


SECURITY INVESTIGATIONS OF RETAILERS DUE TO SALES TO MINORS POLICY

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

The NMLA, Lottery, or Authority refer to the New Mexico Lottery Authority, established and operated pursuant to the New Mexico Lottery Act, NMSA 1978, Sections 6-24-1 through 6-24-34, as may be amended from time to time.

The NMLA Chief Executive Officer (CEO) or designee may approve exceptions to this policy.

This policy provides guidelines for a uniform and consistent method of conducting investigations using minors to purchase lottery tickets from retailers who have been observed or reported to be selling NMLA tickets to minors. It also verifies retailers' compliance with NMLA procedures, contracts, and state law related to not selling lottery tickets to minors.

Sections 6-24-15. C. and 6-24-32. A. (3) of the Lottery Act prohibit 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 NMLA shall take appropriate and necessary action to investigate any complaint received by the NMLA regarding sales of lottery tickets to minors by NMLA retailers.

NMLA Security Division agents will inform the Executive Vice President for Security (EVPS) of all operations and planning concerning this policy. The EVPS must authorize a sale-to-minor operation before it is implemented.

The CEO or designee must have authorized the purchase of NMLA tickets as provided by Section 6-24-33. B. of the Lottery Act.

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 underage. The minor's parent or guardian 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 the parent or guardian. The minor will not wear makeup or other accessories that might appear to alter perceived age.

Before the commencement of the operation, the minor will be briefed about the operation and the procedure to be used. The minor 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 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 minor's safety during the operation. The minor's parent or guardian 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 who sold the lottery ticket(s) to the minor. The agent will take personal information from that individual 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 a retailer by the NMLA, the report must be forwarded to the appropriate District Attorney's office with all information relating to the person who made the sale to the minor. The EVPS will be notified after the operation, with a summary of events. Reports made to the District Attorney's office shall be in accordance with state law.

The CEO shall have discretion, depending upon the circumstances and severity of the case, to determine whether formal action should be taken against the retailer in accordance with applicable NMLA policies and procedures, or whether informal administrative action may be taken.

The EVPS may waive or impose additional policies concerning this type of operation, depending on circumstances and on a case-by-case basis.