

MARC DUNBAR • What's going on with our government

BEING BANNED IS POSSIBLE IF YOU MISBEHAVE

We've all had the experience of the annoying player at the table that's basically ruining the game for everyone with his behavior. Recently, I had a player lean over to me and say, "If that guy were playing at my house, I'd bounce him out on his ear and keep his money."



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Dealers and floor supervisors do their best to keep sanity at the tables, but some rooms allow patrons to go a little too far. Here's a little advice for players and poker rooms alike: Entry into a poker room is NOT a right; it is a privilege that can be revoked for little or no reason. I will dispel a common misconception at the table that the disruptive poker player must be tolerated.

To quote the late U.S. Supreme Court Justice Thurgood Marshall in the case of *Loretto v. Teleprompter Manhattan CATV Corp.* (1982), "The power to exclude has traditionally

been considered one of the most treasured strands in an owner's bundle of property rights."

For casinos, racetracks and other regulated gambling venues, the power to exclude a patron is further enhanced. In Florida, for example, in the case *Tropical Park v. Jock* from 1979, the Third District Court of Appeals citing case law from across the country stated that "a commercial establishment, particularly one of such a sensitive nature as a parimutuel operator, continues to possess the common law right to absolutely exclude a patron in this State." The holding of this case has been affirmed by courts across Florida as well as courts outside the state as a guiding right of gambling proprietors.

Before you start running around and attempting to create closed poker clubs, understand these rights are not absolute. Discrimination against gender, race, religion or disability is still a big no-no. In addition, this right can be abrogated by state law thereby allowing a legislature to set the boundaries for how a patron can be excluded and for what reasons. However, as it stands, the vast majority of poker rooms in the country operate under state laws that affirm the right to exclude patrons for any reason.

Should you be an unfortunate soul to find yourself bounced out of a poker room, you need to be mindful of the circumstance. Of-

ten you get a free initial pass as the facility hopes your behavior will improve in the future. After you've had time to cool off and in many instances sober up, you should contact the facility the next day and inquire as to your status. Each facility keeps an exclusion list, which is the black book that you don't want your name in. If your behavior was an isolated aberration, you likely didn't wind up on the dreaded list. If you've found your name added to the list, however, you need to inquire as to whether it's temporary or permanent.

Most state regulators require the facilities to inform them of patrons who are excluded from their properties. Regulators then decide whether to open an investigation into the exclusion and possibly add that patron to the statewide exclusion list that the regulator keeps. It's important to realize your behavior at one poker room can lead to you being permanently excluded from all rooms in the state. Many of you, I'm sure, are reading this and saying this can't happen to you, but trust me, it can and has.

Instances of criminal behavior of any kind including involvement or even solicitation for a home game can inadvertently land you on the permanently excluded list. It's common to hear of a dealer who was caught dealing or playing in a home game that lost his job dealing and was permanently banned from the poker room that employed him, which turned into an investigation by state regulators and a permanent ban from all poker rooms in the state.

The same can be said for patrons recruiting for home games at a poker room or have been overheard at a table making book on sports games. Rarely does surly behavior rise to the level of a state investigation, but if it escalates to a physical altercation and criminal charges are filed, be warned.

I hope this will help you understand playing poker at a regulated venue is not a right, it's a privilege extended by the owner of the room. Respect the privilege and those you're playing with or you may find yourself missing out on the action. Govern yourselves accordingly and let's keep up the decorum levels at the tables.

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