



# Legalized Games of Chance Control Commission

## Public Session Minutes

### August 14, 2002

A meeting of the Legalized Games of Chance Control Commission was held on August 14, 2002, in the State House Annex, First Floor Committee Room 1, Trenton, New Jersey. Present for the meeting were Chairman Marylou C. Halvorsen, Commissioners Alfred Peskoe, James Lewandowski, Executive Officer William Yorke, Deputy Attorney General (DAG) Jodi Krugman, Executive Assistant to the Director Robert Campanelli, Deputy Director Anthony Miragliotta, Regulatory Analyst Gene Brenycz, Deputy Executive Director Veronica Hursthouse, Supervisors James Convery - Newark Office, Joseph Singh - Camden Office, and staff support Donna Kelly. Excused: Commissioners Frank V. Ragazzo and Dorothy F. McCrosson, Esq.

The meeting was opened by Chairman Halvorsen pursuant to provisions of the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq. at 9:30 a.m.

## GENERAL DISCUSSION

**1. Letter from DCA Director Reni Erdos regarding LGCCC Transfer** - Reni Erdos, Director of the Division of Consumer Affairs, provided the Legalized Games of Chance Control Commission (LGCCC) staff a memorandum regarding the transfer of Administration of LGCCC from the Office of Consumer Protection (OCP) to the Professional and Occupational Board side of the Division of Consumer Affairs, under the Supervision of Deputy Director Anthony Miragliotta. The move will take effect on September 1, 2002. James Convery will act as supervising investigator and report directly to Robert Campanelli, Executive Assistant to the Director, who will orchestrate the transition. The administrative staff will report to Executive Director Yorke. Phase II will occur when the Division's Audit Team has concluded its analysis of the LGCCC's manpower needs. The Commission entered Executive Session for receipt of legal advise. **Upon return to Open Session, the Commission made a motion as follows:**

Effective immediately, all information regarding violations, including complaints, investigative reports and observed and/or alleged violations, shall be brought before the Commission for review and deliberation in Executive Session. In its Executive Session review, the Commission will determine the action to be taken, which may include the formulation of settlement positions, and the manner in which the alleged violation should be addressed. As required by the Open Public Meetings Act, the Commission's proposed actions shall be voted on in Public Session. At any time, the Commission delegates to its Chairman the right to authorize settlement discussions or resolution of emergent matters, subject to ratification by the full Commission.

**MOTION: Halvorsen    SECOND: Peskoe    APPROVED: Unanimous**

**2. Public Comment** - None

**3. Minutes of the Public Session meeting of July 10, 2002** - The Commission reviewed and approved the Public Session Minutes from the July 10, 2002 meeting.

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**4. List of organizations approved or denied requests for registration for the month of July, 2002 - The Commission approved the requests for registration.**

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**5. Statistics report and comparison figures from LGCCC to DCA for the month of June, 2002 - The Commission accepted the Statistics and Comparison Figures Report.**

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**6. LGCCC Revenue Review (revisited 7/10/02 mtg.) Not heard**

**7. RMLG-02-27 Amendment 13:3-1.16 Discussion when does an Amusement Game License Amendment become effective? (revisited 6/12/02 & 7/10/02 meetings) - N.J.A.C. 13:3-1.16 - Jodi Krugman, DAG - the Commission tabled this item at prior Commission meetings to permit the industry to raise their concerns. At the June 10, 2002 meeting, the Commission interpreted the regulations to mean that an amendment to a license is not effective until the amended license certificate is posted. The Commission has suggested a clarification of N.J.A.C. 13:3-1.16(c), to read - No licensee who has applied for an amended license shall operate a game other than that which has been licensed by the Commission until an amended license certificate (**has been issued**) **issued by the Commission is conspicuously posted in accordance with the provisions of section 3.1 of this chapter.** Edward McGlynn, Esq., lobbyist for the Amusement Association, stated he has no concern, providing the amendment is done expeditiously. **The Commission authorized clarification of this regulation.****

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**8. LGA-02-180 In the matter of Amusement Games License (revisited 7/10/02) Park Place Family Entertainment Center - Wildwood - Inv. Singh - The Commission entered Executive Session for deliberation. The Commission approved the application for license effective September 3, 2002.**

**MOTION: Halvorsen SECOND: Peskoe APPROVED: Unanimous**

**9. Application for Bingo/Raffle Equipment Supplier License - Mac's Amusement Heyward McFadden - Bronx, NY - Executive Officer Yorke stated the appropriate checks were completed. The Commission approved the application for license.**

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**10. Request for refund of an Amusement Games License fee Lic #550-01-00054-00540 Suzanne Loughran - Basketball Game - Wildwood - Ms. Loughran was unable to secure a lease for the location that she applied for license for. The Commission approved Ms. Loughran's request for a refund.**

**MOTION: Peskoe SECOND: Lewandowski APPROVED: Unanimous**

**11. Proposal to amend N.J.A.C. 13:47-4.3 (b) re: 14 day time frame for License approval RMLG-02-29 - Denville Fire Dept. Assoc.- I. D. # 104-09-13836 revisited from 7/10/02 agenda - Regulatory Analyst Gene Brenycz stated that the amendment would allow a municipal governing body to adapt an ordinance which would grant the municipal clerk the authority to issue Bingo and Raffles licenses administratively, eliminating the need for governing body approval of each individual license application. The application would then come to the LGCCC office. The proposed change stating the Commission has "up to" fourteen days for review, instead of stating "has" fourteen days, would cause less delay in licensing events. The Commission still retains authority to take action. **The Commission approved the proposed amended regulations.****

**MOTION: Halvorsen SECOND: Peskoe APPROVED: Unanimous**

**12. RMLG-02-34 Use of Games Proceeds by VFW Post for Bldg. Fund - VFW Post #2071 Sgt. Anthony P. Grochowski - I. D. # 154-7-33930** - Al Allen, Jr., Sr. Vice Commander and Hall Chairman of the VFW, in Franklinville, addressed the Commission. Mr. Allen stated that although the net funds raised by the club are used totally for charity, the hall is also used by many charitable and/or nonprofit organizations such as cub scouts, boy scouts, blood drives, donation of the hall to underprivileged, all putting a tax on the maintenance of the building and on utility bills. The Post is requesting a portion (30%) of their net proceeds t be used toward insurance(s), utility costs and general maintenance of their Community Hall area. Commissioner Peskoe made a motion to allow the Post to use a portion of their proceeds for maintenance of the Hall, and withdrew his motion. The Commission entered Executive Session for deliberation and receipt of legal advise. **The Commission determined the matter would be tabled until next month so the office could address legal issues before rendering a decision.**

**13. RMLG-02-35 Family Based Services Association of NJ, Inc. - Eatontown - request for \$50.00 refund of registration application fee** - Brooke A. Sherman, Office Manager for Family Based Services Assoc. of New Jersey, requests a refund of the \$50 application fee, stating that they were not provided with a Rules and Regulations booklet, and were not aware of the twenty five-member rule. E.O. Yorke stated that the Initial Affidavit and Application states that a non refundable \$50 application fee must accompany the application. **The Commission denied the request for a refund.**

**MOTION: Halvorsen SECOND: Lewandowski APPROVED: Unanimous**

**14. RMLG-02-36 Casino Nights Regulation Proposal to Amend N.J.A.C. 13:47- 4.9, 6.11, 7.5, 7.28, 7.41, 7.48, 7.56, 13.1, 13.6, 13.7, 13.8, 16.1, 16.2, 19.1, 19.2, 19.3 and 19.4 also to Repeal N.J.A.C. 13:47-6.18, 6.19 and 8.26 also New Rules N.J.A.C. 13:47-6.25 and 20** - Deputy Director Anthony Miragliotta stated that on May 6, 2002, the Commission proposed the Casino Night Regulation. In the course of the sixty-day comment period, ending July 5, 2002, eleven (11) comments were received from various organizations, equipment suppliers and charitable organizations. Deputy Director Miragliotta suggested the Commission hold action on the matter until next month, when the Commission can be provided with a summarization and background material. Changes would require re-promulgation.

Chairman Halvorsen inquired about the status of compensated workers. Deputy Director Miragliotta will get back to her.

#### **15. Public Relations:**

- a. Ltr. Sen. Bucco (Denville Fire Dept.)
- b. Thank you note (Beth J. Davis Easter Seals of NJ)
- c. Thank you notes (Baldwin Oaks Sr. Bingo Club Parsippany)
- d. Ltr. Julie Bender Pres. Community Center Sr. Bingo Club and Pres. of Baldwin Oakes Sr. Bingo Club both of Parsippany)

#### **16. E. O. Report**

- a) **Senior Citizen Problems - Bingo Parsippany (Julie Bender) The Commission tabled this item until the next Commission meeting.**
- b) **RMLG-02- 41 Senior Citizen Problems - Raffles Parsippany (Julie Bender) Julie Bender, President of the Baldwin Oaks Bingo and Parsippany Community Center Bingo requests LGCCC to waive the requirement of a financial statement after they run a 50/50. The Commission determined the Senior Citizens do need a license to conduct raffles.**

**MOTION: Halvorsen SECOND: Lewandowski APPROVED: Unanimous**

c) **Re-adoption w/amendments: N.J.A.C. 13:47** - Effective on August 5, 2002, expiration July 12, 2007

d) **discussion-reschedule 09/11/02** - The Commission tentatively scheduled the next Commission meeting for

September 11, 2002.

**Conduct Meeting in Newark** - The Commission will meet in Newark on September 17, 2002 for a training session.

## REQUESTS FOR MITIGATION OF PENALTY

**17. LGA-02-163 Royal Sands Motel - N. Wildwood - Inv. Walters** - Frank J. May, owner of Royal Sands Motel sent a written request for mitigation. He stated that they have a mercantile license from North Wildwood and were unaware that the sports arena and crane machine were not covered by their license. When the Investigator told them they could not run the machines without a license, they said they emptied the prizes and disconnected the machines. **The Commission determined the Uniform Penalty Letter (UP) will be rescinded, and a Warning Letter will be issued.**

**18. Old Business** - none

**19. New Business** -none

At 11:10 a.m. the Commission adjourned for five minutes.

At 11:20 the Commission went into Executive Session.

After approving the reading of the closing statement by Chairman Halvorsen, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

By: \_\_\_\_\_

Donna B. Kelly

Legalized Games of Chance Control Commission



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*Posted October 2002*