



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:	Monday, January 5, 2009 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, second floor of the Cannon Building
MINUTES APPROVED:	February 5, 2009

MEMBERS PRESENT

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

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

James Collins, Director, Division of Professional Regulation
Debbie Heinsch, Administrative Specialist II
Robert Willard, Deputy Attorney General

ALSO PRESENT

Lori Brown, Camden-Wyoming Volunteer Fire Department
Clinton Bunting
Rev. Jim Dulin, Go All In
Aaron Hemphill

MEMBERS ABSENT

Sharon McDowell, Public Member
Thomas Trader, Public Member

CALL TO ORDER

Mr. Greene called the meeting to order at 1:06 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on December 4, 2008. Ms. Messina made a motion, seconded by Mr. Barrie to approve the minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

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

The Board reviewed the application for Midway Lions. Mr. Greene questioned Rev. Dulin about the rooms being divided, Rev. Dulin responded that the rooms are divided and this can be verified by the inspectors. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event for February 20, 2009. The motion was unanimously carried.

The Board reviewed the application for Howard J. Weston Community and Senior Center, Inc. Mr. Buglio indicated in a letter that if his license is not reinstated prior to the date of the event and alternate tournament director will be supplied to the Division or the event will be rescheduled. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event for February 8, 2009, contingent upon a licensed tournament director. The motion was unanimously carried.

The Board reviewed the application for St. Anthony of Padua Parish. Rev. Dulin indicated the events will be held in two separate rooms. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event for February 21, 2009. The motion was unanimously carried.

The Board reviewed the application for Bethany Beach Volunteer Fire Co. Rev. Dulin indicated the events will be held in two separate bays of the Fire Company that are divided by a wall. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event for January 31, 2009. Ms. Messina requested that the Division of Professional Regulation send an investigator to the event to assure it is in two separate rooms. Mr. Collins indicated that an investigator could go to the event as it was occurring. The motion was unanimously carried.

The Board reviewed the application for Christiana Fire Co. Rev. Dulin indicated the events will be held in two separate rooms. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event for January 10, 2009. The motion was unanimously carried.

The Board reviewed the application for Mid County Senior Center and their request to change the date on the application to March 15, 2009. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event contingent upon renewal of Mr. Buglio's Texas Hold'Em Dealer license or submission of a new tournament director. The motion was unanimously carried.

Review of Original Charitable Gambling Application(s) - None

Review of Charitable Gambling Event Application(s) –

The Board reviewed the application for Delaware Vets Post #2 and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their application. The motion was unanimously carried.

The Board reviewed the application for Knights of Columbus St. Pius Council #4425 and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their application. The motion was unanimously carried.

The Board reviewed the application for Midway Lions and their request to hold Charitable Gambling the same night/time as a Texas Hold'Em event, both off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their application. The motion was unanimously carried.

The Board reviewed the application for Lost & Found Dog Adoption and their request to hold events off premises. Mr. Barrie made a motion, seconded by Ms. Messina to approve their application. The motion was unanimously carried.

The Board reviewed the application for High Noon Lodge #38 and their request to hold events off premises. Mr. Barrie made a motion, seconded by Ms. Messina to approve their application. The motion was unanimously carried.

The Board reviewed the application for Delaware Technical & Community College. Mr. Willard reviewed their IRS letter and determined that it is acceptable. Ms. Messina made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Farmington Volunteer Fire Company. Mr. Barrie made a motion, seconded by Ms. Messina to approve their events for February 7 and March 7, 2009. The event for January 3, 2009 can not be approved as it is a previous date. The motion was unanimously carried.

The Board reviewed the application for Police Unity Tour and their request to hold Charitable Gambling the same night/time as a Texas Hold'Em event. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for January 24, 2009. The motion was unanimously carried.

The Board reviewed the application for Ladies of the Elks Dover #1903 and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for February 17, 2009, March 17, 2009, and April 14, 2009. The motion was unanimously carried.

The Board reviewed the application for Debra Sipple Memorial, Inc. and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for January 20, 2009, February 11, 2009, and March 26, 2009. The motion was unanimously carried.

The Board reviewed the application for Fraternal Order of Police Lodge #15 and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for January 22, 2009, February 15, 2009, and March 12, 2009. The motion was unanimously carried.

The Board reviewed the application for Cape Henlopen Little League and their request to hold events off premises. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for February 5, 2009, March 5, 2009, and April 2, 2009. The motion was unanimously carried.

The Board reviewed the application for Mamie Warren Senior Center and their request to hold events off premises. Mr. Barrie made a motion, seconded by Ms. Messina to approve the events for February 10, 2009, March 11, 2009, and April 8, 2009. The motion was unanimously carried.

The Board reviewed the applications for Friends for Responsible Pet Care and A Buddy for Life and their request to hold events on the same date, at the same location, at different times. Ms. Messina made a motion, seconded by Mr. Barrie to approve the events. The motion was unanimously carried.

The Board reviewed the application for St. Anthony of Padua Parish and their request to hold Charitable Gambling the same night/time as a Texas Hold'Em event. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for February 21, 2009. The motion was unanimously carried.

The Board reviewed the application for Bethany Beach Volunteer Fire Company and their request to hold Charitable Gambling the same night/time as a Texas Hold'Em event. Mr. Barrie made a motion, seconded by Ms. Messina to approve their events for January 31, 2009 with the assurance that an investigator would attend the event. The motion was unanimously carried.

The Board reviewed the application for Christiana Fire Company and their request to hold Charitable Gambling the same night/time as a Texas Hold'Em event. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for January 10, 2009. The motion was unanimously carried.

Review of Original Bingo Application(s)

The Board reviewed the application for Polytech High School Band Boosters and their request to hold an event on March 26, 2009. Ms. Messina made a motion, seconded by Mr. Barrie to propose to deny their application as they did not provide proper IRS documentation. The motion was unanimously carried.

Review of Bingo Event Applications - None

Review of Raffle Application(s) - None

Review of Instant Bingo Application(s) - None

Request to Change Date of Approved Event - None

Approval of Licensure List–

Ms. Messina made a motion, seconded by Mr. Barrie to approve the Texas Hold'Em Poker Tournament permits for: Cape Henlopen Elks #2540, Farmington Vol. Fire CO., Indian River Vol. Fire Col, MOT Cavs Youth Football and Cheerleading League, Capitol City Lions Club, Fraternal Order of Police #15, Oak Orchard American Legion #28, Hartly Vol. Fire Co., and Clayton Fire Company. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the Charitable Gambling Event permits for: Knights of Columbus Christopher Council #3182, St. Elizabeth Catholic Church, Sussex Memorial VFW #7422, Harrington Moose Lodge #534, and Delaware Action for Animals. The motion was unanimously carried.

Mr. Greene made a motion, seconded by Ms. Messina to approve the Charitable Gambling Event permit for Newark Elks #2281. Mr. Greene and Ms. Messina voted in favor, Mr. Barrie abstained. The motion was carried.

Mr. Greene made a motion, seconded by Mr. Barrie to approve the bingo event applications for: Harrington Fire Company Ladies Auxiliary, St. Polycarp Church, Delaware Storm Travel Team, Aetna Hose Hook & Ladder, Cheswold Vol. Fire Co., Camden Wyoming Fire Company, Holy Cross Church, Nanticoke Senior Center, Holy Rosary Roman Catholic Church, Cape Henlopen Elks #2540, Middletown Moose #1245, Memorial Vol. Fire Company Ladies Auxiliary, Delaware Blue Hens Select Baseball 13U, and Sussex Amvets Post #2. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the raffle applications for: Henry Francis DuPont Winterthur Museum and Ronald McDonald House of Delaware. The motion was unanimously carried.

License Issuance Authority – James Collins, Director

Mr. Collins addressed the Board regarding authorizing the Division of Professional Regulation issuing licenses on completed applications and the Board ratifying the list of approved licenses at meetings. Mr. Collins gave a history of how the other Boards and Commissions have permitted the Division to review applications, issue licenses, and the Board ratify's the licensee list. Their Board's do not review clean applications and the license process is not held up. The current process is that complete applications sit in a filing cabinet until the Board meets again. Mr. Collins indicated that many of the Boards and Commissions that have delegated the authority to the Division of Professional Regulation were surprised that applications were held up awaiting Board meetings. The Division does not take this lightly. Mr. Collins proposal is for those applications that are complete, and the Board reviews, to delegate the authority to the Division to also issue those licenses and or permits. One of the benefits is to the public in instances that professionals can be gainfully employed, in this

particular instance this Board should have been at the top of the list for this type of license issuance due to the time sensitivity of issuing the licenses. Mr. Collins has been called by a number of citizens as this Board has held special meetings in the past. When people are caught in a time crunch and the Legislators call Mr. Collins he can't do anything about it as it requires a meeting of the Board. This Board has done contingent approvals, but also there are some instances where the Division of Professional Regulation does not have the ability to issue licenses in a short period of time. Mr. Collins is asking the Board to consider (the list of licenses that the Division has already reviewed) allowing the Division to issue licenses once a week as the applications are complete. Any applications that have questions or need Board review would continue to go before the Board for review. This is simply the list that the Board just approved. Ms. Messina indicated that she read the memorandum from Mr. Collins and agrees with the vast majority of it; however some areas don't apply to the Gaming Board. She feels the section about applicants beginning work earlier does not apply to this Board as they are not keeping livelihood from anyone. Her objection is that it would cause problems with the calendar and we tell the non-profits and organizations that they should submit their applications 60 days prior to the event. She stated that when she was appointed to this Board it was a mess and they have worked hard revising the applications to make them more efficient for the Division and the public. She further added that she feels the organizations plan these events out and vote to approve on a monthly basis and if we allow processing on a weekly basis there would be a backlog of permits to be issued. She stated that currently everyone has a good handle on what is out there and this would create chaos with the calendar. Ms. Messina added that the licensure list that was just approved was on a temporary basis. Ms. Messina feels that the Cheswold Fire Company application should have not been on the perfect application list as they requested an event for January 3, 2009. Her point is that she is uncertain if the process is good. To clarify this Ms. Heinsch added that the Cheswold Fire Company was sent a letter by the Division that they could not hold the event on that date and they would need to reschedule the date of that one bingo event; this was handled internally in the application processing. Ms. Messina stated that she has no problem leaving the following section in the new legislation *The Board, in its discretion may designate to the Director of the Division of Professional Regulation the authority to issue permits or licenses administratively upon specified criteria agreed by the Board and the Director, but she is not confident because the Gaming Board is different. She doesn't have a problem with the list being approved, but more so a problem with the calendar not being updated on a regular basis. She believes the advertising issue and the notification is important in this setting. She agrees that if their legislation is passed that the Board will meet and come up with criteria and tell the Division to issue a permit. Mr. Willard reminded that if you get three people together that is a meeting and it must be publicly noticed. Mr. Willard stated what the language in the legislation means is that the Division will issue all permits as they are complete. Mr. Collins added that the legislation says that the Board can pull that authority if they feel the Division is doing a bad job. Mr. Collins spoke with the Division's attorney to see if it is within their authority to delegate to the Division, and the attorney determined that it is the discretion of the Boards and Commissions to delegate that authority to the Division. Ms. Messina stated that is not how she thought it would be. Mr. Willard questioned, "Did you think that perfect applications would still come before you?" Ms. Messina responded that she thought it would allow the Division to issue a permit on a one time basis if an emergency situation arose. Mr. Willard replied that this is only if perfect applications are in order and they want to hold an event then let the Division issue the permits. He added that what Mr. Collins is asking is the exact same thing that is in your legislation. Ms. Messina added that she disagrees with this. Mr. Collins stated that we must deal with it in a consistent manner and if we are not going to do that then we need to do something. Mr. Willard thought the Board already agreed to do this. Ms. Messina stated that they discussed the scenario that just occurred whereas the Board meeting was not held on the normal dated and made a concession that if an application came in that time period and was complete then the Board could issue the permit. Mr. Willard stated it would also address this and further added that the Board determined they would try this for a few months and if it worked they would proceed with authorizing the Division to issue licenses. Mr. Collins stated that is exactly what it says and the language confirms this discussion. Mr. Barrie added "what we have been doing is working, why can't we continue going through the list and retain control"? He questioned what would happen to the calendar? Mr. Collins responded that the calendar would be updated weekly instead of monthly. Mr. Greene stated that this Board has strived hard in the past two years to give everything possible to the non-profits at the same time keeping in mind all of the meetings and changes. He added that at many times he as*

asked Ms. Heinsch for input and that to his knowledge this Board has not called one special meeting. He is not in favor of giving the Division the authority to issue licenses. Mr. Collins responded, “you already did it”. Mr. Collins added that this Board already set a criteria allowing the Division to review applications based on that criteria and the Board is currently approving that list, at no time is the Board reviewing those applications. He further added that the only thing he is asking is upon completion of that review that the Division can issue those licenses or permits on the list. Ms. Messina stated that was not her understanding. Mr. Willard questioned, “so your understanding is that it would only be for applications that are within a few days notice of the Board meetings, if you don’t meet”? Mr. Willard reiterated that what Mr. Collins is saying is that you can get the list of the completed applications, and could go to the office to look at the list on a weekly basis. Mr. Collins stated that we already process 30,000 license renewals per year and the only ones that the Board sees are those that the Division sends to them for review. Mr. Collins stated that this would assist the customer to get a permit faster, and decrease the number of customer inquiries. The reality is the Division has had to adapt to the customer expecting immediate service, we are trying to bring our service standard up. Mr. Greene felt we are already doing that. Mr. Collins indicated that he would not be asking this if it wasn’t reasonable to do for the customer. Mr. Greene responded, “maybe the Board should take back all applications and review individually ourselves at the meetings”. Mr. Willard stated that the Board is already doing part of this, and they could walk into the office any time they want to and review applications. He added “I am unsure how there could have been any confusion as it was discussed in depth”. Mr. Collins reiterated that this Board is right for this above all other Boards, but there is another option. Some of the Board’s are subjective requiring certain supervision documents that must be reviewed by professional members, while others are not subjective. Some have designated a credential board member to review the documents via an electronic document, such as the Dental Board. Ms. Messina questioned what the difference was between this and an emergency application? Mr. Collins replied that this is not an emergency situation. Mr. Willard questioned, would you be comfortable having Mr. Greene or Ms. Messina come in to review the applications? Ms. Messina responded the Board will not know their business if they don’t see the applications. Mr. Willard stated that is not the issue and you would still see those that have problems, every single one of them, just as it already is. Ms. Messina replied that her main problem is with the calendar. Mr. Collins inquired, how do we overcome that? Ms. Messina responded that is why this Board has 60 days processing time on applications, and the Division has 10 days. Mr. Collins inquired if they are approving them now in less than 60 days? Ms. Messina responded, yes. Mr. Collins felt that he has the most risk out of everyone in the group. Ms. Messina responded that we (the board) have more risk and she is not willing to take it. Mr. Collins responded that they already took the risk; they are already approving them based on our review. Mr. Willard added that they are only making the applicant wait for a rubber stamp. Ms. Messina stated, “yes, they should have structure”. Mr. Willard inquired, “so you want them to wait”? Ms. Messina responded “yes, they should”. Mr. Collins added that the Division would be sending out the necessary letters to get the application complete prior to issuing a license and the Board wouldn’t need to see those. Mr. Willard inquired if the Medical Board and the Nursing Board allow the Division to do this? Ms. Messina stated “those Boards do not have specific criteria”. Mr. Collins responded “yes, the Division issues those licenses and the Division has all authority over deadly weapons and combative sport events as they do not have Boards”. Mr. Collins further stated that the Division has not had any problems and have adjusted. Mr. Willard asked Ms. Messina what is the risk that she perceives? Ms. Messina responded that the events will occur in a time frame that causes problems. Mr. Willard stated that all of these issues can be handled; something could be put on the checklist detailing the time frames. Mr. Collins inquired if that was a criteria? Mr. Greene responded “No, it is not a criteria”. Mr. Collins reminded that criteria are set by the Rules and Regulations and that is all on the checklist. Mr. Greene stated that he doesn’t want to get any phone calls and is not willing to cross this line. Mr. Willard questioned, “What is your fallback”? Mr. Collins responded that it is to have a person come into the office to review the list on a weekly basis and issue the permits. Mr. Collins stated that it is necessary for the Board to have some process in place for when there is a problem between board meetings, right now there is no solution. Ms. Messina thought that was covered in legislation. Mr. Willard reminded that they are already Okaying this same group without reviewing the applications. Mr. Greene stated that he didn’t agree with the board Okaying a license without his approval. Mr. Willard reiterated that they are already doing exactly this. This is exactly the same thing that is being done. Ms. Messina said that the permits are not being issued now and it is a done deal if the permit is already issued.

Mr. Willard stated “if it is in perfect order there is nothing that someone can do to take it away, if it is perfect it is perfect”. Mr. Willard questioned if the legislation is exactly as we spoke about and if it was in the minutes? Ms. Heinsch responded “yes”. Ms. Messina questioned “what ever happened to recorded meetings’? Mr. Collins responded “I never agreed to that, I have a draft of a procedure that is recorded and transcripts made of meetings. I have committed, the microphones are in and we will have audio minutes in the future”. Mr. Greene took a poll of the Board. Ms. Messina, Mr. Barrie, and Mr. Greene preferred the way it currently is.

Legislation

Mr. Collins addressed several questions regarding the proposed legislation. The first question is regarding Charitable Gambling, line 65-67, Section 22. Ms. Messina explained that most non-profit organizations have weekly membership drawings based upon their personal membership number. The drawings are held one day each week, with a cost of \$1. When the members sign the book, pay \$1, and are present they could win the pot. Ms. Messina requested the language to be included. Mr. Collins clarified that the language is open ended and until Ms. Messina explained the process, it was unclear what it was. Mr. Willard agreed that the way it was written could allow for a huge weekly drawing. Ms. Warren asked who would receive the money. Ms. Messina clarified in order to participate, the person must be an active member of the group and present at the time of the drawing. If the person’s member number is drawn, they win one half of the pot. Mr. Willard asked Mr. Collins to clarify that the legislation should identify that activity as legalized gambling without a permit since it is gambling. Mr. Collins stated that the language needed to be tightened up as it could be misinterpreted. Ms. Messina agreed. Mr. Collins explained the reason behind his question using the example, if he was unscrupulous, he could have people come out at any time and fill out a form. Mr. Willard stated he was unsure what language changes would strengthen the legislation. Mr. Collins suggested qualifying the length of time the person is a member of an organization. Mr. Willard suggested requiring six (6) months. Ms. Messina disagreed. Mr. Greene asked the negative effect of the requirement. Ms. Messina stated she wanted to make sure the establishment could hold the drawing. Mr. Greene said that was what was being determined, but first, to be correct, identify if this is gambling. Mr. Willard stated the only issue now would be can it wait six (6) months to play. Mr. Collins asked if it could be for any amount, for example, \$5,000.00. The board is in existence to help the non-profit organizations. Ms. Messina explained it is a 50/50 so the organization gets half of the money. Mr. Willard stated that this does not limit it to \$1.00 or 50/50 so it doesn’t have to go to the organization at all. It also doesn’t limit it to \$1.00. My request was to have wording that would allow the non-profit groups to hold drawings legally that are currently being held illegally. Mr. Collins stated it is a little more complicated than the current suggested language. Mr. Greene suggested having Mr. Willard draft something. Ms. Messina agreed to have Mr. Willard draft the language. Mr. Greene suggested removing it completely. Ms. Messina agreed. Ms. Messina made a motion, seconded by Mr. Barrie to remove Section 22, lines 65-67 in the non-profit charitable gambling legislation. The motion was unanimously approved. Mr. Collins stated it was not his intent to remove the language completely and put people into the position to do things illegally.

Mr. Collins asked where the language would be inserted in Section 57. Mr. Willard stated the Board wanted the ability to also fine the organization instead of revoking licensure. Mr. Greene confirmed this clarification.

Mr. Collins asked the Board to clarify the language under Section 14 (3). Ms. Messina explained it was from previous legislation and the Board was not sure. Mr. Willard clarified the purpose was to have the investigators get criminal information on applicants. Mr. Collins asked if that was for every member listed on the applications. Mr. Willard said the language does not make that clear. Mr. Collins stated the DEIJIS investigations do not allow this type of inquiry. Mr. Greene asked if it was feasible for Mr. Collins to request the information. Mr. Collins stated it is not and that the language says every member in charge will be checked in DELJIS. The Division does not have authorization for this. This action would require review from the Division of Homeland and Security. Mr. Willard said he believed Mr. Mancus was instrumental in developing this language that every member should be checked in case it went to a court for trial records. Mr. Collins stated the Division uses subpoenas for that means. Ms. Messina made a motion, seconded by Mr. Barrie to remove Section 14 in the proposed legislation in its entirety. The motion was unanimously approved.

Mr. Collins asked what the Board was trying to accomplish with the language for Section 39, 1138(b). Mr. Willard stated he believes the purpose was to be able to tell the organization about a problem and how to fix it. Mr. Collins asked how the Board would arrive at the administrative order with the reference to board orders, etc. Mr. Collins stated it was his understanding the Board sent letters of concern. Mr. Willard said the language could be changed to read “letter of concern”. Mr. Collins agreed letters of concern usually have cumulative effects. Typically, if something is not at the level of violation, a letter of concern allows the Board to notify the organization they are on the Boards radar. Mr. Collins indicated the words “administrative order” be changed to “letter of concern”. Mr. Collins suggested Mr. Willard review the Board of Medical Practice’s language concerning letters of intent. Mr. Willard will reword the language.

Mr. Collins asked if Section 45 was being stricken. Mr. Willard stated the Board is allowing non-members to work at events.

Mr. Willard stated that under Texas Hold’em Section 32, the same idea applies as in the previous discussion regarding “administrative orders” versus “letters of concern”. Mr. Collins stated he did not understand what context “administrative order” is used in this section. The Board clarified that in this instance, and executive order has already been issued. Mr. Collins thanked the Board and stated the Division would work with the Board to advance the legislation. Mr. Collins stated in the past, the Division did not support parts of the legislation, but now can support it. Ms. Messina stated the current Board came into an existing piece of legislation that did not go anywhere. Ms. Messina confirmed that Mr. Collins now feels comfortable with the legislation. Mr. Collins confirmed he is comfortable with the legislation now. The Division opposed the previous legislation which wanted the Division to go into any gambling event, legalized or illegal, acting as the law enforcement. Mr. Collins clarified that it is not about what he thinks, but about using the investigators as law enforcement and the Division cannot do that. Ms. Messina agreed that it made sense. Mr. Collins thanked the Board.

Mr. Greene asked if Section 3 was being taken out of the legislation. Mr. Willard advised that it would only work in emergency situations. Ms. Messina clarified the language reads “may” and does not require to the Board to lose control. Ms. Messina stated the word “may” is very important to the language in Section 3(b). Mr. Greene suggested the section be taken out. Mr. Willard suggested the language sounds like the Board may want to give authority. Mr. Greene stated he did not believe this to be so after what had been discussed in the meeting so far. Mr. Willard asked if the Board would ever want this to happen, as in emergency situations. Ms. Messina confirmed yes, however she knew that Mr. Collins did not. Ms. Messina stated that if the situation occurred in two or three years, the legislation would already be in place and “it” could be done. Mr. Bunting stated the current law empowers the Board to allow the Division to be as involved as the Board desires. He stated the Board could have the Division work as intensely or as little as it desires. He clarified the legislation allows the Board to grant authority for the Division to do it or not to do it. Mr. Greene stated that the section will be left in.

Closed Complaints -None

Other Business (for discussion only)

There was no other business to be discussed.

Public Comment

Mr. Bunting - I would also like to suggest that if you can help the consumer that you have written guidelines that the division has to follow and checked by the chairman, if there is a natural disaster allowing permits to be issued. And for background purposes I worked for - my business is interested in operating a third party vender operation in Sussex County – the 10 days would help my business get up and running. My question, can I still be within the 30 day or 10 day window or do I have to be within 60 days?

Mr. Greene - the 60 days allows them time to get it in and be reviewed by the Board at 2 meetings if needed in case there was a problem with the application. To be on the agenda it must be at the Division within 10 days at a minimum.

Rev. Dulin – no comments

Next Meeting Date

The Board will hold a meeting on February 5, 2009 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904.

Adjournment

Ms. Messina made a motion, seconded by Mr. Barrie to adjourn the monthly board meeting. The motion was unanimously carried. The meeting adjourned at 3:07 p.m.

Respectfully submitted,



Debbie Heinsch
Administrative Specialist II