



EXECUTIVE COMMITTEE

Jeffrey R. Rodefer, Chairman
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Mark A. Clayton
Lou Dorn
Dennis Gallagher
John A. Godfrey
Sean M. McGuinness*
Lars Perry
Scott Scherer

*Co-editors of the
Nevada Gaming Lawyer

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State Bar of Nevada

GAMING LAW SECTION

Memorandum

To: Executive Committee
From: Jeff Rodefer, Chairman
Date: October 13, 2011
Subject: Minutes of September 27, 2011

MINUTES

Attendance. After being duly noticed, the following members of the Executive Committee (Committee), constituting a quorum pursuant to Section 4.5 of the Amended Bylaws (as approved May 9, 2001, and amended October 18, 2006), participated in a meeting held at the offices of Greenberg Traurig, LLP, 3773 Howard Hughes Parkway, Suite 400 North, Las Vegas, Nevada 89169 at 10:00 a.m. on September 27, 2011: Jeffrey R. Rodefer, Chairman; P. Gregory Giordano, Vice Chairman; Michael J. Bonner; Lou Dorn; *Dennis Gallagher; *Sean McGuinness; *Lars Perry; and *Scott Scherer. Also, participating were *Kimberly Farmer, Executive Director, State Bar of Nevada and *Lori Wolk, Programs and Services Coordinator, State Bar of Nevada.

*Via Telephone.

ITEMS DISCUSSED.

1. Approved the Minutes of May 23, 2011. Upon a motion duly made and seconded, the Committee unanimously approved the minutes of May 23, 2011.
2. Review and Approve the 2012 Budget. Jeff Rodefer reviewed a draft of the 2012 budget for the Committee. He noted that given the costs associated with the publication of the 2011 issue of the *Nevada Gaming Lawyer*, the year-end balance in the Gaming Law Section's account would be significantly less than in prior years. As such, he anticipated less money being available to carry over to the 2012 account balance on January 1st that could be used toward the golf tournament. Upon a motion duly made and seconded, the Committee unanimously approved the 2012 budget.
3. State Bar of Nevada's Annual Meeting – Hawaii. Sean McGuinness updated the Committee on his panel presentation at the June 2011 Annual Meeting in Hawaii. He informed the Committee that the joint presentation with the Bankruptcy Section concerned bankruptcies and restructurings in the gaming industry. It was presented in a 90-minute breakout session that drew around 20 attendees.

4. Pro Bono Work Program. Scott Scherer informed the Committee that he has had discussions with Mark Lipparelli, Chairman of the Nevada Gaming Control Board (Board), as well as Shawn Reid, Board Member. He indicated that neither opposed the idea of the pro bono work card program. Additionally, he stated that Board Member Reid felt language could be crafted into the Board's work card objection letters informing applicants that if they needed legal assistance they could call the number provided in the letter. Executive Director Kimberly Farmer stated that the number could be a general telephone to the State Bar or its referral service, which, in turn, would direct the applicant to either Legal Aid of Southern Nevada, Washoe County Legal Services or to Volunteer Attorneys for Rural Nevadans. Scott provided that the legal service would simply assign the next attorney on a list of attorneys who were willing to volunteer their time and expertise to assist applicants. There would be no preferential treatment in attorneys being assigned to applicants. The question that Scott proposed for discussion concerned the standard to be employed by the contacted legal service to determine if the individual applicant qualified for pro bono assistance since each agency uses a slightly different standard. As such, Scott felt it would be appropriate to adopt the most liberal standard to ensure the program reached as many deserving applicants. Scott stated he would have further discussions with the three legal aid services in the state. Jeff further indicated that following the Committee's May 23rd meeting a message, that was reviewed and edited by Scott, was sent out to all GLS members via Listserve.com to inform them of the potential program and gauge their interest in being placed on a list of attorneys willing to volunteer their time. As a result, the following seven GLS members agreed to participate in the program: Bill Curran, Ballard Spahr, LLP; Greg Giordano, Lewis and Roca, LLP; Mark Lerner, Bally Technologies, Inc.; Ryan Loosevelt, Duane Morris, LLP; Andrew Moore, Brownstein Hyatt Farber Schreck; Maren Parry, Ballard Spahr, LLP; Jennifer Roberts, Lionel Sawyer & Collins; and Rosa Solis-Rainey, Morrison Peterson.

5. Webinar – Gaming Law Legislative Update 2011. Scott provided the Committee with an update of his August 25th Webinar regarding recent legislative changes affecting gaming laws, including AB 258 regarding online poker, SB 218 and its sweeping changes to mandatory licensing of limited partners and members of limited liability companies, adoption of regulations for hosting centers and licensing of service providers, changes that freed public companies from having to file certain reports, AB 213 regarding adoption of regulations for preliminary findings of suitability and AB 279 that provides for the adoption of regulations for independent testing centers. Scott indicated that the Webinar seemed to be well attended, even though there was a delay in receiving questions online from attendees.

6. Nevada Gaming Law Practice & Procedure Manual. Greg stated that four of the chapters were yet to be assigned to someone. In turn, Lou Dorn, Mike Bonner and Dennis Gallagher each offered to write a chapter. Greg indicated he would contact Gregg Gale, former Chief Auditor for the Board to write chapter 15 on "Accounting and Audits." To date the following chapters have been assigned or authors suggested:

Chapter 1 – *Organization and General Procedures* (Scott Scherer)

Chapter 2 – *Licensing-Nonrestricted, Restricted and Slot Route Operators* (Lewis and Roca)

Chapter 3 – *Corporations, LLC's, Partnerships and Trusts* (Mark Clayton)

Chapter 4 – *Publicly Traded Corporations, Private Equity Companies & Institutional Investors* (Greg Giordano)

Chapter 5 – *Transfers of Interest* (Jack Godfrey)

Chapter 6 – *Financings, Bankruptcies & Restructurings* (Mike Bonner)

Chapter 7 – *Gaming Employees, Officers, Directors and Key Employees* (Louis Csoka)

Chapter 8 – *Race Books and Sports Pools* (Lou Dorn)

Chapter 9 – *Gaming Devices, Mobile Gaming Systems, Inter-Casino Linked Systems, Server-Based Gaming, Cashless Wagering Systems and Associated Equipment* (Lars Perry)

Chapter 10 – *Compliance, Reporting Requirements and Foreign Gaming* (Jeff Rodefer)

- Chapter 11 – *Gaming Debt Collection and Patron Disputes* (Vernon Nelson)
- Chapter 12 – *Regulation of Third Party Activities on Gaming Premises* (Scott Scherer)
- Chapter 13 – *Disciplinary Actions* (Jeff Rodefer)
- Chapter 14 – *List of Excluded Persons ("Blackbook") & Doing Business with Denied Applicants* (Dennis Gallagher)
- Chapter 15 – *Accounting and Audits* (Gregg Gale?)
- Chapter 16 – *Gaming Taxes & Fees and Live Entertainment Tax* (Jeff Rodefer)
- Chapter 17 – *Lotteries, Promotions, Contests and Tournaments* (Tony Cabot)
- Chapter 18 – *Internet, Intranet and Interactive Gaming Systems* (Mark Clayton)

7. Nevada Gaming Lawyer (September 2011). Jeff stated that due to a couple of articles being submitted after the June 1st deadline in late July, the distribution of this year's magazine was significantly delayed. The printer, Nevada Color indicated that the magazines were mailed out on Monday, September 26th. Jeff further informed the Committee that the magazine would be 80 pages cover-to-cover with a print run of 900 copies. The total cost for the magazine would be nearly \$11,000 offset by only \$4,000 in advertising revenue. Greg suggested reducing the size of the magazine in 2012 to a 48-52 page publication, as in prior years, including the elimination of the law student paper from the William S. Boyd School of Law-UNLV. The other members of the Committee agreed with this approach. Jeff indicated that the cost of producing a small publication would still be around \$8,000-\$9,000 and, as such, additional advertising revenue would have to be found since the State Bar does not underwrite the cost of the magazine.

8. 2011 Gaming Law Conference. Jeff indicated that all panels were in place for the November 4th conference at the Gold Coast Hotel and Casino. The Committee discussed at length the appropriateness of continuing to allow the UNLV Gaming Law Journal to have a table at the conference. Jeff reminded the Committee that the GLS has done a lot for the UNLV law school over the years through the \$333,850 in scholarship money raised through 11 years of the golf tournament, permitting a student to place an article in the *Nevada Gaming Lawyer* the past five years and allowing Gaming Law Journal to have a table at the conference the past two years. Even though law students, faculty and especially Dean John White have been asked at various times to provide more assistance to the GLS, especially for the golf tournament, no such assistance has been forthcoming. Afterwards, a roll call vote was taken on whether to permit the Gaming Law Journal to have a table at the November 4th conference. The Committee voted 3-2 to permit the table at this year's conference: Jeff Rodefer and Dennis Gallagher voted "no"; Lars Perry, Scott Scherer and Greg Giordano voted "yes"; Lou Dorn "abstained" from voting; and Mike Bonner was absent for the vote.

9. 2011 Golf Tournament. Given the lack of assistance from the Boyd School of Law and Jeff's desire to discontinue coordinating a charitable tournament, Lou Dorn suggested converting the tournament to a non-charitable social event with the Board. Jeff indicated a non-charitable event would take significantly less time to organize and GLS funds could be used to offset costs of trophies and door prizes. It may be possible to get a couple of non-gaming companies or law firms to cover the cost of the party and/or hole-in-one insurance. The Committee agreed to explore moving the tournament to a non-charitable event. Jeff indicated he would speak to Chairman Lipparelli and reach out to Jack Godfrey about possible locations to hold the tournament, which is tentatively scheduled for Friday, May 4, 2012.

10. Any Other Items of Interest. Jeff brought the following matters to the Committee's attention:

- (a) 2012 State Bar of Nevada Annual Meeting – Hotel Del Coronado. On September 19th, Jeff participated in a Section Planning Meeting at the State Bar offices regarding programs for the 2012 Annual Meeting at Hotel Del Coronado. There would be two opportunities for the GLS to do a panel presentation at either a 60-minute general session segment on Saturday, June 30th or in one of

the 90-minute breakout sessions. He further commented that the State Bar would assist with travel costs for general session speakers, but breakout session speakers would not have their travel subsidized by the State Bar. Greg indicated that he wanted to try and put a general session panel together and would work with the State Bar to meet its time deadlines, including submission of a formal "Request for Presentation Proposal" by the October 7th deadline.

- (b) GLS Executive Committee Interest. Finally, Jeff commented that he had received a resumé from Louis V. Csoka, Esq. manager and owner of LVC Law Group in Las Vegas. Mr. Csoka was expressing an interest in serving on the Executive Committee, as well as writing an article for the *Nevada Gaming Lawyer* and speaking at a future *Gaming Law Conference*.

With no other items left to discuss, the meeting was adjourned.

Dated 15th day of December 2011.

State Bar of Nevada-Gaming Law Section


Jeffrey R. Rodefer, Chairman

JRR:jt