

MINUTES OF THE MISSISSIPPI GAMING COMMISSION

Regular Monthly Meeting
March 28, 2019

The regular monthly meeting of the Mississippi Gaming Commission was held at 9:00 a.m., Thursday, March 28, 2019, at the offices of the Mississippi Gaming Commission, 620 North Street, Suite 200, Jackson, Mississippi. Staff attending:

Major General (R) Al Hopkins, Chairman, MS Gaming Commission
Jerry Griffith, Commissioner, MS Gaming Commission
Tom Gresham, Commissioner, MS Gaming Commission
Allen Godfrey, Executive Director, MS Gaming Commission
Jay McDaniel, Deputy Director, MS Gaming Commission
Eddie Williams, Deputy Director, MS Gaming Commission
Sonny Weathersby, Director, Charitable Gaming, MS Gaming Commission
Stephanie Quist Sills, Director, Compliance, MS Gaming Commission
Emil Lyon, Director, Gaming Lab, MS Gaming Commission
Ashley Wiselogel, Director, MIS, MS Gaming Commission
Thomas G. Mikula, Gaming Agent Director, Investigations, MS Gaming Commission
Louis P. Frascogna, Special Assistant Attorney General

The meeting was called to order at 9:03a.m. Reginald Finch gave the invocation and Chairman Al Hopkins led the Pledge of Allegiance.

Chairman Hopkins thanked everyone for attending the meeting and asked Director Godfrey to proceed with the Administrative Update.

ITEM I.

- I. Administrative Update: Executive Director Allen Godfrey made the following administrative announcements:
 - A. The next regular meeting of the Mississippi Gaming Commission will be held on Thursday, April 18, 2019, at the Jackson offices of the Mississippi Gaming Commission beginning at 9:00 a.m. The deadline for submission of agenda items for this meeting is March 29, 2019.
 - B. Announcement of the Quarterly Meeting between the Mississippi Gaming Commission and the Choctaw Gaming Commission

Chairman Hopkins announced that they had a great meeting with the Choctaws and is thankful for the great relationship between them and the Mississippi Gaming Commission.

ITEM II.

APPROVAL OF MINUTES

A. February 21, 2019 Regular Monthly Meeting

Chairman Hopkins asked the Commissioners and Executive Director if they had any corrections, additions or deletions to the Regular Monthly Meeting minutes. Hearing none, the Chairman asked for a motion to approve the minutes as presented:

Commissioner Griffith:	Motion to approve the minutes
Commissioner Gresham:	Second

RECORDED VOTE:	Chairman Hopkins:	YES
	Commissioner Griffith:	YES
	Commissioner Gresham:	YES

ITEM III.

GAMING MATTERS

A. Application for Finding of Suitability – (JCM American Corporation, Japan Cash Machine Co., Ltd.)

1. Mr. Yoshihiro Iuchi – Director/Senior Executive Officer – JCM Global

Scott E. Andress, Esquire, of Balch & Bingham, introduced Mr. Iuchi to the Commission and he provided a brief personal history. Also present was Dana Talich, Controller.

EXECUTIVE DIRECTOR’S RECOMMENDATION: Based upon the investigative report, the Executive Director recommends that Mr. Yoshihiro Iuchi, be found suitable to be associated with a gaming license granted under the Mississippi Gaming Control Act subject to the following:

1. The finding of suitability is valid for a period of nine (9) years, beginning March 28, 2019;
2. Applicant shall file an annual report as required by 13 Mississippi Administrative Code Part 2, R.1.3(e);
3. Applicant will comply with all federal and state laws, including the laws of Mississippi and particularly the Mississippi Gaming Control Act;
4. Applicant will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;

5. Applicant will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
6. The finding of suitability is based on the applicant's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

B. Request for Approvals – AGS, LLC

1. De-Registration of AP Gaming VoteCo, LLC as a Holding Company of AGS LLC
2. Finding of Suitability of AP Gaming VoteCo, LLC as a Greater than 5% Shareholder of PlayAGS, Inc.

Blake Fulton, Esquire, of Jones Walker, presented this item to the Commission and was available to answer any questions.

EXECUTIVE DIRECTOR'S RECOMMENDATION: With past Commission action, key principals of the company have been found suitable. The Executive Director recommends that:

1. The Mississippi Gaming Commission grant approval to AP Gaming VoteCo, LLC for de-registration as a holding company of AGS LLC, and
2. The Mississippi Gaming Commission grant approval to AP Gaming VoteCo, LLC for a finding of suitability as a greater than 5% shareholder of PlayAGS, Inc. subject to the following conditions:
 - (a) The finding of suitability is valid for a nine-year period, effective March 28, 2019, through March 27, 2028;
 - (b) Applicant will comply with all federal, state and local laws, including the laws of the State of Mississippi and particularly the Mississippi Gaming Control Act;
 - (c) Applicant will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;

- (d) Applicant will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, applicant agrees to adjudicate all legal proceedings (both state and federal) relative to said finding of suitability in the courts located in the State of Mississippi; and
- (e) The finding of suitability is based on the applicant's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Gresham: Motion to adopt recommendation
Commissioner Griffith: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

C. Recommendation for Licensure as an Operator – Beau Rivage Resorts, LLC d/b/a Beau Rivage

Ryan O'Beirne, Esquire, of Butler Snow introduced Anthony Del Vescovo, Vice President and General Counsel for Beau Rivage and he presented this item to the Commission.

EXECUTIVE DIRECTOR'S RECOMMENDATION: With past Commission action, key principals of the company have been found suitable. The Executive Director recommends that Beau Rivage Resorts, LLC, be granted an operator's license to conduct business in the State of Mississippi subject to the following conditions:

- (1) The license will be issued for a three-year period, effective April 21, 2019, through April 20, 2022;
- (2) Licensee shall maintain a compliance review and reporting system, which shall include a compliance committee. Licensee shall maintain a written compliance review and reporting plan that meets the requirements of 13 Mississippi Administrative Code Part 2 Rule 1.7 and such other conditions as may be required by the Executive Director;
- (3) Licensee will comply with all federal, state and local laws, including the laws of the State of Mississippi and particularly the Mississippi Gaming Control Act;
- (4) Licensee will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;

- (5) Licensee will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
- (6) The license is based on the licensee's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

D. Recommendation for Licensure as an Operator – PNK Vicksburg, LLC d/b/a Ameristar Casino Vicksburg

Amy Elder, Esquire, of Baker, Donelson, Bearman, Caldwell & Berkowitz introduced Annie Jenkins, Vice President and Assistant General Manager for Ameristar and she presented this item to the Commission.

EXECUTIVE DIRECTOR'S RECOMMENDATION: With past Commission action, key principals of the company have been found suitable. The Executive Director recommends that PNK Vicksburg, LLC, be granted an operator's license to conduct business in the State of Mississippi subject to the following conditions:

- (1) The license will be issued for a three-year period, effective April 22, 2019, through April 21, 2022;
- (2) Licensee shall maintain a compliance review and reporting system, which shall include a compliance committee. Licensee shall maintain a written compliance review and reporting plan that meets the requirements of 13 Mississippi Administrative Code Part 2 Rule 1.7 and such other conditions as may be required by the Executive Director;
- (3) Licensee will comply with all federal, state and local laws, including the laws of the State of Mississippi and particularly the Mississippi Gaming Control Act;
- (4) Licensee will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;

- (5) Licensee will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
- (6) The license is based on the licensee's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

E. Application for Finding of Suitability – (Casino Vicksburg, LLC d/b/a Waterview Casino and Hotel)

1. Ms. Penny S. Bankston – Vice President and General Manager – Waterview Casino

Amy Elder, Esquire, of Baker, Donelson, Bearman, Caldwell & Berkowitz, introduced Mr. Bertolone to the Commission and he provided a brief personal history.

EXECUTIVE DIRECTOR'S RECOMMENDATION: Based upon the investigative report, the Executive Director recommends that Ms. Penny S. Bankston, be found suitable to be associated with a gaming license granted under the Mississippi Gaming Control Act subject to the following:

1. The finding of suitability is valid for a period of nine (9) years, beginning March 28, 2019;
2. Applicant shall file an annual report as required by 13 Mississippi Administrative Code Part 2, R.1.3(e);
3. Applicant will comply with all federal and state laws, including the laws of Mississippi and particularly the Mississippi Gaming Control Act;
4. Applicant will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;
5. Applicant will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and

6. The finding of suitability is based on the applicant's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

F. Application for Finding of Suitability – (IGT)

1. Mr. Luke K. Orchard – Secretary, Sr. Vice President, Chief Compliance Officer – IGT

Jeffrey Barbin, Esquire and Sean Doran, Esquire, of Phelps Dunbar, introduced Mr. Orchard to the Commission and he provided a brief personal history.

EXECUTIVE DIRECTOR'S RECOMMENDATION: Based upon the investigative report, the Executive Director recommends that Mr. Luke K. Orchard, be found suitable to be associated with a gaming license granted under the Mississippi Gaming Control Act subject to the following:

1. The finding of suitability is valid for a period of nine (9) years, beginning March 28, 2019;
2. Applicant shall file an annual report as required by 13 Mississippi Administrative Code Part 2, R.1.3(e);
3. Applicant will comply with all federal and state laws, including the laws of Mississippi and particularly the Mississippi Gaming Control Act;
4. Applicant will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;
5. Applicant will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
6. The finding of suitability is based on the applicant's ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Gresham: Motion to adopt recommendation
Commissioner Griffith: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

G. Applications for Finding of Suitability – (New Palace Casino, LLC)

1. Mrs. Lawana L. Low – Greater than 5% Shareholder – Palace Casino Resort
2. Mr. Robert E. Low – Greater than 5% Shareholder – Palace Casino Resort

George Conwill, Chief Financial Officer, New Palace Casino, introduced Mr. and Mrs. Low to the Commission and each provided a brief personal history.

EXECUTIVE DIRECTOR’S RECOMMENDATION: Based upon the investigative report, the Executive Director recommends that Mrs. Lawana L. Low and Mr. Robert E. Low, be found suitable to be associated with a gaming license granted under the Mississippi Gaming Control Act subject to the following:

1. The finding of suitability is valid for a period of nine (9) years, beginning March 28, 2019;
2. Applicant shall file an annual report as required by 13 Mississippi Administrative Code Part 2, R.1.3(e);
3. Applicant will comply with all federal and state laws, including the laws of Mississippi and particularly the Mississippi Gaming Control Act;
4. Applicant will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;
5. Applicant will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
6. The finding of suitability is based on the applicant’s ability to maintain satisfactory results for all investigations and agency checks.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
 Commissioner Griffith: YES
 Commissioner Gresham: YES

H. Notice of Proposed Rule Adoption – Final Adoption

(Documentation attached as Exhibit “1”)

1. 13 Mississippi Administrative Code Pt. 3, R. 10.4

EXECUTIVE DIRECTOR’S RECOMMENDATION: The Executive Director recommends the Commission finally adopt the proposed amendment and direct that this amendment along with the Notice of Proposed Rule Adoption – Final Rule be filed with the Office of the Secretary of State: 13 Mississippi Administrative Code Pt. 3, R. 10.4.

Commissioner Gresham: Motion to adopt recommendation
Commissioner Griffith: Second

RECORDED VOTE: Chairman Hopkins: YES
 Commissioner Griffith: YES
 Commissioner Gresham: YES

ITEM IV.

PUBLIC COMMENT (GAMING MATTERS)

None.

ITEM V.

FANTASY CONTEST MATTERS

A. Recommendation for Licensure as a Fantasy Contest Operator – SportsHub Games Network, Inc.

EXECUTIVE DIRECTOR’S RECOMMENDATION: The Executive Director recommends that SportsHub Games Network, Inc. a Fantasy Contest Operator License to conduct business in the State of Mississippi subject to the following conditions:

- (1) The license will be issued for a three-year period, effective March 28, 2019, through March 27, 2022;
- (2) Licensee will comply with all federal, state and local laws, including the laws of the State of Mississippi and particularly the Fantasy Contest Act;
- (3) Licensee will strictly comply with all Fantasy Contest Regulations, including but not limited to, 13 Mississippi Administrative Code Part 15 Chapters 1 through 5;

- (4) Licensee will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission and any conditions as may be required by the Executive Director;
- (5) Licensee will comply with and does hereby agree to be bound by all laws, including the Fantasy Contest Act, of the State of Mississippi; further, licensee agrees to adjudicate all legal proceedings (both state and federal) relative to said license in the courts located in the State of Mississippi; and
- (6) The key employees associated with the Fantasy Contest Operator are suitable and continue to be suitable, at the discretion of the Mississippi Gaming Commission, to be associated with the Fantasy Contest Operator.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

ITEM VI.

PUBLIC COMMENT (FANTASY CONTEST MATTERS)

None.

ITEM VII.

CHARITABLE GAMING MATTERS

A. Recommendation for Approval of Licensure – Thirty-six months.

(Documentation attached as Exhibit “2”)

1. American Legion Perry A. Johns Post #6
511 South Tate Street, Corinth, MS 38834
2. Elks Lodge #2501 BPOE
2501 Beachview Drive, Ocean Springs, MS. 39564

EXECUTIVE DIRECTOR’S RECOMMENDATION: The Executive Director recommends that the previously identified organizations be approved for licensure, subject to the following conditions:

1. The licenses will be issued for a thirty-six month period effective April 01, 2019 through March 31, 2022;

2. Licensees will comply with all federal and state laws, including the laws of Mississippi and, particularly, the Mississippi Charitable Bingo Law;
3. Licensees will strictly comply with the Charitable Gaming Regulations and particularly, 13 Miss. Admin. Code, Pt. 10, R. 5.5 (m) & (n) (Known as the 60/40 Rule and the 65/35/Rule);
4. Licensees will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;
5. Licensees will comply with and do hereby agree to be bound by all laws, including the Mississippi Charitable Bingo Law; further, licensees agree to adjudicate all legal proceedings (both state and federal) relative to said licenses in the courts located in the State of Mississippi.

Commissioner Gresham: Motion to adopt recommendation
Commissioner Griffith: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

B. Recommendation for Approval of Licensure –Distributor – Twelve Months

(Documentation attached as Exhibit “3”)

1. M and M Operators, Inc.

EXECUTIVE DIRECTOR’S RECOMMENDATION: The Executive Director recommends that the previously identified organization be approved for licensure, subject to the following conditions:

1. The license will be issued for a twelve month period effective April 01, 2019 through March 31, 2020;
2. Licensee will comply with all federal and state laws, including the laws of Mississippi and, particularly, the Mississippi Charitable Bingo Law;
3. Licensee will comply with all the policies, rules and regulations adopted by the Mississippi Gaming Commission;
4. Licensee will comply with and does hereby agree to be bound by all laws, including the Mississippi Charitable Bingo Law; further, licensees agree to adjudicate all legal proceedings (both state and federal) relative to said licenses in the courts located in the State of Mississippi.

Commissioner Griffith: Motion to adopt recommendation
Commissioner Gresham: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

C. Notice of Proposed Rule Adoption – Final Adoption

(Documentation attached as Exhibit “4”)

1. 13 Mississippi Administrative Code Pt. 11,
R. 3.1
2. 13 Mississippi Administrative Code Pt. 11,
R. 4.3
3. 13 Mississippi Administrative Code Pt. 11,
R. 4.4
4. 13 Mississippi Administrative Code Pt. 11,
R. 4.5
5. 13 Mississippi Administrative Code Pt. 11,
R. 4.8

EXECUTIVE DIRECTOR’S RECOMMENDATION: The Executive Director recommends the Commission finally adopt the proposed amendments and direct that these amendments along with the Notice of Proposed Rule Adoption – Final Rule be filed with the Office of the Secretary of State: 13 Mississippi Administrative Code Pt. 11, R. 3.1, 4.3, 4.4, 4.5, and 4.8.

Commissioner Gresham: Motion to adopt recommendation
Commissioner Griffith: Second

RECORDED VOTE: Chairman Hopkins: YES
Commissioner Griffith: YES
Commissioner Gresham: YES

ITEM VIII.

PUBLIC COMMENT (CHARITABLE GAMING)

None.

ITEM IX.

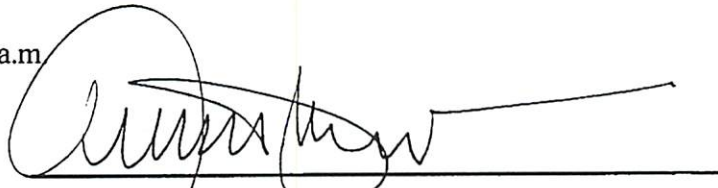
ADJOURNMENT

Chairman Hopkins thanked everyone for attending and asked for a motion to adjourn.

Commissioner Griffith:	Motion to Adjourn
Commissioner Gresham:	Second

RECORDED VOTE:	Chairman Hopkins:	YES
	Commissioner Griffith:	YES
	Commissioner Gresham:	YES

The meeting was adjourned at 9:30 a.m.



MAJOR GENERAL (R) AL HOPKINS, CHAIRMAN



JERRY GRIFFITH, COMMISSIONER



TOM GRESHAM, COMMISSIONER



ALLEN GODFREY, EXECUTIVE DIRECTOR

ATTEST:



LOUIS P. FRASCOGNA, SPECIAL ASSISTANT ATTORNEY GENERAL
MISSISSIPPI GAMING COMMISSION COUNSEL

STATE OF MISSISSIPPI
MISSISSIPPI GAMING COMMISSION

I, TRISH EDWARDS, do hereby certify
that this is a true copy of document or record on file with
this office.

SIGNATURE: Trish Edwards
TITLE: LEGAL ASSISTANT
DATE: APRIL 18, 2019