

FROM THE COURTS

Judge Rejects DOJ About-Face Seen as Threat to Online Gambling



SHUTTERSTOCK

A federal judge ruled that the Wire Act is limited to sports gambling, granting the New Hampshire Lottery Commission's request for summary judgment.

by C. Ryan Barber

A New Hampshire federal judge struck down a Justice Department opinion that threatened the online gambling industry, just a week before internet-based wagering was set to enter a period of heightened legal peril.

In a 60-page opinion, Judge Paul Barbadoro of the U.S. District Court for the District of New Hampshire rejected the Justice Department's abrupt abandonment last year of a legal opinion that had paved the way for the growth of online gambling.

Under the Obama administration, the Justice Department opined on whether in-state sales of lottery tickets over the internet would violate a federal law called the Wire Act, determining in 2011 that the law prohibited online sports gambling but not other forms of internet-based wagering, such as lotteries.

But in late 2018, the Trump administration Justice Department reversed that opinion, finding that Wire Act broadly prohibited online betting.

Barbadoro, granting the New Hampshire Lottery Commission's request for summary judgment, said the Justice Department's new legal opinion rested on a faulty reading of the Wire Act. "Based on the text, context, and structure of the Wire Act," he said it was clear that the law is "limited to sports gambling."

"The 2018 OLC opinion," he added, "is set aside."

Barbadoro's ruling arrived 11 days before a key deadline for the online gambling industry. In January, when the legal opinion was publicly released, the then-deputy attorney general said in a memo that the Justice Department would wait 90 days before enforcing the Wire Act under its newly broadened interpretation of the law. Rod Rosenstein later extended that grace period to June 14 to give businesses added time to

"bring their operations into compliance with federal law."

It is unclear whether the Justice Department will heed Barbadoro's decision nationwide after June 14. A DOJ spokeswoman said the department "is reviewing the decision and declines to comment further at this time."

Barbadoro, for his part, said he had "no reason to believe that the government will fail to respect my ruling that the Wire Act is limited to sports gambling."

The decision marked a victory not only for the New Hampshire Lottery Commission but also NeoPollard Interactive LLC, the technology provider for the state's online lottery system, which filed its own challenge to the Justice Department in February.

NeoPollard, represented by Gibson, Dunn & Crutcher, had argued that the Justice Department's reversal of the earlier Wire Act guidance was "deeply flawed" and the result of a lobbying campaign by the Republican mega-donor and casino magnate Sheldon Adelson. In January, The Wall Street Journal reported that the Justice Department's opinion tracked closely with a legal memo offered by Adelson's lawyers. The Justice Department denied that Adelson or any outside parties were consulted on the reversal of the 2011 guidance, according to the Wall Street Journal report, although department officials did concede that they were in possession of the legal analysis prepared by the Las Vegas casino magnate's lawyers.

Gibson Dunn partner Matthew McGill said Barbadoro's ruling would have a "nationwide impact."

"Throughout the country," he said, "state lotteries and others in the gaming industry once again can rely on the Justice Department's 2011 opinion that the Wire Act is limited to sports betting."

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CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** meeting on **Wednesday, June 19, 2019 beginning at 6:00 PM**, to consider the following amendment to the Land Development Code of the City of Doral. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers** located at **8401 NW 53rd Terrace, Doral, Florida 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2019-18

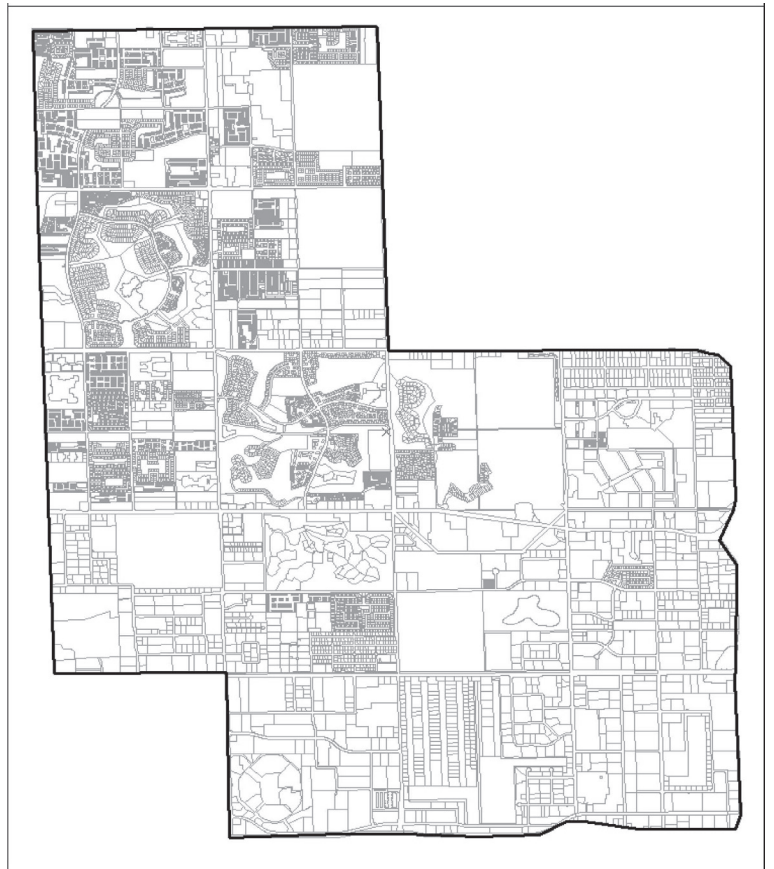
AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 35, "SPECIAL EVENTS," OF THE CITY CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 19-06-DOR-04

APPLICANT: City of Doral

REQUEST: Text amendment to Chapter 35, "Special Events", of the City Code of Ordinances.

Location Map



Information relating the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral

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