

FINAL MINUTES

Charitable Gaming Board
Department of Agriculture and Consumer Services (VDACS)
American Legion State Headquarters
1708 Commonwealth Avenue
Richmond, VA
Friday, May 18, 2018

CALL TO ORDER

Mr. Bob Sussan called the meeting to order at 9:05 a.m. Mr. Sussan led the Board and the public in attendance with the Pledge of Allegiance.

Mr. Sussan asked Mr. Michael Menefee to call the roll.

MEMBERS PRESENT:

Mr. Bob Sussan, Chair
Ms. Tanya Conrad, Vice-Chair
Mr. Nichols Curry
Mr. Randy Green
Mr. Charles Lessin
Captain Daniel Minton

MEMBERS ABSENT:

Mr. James Corrigan
Ms. Petrina Jones
Mr. Samuel Kaufman
Mr. James Lewis
Ms. Amy Solares

VDACS STAFF PRESENT:

Mr. Larry Nichols, Director, Division of Consumer Protection
Mr. Michael Menefee, Program Manager, Office of Charitable and Regulatory Programs

OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT:

Ms. Heather Hays Lockerman, Senior Assistant Attorney General/Chief, Office of the Attorney General

Mr. Menefee informed Mr. Sussan that a quorum was present.

NEW BUSINESS

Ms. Tanya Conrad made a motion for the Board to go into closed session for the purpose of discussing specific legal matters requiring the provision of legal advice by legal counsel as

authorized by § 2.2-3711(A)(7) of the *Code of Virginia*. Mr. Charles Lessin seconded the motion and it passed by a unanimous vote. The Board went into a closed meeting.

At the conclusion of the closed meeting, Ms. Conrad made a motion to reconvene in open session, and take a roll call vote certifying that to the best of each member's knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was concerned were heard, discussed, or considered. Mr. Lessin seconded the motion and Mr. Sussan asked Mr. Menefee to call the roll to record the member's vote on the motion:

Mr. Bob Sussan, Chair (Aye)
Ms. Tanya Conrad, Vice-Chair (Aye)
Mr. Nichols Curry (Aye)
Mr. Randy Green (Aye)
Mr. Charles Lessin (Aye)
Captain Daniel Minton (Aye)

Mr. Sussan informed members that the motion passed and asked for a motion to rescind, in its entirety, the resolution that the Board passed at its April 23, 2018 meeting. Ms. Conrad made the motion and Mr. Lessin seconded it. The motion passed by a unanimous vote.

APPROVAL OF MINUTES

Mr. Sussan asked for a motion to approve the draft minutes of the April 23, 2018, Board meeting and to include a footnote to reflect to Board's decision on May 18, 2018, to rescind the resolution passed during the April 23, 2018, meeting. Ms. Conrad motioned approval of the draft minutes with the amendment. Mr. Lessin seconded the motion and it passed by a unanimous vote.

In response to the Board's decision, Mr. Sussan stated that after consultation with legal counsel, the Board passed the resolution during its April 23, 2018, Board meeting. Mr. Sussan further stated that after much research after the meeting, it was determined the Board's decision to pass the resolution on April 23, 2018, was believed to be beyond its purview. Mr. Sussan stated the Board's decision to pass the resolution was made in good faith with the understanding it was something that the Board could do after it had consulted with its legal counsel.

Mr. Sussan asked Ms. Heather Lockerman for its guidance on the Board's authority as prescribed by the *Code of Virginia*. Ms. Lockerman stated that in accordance §2.2-2456 of *Code of Virginia*, the Board shall to do the following:

1. Promulgate regulations in accordance with the Administrative Process Act not inconsistent with the laws of Virginia necessary to carry out the provisions of this

chapter and the provisions of Article 1.1:1 of Chapter 8 of Title 18.2. Such regulations may include penalties for violations;

2. Advise the Department of Agriculture and Consumer Services on the conduct of charitable gaming in Virginia and recommend changes to Article 1.1:1 of Chapter 8 of Title 18.2; and
3. Keep a complete and accurate record of its proceedings.

She further stated that §18.2-340.20 (A) of the *Code of Virginia* allows the Department to deny, suspend or revoke a permit of any organization found not to be in compliance with the charitable gaming statutes and the Charitable Gaming Regulations, but only after the proposed action by the Department has been reviewed and approved by the Board.

PUBLIC COMMENT

Mr. Sussan asked the public in attendance whether they had any comments and with no comments from the public.

There being no further business, Mr. Lessin motioned to adjourn, which Captain Minton seconded it. On a unanimous vote, the Board adjourned its meeting.

Respectfully submitted,

Michael Menefee
Program Manager
Office of Charitable and Regulatory Programs