

Legalized Games of Chance Control Commission

April 11, 2001

Public Session Minutes

A meeting of the Legalized Games of Chance Control Commission was held on April 11, 2001, in the State House Annex, First Floor Committee Room 1, Trenton, New Jersey. Present for the meeting was Chairman Russell Lupo, Commissioners Alfred Peskoe, Marilou Halvorsen, Dorothy F. McCrosson, Esq., Executive Officer William Yorke, Deputy Attorney General John D. Hugelmeyer, Deputy Executive Director Veronica Hursthouse, Supervisors James Convery - Newark Office, Joseph Singh - Camden Office, Investigators Eric Barnes, Bruce Hurlburt, Annette Misukonis, Patrick Mullan, Frank Pallone, Martin Silva, Bill Walters and staff support Donna Kelly.

The meeting was opened by Chairman Lupo pursuant to provisions of the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq. at 10:00 a.m.

GENERAL DISCUSSION

1. Minutes of the Public Session meeting of February 14, 2001. The Commission reviewed and approved the minutes.

MOTION: Peskoe SECOND: McCrosson APPROVED: Unanimous

2. Public Comment - None

3. List of organizations approved or denied requests for registration for the month of February 2001 - The Commission reviewed and approved the requests for registration.

MOTION: Peskoe SECOND: McCrosson APPROVED: Unanimous

4. Statistics report and comparison figures from LGCCC to DCA for the months of January and February 2001 - Commissioner Peskoe requested a report of revenues and expenditures that would show where the deficit occurred. The Commission was under the impression that the Commission ran on the fees, with some surplus, and can't understand why they are running at such a loss. Commissioner Peskoe questioned what LGCCC is charged with, and then can see what the Commission can possibly do without. DED Hursthouse provided the Commission with a letter from Director Herr stating that the Commission would be provided with any information that the Commission requests, but he would need the precise request, and he will need it in writing. The Commission will follow up on this request.

MOTION: Peskoe Second: McCrosson APPROVED: Unanimous

5. RMLG-01-17 Bergen County Municipal Clerk's Association - Letter commending Inv. Martin Silva on his February 15, 2001 presentation to the Association - Chairman Lupo read the commendation letter and requested a round of applause for Investigator Silva, thanking him for his thorough job in his presentation to the Bergen County Municipal Clerk's Association.

6. RMLG-01-18 Golden Achievers - Assemblyman Thompson Letter to Director Herr commending Investigator Patrick Mullan on his February 16, 2001 presentation to the senior group - Chairman Lupo read the commendation letter and congratulated Investigator Mullan for his outstanding job all the time, and stated that it is nice to receive letters commending vs. condemning. Chairman Lupo asked for a round of applause.

7. RMLG-01-19 Equipment Supplier Application - Siddick Khan (East Brunswick) - The Commission reviewed

and approved this request for application.

MOTION: Peskoe Second: Halvorsen APPROVED: Unanimous

8. RMLG-01-20 Equipment Supplier Application - Keith Campanello (West Paterson) - The Commission reviewed and approved this request for application.

MOTION: Peskoe Second: Halvorsen APPROVED: Unanimous

9. RMLG-01-21 Commercial Rentors Application - Hudson Jersey Development I, LLC (Bayonne) The Commission reviewed and approved this request for application.

MOTION: Peskoe Second: Halvorsen APPROVED: Unanimous

10. RMLG-01-13 (revisited from 02/14/01 meeting) New Jersey Revision Commission Tentative Report relating to LGCCC - E.O. Yorke stated that the staff reviewed the revisions to the Bingo Licensing Law, and that there are some concerns (ie: a warrant to inspect a game; taking responsibility away from municipalities and making LGCCC responsible for all licensing) which will be reviewed with the Division of Law. The Commission will neither support nor condemn the revisions until all issues are addressed.

MOTION: Peskoe Second: Halvorsen APPROVED: Unanimous

11. Executive Officer's Report

a. Newspaper item - Mountain Lakes to vote to ratify raffles - informational

b. Newspaper item - Keypad helps visually impaired play bingo -informational

c. LGCCC Fiscal Year 2001 Budget Report (First Half) as provided by the DCA 02/21/2001 - This item was discussed in item # four.

d. Update of proposed Armchair Race and Casino Night regulations - E.O. Yorke provided a copy of the proposed changes to the Armchair Race and Casino Night regulations. The Commission approved the proposed regulations as completed.

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

e. Price to Play Bingo - (late starter) E.O. Yorke stated that he is working on the regulations allowing the admission charge to be raised to \$5.00, and \$1.00 for boards. (No more than \$1.00 and no less than .50 cents) E.O. Yorke stated that with the new price schedule, and based on the game operators, the game could become "healthy" again. The Commission determined that they would accept the amendment to this regulation.

MOTION: Halvorsen Second: Peskoe APPROVED: Unanimous

REQUEST FOR MITIGATION OF PENALTY

12. LGA 00-420 (Tabled from 02/14/01 mtg.)

Marco's Pizza Restaurant
(Toms River) (Inv. Pallone)

Supervisor Convery stated that Butch Carbone, owner of Hammer Amusements (the supplier of the crane to Marco@s) responded to the subpoena, but stated that the "office" questions Mr. Carbone's truthfulness. Supervisor Convery

requested the Commission come to a decision regarding Marco's Pizza Restaurant, and that the office will proceed with Hammer Amusements. The Commission determined that because Mario Scotto stated that he made no money, and immediately removed the crane from the premise, the civil penalty assessed to Marco's Pizza Restaurant will be reduced from \$250 to \$100. A Final Order will be drafted by DAG Hugelmeyer.

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

13. LGA 00-496 Robert Bennett & Douglas Woodfield

Lic. # 449-01-00065-00148
809 Boardwalk (Seaside Heights)
(August 30, 2000) (Inv. Luzzi)

Supervisor Convery stated that Investigator Luzzi is on sick leave. On August 3, 2000, Douglas Woodfield, the owner of the Blockbuster game was instructed by the investigator to remove one of the four (4) blocks from the game, stating that this game is certified for three (3) blocks, not four (4). Mr. Woodfield insisted that unless he was shown the certification, he would not remove the block. This is a violation of N.J.A.C. 13:3-3.8(b), sample games not conducted in accordance with certification. Mr. Woodfield claimed he did not receive a certification with the game, and that the game came with (4) blocks. Supervisor Singh stated that Steve Dobson, the Manufacturer of the game, stated that the game does come with an extra block, but it would be very difficult to win when played with four(4) blocks, and that he would not suggest the change. The Commission determined that the burden of proof of the certification lays with the operator, not with the investigator. **The Commission determined that the \$250 civil penalty will remain. A Final Order will be drafted by DAG Hugelmeyer.**

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

14. LGA 00-478 Robert Bennett & Douglas Woodfield

Lic. # 449-01-00065-00148
809 Boardwalk (Seaside Heights)
(September 3, 2000) (Inv. Luzzi)

On September 3, 2000, Investigator Luzzi again found the Blockbuster game operating in violation of N.J.A.C. 13:3-3.8(b), sample games not conducted in accordance with certification. Investigator Luzzi provided the licensee, Douglas Woodfield with the Blockbuster certification. **The Commission determined that the \$2580 civil penalty will remain. A Final Order will be drafted by DAG Hugelmeyer.**

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

DED Hursthouse stated that the office will review the procedure of providing a license.

15. LGA 00-504 Provisional Order of Revocation

FJR Investments (Robert Fodera)

209 Boardwalk, Wildwood
License # 550-01-00056-00

This action is taken in lieu of a civil penalty for seven violations of N.J.A.C. 13:3-3.4, charge to play exceeds the maximum allowable fee. The licensee, Robert Fodera, requested a meeting to discuss the violations. DAG Hugelmeyer stated that Robert Fodera does not raise factual issues, and his failure to respond to the following UPL's is deemed to render the facts contained in them uncontested. The Commission made a motion for DAG Hugelmeyer to finalize the Provisional Order of Revocation on this LGA 00-504, maintaining the outstanding civil penalties for the following UPL's:

LGA 99-223 (07/05/99)
Lic. #550-01-00045-00482
2900 A Boardwalk
\$150 outstanding

LGA 99-247 (07/11/99)
Lic. # 550-01-00045-00482
2900 A Boardwalk
\$250 outstanding

LGA 00-278 (06/11/00)
Lic. #550-01-00056-00473
2904 Boardwalk
\$250 outstanding

LGA 00-318 (07/10/00)
Lic. # 550-01-00058-00475
2808 Boardwalk
\$150 outstanding

LGA 00-346 (07/10/00)
Lic. # 550-01-00056-00473
2904 Boardwalk
\$5,000 outstanding

LGA 00-429 (07/27/00)
Lic. # 550-01-00057-00474
2900 Boardwalk
\$500 outstanding

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

LGA 00-226 (05/13/00) **Final Order on December 21, 2000.**
Lic. #550-01-00056-00473
2904 Boardwalk
\$1,000 outstanding

The Commission broke for lunch at 11:35 a.m.

The Commission entered Executive Session at 12:10 p.m.

The Commission entered Public Session at 1:50 p.m.

The Commission designated Executive Officer Yorke to represent the Commission at the Public Hearing to be held on April 19, 2001 at the Consumer Affairs Office, 124 Halsey Street, 7th Floor, Monmouth Room, Newark, New Jersey. The Public Hearing is being held to promulgate the amendments to Amusement Game Regulations N.J.A.C. 13:3-3.4, maximum fee for participation in game and N.J.A.C. 13:3-3.5, maximum retail value of prizes.

MOTION: McCrosson Second: Peskoe APPROVED: Unanimous

Chairman Lupo stated that he would not be at the May 9, 2001 meeting, and wished all a Happy Easter!

After reading the closing statement by Chairman Lupo, the meeting was adjourned at 1:55 p.m.

Respectfully submitted,

by: _____

Donna B.Kelly
LGCCC



Legalized Games of Chance Control Commission	Office of Consumer Protection	Consumer Affairs	Feedback	NJ Dept. of Law and Public Safety	State of New Jersey
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Posted July 2002