

# Maryland Lottery and Gaming Control Agency

Larry Hogan, Governor • Gordon Medenica, Director



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TO: Maryland Lottery and Gaming Control Commission  
John Martin, Director  
Jim Nielsen, COO

FROM: John J. Mooney

DIVISION: Managing Director, Regulatory Oversight

DATE: August 26, 2021

SUBJECT: Report for the August Commission Meeting

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## **Commission Action Item – License Denial Reversal – Consent Agenda**

On March 25, 2021, license applicant # 29335, submitted an application for renewal of a Gaming license. At the conclusion of the investigation by the Licensing Division staff, it was determined that she was not suitable for continued licensure. The applicant was notified on June 7, 2021, of the intent to deny the license.

In preparation for the June 24, 2021 Commission Meeting, the Licensing Division submitted the recommendation to deny the applicants license renewal application to the Commission.

Unbeknownst to the Licensing Division Staff, the applicant mailed a letter via USPS, dated June 8, 2021, requesting the withdrawal of her application. The applicant's letter was not received and processed by Licensing Division Staff until after the June 24th Commission had taken 'Final Action.'

In good faith and in compliance with Maryland gaming laws, the applicant submitted a request to withdraw her application within the required 15 days of the letter signed by Mr. Metz, Director, Casino Licensing. However, due to US Mail delays, the Licensing Division did not receive the applicant's request in a timely fashion. If the applicants request for withdrawal of the application had been received prior to the Commission Meeting, the applicant's request would have been granted.

Recommendation – Reversal of the denied license for applicant #29335.

## **Commission Action Items – Consent Agenda**

Violations:

Horseshoe Casino – Regulatory Violations – February 2021

Horseshoe Casino – Regulatory Violations – April 2021

Horseshoe Casino – Underage Violations – Case Nos. 2021-05-003 thru -007

Maryland Live Casino – Regulatory Violation – March 2021

Maryland Live Casino – Regulatory Violation – April 2021

Maryland Live Casino – Underage Violations – Case Nos. 2021-03-001 to -004

MGM National Harbor – Regulatory Violation - October 2020

MGM National Harbor - Regulatory Violation – November 2020

MGM National Harbor – Regulatory Violation – March 2021

MGM National Harbor – Underage Violations – Case Nos. 2020-06-005 thru -011

MGM National Harbor – Underage Violations – Case Nos. 2021-06-005 thru -012

Ocean Downs Casino – Regulatory Violations – February 2021

Ocean Downs Casino – Regulatory Violation – March 2021

Rocky Gap Casino – Regulatory Violations – March 2021

Rocky Gap Casino – Underage Violations – Case No. 2021-04-001

### **Commission Action Items – Consent Agenda**

There are forty-one (41) gaming license applications recommended for denial/revocation based on the applicant's criminal history or failure to cooperate with, or provide requested information to, a background investigator.

#### **Commission Action:**

It is requested that the Commission adopt as final the recommendation of the Director, or the Director's designee, for denial/revocation of the specified gaming license applications for the respective applicant's failure to establish his/her qualifications by clear and convincing evidence.

Please see the description below. A spreadsheet containing the denials/revocations is on the MLGCA shared drive under commission reports.

#### **Note to Commissioners:**

The spreadsheet on the MLGCA Shared Drive under Commission Reports (Mooney Confidential, licensing denial/revocations), contains names of forty-one (41) gaming license applicants for whom Staff has recommended denial/revocation of their applications for gaming license for failure to prove by clear and convincing evidence that they meet the statutory requirements for licensure. *See* State Gov't, Section 9-1A-14 (below). The license applications were recommended for denial/revocation after Licensing Division Staff conducted an investigation.

COMAR sets forth the applicant's rights if his/her gaming license application is recommended for denial/revocation. An applicant has a right to timely request a reconsideration meeting, and, if he or she is dissatisfied with the recommendation following the reconsideration meeting, the applicant may timely request a full hearing before the Commission. If the applicant fails to exercise these rights, the Commission may adopt as final the Director's recommendation to deny the license. Only the Commission, not Staff, is authorized to deny/revoke a gaming license, which is why these recommended denials/revocations are being presented to the Commission.

All of the applicants identified on the spreadsheet were mailed notification of the recommended denial/revocation, and of their right to timely request a reconsideration meeting with the Director or the Director's designee. The majority of the recommended denials/revocations are applicants who did not

exercise that right. A smaller group of the recommended denials/revocations are applicants who received a reconsideration meeting and were notified of their right to timely request a full hearing before the Commission, but did not exercise that right.

Staff is requesting that the Commission adopt as final the Director's recommendation to deny/revoke the gaming license applications of forty-one (41) applicants identified on the spreadsheet.

Located on the Agency's Shared Drive under Commission Files (August 2021) there are PDF files for your review. The PDF files contain documentation for each of the recommended denials, including: notice of recommended denial (which includes the basis for the recommendation and notice of right to request a reconsideration meeting); documentation that Staff mailed the required notices; and relevant documents from the background investigation conducted by Staff that supports the recommended denial/revocation of the applicant's license application.

### **Casino Licensing Division**

- Licensing staff are working at Montgomery Park.
- Monthly statistics have been updated and are included in your packet.

### **Casino Compliance Division**

- Compliance staff are working regular shifts at the casinos during the pandemic.  
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