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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, February, 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:	March 5, 2009

MEMBERS PRESENT

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

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Debbie Heinsch, Administrative Specialist II
Chris Spizzirri, Deputy Attorney General
Kay Warren, Deputy Director, Division of Professional Regulation

ALSO PRESENT

Herb Dulin, Go All In
Laura Meylan, Miss Delaware
Ken Steele
Brian Talley

MEMBERS ABSENT

Sharon McDowell, Public Member

CALL TO ORDER

Mr. Greene called the meeting to order at 1:10 p.m.

REVIEW OF MINUTES

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

The Board reviewed the minutes of the meeting held on January 5, 2009. Mr. Barrie made a motion, seconded by Ms. Messina to approve the minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Final Denials (Proposal to Deny – No Hearing Requested) Polytech High School Band Boosters – Mr. Trader made a motion, seconded by Mr. Barrie to deny their permit as they did not respond to the certified letter, which they received. The motion was unanimously carried.

NEW BUSINESS

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

The Board reviewed the application for Cape Henlopen Little League. Ms. Messina made a motion, seconded by Mr. Barrie to approve the event contingent upon receipt of a letter as to why the event will not be held on site. The motion was unanimously carried.

The Board reviewed the application for Ladies of the Dover Elks #1903 and their request to hold an event off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Delaware Storm Travel Teams Inc. Ms. Messina made a motion, seconded by Mr. Trader, to approve their event contingent upon the Division receiving a valid IRS determination letter. The letter on file expired in December 2006. 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 Summerwind Stables. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for New Castle Senior Center and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Masonic Home of Delaware and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Solomon Lodge #6 and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Leukemia & Lymphoma Society, Inc. and their request to hold an event off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Mid-County Senior Center and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for American Heart Association and their request to hold an event off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Hiram Masonic Lodge and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Salesianum School and their request to hold an event on February 7, 2008 with a rain date of February 28, 2009. Ms. Messina made a motion, seconded by Mr. Trader to approve the event for February 27, 2009 ONLY; if the applicant wanted an event on the date of February 28, 2009 they are required to submit another application for that date. Ms. Heinsch will advise them in a letter that the Board does not approve rain dates. The motion was unanimously carried.

The Board reviewed the application for Epilepsy Foundation of DE and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Police Athletic League of DE and their request to hold events off premises. Additionally they are requesting to add the date of April 18, 209 and remove the January 2009 date from their application as they did not hold the event in January. Mr. Trader made a motion, seconded by Mr. Barrie to approve the events. The motion was unanimously carried.

The Board reviewed the application for Knights of Columbus, Bishop Mardaga Assembly #2014 and their request to hold an event. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Delaware Storm Travel Teams Inc. and their request to hold an event. Mr. Trader made a motion, seconded by Mr. Barrie to approve contingent upon the Division receiving an updated IRS determination letter. The letter on file expired in December 2006. The motion was unanimously carried.

The Board reviewed the application for Mom's Club Pike Creek. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Sellers Senior Center, Inc. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Fraternal Order of Police #4 and their request to hold events. Mr. Trader made a motion, seconded by Mr. Barrie to approve their event. The motion was unanimously carried.

The Board reviewed the application for Forgotten Cats, Inc. and their request to hold events. Mr. Trader made a motion, seconded by Mr. Barrie to approve ONLY the event for March 21, 2009, and approve the April and May events contingent upon receipt of an updated IRS determination letter. The motion was unanimously carried.

The Board reviewed the application for National Federation of the Blind of Delaware and their request to hold events. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for St. Helena's Athletic Association and their request to hold events. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

The Board reviewed the application for Smyrna Lions Club and their request to hold events off premises. Mr. Trader made a motion, seconded by Mr. Barrie to approve their events. The motion was unanimously carried.

Review of Original Bingo Application(s)

The Board reviewed the application for Wesley College and their request to hold an event. Mr. Trader made a motion, seconded by Mr. Barrie to approve their application as it is complete. The motion was unanimously carried.

Review of Bingo Event Application(s)

The Board reviewed the application for Bowers Fire Company. Ms. Messina made a motion, seconded by Mr. Barrie to approve their events for February 8, 2009 – May 10, 2009 only. The motion was unanimously carried.

The Board reviewed the application for The Rainbow Chorale of Delaware. Mr. Barrie made a motion, seconded by Ms. Messina to approve as the application is complete. The motion was unanimously carried.

The Board reviewed the application for Millcreek Fire Co. Ladies Auxiliary. Ms. Messina made a motion, seconded by Mr. Barrie to approve contingent upon receipt of a revised prize list that is under the allowable $1000. The motion was unanimously carried.

The Board reviewed the application for Millcreek Fire Co. Ladies Auxiliary and their request to hold events on February 27, March 27, and April 24, 2009. Mr. Trader made a motion, seconded by Ms. Messina to approve the event on February 27, 2009 and table the March and April events. The applicant must submit an application, and detailed prize list for both events and have approved by the Board. No additional fee is needed with the applications; therefore, applicant must return a copy of the letter sent to them to avoid the application being rejected due to lack of payment. The motion was unanimously carried.

The Board reviewed the application for St. Elizabeth Ann Seton Church. The prize list indicated 60/40 split with no determined monetary value. Ms. Messina made a motion, seconded by Mr. Trader to approve contingent upon a prize list with actual dollar values for each game played, and that list being under $1000. The motion was unanimously carried.

The Board reviewed the application for Harrington Senior Center. Mr. Trader made a motion, seconded by Mr. Barrie to approve as the application is complete. The motion was unanimously carried.

Review of Raffle Application(s) –

The Board reviewed the application for DE Chapter, National Multiple Sclerosis Society. Mr. Trader made a motion, seconded by Mr. Barrie to approve their application. The motion was unanimously carried.

Review of Instant Bingo Application(s) -

The Board reviewed the application for VFW Post #475. Mr. Trader made a motion, seconded by Mr. Barrie to approve as their application is complete. The motion was unanimously carried.

Request to Change Date of Approved Event - None

Approval of Licensure List–

Ms. Messina made a motion, seconded by Mr. Trader to approve the Texas Hold'Em Poker Tournament permits for: Frederica Fire Company, Millville Vol. Fire Company, and Military Order of the Cooties Fiddlers Pup Tent #4. The motion was unanimously carried.

Mr. Trader made a motion, seconded by Mr. Barrie to approve the Charitable Gambling Event permits for: Temple Beth El, Delaware Contractors Association Scholarship, and Knights of Columbus #6543 Old Bohemia Council. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Trader to approve the bingo applications for: American Legion Auxiliary Unit 28, Clayton Fire Company, Friends for Responsible Pet Care, Camden-Wyoming Fire Company, Lloyd Nelson VFW Post 3792, Bowers Ladies Auxiliary, Cape Henlopen Senior Center, Camden Wyoming Moose #203, Milford Elks #2401, Our Lady of Fatima, Seaford Lioness Club, Lord Baltimore Lions Charities, Inc.., Milton Fire Department Ladies Auxiliary, Frederica Vol. Fire Company, Benevolent and Protective Order of the Elks #2458, Camden Wyoming Moose #203, and Nanticoke Memorial Hospital. The motion was unanimously carried.

Mr. Trader made a motion, seconded by Mr. Barrie to approve the raffle application for Ministry of Caring, Inc. The motion was unanimously carried.

Hearings

William S. Anderson	Hearing	March 5, 2009	1:00 p.m.
Laurie A. Anderson	Hearing	March 5, 2009	1:00 p.m.
Matthew S. Balotin	Hearing	March 5, 2009	1:00 p.m.

Legislation

Mr. Greene reported that the Gaming bill currently has 9 Representatives that are willing to sponsor it. He is hoping to obtain 5 Senators to sponsor it this week. Ms. Messina made a motion, seconded by Mr. Barrie to remove the section in legislation that reads *The Board, in its discretion, may designate to the Director of the Division of Professional Regulations the authority to issue permits or licenses administratively upon specified criteria agreed upon by the Board and the Director."* The motion was unanimously carried.

Closed Complaints -None

Other Business (for discussion only)

Mr. Greene requested that when the Board request an investigator go out to an event that they would write a letter to the Board regarding the status of the site visit with the investigative findings. Ms. Warren stated that the Division could do this.

Mr. Greene reported that he met with Representative Viola, Representative Keely, and Senator Ennis and they believe the Board and the Division is doing a great job.

Mr. Greene reported that he and Ms. Messina visited several events. He requested Mr. Dulin have cards and/or literature that pertains to gambling problems out at events. Mr. Dulin responded that he doesn't put the pamphlets out, but he does have it on his bulletin board along with the house rules. Mr. Greene reported that the Milford Elks Lodge was happy to see them stop by. When they visited Premier Poker Room they didn't have the permits posted during the event. He requested that Mr. Talley remind Ms. Talley that the permits must remain posted until the event is over.

Ms. Messina explained that at the November meeting the Newark Elks Lodge was denied due to the number of events held per week. However, they are grandfathered in and can hold more that one bingo event per week. Ms. Messina would like another letter sent to the Elks explaining that their denial was also due to non clarification of the Sunshine Foundation.

Ms. Messina thanked Ms. Heinsch for promptly responding to inquiries they have had.

Ms. Messina addressed the charitable gambling applications that the Board reviews. A majority of the applications are reviewed because the event(s) are not held on site. Ms. Messina made a motion, seconded by Mr. Greene that all charitable gambling events that are held at third party vendor businesses be placed on the licensure list, and not reviewed individually, provided that they have one letter on file as to why the event will not be held on site. The motion was unanimously carried.

Public Comment

Mr. Talley – Mr. Nickerson went to a charitable gambling event and said that representatives of the organization must deal. He would like clarification as he thought that one monitor would suffice for the event.
Mr. Greene – I will met with Mr. Nickerson and provide an answer to you.
Mr. Dulin – I would like a copy of the proposed legislation.
Ms. Messina provided Mr. Dulin and Mr. Talley with a copy of the proposed legislation.
Mr. Dulin – can more proposals be made?
Mr. Greene – you can call your legislator or senator and have issues addressed.
Mr. Dulin – raising the top prize payout is a concern. Texas Hold'Em is a volume type event and now I'm not getting the volume, not getting the applications. Sometimes the tournament can not be held due to lack of players. My main concern is it is driving players to Atlantic City. My Goldsboro tournaments make and payout more money.
Mr. Greene – you can't put us in the same basket as Maryland.
Mr. Dulin – I would like to see 5,000 and 12,000
Ms. Messina - I don't think it is the Board members duty to ask the players what they want or think. They can attend any of the twelve meetings, and we also had public hearings that the public could attend to voice their opinion.
Mr. Dulin – it was addressed at the first workshop, it was in the first proposed legislation and now it is removed.
Ms. Messina – I understand what you are saying.
Mr. Dulin – it sat for two years in the proposal and it was abandoned.
Mr. Greene – it was abandoned because we, this board didn't know anything about that.
Mr. Greene – Mr. Mancus had pending legislation that this board didn't see
Mr. Dulin – this is a change that needs to be made
Ms. Messina – I stand by my statement
Mr. Dulin – I want to rally the people
Ms. Messina – that should have been done before now
Mr. Dulin – It was better back then but it is bad now; the limits of the payouts are a problem; if the organizations want success they will rally
Mr. Greene – it seems like when you talk about raising the payouts Legislative Hall might be concerned
Mr. Dulin – you are only allowing the organizations to pay out more money, the income is the same.
Mr. Greene – the non profits set their own payouts don't they?
Mr. Dulin – there are limits. I've been trying to get this changed since day 1. I am also opposed to sit-and-go games.
Mr. Greene – we are trying to help you
Mr. Dulin – the prize payout is the key to better success. I want 5,000-12,000. If I can't really the organizations to do this then I am done trying.
Mr. Dulin – I've had tournaments where the players are on the phone to other players at tournaments to see what their payouts are going to be.
Mr. Greene – once sports gambling takes effect you will lose most of this
Mr. Dulin – I can't project the future
Mr. Greene – it scares me that it only takes one thing to kill the bill

Mr. Dulin – I will personally rally this on my own. I don't want to ruin the work that you have done on the proposed legislation whether or not I agree with all of it.
Mr. Greene- well then, you can go to your legislator
Mr. Dulin – in the past with a previous board the Governor declared a State of Emergency with snow, the applicant was allowed to reschedule their event
Ms. Messina – that would be correct it is a State of Emergency
Mr. Greene – I will bring this for the to Mrs. Cooke to see how she feels about it
Ms. Messina – wait a minute
Mr. Dulin – it allows a higher payout for the larger tournament
Mr. Greene – what is the lowest payout that you are willing to work with?
Mr. Talley – I know what he is saying, with a large number of players the probability decreases so they have better odds of winning at a smaller tournament. If there are 45 people and the prize is $2,000 or if there are 110 people and the prize is $5,000 – go figure.
Mr. Greene – we will see how the legislators feel
Ms. Messina – we will have to wait you can't add or delete without a board motion. It will delay our chances.
Mr. Dulin – can a Senator do it?
Ms. Messina – I was told no.
Mr. Spizzirri – a Senator can introduce an amendment to any proposed bill
Mr. Dulin – so this wouldn't have to go through the board?
Mr. Spizzirri – correct
Ms. Messina – we just need to get Senators backing our bill
Mr. Dulin – the bottom line is if fire companies are making money it will help the budget. If I can't make money I don't want to do this.
Mr. Greene – I went to a meeting about sports betting and if everything falls into sequence by football season sports gambling will be into effect. The casinos are ready to go with it, they just need approval.
Mr. Dulin – the casinos don't have local people, they are out of staters.
Mr. Talley – when does this get voted on?
Ms. Messina – Senator Ennis will probably introduce it this week. It will then be given a senate bill number and be on the website when it goes to committee. It is a waiting game.
Mr. Greene – the Majority leader, Representative Schwartkopf would like to get it going.
Ms. Messina – it may be prefiled while they are on joint finance break, or possibly in March

Next Meeting Date

The Board will hold a meeting on March 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. Trader to adjourn the monthly board meeting. The motion was unanimously carried. The meeting adjourned at 2:20 p.m.

Respectfully submitted,

Debbie Heinsch
Administrative Specialist II