

**New Hampshire Racing & Charitable Gaming Commission**  
**Commission Meeting**  
**June 10, 2015**  
**15-06**

Present: Timothy J. Connors, Chairman  
Anthony B. Urban, Secretary  
Frederick H. Booth, Member  
Dennis H. Caza, Member  
Michael J. Gatsas, Member  
Lynn M. Presby, Member  
Paul M. Kelley, Director  
Sudhir K. Naik, Deputy Director  
Valerie King, Procedures Administrator  
Stephen Johnston, Supervisor-Gaming Operations  
Suzanne Robidoux, Gaming/Licensing Supervisor  
Amir Alic, Gaming Audit Supervisor  
Linda Darrow, Administrative Secretary

In Attendance: Nick Bonardi, Ryan Gloddy, Ed Callahan, Dick Bouley, Jamie Timbas, Jan DiMarzio, Rick Newman, Debra Douglas, Stephen Lyman, Mark Newton, Steve Poucher, Red Elk, Dorothy Strout, Don Johnson and others.

Chairman Connors called the meeting to order 10:00 a.m., and welcomed the Chairman of the Lottery Commission, Debra Douglas, to the meeting. He then called for the scheduled hearing to begin.

**Ms. Leanne Fortin Hearing**

At 10:00 a.m., Chairman Connors opened the hearing for Ms. Leanne Fortin relative to the denial of her application for a Secondary Game Operator license. He swore in those who were to testify:

Ms. Leanne Fortin

After testimony was given, Chairman Connors asked if anyone else had any testimony or evidence to offer. There being none, he closed the hearing at 10:05 a.m.

On a motion by Commissioner Booth, seconded by Commissioner Urban and unanimously voted to approve and place on file the minutes dated May 6, 2015.

On a motion by Commissioner Booth, seconded by Commissioner Caza and unanimously voted to place on file the Racing & Charitable Gaming statistics for the fiscal period of July 1, 2014 – May 31, 2015.

The Games of Chance State and Charity revenue spreadsheets were reviewed and placed on file.

On a follow-up to the audit report on Seacoast Bingo LLC Cooperative Advertising Bank Account presented at the last meeting, Deputy Director Naik provided the following information:

- In April 2015, the charities were paying \$18,985.00 in rent for 11,950 sq. ft. of space with an average attendance of 3,797 players.
- After April 2015, the charities were paying \$16,795.00 in rent for 6,700 sq. ft of space with an average attendance of 3,359 players.
- The charities were/are paying \$5/head in both instances.
- Lease agreements are in place.

Discussion ensued. Staff was commended for a job well done. A motion was made by Commissioner Presby and seconded by Commissioner Urban to accept the audit and place it on file. Commissioner Booth made a motion, seconded by Commissioner Gatsas, to amend the motion to include a review in 6 months' time. The motion was unanimously approved with the amendment.

Deputy Director Naik provided an overview of the observations and recommendations issued to the Fraternal Order of Eagles #2629 as a result of a recent audit. He thanked Auditor Alic for a job well done and thanked the members of the organization for their cooperation and commitment to address the audit findings. On a motion by Commissioner Presby, seconded by Commissioner Caza and unanimously voted to accept and place on file.

Correspondence:

Director Kelley noted that questions have recently come in regarding the use of the electronic Lucky 7 devices. He asked for assistance in clarifying the following questions:

- Can L7 tickets be sold at a “senior Bingo” game?
- Can L7 tickets be sold if a bingo event is cancelled?
- Can Bingo/L7 be played anywhere in the State?
- Does a member of a charity need to be on hand for the sale of L7 tickets?
- If a consultant can assist, what is meant by “assist”?
- What constitutes a bingo “event”?

Discussion ensued. It was determined a workgroup will be formed to work on answering these questions and the findings will be reported at the next Commission meeting.

Commissioner Booth also asked staff to provide data on the sale of L7 tickets, comparing the sale numbers before the approval of the electronic L7 machines with sale numbers after the machines were approved and installed in participating halls.

Old Business:

- Commissioner Gatsas noted that the account wagering balance information from Seabrook and Rockingham fall within the required limits.

New Business:

- Director Kelley stated there was a Triple Crown winner this year: American Pharoah.
- The sale of Seabrook Park will result in the loss to the state of approximately half a million dollars. The potential buyer is currently seeking a zoning variance which will be heard on June 24<sup>th</sup>.
- Director Kelley met with Executive Director McIntyre of Lottery to discuss the merger and how best to achieve the aims and goals of the legislature.
- Director Kelley also discussed the marketing campaign launched by The River in Milford to increase public awareness of their new Bingo operation. They also plan to feature their operation in the Bingo Bugle.

Mr. Callahan of Rockingham Park stated that HB 169, relative to table stakes poker, passed the House and will be effective 7/1/15 if signed by the Governor. The question put to the Commission was whether rules will be developed for this game. Discussion ensued. Rules will be developed when/if the Governor signs the bill into law.

Chairman Connors thanked Mr. Newman for his letter to the editor of the Portsmouth Herald in support of the Commission. He also thanked all those who worked to keep the Commission intact.

Based on all evidence received and all testimony heard, on a motion by Commissioner Presby, seconded by Commissioner Booth and unanimously voted for the following:

**IN THE MATTER OF**  
**Ms. Leanne Fortin**  
  
**Decision & Order**  
**Appeal of Denial of Games of Chance**  
**Secondary Game Operator License**

**Finding of Facts**

1. On May 26, 2015, the NH Racing and Charitable Gaming Commission (Commission) received a Secondary Game Operator License Application from Leanne Fortin, 22 Tower Drive, Hampton, NH. The application requested employment to be a dealer at Hampton Beach Casino. Thereafter, Gaming Licensing Supervisor Susan Robidoux reviewed Ms. Fortin's application for licensure.
2. Ms. Fortin noted on page 2, section 3, item A of her application that she had been convicted of a felony or a misdemeanor, and signed the application on May 26, 2015 certifying that the information provided was true, accurate and complete.
3. Pursuant to a duly executed (by Ms. Fortin) authorization for the release of criminal history record, the Commission received a copy of Ms. Fortin's Criminal History Record from the NH Department of Safety.
4. Supervisor Robidoux reviewed Ms. Fortin's criminal history, and noted the following convictions:
  - a. Class A misdemeanor for Aggravated Driving While Intoxicated (DWI) with a violation date of 5/19/2011.
5. On May 27, 2015, after reviewing the application in conjunction with the applicable RSA's and the Criminal History Record, Supervisor Robidoux denied Ms. Fortin's application and notified her of the same via certified mail, return receipt requested. In the letter, Supervisor Robidoux also notified Ms. Fortin of her appellate rights and enclosed an Appeal Form.
6. On May 27, 2015, the Commission received Ms. Fortin's request for an appeal.
7. On June 10, 2015, Ms. Fortin provided testimony at the hearing stating, among other things:
  - a. She was aware that she may have an attorney represent her interests before the Appeal Hearing; however she desired to proceed without a lawyer;
  - b. She was aware that the audio portion of the Appeal Hearing was being recorded;
  - c. She is aware that the denial of her application was based upon her criminal history;
  - d. She took full responsibility for the conviction, stating that it was a one-time mistake. She did not have a record prior to the incident, and has not had any since;
  - e. She stated that she needed her license to continue working and that this was one of 2 part-time jobs that she relies on to make a living; and

- f. For the foregoing reasons, she is asking the Commission to reconsider the initial denial of her application.

**Conclusions of Law**

1. Pursuant to RSA 287-D:2-b VI, "...no person who has in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past shall operate a game of chance licensed under this chapter..."
2. Pursuant to RSA 287-D:8, II, the Commission has the authority to determine eligibility and fitness for licensure.
3. Based on testimony given and information received, the Commission rendered a decision regarding Ms. Fortin's Appeal of Denial for a Secondary Game Operator Games of Chance License.
4. The Commission concludes that each license application/appeal hearing, is separate and distinct from every other application/appeal hearing, and a decision on an application/appeal hearing is based on the information and/or testimony received regarding that specific application/appeal hearing.
5. Based on testimony given and information received, the Commission concluded, pursuant to RSA 287-D:8, II, that Ms. Fortin is eligible and fit for licensure and that the denial of a Secondary Game Operator Licenses would be reversed in this instance

**Order**

The Racing & Charitable Gaming Commission orders that the denial of Ms. Leanne Fortin's 2015 Secondary Game Operator Application for a Secondary Game Operator License be reversed and a license issued.

There being no questions or comments from the audience, on a motion by Commissioner Booth, seconded by Commissioner Urban and by a unanimous roll call vote the Commission voted to adjourn the regular meeting:

|         |   |     |
|---------|---|-----|
| Connors | - | Yes |
| Caza    | - | Yes |
| Booth   | - | Yes |
| Gatsas  | - | Yes |
| Presby  | - | Yes |
| Urban   | - | Yes |

The next meeting is scheduled for Monday, June 29, 2015 at 10:00 a.m. in Room 100 of the Walker Building.

The Chairman closed the public meeting at 10:40 a.m.

Respectfully Submitted,

Anthony B. Urban  
Secretary