

RESOLUTION 4  
DIRECTOR AUTHORITY TO ENTER INTO  
INTERIM CONSENT AGREEMENTS FOR  
INDIVIDUALS FACING  
CRIMINAL PROSECUTION

**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**Expiration Date:** November 17, 2026 (unless rescinded earlier)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 enter into a consent agreement that suspends a license upon receipt of any credible information pertaining to allegations of criminal activity that could result in a conviction that would disqualify the licensee from holding a license. The period of suspension will last until the criminal matter is adjudicated or dismissed. The consent agreement will be a non-disciplinary administrative consent agreement. If the licensee is ultimately convicted of a crime affecting eligibility then the matter

will be scheduled for hearing prior to any reinstatement of licensure. If the licensee is acquitted, convicted of a crime not affecting eligibility, or the case is dismissed then the license is automatically reinstated. A monthly report will be sent to the Gambling Control board whenever this resolution is utilized.

**Adoption of Resolution 4:**

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