

OFFICE OF THE ATTORNEY GENERAL
MARYLAND LOTTERY AND GAMING CONTROL AGENCY

TO: Maryland Lottery and Gaming Control Commission
Stephen Martino, Director

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

DIVISION: Office of the Attorney General

DATE: March 20, 2013

SUBJECT: Report for the March Commission Meeting

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

I. Contracts and Human Resources

a. Key accomplishments last period:

- i. Reviewed six contracts for the Communications Division for promotion of public affairs events.
- ii. Reviewed seven Corporate Guaranty documents and seven Financial Responsibility Agreements submitted for 7-11 Lottery retailers.
- iii. Reviewed six Family and Medical Leave Act leave requests submitted from the Human Resources Division.
- iv. Answered questions submitted regarding RFP for instant ticket printing.

b. Upcoming tasks for this period:

- i. N/A

c. Issues:

- i. N/A

II. Lottery

a. Key accomplishments last period:

- i. Reviewed four requests from Creative Product Development relating to new Lottery scratch-off games.

b. Upcoming tasks for this period:

- i. N/A

c. Issues:

- i. On February 27, 2013, Chol Sik Mun (one of the owners and guarantors for licensed retailer Boram Enterprises, Inc., T/A Village Market and Deli) filed a line with the Circuit Court for Montgomery County requesting a hearing on the Lottery's lien recorded on February 5, 2013 against him in the amount of \$5,516.19. The OAG plans to file a motion for summary judgment to affirm the lien.

III. Gaming

a. Key accomplishments last period:

- i. Continued to assist Agency staff on compliance issues associated with casino operations at Perryville, Ocean Downs, and Maryland Live!
- ii. Continued to provide Agency staff with advice on the licensing process.
- iii. Assisted staff in drafting two new chapters of regulations for table game rules, which will be provided under the report of the Assistant Director for Gaming.
- iv. Assisted staff in clarifying the process for addressing a licensee's violation of the Gaming Law, regulation or Commission Directive, and assisted Agency staff in drafting corresponding revisions to a chapter of gaming enforcement regulations. The revisions will be submitted to the Commission for approval as part of the report of the Assistant Director for Gaming.
- v. Assisted staff in answering questions from potential applicants about the Request For Proposals for the video lottery facility operation license for Prince George's County.
- vi. Assisted staff in updating gaming license application forms to reflect changes in the Gaming Law.
- vii. At the conclusion of a hearing held January 23, the Circuit Court for Baltimore City granted our Preliminary Motion to Dismiss the challenge of HarborWest to the Location Commission's decision to award CBAC Gaming, LLC the Baltimore City VLT facility license. Although the VLT Law requires a challenge to the circuit court's decision to be filed in the Court of Appeals, HarborWest instead filed its appeal in the Court of Special Appeals. The Court of Special Appeals transferred the appeal to the Court of Appeals, and HarborWest has until April 29 to file any supplement to what it has filed.
- viii. On January 28, the Circuit Court for Anne Arundel County granted the defendants' motions to dismiss the lawsuit brought against the State Board of Elections, the Governor, the Lottery and Gaming Control Commission and Agency and its Director. Plaintiffs filed a petition for *certiorari* with the Court of Appeals, and asked for the Court to expedite the appeal. By *per curiam* order March 1, 2013, the Court of Appeals dismissed the petition for certiorari, which concludes this challenge to the VLT Law. A copy is attached.

b. Upcoming tasks for this period:

- i. Provide assistance as necessary to Agency staff in supporting the Location Commission.
- ii. Assist Agency staff in obtaining memoranda of understanding with several gaming jurisdictions to facilitate information-sharing between Maryland and other states in which potential license applicants may have gaming licenses.

c. Issues:

- i. N/A

IV. New Initiatives - Electronic Gaming Devices

a. Key accomplishments last period:

- i. Continue to assist Agency staff with planning the regulation of electronic gaming devices.
- ii. With Agency staff, met with representatives of electronic gaming and bingo industry to discuss their concerns with the Commission's draft regulations.
- iii. The lawsuit brought against the State by the Crooked I Sports Bar & Grill in the Circuit Court for Anne Arundel County remains pending before the Court of Special Appeals. The State has objected to a motion filed by the Crooked I to transfer the case to the Court of Appeals prior to review by the Court of Special Appeals.

b. Upcoming tasks for this period:

- i. Continue to analyze the impact of legislation passed during the Second Special Session, and assist Staff in meeting additional resulting responsibilities.

c. Issues:

- i. N/A

IN THE COURT OF APPEALS
OF MARYLAND

No. 104

September Term, 2012

KELLY CANAVAN et al.

v.

MARYLAND STATE BOARD
OF ELECTIONS et al.

Bell, C.J.
Harrell
Battaglia
Greene
Adkins
Barbera
*McDonald,

JJ.

PER CURIAM ORDER

Filed: March 1, 2013
*McDonald, J., did not
participate in the consider-
ation and decision of this
case.

KELLY N. CANAVAN, ET AL. * In the
 Appellants * Court of Appeals

 * of Maryland

 * No. 104

MARYLAND STATE BOARD OF * September Term, 2012
ELECTIONS, ET AL. *
 Appellees

PER CURIAM ORDER

The Court having considered and granted the petition for a writ of certiorari in the above-entitled case, it is this 1st day of March 2013,

ORDERED, by the Court of Appeals, that the judgment of the Circuit Court for Anne Arundel County be, and the same is hereby, affirmed summarily by a unanimous Court* on the bases of laches and untimeliness, as discussed in the Circuit Court's Memorandum Opinion dated January 22, 2013 and the amended Order dated February 20, 2013. Costs in this Court to be paid by Appellants.

/s/ Robert M. Bell
Chief Judge

*Judge McDonald recused himself from consideration of this case.