



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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| MEETING MINUTES: | BOARD OF GAMING |
| MEETING DATE AND TIME: | Thursday, August 5, 2010 at 1:00 p.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building |
| APPROVED: | September 2, 2010 |

MEMBERS PRESENT

James Greene, Chairman, DE Volunteer Fireman's Association Member
Deborah Messina, Vice Chairperson, Public Member
Scott Angelucci, Public Member
Brad Barrie, Public Member
Sharon McDowell, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Robert Willard, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

ALSO PRESENT

C. W. Clayton, Full House Poker Parlor
Tim Hamill, Middletown Sports Lounge
Will Kirkwood, VFW
Charlotte Kirkwood, VFW
Robert J. McFarland III, Christiana Fire Co.
David Cericola Jr.
Clinton Bunting, Charitable Games of DE
Jay Denver, Trip Kings
Mike Desiderio, Trip Kings

CALL TO ORDER

Mr. Greene called the meeting to order at 1:00 p.m.

Mr. Greene reordered the agenda to move to the Hearings ahead of new business.

Mr. Greene verified that Mr. David A. Cericola, Jr. was present. Mr. Greene called the Hearing to order at 1:02. Mr. Willard, Deputy Attorney General, asked Mr. Cericola, Jr. if he agreed to begin the hearing without the court reporter present. Mr. Cericola, Jr. agreed to begin without the court reporter. The court reporter arrived at 1:15. The Board restarted the Hearing in the presence of the court reporter.

Proposed to Deny Hearing

Proposed to Deny Hearing – David A. Cericola, Jr.

PRESENT: James Greene, Deborah Messina, Scott Angelucci, Brad Barrie,
Sharon McDowell

RECUSED:

EXCUSED:

PURPOSE: Proposed to Deny Hearing

PRESIDING: James Greene, Chairman

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Robert Willard, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: David A. Cericola, Jr.

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Vincent Bailey, Wilcox and Fetzer

TIME STARTED: 1:21 p.m.

Mr. Willard went on the record and explained what happened with starting the hearing without the court reporter and that the Board decided to start the hearing over. Mr. Greene read the purpose of the hearing. The court reporter took verbatim testimony. The Board introduced themselves. Mr. Willard verified that Mr. Cericola, Jr. waived his right to counsel. Mr. Cericola, Jr. was sworn in, presented his case, and responded to questions asked by the board members. Mr. Cericola admitted being arrested for illegal gambling, although he did not realize at the time he had actually been arrested. Mr. Cericola has completed a rehabilitation program and his probation was about to end. He stated he had a potential job offer from Delaware Park. The Board started deliberations at 1:28. The Board deliberated and considered everything Mr. Cericola stated and decided he should not be licensed. Deliberations were part of the record.

FINAL ORDER: Mr. Greene made a motion, seconded by Ms. Messina to deny dealer license to Mr. Cericola, Jr. The motion carried with Mr. Angelucci abstained.

The hearing concluded at 1:37 p.m.

Ms. Messina made a motion, seconded by Ms. McDowell to go back to regular business. Motion was unanimously approved.

The Organization of Sgt. William Lloyd Nelson VFW#3792 was proposed to deny on July 1, 2010, due to missing documents. Mr. Will Kirkwood was present and presented the Board with the requested documents. Since all missing documents were in and application was in order, Mr. Kirkwood was not required to speak to the Board. Ms. Messina made a motion, seconded by Ms. McDowell to approve the application and to allow the Organization to hold their events. The motion was unanimously approved.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the meeting minutes of July 1, 2010. Ms. Messina made a motion, seconded by Mr. Angelucci to approve the minutes. The motion was unanimously approved.

UNFINISHED BUSINESS

Final Denials

Ms. Messina made a motion, seconded by Ms. McDowell to deny the application for Mr. Nicholas Canalichio Sr. for individual Texas Hold'Em Dealers license. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Mr. Barrie to deny the application from the Ancient Order of Hibernians – Theodore Cardinal McCarrick Div. 1, for not being in existence for 2 years. The motion was unanimously approved.

NEW BUSINESS

Executive Session

Review of Application(s) for Individual Texas Hold'Em Dealer

No new dealer applications to review.

Board Member Reports

Mr. Greene stated there were no reports.

Review of Application(s) for Texas Hold'Em Tournament

There were no new applications to review.

Review of Application(s) for Charitable Gambling Event(s)

Mr. Greene reviewed the application for DSP Troop 4 Explorers. Ms. Messina made a motion, seconded by Ms. McDowell to approve the application. The motion was unanimously approved.

Ms. Messina reviewed the application for Diamond Dreams Youth Baseball. Ms. Messina made a motion, seconded by Ms. McDowell to propose to deny application. The organization has a MD address and **28 Del. C. § 1130** requires an organization to be located in Delaware to receive a license.

After more discussion on Diamond Dreams Youth Baseball and whether they are a MD based organization or a DE based organization, Ms. Messina amended her motion, seconded by Mr. Angelucci to give the organization the opportunity to show proof that they are a DE based organization before denying the application. The motion was unanimously approved.

Mr. Greene reviewed the application for Indian River Soccer Club. Ms. McDowell made a motion, seconded by Mr. Barrie to approve the application. The motion was unanimously approved.

Mr. Greene reviewed the application for Knights of Columbus Seton Council, which is a first time application. Ms. McDowell made a motion, seconded by Ms. Messina to approve the application. The motion was unanimously approved.

Mr. Greene reviewed the application for American Legion Middletown Post 25, which is a first time application. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

Mr. Greene reviewed the application for American Legion Sussex Post 8, of which the dates on the application didn't match the dates on the letter from Full House Poker. Ms. Messina made a motion, seconded by Mr. Angelucci to approve the application, after Mr. Clayton clarified the dates on his letter from Full House Poker and initialed the change in dates to match the application. The motion was unanimously approved.

Mr. Greene reviewed the application for Bear Hugs for Babies. Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the application. The motion was unanimously approved.

Mr. Greene reviewed the application for Colonial VFW Post 828 Ladies Auxiliary. Ms. Messina made a motion, seconded by Mr. Barrie to approve the application. The motion was unanimously approved.

Review of Application(s) for Instant Bingo Event(s)

Ms. Messina made a motion, seconded by Ms. McDowell to deny the application for the Police Fire Rod & Gun Club for missing documents and on their application they stated that they are a 501(c) 7 organization. The motion was unanimously approved.

Review of Application(s) for Bingo Event(s)

Ms. Messina reviewed application for Holy Cross Church. Ms. Messina made a motion to approve the application contingent upon receiving After Occasion Report (AOR) for a previous event. The motion was seconded by Ms. McDowell. The motion was unanimously approved.

Ms. Messina reviewed application for Carlisle Fire Company Ladies Auxiliary. Ms. McDowell made a motion to approve the application contingent upon receiving After Occasion Report (AOR) for a previous event. The motion was seconded by Ms. Messina. The motion was unanimously approved.

Ms. Messina and Mr. Willard consulted regarding clarification of situations where organizations designated as any 501(c) other than a 501(c) 3 are eligible to hold charitable gambling events including bingo and raffle. After further discussion, Mr. Willard advised that organizations with IRS designations of other than 503(C)(3) may be approved for a license if the Board is satisfied that the event is for a legitimate charitable purpose.

Ms. Messina reviewed application for Insurance Women of Southern Delaware. Ms. Messina stated that the organization designated as a 501(c) 6 did not meet the statutory requirements for a charitable organization authorized to hold events. Ms. Messina made a motion, seconded by Mr. Greene to propose to deny the application. The motion was unanimously approved.

Review of Application(s) for Raffle(s)

Ms. Messina reviewed the application for Nu Friendship Outreach, which is a first time application. Ms. Messina stated the organization had not been in existence for 2 years. Ms. Messina made a motion to propose to deny the application due to the organization not being in existence for 2 years. Mr. Angelucci seconded the motion. The motion was unanimously approved.

Ms. Messina reviewed the application for Townsend Fire Company Ladies Auxiliary, which is a first time application. Ms. McDowell made a motion, seconded by Mr. Barrie to approve application contingent on the Townsend Fire Company submitting their missing After Occasion Report (AOR). The motion was unanimously approved.

Review of Request to Change Date/Venue of Approved Event

Mr. Angelucci made a motion, seconded by Ms. McDowell to approve Paul Laurance DunBar Lodge #106 request for a change in their original date for Raffle Event. The motion was unanimously approved.

Approval of Licensure List

Ms. Messina read the licensure list for Texas Hold'Em Tournaments. Ms. Messina made a motion, seconded by Mr. Angelucci to propose to deny the application for Timber Lane Swimming Club. The Organization's IRS designation is 501(c) 7. The motion was unanimously approved.

Ms. Messina read the licensure list for Texas Hold'Em Tournaments. Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the following applications, Angels Softball and Colonial Auxiliary VFW 838 Ladies Auxiliary. The motion was unanimously approved.

Ms. Messina read the licensure list for Texas Hold'Em Tournaments. Ms. Messina made a motion, seconded by Ms. McDowell to propose to deny the application for Claymont Business Owners Association. The Organization's IRS designation is 501(c) 6. The motion was unanimously approved.

Ms. Messina read the licensure list for Texas Hold'Em Tournaments. Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the following applications, Knights of Columbus Bishop Curtis Council 2867, St. John the Beloved Athletic Assn, New Castle Moose #1578 and Midway Sports Assn., Inc. The motion was unanimously approved.

Ms. Messina read the licensure list for Charitable Gambling Events. Ms. McDowell made a motion, seconded by Ms. Messina to approve the following applications, Joseph B. Stahl Memorial Post #30, St. Elizabeth Ann Seton Parish, Delaware Lodge 37 A.F. & A.M., Pyle Child Development Center, Just Us, Cats Around Town, and Angels Softball. The motion was unanimously approved.

Ms. Messina read the licensure list for Charitable Gambling Events. Ms. Messina made a motion, seconded by Mr. Angelucci to propose to deny Timber Lane Swimming Club. The Organization's IRS designation is 501(c) 7. The motion was unanimously approved.

Ms. Messina read the licensure list for Charitable Gambling Events. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the following applications, Midway Lions Club, Ministry of Caring, Rehoboth Beach VFC, and Vietnam Veterans 546. The motion was unanimously approved.

Ms. Messina read the licensure list for Charitable Gambling Events. Ms. Messina made a motion, seconded by Ms. McDowell to propose to deny Claymont Business Owners Association. The Organization's IRS designation is 501(c) 6. The motion was unanimously approved.

Ms. Messina read the licensure list for Charitable Gambling Events. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the following applications, Children & Families First, Frankford VFC, Milton Cat Snippers, Knights of Columbus Christopher Council #3182, Farmington VFC, New Castle Moose Lodge #1578, St. John the Beloved Athletic Assn, Knights of Columbus Bishop Curtis Council #2867 and Midway Sports Assn., Inc. The motion was unanimously approved.

Ms. Messina read the licensure list for Raffles. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the following applications, Winterthur Museum, Autism Delaware, Inc., and Ministry of Caring. The motion was unanimously approved.

Hearings/Consent Agreements

No hearing/consent agreements to sign.

Complaint Assignment and Status

No new complaints or status updates.

Delegation of Authority (permits issued)

There were no permits issued.

Ratification of Bingo Event(s) Permits Issued

Ms. Messina made a motion to ratify the issuance of the Bingo permits for Friends for Responsible Pet Care, Indian River Senior Center, Mill Creek Fire Co. Ladies Auxiliary, Milford Elks Lodge #2401, and St. Elizabeth Ann Seton, seconded by Ms. McDowell. The motion was unanimously approved.

Ms. McDowell made a motion to ratify the issuance of the Bingo permits for Rainbow Chorale of DE-New Castle, Aetna Hose and Ladder Fire Co., Indian River Volunteer Fire Co., Lewes Senior Citizens Center, Ladies Aux to the DE City Fire Co., Oak Orchard Riverdale Am Legion Post 28, and Kiwanis Foundation of Rehoboth Beach DE, seconded by Mr. Angelucci. The motion was unanimously approved.

Ms. McDowell made a motion to ratify the issuance of the Bingo permits for Frederica Volunteer Fire Co., Clayton Fire Co. #1, Inc, Milton Fire Dept. Ladies Aux., Seaford Elks 2458, and Milford Elks 2461, seconded by Mr. Angelucci. The motion was unanimously approved.

Ms. Messina made a motion to ratify the issuance of the Bingo permits for Newark Elks Lodge 2281, seconded by Mr. Angelucci. The motion carried with Mr. Barrie recused.

Ms. Messina made a motion to ratify the issuance of the Bingo permits for Bridgeville Fire Co. Aux, seconded by Mr. Angelucci. The motion carried with Ms. McDowell recused.

Ms. Messina made a motion, seconded by Ms. McDowell to propose to deny the application for Pot-Nets Home Owners Association. The motion was unanimously approved.

Discussion on Raffle Events where ticket price is less than \$5 and Prize is less than \$5000

The Board discussed Raffle Events that are held and are less than \$5 and their prizes being less than \$5000.

The Board reviewed a raffle conducted at St. Anthony's. Members pay one dollar and sign a book at the club. Each member has a membership number. Each night, a membership number is drawn and if the owner of that number has signed the book that night, he wins the amount paid into the fund. If the member whose number is drawn has not played and signed the book, the fund is carried over to the next night.

The Board members all agreed that this is a legitimate raffle with no need to be licensed. The Board's rules require licensure only if the amount played is \$5.00 or more and the winnings are \$5,000 or more. This type of raffle has been conducted at many facilities over many years with the Board's approval.

Mr. Greene and Ms. Messina agree to continue with how the Board handled these types of Raffles in the past.

Mr. Willard discussed the proposed new rule which the Board had requested be drafted concerning cookie jar bingo. The proposed rule would make it clear that a separate fee must be charged for a cookie jar bingo game and an organization may not charge all persons a set fee which covers admission to the cookie jar bingo game in addition to the regular bingo games. The Board approved the proposed rule which will appear in the Register of Regulations in September. Ms. Messina noted that the new rule would protect people who want to play bingo but do not want to play cookie jar bingo. Ms. Messina felt people should not have to pay for both if they did not want to play both.

Other Business before the Board (for discussion only)

The Board will be coming under the Joint Sunset Committee and was given the Sunset Review Questionnaire to review.

PUBLIC COMMENT

Mr. Denver addressed the Board regarding the reviewing of the applications from Claymont Business Owners, Timber Lane Swimming Club. He wanted to know why they were denying the applications when they had approved them in the past. Ms. Messina read the IRS Rule, that the Board members have copies of, about those Organizations not being a 501 (C) 3. Mr. Willard stated that if funds are going to a charitable organization for a charitable purpose, then the Board may approve the application for a permit. Ms. Messina stated that the Organizations are not supplying enough information to determine if it is going to charity or not. Mr. Angelucci stated that the comments are really broad and need to be more specific. The Board feels that the Organizations themselves should come to the Board meetings and if here could possibly answer some of the questions that the Board members have about their applications.

Mr. Hamill addressed the Board regarding the comment about having someone from the Organizations come to the meetings to see if their applications will be getting approved. The Board has always stated that it is a good idea for these Organizations to have a member present at the meetings for review of their applications. This way if there are questions the members would be here to answer them instead of the third party vendor trying to answer the questions for the Organizations.

Mr. Bunting addressed the Board letting them know how he is very involved in helping Non-profit Organizations help raise money for charities. Mr. Bunting wants the Board to keep an open mind about how Organizations raise money for charities. He thanked the Board for their work.

NEXT MEETING

The next scheduled Board meeting is September 2, 2010 at 1:00 p.m., located at 861 Silver Lake Boulevard, Cannon Building, Conference Room B, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Ms. Messina made a motion, seconded by Mr. Angelucci to adjourn the meeting at 3:22 p.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III