

FINAL MINUTES

Charitable Gaming Board
Department of Agriculture and Consumer Services (VDACS)
Electronic Meeting Via Cisco WebEx
Friday, September 4, 2020

CALL TO ORDER

Mr. Charles Lessin called the meeting to order at 12:05 p.m.

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

MEMBERS PRESENT:

Mr. Charles Lessin, Chair
Ms. Tanya Conrad, Vice-Chair
Ms. Lasonja Black
The Honorable William Feasenmyer
Mr. Samuel Kaufman
Mr. James Lewis [Joined Meeting Later]
Ms. Lea Roberts [Joined Meeting Later]
Ms. Amy Solares
The Honorable Ryant Washington

MEMBERS ABSENT:

Mr. Clay Dawson

VDACS STAFF PRESENT:

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

OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT:

Mr. Justin Bell, Assistant Attorney General, Office of the Attorney General

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

MESSAGE FROM THE CHAIR

Mr. Lessin stated he wished to make two points in his message to the Board. His first point is that today's meeting is a repeat of the Board's meeting from August 11, 2020. He stated the earlier posted meeting agenda did not clearly reflect that the Board was considering a proposed exempt action to promulgate new regulations to govern Texas Hold'em poker tournaments. As such, the Board is meeting today with a posted meeting agenda, which clearly reflects the Board is considering a proposed exempt action to promulgate new regulations to govern Texas Hold'em

poker tournaments to ensure all requirements are met. His second point, he wished for the Board to schedule its next meeting prior to the conclusion of this meeting. He stated members received comments from VDACS pertaining to the Board's draft regulations, which will govern Texas Hold'em poker tournaments and he wished to give members an opportunity to evaluate those comments during its next meeting.

APPROVAL OF MINUTES

Mr. Lessin asked for a motion to approve the draft minutes of the August 11, 2020, Board meeting. Mr. Samuel Kaufman motioned approval of the draft minutes as presented. Ms. Amy Solares seconded the motion and Mr. Lessin asked Mr. Menefee to call the roll in order to record each member's vote.

Member	Vote on the Motion
Lessin	Abstention
Conrad	Aye
Black	Abstention
Feasenmyer	Aye
Kaufman	Aye
Solares	Aye
Washington	Aye

Mr. Menefee informed the Mr. Lessin that the vote for the motion to approve the draft minutes was five ayes, zero nays and two abstentions. Mr. Lessin announced to the members that the motion passed and the minutes were approved.

Ms. Lea Roberts announced she was present for the meeting. Mr. Lessin asked Mr. Menefee to record her attendance for this meeting. Mr. Lessin moved onto the next item on the agenda.

REPORT FROM BOARD MEMBERS

Mr. Lessin asked members whether they had any reports for the Board. With no remarks from members, Mr. Lessin moved onto the Program Manager's Report.

PROGRAM MANAGER'S REPORT

Mr. Lessin asked Mr. Menefee whether he had a report for the Board. Mr. Menefee informed members that the Office of Charitable and Regulatory Programs (OCRP) continues to work closely with VDACS's Information System and Virginia Interactive, an information system contractor to modify the Online Financial Reporting System, which tracks financial reports and maintains the report's data to change the audit and administration fee rate from 1.125% to 1.375% pursuant to Chapter 982 of the 2020 Acts of Assembly (SB936). The anticipated completion date to modify the audit and administration fee in the Online Financial Reporting System is towards the end of September. Mr. Lessin asked members whether they had any questions for Mr. Menefee. With no questions, Mr. Lessin moved onto old business.

OLD BUSINESS

Mr. Lessin asked members whether they had any old business for the Board to consider. With no old business before the Board, Mr. Lessin moved onto new business.

NEW BUSINESS

Mr. Lessin stated that the new business before the Board is to consider a proposed exempt action to promulgate new regulations to govern Texas Hold'em poker tournaments. He stated that before the Board considers any motion on the proposed exempt action, he informed members that if the Board accepts the draft regulations as developed by the Texas Hold'em poker tournaments, then they will be posted to the Virginia Townhall website to initiate the public comment period. He stated he received numerous questions from members whether the current meeting posts on the Virginia Townhall website, which includes the draft regulations and the Board's meeting agenda constituted the start of the public comment period. Mr. Lessin that he spoke with Mr. Justin Bell, who informed him that such a posting did not constitute the start of the public comment period. Mr. Lessin further stated he spoke with Ms. Michelle Vucci, Associate Director for the Administrative Services Division within the Department of Planning and Budget, who also informed him that such a posting did not constitute the start of the public comment period. Mr. Lessin also stated he obtained a publication schedule from the Registrar of Regulations from the Virginia Townhall website. In order to initiate the public comment period, the Registrar of Regulations must publish the draft regulations. Mr. Lessin stated that if the Board met on September 15, 2020, to discuss VDACS's comments on the draft regulations, then they may be submitted to the Registrar of Regulations by the September 23, 2020, deadline in order to publish the draft regulations by October 12, 2020, in order to initiate the public comment period. Mr. Lessin asked Mr. Larry Nichols whether VDACS can submit the draft regulations to the Registrar of Regulations by the September 9, 2020, deadline in order to publish them by September 28, 2020. Mr. Nichols stated that VDACS's Office of Planning, Policy and Research needed to format the draft regulations in order to conform to the requirements of the Registrar of Regulations and obtain other paperwork before it may submit them to the Registrar of Regulations.

Mr. James Lewis announced he was present for the meeting.

The Board discussed scheduling its next meeting to discuss VDACS's comments on the draft regulations, which will govern Texas Hold'em poker tournaments, but a final decision on it was not made yet.

Mr. Lessin asked for a motion to accept the work product of the Texas Hold'em poker tournament workgroup as draft regulations to govern Texas Hold'em poker tournaments. Hon. Ryant Washington made this motion, which was seconded by Mr. Lewis. Mr. Lessin asked Mr. Menefee to call the roll in order to record each member's vote.

Member	Vote on the Motion
Lessin	Aye
Conrad	Aye
Black	Aye
Feasenmyer	Aye
Kaufman	Aye
Lewis	Aye
Roberts	Aye
Solares	Aye
Washington	Aye

Mr. Menefee informed the Mr. Lessin that the vote for the motion to accept the work product of the Texas Hold'em poker tournament workgroup as draft regulations to govern Texas Hold'em poker tournaments was nine ayes and zero nays. Mr. Lessin announced to the members that the motion passed. Mr. Lessin moved onto public comment.

PUBLIC COMMENT

Mr. Lessin asked whether anyone wished to offer public comment to the Board. Mr. Chris Petersen, who represents the Virginia Charitable Gaming Council expressed his appreciation to the Board for expeditiously moving the draft regulations to govern Texas Hold'em poker tournaments along in the process and he expressed comments that the development of the regulations also needs to be done correctly.

With no further comments from the public, Mr. Lessin revisited the Board's discussion on scheduling its next meeting to discuss VDACS's comments on the draft regulations, which will govern Texas Hold'em poker tournaments. After a lengthy discussion, Mr. Lessin informed members that the next Board meeting will occur on September 16, 2020, at 12:30 p.m. at Pop's Bingo World, located at 210 Giant Drive in Richmond, Virginia.

With no further business, the Board adjourned at 12:44 p.m.

Respectfully submitted,

Michael Menefee
Program Manager
Office of Charitable and Regulatory Programs