

# Maryland Lottery and Gaming Control Commission

Larry Hogan, Governor



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## MARYLAND LOTTERY AND GAMING CONTROL COMMISSION SPECIAL MEETING MINUTES

DATE: December 2, 2021

TIME: 10 a.m.

PLACE: Maryland Lottery and Gaming Control Agency  
(Meeting conducted via audio/video conference call)

PRESENT: Chair E. Randolph Marriner  
Vice Chair George L. Doetsch, Jr.  
Commissioner F. Vernon Boozer  
Commissioner Michelle Fager  
Commissioner James Stakem  
Commissioner Jerry E. Williams

John Martin, Director  
James Nielsen, Deputy Director, Chief Operating Officer  
James Butler, Assistant Deputy Director, Chief of Staff  
James Logue, Managing Director, Gaming  
John Mooney, Managing Director, Regulatory Oversight  
Carole Gentry, Managing Director, Communications  
Holly Citko, Principal Counsel, Attorney General's Office  
Jennifer Tosky, Deputy Counsel, Attorney General's Office  
Kathy Lingo, Executive Assistant

OTHERS: Representatives from Riverboat on the Potomac  
Representatives from Long Shot's, LLC  
MLGCA Licensing Staff

**E. Randolph Marriner, Chair**

F. Vernon Boozer, George L. Doetsch, Jr., Michelle R. Fager, Harry E. Hodges, James J. Stakem, Jerry E. Williams

## **ROLL CALL**

Chair Marriner conducted a roll call to establish that a quorum was present. Present via audio/video conferencing for the meeting with Chair Marriner were: Vice Chair George Doetsch and Commissioners Michelle Fager, and James Stakem. Commissioner Jerry Williams joined the call at 10:05 a.m. after correcting some technical difficulties. Vernon Boozer was present on the call and heard the entire meeting, but due to technical difficulties was not able to be heard during the meeting. Commissioner Harold Hodges was not on the call.

## **CALL TO ORDER**

Chair Marriner called the meeting of the Maryland Lottery and Gaming Control Commission to order at 10:00 a.m.

## **STAFF REPORT**

*Deputy Director's Report* — **James Nielsen, Deputy Director, Chief Operating Officer**

Mr. Nielsen presented his commission action item.

*Commission Action Item* — **Proposed Amendment to Regulation Regarding Dealer-Controlled Electronic Table Games**

Mr. Nielsen reported that MLGCA was presenting a proposed amendment to regulations in the Table Games chapter and the Table Game Equipment subtitle to increase the maximum number of electronic table game positions in operation for each dealer.

### **COMAR 36.05.02.20.H Dealer-Controlled Electronic Table Games — Requirements**

The proposed amendment to §H of COMAR 36.05.02.20 would increase the maximum number of permitted player positions from 14 to 28 for each dealer. The casinos indicate that they will be able to accommodate more players and have more flexible minimum wagers if they are able to add more positions while still having these games considered as table games for tax purposes. The limited number currently permitted prevents them from offering more positions at lower wagers and discourages some players, thereby reducing the tax revenue. This change brings Maryland closer to the limits that are used in other jurisdictions.

MLGCA Staff is recommending approval of this proposed amendment.

Chair Marriner asked for a motion to approve the proposed amendment to the regulation. Vice Chair Doetsch moved, and Commissioner Stakem seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner asked for a motion to delegate to Staff the authority to make any non-substantive changes to the approved amended regulation that may be necessary to prepare it for publication in the *Maryland Register*. Vice Chair Doetsch moved, and Commissioner Stakem seconded, and the motion was unanimously approved by roll call vote.

*Commission Action Item* — **Non-substantive Changes to Proposed Amendments to Sports Wagering Regulations**

Mr. Nielsen reported that MLGCA was presenting non-substantive changes to the Sports Wagering regulations found at COMAR Title 36, new Subtitle 10, which the Commission approved on July 15, 2021. These proposed non-substantive changes are based on MLGCA Staff's review of public comments on, and Staff's ongoing review of, the new sports wagering subtitle. The MLGCA is currently operating on the proposed emergency regulations that were approved by the Joint Committee on Administrative, Executive, and Legislative Review on August 5. Unless extended, these emergency regulations will expire on January 25, 2022.

The public comment period for the new sports wagering regulations ran from August 27 through September 27, 2021. During the public comment period, the Commission accepted written comments by mail, email via the MLGCA website, and verbally, during the public comment meeting held September 22, 2021. All public written comments received during the public comment period and a recording of the September 22 public comment meeting are available on the Agency's website.

These proposed changes to the proposed regulations do not substantively modify the July 15 Commission-approved sports wagering regulations. They would, for example, replace incorrect references and internal inconsistencies, make technical corrections, provide clarifications, and eliminate unnecessary text.

If the Commission approves these changes, they would be incorporated into the sports wagering regulations in COMAR Title 36, new Subtitle 10, which would be proposed for final adoption in the *Maryland Register*. MLGCA Staff recommended approval of these non-substantive proposed amendments.

Chair Marriner asked for motion to approve Staff's proposed non-substantive changes to the proposed regulations found in COMAR Title 36, new Subtitle 10, as set forth in Staff's Agenda Memorandum. Vice Chair Doetsch moved, and Commissioner Stakem seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner asked for motion to approve for final adoption COMAR Title 36, new Subtitle 10, as approved to include the non-substantive changes. Vice Chair Doetsch moved, Commissioner Fager seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner asked for a motion to delegate to Staff the authority to make any non-substantive changes to the approved amended regulations that may be necessary to prepare them for publication in the *Maryland Register*. Vice Chair Doetsch moved, and Commissioner Fager seconded, and the motion was unanimously approved by roll call vote.

### *Regulatory Oversight* — **John Mooney, Managing Director**

Mr. John Mooney presented two qualification hearings for sports wagering facility licenses.

### *Commission Action Items* — **QUALIFICATION HEARINGS**

Chair Marriner stated that the Commission would conduct qualification hearings for two applicants for sports wagering facility licenses: Riverboat on the Potomac, LLC; and Long Shot's, LLC. Chair Marriner collectively administered the oath to those who may testify or answer a question in any of the hearings. He stated that Mr. Mooney would conduct a separate hearing for each applicant, and describe the results of Staff's investigation into each applicant. Chair Marriner stated that anyone on the call for the hearing on behalf of the applicants may speak. The Commission may also ask questions of Staff or an applicant representative. At the end of each hearing, Chair Marriner will ask for a motion to find that the applicant has established by clear and

convincing evidence that it is qualified for a Sports Wagering Facility License. If found qualified, he will ask for a motion to direct Staff to draft a decision statement of the Commission on the qualification of the applicant for a Sports Wagering Facility License, and lastly he will ask for a motion for the Secretary of the Commission to transmit the decision statement to the Sports Wagering Application Review Commission (SWARC). Chair Marriner then administered the oath to: Mr. Mooney and MLGCA staff members Phil Metz, Michael Pfisterer; and Mark Ermer; Maruthi Prasad Veeramarchnani, Gagandeep Suri, Antonio Jones, and Winston DeLattibourdere from Riverboat on the Potomac, LLC; and Alyse Cohen, Randy Cohen, and Bruce Bereano from Long Shot's, LLC.

Mr. Mooney reported that there would be two hearings on the sports wagering facility license applications submitted by Riverboat on the Potomac, LLC and Long Shot's, LLC. MLGCA was required by the Sports Wagering Law to conduct an investigation on each applicant to determine if the applicants are qualified for a Sports Wagering Facility License.

The Commissioners were provided with the complete investigative report on each applicant. Mr. Mooney proceeded to present the two applicants for approval.

#### ***Commission Action Item — Riverboat on the Potomac, LLC — Qualification Hearing***

Mr. Mooney reported that the hearing was being conducted on the Sports Wagering Facility License Application submitted by Riverboat on the Potomac, LLC. to determine if Riverboat on the Potomac, LLC is qualified for a Sports Wagering Facility License.

Mr. Mooney reviewed the regulatory history, ownership and the principal qualifiers of Riverboat on the Potomac. He noted that the MLGCA's investigation has confirmed that the applicant has sufficient financial resources, and found no derogatory information regarding the applicant's qualifications. Based on the criteria in SG §§ 9-1A-07(c)(7) and 9-1A-08(d), as applied to a sports wagering license applicant under SG § 9-1E-03(a)(1) and that Riverboat on the Potomac, LLC is qualified under SG § 9-1E-07(e) and not disqualified under SG § 9-1E-07(g)(1), the MLGCA concluded that the applicant has established by clear and convincing evidence the qualifications required for a Sports Wagering Facility License.

Mr. Antonio Jones made a brief statement thanking everyone involved in the process. There were no questions from the Commission.

Chair Marriner asked for a motion to find that Riverboat on the Potomac has established by clear and convincing evidence that it is qualified for a Sports Wagering Facility License. Commissioner Stakem moved, Vice Chair Doetsch seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner then asked for a motion to direct Staff to draft a Decision Statement of the Commission on the qualification of Riverboat on the Potomac, LLC. Vice Chair Doetsch moved, Commissioner Fager seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner then asked for a motion direct the Secretary of the Commission to transmit the Decision Statement to the Sports Wagering Application Review Commission (SWARC). Vice Chair Doetsch moved, Commissioner Stakem seconded, and the motion was unanimously approved by roll call vote.

#### ***Commission Action Item — Long Shot's, LLC — Qualification Hearing***

Mr. Mooney reported that the hearing was being conducted on the Sports Wagering Facility License Application submitted by Long Shot's, LLC to determine if Long Shot's, LLC is qualified for a Sports Wagering Facility license.

Mr. Mooney reviewed the regulatory history, ownership and the principal qualifiers of Long Shot's, LLC. He noted that the MLGCA's investigation has confirmed that the applicant has sufficient financial resources, and found no derogatory information regarding the applicant's qualifications. Based on the criteria in SG §§ 9-1A-07(c)(7) and 9-1A-08(d), as applied to a sports wagering license applicant under SG § 9-1E-03(a)(1) and that Long Shot's, LLC is qualified under SG § 9-1E-07(e) and not disqualified under SG § 9-1E-07(g)(1), MLGCA concluded that the applicant has established by clear and convincing evidence the qualifications required for a Sports Wagering Facility License.

Ms. Alyse Cohen thanked the Commission for supporting Long Shot's, LLC's application. There were no questions from the Commission.

Mr. Bruce Bereano thanked the Commission for supporting a woman-owned business in its application for a sports wagering facility license.

Chair Marriner asked for a motion to find that Long Shot's, LLC has established by clear and convincing evidence that it is qualified for a Sports Wagering Facility License. Commissioner Stakem moved, Vice Chair Doetsch seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner then asked for a motion to direct Staff to draft a Decision Statement of the Commission on the qualification of Long Shot's, LLC. Vice Chair Doetsch moved, Commissioner Fager seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner then asked for a motion direct the Secretary of the Commission to transmit the Decision Statement to the SWARC. Vice Chair Doetsch moved, Commissioner Fager seconded, and the motion was unanimously approved by roll call vote.

Chair Marriner noted it was a record day for Maryland with one minority-owned business, and one woman-owned business qualified for sports wagering facility licenses.

#### **DATE AND TIME OF NEXT MEETING**

The next regular Commission meeting will be held on Thursday, December 16, 2021, at 10:00 a.m., in-person at Maryland Lottery headquarters and via audio/video conference.

#### **ADJOURNMENT**

There being no further business, Chair Marriner adjourned the meeting at 10:29 a.m.

Respectfully submitted,

  
John Martin  
Director