

## RESOLUTION 2

### DIRECTOR AUTHORITY TO ENTER INTO CONSENT AGREEMENTS FOR UNPAID TAXES

**Effective Date:** November 15, 2023

**Expiration Date:** November 17, 2026 (unless rescinded earlier)

**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; ...

J. *Negotiate consent agreements* to resolve administrative violations or investigations;

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

3. **Further action.** If the board or its designee finds after notice pursuant to subsection 2 that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.
  - A. The board or its *designee may enter into a consent agreement with the consent of the licensee that establishes the period and terms of probation* necessary to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation if a consent agreement is entered into by the board, the licensee and the Attorney General.

**Resolve:**


Following the department's investigation, the director may refuse to issue a license to an applicant if the director determines that the applicant is not current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the Internal Revenue Service. The director may offer a consent agreement that: 1) grants a probationary license if: 2) such agreement provides for a detailed plan to cure any missed filings and/or monies owed and 3) provides for the automatic suspension of the applicants license for failure to materially abide by the terms of such

agreement. A monthly report will be sent to the Gambling Control board whenever this resolution is utilized.

**Adoption of Resolution 2:**

Adopted by the Board on November 15, 2023, by a vote of 3 in favor, 0 opposed, 0 abstained, 1 absent.

Dated: 11/15/23

  
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Steven J. Silver, Board Chair