

Maryland Lottery and Gaming Control Commission

STAFF AGENDA MEMORANDUM

DATE OF MEETING: February 26, 2015

AGENDA ITEM: **MGM National Harbor request for six-month extension to opening date as contained in license award issued by Video Lottery Facility Location Commission.**

PRESENTER: Stephen Martino, Director

ISSUE SUMMARY: On December 30, 2014, the Maryland Video Lottery Facility Location Commission amended its license award date to MGM National Harbor to August 14, 2014. Per the requirements of the license, the casino must open within 18 months of the award date, which would be Feb. 14, 2016. However, Md. Code Ann., State Gov't, Section 9-1A-04(h) states that the Prince George's County casino is not permitted to operate before the earlier of July 1, 2016, or 30 months after the Baltimore City casino opens. July 1, 2016, is the earlier event. Under Md. Code Ann., State Gov't, Section 9-1A-11(b)(2), the Lottery and Gaming Control Commission (Commission) is permitted to issue a six-month extension upon determination by the Commission that extenuating circumstances exist that are beyond the control of the awardee and prevent the awardee from complying with the 18-month opening requirement. Given the contradiction in the license award and the statute, MGM National Harbor has requested the Commission to grant an extension in order to resolve this incongruity. Please review the attached letter from MGM in support of this request.

COMMISSION ACTION REQUIRED/REQUESTED: Commission review and approval

STAFF RECOMMENDATIONS: Staff recommends approval of extension request or express clarification by the Commission that MGM National Harbor is not permitted to open, per Maryland law, prior to July 1, 2016.