of St. Croix have closed their doors and ceased operation. The failures are directly attributable to the extremely depressed economy on that island.

(8) Declaring St. Croix to be the casino zone within the territory in which a limited amount of casino operator licenses in approved areas would be granted, will stimulate economic development on that island. Limiting the number of licenses awarded would attract quality, reputable, established casino operators and ensure that only operators meeting the highest standards of experience and financial integrity will be licensed to operate on the island of St. Croix.

(9) While casino gaming holds promise as a source of economic development and tax revenue, it is not to be viewed as a panacea for the economic depression on St. Croix, but is more appropriately seen by this body as a cornerstone in the St. Croix tourism/entertainment market, as a new and additional revenue source to help expand the number of hotel rooms available on the island, and as a stimulus for local business enterprise development and growth on St. Croix.

(c) The Legislature hereby finds and declares to be the public policy of this Territory the following:

(1) The tourist, resort and convention industry of the Virgin Islands constitutes a critical component of its economic structure and, if properly developed, controlled and fostered, is capable of providing a substantial contribution to the general welfare, health and prosperity of the Virgin Islands and its inhabitants.

(2) The rehabilitation and development of existing tourist and convention facilities on St. Croix, and the fostering and encouragement of new construction and the replacement of lost convention, tourist, entertainment and cultural centers on St. Croix will offer a unique opportunity for the inhabitants of the entire Territory to make maximum use of natural resources available in the Virgin Islands for the expansion and encouragement of the Virgin Islands hospitality industry, and to that end, the development of tourism on St. Croix which will facilitate the restoration of the Virgin Islands as the Playground of the World and the major hospitality center of the Eastern United States is found to be a program of critical concern and importance to the inhabitants of the Territory of the Virgin Islands.

(3) Legalized casino gaming has been approved as a unique tool of development for St. Croix. In this regard, the introduction of a new zoning designation to accommodate gaming which will allow a limited number of casino rooms in major hotel convention complexes, permitted as an additional element in the hospitality industry of the Virgin Islands, will facilitate the redevelopment of existing blighted areas and the refurbishing and expansion of existing hotel, convention, tourist, and entertainment facilities; encourage the replacement of lost hospitality-oriented facilities; provide for judicious use of open space for leisure time and recreational activities; and attract new investment capital to the Virgin Islands in general, and to the island of St. Croix, in particular.

(4) Restricting the issuance of casino licenses to major hotel and convention facilities is designed to assure that the existing nature and tone of the hospitality industry in the Virgin Islands is preserved, and that the casino rooms licensed pursuant to the provisions of this chapter are always offered and

maintained as an integral element of such hospitality facilities, rather than as the industry unto themselves that they have become in other jurisdictions.

(5) An integral and essential element of the regulations and control of such casino facilities by the Virgin Islands rests in the public confidence and trust in the credibility and integrity of the regulatory process and casino operations. To further such public confidence and trust, the regulatory provisions of this chapter are designed to extend strict regulation to all persons, locations, practices and associations related to the operation of licensed casino enterprises and all related service industries as herein provided. In addition, licensure of a limited number of casino establishments for St. Croix, with the comprehensive law enforcement supervision attendant thereto, is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process.

(6) Legalized casino gaming on St. Croix can attain, maintain and retain integrity, public confidence and trust, and remain compatible with the general public interest only under a system of control and regulation as insurers, so far as practicable, the exclusion from participation therein of persons with known criminal records, habits or associations, and the exclusion or removal from any positions of authority or responsibility within casino gaming operations and establishments of any persons known to be so deficient in business probity, ability or experience, either generally or with specific reference to gaming, as to create or enhance the dangers of unsound, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incident thereto.

(7) Since the public has a vital interest in casino operations on St. Croix and has established an exception to the general policy of the Territory concerning gaming for private gain, participation in casino operations as a licensee or registrant under this chapter shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee or registrant and upon the discharge of the affirmative responsibility of each such licensee or registrant to provide to the regulatory and investigatory authorities established by this chapter any assistance and information necessary to assure that the policies declared by this chapter are achieved. Consistent with this policy, it is the intent of this chapter to preclude the creation of any property right in any license, registration, certificate or reservation permitted by this chapter, the accrual of any value to the privilege of participation in gaming operations, or the transfer to any license, registration, certificate, or reservation, and to require that participation in gaming be solely conditioned upon the individual qualifications of the person seeking such privilege.

(8) Since casino operations are especially sensitive and in need of public control and supervision, and since it is vital to the interests of the Territory to prevent entry, directly or indirectly, into such operations or the ancillary industries regulated by this chapter of persons who have pursued economic gains in an occupational manner or context which are in violation of the criminal or civil public policies of this Territory, the regulatory and investigatory powers and duties shall be exercised to the fullest extent consistent with law to avoid entry of such persons into the casino operations or the ancillary industries regulated by this chapter.

(9) Since the development of casino gaming operations on St. Croix will substantially alter the environment of Virgin Islands coastal areas, and since it is necessary to insure that this substantial alteration be beneficial to the overall ecology of the coastal areas, the regulatory and investigatory powers and duties conferred by this chapter shall include, in cooperation with other public agencies, the power and duty to monitor and regulate casinos and the growth of casino operations to respond to the needs of the coastal areas.

(10) The facilities in which licensed casinos are to be located are of vital law enforcement interest to the Territory, and it is in the public interest that the regulatory and investigatory powers and duties conferred by this chapter include the power and duty to review architectural and site plans to assure that the proposal is suitable by law enforcement standards.

(11) Since the economic stability of casino operations is in the public interest, the regulatory and investigatory powers and duties conferred by this chapter shall include the power and duty to regulate, control and prevent economic concentration in the casino operations and the ancillary industries regulated by this chapter.

(12) It is in the public interest that the institution of licensed casino establishments in the Virgin Islands be strictly regulated and controlled pursuant to the above findings and pursuant to the provision of this chapter, which provisions are designed to engender and maintain public confidence and trust in the regulation of the licensed enterprises, to provide an effective method of rebuilding and redeveloping existing facilities and of encouraging new capital investment in the Virgin Islands, and to provide a meaningful and permanent contribution to the economic viability of the resort, convention, and tourist industry of the Virgin Islands.

(13) Confidence in casino gaming operations is eroded to the extent the Virgin Islands does not provide a regulatory framework for casino gaming that permits and promotes stability and continuity in casino gaming operations.

(14) Continuity and stability in casino gaming operations cannot be achieved at the risk of permitting persons with unacceptable backgrounds and records of behavior to control casino gaming operations contrary to the vital law enforcement interest of the Territory.

(15) The aims of continuity and stability and of law enforcement will best be served by a system in which continuous casino operation can be assured under certain circumstances wherein there has been a transfer of property or another interest relating to an operation casino and the transferee has not been fully licensed or qualified, as long as control of the operation under such circumstances may be placed in the possession of a person or persons in whom the public may feel a confidence and a trust.

(16) A system whereby the suspension or revocation of casino operations under certain appropriate circumstances causes the imposition of a conservatorship upon the suspended or revoked casino operation serves both the economic and law enforcement interests involved in casino gaming operations.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 402

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- Virgin Islands Code Annotated
- TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)
- Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)
- Article I. Introduction and General Provisions (§§ 401 — 403)

§ 402. Definitions

As used in this chapter, the words and terms have the meanings ascribed unless a different meaning clearly appears in the context.

- (1) “Affiliate” — A person that directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the affiliated person.
- (2) “Applicant” — Any person who on his own behalf or on behalf of another has applied for permission to engage in any act or activity which is regulated under the provisions of this chapter.
- (3) “Application” — A written request for permission to engage in any act or activity which is regulated under the provisions of this chapter.
- (4) “Authorized game” or “authorized gambling game” — Roulette, baccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, poker, keno, Caribbean stud poker, pai gow, pai gow poker and sic bo and any variations or composites of such games, provided that such variations or composites are found by the Commission suitable for casino use after an appropriate and any other game which is determined by the Commission to be compatible with the public interest and to be suitable for casino use after appropriate test or experimental period as the Commission may deem appropriate under such terms and conditions as the Commission may deem appropriate.
“Authorized game” or “authorized gambling game” includes gaming tournaments in which players compete against one another in one or more games authorized herein or by the Commission or in approved variations or composites thereof if the tournaments are authorized by the Commission.
- (5) “Bona fide resident” — Notwithstanding any law to the contrary, “bona fide resident” shall be defined as a “Native Virgin Islander” or a person who is domiciled in the Virgin Islands continuously for at least five (5) years.
- (6) “Casino” or “casino room” or “licensed casino” — One or more locations or rooms in which casino gaming including associated amenities, such as food and beverage and ATMs is conducted in accordance with the provisions of this chapter.
“Casino” or “casino room” or “licensed casino” shall not include any casino simulcasting facility authorized pursuant to this chapter.
- (7) “Casino employee” — Any natural person employed in the operation of a licensed casino, including without limitation, boxmen; dealers or croupiers; floormen; machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; and data processing personnel; or any other natural person whose employment

duties require or authorize access to restricted casino areas, including, without limitation, appropriate maintenance personnel; waiters and waitresses; and secretaries.

(8) “Casino hotel employee” — Any natural person employed to perform services or duties in the conduct of the business of an approved hotel but who is not included within the definition of casino employee or casino key employee as stated in this chapter.

(9) “Casino hotel security employee” — Any natural person employed to provide physical security in the conduct of the business of an approved hotel but who is not included within the definition of “casino security employee” as stated herein.

(10) “Casino key employee” — Any natural person employed in the operation of a licensed casino in a supervisory capacity or empowered to make discretionary decisions which regulate casino operation, including without limitation, pit bosses; shift bosses; credit executives; casino cashier supervisors; casino managers and assistant managers; and managers or supervisors of casino security employees; or any other natural person empowered to make discretionary decisions which regulate the management of an approved hotel, including, without limitation, hotel managers; entertainment directors; and food and beverage directors; or any other employee so designated by the Casino Control Commission for reasons consistent with the policies of this chapter.

(11) “Casino license” — Any license issued pursuant to this chapter which authorizes holder thereof to own or operate a casino.

(12) “Casino security employee” — Any natural person employed by a casino licensee or its agent to provide physical security in a casino, simulcasting facility or restricted casino area. “Casino security employee” shall not include any person who provides physical security solely in any part of the casino hotel.

(13) “Casino service employee” — Any natural person employed to perform services or duties in a casino, casino simulcasting facility, or restricted casino area but who is not included within the definition of casino employee, casino key employee, or casino security employee as stated in this section.

(14) “Casino service industry” — Any form of enterprise which provides casino applicants or licensees with goods or services regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility on a regular or continuous basis, including, without limitation, security businesses, gaming schools, manufacturers, distributors and servicers of gaming and casino simulcasting devices or equipment, garbage haulers, maintenance companies, food purveyors, and construction companies. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale distribution or repair of slot machines within the Virgin Islands, other than antique slot machines, shall be considered a casino service industry for the purposes of this chapter regardless of the nature of its business relationship, if any, were licensed casinos in this Territory.

(15) For the purposes of this section, “casino applicant” includes any person required to hold a casino license pursuant to section 434 of this title who has applied to the Commission for a casino license or any approval required under this chapter.

(16) “Casino simulcasting” — The simultaneous transmission by picture of horse races conducted at race tracks to casinos, and parimutuel wagering at those gambling establishments on the results of those races.

(17) “Chairman” and “commissioner” or “member” — The chairman and any member of the Casino Control Commission, respectively.

(18) “Commission” — The Virgin Islands Casino Control Commission.

(19) “Complimentary service or item” — A service or item provided at no cost or at a reduced price. The furnishings of a complimentary service or item by a casino licensee shall be deemed to constitute the indirect payment for the service or item by the casino licensee, and shall be valued in an amount based upon the retail price normally charged by the casino licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a casino licensee or provided by a third party on behalf of a casino licensee shall be the cost to the casino licensee of providing service or item, as determined in accordance with the rules of the Commission.

(20) “Conservator” — A fiduciary appointed pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act.

(21) “Conservatorship action” — An action brought pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act for the appointment of a conservator.

(22) “Contract” — Notwithstanding any law to the contrary, the term “contract” shall hereafter be defined as a negotiated agreement between employee(s) and a legal representative or collective bargaining unit, whenever used in reference to labor, employment, procurement of services and related matters.

(23) “Creditor” — The holder of any claim, of whatever character, against a person, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(24) “Debt” — Any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(25) “Director” — The Director of the Division of Gaming Enforcement.

(26) “Division” — The Division of Gaming Enforcement.

(27) “Encumbrance” — A mortgage, security interest, lien or charge of any nature in or upon property.

(28) “Equal employment opportunity” — Equality in opportunity for employment by any person licensed pursuant to the provisions of this chapter.

(29) “Equity security” —

(A) Any voting stock of a corporation, or similar security;

(B) any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security;

(C) any such warrant or right; or

(D) any security having a direct or indirect participation in the profits of the issuer.

(30) “Establishment” — Any premises wherein or whereon any gaming is done.

(31) “Family” — Spouse, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, daughters-in-law, sons-in-law, brothers-in-law and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship.

(32) “Game” or “gambling game” — Any banking or percentage game located within the casino or simulcasting facility played with cards, dice or any electronic, electrical, or mechanical device or machine for money, property, or any representative of value.

(33) “Gaming” or “gambling” — The dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

(34) “Gaming device” or “gaming equipment” — Any electronic, electrical, or mechanical contrivance or machine used in connection with gaming or any game.

(35) “Government” means the Government of the Virgin Islands.

(36) “Gross revenue” — The total of all sums, including checks received by a casino licensee pursuant to section 457 of this title, whether collected or not, actually received by a casino licensee from gaming operations, less only the total of all sums paid out as winnings to patrons and a deduction for uncollectible gaming receivables. The deduction for uncollectible gaming receivables shall not exceed the lesser of: (1) a reasonable provision for uncollectible patron checks received from gaming operations; or (2) four percent (4%) of the total of all sums including checks, whether collected or not, less than the amount paid out as winnings to patrons. Gross revenue shall not include any amount received by a casino from casino simulcasting.

For the purpose of this definition, any check which is invalid and unenforceable pursuant to subsection (f) of section 457 of this title, shall be treated as cash received by the casino licensee from gaming operations.

(37) “Hearing examiner” — A Commissioner or other person authorized by the Commission to conduct hearings.

(38) “Holding company” — Any corporation, association, firm, partnership, trust or other form of business organization not a natural person which, directly or indirectly, owns has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation which hold or applies for a casino license. For the purpose of this definition, in addition to any other reasonable meaning of the words used, a “holding company” indirectly has, holds or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the corporate licensee or applicant.

(39) “Institutional Investor” — Any retirement fund administered by a public agency for the exclusive benefit of federal, state, or territorial public employees; collective investment trust organized by banks; closed end investment trust; chartered or licensed life insurance company or property and casualty insurance company; banking and other chartered or licensed lending institution; and such other persons as the Commission may determine for reasons consistent with the policies of this chapter.

(40) “Intermediary company” — Any corporation, association, firm, partnership, trust or any other form of business organization other than a natural person which:

(A) Is a holding company with respect to a corporation which holds or applies for a casino license.

(B) Is a subsidiary with respect to any holding company.

(41) “Junket” — an arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or to his propensity to gamble, to come to a licensed casino hotel for the purpose of gambling and

pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a casino licensee or employee or agent thereof.

(42) “Junket enterprise” — Any person, other than the holder of or an applicant for a casino license, who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed casino, regardless of whether or not those activities occur within the United States Virgin Islands.

(43) “Junket representative” — Any natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in, any junket to a licensed casino, regardless of whether or not those activities occur within the Virgin Islands.

(44) “Legal residence” — Notwithstanding any law to the contrary, “legal residence” shall be defined as the place of domicile where a person continuously resides when not called elsewhere to work a government assignment, to study, or to serve active military duty; and that person is registered to vote in the Virgin Islands, except where otherwise exempted.

(45) “License” — Any license required by this chapter.

(46) “License or Registration Fee” — Any moneys required by law to be paid for the issuance or renewal of a casino license, or any other license or registration required by this chapter.

(47) “Licensed casino operation” — Any casino licensed pursuant to the provisions of this chapter.

(48) “Licensee” — Any person who is licensed under any of the provisions of this chapter.

(49) “Native Virgin Islander” — Notwithstanding any law to the contrary, “Native Virgin Islander” shall be defined as any person born in the Virgin Islands; any person who is an offspring of parent(s) born in the Virgin Islands; or any person born outside the Virgin Islands to Native Virgin Islands parent(s) while that parent(s) was studying abroad, employed abroad, or in active military service.

(50) “Operation” — The conduct of gaming as herein defined.

(51) “Operation certificate” — A certificate issued by the Commission which certifies that operation of a casino and, if applicable, a simulcasting facility conforms to the requirements of this chapter and applicable regulations.

(52) “Person” — Any corporation, association, operation firm, partnership, trust or other form of business association, as well as a natural person.

(53) “Principal employee” — Any employee who, by reason of remuneration or of a management, supervisory or policy-making position or such other criteria as may be established by the Commission by regulation, holds or exercises such authority as shall in the judgment of the Commission be sufficiently related to the operation of a licensee so as to require approval by the Commission in the protection of the public interest.

(54) “Property” — Real property, tangible and intangible personal property, and rights, claims and franchises of every nature.

(55) “Publicly traded corporation” — Any corporation other legal entity, except a natural person, which —

(A) Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78(l)), or

(B) Is an issuer subject to section 15(d) of the Securities Exchange Act of 1934 as amended (15 U.S.C. § 78(o)), or

(C) Has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction which the Commission determines to be substantially similar to either or both of the aforementioned statutes.

(56) “Qualifying indoor public space” — That space provided in a proposed casino hotel (including convention centers, meeting rooms, banquet halls, dining, entertainment and sports facilities) which is required to satisfy the requirements of section 435(b) of this chapter. “Qualifying indoor public space” shall not include lobby areas, hallways, casinos, parking areas or any open space required by Title 29, chapter 3 of the Virgin Islands Code.

(57) “Registration” — Any requirement other than one which requires a license as a prerequisite to conduct a particular business as specified by this chapter.

(58) “Registrant” — Any person who is registered pursuant to the provisions of this chapter.

(59) “Regulated complimentary service account” — An account maintained by a casino licensee on a regular basis which itemizes complimentary services and includes, without limitation, a listing of the cost of junket activities and any other service provided at no cost or reduced price.

(60) “Resident worker” — Notwithstanding any law to the contrary “Resident worker” shall be defined as any person who is domiciled in the Virgin Islands for at least six (6) months and who has been employed continuously in the Virgin Islands for not less than five years, and is registered to vote in the Virgin Islands, except where otherwise exempted.

(61) “Resort” — A destination property which offers the guest a full range of services, such as reservations, suites, public dining) and banquet facilities, lounge and entertainment areas (i.e.) theme parks, concert halls, cabaret and international shows) etc. room service, convention centers, meeting rooms, specialty shops, personal services (valet, laundry, hair care), swimming pool and other recreation facilities, ground transportation and an activities coordinator. Rest, relaxation, recreation and family entertainment are to be the focus of this class of accommodation.

(62) “Respondent” — Any person against whom a complaint has been filed or a written request for information has been served.

(63) “Restricted Casino Areas” — The cashier's cage, the soft count room, the hard count room, the slot cage booths and runway areas, the interior of table game pits, the surveillance room and catwalk areas, the slot machine repair room and any other area specifically designated by the Commission as restricted in a licensee's operation certificate.

(64) “Security” — Any instrument evidencing a direct or indirect beneficial ownership or creditor interest in a corporation, including but not limited to, stock, common and preferred; bonds; mortgages; debentures; security agreements; notes; warrants; options and rights.

(65) “Security Measures” — Any provisions taken by the licensee to ensure the safety and security of the casino, its patrons, and its employees.

(66) “Self-exclusion list” — A compilation of names of persons who have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at licensed casinos.

(67) “Simulcasting facility” — A facility established in a casino hotel to facilitate the simultaneous transmission of off site horse racing, where parimutuel wagering is conducted on those races.

(68) “Slot machine” — Any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash or to receive merchandise or any thing of value whatsoever, whether the payoff is made automatically from the machine or in any other manner whatsoever, except that the cash equivalent value of any merchandise or other thing of value shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenues as defined by this chapter or be included in determining the payout percentage of any slot machine. The Commission shall promulgate rules defining “cash equivalent value” in order to assure fairness, uniformity and comparability of valuation of slot machine payoffs. The term does not include a Video Lottery Terminal.

(69) “Statement of compliance” — A statement by the Commission which may be issued to an applicant indicating satisfactory completion of a particular stage or stages of the license consideration process, and which states that unless there is a change of any material circumstance pertaining to such particular stage or stages of license consideration involved in the statement, such applicant has complied with requirements mandated by this chapter and by the Commission and is therefore approved for license qualification to the stage or stages for which the statement has been issued.

(70) “Subsidiary” —

(A) Any corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company; or

(B) A significant interest in any firm, association, partnership, trust or other form of business organization, not a natural person, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

(71) “Transfer” — The sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise; the retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation.

(72) [Repealed.]

(73) “Virgin Islands” or “Territory” means the Virgin Islands.

(74) “Virgin Islands resident” — Notwithstanding any law to the contrary, “Virgin Islands resident” shall be defined as any person who is domiciled in the United States Virgin Islands for a minimum of six (6) months and is registered to vote in the Virgin Islands, except where otherwise exempted.

(75) “Work Permit” — An authorization granted to a casino licensee for the employment of a particular casino hotel employee, casino employee or casino key employee in a particular capacity.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 29, 1996, No. 6102, §§ 3(a), 3(b), 3(c), Sess. L. 1996, p. 38; Mar. 26, 1997, No. 6132, § 4(1–15), Sess. L. 1997, p. 6; Nov. 12, 2007, No. 6971, § 2, Sess. L. 2007, p. 180; May 10, 2010, No. 7169, § 3(a), (b), Sess. L. 2010, p. 66; Oct. 27, 2011, No. 7318, § 3(2.) (a), Sess. L. 2011, p. 264; amended Dec. 15, 2016, No. 7952, § 5(a), (b), Sess. L. 2016, p. 233.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 403

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article I. Introduction and General Provisions (§§ 401 — 403)**

§ 403. Words and Term: Tense, Number and Gender

In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context:

- (a) Words in the present tense shall include the future tense.
- (b) Words in the masculine shall include the feminine and neuter genders.
- (c) Words in the singular shall include the plural and the plural shall include the singular.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE II:
CASINO CONTROL
COMMISSION AND
DIVISION OF GAMING
ENFORCEMENT:
ESTABLISHMENT AND
ORGANIZATION
(§§ 404-410)

32 V.I.C. § 404

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 404. Creation of Casino Control Commission; Number of Members

The Virgin Islands Casino Control Commission, consisting of three (3) members, is hereby created as an independent agency of the executive branch of the Government of the Virgin Islands, whose budget shall be approved annually by the Legislature of the Virgin Islands.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(16), Sess. L. 1997, p. 8; July 12, 2011, No. 7267, § 13(a), Sess. L. 2011, p. 123; amended Mar. 30, 2016, No. 7872, § 1(a), Sess. L. 2016, p. 73.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 405

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 405. Members of the Commission; Qualifications and Eligibility

(a) Each member of the Commission shall be a citizen of the United States and a bona fide resident of the Virgin Islands. Two (2) shall be residents of St. Croix, one shall be a resident of St. Thomas/St. John district. The provisions of this subsection shall become effective upon the expiration of the term of the current commissioners with three (3) year terms.

(b) No member of the Legislature, or person holding any elective or appointive office in the federal or territorial government shall be eligible to serve as a member of the Commission.

(c) No more than two (2) members of the Commission may be of the same political affiliation.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(f)127, Sess. L. 1997, p. 22; July 12, 2011, No. 7267, § 13(b)(1), (2), Sess. L. 2011, p. 123; amended Mar. 30, 2016, No. 7872, § 1(b), Sess. L. 2016, p. 73.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 406

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 406. Appointment and Terms of Commission Members

(a) Initial appointments to the Commission made pursuant to this chapter shall be for terms as follows:

(1) Two members for 2 years;

(2) Two members for 3 years; with one member residing on the island of St. Thomas and one member residing on the island of St. John;

(3) Two members for 4 years;

(b) The term of each of the members first appointed pursuant to this chapter shall be designated by the Governor.

(c) After the initial appointments, all members shall be appointed for terms of five (5) years; provided, however, that no member shall serve more than two consecutive five year terms.

(d) Appointments to the Commission and designation of the chairman shall be made by the Governor with the advice and consent of the Legislature. Prior to nomination, the Governor shall cause an inquiry to be conducted by the Attorney General into the nominee's background, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

(e) Appointments to fill vacancies on the Commission shall be for the unexpired term of the member to be replaced.

(f) The member designated by the Governor to serve as chairman shall serve in such capacity throughout such member's entire term and until his successor shall have been duly appointed and qualified. No such member, however, shall serve in such capacity for more than ten (10) years. The chairman shall be the chief executive officer of the Commission. All members shall devote full time to their duties of office and shall not pursue or engage in any other business, occupation or other gainful employment.

(g) A Commissioner may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for this office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. Notwithstanding any provision of this chapter or any other law, any Commissioner or employee of the Commission shall automatically forfeit his office or position upon conviction of a crime under the laws of the territory, any state or of the United States, which is punishable by more than six (6) months in prison, or any crime or offense involving moral turpitude. Each Commissioner or

employee of the Commission shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of Title 3, chapter 25 of this Code.

(h) Each member of the Commission shall serve for the duration of his term and until his successor shall be duly appointed and qualified, subject to the limitations in subsections (c) and (f) of this section; provided, however, that in the event that a successor is not duly appointed and qualified within 120 days after the expiration of the member's term, a vacancy shall be deemed to exist.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(17), 18, Sess. L. 1997, p. 8.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 407

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 407. Compensation of Members

Each member of the Commission shall receive a minimum compensation of \$60,000.00 per annum, not to exceed \$100,000.00 per annum. The Chairman shall receive \$5,000.00 per annum in addition to his salary as a member of the Commission, the Chairman's salary not to exceed \$105,000.00. Notwithstanding any other law, no officer or employee of the Government of the Virgin Islands shall be deemed to have forfeited or shall forfeit his office or employment, or any benefits or emoluments thereof, nor shall any retiree forfeit his retirement benefits, by accepting the office of either an ex officio or an appointed member of the Virgin Islands Casino Control Commission, provided, however, that the retirement annuity of any retiree who accepts an appointment to the Virgin Islands Casino Control Commission shall continue to be contributed and calculated at the same amount prior to his appointment.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Feb. 21, 1996, No. 6092, § 28, Sess. L. 1996, p. 8.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 408

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 408. Organization and Employees — Casino Control Commission

(a) The Commission may establish, and from time to time alter, such plan of organization as it may deem expedient, and may incur expenses within the limits of funds available to it.

(b) The Commission shall elect annually by a majority of the full Commission one of its members, other than the chairman, to serve as vice-chairman for the ensuing year. The vice-chairman shall be empowered to carry out all of the responsibilities of the chairman during his absence, disqualification, or inability to serve.

(c) The Commission shall appoint an executive director who shall serve at its pleasure and shall be responsible for the conduct of its administrative affairs. No person shall be eligible for such appointment unless he shall have at least five (5) years of responsible experience in public or business administration or possesses broad management skills.

(d) The Commission may employ such other personnel as it deems necessary. All employees of the Commission, excluding commissioners, shall serve at its pleasure. Notwithstanding the provisions of any other law to the contrary, the Commission may employ legal counsel who shall represent the Commission in any proceeding to which it is a party, and who shall render legal advice to the Commission upon its request. The Commission may contract for the services of other professional, technical and operational personnel and consultants as may be necessary to the performance of its responsibilities under this chapter. Members and employees of the Commission shall be enrolled in the Government Employees' Retirement System.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(19, 20), Sess. L. 1997, p. 8.

32 V.I.C. § 409

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 409. Division of Gaming Enforcement

There is hereby established in the Department of Justice the Division of Gaming Enforcement. The Division shall be under the immediate supervision of a Director who shall also be sworn as an Assistant Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The Director shall be appointed by the Governor, with the advice and consent of the Legislature, and shall serve during the term of office of the Governor, except that the first Director shall be appointed for a term of 2 years. The Director may be removed from office by the Attorney General for cause upon notice and opportunity to be heard. The Director and any employee or agent of the Division shall be subject to the duty to appear and testify and upon his failure or refusal to testify shall be subject to removal from his office, position or employment. The Attorney General shall be responsible for the exercise of the duties and powers assigned to the Division.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 410

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article II. Casino Control Commission and Division of Gaming Enforcement: Establishment and Organization (§§ 404 — 410)**

§ 410. Organization and Employees — Division of Gaming Enforcement

(a) The Attorney General shall organize the work of the Division in such bureaus and other organizational units as he/she may determine to be necessary for efficient and effective operation and shall assign to the Division such employees of the Department of Justice as may be necessary to assist the director in the performance of his duties. Subject to the approval of the Attorney General, the Commissioner of the Virgin Islands Police Department shall assign such supervisory and investigative personnel and other resources to the Division of Gaming Enforcement as may be necessary to fulfill its obligations under this chapter.

(b) All employees of the Division, shall be in the exempt service.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(21), Sess. L. 1997, p. 8.

ARTICLE III:
CONTROL AUTHORITY
RESTRICTIONS
(§§ 411-414)

32 V.I.C. § 411

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article III. Control Authority Restrictions (§§ 411 — 414)**

§ 411. Restrictions on Pre-employment by Commissioners, Commission Employees and Division Employees and Agents

(a) No person shall be appointed to or employed by the Commission or Division if, during the period commencing three (3) years prior to appointment or employment, said person held any direct or indirect interest in, or any employment by, any person which is licensed as a casino licensee pursuant to section 439 of this title or as a casino service industry pursuant to subsection (a) of section 444 of this title or has an application for such a license pending before the Commission; provided, however, that notwithstanding any other provision of this chapter to the contrary, any such person may be appointed to or employed by the Commission or Division if his interest in any such casino licensee or casino service industry would not, in the opinion of the employing agency, interfere with the objective discharge of such person's employment obligations, but in no instance shall any person be appointed to or employed by the Commission or Division if his interest in such a casino licensee or casino service industry constituted a controlling interest in that casino licensee or casino service industry; and provided further, however, that notwithstanding any other provision of this chapter to the contrary, any such person may be employed by the Commission or Division in a secretarial or clerical position if, in the opinion of the employing agency, his previous employment by, or interest in, any such casino licensee or casino service industry would not interfere with the objective discharge of such person's employment obligations.

(b) Prior to appointment or employment, each member of the Commission, each employee of the Commission, the Director of the Division of Gaming Enforcement and each employee and agent of the Division shall swear or affirm that he possesses no interest in any business or organization licensed by or registered with the Commission, and that he will uphold and defend the laws of the United States and the Virgin Islands.

(c) Each member of the Commission and the Director of the Division shall file with the Commission of Ethics and Conflicts of Interest as provided under Title 3, section 1106 of this code, a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of said member or Director and his spouse. Such statement shall be under oath and shall be filed at the time of appointment and annually thereafter.

(d) Each employee of the Commission, except for secretarial and clerical personnel, and each employee and agent of the Division, except for secretarial and clerical personnel, shall file with the Commission of Ethics and Conflicts of Interest a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of said employee or agent and his spouse. Such statement shall be under oath and shall be filed at the time of employment and annually thereafter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 412

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article III. Control Authority Restrictions (§§ 411 — 414)**

§ 412. Employment Restrictions on Commissioners, Commission Employees and Division Employees

- (a) The Virgin Islands Conflict of Interest Law as provided in Title 3, chapter 37 of this code shall apply to members of the Commission and to all employees of the Commission and the Division, except as herein specifically provided.
- (b) The Commission shall, no later than June 1, 1996, promulgate a Code of Ethics that is modeled upon the Code of Judicial Conduct of the American Bar Association, as amended and adopted. This Code of Ethics shall include, but not be limited to, provisions that address the propriety of relationships and dealings between the Commission and its staff, and licensees and applicants for licensure under this chapter.
- (c) The Division shall promulgate a Code of Ethics governing its specific needs.
- (d) The Codes of Ethics promulgated by the Commission and the Division shall not be in conflict with the laws of the Virgin Islands, except, however, that said Codes of Ethics may be more restrictive than any law of the Virgin Islands.
- (e) The Codes of Ethics promulgated by the Commission and the Division shall be submitted to the Attorney General for approval. The Codes of Ethics shall include, but not be limited to provisions that:
- (1) No Commission member or employee or Division employee or agent shall be permitted to gamble in any establishment licensed by the Commission except in the course of his duties.
 - (2) No Commission member or employee or Division employee or agent shall solicit or accept employment from any person licensed by or registered with the Commission or from any applicant for a period of two (2) years after termination of service with the Commission or Division, unless subject to section 413 of this chapter.
 - (3) No Commission member or employee or any Division employee or agent shall act in his official capacity in any matter wherein he or his spouse, child, parent or sibling has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.
 - (4) No Commission employee or any Division employee or agent shall act in his official capacity in a matter concerning an applicant for licensure or a licensee who is the employer of a spouse, child, parent or sibling of said Commission or Division employee or agent when the fact of the employment of such spouse, child, parent or sibling might reasonably be expected to impair the objectivity and independence of judgment of said Commission employee or Division employee or agent.

(5) No spouse, child, parent or sibling of a Commission member shall be employed in any capacity by an applicant for a casino license or a casino licensee nor by any holding, intermediary or subsidiary company thereof.

(6) No Commission member shall meet with any person, except for any other member of the Commission or employee of the Commission, or discuss with any person any issues involving any pending or proposed application or any matter whatsoever which may reasonably be expected to come before the Commission, or any member thereof, for determination unless the meeting or discussion takes place on the business premises of the Commission, provided, however, that Commission members may meet to consider matters requiring the physical inspection of equipment or premises at the location of the equipment or premises. All meetings or discussions subject to this paragraph shall be noted in a log maintained for this purpose and available for inspection.

(f) No Commission member or employee or Division employee or agent shall have any interest, direct or indirect, in any applicant or in any person licensed by or registered with the Commission during his term of office or employment.

(g) Each Commission member and employee of the Commission, including legal counsel, and each employee and agent of the Division shall devote his entire time and attention to his duties and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the Commission or Division, unless otherwise directed; and provided further, however, that other employees of the Commission and Division and agents of the Division may engage in such other gainful employment as shall not interfere or be in conflict with their duties to the Commission or Division, upon approval by the Commission or the Director of the Division, as the case may be.

(h) No member of the Commission, employee of the Commission, or employee or agent of the Division shall:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise any person to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Take any active part in political campaigns or the management thereof; provided, however, that nothing herein shall prohibit a person from voting as he chooses or from expressing his personal opinions on political subjects and candidates.

(i) For the purpose of applying the provisions of the Conflicts of Interest Law, any consultant or other person under contract for services to the Commission and the Division shall be deemed to be a special employee. Such person and any corporation, firm or partnership in which he has an interest or by which he is employed shall not represent any person or party other than the Commission or the Division before the Commission.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(22, 23), Sess. L. 1997, p. 8.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 413

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article III. Control Authority Restrictions (§§ 411 — 414)**

§ 413. Post-employment Restrictions

(a) No member of the Commission shall hold any direct or indirect interest in, or be employed, retained or hired as a consultant by, any applicant or by any person licensed by or registered with the Commission for a period of two (2) years commencing on the date his membership on the Commission terminates.

(b) No employee of the Commission or employee or agent of the Division may acquire any direct or indirect interest in, or accept employment with, any applicant or any person licensed by or registered with the Commission, for a period of two (2) years commencing at the termination of employment with the Commission or Division. At the end of two (2) years, the former employee or agent may acquire an interest in, or accept employment with, any applicant or person licensed by or registered with the Commission upon application to and the approval of the Commission upon a finding that the interest to be acquired or the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact.

(c) No Commission member or person employed by the Commission or Division shall represent any person or party other than the Territory before or against the Commission for a period of two (2) years from the termination of his office or employment with the Commission or Division.

(d) No partnership, firm or corporation in which a former Commission member or employee or former Division employee or agent has an interest, nor any partner, officer or employee of any such partnership, firm or corporation shall make any appearance or representation which is prohibited to said former member, employee, or agent; prohibited to said former member, employee, or agent; provided, however, that nothing herein shall prohibit such partnership, firm or corporation from making such appearance or representation on behalf of a casino service industry licensed under subsection (c) of section 444 of this title, provided that the casino service industry is not a casino licensee or its subsidiary.

(e) Notwithstanding any post-employment restriction imposed by this section, nothing herein shall prohibit a former Commission member or employee or former Division employee or agent, at any time after termination of such membership or employment, from acquiring an interest in, or soliciting or obtaining employment with, any person licensed as a casino service industry under section 444 of this title or any applicant for such licensure, provided that the casino service industry is not a casino licensee or its subsidiary.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(24), Sess. L. 1997, p. 8.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 414

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article III. Control Authority Restrictions (§§ 411 — 414)**

§ 414. Applicant and Licensee Liability for Violations

(a) No applicant or person or organization licensed by or registered with the Commission shall employ or offer to employ, or provide, transfer or sell, or offer to provide, transfer or sell any interest, direct or indirect, in any person licensed by or registered with the Commission to any person restricted from such transactions by the provisions of sections 411, 412 and 413 of this title.

(b) The Commission shall impose such sanctions upon an applicant or a licensed or registered person for violations of this section as authorized by Article 9 of this chapter.

(c) The Attorney General shall enforce the provisions of sections 411, 412 and 413 of this chapter pursuant to the Conflicts of Interest Law, Title 3, chapter 37 of this code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(25), Sess. L. 1997, p. 8.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE IV:
CASINO CONTROL
COMMISSION – DUTIES
AND POWERS
(§§ 415-427)

32 V.I.C. § 415

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 415. Duties of the Commission

The Casino Control Commission shall have general responsibility for the implementation of this chapter, as hereinafter provided, including, without limitation, the responsibility:

- (a) To hear and decide promptly and in reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal thereof;
- (b) To conduct all hearings pertaining to civil violations of this chapter or regulations promulgated hereunder;
- (c) To promulgate such regulations as in its judgment may be necessary to fulfill the policies of this chapter;
- (d) To collect all license and registration fees and taxes imposed by this chapter and the regulations issued pursuant thereto;
- (e) To levy and collect penalties for the violations of provisions of this chapter and the regulations promulgated hereunder;
- (f) To be present through its inspectors and agents at all times during the operation of any casino or simulcasting facility for the purpose of certifying the revenue thereof, receiving complaints from the public relating to the conduct of gaming and simulcast wagering operations, examining records of revenues and procedures, and conducting periodic reviews of operations and facilities for the purpose of evaluating current or suggested provisions of this chapter and the regulations promulgated thereunder;
- (g) To refer to the Division for investigation and prosecution any evidence of a violation of this chapter or the regulations promulgated thereunder; and
- (h) To review and rule upon any complaint by a casino licensee regarding any investigative procedures of the Division which are unnecessarily disruptive of casino or simulcasting facility operations. The need to inspect and investigate shall be presumed at all times. The disruption of a licensee's operations shall be proved by clear and convincing evidence, which evidence shall establish that:
 - (1) the procedures had no reasonable law enforcement purpose, and
 - (2) the procedures were so disruptive as to inhibit unreasonably casino or simulcasting facility operations.

(i) To conduct an economic impact study on the community after three casinos have been in operation for six months, to determine the feasibility on issuing additional casino licenses, notwithstanding the provisions of section 435(c) of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(26), Sess. L. 1997, p. 9.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 416

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 416. Commission Powers — Denial and Sanctions

The Commission shall ensure, to the extent required by this chapter, that licenses, approvals, certificates, or permits shall not be issued to, nor held by, nor shall there be any material involvement, directly or indirectly, with the licensed casino operations or the ownership thereof by, unqualified or disqualified persons or persons whose operations are conducted in a manner not conforming with the provisions of this chapter. For the purposes of this section, “unqualified person” shall mean any person who is found by the Commission to be unqualified pursuant to criteria set forth in section 436 or 441 of this title and “disqualified person” shall mean any person found by the Commission to be disqualified pursuant to the criteria set forth in section 438 of this title. In enforcing the provisions of this chapter, the Commission shall have the power and authority to deny any application; limit or restrict any license, registration, certificate, permit or approval; suspend or revoke any license, registration, certificate, permit or approval; and impose a penalty on any person licensed, registered, or previously approved for any cause deemed reasonable by the Commission pursuant to rules and regulations promulgated thereby except that no such denial, limitation, suspension or revocation shall be issued solely by reason of the fact that an applicant, registrant, or licensee holds an interest in or is associated with any licensed casino enterprise in any other jurisdiction.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 417

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 417. Subpoenas: Oaths

The Commission shall have the power and authority to issue subpoenas and to compel the attendance of witnesses at any place within this Territory, to administer oaths and to require testimony under oath before the Commission or Division in the course of any investigation or hearing conducted under this chapter. The Commission may serve or cause to be served its process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court. The Commission and the Division shall have the authority to propound written interrogatories and the Commission may appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories and require testimony under oath.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 418

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 418. Investigative Hearings

The Commission shall have the authority to conduct investigative hearings concerning the conduct of gaming and gaming operations as well as the development and well-being of the industries controlled by this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 419

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 419. Testimonial Immunity

The Commission may order any person to answer a question or questions or produce evidence of any kind and confer immunity as provided in this section. If, in the course of any investigation or hearing conducted under this chapter, a person refuses to answer a question or produce evidence on the grounds that he will be exposed to criminal prosecution thereby, then in addition to any other remedies or sanctions provided for by this chapter, the Commission may, by resolution of six of its members and after the written approval of the Attorney General, issue an order to answer or to produce evidence with immunity. If upon issuance of such an order, the person complies therewith, he shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom, used to expose him to criminal prosecution, except that such person may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the Commission; provided, however, that no period of incarceration for contempt shall exceed 180 days in duration pursuant to this section. Any such answer given or evidence produced shall be admissible against him upon any criminal investigation, proceeding or trial against him for such perjury; upon any investigation, proceeding or trial against him for such contempt; or in any manner consonant with territorial and constitutional provisions.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 420

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 420. Collection of Fees, Penalties or Tax

At any time within five years after any amount of fees or interest or penalties thereon required to be collected pursuant to the provisions of this chapter shall become due and payable, the Commission is authorized to bring a civil action in the courts of this territory or any other territory, or state of the United States, in the name of this Government, to collect the amount delinquent, together with penalties and interest. An action may be brought whether or not the person owing the amount is at such time an applicant, licensee or registrant pursuant to the provision of this chapter. If such action is brought in this Territory, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereon shall be required. In all actions in this territory, the records of the Commission shall be prima facie evidence of the determination of the fee or the amount of the delinquency.

Each debt that is due and payable as a result of fees or interest and penalties thereon required to be collected pursuant to this chapter or the regulations promulgated thereunder, including any compensation authorized, and each regulatory obligation imposed as condition upon the issuance or renewal of a casino license which requires the licensee to maintain, as a fiduciary, a fund for a specific regulatory purpose, shall constitute a lien on the real property owned or hereafter acquired by the applicant, licensee or registrant owing such a debt or on whom such an obligation has been imposed. Except as otherwise provided in this chapter, such a lien shall be a first lien paramount to all prior or subsequent liens, claims, or encumbrances on that property.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 421

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 421. Regulations

(a) The Commission shall be authorized to adopt, amend or repeal such regulations, consistent with the policy and objectives of this chapter, as it may deem necessary or desirable for the public interest in carrying out the provisions of this chapter.

(b) Such regulations shall be adopted, amended, and repealed, after public notice and hearing. Public notice shall be made in the Virgin Islands newspapers and major media for four (4) weeks prior to the hearing.

(c) Any interested person may, file a petition with the Commission requesting the adoption, amendment or repeal of a regulation.

(d) The Commission may, in emergency circumstances, summarily adopt, amend or repeal any regulation.

(e) Notwithstanding any other provision of this chapter to the contrary, the Commission may, after notice provided in accordance with this subsection, authorize the temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or the use or design of gaming equipment for an experimental period not to exceed 180 days for the purpose of determining whether such rules should be adopted on a permanent basis in accordance with the requirements of this section. Any rules experiment authorized by this subsection shall be conducted under such terms and conditions as the Commission may deem appropriate. Notice of any temporary rulemaking action taken by the Commission pursuant to this subsection shall be published in newspapers designated by the Commission at least seven days prior to the initiation of the experimental period and shall be prominently posted in each casino participating in the experiment. Nothing herein shall be deemed to require the publication of the text of any temporary rules adopted by the Commission or notice of any modification of a rules experiment initiated in accordance with this subsection. The text of any temporary rule adopted by the Commission shall be posted in each casino participating in the experiment and shall be available upon request from the Commission. In no case shall any temporary rules authorize the use or operation of any game not authorized by the Legislature.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 422

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 422. Required Regulations

The Commission shall, without limitation on the powers conferred in the preceding section, include within its regulations the following specific provisions in accordance with the provisions of this chapter:

- (a) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of his application by the Commission;
- (b) Prescribing the methods, procedures and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs;
- (c) Prescribing procedures for the fingerprinting of an applicant, employee of a license, or registrant, or other methods of identification which may be necessary in the judgment of the Commission to accomplish effective enforcement of restrictions on access to the casino floor, the simulcasting facility, and other restricted areas of the casino hotel complex;
- (d) Prescribing the manner and procedure of all hearings conducted by the Commission or any hearing examiner, including special rules of evidence applicable thereto and notice thereof;
- (e) Prescribing the manner and method of collection of payments of taxes, fees, and penalties;
- (f) Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices;
- (g) Regulating the practice and procedures for negotiable transactions involving patrons, including limitations on the circumstances and amounts of such transactions, and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;
- (h) Prescribing grounds and procedures for the revocation or suspension of operating certificates and licenses;
- (i) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment;
- (j) Prescribing the procedures, forms and methods of management controls, including employee and supervisory tables of organization and responsibility, and minimum security standards, including security personnel structure, alarm and other electrical or visual security measures;
- (k) Prescribing the qualifications of, and the conditions pursuant to which, engineers, accountants, and others shall be permitted to practice before the Commission or to submit materials on behalf of any applicant or licensee; provided, however, that no member of the Legislature, nor any firm with which said

members is associated, shall be permitted to appear or practice or act in any capacity whatsoever before the Commission or Division regarding any matter whatsoever, nor shall any member of the family of the Governor or of a member of the Legislature be permitted to so practice or appear in any capacity whatsoever before the Commission or Division regarding any matter whatsoever;

(l) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations and events, including reports to the Commission;

(m) Providing for a minimum uniform standard of accountancy methods, procedures and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures, including those controls listed in section 455(a) of this title, as may be necessary to assure consistency, comparability, and effective disclosure of all financial information, including calculations of percentages of profit by games, tables, gaming devices and slot machines;

(n) Requiring periodic financial reports and the form thereof, including an annual audit prepared by a certified public accountant licensed to do business in this Territory, attesting to the financial condition of a licensee and disclosing whether the accounts, records and control procedures examined are maintained by the licensee as required by this chapter and the regulations promulgated hereunder;

(o) Governing the gaming-related advertising of licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations:

(1) shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered;

(2) shall require the promotion of a cautionary message regarding gambling to be determined by the Commission as part of an ongoing campaign, such message to appear on all signs, and other on-site advertising of a casino operation;

(p) Governing entertainment presented by casino licensees in accordance with prevailing community standards as determined by the Commission;

(q) Concerning the distribution and consumption of alcoholic beverages on the premises of the licensee, which regulations shall be insofar as possible consistent with Title 8, chapter 1 and Title 27, chapter 9 of this code, and shall deviate only insofar as necessary because of the unique character of the hotel casino premises and operations; and

(r) Limiting signs and other on-site advertising, with a view toward minimizing solicitation for gaming purposes from the public thoroughfares or otherwise dominating or despoiling the architecture or environment of the town.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(27), Sess. L. 1997, p. 9.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 423

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 423. Regulation Requiring Exclusion of Certain Persons; Repeat Offenders Excludable from Casino Hotels

(a) The Commission shall, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any licensed casino establishments. Such provisions shall define the standards for exclusion, and shall include standards relating to persons;

(1) Who are career or professional offenders as defined by regulations of the Commission;

(2) Who have been convicted of a criminal offense which is punishable by more than six (6) months in prison, or any crime or offense involving moral turpitude; or

(3) Whose presence in a licensed casino hotel would in the opinion of the Commission, be inimical to the interest of the Government or of licensed gaming therein, or both. The Commission shall promulgate definitions establishing those categories of persons who shall be excluded pursuant to this section, including cheats and persons whose privileges for licensure or registration have been revoked.

(b) Race, color, creed, national origin or ancestry, or sex shall not be a reason for placing the name of any person upon such list.

(c) The Commission may impose sanctions upon a licensed casino or individual licensee or registrant in accordance with the provisions of this chapter if such casino or individual licensee or registrant knowingly fails to exclude or eject from the premises of any licensed casino any person placed by the Commission on the list of persons to be excluded or ejected.

(d) Any list compiled by the Commission of persons to be excluded or ejected shall not be deemed an all inclusive list, and licensed casino establishments shall have a duty to keep from their premises persons known to them to be within the classifications declared in subsection (a) of this section and the regulations promulgated thereunder; or known to them to be persons whose presence in a licensed casino hotel would be inimical to the interest of the Virgin Islands or of licensed gaming therein, or both, as defined in standards established by the Commission.

(e) Whenever the name or description of any person is placed on a list pursuant to this section, the Commission shall serve notice of such fact to such person by personal service, by certified mail at the last known address of such person, or by publication daily for one (1) week in a newspaper of general circulation in the Virgin Islands.

(f) Within 30 days after service by mail or in person or 60 days from the time of last publication, as the case may be, the person named for exclusion or ejection may demand a hearing before the Commission and show cause why he should have his name removed from such list; the Commission shall have the affirmative

obligation to demonstrate by a preponderance of the evidence that the person named for exclusion or ejection satisfies the criteria for exclusion established by this section and the regulations promulgated by the Commission. Failure to demand such a hearing within 30 days after service shall be deemed an admission of all matters and facts alleged in the Commission's notice and shall preclude a person from having an administrative hearing, but shall in no way affect his right to judicial review as provided herein.

(g) The Division may file an application with the Commission requesting preliminary placement on the list of a person named in a petition for exclusion or ejection pending completion of a hearing on the petition. The hearing on the application for preliminary placement shall be a limited proceeding at which the Division shall have the affirmative obligation to demonstrate that there is a reasonable possibility that the person satisfies the criteria for exclusion established by this section and the Commission's regulations. If a person has been placed on the list as a result of an application for preliminary placement, unless otherwise agreed by the Commission and the named person, a hearing on the petition for exclusion or ejection shall be initiated within thirty (30) days after the receipt of a demand for such hearing or the date of preliminary placement on the list, whichever is later.

(h) If, upon completion of the hearing, the Commission determines that the regulation does not or should not apply to the person so listed, the Commission shall notify all casino licensees of such determination.

(i) If, upon completion of a hearing, the Commission determines that the placement of the name of the person on the exclusionary list was appropriate, the Commission shall make and enter an order to that effect. Such order shall be subject to review by the Superior Court in accordance with the rules of court.

(j) A casino licensee may exclude or eject from its casino hotel any person who is known to it to have been convicted of a felony, or on at least two occasions convicted of a misdemeanor in or on the premises of any casino hotel. Nothing in this section or in any other law of this Territory shall limit the right of a casino licensee to exercise its common law right to exclude or eject permanently from its hotel any person who disrupts the operations of its premises, threatens the security of its premises or its occupants, or is disorderly or intoxicated.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(28), Sess. L. 1997, p. 9.

32 V.I.C. § 423a

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 423a. Voluntary Self-Exclusion from Licensed Casinos

(a) The Commission shall, by regulation, provide for the establishment of a list of persons who voluntarily seek to be excluded from gaming activities at all licensed casinos. The regulations must include procedures relating to:

- (1) the application of any person to request voluntary placement on the self-exclusion list by acknowledging, in a manner established by the Commission, that the person is a problem gambler [sic] and by agreeing that, during the period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from gaming activity at licensed casinos;
- (2) the creation of a list of persons self-excluded from gaming activities at licensed casinos;
- (3) the establishment of a procedure that allows a person to petition the Commission for removal of his name from the self-exclusion list after a one, two or three-year period, whichever the persons [sic] elects;
- (4) the establishment of a procedure for the transmittal of identifying information concerning self-excluded persons to licensed casinos;
- (5) the requirement of licensed casino operators to establish internal controls providing for the removal of self-excluded persons from mailings or other forms of marketing and the denial of access to credit, check cashing privileges and other similar benefits;
- (6) the establishment of a method for informing casino patrons of the self-exclusion list and explaining how a person may add or remove his name from the list; and
- (7) the creation of a waiver and release that releases and forever discharges the Government of the Virgin Islands, the Commission and its employees and agents, the Division of Gaming Enforcement and casino licensees and their employees and agents from any liability to the person requesting self-exclusion for any injury, monetary or otherwise which may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list. The waiver and release must also contain an acknowledgment by the person requesting self-exclusion that during the period of voluntary exclusion the person will be deemed to be a trespasser upon entering any casino space in the Virgin Islands.

(b) The application created by the Commission must be filled out at the offices of the Casino Control Commission and must:

- (1) seek information for proper identification of the person requesting to be placed on the self-exclusion list, including the person's name, any aliases or nicknames, date of birth, address of current residence, telephone

number of current residence, social security number if voluntarily provided in accordance with section 7 of The Privacy Act, 5 U.S.C. § 552a; and physical description, including gender, height, weight, hair and eye color, and any other physical characteristics that may assist in the identification of the individual;

(2) have a photograph of the applicant attached to it;

(3) contain an acknowledgement by the applicant that he has read and consents to the waiver and release described in subsection (a)(7) of this section and to the enforcement of his agreement to be placed on the self-exclusion list; and

(4) include a certification by the applicant that the information provided on the application form is true and correct.

(c) The Commission, the Division of Gaming Enforcement, and the casino licensee, their employees and agents may not make the self-exclusion list available to the public.

(d) No casino licensee, or its employees or agents may willfully disclose the name of, or any information about, any person who has requested self-exclusion to anyone other than employees or agents of the casino licensee whose duties and functions require access to such information.

(e) A self-excluded person may not collect any winnings or recover any losses arising as a result of any gaming activity incurred while on the self-exclusion list.

(f) Any person convicted of knowingly entering a licensed casino while listed on the self-excluded list is guilty of a misdemeanor punishable by imprisonment for not more than thirty days, or by a fine of \$50, or by both the fine and imprisonment as provided in this subsection.

(g) Any money or thing of value that has been obtained by or is owed to a self-excluded person is subject to forfeiture by the Commission following notice to the self-excluded person and an opportunity to be heard. The Commission shall deposit the forfeited amount into the Casino Revenue Fund for appropriation by the Legislature of the Virgin Islands to any public or private entity for gambling treatment programs.

(h) The Commission may order in any proceeding brought by the Commission against a casino licensee for willful violation of this section, the payment of a fine and suspension or revocation of a license, or both the fine and suspension or revocation. Any money or thing of value obtained by the licensee from any self-excluded person is subject to forfeiture by the Commission. The Commission shall deposit the fine and forfeited amount into the Casino Revenue Fund as provided in subsection (g) of this section.

(i) The Government of The Virgin Islands, the Commission and its employees and agents, the Division of Gaming and Enforcement and casino licensees and their employees and agents are not liable to any person requesting self-exclusion and his heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise from or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list including: its processing or enforcement; permitting a self-excluded person to gain entry to a licensed casino while on the self-excluded list; the exercise of duties pursuant to the administration or enforcement of the chapter and the related regulations; or disclosure of the information contained in a self-exclusion application or of an individual on the self-exclusion list, except for a willful unlawful disclosure of such information by a licensed casino.

History

—Added Nov. 12, 2007, No. 6971, § 1, Sess. L. 2007, p. 177.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 424

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 424. Commission Reports and Recommendations

The Commission shall carry on a continuous study of the operation and administration of casino control laws which may be in effect in other jurisdictions, literature on this subject which may from time to time become available, federal laws which may affect the operation of casino gaming in the Virgin Islands, and the reaction of citizens to existing and potential features of casino gaming under this chapter. It shall be responsible for ascertaining any defects in this chapter or in the rules and regulations issued thereunder, formulating recommendations for changes in this chapter to prevent abuses thereof, guarding against the use of this chapter as a cloak for the carrying on of illegal gambling or other criminal activities, and insuring that this chapter and the rules and regulations shall be in such form and be so administered as to serve the true purposes of this chapter. The Commission shall make to the Governor and the Legislature an annual report of all revenues, expenses and disbursements, and shall include therein such recommendations for changes in this chapter as the Commission deems necessary or desirable. The Commission shall report immediately to the Governor and the Legislature any matter which in its judgment require immediate changes in the laws of this Territory in order to prevent abuses and evasions of this chapter or rules and regulations promulgated hereunder, or to rectify undesirable conditions in connection with the operation and regulation of casino gaming.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 425

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 425. Meetings and Quorum

(a) Meetings of the Commission will be held at the discretion of the chairman at such times and places as he may deem necessary and convenient, or at the call of two (2) members of the Commission. The Commission shall notify all Commission members of any such meeting, and shall certify each member's receipt of such in advance of the commencement thereof.

(b) The Commission shall in all respects comply with the provisions of Title 1, chapter 15 of this code.

(c) Any other law, rule or regulation to the contrary notwithstanding, the Commission shall take all necessary steps to ensure that all interested persons are given adequate notice of Commission meetings and the agenda of such meetings, through the utilization of all media engaged in the dissemination of information.

(d) A majority of the full Commission shall determine any action of the Commission, except that no casino license or interim casino authorization may be issued without the approval of a majority of the Commission, provided that one (1) of the two (2) members residing on St. Croix support the action. In the event that a vacancy has existed in the Commission for more than sixty (60) days, a majority of the full Commission may act with respect to any matter, including the issuance of a casino license or interim casino authorization.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(29), Sess. L. 1997, p. 9; July 12, 2011, No. 7267, § 13(c)(1), (2), Sess. L. 2011, p. 124; amended Mar. 30, 2016, No. 7872, § 1(c), Sess. L. 2016, p. 73.

32 V.I.C. § 426

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 426. Minutes and Records

(a) The Commission shall cause to be made and kept a verbatim record of all proceedings held at public meetings of the Commission, which record shall be open to public inspection. A true copy of the minutes of every meeting of the Commission and of any regulations finally adopted by the Commission shall be forthwith delivered, by and under the certification of the executive secretary, to the Governor, and the President of the Legislature. A transcript will also be made available to any other person upon payment by that person of the costs of preparation.

(b) The Commission shall keep and maintain a list of all applicants for licenses and registrations under this chapter together with a record of all actions taken with respect to such applicants, which file and record shall be open to public inspection; provided, however, that the foregoing information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after five years from the date of such action.

(c) The Commission shall maintain such other files and records as may be deemed desirable.

(d) Except as provided in subsection (h) of this section, all information and data required by the Commission to be furnished hereunder, or which may otherwise be obtained, relative to the internal controls specified in section 455(a) of this title or to the earnings or revenue of any applicant, registrant, or licensee shall be considered to be confidential and shall not be revealed in whole or in part, except in the course of the necessary administration of this chapter, or upon lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(e) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the Commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(f) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subsection (d) or (e) of this section, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the Commission.

(g) Files, records, reports, and other information in the possession of the Office of Management and Budget pertaining to licensees shall be made available to the Commission and the division as may be necessary to the effective administration of this chapter.

(h) The following information to be reported quarterly to the Commission by a casino licensee shall not be considered confidential and shall be made available for public inspection:

- (1) A licensee's gross revenue from all authorized games as herein defined;
- (2) (a) The dollar amount of patron checks initially accepted by a licensee, (b) the dollar amount of patron checks deposited to the licensee's bank account, (c) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as “uncollected”, and (d) the dollar amount ultimately uncollected after all reasonable efforts;
- (3) The amount of gross revenue tax or investment alternative tax actually paid and the amount of investment, if any, required and pursuant to section 515 of this title and subsection 3 of section 516 of this title.
- (4) A list of the premises and the nature of improvements, costs thereof and the payee for all such improvements, which were the subject of an investment required and allowed pursuant to section 515 and subsection 3 of section 516;
- (5) The amount of profits, if any, recaptured pursuant to section 521 of this title;
- (6) A list of the premises, nature of improvements and costs thereof for consideration as investments pursuant to section 516;
- (7) All quarterly and annual financial statements presenting historical data which are submitted to the Commission, including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the Virgin Islands. Nothing in this subsection shall be construed to limit access by the public to those forms and documents required to be filed pursuant to Article 11 of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(30, 31), Sess. L. 1997, p. 9.

32 V.I.C. § 427

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IV. Casino Control Commission — Duties and Powers (§§ 415 — 427)**

§ 427. Powers Not Enumerated

The Commission may exercise any proper power or authority necessary to perform the duties assigned to it by law, and no specific enumeration of powers in this chapter shall be read to limit the authority of the Commission to administer this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE V:
DIVISION OF GAMING
ENFORCEMENT –
POWER AND DUTIES
(§§ 428-431)

32 V.I.C. § 428

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article V. Division of Gaming Enforcement — Powers and Duties (§§ 428 — 431)**

§ 428. General Duties and Powers

(a) The Division of Gaming Enforcement shall promptly and in reasonable order investigate all applications, enforce the provisions of this chapter, and any regulations promulgated hereunder, and prosecute before the Commission all proceedings for violations of this chapter or any regulations promulgated hereunder. The Division shall provide the Commission with all information necessary for all action under Article 6 of this chapter and for all proceedings involving enforcement of the provisions of this chapter or any regulations promulgated hereunder.

(b) The Division shall:

- (1) Investigate the qualifications of each applicant before any license certificate, or permit is issued pursuant to the provisions of this chapter;
- (2) Investigate the circumstances surrounding any act or transaction for which Commission approval is required;
- (3) Investigate violations of this chapter and regulations promulgated hereunder;
- (4) Initiate, prosecute and defend such proceedings before the Commission, or appeals therefrom, as the Division or Commission may deem appropriate;
- (5) Provide assistance upon request by the Commission in the consideration and promulgation of rules and regulations;
- (6) At the request of the Commission conduct reviews of casino operations through on-site observation and other reasonable means to assure compliance with this chapter and regulations promulgated hereunder, subject to section 415(a) of this title;
- (7) Receive and take appropriate action on any referral from the Commission relating to any evidence of a violation of this chapter or the regulations promulgated hereunder;
- (8) Exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering applicants for any license or registration issued pursuant to the provisions of this chapter;
- (9) At the request of the Commission conduct audits of casino operations, including reviews of accounting, administrative and financial records, and management control systems, procedures and records utilized by a casino licensee, under such circumstances and to such extent as the Commission shall determine to ensure that there is not duplication of duties and responsibilities between it and the Commission; and

(10) Be entitled to request and receive information, materials and any other data from any licensee or registrant, or applicant for a license or registration under this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(32–34), Sess. L. 1997, p. 9.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 429

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article V. Division of Gaming Enforcement — Powers and Duties (§§ 428 — 431)**

§ 429. Criminal Violations; Prosecution; Law Enforcement Powers of Division and its Employees and Agents

The Division and its employees and agents shall have such other law enforcement powers as may be delegated to it by the Attorney General to effectuate the purposes of this chapter. The Division shall prosecute all criminal violations of this chapter. To effectuate this power, the Division shall have access to the Grand Jury as is established in the Territory.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(35), Sess. L. 1997, p. 9.

32 V.I.C. § 430

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article V. Division of Gaming Enforcement — Powers and Duties (§§ 428 — 431)**

§ 430. Cooperation by Licensees, Registrants or Applicants

Each licensee or registrant, or applicant for a license or registration under this chapter shall cooperate with the Division in the performance of its duties.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 431

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article V. Division of Gaming Enforcement — Powers and Duties (§§ 428 — 431)**

§ 431. Inspection, Seizure, and Warrants

(a) The Division and its employees and agents, upon approval of the director, shall have the authority, without notice and without warrant:

- (1) To inspect and examine all premises wherein casino gaming is conducted; or gaming devices or equipment are manufactured, sold, distributed, or serviced; or wherein any records of such activities are prepared or maintained;
- (2) To inspect all equipment and supplies in, about, or around such premises;
- (3) To seize summarily and remove from such premises and impound any such equipment or supplies for the purposes of examination;
- (4) To inspect, examine and audit all books, records, and documents pertaining to a casino licensee's operation;
- (5) To seize, impound or assume physical control of any book, record, ledger, game, device, cash box and its contents, counting room or its equipment, or casino operations; and
- (6) To inspect the person, and personal effects in a casino facility licensed under this chapter, of any holder of a license or registration issued pursuant to this chapter while that person is present in a licensed casino facility.

(b) The provisions of subsection (a) of this section shall in no way be deemed to limit warrantless inspections except in accordance with constitutional requirements.

(c) To effectuate further the purposes of this chapter, the Division and its employees and agents may obtain administrative warrants for the inspection and seizure of any property possessed, controlled, bailed or otherwise held by any applicant, licensee, registrant, intermediary company, or holding company.

(d) Issuance and execution of warrants for administrative inspection shall be in accordance with the following:

- (1) Any judge of a court having jurisdiction in the district where the inspection or seizure is to be conducted may, upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this chapter or regulations thereunder and seizures of property appropriate to such inspections. For the purposes of this section, “probable cause” means a valid public interest in the effective enforcement of the chapter or regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of a person duly designated and having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected; the purpose of such inspection; and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours of the licensee. It shall designate the judge to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten (10) days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant. The clerk of the court, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall cause them to be filed with the court which issued such warrant.

(e) The Division is authorized to make administrative inspections to check for compliance by any applicant, licensee, registrant, intermediary company or holding company with the provisions of this chapter or regulations promulgated thereunder, and to investigate any violations thereof.

(f) This section shall not be construed to prevent entries and administrative inspections, including seizures of property, without a warrant:

(1) With the consent of the owner, operator or agent in charge of the controlled premises;

(2) In situations presenting imminent danger to health or safety;

(3) In situations involving inspection of conveyance where there is reasonable cause to believe that the mobility of the conveyance makes it impractical to obtain a warrant or in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(4) In accordance with the provisions of this chapter; or

(5) In all other situations where a warrant is not constitutionally required.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE VI:
LICENSING
(§§432 – 446)

32 V.I.C. § 432

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 432. General Provisions

- (a) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence his individual qualifications, and for a casino licensee the qualifications, of each person who is required to be qualified under this chapter as well as the facility in which the casino is to be located.
- (b) Any applicant, licensee, registrant, or any other person who must be qualified pursuant to this chapter shall provide all information required by this chapter and satisfy all requests for information pertaining to qualification and in the form specified by the Commission. All applicants, registrants, and licensees shall waive liability as to the Government of the Virgin Islands, and liability as to the Government of the Virgin Islands, and its instrumentalities and agents, for any damages resulting from any disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations or hearings.
- (c) All applicants, licensees, registrants, intermediary companies, and holding companies shall consent to inspections, searches and seizures and the supplying of handwriting exemplars, as authorized by this chapter and regulations promulgated hereunder.
- (d) All applicants, licensees, registrants, and other persons who shall be qualified pursuant to this chapter shall have the continuing duty to provide any assistance or information required by the Commission or Division, and to cooperate in any inquiry or investigation conducted by the Division and any inquiry, investigation, or hearing conducted by the Commission. If, upon issuance of a formal request to answer or produce information, evidence or testimony, any applicant, license, registrants, or any other person who shall be qualified pursuant to this chapter refuses to comply, the application, license, registration or qualification of such person may be denied or revoked by the Commission.
- (e) No applicant or licensee shall give or provide, offer to give or provide, directly or indirectly, any compensation or reward or any percentage or share of the money or property played or received through gaming or simulcast wagering activities, except as authorized by this chapter, in consideration for obtaining any license, authorization, permission or privilege to participate in any way in gaming or simulcast wagering operations.
- (f) Each applicant or person who must be qualified under this chapter shall be photographed and fingerprinted for identification and investigation purposes in accordance with procedures established by the Commission.
- (g) All licensees, all registrants, all persons required to be qualified under this chapter, and all persons employed by a casino service industry licensed pursuant to this chapter, shall have a duty to inform the Commission, of any action which they believe would constitute a violation of this chapter. No person who so informs the

Commission shall be discriminated against by an applicant, licensee or registrant because of the supplying of such information.

(h) Any person who must be qualified pursuant to this chapter in order to hold the securities of a casino licensee or any holding or intermediary company of a casino licensee may apply for qualification status prior to the acquisition of any such securities. The Commission may determine to accept such an application upon a finding that there is a reasonable likelihood that, if qualified, the applicant will obtain and hold securities of a licensee sufficient to require qualification. Such an applicant shall be subject to the provisions of this section and shall pay for the costs of all investigations and proceedings in relation to the application unless the applicant provides to the Commission an agreement with one or more casino licensees which states that the licensee or licensees will pay those costs.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(36), Sess. L. 1997, p. 9.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 433

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- Virgin Islands Code Annotated
- TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)
- Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)
- Article VI. Licensing (§§ 432 — 446)

§ 433. Statement of Compliance

(a)

(1) The Commission may in its discretion issue a statement of compliance to an applicant for any license or for qualification status under this chapter at any time the Commission is satisfied that the applicant has established by clear and convincing evidence that one or more particular eligibility criteria have been satisfied by an applicant. A request for the issuance of a statement of compliance pursuant to this paragraph shall be initiated by the applicant filing a petition with the commission. Before the commission refers any such petition to the division for investigation, the commission may require the applicant to establish to the satisfaction of the commission that the applicant actually intends, if found qualified, to engage in the business or activity that would require the issuance of the license or the determination of qualification status.

(2) Any person who must be qualified pursuant to this Act in order to hold the securities of a casino licensee or any holding or intermediary company of a casino licensee may, prior to the acquisition of any such securities, request the issuance of a statement of compliance by the commission that the person is qualified to hold such securities. Any request for the issuance of a statement of compliance pursuant to this paragraph shall be initiated by the person filing a petition with the commission in which the person shall be required to establish that there is a reasonable likelihood that, if qualified, the person will obtain and hold the securities of a casino licensee or any holding or intermediary company thereof to such extent as to require the qualification of the person. If the commission finds that this reasonable likelihood exists, and if the commission is satisfied, after an investigation by the division, that the qualifications of the person have been established by clear and convincing evidence, the commission may, in its discretion, issue a statement of compliance that the person is qualified to hold such securities. Any person who requests a statement of compliance pursuant to this paragraph shall be subject to the provisions of this Act and shall pay for the costs of all investigations and proceedings in relation to the requests.

(b) Such statement shall specify the eligibility criterion satisfied, the date of such satisfaction and reservation to the Commission to revoke the statement of compliance at any time based upon a change of circumstances affecting such compliance.

(c) A statement of compliance certifying satisfaction of all of the requirements of section 436(c) of this title with respect to a specific casino hotel proposal submitted by an eligible applicant may be accompanied by a written commitment from the Commission that a casino license shall be reserved for a period not to exceed 30 months or within such additional time period as the Commission may, upon a showing of good cause therefor, establish and shall be issued to such eligible applicant with respect to such proposal that such applicant (1) complies in all respects with the provisions of this chapter (2) qualifies for a casino license within a period not to exceed 30 months of the date of such commitment or within such additional times as the Commission may, upon a showing of good cause therefor, establish, and (3) complies with such other conditions as the

Commission shall impose. The Commission may revoke such reservation at any time it finds that the applicant is disqualified from receiving or holding a casino license or has failed to comply with any conditions imposed by the Commission. Such reservation shall be automatically revoked if the applicant does not qualify for a casino license within the period of such commitment.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(37–40), Sess. L. 1997, p. 10.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 434

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 434. Casino License Applicant Eligibility

(a) No casino shall operate unless all necessary license and approvals therefor have been obtained in accordance with law.

(b) Except as provided in subsection (d), only the following persons shall be eligible to hold a casino license; and, unless otherwise determined by the Commission in accordance with subsection (c) of this section, each of the following persons shall be required to hold a casino license prior to the operation of a casino in the hotel with respect to which the casino license has been applied for:

(1) Any person who either owns an approved hotel building or owns or has a contract to purchase or construct a hotel which in the judgment of the Commission can become an approved hotel building within 30 months or within additional time period as the Commission may, upon a showing of good cause therefor, establish;

(2) Any person who, whether as lessor or lessee, either leases an approved hotel building or leases or has an agreement to lease a hotel which in the judgment of the Commission can become an approved hotel building within 30 months or within such additional time period as the Commission may, upon a showing of good cause therefor, establish;

(3) Any person who has a written agreement with a casino licensee or with an eligible applicant for a casino license for the complete management of a casino; and

(4) Any other person who has any control over either an approved hotel building or the land thereunder or the operation of a casino.

(c) Prior to the operation of the casino, every agreement to lease an approved hotel building or the land thereunder and every agreement for the management of the casino shall be in writing and filed with the Commission. No such agreement shall be effective unless expressly approved by the Commission. The Commission may require that any such agreement include within its terms any provision reasonably necessary to best accomplish the policies of this chapter consistent with the policies of this chapter.

(1) The Commission, may determine that any person who does not have the ability to exercise any significant control over either the approved hotel building or the operation of the casino contained therein shall not be eligible to hold or required to hold a casino license;

(2) The Commission, may determine that any owner, lessor or lessee of an approved hotel building or the land thereunder who does not own or lease the entire approved hotel building shall not be eligible to hold or required to hold a casino license;

- (3)** The Commission shall require that any person or persons eligible to apply for a casino license organized itself or themselves into such form or forms of business association as the Commission shall deem necessary or desirable in the circumstances to carry out the policies of this chapter;
- (4)** The Commission may issue separate casino license to any persons eligible to apply therefor;
- (5)** As to agreements to lease an approved hotel building or the land thereunder, unless it expressly and by formal vote for good cause determines otherwise, the Commission shall require that each party thereto hold either a casino license or casino service industry license and that such an agreement be for a durational term exceeding 30 years, concern 100% of the entire approved hotel building or of the land upon which same is located, and include within its terms a buy-out provision conferring upon the casino licensee-lessee who controls the operation of the approved hotel the absolute right to purchase for an expressly set forth fixed sum the entire interest of the lessor or any person associated with the lessor in the approved hotel building or the land thereunder in the event that said lessor or said person associated with the lessor is found by the Commission to be unsuitable to be associated with a casino enterprise;
- (6)** The Commission shall not permit an agreement for the leasing of an approved hotel building or the land thereunder to provide for the payment of an interest, percentage or share of money gambled at the casino or derived from casino gaming activity or of revenues or profits of the casino unless the party receiving payment of such interest, percentage or share is a party to the approved lease agreement; unless each party to the lease agreement holds either a casino license or casino service industry license and unless the agreement is for a durational term exceeding 30 years, concerns a significant portion of the entire approved hotel building or of the land upon which same is located, and includes within its terms a buy-out provision conforming to that described in paragraph (5) of this subsection above;
- (7)** As to agreements for the management of a casino, the Commission shall require that each party thereto hold a casino license, that the party thereto who is to manage the casino own at least 10% of all outstanding equity securities of any casino licensee or of any eligible applicant for a casino license if the said licensee or applicant is a corporation and the ownership of an equivalent interest in any casino licensee or in any eligible applicant for a casino license if same is not a corporation, and that such an agreement be for the complete management of the casino, provide for the sole and unrestricted power to direct the casino operations of the casino which is the subject of the agreement, and be for such a durational term as to assure reasonable continuity, stability and independence in the management of the casino;
- (8)** The Commission may permit an agreement for the management of a casino to provide for the payment to the managing party of an interest, percentage or share of money gambled at the casino or derived from casino gaming activity or of revenues or profits of the casino;
- (9)** The Commission may permit an agreement between a casino licensee and a casino service industry pursuant to the provisions of subsection (a) of section 445 of this title for the conduct of casino simulcasting in a simulcasting facility to provide for the payment to the casino service industry of an interest, percentage or share of the money derived from the casino licensee's share of proceeds from simulcast wagering activity; and
- (10)** As to agreements to lease an approved hotel building or the land thereunder, agreements to jointly own an approved hotel building or the land thereunder and agreements for the management of a casino or for the conduct of casino simulcasting in a simulcasting facility, the Commission shall require that each party thereto shall be jointly and severally liable for all acts, omissions and violations of this chapter by any party thereto regardless of actual knowledge of such act, omission or violation and notwithstanding any provision in such agreement to the contrary.

(d)

(1) The holder of a valid horse racing license granted by the Virgin Islands Horse Racing Commission or the Government under chapter 11 of this title and a lease-franchise agreement under section 209 of this title may be issued a casino license to operate a casino at the horse racetrack in St. Croix and the horse racetrack on St. Thomas under the conditions prescribed in this chapter; but gaming at the horse racetrack casino in St. Croix and the horse racetrack casino in St. Thomas is limited to only slot machines operated by an entity with a valid Casino license.

(2)

(A) The holder of a Casino License may be issued a license to operate a casino at the horse racetrack in St. Croix and the horse racetrack in St. Thomas under the conditions prescribed in this chapter, if the Casino Licensee has entered into a lease, management agreement, or other similar agreement with the holder of a Lease-Franchise Agreement under section 209 of this title for the horse racetrack in St. Croix and the horse racetrack in St. Thomas.

(B) No Casino License may be issued to operate slot machines at the horse racetrack in St. Croix and the horse racetrack in St. Thomas unless a Lease Franchise Agreement under section 209 of this title is in effect for the horse racetrack in St. Croix and the horse racetrack in St. Thomas.

(e) No corporation shall be eligible to apply for a casino license unless:

(1) The corporation shall be incorporated in the United States Virgin Islands, although such corporation may be a wholly or partially owned subsidiary of a corporation which is organized pursuant to the laws of a state of the United States or of a foreign country;

(2) The corporation shall maintain an office of the corporation in the premises licensed or to be licensed;

(3) The corporation shall comply with all the requirements of the laws of the Virgin Islands pertaining to corporations;

(4) The corporation shall maintain a ledger in the principal office of the corporation in the Virgin Islands which shall at all times reflect the current ownership of every class of security issued by the corporation and shall be available for inspection by the Commission or upon referral by the Commission, the Division and authorized agents of the Commission and the Division at all reasonable times without notice;

(5) The corporation shall maintain all operating accounts required by the Commission in a bank in the Virgin Islands;

(6) The corporation shall include among the purposes stated in its certificate of incorporation the conduct of casino gaming and provide that the certificate of incorporation includes all provisions required by this chapter;

(7) The corporation, if it is not a publicly traded corporation, shall file with the Commission such adopted corporate charter provisions as may be necessary to establish the right of prior approval by the Commission with regard to transfers of securities, shares, and other interests in the applicant corporation; and, if it is a publicly traded corporation, provide in its corporate charter that any securities of such corporation are held subject to the condition that if a holder thereof is found to be disqualified by the Commission pursuant to the provisions of this chapter, such holder shall dispose of his interest in the corporation; provided, however,

that, notwithstanding the provisions of Title 11A, Article 8, Virgin Islands Code, nothing herein shall be deemed to require that any security of such corporation bear any legend to this effect;

(8) The corporation, if it is not a publicly traded corporation, shall establish to the satisfaction of the Commission that appropriate charter provisions create the absolute right of such non-publicly traded corporations and companies to repurchase at the market price or the purchase price, whichever is the lesser, any security, share or other interest in the corporation in the event that the Commission disapproves a transfer in accordance with the provisions of this chapter;

(9) Any publicly traded holding, intermediary, or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall contain in its corporate charter the same provisions required under paragraph (7) of this subsection for a publicly traded corporation to be eligible to apply for a casino license; and

(10) Any non-publicly traded holding, intermediary or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall establish to the satisfaction of the Commission that its charter provisions are the same as those required under paragraph (8) of this subsection for a non-publicly traded corporation to be eligible to apply for a casino license. The provisions of this subsection shall apply with the same force and effect with regard to casino license applicants and casino licensees which have a legal existence that is other than corporate to the extent which is appropriate.

(f) No person shall be issued or be the holder of more than two casino licenses. For the purpose of this subsection a person shall be considered the holder of a casino license if such license is issued to such person or if such license is held by any holding, intermediary or subsidiary company thereof, or by any officer, director, casino key employee or principal employee of such person, or of any holding, intermediary or subsidiary company thereof.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(41–43), Sess. L. 1997, p. 10; May 10, 2010, No. 7169, § 4(a), (b), Sess. L. 2010, p. 66; Oct. 27, 2011, No. 7318, § 3(2.)(b)(i), (ii), Sess. L. 2011, p. 264; amended Dec. 15, 2016, No. 7952, § 6(a), (b)(1)(A), (C), (2), Sess. L. 2016, p. 233.

32 V.I.C. § 435

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 435. Approved Hotel

(a) An approved hotel for the purposes of this chapter shall be a hotel providing qualifying sleeping units, qualifying public indoor space and casino space in accordance with this section. Nothing in this section shall be construed to limit the authority of the Commission to determine the suitability of facilities as provided in this chapter, nor shall anything in this section be construed to require a casino to be larger than the minimum size or smaller than the maximum size provided herein.

(b) An approved hotel shall be located on property with zoning designation which accommodates public gaming facilities, pursuant to Title 29, sections 228, 229 and 231, and shall contain a single casino with maximum square footage limited by the number of qualifying sleeping units and amount of qualifying indoor public space in the hotel in accordance with the following formula:

Casino I Establishment. A hotel providing a minimum of 300–1,499 qualifying sleeping units and a minimum area of 10,000 square feet of qualifying indoor public space and shall contain a casino room with a minimum area of 10,000 square feet and a convention, banquet center that would accommodate a minimum of 1500 persons.

Casino II Establishment. A hotel providing a minimum of 200–299 qualifying sleeping units and a minimum of 7,000 square feet of qualifying indoor public space, banquet facilities for a minimum of 500 persons with an on-site casino room with a minimum area of 7,000 square feet, or a freestanding off-site casino room with a maximum area of 7,000 square feet to be located in the historical district of the town closest to which the hotel is located, in space already established and in conformity with rules and regulations promulgated by the Historic Preservation Commission on St. Croix no improvements, additions, or alterations are to be made to the external structure of the freestanding off-site casino that result in change to the architectural aesthetics of the building or the town.

For the purposes of this provision, the Frederiksted geographical district shall be comprised of the area from Estate Bethlehem westward to the town of Frederiksted; the Christiansted geographical district shall be comprised of the area from Estate Bethlehem eastward to the town of Christiansted. At least fifty-one (51%) percent of a Casino III Establishment hotel must be owned by a Native Virgin Islander.

Casino III Establishment. A hotel providing a minimum of 150–199 qualifying sleeping units and a minimum of 2,000 square feet of qualifying indoor public space and shall contain a casino room with a minimum area of 5,000 square feet and banquet facilities for a minimum of 500 persons.

Notwithstanding any law or provision to the contrary, any native Virgin Islander as defined in this chapter may construct, own or operate any hotel and casino facility of any size; provided such facility is at least 51% owned by a native Virgin Islander and provided further, such a facility is located on property within

the zoning designation which permits public gaming facilities, pursuant to the provisions under Title 29, Virgin Islands Code.

Qualifying indoor public space available should be of the sort regularly used at conventions, exhibits, meetings, banquets, and similar functions, and/or dining, entertainment and sports facilities, including restaurants, bars, lounges, show theaters, shops, dance halls, swimming facilities and tennis but excluding lobbies, casinos and parking areas.

Casino IV Establishment.

(A) A Hotel located within the Enterprise Zone of Christiansted or Frederiksted providing a minimum of 75 qualifying sleeping units that have been renovated or newly constructed and a minimum aggregate of 2,500 square feet of qualifying indoor public space, banquet facilities for a minimum of 400 persons, with an onsite casino room with a minimum area of 2,000 square feet; provided that the persons controlling the hotel shall be obligated to make qualifying Enterprise Zone Investments in an amount equal to sixty percent of the Net Cash Flow generated by their Consolidated Enterprise Zone Investments during the first ten years following the opening of their casino. If, as of the end of any calendar year, the persons controlling the hotel have not made Qualifying Enterprise Zone Investments, in the amount required by the previous sentence, they shall deposit any shortfall into an interest-bearing escrow account acceptable to the Commission. Sums held in the escrow account may be withdrawn at any time by the persons controlling the hotel for the sole purpose of making Qualifying Enterprise Zone Investments. All sums held in the escrow account at the expiration of fifteen years from the opening of the casino must be paid over to the Virgin Islands Casino Control Commission and used for its general purposes. The Virgin Islands Casino Control Commission shall prohibit table games in any such casino.

(B) As used in this paragraph:

(i) “Persons controlling the hotel” means the persons holding fee simple title to, or a leasehold interest in the hotel.

(ii) “Qualifying Enterprise Zone Investments” means the acquisition or renovation of any property located within the Christiansted or Frederiksted Enterprise Zone.

(iii) “Net Cash Flow for any year” means the net cash provided by “operating activities”, as defined by the Financial Accounting Standards Board, less principal payments on debt and capitalized lease obligations, and less distributions for the satisfaction of tax obligations.

(iv) “Consolidated Enterprise Zone Investments” means all of the property within the Enterprise Zone owned or leased by the persons controlling the hotel as of the effective date of this paragraph, or at any time thereafter.

(c) Three “hotels are allowed under the Casino I Establishment category; two hotels under the Casino II Establishment category; two hotels are allowed under the Casino III Establishment category and a minimum of one hotel in each Enterprise Zone within the Casino IV Establishment category. However, hotels in the Casino III Establishment category must be newly constructed or newly renovated hotels that have increased in total number of rooms to the next higher tier designation.

(d) Once the hotel is initially approved, the Commission shall thereafter rely on the certification of the casino licensee with regard to the number of rooms and the amount of qualifying indoor public space, and shall permit rehabilitation, renovation or alteration of the approved hotel even if the rehabilitation, renovation, or alteration will mean that the casino does not temporarily meet the requirements of subsection (b) of this section, so long as the licensee certifies that the rehabilitation, renovation or alteration shall be completed within one year.

(e) The Commission shall not impose any additional requirements regarding contents of the hotel, apart from the criteria or requirements regarding the quality and maintenance of the hotel.

(f) In the event that the Government of the Virgin Islands or Government Employees Retirement System (collectively, “government entities”) should hold an interest of at least 25% in a hotel of no less than one hundred and fifty rooms with a convention or banquet center, and where at least 20% of the casino operation is owned by the hotel in which the government entities has an interest, such hotel, by virtue of the government entities involvement shall be an “approved hotel building” for the purposes of this chapter, provided the hotel adheres to the requirements of section 435(b), notwithstanding the provisions of subsection (a) of this section. The government entities interest must have been in existence prior to September 30, 2012. The location of such hotel(s), excluding historical districts within the towns, shall be deemed appropriate for the purposes intended under this chapter, and all fees, rules and regulations promulgated by the Commission, shall be applicable to its operation.

(g) Notwithstanding any other law and for the purposes of this chapter, shoreline shall be defined as the area along the coastline from the seaward line of low tide, running inland a distance of 300 feet or to the extreme seaward boundary of natural vegetation which spreads continuously inland or to a natural barrier whichever is the shortest distance. Whenever the shoreline is extended into the sea by filling or dredging, the boundary of the shoreline shall be the boundary established before the filling or dredging.

(h) In addition to the provisions established under Title 12, section 403 of this code and for the purposes of this chapter, an approved hotel shall provide a point of ingress and egress within its main building for the public to have access to the shoreline.

(i) The Commission may waive any requirement in this section for a Hotel in the Enterprise Zones as needed to facilitate prompt commencement of the development on the condition that:

(1) The Licensee posts a performance bond in an amount equal to 60 percent of the total projected cost of the development; and

(2) All requirements of this section must be met no later than 18 months after the date the license was issued.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(44–47), Sess. L. 1997, p. 11; Aug. 12, 2004, No. 6683, § 1, Sess. L. 2004, p. 160; Sept. 22, 2006, No. 6864, §§ 20, 21, Sess. L. 2006, pp. 219, 220; amended Dec. 14, 2012, No. 7458, § 10(a), (b), Sess. L. 2012, p. 415; amended Dec. 19, 2014, No. 7702, § 2(1), (2), Sess. L. 2014, p. 376, 377; amended June 12, 2015, No. 7737, § 3, Sess. L. 2015, p. 25; amended Mar. 30, 2016, No. 7844, § 9, Sess. L. 2016, p. 12.

32 V.I.C. § 435a

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 435a. Limits on the Horse Racetrack Casino License in St. Croix

(a) The Commission may issue only one racetrack casino license on St. Croix and one racetrack casino license on St. Thomas.

(b) The horse racetrack casinos may not operate or be authorized to operate more than 200 slot machines.

(c) No other type of gaming machine or casino gaming activity may take place at the horserace track in Virgin Islands, except as provided in section 434(d)(1).

History

—Added Oct. 27, 2011, No. 7318, § 3(2)(c)(i), Sess. L. 2011, pp. 264, 265; amended Dec. 15, 2016, No. 7952, § 7(a)(1)–(3), Sess. L. 2016, p. 233.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 436

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 436. Casino License — Applicant Requirements

An applicant for a casino license, including an application for a casino license to operate at the horse racetrack on either St. Croix or St. Thomas must produce information, documentation and assurances concerning the following qualification criteria:

- (a) Each applicant shall produce such information, documentation and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursement schedules, tax returns and other reports filed with government agencies, and business and personal accounting and check records and ledgers. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Commission or the Division.
- (b) Each applicant shall produce such information, documentation and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bond holders, and holders of indentures, notes or other evidences of indebtedness, either in effect or proposed, which bears any relation to the casino proposal submitted by the applicant or applicants; provided, however, that this section shall not apply to banking or other licensed lending institutions exempted from the qualification requirements of subsections (c) and (d) of section 437 of this title, and institutional investors waived from the qualification requirements of those subsections, pursuant to the provisions of subsection (f) of section 437 of this title. Any such banking or licensed lending institution or institutional investor shall, however, produce for the Commission or the Division, upon request, any document or information which bears any relation to the casino proposal submitted by the applicant or applicants. The integrity of financial sources shall be judged upon the same standards as the applicant. In addition, the applicant shall produce whatever information, documentation or assurances as may be required to establish by clear and convincing evidence the adequacy of financial resources both as to the completion of the casino proposal and the operation of the casino.
- (c) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Such information shall include, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application. Each applicant shall notify the Commission of any civil judgments obtained against any such applicant pertaining to antitrust or security regulation laws of the federal government, of this Territory or of any state, jurisdiction, province or country. In addition, each applicant shall produce letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letters of reference shall indicate that such law enforcement agencies do not have any pertinent

information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what the information is. If the applicant has conducted gaming operations in a jurisdiction which permits such activity, the applicant shall produce letters of reference from the gaming or casino enforcement or control agency which shall specify the experiences of such agency with the applicant, his associates, and his gaming operation; provided, however, that if no such letters are received within sixty (60) days of request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency.

(d) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience as to establish the likelihood of creation and maintenance of a successful, efficient casino operation, to include an aggressive marketing strategy targeting the Virgin Islands as a national and international tourist destination. Each applicant with a hotel connected to a casino or a casino related facility that receives benefits under the Industrial Development Program and/or through the Economic Development Commission as established in title 29, chapter 12 of the Virgin Islands Code, must also produce evidence that the hotel or casino related facility has sufficient business ability to establish the likelihood of the creation and maintenance of a successful, efficient operation to include an aggressive marketing strategy targeting the Virgin Islands as a national and international tourist destination, to be implemented as long as benefits are received. The applicant shall produce the names of all proposed casino key employees as they become known and a description of their respective or proposed responsibilities, and a full description of security systems and management controls proposed for the casino and related facilities.

(e) Notwithstanding the foregoing provisions of this section, those casino license applicants, who at the time of application for a license to operate a hotel/casino in the Virgin Islands, are holders of a casino license from another regulated casino jurisdiction in the United States, and who present verified and certified documentation from that jurisdiction that they are a licensee in good standing for two consecutive years prior to the application to operate a hotel/casino in the Virgin Islands, may be deemed to be eligible for licensure in accordance with the above provisions of this section, provided that the requirements of subsection (f) and all other applicable local requirements for licensure are met.

(f) Each applicant shall produce such information, documentation and assurances to establish to the satisfaction of the Commission the suitability of the casino and related facilities and that its proposed location will not adversely affect casino operations or overall environmental conditions. Each applicant shall submit an impact statement which shall include, without limitation, architectural and site plans which establish that the proposed facilities comply in all respects with the requirements of this chapter, the requirements of the master plan, the planning ordinance of the Virgin Islands, the zoning ordinance as amended for gaming, Title 29, chapter 3, sections 228 and 229, without any use variance from the provisions thereof, and the requirements of the Coastal Zone Management Act, as amended, Title 12, chapter 21 of this code; a market impact study which analyzes the adequacy of the patron market and the effect of the proposal on such market and on the existing casino facilities licensed under this chapter; and an analysis of the effect of the proposal on the overall environment, including, without limitation, economic, social, demographic, and competitive conditions as well as the natural resources of St. Croix and the Virgin Islands.

(g) The commission may, at its discretion recognize and accept the conclusions of other political jurisdictions in the investigatory process of approving prospective casino licensees, casino key employees and casino service industries.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(d)125, 6(a), Sess. L. 1997, p. 22; May 10, 2010, No. 7169, § 5(b), Sess. L. 2010, p. 67; Sept. 20, 2011, No. 7270, § 1, Sess. L. 2011, p. 131; Oct. 27, 2011, No. 7318, § 3(2.) (c)(ii), Sess. L. 2011, p. 265; amended Dec. 15, 2016, No. 7952, § 7(b), Sess. L. 2016, p. 234.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 437

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 437. Additional Requirements

(a) In addition to other information required by this chapter, a corporation applying for a casino license shall provide the following information:

- (1) The organization, financial structure and nature of all businesses operated by the corporation; the names and personal employment and criminal histories of all officers, directors and principal employees of the corporation; the names of all holding, intermediary and subsidiary companies of the corporation; and the organization, financial structure and nature of all businesses operated by such of its holding, intermediary and subsidiary companies as the Commission may require, including names and personal employment and criminal histories of such officers, directors and principal employees of such corporations and companies as the Commission may require;
- (2) The rights and privileges acquired by the holders of different classes of authorized securities of such corporations and companies as the Commission may require, including the names, addresses and amounts held by all holders of such securities;
- (3) The terms upon which securities have been or are to be offered;
- (4) The terms and conditions of all outstanding loans, mortgages, trust deeds, pledges or any other indebtedness or security devices utilized by the corporation;
- (5) The extent of the equity security holding in the corporation of all officers, directors and underwriters, and their remuneration in the form of salary, wages, fees or otherwise;
- (6) Names of persons other than directors and officers who occupy positions specified by the Commission or whose compensation exceeds an amount determined by the Commission, and the amount of their compensation;
- (7) A description of all bonus and profit-sharing arrangements;
- (8) Copies of all management and service contracts; and
- (9) A listing of stock options existing or to be created.

(b) If a corporation applying for a casino license is, or if a corporation holding a casino license is to become, a subsidiary, each holding company and each intermediary company with respect thereto must, as a condition of the said subsidiary acquiring or retaining such license, as the case may be:

- (1) Qualify to do business in the United States Virgin Islands; and

(2) If it is a corporation, register with the Commission and furnish the Commission with all the information required of a corporate licensee as specified in subsection (a)(1), (2) and (3) of this section and such other information as the Commission may require; or

(3) If it is not a corporation, register with the Commission and furnish the Commission with such information as the Commission may prescribe. The Commission may, in its discretion, make such investigations concerning the officers, directors, underwriters, security holders, partners, principals, trustees or persons owning or beneficially holding any interest in any holding company or intermediary company as it deems necessary, either at the time of initial registration or at any time thereafter.

(c) No corporation shall be eligible to hold a casino license unless each officer; each director; each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation; any person who in the opinion of the Commission has the ability to control the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which makes a loan, holds a mortgage or other lien acquired in the ordinary course of business; each principal employee; and any lender, underwriter, agent, employee of the corporation, or other person whom the Commission may consider appropriate for approval or qualification would, but for residence, individually be qualified for approval as a casino key employee pursuant to the provisions of this chapter.

(d) No corporation which is a subsidiary shall be eligible to receive or hold a casino license unless each holding and intermediary company with respect thereto:

(1) If it is a corporation, shall comply with the provisions of subsection (c) of this section as if said holding or intermediary company were itself applying for a casino license; provided, however, that the Commission with the concurrence of the director may waive compliance with the provisions of subsection (c) of this section on the part of a publicly-traded corporation which is a holding company as to any officer, director, lender, underwriter, agent or employee thereof, or person directly or indirectly holding a beneficial interest or ownership of the securities of such corporation, where the Commission and the director are satisfied that such officer, director, lender, underwriter, agent or employee is not significantly involved in the activities of the corporate licensee, and in the case of security in the activities of the corporate licensee, and in the case of security holders, does not have the ability to control the publicly-traded corporation or elect one or more directors thereof; or

(2) If it is not a corporation, shall comply with the provisions of subsection (e) of this section as if said company were itself applying for a casino license.

(e) Any non-corporate applicant for a casino license shall provide the information required in subsection (a) of this section in such form as may be required by the Commission. No such applicant shall be eligible to hold a casino license unless each person who directly or indirectly holds any beneficial interest or ownership in the applicant, or who in the opinion of the Commission has the ability to control the applicant, or whom the Commission may consider appropriate for approval or qualification, would, but for residence, individually be qualified for approval as a casino key employee pursuant to the provisions of this chapter.

(f) Notwithstanding the provision of subsections (c) and (d) of this section, and in the absence of a prima facie showing by the Director that there is any cause to believe that the institutional investor may be found unqualified, an institutional investor holding either (1) under 10% of the equity securities of a casino licensee's holding or intermediary companies, or (2) debt securities of a casino licensee's holding or intermediary companies, or another subsidiary company of a casino licensee's holding or intermediary companies which is related in any way to the financing of the casino licensee, where the securities represent a percentage of the outstanding debt of the company not exceeding 20%, or a percentage of any issue of the outstanding debt of the company not exceeding 50%, shall be granted a waiver of qualification if such securities are those of a publicly

traded corporation and its holdings of such securities were purchased for investment purposes only and upon request by the Commission it files with the Commission a certified statement to the effect that it has no intention of influencing or affecting the affairs of the issuer, the casino licensee or its holding or intermediary companies; provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders. The Commission may grant a waiver of qualification to an institutional investor holding a higher percentage of such securities upon a showing of good cause and if the conditions specified above are met. Any institutional investor granted a waiver under this subsection which subsequently determines to influence or affect the affairs of the issuer shall provide not less than thirty (30) days notice of such intent and shall file with the Commission an application for qualification before taking any action that may influence or affect the affairs of the issuer; provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders. If an institutional investor changes its investment intent, or if the Commission finds reasonable cause to believe that the institutional investor may be found unqualified, no action other than divestiture shall be taken by such investor with respect to its security holdings until there has been compliance with the provisions of section 447 of this title, including the execution of a trust agreement. The casino licensee and its relevant holding, intermediary or subsidiary company shall immediately notify the Commission and the Division of any information about, or actions of, an institutional investor holding its equity or debt securities where such information or action may impact upon the eligibility of such institutional investor for a waiver pursuant to this subsection.

(g) If at any time the Commission finds that an institutional investor holding any security of a holding or intermediary company of a casino licensee, or, where relevant, of another subsidiary company of a holding or relevant, of another subsidiary company of a holding or intermediary company of a casino licensee which is related in any way to the financing of the casino licensee, fails to comply with the terms of subsection (f) of this section, or if at any time the Commission finds that, by reason of the extent or nature of its holdings, an institutional investor is in a position to exercise such a substantial impact upon the controlling interests of a licensee that qualification of the institutional investor is necessary to protect the public interest, the Commission may, in accordance with the provisions of subsections (a) through (e) of this section or subsections (d) and (e) of section 464 of this title, take any necessary action to protect the public interest, including requiring such an institutional investor to be qualified pursuant to the provisions of this chapter.

(h) To obtain a casino license, each publicly-held corporate casino license applicant, shall agree to earmark 10% of its stock offering for an employee stock ownership plan.

(i) The University of the Virgin Islands, the St. Croix Vocational School, or any other accredited educational facility shall provide training to resident workers in every facet of casino operations in order to prepare the people of the Virgin Islands to participate in the best financial opportunities to be derived from this chapter. Legalized casino gaming shall not be permitted in the territory until resident workers have been trained and qualified to assume jobs at all levels within casino and casino hotel operations in the Virgin Islands. Successful casino operations in the Virgin Islands is dependent upon a marriage between complete training and guaranteed hiring of the resident work force. Eighty (80) percent of the employees at all levels of each casino or casino hotel licensee shall be residents of the Virgin Islands.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(49), Sess. L. 1997, p. 11; Dec. 2, 1999, No. 6333, § 11, Sess. L. 1999, p. 186.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 438

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 438. Casino License — Disqualification Criteria

The Commission shall deny a casino license to any applicant who is disqualified on the basis of any of the following criteria:

- (a) Failure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of this chapter;
- (b) Failure of the applicant to provide information, documentation and assurances required by the chapter or requested by the Commission, or failure of the applicant to reveal any fact material to qualification, or the supplying of information which is untrue or misleading as to a material fact pertaining to the qualification criteria;
- (c) The conviction of the applicant, or of any person required to be qualified under this chapter as a condition of a casino license, of any offense in any jurisdiction which would be:
 - (1) Any of the following offenses under the “Virgin Islands Code” as amended and supplemented included but not limited to Title 14 of this code all crimes of the first degree; 14 V.I.C., chapter 15 (attempt to commit an offense which is listed in this subsection); 14 V.I.C., chapter 27 (conspiracy to commit an offense which is listed in this subsection); 14 V.I.C., sections 924 and 925 (manslaughter); 14 V.I.C., section 298 (aggravated assault); 14 V.I.C., chapter 53 (kidnapping); 14 V.I.C. 1702, 1703, and 1709, (sexual offenses which constitute crimes of the second or third degree); 14 V.I.C., chapter 93 (robberies); 14 V.I.C., chapter 11 (involving arson and related offenses); 14 V.I.C., chapter 91 (causing or risking widespread injury or damage); 14 V.I.C., section 443 (burglary which constitutes a crime of the second degree); 14 V.I.C., chapter 55 (theft, petty and grand larceny or third degree); 14 V.I.C., chapter 39 (forgery and fraudulent practices), to include counterfeiting; 14 V.I.C., chapter 89 (falsifying or tampering with records); 9 V.I.C. 126 (receiving deposits in a failing financial institution); 19 V.I.C., chapter 29 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog which constitutes a crime of the second or third degree); 19 V.I.C., chapter 29 (employing a juvenile in a drug distribution scheme); 19 V.I.C., chapter 29 (distribution, possession or manufacture of imitation controlled dangerous substances); 19 V.I.C., chapter 29 (acquisition of controlled dangerous substances by fraud); 14 V.I.C., chapter 61 (gambling offenses which constitute crimes of third or fourth degree); 14 V.I.C., chapter 29 (possession of a gambling device); or
 - (2) Any other offense under present United States Virgin Islands or federal law which indicates that licensure of the applicant would be inimical to the policy of this chapter and to casino operations; provided, however, that the automatic disqualification provisions of this subsection shall not apply with regard to any conviction which did not occur within the 10-year period immediately preceding application for licensure and which the applicant demonstrates by clear and convincing evidence does

not justify automatic disqualification pursuant to this subsection and any conviction which has been the subject of a judicial order of expungement or sealing;

(d) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this chapter as a condition of a casino license, for any of the offenses enumerated in subsection (c) of this section; provided, however, that at the request of the applicant or the person charged, the Commission shall defer decision upon such application during the pendency of such charge;

(e) The pursuit by the applicant or any person who is required to be qualified under this chapter as a condition of a casino license of economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of the Government, if such pursuit creates a reasonable belief that the participation of such person in casino operations would be inimical to the policies of this chapter or to legalized gaming in the Virgin Islands. For purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management, or execution of an activity for financial gain;

(f) The identification of the applicant or any person who is required to be qualified under this chapter as a condition of a casino license as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policy of this chapter and to gaming operations. For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of the Virgin Islands. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

(g) The commission by the applicant or any person who is required to be qualified under this chapter as a condition of a casino license of any act or acts which would constitute any offense under subsection (c) of this section, even if such conduct has not been or may not be prosecuted under the criminal laws of the Virgin Islands or any other jurisdiction or has been prosecuted under the criminal laws of the Virgin Islands or any other jurisdiction and such prosecution has been terminated in a manner other than with a conviction; and

(h) Contumacious defiance by the applicant or any person who is required to be qualified under this chapter or any legislative investigatory body or other official investigatory body of any territory, state or of the United States when such body is engaged in the investigation of crimes relating to gaming, official corruption, or organized crime activity.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 439

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 439. Investigation of Applicants for Casino Licenses; Order Approving or Denying License — Requirement to Begin Casino Project within Six (6) Months of Approval

(a) Upon the filing of an application for a casino license and such supplemental information as the Commission may require, the Commission shall request the Division to conduct such investigation into the qualification of the applicant, and the Commission shall conduct a hearing thereon concerning the qualification of the applicant in accordance with its regulations.

(b) After such investigation and hearing, the Commission may either deny the application or grant a casino license to an applicant whom it determines to be qualified to hold such license.

(c) The Commission shall have the authority to deny any application pursuant to the provisions of this chapter. When an application is denied, the Commission shall prepare and file an order denying such application with the general reasons therefor, and if required by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of facts.

(d) After an application is submitted to the Commission, final action of the Commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the Commission.

(e) If satisfied that an applicant is qualified to receive a casino license, and upon tender of all license fees and taxes as required by law and regulations of the Commission, and such bonds as the Commission may require for the faithful performance of all requirement imposed by law or regulations, the Commission shall issue a casino license for the term of 1 year.

(f) The Commission shall fix the amount of the bond or bonds to be required under this section in such amounts as it may deem appropriate, by rules of uniform application. The bonds so furnished may be applied by the Commission to the payment of any unpaid liability of the licensee under this chapter. The bond shall be furnished in cash or negotiable securities, by a surety bond guaranteed by a satisfactory guarantor, or by an irrevocable letter of credit issued by a banking institution of the United States Virgin Islands acceptable to the Commission. If furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the Commission, but any income shall inure to the benefit of the licensee.

(g) Within six (6) months of obtaining all necessary licenses, permits and all other requirements needed to proceed with the construction and operation of the casino hotel or horse racetrack casino, the casino licensee shall commence and continue substantial construction of the casino hotel or horse racetrack casino. In the event construction has not commenced within the time period required by this section, the Commission, after

submittal of an application by the casino licensee for an extension, and after investigation and hearing, may grant an extension of six (6) months within which construction must begin.

(h) After the expiration of the six (6) month extension period, if the casino licensee has not commenced substantial construction of the casino hotel or horse racetrack casino, the Commission shall automatically suspend the license of the casino licensee to operate a casino on St. Croix. The casino licensee shall be entitled to a hearing to show reasonable cause as to why the delay is justified. Should the Commission find reasonable cause exists to justify delay, an additional three (3) month extension may be granted, during which time construction must commence. If at the hearing no reasonable cause is found to justify the casino licensee's delay, the Commission shall immediately rescind the casino licensee's license to operate a casino on St. Croix.

(i) If, after being granted the additional three (3) month period, the casino licensee still has not commenced construction of the casino hotel or horse racetrack casino by the expiration of the extension period, the Commission shall automatically rescind the license of the casino licensee to operate a casino on St. Croix. A casino licensee whose license has been revoked as a result of non-compliance with the provisions of subsections (g), (h) and (i) of this section shall from thereon be precluded from filing an application for the operation of a casino hotel or horse racetrack casino in the Virgin Islands.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended May 10, 2010, No. 7169, § 5(c), Sess. L. 2010, p. 67; Oct. 27, 2011, No. 7318, § 3(2.) (c)(iii), Sess. L. 2011, p. 265.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 440

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 440. Renewal of Casino Licenses

(a) Subject to the power of the Commission to deny, revoke, or suspend licenses, any casino license in force shall be renewed by the Commission for the next succeeding license period upon proper application for renewal and payment of license fees and taxes as required by law and the regulations of the Commission. The license period for a renewed casino license shall be up to two years for each of the first two renewal periods succeeding the initial issuance of a casino license pursuant to section 439 of this title. Thereafter, the renewal periods shall be up to four years each, but the Commission may reopen licensing hearings at any time. In addition, the Commission shall reopen licensing hearings at any time at the request of the Division of Gaming Enforcement in the Department of Justice.

(b) Application for renewal shall be filed with the Commission no later than 120 days prior to the expiration of the current license, and all license fees and taxes as required by law shall be paid to the Commission on or before the date of expiration of the current license.

(c) Upon renewal of any license the Commission shall issue an appropriate renewal certificate or validating device or sticker which shall be attached to each casino license.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(50, 51), Sess. L. 1997, p. 11.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 441

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 441. Licensing of Casino Key Employees

(a) No person may be employed as a casino key employee unless he is the holder of a valid casino key employee license issued by the Commission.

(b) Each applicant must, prior to the issuance of any casino key employee license, produce information, documentation and assurances concerning the following qualification criteria:

(1) Each applicant for a casino key employee license shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursements schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Commission or the Division.

(2) Each applicant for a casino key employee license shall produce such information, documentation and assurances as may be required by the Commission to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Such information shall include, without limitation, data pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application. Each applicant shall notify the Commission of any civil judgments obtained against such applicant pertaining to antitrust or security regulation laws of the federal government, of the Virgin Islands or any other state, jurisdiction, province or country. In addition, each applicant shall, upon request of the Commission or the Division, produce letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letter of reference shall indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what that information is. If the applicant has been associated with gaming or casino operations in any capacity, position or employment in a jurisdiction which permits such activity, the applicant shall, upon request of the Commission or Division, produce letters of reference from the gaming or casino enforcement or control agency, which shall specify the experience of such agency with the applicant, his associates and his participation in the gaming operations of that jurisdiction; provided, however, that if no such letters are received from the appropriate law enforcement agencies within 60 days of the applicants request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency.

(3) Each applicant shall be a resident of the Virgin Islands prior to the issuance of a casino key employee license; provided, however, that upon petition by the holder of a casino license, the Commission may

waive this residency requirement for any applicant whose particular position will require him to be employed outside the Virgin Islands. The Commission may also, by regulation, require that all applicants for casino key employee licenses be residents of the Virgin Islands for a period not to exceed six months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The Commission shall, by resolution, waive the required residency period for an applicant only upon a showing of good cause.

(c) [Deleted]

(d) The Commission shall deny a casino key employee license to any applicant who is disqualified on the basis of the criteria contained in section 438 of this title.

(e) Upon petition by the holder of a casino license, the Commission may, issue a temporary license to an applicant for a casino key employee license, provided that:

(1) The applicant for the casino key employee license has filed a complete application as required by the Commission;

(2) The Division either certifies to the Commission that the complete casino key employee license application as specified in paragraph (1) of this subsection has been in the possession of the Division for at least 15 days or agrees to allow the Commission to consider the application in some lesser time;

(3) The petition for a temporary casino key employee license certifies, and the Commission finds, that an existing casino key employee position of the petitioner is vacant or will become vacant within 60 days of the date of the petition and that the issuance of a temporary key employee license is necessary to fill the said vacancy on an emergency basis to continue the efficient operation of the casino, and that such circumstances are extraordinary and not designed to circumvent the normal licensing procedures of this chapter;

(4) The Division does not object to the issuance of the temporary casino key employee license; In the event that an applicant for a casino key employee license is the holder of a valid casino employee license issued pursuant to section 442 of this title, and if the provisions of paragraphs (1), (2), and (4) of this subsection are satisfied, the Commission may issue a temporary casino key employee license upon petition by the holder of a casino license, if the Commission finds the issuance of a casino key employee license will be delayed by necessary investigations and the said temporary casino key employee license is necessary for the operation of the casino. Unless otherwise terminated pursuant to this chapter, any temporary casino key employee license issued pursuant to this subsection shall expire nine months from the date of its issuance.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(52–57), Sess. L. 1997, p. 11.

32 V.I.C. § 442

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 442. Licensing of Casino Employees

- (a) No person may commence employment as a casino employee unless he is the holder of a valid casino employee license.
- (b) Any applicant for a casino employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including the Virgin Islands residency, contained in subsection (b) of section 441 of this title and any additional residency requirement imposed under subsection (c) of this section.
- (c) The Commission may, by regulation, require that all applicants for casino employee licenses be residents of the Virgin Islands for a period not to exceed six months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The Commission shall, by resolution, waive the required residency period for an applicant only upon a showing of good cause.
- (d) The Commission shall deny a casino employee license to any applicant who is disqualified on the basis of the criteria contained in section 438 of this title.
- (e) For the purpose of this section, casino security employees shall be considered casino employees and must, in addition to any requirements under other laws, be licensed in accordance with the provisions of this chapter.
- (f) Upon petition by the holder of a casino license a temporary license may be issued by the Commission to an applicant for a employee license provided that:
- (1) The applicant for the casino employee license has filed a complete application as required by the commission;
 - (2) The division either certifies through the commission that the completed casino employee license application as specified in paragraph (1) of this subsection has been in the possession of the division for at least 15 days or agrees to allow the commission to consider the application in some lesser time;
 - (3) The petition for a temporary casino license certifies, and the commission finds that the issuance of a plenary license will be restricted by necessary investigations, and the temporary licensing of the applicant is necessary for the operation of the casino is not designed to circumvent the normal licensing procedures; and
 - (4) The division does not object to the issuance of a temporary casino employee license. Unless otherwise terminated pursuant to this chapter, a temporary license issued pursuant to this subsection shall expire six (6) months from the date of its issuance and be renewable, at the discretion of the commission, for one additional six (6) month period.

(g) Notwithstanding the provisions of subsection (e) of this section, no applicant shall be denied a casino employee license on the basis of a conviction of any of the offenses enumerated in this chapter as disqualification criteria or the Commission of any act or acts which would constitute any offense under subsection (c) of section 438 of this title, as specified in subsection (g) of that section; provided that the applicant has affirmatively demonstrated his rehabilitation. In determining whether the applicant has affirmatively demonstrated his rehabilitation the Commission shall consider the following factors:

- (1)** The nature and duties of the position applied for;
- (2)** The nature and seriousness of the offense or conduct;
- (3)** The circumstances under which the offense or conduct occurred;
- (4)** The date of the offense or conduct;
- (5)** The age of the applicant when the offense or conduct was committed;
- (6)** Whether the offense or conduct was an isolated or repeated incident;
- (7)** Any social conditions which may have contributed to the offense or conduct;
- (8)** Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(58–61), Sess. L. 1997, p. 12.

32 V.I.C. § 443

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 443. Registration of Casino Service Employees

(a) No person may commence employment as a casino service employee, unless that person has been registered with the Commission, which registration shall be in accordance with subsection (f) of this section.

(b) Any applicant for casino service employee registration shall produce such information as the Commission may require. Subsequent to the registration of a casino service employee, the Commission may revoke, suspend, limit, or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of the criteria contained in section 438 of this title.

(c) The Commission may, by regulation, require that all applicants for casino service employee registration be residents of the Virgin Islands for a period not to exceed six months immediately prior to such registration, but application may be made prior to the expiration of the required period of residency. The Commission shall waive the required residency period for an applicant only upon a showing of good cause.

(d) Notwithstanding the provisions of subsection (b) of this section no casino service employee registration shall be revoked on the basis of a conviction of any of the offenses enumerated in this chapter as disqualification criteria or the commission of any act or acts which would constitute any offense under subsection (c) of section 438, as specified in subsection (g) of that section provided that the registrant has affirmatively demonstrated the registrant's rehabilitation. In determining whether the registrant has affirmatively demonstrated the registrant's rehabilitation the Commission shall consider the following factors:

- (1) The nature and duties of the registrant's position;
- (2) The nature and seriousness of the offense or conduct;
- (3) The circumstances under which the offense or conduct occurred;
- (4) The date of the offense or conduct;
- (5) The age of the registrant when the offense or conduct was committed;
- (6) Whether the offense or conduct was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense or conduct;
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the registrant under their supervision.

(e) The Commission may waive any disqualification criterion for a casino service employee consistent with the public policy of this chapter and upon a finding that the interests of justice so require.

(f) Upon petition by the holder of a casino license, casino service employee registration shall be granted to each applicant for casino service employee registration named therein, provided that the petition certifies that each such applicant has filed a completed application for casino service employee registration as required by the Commission.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(62), Sess. L. 1997, p. 13.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 444

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 444. Licensing and Registration of Casino Service Industries

(a)

(1) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming, internet gaming and internet gambling and simulcast wagering equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this chapter prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the Commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of that service industry applicant under this subsection.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry intending to manufacture, sell, distribute or repair slot machines within the Virgin Islands, other than slot machines manufactured prior to 1941 shall be licensed in accordance with the provisions of this chapter prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the Commission may permit an applicant for a casino service industry license to conduct business transactions with the casino applicant or licensee prior to the licensure of that service industry applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the Commission may permit the service industry applicant to initiate the manufacture of slot machines or engage in the sale, distribution or repair of slot machines with any person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that service industry applicant under this subsection.

(b) Each casino service industry in subsection (a) of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this chapter. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this chapter; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for teaching of playing or dealing techniques. The Commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming

school. Unless otherwise terminated pursuant to this chapter, a temporary license issued pursuant to this subsection shall expire six months from the date of its issuance and be renewable, at the discretion of the Commission, for one additional six-month period.

(c) All casino service industries not included in subsection (a) of this section shall be licensed in accordance with rules of the Commission prior to commencement or continuation of any business with a casino applicant or licensee or its employees or agents. Such casino service industries, whether or not directly related to gaming operations, shall include suppliers of alcoholic beverages, food and nonalcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services and construction companies contracting with casino applicants or licensees or their employees or agents. The Commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this chapter. Upon granting an exemption or at any time thereafter, the Commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the Commission and the Division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of sections 506 and 507 of this title.

(d) Notwithstanding the foregoing provisions of this section, those casino service industry license applicants, who at the time of application for a license to operate a hotel/casino service industry in the Virgin Islands, are holders of a casino service industry license from another regulated casino jurisdiction in the United States, and who present verified and certified documentation from that jurisdiction that they are a licensee in good standing for two consecutive years prior to the application to operate a hotel/casino service industry in the Virgin Islands, may be deemed to be eligible for licensure in accordance with the above provisions of this section, provided that the requirements of subsection (e) and all other applicable local requirements for licensure are met.

(e) Licensure pursuant to subsection (c) of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 438 of this title.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 6(b), Sess. L. 1997, p. 23; Aug. 2, 2001, No. 6419, § 6, Sess. L. 2001, p. 103.

32 V.I.C. § 445

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 445. Registration of Labor Organizations

(a) Each labor organization, union or affiliate seeking to represent employees licensed or registered under this chapter and employed by a casino hotel or a casino licensee shall register with the Commission annually, and shall disclose such information to the Commission as the Commission may require, including the names of all affiliated organizations, pension and welfare systems and all officers and agents of such organizations and systems; provided, however, that no labor organization, union, or affiliate shall be required to furnish such information to the extent such information is included in a report filed by any labor organization, union, or affiliate with the Secretary of Labor pursuant to 29 U.S.C., section 431 et seq. or section 1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission pursuant to the aforesaid federal provisions. The Commission may in its discretion exempt any labor organization, union, or affiliate from the registration requirements of this subsection where the Commission finds that such organization, union or affiliate is not the certified bargaining representative of any employee licensed or registered under this chapter, is not involved actively, directly or substantially in the control or direction of the representation of any such employee, and is not seeking to do so.

(b) No person may act as an officer, agent or principal employee of a labor organization, union or affiliate registered or required to be registered pursuant to this section and representing or seeking to represent employees licensed or registered under this chapter if the person has been found disqualified by the Commission in accordance with the criteria contained in section 438 of this title. The Commission may, for purposes of this subsection, waive any disqualification criterion consistent with the public policy of this chapter and upon a finding that the interests of justice so require.

(c) Neither a labor organization, union or affiliate nor its officers and agents not otherwise individually licensed or registered under this chapter and employed by a casino licensee may hold any financial interest whatsoever in the casino hotel or casino licensee whose employees they represent.

(d) Any person, including any labor organization, union or affiliate, who shall violate, aid and abet the violation, or conspire or attempt to violate this section is guilty of a felony.

(e) The Commission or the Division may maintain a civil action and proceed in a summary manner, without posting bond, against any person, including any labor organization, union or affiliate, to compel compliance with this section, or to prevent any violations, the aiding and abetting thereof, or any attempt or conspiracy to violate this section.

(f) In addition to any other remedies provided in this section, a labor organization, union or affiliate registered or required to be registered pursuant to this section and representing or seeking to represent employees licensed or registered under this chapter may be prohibited by the Commission from receiving any dues from any employee licensed or registered under this chapter and employed by a casino licensee or its agent, if any officer, agent or principal employee of the labor organization, union or affiliate has been found disqualified and if such

disqualification has not been waived by the Commission in accordance with subsection (b) of this section. The Commission or the Division may proceed in the manner provided by subsection (e) of this section to enforce an order of the Commission prohibiting the receipt of dues.

(g) Nothing contained in this section shall limit the power of the Commission to proceed in accordance with subsection (c) of section 467 of this title.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 446

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VI. Licensing (§§ 432 — 446)**

§ 446. Approval and Denial of Registration and Licenses Other Than Casino Licenses

(a) Upon the filing of an application for any license or registration required by this chapter, other than a casino license, and after submission of such supplemental information as the Commission may require, the Commission shall request the Division to conduct such investigation into the qualification of the applicant, and the Commission shall conduct such hearings concerning the qualification of the applicant, in accordance with its regulations, as may be necessary to determine qualification for such license or registration.

(b) After such investigation, accept the registration of an applicant whom it determines to be qualified to hold such license or registration.

(c) The Commission shall have the authority to deny an application pursuant to the provisions of this chapter. When an application is denied, the Commission shall prepare and file its order denying such application with the general reasons therefor, and if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of fact.

(d) When the Commission grants an application, the Commission may limit or place such restrictions thereupon as it may deem necessary in the public interest. A casino hotel employee registration shall, upon issuance, remain in effect unless revoked, suspended, limited, or otherwise restricted by the Commission. Licenses may be granted and renewed as follows:

(1) All casino employee licenses, gaming school resident director, instructor, principal employee and sales representative licenses, casino service industry licenses issued pursuant to subsection (c) of section 444 of this title, and junket representative and junket enterprise licenses issued pursuant to section 461 of this title shall be issued for an initial term of three years, and may be renewed for subsequent terms of four years each; and

(2) All casino key employee licenses and casino service industry licenses required pursuant to subsection (a) of section 447 of this title shall be issued for an initial term of two years, and may be renewed for subsequent terms of two years each.

Notwithstanding the foregoing, the Commission shall reconsider the granting of any license or the approval of any registration at any time at the request of the Division.

(e) After an application is submitted to the Commission, final action of the Commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the Commission.

(f) Subject to the power of the Commission to deny, revoke or suspend any license or registration, any license other than a casino license or any registration may be renewed upon proper application for renewal and the payment of fees in accordance with the rules of the Commission, but in no event later than the date of expiration of the current license or registration.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE VIB:
INTERIM CASINO
AUTHORIZATION
(§§ 447 – 451)

32 V.I.C. § 447

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIB. Interim Casino Authorization (§§ 447 — 451)**

§ 447. Applicability and Requirements

(a) Except as provided in subsection (b) of this section, whenever any person contracts to transfer any property relating to an ongoing casino operation, including a security holding in a casino licensee or holding or intermediary company, under circumstances which require that the transferee obtain casino licensure under section 434 of this title or qualification under section 436 or 437 of this title, the contract shall not specify a closing or settlement date which is earlier than the 121st day after the submission of a completed application for licensure or qualification, which application shall include a fully executed and approved trust agreement in accordance with section 449 of this title. Any contract provision which specifies an earlier closing or settlement date shall be void for all purposes. Subsequent to the earlier of the report of the Division on interim authorization or the 90th day after the timely submission of the completed application, but no later than the closing or settlement date, the Commission shall hold a hearing and render a decision on the interim authorization of the applicant. If the Commission grants interim authorization, then, subject to the provisions of sections 447 through 451 of this title the closing or settlement may occur without interruption of the casino operations. If the Commission denies interim authorization, there shall be no closing or settlement until the Commission makes a determination on the qualification of the applicant, and if the Commission then denies qualification the contract shall thereby be terminated for all purposes without liability on the part of the transferor.

(b) Whenever any person, as a result of a transfer of publicly-traded securities of a casino licensee or a holding or intermediary company or a financing entity of a casino licensee, is required to qualify under section 436 or 437 of this title, the person shall, within 30 days after the Commission determines that qualification is required or declines to waive qualification under section 434, under paragraph (1) of subsection (d) of section 437 or under subsection (f) of section 437, or within such additional time as the Commission may for good cause allow, file a completed application for such licensure or qualification, which application shall include a fully executed and approved trust agreement in accordance with section 449, or in the alternative, such person, within 120 days after the Commission determines that qualification is required or a waiver of qualification is denied, shall divest such securities as the Commission may require in order to remove the need for qualification. If such person determines to divest such securities, notice of such determination shall be filed with the Commission within 30 days after the Commission determines the qualification is required or that a waiver of qualification is denied.

No extension of the time for filing a completed application shall be granted unless the person submits a written acknowledgment of the jurisdiction of the Commission and the obligations imposed by this chapter. If a person required by this section to file an application fails to do so in a timely manner, such failure shall constitute a *per se* disqualification to continue to act as a security holder, and the Commission shall take appropriate action under this chapter. If a person required by this section to file an application does so in a timely manner, then, subsequent to the earlier of the report of the Division on interim authorization or the 90th day after submission of the completed application, but not later than the 120th day after such submission, the Commission shall hold a hearing and render a decision on the interim authorization of such person. The pendency of proceedings under

this subsection shall not prevent the renewal of a casino license under section 440 of this title, so long as any person required by this subsection to file an application has complied with this subsection and has otherwise complied with this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 448

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIB. Interim Casino Authorization (§§ 447 — 451)**

§ 448. Commission Consideration of Request for Interim Casino Authorization

(a) The Commission may grant interim authorization where it finds by clear and convincing evidence (1) that statements of compliance have been issued pursuant to sections 433, 434(c), (d) and (e), 436(e) and 506 of this title; (2) that the casino hotel facility is an approved hotel in accordance with the requirements of section 435 of this title; (3) that the trustee or trustees required by section 449 of this title have satisfied the qualification criteria applicable to a casino key employee, except for residency and casino experience; and (4) that interim operation will best serve the interests of the public with particular reference to the policies and purposes enumerated in this chapter.

(b) The Commission's consideration of a request for interim authorization shall include, but not be limited to, consideration of such relevant information as may be presented to it by the Division. In responding to the request and in determining whether to concur, the Division shall not be required to disclose any information the disclosure of which, in its judgment, may prejudice or otherwise compromise any continuing investigation.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 449

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIB. Interim Casino Authorization (§§ 447 — 451)**

§ 449. Provisions and Application of Trust Agreement

(a)

(1) Where the applicant is not required to obtain a casino license, the trust agreement filed pursuant to section 447 of this title shall transfer and convey all of the applicant's present and future right, title and interest in the property described in section 447, including all voting rights in securities, to the trustee.

(2) Where the applicant is required to obtain a casino license, the trust agreement filed pursuant to section 447 shall transfer and convey to the trustee, if the applicant is a corporation, all outstanding equity securities of the corporation, and, if the applicant is other than a corporation, all outstanding interest in the applicant.

(3) The compensation for the service, costs and expenses of the trustee or trustees shall be stated in the trust agreement and shall be approved by the Commission.

(4) The trust agreement filed pursuant to section 447 shall, in all instances, contain such provisions as the Commission may deem necessary and desirable.

(b) With respect to applicants described in subsection (b) of section 447, if the Commission denies interim authorization, it shall order that the trust agreement become operative, or take such other action as may be appropriate in accordance with this act. With respect to all applicants under section 447, if the Commission grants interim authorization, it shall thereafter order that the trust agreement become operative at such time as it finds reasonable cause to believe that the applicant or any person required to be qualified in connection with the application may be found unqualified.

(c) While the trust agreement remains operative, the trustee shall exercise all rights incident to the ownership of the property subject to the trust, and shall be invested with all powers, authority and duties necessary to the unencumbered exercise of such rights, as provided in sections 492 through 502 of this title, except that the applicant shall have no right to participate in the earnings of the casino hotel or receive any return on its investment or debt security holdings during the time the trust is operative.

(d) The trust agreement, once operative, shall remain operative until the Commission finds the applicant qualified, or the Commission finds the applicant unqualified and the property subject to the trust is disposed of in accordance with subsection (e) of section 449 of this title except that the applicant may request the Commission to direct the trustee to dispose of the property subject to the trust, in accordance with that subsection (e), prior to a finding with respect to qualification. If the Commission denies qualification to a person subject to sections 447 through 451 of this title, the trustee shall endeavor and be authorized to sell, assign, convey, or otherwise dispose of all property subject to the trust to such persons as shall be appropriately licensed or qualified or shall obtain interim authorization in accordance with those sections. The disposition of trust property by the trustee shall be completed within 120 days of the denial of qualification, or within such

additional time as the Commission may for good cause allow, and shall be conducted in accordance with sections 492 through 502, except that the proceeds of such disposition shall be distributed to the unqualified applicant only in an amount not to exceed the lower of the actual cost of the assets to such unqualified applicant; such assets calculated as if the investment had been made on the date the trust becomes operative, and any excess remaining proceeds shall be paid to the casino revenue fund.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 450

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIB. Interim Casino Authorization (§§ 447 — 451)**

§ 450. Obligations and Responsibilities

During the period of interim authorization, the Commission and the Division shall continue such procedures as are provided by this chapter and the regulations promulgated thereunder as may be necessary for a determination of the qualification of the person granted interim authorization. The obligations and responsibilities incumbent upon an applicant, licensee or person required to be qualified are in no way relieved by granting of interim authorization.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 451

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIB. Interim Casino Authorization (§§ 447 — 451)**

§ 451. Time for Determining Qualification

Within nine months after a grant or denial of interim authorization, which period may be extended by the Commission for one three-month period, the Commission shall hold a hearing and render a decision on the qualification of the applicant.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE VII:
CONDITIONS OF
OPERATIONS
(§§ 452 – 466)

32 V.I.C. § 452

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 452. Operation Certificate

(a) Notwithstanding the issuance of a license therefor, no casino or simulcasting facility may be opened or remain open to the public, and no gaming or simulcasting wagering activity, except for test purposes, may be conducted therein, unless and until a valid operation certificate has been issued to the casino licensee by the Commission. Such certificate shall be issued by the Commission upon a finding each complies in all respects with the requirements of this chapter and regulations promulgated hereunder, that the casino licensee has implement necessary management controls and security precautions for the efficient operation of the casino, and if applicable, the simulcasting facility, that casino and simulcasting facility personnel are properly trained and licensed for the efficient performance of their respective responsibilities, and that the casino and any applicable simulcasting facility are prepared in all respects to receive and entertain the public.

(b) The operation certificate shall include a statement of compliance with subsection (a) of this section and an itemized list by category and number of the authorized games permitted in the particular casino establishment and any applicable simulcasting facility.

(c) A casino licensee shall notify the Commission in advance of any proposed change in the number of authorized games to be played in its casino or simulcasting facility, and any changes in the configuration of the casino or simulcasting facility, and shall request the issuance of an operation certificate which permits such changes to occur. The Commission shall issue a revised operation certificate unless it finds that the planned change in authorized games or configuration of facilities does not conform to the requirements of this chapter or regulations promulgated hereunder, or that there has been a change of circumstances in the casino or with respect to the casino licensee materially affecting compliance with subsection (a) of this section.

(d) An operation certificate shall remain in force and effect unless altered in accordance with subsection (c) of this section, or revoked, suspended, limited, or otherwise altered by the Commission in accordance with this chapter.

(e) It shall be an express condition of continued operation under this chapter that a casino licensee shall maintain all books, records, and documents pertaining to the licensee's operations, including casino simulcasting, and approved hotel in a manner and location within the Virgin Islands approved by the Commission. All such books, records and documents shall be immediately available for inspection during all hours of operation in accordance with the rules of the Commission and shall be maintained for a period of seven years or such other period of time as the Commission shall require.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 453

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 453. Hours of Operation; Patronage by Minors Prohibited

(a) No casino licensed pursuant to this chapter shall operate between the hours of 4 a.m. and 10 a.m., except that the Commission may extend the hours of operation, up to and including 24 hours of operation on any Saturday, Territorial, or Federal holiday, or on any day that an extension of the operating hours would, in the judgment of the Casino Commission, have an economic impact on the casino industry or on tourism on St. Croix which would justify the extension of those hours. Notwithstanding the foregoing, a casino at the horse racetrack in St. Croix or St. Thomas may not operate more than 14 hours within a 24-hour period.

In making this finding, the Commission shall consider, among other factors:

- (1) the anticipated volume of visitor, convention or tourist traffic as a result of any scheduled meetings or events;
- (2) any special promotions or market expansion programs undertaken by the casino industry or others to increase such traffic; or
- (3) any other basis for the conclusion that an extension of operating hours would, under the circumstances, effect a significant impact on the volume of casino business and thereby on revenues dependent thereupon. Any resolution approving an extension of operating hours shall be considered at a regularly scheduled meeting of the Commission.

(b) A casino licensee shall file with the Commission a schedule of hours prior to the issuance of an initial operation certificate. If the casino licensee proposes any change in scheduled hours, such change may not be effected until such licensee files a notice of the new schedule of hours with the Commission. Such filing must be made 30 days prior to the effective date of the proposed change in hours.

(c) Nothing herein shall be construed to limit a casino licensee in opening its casino later than, or closing its casino earlier than, the times stated in its schedule of operating hours; provided, however, that any such alterations in its hours shall comply with the provisions of subsection (a) of this section and with regulations of the Commission pertaining to such alterations.

(d) No person under the age of twenty-one (21) years of age shall be admitted into, nor be permitted to place any wager in any hotel casino or horse racetrack casino.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended May 10, 2010, No. 7169, § 6(a)(1), (2), Sess. L. 2010, p. 67; Oct. 27, 2011, No. 7318, § 3(2)(d)(i)(1), (2), Sess. L. 2011, p. 265; amended Dec. 15, 2016, No. 7952, § 8(a), Sess. L. 2016, p. 234.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 454

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 454. Casino Facility Requirements

(a) Each casino licensee shall arrange the facilities of its casino and, if appropriate, its simulcasting facility in such a manner as to promote maximum comfort for the patrons and optimum security for the casino and simulcasting facility operations, and shall comply in all respects with regulations of the Commission pertaining thereto.

(b) Each casino shall include:

- (1) A closed circuit television system according to specifications approved by the Commission, with access on the licensed premises to the system or its signal by the Commission, in accordance with regulations pertaining thereto;
- (2) One or more rooms or locations approved by the Commission as casino space; and
- (3) Design specifications that insure that visibility in a casino or in the simulcasting facility is not obstructed in any way that might interfere with the ability of the commission to supervise casino or simulcasting facility operations.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(69–72), Sess. L. 1997, p. 13.

32 V.I.C. § 455

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 455. Internal Controls

(a) Each casino licensee shall submit to the Commission a description of its system of internal procedures and administrative and accounting controls. Such submission shall be made at least 120 days before gaming operations are to commence or at least 90 days before changes in previously submitted control plans are to become effective, unless otherwise directed by the Commission. Each such submission shall contain both narrative and diagrammatic representations of the internal control systems to be utilized by the casino, including, but not limited to:

- (1) Accounting controls, including the standardization of forms and definition of terms to be utilized in the gaming and simulcast wagering operations;
- (2) Procedures, forms, and, where appropriate, formulas covering the calculation of hold percentages, revenue drop, expense and overhead schedules, complimentary services, junkets, cash equivalent transactions, salary structure and personnel practices;
- (3) Job descriptions and the system of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in casino or simulcasting facility operations and identifying primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;
- (4) Procedures within the cashier's cage for the receipt, storage and disbursal of chips, cash, and other cash equivalents used in gaming; the cashing of checks; the redemption of chips and other cash equivalents used in gaming; the pay-off of jackpots; and the recording of transactions pertaining to gaming operations;
- (5) Procedures for the collection and security of moneys at the gaming tables;
- (6) Procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage and the transfer and recordation of moneys within the simulcasting facility;
- (7) Procedures for the transfer of moneys from the gaming tables to the counting process and the transfer of moneys within the simulcasting facility for the counting process;
- (8) Procedures and security for the counting and recordation of revenue;
- (9) Procedures for the security, storage and recordation of chips and other cash equivalents utilized in the gaming operation;
- (10) Procedures for the transfer of moneys or chips from and to the slot machines;

- (11) Procedures and standards for the opening and security of slot machines;
- (12) Procedures for the payment and recordation of slot machine jackpots;
- (13) Procedures for the cashing and recordation of checks exchanged by casino patrons;
- (14) Procedures governing the utilization of the private security force within the casino;
- (15) Procedures and security standards for the handling and storage of gaming apparatus including cards, dice, machines, wheels and all other gaming equipment;
- (16) Procedures and rules governing the conduct of particular games and the responsibility of casino personnel in respect thereto; and
- (17) Procedures for separately recording all transactions pursuant to section 457 of this title involving the Governor, any Territory officer or employee, or any special Territory officer or employee, any member of the Judiciary, any member of the Legislature, or any officer of a municipality or county in which casino gaming is authorized, and for the quarterly filing with the Attorney General of a list reporting all such transactions.

If required by regulation of the Commission, each casino licensee shall also submit to the Commission a description of its system of internal procedures and administrative and accounting controls for non-gaming operations and a description of any changes thereto no later than five days after those operations commence or after any change in those operations commence or after any change in those procedures or controls takes effect.

(b) The Commission shall review each submission required by subsection (a) of this section, and shall determine whether it conforms to the requirements of this chapter and to the regulations promulgated thereunder and whether the system submitted provides adequate and effective controls for the operations of the particular casino submitting it. If the Commission finds any insufficiencies, it shall specify same in writing to the casino licensee, who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the casino licensee of same. No casino licensee shall commence gaming operations, or alter in fact its internal controls, unless and until such system of controls is approved by the Commission. The Commission shall make a determination concerning a submission for changes in previously submitted control plans no later than 90 days following receipt of the submission unless the Commission and the casino licensee agree to extend the period for making such a determination. If there is no determination made within 90 days and there is no agreement to extend the period for making such a determination, then the submission shall be deemed to be approved.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 456

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 456. Games and Gaming Equipment

(a) This chapter shall not be construed to permit any gaming except the conduct of authorized games in a casino room or in a simulcasting facility in accordance with this chapter and the regulations promulgated hereunder. The Commission shall have exclusive jurisdiction over the types of games to be played in hotel casinos or the horse racetrack casino. Nothing in this chapter shall limit the Commission's jurisdiction over the addition of alternative means of gambling, such as off-track betting or simulcasting, but not limited thereto.

(b) Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a hotel casino or horse racetrack casino complex except in the casino room, in the simulcasting facility, or in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the Commission. Gaming equipment which supports the conduct of gaming in the casino or simulcasting facility but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the Commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room or simulcasting facility by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the Commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room or simulcasting facility at times authorized for that purpose by the Commission or at other times when prior notice has been given to and written approval granted by an authorized agent of the Commission.

Notwithstanding the foregoing, a person may, with the prior approval of the Commission and under such terms and conditions as may be required by the Commission, possess, maintain or exhibit gaming equipment in any other area of the casino complex; provided such equipment is used for non-gaming purposes.

(c) Each hotel casino or horse racetrack casino shall contain a count room and such other secure facilities as may be required by the Commission for the counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the Commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall not be brought into or removed from the casino room or simulcasting facility, or locked or unlocked, except at such times, in such places, and according to such procedures as the Commission may require.

(d) All chips used in gaming at all casinos shall be of such size and uniform color by denomination as the Commission shall require by regulation.

(e) All gaming shall be conducted according to rules promulgated by the Commission. All wagers and pay-offs of winning wagers shall be made according to rules promulgated by the Commission, which shall establish such limitations as may be necessary to assure the vitality of casino operations and fair odds to and maximum participation by casino patrons; provided, however, that a licensee may establish a higher minimum wager with the prior approval of the Commission. Each slot machine shall have a minimum payout of 83%.

(f) Each casino licensee shall make available in printed form to any casino patron upon request the complete text of the rules of the Commission regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to player as the Commission shall require. Each casino licensee shall prominently post within the casino room and simulcasting facility, as appropriate according to regulations of the Commission, such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the Commission shall require.

(g) Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that any wager actually made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

(h)

(1) No slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the Division or the Division's duly authorized agent and licensed for use by the Commission. The Commission shall, by regulation, establish such technical standards for licensure, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set the licensee, subject to the prior approval of the Commission.

(2) The Commission shall, by regulation determine the permissible number and density of slot machines in a licensed casino so as to:

(a) promote optimum security for casino operations;

(b) avoid deception or frequent distraction to players at gaming tables;

(c) promote the comfort of patrons;

(d) create and maintain a gracious playing environment in the casino; and

(e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.

(i)

(1) It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except currency, negotiable personal checks, negotiable counter checks, other chips, coupons or similar complimentary vouchers distributed pursuant to a program approved by the Commission or maintained pursuant to Commission regulation, or if authorized by regulation of the Commission a valid charge to a credit card account. A casino licensee shall upon the request of any person, redeem that licensee's gaming

chips surrendered by that person in any amount over \$25.00 with a check drawn upon the licensee's account at any banking institution in the Virgin Islands and made payable to that person.

(2) It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any skill or barker to induce any person to enter a casino or simulcasting facility or play at any game or for any purpose whatsoever.

(j) It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose.

(k) It shall be unlawful for any casino key employee, other than a junket representative, or any person who is required to hold a casino key employee license as a condition of employment or qualification to wager in any casino, or simulcasting facility or any casino employee, other than a bartender, waiter, waitress, or other casino employee who, in the judgment of the Commission, is not directly involved with the conduct of gaming operations, to wager in the casino or simulcasting facility in which the employee is employed or in any other casino which is owned or operated by the same casino licensee. Any casino employee, other than a bartender, waiter, waitress, or other casino employee who, in the judgment of the Commission, is not directly involved with the conduct of gaming operations, must wait at least 30 days following the date that the employee either leaves employment with a casino licensee or is terminated from employment with a casino licensee before the employee may wager or play in the casino or simulcasting facility in which the employee was formerly employed or in any other casino or simulcasting facility on St. Croix which is owned or operated by the same casino licensee.

(l)

(1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit, any tip or gratuity from any player or patron at the casino where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution pro rata among the dealers on a weekly basis, with the distribution based upon the number of hours each dealer has worked.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(73), Sess. L. 1997, p. 14; May 10, 2010, No. 7169, § 6(b), Sess. L. 2010, p. 67; Oct. 27, 2011, No. 7318, § 3(2.)(d)(ii), (iii), Sess. L. 2011, p. 265; amended Dec. 15, 2016, No. 7952, § 8(b), Sess. L. 2016, p. 234.

32 V.I.C. § 457

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 457. Credit

(a) Except as otherwise provided in this section, no casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, shall:

(1) Cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming or simulcasting facility wagers activity as a player; or

(2) Release or discharge any debt, either in whole or in part, or make loan which represents any losses incurred by any player in gaming or simulcasting wagers activity, without maintaining a written record thereof in accordance with the rules of the Commission.

(b) No casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, may accept a check, other than a recognized traveler's check or other cash equivalent from any person to enable such person to take part in gaming or simulcasting wagering activity as a player, or may give cash or cash equivalents in exchange for such check unless:

(1) The check is made payable to the casino licensee;

(2) The check is dated, but not postdated;

(3) The check is presented to the cashier or cashier's representative at a location in the casino approved by the Commission and is exchanged for cash or slot tokens which total an amount equal to the amount for which the check is drawn, or the check is presented to the cashier's representative at a gaming table in exchange for chips which total an amount equal to the amount for which the check is drawn; and

(4) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents.

Nothing in this subsection shall be deemed to preclude the establishment of an account by any person with a casino licensee by a deposit of cash, recognized traveler's check or other cash equivalent, or a check which meets the requirements of subsection (g) of this section, or to preclude the withdrawal, either in whole or in part, of any amount contained in such account.

(c) When a casino licensee or other person licensed under this chapter, or any person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, cashes a check in

conformity with the requirements of subsection (b) of this section, the casino licensee shall cause the deposit of such check in a bank for collection or payment within:

- (1) seven calendar days of the date of the transaction for a check in an amount of \$1,000.00 or less;
- (2) 14 calendar days of the date of the transaction for a check in an amount greater than \$1,000.00 but less than or equal to \$5,000.00; or
- (3) 45 calendar days of the date of the transaction for a check in amount greater than \$5,000.00.

Notwithstanding the foregoing, the drawer of the check may redeem the check by exchanging cash, cash equivalent, chips, or a check which meets the requirements of subsection (g) of this section for the difference between the original check and the cash or chips tendered; or he may issue one check which meets the requirements of subsection (b) of this section in an amount sufficient to redeem two or more checks drawn to the order of the casino licensee. If there has been a partial redemption or a consolidation in conformity with the provisions of this subsection, the newly issued check shall be delivered to a bank for collection or payment within the period herein specified. No casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, shall accept any check or series of checks in redemption or consolidation of another check or checks in accordance with this subsection for the purpose of avoiding or delaying the deposit of a check in a bank for collection or payment within the time period prescribed by this subsection.

In computing a time period prescribed by this subsection, the last day of the period shall be included unless it is a Saturday, Sunday, or a local or federal holiday, in which event the time period shall run until the next business day.

(d) No casino licensee or any other person licensed under this chapter, or any other person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, shall transfer, convey, or give, with or without consideration, a check cashed in conformity with the requirements of this section to any person other than:

- (1) The drawer of the check upon redemption or consolidation in accordance with subsection (c) of this section;
- (2) A bank for collection or payment of the check; or
- (3) A purchaser of the casino license as approved by the Commission.

The limitation on transferability of checks imposed herein shall apply to checks returned by any bank to the casino licensee without full and final payment.

(e) No person other than one licensed as a casino key employee or as a casino employee may engage in efforts to collect upon checks that have been returned by banks without full and final payment, except that an attorney-at-law representing a casino licensee may bring action for such collection.

(f) Notwithstanding the provisions of any law to the contrary, checks cashed in conformity with the requirements of this chapter shall be valid instruments, enforceable at law in the courts of the Virgin Islands. Any check cashed, transferred, conveyed or given in violation of this chapter shall be invalid and unenforceable for the purposes of collection but shall be included in the calculation of gross revenue pursuant to section 402 of this title.

(g) Notwithstanding the provisions of subsection (b) of this section to the contrary, a casino licensee may accept a check from a person to enable the person to take part in gaming or simulcast wagering activity as a player, or

may give cash or cash equivalents in exchange for the check or may accept a check in redemption or partial redemption of a check issued in accordance with subsection (b) of this section, provided that:

(1)

(a) The check is drawn by a casino licensee pursuant to the provisions of subsection (i) of section 456 of this title or upon a withdrawal of funds from an account established in accordance with the provisions of subsection (b) of this section or is drawn by a casino licensee for winnings from slot machine payoffs, simulcasting wagers or authorized games;

(b) The check is issued by a banking institution which is chartered in a country other than the Virgin Islands or the United States, on its account at a federally chartered or territorially chartered bank, and is made payable to “cash”, “bearer”, a casino licensee, or the person presenting the check, or

(c) The check is issued by a banking institution which is chartered in the United States on its account at another at another federal chartered or state-chartered bank is made payable to “cash”, “bearer”, a casino service licensee, or the person presenting the check,

(2) The check is identifiable in a manner approved by the Commission as a check issued for a purpose listed in paragraph (1) of this subsection;

(3) The check is dated, but not postdated;

(4) The check is presented to the cashier or the cashier's representative by the original payee and its validity is verified by the drawer; and

(5) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents. No casino licensee shall issue a check for the purpose of making a loan or otherwise providing or allowing any advance or credit to a person to enable the person to take part in gaming activity as a player.

(h)

(1) Notwithstanding the provisions of subsections (b) and (c) of this section a casino licensee may, at a location outside the casino, accept a personal check or checks from a person for up to \$1,500 in exchange for cash or cash equivalents, and may at such locations within the casino as may be permitted by the commission, accept a personal check or checks for up to \$1,500 in exchange for cash, cash equivalents, tokens, chips or plaques to enable the person to take part in gaming or simulcast wagering activity as a player provided that:

(a) The check is drawn on the patron's bank or brokerage cash management account;

(b) The check is for a specific amount;

(c) The check is made payable to the casino licensee;

(d) The check is dated but not post-dated;

(e) The patron's identify is established by examination of one of the following: valid credit card, driver's license, passport, or other form of identification credential which contains at a minimum, the patron's signature;

(f) The check is restrictively endorsed “For Deposit Only” to the casino licensee's bank account and deposited on the next banking day following the date of the transaction; and

(g) The total amount of personal checks accepted by any one licensee pursuant to this subsection that are outstanding at any time including the current check being submitted does not exceed \$1,500.

(2) Nothing in paragraph (1) of this subsection shall be construed to limit the authority of the casino licensee to accept and exchange for cash or cash equivalents other than tokens, chips or plaques a check from a patron that is not offered or exchanged in order to enable the patron or anyone else to take part in gaming or simulcast wagering activity as a player, provided that:

(a) The patron so certifies;

(b) The casino licensee has no reason to believe that the cash equivalents will be used to enable the patron or anyone else to take part in gaming or simulcast wagering activity as a player;

(c) The check is not accepted or exchanged in the casino or simulcasting facility; and

(d) The casino licensee maintains full documentation of the transaction in accordance with regulations established by the commission.

(i) Checks cashed pursuant to the provisions of paragraph (1) of subsection (h) of this section which are subsequently uncollectable may not be deducted from the total of all sums received in calculating gross revenue pursuant to section 402 paragraph (34) of this chapter.

(j) A person may request the commission to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the commission the person's name address and date of birth. The person does not need to provide a reason for this request. The commission or the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the commission, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(74), Sess. L. 1997, p. 14; Aug. 27, 1997, No. 6149, § 2(a), Sess. L. 1997, p. 44.

32 V.I.C. § 458

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 458. Non-Citizen Patrons; Proof of Identity to Establish Accounts; Multiple Transactions

No casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, shall, in a single transaction during a gaming day, accept cash from a person offered for the purpose of establishing an account when the amount offered totals \$10,000.00 or more, unless the person presents proof of his identity and passport identification number if he is not a United States citizen. Multiple currency transactions shall be treated as a single transaction if the casino licensee, person licensed under this chapter, or person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, has knowledge that the transactions are by or on behalf of one person and result in either cash in or cash out totaling more than \$10,000.00 during a gaming day.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 459

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 459. Non-Citizens Patrons; Proof of Identity to Redeem Chips or Markers

No casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter shall, in a single transaction during a gaming day, redeem for cash or credit any chips or markers in an amount of \$10,000.00 or more or exchange chips for cash in an amount of \$10,000.00 or more, from any one person, unless the person seeking to redeem the chips or markers presents proof of his identity and passport identification number if he is not a United States citizen. Multiple currency transactions shall be treated as a single transaction if the casino licensee, person licensed under this chapter, or person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter has knowledge that the transactions are by or on behalf of one person and result in either cash in or cash out totaling more than \$10,000.00 during a gaming day.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 460

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 460. Report of Identities and Passport Numbers

No casino licensee or any person licensed under this chapter, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this chapter, who accept cash or redeem chips or markers totaling \$10,000.00 or more in a gaming day for which identification is required pursuant to sections 444 and 446 of this title shall at least once every 30 days report the identities and passport numbers of the persons offering the cash, chips or markers, to the Division of Gaming Enforcement.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 461

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 461. Junkets and Complimentary Services

- (a) No junkets may be organized or permitted except in accordance with the provisions of this chapter. No person may act as a junket representative or junket enterprise except in accordance with this section.
- (b) A junket representative employed by a casino licensee or an applicant for a casino license or an affiliate of a casino licensee shall be licensed as a casino employee in accordance with the provisions of this chapter provided, however, that said licensee need not be a resident of the Virgin Islands. Any person who holds a current and valid casino employee license may act as a junket representative while employed by a casino licensee or an affiliate. No casino licensee or applicant for a casino license may employ or otherwise engage a junket representative who is not so licensed.
- (c) Junket enterprises, and junket representatives which are not employed by a casino licensee or an applicant for a casino license or by a junket enterprise engaged in activities governed by this section shall be subject to the provisions of subsection (c) of section 444 and subsection (b) of section 463 of this chapter with regards to those activities, unless otherwise directed by the commission pursuant to subsection (k) of this section. Such of the owners, management and supervisory personnel and other principal employees of a junket enterprise as the commission may consider appropriate for qualification shall qualify under the standard, except for residency, established for qualification of a casino key employee under this chapter.
- (d) Prior to the issuance of any license required by this section, an applicant for licensure shall submit to the jurisdiction of the Virgin Islands and shall demonstrate to the satisfaction of the Commission that he is amenable to service of process within this Territory. Failure to establish or maintain compliance with the requirements of this subsection shall constitute sufficient cause for the denial, suspension or revocation of any license issued pursuant to this section.
- (e) Upon petition by the holder of a casino license, an applicant for junket representative licensure may be issued a temporary license by the Commission, provided that:
- (1) the applicant for licensure is employed by a casino licensee;
 - (2) the applicant for licensure has filed a completed application as required by the Commission;
 - (3) the Division either certifies to the Commission that the completed application for licensure as specified in paragraph (2) of this subsection has been in the possession of the Division for at least 60 days or agrees to allow the Commission to consider the application in some lesser time; and
 - (4) the Division does not object to the temporary licensure of the applicant; provided, however, that failure of the Division to object prior to the temporary licensure of the applicant shall not be construed to reflect in any manner upon the qualifications of the applicant for licensure.

In addition to any other authority granted by this chapter, the Commission shall have the authority, upon receipt of a representation by the Division that it possesses information which raises a reasonable possibility that a junket representative does not qualify for licensure, to immediately suspend, limit or condition any temporary license issued pursuant to this subsection, pending a hearing on the qualifications of the junket representative, in accordance with the provisions of this chapter.

Unless otherwise terminated pursuant to this chapter, any temporary license issued pursuant to this subsection shall expire 12 months from the date of its issuance, and shall be renewable by the Commission, in the absence of an objection by the Division, as specified in paragraph (4) of this subsection, for one additional six-month period.

(f) Every agreement concerning junkets entered into by a casino licensee and a junket representative or junket enterprise shall be deemed to include a provision for its termination without liability on the part of the casino licensee, if the Commission orders the termination upon the suspension, limitation, conditioning, denial or revocation of the licensure of the junket representative or junket enterprise, in accordance with the provisions of this chapter. Failure to expressly include such a condition in the agreement shall not constitute a defense in any action brought to terminate the agreement.

(g) A casino licensee shall be responsible for the conduct of any junket representative or junket enterprise associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the fact that the junket may involve persons not employed by such a casino licensee.

(h) A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this chapter, the Commission may, after hearings in accordance with this chapter, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino junket enterprise or junket representative, and order such further relief as it deems appropriate.

(i) The Commission shall, by regulation, prescribe methods, procedures and forms for the delivery and retention of information concerning the conduct of junkets by casino licensees. Without limitation of the foregoing, each casino licensee, in accordance with the rules of the Commission, shall:

(1) Maintain on file a report describing the operation of any junket engaged in on its premises, which report may include acknowledgments by the participants, signed on the date of arrival, that they understand the terms of the particular junket;

(2) Submit to the Commission and Division a report on those arrangements which would be junkets but for the fact that those arrangements do not include a selection or approval of participants in accordance with the terms of section 402 of this title; and

(3) Submit to the Commission and Division a list of all its employees who are acting as junket representatives but whose licenses are not endorsed as such.

(j) Each casino licensee, junket representative or junket enterprise shall, in accordance with the rules of the Commission, file a report with the Division with respect to each list of junket patrons or potential junket patrons purchased directly or indirectly by the casino licensee, junket representative or enterprise.

(k) The Commission shall have the authority to determine, either by regulations, or upon petition by the holder of a casino license, that a type of arrangement otherwise included within the definition of "junket" established by section 402 shall not require compliance with any or all of the requirements of this section. The Commission shall seek the opinion of the Division prior to granting any exemption. In granting exemptions, the Commission

shall consider such factors as the nature, volume and significance of the particular type of arrangement, and whether the exemption would be consistent with the public policies established by this chapter. In applying the provisions of this subsection, the Commission may condition, limit, or restrict any exemption as the Commission may deem appropriate.

(l) No junket enterprise or junket representative or person acting as a junket representative may:

- (1)** Engage in efforts to collect upon checks that have been returned by banks without full and final payment;
- (2)** Exercise approval authority with regard to the authorization or issuance of credit pursuant to section 458 of this title;
- (3)** Act on behalf of or under any arrangement with a casino licensee or a gaming patron with regard to the redemption, consolidation, or substitution of the gaming patron's checks awaiting deposit pursuant to subsection (c) of section 457 of this title;
- (4)** Individually receive or retain any fee from a patron for the privilege of participating in a junket;
- (5)** Pay for any services, including transportation, or other items of value provided to, or for the benefit of, any patron participating in a junket.

(m) No casino licensee shall offer or provide any complimentary services, gifts, cash or other items of value to any person unless:

- (1)** The complimentary consists of room, food, beverage or entertainment expenses provided directly to the patron and his guests by the licensee or indirectly to the patron and his guests on behalf of a licensee by a third party; or
- (2)** The complimentary consists of documented transportation expenses provided directly to the patron and his guests by the licensee or indirectly to the patron and his guests on behalf of a licensee by a third party, provided that the licensee complies with regulations promulgated by the Commission to ensure that a patron's and his guests' documented transportation expenses are paid for or reimbursed only one; or
- (3)** The complimentary consists of coins, tokens, cash or other complimentary items or services provided through a complimentary distribution program approved by the Commission or maintained pursuant to Commission regulation.

Notwithstanding the foregoing, a casino licensee may offer and provide complimentary cash or non-cash gifts which are not otherwise included in paragraphs (1) through (3) of this subsection to any person, provided that any such gifts in excess of \$2,000.00 per trip, or such greater amount as the Commission may establish by regulation, are supported by documentation regarding the reason the gift was provided to the patron and his guests, including where applicable, a patron's player rating, which documentation shall be maintained by the casino licensee. For the purposes of this paragraph, all gifts presented to a patron and the patron's guests directly by the licensee or indirectly on behalf of the licensee by a third party within any five-day period shall be considered to have been made during a single trip. In the case of cash gifts, the Commission shall establish by regulation the total amount of such gifts that a licensee may provide to a patron each year.

Each casino licensee shall maintain a regulated complimentary service account, for those complementaries which are permitted pursuant to this section, and shall submit a quarterly report to the Commission based upon such account and covering all complimentary services offered or engaged in by the licensee during

the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received the same, and such other information as the Commission may require.

(n) As used in this subsection, “person” means any territorial officer or employee subject to financial disclosure by law or executive order and any other territorial officer or employee with responsibility for matters affecting casino activity; any special territorial officer or employee with responsibility for matters affecting casino activity; the Governor; any member of the Legislature or full-time member of the Judiciary; any full-time professional employee of the Office of the Governor, or the Legislature; members of the Casino Reinvestment Development Authority; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy Commissioners; the head of any Division of a principal department; any member of the governing body, or the judge or the attorney of a district wherein a casino is located; any member of or attorney for the planning board or zoning board of a district wherein a casino is located, or any professional planner or consultant regularly employed or retained by such planning board or zoning board.

No casino applicant or licensee shall provide directly or indirectly to any person any complimentary service or discount which is other than such service or discount that is offered to members of the general public in like circumstance.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(79–82), Sess. L. 1997, p. 16.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 462

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 462. Alcoholic Beverages in Casino Hotel Facilities

(a) Notwithstanding any law to the contrary, the authority to grant any license for, or to permit or prohibit the presence of, alcoholic beverages in, on, or about any premises licensed as part of a casino hotel shall exclusively be vested in the Commission.

(b) Unless otherwise stated, and except where inconsistent with the purpose or intent of this chapter or the common understanding of usage thereof, definitions contained in Title 8 of this code shall apply to this section. Any definition contained therein shall apply to the same word in any form.

(c) Notwithstanding any provision of Title 8 of this code, the rules, regulations and bulletins promulgated by the Commissioner of the Department of Licensing and Consumer Affairs and the Virgin Islands Board of Control of Alcoholic Beverages, or any provision promulgated by any local authority, the authority to issue, renew, transfer, revoke or suspend a casino hotel alcoholic beverage license or any portion, location, privilege or condition thereof; to fine or penalize a casino hotel alcoholic beverage licensee; to enforce all statutes, laws, ruling, or regulations relating to such license; and to collect license fees and establish application standards therefor, shall be, consistent with this chapter, exclusively vested in the Commission.

(d) Notwithstanding any provision to the contrary, the Commission may promulgate any regulations and special rulings and findings as may be necessary for the proper enforcement, regulation, and control of alcoholic beverages in casino hotels when the Commission finds that the uniqueness of casino operations and the public interest require that such regulations, rulings, and findings are appropriate. Regulations of the Commission may include but are not limited to: designation and duties of enforcement personnel; all forms necessary or convenient in the administration of this section; inspections, investigations, searches, seizures; licensing and disciplinary standards; requirements and standards for any hearings or disciplinary or other proceedings that may be required from time to time; the assessment of fines or penalties for violations; hours of sale; sales in original containers; sales on credit; out-of-door sales; limitations on sales; gifts and promotional materials; locations or places for sale; control of signs and other displays; identification of licensees and their employees; employment of aliens and minors; storage, transportation and sanitary requirements; records to be kept by the casino hotel alcoholic beverage licensees and availability thereof; practices unduly designed to increase consumption of alcoholic beverages; and such other matters whatsoever as are or may become necessary and consistent with the administration of this chapter.

(e)

(1) It shall be unlawful for any person, including any casino licensee, or any of its lessees, agents or employees to expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said person possesses a casino hotel alcoholic beverage license.

(2) It shall be unlawful for any person issued a casino hotel alcoholic beverage license to expose, possess, sell, give, dispense, transfer, or otherwise dispose of alcoholic beverages, other than within the terms and conditions of the casino hotel alcoholic beverage license issued, the provisions of Title 8 of this code, the rules and regulations promulgated by the Commissioner of the Department of Licensing and Consumer Affairs, and, when applicable, the regulations promulgated pursuant to this chapter.

(f) In issuing a casino hotel alcoholic beverage license the Commission shall describe the scope of the particular license and the restrictions and limitations thereon as it deems necessary and reasonable. The Commission may, in a single casino hotel alcoholic beverage license, permit the holder of such a license to perform any or all of the following activities, subject to applicable laws, rules and regulations:

(1) To sell or serve alcoholic beverages by the bottle glass, drink or other open receptacle to any person except a person under the age of eighteen (18) years, nor shall any person issued a casino hotel beverage license employ a person under the age of eighteen (18) years to mix and/or dispense alcoholic beverages.

(2) To sell any alcoholic beverage by the glass or other open receptacle, but not in an original container, for on-premises consumption within a casino or simulcasting facility; provided, however, that no alcoholic beverage, shall be sold, given or be available for consumption; offered, delivered or otherwise brought to a patron; or consumed at a gaming, table, unless so requested by the patron.

(3) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within a casino hotel, but not in a casino or simulcasting facility, or from a fixed location outside a building or structure containing a casino but on a casino hotel's premises.

(4) To sell any alcoholic beverage in original containers for consumption outside the licensed area from an enclosed package room not in a casino or simulcasting facility.

(5) To sell any alcoholic beverage by the glass or other open receptacle or in original containers from a room service location within an enclosed room not in a casino or simulcasting facility provided however, that any sale of alcoholic beverages is delivered only to a guest room or to any other room in the casino hotel authorized by the Commission, other than any room authorized by the Commission pursuant to paragraph (1), (3), or (5) of this subsection.

(6) To possess or to store alcoholic beverages in original containers intended but not actually exposed for sale at a fixed location on a casino hotel premises, not in a casino or simulcasting facility; and to transfer or deliver such alcoholic beverages only to a location approved pursuant to this section; provided, however, that no access to or from a storage location shall be permitted except during normal course of business by employees or agents of the licensee, or by licensed employees or agents of licensed wholesalers/distributors; and provided further, however, that no provision of this section shall be construed to prohibit a casino hotel alcoholic beverage licensee from obtaining an off-site storage permit from the Commission.

(g)

(1) No casino hotel alcoholic beverage license which authorizes the sale of alcoholic beverages within a casino pursuant to subsection (f)(1) of this section shall issue to any applicant who does not hold a casino license issued pursuant to this chapter;

(2) No Casino Hotel Alcoholic Beverage License which authorizes the possession, sale or storage of alcoholic beverages pursuant to subsection (f)(2), (3), (4), or (5) of this section shall issue to any applicant who would not qualify under the standards for licensure of a casino service industry pursuant to subsection (c) of section 444 of this title;

(3) No casino hotel alcoholic beverage license which authorizes the possession or storage of alcoholic beverages pursuant to subsection (f)(6) of this section shall issue to any applicant who does not hold a casino hotel alcoholic beverage license, permitting any activity pursuant to subsection (f)(1), (2), (3), or (4) of this section.

(h) The Commission may revoke, suspend, refuse to renew or refuse to transfer any casino hotel alcoholic beverage license, or fine or penalize any casino hotel alcoholic beverage licensee for violations of any provision of Title 27 of this code, the rules and regulations promulgated by the Commissioner of the Department of Licensing and Consumer Affairs, and the regulations promulgated by the Commission.

(i) Jurisdiction over all alcoholic beverage licenses issued with respect to the casino hotel facility is hereby vested in the Commission which in its discretion may by regulation provide for the conversion thereof into a casino hotel alcoholic beverage license as provided in this section.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(83–88), Sess. L. 1997, p. 16.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 463

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 463. Casino Licensee — Leases and Contracts

(a)

- (1) Unless otherwise provided in this subsection, no agreement which provides for the payment, however defined, of any direct or indirect interest, percentage or share of any money or property gambled at a casino or derived from casino gaming activity or of any such interest, percentage, or share of any revenues, profits or earnings of a casino shall be lawful.
- (2) Agreements which provide only for the payment of a fixed sum which is in no way affected by the amount of any such money, property, revenues, profits or earnings shall not be subject to the provisions of this subsection; and receipts, rentals or charges for real property, personal property or services shall not lose their character as payments of a fixed sum because of contract, lease, or license provisions for adjustments in charges, rentals or fees on account of changes in taxes or assessments, cost-of-living index escalations, expansion or improvement of facilities, or changes in services supplied.
- (3) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing and which are in writing and have been filed with the Commission shall be lawful and effective only if expressly approved as to their terms by the Commission.
- (4) Agreements to lease an approved hotel building or the land thereunder and agreements for the complete management of a casino shall not be subject to the provisions of this subsection but shall rather be subject to the provisions of subsections (b) and (c) of section 434 of this title.
- (5) Agreements which provide for percentage charges between the casino licensee and a holding company or intermediary company of the casino licensee shall be in writing and filed with the Commission but shall not be subject to the provisions of this subsection.
- (6) Agreements which provide only for the payment of a fixed sum which is based upon the number of times a slot machine or a specified game feature of such slot machine is utilized shall not be subject to the provision of this subdivision.
- (7) Agreements which provide only for the payment of a fixed sum which is based upon the outcome or an event which occurs as part of an authorized game shall not be subject to the provisions of this subdivision.

(b) Each casino applicant or licensee shall maintain, in accordance with the rules of the Commission, a record of each written or unwritten agreement regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility. The foregoing obligation shall apply regardless of whether the casino applicant or licensee is a party to the agreement. Any such agreement may be reviewed by the Commission on the basis of the reasonableness of its terms, including the terms of compensation, and of the

qualifications of the owners, officers, employees and directors of any enterprise involved in the agreement, which qualifications shall be reviewed according to the standards enumerated in section 438 of this title. If the Commission disapproves such an agreement or the owners, officers, employees or directors of any enterprise involved therein, the Commission may require its termination.

Every agreement required to be maintained, and every related agreement the performance of which is dependent upon the performance of any such agreement, shall be deemed to include a provision to the effect that, if the Commission shall require termination of an agreement pursuant to this subsection, such termination shall occur without liability on the part of the casino applicant or licensee or any qualified party to the agreement or any related agreement. Failure expressly to include such a provision in the agreement shall not constitute a defense in any action brought to terminate the agreement. If the agreement is not maintained or presented to the Commission in accordance with Commission regulations, or the disapproved agreement is not terminated, the Commission may pursue any remedy or combination of remedies provided in this chapter.

For the purposes of this subsection, “casino applicant” includes any person required to hold a casino license pursuant to section 434 who has applied to the Commission for a casino license or any approval required under this chapter.

(c) Nothing in this chapter shall be deemed to permit the transfer of any license, or any interest in any license, or any certificate of compliance or any commitment or reservation.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(89), Sess. L. 1997, p. 17.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 464

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 464. Disposition of Securities by Corporate Licensee

- (a) The sale, assignment, transfer, pledge or other disposition of any security issued by a corporation which holds a casino license is conditional and shall be ineffective if disapproved by the Commission.
- (b) Every security issued by a corporation which holds a casino license shall bear, on both sides of the certificate evidencing such security, a statement of the restrictions imposed by this section, except that in the case of a publicly traded corporation incorporated prior to October 25, 1995, a statement of restriction shall be necessary only insofar as certificates are issued by such corporation after October 25, 1995.
- (c) The Lieutenant Governor shall not accept for filing any articles of incorporation of any corporation which includes as a stated purpose the conduct of casino gaming, or any amendment which adds such purpose to articles of incorporation already filed, unless such articles or amendments have been approved by the Commission and a copy of such approval is annexed thereto upon presentation for filing with the Lieutenant Governor.
- (d) If at any time the Commission finds that an individual owner or holder of any security of a corporate licensee or of a holding or intermediary company with respect thereto is not qualified under this chapter, and if as a result the corporate licensee is no longer qualified to continue as a casino licensee in the Virgin Islands, the Commission shall, pursuant to the provisions of this chapter, take any necessary action to protect the public interest, including the suspension or revocation of the casino license of the corporation; provided, however, that if the holding or intermediary company is a publicly traded corporation and the Commission finds disqualified under section 437(d) of this title, and the Commission also finds that:
- (1) the holding or intermediary company has complied with the provisions of section 434(d)(7) of this title,
 - (2) the holding or intermediary company has made a good faith effort, including the prosecution of all legal remedies, to comply with any order of the Commission requiring the divestiture of the security interest held by the disqualified holder; and
 - (3) such disqualified holder does not have the ability to control the corporate licensee or any holding or intermediary company with respect thereto, or to elect one or more members of the board of directors of such corporation or company, the Commission shall not take action against the casino licensee or the holding or intermediary company with respect to the continued ownership of the security interest by the disqualified holder. For purposes of this chapter, a security holder shall be presumed to have the ability to control a publicly traded corporation, or to elect one or more members of its board of directors, if such holder owns or beneficially holds 5% or more of the equity securities of such corporation, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence.

(e) Commencing on the date the Commission serves notice upon a corporation of the determination of disqualification under subsection (d) of this section, it shall be unlawful for the named individual:

- (1) To receive any dividends or interest upon any such securities;
- (2) To exercise, directly or through any trustee or nominee, any right conferred by such securities; or
- (3) To receive any remuneration in any form from the corporate licensee for services rendered or otherwise.

(f) After a non-publicly traded corporation has been issued a casino license pursuant to the provisions of this chapter, but prior to the issuance or transfer of any security to any person required to be but not yet qualified in accordance with the provisions of this chapter, such corporation shall file a report of its proposed action with the Commission and shall request the approval of the Commission for the transaction. If the Commission shall deny the request, the corporation shall not issue or transfer such security. After a publicly traded corporation has been issued a casino license, such corporation shall file a report quarterly with the Commission, which report shall list all owners and holders of any security issued by such corporate casino licensee.

(g) Each corporation which has been issued a casino license pursuant to the provisions of this chapter shall file a report of any change of its corporate officers or members of its board of directors with the Commission. No officer or director shall be entitled to exercise any powers of the office to which he was so elected or appointed until qualified by the Commission in accordance with the provisions of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 465

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 465. Casino Employment Work Permits; 90% Bona Fide Resident Provision

(a) A casino licensee shall not appoint or employ any person not registered or not possessing a current and valid license permitting such appointment or employment. A casino licensee shall in accordance with the rules of the Commission, apply for a work permit for each employee, which shall be granted if the employee is the holder of a current and valid registration or license which permits employment in the position to be held. Each work permit shall be renewed annually in accordance with rules and regulations promulgated by the Commission.

(b) A casino licensee shall, within 24 hours or receipt of written notice thereof, terminate the appointment or employment of any person whose license or registration has been revoked or has expired. A casino licensee shall comply in all respects with any order of the Commission imposing limitations or restrictions upon the terms of employment or appointment in the course of any investigation or hearing.

(c) By the end of the third year of the opening of the first casino hotel facility licensed to operate in the Virgin Islands, ninety (90%) percent of all persons employed to work in any and all casino hotels and the local office of casino service industries licensed to do business in the Virgin Islands shall be bona fide residents, as defined in section 557 of this title. In the years prior to the end of the third year, the casino licensees and casino service industries licensed to do business in the Virgin Islands shall employ bona fide residents in the following percentages, in accordance with the timetable stated: at least sixty-five (65%) percent by the end of the first year of the opening of the first casino hotel facility licensed to do business in the Virgin Islands; at least seventy-five (75%) percent by the end of the second year of the opening of the first casino hotel facility licensed to do business in the Virgin Islands.

(1) The primary obligation for carrying out the 90% “bona fide continuous resident” provision rests with the casino licensees who shall submit quarterly reports to the Casino Control Commission showing strict compliance with this measure. Waiver from this provision will only be granted upon demonstration by the casino licensee or casino service industry in its local office that diligent efforts were made to locate qualified, bona fide continuous residents through the Department of Labor and by publication in local newspapers and other media, and that none were available.

(2) The Commission shall establish a fine to be imposed on a casino licensee who does not comply with this provision, the Commission shall assess a fine against the Casino licensee.

(3) If the Commission determines that a casino licensee has failed to demonstrate compliance with the 90% bona fide continuous resident provision, the casino licensee will have 90 days from the date of the determination within which to comply with the provision.

(4) Continued non-compliance shall result in suspension of the licensee's casino license, unless the licensee can clearly demonstrate to the Commission the non-availability of bona fide residents.

(5) Any and all violations of this subsection shall be considered a civil violation subject to penalties established by the Commission.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(90, 91), Sess. L. 1997, p. 17.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 466

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VII. Conditions of Operations (§§ 452 — 466)**

§ 466. Severance Pay; Employee Pension Plan Requirement

(a) Workers shall be entitled to severance pay. Severance pay is compensation for workers who have been laid off from their jobs for at least thirty (30) days, either on a temporary or permanent basis:

(1) Severance pay shall be one (1) week's pay for each year a worker is employed, whether temporary or permanent, calculated at the worker's rate of pay at the time of severance.

(2) Severance pay shall be made available in lump sum payment, and shall not be considered in lieu of unemployment or workers' compensation administration benefits. Unemployment and workers' compensation administration benefits shall be provided upon appropriate application for benefits, and workers shall not be required to exhaust their severance pay in order to receive these benefits.

(3) Employers, public or private, are prohibited from requiring any waiver of benefits as a condition of employment, or in derogation of any labor law of the Virgin Islands and other applicable laws.

(4) Failure to comply with subsection (a) shall be a violation of the statute and subject the offending entity to civil and criminal penalties. Penalties for non-compliance shall be instituted as follows:

1st Offense — A fine equivalent to three (3) times the amount of money owed the offended employee(s) for severance pay.

2nd Offense — A fine equivalent to six (6) times the amount of money owed the offended employee(s) for severance pay.

3rd Offense — A fine equivalent to ten (10) times the amount of money owed the offended employee(s). Prosecution for actions under this subsection shall be instituted by the Virgin Islands Office of the Attorney General upon petition by an aggrieved employee.

(b) Each casino licensee shall provide an employee pension benefit plan for its employees as provided under 29 U.S.C.A 1001 et seq. The commission shall establish by rules and regulations, licensee reporting requirements and civil penalties for failure to provide the pension plan as provided under the provisions of this subsection.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(92–94), Sess. L. 1997, p. 17.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE VIII:
HEARINGS
(§§ 467 – 470)

32 V.I.C. § 467

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIII. Hearings (§§ 467 — 470)**

§ 467. Conduct a Hearing; Rules of Evidence Punishment of Contempts; Rehearing

(a) At all hearings of the Commission in contested cases:

- (1) The Commission shall hear all matters directly; provided, however, that the chairman may, in his discretion, designate a member of the Commission, or any other qualified person other than an employee of the Commission, to serve as hearing examiner in a particular matter;
- (2) The proceedings at the hearing shall be recorded or transcribed;
- (3) Oral evidence shall be taken only upon oath or affirmation;
- (4) Each party to a hearing shall have the right to call and examine witnesses; to introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Commission; to cross-examine opposing witnesses in any matters relevant to the issue of the case; to impeach any witness, regardless of which party called him to testify; and to offer rebuttal evidence;
- (5) If an applicant, licensee, registrant or person who shall be qualified pursuant to this chapter is a party and if such party shall not testify in his own behalf, he may be called and examined as if under cross-examination;
- (6) The hearing shall not be conducted according to rules relating to the admissibility of evidence in courts of law. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action; and
- (7) The parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection.

(b) The Commission may take official notice of any generally accepted information or technical or scientific matter in the field of gaming and of any other fact which may be judicially noticed by the courts of the United States Virgin Islands. The parties shall be informed of any information, matters or facts so noticed and shall be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Commission. The Commission may, in its discretion, before rendering its decision, permit the filing of amended or

supplemental pleadings and shall notify all parties thereof and provide a reasonable opportunity for objections thereto.

(c) If any person in proceedings before the Commission disobeys or resists any lawful order, refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct at the hearing or so near the place thereof as to obstruct the proceeding, the person may be punished for contempt in accordance with the Rules of Court if the Commission certifies the facts underlying the contumacious behavior to the Superior Court. Thereafter, the courts shall have jurisdiction in the matter and the same proceeding shall be had, the same penalties may be imposed, and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed contempt in the trial of a civil action before the Superior Court.

(d)

(1) The Commission may, upon motion therefor made within 10 days after the service of the decision and order, order a rehearing before the Commission upon such terms and conditions as it may deem just and proper when the Commission finds cause to believe that the decision and order should be reconsidered in view of the legal, policy or factual matters advanced by the moving party or raised by the Commission on its own motion.

(2) Upon motion made within a reasonable time, but in no event later than one year from the service of the decision and order, the Commission may relieve a party from the decision and order upon a showing that there is additional evidence which is material and necessary and which would be reasonably likely to change the decision of the Commission, and that sufficient reason existed for failure to present such evidence at the hearing of the Commission or on a motion under paragraph (1) of this subsection. The motion shall be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not presented at the hearing or on a motion under paragraph (1) of this subsection. Upon rehearing, rebuttal evidence to the additional evidence shall be admitted. After rehearing, the Commission may modify its decision and order as the additional evidence may warrant.

(3) A motion for relief from a decision and order which is based on any ground other than the presentation of newly discovered evidence shall be governed as to both timeliness and sufficiency by the regulations of the Commission which shall be modeled, to the extent practical, upon the rules then governing similar motions before the courts of the Virgin Islands.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 468

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIII. Hearings (§§ 467 — 470)**

§ 468. Proceedings Against Licensees

(a) Any proceedings against a licensee or registrant shall be brought on by written complaint, which shall include a statement setting forth in ordinary and concise language the charges and the acts or omissions supporting such charges.

(b) Upon filing of the complaint the Commission shall serve a copy upon the licensee or registrant either personally or by certified mail to his address on file with the Commission.

(c) Within 15 days after service upon him of the complaint, the licensee or registrant may file with the Commission a notice of defense, in which he may:

- (1) Request a hearing;
- (2) Admit the accusation in whole or in part;
- (3) Present new matters or explanations by way of defense; or
- (4) State any legal objections to the complaint.

Within the time specified, the licensee or registrant may file one or more notices of defense upon any or all of the above grounds.

(d) The licensee or registrant shall be entitled to a hearing on the merits if he files the required notice of defense within the time allowed by subsection (c) of this section, and any such notice shall be deemed a specific denial of all parts of the complaint not expressly admitted. Failure to timely file the required notice of defense or to appear at the hearing shall constitute an admission of all matters and facts contained in the complaint and a waiver of the licensee's or registrant's rights to a hearing, but the Commission, in its discretion, may nevertheless order a hearing. All affirmative defenses shall be specifically stated, and unless objection is taken as provided in paragraph (4) of subsection (c) of this section, all objections to the form of the complaint shall be deemed waived.

(e) The Commission shall determine the time and place of the hearing as soon as is reasonably practical after receiving the licensee's or registrant's notice of defense. The Commission shall deliver or send by certified mail a notice to all parties at least 10 days prior to the hearing. Unless the licensee or registrant consents, the hearing shall not be held prior to the expiration time within which the licensee or registrant is entitled to file the notice of defense.

(f) Prior to a hearing before the Commission, and during a hearing upon reasonable cause shown, the Commission shall issue subpoenas and subpoenas duces tecum at the request of a licensee, registrant, or the Division.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 469

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIII. Hearings (§§ 467 — 470)**

§ 469. Emergency Orders

Notwithstanding any provisions of this article, the Commission may issue an emergency order for the suspension, limitation or conditioning of any operation certificate or any license, other than a casino license, or any registration, or may issue an emergency order requiring the licensed casino to keep an individual from the premises of such licensed casino or not to pay such individual any remuneration for services or any profits, income or accruals on his investment in such casino, in the following manner:

(a) An emergency order shall be issued only when the Commission finds that:

(1) There has been charged a violation of any of the criminal laws of the Territory by a licensee or registrant, or

(2) Such action is necessary to prevent a violation of any such provision, or

(3) Such action is necessary immediately for the preservation of the public peace, health, safety, morals, good order and general welfare or to preserve the public policies declared by this chapter.

(b) An emergency order shall set forth the grounds upon which it is issued, including the statement of facts constituting the alleged emergency necessitating such action.

(c) The emergency order shall be effective immediately upon issuance and service upon the licensee, registrant, or resident agent of the licensee. The emergency order may suspend, limit, condition or take other action in relation to the approval of one or more individuals who were required to be approved in any operation, without necessarily affecting any other individuals or the licensed casino establishment. The emergency order shall remain effective until further order of the Commission or final disposition of the case.

(d) Within 5 days after issuance of an emergency order, the Commission shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of this chapter.

(e) Thereafter, the person or entity against whom the emergency order has been issued and served shall be entitled to a hearing before the Commission in accordance with the provisions of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 470

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article VIII. Hearings (§§ 467 — 470)**

§ 470. Judicial Review

(a) The Division or any person aggrieved by a final decision or order of the Commission made after hearing or rehearing by the Commission, whether or not a petition for hearing was filed, may obtain judicial review thereof by appeal to the Superior Court in accordance with the Rules of Courts of the Virgin Islands.

(b) Filing of an appeal shall not stay enforcement of the decision or order of the Commission unless the stay is obtained from the court upon application in accordance with the Rules of Courts of the Virgin Islands or from the Commission upon such terms and conditions as it deems proper.

(c) The reviewing court may affirm the decision and order of the Commission, may remand the case for further proceedings, or may reverse the decision if the substantive rights of the petitioner have been prejudiced because the decision is:

- (1) In violation of constitutional provisions;
- (2) In excess of the statutory authority and jurisdiction of the Commission; or
- (3) Arbitrary or capricious or otherwise not in accordance with law.

(d) In order to protect the public interest and the regulatory authority of the Commission, any action by the Commission taken pursuant to the provision of sections 417, 421(d) or 422 of this title shall not be subject to the injunctive authority of the Superior Court prior to the exhaustion of the administrative procedures herein specified, unless it shall appear evident to the court, by clear and convincing evidence, that a manifest denial of justice would be effectuated by the refusal to enjoin the contemplated action of the Commission.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

ARTICLE IX:
SANCTIONS
(§§ 471 – 491)

32 V.I.C. § 471

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 471. Penalties for Willful Evasion of Payment of License Fees, Other Acts and Omissions

Any person who willfully fails to report, pay or truthfully account for and pay over any license fee imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee or payment thereof, is guilty of a misdemeanor and subject to not more than one year imprisonment or a fine of \$25,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$100,000.00 and shall in addition be liable for a penalty of three times the amount of the license fee evaded and not paid, collected or paid over, which penalty shall be assessed by the Commission and collected in accordance with the provisions of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 472

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 472. Unlicensed Casino Gambling Games Unlawful; Penalties

(a) Any person who violates the provisions of sections 432 or 434 of this title or of Article 7 of this chapter, or permits any gambling game, slot machine or device to be conducted, operated, dealt or carried on in any casino by a person other than a person licensed for such purposes pursuant to this chapter is guilty of a misdemeanor and subject to a term of imprisonment of not more than one year or a fine of \$25,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$100,000.00.

(b) Any licensee who places game or slot machines into play or displays such games or slot machines in a casino without authority of the Commission to do so is guilty of a misdemeanor and subject to not more than one year imprisonment or a fine of \$25,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$100,000.00.

(c) Any person who operates, carries on or exposes for play any gambling game, gaming device or slot machine after his license has expired and prior to the actual renewal thereof is guilty of a misdemeanor and subject to not more than one year imprisonment or a fine of \$25,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$100,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 473

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 473. Swindling and Cheating; Penalties

(a) Except as provided in subsection (b) of this section, any person who by any trick or sleight of hand performance, or by a fraud or fraudulent scheme, cards, dice or device, for himself or for another wins or attempts to win money or property or a representative of either or reduces a losing wager or attempts to reduce a losing wager in connection with casino gaming is guilty of a felony and subject to a term of imprisonment of up to two (2) years and subject to a fine of not more than \$50,000.00 and in the case of a person other than a natural person, to a fine of not more than \$100,000.00 and any other appropriate disposition authorized by Title 14 of this code.

(b) Any person who by any trick or sleight of hand performance, or by fraud or fraudulent scheme, cards, dice or device, for himself or for another wins or attempts to win money or property or a representative of either or reduces a losing wager or attempts to reduce a losing wager in connection with casino gaming is guilty of a misdemeanor and subject to not more than one hundred and eighty days imprisonment or a fine of not more than \$10,000.00 or both if the value of such money or property or representative of either is \$25.00 or under.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(95, 96), Sess. L. 1997, p. 17.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 473A

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 473A. Use of Device to Obtain Advantage at Casino Game, a Misdemeanor; Forfeiture; Notice

A person commits a misdemeanor if, in playing a game in a licensed casino or simulcast facility, the person uses, or assists another in the use of a electronic, electric or mechanical device which is designed, constructed or programmed specifically for use in obtaining an advantage at playing any game in a licensed casino or simulcasting facility. A device used by any person in violation of this section shall be subject or forfeiture and the Commission and the Division of Gaming Enforcement are authorized and required to seize any such device found in the possession or under the control of such person, and to deliver the same to the director of the Division of Gaming Enforcement.

History

—Added Mar. 26, 1997, No. 6132, § 4(97), Sess. L. 1997, p. 17.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 474

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 474. Unlawful Use of Bogus Chips, or Gaming Billets, Marked Cards, Dice, Cheating Devices, Unlawful Coins; Penalty

(a) It shall be unlawful for any person playing any licensed gambling game:

(1) Knowingly to use or counterfeit chips or gaming billets, or knowingly to substitute and use in any such game cards or dice that have been marked, loaded or tampered with; or

(2) Knowingly to use or possess any cheating device with intent to cheat or defraud.

(b) It shall be unlawful for any person, playing or using any slot machine in a licensed casino:

(1) Knowingly to use other than a lawful coin or legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in such slot machine, except that in the playing of any slot machine or similar gaming device, it shall be lawful for any person to use gaming billets, tokens or similar objects therein which are approved by the Commission; or

(2) To use any cheating or thieving device, including but not limited to tools, drills, wires, coins or tokens attached to strings or wires, or electronic or magnetic devices, to facilitate the alignment of any winning combination or removing from any slot machine any money or other contents thereof.

(c) It shall be unlawful for any person knowingly to possess or use while on the premises of a licensed casino, any cheating or thieving device, including but not limited to tools, wires, drills, coins attached to strings or wires or electronic or magnetic devices to facilitate removing from any slot machine any money or contents thereof, except that a duly authorized employee of a licensed casino may possess and use any of the foregoing only in furtherance of his employment in the casino.

(d) It shall be unlawful for any person knowingly to possess or use while on the premises of any licensed casino any key or device designed for the purpose of or suitable for opening or entering any slot machine or similar gaming device or drop box, except that a duly authorized employee of a licensed casino or the Commission may possess and use any of the foregoing only in furtherance of his employment.

(e) Any person who violates this section is guilty of a felony and shall be subject to a fine of not more than \$50,000.00 or subject to not more than two years imprisonment or both, and in the case of a person other than a natural person, to a fine of not more than \$250,000.00 and any other appropriate disposition authorized by Title 14 of this code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(98), Sess. L. 1997, p. 18.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 475

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 475. Cheating Games and Devices in a Licensed Casino; Penalty

(a) It shall be unlawful:

(1) Knowingly to conduct, carry on, operate, deal or allow to be conducted, carried on, operated or dealt any cheating or thieving game or devices; or

(2) Knowingly to deal, conduct, carry on, operate or expose for play any game or games played with cards, dice or any mechanical device, or any combination of games or devices, which have in any manner been marked or tampered with, or placed in condition, or operated in a manner, the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal chance of the game which could determine or alter the result of the game.

(b) It shall be unlawful knowingly to use or possess any marked cards, loaded dice, plugged or tampered with machines or devices.

(c) Any person who violates this section is guilty of a felony or subject to not more than three years imprisonment or a fine of \$50,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$250,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(99), Sess. L. 1997, p. 18; Aug. 27, 1997, No. 6149, § 2(b), Sess. L. 1997, p. 44.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 476

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 476. Unlawful Possession of Devices, Equipment or Other Material Illegally Manufactured, Distributed, Sold or Serviced

Any person, applicant or licensee who possesses, buys, sells, transfers to another, or imports any slot machine, gambling device, equipment or material which he knows has been imported, manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this chapter is guilty of a felony and subject to not more than two years imprisonment or a fine of \$50,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$250,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(100, 101), Sess. L. 1997, p. 18.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 477

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 477. Employment Without Licensed/Registration or Work Permit; Penalty

(a) Any person, who, without obtaining the requisite license or registration as provided in this chapter, works or is employed in a position whose duties would require licensing or registration under the provisions of this chapter is guilty of a misdemeanor and subject to not more than one year imprisonment or a fine of \$10,000 or both, and in the case of a person other than a natural person, to a fine of not more than \$50,000.

(b) Any person who employs or continues to employ an individual not duly licensed or registered under the provisions of this chapter in a position whose duties require a license or registration under the provisions of this chapter is guilty of a misdemeanor and subject to not more than one year imprisonment or a fine of \$10,000 or both, and in the case of a person other than a natural person, to a fine of not more than \$50,000.

(c) Any person who employs an individual without obtaining a work permit as required by this chapter, is guilty of a misdemeanor and subject to a fine of not more than \$10,000.00, and in the case of a person other than a natural person, to a fine of not more than \$50,000.00.

(d) Any person violating the provisions of subsection 456(e) of this title shall be guilty of a misdemeanor, and shall be subject to imprisonment for not more than one year or a fine of not more than \$25,000.00, or both and in the case of a person other than a natural person, to a fine of not more than 100,000.00 and any other appropriate disposition authorized by Title 14 of this code. Any licensee permitting or allowing such a violation shall also be punishable under this subsection, in addition to any sanctions the Commission may impose.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(102), Sess. L. 1997, p. 18.

32 V.I.C. § 478

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 478. Employment or Offer to Employ by Applicant Licensee or Registrant of Persons Prohibited from Employment; Penalty

(a) No applicant or person or organization licensed by or registered with the Commission shall employ or offer to employ any person who is prohibited from accepting employment from a licensee or applicant or any holding or intermediary company.

(b) An applicant or licensee or person or organization who violates the provisions of this section is guilty of a misdemeanor and shall be subject to not more than one year imprisonment or a fine of not more than \$25,000.00 or both and in the case of a person other than a natural person, to a fine not more than \$100,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(103), Sess. L. 1997, p. 18.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 479

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 479. Regulation Requiring Exclusion or Rejection of Certain Persons from Licensed Casinos; Unlawful Entry by Person Whose Name Has Been Placed on List; Penalty

Any person whose name is on the list of persons promulgated by the commission pursuant to the provisions of section 423 of this title who knowingly enters the premises of a licensed casino is guilty of a misdemeanor, punishable by incarceration of up to six (6) months or a fine of not more than \$25,000.00 or both; except that any person who has been convicted of this offense on at least three occasions is guilty of a felony for each subsequent offense and is subject to a period of incarceration of not more than eighteen (18) months or a fine of not more than \$50,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(104), Sess. L. 1997, p. 18.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 480

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 480. Gaming by Certain Persons Prohibited; Penalties; Defenses

(a) No person under the age of 21 shall enter, or wager in a licensed casino or simulcasting facility; provided however, that such a person may enter a casino or simulcasting facility by a way of passage to another room and provided further, however, that any such person who is licensed or registered under the provisions of this chapter may enter a casino or simulcasting facility in the regular course of the person.

(b) Any licensee or employee of a casino or other person or any licensed or unlicensed gambling operation except such persons and organizations licensed by the Horse Racing Commission who allows a person under the age of 21 to enter into, to remain, or wager in a casino or to gamble in any commercial establishment or other place where organized gambling is being conducted, whether, licensed or unlicensed or in a gambling enterprise of any description is guilty of a misdemeanor and subject to imprisonment of not more than six (6) months or a fine of not more than \$25,000.00 except that the establishment of all the following facts by a person, organization licensee or employee allowing any such underage person to remain shall constitute a defense to any prosecution thereof:

- (1) That the underage person falsely represented in writing that he or she was at or over the age of 21.
- (2) That the appearance of the underage person was such that an ordinary prudent person would believe him or her to be at or over the age of 21.
- (3) That the admission was made in good faith, relying upon such written representation and appearance, and in the reasonable belief that the underage person was actually at or over the age of 21.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(105, 106), Sess. L. 1997, p. 19.

32 V.I.C. § 481

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 481. Prohibited Political Contributions; Penalty

Any person who makes or causes to be made a political contribution prohibited by the provisions of this chapter is guilty of a felony and subject to not more than three years' imprisonment or a fine of \$100,000.00 or both, and in the case of a person other than a natural person, to a fine of not more than \$250,000.00.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 482

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 482. Authority of Gaming Licensee and Agents to Detain or Question Persons Suspected of Cheating; Immunity from Liability; Posted Notice Required

- (a) Any licensee or its officers, employees or agents may question any individual in the casino reasonably suspected of violating any of the provisions of sections 473 through 476 of this title. No licensee or its officers, employees or agents shall be criminally or civilly liable by reason of any such questioning.
- (b) Any licensee or its officers, employees or agents who shall have probable cause for believing there has been a violation of sections 473 through 476 of this title in the casino by any person may refuse to permit such person to continue gaming or wagering or may take such person into custody and detain him in the establishment in a reasonable manner for a reasonable length of time, for the purpose of notifying law enforcement or commission authorities. Such refusal or taking into custody and detention shall not render such licensee or its officers, employees or agents criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention, unless such refusal or taking into custody or detention is unreasonable under all of the circumstances.
- (c) No licensee or his officers, employees or agents shall be entitled to any immunity from civil or criminal liability provided in this section unless there is displayed in a conspicuous manner in the casino a notice in bold face type clearly legible and in substantially this form:

“Any gaming licensee or officer, employee or agent thereof who has probable cause for believing that any person is violating any of the provisions of the Casino Control Act prohibiting cheating or swindling in gaming may detain such person in the establishment for the purpose of notifying a police officer or Casino Control Commission authorities.”

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 483

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 483. Other Offenses; General Penalty

(a) Notwithstanding any other law, anyone who violates any provision of this chapter, the penalty for which is not specifically fixed, is guilty of a misdemeanor and subject to imprisonment of not more than one (1) year and a fine of not more than \$25,000.00.

(b) Notwithstanding any other law, the maximum fines for misdemeanors, as designated in this chapter is \$25,000.00 for natural persons and \$100,000.00 for persons other than natural persons.

(c) The maximum fines for felonies as designated under this chapter, unless otherwise stated, is \$50,000.00 and the maximum term of imprisonment five (5) years for natural persons and the maximum fine for persons other than natural persons is \$250,000.00.

(d) Notwithstanding any other law, and whether specifically stated in the provision of this chapter or not, the violations set forth in this chapter and the penalties assessed thereof shall be and are in addition to any other violation and penalty which may be charged and assessed pursuant to Title 14 and Title 33, Virgin Islands Code and other applicable criminal provision of the Virgin Islands Code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(110), Sess. L. 1997, p. 19.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 484

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 484. Continuing Offenses

(a) A violation of any of the provisions of this chapter which is an offense of a continuing nature shall be deemed to be a separate offense on each day during which it occurs. Nothing herein shall be deemed to preclude the Commission of multiple violations within a day of those provisions of this chapter which establish offenses consisting of separate and distinct acts.

(b) Any person who aids, abets, counsels, commands, induces, procures or causes another to violate a provision of this chapter is punishable as a principal and subject to all sanctions and penalties, both civil and criminal, provided by this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 485

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 485. Exemption from Gambling Statutes

The provisions of Title 14, sections 1224 and 1225 of this code, shall not apply to any person who, as a licensee operating pursuant to the provisions of this chapter, or as a player in any game authorized pursuant to the provisions of this chapter, engages in gaming as authorized herein.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 486

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 486. Racketeer Influenced and Corrupt Organizations — Definitions

For purposes of this section and sections 487 through 490 of this title:

(a) “Racketeering activity” means

(1) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under territorial law and punishable by imprisonment for more than 1 year;

(2) any act which is indictable under any of the following provisions of Title 18, United States Code: section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471 through 509 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2421–2424 (relating to white slave traffic);

(3) any act which is indictable under Title 29, United States Code, section 186 (relating to restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds); or

(4) any offense involving bankruptcy fraud, fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

(b) “Person” includes any individual or entity holding or capable of holding a legal or beneficial interest in property.

(c) “Enterprise” includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

(d) “Pattern of racketeering activity” requires at least two acts of racketeering activity, one of which occurred after October 25, 1995 and the last of which occurred within 10 years (excluding any period of imprisonment) after the Commission of a prior act of racketeering activity.

(e) “Unlawful debt” means a debt

(1) which was incurred or contracted in gambling activity which was in violation of the law of the United States, a state or political subdivision thereof; or

(2) which is unenforceable under state or Federal law in whole or in part as to principal or interest because of the laws relating to usury; or

(3) which was incurred in connection with the business of gambling in violation of the law of the United States, a state or political subdivision thereof; or

(4) which was incurred in connection with the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate.

(f) “Documentary material” includes any book, paper, document, record, recording, or other material.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 487

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 487. Prohibited Activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 484 of this title to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in or the activities of which affect casino gaming operations or ancillary industries which do business with any casino licensee. A purchase of securities on the open market for purposes of investments, and without the intention of controlling or participating in the control of the issuer or of assisting another to do so, shall not be unlawful under this subsection, provided that the sum total of the securities of the issuer held by the purchaser, the members of his family, and his or their accomplices in any pattern of racketeering activity or in the collection of an unlawful debt does not amount in the aggregate to one percent of the outstanding securities of any one class, or does not, either in law or in fact, empower the holders thereof to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, casino gaming operations or ancillary industries which do business with any casino licensee.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect casino gaming operations or ancillary industries which do business with any casino licensee, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), (c) of this section.

(e) Any person who violates any provision of this section shall be fined not more than \$50,000.00 or imprisoned not more than twenty years or both and shall forfeit to the Government (1) any interest he has acquired or maintained in violation of this section (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in the conduct of, in violation of this section.

(f) In any action brought by the Attorney General under this section, the Superior Court shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

(g) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the Government, it shall expire and shall not revert to the convicted person.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 488

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 488. Civil Remedies

(a) The Superior Court shall have jurisdiction to prevent and restrain violations of section 487 of this title by issuing appropriate orders, including, but not limited to, ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect casino gaming operations or ancillary industries which do business with any casino licensee; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings in Superior Court for violations of section 487 of this title. In any action brought under this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any person injured in his business or property by reason of a violation of section 487 of this title may sue therefor in any appropriate court and shall recover threefold any damages he sustains and the cost of the suit, including a reasonable attorney's fee.

(d) A final judgment or decree rendered in favor of the Government in any criminal proceeding brought under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in a subsequent civil proceeding brought by the Attorney General.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 489

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 489. Civil Investigation Demand

(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to an investigation under this chapter, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

(b) Each such demand shall:

- (1) State the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable thereto;
- (2) Describe the class or classes of documentary material to be produced thereunder with such specificity and certainty as to permit such material to be fairly identified;
- (3) Prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and
- (4) Identify the custodian to whom such material shall be made available.

(c) No such demand shall:

- (1) Contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued in aid of a grand jury investigation; or
- (2) Require the production of any documentary evidence which would be otherwise privileged from disclosure if demanded by a subpoena duces tecum issued in aid of a grand jury investigation.

(d) Service of any such demand or any petition filed under this section may be made upon a person by:

- (1) Delivering a duly executed copy thereof to any partner, executive officer, managing agent, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;
- (2) Delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or
- (3) Depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

(e) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(f) Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the Attorney General at the principal place of business of such person, or at such other place as the Attorney General and such person thereafter may agree and prescribe in writing, on the return date specified in such demand or on such later date as the Attorney General may prescribe in writing. Upon written agreement between such person and the Attorney General, copies may be substituted for all or any part of such original materials. The Attorney General may cause the preparation of such copies of documentary material as may be required for official use by the Attorney General. While in the possession of the Attorney General, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General or his duly appointed representatives. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in his possession shall be available for examination by the persons who produced such material or any duly authorized representatives of such person.

(g) Upon completion of:

(1) The review and investigation for which any documentary material that was produced under this action; and

(2) Any case or proceeding arising from such investigation, the Attorney General shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this section which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

(h) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this section so produced by such person.

(i) Whenever any person fails to comply with any civil investigate demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file in the Superior Court a petition for an order of such court for the enforcement of this section.

(j) The provisions of this section shall not apply to any situation covered by the provisions of section 431 of this title, and shall in no way limit the Division's authority under that section.

History

32 V.I.C. § 490

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 490. Supplemental Sanctions

In addition to any penalty, fine or term of imprisonment authorized by law, the commission shall, after appropriate hearings and factual determinations, have the authority to impose the following sanctions upon any person licensed or registered pursuant to this chapter:

- (1) Revoke the license or registration of any person for the conviction of any criminal offense under this chapter or for the commission of any other offense or violation of this chapter which would disqualify such person from holding his license or registration;
- (2) Revoke the license or registration of any person for willfully and knowingly violating an order of the commission directed to such person;
- (3) Suspend the license or registration of any person pending hearing and determination, in any case in which license or registration revocation could result;
- (4) Suspend the operation certificate of any casino licensee for violation of any provisions of this chapter or regulations promulgated hereunder relating to the operation of its casino, including games, internal and accountancy controls and security;
- (5) Assess such civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$10,000.00 in the case of any individual licensee or registrant, except that in the case of a casino licensee the penalty may not exceed \$50,000.00;
- (6) Order restitution of any moneys or property unlawfully obtained or retained by a licensee or registrant;
- (7) Enter a cease and desist order which specifies the conduct which is to be discontinued, altered or implemented by the licensee or registrant;
- (8) Issue letters of reprimand or censure, which letters shall be made a permanent part of the file of each licensee or registrant so sanctioned; or
- (9) Impose any or all of the foregoing sanctions in combination with each other.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 491

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IX. Sanctions (§§ 471 — 491)**

§ 491. Imposition of Sanctions Standards

In considering appropriate sanctions in a particular case, the Commission shall consider:

- (a) The risk to the public and to the integrity of gaming operations created by the conduct of the licensee or registrant;
- (b) The seriousness of the conduct of the licensee or registrant, and whether the conduct was purposeful and with knowledge that it was in contravention of the provisions of this chapter or regulations promulgated hereunder;
- (c) Any justification or excuse for such conduct by the licensee or registrant;
- (d) The prior history of the particular licensee or registrant involved with respect to gaming activity;
- (e) The corrective action taken by the licensee or registrant to prevent future misconduct of a like nature from occurring; and
- (f) In the case of a monetary penalty, the amount of the penalty in relation to the severity of the misconduct and the financial means of the licensee or registrant. The Commission may impose any schedule or terms of payment of such penalty as it may deem appropriate.
- (g) It shall be no defense to disciplinary action before the Commission that an applicant, licensee, registrant, intermediary company, or holding company inadvertently, unintentionally, or unknowingly violated a provision of this chapter. Such factors shall only go to the degree of the penalty to be imposed by the Commission, and not to a finding of a violation itself.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

ARTICLE IXA:
CASINO LICENSE
CONSERVATORSHIP
(§§ 492 – 502)

32 V.I.C. § 492

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 492. Institution of Conservatorship and Appointment of Conservators

(a) Notwithstanding any other provisions of the Casino Control Act, (1) upon the revocation of a casino license, (2) upon, in the discretion of the Commission, the suspension of a casino license or operation certificate for a period of in excess of 120 days, or (3) upon the failure or refusal to renew a casino license, and notwithstanding the pendency of any appeal therefrom, the Commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the licensee relating to the casino and the approved hotel; provided, however, that this subsection shall not apply in any instance in which the casino in the casino hotel facility for which the casino license had been issued has not been, in fact, in operation and open to the public, and provided further that no person shall be appointed as conservator unless the Commission is satisfied that he is individually qualified according to the standard applicable to casino key employees;

(b) The Commission may proceed in a conservatorship action in a summary manner or otherwise and shall have the power to appoint and remove one or more conservators and to enjoin the former or suspended licensee from exercising any of its privileges and franchises, from collecting or receiving any debts and from paying out, selling, assigning or transferring any of its property to other than a conservator, except as the Commission may otherwise order. The Commission shall have such further powers as shall be appropriate for the fulfillment of the purposes of this chapter.

(c) Every conservator shall, before assuming his duties, execute and file a bond for the faithful performance of his duties payable to the Commission in the office of the Commission with such surety or sureties and in such form as the Commission shall approve and in such amount as the Commission shall prescribe.

(d) When more than one conservator is appointed pursuant to this section, the provisions of this article applicable to one conservator shall be applicable to all; the debts and property of the former or suspended licensee may be collected and received by any of them; and the powers and rights conferred upon them shall be exercised by a majority of them.

(e) The Commission shall require that the former or suspended licensee purchase liability insurance, in an amount determined by the Commission, to protect a conservator from liability for any acts or omissions of the conservator occurring during the duration of the conservatorship which are reasonably related to, and within the scope of, the conservator's duties.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 493

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 493. Powers, Authority and Duties of Conservators

(a) Upon his appointment, the conservator shall become vested with the title of all the property of the former or suspended licensee relating to the casino and the approved hotel, subject to any and all valid liens, claims, and encumbrances. The conservator shall have the duty to conserve and preserve the assets so acquired to the end that such assets shall continue to be operated on a sound and businesslike basis.

(b) Subject to the direct supervision of the Commission and pursuant to the written instructions of the Commission issued pursuant to section 408 of this title, and any other order the Commission may deem appropriate, a conservator shall have the power to:

- (1) Take into his possession all the property of the former or suspended licensee relating to the casino and the approved hotel, including its books, records and papers;
- (2) Institute and defend actions by or on behalf of the former or suspended licensee;
- (3) Settle or compromise with any debtor or creditor of the former or suspended licensee, including any taxing authority;
- (4) Continue the business of the former or suspended licensee and to that end enter into contracts, borrow money and pledge, mortgage or otherwise encumber the property of the former or suspended licensee as security for the repayment of the conservator's loans; provided, however, that such power shall be subject to any provisions and restrictions in any existing credit documents;
- (5) Hire, fire and discipline employees;
- (6) Review all outstanding agreements to which the former or suspended licensee is a party that fall within the purview of section 463(b) of this title and agreements should be the subject of scrutiny, examination or investigation by the Commission; and
- (7) Do all further acts as shall best fulfill the purposes of the Casino Control Act.

(c) Except during the pendency of a suspension or during the pendency of any appeal from any action or event set forth in section 492(a) of this title which precipitated the conservatorship or in instances in which the Commission finds that the interest of justice so require, the conservator, subject to the prior approval of and in accordance with such terms and conditions as may be prescribed by the Commission, and after appropriate prior consultation with the former licensee as to the reasonableness of such terms and conditions, shall endeavor to and be authorized to sell, assign, convey or otherwise dispose of in bulk, subject to any and all valid liens, claims, and encumbrances, all the property of a former licensee relating to the casino and the approved hotel only upon prior written notice to all creditors and other parties in interest and only to such persons who shall be

eligible to apply for and shall qualify as a casino licensee in accordance with the provisions of the Casino Control Act. Prior to any such sale, the former licensee shall be granted, upon request, a summary review by the Commission of such proposed sale.

(d) The Commission may direct that the conservator, for an indefinite period of time, retain the property and continue the business of the former or suspended licensee relating to the casino and the approved hotel. During such period of time or any period of operation by the conservator, he shall pay when due, without in any way being personally liable, all secured obligations and shall not be immune from foreclosure or other legal proceedings to collect the secured debts, nor with respect thereto shall such conservator have any legal rights, claims, or defenses other than those which would have been available to the former or suspended licensee.

(e) A conservator shall cooperate fully with any investigation or inquiry conducted by the Commission of the Division during the conservatorship or after the discontinuation of the conservatorship.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 494

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 494. Compensation of Conservators and Others

In any proceedings pursuant to section 492 of this title, the Commission shall upon the appointment of a conservator, establish a reasonable rate of compensation for the services, costs and expenses in the conservatorship action of the conservator.

The Commission shall also designate the party or parties responsible for the payment of compensation to the conservator and shall direct that the responsible party or parties guarantee payment in such manner as the Commission shall deem appropriate. The rate of compensation payable to the attorney for the conservator, the appraiser, the auctioneer, the accountant and such other persons as the Commission may appoint in connection with the conservatorship action shall be established by the Commission at the time of appointment. All requests for payment by the conservator and other persons appointed by the Commission in connection with the conservatorship shall be subject to the approval of the Commission, and the Commission shall reduce any fee which deems to be excessive. Fees payable to the conservator and expenses incurred in the course of the conservatorship shall have priority for payment over all other debts or obligations of the former or suspended licensee, including debts or obligations secured by the former or suspended licensee's property.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 495

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 495. Assumption of Outstanding Debts

As an incident of its prior approval pursuant to section 493(c) of this title of the sale, assignment, conveyance or other disposition in bulk of all property of the former licensee relating to the casino and the approved hotel, the Commission may, in its discretion, require that the purchaser thereof assume in a form and substance acceptable to the Commission all of the outstanding debts of the former licensee that arose from or were based upon the operation of either or both the casino or the approved hotel.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 496

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 496. Payment of Net Earnings During the Period of the Conservatorship

No payment of net earnings during the period of the conservatorship may be made by the conservator without the prior approval of the Commission, which may, in its discretion, direct that all or any part of same be paid either to the suspended or former licensee or to the Casino Revenue Fund in accordance with regulations of the Commission; provided, however, that the former or suspended licensee shall be entitled to a fair rate of return out of net earnings, if any, during the period of the conservatorship on the property retained by the conservator taking into consideration that which amounts to a fair rate of return in the casino industry or the hotel industry, as the case may be.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 497

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 497. Payments Following a Bulk Sale

Following any sale, assignment, conveyance or other disposition in bulk of all the property subject to the conservatorship, the net proceeds therefrom, if any, after payment of all obligations owing to the Government of the Virgin Islands and any political subdivision thereof and of those allowances set forth in section 494 of this title shall be paid by the conservator to the former or suspended licensee.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 498

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 498. Continuing Jurisdiction of Commission

A conservator appointed pursuant to section 492 of this title shall at all times be subject to the Casino Control Act and such regulations, limitations, restrictions, terms and conditions as the commission may from time to time prescribe. Except as may be otherwise provided in this act, during the period of any conservatorship imposed by the provisions of section 492 of this title, the casino operation in the form of the conservatorship shall be deemed to be a licensed casino operation and any reference in the Casino Control Act to any obligation or responsibilities incumbent upon a casino licensee or those persons dealing with, affiliated with, having an interest in, or employed by a casino licensee shall be deemed to apply to the said casino operation.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 499

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 499. Discontinuation of a Conservatorship

(a) The Commission shall direct the discontinuation of any conservatorship action instituted pursuant to section 492 of this title when the conservator has, pursuant to section 493 of this title and with the prior approval of the Commission, consummated the sale, assignment, conveyance or other disposition in bulk of all the property of the former licensee relating to the casino and the approved hotel.

(b) The Commission may direct the discontinuation of any such conservatorship action when it determines that for any reason the cause for which the action was instituted no longer exists.

(c) Upon the discontinuation of the conservatorship action and with the approval of the Commission, the conservator shall take such steps as may be necessary in order to effect an orderly transfer of the property of the former or suspended licensee.

(d) The sale, assignment, transfer, pledge or other disposition of the securities issued by a former or suspended licensee during the pendency of a conservatorship action instituted pursuant to this article shall neither divest, have the effect of divesting, nor otherwise affect the powers conferred upon a conservator by this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 500

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 500. Required Reports

A conservator appointed and constituted pursuant to section 492 of this title shall file with the Commission such reports with regards to the administration of the conservatorship in such form and at such intervals as the Commission shall prescribe. Such reports shall be available for examination and inspection by any creditor or party in interest and, in addition, the Commission may direct that copies of any such reports be mailed to such creditors or other parties in interest as it may designate and that summaries of any such reports be published in such newspapers of general circulation as it may designate.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 501

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 501. Review of Actions of Conservator

A creditor or party in interest aggrieved by any alleged breach of a fiduciary obligation of a conservator in the discharge of his duties shall be entitled, upon request, to a review thereof in accordance with regulations to be promulgated by the Commission.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 502

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article IXA. Casino License Conservatorship (§§ 492 — 502)**

§ 502. Investigation by the Division of Gaming Enforcement

The Division shall investigate and report to the Commission with regard to the qualifications of each person who is proposed as a candidate to serve as a conservator pursuant to this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE X:
MISCELLANEOUS
PROVISIONS
(§§ 503 – 509)

32 V.I.C. § 503

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 503. Declaration of Territory's Limited Exemptions from Operation of Provisions of 15 U.S.C. § 1172

Pursuant to section 2 of Act of Congress of the United States entitled “An act to prohibit transportation of gambling devices in interstate and foreign commerce,” approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. Sec. (1171–1177) the Government, acting by and through the duly elected and qualified members of its Legislature, does hereby, in accordance with and in compliance with the provisions of section 2 of said Act of Congress, declare and proclaim that Section 2 of that Act of Congress shall not apply to any gambling device in the Virgin Islands where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter, any other applicable statute of the Virgin Islands, and any regulations promulgated pursuant thereto, and that any such gambling device transported in compliance with Virgin Islands law and regulations shall be exempt from the provisions of that Act of Congress.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 504

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 504. Legal Shipments of Gaming Devices in the Virgin Islands

(a) All shipments into the Virgin Islands of gaming devices, including slot machines, the registering, recording and labeling of which has been duly had by manufacturer or dealer thereof in accordance with Sections 3 and 4 of an Act of Congress of the United States entitled “An act to prohibit transportation of gambling devices in interstate and foreign commerce,” approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. (1173–1174), shall be deemed legal shipments thereof into the Virgin Islands.

(b) Any person who imports or possesses any gaming device including the device commonly known as a slot machine into the Territory of the Virgin Islands without having been duly licensed by the Casino Control Commission or the Virgin Islands Lottery Commission or its Executive Director is guilty of a felony and may be fined not more than \$25,000.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Sept. 20, 2011, No. 7280, § 1, Sess. L. 2011, p. 152.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 505

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 505. Severability and Preemption

(a) If any clause, subparagraph, paragraph, subsection, section, article or other portion of this chapter or the application thereof to any person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subparagraph, subsection, section, article or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

(b) If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this chapter shall prevail over such other provision and such other provision shall be deemed to be amended, superseded or repealed to the extent of such inconsistency or conflict. The commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 506

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 506. Equal Employment Opportunity; Requirements

(a) Each applicant at the time of submitting architectural plans or sites plan to the Commission for approval of proposed construction, renovation or reconstruction of any structure or facility to be used as an approved hotel or casino shall accompany same with a written guaranty that all contracts and subcontracts to be awarded in connection therewith shall contain appropriate provisions by which contractors and subcontractors or their assignees agree to comply with the preferred bidders statute, Title 31, section 236a of this code. An applicant shall also be required to demonstrate compliance with Title 29, section 710 of this code and such that prospective employment has been afforded to all bona-fide residents as defined in section 557 of this title and pursuant to section 465 of this title in connection with the actual construction of any structure or facility to be used as an approved hotel or casino prior to submission of architectural plans or site plans to the Commission.

(b) No license shall be issued by the Commission to any applicant, including a casino service industry as defined in section 402 of this title, who has not agreed to afford employment of bona-fide residents.

(c) Each applicant shall formulate for Commission approval and abide by Title 29, section 710 of this code whereby the applicant guarantees to provide employment opportunity to rehabilitated offenders eligible under sections 441 and 442 of this title and bona fide residents qualified for licensure in all employment categories, including the handicapped, in accordance with the provisions of Title 24 of this code, except in the case of the mentally handicapped, if it can be clearly shown that such handicap would prevent such person from performing a particular job.

(d) Any license issued by the commission in violation of this section shall be null and void.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 507

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 507. Equal Employment Opportunity; Enforcement by Commission

The Commission, in addition to and without limitation of other powers which it may have by law, shall have the following powers:

- (a) To investigate and determine the percentage of population of bona fide residents in the Virgin Islands or in areas thereof from which the work force for the licensee is or may be drawn;
- (b) To establish and promulgate such percentages as guidelines in determining the adequacy of programs submitted for approval pursuant to the provisions of section 506 of this title;
- (c) To impose such sanctions as may be necessary to accomplish the objectives of section 506.
- (d) To refer to the Attorney General or his designee circumstances which may constitute violation of laws;
- (e) To enforce in a court of law the provisions of section 506 or to join in or assist any enforcement proceeding initiated by any aggrieved person; and
- (f) To require the designation by a licensee of an equal employment officer to enforce the provisions of section 506 and this section and the regulations promulgated hereunder.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 508

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 508. Facilities for the Handicapped

All hotel and other facilities of a casino licensee, which are public accommodations and are subject to the regulatory powers of the Commission under this chapter, shall be constructed or renovated to conform with the provisions of Title 29, section 325 relating to barrier free design for providing facilities for the physically handicapped in public buildings, and the rules, regulations and codes thereunder promulgated.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 509

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article X. Miscellaneous Provisions (§§ 503 — 509)**

§ 509. Prohibited Political Contributions; Prohibited Involvement by Persons Holding an Elective or Appointive Office

(a) No applicant for or holder of a casino license, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, casino key employee or principal employee of an applicant or holder of a casino license or of any holding, intermediary or subsidiary company thereof nor any person or agent on behalf of any such applicant, holder, company or person, shall directly or indirectly, pay or contribute any money or thing of value to any candidate for nomination or election to any public office in the Territory, or to any committee of any political party in this Territory, or to any group, committee or association organized in support of any such candidate or political party.

(b) Political officeholders shall abide by the Code of Ethics to be promulgated by the Virgin Islands Casino Control Commission pursuant to section 412(b) of this title; the Code of Ethics shall be promulgated in conjunction with the applicable provisions of the Virgin Islands Code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

ARTICLE XI:
FEES AND TAXES
(§§ 510 – 525)

32 V.I.C. § 510

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 510. Casino Licensee Fees

The Commission shall, by regulation, establish fees for issuance or renewal of casino licenses.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(111), Sess. L. 1997, p. 20.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 511

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 511. License Fee on Slot Machine

(a) In addition to any other tax or fee imposed by this chapter, the commission shall, by regulation, impose an annual license fee upon every slot machine maintained for use or in use in any licensed casino establishment in the Virgin Islands.

(b) License fees imposed under the provisions of this section shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and on a pro rata basis thereafter during the year with regard to all slot machines maintained or use or placed in use after July 1.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(112), Sess. L. 1997, p. 20.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 512

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 512. Fees for Other Than Casino License

The Commission shall, by regulation, establish fees for the investigation and consideration of applications for the issuance and renewal of registrations and licenses other than casino licenses, which fees shall be payable by the applicant, licensee or registrant.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 513

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 513. Work Permit Fee

The Commission shall, by regulation, establish annual fees for the issuance and renewal of work permits, which fees shall be payable by the employer licensee.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

32 V.I.C. § 514

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 514. Casino Control Revolving Fund

(a) There is hereby created and established in the Virgin Islands Casino Control Commission a separate special revolving fund, into which shall be deposited all license, registration, permit, fines, penalties, and other fees, all sums appropriated thereto by the Legislature of the Virgin Islands, and all donations, gifts and bequests.

(b) The Chairman of the Casino Control Commission shall maintain and provide for the administration of the special checking account.

(c) All monies in the special checking account shall be disbursed by the Chairman of the Casino Control Commission and the Attorney General of Virgin Islands, exclusively for expenditures by the Casino Control Commission and the Department of Justice, Division of Gaming Enforcement respectively, as established under this chapter, for all operating costs, expenses associated with the investigation of applicants, organization of the Division of Gaming Enforcement, and for any other operating cost and expenses related thereto. Eighty percent of funds deposited in the special checking account must be allocated to the Casino Control Commission, and twenty percent to the Division of Gaming Enforcement.

(d) Deleted.

(e) The Chairman of the Commission and the Director of Division of Gaming Enforcement Commission may expend monies from the special checking account. The Chairman of the Commission shall submit to the Department of Finance by the 30th day of the month following the end of each quarter a report detailing the amount, nature, and the justification for each item of expenditure in the previous quarter. The report shall be accompanied by receipts and any other documentation required by the Department of Finance's rules and regulations or other laws of the Virgin Islands. An annual financial report of the fiscal year's expenditures from the special checking account shall be compiled by the Chairman of the Commission and submitted to the Legislature and the Department of Finance by the 30th of the month following the end of the fiscal year.

(f) The Chairman of the Virgin Islands Casino Control Commission shall engage a certified public accountant to perform an independent annual audit of the activities of the special checking account and present a copy of the audit report to the Commissioner of Finance and the Legislature no later six months after completion of the annual audit.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Dec. 2, 1999, No. 6333, § 12, Sess. L. 1999, p. 186; amended Aug. 13, 2014, No. 7643, § 3(1)-(6), Sess. L. 2014, p. 221, 222.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 515

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 515. Tax on Gross Revenue

There is hereby imposed an annual tax on gross revenues as defined in section 402 of this title as follows:

- (a) Eight (8%) percent per annum during the first two years of operations,
- (b) Ten (10%) percent per annum during the third and fourth years of operations which annual tax on gross revenue shall not be reduced when or if the casino or the hotel or the hotel complex is sold or transferred to a new licensee(s) and or owner(s), and
- (c) Twelve (12%) percent per annum for each succeeding year which annual tax on gross revenue shall not be reduced when or if the casino on the hotel or the hotel complex is sold or transferred to a new licensee(s) and or owner(s). Gross revenues from casino gaming shall not be subject to gross receipts tax. However, gross revenues from hotel operations are subject to gross receipt tax.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(113), Sess. L. 1997, p. 20.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 516

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- Virgin Islands Code Annotated
- TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)
- Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)
- Article XI. Fees and Taxes (§§ 510 — 525)

§ 516. Investment Alternative Tax Credits; Bonds Purchase Contracts; Project Areas; Allocation of Moneys; Housing Facilities; Accounting and Returns; Investment and Returns; Investments

(a)

(1) Effective with the first fiscal year beginning after December 31, 1995, an investment alternative tax is imposed on the gross revenue of the licensee in the amount of 2.5 percent of gross revenue, as defined in section 402 of this title. The tax imposed with respect to each fiscal year shall be due within 30 days following the last day of the fiscal year concerned. No investment alternative tax shall be imposed, however, on the gross revenues received by a licensee during its first fiscal year.

(2) A licensee shall pay to the Director of the Virgin Islands Bureau of Internal Revenue on or before the 15th day of the first, fourth, seventh, and 10th months of each year as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection an amount equal to 1.25% of the estimated gross revenues for the three-month period immediately preceding the first day of those months.

The moneys received shall be placed in an escrow account and shall be held until the licensee directs that the moneys be transferred to the Economic Development Bank for the purchase of bonds issued by or offered through the Economic Development Bank or pursuant to a contract for such a purchase, be made available to the licensee for a direct investment approved by the authority, or be transferred to the Casino Revenue Fund as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection.

Any interest derived from the moneys in the escrow account shall be paid or made available to the Casino Revenue Fund. If a licensee fails to pay the amount due or underpays by an unjustifiable amount, the Casino Control Commission shall impose a fine of 5% of the amount due or of the underpayment, as the case may be, for each month or portion thereof the licensee is in default of payment, up to 25% of the amount in default. Any fine imposed shall be paid to the Economic Development Bank and shall be used for the purposes of this chapter.

(b) Each licensee shall be entitled to an investment tax credit against the tax imposed by subsection (a) of this section:

(1) for the first 10 years of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Economic Development Bank pursuant to sections 535 and 536 of this title, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and

(2) for the remainder of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Economic Development Bank pursuant to sections 535 and 536 of this title, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and twice the amount of investments made by a licensee in other approved eligible investments made pursuant to section 546 of this title. The Economic Development Bank shall have the power to enter into a contract or contracts with a licensee pursuant to which the Economic Development Bank agrees to issue and sell bonds to the licensee, and the licensee agrees to purchase the bonds issued by or offered through the Economic Development Bank, in annual purchase price amounts as will constitute a credit against at least 50% of the tax to become due in any future year or years. The contract may contain those terms and conditions relating to the terms of the bonds and to the issuance and sale of the bonds to the licensee as the Economic Development Bank shall deem necessary or desirable. The contract shall not be deemed to be in violation of section 463 of this title. After the first 10 years of a licensee's investment alternative tax obligation, a licensee will have the option of entering into a contract with the Economic Development Bank to have its tax credit comprised of direct investments in approved eligible projects. These direct investments shall not comprise more than 50% of a licensee's eligible tax credit in any one year. The entering of a contract pursuant to this section shall be sufficient to entitle a licensee to an investment tax credit for the appropriate tax year.

(c) A contract entered into between a licensee and the Economic Development Bank may provide for a deferral of payment for and delivery of bonds required to be purchased and for a deferral from making approved eligible investments in any year, but no deferral shall occur more than two years consecutively. A deferral of payment for any bonds required to be purchased by a licensee and a deferral from making eligible investments may be granted by the Economic Development Bank only upon a determination by the Casino Control Commission that purchase of these bonds or making approved eligible investments would cause extreme financial hardship to the licensee and a determination by the Economic Development Bank that the deferral of the payment would not violate any covenant or agreement or impair any financial obligation of the Economic Development Bank.

The contract may establish a late payment charge to be paid in the event of deferral or other late payment at a rate as shall be agreed to by the Economic Development Bank. If a deferral of purchase or investment is granted, the licensee shall be deemed to have made the purchase or investment at the time required by the contract, except that if the purchase is not made at the time to which the purchase or investment was deferred, then the licensee shall be deemed not to have made the purchase or investment. The Casino Control Commission shall adopt regulations establishing a uniform definition of extreme financial hardship applicable to all these contracts. If a licensee petitions the Economic Development Bank for a deferral, the Economic Development Bank shall give notice of that petition to the Casino Control Commission and to the Division of Gaming Enforcement within three days of the filing of the petition. The Casino Control Commission shall render a decision with 60 days of notice as to whether the licensee has established extreme financial hardship, after consultation with the Division of Gaming Enforcement. The Economic Development Bank shall render a decision as to the availability of the deferral within 10 days of the receipt by it of the decision of the Casino Control Commission and shall notify the Division of Gaming Enforcement and the Casino Control Commission of that decision. If a deferral is granted, the Economic Development Bank may determine whether the purchases or investments shall be made in a lump sum, made over a period of years, or whether the period of obligation shall be extended and additional period of time equivalent to the period of time deferred.

(d) The license of any licensee which has defaulted in its obligation to make any purchase of bonds or investment in any approved eligible project under a contract entered into pursuant to subsection (b) of this section for a period of 90 days may be suspended by the Casino Control Commission until that purchase is made or deferred in accordance with subsection (b) of this section, or a fine or other penalty may be imposed upon the licensee by the Commission. If the Casino Control Commission elects not to suspend the license of a licensee after the licensee has first defaulted in its obligation but instead imposes some lesser penalty and the licensee continues to be in default of its obligation after a period of 30 additional days and after any additional 30-day period, the Commission may impose another fine or penalty upon the licensee, which may include

suspension of that licensee's license. The fine shall be 5% of the amount of the obligation owed for each month or portion thereof a licensee is in default, up to 25% of that obligation; shall be paid to the Economic Development; and shall be used for the purposes of this chapter.

(e) A contract entered into by a licensee and the Economic Development Bank pursuant to subsection (b) of this section may provide that after the first 10 years of a licensee's investment alternative tax obligation imposed by subsection (a) of this section, the Economic Development Bank may repurchase bonds previously sold to the licensee, which were issued after the 10th year of a licensee's investment alternative tax obligation, by the Economic Development Bank, if the Economic Development Bank determines that the repurchase will not violate any agreement or covenant or impair any financial obligation of the Economic Development Bank and that the licensee will reinvest the proceeds of the resale in an eligible project approved by the Economic Development Bank.

(f)

(1) During the 25 years a licensee is obligated to pay an investment alternative tax pursuant to subsection (k) of this section, 60% of the total of the proceeds of all bonds purchased by a licensee from or through the Economic Development Bank and shall be devoted to funding of the Economic Development Bank created under Title 29, chapter 14, section 901 et. seq. of the Virgin Islands Code, and 40% of the total shall be devoted to funding the Economic Development Bank. Within 36 months from October 25, 1995, the Economic Development Bank shall determine the allocation of projected available moneys to the United States Virgin Islands Government, giving priority to the housing needs of lower and middle income residents of St. Croix. Government agencies and departments shall present to the Economic Development Bank comprehensive plans or projects for which the monies shall be used. The Economic Development Bank shall make a determination of eligibility of the plan or project within a reasonable amount of time not to exceed one year from the submittal of the application. If the Economic Development Bank makes a positive determination of any plan or project, whose total cost exceeds the amount allocated to that project for the first five years of the receipt of funds by the Economic Development Bank shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that portion of the plan or project originally agreed to be funded through the Economic Development Bank in the years following the fifth year of the receipt of funds by the government.

(2) For the purposes of this chapter, "low income families" means families whose income does not exceed 50% of the median income of the area, with adjustments for smaller and larger families. "Moderate income families" means families whose income does not exceed 80% and is not less than 50% of the median income for the area with adjustments for smaller and larger families. "Median range income families" means families whose income does not exceed 120% and is not less than 80% of the median income for the area, with adjustments for smaller and larger families. "Middle income families" means families whose income does not exceed 150% and not less than 120% of the median income for the area, with adjustments for smaller and larger families. "Median income" means and income defined as median within the Virgin Islands by the United States Department of Housing and Urban Development.

(3) Notwithstanding any other law or section to the contrary, particularly this subsection regarding the waiver of the required percentages for housing in the Virgin Islands, subsection (i) of section 535, and sections 547, 548, 549, 550, and 552 of this title, nothing shall be implemented or waived by the Economic Development Bank which would reduce, impair, or prevent the fulfillment of the priorities established and contained in this subsection.

(g) If a person is a licensee with regard to more than one approved hotel pursuant to section 434 of this title, the person shall separately account for the gross revenues, the investment alternative tax obligations, and the investments for a tax credit against the investment alternative tax for each approved hotel, and the tax

obligations of the licensee under this section shall be determined separately for each approved hotel. The licensee may apportion investments between its approved hotels; provided that no amount of investment shall be credited more than once. If a licensee receives the prior approval of the Economic Development Bank, the licensee may make eligible investments in excess of the investments necessary to receive a tax credit against the investment alternative tax for a given calendar year, and the licensee may carry forward this excess investment and have it credited to its next investment alternative tax obligation. If the Economic Development Bank approves of such excess investment and approves the carry forward of this excess investment, and a licensee elects to purchase bonds of the Economic Development Bank or makes direct investment necessary to receive a tax credit against the investment alternative tax for its current obligation, the licensee shall be entitled to a reduction of the amount of investments necessary in future years, which amount shall be determined annually by the Economic Development Bank, taking into account a current market discount rate from the date of the purchase or investment to the date the purchase or investment would have been required to be made.

(h) Each casino licensee shall prepare and file, in a form prescribed by the Economic Development Bank, an annual return reporting that financial information as shall be deemed necessary by the Economic Development Bank to carry out the provisions of this chapter. This return shall be filed with the Economic Development Bank and the Casino Control Commission on or before April 30 following the calendar year on which the return is based. The Casino Control Commission shall verify to the Economic Development Bank the information contained in the report, to the fullest extent possible. Nothing in this subsection shall be deemed to affect the due dates for making any investment or paying any tax under this section.

(i) Any purchase by a licensee of bonds issued by or offered through the Economic Development Bank pursuant to sections 535 and 536 of this title and subsection (b) of this section and all approved eligible investments made by a licensee pursuant to section 535 of this title and subsection (b) of this section are to be considered investments and not taxes owed or grants to the Government or any political subdivision thereof. As such, a licensee shall have the possibility of the return of principal and a return on the capital invested as with other investment. Investors in the bonds issued by or offered through the Economic Development Bank shall be provided with an opinion from a recognized financial rating agency or a financial advisory firm with national standing that each loan of bond proceeds by the Economic Development Bank has the minimum characteristics of an investment, in that a degree of assurance exists that interest and principal payments can be made and other terms of the proposed investment be maintained over the period of the investment, and that the loan of the bond proceeds would qualify for a bond rating of "C" or better. If an opinion cannot be obtained from a recognized financial rating agency or a financial advisory firm with national standing, an opinion shall be obtained from an expert financial analyst with national standing, selected and hired by the Economic Development Bank. In order to achieve a balanced portfolio, assure the viability of the authority and the projects, facilities and programs undertaken pursuant to this chapter, no more than 25% of the total investments made by or through the Economic Development Bank with the proceeds of bonds generated in each year shall be investments which would qualify for a bond rating of "C", unless all holders of obligations in each year agree to waive the 25% limit for that year. Nothing herein shall be interpreted as limiting the Economic Development Bank from taking any steps it deems appropriate to protect the characteristics of its investment in projects or any other investments from not being real investments with a prospect for the return of principal and a return on the capital invested. Anything contained in this section shall not be considered a guarantee by the Government or any political subdivision thereof of any return of principal or interest, but any purchase by a licensee of bonds or approved eligible investments made by a licensee pursuant to this chapter shall be at the risk of the licensee. A licensee or the licensees purchasing an issue of bonds by the Economic Development Bank in any given year may arrange, at their option, for those bonds or the investments, made by or through the Economic Development Bank with the proceeds of those bonds, to be insured. The cost of any such insurance purchased by a licensee or licensees shall be paid by the licensee or licensees desiring such insurance.

(j) The Economic Development Bank shall promulgate rules and regulations deemed necessary to carry out the purposes of this section, other than subsection (a)(1) of this section. The Virgin Islands Bureau of Internal Revenue shall promulgate rules and regulations deemed necessary to carry out the purposes of subsection (a)(1).

(k) The obligation of a licensee to pay an investment alternative tax pursuant to subsection (a) of this section shall end for each licensed facility operated by the licensee 25 years after any investment alternative tax obligation is first incurred in connection with each licensed facility operated by the licensee, unless extended in connection with a deferral granted by the Economic Development Bank pursuant to subsection (c) of this section.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, §§ 4(114, 115), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 517

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 517. Casino Revenue Fund

(a) There is hereby created and established in the Department of Finance a separate special account to be known as the “Casino Revenue Fund” into which shall be deposited all revenues derived from the tax imposed pursuant to Title 32, sections 515 and 516(a)(1) Virgin Islands Code.

(b) The Commission may require a monthly report and recognition statement to be filed with it on or before the 10th day of each month, with respect to gross revenues and deposits received and made during the preceding month.

(c) Moneys in the Casino Revenue Fund shall be appropriated exclusively for the following purposes: Fifteen (15%) percent to hospitals and health; Sixteen (16%) percent to education; Two (2%) percent to the Worker Preparation Educational Program for high school seniors; Ten (10%) percent to the Department of Sports, Parks and Recreation to fund Territorial Little Leagues, the Bidly, Pony and Senior Leagues, and all other youth basketball, baseball, tennis and soccer leagues, including travel within and outside of the Virgin Islands and ten (10) percent to other youth programs; Ten (10%) percent to agriculture programs; Five (5%) percent to tourism and casino promotion of St. Croix; Eight (8%) percent to the Union Arbitration and Increment Fund; to include funding for bonding of preferred bidders; One percent (1%) to the Virgin Islands Bureau of Internal Revenue for tax administration and enforcement; Five (5%) percent to the University of the Virgin Islands; Ten (10%) percent to the Casino Control Commission for its operation; Five (5%) to Public Safety; One (1%) percent for gambling addiction and education programs; and Two (2%) percent allocation to be deposited into a revolving fund to be established for the specific purpose of reconstruction and rehabilitation of the two historic district towns of Christiansted and Frederiksted; One (1%) percent to The Village—Virgin Islands Partners in Recovery for the development of a program to prevent gambling addiction and a program to assist individuals with a gambling addiction. Absent emergent circumstances, moneys appropriated herein shall be expended for the expansion of programs within the above mentioned areas, or for the institution of new programs within those areas. On or about March 15 and September 16 of each year, the Commissioner of Finance shall publish in at least 2 newspapers circulating generally in the Virgin Islands a report accounting for the total revenues received in the Casino Revenue Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding six months ending December 31 and June 30.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Sept. 9, 1996, No. 6117, §§ 12(B), 12(A), Sess. L. 1996, p. 91; Mar. 26, 1997, No. 6132, §§ 4(116–118), 4(e)(126), Sess. L. 1997, p. 21; Aug. 27, 1997, No. 6149, § 1(c), Sess. L. 1997, p. 44; Aug. 2, 2002, No. 6534, § 24, Sess. L. 2002, p. 439; Jan. 15, 2010, No. 7100, § 2(a), (b), Sess. L. 2009, p. 176; amended Oct. 5, 2012, No. 7442, § 1, Sess. L. 2012, p. 340.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 518

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 518. Use of Moneys from the Casino Revenue Fund Supplemented by Contributions from Casino Licensees for Programs of Employment Training and Assistance in Obtaining a GED; Partial Funding of JOVIG Program; Money to Initially Come from Tourism Fund

(a) The Commission shall allocate ten (10%) percent of the moneys from the Casino Revenue Fund earmarked to youth related programs to assist in the partial funding of the following job training programs:

(1) for financial assistance to help casino employees to obtain their G.E.D. and further education, to include but not limited to college education;

(2) for financial assistance for casino employees to obtain certification in the field of Hotel/Hospitality Management at the St. Croix Vocational School.

(3) for fifty (50%) percent of the budgetary needs of the Jobs for America's Graduates Virgin Islands program, its purpose being to assist at-risk and disadvantaged youth in graduating from high school and thereafter finding and keeping quality jobs, through a territory supported school-to-work transition program.

(b) The Commission shall make available to the casino licensee half the cost of each employee participating in the GED or Hotel/Hospitality programs. This is to be matched by the casino licensee for each of its employees participating in any of the programs.

(c) The GED and Hotel/Hospitality programs shall be instituted by each casino licensee prior to the beginning of the casino licensee's operation in St. Croix and the casino licensee shall notify their employees and/or prospective employees of the existence of the program on an ongoing basis.

(d) All casino employees and casino key employees, as defined in this chapter, having no vocational training and/or high school diploma/GED equivalent, shall as a requirement of maintaining their employment, enroll in a vocational training program in the Hotel/Hospitality Management School of the United States Virgin Islands or an equivalent institution within six months of becoming employed in a casino hotel licensed to do business in the Virgin Islands.

(e) After the second full year of a casino hotel commencing operations in the Virgin Islands, all casino employees and casino key employees shall be holders of vocational training certificates or a high school diploma.

(f) Not less than five (5%) percent of the total monies allotted to education shall be devoted to the establishment of an African and Caribbean Studies program at the University of the Virgin Islands for persons desirous of attaining bachelors, masters or doctorate degrees in the fields or related areas; and to further provide that monies may also be used to provide funds for persons desirous of pursuing a bachelors, masters, or doctorate degree in the following areas of study: African and Caribbean Studies, Math; Science; Architecture, or Medicine.

(g) Initial moneys for the funding of the programs are to be borrowed from any available fund from which the Governor is authorized to borrow monies, for a period of two (2) years if needed. Repayment at the rate of five (5) percent shall begin as the casino revenue fund becomes viable; repayment shall be completed no later than five years after the initial loan was procured.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Aug. 27, 1997, No. 6149, § 2(c), Sess. L. 1997, p. 44; amended Oct. 7, 2016, No. 7941, § 1, Sess. L. 2016, p. 199.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 519

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 519. Income from Investments; Credit to Fund and Determination of Amount

(a) Any income realized by reason of the investment of the moneys in the “Casino Revenue Fund”, shall be credited to the fund.

(b) For the purpose of determining the amount of investment income to be credited to the “Casino Revenue Fund” the Commissioner of Finance shall calculate the average rate of earnings from the territories general investments during each fiscal year and apply that rate to the average daily balance of the fund during that fiscal year.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 520

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 520. Profits

The Commission, in conjunction with the Bureau of Internal Revenue, shall make rules and regulations for the determination of profits where not otherwise provided under this chapter or the tax laws of the United States and the Virgin Islands, under the provisions of this section.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 521

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 521. Payment of Taxes

(a) The tax imposed under section 516 of this title shall be due within 30 calendar days following the last day of the month concerned and shall be based upon gross revenues derived during the previous month. A licensee shall file its first return and shall report gross revenues from the time it commenced operations and ending on the last day of the month. Such return shall be filed with the Virgin Islands Bureau of Internal Revenue within 30 calendar days following the last day of the month concerned. A copy of the return shall also be filed with the Commission by the same date.

(b) Notwithstanding any other law to the contrary, any business conducted by an individual, partnership, or corporation or any other entity, or any combination thereof, holding a license pursuant to this chapter shall, in addition to all other taxes imposed by this chapter, file a corporate income tax or individual income tax return and pay the taxes indicated thereon. The Director of the Virgin Islands Bureau of Internal Revenue shall administer the taxes imposed under sections 515 and 516 of this title in accordance with the procedures set out in Title 33, Virgin Islands Code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(119), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 522

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 522. Determination of Tax Liability

The Virgin Islands Bureau of Internal Revenue shall administer the taxes imposed under sections 515 and 516 of this title in accordance with the procedures set out in Title 33, Virgin Islands Code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(120), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 523

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 523. Penalties

(a) Any licensee who shall fail to file its return when due or to pay any tax or deposit when the same becomes due, as herein provided, shall be subject to the payment of a penalty at the rate of five (5%) percent per month or any fraction thereof, but shall not exceed twenty-five (25%) percent in the aggregate.

(b) The Director of the Virgin Islands Bureau of Internal Revenue, upon satisfactory proof by a taxpayer that failure to file a return or pay any tax or penalty required under the provisions of this chapter was due to reasonable cause and not due to willful neglect, may waive any and all penalties.

(c) Interest on any underpayment or in nonpayment shall be computed in accordance with the rate Title 33, Chapter 33, section 1231, subsection (a), Virgin Islands Code.

(d) Whoever willfully attempts in any manner to evade or defeat any tax imposed by this act or the payment thereof or who willfully fails to make any returns, keep such information, at the time or times required by this act or regulations promulgated thereunder, shall, in addition to other penalties provided by law, be fined not more than \$100,000 or imprisoned not more than six months, or both, together with the costs of prosecution.

(e) If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to fifty (50%) percent of the underpayment. The term “underpayment” shall have the same meaning as contained in Title 33, chapter 35, section 1283, subsection (c), item (2), Virgin Islands Code.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; amended Mar. 26, 1997, No. 6132, § 4(121), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 524

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 524. Forms

(a) Taxes—In addition to the other powers granted by this chapter, the Virgin Islands Bureau of Internal Revenue is hereby authorized and empowered to prepare and distribute all forms and returns necessary for the implementation of this chapter related to the taxes imposed by this chapter, including without limitation forms related to the filing, collection, and enforcement of such taxes.

(b) Fees and other forms and returns under authority of Commission — The Commission is hereby authorized and empowered to prepare and distribute any other forms and returns necessary to the implementation of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 525

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XI. Fees and Taxes (§§ 510 — 525)**

§ 525. Application of the Virgin Islands Tax Law

The taxes imposed by this chapter shall be governed in all respects by the provisions of Title 33 of the Virgin Islands Code, and the provisions of this chapter related to the administration of such taxes are intended to be consistent with the provisions of Title 33 of the Virgin Islands Code. To the extent that a specific provision of this chapter is determined to be in conflict with the provisions of Title 33 of the Virgin Islands Code, as determined by the Virgin Island Bureau of Internal Revenue, then the provision of this act shall govern.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XII:
SET-ASIDE CONTRACTS
(§§ 526 – 533)

32 V.I.C. Ch. 21, Art. XII Note

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

Article XII. Set-Aside Contracts

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 526

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 526. Legislative Declarations

The Legislature declares that the opportunity for full participation of bona fide continuous resident's business enterprises and women's business enterprises in the tourism and casino industry is essential if social and economic parity is to be obtained and if the local economy of St. Croix is to be stimulated and sustained, as intended by the “Casino Control Act”. To satisfy this objective, bona fide resident's business enterprises and women's business enterprises, as defined in Section 557 of this title, shall be referred to as “Preferred Contractor's” under this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 527

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 527. Definitions

As used in this chapter:

(a) “Bona fide resident” is (1) a person who has been domiciled in the Virgin Islands continuously for at least five (5) years or was born in the Virgin Islands;

(b) “Bona fide resident business enterprise is:

(1) A firm, partnership or corporation in which at least fifty-one (51%) percent of the legal or equitable ownership is held by a person or persons who have been a bona fide resident of the Virgin Islands for at least five (5) years, or who were born in the Virgin Islands, and the management and daily operations of which are controlled by one or more of the bona fide continuous residents who own it; and

(2) Said person, firm, partnership, or corporation is licensed in and maintains his/her or its principal place of business in the Virgin Islands and who owns, operates, or maintains a store, warehouse, or other place of business in the Virgin Islands or is duly authorized agent, dealer, distributor or representative in the Virgin Islands for the materials, supplies, articles, or equipment of the general character required by the licensee and casino service industry.

(c) A Women's Business Enterprise is:

(1) A sole proprietorship owned and controlled by a woman; or

(2) A partnership or joint venture owned and controlled by women in which at least 51% of the ownership is held by women and the management and daily business operations of which are controlled by one or more women who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least 51% owned by women, or if stock is issued, at least 51% of the stock is owned by one or more women.

(d) Any person, firm, partnership, or corporation meeting the requirements of subsections (a), (b), and (c) of this section must register his/her name with the Casino Control Commission in order to insure their participation.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, §§ 4(122), 5, Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 528

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 528. Set-Aside Contracts for Bona Fide Resident's Business Enterprises; Percentage Requirements and Goals

(a) Notwithstanding the provisions of any law, rule or regulation to the contrary, every casino licensee shall establish goals of expending at least 65% of the dollar value of its purchased goods and services with bona fide residents business enterprises. Each casino licensee shall be required to demonstrate annually to the Commission that the requirements of this act have been met, by submitting a report which shall include the total dollar value of purchases for goods or services and the percentage thereof awarded to bona fide resident business enterprises.

As used in this section, goods and services shall include Virgin Islands produced beverages, pastries, breads, milk and other dairy products, meats, vegetables and other locally produced foodstuff; arts and crafts; musicians, dancers and other such performing artists; transportation services, security services but not be limited to the above.

As used in this section, “goods and services” shall not include—

- (1) utilities and taxes;
- (2) financing costs, such as mortgages, loans or any other type of debt;
- (3) medical insurance;
- (4) fees to the Virgin Islands Casino Control Commission;
- (5) fees and payments to a parent or affiliated company of the casino licensee other than those that represent fees and payments for goods and services supplied by non-affiliated persons through an affiliated company for the use or benefit of the casino licensee; and
- (6) rents paid for real property and any payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding the provisions of any law, rule, or regulation to the contrary, every casino licensee licensed to do business in the Virgin Islands shall lease at least fifty (50%) percent of the retail establishment space within any casino licensee's hotel and/or casino to bona fide resident businesses, and shall limit the amount of non-bona fide resident businesses to no more than fifty thousand (50,000) square feet within any casino licensee's hotel and/or casino. This square footage requirement shall not apply to bars, restaurants and laundries within a casino and/or related hotel.

(c) A casino licensee shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the Commission that such an effort was made.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 529

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 529. Noncompliance with Provisions Relating to Expenditures and Assignments to Preferred Contractor's Business Enterprises; Suspension, Revocation or Other Penalties Compliance Period

If the Commission determines that the provisions of section 528 of this title relating to expenditures and assignment to preferred contractor's business enterprises have not been met by a licensee, the Commission may suspend or revoke the casino license, or fine or impose appropriate conditions on the licensee, to ensure that the goals for expenditures and assignments to preferred contractor's business enterprises are met; except that if a determination is made that a casino licensee has failed to demonstrate compliance with the provisions of section 528 casino licensee will have ninety (90) days from the date of the determination of non-compliance within which to comply with the provisions of those sections.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 530

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 530. Unified Certification Procedure for Preferred Contractor's Business Enterprises

The Department of Labor shall establish and administer a unified certification procedure for preferred contractor's business enterprises that do business with casino licensees on contracts for goods and services.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 531

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 531. List of Certified Enterprises; Annual Review Challenge of Designation

The Department of Labor shall supply casino licensees with a list of those preferred contractor's business enterprises which it has certified. The Department shall review the list annually to determine which of those preferred contractor's business enterprises shall continue to be certified. The Division shall establish a procedure whereby the designation of a certified preferred contractor's business enterprise may be challenged. The procedure shall include proper notice and hearing for all parties concerned.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 532

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 532. Regulations

The Department of Labor and the Casino Control Commission shall develop such other regulations as may be necessary to interpret and implement the provisions of this chapter.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 533

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XII. Set-Aside Contracts (§§ 526 — 533)**

§ 533. Full Compliance Requirement; Applicability to Contractors, Subcontractors and their Assignees

Notwithstanding any law to the contrary:

- (1) No special legislation or IDC certificate shall exempt the casino licensee from full compliance with the provisions of this chapter;
- (2) The provisions of this chapter shall be applicable to any and all corporations, businesses, or individuals providing services to the casino hotel licensee;
- (3) Casino hotel licensees shall not abrogate: any provision of this chapter through contract(s) or contractual employee(s): provided further that in the event there is a contract(s) or contractual employee(s), all provisions relating to employment, and benefits, but not limited thereto, shall apply;
- (4) Jurisdiction of the commission under this chapter extends to any and all subcontractors doing business with the casino hotel licensees.

History

—Added Nov. 3, 1995, No. 6069, § 6, Sess. L. 1995, p. 12; renumbered Mar. 26, 1997, No. 6132, § 4(122), Sess. L. 1997, p. 21.

ARTICLE XIII:
[REDESIGNATED]

32 V.I.C. Ch. 21, Art. XIII Note

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIII. [Redesignated]**

Article XIII. [Redesignated]

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE A:
GENERAL
(§§ 601 – 606)

32 V.I.C. § 601

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 601. Short Title

This Article may be cited and shall be known as the “Virgin Islands Internet Gaming and Internet Gambling Act”.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 602

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 602. Legislative Intent

It is the purpose of this Article to make provision for the protection of persons participating in approved Internet gaming and approved Internet gambling by the licensing and regulation of such services.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 603

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 603. Definitions

As used in this Article, the words and terms have the meanings ascribed unless a different meaning clearly appears in the context:

- (a) “Approved Game” or “Approved Gambling Game” means an Internet game or Internet gambling authorized and permitted pursuant to the rules and regulations of the Commission that a licensee is authorized to conduct pursuant to this Article; provided, however, if the Commission determines that a game or gambling is contrary to the public interest, the Chairman by written notice to the Master Service Provider may declare the game or gambling to be prohibited.
- (b) “Bank” means an institution organized under federal, state or territorial law which:
- (1) accepts demand deposits or deposits that the depositor may use for payment to third parties and engages in the business of making commercial loans; or
 - (2) engages in credit card operations, does not accept demand deposits or deposits that the depositor may use for payments to third parties, does not accept a savings or time deposit less than \$100,000, maintains only one office that accepts deposits, and does not engage in the business of making consumer loans.
- (c) “Commission” means the Casino Control Commission established pursuant to the provisions of title 32, Virgin Islands Code.
- (d) “Computer” means an electronic device which by means of stored instruction and information performs rapid, often complex, calculations or compiles, correlates and selects data.
- (e) “Computer Server” means a computer that is capable of communicating with another computer or device; and providing to that other computer or device:
- (1) access to a database;
 - (2) transaction based services;
 - (3) software applications; or
 - (4) interactive services
- (f) “Control” means:

(1) ownership of, or the power to vote, directly or indirectly, at least fifteen percent (15%) of a class of voting securities or voting interests of a licensee or person in control of a licensee;

(2) power to elect a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or person in control of a licensee; or

(3) the power to exercise directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee, if the Commission, after notice and opportunity for hearing, so determines.

(g) “Control System” means any system of internal controls and administrative and accounting procedures for the operation of an approved Internet game or approved Internet gambling by a licensee.

(h) “Court” means the Superior Court of the Virgin Islands.

(i) “Division” means the Division of Gaming Enforcement as established under this chapter.

(j) “Employ” means to engage the services or labor of someone or a corporation, business, partnership, or company for compensation.

(k) “Employee” in relation to a licensee, means a person employed by the licensee in functions related to the conduct of approved Internet games or approved Internet gambling.

(l) “Executive Officer” means a president, chairperson of the executive committee, chief financial officer, principal employee, responsible individual, or other individual who performs similar functions.

(m) “Gaming Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including a document, about the operation or an approved Internet game or approved Internet gambling conducted by a licensee pursuant to a license issued in accordance with this Article.

(n) Gross Service Provider Revenue means the total of all sums received by the Master Service Providers from licensees.

(o) “Gross Internet Gaming Revenue” or “Gross Internet Gambling Revenue” means the total of all sums, including checks received by the Licensee under this Article actually received by a licensee from gaming operations, less only the total of all sums paid out as winnings to players, and a deduction for uncollectible gaming receivables. The deduction for uncollectible gaming receivables shall not exceed the lesser of: (1) a reasonable provision for uncollectible player checks received from gaming operations; or (2) four percent (4%) of the total of all sums including checks, whether collected or not, less than the amount paid out as winnings to players.

(p) “Hardware” means any computer, computer server, or other device whether electronic, electrical or mechanical required for or used in approved Internet gaming or approved Internet gambling operations.

(q) “Identity” in relation to a person means name, physical, mailing and e-mail address, date of birth or a prescribed aspect of the person's identity.

(r) “Internet Funds” are funds that are transferred through a third party or peer-to-peer and which the payee can access and retrieve those funds for debt or credit to an account.

- (s)** “Internet Game” means a scheme, arrangement, or plan comprised of prize, chance, and consideration that is approved and authorized by the Commission.
- (t)** “Internet Gambling” means the dealing, operating, carrying on, conducting, maintaining or exposing for pay of any Internet game.
- (u)** “Internet Gaming Equipment” or “Internet Gambling Equipment” means a computer or other device (whether electronic, electrical, or mechanical), computer software, or another thing used, or suitable for use, in the conduct of an approved Internet game or approved Internet gambling.
- (v)** “License” means a license for Internet gaming or Internet gambling issued pursuant to this article.
- (w)** “Licensee” means the holder of a license for an Internet gaming site issued by the Commission pursuant to this Article.
- (x)** “Master Service Provider” means the person or entity authorized by this article to conduct the operation of approved Internet gaming or approved Internet gambling in the Virgin Islands, all shareholders, partners, members, or other owners thereof, subject to the rules and regulations promulgated by the Commission in accordance with the provisions of section 4 of this article.
- (y)** “Outstanding,” with respect to a payment instrument, means issued, awarded, or sold by or for the licensee and which has been reported as issued, awarded or sold but not yet paid by or for the licensee.
- (z)** “Play” means participate in an approved Internet game or approved Internet gambling conducted by a licensee.
- (aa)** “Player” means a person who participates in an approved Internet game or approved Internet gambling conducted by a licensee.
- (bb)** “Random Number Generator” means a computer or computer server or software programs used to produce a selection of numbers in no particular order and with no favor being given to any numbers that behave similar to realizations of independent, identically distributed random variables, a procedure which produces different values each time it is called simulating a random selection process that ensures the fairness of an approved Internet game or approved Internet gambling.
- (cc)** “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (dd)** “Responsible individual” means an individual who programs or customizes the hardware platform, operating system and application software that can affect game play or has access to sensitive areas or who, is employed by a licensee and has principal, active, managerial authority, empowered to make discretionary decisions over the provision of approved, internet gaming and approved Internet gambling by the licensee in the Virgin Islands.
- (ee)** “Software” means the assembled, compiled or engineered intellectual information in a program and includes procedures and associated documentation concerned with the operation of a computer, computer program, or computer network.
- (ff)** “Unsafe or unsound practice” means a practice or conduct by a person licensed to engage in approved Internet gaming or approved Internet gambling which creates the likelihood of insolvency or material loss

dissipation of the licensee's assets beyond that prescribed by law, or otherwise materially prejudices the interests of its players.

(gg) “Virgin Islands” means the Virgin Islands.

(hh) “Wager” means an amount a player puts at risk in playing an approved Internet game or approved Internet gambling conducted by a licensee.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(a), Sess. L. 2002, p. 347.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 604

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 604. Authority of the Commission

Consistent with this chapter and in accordance with the provisions of section 421(a), (b), (c) and (d), of this title, the Commission shall promulgate such rules and regulations as may be necessary to effectuate the purposes of this Article. Internet Gaming shall not commence until the Commission has adopted rules and regulations under this Article and has determined that:

- (a) Internet gaming can be operated in compliance with all applicable laws;
- (b) Internet gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only for jurisdictions where it is lawful to make such communications;
- (c) Adoption of such regulations is consistent with the public policy of the Virgin Islands to foster the stability and success of Internet gaming; and
- (d) The rules and regulations, under this section, shall be promulgated no more than one (1) year after the enactment date of this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 605

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 605. License Required

(a) Unless first obtaining a license pursuant to subarticle B of this Article, a person or entity shall not:

- (1) conduct an Internet gaming or Internet gambling business at or from a place in the Virgin Islands;
- (2) own, control, or operate a computer server in the Virgin Islands that enables an Internet game or Internet gambling to be played;
- (3) offer, advertise, solicit in the Virgin Islands the playing of Internet games or Internet gambling;
- (4) seek to obtain a commercial advantage from the use of premises other than those of the Master Service Provider in the Virgin Islands for playing Internet games or Internet gambling;
- (5) hold themselves out as a licensee.

(b) A license is not transferable or assignable.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(b), Sess. L. 2002, p. 347.

32 V.I.C. § 606

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle A. General (§§ 601 — 606)**

§ 606. Merger of Approved Licensees and Casino Operations

An approved Internet gaming or approved Internet gambling licensee may consolidate or merge with a casino operation in the Virgin Islands as provided in this chapter with the approval of the Commission.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE B:
LICENSING
(§§ 607 – 611)

32 V.I.C. § 607

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle B. Licensing (§§ 607 — 611)**

§ 607. Application for License

(a) A person applying for a license pursuant to this Article must do so in writing, under oath, and in a form prescribed by the Commission. The application must state or contain:

- (1) the legal name, residential and business addresses of the applicant and any fictitious or trade name used by the applicant in the conduct of its business;
- (2) the applicant's civil litigation for the last five (5) years;
- (3) a description of any gaming business previously or presently engaged in by the applicant;
- (4) a copy of any software and an inventory of computer hardware to be utilized by the applicant in the proposed Internet gaming or Internet gambling business;
- (5) the name and address of any clearing financial institutions through which the applicant's prizes will be payable through, if any;
- (6) a document confirming that the requirements for security and net worth as set forth in sections 612 and 615, of this article, have been or will be satisfied;
- (7) a document confirming that the applicant acknowledges that the laws of the Virgin Islands and the United States, as applicable, shall apply to the conduct of its operations and that the applicant shall comply with all rules and regulations promulgated by the Commission as applicable to the conduct of approved Internet games or approved Internet gambling and that the applicant agrees to the location of its operations within the central data bank operated by the Master Service Provider; and
- (8) such other information the Commission may reasonably require with respect to the applicant.

(b) If an applicant is a corporation, the applicant shall also provide:

- (1) the date of the applicant's incorporation and the jurisdiction of incorporation;
- (2) a certificate of good standing from the jurisdiction in which the applicant is incorporated;
- (3) a description of the corporate structure of the applicant, including any parent or subsidiary of the applicant, and whether any parent or subsidiary is publicly traded on a securities exchange;

(4) the legal and any fictitious name, business and residential addresses, and employment, for the past five years, of each executive officer, director, principal employee, and controlling persons of the applicant;

(5) civil litigation and criminal convictions for the past ten years of each executive officer, director, principal employee, and controlling persons of the applicant;

(6) a copy of the applicant's audited financial statements for the most recent fiscal year and, if available, for the next preceding two years;

(7) a copy of the applicant's unconsolidated financial statements for the current year, whether audited or not, and, if available, for the next preceding two (2) years;

(8) if the applicant is a publicly traded corporation, a copy of the most recent 10-K report filed with the United States Securities and Exchange Commission;

(9) if the applicant is a wholly owned subsidiary of:

(A) a corporation publicly traded in the United States, a copy of the articles of incorporation and all amendments, audited financial statements for the parent corporation for the current year or the parent corporation's most recent 10K reports filed with the United States Securities and Exchange Commission;

(B) a corporation publicly traded outside of the United States, similar documentation filed with the parent corporation's non-United States regulator; and

(10) such other information the Commission reasonably requires.

(c) If the applicant is not a corporation, the applicant shall also provide:

(1) evidence that the applicant is qualified to do business in the Virgin Islands;

(2) the legal and any fictitious name, business and residential addresses, personal financial statements, and employment for the last five years, for each controlling person that is an individual and each responsible individual of the applicant;

(3) civil litigation and criminal convictions, for the last ten years, of each controlling person that is an individual and each responsible individual of the applicant;

(4) a copy of the applicant's audited financial statements for the current year, and, if available, for the next preceding two years; and

(5) such other information as the Commission reasonably requires.

(d) A nonrefundable application fee of \$10,000 and for the first two (2) years after the commencement of Internet Gaming and Internet Gambling, a license fee of \$25,000 must accompany an application for a license under this Article. Thereafter, the license fee shall be established by the Rules and Regulations promulgated by the Commission. The applicant for a license shall also be responsible for the total costs associated with the investigation of the applicant in addition to the application fee and license fee required by this subsection.

(e) The license fee shall be refunded if the application is denied.

(f) The Commission may waive a requirement of subsections (a) through (c) of this section or permit an applicant to submit substituted information in lieu of the required information.

(g) A license is required, under the provisions of this section, for every shareholder owning directly or indirectly over fifteen percent (15%) of any class of voting securities, and all executive officers, all directors, principal programmers and any other persons as the Commission or the Division may determine to. However, the Commission shall establish the license fees for the issuance of a license under the provisions of this subsection.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 350.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 608

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle B. Licensing (§§ 607 — 611)**

§ 608. Security

(a) A surety bond, or other similar security acceptable to the Commission, in an amount of not less than \$100,000 must accompany an application for a license.

(b) Notwithstanding subsection (a), the Commission, may increase the amount of security required based upon the potential outstanding liability of a licensee for jackpots, player deposits, and money held in trust.

(c) A security must be in a form satisfactory to the Commission and run to the Government of the Virgin Islands for the benefit of any claimant against the licensee to secure the faithful performance of the obligations of the licensee with respect to payment of prizes and monies held on account for players.

(d) The aggregate liability on a surety bond may not exceed the principal sum of the bond. A claimant against a licensee may maintain an action directly on the bond, or the Commission may maintain an action on behalf of the claimant. The bond must run to the Government of the Virgin Islands for the benefit of the Commission or any person injured by a wrongful act, omission, default, fraud, or misrepresentation of a licensee or employee of the licensee in the conduct of its business as a licensee. Only one bond is required of a licensee, irrespective of the number of executive officers, directors, principal employees or other employees of the licensee.

(e) A surety bond must remain in effect until cancellation, which may occur only after 30 days' written notice to the Commission of the intended cancellation.

(f) A surety bond must cover claims effective for as long as the Commission specifies, but at least five years after the licensee ceases to be an approved Internet gaming or approved Internet gambling business in the Virgin Islands. However, the Commission may permit the amount of security to be reduced or eliminated before that time to the extent that the amount of the licensee's prizes outstanding are reduced. The Commission may permit a licensee to substitute another form of security acceptable to the Commission for the security effective at the time the licensee ceases to be an approved Internet gaming or Internet gambling business in the Virgin Islands.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 609

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle B. Licensing (§§ 607 — 611)**

§ 609. Issuance of License

(a) Upon the filing of an application for a license, under the provisions of this Article and such supplemental information as the Commission may require, the Commission shall request the Division to conduct such investigation into the qualification of the applicant, and the Commission shall conduct a hearing thereon concerning the qualifications of the applicant. The Commission may issue a license to an applicant under this Article if it finds that all of the following conditions have been fulfilled:

- (1) The applicant has complied with sections 607 and 608 of this Article;
- (2) The competence, experience, character, and general fitness of the executive officers, directors, principal employees and controlling persons indicate that it is in the interest of the public to permit the applicant to conduct approved Internet games and approved Internet gambling pursuant to this Article; and
- (3) The applicant has paid the requisite application fee, provide services fees, license fees and the total costs of the investigation; and
- (4) The applicant has executed an operations contract with the Master Service Provider.

(b) Without limiting the matters to which conditions may relate, the conditions of a license may relate to:

- (1) any matter for which provision is made in this Article, but must not be inconsistent with the provisions of this Article;
- (2) approval of Internet games, Internet gambling and random number generator.
- (3) approval of rules of Internet games and Internet gambling;
- (4) approval of executive officers and responsible individuals;
- (5) approval of internal control system, including the keeping of records, holding of funds on behalf of players, financial statements, reports, accounts and prizes; and
- (6) approval of computer equipment including, but not limited to, computer servers and associated processing devices.

(c) An applicant whose application is denied by the Commission pursuant to this Article may request a hearing before the Commission, within thirty (30) days after receipt of the notice of the denial.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 610

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle B. Licensing (§§ 607 — 611)**

§ 610. Renewal of License

(a) A licensee under this Article shall pay an annual license fee in accordance with the provisions of section 607(d) of this Article and an annual renewal fee of \$10,000 thirty (30) days before the anniversary of the issuance of the license or, if that date is not a business day, on the first business day after that date. The Master Service Provider shall report all provide services fees collected under this section to the Commission not more than thirty (30) days after such fees are received by the Master Service Provider. The Commission in its discretion may require the licensee to undergo an investigation prior to the renewal of the license. The licensee shall be responsible for the total costs associated with the investigation.

(b) A licensee under this Article shall submit with the renewal and processing fee a report, in a form prescribed by the Commission. The renewal report shall state or contain:

- (1) a copy of the licensee's most recent annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent consolidated annual financial statement of the parent corporation or the licensee's most recent consolidated annual financial statement;
- (2) the number prizes issued by the licensee that have not been previously included on a renewal report, the monetary amount of those prizes, and the monetary amount of prizes currently outstanding;
- (3) a description of each material change in information submitted by the licensee in its original license application which has not been previously reported to the Commission on any required report;
- (4) a list of the licensee's permissible investments and a certification that the licensee continues to maintain permissible investments according to the requirements set forth in sections 629 and 630 of this title; and
- (5) proof that the licensee continues to maintain adequate security as required by section 608 of this title.

(c) If a licensee fails to file a renewal report or to pay its renewal fee by the renewal date, and has not been granted an extension of time to do so by the Commission, its license is suspended on the renewal date and all approved Internet games or approved Internet gambling shall cease. The licensee has 30 days after its license is suspended in which to file a renewal report and to pay the annual license fee in accordance with the provisions of section 607(d) of this Article and an annual renewal fee of \$10,000, plus \$500 for each day thereafter that the Commission does not receive the renewal form and application.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(c), Sess. L. 2002, p. 347.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 611

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle B. Licensing (§§ 607 — 611)**

§ 611. Reserves

In order to assure the licensee's ability to meet its obligations to players, the Commission shall establish the necessary amounts of funds to be segregated in a manner that they are bankruptcy remote and accessible by the Commission to pay players' claims.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)

SUBARTICLE C:
RETURNS TO PLAYERS,
SUPERVISION,
CHARGES AND TAX
(§§ 612 – 613)

32 V.I.C. § 612

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle C. Returns to Players, Supervision, Charges and Tax (§§ 612 — 613)**

§ 612. Returns to Players

The Commission shall ensure that approved Internet games and approved Internet gambling of each licensee is audited and certified by a licensed auditor approved by the Commission to ensure that the payout to players is commensurate with the odds of the game played. The licensee shall be responsible for the total costs associated with this audit.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 613

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle C. Returns to Players, Supervision, Charges and Tax (§§ 612 — 613)**

§ 613. Gaming and Gambling Tax; Distribution of Fees

(a) Notwithstanding the provisions of Article XI of this chapter, and in lieu of taxes and fees imposed pursuant to such Article, the Master Service Provider and the licensees shall pay taxes to the Casino Revenue Fund on Gross Service Provider Revenues, gross Internet gaming and Internet gambling revenue as applicable and in accordance with the provisions of subsection (b) herein. Notwithstanding any other law, the Master Service Provider, the licensees and any owners thereof, shall not be required to pay any other taxes and fees to the Virgin Islands, including but without limitation those imposed pursuant to The Internal Revenue Code of 1986, as applicable to the Virgin Islands, and to titles 13 and 33 of this Code.

(b) The Master Service Providers and the Licensees shall be subject to an annual tax on Gross Service Provider Revenues, gross Internet gaming revenues and gross Internet gambling revenues as applicable and as defined in section 603 of this chapter, as follows:

(i) A Master Service Provider shall pay an annual tax of two and one-half (2 ½) percent of its Gross Service Provider Revenue; and

(ii) A Licensee shall pay an annual tax of one and one-half (1 ½) percent of its Gross Internet Gaming Revenues and Gross Internet Gambling Revenues.

(c) Application fees, license fees, and renewal fees imposed pursuant to section 607, subsection (d) and section 610, subsection (a) of this Article, shall be covered into the Casino Control Fund established pursuant to section 514(d) and (e) of this title.

(d) The Master Service Provider and licensees shall report to the Commission monthly all revenue categories received and generated pursuant to this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(d), Sess. L. 2002, p. 348.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE D:
OPERATION AND
COMPLIANCE
REQUIREMENTS
(§§ 614 – 622)

32 V.I.C. § 614

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 614. Player Registration and Acceptance of Wagers

(a) A licensee shall not permit a person to play an approved Internet game or approved Internet gambling unless the person is registered with the licensee as a player and the person's identity has been authenticated in accordance with the conditions of the license.

(b) A licensee shall not register a person as a player who is:

(1) under 21 years of age; or

(2) a resident of a jurisdiction where Internet gaming or Internet gambling is prohibited.

(c) A licensee shall not accept a wager from a player in an approved Internet game or approved Internet gambling unless:

(1) the player is registered; and

(2) the funds necessary to cover the amount of the wager are held by the licensee on behalf of the player.

(d) A registered player upon playing an approved Internet game or approved Internet gambling conducted by a licensee shall be deemed to subject himself to the law and jurisdiction of the Virgin Islands.

(e) A licensee or a key employee of the licensee or an immediate family member of a key employee of a licensee shall not participate as a player in an approved Internet game or approved Internet gambling conducted by any licensee.

(f) The Master Service Provider or a key employee of the Master Service Provider or an immediate family member of a key employee of the Master Service Provider shall not participate as a player in an approved Internet game or approved Internet gambling conducted by any licensee.

(g) The Commission shall establish standards and procedures for player acceptance under the provisions of this section. The standards and procedures authorized under this subsection shall include but not be limited to software and hardware requirements, and internal control procedures that a Licensee shall employ to identify players and their physical location.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(e), Sess. L. 2002, p. 348.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 615

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 615. Players Funds

(a) A licensee shall, at the request of a registered player or the personal representative of the registered player, remit funds of the player held by the licensee on behalf of the player as directed by the player no later than two (2) business days after the request is received.

(b) A licensee shall not have recourse to funds held on behalf of a player except as follows:

- (1) To debit the funds of a player for a wager made by the player or an amount the player indicates the player wants to wager in the course of an approved Internet game or approved Internet gambling the player is playing or is about to play;
- (2) To remit funds to the player at the player's request; or
- (3) As otherwise authorized pursuant to this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 616

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 616. Licensee Not to Provide Credit

A licensee shall not provide credit to a player. Players shall be required to deposit money prior to playing any approved Internet game or approved Internet gambling by payment in advance, credit or debit card, wire transfer, check, money order, or Internet funds. Notwithstanding the provisions of any law to the contrary, payments made to a licensee by check, credit card, internet funds or other similar instrument, and the debt that such instrument represents, shall be valid and may be enforced by legal process.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(f), Sess. L. 2002, p. 348.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 617

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 617. Inactive Players

If no transaction has been recorded on behalf of a player for a period of one (1) year, the licensee shall remit any funds held on behalf of the player to the player or, if the player cannot be located, such funds shall be paid into the Virgin Islands Education Initiative Fund established pursuant to title 33, section 3093 of this Code.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 618

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 618. Limitation on Wagers

- (a) A registered player may, by notice to a licensee, set a limit on the amount the player may wager.
- (b) A player who has set a limit pursuant to this section may amend or revoke the limit on wagers by written notice given to the licensee.
- (c) A notice increasing or revoking the limit shall not take effect unless:
- (1) Seven (7) calendar days have passed since the licensee received the notice; and
 - (2) The player has not notified the licensee of an intention to withdraw the notice.
- (d) A notice reducing the limit has effect on its receipt by the licensee.
- (e) A licensee shall not accept a wager from a player contrary to a limit set for the player pursuant to this section.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 619

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 619. Self-Exclusion Order

(a) If a person or player gives written notice to a licensee to the effect that the person or player is not to be permitted to play an approved Internet game or approved Internet gambling conducted by the licensee, the licensee shall:

(1) Forward a copy of the notice to Commission and the Master Service Provider; and

(2) Not permit the person or player to play an approved Internet game or approved Internet gambling conducted by the licensee unless the notice is revoked in accordance with this section.

(b) A person or player may revoke a notice given pursuant to subsection (a) of this section by giving notice to that effect to the licensee; provided that such revocation shall not take effect unless:

(1) Seven (7) calendar days have passed since the person or player gave the notice; and

(2) The player has not withdrawn the notice.

(c) A licensee shall not accept a wager from a person or player who has given notice pursuant to subsection (a) of this section.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

32 V.I.C. § 620

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 620. Claims for Prizes

(a) If a claim for a prize in an approved Internet game or approved Internet gambling is made to a licensee within one (1) year after the end of the approved Internet game or approved Internet gambling or, the licensee after immediate notification to the Commission shall:

(1) immediately attempt to resolve the claim; and

(2) if the licensee is not able to resolve the claim, by notice in a record given to the claimant, promptly inform the claimant of the licensee's decision on the claim.

(b) If the claim is not resolved by the licensee within ten (10) days of receiving the claim, the claimant may request the Commission to review the licensee's decision on the claim, or if the claimant has not received a claim result notice, to resolve the claim.

(c) A request to the Commission under subsection (b) of this section:

(1) Must be in the approved form; and

(2) If the claimant received a claim result notice, must be made within five (5) business days after receiving the notice.

(d) If a request is made to the Commission, the Commission may carry out investigations the Commission considers necessary to resolve matters in dispute.

(e) If a prize is not claimed within one (1) year after the end of the approved Internet game or approved Internet gambling in which the prize was won, the licensee shall cover the amount of the prize into the Virgin Islands Education Initiative Fund established pursuant to title 33, section 3093 of this Code.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(g), Sess. L. 2002, p. 349.

32 V.I.C. § 621

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 621. Authority to Withhold Prizes

- (a) If a licensee has reason to believe that the result of an approved Internet game or approved Internet gambling has been affected by an illegal activity or malfunction of equipment, the licensee may withhold a prize in the approved Internet game or approved Internet gambling.
- (b) If a licensee withholds a prize pursuant to this section, the licensee shall:
- (1) immediately inform the Commission and the player of the circumstances of the incident; and
 - (2) not conduct a further approved Internet game or approved Internet gambling if a recurrence of the illegality or malfunction is likely.
- (c) After investigating the incident, the Commission may, by notice in writing to the licensee and the player:
- (1) direct the licensee to pay the prize; or
 - (2) confirm the licensee's decision to withhold the prize, but direct the licensee to refund amounts wagered in the approved Internet game or approved Internet gambling.
- (d) The licensee shall comply with the directive of the Commission pursuant to subsection (c) of this section.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 622

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle D. Operation and Compliance Requirements (§§ 614 — 622)**

§ 622. Complaints

(a) A licensee shall investigate:

(1) a complaint made to the licensee by a person about:

(A) the conduct of an approved Internet game or approved Internet gambling by the licensee; or

(B) the conduct of an agent of the licensee in operations related to an approved Internet game or approved Internet gambling; or

(C) a complaint referred to the licensee by the Commission or the Master Service Provider under subsection (c) of this section.

(b) Within ten (10) calendar days after the complaint is received by or referred to the licensee, the licensee shall give notice in writing of the result of the inquiry to the complainant, the Commission and the Master Service Provider.

(c) If a complaint is made to the Commission or the Master Service Provider about the conduct of an approved Internet game or approved Internet gambling, or the conduct of an agent in operations related to an approved Internet game or approved Internet gambling, the Commission shall promptly investigate the complaint.

(d) The Commission shall promptly notify the complainant in writing of the result of the Commission's inquiry.

(e) To be considered, a complaint shall:

(1) be in writing;

(2) state the complainant's name, physical, and e-mail address; and

(3) give appropriate details of the complaint.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)

SUBARTICLE E:
EXAMINATIONS,
REPORTS AND OTHER
RECORDS

(§§ 623 – 628)

32 V.I.C. § 623

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 623. Authority to Conduct Examinations

- (a) The Commission shall conduct examinations of a licensee with or without notice when deemed appropriate by the Commission.
- (b) The Commission shall examine the licensee without having given notice, if the Commission has reason to believe that the licensee is engaging in an unsafe or unsound practice or has violated or is violating this chapter or a rule or regulation adopted or an order issued pursuant to this chapter.
- (c) If the Commission concludes that an on-site or remote examination, or both an on-site and remote examination under subsection (b), of this section, are necessary, the licensee shall pay all costs of the examination reasonably incurred by the Commission.
- (d) Information obtained during an examination under this Subarticle may be disclosed only as provided in section 628 of this title.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(h), Sess. L. 2002, p. 349.

32 V.I.C. § 624

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 624. Reports

(a) A licensee shall file with the Commission and the Master Service Provider within fifteen (15) business days any changes in information provided in a licensee's application and any other changes prescribed by the Commission.

(b) A licensee shall file with the Commission and the Master Service Provider, within ten (10) days after the end of each fiscal quarter, a current list of all employees, consultants, and all other persons involved in the operations. The licensee must state or include its physical, mailing, and e-mail address.

(c) A licensee shall file a report with the Commission within one (1) business day after the licensee has reason to know of the occurrence of any of the following events:

- (1) the filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization;
- (2) the filing of a petition for receivership;
- (3) the commencement of a proceeding to revoke or suspend its license in any jurisdiction;
- (4) the cancellation or other impairment of the licensee's bond or other security;
- (5) an indictment, prosecution, or conviction of the licensee or of an executive officer, director, principal employee or controlling person for a felony.
- (6) additional information established by the Commission in its rules and regulations.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

32 V.I.C. § 625

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 625. Change of Control

(a) A person or group of persons that proposes to acquire control shall give written notice to the Commission and the Master Service Provider and request approval of the acquisition and also submit a nonrefundable fee of \$10,000 to the Commission or the cost of the investigation whichever is greater.

(b) After review of the request for approval under subsection (a) of this section, the Commission may require the licensee to provide additional information concerning the proposed controlling person. The additional information must be limited to the same types required of the licensee or controlling person as part of its original license or renewal application.

(c) The Commission shall approve a request for change of control under subsection (a) if, after investigation, the Commission determines that the person or group of persons requesting approval has the competence, experience, character, and general fitness to operate the licensee or controlling person in a lawful and proper manner and that the interests of the public will not be jeopardized by the change of control.

(d) The following persons or transactions are exempt from the requirements of subsection (a) but must still notify the Commission and the Master Service Provider of the change of control:

(1) a person that acts as a proxy for the sole purpose of voting at a designated meeting of the security holders or holders of voting interests of a licensee or controlling person of a licensee;

(2) a person that acquires control of a licensee or controlling person of a licensee by devise or descent;

(3) a person that acquires control as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law; and

(4) a person or transaction that the Commission by rule or order exempts in the public interest.

(e) Subsection (a) of this section does not apply to public offerings of securities.

(f) Before filing a request for approval to acquire control, a person may request in writing a determination from the Commission as to whether the person would be considered a controlling person upon consummation of a proposed transaction. If the Commission determines that the person would not be a controlling person, the Commission shall enter an order to that effect and the proposed person and transaction is not subject to the requirements of subsections (a) through (c) of this section.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 626

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 626. Books, Accounts, Documents and Other Records

(a) A licensee shall maintain books, accounts, documents, and other records necessary to determine the licensee's compliance with this Article. A licensee shall maintain the following for at least three (3) years after the record is created:

- (1) a record of each wager accepted;
- (2) a record of each prize paid;
- (3) a general ledger posted at least monthly containing all assets, liability, capital, income and expense accounts;
- (4) bank statements and bank reconciliation records;
- (5) records of outstanding prizes and monies held on behalf of players;
- (6) records of each prize paid within the three-year period; and
- (7) any other books, accounts, documents, and other records that may be prescribed by the Commission by rule or regulation.

(b) The items specified in subsection (a) may be maintained in paper, photographic, electronic, or similar permanent medium.

(c) Books, accounts, documents, and other records may be maintained outside of the Virgin Islands if they are made accessible to the Commission on seven (7) business days notice that is set in a record.

(d) All books, accounts, documents and records maintained by the licensee as required in subsections (a) through (c) of this section, shall be open to inspection by the Commission pursuant to section 628 of this chapter.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 627

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 627. Money Laundering Reports

A licensee and the Master Service Provider shall file with the appropriate Federal Agencies and the Division of Gaming Enforcement of the Virgin Islands Department of Justice all reports required by federal currency reporting, record keeping, and suspicious transaction reporting requirements as set forth in 31 U.S.C. Section 5311, 31 C.F.R. Part 103 as amended, and other federal and territorial laws pertaining to money laundering.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 628

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle E. Examinations, Reports and Other Records (§§ 623 — 628)**

§ 628. Confidentiality of Records

(a) Financial information not normally available to the public that is submitted on a confidential basis by an applicant or a licensee to comply with licensing or other regulatory functions of the Commission is confidential.

(b) Nothing in this section prohibits the Commission from releasing to the public a list of persons licensed under this Article or from releasing aggregate financial data on licensees.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE F:
PERMISSIBLE
INVESTMENTS
(§§ 629 – 630)

32 V.I.C. § 629

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle F. Permissible Investments (§§ 629 — 630)**

§ 629. Permissible investments

(a) A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles of not less than the aggregate amount of all of its outstanding prizes and monies held on account for players by the licensee.

(b) The Commission with respect to any licensees, may limit the extent to which a type of investment within a class of permissible investments may be considered a permissible investment, except for money and certificates of deposit issued by a bank. The Commission by rule or regulation may prescribe or by order allow other types of investments that the Commission determines to have a safety substantially equivalent to other permissible investments.

(c) Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the players and their personal representatives in the event of bankruptcy or receivership of the licensee.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 630

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle F. Permissible Investments (§§ 629 — 630)**

§ 630. Types of Permissible Investments

(a) Except to the extent otherwise limited by the Commission pursuant to section 629 of this Article, the following investments are permissible under section 629:

(1) cash, a certificate of deposit, or senior debt obligation of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act 12 U.S.C. § 1813;

(2) a banker's acceptance or bill of exchange that is eligible for purchase upon endorsement by a member bank of the Federal Reserve System and is eligible for purchase by a Federal Reserve Bank;

(3) an investment bearing a rating of one of the three highest grades as defined by a nationally recognized organization that rates securities;

(4) an investment security that is an obligation of the United States or a department, agency, or instrumentality thereof; an investment in an obligation that is guaranteed fully as to principal and interest by the United States; or an investment in an obligation of a State or a governmental subdivision, agency, or instrumentality thereof;

(5) receivables that are payable to a licensee from its authorized delegates, in the ordinary course of business, pursuant to contracts which are not past due or doubtful of collection if the aggregate amount of investments in receivables under this paragraph does not exceed twenty percent (20%) of the total permissible investments of a licensee and the licensee does not have at one time investments in receivables under this paragraph in any one person aggregating more than 10 percent of the licensee's total permissible investments; and

(6) a share or a certificate issued by an open-end management investment company that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 [15 U.S.C. § 80a-1 et seq.], and whose portfolio is restricted by the management company's investment policy to investments specified in paragraphs (1) through (4) of this subsection.

(b) The following investments are permissible under section 629, but only to the extent specified:

(1) an interest-bearing bill, note, bond, or debenture of a person whose equity shares are traded on a national securities exchange or on a national over-the-counter market, if the aggregate of investments under this paragraph do not exceed twenty percent (20%) of the total permissible investments of a licensee and the licensee does not at one time have investments under this paragraph in any one person aggregating more than ten percent (10%) of the licensee's total permissible investments;

(2) a share traded on a national securities exchange or a national over-the-counter market or a share or a certificate issued by an open-end management investment company that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940, and whose portfolio is restricted by the management company's investment policy to shares traded on a national securities exchange or a national over-the-counter market, if the aggregate of investments under this paragraph does not exceed twenty percent (20%) of the total permissible investments of a licensee and the licensee does not at one time have investments under this paragraph in any one person aggregating more than ten percent (10%) of the licensee's total permissible investments;

(3) a demand-borrowing agreement made to a corporation or a subsidiary of a corporation whose securities are traded on a national securities exchange if the aggregate of the amount of principal and interest outstanding under demand-borrowing agreements under this paragraph does not exceed twenty percent (20%) of the total permissible investments of a licensee and the licensee does not at one time have principal and interest outstanding under demand-borrowing agreements under this paragraph with any one person aggregating more than ten percent (10%) of the licensee's total permissible investments; and

(4) any other investment the Commission reasonably determines to be permissible, to the extent specified by the Commission.

(c) The aggregate of investments under subsection (b) may not exceed fifty percent (50%) of the total permissible investments of a licensee calculated in accordance with section 629 of this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(i), Sess. L. 2002, p. 349.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE G:
ENFORCEMENT
(§§ 631 – 636)

32 V.I.C. § 631

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 631. Suspension and Revocation; Receivership

The Commission may suspend or revoke a license or place a licensee in receivership if:

- (a) the licensee violates this Article or a rule or regulation adopted or an order issued pursuant to this Article;
- (b) the licensee does not cooperate with an examination or investigation by the Commission and/or the Division of Gaming Enforcement;
- (c) the licensee engages in fraud, intentional misrepresentation, or gross negligence;
- (d) the licensee or a key employee is convicted of a violation of a territorial or federal anti-money laundering statute or a provision of this Article, or violates a rule or regulation adopted or an order issued under this Article, as a result of the licensee's willful misconduct or willful blindness;
- (e) the competence, experience, character, or general fitness of the licensee, key employee, person in control of a licensee, or responsible person of the licensee or authorized delegate indicates that it is not in the public interest to permit the person to conduct an Internet gaming or Internet gambling business;
- (f) the licensee engages in an unsafe or unsound practice;
- (g) the licensee is insolvent, suspends payment of its obligations, or makes an assignment for the benefit of its creditors; or
- (h) the licensee does not remove an agent or key employee after the Commission issues and serves upon the licensee a final order including a finding that the person has violated this Article.
- (i) providing materially false or misleading representations in the license application.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 632

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 632. Orders to Cease and Desist

(a) If the Commission determines that a violation of this Article or of a rule or regulation adopted or an order issued pursuant to this Article by a licensee is likely to cause immediate and irreparable harm to the licensee, its players, or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the Commission may issue an order requiring the licensee to cease and desist from the violation. The order becomes effective upon the electronic, written or facsimile service of it upon the licensee.

(b) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to this chapter.

(c) A licensee or an authorized delegate that is served with an order to cease and desist may petition the Superior Court of the Virgin Islands, for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding pursuant to this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 633

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 633. Consent Orders

The Commission may enter into a consent order at any time with a person to resolve a matter arising under this chapter. A consent order must be signed by the person to whom it is issued or by the person's authorized representative, and must indicate agreement with the terms contained in the order. A consent order may provide that it does not constitute an admission by a person that this chapter or a rule or regulation adopted or an order issued under this chapter has been violated.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 634

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 634. Civil Penalties

The Commission may assess a civil penalty against a person that violates this Article or a rule or regulation adopted or an order issued pursuant to this Article in an amount not to exceed \$10,000 per day for each day the violation is outstanding, plus the Commission's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees and expenses incurred by the Commission.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

32 V.I.C. § 635

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 635. Criminal Penalties

(a) A person that intentionally makes a false statement, misrepresentation, or false certification in a record filed or required to be maintained under this Article or that intentionally makes a false entry or omits a material entry in such a record is guilty of a felony.

(b) A person that knowingly engages in any activity for which a license is required under this Article without being licensed under this Article and who receives an Internet gaming or Internet gambling wager is guilty of a felony.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 636

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle G. Enforcement (§§ 631 — 636)**

§ 636. Unlicensed Persons

- (a) If the Commission has reason to believe that a person has violated or is violating section 605 of this Article, the Commission may issue an order to show cause why a cease and desist order should not be issued.
- (b) An order to cease and desist becomes effective upon service of it upon the person.
- (c) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to this Article.
- (d) A person that is served with an order to cease and desist for violating section 605 may petition the Commission for reconsideration of such order.
- (e) The Commission shall commence an administrative proceeding within ten (10) days after issuing an order to cease and desist.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)
SUBARTICLE H:
ADMINISTRATIVE
PROCEDURES
(§§ 637 – 639)

32 V.I.C. § 637

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle H. Administrative Procedures (§§ 637 — 639)**

§ 637. Administrative Procedures

All administrative proceedings shall be conducted in accordance with this Article.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated
Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 638

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle H. Administrative Procedures (§§ 637 — 639)**

§ 638. Hearings

Except as otherwise provided in this Article, the Commission may not suspend or revoke a license, place a licensee in receivership, issue an order to cease and desist, or assess a civil penalty without notice and an opportunity to be heard. The Commission shall also hold a hearing when requested to do so by an applicant whose application for a license is denied.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 639

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle H. Administrative Procedures (§§ 637 — 639)**

§ 639. Appeals to Superior Court

(a) Any determination of the Commission may be appealed, within thirty (30) days after the issuance of the order, to the Superior Court for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding pursuant to this Article.

(b) Any hearing before the Superior Court shall be based exclusively upon the record established before the Commission. The Superior Court may reverse an order of the Commission if it determines it to be arbitrary and capricious.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)

SUBARTICLE I:
MISCELLANEOUS
(§§ 640 – 645)

32 V.I.C. § 640

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 640. Applicable Law; Enforceability of Internet Gaming and Internet Gambling Debts

(a) All applicable laws of the Virgin Islands shall apply to the activities authorized by this Article. Any person who is a registered player submits to the laws and jurisdiction of the Virgin Islands.

(b) A debt incurred by a registered player to a licensee for playing any approved Internet game shall be valid and may be enforced by legal process.

History

—Added June 19, 2002, No. 6529, § 35(j), Sess. L. 2002, p. 349.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 641

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 641. Severability

If any Court shall declare any provision of this Article invalid, the remaining parts or portions of this Article shall remain in full force and effect.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 642

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 642. Communication Between the Commission and the Master Service Provider

The Casino Control Commission shall on a timely basis provide to the appropriate Master Franchisor copies of written communications between the Commission and a licensee with respect to the results of investigations relating to that licensee, or its players.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 35(k), Sess. L. 2002, p. 349.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 643

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 643. Compliance of Licensee with the Provide Services Agreement of the Master Service Provider

In addition to complying with the rules and regulations promulgated by the Commission, the licensees shall execute a provide services agreement with the Master Service Provider to insure the licensee's compliance with the Master Service Provider's policies and procedures for the operation of Internet Gaming and Internet Gambling.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 35.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 644

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 644. Licensing for Gaming System Software Provider and Testing of Software and Equipment

Any person, business, corporation, company, partnership or other business entity supplying industry related software, hardware or other gaming equipment used in Internet gaming shall be required to be licensed under the provisions of this chapter under provisions established by the Commission and all industry related software, hardware, and industry-related gaming equipment used to conduct Internet gaming or Internet gambling and approved by the Master Service Provider shall be specifically tested by the Division of Gaming Enforcement and approved by the Commission. The Division may, in its discretion, and for the purpose of expediting the approval process, refer testing to any laboratory processing a license as a casino service industry. The Director shall give priority to the testing of the software, hardware, and industry-related gaming equipment to be used to conduct Internet gaming or Internet gambling.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, §§ 35(l), 35(m), Sess. L. 2002, p. 349.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 645

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle I. Miscellaneous (§§ 640 — 645)**

§ 645. Cost of Monitoring

All of the expenses incurred by the Commission and the Division to monitor or examine the Master Service Providers and the licensees under this Article shall be charged to and paid by the Master Service Providers and licensees, respectively.

History

—Added Aug. 2, 2001, No. 6419, § 2, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

ARTICLE XIV:
VIRGIN ISLANDS
INTERNET GAMING
AND INTERNET
GAMBLING ACT
(SUBARTS: A – J)

SUBARTICLE J:
MASTER SERVICE
PROVIDER
AGREEMENT

(§§ 646)

32 V.I.C. § 646

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XIV. Virgin Islands Internet Gaming and Internet Gambling Act (Subarts. A — J)**
- **Subarticle J. Master Service Provider Agreement (§ 646)**

§ 646. Master Service Provider Agreement

(a) There is hereby granted Master Service Provider to United States Virgin Islands Technologies Initiative, LLP and St. Croix Internet Group, LLC, under the terms and conditions outlined in this section and title 32, chapter 21, Article XIV, Virgin Islands Code and subject to investigation by the Commission which shall be conducted in accordance with and shall include the requirements contained in title 32, section 436(a), (b) and (c), Virgin Islands Code. The Master Service Provider Agreement shall provide the exclusive right to provide services and license approved licensees for the conduct of approved Internet gaming and approved Internet gambling in St. Croix, pursuant to title 32, chapter 21, Article XIV, Virgin Islands Code, and the Master Service Provider Agreement. The Master Service Providers shall also be responsible to:

- (1) Provide sufficient bandwidth and telecommunication capability to adequately operate approved Internet gaming and approved Internet gambling services to all licensees.
- (2) Provide sufficient redundancy and “back up” technology and procedures to ensure continuous operation independent of local utilities in case of natural disaster or emergency.
- (3) Provide in the provide services agreement of each Master Service Provider that the licensees shall be in compliance with the terms of their license and the rules and regulations of the Commission.
- (4) Provide such banking services for a licensee as outlined in the provide services Agreement of each Master Service Provider.
- (5) Establish provide services fees reasonable service fees as outlined herein.
- (6) Establish policies and procedures for the operation of approved internet gaming or approved internet gambling.

(b) The Master Service Provider shall be for an initial period of ten (10) years; provided however, the Master Service Providers shall have the option to renew the Master Service Provider Agreement for two (2) additional ten (10) year periods, subject to the provisions of this Act, by submitting written notice to the Governor at least ninety (90) days prior to the expiration of its current term of the intent of the Master Service Providers to exercise its option to renew.

(c) Within one (1) year of the commencement of Internet gaming and Internet gambling the Master Service Provider shall commence the process for providing:

- (1) Free high speed Internet access to all United States Virgin Islands public schools;

(2) Establishing and maintaining a technology work-study program for the youth of the Virgin Islands; and

(3) Establishing and maintaining a “Train the Teacher Program” for the public school teachers in the Virgin Islands.

(4) In order to effectuate the provisions of this subsection, the Master Service Providers shall contribute one-half percent of their annual Gross Service Provider Revenue into the Education Initiative Fund established pursuant to title 33, section 3093, Virgin Islands Code.

(d) In accordance with the initial ten-year option granted pursuant to this subsection, after a Master Service Provider has successfully completed the investigatory process, the Commission shall grant a license to the Master Service Provider for an initial period of three years. The license may be renewed by the commission for two successive periods of three and four years, respectively. Thereafter, the license shall be renewed for periods of five years in accordance with each ten-year option granted pursuant to the provisions of this subsection.

(e) The Master Service Provider shall pay a license fee of \$25,000 for each period of licensure in accordance with a schedule established by the Commission. The Commission shall, by regulations, establish fees for the Investigation of the Master Service Provider and licensees.

(f) The Master Service Providers and the licensees may accept and transmit financial transactions over the Internet/worldwide web (electronic data interchange) and telebanking which shall include, but are not limited to, credit cards, debit cards, prepaid transaction cards, electronic transfers and wire transfers for the purpose of conducting approved Internet gaming and approved Internet gambling in accordance with the provisions of title 32, chapter 21, Virgin Islands Code and the Master Service Provider Agreement.

(g) The Master Service Providers shall operate all approved Internet gaming and approved Internet gambling web sites as approved by the Virgin Islands Casino Control Commission. The facilities shall be operated with high security procedures and strictly controlled access. Access to the communication center for computer hardware, software and telecommunications utilized for approved Internet gaming and approved Internet gambling shall be made available to those authorized by the Commission and the Master Service Providers. Access shall be further secured with electronic locks, 24 hour security cameras with videotape or similar medium and documented entry logs.

(h) The Master Service Providers shall provide consistent and equal telecommunication services to all licensees and shall not discriminate with regard to its operations based on race, color, religion, age, sex, sexual orientation, nationality, creed, physical disability or marital status.

(i) All personnel with access to the secured area shall be required to pass a criminal background and security check by the Commission.

(j) Any controversy or claim arising out of, or relating to the provisions of title 32, chapter 21, Virgin Islands Code and the Master Service Provider Agreement shall be subject to and interpreted pursuant to Virgin Islands law and the jurisdiction shall be in the Virgin Islands.

(k) A Master Service Provider may be substituted by an affiliated entity upon the approval of the Casino Control Commission.

(l) The Master Service Providers shall not be held liable by any party for the actions of the Government of the Virgin Islands or the Commission with respect to the enforcement of any of the provisions of this Act.

(m) If a Master Service Provider commit any of the prohibited acts contained in title 32, section 438, Virgin Islands Code, or the requirements of the terms and conditions of the agreement, or defaults on any of the provisions of the Master Service Provider Agreement, the Commission may terminate the Master Service Provider Agreement of that entity and seek Requests for Proposals for a new Master Service Provider, provided, however, that prior to termination by the Commission for default, the Master Service Provider shall be given thirty (30) days to cure the default. The grant of a Master Service Provider Agreement to a new Master Service Provider shall not become final until approved by the Legislature. A Master Service Provider shall have the right to obtain judicial review of a decision by the Commission to terminate a Master Service Provider Agreement by appeal to the Superior Court of the Virgin Islands in accordance with the provisions of title 5, chapter 97, Virgin Islands Code, and the rules of the Court.

History

—Added Aug. 2, 2001, No. 6419, § 4, Sess. L. 2001, p. 68; amended June 19, 2002, No. 6529, § 36, Sess. L. 2002, p. 351.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XV:
SPECIAL
REQUIREMENTS FOR
OPERATORS OF
CASINOS AT HORSE
RACETRACKS

(§§ 801 – 803)

32 V.I.C. § 801

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XV. Special Requirements for Operators of Casinos At Horse Racetracks (§§ 801 — 803)**

§ 801. Number and Location of Gaming Machines; Security

(a) Operational slot machines may be located only on the land upon which the horse racetrack in St. Croix and the horse racetrack on St. Thomas is located or land contiguous thereto, excluding public rights of way.

(b) The licensee shall display pari-mutuel races within the structure where the horse racetrack in St. Croix and the horse racetrack on St. Thomas is located and offer patrons the ability to engage in pari-mutuel wagering on live and simulcast races conducted or offered to patrons of the racetrack.

(c) The licensee shall post signs warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(d) The licensee shall provide adequate office space at no cost to the Casino Control Commission for the oversight of the slot machine operations. The Commission shall adopt rules establishing the criteria for adequate space, configuration, and location and needed electronic technology and technological requirements for office space required by this subsection.

History

—Added Oct. 27, 2011, No. 7318, § 3(3.), Sess. L. 2011, pp. 265, 266; amended Dec. 15, 2016, No. 7952, § 9(a), Sess. L. 2016, p. 234.

32 V.I.C. § 802

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XV. Special Requirements for Operators of Casinos At Horse Racetracks (§§ 801 — 803)**

§ 802. Voiding of Casino License for Horse Racetrack

A casino license for a horse racetrack in St. Croix becomes void when after a formal determination and required notice by the Virgin Islands Horse Racing Commission or a determination by a competent judicial body that the operator of the racetrack is in default of its franchise agreement issued under section 209 of this title.

History

—Added Oct. 27, 2011, No. 7318, § 3(3.), Sess. L. 2011, p. 266; amended Dec. 15, 2016, No. 7952, § 9(b), Sess. L. 2016, p. 234.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 803

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XV. Special Requirements for Operators of Casinos At Horse Racetracks (§§ 801 — 803)**

§ 803. Racetrack Gaming Tax for St. Croix

(a) Sections 515 and 516 of this chapter do not apply to any gross revenues derived from the operation of the casino at the horse racetrack in St. Croix and St. Thomas. Gross revenues derived at the racetrack casino in St. Croix and St. Thomas are not subject to gross receipts tax. Gross revenues received by the holder of a Lease-Franchise or Concession pursuant to 32 V.I.C. § 209 and derived from a License Agreement with the operator of the racetrack casino in St. Croix and St. Thomas are not subject to gross receipts tax.

(b) There is imposed on the racetrack casino in St. Croix and St. Thomas an annual tax of 25 percent on gross revenues as defined in Section 402 of this Title.

(c) Monies derived through taxation of casino gaming at the horse racetrack in St. Croix and St. Thomas are separate and apart from any live racing agreement between the racetrack operators and the St. Croix Horsemen Association or St. Thomas Horsemen Association.

History

—Added Oct. 27, 2011, No. 7318, § 3(3.), Sess. L. 2011, pp. 266, 267; amended Jan. 26, 2016, No. 7832, § 9, Sess. L. 2015, p. 265; amended Dec. 15, 2016, No. 7952, § 9(c)(1)–(3), Sess. L. 2016, p. 234.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

ARTICLE XVI:
HORSE RACETRACK
CASINO REVENUE
FUNDS

(§§ 901 – 903)

32 V.I.C. § 901

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XVI. Horse Racetrack Casino Revenue Funds (§§ 901 — 903)**

§ 901. Horse Racetrack Casino Revenue Fund

(a) A separate and distinct special fund is established in the Treasury of the Virgin Islands known as the “Horse Racetrack Casino Revenue Fund” into which all revenues derived from the tax imposed by section 803(b) must be deposited.

(b) Monies in the Fund may be distributed only for the purpose prescribed under this subsection as follows:

(1) 45 percent to the Casino Revenue Fund codified at 32 V.I.C. § 517:

(2) 30 percent to be evenly divided between the Association which represents the majority of all of the licensed horse owners and trainers on each of St. Croix and St. Thomas/St. John, respectively, and is so recognized by the Commission, for purses;

(3) 3 percent to the Thoroughbred Fund established by section 902 of this title, for use in the Certified Thoroughbred Program;

(4) 2.75 percent to the association which represents the majority of Horse owners on St. Croix for the transportation of off-island jockeys and other operating expenses on race days;

(5) 1.75 percent to the association which represents the majority of horse owners on St. Thomas for the transportation of off-island jockeys and other operating expenses on race days;

(6) 3.5 percent to the Agriculture Revolving Fund established by section 3018 of title 33 of the Virgin Islands Code;

(7) 2 percent to the Department of Agriculture to place in a special Horse Treatment Fund for the treatment of horses who are injured or cannot continue to race to assist the Horsemen Associations on both St. Croix and St. Thomas in taking care of the medical needs of the horses as well as their euthanasia if needed;

(8) 4 percent to the Department of Sports, Parks and Recreation for the development of youth sports activities in the Territory;

(9) 3 percent to the Virgin Islands Olympic Committee for funding of athletes and national teams to represent the Virgin Islands in national and regional competitions; and

(10) 5 percent for maintenance of recreational facilities that are administered by the Department of Sports, Parks and Recreation, the funds to be divided evenly between the districts.

History

—Added Jan. 10, 2018, No. 8020, § 4(a), Sess. L. 2017, p. 104, 105.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 902

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XVI. Horse Racetrack Casino Revenue Funds (§§ 901 — 903)**

§ 902. Thoroughbred Fund

(a) A separate and distinct special fund is established in the Treasury of the Virgin Islands for promotion of horse racing in the Virgin Islands designated as the Thoroughbred Fund. Monies in the Thoroughbred Fund are administered by the Commission, through the Department of Finance.

(b) The Fund consists of monies disbursed from the Horse Racetrack Casino Revenue Fund pursuant to section 901(b)(3).

(c) Monies in the Fund must be used to stimulate the horse racing industry in the Virgin Islands through assistance with increased economic activity and vitality to enable the industry to improve its facilities and breeding stock and create and meet industry standards for the registration of all native thorough bred horses.

History

—Added Jan. 10, 2018, No. 8020, § 4(c), Sess. L. 2017, p. 105.

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.

32 V.I.C. § 903

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XVI. Horse Racetrack Casino Revenue Funds (§§ 901 — 903)**

§ 903. St. Croix Hospitality Training Fund

- (a) A separate and distinct special fund is established in the Treasury of the Virgin Islands for hospitality training in St. Croix designated the “St. Croix Hospitality Training Fund.”
- (b) The Fund is administered by the Commissioner of Department of Finance.
- (c) Monies in the Fund may be used solely for hospitality training on St. Croix.
- (d) The Fund consists of monies distributed from the St. Croix Horse Racetrack Casino Revenue Fund pursuant to section 901(b)(4).
- (e) The Department of Tourism shall coordinate the training programs to be implemented under the Fund.

History

—Added Oct. 27, 2011, No. 7318, § 3(3.), Sess. L. 2011, p. 268.

ARTICLE XVII:
AGREEMENT TO PAY
REMUNERATION
BASED UPON MONEY
GAMBLED AT
RACETRACK CASINO
(§§ 1001)

32 V.I.C. § 1001

Statutes current through Act 8147 of the 32nd Legislature, including all code changes through November 10, 2018

- **Virgin Islands Code Annotated**
- **TITLE THIRTY-TWO Sports and Parks (Chs. 1 — 21)**
- **Chapter 21. Virgin Islands Casino and Resort Control Act of 1995 (Arts. I — XVII)**
- **Article XVII. Agreement to Pay Remuneration Based Upon Money Gambled at Racetrack Casino (§ 1001)**

§ 1001. Repealed. Dec. 15, 2016, No. 7952, § 10, Sess. L. 2016, p. 234

Virgin Islands Code Annotated

Copyright © 2020 Office of the Code Revisor, Legislature of the Virgin Islands All rights reserved.