

MAINE STATE HARNESS RACING COMMISSION

IN RE: RENEWAL OF LICENSES FOR)
OFF-TRACK BETTING FACILITIES) **DECISION AND ORDER**
FOR CALENDAR YEAR 2023)

I. INTRODUCTION

On November 21, 2023, the Maine State Harness Racing Commission (“Commission”) held an adjudicatory hearing at the Deering Building, 90 Blossom Lane, Augusta Maine pursuant to Title 8 M.R.S. §§ 271, 275-D, 275-N and 5 M.R.S. §§ 9061 – 9064. The purpose of the hearing was to consider applications for renewal of licenses to conduct pari-mutuel wagering at off-track betting facilities (“OTB”) for calendar year 2023. Applications for renewal licenses were filed by Pioneer Gaming, LLC, d/b/a Sanford OTB in Sanford; Pioneer Gaming, LLC, d/b/a Favorites OTB in Waterville; and, LRI, Inc., d/b/a Winners’ Circle OTB.

A quorum of the Commission was present during all stages of the proceedings. Harry Center, Barry Norris, Patricia Varnum, Diane Dunn, and Don Marean participated and voted as Commission members. Chairman Harry Center acted as the Presiding Officer of the hearing.

During the hearing, Donald Barberino was present on behalf of and representing Pioneer Gaming LLC, d/b/a Sanford OTB and Pioneer Gaming LLC, d/b/a Favorites OTB in Waterville; and James P. Day, was present on behalf of and representing LRI, Inc.

Following the determination that none of the Commission members had a conflict of interest that would prevent them from participating in the hearing, the Presiding Officer admitted Exhibits 1 – 11 into the record without objection. Exhibits 1 – 11 are as follows.

Exhibit #	Description	Comments
1	Notices of Hearing (10/11/2023)	Pages 001 - 008
2	November 21, 2023, Agenda	Page 009
3	8 M.R.S. § 275-D	Pages 010 - 014

4	8 M.R.S. § 275-N	Page 015
5	8 M.R.S. § 272	Page 016
6	Chapter 15 – Off-Track Betting Commission rule	Pages 017 - 023
7	WIPFLI financial report regarding OTBs (11/8/23)	Commr. packet 024
8	LRI, Inc., d/b/a Winner’s Circle OTB, Lewiston renewal application	Commr. packet 025 - 054
9	Pioneer Gaming, LLC, d/b/a Favorites OTB, Waterville renewal application	Commr. packet 055 - 070
10	Pioneer Gaming LLC, d/b/a Favorites Sanford OTB, Sanford renewal application	Commr. packet 071 - 088
11	Grid for Commissioners use for renewal hearing	Page 089

Exhibits 7 through 11 were marked confidential and reviewed only by the Commissioners.

The Commission heard testimony from the following witnesses: Shane Bacon, Executive Director of the Maine State Harness Racing Commission, Christian A. Smith, CPA, CFE, of WIPFLI, LLC; and James P. Day, for LRI, Inc.

II. FINDINGS OF FACT

1. The applicants timely filed renewal applications for calendar year 2024.
2. All the applicants either already have or will comply with the requirements of 8 M.R.S. § 272, by providing a bond or irrevocable letter of credit for calendar year 2024 prior to the issuance of a physical license.
3. The applicants have substantially complied with the harness racing laws in Title 8, Chapter 11 and the rules prescribed by the Commission during the past year and are expected to fully comply with same during the coming year.
4. The applicants have satisfied the criteria under 8 M.R.S. § 275-D(6)(A)(1)-(9).
5. The applicants have satisfied the criteria under 8 M.R.S. § 275-D(6)(C). Mr. Smith testified that all three licensees have sufficient financial stability that he concludes that they are all financially responsible and can be for a two-year licensing period.

III. CONCLUSIONS OF LAW

The Commission subsequently applied the following statutory and rule provisions to the above-stated findings of fact, and concluded that:

1. The applicants have substantially complied with 8 M.R.S. § 271, § 275-D and Chapter 15 of the Commission Rules which set out the relevant criteria that govern the re-licensing of Off-Track Betting facilities.
2. The applicants already have or will comply with 8 M.R.S. § 272 for calendar year 2023, pursuant to which the Commission may issue an Off-Track Betting license to any of the applicants after they provide a bond or irrevocable letter of credit in an amount fixed by the Commission.
4. Pursuant to 8 M.R.S. § 275-D(6)(A)(1)-(9), the Commission may license the subject OTB facilities since the applicants have satisfied the criteria contained therein.
5. Pursuant to 8 M.R.S. § 275-D(6)(C), the Commission may license the subject OTB facilities since the applicants have satisfied the criteria contained therein.
6. Pursuant to 8 M.R.S. § 275-D(12), the Commission may license the subject OTB facilities since the applicants have satisfied the criteria contained therein.

IV. DECISION AND ORDER

After considering the evidence and the criteria set forth in the above statutes, the Commission is satisfied that all the necessary requirements have been met to renew the licenses for calendar year 2023 for: Pioneer Gaming, LLC, d/b/a Sanford OTB in Sanford; Pioneer Gaming, LLC, d/b/a Favorites OTB in Waterville; and, LRI, Inc., d/b/a Winners' Circle OTB. The 2024 licenses for the applicants are conditioned upon receipt of payment of the bond required by § 272 for the 2024 year. Based on the applications, the evidence presented by the parties and staff, the reasons

stated on the record at hearing, and the additional evidence in the record not specifically referred to herein, the Commission voted unanimously to renew each of the Off-Track Betting licenses for the purpose of conducting pari-mutuel wagering and to allow interstate simulcasting on the dates listed in their applications for calendar year 2024. The Commission voted that the renewal period would be two years as permitted by 8 M.R.S. § 271(8). The Commission further voted to authorize Chair Harry Center to sign this Decision and Order.

V. NOTICE OF APPEAL RIGHTS

Any party to these proceedings may seek review of this Decision, to the extent that review is permitted by law, by filing a petition for review in Superior Court pursuant to 5 M.R.S. § 11001, *et seq.*, within thirty (30) days after receiving notice of this Decision.

The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested on the Maine State Harness Racing Commission, all parties to the agency proceedings, and the Attorney General. Any other person aggrieved by this Decision may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision.

DATED:

12/18/2023



Chairman Harry Center, II, Esq.
Maine State Harness Racing Commission