

**DRAFT MINUTES**

Charitable Gaming Board – Game Variance Workgroup  
Department of Agriculture and Consumer Services (VDACS)  
Pop’s Bingo World  
210 Giant Drive  
Richmond, Virginia  
Tuesday, August 11, 2020

**CALL TO ORDER**

Mr. James Lewis called the meeting to order at 9:25 a.m.

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

**MEMBERS PRESENT:**

Mr. James Lewis, Chair  
The Honorable Ryant Washington  
Mr. Charles Lessin, Ex Officio

**MEMBERS ABSENT:**

The Honorable William Feasenmyer  
Ms. Lea Roberts

**VDACS STAFF PRESENT:**

Mr. Michael Menefee, Program Manager, Office of Charitable and Regulatory Programs

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

**MESSAGE FROM THE CHAIR**

Mr. Lewis welcomed members and the public to the meeting of the Game Variance Workgroup.

**APPROVAL OF MINUTES**

Mr. Lewis asked for a motion to approve the draft minutes of the July 14, 2020, workgroup meeting. Mr. Charles Lessin motioned approval of the draft minutes as presented. Mr. Lewis seconded the motion and it passed by a unanimous vote.

**OLD BUSINESS**

Mr. Lewis informed members that the workgroup received two applications requesting approval for a game variance, one application dealt with remote play of electronic pull-tab tickets and the other application dealt with an automatic play and multiple ticket purchase features for electronic pull-tab devices. Mr. Lewis asked Mr. Ken Wiseman with Powerhouse Gaming, Inc. if he had further comments on the company’s two applications, which were before the workgroup for its consideration. Mr. Wiseman stated that he spoke earlier in support of

both applications. Mr. Lewis stated he sent the application on remote play of electronic pull-tab tickets to the Virginia Problem Gambling Council for comment and he inquired with the Office of the Attorney General whether it is a game variance, which he stated the legal guidance he received that it was not a game variance since it appears to conflict with the charitable gaming statutes. Hon. Washington had several questions on the application and the available options before the workgroup on deciding the outcome of the application. Mr. Lewis responded to Hon. Washington's questions. As such, Hon. Washington motioned to report the application to the Board with a recommendation to deny it on the reasoning that remote play is not a game variance. Mr. Lewis seconded the motion and it passed by a unanimous vote.

Mr. Lewis brought the other application on automatic play and multiple ticket purchase features for electronic pull-tab devices before the workgroup for its consideration. Mr. Lewis stated he sent this application to the Virginia Problem Gambling Council for comment and he inquired with the Office of the Attorney General whether it is a game variance, which he stated the legal guidance he received that these features were not a game variance since it appears to conflict with 11VAC15-40, Charitable Gaming Regulations and if the Board wished to allow these features for use on the electronic pull-tab devices, then it needed to consider amending the regulations in order to address the conflict. Mr. Lessin spoke in favor of these features and he stated that he believes these features are a game variance. Hon. Washington asked Mr. Wiseman for clarification on the features, which Mr. Wiseman responded back to him. As such, Hon. Washington motioned to report the application to the Board without a recommendation. Mr. Lewis seconded the motion and it passed by a unanimous vote.

With no further old business before the workgroup, Mr. Lewis moved onto new business.

#### **NEW BUSINESS**

Mr. Lewis asked Mr. Jim Daskalakis representing BigTrak Technologies, LLC to speak to its game variance application for a game called "Crazy Kite." Mr. Daskalakis stated the "Crazy Kite" game is currently played in the State of Alabama and it is similar to the bonanza bingo game. He further informed members that the game conforms to case law related to assisting individual, who are visually impaired with the use of technology. Mr. Lessin had several questions on how the game worked and Mr. Lewis asked how long it takes to play a single game. Mr. Daskalakis responded to the member's questions. In order to give the workgroup more time to evaluate the application, Mr. Lewis asked for a motion to defer action on it. As such, Hon. Washington motioned to defer action on the application, so the workgroup may further discuss it during its next meeting. Mr. Lewis seconded the motion and it passed by a unanimous vote.

With no further new business before the workgroup, Mr. Lewis moved onto public comment.

**PUBLIC COMMENT**

Mr. Lewis reminded members of the upcoming workgroup meeting on September 15, 2020, in Richmond.

With no comments from the public and there being no further business, the workgroup adjourned at 10:44 a.m.

Respectfully submitted,

Michael Menefee  
Program Manager  
Office of Charitable and Regulatory Programs