

**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: October 16, 2018

SUBJECT: Report for the October 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. Settled for \$25,000 the motor vehicle lawsuit in the Circuit Court for Anne Arundel County brought against the State and the Lottery employee who was the driver of a State van involved in an accident. The lawsuit sought \$70,000 in personal injury damages. The State Treasurer's Office had already suggested State fault by earlier paying around \$7,000 for vehicle property damage and personal injuries related to a passenger.
- 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. Prepared for an OAH hearing concerning a probationary Lottery employee's appeal of termination from employment, which the employee withdrew the day before the hearing.
- vii. Assisted in the review of a completed investigation concerning a Maryland Commission on Civil Rights Complaint filed by a Lottery employee.
- 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. We are waiting for the Plaintiff's response to the motion.
- ix. Assist Staff in responding to a revised Public Information Act ("PIA") request from a union representative seeking access to the Agency's

Fogbugz system for reports about certain incidents at MGM National Harbor.

- x. Assisted Staff in preparing a cost estimate for responding to a PIA request from a law firm for the Agency's advertising contract.

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

- i. Work with Staff as needed in reviewing legislation from the 2018 Session of the General Assembly that may impact the Agency.
- ii. Attend hearing on motion to dismiss that we filed in Prince George's County District Court after the court sets a hearing date.
- iii. Assist Staff as necessary in responding to the law firm's PIA.

**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 Division 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. Responded to inquiries regarding documents for the Mega Millions game.
- viii. Worked with Staff on a license and merchandise agreement for a Baltimore Ravens scratch-off game and second chance promotion.
- ix. Assisted Staff in reviewing and revising Terms of Use for MLR and in reviewing and revising the MLR website.
- x. Drafted an Amendment to the Central Monitoring and Control System Contract to provide a basis for licenses under the new My Lottery Rewards.
- xi. Worked with European counsel for the Mega Millions consortium on asserting trademark protections in Europe and the United Kingdom.
- xii. Edited a Letter of Understanding for the Mega Millions Consortium related to exploring the use of the MM trade mark in European sales.
- xiii. Drafted a Letter of Understanding related to mailing bin procedures with United Parcel Service.

**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. Work with Staff to prepare a new Ravens Sponsorship Agreement.

- v. Continue to assist Staff as needed on issues associated with the Advertising, Marketing, and Media Related Services RFP.
- vi. 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 initial response to a petition for judicial review of the Agency's termination of a temporary video lottery employee license that was filed in the Circuit Court for Prince George's County.

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

- i. Continue to assist Staff on enforcement and licensing issues associated with casino operations.
- ii. An individual who unsuccessfully applied for a video lottery employee license has appealed the May 4 decision of the Circuit Court of Anne Arundel County affirming the Agency's decision to recommend denial of the license. He appealed to the Court of Special Appeals ("CSA"), and asked for a waiver of filing-related fees. The waiver request was denied. The CSA issued an order on September 5, 2018 that starts the 10-day period for the appellant to order the transcript necessary for the appeal, awaiting the CSA's action upon the individual's failure to pay.
- 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.
- v. File required documents in the Circuit Court for Prince George's County in the petition for judicial review of temporary license termination.

**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.

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**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