

# RESOLUTION 1

## DIRECTOR AUTHORITY TO

### PRELIMINARILY DENY INDIVIDUAL LICENSE APPLICATIONS

#### **Preamble:**

Under its enabling statute the Board is authorized to delegate its powers to the director. The relevant provisions pertaining to the proposed delegation are as follows (emphasis added):

#### 8 M.R.S. §1003. POWERS AND DUTIES OF BOARD

1. **Powers.** In administering and enforcing this chapter, the board or *the director, as delegated by the board, may*: ...

G. Pursuant to subchapter 5, *deny any application* and limit, restrict, suspend or revoke any license, registration or approval under this chapter;

#### 8 M.R.S. §1051. DISCIPLINARY SANCTIONS

4. **Appeals.** *A person aggrieved by the decision of a designee of the board in modifying or refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or rules adopted pursuant to this chapter may appeal the decision to the board for a final decision.* The designee's decision stands until the board issues a decision to uphold, modify or overrule the designee's decision. In the case of appeal to the board, the person must be afforded an opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act.

#### **Resolve:**

Following the department's investigation, the director may refuse to issue an individual license to an applicant if the director determines that the applicant has not proven suitability under the requirements of the Gambling Control statute. Such preliminary denial will become final if not appealed by the applicant within thirty days of their receipt of the preliminary denial. This resolve does not apply to business entities only individual applicants. A monthly report will be sent to the Gambling Control Board whenever a denial is issued to an individual.