

AMENDMENT  
RESOLUTION 3  
DIRECTOR AUTHORITY TO ENTER INTO  
CONSENT AGREEMENTS FOR LICENSING  
INDIVIDUALS WITH CERTAIN  
CRIMINAL CONVICTIONS

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**Expiration Date:** November 17, 2026 (unless rescinded earlier)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

The director may refuse to issue a license to an applicant if the director determines that the applicant has been convicted of or pled guilty or nolo contendere to a crime punishable by one year or more of imprisonment, or any civil adjudication or criminal violation involving dishonesty, deception, misappropriation or fraud. The director may offer a consent agreement that grants a probationary license

and such agreement provides for the automatic suspension of the applicant's license upon receipt of any credible information pertaining to allegations regarding the licensee's continuing suitability. A monthly report will be sent to the Gambling Control board whenever this resolution is utilized.

**Adoption of Resolution 3:**

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



\_\_\_\_\_  
Steven J. Silver, Board Chair