



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

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PUBLIC MEETING MINUTES:	DELAWARE GAMING CONTROL BOARD
MEETING DATE AND TIME:	Thursday, June 5, 2008 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, second floor of the Cannon Building
MINUTES APPROVED:	July 10, 2008

MEMBERS PRESENT

James Greene, Chairman, DE Volunteer Fireman's Association Member
Deborah Messina, Vice-Chair, Public Member
Brad Barrie, Public Member
John Mancus, Public Member
Thomas Trader, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Robert Willard, Deputy Attorney General
Debbie Heinsch, Administrative Specialist II
Margaret Foreit, Administrative Specialist III

ALSO PRESENT

Barbara Barr, Delaware Council on Gambling Problems, Inc.
Brandon Buglio, Ace's Full Entertainment, Inc.
Paul Bullen
Herb Dulin, Go All In
Rev. Jim Dulin, Go All In
Joe Messinco, Dover Elks Lodge 1903
Beryl Newborg
Rod O'Neal, Hartly VFC
Jane Reifsnyder
Joyce Talley, Premier Poker LLC
John Welgan

MEMBERS ABSENT

CALL TO ORDER

Mr. Greene called the meeting to order at 2:02 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on May 1, 2008. Mr. Trader made a motion, seconded by Mr. Barrie to approve the minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Final Denials (Proposed to Deny – No Hearing Requested)

Mr. Mancus made a motion, seconded by Ms. Messina to deny the application for NUR Temple based the proposal to deny letter that was sent to the respondent without response. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve Kinfolk, Ltd. Based on evidence submitted to complete their application for a permit. The motion was unanimously carried.

Mr. Mancus made a motion, seconded by Ms. Messina to deny the application for Sussex Co. Employee Benefit Committee based on the proposal to deny letter that was sent to the respondent without response. The motion was unanimously carried.

NEW BUSINESS

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

The Board reviewed the application for USA Athletes International, Inc. The organization is based in Kansas. The Board determined Mr. William Galbreath is the individual responsible for this event. Ms. Messina made a motion, seconded by Mr. Trader to approve the event for July 12, 2008. Mr. Barrie, Mr. Mancus, Ms. Messina and Mr. Trader voted in favor. Mr. Greene abstained. The motion was carried.

Review of Original Charitable Gambling Application(s)

The Board reviewed the application for Hiram Masonic Lodge #25 and their request to hold an event. Ms. Messina made a motion, seconded by Mr. Trader to approve the event contingent upon receipt of the times of the event from Mr. Buglio. The motion was unanimously carried.

Review of Charitable Gambling Event Application(s) - None

Review of Original Bingo Application(s) - None

Review of Bingo Event Applications

The Board reviewed the application for St. Catherine of Siena Church. Ms. Messina made a motion, seconded by Mr. Barrie to approve the permit. The motion was unanimously carried.

The Board reviewed the application for Ellendale Fire Company. Ms. Messina made a motion, seconded by Mr. Barrie to approve contingent upon receipt of adjusted prize list that is under \$1000.00, and question 10b of the application being answered. The motion was unanimously carried.

The Board reviewed the application for Holy Rosary Roman Catholic Church. Mr. Mancus made a motion, seconded by Mr. Barrie to approve contingent upon receipt of a revised payout listing not to exceed \$1000.00 based on the event. The motion was unanimously carried.

Review of Raffle Application(s)– - None

Review of Instant Bingo Application(s) - None

Request to Change Date of Approved Event –

Magnolia Ladies Auxiliary is requesting changing the date of their previously approved event from April 22, 2008 to July 22, 2008. Ms. Messina made a motion, seconded by Mr. Mancus to require the applicant to properly apply for a permit, including the fee for the event date of July 22, 2008. The motion was unanimously carried.

Approval of Licensure List–

Mr. Trader made a motion, seconded by Ms. Messina to approve the Texas Hold Em Poker Tournament permits for: Christiana Fire Company, Bowers Fire Company, Inc., Felton Community Fire Company, Memorial Volunteer Fire Company, Milford VFW Blue Hen Post 6483, Indian River Volunteer Fire Col, Inc., and Mid-County Senior Center. Mr. Barrie, Mr. Greene, Ms. Messina, and Mr. Trader voted in favor. Mr. Mancus abstained. The motion carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the Texas Hold Em Poker Tournament permits for: Dover Lioness Club, Fraternal Order of Police Lodge #15, Odessa Fire Co Ladies Auxiliary, Little Creek Volunteer Fire Col Inc., and Ladies of the Elks Dover Lodge #1903. Mr. Barrie, Ms. Messina, and Mr. Trader voter in favor. Mr. Greene and Mr. Mancus abstained. The motion carried.

Mr. Trader made a motion, seconded by Ms. Messina to approve the Charitable Gambling Event permits for: St. Elizabeth Ann Seton, Holy Family Church, Our Lady of Fatima Church, Christiana Fire Company, Memorial Vol Fire Col, and Knights of Columbus-Old Bohemia Council #6543. Mr. Barrie, Mr. Greene, Ms. Messina, and Mr. Trader voted in favor. Mr. Mancus abstained. The motion carried.

Mr. Trader made a motion, seconded by Ms. Messina to approve the Charitable Gambling Event applications for: Ladies Auxiliary Odessa Fire Co., Capitol City Lions, Dover Lioness Club, City of Dover-Fraternal Order of Police Lodge #15, Appoquinimink Boys & Girls Club of Delaware. Mr. Barrie, Ms. Messina and Mr. Trader voted in favor. Mr. Greene and Mr. Mancus abstained. The motion carried.

Mr. Barrie made a motion, seconded by Mr. Trader to approve the bingo event applications for: St. Elizabeth Ann Seton, Bowers Ladies Auxiliary, Frederica Senior Center, Carlisle Fire Company Ladies Auxiliary Inc., and Mill Creek Fire Co. Ladies Auxiliary. Mr. Barrie, Mr. Greene, Ms. Messina and Mr. Trader voted in favor. Mr. Mancus abstained. The motion was carried.

Mr. Barrie made a motion, seconded by Mr. Trader to approve the bingo event application for Dover Elks #1903 and Ladies of the Elks. Mr. Barrie, Mr. Greene, and Mr. Trader voted in favor. Mr. Mancus and Ms. Messina abstained. The motion was carried.

Ms. Messina made a motion, seconded by Mr. Trader to approve the raffle applications for: Little Sisters of the Poor, Holy Family Church, and Rehoboth Beach Historical Society. Mr. Barrie, Mr. Greene, Ms. Messina and Mr. Trader voted in favor. Mr. Mancus abstained. The motion was carried.

Ratification of Assignments –

22-15-08 Brad Barrie Contact Person

Closed Complaints – None

Correspondence - None

Review After Occasion Report - None

Issuance of identification cards – Mr. Greene made a motion, seconded by Ms. Messina to have Ms. Heinsch move forward with this project. The motion was unanimously carried.

Other Business (for discussion only)

Ms. Talley asked if Mr. Willard was able to reach a decision regarding accepting the top 55 players into a tournament. Mr. Willard advised that he will review the information and report at the July meeting. Copied from May 1, 2008 minutes - *Brian Talley addressed the board as "just a poker player". Mr. Mancus questioned if he was still a licensed dealer? He responded that he was in 2007. Mr. Talley questioned about a non legislative tournament that has been advertised, and his assumption is that if it is run for free that cash prizes are not allowable. It is being advertised and the top players are permitted into other events for free. Mr. Dulin said it isn't coming out of the pot, but out of his wallet. Mr. Talley said it isn't fair for the players thinking they are playing for a tournament at the end of the year. Mr. Mancus said if you don't meet all 3 elements it isn't gambling (consideration, game of chance, and payout). If there is no consideration it is not gambling. Mr. Dulin addressed that money is not taken out of the other tournaments and he pays for it out of his pocket. Mr. Dulin explained that the most frequent 55 players have a chance to play for that tournament. If he has a tournament and over 55 players he is willing to take \$100 of his profit to put in the kitty as his appreciation. The top 55 are invited to play, for the prize; Mr. Mancus added that if there is a charge (consideration) it is gambling. If they pay to play it is gambling. Mr. Mancus said if he reaches into his own pocket for payout, that does not require a license – there is not consideration. It is not gambling as the person doesn't have to do anything to play, being invited is not consideration. Ms. Messina reported that world poker tour plays every Tuesday at Bubbas which is absolutely legal. Mr. Talley said "I just don't want to get in trouble for having a tournament at the poker room and we are going to start doing some things too". Mr. Greene directed this to the Deputy Attorney General for review. Ms. Messina said she would advise him to hold off until the Deputy Attorney General reviews it.*

Due to the holiday the Board decided to move the July meeting from July 3, 2008 to July 10, 2008. Hearings will be held beginning at 9:00 a.m. and the board meeting will begin at 1:00 p.m. Mr. Mancus made a motion, seconded by Ms. Messina to allow Ms. Heinsch to issue permits for events that occur between July 3, 2008 and July 10, 2008 provided the applications are not deficient. Mr. Barrie, Mr. Greene, Ms. Messina and Mr. Trader voted in favor. Mr. Mancus opposed. The motion was carried.

Public Comment

Mr. Beryl Newborg stated that he has a hall and would like to have poker games, requesting that merchants donate prizes for the winnings. He reported the following: there will not be a charge to play; there would be a \$19.95 monthly membership for the club; food items will be available for sale; will include a membership with another club. He added that the only money made would be for putting up advertising signs (i.e. Joes Pizza place if they donate pizza a sign could be put up) and \$19.95 for the club membership fee. Mr. Willard questioned what they get. Mr. Newborg replied, looking into the environment. He then had the following questions: Are they giving the members consideration? Is this consideration? Is buying food consideration? Is it consideration asking the people to buy hot dogs to continue having the tournaments there? Mr. Willard stated that he can not give private legal advice. However, if they are not a charitable organization they would not be eligible for a permit. Mr. Newborg stated that he wants an opinion and not advice. Mr. Willard reiterated that since he is not a charitable organization he would not be eligible for a permit. Mr. Newborg questioned if I do this will someone will come after me? Mr. Willard responded that the board can not answer these questions. Mr. Newborg stated that there are slot machines on the boardwalk (in front of Wally World) in Delaware.

Ms. Talley questioned when is she supposed to go to the Gaming Control Board and when she goes to the Division of Professional Regulation for questions. Mr. Mancus advised that it is growing pains. Ms. Talley questioned about changing the time of events, who should that go through? It was suggested the correct format would be to supply the Division with the proper the documents and then it could be placed on the

agenda for the board to review. Mr. Mancus said as things move forward it appears the Division will be approving everything as the board will give them authority to do so. Ms. Messina disagreed with this. Ms. Talley stated that she is upset since she was honest at the last meeting and a complaint got filed against one of her applicants. Ms. Talley added that the applications on the website are different now, they are in a pdf format and applicants are having difficulty completing some of the questions. Ms. Heinsch advised if she encounters problems to let her know as soon as possible so it can be corrected.

Ms. Talley reported that at the last meeting she requested a letter from the Division that was dated May 1, 2008. At this time she has not received the letter. Mr. Mancus stated that the letter is about receiving completed applications ten business days prior to meetings.

Ms. Talley questioned since the law states that the event can only be for 6 hours; the applications ask for the times of the event; if the event starts half hour or an hour later can it still go for six hours? Ms. Messina advised that the times are the exact times on the application and there are no provisions. The 6 hours begin at the exact time on the application and nothing else. The event can only happen for the specific times on the permits, nothing more. Ms. Messina stated that would be an administrative nightmare. Ms. Talley asked if it could be a sliding time. Ms. Messina responded that would be a nightmare and she does not support it. Ms. Messina added that there are a lot of people out there other than her that this would affect.

Mr. Mancus inquired what the next step is in the strategic plan. Some of the suggestions were: onsite inspection reports to assist the investigators (when inspectors go in the field they don't know what to look for), the Division's website (Mr. Mancus feels the verbiage on the website is constrained by this board and follows a regulated person, Ms. Messina feels since the Division is directing people to the website that it needs to be accurate and user friendly), and updating the online calendar in a timely fashion. Ms. Heinsch added that some of the above items are administrative functions and not board actions. Ms. Messina requested the list be given to Mr. Greene, Chairman and he will have the Division of Professional Regulation review.

Next Meeting Date

The Board will hold a meeting on July 10, 2008 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904.

Adjournment

Mr. Trader made a motion, seconded by Ms. Messina to adjourn. The motion unanimously carried. The meeting adjourned at 3:25 p.m.

Respectfully submitted,



Debbie Heinsch
Administrative Specialist II