



## SECURITY INVESTIGATIONS OF RETAILERS DUE TO SALES TO MINORS POLICY

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**NOTHING CONTAINED IN THESE GUIDELINES IS INTENDED TO  
CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED,  
OR TO ALTER THE AT-WILL NATURE OF EMPLOYMENT.**

# SECURITY INVESTIGATIONS OF RETAILERS DUE TO SALES TO MINORS POLICY

## Purpose

The purpose of this policy is to provide guidelines for a uniform and consistent manner in which to ensure that New Mexico Lottery Authority (Authority) ticket sales to minors is not occurring and when necessary conduct investigations using minors to purchase lottery tickets from retailers who have been observed or reported to be selling Authority tickets to minors. And to verify retailers are in compliance with Authority procedures, contracts and state law related to not selling lottery tickets to minors.

## General Use and Applicability

This policy is applicable to Authority Security Division and Authority Retailers.

## Definitions

“New Mexico Lottery Act”, “Lottery Act”, or “the Act” means the New Mexico Lottery Act, N.M.S.A., 1978, Sections 6-24-1 through 6-24-34, as the same may be amended from time to time.

“New Mexico Lottery Authority”, “New Mexico Lottery”, “NMLA”, “Lottery”, or “Authority” means the New Mexico Lottery Authority, a public body, politic and corporate, separate and apart from the State of New Mexico, constituting a governmental instrumentality, established and operated pursuant to the New Mexico Lottery Act.

## Policy

Section 6-24-15 (C) and 6-24-32 (A) (3) prohibits the sale of lottery tickets to anyone under the age of eighteen (18). Security Division agents will be proactive in ensuring retailers do not sell lottery tickets to a minor by conducting retailer observations during their performance of retailer inspections. The Authority shall take appropriate and necessary action to investigate any complaint received by the New Mexico Lottery Authority regarding sales of lottery tickets to minors by Authority retailers.

The Authority’s (NMLA) Executive Vice President for Security (EVPS) will be informed by agents of the Security Division of all operations of this nature and planning that occurs concerning this Policy. The EVPS must authorize a sale to minor operation before it is implemented.

The Authority’s Chief Executive Officer (CEO) or his designee must have authorized the purchase of Authority tickets as provided by New Mexico State statutes, 6-24-33.B, Unlawful purchase of lottery ticket, NMSA 1978 annotated.

When appropriate security investigations of retailers for sales to minors will be conducted using minors under the age of eighteen. Minors are to appear to be obviously under age. The parent and or guardian of the minor must give written permission for the minor to participate in the investigation, and may accompany the minor and agents during the investigation. Photographs of the minor will be taken at the beginning of the operation and personal information will be taken from the minor and parent. The minors will not wear makeup or other accessories that might appear to alter their perceived age.

Prior to the commencement of the operation, the minor utilized will be briefed concerning the operation, the procedure to be used, and will be searched at the beginning and end of each period of the operation to ensure the integrity of the operation. The minor will be instructed not to misrepresent his or her age and not to argue with the retailer concerning a refused sale. The

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minor shall not take any action or use any conduct in an effort to persuade or entice the retailer to sell lottery ticket(s) to the minor, other than to ask for the sale.

Precautions shall be taken to ensure the safety of the minor during the operation. The parent or guardian of the minor may be allowed to be present during the operation, and an agent will be present inside the premises during the operation. Audio and video surveillance may be used during the operation.

Upon purchase of the lottery ticket(s), the minor will immediately exit the premises and deliver the ticket(s) to the agent located outside the retail establishment. The ticket(s) will immediately be marked as evidence, and all necessary corresponding information regarding the operation will be attached.

If deemed necessary, the minor may identify the seller or individual that sold the lottery ticket(s) to the minor. Personal information will be taken from that individual by the agent for a report to be filed.

Reports Required: The local District Attorney's Office will receive an incident report, upon conclusion of the investigation, in those cases where a sale has been made to a minor. Regardless of any action taken against an Authority Retailer by the Authority, the report must be forwarded to the appropriate District Attorney's office with all information relating to the person who actually made the sale to the minor. The Executive Vice President for Security for the NMLA will be notified at the conclusion of the operation, with a summary of events. Reports made to the District Attorney's office shall be in accordance with state law.

The Authority's CEO shall have discretion, depending upon the circumstance and severity of the case, to determine whether formal action should be taken against the retailer in accordance with the Authority's Procedures For Denial of Retailer Applications and For Suspension and Termination of Retailer Contracts; or whether informal administrative action may be taken.

Dependent upon circumstances and on a case by case basis, the Executive Vice President for Security may waive or impose additional policies concerning this type of operation.