

**OFFICE OF THE ATTORNEY GENERAL**  
**MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY**

TO: Maryland Lottery and Gaming Control Commission  
Gordon Medenica, Director

FROM: Robert T. Fontaine, Assistant Attorney General **RTF**  
Principal Counsel

DATE: November 5, 2018

SUBJECT: Report for the November Commission Meeting

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This is a status update of ongoing and special projects in the Office of the Attorney General.

**I. Contracts, Human Resources, and Administrative**

**a. Key accomplishments last period:**

- i. Reviewed several contracts for the Communications Division for promotion of public affairs events.
- ii. Reviewed several contracts for the Marketing Division.
- iii. Reviewed various employment issues and documents for the Human Resources Division, and assisted Staff in resolving several issues.
- iv. Filed several liens against retailers on behalf of the AFO Division.
- v. Represented the Agency at a hearing before the Office of Administrative Hearings ("OAH") concerning a grievance for overtime compensation filed by several employees; awaiting decision.
- vi. OAH granted the Agency's motion for summary decision concerning another grievance for overtime compensation filed by several employees.
- vii. Drafted letters to six retailers notifying them that the Agency intends to revoke their retailer licenses.
- viii. Filed a motion to dismiss a motor vehicle lawsuit brought against a Lottery employee who was the driver of a State vehicle involved in an accident. The lawsuit was filed in Prince George's County District Court and seeks \$15,000 in damages. The employee no longer works for the Agency, and the lawsuit has a timeliness problem. Plaintiff's response to our motion to dismiss is now overdue, and we are awaiting a court date on the motion.

**b. Upcoming tasks for this period:**

- i. Assist Staff in responding to a Public Information Act request from a media outlet seeking records of customer complaints submitted to the Agency from April 1 through October 31, 2018, about MGM National Harbor and Maryland Live! Casinos.
- ii. Work with Staff to prepare a supplemental position statement in response to a Maryland Commission on Civil Rights Complaint filed by a Lottery employee.

**c. Issues:**

- i. N/A

**II. Lottery**

**a. Key accomplishments last period:**

- i. Reviewed several requests from Product Development relating to new Lottery scratch-off games.
- ii. Reviewed several new XCAP Agreements.
- iii. Reviewed several promotions from Product Development.
- iv. Reviewed several contracts for sponsorship opportunities for the Lottery.
- v. Assisted Staff as needed in implementing the award of the Lottery central monitoring and control system contract.
- vi. Continued to assist Creative Services and Communications Divisions in developing and implementing the My Lottery Rewards Program by reviewing rules, procedures, licenses, and other related documents for new promotions and subscriptions using MLR.
- vii. Worked with Staff on a license and merchandise agreement for a Baltimore Ravens scratch-off game and second chance promotion.
- viii. Worked with Staff on a license and services agreement for a Warehouse Dash second chance promotion.
- ix. Assisted Staff in reviewing and revising Terms of Use for MLR.
- x. Drafted an Amendment to the Central Monitoring and Control System Contract to provide a basis for licenses under the new My Lottery Rewards.

**b. Upcoming tasks for this period:**

- i. Continue to assist Staff as needed on implementation of the Lottery central monitoring and control system contract.
- ii. Work with Staff on implementing a paperless application process.
- iii. Assist Staff in reviewing and revising Terms of Use, procedures, rules, and website for MLR.
- iv. Assist Staff as needed on working with the Mega Millions Consortium on issues related to asserting trademark protections and exploring use of the Mega Million trademark in European sales.
- v. Work with Staff to prepare a new Ravens Sponsorship Agreement.
- vi. Continue to assist Staff as needed on issues associated with the Advertising, Marketing, and Media Related Services RFP.
- vii. Assist Staff with procurement related matters.

**c. Issues:**

- i. N/A

**III. Gaming**

**a. Key accomplishments last period:**

- i. Continued to assist Staff on enforcement and licensing issues associated with casino operations.

- ii. Filed the Agency's record in the Circuit Court for Prince George's County in the case of a petition for judicial review of the Agency's termination of a temporary video lottery employee license. The former licensee is now required to file a memorandum with the court.
- iii. Assisted Staff with processing a video lottery employee licensee's request to forfeit their license.
- b. Upcoming tasks for this period:**
  - i. Continue to assist Staff on enforcement and licensing issues associated with casino operations.
  - ii. Await the Court of Special Appeals' ("CSA") action on an appeal by an individual who unsuccessfully applied for a video lottery employee license. The individual's appeal is taken on a circuit court decision that was favorable to the Agency. The CSA will dismiss the appeal on its own if the appellant does not pay filing fees or costs to assemble the record. To date, the appellant has not paid these costs.
  - iii. Work with Staff to prepare documents concerning the Mandatory Exclusion Program.
  - iv. Develop, for publication on the Agency's website, a chronicle of the work of the Video Lottery Facility Location Commission in awarding the State's six casino licenses.
- c. Issues:**
  - i. N/A

#### IV. Electronic Gaming Devices

- a. Key accomplishments last period:**
  - i. N/A
- b. Upcoming tasks for this period:**
  - i. Provide advice to Staff as needed concerning the Commission's regulation of electronic gaming devices.
- c. Issues:**
  - i. N/A

#### V. Amusement Gaming Licenses

- a. Key accomplishments last period:**
  - i. Assisted staff in preparing a response to an applicant who failed to submit certain information.
- b. Upcoming tasks for this period:**
  - i. Provide advice to Staff as needed concerning the Commission's regulation of amusement gaming licenses.
  - ii. Work with Staff on issues associated with operators of electronic gaming devices that may not have properly registered devices in their establishments.
  - iii. Work with Staff on reviewing issues associated with skills-based amusement device registration and licensing.
- c. Issues:**
  - i. N/A

**VI. Fantasy Competition**

**a. Key accomplishments last period:**

i. N/A

**b. Upcoming tasks for this period:**

i. Assist Staff as needed in implementing the fantasy competition regulations.

**c. Issues:**

i. N/A