

The GLS Year in Review

By Jeff Rodefer

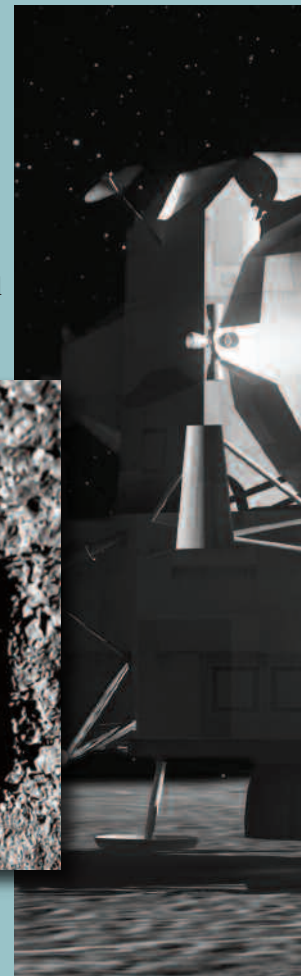
Welcome to the 2019 edition of the *Nevada Gaming Lawyer*. As you know, there were some significant milestones this year; such as the 75th Anniversary of D-Day – the largest amphibious land invasion in history on the beaches of Normandy in Northern France – a moment in time that we all are indebted for. More recently, just 50 years ago, these were some of the noteworthy events of 1969 – Richard M. Nixon being sworn in as the 37th President of the United States, the draft for the Vietnam War was instituted, the military invents the Internet (not Al Gore), the United Kingdom abolishes the death penalty, the trial of the “Chicago Seven” begins (charged with inciting a riot at the 1968 Democratic National Convention), the Cuyahoga River in Cleveland, Ohio caught fire that lead to the creation of the federal Environmental Protection Agency, the first ATM was introduced, the microprocessor is invented and paves the way for the computer-age, the Public Broadcasting Service (PBS) began with the debut of its signature program Sesame Street, the Brady Bunch and Scooby-Doo made their broadcast debuts too, the New York Jets beat the Baltimore Colts in Super Bowl III – as Joe Namath guaranteed, the Miracle Mets beat the Baltimore Orioles 4-1 in the World Series (tough year for Baltimore sports fans), four new professional baseball teams had their inaugural seasons (the Montreal Expos, now the Washington Nationals, the San Diego Padres, the Kansas City Royals and the Seattle Pilots, who became the Milwaukee Brewers in 1970), the Beatles released their Abbey Road album, the Boeing 747 begins commercial service as does the RMS Queen Elizabeth 2, Woodstock, and, most importantly, the Apollo 11 moon landing.

I can remember vividly the excitement of July 20, 1969. As a soon-to-be first grader in Reno watching Neil Armstrong take – *One Small Step for Man; One Giant Leap for Mankind* – with family and friends huddled around a big box

(relative by today’s standards) color TV in my parents’ home. Everyone, regardless of his or her country of origin, seemed to stop and be mesmerized by what humankind had just accomplished. Everything reverberated around this moment – from what we watched, to what we talked about, to art and music, even science projects in school concerned the landing. If the astronauts were using some product, everyone had to have it – like the Fisher Space Pen-Model AG7 (it wrote upside down), Omega Speedmaster wrist watches and orange Tang. Even terminology such as “software engineering” was born out of the race to the moon. As we celebrate the 50th Anniversary of Apollo 11, I found myself not only reflecting on the historic moments during my lifetime but also those that my parents and, more importantly, that my grandparents would have witnessed during their lives. When my grandparents were born, cars were not the primary mode of transportation (my grandmother and her sister rode a horse several miles each way to school), the Wright brothers had not taken flight at Kitty Hawk, North Carolina and yet they were alive for these events, as well as two World Wars, the Great Depression and a man stepping foot on another planetary body in our solar system. Remarkable.

Since 1993, with my introduction to gaming regulation as member of the Gaming Division in the Nevada Attorney General’s Office, I, like many of you, have noticed the gaming industry constantly reinvent itself – from casinos that were gaming floor centric, to a brief foray into family-friendly amusement parks, to now mega resorts with world class offerings in dining, retail, entertainment, spas,

nightclubs, etc. These non-gaming areas have shown that they are not just ancillary revenue streams. Likewise, gaming product offerings continue to evolve and provide innovation from, among others,



esports, skill-based gaming, mobile wagering apps and interactive gaming. Even the country’s

ideology has become more progressive as gaming has spread, especially with the rapid expansion of sports wagering over the past year into new and emerging jurisdictions in the wake of the U.S. Supreme Court’s decision in *Murphy v. National Collegiate Athletic Ass’n*, 584 U.S. ___, 138 S.Ct. 1461 (2018).

The 2019 edition of the *Nevada Gaming Lawyer* tries to capture some of these ongoing changes – from new legislation, to reflective comments, to Nevada’s new gambling treatment diversion court, to sports wagering issues. In turn, we are honored this year to have Sandra

Douglass Morgan, Chair of the Nevada Gaming Control Board featured, as well as her writing the *Foreword* and participating in an interview conducted by Maren Parry on page 12. This year's magazine also includes articles from, among others, Nevada Gaming Commission Chairman, Dr. Tony Alamo, M.D. on page 17, an interview with retiring Nevada Gaming Commissioner Judge Philip Pro on page 19, Nevada Gaming Control Board Member Terry Johnson and Hearing Examiner Chan Lengsavath on page 24, an interview with the newest Member of the Nevada Gaming

Control Board Phil Katsaros by Michael Brunet and Dennis Gutwald on page 29, and a look at trending compliance issues with Special Agent David Staley and Senior Agent Luke Rippee on page 36.



Past issues of the Nevada Gaming Lawyer (2007-2018) are available for review on the Gaming Law Section's webpage, <https://www.nvbar.org/content/gaming-law-section/>. This issue will be uploaded to the webpage on or about June 1, 2020. What's new with the Gaming Law Section? This past year saw no changes to the 12-member Executive Committee. The three-year terms for Greg Giordano, Jaime Black, Maren Parry and

Jennifer Roberts expired on May 31st. Each sought another term and was formally reappointed by the State Bar of Nevada's Board of Governors.

In April, the section rolled out the new *GLS eNewsletter*, a quarterly digital publication under the leadership of Erica Okerberg, who also serves as the editor. The first quarter reviewed the U.S. Department of Justice's reversal of its 2011 legal opinion (that determined the federal Wire Act of 1961 applied only to sporting events and related contests). The second quarter looked at recent legislation, including Assembly Bill 221 (that made amendments to NRS 463.350 to permit individuals under the age of 21, who had reached the age of majority per NRS 129.010, to be employed in count rooms and by manufacturers and distributors in certain roles), Senate Bill 46 (that made certain changes to licensing as it relates to information technology), and Assembly Bill 533 (that created the Nevada Cannabis Compliance Board). The *GLS eNewsletter* is intended to provide a brief summary of a topical item or event impacting the gaming industry. You may review all issues on the Gaming Law Section's webpage noted above. The *eNewsletter* is also included

in the State Bar of Nevada's weekly email blast when it is released and posted to its LinkedIn page. The Q3 *GLS eNewsletter* will be published by October 20, 2019.

After hosting the *Bank Secrecy Act Conference* in 2014, 2015 and 2016 (the largest CLE events in the State Bar of Nevada's history), the Gaming Law Section decided to merge the conference with Casino Essentials' *Annual National AML Conference* held in August each year. In turn, the section entered into a three-year sponsorship agreement (approved by the Board of Governors) with Casino Essentials for 2017, 2018 and 2019 in which the Gaming Law Section was the Platinum Sponsor of these events and its members received discounted rates to the conference. In exchange for this sponsorship, Casino Essentials made annual donations to the section. The parties found the relationship to be mutually beneficial and have entered into discussions about extending the agreement for an additional five years.

The *12th Annual National AML Conference & Expo* was held at The Cosmopolitan of Las Vegas from August 12-15, 2019 and drew approximately 500 attendees from the across the country. For more information about the 2020 conference, visit <http://www.casinoessentials.com/events/>.



The Gaming Law Section continues to aid indigent individuals seeking to exercise their appeal rights to be registered as gaming employees with the Nevada Gaming Control Board through its pro bono program established by Scott Scherer in 2011. In October 2018, the section distributed, in both print and digital formats, a trifold brochure to assist lawyers who have been assigned a case with some helpful hints on what to expect during the representation. The electronic version of the brochure is available on the Gaming Law Section's webpage. During the past year, the following lawyers volunteered for a case: Rosa Solis-Rainey at the Morris Law Group; Jennifer Gaynor and Jeff Silver at Dickinson Wright PLLC; Scott Scherer now at Brownstein Hyatt Farber Schreck; and Jennifer Lanahan at the Gilbert & England Law Firm. In addition, lawyers have the option of being assisted by students in the LL.M. Gaming Law and Regulation program at the UNLV William S. Boyd School of Law under the direction of Jennifer Roberts. If you are interested in volunteering your time and services, please contact Robert Horne, Programs & Services Manager for the State Bar of Nevada (his contact information is in the lower left corner of the Table of Contents in the front of this issue) to request that your name be added to the list of lawyers available for case assignment by one of the state's legal aid agencies.



Is Your Casino a Bank or a Casino? (L-R) Paul Camacho, VP of AML, Station Casinos, LLC; and Jim Dowling, President, Dowling Advisory Group



Keynote Lunch Speaker - Steve Hill, CEO, Las Vegas Convention and Visitors Authority



Current Trends in Gaming Crimes James Taylor, Deputy Chief, Enforcement Division, Nevada Gaming Control Board

On November 16th of last year, the 2018 Gaming Law Conference was held at the Red Rock Casino Resort with Steve Hill, CEO of the Las Vegas Convention and Visitors Authority, giving the keynote address. The event drew 252 attendees to hear presentations on AML issues, sports betting, problem gambling in law practice, current trends in gaming crimes, as well as ethical concerns with new technology and the always popular, Regulator Roundtable with Chairman Alamo and Nevada Gaming Control Board Chair Becky Harris, with Patty Becker serving as the moderator.



Regulators Roundtable (L-R) Patty Becker, Esq. (Moderator); Becky Harris, Chair, Nevada Gaming Control Board; and Dr. Tony Alamo, M.D., Chairman, Nevada Gaming Commission



The Cyborgs Are Coming! The Cyborgs Are Coming! the Ethical Concerns With the Latest Technology - Stuart Teicher, The CLE Performer



Sports Betting (L-R) Chris Grove, Managing Director of Sports & Emerging Verticals, Eilers & Krejcik Gaming; Joe Asher, CEO William Hill US; and Scott Scherer, Partner, Holland & Hart LLP (Moderator)

The 2019 Gaming Law Conference will be held on Friday, November 22nd at the Red Rock Casino Resort. The conference, accredited for 7 hours of CLE (including 4 general, 2 ethics and 1 substance abuse), will feature Marc Badain, President of the Oakland Raiders as the keynote lunch speaker, and includes presentations by, among others, Chairman Alamo; Chair Morgan; Nevada Resort Association President & CEO

Virginia Valentine; Nevada State Senate Judiciary Committee Chair & Majority Leader, Nicole J. Cannizzaro (D-District 6); Nevada State Assembly Judiciary Committee Chair & Speaker Pro Tempore, Steve Yeager (D-District 9); the Honorable Cheryl Moss, Judge, Eighth Judicial District Court-Family Division, Dept. I; and the Honorable Linda Bell, Chief Judge, Eighth Judicial District Court, Dept. VII. For more

information about this year's event, please see the full-page advertisement inside the back cover of this issue or go to <https://nvbar.org/cle/liveseminars/> to register online (discounts are available for Gaming Law Section members and groups of 3 or more).

After 20 years, the Gaming Law Section is finally publishing the 2nd edition of the *Nevada Gaming Law Index*; a compendium of state and federal cases, and Nevada Attorney General Opinions on gaming law and related issues that includes Preface comments from: Chairman Alamo; United States Senator, Richard H. Bryan (D-Nev., Ret.); A.G. Burnett, former Chairman of the Nevada Gaming Control Board; Anthony N. Cabot, Professor of Law at the Boyd School of Law; Frank J. Fahrenkopf, Jr., former President and CEO of the American Gaming Association; Daniel W. Hamilton, Dean of the Boyd School of Law; former Nevada Gaming Commissioner and United States District Court Judge Philip M. Pro (Ret.); Nevada Gaming Commissioner Rosa Solis-Rainey; former Governor Brian Sandoval; and Virginia Valentine. The Index provides a first of its kind legal research guide to easily search by keywords or phrases in the Table of Contents at the front or by legal citations in the Table of Authorities at the back. The 415-page *Index* will be available in late October or early November, printed in a softbound format and distributed free of charge to the members of the Gaming Law Section, regulators and law libraries. A PDF version will also be made available on the section's webpage. Additional softbound copies can be purchased for \$30.00 each by contacting Mr. Horne.



Renee Becker, Tony Cabot, Candace Carolyn, Erin Elliot, Greg Giordano, Dennis Gutwald, Erica Okerberg, Jennifer Roberts, Jeff Rodefer, Scott Scherer, Mark Starr, Elizabeth Tranchina, Elijah Tredup, Scott Wiegand and Eric Walther;

- \$3,000 to be the Gold Sponsor for the 6th Annual UNLV Law Alumni Chapter Golf Tournament;
- \$5,000 to sponsor the (American Gaming Association) Global Gaming Women's annual educational fundraiser event, *Kick Up Your Heels*;
- \$1,000 to sponsor the State Bar of Nevada's 2019 Annual Meeting in Vail, Colorado (June 27-29) to recognize Dayvid Figler, Esq. for being honored as this year's recipient of the Medal of Justice Award for his contributions in helping to create Nevada's first gambling treatment diversion court;
- \$800 to sponsor the Gaming Law Distinguished Speaker Series at the Boyd School of Law; and
- \$250 to sponsor the Nevada High School Mock Trial Competition.

In 2017, the Gaming Law Section was quick to respond to the horrific events of October 1st by donating \$10,000 to the Las Vegas Victims' Fund established by then Clark County Commission Chairman, Steve Sisolak. Since its rebirth in 2000, the section has funded over \$467,000 in philanthropic endeavors including over \$423,000 for scholarships and sponsorships at the Boyd School of Law.

As always, we value your input. If you would like to speak at the 2020 Gaming Law Conference (tentatively scheduled for Friday, November 6, 2020) or have an idea for a topic, speaker or sponsor, want to write an article or place an ad in next year's *Nevada Gaming Lawyer* (deadline for draft articles and submission of ads is June 30, 2020), have suggestions for events or publications, or would like to serve on the Gaming Law Section's Executive Committee, please contact Mr. Horne.

On behalf of the Executive Committee, we hope that you enjoy this year's issue of the *Nevada Gaming Lawyer*.



Jeff Rodefer is Of Counsel with the law firm of Holland & Hart LLP where his practice primarily focuses on gaming law and regulatory matters. He has been Chairman of the State Bar of Nevada's Gaming Law Section since 2000 and serves as a member of the UNLV William S. Boyd School of Law's Gaming Law Advisory Board.

The Gaming Law Section also continued its long history of philanthropic work this past year funding over \$32,000 in scholarships and various sponsorships, including:

- \$10,000 for the Gaming Law Section Scholarship to benefit students in the LL.M. Gaming Law and Regulation program at the UNLV William S. Boyd School of Law – for more information about this year's scholarship recipients please see Sarah Gonzales' article on page 93;
- \$5,000 to co-sponsor the UNLV Gaming Law Journal;
- \$5,000 to sponsor the Robert D. Faiss Lecture on Gaming Law and Policy at the Boyd School of Law;
- \$2,500 to sponsor the Frank A. Schreck Gaming Law Moot Court Competition at the Boyd School of Law, which included the following Gaming Law Section members acting as volunteer judges:



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