



COMISIÓN DE
JUEGOS
GOBIERNO DE PUERTO RICO

**JOINT REGULATIONS
CONFISCATIONS OF ON ROUTE GAMING MACHINES**

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CHAPTER I. TITLE, LEGAL BASIS, PURPOSE, APPLICABILITY AND INTERPRETATION

Article 1.1.- Title

This Regulation will be known as the Regulations on Confiscations of On Route Gaming Machines.

Article 1.2.- Legal basis

These Regulations are promulgated pursuant to Act No. 81-2019, as amended known as the "Puerto Rico Government Gaming Commission Act", Act No. 11 of August 22, 1933, as amended, known as the "Gaming Machines Act", the provisions of Act No. 38-2017, as amended, known as the "Uniform Administrative Procedure Act of the Government of Puerto Rico," Act No. 20-2017, known as the "Department of Public Safety Act," and Act No. 40-2020, known as the "Police Retirement Trust Act" and Act No. 83-2025, known as the "Puerto Rico Police Act."

Article 1.3.- Purpose

These Regulations are adopted for the purpose of establishing the rules and procedures governing the occupation, confiscation, delivery, receipt, conservation and disposal of gaming machines, adult entertainment machines, vending machines, or any other machinery operating in contravention of Law No. 11-1933, *supra*, and other confiscated movable property (hereinafter, "machines"), by virtue of the laws administered by the Gaming Commission of the Government of Puerto Rico (hereinafter, "Gaming Commission") and that will be in its custody.

Likewise, the participation of Gaming Agents, employees of the Gaming Commission,

Members of the Puerto Rico Police (hereinafter, "MPPR"), and any other official with authority to exercise law enforcement officer functions, who will participate in the occupation, confiscation, delivery, receipt, conservation, and disposal of gaming machines, which is administered by the Gaming Commission or any other machine operating in contravention of Law 11-1933, *supra*.

In order to comply with public policy and bearing in mind the urgency with which a confiscation must be addressed, the *in rem* nature of confiscations is upheld and reaffirmed, regardless of any other action of a criminal, administrative or any other nature.

Article 1.4.- Applicability

The provisions of these Regulations shall be applicable to any individual, natural or legal person subject to confiscation, as well as to Gaming Agents, MPPR, and any governmental or private organization, entity or agency, to any employee or official of the Government of Puerto Rico (hereinafter, "Government"), permanent or temporary, by virtue of any type of appointment, contract, subcontract, which participates or intervenes directly or indirectly in the occupation, confiscation, delivery, receipt, conservation and disposal, by destruction, or any other legal means, of the machines confiscated by the Government and/or the Gaming Commission.

CHAPTER II. DEFINITIONS

Article 2.1.- Definitions

For the purposes of these Regulations, the following terms and phrases shall have the meanings set out below:

- 1) Government agency or instrumentality - Any agency or instrumentality of the

Executive, Legislative, or Judicial Branch of the Government, public corporations, and the municipalities of Puerto Rico, includes the Puerto Rico Police, the Municipal Police, the Gaming Commission, the Department of Justice, and the Divisions of the Department of the Treasury responsible for the criminal investigation of violations of the laws implemented by said Department.

- 2) Control Area - An area inside the Vault where all confiscated property is located.
- 3) Vault - Restricted area intended for the control, location, preservation, handling and custody of evidence, especially of seized machines.
- 4) "Gaming Commission" – means the Gaming Commission of the Government of Puerto Rico created by Act No. 81-2019.
- 5) Superintendent – Superintendent of the Puerto Rico Police.
- 6) Forfeiture – An act by which the State deprives a person of his or her property on the grounds that the property is in violation of the law or because it is the product or result of conduct prohibited by the laws or regulations of the Gaming Commission. This determination is issued by the Executive Director of the CJGPR.
- 7) Storage costs - Includes all costs to keep confiscated goods in proper condition. It includes, but is not limited to; transport, custody, storage, security and maintenance.
- 8) Day - Calendar day, unless otherwise noted.

- 9) Executive Director – Executive Director of the Gaming Commission.
- 10) DSP - Means the Puerto Rico Department of Public Safety created by Act No. 20-2017.
- 11) Vault Manager - Gaming Commission official in charge of the Vault.
- 12) Alternate Vault Manager - An official of the Gaming Commission who will replace the Vault Manager when the latter is absent.
- 13) Evidence - Any machine or physical evidence that is received in the Vault, and that is necessary to be presented in a criminal, civil, or administrative proceeding.
- 14) Date of Forfeiture - Date on which the Executive Director notifies the order of confiscation, issues or signs the Order of Forfeiture on the property occupied.
- 15) Date of occupancy - Date on which physical possession of the property to be confiscated is obtained.
- 16) Date Receipt of Notice of Forfeiture – Date on which the Gaming Commission serves the Forfeiture Order. The date of notification to the parties shall be deemed to be the date stated on the postal certificate as the date of its deposit in the mail. If service was in person, the date of service to the parties shall be deemed to be the date on the document issued showing the date on which the document was delivered to its addressee. When the notification is by email, the date of notification that appears on the certification of shipment of the email will be considered. In those cases in which the notification is returned, the term for notification again will be calculated from the time the aforementioned

notification is received by the Gaming Commission. In those cases where the notification is returned a second time or the notification information is not available, the Commission may proceed by publishing a public notice, only once and for a period of ten (10) days by electronic means on the website of the Gaming Commission. In this case, the time limit for challenging the service of the confiscation order shall begin to run on the day following the publication of the notice.

17) Special Fund – The fund created through a special account in the name of the Gaming Commission without a fiscal year determined pursuant to Article 2.9 of Law No. 81-2019, *supra*, which shall be under the administration of the Executive Director, to which all funds proceeding from the collection of fees, fines, penalties for administrative proceedings, and expenses incurred shall be paid, interest, out-of-court settlements, or any other administrative charges under these Rules. The Fund will be separate from any other funds or sources of revenue that the Gaming Commission receives. The Gaming Commission shall use the resources of this Special Fund for the purposes and purposes authorized by the laws of the Gaming Commission and for the supervision and execution of these Regulations.

18) Trust - Police Retirement Trust, created under Act No. 40-2020, as amended.

19) Operational Expenses - Includes all expenses incurred by the Gaming Commission to maintain the confiscated property in proper condition, legal, administrative, and adjudicative expenses, or expenses for its final disposal. It includes, but is not limited to, the costs of transportation, receipt, custody, storage, repair, cleaning,

security, maintenance, expenses related to the disposal process, or any other necessary expenses.

20) Challenge – Action by which the validity, legality or effect of a decision or act is questioned. Specifically, for purposes of these Regulations, it refers to the challenge of confiscation of property or property that is occupied.

21) Gaming Inspectors - Employees of the Gaming Commission or persons hired or subcontracted, appointed by the Executive Director to assess, certify, appraise, and/or occupy the Machines and other property authorized by Law.

22) Board of Commissioners - body that makes up the commissioners of the Gaming Commission of the Government of Puerto Rico, as provided in Article 2.1 of Law No. 81-2019, *supra*.

23) Administrative Judge - Licensed attorney appointed by the Gaming Commission of the Government of Puerto Rico to preside over the administrative proceeding of Challenge forfeiture in accordance with these Rules and submit findings of fact, findings of law, and final adjudication of confiscation challenge cases assigned to it, as provided for in these Rules.

24) Adult Entertainment Machines - means machines that do not contain the mechanisms or devices characteristic of Gaming Machines as set forth in Act No. 11-1933, *above*. Excluded from this term are entertainment machines for the exclusive use of children and young people, vending machines for cigarettes, food, soft drinks or postage stamps, coin exchange machines, public telephones and slot machines in the gaming halls of tourist hotels, authorized under Law No. 221 of

May 15, 1948, as amended. Provided that the term "entertainment machines for the exclusive use of children and young people" refers to all those machines that do not reward the player or that reward the player with toys or tickets to be exchanged for toys or other prizes that do not constitute cash and are delivered to the premises where the machine is located.

25) Gaming Machines, On-Route Gambling Machines or Slot Machines - Refers to machines that use an element of chance in the determination of prizes, which contain some form of activation to initiate the betting process and make use of an appropriate methodology for the delivery of certain results. Provided, however, that it does not refer to adult entertainment machines, as defined in the Law, as long as they do not contain the mechanisms or devices characteristic of games of chance defined in this paragraph. The functions of en-route gaming machines may logically be separated into multiple parts or distributed across multiple physical components, but shall contain the following organisms or devices:

- a. A banknote validator to accept that they are registered on a counter within the machine;
- b. A knock-off switch to clear the credits from the counter once they are paid to the winner;
- c. A device or mechanism that causes the machine to operate with total autonomy from the player, for a predetermined cycle or period of time and that causes the result of the game or the operation of the machine to be decided by luck or at random; and

d. That it complies with all the technological requirements established in the Law and Regulations.

26) Vending Machine - Means any machine that does not have a valid license and tag of gaming machines.

27) Occupancy - Physical retention of the machine, any of its components, and/or the money within, by any law enforcement officer or any other person designated by the Executive Director.

28) PPR - Puerto Rico Police, as provided in Law No. 83-2025.

29) Parties - Persons, government agencies, municipal governments, or their entities or corporations, public corporations, except those that by virtue of their organic law are empowered to regulate their collection processes or to which previous contractual obligations are impaired.

30) Person - Any natural or legal person, public or private.

31) Petition - An affidavit application filed with the Gaming Commission to challenge a confiscation, the purpose of which is the return of confiscated property.

32) Petitioner - Person Owner to of the property, who demonstrates ownership interest in the seized or confiscated property, including a person who holds a lien on such property as of the date of occupancy of a seized or confiscated property or a valid assignment of such ownership interest.

- 33) Complaint: For purposes of these Regulations, Complaint refers to the complaint about challenging the occupation or confiscation process.
- 34) Appraisal at the time of occupation - Market value of the confiscated property at the time it was occupied.

CHAPTER III. CONFISCATION PROCESS

Article 3.1.- Process

The confiscation process shall be an administrative proceeding directed against the property and independent of any other proceeding of a criminal, civil or administrative nature that may be brought against the owner or possessor of the occupied property under the provisions of any law authorizing the confiscation of property by the Government of Puerto Rico.

For the purposes of these Regulations, the Gaming Commission, the PPR and any other Agency involved, will carry out interagency work plans aimed at strict compliance with these Regulations. Likewise, any machinery used during the execution of other interventions, or of unrelated work plans, shall be subject to the processes established in these Regulations.

Article 3.2.- Property subject to confiscation

Any type of machine, as defined in these Regulations, that is used in violation of Act No. 81-2019, *supra*, Act No. 11-1933, *supra*, and applicable regulations, and such property that is related to or on the occupied machine, which shall be confiscated in favor of the Gaming Commission, shall be subject to confiscation in favor of the Gaming Commission.

Article 3.3.- Occupation

Occupation of property subject to confiscation shall be carried out by the agency or officer in charge of the enforcement and enforcement of the Act, by itself or through its officers, police, or law enforcement officers, and without prior order of the Court when the property to be seized has been used in violation of statutes of any law authorizing the confiscation of property under the jurisdiction of the Commission of Gaming, these Regulations and/or any other related regulations in force.

Article 3.4.- Inventory

At the time of seizure of a machine under any law authorizing confiscation under the jurisdiction of the Gaming Commission, the officer under whose authority it was seized, in the presence of the person from whom the property was seized, shall prepare an inventory and deliver a copy to that person. To do this, the Property Occupancy Report Form and/or Money Occupation Report will be used, as applicable.

In the event that the person in possession of the confiscated property is not present or refuses to sign the inventory, it shall be recorded in the document and shall be made in the presence of a witness.

The PPR will obtain the contact information of the owner or legal guardian of the occupied property. In the event that the person does not agree to sign and/or receive the inventory, the full name and address of the person or persons who serve as witnesses to the taking of the inventory must be noted.

The inventory must be exhaustive and detailed, stating everything that includes the occupied gaming machine outside and inside it, including cash.

Article 3.4.1- Registration of Entry and Exit of Occupied Property

The corresponding Forms for the Entry and Exit Record of Occupied Property must be completed, in any instance in which it is required to make the entry or exit of property, goods or money occupied from the storage place. The inventory must be exhaustive and detailed, stating everything that includes the occupied gaming machine outside and inside it.

However, in the event that the person in possession of the confiscated property is not present or refuses to sign the inventory, it shall be recorded in the document and shall be made in the presence of a witness.

The PPR will obtain the contact information of the owner or legal guardian of the occupied property. In the event that the person does not agree to sign and/or receive the inventory, the full name and address of the person or persons who serve as witnesses to the taking of the inventory must be noted.

Article 3.5.- Report of Confiscated Property to the Executive Director

The official under whose authority the occupation is carried out, or the person delegated by him, shall deliver to the Executive Director, or his authorized representative, the confiscated property and all documents from which the facts and circumstances giving rise to the occupation emerge, a copy of the inventory of the occupied property, as well as the names of witnesses and the legal provisions under which the occupation was carried out. The Executive Director will obtain an appraisal of the confiscated property, which will be part of the property file. These will be known as the Property Forfeiture Report or Money

Forfeiture Report. These reports must be provided within a period of no more than twenty-four (24) hours following the intervention, together with the occupied property, which must be taken to the storage place **as soon as possible**, after seizure, but never exceeding the established period of twenty-four (24) hours (see Article 4.1).

Article 3.6.- Notification of Confiscation

The Executive Director shall notify the following persons of the confiscation and appraisal of confiscated property:

- a) person who had physical possession of the property at the time of occupation;
- b) persons who, due to circumstances, information or belief, the Executive Director considers to be the owners of said property or person with the right or interest in the property.

Any confiscation order shall be served by certified mail with acknowledgement of receipt, e-mail or personal service within ten (10) days, except for just cause, following the date of physical occupation of the property or within ten (10) days after the Gaming Commission receives the property occupied by the agency that carried out the occupation. The notification shall be made to the known address of the alleged owner, person in charge or person with the right or interest in the property, as stated in the confiscation file. In the event that the alleged owner, manager or person with the right or interest in the property is personally notified, his signature on the document will be sufficient as an acknowledgement of receipt of the notification and, if he refuses to sign, the official will leave the document in his immediate presence, in which case the official will record it by

means of an affidavit. If the address or name of the owner, manager or person with right or interest in the property is unknown, the notification shall be delivered personally to the place where the machine was occupied and shall be addressed to the name of the owner of the premises, manager or person with right or interest in the property and, if the name is unknown, it will go in the name of John Doe or Jane Doe. If the person identified as the owner of the premises, manager or person with the right or interest in the confiscated property refuses to receive the notification document, it will be sufficient to leave the document in his immediate presence, in which case the official who fills it out will record it by means of an affidavit.

In those cases in which any property or machinery is seized and retained for any investigation related to any criminal, civil, administrative or any other action, or as physical evidence, the ten (10) days for notification shall begin to be counted once such action is concluded, being the same, final, firm and unappealable; and the corresponding confiscation order is issued. The Forfeiture Order will contain a notice of your right to file a motion to challenge within ten (10) days with the Gaming Commission's Office of Legal Counsel.

In those cases where the PPR seizes and retains any property or machines for any investigation related to any criminal investigation, the internal procedure for the handling of seized evidence shall be followed, as set forth in General Order - Chapter 600 - Section 636 entitled: "Room of Evidence", or any other regulations in force at the time of occupation. In such cases, the Executive Director shall be notified of the Confiscated Property Report.

Article 3.7.- Provisional custody

The Executive Director may order that the occupied property remain in his custody for a maximum of thirty (30) days and then coordinate the transfer to the Evidence Vault, as provided in Chapter VII of these Regulations. If a civil or criminal action does not proceed, it will be retained in the Evidence Vault until the confiscation process is completed and it can be disposed of. of the same , if any,

Article 3.8.- Challenge, Claim and Initiation of the Challenge for Dispute Resolution

As with any other civil claim, every plaintiff must have standing to bring their claim. Persons served under the Act and these Regulations, and who prove ownership of the property, may contest the forfeiture following the date on receipt of notice by filing, in person or by certified mail return receipt requested, a sworn petition with the Office of Legal Counsel of the Gaming Commission. In those cases in which the notification by mail is returned, the indicated terms will begin to run from the time the aforementioned notification is received by the Gaming Commission. In order for the petition to be understood to have been filed, the required fee payment must have been paid. In the case of personal notification, the official who receives it shall certify the delivery, stating under his signature the date and time of delivery. within ten (10) days

In all cases of challenge to the confiscation of machinery, the Executive Director shall make his allegations of having been notified. The Board of Commissioners or the Executive Director shall appoint to hear petitions and adjudicate all procedural matters. within the twenty (20) d í ace , except for just cause Jueces Administrativos

The appointee shall preside over the administrative process, take oaths, issue such necessary orders, resolve all incidents that arise during the process, receive the evidence submitted by the parties and, within the terms discussed herein, present to the UN with his determinations of fact and conclusions of law. Administrative Judge s parts to Final Resolution

The processing of the petition shall be strictly subject to the following terms: the case shall be adjudicated within ninety (90) days from the time the Executive Director filed the response to the petition with his allegations, unless this term is waived or extended with the consent of all the parties and for cause . SThe legality and correctness of the confiscation shall be presumed regardless of any other criminal, administrative or any other proceeding relating to the same facts. The petitioner has the burden of proof to defeat the presumption of legality of the confiscation. The discovery of evidence shall be carried out within the first thirty (30) days from the response to the petition and shall not extend to the affidavits, if any, in the forfeiture file until they are entitled to them in any criminal action that exists related to the facts of the confiscation.

Once the response to the petition has been submitted by the Executive Director, the Executive Director may order, motu proprio or at the request of a party, a hearing on locus standi to establish whether the petitioner exercised ownership and control, is the owner of said property, or is a person with a right or interest in the property in question prior to the events that gave rise to the confiscation. In those cases in which the Administrative Judge dismisses the process due to lack of active standing of the person to whom the confiscation was notified and challenged, Administrative Judge If this requirement is not met, the Administrative Judge may order the dismissal of the proceeding with

immediate prejudice. the Commission may proceed by publishing a public notice, only once and for a period of ten (10) days by electronic means on the website of the Gaming Commission. In this case, the time limit for challenging the service of the confiscation order shall begin to run on the day following the publication of the notice.

Article 3.9.- Content of the Challenge Petition

The party contesting the forfeiture shall file an affidavit petition with the Gaming Commission's Office of Legal Counsel within ten (10) days of the date it receives notice of forfeiture of the property and shall include the following information:

- a) If the petitioner is a legal entity, it must include the name of the legal entity with all its addresses, email and telephone numbers, corporate resolution or duly issued certification authorizing the designated official to represent the legal entity in the challenge process.
- b) The Gaming Commission will assign a case number to the Petition and this will serve to identify the file.
- c) A succinct and clear account of the facts giving rise to the dispute,
- d) Remedy requested
- e) Detailed and accurate description of the confiscated property or goods.
- f) Documents that demonstrate by substantial evidence that the petitioning party is the owner of the confiscated property(s).
- g) Evidence showing that the property was improperly confiscated.
- h) Remedy requested by the petitioner.
- i) Copy of the notice of the forfeiture order.
- j) Signature of the petitioner, his representative, or his attorney.

Article 3.10.- Administrative Procedure - Notification of the determination of the Administrative Judge

The Administrative Judge Notify to the parties of your determination by mail or email, including the grounds for the determination and your right to file a reconsideration or review with the Court of Appeals and before the Board of Commissioners you must file a copy of the determination and the record of notice in the forfeiture file.

Article 3.11.- Reconsideration

The party adversely affected by a final order or resolution of the Administrative Judge may request reconsideration within twenty (20) days of the date of filing the notification of the determination. The before the Board of Commissioners of the Administrative Judge Board of Commissioners, within fifteen (15) days after such Motion for Reconsideration has been filed, shall consider it. If it rejects it outright or does not act within fifteen (15) days, the term of thirty (30) days to request review before the Court of Appeals shall begin to run again from the time the denial is notified or those fifteen (15) days expire, as the case may be.

If any determination is made in its consideration, the time limit for requesting review before the Court of Appeals shall begin to run from the date on which a copy of the notice of the Board of Commissioners' resolution finally ruling on the Motion for Reconsideration is filed on record. Such resolution shall be issued and filed in the record within ninety (90) days following the filing of the Motion for Reconsideration. If the Board of Commissioners accepts the Motion for Reconsideration but fails to take any action with respect to the Motion for Reconsideration within ninety (90) days after it is filed, it shall

lose jurisdiction thereof and the term for seeking judicial review shall begin to run from the expiration of such ninety (90) day period, unless the Board of Commissioners, for just cause and within those ninety (90) days, extends the term for resolving for a period not exceeding thirty (30) additional days.

If the date of filing in the file of the copy of the notification of the order or order is different from that of the deposit in the ordinary mail or the sending by electronic means of said notification, the term shall be calculated from the date of deposit in the ordinary mail or of the sending by electronic means, as appropriate.

Article 3.12.- Judicial Review

A party adversely affected by a final order or order and who has exhausted all remedies provided by the appropriate agency or appellate administrative body shall file a petition with the Court of Appeals, within thirty (30) days from the date of filing with the record of the copy of the notice of final order or order or from the applicable date when the time limit for seeking judicial review has been interrupted by the timely filing of a motion for reconsideration pursuant to Act No. 38-2017, *supra*. The party shall notify the filing of the request for review to the Gaming Commission and to all parties within the time limit for requesting such review and shall comply with the Rules of the Court of Appeal and Act No. 38-2017, may revision *supra*.

CHAPTER IV. CONFISCATED PROPERTY

Article 4.1.- Delivery to the Gaming Commission of the occupied or confiscated property

The official, regardless of the law enforcement agency under whose authority the occupation of the machine is authorized, must ensure that it is taken to the storage place **as soon as possible**, after seizure, but never exceeding the established period of twenty-four (24) hours. If this is not possible, it shall document the reasons in the Confiscated Property Report addressed to the Executive Director and shall guard it with caution observing the chain of custody of the property, avoiding damage to it (See Article 3.5).

The period for notification of the Forfeiture Order issued by the Executive Director of the Gaming Commission, as contemplated in article 3.6 of these Regulations, shall begin to run once the law enforcement agency delivers the property to the Gaming Commission. The management of the occupied property shall be governed by the Protocol established by the Commission.

In those cases in which the machine is seized and retained because it constitutes physical evidence for an investigation related to any criminal, civil, administrative or any other action, the official under whose authority the occupation was carried out or the person delegated by him, must deliver the confiscated property to the Gaming Commission within a period of no more than thirty (30) days from the date on which the action is final and signed so that it can be proceed with the confiscation. In this case, it must be accompanied by a communication explaining whether the confiscated property was seized and retained because it constitutes physical evidence or because it is related to any

criminal, civil or administrative action.

In addition, the official under whose authority the occupation was carried out or the person delegated by him, shall deliver to the Gaming Commission the following information or documentation, as applicable to the property that has been seized and to the extent possible:

- a) Occupation Order or equivalent document, if any.
- b) Incident Report prepared by the official under whose authority the confiscation was effected, or an equivalent document.
- c) Names and mailing addresses of the persons who had physical possession of the machine at the time of occupation.
- d) Names and postal addresses of those persons who, due to the circumstances, information and belief, could be considered owners of the property.
- e) Names and addresses of the persons who serve as witnesses to the taking of the inventory in the event that the owner or person in possession of the machine is not present or refuses to sign the document.
- f) All those documents related to the criminal or administrative charges filed, if any, or from which the facts and circumstances that motivated the occupation arise, such as complaints, field evidence, ballot, names of witnesses, names and postal addresses of the accused persons, incident report, etc.
- g) Final Judgments and/or Resolutions

Any other information or documentation that may be required by the Gaming Commission in order to adequately comply with the provisions of Law No. 81-2019, *supra*, Law No. 11-1933, *supra* and these Regulations. Article

4.2.- Receipt, Custody and Inventory of the Confiscated Property.

The Gaming Commission, through such other officer as may be appointed, shall make an inventory of all confiscated property. The inventory shall include the following:

- a) Description and physical condition of the property, including its accessory parts, serial number if any, or any other number or characteristic that may identify it.
- b) Date the machine was occupied.
- c) Date the Forfeiture Order was issued or signed.
- d) Photographs demonstrating the physical condition in which the evidence was received by the Gaming Commission.
- e) Name and license plate number or identification of the official who delivered the property to the Gaming Commission.
- f) Date on which the evidence was delivered to the Gaming Commission.
- g) Confiscation file if it is in the possession of another government agency or instrumentality for having in its possession the gambling vending machine.
- h) All documentation and information provided by the person claiming ownership to the Gaming Commission.
- i) Appraisal at the time of occupancy or at the time the property is delivered to the Gaming Commission in the event that the occupation is carried out

by another agency, date of the same and name of the official who made the appraisal.

- j) Date and time on which the physical examination of the property was carried out, the names of the officials who intervened in the act and their signatures.
- k) Any other information or documentation that is useful or necessary to enable us to adequately comply with the provisions of applicable laws and these Regulations.

The Gaming Commission will keep the inventory of the confiscated property that is received up to date, recording the transactions that are carried out subsequently and the way in which it was disposed of.

Article 4.3.- Appraisal at the time of occupation

It is equivalent to the market value of any machine acquired by the Government as a result of its confiscation under these Regulations, at the time such property was occupied.

This value is included in the confiscation notice issued by the Gaming Commission.

To obtain this valuation, the following will be taken into consideration:

- a) Make, model and year of the machine.
- b) Depreciation.
- c) Physical conditions in which the property is at the time of occupation.

In the event of a challenge to the confiscation, in the administrative proceeding the petitioner shall have five (5) days from the filing of the petition to challenge the appraisal, if he has not challenged it in the petition itself. The Administrative Judge will determine

the reasonableness of the appraisal as an incident of the challenge lawsuit. A determination on such a challenge may only be reviewed before the Court of Appeal in accordance with the provisions of Article 3.12 of these Rules.

Article 4.4.- Return of confiscated property

In those cases in which the Board of Commissioners or the Court that reviews it, decrees the illegality of a confiscation; or when the Board of Commissioners determines that the return of confiscated property is appropriate as part of the administrative procedure established under these regulations, the Gaming Commission or the agency having custody shall return the confiscated property to the petitioner. If an agency takes custody of it because it constitutes physical evidence in a criminal, civil, or administrative action, or is admitted in evidence as part of the proceeding, it will not be returned until the proceeding is concluded or the directing official determines that it may be returned. the Administrative Judge , the Administrative Judge or or the Court

If the petitioner is served, the petitioner or his duly authorized representative must pick up the confiscated property within seven (7) business days from the date of the final and signature of the determination of the Board of Commissioners or the Court, after which the Gaming Commission may charge at the rate of \$50.00 per day of storage for each property. The petitioner must pick up the property with his or her own equipment or means of transportation. The Gaming Commission shall not provide and shall not be responsible for providing the mechanisms for lifting the property. of the Judge Administrative

In the event that any property has been disposed of by the Gaming Commission, the petitioner shall be paid the amount of the appraisal at the time of occupancy, plus the

prevailing legal interest, in accordance with the Rules of Civil Procedure, as amended, based on the appraised value, as of the date of occupancy.

The petitioner who is interested in claiming the return of the property or the sum to which he is entitled in accordance with the previous paragraph, shall submit to the Executive Director a certified copy of the resolution or judgment that is final and final so that the Gaming Commission complies with the provisions herein.

Article 4.5.- Term for disposing of the property

If thirty (30) days have elapsed since receipt of the notice of confiscation without any of the persons who have been notified having filed the corresponding petition to challenge, the Gaming Commission may dispose of the confiscated property as it determines necessary and desirable in accordance with applicable laws and these Regulations.

The Gaming Commission shall have the power to determine the method and preferential order for disposing of the property confiscated under these regulations, in accordance with:

- a) The resources available;
- b) the needs of the Gaming Commission; and
- c) the public interest.

The Gaming Commission may dispose of the confiscated machines by confiscation.

Article 4.6.- Income and Expenditure of the Special Fund

All amounts received, paid, or collected for or in relation to fines, tariffs, penalties, interest, out-of-court settlements, dispositions, or any other procedure provided for in these Regulations, shall be paid into the Special Fund. As for the income accrued from fines, they will be collected by the Gaming Commission. After deducting operational expenses

from the fine, such funds shall be distributed fifty (50%) percent to the Commission and the other fifty (50%) percent shall enter the General Fund.

The Gaming Commission shall use the resources of this Special Fund for the purposes and purposes authorized by Law No. 81-2019, *supra*, and the regulations for the following purposes:

- a. The payment of necessary and incidental expenses to protect and maintain confiscated property.
- b. The payment of rewards to those persons who provide the authorities with information or assistance leading to the clarification and prosecution of any civil or criminal action to the extent permitted by law.
- c. The payment of supplemental expenses that are necessary or incidental to carry out the functions of enforcing the law and regulations.
- d. The payment of expenses for assistance and protection and for compensation to victims and witnesses of crimes up to the limits established by law or regulation.

The resources that enter this Special Fund will be accounted for in the books of the Secretary of Finance separately from any funds from other sources that the Gaming Commission receives, in order to facilitate their identification and use.

Article 4.7.- General Powers of the Gaming Commission

The provisions of these Regulations in no way affect or impair the powers of the Gaming Commission to hold administrative hearings in accordance with its adjudicative function,

conduct visual inspections of both licensees and facilities or places where activities regulated by Law No. 81-2019, *supra* are carried out, summoning witnesses, taking oaths and statements, compelling the appearance of witnesses, production of documents and any other additional evidence of any nature deemed essential for a full knowledge of a matter within its competence.

The Gaming Commission is also empowered to issue warrants or subpoenas and take depositions from persons in any investigation, issue subpoenas and compel the attendance of witnesses, administer oaths and demand testimony under oath. In the event of the failure of the witness summoned, the Gaming Commission must apply to the Court of First Instance to request that it order the appearance under penalty of contempt.

It has the power to inspect all equipment or supplies in all facilities or places in which activities regulated by this Act are carried out, and may seize and remove from such facilities or places any equipment, supplies, materials, documents or records for the purposes of examination and inspection. It may also issue, deny, revoke, suspend, restrict licenses, and impose administrative fines in accordance with the provisions of Law No. 81-2019, *supra*, Law No. 11-1933, *supra*, and promulgated regulations; and power to investigate, for the purpose of channeling its criminal, civil, or administrative prosecution, any suspected violations of the provisions of the Law.

Article 4.8 – Inspection Process by the PPR

The inspections contemplated in these Regulations will be carried out only by means of a Work Plan specifically prepared for these purposes. Random inspections by PRPs shall not be permitted, except in cases where the inspection is by some intervention by some other criminal, civil, or administrative investigation.

The PPR Commissioner shall designate the responsible unit within the PPR for the development and execution of the work plans, in coordination with the Gaming Commission, the Department of Treasury, and any other federal, state, or municipal agencies, as appropriate.

This provision does not limit the use of specialized units for the execution of work plans, when necessary. The use of these units will be governed by the current internal regulations of the PPR, in compliance with any regulations in force.

Article 4.9 - Collection and Distribution of Gaming Machine Revenues for the Police Retirement Trust

The Gaming Commission shall ensure that the process of collecting and distributing the proceeds obtained from gaming machines is carried out in accordance with the provisions of Law No. 42-2020. Wholesale owners of en-route gaming machines shall provide the Gaming Commission with certifications of deposits as determined by the Gaming Commission. Fifty-five percent (55%) of such income shall be deposited in the Police Retirement Trust established by Act No. 40-2020. To do so, the Gaming Commission will use the procedure and account number established by the Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF) and the Department of Treasury.

The fee for each license or renewal of Gaming Machines license will be charged four hundred dollars (\$400). Of each paid leave, fifty dollars (\$50) will be used to improve the Puerto Rico Police Retirement compensation. When the amount for the licenses of On Route Gaming Machines is one thousand five hundred dollars (\$1,500), in accordance with the provisions of Section 8 of the "Gaming Machines Law", four hundred and fifty dollars

(\$450) of these will be used to improve the compensation of the Retirement of the Puerto Rico Police.

Upon receipt by the General Fund of the first twelve million pursuant to Section 29 of the Gaming Machines Act, fifty-five percent (55%) of the proceeds generated by the gaming machines shall be deposited in the Police Retirement Trust. created by virtue of Law 40-2020.

The administrative fine for non-compliant machine in the amount of two hundred dollars (\$200), will be paid in full to the Police Retirement Trust, established in Law 40-2020, as amended.

CHAPTER V. ADMINISTRATIVE HEARINGS

Article 5.1.- Powers of the Gaming Commission to hold administrative hearings

The Gaming Commission may delegate the function of presiding over and conducting the work of the processes established in these regulations. They shall have authority to:

Administrative Judges Administrative Judges

- 1) taking oaths and statements;
- 2) to issue summonses, to require the presentation of reports, books, papers and documents that they deem necessary for the exercise of their functions;
- 3) to receive relevant evidence and rule on it;
- 4) taking or causing to be taken stools;
- 5) to hold public hearings and regulate the course of these;
- 6) to hold and preside over preliminary conferences for the clarification and simplification of matters in dispute;

- 7) to have procedural instances or similar matters;
- 8) collect all the evidence necessary for the resolution of the case;
- 9) to dispose of all procedural and evidentiary matters;
- 10) issuing subpoenas for the appearance of witnesses;
- 11) to issue orders for the production and production of documents, information and witnesses, and to issue protective orders in accordance with these Rules and the Rules of Civil Procedure, if deemed necessary, and such orders as may be necessary to ensure the proper conduct of proceedings and the fair, prompt and economical resolution of cases;
- 12) determine and limit discovery to that pertinent, and resolve incidents during discovery;
- 13) hold such conferences or hearings as it deems necessary;
- 14) appoint, if deemed necessary, an expert to examine the available evidence and make recommendations, or to investigate directly the agencies concerned, then submit a report that will become part of the case file;
- 15) to maintain order and ensure respect throughout the procedure;
- 16) issuing partial resolutions;
- 17) to take official cognizance of everything that may be the object of judicial knowledge in the courts;
- 18) extend or shorten terms;
- 19) require the production of any documents, pleadings, or memoranda that it deems pertinent in relation to any matter before it;
- 20) issue the corresponding final resolution for the disposition of the case.

Article 5.2.- Administrative Judge

The hearings shall be presided over by an Administrative Judge appointed by the Board of Commissioners or the Executive Director of the Gaming Commission.

They may impose fines, sanctions, reprimands, tariffs, revocation of licenses, confiscations and refer *motu proprio* actions to the Puerto Rico Police Bureau and/or the Department of Justice. They may also dismiss the case, in addition to issuing interlocutory orders even under threat of contempt. Administrative Judges

None of the parties to the proceeding shall make *ex-parte* communications with the party on the merits of the proceeding. Nor may he communicate. Administrative Judge
Administrative Judge *ex parte* on the merits of the case with any of the representatives or parties to the proceeding.

He may grant the provisional remedies he deems appropriate, hold hearings if he deems it necessary, which shall be notified to the parties in writing at least five (5) days before the date set for hearing the same. Administrative Judge

Article 5.3.- Legal representation of the Parties

Any lawyer who assumes the legal representation of a party is obliged to notify the Gaming Commission and all parties in writing. Any change in the legal representation of any of the parties will have to be notified to the Gaming Commission within five (5) working days of its occurrence.

Article 5.4.- Notification of Documents

It shall be the obligation of each party to serve all the documents it submits to all the parties appearing in the proceedings.

Article 5.5.- Tariffs

Fees shall be paid, on the same day of filing, by check addressed to the Secretary of the Treasury, at the time of filing the petition to challenge forfeiture or the corresponding document, as described below:

For each petition submitted.	\$30.00
To issue a copy of any document in the file, including its certification when required.	\$0.50 for each page or fraction of a page
For each motion or request for transfer or suspension, written or oral, of any hearing summoned by the Gaming Commission.	\$15.00

Article 5.6.- Indication of an Administrative Hearing

The notice of appointment to an administrative hearing shall include the date set for the hearing and shall warn the parties that they must present all evidence relevant to the claim of challenge at the hearing. The notice shall contain notice of your right to appear and defend yourself before the Gaming Commission, by yourself or through counsel.

The hearing shall be held on the earliest possible date, but no earlier than thirty (30) days after the filing of the Petition. He will hear all litigious issues at the hearing, collect all relevant evidence, and . If the petitioner does not appear, he or she will issue a final resolution in favor of the Gaming Commission. If the petitioner has any substantial claim to the challenge process, or that the interest of justice so requires, he may order that the controversy continue to be processed under the procedure set forth in these Rules. Judge Administrative will issue the final resolution of the case este Juez Administrativo

Article 5.7.- Circumstances in which the Hearings shall be Private

Hearings shall be public unless either party requests, and he or she determines, that a hearing must be private. A hearing may be ordered to be private when the information to be aired in the hearing is of a sensitive nature and has a direct effect on the agency's fiscal and financial policy or affects any other proceedings pending before the agency or other forum. Administrative Judge

Article 5.8.- Transfer of Hearing

Any motion requesting transfer of a hearing shall be filed with the duly substantiated court not less than five (5) days prior to the hearing date and shall be accompanied by three (3) alternate dates, unless the events are unforeseeable or beyond the control of the requesting party. Penalties may be imposed under these Rules on a party who fails to comply with the procedure set forth in this rule or uses the transfer of hearings mechanism for the purpose of delaying proceedings. Administrative Judge

Article 5.9.- Notice of Hearing

The notice of the hearing shall warn the petitioner that, if he or she does not appear, the petition may be dismissed and archived for abandonment. He may also be ordered to pay attorney's fees or make any other order that may be required by law. This service may be accompanied by an order requiring the attendance of witnesses, and the production of documents, books and objects.

Article 5.10.- Appearance at the Hearing

At any hearing indicated by the , the parties may appear assisted by a lawyer. All persons summoned must appear under the threat of the imposition of sanctions, in the event of unjustified non-appearances. Administrative Judge

Article 5.11.- Applicability of the Rules of Evidence

The hearing shall follow the Order of Presentation of evidence determined by the presiding officer. The Rules of Evidence shall be used only as a guide, and shall be applied to the extent deemed necessary to carry out the ends of justice. Administrative Judge
Administrative Judge

He may require that books, documents, or any other necessary evidence be presented to him, and examine witnesses under oath. He may also appear before any chamber of the Court of First Instance and request that the Court order the production of books or any other document, object or affidavit to be complied with, or issue the corresponding summons. Administrative Judge

The parties may present relevant documentary and witness evidence, including technical and expert evidence. The person presiding over the hearing may take cognizance, on his or her own initiative or at the request of a party, of those facts or circumstances of public interest which are known to all well-informed persons, or which are capable of immediate and accurate determination by recourse to sources the accuracy of which cannot reasonably be questioned. Juez Administrativo

Article 5.12.- Rules of Civil Procedure

The Rules of Civil Procedure, as well as the Rules of Evidence, shall not apply to administrative hearings, except to the extent that the Rules of Civil Procedure deem necessary to obtain a fair, prompt and economical determination. Administrative Judge

Article 5.13.- Visual Inspection

At the request of the parties, and for extraordinary reasons, he may carry out visual inspections. When it so decides, the visual inspections must be notified and require the presence of all the parties to the procedure. Administrative Judge

Article 5.14.- Recommendations

The designee may order an expert to examine the available evidence and make recommendations, then submit a report that will become part of the case file. Administrative Judge

Article 5.15.- Meeting Prior to Hearing

The parties may be ordered to meet prior to the administrative hearing for the purpose of exploring the possibility of a settlement and, where the parties are represented by counsel, for the purpose of simplifying the matters to be considered at the hearing, stipulating facts, stipulating and marking evidence, and taking such other appropriate steps to expedite and simplify the proceedings. The parties must submit a report within five (5) days prior to the administrative hearing. In this report, the parties shall set forth their statements of fact, their theories as to the facts and the law in dispute, indicate what evidence is stipulated, and state their grounds for objecting to the unstipulated evidence.

Article 5.16.- Offer of Settlement

Either party may make an offer in compromise at any time during the proceedings without this having the effect of paralyzing the proceedings.

Article 5.17.- Settlement Agreement

If the parties reach a settlement, it must be in writing and contain a monetary penalty clause or the quantification of the agreement in case of non-compliance. The transaction must be signed by the parties. In the case of corporations, the transaction will have to be accompanied by a resolution of the Board of Directors authorizing it.

The settlement document signed by the parties and accompanied by all its annexes shall be accepted, if there is no reason in law that prevents it, by means of a resolution of the Resolution of the Constitution. Administrative Judge

The Gaming Commission will maintain jurisdiction over the parties until the terms of the transaction are met. In the event of non-compliance with the terms of the settlement agreement accepted by order or resolution, it will be summoned for a hearing by means of an Order to Show Cause.

Article 5.18.- Amendment to Petition

The petitioner may amend his or her petition at any time before the petitioner files his or her responsive claim or, if a responsive claim has already been filed, when the petitioner grants permission to do so for good cause. The amendment to the petition does not initiate the terms for holding the forfeiture challenge hearing. Administrative Judge

The request may be understood to be amended during the administrative hearing to conform to the evidence presented, except in cases held in absentia.

Article 5.19.- Dismissal of the Petition

Once the petition has been filed, the Ombudsman, within thirty (30) days of its receipt, shall study the file and may recommend, on its own initiative or at the request of one of the parties, that the petition be dismissed, in those instances that are appropriate in law, or deny any motion for dismissal filed and schedule a hearing to ventilate the controversies raised.

He may order the petitioner to show cause why the petition should not be dismissed, on his or her own initiative or at the request of the Gaming Commission, if the petition does not raise a claim justifying the granting of a remedy, or because the petitioner Administrative Judge Administrative Judge fails to comply with this rule or any order of the Gaming Commission, for lack of jurisdiction, or for any other reason that is appropriate in law.

The Court Administrative Judge shall order the dismissal and archiving of all pending matters in which no procedure has been carried out by any of the parties during the last three (3) months, unless such inactivity is duly justified. Motions for suspension or transfer of hearing or extension shall not be considered a proceeding for purposes of this rule. An order shall be issued requiring the parties to state in writing within ten (10) days of its notification the reasons why the petition should not be dismissed and archived.

When the petition is dismissed without a hearing, the decision shall be notified with a copy of the final decision to that effect.

Article 5.20.- Withdrawal

The petitioner may withdraw his action, by filing a notice of withdrawal or by stipulation of the parties, at any stage of the proceedings. The withdrawal will be to the detriment.

Article 5.21.- Intervention

He may, freely, grant or deny a request for intervention in accordance with the criteria established in Law No. 38-2017, supra, among others. Administrative Judge

Article 5.22.- Non-compliance

The person in charge of holding hearings and receiving evidence, on his or her own initiative or at the request of a party, may order any party to fail to comply with the rules and regulations or any order showing cause for which a sanction should not be imposed. The order shall inform of any rules, regulations, or orders with which it has not been complied with, and a short period of time from the date of service of the order shall be granted to show cause. If such order is not complied with, or if it is determined that there was no cause justifying the non-compliance, the party may impose a financial penalty in favor of the Special Fund established by virtue of the Act, not to exceed two hundred (\$200.00) dollars for each separate imposition, on the party, or on his attorney if the latter is responsible for the non-compliance, or he may dismiss the case for repeated failure to comply with the orders of the Administrative Judge or with the provisions of these Regulations. Administrative Judge Administrative Judge

Article 5.23.- Final Resolution

Once he has heard all the parties and received all the necessary evidence, with his findings of fact, conclusions of law and final law and any considerations pertinent to the case. Administrative Judge will issue the final resolution of the case determination

The final resolution as to whether the challenge of confiscation is admissible. If applicable, it must inform the way in which the resolution must be complied with. In the alternative

that the occupied property does not exist, it must indicate the amount that must be paid to the petitioner. will specifically provide Or not Will in the resolution

The final resolution r issued shall warn of the right of the parties to request reconsideration or revision thereof, with expression of the corresponding terms. the Administrative Judge

By regular mail or e-mail to the parties, and to their lawyers if they have any, as soon as possible and must file a copy of the same and the record of the notification in the records. It is from the date of filing the resolution and final order that the terms of reconsideration or review will begin to elapse. it shall maintain jurisdiction over the parties until the final settlement issued by the State is fully complied with. Final resolution will be notified herself r or The Administrative Judge r e

Article 5.24.- New Hearing

As part of the reconsideration filed or before the expiration of the term for judicial review of the final on its own initiative or at the request of a party, the Board of Commissioners may order a new hearing for any of the following reasons: one resolution

- a) when essential evidence is discovered, which, despite reasonable diligence, could not be discovered or presented at the hearing;
- b) when substantial justice requires it;
- c) where the final solution has been satisfied or waived, when it has been complied with, where it is based on a previous final that has been revoked or otherwise set aside, or when it would be inequitable for the final to continue in force; r resolution resolution

- d) any other reason justifying the granting of a remedy against the effects of a final. resolution

Article 5.25 – Formal Errors

Formal errors in the resolutions or in the file, and those that appear therein by inadvertence or omission, may be corrected by the Board of Commissioners at any time, on its own initiative, or at the request of any party. During the conduct of a review, such errors may be corrected before the record is submitted to the Court of Appeal. Such correction shall be notified to the parties and shall not affect the Final Resolution and Order issued. the Administrative Judge or

CHAPTER VI. FINES AND PENALTIES

Article 6.1.- Administrative Fines and Penalties

The Gaming Commission may impose an administrative fine in an amount of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for each violation of Law 11 of August 22, 1933, as amended, known as the "Gaming Machines Law" or these Regulations. Likewise, the Gaming Commission may impose those fines that Law No. 81-2019, *supra*, empowers it to impose, without prejudice to any other that any other applicable law provides.

- a. Any owner of a machine or any other person, operator or assistant to a business or establishment who introduces into said business or uses or tries to use a machine in said business, as defined in these Regulations and in the Law, without the machine having a license and valid tag as a gaming machine, shall be guilty of a misdemeanor and if convicted shall be punished by imprisonment for a term not

exceeding six (6) months or shall be subject to a fine not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) or both penalties at the discretion of the court. Any subsequent conviction shall be punishable by a fixed fine of twenty thousand dollars (\$20,000) and shall be considered a felony with imprisonment for a period of time of one (1) year.

- b. Any person who violates any provision of the Act or regulations promulgated by the Gaming Commission shall, if convicted, be sentenced to a fixed fine of five thousand dollars (\$5,000) or imprisonment for a term not exceeding six (6) months or both at the discretion of the court.
- c. Any person who prohibits or prevents the free inspection of businesses, establishments or premises, by inspectors or authorized personnel of the Gaming Commission, internal revenue or law enforcement agents, for the purpose of conducting investigations relating to the Law or regulations promulgated by the Gaming Commission, or who admits, advises, incites, assists or induces a person under the age of eighteen (18) to operate and/or participate in gaming machines shall be punished with a fixed fine of ten thousand dollars (\$10,000) and imprisonment for a period of not less than one (1) year.
- d. Any business that violates any of the provisions of the laws or regulations promulgated by the Gaming Commission is liable to have its license to issue alcoholic beverages revoked by the Government and to the permanent cancellation of the license of wholesale owner of gaming machines permanently.

- e. The Gaming Commission is also empowered to administratively sanction violations of its orders and the regulations promulgated thereunder, with temporary suspension or permanent revocation of the rights and privileges enjoyed by the natural or legal person guilty of the violation, including promoting the revocation of all licenses granted and administered by the Gaming Commission. The income accrued from the payment of fines will be collected by the Gaming Commission, as established in the Regulations and will be used for the operation of the Gaming Commission.
- f. The Puerto Rico Police may issue an administrative fine in the amount of two hundred dollars (\$200) per machine in non-compliance. To this end, the technological system and/or fine booklet will be used, as determined and authorized by the Gaming Commission.
- g. In the event that two fines are issued for the same violation, the one with the highest amount will prevail. For these purposes, two hundred dollars (\$200.00) will be deposited as appropriate for violation of the Police Retirement trust.

CHAPTER VII. VAULT

Article 7.1.- Vault Files

Persons authorized to request records from the Vault shall be the Executive Director, the Assistant Director, the agent in the case, legal representatives, and such other officers as the Executive Director may designate.

Article 7.2.- Deposit in the Vault

All evidence received by law enforcement officers, Internal Revenue agents, the Puerto Rico Police Bureau, the Department of Justice and/or the Gaming Commission or any other authorized agency, will be deposited for preservation, custody and control in the Evidence Vault as soon as possible. This Evidence Vault must have security guarantees to prevent access to said area by unauthorized persons. The key or keys permitting entry to the Vault shall be in the possession of the Evidence Custodian, and may not be reproduced unless authorized in writing by the Executive Director. A copy of the key(s) will be kept in the Office of the Executive Director.

Article 7.3.- Custodian of the Vault

The person in charge of the Vault will be the person responsible for what is kept in the Control Area. The Vault Manager and the Executive Director will have access to the Vault. In the absence of these, the Deputy Director and the substitute custodian of evidence shall have access to it.

The Vault Manager will handle the evidence in such a way that it can be identified when required, and will keep the evidence control books up to date and in a secure place.

The person in charge of the Vault will be responsible for coordinating the corresponding service on a monthly basis for the preservation and maintenance of the evidence existing in the Vault.

Article 7.4.- Prohibition of the Deposit of Some Substances

Explosive or flammable substances, distilled spirits or substances containing alcohol may not be deposited in the Evidence Vault. Photos of the explosive substances will be taken

and they will be managed with the Explosives Division of the Puerto Rico Police Bureau (PPR) for their disposal. In relation to distilled spirits or substances containing alcohol, it will be managed with the Beverage Division of the Department of Treasury so that they have it.

Article 7.5.- Organization, Preservation, Control and Management of Evidence in the Vault

The Evidence Vault must be provided with adequate shelves for the organization, preservation, control and management of evidence. In addition, a safe deposit box to store money, negotiable instruments, pledges, jewelry and other things of value. The combination of this safe deposit box will be known only to the custodian of evidence and the Executive Director.

In the Evidence Vault, there must be suitable fire extinguishers to be used if they are needed to prevent possible destruction of evidence by fire.

Article 7.6.- Access to the Vault

The main entrance door shall always be closed, and no official shall have access to it without the consent of the Vault Keeper. The official in charge of the Evidence Control Area will be responsible for closing the access doors to the area at the time of leaving the area.

Article 7.7.- Record Book

A book shall be kept for the record of the movement of evidence in which the following information shall be recorded.

- 1- Entrance:

a- Description of the machine or property

b- Date and time

c- Person who delivers

d- Person who receives

e- Observations

2- Departure:

a- Description of the machine or property

b- Date and time

c- Person who receives

d- Person who delivers

e- Observations

3- The incoming and outgoing transactions will be recorded in the corresponding book, according to the movement given to the evidence, signed by both the person who delivers it and the person who receives it. If a person signs for the removal of evidence from the Vault and does not return it during the day, it will be recorded again in the corresponding book, establishing the date and time of delivery. Access to the Vault is limited to delivery, receipt, and examination of evidence.

Article 7.8.- Entry, Exit or Examination of Evidence

The Vault Officer will be responsible for not repeating the identification numbers assigned to the evidence. Any person outside the Gaming Commission who requires information, documents or examination of the evidence kept in the Vault, must obtain written authorization from the Executive Director or his representative. Any procedure related to the entry, exit or examination of evidence of the machines located in the Vault requires

authorization from the Executive Director, Deputy Director or their authorized representative.

The Vault will receive and maintain the machines, which will be registered in the corresponding entry and exit book. Each inventory must be in a file guarded by the person in charge of the Vault. Contaminated or perishable evidence will never be entered.

Whoever delivers evidence to the person in charge of the Vault must comply with the controls established for receipt or delivery of evidence and must demand receipt of the evidence delivered.

Article 7.9.- Evidence in wrapping or packaging

If the Vault Manager receives the machine, money, or other evidence covered with any wrapping or in any container, he must make sure that the evidence he receives is the same as that described on the wrapping or container.

Article 7.10.- Control Card

The person in charge of the Vault will prepare a control card containing the following information:

- a) Person Delivering
- b) Delivery date
- c) Identification number
- d) Owner's Name
- e) Description of Deposited Evidence
- f) Location in the Evidence Vault
- g) Name and signature of the person delivering and the person receiving

- h) Purpose for removing evidence from the Vault

Article 7.11.- Request for Evidence for Administrative, Investigative or Judicial

Purposes

When it is necessary to use the evidence for administrative, investigative or judicial purposes, the applicant shall claim it from the person in charge of the Vault, with the prior authorization of the Director, Deputy Director or authorized representative, and shall be responsible for the custody of the same with the duty to supervise, preserve and safeguard the evidence while it is in his custody.

At the time any evidence is delivered to the applicant, the applicant must sign for it before the person in charge of the Evidence Vault on the Evidence Receipt and the Evidence Entry and Exit book.

Article 7.12.- Loss, Deterioration, Misplacement

In the event of loss, deterioration, misplacement of evidence, the custodian shall notify the supervisor immediately, who in turn shall notify the Executive Director.

Article 7.13.- Return of Requested Evidence

At the end of the procedure that motivated the request for any evidence by the applicant, unless the evidence has been presented and admitted in court or submitted for some type of analysis, it will be returned immediately to the person in charge of the Evidence Vault.

If the evidence has been presented and admitted in court or submitted for some type of analysis, the person in charge of the Evidence Vault will be notified so that he can make the pertinent notes in his control card and in the other documents in his charge. If the case has been appealed to a higher court, the evidence will be withheld until the final resolution.

CHAPTER VIII. DISPOSITION OF EVIDENCE

Article 8.1.- Delivery to the General Services Administration

After a period of thirty (30) days has elapsed since a copy of the resolution, judgment or order in favor of the Gaming Commission has been filed in the records, and which, therefore, has become final and final, the evidence will be disposed of. .

Article 8.2.- Negotiable Instruments

In the case of negotiable instruments that are not claimed by any person or whose legitimate possession cannot be accredited, after a period of thirty (30) days from the filing in the record of a copy of the resolution, judgment or order of the court, and which, therefore, has become final and final, shall be delivered to the Gaming Commission and any value shall be deposited in the Special Fund.

Article 8.3.- Cash

In the case of cash, a copy of the resolution, judgment or order of the court shall be deposited within ten (10) days of filing in the records in the Special Fund of the Gaming Commission. Once the money is deposited in the Commission's Special Fund, such funds will be distributed fifty percent (50%) to the Commission and the remaining fifty percent (50%) will enter the General Fund of the Government of Puerto Rico.

Article 8.4.- Loss of Property

In the event of loss of the machine or property, the Executive Director shall order an investigation and, if fault or negligence of any officer of the Gaming Commission is established, it shall be disposed of in accordance with the applicable personnel regulations.

If fault or negligence of an official of another agency or private person is determined, the appropriate agency, entities, or authority shall be notified

Article 8.5.- Destruction of Property that cannot be in Commerce

Any confiscated property the possession of which is illegal in itself, which cannot be put into the commerce of men, shall be destroyed with the permission of the Board of Commissioners. This includes machines, which can be disposed of immediately once they are no longer needed as evidence for charges or actions filed in court. When the confiscated property consists of cash, it shall be distributed as previously established in these regulations. i

Article 8.6.- Annual Report

The official in charge of the Document Vault shall prepare a report annually of any evidence that may be available because of the regulatory time for such purposes. The Executive Director shall authorize the appropriate disposal of such machinery and movable property in accordance with the relevant Law and Regulations.

Article 8.7.- Seizure of Evidence

After a period of thirty (30) days from the filing of a copy of the final resolution, judgment or order of the Tribunal, in cases where there has been no appeal, and the evidence does not consist of weapons, money, securities or negotiable instruments, the confiscation of such evidence may be carried out with the authorization of the Executive Director. The Executive Director shall establish by administrative order the applicable procedure for the seizure of evidence.

The Executive Director shall review the inventory to seize evidence that is subject to confiscation as provided in these regulations. Once authorization has been obtained from the Director, the excess evidence shall be confiscated as follows:

- a) Any that is of no use shall be sent to the General Services Administration, Surplus Property Division.
- b) A record of confiscation shall be drawn up and signed by the person in the Evidence Vault, by the Director, or his authorized representative. Said record will be retained for inspection purposes in the archives of the Vault for a period of five (5) years, after which it will be sent to the Central Archive of the Gaming Commission. The confiscation record shall state the date, time and place at which the destruction is carried out.

Article 8.8.- Responsibility of the Vault Manager during Confiscation

The Vault Manager shall supervise the disposition process and shall be required to report to the Executive Director or his designee of the manner in which the disposition and destruction of the confiscated property was carried out.

CHAPTER IX. GENERAL CLAUSES

Article 9.1.- Separability Clause

If any word, sentence, subparagraph, article, section, or part of these Rules shall be declared unconstitutional or void by a court having jurisdiction, such declaration or ruling shall not affect, impair or invalidate the remaining provisions of these Rules, and the effect shall be limited to the specific word, subparagraph, sentence, article, section or part declared unconstitutional or void in that controversy.

Article 9.2.- Normative Priority Clause

If there are discrepancies between the processes established in these Regulations and any other regulations in force, the provisions of these Regulations shall prevail, as they are considered to be of higher hierarchy.

Article 9.3.- Validity

These Regulations shall enter into force thirty (30) days after their filing with the Department of State of the Government of Puerto Rico, as provided for in the Uniform Administrative Procedure Act of the Government of Puerto Rico, Act No. 38-2017, as amended, and shall be immediately applicable.

Article 9.4.- Approval

In accordance with the provisions of Act 81-2019, *supra*, and Act 38-2017, *supra*, the Gaming Commission of the Government of Puerto Rico and the Puerto Rico Police Bureau APPROVE these Regulations today, _____, 2025, in San Juan, Puerto Rico.

Joseph González
Superintendent
Puerto Rico Police

Sebastián Negrón Reichard
President

Héctor Vázquez Muñiz
Commissioner

Willianette Robles Cancel
Commissioner

Dr. Catherine Oliver Franco
Commissioner

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