IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
N/W Side Harford Road, 74.48' SW c/line of Topaz Road	*	ZONING COMMISSIONER
(8326 Harford Road) 9th Election District 6th Council District	*	OF
	*	BALTIMORE COUNTY
Joseph H. Stonik, *Legal Owner* Margie Sue Jones, *Contract Lessee* Petitioners	*	**Case No. 08-043-SPH**

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter came before this Zoning Commissioner for a public hearing on September 17, 2007 as a Petition for Special Hearing to permit the sale or transfer of an arcade business filed by the owner of the subject property, Joseph H. Stonik, and Margie Sue Jones, the contract lessee, by and through their attorney, Frank V. Boozer, Jr., Esquire of Covahey, Boozer, Devan & Dore, P.A. Appearing in support of the request were Margie S. Jones, Nancy Wallman, Mitch Kellman of Century Engineering, Inc., and Vernon V. Boozer, Jr., Esquire. Appearing in opposition were Mary Rudolf and Elsie M. Doxzen, owner and manager of Rudolf's Appliances & Kitchen Cabinets, Inc., an adjacent business, Detective Stephanie Ruffino, Baltimore County Police Department, Vice Squad Section, Anasiasios and Maria Giannakis, owners of Palmisano's carry-out, also an adjacent business, Ruth Baisden, on behalf of the Greater Parkville Community Council, and Jaime Cameron, a law school student observing these proceedings. Michael J. Doxzen, Esquire appeared and represented Ms. Doxzen.

The subject property was recently purchased by Joseph H. Stonik from Walter Buschman triggering the requirement for a special hearing as set forth in prior Zoning Case No. 04-292-SPHX. Ms. Jones had worked part-time for this establishment (Let's Play) for some five (5) years and now retired from her full-time employment is desirous of taking over the business and having 10 to 15 machines. The community raised objections asserting that these Petitioners no longer have the grace to ask this Commission to allow "amusement" devices at

ORDER RECEIVED FOR FILING
Date 10-12-07
By

this location given the past track record. They documented complaints of all-day parking by patrons of the arcade that adversely impacts their businesses. Ms. Baisden, on behalf of the Greater Parkville Community Council, expressed concerns in 2004 and again in 2007 about the nature of the business and believes that the proposed use is not compatible with the community atmosphere of the locale. Detective Ruffino spoke about past gambling complaints received, search warrants issued, and arrests made involving the machines at issue.

Having met with strong opposition from the community and evidence submitted at the hearing, Counsel for the Petitioners formally withdrew the Petition. Whereas, this matter shall be dismissed.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of October 2007 that the Petition for Special Hearing in the above-captioned matter be and the same is hereby DISMISSED without prejudice.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Frank V. Boozer, Jr., Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, Md. 21204
Joseph H. Stonik, 8326 Harford Road, Baltimore, Md. 21234
Margie Sue Jones, 3117 Harview Avenue, Baltimore, Md. 21234
Nancy Wallman, 3213 Hiss Avenue, Baltimore, Md. 21234
Mitch Kellman, Century Engineering, Inc., 10710 Gilroy Road, Hunt Valley, Md. 21031
Elsie M. Doxzen, 8324 Harford Road, Baltimore, Md. 21234
Mary Rudolf, 8324 Harford Road, Baltimore, Md. 21234
Detective Stephanie Ruffino, Baltimore County Police Department, Vice Squad Section, 700 East Joppa Road, Towson, Md. 21286
Anasiasio & Maria Giannakis, 8332 Harford Road, Baltimore, Md. 21234
Ruth Baisden, Greater Parkville Community Council, 7706 Oak Avenue, Baltimore, Md. 21234
Michael J. Doxzen, Esquire, 3101 Clearview Avenue, Baltimore, Md. 21234
Jaime Cameron, 1314 South Highland Avenue, Baltimore, Md. 21224

ORDER RECEIVED FOR FILING
Date 10-12-07
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8326 Harford Road
which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the amendment of Zoning Case 04-292-SPHX to permit the sale or transfer of the arcade business.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margie Sue Jones
Name - Type or Print

Margie Sue Jones
Signature

3117 Harrison Ave 410-254-2906
Address Telephone No.

Baltimore Maryland 21234
City State Zip Code

Attorney For Petitioner:

FRANK V. BOOKER JR.
Name - Type or Print

Signature

Courtney Booker Dorman & Dore P.A.
Company

614 Bosley Ave 410-828-9441
Address Telephone No

Towson MD 21204
City State Zip Code

Legal Owner(s):

Joseph H Stowik
Name - Type or Print

Signature

Name - Type or Print

Signature

8326 Harford Rd Baltimore 21234
Address Telephone No.

410-686-6666
City State Zip Code

Representative to be Contacted:

Mitch Kellman
Name

3907 Esgarth Way 443-698-6569
Address Telephone No

Owings Mills MD 21117
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-043-SPH

Reviewed By JF Date 7/24/07

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 10-12-07
By

BLM

ZONING DESCRIPTON FOR ~~SPECIAL EXCEPTION~~ & SPECIAL HEARING

#8326 HARFORD ROAD

BEGINNING FOR THE SAME AT A POINT ON THE NORTHWEST SIDE OF HARFORD ROAD (60 FOOT RIGHT OF WAY) AT A DISTANCE OF 74.48 FEET FROM THE INTERSECTION OF SOUTHWEST SIDE OF TOPAZ ROAD (40 FOOT RIGHT OF WAY) AND THE NORTHWEST SIDE OF HARFORD ROAD, THENCE N 45° 33' 01" WEST 133.33 FEET, THENCE S 44° 26' 59" WEST 18.08 FEET, THENCE S 45° 33' 01" EAST 136.80 FEET, THENCE N 33° 56' 14" EAST 18.41 FEET TO THE PLACE OF BEGINNING, CONTAINING 2,430 S.F. BEING RECORDED IN DEED LIBER 19587, FOLIO 478. ALSO KNOWN AS #8326 HARFORD ROAD AND LOCATED IN 9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT.

STATE OF MARYLAND
MICHAEL VINCENT MOSKUNAS
NO. 21175
PROFESSIONAL LAND SURVEYOR

7/17/07

Michael V. Moskunas

Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

043

File: 8326 Harford Rd.doc\'07 zoning

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 04171

Date: 7/24/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	COC			6150				325.00

Total: 325.00

Rec From: MARGIE JONES

For: Petition Rec. Special Hearing
5326 Harford Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
7/25/2007 7/24/2007 14:37:36 5
CSH HAIL KEYL KIE
RECEIPT # 425126 7/24/2007 OFLI
5 528 ZONING VERIFICATION
004171
Rept Tot $325.00
$.00 CK $325.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-043-SPH
8326 Harford Road
N/west side of Harford Road at a distance of 74.48 feet s/west from the c/line of Topaz Road
9th Election District - 6th Councilmanic District
Legal Owner(s): Joseph H. Stonik
Contract Purchaser: Margie Sue Jones

Special Hearing: to approve the amendment of Zoning Case 04-292-SPHX to permit the sale or transfer of the arcade business.

Hearing: Monday, September 17, 2007 at 11:00 a.m. County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/496 Aug. 30 147090

CERTIFICATE OF PUBLICATION

8/30/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/30/, 2007.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-043-SPH

Petitioner/Developer: MARGIE SUE JONES

Date of Hearing/Closing: 9-17-07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

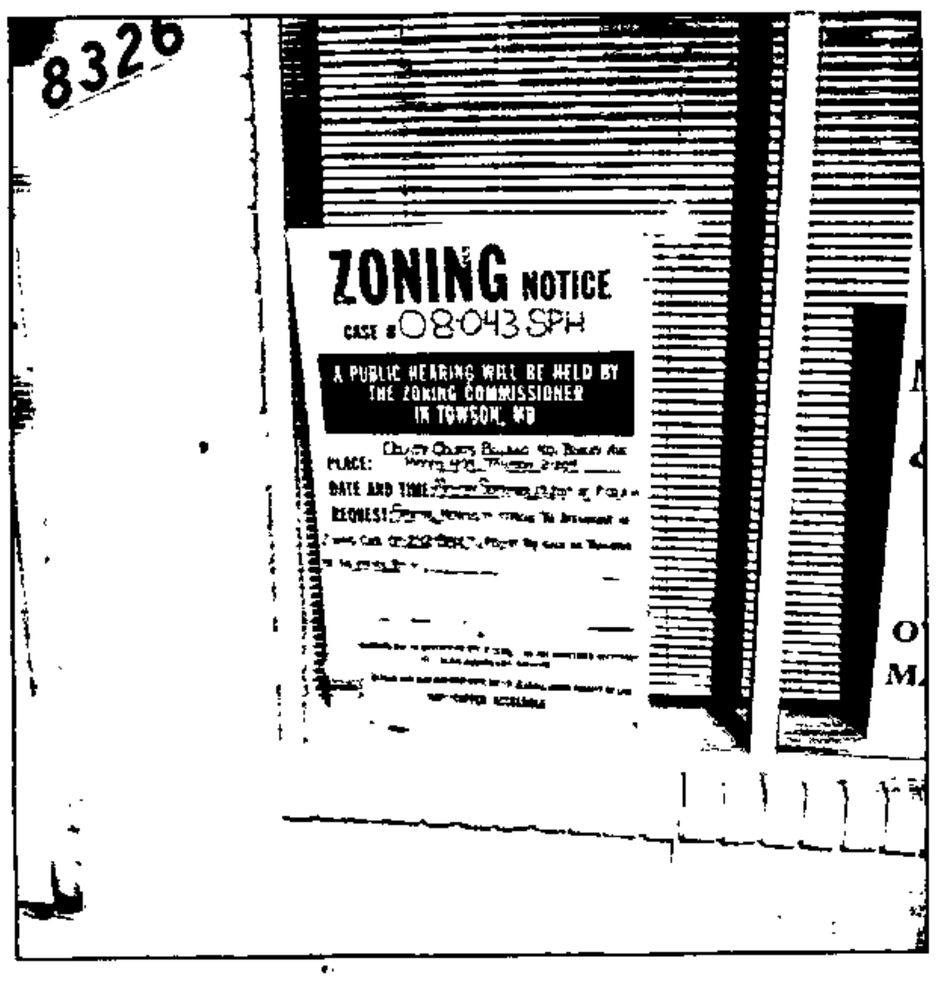
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8326 HARFORD RD

The sign(s) were posted on 9-1-07
(Month, Day, Year)

Sincerely,



Robert Black 9-6-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

August 24, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-043-SPH
8326 Harford Road
N/west side of Harford Road at a distance of 74.48 feet s/west from the c/line of Topaz Road
9th Election District – 6th Councilmanic District
Legal Owners: Joseph H. Stonik
Contract Purchaser: Margie Sue Jones

Special Hearing to approve the amendment of Zoning Case 04-292-SPHX to permit the sale of transfer of the arcade business.

Hearing: Monday, September 17, 2007 at 11:00 a.m. County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Frank Boozer, 614 Bosley Avenue, Towson 21204
Margie Sue Jones, 3117 Harview Avenue, Baltimore 21234
Joseph Stonik, 8326 Harford Road, Baltimore 21234
Mitch Kellman, 3907 Esgarth Way, Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 1, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 30, 2007 Issue - Jeffersonian

Please forward billing to:
Mitch Kellman
3907 Esgarth Way
Owings Mills, MD 21117

443-690-6569

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-043-SPH
8326 Harford Road
N/west side of Harford Road at a distance of 74.48 feet s/west from the c/line of Topaz Road
9th Election District – 6th Councilmanic District
Legal Owners: Joseph H. Stonik
Contract Purchaser: Margie Sue Jones

Special Hearing to approve the amendment of Zoning Case 04-292-SPHX to permit the sale of transfer of the arcade business.

Hearing: Tuesday, September 17, 2007 at 11:00 a.m. County Courts Building,
401 Bosley Avenue, Room 407, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

September 12, 2007

Frank V. Boozer, Jr.
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Case Number: 08-043-SPH, 8326 Harford Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 24, 2007. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures
c: People's Counsel
Margie Sue Jones 3117 Harview Avenue Baltimore 21234
Joseph Stonik 8326 Harford Road Baltimore 21234
Mitch Kellman 3907 Esgarth Way Owings Mills 21117

BW 9/17
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 14, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
SEP 1 8 2007
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-043- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Reviewed By: Cindy Murray

CM/LL

W:\DEVREV\ZAC\8-043.doc

Bill Wiseman - Zoning Case 08-043-SPH

From: "Mitch Kellman" <mkellman@centuryeng.com>
To: "'Bill Wiseman'" <wwiseman@baltimorecountymd.gov>
Date: 09/26/07 5:32 PM
Subject: Zoning Case 08-043-SPH

Commissioner Wiseman,
Please accept this email as a response to your requirement of amending or red-lining the site plan that is the Petitioner's Exhibit in Zoning Case 08-043-SPH. At issue, besides other concerns, was illustrating 5 off-site parking spaces on the exhibit. Those spaces, through hearing testimony, were to be leased from a business adjacent to the opposite side of Topaz Road (8400 Harford Road). That business is labeled on the plan as "commercial use" and is shown with a partial building footprint with a portion of an accessory parking lot in the rear. The five off-street parking spaces were to be red-lined in that accessory parking area to show compliance with the prior order by then Commissioner Schmidt, requiring 5 off-site spaces. It is my understanding that a lease agreement for those 5 spaces has not been approved by the property owner. Rather five other spaces will be leased from the business at 8404 Harford Road, which should still be within the 500-foot distance requirement as per Section 409.7.B.1 of the BCZR. However, the building and lot known as 8404 Harford Road that maintains those spaces is not shown on Petitioner's Exhibit. A new or additional plan would need to be created showing the building and parking lot where the spaces are leased. Therefore, I would ask that if the Special Hearing is granted, that the restriction of the petitioner be that a new plan must be created that shows those spaces and illustrates compliance with the BCZR and an approved parking lease.

Please understand that a red-line of this plan, as requested, would not suffice as a lease has not been executed on the originally intended commercial property adjacent to the opposite side of Topaz Road (8400 Harford Road).
Thank you for your attention to this matter and please contact me at your convenience you have any questions.

Very truly yours,

Mitchell J. Kellman
Zoning Manager
Century Engineering, Inc.
10710 Gilroy Road
Hunt Valley, Maryland 21031
mkellman@centuryeng.com
443-589-2400
Fax: 443-589-2401

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 14, 2007

BY:

RECEIVED
SEP 14 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-043- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Reviewed By: Cindy Murray

CM/LL

W:\DEVREV\ZAC\8-043.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 035,036,037,038,039,040,041,043,044,046,047,048,050,051

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: August 14, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 08-43-SPH
8326 Harford Road
Jones / Stonik Property
Special Hearing

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 08-43SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: August 1, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 6, 2007
Item Nos. 08-035, 036, 037, 038, 039, 040, 041, 043, 044, 046, 048 and 051

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-08062007.doc

BW 9/17
08-043-SPH
11:00pm

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131

September 25, 2007

Hand Delivered

William J. Wiseman, Jr.
Zoning Commissioner
5th Floor, County Courts Building
401 Bosley Avenue
Towson, Md 21204

RECEIVED
SEP 25 2007
BY:.....

RE: 8404 Harford Road/8326 Harford Road

Dear Mr. Wiseman:

Enclosed please find Lease Agreement in connection with the above captioned properties.

Thank you for your attention to this matter. If you have any questions, do not hesitate to contact me.

Very truly yours,

FRANK V. BOOZER, JR.

Enclosure
0925gab01

LEASE AGREEMENT

THIS AGREEMENT, entered into this 20 day of September, 2007, by and between ROBERT M. HASLBECK, hereinafter referred to as the Lessor, and Sue Jones, hereinafter referred to as the Lessee.

WHEREAS, Lessor is the owner of the property located at 8404 Harford Rd., Baltimore County, MD, 21234.

WHEREAS, Lessee is the operator of a business located at 8326 Harford Rd., Baltimore, MD 21234.

WHEREAS, Lessee desires to lease from Lessor and Lessor desires to lease to Lessee Five (5) parking spaces at the 8404 Harford Rd. for use by patrons of the establishment located at 8326 Harford Rd.

NOW, THEREFORE, in consideration of the premises and the mutual promises of the parties as hereinafter set forth, the parties subject to the terms and conditions hereof agree as follows:

1. That Lessor shall lease to Lessee Five (5) parking spaces located on the property known as 8404 Harford Rd., for use by the patrons of Lessee's business located at 8326 Harford Rd.

2. That the lease shall be for a term of Three (3) years with Three (3) Three (3) year options exercisable at Lessees option.

3. Lessee shall give Lessor Thirty (30) days notice before the termination of any lease period should she wish to renew the lease term. Should notice not be given the lease shall terminate at the expiration of the instant lease term.

3A NO COMMERIAL PARKING, NO OVERNIGHT
S.J. NO LONGTERM STORAGE PARKING
RH

4. This agreement is contingent upon the granting to Lessee the relief requested in Baltimore County Zoning Case 08-043-SPH.

5. Use of the parking spaces shall be limited to the Lessee's employees, agents, customers, and invitees.

6. During the term of this lease agreement and any extension thereof, the parking area to be properly operated and all entrances, exits, driveways, and walkways kept in good repair, such operation and maintenance to include, but not limited to, lighting, traffic control, removal of snow/ice, rubbish and debris.

7. Lessee shall pay to Lessee Two Thousand Four Hundred Dollars ($2,400.00) per year which shall be paid in equal monthly installments of Two Hundred Dollars ($200.00) on the First day of each and every month.

IN WITNESS WHEREOF, the parties have executed this Agreement under seal on the day and year first above written.

WITNESS:

Elvie Ingrassia

Robert M. Haslbeck
ROBERT M. HASLBECK
Lessor

WITNESS:

Walt Buchman

Sue Jones
SUE JONES
Lessee

Fvb070906

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: August 14, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 08-43-SPH
8326 Harford Road
Jones / Stonik Property
Special Hearing

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 08-43SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BW
9-17-07

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131

September 27, 2007

William Wiseman, III
Office of the Zoning Commissioner
401 Bosley Ave., Room 405
Towson, MD 21204

RECEIVED
SEP 27 2007
BY:

RE: 8326 Harford Rd.
08-043-SPH

Dear Commissioner Wiseman,

At the request of my client, we would respectfully withdraw the Petition for Special Hearing in the above captioned matter.

Very truly yours,

FRANK V. BOOZER, JR.

cc: Michael J. Doxzen, Esq.
0709fvb03

MICHAEL J. DOXZEN
ATTORNEY AT LAW

3101 Clearview Avenue
Baltimore, MD 21234
T (410) 444-6262
F (410) 426-9266

September 21, 2007

Commissioner William Wiseman
Zoning Commissioner Baltimore County
Suite 405 County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Civil Case No. 08-043-SPH
8326 Harford Road

Dear Commissioner:

I have enclosed a copy of Maryland Court of Appeals case involving extensive illegal gambling with the machines provided by Rossville Vending Machines Corporation.

During the hearing on 9/17/2007 Detective Ruffino testified that the twenty machines removed by the police were all illegal gambling machines and had been provided by Joseph J. Stonik. And she also testified that Joseph J. Stonik was the owner of Rossville Vending. I have attached a copy of document from Maryland Department of Assessments and Taxation showing Joseph J. Stonik as Resident Agent.

A copy of this correspondence and two enclosures have been faxed to your offices and to the office of attorney, Robert Boozer. Copies were mailed to each of the other individuals on the sign in sheets.

I am assuming that Mr. Boozer will send me copies of any documents he submits to your office.

Sincerely,

Michael J. Doxzen

enclosures: 2

RE: PETITION FOR SPECIAL HEARING 8326 Harford Road; NW/S Harford Road, 74.48' SW c/line of Topaz Road 9th Election & 6th Councilmanic Districts Legal Owner(s): Joseph Stonik Contract Purchaser(s): Margie Jones Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-043-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Mitch Kellman, 3907 Esgarth Way, Owings Mills, MD 21117, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
AUG 03 2007
Per.....

PLEASE PRINT CLEARLY

CASE NAME 08-043-SPH
CASE NUMBER 5326 Harford Rd
DATE Sept 17, 2007

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
FRANK V. BOOZER JR	614 BOSLEY AVE	TOWSON, MD 21204	fboozer@cablaw.com
Margie S. Jones	3117 Harrison Ave	Balto, Md 21234	
Nancy Wallman	3213 Hiss Ave	Balt M 21234	N/A
Mitch Kellman	10710 Gilroy Rd	Hunt Valley MD	MKellman@centuryeng.com

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-043-SPH
DATE 9-17-07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
ELSIE M. DOXZEN	8324 HARFORD RD	BALTIMORE, MD 21234	
MICHAEL DOXZEN attorney	3161 CLEARVIEW AVE	BALTO CITY MD	mdoxzen@msn.com
MARY RUDOLF	8324 HARFORD RD	BALTO., MD. 21234	
Det. S. Ruffino	700 E. Joppa Rd.	Towson, MD. 21286	Attn: Vice/Narcotics
ANASTASIOS GINNIKAKIS	8332 Harford Rd	Balto, MD. 21234	
MARIA GINNIKAKIS	8332-8328 Harford Rd	Balto MD 21234	
Ruth Baisden	7706 Oak Ave Balto.	21234 Greater Parkville Community Council	rutbaisden@yahoo.com
Jaime Cameron	1314 S. Highland Ave. Balt. MD	(LAW SCHOOL STUDENT)	jlc22177@yahoo.com

Case No.: 08-043-SPH 8326 Harford Rd.

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN - (NO accepted - NO Parking shown as required)	Study of Gambling
No. 2 objection sustained	Identification Only - Parking on adjoining Lot agreement	POLICE REPORT 07-109-0681
No. 3	Signatures supporting proposal	FRONT + REAR ENTERANCES Photo graph of premises
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

September 5, 2007

To Whom It May Concern:

Please be advised that four ~~(4)~~ 5 S.J. parking spaces are being leased to Ms. Susan Jones. The location of said parking spaces, ~~are~~ located at 8400 Harford Road in the back lot of Hair Harvest, Inc., (410) 882-1394.

If you have any questions, pls. contact Hair Harvest at the above-referenced telephone number.

P.S.: Ms. Susan address is

PETITIONER'S

EXHIBIT NO. 2
(identification only

We support the opening of Ms Jones new business in the Parkville area.

ARCADE

PETITIONER'S

EXHIBIT NO. 3

1. Lisa Morton
2. Theresa Lescalleet
3. Denise Gray
4. Megan Reed
5. Robin Garbinski
6. Kimberly Robertson
7. Catherine Cline
8. Jane Cassertup
9. Teresa Taylor
10. Charlotte Akin
11. Lisa Beckman
12. Jen Bergeld
13. Brian Applebee
14. Aurelia Paditza
15. Megan Hombrough
16. Michelle Cross
17. Jennie Weber
18. Lindsey Bard
19. Melissa Chesser
20. D. Davis
21. Stefanie Ewert
22. Jennifer Cook
23. Monika Gradus
24. Jessica Ellis
25. Claire Lornoski
26. Susan Dunning
27. Heather Hall
28. Cherie Zittel
29. Tracie Darkes
30. Susan Gorley
31. Roxanne Pepper

62. Kelly Leschsky
63. Angie Oesterzyk
64. Marie Russo
70. July M Dorgan
71. Linda J Christ-Walker
72. [illegible]
73. [illegible]
74. Prakash Raghbo
75. Lynn Litchfield
76. Cathy Davis
77. Lynda Keen
78. Juri Bragg
79. [illegible]
80. [illegible]
81. [illegible]
82. Patricia [illegible]
83. Michael P. Shanklin
84. Denise Dy
85. [illegible]
86. [illegible]
87. [illegible]
88. [illegible] Brown
89. [illegible]
90. [illegible] Neidhardt
91. Bruce Neidhardt
92. Rose Morgan
93. Teresa Harris
94. Nancy Waleman

cc: Linda D. Jones

32 Kimberly Hammett
33 Sandra Franklin
34 Kimberly Bedsaul
35 P. Harris
36 Rose Marie Albert
37 Stylanie Fretag
38 Denise Majewski
39 Eletha Long
40 Heather Horton
41 Sharon Scales
42 [illegible]
43 Neil Logue
44 Jori Prosser
45 Fritz [illegible]
46 [illegible]
47 Frank Jones
48 Joanne Gerlport
49 Theresa Morgan
50 Christopher Charkey
51 Paul Lescallet
52 Rebecca Gullier
53 Mac Taylor
54 George Majewski
55 Blaine Murff
56 Wayne Dilgh
57 Joe Schuter
58 Janet Long
59 Gina Mims
60 IANYA Bass
61 Angelo Piccotto
62 Mike Dunning
63 Margie Etheridge

65 Sharon Powell Sharon Powell
66 Yolanda Banks Yolanda Banks

H
Rossville Vending Mach. Corp. v. Comptroller of Treasury
Md.App.,1993.

Court of Special Appeals of Maryland.
ROSSVILLE VENDING MACHINE CORP.
v.
COMPTROLLER OF the TREASURY.
No. 1404, Sept. Term, 1992.

Sept. 1, 1993.
Certiorari Denied Dec. 17, 1993.

Comptroller of the Treasury levied deficiency assessment against owner of video poker machines for unpaid admissions and amusement tax, and owner countered with refund claim. The Tax Court affirmed the Comptroller's assessment, and appeal was taken. The Circuit Court, Baltimore County, James T. Smith, Jr., J., affirmed, and again appeal was taken. The Court of Special Appeals, Harrell, J., held that cash payments made to players of video poker machines were includable as "gross receipts" subject to admissions and amusement tax.

Affirmed.
West Headnotes
[1] **Taxation 371 ⚷2704**

371 Taxation
371III Property Taxes
371III(H) Levy and Assessment
371III(H)10 Judicial Review or Intervention
371k2700 Further Judicial Review
371k2704 k. Scope of Review. Most Cited Cases
(Formerly 371k493.8)
On judicial review of decisions of Tax Court, where interpretation of statute or regulation is at issue, substituted judgment standard is used, since such interpretation involves question of law.

[2] **Statutes 361 ⚷219(1)**

361 Statutes
361VI Construction and Operation
361VI(A) General Rules of Construction
361k213 Extrinsic Aids to Construction
361k219 Executive Construction
361k219(1) k. In General. Most Cited Cases

Statutes 361 ⚷219(3)

361 Statutes
361VI Construction and Operation
361VI(A) General Rules of Construction
361k213 Extrinsic Aids to Construction
361k219 Executive Construction
361k219(3) k. Long Continuance of Construction, and Approval or Acquiescence. Most Cited Cases
In determining weight to be accorded administrative interpretation of or practice with respect to statute, Court of Special Appeals considers factors such as consistency of interpretation or practice with purposes of statute, thoroughness, breadth, and validity of considerations underlying interpretation or practice, and consistency and length of time interpretation or practice has been in play.

[3] **Public Amusement and Entertainment 315T ⚷55**

315T Public Amusement and Entertainment
315TII Licensing and Regulation
315TII(B) Taxes and Fees
315Tk53 Games, Sports, Athletic Activities and Contests in General
315Tk55 k. Games of Chance and Skill; Arcade and Video Games. Most Cited Cases
(Formerly 376k3.30 Theaters and Shows)
Cash payments made to winning players of video poker machines were includable as "gross receipts" subject to admissions and amusement tax where players received money due them directly from establishments where machines were installed, and establishments were subsequently reimbursed when

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money was collected from machines, even though, under agreement between machine owner and establishment owners, machine owner was not entitled to retain money paid out to winning players. Code 1957, Art. 81, §§ 402, 402(a)(iii) (Repealed).

**1284*306 Robert L. Hanley, Jr. (Thomas J. Renner, Christine K. McSherry and Nolan, Plumhoff & Williams, Chtd., on the brief), Towson, for appellant.
Deborah B. Bacharach, Asst. Atty. Gen. (J. Joseph Curran, Jr., Atty. Gen. and Gaylin Soponis, Asst. Atty. Gen., on the brief), Baltimore, for appellee.

Argued before ALPERT, HARRELL, JJ., and ROSALYN B. BELL, Judge (Retired), Specially Assigned.
HARRELL, Judge.
This appeal by Rossville Vending Machine Corp. (Rossville or appellant) arises from an order of the Circuit Court for Baltimore County (Smith, J.) affirming a decision of the Maryland Tax Court (Tax Court), which had sustained an assessment for delinquent admissions and amusement taxes issued by the Comptroller of the Treasury (Comptroller) against Rossville.

The sole question posed by appellant for our review, as framed by Rossville, is "[w]hether the [c]ircuit [c]ourt erred in affirming the Maryland Tax Court's decision that cash payments made to players of Rossville's amusement machines were includable as gross receipts and therefore subject to the admissions and amusement tax[.]" We agree with the judgments*307 of the circuit court and Tax Court and, accordingly, shall affirm.

FACTS

Rossville owned a number of video poker machines that it placed in bars, restaurants, and other establishments frequented by the general public (collectively referred to hereafter as "establishments" or singularly as "establishment"). The machines were activated by patrons placing quarters in them. A player accumulated "points" or "credits" as he or she played and got winning poker hands. When the player accumulated sufficient "credits" or "points," he or she would be paid winnings in cash directly by the owner, or owner's employee, of the establishment (not Rossville), based on the player's number of accumulated "credits" or "points." It was conceded that such payouts constituted violations of Maryland's anti-gambling laws.

Rossville's financial arrangements with each owner of an establishment included a fifty-fifty split of the revenues received from the play of the machines in that establishment, after reimbursement for the owner's winnings payouts and deduction of expenses such as fees and taxes. The establishment would keep records of the payouts made and provide the information to Rossville's routemen. Sometimes Rossville would advance funds to an establishment owner and allow that person to pay back the loan out of the establishment's future share of the net revenues as earned.

Rossville's routemen would periodically visit each establishment where Rossville's machines were placed (only the routemen had access to the quarters in the machines). Generally, their visits were of two different types. A "dump" involved emptying machines of coins, counting the coins, repackaging them for continued use by the establishment, and noting the machines' total receipts. A "collection" visit consisted of again emptying the machines of coins, computing the total receipts during a particular time period (including monies removed during previous "dumps" within that time period),**1285 and settling *308 up with the establishment owner in accord with the financial arrangement described earlier.

When the routeman "settled up," he obtained information as to the amount of payouts made during the time period, generally from the records kept by the establishment's owner or employees, which the routeman could verify against internal accounting mechanisms in the video poker machines. The routemen then returned to Rossville with its share of the monies and documentation

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reflecting the gross receipts, payouts, and adjustments for fees, taxes, and the split.

A statewide investigation of illegal gambling and the video poker industry in particular, dubbed "Operation Quartermatch," commenced in 1984, with Rossville as one of its targets. Detective Douglas Dunlap of the Baltimore County Police Department was a part of the task force. Detective Dunlap, and others, conducted undercover surveillance of establishments where Rossville's machines were located. They witnessed not only the illegal payouts, but also the activities of the routemen.

Based on the activities thus observed, search warrants were obtained on 7 March 1985 for Rossville's headquarters and fourteen establishments where its machines were located. Various records were seized at each location.

William Watts, an auditor with the Comptroller's office, reviewed the records seized by the police. Based on what these records revealed to him, he conducted a formal amusement tax audit of Rossville. From the seized records and the audit, Watts was able to calculate the total amount of money collected from the machines in the assessment period and the amount of payouts made to players. He computed the total amusement taxes due on the total monies collected (with no deduction for the payouts), and subtracted the amusement taxes previously paid by Rossville for the time period involved, resulting in a deficiency owed to the Comptroller of $736,033.98. Watts testified before the Tax Court that it was the practice of the Comptroller's office during the period of assessment*309 involved in this case to tax the total amount in the machines.

The Comptroller levied a deficiency assessment FN1 against Rossville on 25 September 1985, plus interest and penalties, for the period 15 December 1982 through 6 March 1985. Rossville countered with a refund claim. After the assessment was affirmed and the refund denied by the Comptroller's hearing officer, Rossville concurrently, but separately, appealed both actions to the Tax Court. Because the refund claim aspect has been fully litigated, we will not address it further in this opinion.FN2

FN1. Although the originally assessed deficiency, exclusive of interests and penalty, totaled $859,560.58, this amount was reduced to $736,033.98 by stipulation of the parties in the Tax Court proceedings.

FN2. The issue in the refund case was whether receipts from video poker machines and other coin-operated amusement devices are taxable as receipts from the use of "sporting or recreational facilities or equipment" in jurisdictions that had not amended their local enactments to clarify that the tax applied to receipts from "games of entertainment". As to this appellant, this issue was resolved in favor of the Comptroller by this Court in an unreported decision. *Comptroller v. Rossville Vending Machine Corporation*, et al., No. 1872 (September 27, 1990), *cert. denied*, 321 Md. 639, 584 A.2d 68 (1991). Receipts from coin-operated amusement devices were found to be subject to admissions and amusement tax as receipts from the operation of "sporting or recreational facilities or equipment".

The Tax Court held a hearing on the assessment appeal on 17 October 1991. The issue before the Tax Court was whether, for the purpose of computing gross receipts that are subject to the admissions and amusement tax, Rossville could deduct the cash payouts made to the players.

At the hearing, Watts and Dunlap, among others, testified. Dunlap, because of his extensive experience and knowledge of the video poker industry, was offered and received as an expert witness. He testified, among other things, that a company such as Rossville only places video poker

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machines in locations where it has **1286 the exclusive right to do so. He opined that the financial arrangements between Rossville and the establishment owners were typical of the industry, including *310 the necessity to make payouts to the customers so people would play the machines. Watts essentially explained the bases and calculations for the Comptroller's assessment in terms of the information obtained from the seized records and the audit. The Tax Court (Calvert, J.) issued an oral ruling at the end of its hearing affirming the Comptroller's assessment. It followed that with an order to like effect on 19 November 1991.

The circuit court, by its 27 July 1992 Opinion and Order, filed on 29 July, affirmed the Tax Court's decision. The court found that the Tax Court's factual determination concerning the calculation of the assessment was supported by substantial evidence. It rejected Rossville's claim that gross receipts did not include cash payouts made to winning players on the amusement devices holding: "the Maryland Tax Court was not erroneous as a matter of law in its determination that gross receipts included all charges for use of Appellant's amusement devices without deduction for payouts made to customers who played."

Rossville filed a timely appeal from the decision of the circuit court.[FN3] We will supply additional facts as may be necessary or desirable in our discussion of appellant's issue.

FN3. Rossville has abandoned on appeal its challenge as to whether the Comptroller's calculation of the amount of the assessment was supported by substantial evidence on the record.

ANALYSIS

Standard of Review

Section 13-532 of the Tax-General Article of the Annotated Code of Maryland provides in pertinent part:
A final order of the Tax Court is subject to judicial review as provided for contested cases in §§ 10-215 and 10-216 of the State Government Article.[FN4]

FN4 By virtue of 1993 Md.Laws Ch. 59, an omnibus revision and renumbering of Title 10 of the State Government Article was accomplished. Although effective 1 June 1993, the Act contained specific provisions governing how its provisions would affect pending administrative appeals. Former § 10-215, for instance, was renumbered and revised as § 10-222, and, as such, applies to actions for judicial review filed on or after 1 June 1993. The case *sub judice* was filed before 1 June 1993. Accordingly, we shall apply and make reference in this opinion to the former numbering and substance of Title 10.

*311 Md.Tax-Gen.Code Ann. § 13-532(a)(1) (1988). Section 10-215 of the State Government Article provided in pertinent part:
Decision-In a proceeding under this section, the court may:
(1) remand the case for further proceedings;
(2) affirm the decision for the agency; or
(3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision of the agency:
(i) is unconstitutional;
(ii) exceeds the statutory authority or jurisdiction of the agency;
(iii) results from an unlawful procedure;
(iv) is affected by any other error of law;
(v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
(vi) is arbitrary or capricious.

Md.State Gov't Code Ann. § 10-215(g) (1984) (1993 Repl.Vol.).

[1] It is well settled that judicial review of decisions of the Maryland Tax Court is severely limited. *See CBS, Inc. v. Comptroller of the Treasury*, 319 Md.

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687, 697-98, 575 A.2d 324 (1990); *See also Comptroller of the Treasury v. Diebold, Inc.*, 279 Md. 401, 406-08, 369 A.2d 77 (1977). Nevertheless, "a reviewing court is under no statutory constraints in reversing a Tax Court order which is premised solely upon an erroneous conclusion of law." *Ramsay, Scarlett & Co. v. Comptroller of the Treasury*, 302 Md. 825, 834, 490 A.2d 1296 (1985). *See also* **1287*Supervisor of Assessments of Montgomery County v. Asbury Methodist Home, Inc.*, 313 Md. 614, 626, 547 A.2d 190 (1988). Where the interpretation of a statute or *312 regulation is at issue, the substituted judgment standard is used since such an interpretation involves a question of law. *State Dep't of Assessments & Taxation v. Consumer Programs, Inc.*, 331 Md. 68, 71-72, 626 A.2d 360 (1993); *Baltimore Building & Construction Trades Council v. Barnes*, 290 Md. 9, 14-15, 427 A.2d 979 (1981). "On the other hand, where the Tax Court's decision is based on a factual determination, and there is no error of law, the reviewing court may not reverse the Tax Court order if substantial evidence of record supports the agency's decision." *Ramsay, Scarlett & Co.*, 302 Md. at 834, 490 A.2d 1296. "As to mixed questions of fact and law, an intermediate level of scrutiny applies: such findings must be affirmed *if*, after deferring to the Tax Court's expertise and to the presumption that the decision is correct, 'a reasoning mind could reasonably have reached the [tax court's] conclusion.' " *United Parcel Serv., Inc. v. Comptroller of the Treasury*, 69 Md.App. 458, 464, 518 A.2d 164 (1986) (*quoting Ramsay*, 302 Md. at 838, 490 A.2d 1296); *See also Comptroller of the Treasury v. World Book Childcraft International, Inc.*, 67 Md.App. 424, 439, 508 A.2d 148,*cert. denied*,307 Md. 260, 513 A.2d 314 (1986).

Gross Receipts

The statute at issue in this case, former Article 81, § 402 of the Annotated Code of Maryland, provided in pertinent part:

"(a) Except as otherwise provided in this subtitle, any county by resolution may levy a tax on the *gross receipts* of every person, firm or corporation obtained from sources within the county derived from the amounts charged for ...

* * * * * *

(iii) The use of sporting or recreational facilities or equipment, including the rental of sporting or recreational equipment, and games of entertainment"[FN5] (emphasis supplied)

FN5. Article 81 was repealed in 1988 in its entirety and substantial portions were transferred into the concurrently enacted Tax-General Article. 1988 Md.Laws ch. 2. The provisions of former § 402(a)(iii) of Art. 81 were transferred to §§ 4-101(b) and 4-102(a) of the Tax-General Article. Because the operative facts of the instant case occurred before repeal of Article 81, we shall refer to its numbering sequence throughout this opinion.

*313 The statute did not otherwise define the phrase "gross receipts", nor did the Comptroller in its regulations. As we shall discuss later, the Comptroller did, through its administration of the admissions and amusement tax, establish a purportedly uniform interpretation and practice regarding treatment of "gross receipts" that it urges we should consider persuasive in our analysis of the statute.

Appellant asserts that the pertinent statutory language is ambiguous. If that be so, it argues, any amounts paid out, either to players or to the location owners to reimburse them for payoffs on its amusement machines, should not have been included in calculating its "gross receipts", because Rossville was not entitled to retain those monies. It points to several aspects of its arrangements with the establishment owners, which it characterized as a joint venture of partnership, to demonstrate its lack of entitlement to the disputed quarters. First, the net receipts derived from the video poker machines were shared equally. Second, the establishment owners and/or its employees made cash payouts to people who accumulated points while playing the video poker machines. The

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Comptroller acknowledged that these payouts were an integral part of the video poker industry because the payouts were a financial necessity to encourage play of the machines. Establishment owners and Rossville maintained records of the amount of payouts made and Rossville reimbursed the establishment for these payouts. Rossville reimbursed the establishment owners because the machines did not make instant payouts and only Rossville employees had access to the money in the machines. From this state of affairs, Rossville reasons that its partners or co-venturers, the **1288 establishment owners, were entitled to reimbursement for the payouts and Rossville, having no claim of right to those monies, should not be taxed on this "phantom income." Rossville also makes a secondary argument that the reimbursed payouts should be treated as *314 trade discounts and accorded the status of an adjustment to gross receipts because the payouts are necessary to maintain its competitive position in the video poker machine industry.

The Comptroller, endeavoring to strike a clean line with its reasoning, counters that by the plain meaning of the statute, case law, and the Comptroller's longstanding administrative practice, no deductions are permitted to determine the gross receipts subject to admissions and amusement tax.

As in any case that pivots on the application of a statute, we should not commence our analysis without first recalling the applicable and often-stated rules in aid of statutory construction. To ascertain and effectuate the actual legislative intention in enacting any statute is, of course, the cardinal rule of statutory interpretation, the primary source of which is the language of the statute itself. *In re Criminal Investigation No. 1-162*, 307 Md. 674, 685, 516 A.2d 976 (1986); *State v. Intercontinental, Ltd.*, 302 Md. 132, 137, 486 A.2d 174 (1985); *Bd. of License Comm'rs of Carroll County v. Pizza Hut of Md., Inc.*, 95 Md.App. 291, 301, 620 A.2d 953 (1993); *Gray v. Anne Arundel County*, 73 Md.App. 301, 309, 533 A.2d 1325 (1987). The Court of Appeals pointed out in *Kaczorowski v. City of Baltimore*, 309 Md. 505, 525 A.2d 628 (1987), that we must first look to the words of the statute "because what the legislature has written in an effort to achieve a goal is a natural ingredient of analysis to determine that goal." *Id.* at 513, 525 A.2d 628. But if the statutory language is susceptible of more than one meaning and thus is ambiguous, courts should consider "not only the literal or usual meaning of words, but their meaning and effect in light of the setting, the objectives and purpose of the enactment." *Id.* at 513, 525 A.2d 628, (quoting *Tucker v. Fireman's Fund Ins. Co.*, 308 Md. 69, 75, 517 A.2d 730 (1986)). *Kaczorowski* further demonstrates that, in the rare case in which it is apparent to the court that plain, clear, and unambiguous language in the statute does not express or carry out the intent of the legislature, the legislative intent as discerned by the court will prevail over the plain meaning of the words of the statute.

*315 Judge Robert M. Bell, then writing for this Court in *Ford Motor Land Dev. v. Comptroller of the Treasury*, 68 Md.App. 342, 511 A.2d 578, *cert. denied*, 307 Md. 596, 516 A.2d 567 (1986), also chronicled the rubrics that we follow in our approach to the kind of task at hand:

" 'Where the language [of the statute] is clear and free from doubt the Court has no power to evade it by forced and unreasonable construction.' Thus where 'there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intent of the General Assembly.' Furthermore, the statute must be construed considering the context in which the words are used and viewing all pertinent parts, provisions, and sections so as to assure a construction consistent with the entire statute. And, if there is no clear indication to the contrary, a statute must be read so that no part of it is 'rendered surplusage, superfluous, meaningless, or nugatory.' On the other hand, we 'shun a construction of the statute which will lead to absurd consequences,' or 'a proposed statutory interpretation if its consequences are inconsistent with common sense.' "

68 Md.App. at 346-47, 511 A.2d 578 (citations

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omitted) (emphasis in original). *See also Chesapeake Indust. Co., v. Comptroller of the Treasury*, 331 Md. 428, 440, 441, 628 A.2d 234 (1993).

In those instances where the applicability of a tax statute is being construed, the established rule is "not to extend the tax statute's provisions by implication, beyond the clear import of the language used, to cases not plainly within the statute's language, and not to enlarge the statute's operation so as to embrace matters not specifically pointed out. In case of doubt, **1289 tax statutes are construed 'most strongly against the government, and in favor of the citizen.' " *Comptroller of the Treasury v. John C. Louis Co.*, 285 Md. 527, 539, 404 A.2d 1045 (1979) (citations omitted). With all of these principles in focus, we set about our task.

*316 Appellate courts at all levels often consult dictionaries as an aid in their analysis of the meaning to be given legislatively-selected words or phrases in statutes. *See, e.g., State Dep't of Assessments and Taxation v. Consumer Programs, Inc., supra*, 331 Md. at 72-73, 626 A.2d 360. Many times the reason for the choice of the particular dictionary, or the particular edition thereof, goes unexplained explicitly and is not readily ascertainable by implication from the context of its use. Why a particular edition of a particular dictionary illuminates the "natural and ordinary significance" of the word or phrase being scrutinized is a legitimate question any Maryland reader might pose. It seems no court is immune to criticism for a failure to justify this step in its analysis. *See* David O. Stewart, "By the Book", *ABA Journal*, July 1993, at 46-47.

The admissions tax was first enacted in Maryland in 1936 with the addition of § 73 to Article 56 of the Code.[FN6] That enactment contained the operative phrase "gross receipts" as the basis for computation of the tax. It seems logical, at least in a linear way, that a popular dictionary of that time would be an informative resource in attempting to arrive at a determination of what the 1936 Legislature intended by the usage of "gross receipts."

FN6. 1936 Md.Laws ch. 10, § 3.

We have consulted *Webster's Collegiate Dictionary* (5th ed., 1936). It was based on the unabridged parent work, *Webster's New International Dictionary* (2d ed., 1934). As an abridged dictionary, the *Collegiate Dictionary* would likely be in greater use in the general population than its unabridged parent and, therefore, reflect and perpetuate a broader-based understanding of its words and phrases. The adjective "gross" is addressed there as a multisense word. The dictionary's general scheme for the order of definitions is that of the historical order of development of the meanings of a word. Discarding archaic meanings and those obviously inapplicable to the context of a taxing statute, the only sense of "gross" that could be germane to our inquiry is: "[w]hole; entire; total; of earnings,*317 etc., without deductions;-opposed to *net*." *Id.* at 440. Turning to "receipt," we learn that the first applicable sense of that noun is: "[t]hat which is received in distinction from what is expended;-usually in *pl.*; as, the gross *receipts*." *Id.* at 829.

As an additional, corroborative resource we looked to *Black's Law Dictionary* (3rd ed. 1933), the edition then current and in use in 1936. While it may be a matter of rote for many courts to consult *Black's*, we do so here on the assumption that it may be a valid touchstone because, historically, many legislators, and those who assist them in drafting legislation, have been trained in the law and may also have found it to be a logical reference. The senses of "gross" found there, that appear applicable to the context of the statute in question, include: "[a]bsolute or entire ... [b]efore or without diminution or deduction, total." *Id.* at 858. The only sense of "receipt" offered in *Black's* that could arguably apply here is "... the act or transaction of accepting or taking anything delivered." *Id.* at 1501.

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As a check against possible changes over time in the sense of the key words at issue, we have also consulted the contemporary lineal descendants of these two dictionaries. *Merriam-Webster's Collegiate Dictionary* (10th ed. 1993), the explanatory notes and other prefatory material of which affords an excellent outline for why and how we, as an English speaking people, use dictionaries, offers as the only relevant adjectival sense of "gross": "consisting of an overall total exclusive of deductions <worth>-compare GROSS." *Id.* at 780. Finally, we found that "receipt," although the relevant senses of the noun have changed somewhat, retained the **1290 character of the 1936 definition: "the act or process of receiving: something received-usu. used in pl." *Id.* at 975. Our final lexical, corroborative survey was of *Black's Law Dictionary* (6th ed. 1990). The relevant senses of "gross" and "receipt" do not vary appreciably from those found in its 1933 forebearer. Of particular note, however, is the addition of definitions of the phrases "gross receipts" and "gross income tax," made pertinent as follows:

*318 Gross receipts. The total amount of money or the value of other considerations received from selling property or from performing services. *New Mexico Enterprises, Inc. v. Bureau of Revenue*, App., 86 N.M. 799, 528 P.2d 212, 213. *See also* Gross income.

Gross receipts tax. *See* Gross income tax.

Gross income tax. Levy on total receipts of business without allowance for expenses and deductions. Any tax imposed on gross receipts; may include retail sales tax and general sales tax.

Black's Law Dictionary 703 (6th ed. 1990).

From this foray into the world of lexicographers, we conclude that the natural and ordinary significance of "gross receipts" as used in the context of the Maryland admissions and amusement tax statute, both in 1936 when it was enacted originally and today, provides no room for reasonable argument that it contemplates deductions or adjustments for expenses, partner/co-venturer reimbursements, or trade discounts before calculation of the tax due. We conclude further that there is no need for further investigation of appellant's references to foreign authority or its arguments by analogy to other taxing situations. Where "there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intent of the General Assembly." *City of Baltimore v. Hackley*, 300 Md. 277, 283, 477 A.2d 1174 (1984). Without straying top far from this corollary to the cardinal rule of statutory construction, we find secondary support to buttress our conclusion that the statute is clear and unambiguous in the administrative practice of the Comptroller and a particular act of the General Assembly in 1983.

[2] "It is well settled that the unvarying construction of a law by the agency charged with its enforcement over a long period of time is entitled to great weight and should not be disregarded except for the strongest and most urgent reasons." *State Dep't of Assessments & Taxation v. Greyhound Computer Corp.*, 271 Md. 575, 589, 320 A.2d 40 (1974) (citations*319 omitted). In determining how much weight to be accorded any administrative interpretation or practice, we consider a number of factors, such as: (a) the consistency of the interpretation or practice with the purposes of the statute; (b) the thoroughness, breadth, and validity of the considerations underlying the interpretation or practice; and, (c) the consistency and length of time the interpretation or practice has been in play. *Comptroller of the Treasury v. John C. Louis Co.*, 285 Md. 527, 544-45, 404 A.2d 1045 (1979).

[3] Thomas Taylor, Assistant Director of the Sales and Use Tax Division and former Assistant Director of the Admissions and Amusement Tax Division of the Comptroller's Office, testified as follows before the Tax Court:

Q. Does the Comptroller's office have a policy with regard to how gross receipts from coin operated amusement devices are to be calculated for admissions and amusement tax purposes?

A. Yes, they do.

Q. And what is that policy?

A. The gross receipts are the-every penny that is

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brought in by whatever category or whatever activity is taking place, with no deductions.
Q. No deductions for?
A. Expenses or anything.
Q. And how long has that policy been in effect?
A. Ever since I was with the division, 19-I went there in 1969 and it's been that way ever since.
Q. And what was the policy-strike that. Has there ever been any different **1291 policy with regard to the calculations of admissions-of gross receipts from coin operated amusement devices?
A. No, there has not.

Mr. Taylor further explained that the Comptroller disseminates its policies to taxpayers through at least two printed vehicles, bulletins and the tax return forms themselves. As to the latter, the Comptroller introduced in evidence before the *320 Tax Court Rossville's completed admissions and amusement tax reports for the months of July 1982, October 1983, and January, May, and November 1984. The 1982 specimen bore the prominent printed message that the tax "IS IMPOSED UPON GROSS AND NOT NET RECEIPTS. DO NOT DEDUCT ANY OPERATING EXPENSES, INCLUDING ANY PRIZE EXPENSES FOR GAMES OF ENTERTAINMENT, BEFORE CALCULATING THE TAX." The October 1983 and May 1984 tax reports, in the same location as the previous note on the 1982 report, stated: "OWNERS OF VIDEO AND PINBALL MACHINES ARE LIABLE FOR THE APPLICABLE TAX ON THE ENTIRE GROSS RECEIPTS WITHOUT ANY DEDUCTIONS WHATSOEVER FOR ANY SHARE OF THE GROSS RECEIPTS PAID TO ANY LOCATION OWNER OR OPERATOR." The other 1984 forms offered in evidence contained a modified note to the taxpayer that read: "THE ADMISSIONS TAX IS IMPOSED UPON GROSS AND NOT NET RECEIPTS. EXCEPT FOR THE COST OF BINGO PRIZES IN ANNE ARUNDEL COUNTY, NO DEDUCTIONS FOR ANY EXPENSES OR PAYMENTS TO ANY PERSON FOR ANY REASON IS PERMITTED." Taylor traced the Anne Arundel County exception identified in the two 1984 forms to legislation enacted by the General Assembly in 1983 which exempted from "gross receipts" winnings paid by legalized commercial bingo operations in Anne Arundel County.[FN7] Such an amendment would have been necessary to carve the exception because either, or both, the statute clearly and unambiguously otherwise included such payouts within "gross receipts" or the Comptroller's prior interpretation of, and practice with regard to, "gross receipts" otherwise allowed no such exemption. Either predicate costs Rossville in the instant case. The former reason is obvious. The latter admits of the General Assembly's knowledge of the Comptroller's interpretation in only adopting the limited exception fashioned in the 1983 amendment to the statute. This adds weight to the *321 persuasiveness of the Comptroller's interpretation as one in which the legislative body has apparently acquiesced.

FN7. 1983 Md.Laws ch. 161 enacted § 402(d), art. 81, Md.Code Ann.

Rossville's main attack on the consistency of the Comptroller's interpretation focuses on a perceived disparity between policy and reality in its treatment of games of chance called "Big Six Wheels." Appellant essentially argues that, despite Watts's and Taylor's assertions that the Comptroller expects the operators of such devices to account for "every penny that went across the board" and pay the tax based on such "gross receipts," without deductions for prize monies or the cost of non-monetary prizes, the Comptroller had failed to enforce that policy as to such operators, fostering a situation where the rule was more honored in the breach than the observance. Rossville's argument is attenuated, however, by the fact that the tax reporting shortcomings of the Big Six Wheel operators, who do not seem to be nearly the business record keepers that appellant is, cannot be fairly attributed to the Comptroller. In short, Rossville has failed to erode the confidence we, the circuit court, and the Tax Court, repose in the longstanding, consistent administrative interpretation and practice demonstrated on this record.

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Guidance from Maryland case law is slight with regard to the issue at hand. The Court of Appeals addressed the meaning of "gross receipts" in the context of the corporate franchise tax in *State v. Central Trust Co.*, 106 Md. 268, 67 A. 267 (1907). The question posed by *Central Trust*, in the Court's words, was "whether ... the Legislature intended to tax each member of certain designated classes of corporations at one specified rate on all of its **1292 receipts, or to tax it on segregated portions of its receipts at different rates according to the kind of business from which they respectively came." *Id.* at 272, 67 A. 267. The particular facts of *Central Trust* required the Court to determine whether "gross receipts" included the earnings from certain other businesses (real estate investments and trading in the stocks and bonds of other corporations) conducted in Maryland by that taxpayer as well as from those businesses for which it had been legislatively chartered in Maryland (safe deposit, trust, guarantee, and *322 fidelity companies). This presented, therefore, the problem of ascertaining the categorization of the types of corporations covered by the statute in question. The Court did not find it necessary to define "gross receipts" in the context of that taxing statute.

The only other case worthy of comment, as urged upon us by appellant, is *Scoville Serv., Inc. v. Comptroller of the Treasury*, 269 Md. 390, 306 A.2d 534 (1973). Scoville leased the parking lot around Laurel Raceway and operated the parking concession there for track patrons. The charge made by Scoville to park entitled the payor merely to park his or her car. An additional and separate admission charge to the track was collected by the track operator after the patron had parked his or her car. The Comptroller collected the admissions tax on Scoville's receipts and denied a refund request for its return. The Court of Appeals accepted Scoville's argument that its charges were for the privilege of parking only, and not a part of the price of admission to the track. The Court, in construing whether Scoville's receipts were part of the "gross receipts" charged for "admission within an enclosure in addition to the initial charge for admission to such enclosure" (Md.Ann.Code art. 81, § 402(2)), focused its analysis on the word "admission," not the phrase "gross receipts." Thus, while the effect of the Court's holding may have been to exempt Scoville's collections from the "gross receipts" to which the Comptroller looked for the calculation of the overall admissions tax from the operation of the racetrack, it lacks persuasive weight in the case *sub judice*.

Courts in other states, confronted with a similar issue, have applied a similar methodology and achieved a comparable result. *See e.g., TLR, Inc. v. Town of La Center*, 68 Wash.App. 29, 841 P.2d 1276, 1278 (1992) (definition of "gross receipts" appearing in *Black's Law Dictionary* 633 (5th ed. 1979) adopted as unambiguous, plain meaning of phrase as it appeared in State enabling legislation and municipal taxing ordinance concerning punch board and pull-tab gambling devices); *County of Sacramento v. Pacific Gas & Elec. Co.*, 193 Cal.App.3d 300, 309-10, 238 Cal.Rptr. 305, 311-12 (1987)*323 ("gross annual receipts," as contained in State statute authorizing counties to charge franchise tax on gas and electric utilities who use public streets to transmit service, accorded plain meaning divined from definitions of individual words comprising the phrase as found in *Webster's New Collegiate Dictionary* (G. & C. Merriam Co., 1981) and from the definitions of the complete phrase offered in *Black's Law Dictionary* (5th ed. 1979) and *Ballentine's Law Dictionary* (3d ed. 1969); overall total, exclusive of deductions, of money or value of other considerations actually received); *See also Sheriff v. Moore*, 105 Ga.App. 833, 125 S.E.2d 729 (1962) ("gross receipts," as used in an insurance contract that otherwise failed to define the phrase, is an unambiguous term meaning "the whole, entire receipts, as opposed to net receipts ... and under ordinary basis methods of handling accounts the term must be taken to include the whole total gross receipts without any deductions"); *Taylor v. Rosenthal*, 308 Ky. 4, 213 S.W.2d 435, 437 (1948) ("when a tax is levied on 'gross receipts' it applies to every penny a person, firm or corporation takes in regardless of the source from which it comes"); *Savage v. Commonwealth*, 186 Va. 1012, 45 S.E.2d 313, 316-17 (1947) (term

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"gross receipts" in State statute taxing contract and common carriers meant "whole, entire, total receipts").

Lastly, we comment that we find no merit in appellant's arguments as to the right of control, or entitlement to, the quarters inserted in its machines. We consider the **1293 partnership/joint venture nuance of Rossville's asserted relationship with the establishment owners superfluous to the issue before us. When a player inserted a quarter in a Rossville video poker machine, the "gross receipts" threshold contemplated by the plain meaning of the statute was crossed and the course of consensual, private business dealings cannot alter that inexorable effect. If the Legislature had intended there to be any deductions or adjustments to "gross receipts," whether for equitable or other reasons, it knew how to do that. *See* n. 7, *supra*. It has not, except as noted earlier.

The arguments of the parties to this appeal highlight the traditional distinction between *denotation*-the direct and specific*324 part of meaning that is sometimes indicated as the total of all the referents of a word and is shared by all or most people who use the word-and *connotation*-the more personal associations and shades of meaning that gather about a word as a result of individual experience and that may not be widely shared. In cases of statutory construction, we mainly concern ourselves with the denotation of words.

JUDGMENT AFFIRMED; APPELLANT TO PAY THE COSTS.

Md.App.,1993.
Rossville Vending Mach. Corp. v. Comptroller of Treasury
97 Md.App. 305, 629 A.2d 1283

END OF DOCUMENT

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Maryland Department of Assessments and Taxation

Taxpayer Services Division
301 West Preston Street W Baltimore, MD 21201 (2007 w3.3)

Main Menu | Security Interest Filings (UCC) | **Business Entity Information (Charter/Personal Property)** New Search | Rate Stabilization Notices | Get Forms | Certificate of Status | SDAT Home

Taxpayer Services Division

Entity Name: ROSSVILLE VENDING MACHINE CORPORATION
Dept ID #: D00813360

General Information Amendments Personal Property Certificate of Status

Principal Office (Current):	8776 PHILADELPHIA ROAD BALTIMORE COUNTY BALTIMORE, MD 21237
Resident Agent (Current):	JOSEPH J. STONIK 24 CROFTLEY ROAD LUTHERVILLE, MD 21093
Status:	FORFEITED
Good Standing:	No
Business Code:	Ordinary Business - Stock
Date of Formation or Registration:	12/01/1977
State of Formation:	MD
Stock/Nonstock:	Stock
Close/Not Close:	Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 w1.1)

Go Back
View Map
New Search
GroundRent

Account Identifier: **District** - 09 **Account Number** - 0919329840

Owner Information

Owner Name:	BUSCHMANN WALTER	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	3101 POUSKA RD ABINGDON MD 21009-2728	**Deed Reference:**	1) /19587/ 478 2)

Location & Structure Information

Premises Address
8326 HARFORD RD

Legal Description
PT LT 82
8326 HARFORD RD
CANTON COMPANY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
81	2	675					82	2	Plat Ref:

Special Tax Areas — **Town** / **Ad Valorem** / **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	990 SF	2,430.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	36,400	36,400		
Improvements:	43,900	43,900		
Total:	80,300	80,300	80,300	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: CHALLANDES CHARLES P,JR	**Date:** 02/10/2004	**Price:** $75,000
Type: IMPROVED ARMS-LENGTH	**Deed1:** /19587/ 478	**Deed2:**
Seller: TENNANT CRAIG F	**Date:** 10/07/2002	**Price:** $75,000
Type: IMPROVED ARMS-LENGTH	**Deed1:** /16912/ 707	**Deed2:**
Seller: TENNANT CRAIG	**Date:** 03/23/1987	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** / 7456/ 123	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

9/18 Spoke to Vicky (Joy stepped away) in Cust. Serv. - Budget Office X 2416.
Vicky verified that there are no recent deeds and/or liens against property
and our print-out is current + correct.
Debbie

03044.AO

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – W/S Harford Road, 303' S of Topaz Road **(8326 Harford Road)** 9th Election District 6th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-292-SPHX
Walter Buschman Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, Walter Buschman. The Petitioner requests a special hearing to approve a modified parking plan, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and a termination of the special exception relief granted for the adjacent property at 8328 Harford Road. In addition, the Petitioner requests a special exception for an arcade, pursuant to Section 423.B of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Walter Buschman, property owner; Mitchell Kellman on behalf of Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property; and Vernon Boozer, Esquire, attorney for the Petitioner. Also appearing in support of the request were Jerry Kilduff and Vickie L. Kaufmann. Elsie Doxzen, owner of an adjacent business, known as Rudolf's Appliances and Kitchen Cabinets, Inc., appeared as an interested person/Protestant, and was represented by Michael J. Doxzen, Esquire. Ron and Mary Rudolf, the previous owners of that business, also appeared, as did Charles Rehm, with the Baltimore County Police Community Relations Council; Mark Horney a representative of St. Ursula's School; The Rev. Kenneth R. Dunnington on behalf of the Hiss United Methodist Church, and Ruth Baisden, on behalf of the Greater Parkville Community Council.

Testimony and evidence offered revealed that the subject property is a narrow rectangularly shaped parcel located on the west side of Harford Road, just south of its intersection with Topaz Road in Parkville. The property contains a gross area of 2,430 sq.ft., more or less, predominantly zoned B.L.-A.S., with a small sliver of D.R.5.5 zoned land to the rear of the site. The property is presently improved with a one-story brick building containing 990 sq.ft. in area. The building shares a common wall with commercial uses on both sides. In fact, on the southwest side is Rudolf's Appliances and Kitchen Cabinets, owned by Ms. Doxzen, and on the northeast side is Palmisano's Carry-out Restaurant, a portion of which has been used by the Petitioner as an arcade. In this regard, Mr. Buschman was a party in a prior zoning case relating to the restaurant property. In that matter (Case No. 03-507-SPHX) the owners of Palmisano's and Mr. Buschman as Lessee, sought special exception relief to use a portion of the restaurant building for an arcade as either a sole principal use, or a use in combination with the restaurant. By Order dated July 9, 2003, I granted the relief requested, subject to certain terms and conditions relating to hours of operation, parking, etc. The Petitioner now comes before me seeking similar relief for the subject adjacent property.

In this regard, testimony indicated that Mr. Buschman recently purchased the subject property and wishes to relocate his arcade business from the adjacent property to the subject site. Thus, special exception and special hearing relief is requested as set forth above to allow an arcade on the subject property and to discontinue the special exception granted in the prior case for the adjacent property. It need be emphasized that the Petitioner has operated an arcade on the adjacent property for three years. Thus, I have had the opportunity to adjudge the actual impacts of that use on the surrounding locale during that timeframe.

Mr. Buschman testified that he currently has 13 gaming machines, which he described as general entertainment video games, and 1 Keno and 1 Maryland Lottery machine. There are no poker machines. Although the subject building is only slightly larger than the current space, he anticipates expanding the operation by adding as many as 6 or 7 more machines. He also testified that he sponsors parties 3 – 4 times a year for his regular customers, particularly around the

holidays; however, he does not have a liquor license and does not sell alcoholic beverages. He indicated that ¾ of his customers are women and all of his customers are over 21 years of age. He also indicated that because of the scarcity of parking in the area, he has entered into a lease with a nearby business known as Ben's Auto Glass, to lease five (5) parking spaces on that premises if need be (see Petitioner's Exhibit 2). Mr. Buschman further testified that he is licensed by the State of Maryland and has never been in violation of any gaming laws or had any complaints lodged against his business to the State of Maryland Lottery Commission.

The neighbors raised certain objections. These were similar to the objections raised in the prior case. Ms. Doxzen, who operates Rudolf's next door, complained of parking in the public street (Harford Road) by patrons of the arcade and the impact of the Petitioner's outdoor parties. Ms. Baisden, on behalf of the Greater Parkville Community Council, and Charles Rehm, a member of the Baltimore County Police Community Relations Council, both expressed concerns about the nature of the business and believe that the proposed use is not compatible with the family atmosphere of the locale, particularly the churches and schools nearby.

An arcade is defined in Section 101 of the B.C.Z.R. as "A building or part of a building in which 5 or more pinball machines, video games, or similar player-operated amusement devices are maintained." An arcade is permitted by special exception in the B.L. zone, pursuant to Section 230.13 of the B.C.Z.R. Moreover, there are specific regulations governing arcade uses under Section 423 of the B.C.Z.R. Section 423.B states that an arcade is permitted by special exception in the B.L. zone.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. It need be emphasized that the proposed use has existed immediately next door to the subject site for the past three years and there is no evidence to indicate that this use has been detrimental to the health, safety and general welfare of the locale. The proposed relocation of this business to the subject site will not cause any greater impact than where presently located. I am appreciative of the fact that an arcade is not necessarily considered by some as a family-type establishment; however, it need be emphasized that it is a legal use, regulated in part by the State

of Maryland. Moreover, there was no evidence that there has been any problem with loitering, public drunkenness, crime or any other negative adverse effects from the use of the adjacent property as an arcade. The issue in this case is simply whether the proposed use meets the special exception criteria set forth in Section 502.1 of the B.C.Z.R. and not whether arcades should be permitted in this locale. However, as a condition of the relief granted, I will impose certain restrictions to protect the integrity of the surrounding community. In this regard, the restrictions imposed in the prior Order for the adjacent property shall be adopted herein and made a part hereof. Also, I will limit the number of video amusement devices permitted at this location to 20 machines, not counting the Lottery or Keno machines. That is, the Petitioner shall be permitted to have 22 gaming machines, total.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of February 2004 that the Petition for Special Hearing seeking approval of a modified parking plan, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and a termination of the special exception relief granted for the adjacent property at 8328 Harford Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve an arcade on the subject property, pursuant to Section 423.B of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for his use permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioner shall have ninety (90) days from the date of this Order in which to relocate his arcade business from the adjacent property to the subject site. At such time as the arcade business has been relocated, the special exception granted for the adjacent property shall be terminated.

3) The special exception use granted herein is personal to Walter Buschman. In the event of the sale or transfer of the business, the new owner/operator shall petition for special hearing relief to amend this restriction. Moreover, there shall be no greater than 22 gaming machines, which includes 1 Maryland Lottery machine and 1 Keno machine.

4) The hours of operation for the arcade shall be limited to 7:00 AM to 12:00 Midnight, seven (7) days a week.

5) No one under the age of 21 shall be permitted inside the arcade business.

6) The Petitioner shall maintain a lease to provide no less than five (5) off-site parking spaces.

7) The Petitioner shall insure that access to the parking lots of adjacent businesses is not blocked in any way.

8) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Owner: Joseph H. Stonik
8326 Harford Road
Balto. MD 21234

Contract Purchaser: Margie Sue Jones
3117 Harview Avenue
Balto. MD 21234

IN RE: PETITION FOR SPECIAL EXCEPTION S/S Allegheny Ave., 350' W of York Rd. (13 Allegheny Ave.) 9th Election District 4th Councilmanic District Nathan M. Harris Petitioner	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 87-485-X

* * * * * * * * * * *

The Petitioner herein requests a special exception for a video arcade at the above-referenced location, as more particularly described on the plan submitted, prepared by T & T Surveying, Inc., and identified as Petitioner's Exhibit 3.

Resort Amusements, Inc., the contract tenant of the subject property, was represented by Counsel who presented testimony in support of the project. Numerous Protestants appeared and were represented by Counsel.

Testimony on behalf of Resort Amusements, Inc. indicated that the Petitioner proposes to use the property, correctly identified as 13A West Allegheny Avenue, for a video arcade and that the previous location for this arcade, 403 York Road, is no longer available due to the redevelopment plans for the 400 Block of York Road. The York Road location was granted a special exception for an arcade on May 31, 1984 (Case No. 84-324-XA). A co-owner of the establishment testified that his experience in the field extends at least 8 years and that the former location was open from October 1983 to January 1987. The proposed site is an improvement over the former location because there is no adjacent vacant building. About 16 parking spaces are available in the rear, in addition to parking at metered spaces on the street, and on a nearby municipal lot. Approximately 35 to 42 machines are proposed. The public area will be 784 sq.ft. with another 232 sq.ft. set aside for office and maintenance equipment (see drawing submitted and identified as Petitioner's Exhibit 5). Two persons, one

directly responsible to him, will staff the establishment at peak times, identified as 12:00 PM to 2:00 PM and 7:00 PM to 10:00 PM weekdays, as well as after 10:00 PM on weekends. It is his intention to run a family entertainment center. He never received a complaint from Police, nearby businesses, the Towson Business Association, or the Towson Development Corporation regarding the former location. He offered to be responsible for trash removal from the site, including the front of the building and adjacent areas and to have those areas cleaned twice each day.

A commercial real estate agent considered a number of Towson locations before suggesting the instant site. That agent testified that she assumed the landlord worked in the best interests of the area in the matter of consideration for the neighborhood.

The man who managed the former location for three years and is the proposed manager for the Allegheny Avenue site testified that he has been in the video arcade business for ten years and reports directly to the owner. He has taken equipment repair courses and provides general management for personnel and equipment. The maximum number of machines proposed for this location is 40. The business hours proposed for Monday through Friday will be 11:00 AM to midnight, Friday and Saturday from 11:00 AM to 1:00 AM and on Sunday from 12:00 PM to midnight. During the daytime at the former location, one employee was always on duty. Inside rules included no smoking, food or drinks, no one under 18 years of age during school hours, no foul language, and no rough-housing. His instructions to the 3 to 5 employees were to give one warning for customer misbehavior; if there was a second offense, the person was asked to leave; and if a third offense occured, the person was banned from the arcade. Persons were asked to take drinks and smoking outside the building. If patrons sat outside the building to smoke and drink, employees asked them to move. He has called the Police

on approximately 8 to 10 occasions to ask young persons to move away from the front of the building. He was unaware that the business had not complied with Restriction #5 of the Order in Case #84-324-XA.

Two adult customers testified on behalf of the Petitioner. A local businessman frequented the former location for 1 to 2 hours each day, sometime between 3:00 PM and 9:00 PM, 5 days a week for 3 years. In his opinion the appearance of the business was clean and well-organized with no smoking, drinking or swearing allowed inside, and no loitering allowed in or outside the building. The staff managed by being on the floor policing and asking rule-breakers to leave. The daytime customers were business people, from 3:00 PM to 7:00 PM, aged 20 to 50 years, and from 7:00 PM to 9:00 PM youngsters from age 15 through the 20's. A local attorney was a regular lunchtime customer. Most customers at that time were blue and white-collared businessmen. Rules and regulations were strictly enforced and one staff member was always on the floor.

The Police Commander of the Towson Precinct from September 1986 to date, testified that the records showed two officers were assigned to a selective enforcement detail to concentrate on the area from the public library north for one and one-half blocks and to enforce the loitering laws. The special detail grew out of complaints from businesses. Since November 1986, there has been no police program in the area related to loitering and since the closing of the former arcade location in January 1987, there has been no loitering problem.

A member of the Board of the nearby Penthouse Apartments testified that foul language, intimidation of women, debris (including cans and bottles), and loitering were present outside the former location. The Penthouse Board unanimously opposes the instant petition because the unit block of Allegheny Avenue is utilized heavily by residents at night and on the weekends. Penthouse residents include a number of older persons, handicapped persons, and neighborhood

walkers. Those residents fear real or perceived threats from potential customers and fear those excluded from the arcade for misbehavior will congregate in and around their building.

A nearby businessman testified that excessive trash, loitering and foul language, which existed while the former location was in operation, disappeared when that business closed. In his opinion, an undesirable element left the area when the arcade closed. Allegheny Avenue is a quiet, shopping street, different from York Road, which is a State highway with heavy traffic and no street parking during the day, and thus the proposed site is an even poorer location for an arcade.

The President of the Greater Towson Council of Community Associations testified that the Council opposes the Petition. She noted that the Zoning Commissioner's Order (Case #84-324-XA) for the prior location was considered a compromise and that the reality around that site had been detrimental to the area: walkers spat upon, pushing, shoving, minor assaults, etc.

The Director of the Towson Development Corporation testified that his organization advocates healthy, economic growth, and that the perceived image is critical. The former arcade operation left much to be desired. In fact, his office received specific complaints concerning the York Road location from area businesses and requested additional police coverage for the area. He is opposed to a video arcade in a center/core street such as Allegheny Avenue, a shopping, pedestrian street. In his opinion, the proposed location is unsuitable, although another location might be acceptable and not detrimental to the desired Towson image. The proposed site is not a mall or even a strip shopping center where control can be provided outside as well as inside the arcade area. In addition, he anticipates that the arcade would have an adverse effect on the Towson Farmer's Market.

Pursuant to the advertisement, posting of property and public hearing held in this case, in the opinion of the Deputy Zoning Commissioner, the specific site proposed for a video arcade in the instant petition would be detrimental to the immediately surrounding BM-CT zoned, commercially developed land, and would have an adverse effect on the residents of the nearby Penthouse Apartments as well as other neighborhood walkers. The operation at the former nearby location indicates that in this immediate vicinity, a video arcade located in a store-front with direct access to the sidewalk, most likely cannot have its patrons so monitored that its operation will not be detrimental to the welfare of occupants and users of its particular block, as well as the passers-by and users of the Towson core. It is also noted that other, more suitable locations may exist or become available within the Towson area. Strict compliance with the Baltimore County Zoning Regulations (BCZR) would not result in practical difficulty or unreasonable hardship upon the petitioner. The health, safety and general welfare of the community will be adversely affected.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of July, 1987 that a special exception for a video arcade be and is hereby DENIED.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: # 043

Petitioner: Margie Sue Jones

Address or Location: 8326 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitch Kellman

Address: 3907 Esgarth Way
Owings Mills MD 21117

Telephone Number: 443-690-6569

Revised 7/11/05 - SCJ

Underground Video Gambling Industry Costing Maryland More Than $15 million Annually In Uncollected Taxes

Research also shows that in Baltimore City and Baltimore County machine operators are underreporting their income by more than $63,000,000 a year

PREPARED BY

Joan Jacobson

PUBLISHED BY

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JANUARY 2006

Identification only

PROTESTANT'S

EXHIBIT NO. 1

Joan Jacobson was a reporter for *The Sun* and *The Evening Sun* for 28 years, covering many of the government bureaucracies and court systems reviewed in this study. She is also the co-author of *Wised Up*, the 2004 memoir of an FBI informant and the first book about organized crime in Baltimore.

EXECUTIVE SUMMARY

Millions of tax dollars are lost annually from an underground slot machine industry in Baltimore City and County, with nearly 3,500 video gambling devices scattered in hundreds of bars, convenience shops, gas stations and liquor stores where gamblers are awarded winnings from bartenders and clerks, instead of slots in the machines. From Dundalk to Towson, from Hampden to Belair Edison, this unregulated industry has more video gambling machines operating illegally than all of Delaware's Dover Downs has operating legally. Though slot machine gambling is illegal in Maryland, Baltimore's slots industry operates with the sanction of local government – under the guise that the machines are for "amusement only."

This study presents an accounting of the number of the machines and evidence that the devices bring an estimated gross annual income ranging between $91 million and $181 million,[1] most of which goes unreported to tax collectors. Further, the study documents that the industry has flourished virtually unchecked, despite a criminal investigation in 1984 ("Operation Quartermatch"), which concluded that video gaming machine owners were cheating on their taxes by underreporting millions of dollars in income. Since then, no government agency or political body has stepped forward to fix the system.

The Maryland Comptroller's office, for example, has known for 20 years that the industry's income is underreported.[2] State tax collectors say they lack the manpower to rein in the vending operators, though it is unlikely an army of auditors could effectively

investigate a business that functions on an "honor system." Without a government-controlled tracking system inside each machine, there is no way to count the revenue. Maryland's Comptroller also said that while the industry's revenues "can quite easily be obscured from audit scrutiny," the State places a "higher priority" on policing other tax laws "where the return to the State treasury is greater."[3]

Court rulings and law enforcement experts have long determined that video gambling machines are designed and used for illegal gambling. For decades, undercover police officers have been paid winnings by bartenders or store clerks, rather than from a slot in each machine. Even without evidence of payoffs, the Maryland Court of Appeals ruled in 1985 that the machines are "contraband," illegal by their design as slot machines without slots.[4] Based on this court ruling, prosecutors in Harford, Carroll, and Anne Arundel counties prohibit the use of these machines. (The State's Attorneys for Baltimore City and County did not respond to a request for an interview for this study.)

To demonstrate the loss of tax revenue, the study focuses on one tax, the Admissions and Amusement Tax, a 10 percent levy on gross receipts reported by operators of coin-operated amusement devices in the city and county. The state collects this tax and turns the money over to local jurisdictions. In Fiscal Year 2005, the state collected $1.3 million for Baltimore City and $1.5 million for Baltimore County. [5] This corresponds to $13 million reported revenue from city amusement devices and $15 million from the county. The reported revenue from gambling devices is lower because these totals include income from other coin-operated machines.

This study reveals a much different picture. Based on interviews with law enforcement representatives and former bar owners, it estimates that each machine in these jurisdictions brings in between $500 to $1,000 a week, or $26,000 to $52,000 a year.[6] Multiplying that estimated annual income by the 2,106 licensed video gambling machines in the city, the study further concludes that operators of Baltimore City's video gambling machines have a gross annual income of $55 million to $110 million. Thus, the city should be getting $5.5 million to $11 million, not $1.3 million. For Baltimore County, the study estimates the annual gross income for the county's 1,371 machines to be $36 million to $71 million, which would bring in a tax of $3.6 million to $7 million, not $1.5 million. The slots industry of Baltimore City and County is underreporting its income by $63 million to $153 million each year.[7]

In addition to the Admissions and Amusement tax, the state and federal governments are undoubtedly losing millions more in income taxes due to underreporting of the business income accrued through this illegal activity, though calculating the loss of income tax is very difficult. Nor are taxes all Maryland is losing. Where slots are legal, states charge hefty fees to vendors who manufacture and operate slot machines and levy stiff taxes on the profits. In Pennsylvania, for example, the state requires a one-time $50 million fee from each operator of a slots casino.[8] At Dover Downs, which has 2,500 slot machines (1,000 fewer than in the Baltimore area), Delaware collected $69 million from the profits for its general fund in fiscal 2005.[9]

The study argues that Maryland's agencies which register the video gambling machines as "games," have either been unaware or unwilling to acknowledge that machine owners and operators may be violating city zoning laws, state smoking laws, liquor laws, state corporate registration laws, and tax and gambling laws. Because it does not acknowledge formally that it is in the gambling business, the state has created no legislation to prevent convicted felons, tax evaders or forfeited corporations from running the industry, which often goes hand in hand with bookmaking, sports betting, drug dealing and other illegal enterprises. [10]

For example, one long-time vending company owner, Joseph J. Stonik, operates 101 video gambling machines as of the writing of this study despite an unsettled $1.1 million tax lien against one of his vending companies that grew out of the Quartermatch investigation.[11] Another vending owner, Gilbert Sapperstein, head of Star Coin Machine Company, with 144 registered video gambling machines, pled guilty in May 2005 to conspiracy, bribery, and theft of $3.5 million from the city's school system and public works department through a boiler company he owned.[12]

Vending companies also operate a coercive "banking" system in which they hold bar owners hostage by providing loans -- with the stipulation that the bar owners agree to operate the illegal slots. If a bar owner misses payments and defaults, the vendor can take ownership of the bar and the valuable liquor license. The city's liquor board overlooks this practice by allowing the vendor to sell the license, even though he was never the

licensee of record and may not meet the liquor board requirements to obtain such a license.

In states where slots are legal, everyone working in the industry-- from machine repair workers to executives-- is subject to background checks in a good faith effort to exclude organized crime. The machines are inspected to assure they are tamper-proof and the state counts revenue by using computerized tracking systems embedded in the machines. In Maryland, however, the illegal slot business appears to be condoned by prosecutors, courts, and liquor boards. Their unresponsiveness keeps the industry humming; criminal charges are routinely dropped and fines are too small to act as a deterrent. The typical Baltimore City liquor board fine for illegal gambling is $225, less than half the amount of money the average gambling machine earns in a week. The Baltimore County liquor board does not hear any gambling cases. Liquor boards are mandated to keep criminal activity out of businesses with liquor licenses.

Not surprisingly, liquor boards have cozy relationships with vending company owners. A 1999 corruption trial of the city's chief liquor inspector revealed that he and other liquor inspectors worked side jobs, emptying video gaming machines for a vending company.[13] In Baltimore County in the 1960s, an investigation by the *Baltimore Sun* revealed the chairman of the liquor board had a business interest in a vending company.[14]

From all appearances, Maryland's enforcement system is disjointed; government agencies find themselves working at odds, the right hand not knowing what the left is

doing. For example, in Baltimore City the finance department gave amusement device licenses to hundreds of businesses, unaware that these same businesses were violating the city's zoning code that restricts the number of machines in each location. There is also no coordinated effort between licensing offices and the local police departments that confiscate gambling devices during raids. The licensing offices speedily grant new licenses for machines to replace ones seized or dismantled by police, without waiting for the outcome of trials against vending companies or businesses.

For decades, rumors have spread that vending companies have special connections to Maryland's elected officials, which some say explains the ease with which these companies continue their illicit operations. Accordingly, this study examined campaign contributions made by vending companies to Maryland political candidates over the past six years, and found that $45,598 in contributions were made by 54 vending companies and 61 individuals who operate them. No pattern emerged showing excessive contributions to any one candidate. Several vending company owners gave no contributions, including Baltimore's largest gaming machine operator, Carroll (Roy) Bond III, whose company, Carbond Inc. (also known as Bayside Vending) has 323 gambling machines.

More than half the contributions reviewed came from one owner, John Vontran, president of Amusement Vending Inc., which has 93 registered gambling devices. In an interview, Vontran said he is a bar owner and the outgoing president of the Baltimore City Licensed Beverage Association, a trade group. Vontran's contributions appear to

violate Maryland's campaign finance law, which prohibits contributing more than $10,000 during a four-year campaign cycle.[15] Vontran gave $14,300 in 2003 alone. Vontran, who acknowledged he is being investigated by the Maryland State Prosecutor, stated for this report that the contributions listed under his name by the Maryland Board of Elections are incorrect and should have been attributed to "business people and family members." (His assertions could not be confirmed for this report.)

History suggests that the video gambling machine "slot" industry will only grow stronger without government intervention. A current investigation by the United States Attorney's office in Baltimore is instructive: it reveals evidence of money laundering with the seizure of $1.7 million and a private jet used to move boxes of cash from state to state. The Virginia company under investigation had 500 video gambling machines in 15 states, including Maryland.[16]

Two courses of action are offered in response to this illegal enterprise: 1) Ban the machines, by passing stronger anti-gambling laws or enforcing the laws already available to the police, courts, liquor and zoning boards and other licensing agencies; or 2) Legalize the machines with all the controls available from today's legal gambling industry that insures a corrupt-free business and an honest accounting of revenue with the state receiving its proper share.

OVERVIEW

This study provides a comprehensive overview of the illegal video gambling industry active today throughout Baltimore City and Baltimore County focusing on the following ten key areas:

I. A HISTORY OF GAMBLING DEVICES DISGUISED AS GAMES
II. THE ILLEGAL VIDEO GAMBLING BUSINESS TODAY
III. A COUNT OF LICENSED VIDEO GAMBLING MACHINES
IV. LOSS OF REVENUE
V. STATEWIDE INVESTIGATION: "OPERATION QUARTERMATCH"
VI. COURT RULINGS
VII. GOVERNMENT RESPONSES
VIII. CAMPAIGN CONTRIBUTIONS
IX. LESSONS FROM OTHER JURISDICTIONS
X. RECOMMENDATIONS

I. A HISTORY OF GAMBLING DEVICES DISGUISED AS GAMES.

The invention of slot machines for gambling disguised as "games" dates back more than a century in the United States. The first mechanical device used as a slot machine was created in 1887 by Charles Fey and was placed in San Francisco saloons by 1895. His arrangement was similar to today's relationship between vending company owners and bar owners, who split a machine's profits after gambling payouts were made. Fey's machine, the Liberty Bell, was the first automatic three-reel slot machine. In an attempt to circumvent gambling laws, the early machines took tokens called "trade checks" (instead of money) that were traded for merchandise and services.[17]

By 1902, machine makers found other ways to disguise them. One model had a music box, so a player could pretend he was listening to music, instead of gambling. Others had "fronts" of gum or candy dispensers. Some had phony "skill stop" buttons, making them appear a game of skill rather than chance.[18] By 1913, the courts had begun to catch on to the ruse. A court ruling that year in Missouri found: "In no field of reprehensible endeavor has the ingenuity of man been more exerted than in the invention of devices to comply with the letter, but to do violence to the spirit and thwart of beneficent objects and purposes of the laws designed to suppress the vice of gambling." [19]

While law enforcement remained lax, the gambling machine industry flourished. Pinball machines, first marketed about 1930, were "refined versions of the bagatelle, a Victorian parlor game with steel balls propelled into numbered holes. Bright flashing lights came later with the "advent of electrification."[20] The "bingo" gambling machine was introduced in the 1950s; like its predecessors it was designed as a game to throw off law enforcement. They were "innocent appearing devices, yet designed to relieve gamblers of their money."[21]

Then as today, the machine must look like a good investment to the gambler. In the infancy of the industry most machines would pay off 70 to 80 percent of the money paid in to entice the gambler to keep playing. "A machine which never pays off or pays off only sparingly will quickly put itself out of business."[22] The bingo gambling machines

included scores indicating the amount of payoff for the player. The size of the payoff was determined by multiplying the cost of a single "activation" (25 cents) by the number on the replay register when the game stops.

One article written by an FBI agent reported that the machines had a "governor" inside that adjusted the chances of getting high scores, depending on the machine's history. Machine operators argued that the "governors" would "adjust to the difficulty of the machine to coincide with the ability of the player" but the FBI author claims that this is "Nonsense!" and that the "governor" controls only the profit level of the machine; if a player is winning, the "governor" will "tighten up" the machine so payoffs will be less likely. If the player is losing, the machine will "loosen up" to give the player a better possibility of winning – and keep him dropping coins into the machine.

The first minicomputer was introduced into an electronic slot machine in 1964, with images created on a screen, giving a player more ways to win for each coin inserted.[23] The judicial system has generally named three elements that need to be present to substantiate the claim that a "game" is really a gambling device: 1. a coin is needed to play; 2. the outcome must be determined by chance; and 3. the reward must be equal or greater than the initial amount of money used to play.

Illegal gambling devices were so popular more than 50 years ago that they had gross revenues nationwide of about $2 billion in 1950. Since then revenues have declined, due to law enforcement and legislative efforts to outlaw them. [24] Today, there

are two types of video gambling devices. One is the casino-type device that dispenses coins to winners from a slot. The other machine registers credits from a meter displayed on the video screen. Winners get their payment from a bartender or store clerk. Except for the payoff method, these two devices function identically.[25]

Today's video gambling machines are not so cleverly disguised as games. Though generically called "poker" machines, many machines are more like slot machines with spinning lines of pictures of fruit, the number "7," or other symbols that align for winners. Most machines include a sign that says, "For Amusement Only." [Which the undercover police detectives who get paid for their gambling winnings during a sting operation find ironic]

The illegal gambling industry in the Baltimore metropolitan area is not new. In 1980, a series of *Baltimore Sun* articles, "Illicit Gambling Rife in Taverns in Baltimore County," reported extensively on the video gambling business in Baltimore County during four days of front page stories. Little has been done to remedy the situation in the past quarter century.[26] *The Sun* reporter observed gambling payouts at county bars and described a county liquor board that took no action when bar owners were charged with illegal gambling, even though the liquor laws allowed the board to suspend or revoke a liquor license for illegal gambling.

The series described vending company owners acting as "banks," lending money, as they do today, to bar owners who agreed in return to install the illegal gambling

devices and repay the loans with proceeds from the machines. The articles also described police action against bar owners, but not vending company owners. It was also reported that illegal gambling dated back at least to the 1960s when Baltimore County Executive Spiro T. Agnew unsuccessfully tried to ban pinball machines that were used for gambling. Defending the use of the machines at the time was Dale Anderson, then a County Councilman and later County Executive.

An earlier 1960s investigation by *The Sun* also found that the chairman of the county's liquor board had an interest in Rossville Vending Company, one of the county's largest vending companies. [27]

II. THE ILLEGAL VIDEO GAMBLING MACHINE BUSINESS TODAY

Background

Vending companies with large cash reserves shore up the tavern business with loans to bar owners.[28] This long-standing practice allows a bar owner short on credit to finance a business he would otherwise be unable to afford, but the loans come at a high price. In a typical case, a purchaser of a bar may find that he needs $50,000 to buy a business which includes a half dozen video gambling devices and other games. The machines are owned by a vending company, whose president makes an offer the bar owner finds tempting. The vendor will loan the $50,000 if the tavern owner agrees to

keep the video poker machines in his bar for a certain number of years, using the machines' profits to repay the loan.

In a typical agreement, the bar owner and vendor agree to split the proceeds of the machines (50-50 or 60-40), after payouts are made to gamblers. The tavern owner understands that he will repay his loan from his share of the gambling profits. If he or his employees are charged by police with illegal gambling, the vending company will provide a lawyer to the bar owner to handle the case.

The tavern owner knows he is trapped in this business relationship with the vending company owner for two reasons: First, his income from the gambling profits – even after he pays his loan – is too profitable to give up. In fact, some bars don't sell enough beer to pay the bills; the lucrative video gambling trade is what really keeps them in the black.[29] Second, if the tavern owner defaults on his loan, the vending company is entitled to take over the bar and its valuable liquor license. Thus, the vendor becomes a "secured creditor" or "contract purchaser." Finally, any criminal gambling charges will most likely be filed against a bar owner and staff caught in the act of paying gamblers, rather than against the vending company behind the scheme.

The non-casino machines found in Baltimore City and Baltimore County for decades also have "knock-off switches" to eliminate the points on a machine, so a new player cannot piggyback on a previous player's points and winnings. This is done by holding a metal object, such as a quarter, to two rivets on the side of the machine; the

connection between the object and the rivets sends an electrical current to a computer circuit board inside the machine. [30] Each earned point is worth 5 cents, so a score of 800 will win a $40 payout from a bartender or store clerk, who then flips the knock-off switch back to zero.

Location of Video Gambling Machines

Evidence today, from interviews with former bar owners, city and county vice detectives, and the FBI reveals a business that has prospered in taverns and Elks Clubs, Moose Lodges, VFW, and American Legion Posts throughout the 1980s and 1990s.[31] In recent years the video gambling business has spread into suburban shopping centers and urban residential neighborhoods; in gas stations, convenience, grocery, and liquor stores, restaurants, billiard halls, check cashing businesses, political clubs, cigarette stores, pawn shops, bowling alleys and even an occasional laundry, car wash and video store.[32] Several examples of actual locations follow.

One location is a modest convenience store and a popular Indian food carry-out called Mt. Everest at 4907 Frankford Avenue. Inside are 10 wall-mounted gambling devices, streamlined to fit neatly into this little building. City records reflect that only 7 of the machines are licensed with the city by Columbia Amusements, one of the area's largest vending companies. On the walls alongside some of the machines were paper signs that read, "For amusement only." City police raided this business twice for gambling in the past year. In one raid, on February 4, 2005, they seized $10,375 from the

ten machines.[33] In addition to violating gambling laws and city licensing laws, the large number of machines also violates city zoning law, which allows no more than two coin-operated amusement devices in such a business. [34]

Another location, the tiny Hillen Grocery, is squeezed in a corner of row houses at 1900 E. 31st Street in Coldstream-Homestead- Montebello, one of Baltimore's poorest neighborhoods. In the narrow aisles are four bulky gambling devices, none of which are registered with the city. They also violate city zoning laws, which allows one machine in such a tiny store. [35]

In Hampden's popular commercial area of 36th Street, a gentrifying community, there is a virtual mini-slots palace inside a grocery store at 1017 -1019 36th Street. The Hampden Food Market has 17 machines (only 13 of them are licensed), lined up on aisles where groceries would normally be displayed. On a visit in summer 2005, women smoked cigarettes while playing the machines (in violation of Maryland's anti-smoking laws). The number of machines also appears to violate city zoning laws, which allow only 2.[36]

The Garden Inn, at 5511 Belair Road, is a location where one can cash payroll, Social Security and SSI checks, purchase Maryland lottery tickets, play video gambling machines, and consume alcohol. The four video gambling machines opposite the bar are all properly licensed with the city.

The county's Merritt Point Billiards, at 1605 Merritt Boulevard in Dundalk has a sign outside that says, "BYOB," but no mention of video poker machines. On an early Friday evening in November 2005, the large room, full of pool tables, ping pong tables, and hockey games was empty. But a smaller adjacent room was busy. Inside, seven people played some of the 16 video gambling machines licensed as "games" by Baltimore County.

Vendors

More than 50 vending companies had licensed video gambling machines in Baltimore City and County in 2005. Each had from a half dozen to more than 300 machines.[37] In addition to a list of about 50 vending companies compiled for this report, several smaller companies each own a handful of machines. The city and county also have hundreds of these video gambling machines registered by bars and other businesses that operate or own their own machines, without going through a vending company. In addition to operating gambling businesses, these vendors lease thousands of legitimate coin operated devices (such as pool tables, music boxes and real games). It follows that the industry's total gross income is far greater than estimated in this report.

It is impossible to determine all the names of people with a stake in the video gambling businesses because many business records are not publicly available. The names in available corporate documents and amusement device registration records are those with addresses in the Baltimore metropolitan area. Some names are familiar,

publicized in the media for their arrests in unrelated activities or because they are relatives of owners of vending companies that operated decades ago.

It is also difficult to determine who owns some of the vending businesses, because the businesses are not registered as corporate entities (whose officers' names must be filed), or because their corporations were forfeited due to their failure to file annual reports, leaving no paper trail of ownership. It is also possible, in such an underground business where taxes go unpaid, that owners might hide their interest by refusing to list their names in any public document.

Additionally, some companies do not license their machines and therefore operate under the radar of the city and county licensing agencies, making it difficult to identify them. For example, according to newspaper reports, the owner of Statewide Amusements Inc., an Anne Arundel County business, was caught with 12 unlicensed amusement devices during a November 2005 raid on a poker game in South Baltimore. The company has not registered any amusement devices with Baltimore City or County. The 12 machines were only discovered after a raid on the club, the Owl's Nest.[38]

Local organized crime has been linked by some to vending company businesses owners, as well as to the bar owners who keep the machines. Video gambling machines have gone hand in hand with bookmaking, loan sharking, drug dealing, and bribes to liquor inspectors, and many illegal enterprises run out of Baltimore bars, which are also handy places for laundering money.[39]

One example is Joe's Tavern, a busy Dundalk bar just inside the city line on Dundalk Avenue, which was recently shut down by the Baltimore City liquor board.[40] Joe's Tavern, with five licensed video gambling machines, is featured in the 2004 book *Wised Up*, the memoir of an FBI informant who operated the bar in the 1990s while its owner was in federal prison for loan sharking and witness tampering.[41] In *Wised Up*, Charlie Wilhelm recounts how bar owners connected to his crime syndicate dodged police raids by getting advance warning from liquor inspectors. Once tipped off, Wilhelm would empty the gambling machines, which he called "pokers," and hide the money (plus papers listing payouts to gamblers) in the trunk of his car. Wilhelm estimated his popular bar took in as much as $6,000 from the five gambling machines in a busy eight-hour shift and paid gamblers $1,000 in winnings.[42] Joe's employees also sold drugs, made illegal loans, ran a bookmaking operation – while also selling legal tickets through the Maryland Lottery – and occasionally supported prostitution out of the bar.

Another popular bar with video gambling machines was Letts Tavern on 5441 Belair Road which recently went out of business.[43] Owned by convicted bookmaker Vernon Letts, the bar contained several video gambling machines licensed by a corporation headed by Letts. He ran a sophisticated bookmaking operation out of the bar. His 1999 arrest – along with five others from his gambling ring - was entangled in a federal investigation of an unnamed Baltimore police official being investigated by the FBI (but never caught) for giving bookmakers advance warnings of city police raids.

Letts was sentenced to 15 months in prison and fined $30,000, despite a leniency plea from then State Senator Thomas Bromwell, who called Letts a "gentle and compassionate man" in a letter to the judge. The federal government kept $198,000 in cash that the FBI confiscated from the inconspicuous little tavern. [44]

More than 50 vending companies register video gambling machines in Baltimore City and County. The following seven companies own the highest number of licensed machines.[45]

•**Carbond Inc.** has 323 video gambling machines (192 registered in the city and 131 in the county). Carbond, also known as Bayside Vending, is owned by Carroll Bond III and is located at 5501 Pulaski Highway.

•**Columbia Amusements Inc.** has 254 video gambling machines (122 registered in the city and 132 in the county). It is owned by Joyce Willig and Tony Paskiewicz and is located at 6424 Frankford Ave.

•**Nick's Amusement Inc.** has 193 video gambling machines (103 in the city and 90 in the county). It is owned by John Zorzit and is located at 2700 Annapolis Road.

• **Venture Amusement Co. and a related corporation, Bunny's Vending Company,** have 147 video gambling machines (95 in the city and 52 in the county). Cecil A. Levinson is president of both corporations. Venture Amusement's vice president is Kenny Gensler, its secretary is Barbara Skarzynski and its treasurer is David Gensler. Venture Amusement is located at 1418 Belvedere St. and Bunny's Vending is at 301 E. 29th St.

• **Star Coin Machine Corp.** has 144 video gambling machines (121 in the city and 23 in the county.) It is owned by Gilbert Sapperstein, who gives 8508 Arborwood Road and 113 West Hamburg Street as the company's addresses.

• **8912 Investments LLC, RVMC, and C&J Amusements LLC** are all owned by Joseph J. Stonik, formerly president of Rossville Vending Company. The three companies, located at 8912 Yellow Brick Road, have 101 video gambling machines (29 in the city and 72 in the county).

• **Amusement Vending Inc.** has 93 video gambling machines (69 in the city and 24 in the county.) It is owned by John Vontran and is located at 6806-08 Eastern Avenue.[46] John Vontran, when told of this report's conclusion that the machines are illegal gambling devices, said, "I have no comment on that. I'm saying they're amusement devices. I have no way of knowing they're used for gambling." He then said he believed that if the machines were outlawed many "bars would be out of business." When told of the unpaid taxes estimated in this report, Vontran said, "I wouldn't argue with that." But he said he pays full taxes on income from his machines and that the amount "would choke you."

Interviews with Former Bar Owners

In many Baltimore City and County bars, video slot machines are as much a staple as beer. In fact, some bar owners can't sell enough beer to keep their doors open. If it wasn't for the symbiotic relationship between gambling machines and alcohol, they might be out of business.

Three former bar owners (two of whom asked to remain anonymous) revealed how they operated the gambling machines, paid off winners, avoided police, colluded with vending companies to underreport revenue to tax collectors, and laundered gambling profits through the bar. Also interviewed were two current bar owners (who also asked to remain anonymous), who told of their struggle to buy a bar *without* slot machines.

The three former owners operated their businesses in the 1990s and had similar stories: All said their gambling machine income was never audited or questioned by the Maryland Comptroller's office or the IRS; they were never visited by city inspectors checking amusement device licenses, and they were never charged by police or the liquor board for illegal gambling. And no one, other than vending company employees, checked the meters inside the machines that showed the true amount of money received.

One former bar owner said he felt safe from enforcement efforts when, on several occasions, off-duty police officers visited his bar to play the gambling machines and received their winnings from bartenders. The owner said he started his career as a bartender in the 1990s and learned how to watch the machines when players racked up winning points. As long as there was no stranger in the bar who might be an undercover vice detective, he routinely paid off winners from money he kept in an envelope in a drawer behind the bar, usually stocked with $200. He paid off gamblers who accumulated at least $20 in winnings.

After a few years, the bartender purchased the bar for $60,000 without any cash up front. Two of the city's largest vending companies each loaned him $30,000 at 12 percent interest. His payments totaled $2,500 a month, which he said he made easily from the gambling proceeds. Like the other bar owners interviewed, his machines easily brought in between $500 to $1,000 a week per machine.

His bar had four to six machines at any time, and the vending company owner reimbursed him for the gambling payouts. After the payouts were deducted from the gross receipts, the vending company split the remaining cash 50-50 with the bar owner. The bar owner stated that the vending company used a "ten percent rule" when providing him with a receipt for his portion of the gambling profits. The receipt, which he used for tax purposes, showed he earned 10 percent of his true video gambling income. (Gambling payouts were not included in these calculations, so the reported income was below 10 percent.)

The bar owner said his biggest problem was figuring out what to do with all the extra cash he earned from the machines. He was careful not to put it in a bank because tax auditors might get suspicious of large deposits. He said he used the money to "eat, drink, and gamble lavishly." Sometimes, however, he laundered the cash through his bar and used it to buy beer because his tavern had so little return from alcohol sales that he had no legal income to buy supplies. It was not unusual to sell only $30 in beer during an eight to ten hour shift and pay the bartender $40. The gambling machines, however,

could bring in $250 on the same shift. He eventually sold the bar and went to work in a more traditional job.

Charlie Wilhelm was a career criminal when he ran Joe's Tavern in the early 1990s. Wilhelm became an FBI informant in 1995 and helped the FBI and state prosecutors put more than 20 of his former associates in prison.[47] As stated above, his memoir, *Wised Up*, included descriptions of video gambling operations and other illegal activities at Joe's Tavern.[48]

Wilhelm said about one quarter of the gambling earnings was reported to tax collectors. He compared the video gambling business in Baltimore to a banking system with no controls: "It was like putting bank tellers on the honor system and never checking their accounts at the end of the week."[49]

A third former bar owner said she was also told by the owner of her bar's vending machines to underreport income for taxes. For every $100 of income, $40 was paid to gambling winners but never reported as income to tax collectors. The other $60 was split equally between the bar owner and vending company owner. The bar owner said the vendor wanted her to report only half her share of the gambling profits. Under the vending company's plan, she said, only $30 of every $100 would have been reported for taxes. Instead, she said, she reported all of her receipts, except for the payouts.

Two business partners interviewed for this study said they bought a city bar and found it difficult to get rid of its three machines. They did not want the machines, they said, because the gambling business preys on poor people. "You've got people who don't have a lot of money and you're taking advantage of them. Ethically, it bothers me," said one partner. The seller of the bar urged them to meet with the son of a vending company owner, who wanted to loan them money, in exchange for their agreement to keep the machines in the bar. They said they told him they were getting a bank loan to finance the bar and did not need his help. The seller, nevertheless, insisted on a sales contract that required the buyers to keep the vending company's machines for seven years. After an unsuccessful attempt to get the seven year clause removed from the contract, they signed it, although they still planned to open a slots-free bar. They said it was the only way the seller would go to settlement with them. They also figured that since the vending company was not party to the contract, it could not enforce the clause and make them carry the machines.

When the new owners began renovations, they asked the vending company to remove the machines during construction. When the renovations were completed, the owners asked the vending company to deliver only one computerized dart board. When the delivery truck arrived, the owners said it contained the dart board, plus three video gambling machines. They told the delivery man to return the gambling machines. This prompted angry calls from the seller of the bar and the son of the vending company owner, who told them they would be hearing from his lawyer. They never did.

III. A COUNT OF THE ILLEGAL VENDING GAMBLING MACHINES

The breadth of the video gambling machine industry is easy to overlook. To most people who notice only a half dozen video gambling machines at their local bar, the industry appears to be harmless. Scattering the machines in hundreds of locations is a good way to hide a slots industry that has nearly 1,000 more machines than Delaware's legal slots palace at Dover Downs which contains 2,500 slot machines.

Today, even the government agencies that register the gambling machines do not know how many they license because they co-mingle video gambling machines with real games. Auditors from the Maryland Comptroller's office were unaware of the numbers of licensed amusement devices in the city and county until this study made the numbers known.[50] Failing to count the machines makes it a problem that politicians, prosecutors and liquor boards can easily ignore. It also prevents state and federal tax collectors from gauging the extent of their tax loss.

For this study the video gambling machines were distinguished from the real games by matching names of known video gambling machines with the name of each "amusement device" registered in the city and county. A list of more than 30 names of popular video gambling machines was provided by the FBI forensic examiner and gambling expert James Douglas Dunlap. The list included names such as Cherry Master, Cadillac Jack, Fruit Paradise, 8-liner, Draw Poker, and Chicken Draw.

In addition, spot checks of several locations, as well as interviews with city police detectives, reveal numerous unlicensed gambling devices in Baltimore City.[51] Since the city's unregistered machines are impossible to count, figures are limited to licensed gambling devices. In 2005, Baltimore City approved licenses for 3,650 amusement devices of which 2,106 are actually gambling devices. Baltimore County has 1,371 gambling devices out of a total of at least 3,179 amusement devices.[52]

The only previous count of video gambling devices is an internal report completed by the Baltimore County Police Department in 1993.[53] That study found 978 gambling devices in the County. The 12 years since that study have seen a 40 percent increase. No similar figures are available for the city.

IV. LOSS OF REVENUE

To establish a revenue figure, the number of machines was multiplied by the estimated gross receipts for each machine, which range from $26,000 to $52,000 a year (or $500 to $1,000 a week). These estimates come from interviews with several former bar owners, Baltimore City vice detectives who have seized and counted money inside dozens of machines, as well as estimates from James Douglas Dunlap of the FBI, who has been involved in gambling investigations for 28 years. The industry's gross annual income was then calculated in the range between $91 million and $181 million — $55 to $110 million in the city and $36 to $71 million in the county. These figures are in line with the 1993 internal report completed by the Baltimore County Police Department,

which estimated gross income at $1,000 per machine per week, with the total county gambling machine income of $52 million a year.[54]

The Admission and Amusement tax, which is collected from coin operated devices that include both games and video gambling devices, is set at 10 percent of gross receipts. The state collects this tax and turns the money over to the local jurisdictions. Based on the above revenue estimates, annual tax for Baltimore City and County combined should be $9.1 million to $18.1 million. Baltimore City should receive a tax of $5.5 million to $11 million, and the county should receive $3.6 million to $7 million.

In fact, in 2005 the state collected $1.3 million for Baltimore City and $1.5 million for Baltimore County – which means that vending operators are reporting a gross income of $13 million in the city and $15 million in the county. (The reported revenue from gambling devices is actually less because these totals include income from real games.) Consequently, the industry is underreporting its income by an estimated $63 to $153 million each year. Baltimore City is losing $4.2 to 9.7 million a year in Admission and Amusement taxes, and the county is losing $2.1 to $5.5 million each year. The state and federal governments are losing millions more in state and federal income taxes, which are more difficult to calculate.

Even if Maryland received the full tax that reflects the slot machines' true income, that amount would still be a fraction of what other states receive from legal slots. For example, the Delaware state general fund received $204 million from slots revenue at its three slots locations in Fiscal Year 2005. [55]

Since the city and county fail to differentiate between a "real game" and a "gambling machine," the fees are the same. Baltimore City charges $180 per machine, and an extra $50 for each machine licensed by a vending company. The vending company also pays a one-time $200 annual fee. In 2005 the city collected $657,727.20 in fees for its 3,650 amusement devices that include 2,100 gambling machines.[56] Baltimore County also charges $180 per machine. An additional $50 per machine is added for machines owned by vending companies, which also pay a one-time $200 annual registration fee. The county's total for 2005 was $670,488 for 3,179 Amusement Devices, 1,371 of which are gambling machines.[57]

V. STATEWIDE INVESTIGATION: OPERATION QUARTERMATCH

The first large scale investigation into this illegal slots industry occurred in 1984 when several state law enforcement agencies, headed by the Maryland State Prosecutor's office, collaborated on a "huge multi-agency investigation" called Operation Quartermatch, designed to "attack the lucrative illegal video-poker machine gambling industry." [58] Investigators from Anne Arundel County, Baltimore City, Baltimore County, and the Maryland State Police focused on vending company owners committing tax fraud, rather than filing gambling charges against tavern owners, a practice that had proved an "ineffective deterrent" in the past.

In March 1985, the state seized records through 84 search warrants. It charged 25 people and 11 vending companies (most located in Baltimore City and County) with failure to pay Admissions and Amusement taxes levied on coin operated amusement devices, as well as other state taxes. Many were also charged with illegal gambling. Law enforcement agents also seized 300 video-poker machines (worth $2,000 to $4,000 each).

Auditors from the Maryland Comptroller's office and the State Prosecutor's office analyzed records and trials were held in 1986. In some cases, auditors found two sets of accounting books – one falsified, showing income reported to tax collectors and a second, true accounting showing much higher income from the machines.[59] The investigation proved that "video poker machine gambling in Maryland is big business." Analysis of the records seized from eight vendors showed that they grossed $34,248,220 between January 1, 1982 and March 1, 1985, but only reported income of $13,242,655.[60] Income of $21,005,565 over a little more than three-years was unreported.

The investigation also showed that the problem, though concentrated in the Baltimore metropolitan area, was spread throughout state and included gambling in Harford, Carroll, and Frederick counties. Investigators felt that Quartermatch did not stop video poker gambling, but it "made some inroads into recent illegal profits of the largest vendors."[61]

VI. COURT RULINGS

Rossville Vending v. Comptroller

Rossville Vending Machine Corporation operated in Baltimore County for decades before Operation Quartermatch caught up with it in 1986. That year, Rossville and its president Joseph J. Stonik, were convicted of gambling and ordered to pay $60,000 in fines. Stonik was given a one-year suspended sentence and probation in district court.[62] The conviction and fine were just the beginning of Rossville's problems with the court system.

This tax case which grew out of the Quartermatch investigation began with a dispute between Rossville and the Maryland Comptroller's office over the method of paying the Admission and Amusement taxes collected on "gross receipts" of coin operated "games" that include video gambling devices.[63] The case went to the Court of Special Appeals in the early 1990s. The vending company argued that the illegal payouts to gamblers were not part of the company's "gross receipts" and therefore not subject to Admissions and Amusement taxes. The state argued that all money taken into a vending machine – including the illegal payouts - should be subject to taxes.

The court ruled against the vending company and ordered Rossville to pay $736,033 in back taxes, upholding a Baltimore County Circuit Court decision by Judge James T. Smith, Jr., now Baltimore County's Executive. All parties in the case admitted

that their arguments revolved around an illegal industry. The Court wrote, "It was conceded that such payouts constituted violations of Maryland's anti-gambling laws."[64] Rossville's lawyers admitted that bartenders paid out winnings to gamblers and were reimbursed by Rossville from machine proceeds. The remaining money in the machines was split 50-50 between Rossville and the bar owners.

An auditor for the comptroller's office conducted an amusement tax audit on records seized from Rossville and calculated the actual gross receipts from the machines including the payouts to players. He found a deficiency (from previous taxes paid) of $859,560. (The amount was later lowered to $736,033.98 during court proceedings.)

The case prompted an unusual discussion - not about why illegal gambling was rampant in Baltimore County bars but whether or not the vending company should be paying taxes on money it makes and then gives away as illegal payouts. Rossville argued that gambling payouts should be treated as "trade discounts" because they were necessary "to maintain its competitive position" in the industry. The Maryland Court of Appeals wrote in its decision that "The Comptroller's office acknowledged that those payouts were an integral part of the video poker industry because the payouts were a financial necessity to encourage play of the machines." [65]

The court ruled against Rossville, but the company only paid $80,000 toward the tax lien, while interest and penalties mounted. Today, a tax lien of $1.1 million remains on file in the Baltimore County Courthouse with no notice that it was ever satisfied.[66]

Officials from the Maryland Comptroller's office say state law prevents them from discussing the case.

While the Court of Special Appeals ruled in 1992 that vending company owners must pay Admission and Amusement taxes on the illegal payouts to gamblers, interviews with former bar owners and law enforcement officials suggest that vending machine owners have not obeyed the court ruling. Several former bar owners revealed that income statements they received from vending machine owners did not include payouts. As stated above, one former bar owner, speaking anonymously, said he went along with the vending company's practice of reporting only 10 percent of income to tax collectors--and that was after subtracting payouts.

In 2005, state corporation records document that Rossville Vending Company is no longer a viable corporation, though it maintains a listing in the phone book. Stonik, Rossville's president, is still in the video gambling business and is among the seven largest vending company owners in the Baltimore area. City and Baltimore County records for 2005 show that Stonik has registered 101 video gambling machines: 29 in Baltimore City and 72 in Baltimore County.

The machines are registered under new company names: RVMC, an entity not registered as a Maryland corporation, C&J Amusements LLC, and a third entity that is called 8912 Investments LLC. The number 8912 is the address at Yellow Brick Road in Essex where state officials seized a briefcase in 1985 with the company's records that

started Rossville's tax and gambling troubles.[67] Stonik did not respond to a request for comment for this report.

State v. One Hundred Fifty-Eight Gaming Devices

In 1985, Maryland's highest court ruled that video poker machines are designed for illegal gambling and violate Maryland law even without the proof of undercover police detectives getting paid winnings.[68] Known as the "One Hundred and Fifty-Eight Gaming Devices" case, The Court of Appeals upheld an Anne Arundel County Circuit Court judge's decision ordering the forfeiture of video gambling machines found in a warehouse.

The lower court ruled that the machines were illegal because they had "knock-off" switches that were "presently adopted to register rewards obtained by chance and to facilitate undetectable human payoffs..." The high court agreed. It ruled in favor of seizing the devices, "which involved an element of chance and which were equipped with odds mechanisms, or a meter for recording the number of free plays released, or other established indicia of a gambling device, are illegal slot machines ...and subject to forfeiture as contraband..."[69]

The same year, the U.S. District Court for the Western District of Pennsylvania ruled that the "knock off switch" was evidence a machine is used for illegal gambling and that, "...it is important to note that evidence of actual payoffs, either directly by a

machine or indirectly by a bartender who redeems credits for cash, is not necessary to a determination that a machine is a gambling device."[70]

VII. GOVERNMENT RESPONSE

Maryland Office of the Comptroller

In the 1980s, Operation Quartermatch determined that eight vendors had unreported income of $21 million during a little more than a three-year period. That was in the 1980's, when the gambling machines accepted quarters. Today they take bills ($1's, $10's, $20's, $50's and $100's) and machines are located in many more locations. It follows that the unreported income and the unpaid taxes have multiplied.

In 2005, interviews were conducted with the director and assistant director of the Compliance Division of the Maryland Comptroller's Office to learn what the agency has done since Quartermatch to assure that vending companies pay the actual taxes owed. They said that with no government-controlled tracking system their office cannot collect full taxes because it has no way to prove how much money comes into the machines.[71] They acknowledged that vendors are still on the honor system. The machines have counters that track cash but these are seen only by bar owners and vending company employees, called "route men," who empty the machines.

However, the Comptroller's office does attempt to monitor the industry. In the past four years auditors have completed 22 audits of coin-operated machine companies and have assessed $1 million in taxes due from unreported income.[72] The compliance division chiefs noted that their auditors are limited by the accounting books available at vending companies. If they are lucky, auditors may find two sets of books, one real and the other falsified. Otherwise, the chiefs have few ways to detect if the records are altered or inaccurate, except for the occasional suspicion when a machine in a busy bar is shown to have no income. They say that unless there is a search warrant, auditors cannot search a vending company for a second set of accounting books that might show the true income.

The compliance chiefs also noted that their resources are limited – there are only 100 employees in the audit office to complete all types of state audits. As for the Court of Special Appeals ruling from the Rossville Vending case that requires Admission and Amusement taxes to be paid on the portion of the profits that are paid out to gamblers, the chiefs said that with no proof of revenue, they can not enforce the court's order. "We have no way of knowing if payouts to gamblers are included in gross receipts. We base it on records available to us and the reasonableness of those records," said Linda Tanton, Director of the Comptroller's Compliance Division, in a 2005 interview. Citing state confidentiality laws, the directors also declined to say whether any vending companies have been fined or otherwise punished for failing to pay taxes on amusement devices.

Despite the limitations mentioned above, in November 2005 the comptroller's office announced it had filed a lien against a Pasadena vending company, Statewide Amusements Inc., for $953,515 in unpaid taxes from unreported income. The company's machines, some of which were found during a raid on the Owl's Nest, a South Baltimore club, are not registered with Baltimore City or Baltimore County.[73]

This study sought, under the Maryland public information law, any correspondence the Comptroller's office has received concerning video gambling machines. The office provided an e-mail sent to Governor Robert Ehrlich in April 2004 from a former Baltimore community activist and bar owner who complained that the state continues to lose taxes from gambling devices, despite proof of unreported income from Operation Quartermatch.[74] The e-mail read in part:

> This report was sent to the legislature...You might want to review what action they did not take!! It would make more sense to install remote meters and collect all these taxes rather than link a general tax increase to the slots bill...

The Governor's Office responded with a letter, signed by Ehrlich, referring the complaint to Comptroller William Donald Schaefer. The Governor's Office also sent a separate letter to the Comptroller asking him to review the matter. When asked what the Comptroller's Office did about the complaint, the Compliance Directors said they did not follow it up because the complainant did not name any specific vending companies.

Liquor Board

Baltimore's underground slots industry could not have blossomed all these years without the help of the local liquor boards. Mandated to keep criminal activity out of businesses with liquor licenses, the liquor boards' actions – or inactions - have instead allowed the illegal gaming business to thrive. Baltimore City's liquor board metes out modest inconsequential fines.[75] Baltimore County's liquor board hears no cases involving illegal gambling machines, despite *The Sun's* 1980 expose and the 1985 Quartermatch report showing a booming slots industry in the jurisdiction.[76]

The Baltimore City liquor board scandal of the late 1990s is instructive. During the trial of then Chief Liquor Inspector Anthony J. Cianferano, evidence revealed that he and other liquor inspectors had side jobs emptying the gambling machines for co-defendant William J. Madonna, Jr., a former state legislator, bar owner, and vending machine owner.[77]

One bar owner testified at the trial that the chief liquor inspector brought Madonna to her bar in the early 1990s so Madonna could loan her money and place poker machines there. The bar owner testified that she and Madonna would split the vending machine proceeds 50-50 after money was paid to gambling winners. The bar owner said illegal payouts were made routinely to gamblers but that the liquor board never cited her bar for violating gambling laws. One liquor inspector did stop emptying the machines,

but only after the bar owner complained to Madonna that the inspector was stealing some of profits.[78]

Although the liquor inspectors who were paid to empty video gambling devices no longer work for the city liquor board, the current board continues a long-standing practice of treating gambling violations as minor infractions. The following examples show a pattern of fining liquor licensees a tiny proportion of the income their businesses reap. Police reports of raids also show evidence of the large amounts of cash kept in bars with gambling machines:

• Sid's Tavern at 1100 Washington Boulevard was charged at a hearing on April 28, 2005, with violating the liquor board's Rule 4.15, which holds, "No licensee shall allow his premises to be used for the purpose of gambling in any form." [79] Evidence showed a city police detective who played a gambling machine was paid off on December 7, 2004. Police returned with a search and seizure warrant and confiscated $8,107 in cash from the machines, a safe, a drawer and other locations in the bar. They also disabled six gambling machines by confiscating power packs and microprocessors and took 40 folders with records of gambling payouts, plus a payout tally sheet.[80] In district court the business operator was given probation before judgment.[81] The city kept the seized money. The liquor board found the owners guilty and fined the bar owner $100, plus $125 in administrative fees.

• Fred & Marge's Inn at 3603-05 Fairhaven Avenue was tried at a March 2005 hearing for illegal gambling after an undercover police officer played a video gambling machine, racking up 800 points and winning $40 from a bartender who wrote the payout

on a tally sheet, then reset the machine by placing a metallic object against 2 rivets on the side of the machine. The detective watched the credits jump from 800 back to 0. Police later seized machine power packs and microprocessors from five gambling machines, as well as $37,120 from the machines and elsewhere in the bar. They found $23, 955 in an upstairs kitchen cabinet.[82] In district court, one owner received probation before judgment and the other had her case put on an inactive docket. The owners forfeited 75 percent of the money seized. [83] The liquor board found the bar owners guilty and fined them $100, plus $125 administrative fee.[84]

• Global Liquors, 4332 Erdman Avenue, was tried at a November 2004 hearing for making payouts to police detectives on two occasions in June 2004. Police later seized $9,836, most of it found in a leather bag in the store. They also seized the power packs and microprocessors from two gambling machines.[85] In District Court the charges were put on an inactive docket and the money was forfeited.[86] The liquor board found the bar owners guilty and fined them $200, plus a $125 administrative fee.[87]

• Bay City Liquors, 4901 Frankford Avenue, was tried in September 2004 after a police detective was paid out $22 for playing the video gambling machine. Police later seized $8,046 from the store, including money, power packs, and microprocessors from four gambling machines.[88] In court, the case was put on an inactive docket and the business received about half the money back. [89] When the case got to the liquor board, the board members hearing the case departed from their usual fine of $100. A liquor board member apparently took pity on the owner, saying, "You're going to lose $8,000 so the board's going to suspend that $100 fine. You're going to pay a $125 administrative fee. That's it."[90]

• Six Pax n More, a liquor store at 5911 Belair Road, was found guilty of making payouts to an undercover police detective in June 2004. Police confiscated the power packs and microprocessors to four machines and seized $5,539.[91] The district court put the charges on an inactive docket and the owner forfeited the money.[92] The liquor board found the owner guilty and fined him $100, plus the $125 administrative fee. Mark Fosler, the board's chairman, told the owner, "-- we're not condoning with such a small fine, we're not condoning gambling. You lost $4,500 so it's an expensive lesson to learn, so we don't want to see you here again. Take care and good luck." [93]

Baltimore City's Board of Liquor License Commissioners routinely hears cases on the sale of liquor licenses from well-known vending company owners acting as secured creditors or contract purchasers of bars never licensed in their names. The city liquor board approves these transactions, even though the seller of a liquor license may not be the licensee of record and does not met the eligibility requirements for a license. For example, the board approved the transfer of a liquor license to an East Baltimore bar from Gilbert Sapperstein, contract purchaser, a month after he pleaded guilty to a multimillion dollar fraud scheme. Liquor board law prohibits Sapperstein, as a convicted felon, from owning a liquor license, but the board let him sell one.[94] Other vending company owners who have appeared in liquor board records as "secured creditor" or "contract purchaser" are Carroll Bond and John Zorzit.[95]

Baltimore County's Board of Liquor License Commissioners hears no cases concerning the use of video gambling devices, despite regulations that allow the board to

punish liquor licensees for gambling. In an interview for this report, the liquor board's administrator, George Abendschoen, said, "The liquor board does not get involved in that. We don't ever handle them." Even if a liquor inspector saw a payoff, "We would turn it right over to the vice squad." He acknowledged that the machines are "all over the place, but they're not illegal," he said, "unless there's a payoff."

Law Enforcement

Seizing gambling machines (or their computer boards) and charging bar employees with illegal gambling is a useless exercise: new machines replace the ones that were confiscated or damaged by police in a few days. Business owners learn after their first arrest how to hide their money and their gambling payout sheets, which they often write in code.[96] There is an additional problem of where to store and discard confiscated machines. County police store the machines on county property until court cases are complete, and then discard them. In 2004 the county seized 68 machines.[97] City police take only the power packs and computer boards.

Vice police are swimming against a tide of government agencies that facilitate the use of the machines. Local prosecutors routinely drop or set aside charges and recommend probation. District court judges follow suit, though they often allow the city and county to keep thousands of dollars seized in raids. For example, by November, 2005 the city's vice squad, under the direction of Sgt. Craig Gentile, seized about $400,000 from 37 search and seizure warrants for gambling on the machines in 2005.[98] Most of the

cases were against business owners and their employees where the vending machines were located. In Baltimore County, police also charge the vending company owners.

In 2005, Baltimore City's vice squad tried a new tactic: They targeted the vending companies that control gambling machines in dozens of locations, rather than conduct raids on individual bars and stores. For example, the city's vice squad conducted surveillance and raided Carbond Inc., also known as Bayside Vending.

The investigation began on December 1, 2004, when two undercover detectives visited J & P Carryout at 1538 Light Street in South Baltimore, where they saw three video gambling machines. One detective began to play a machine called "Monkey Land." After a half hour, he had accrued 500 points, earning him winnings of 5 cents for each point. A J & P employee "looked at the screen and waved his hand on the left side of the machine...which caused the points to roll back to zero," stated a police record of the surveillance. [99]

After the employee reset the machine, he summoned the detective to the counter, where he paid him $25 from the cash register. Police returned on December 16 with a search and seizure warrant. They confiscated nearly $5,000 from a safe and $700 from a cash register. Police also took the microprocessors and power packs from the machines and pay-out slips showing money paid to gamblers. A police interview with the store's owner revealed that Bayside Vending (Carbond) owned the machines and that the profits were split 50-50 between the vending company and the carryout owner.

On December 21, detectives conducted surveillance at Carbond's headquarters at 5501 Pulaski Highway, observing several gaming machines through an open doorway. Two detectives followed one of the company's trucks to New York Liquors at 4011 Old York Road, where they watched the driver deliver a "Cherry Master" gaming device. A passenger from the Carbond truck also went inside and spoke to a man behind a counter. One of the detectives entered the store and bought chips and sodas as he overheard the representative from Carbond instructing the employee at New York Liquors on how to operate the video gaming devices illegally. Detectives later followed the truck back to Carbond's headquarters.[100]

On January 13, after obtaining a search and seizure warrant, detectives raided Carbond's headquarters and confiscated about $8,000, envelopes with weekly collection sheets, bank statements, and other documents. They also took 371 microprocessors – the guts of a gambling machine – and 84 power packs. Gambling charges were filed against Bond and an employee whom police identified as the man who gave instructions at the liquor store.

When the case came to court, a judge dismissed all charges because a prosecutor failed to answer a routine motion filed by Carbond's attorney requesting a list of witnesses.[101] The city returned the money and other evidence it seized in the raid. In the J & P Carryout case, the city kept the confiscated money. A visit to J & P Carryout almost a year later showed it was back in business with two licensed machines. A similar case

against Carbond in 2005 resulted in the case being 'stetted' or put on an inactive docket. In that case the city kept the $13,000 it seized from Carbond and $18,000 from two businesses that carried Carbond's machines.[102]

As with the case of J & P Carryout, police efforts are often cancelled out when the city and county registration offices routinely approve licenses for new machines to replace those confiscated or damaged by police. For example, the operator of a convenience store called the Greenish Grocery, at 449 E. 25th Street, sought licenses for new machines in a letter to the city finance department in July 2005. The operator complained that police damaged four "amusement devices" but that Bayside Vending would be replacing them in a few days.[103] Likewise, in Baltimore County the operator of Milano's Restaurant and Carryout at 8811 Waltham Woods Road wrote a note to the licensing office in August 2005, explaining that Bayside Vending would be delivering two new machines, four days after county police confiscated three video gambling machines.[104]

The United States Attorney's Office for the District of Maryland has not directed any investigative efforts into this industry until recently. Federal officials in Baltimore have uncovered what they believe is a multi-million dollar gambling and money laundering operation with 500 video gambling machines in 110 locations in 15 states, including Maryland.[105] Although no criminal charges had been filed as of December 2005, the U.S. government has already seized a private Cessna jet and $1.7 million from Truck Stop Games LLC, owned by Horace K. Farrish of Virginia. Federal seizure

warrants and affidavits describe an investigation tracing revenue laundered through several bank accounts, with some of the money spent to purchase the jet, which was used to move gambling machine parts and boxes of cash from state to state.[106]

The investigation began with a call to the federal government from the Queen Anne's County Sheriff's office, which had received a complaint from a citizen who saw video gambling machines at a Trailways Truck Stop in Centerville. The investigation was conducted with the help of undercover police from several local law enforcement agencies and a special agent from the Internal Revenue Service. At several Maryland and Virginia locations, detectives played the machines and were paid out their winnings. Raids were conducted in February 2005 at three Maryland locations, one in Baltimore city.[107]

Federal agents confiscated 41 video gambling machines (including 15 from the Baltimore Travel Center). [108] They also seized records showing the income and payouts, as well as $17,015 in cash from the machines. Financial records seized from Truck Stop Games' office in Chester, Virginia, showed that revenue collections over a nine-month period for its multi-state operation totaled $6.3 million. In naming the laws that may have been violated, federal authorities cited federal gambling and money-laundering statutes, as well as the Maryland Criminal Code outlawing slot machines.[109]

Department of Zoning

Baltimore City's zoning code limits the number of amusement devices in city bars, bowling alleys, pool halls, and restaurants that own liquor licenses to five licensed machines. Other businesses (such as gas stations, convenience, and liquor stores) are restricted to 1 or 2 machines, depending on the business's floor space.[110]

Donald Small, the City's zoning administrator at the Department of Housing and Community Development, was unaware until confronted with research, that as of September 2005, hundreds of city businesses were violating the zoning code by keeping more amusement devices than the law allows.[111] Two examples are the Hampden Food Market, with 17 gambling machines (13 licensed), and Mt. Everest, with 10 machines (seven licensed). Each of these businesses is allowed one or two machines, depending on the floor space.[112]

Zoning violations were brought to the attention of officials in the Bureau of Treasury Management's Collection Division which operates under the Baltimore City Finance Department which grants amusement device licenses. At about the same time, the officials said they independently discovered businesses with too many machines and began consulting the zoning code.[113] Subsequently, the two agencies moved to remedy the situation. On November 17, 2005, the city mailed a new "Fact Sheet for Amusement Devices" with license renewal notices, informing all licensees of the city's zoning laws

limiting machines, and requiring new permit forms for a non-tavern or entertainment business restricted to one or two machines.

Four days after the city mailed the zoning letters, the Baltimore Licensed Beverage Association (whose president is vendor John Vontran) responded by requesting that the City Council put forward a bill that would amend the zoning code to increase the number of "amusement devices" allowed in bars and other city businesses.[114] The bill is sponsored by nine City Council members, including President Sheila Dixon. Whether or not the bill passes, the problem in the city is even larger than the hundreds of zoning violations. As stated above, many of the city's amusement devices – especially video gambling machines – are not licensed by the city, as required by law.[115]

Considering the large volume of zoning and registration violations, it is clear that the collection division and the zoning office do not have enough inspectors to enforce the laws. The zoning office has six zoning examiners whose many duties include going out in the field once a week to check complaints. The collection division only has four part-time inspectors to review the many types of licenses the city requires. Now they will also be required to help monitor the zoning laws. A crackdown on zoning laws – and on unlicensed machines – would require many more inspectors than are currently employed at each agency.

Unlike the city, Baltimore County does not appear to have many violations of its zoning regulations. The county has 13 inspectors (some with more than ten years'

experience) to visit businesses with the machines and check for licenses and zoning violations. [116]

VIII. CAMPAIGN CONTRIBUTIONS

This study examined Maryland's campaign finance records for the past six years, available on the Maryland Board of Election's website, to determine how much money vending companies and their owners donate to political campaigns. Contributions from 54 of the largest vending companies were searched, as well as 61 names of people listed as company principals in public records. The contributions from licensed vendors total $42,598. No pattern of contributions was found that favored any candidate.

The bulk of the contributions come from John Vontran, the sole officer registered in Maryland corporate records for Amusement Vending Inc. Mr. Vontran's company has 69 gaming devices registered in the city and 24 in the county. He also owns a bar in Southwest Baltimore, is the outgoing president of the Baltimore Licensed Beverage Association, and is a director of the Maryland Licensed Beverage Association.[117]

His $25,612.50 in contributions since 1999 appear to violate Maryland's campaign finance laws, which restrict contributions to $10,000 from one individual over a four-year campaign cycle. Vontran gave $14,300 in 2003 alone. [118] In an interview on November 28, 2005, Vontran said the state's listing of campaign contributions from his

name was in error. Many of the contributions, he said, were not from him, but "from business people and family members." He said his lawyer was in the process of straightening out the situation with the Maryland State Prosecutor, Robert A. Rohrbaugh, and that corrections would be made in January campaign finance reports. Rohrbaugh said through a spokesman that he does not confirm or deny allegations of investigations by his office.

In contrast to Vontran's contributions, the area's largest video gambling company gave no campaign contributions. State records show nothing for Carbond Inc. (formerly called Bayside Vending) or from its owner, Carroll Bond III.

IX. LESSONS FROM OTHER JURISDICTIONS

Carroll, Harford, Prince Georges, and Anne Arundel Counties

Baltimore City and County governments are isolated in their tolerance of video gambling devices. In their own backyards, particularly in Carroll, Harford, and Anne Arundel Counties, the governments do not allow these machines to be licensed and in some cases the local prosecutors have teamed up with liquor boards to keep them out. While it is difficult to determine whether Carroll, Harford, and Anne Arundel are free of video gambling devices, law enforcement representatives say it is rare to see the machines in their counties because of their no-tolerance position.

In Harford County, States Attorney Joe Cassilly is emphatic about his opposition to the machines: "They're illegal as far as I'm concerned…I think they should really be gotten rid of." Cassilly began working more than a decade ago with the Harford County Sheriff's office and the Maryland State Police to clear the machines out of his county. Like Baltimore City and County, undercover officers visited businesses where the machines were located, played them, and were paid off.

Cassilly said he was more successful in cleaning the machines from his county when "I got the liquor board on board. It basically comes down to, 'if you're going to have these machines, you're not going to have a liquor license." He also cracked down by confiscating gambling machines, even without evidence of a payoff, because of the Court of Appeals' 1985 decision (*State of Maryland v. One Hundred and Fifty-Eight Gambling Devices)* which said the machines were illegal without evidence of payoff.[119]

Cassilly also stated that he has complained to the state comptroller's office and to the IRS over the years about the unpaid taxes from the machine, but got no response. One bar that was raided several years ago, he said, "had six machines…they were splitting with the vending company and they were keeping three-quarters of a million dollars in a year." Noting that the machines had no legal license in Harford County, he wondered how businesses could report income to tax collectors on machines they were not allowed to possess.

Jerry Barnes, Carroll County's states attorney, has made similar inroads to rid his county of gambling devices by enlisting the local liquor board and confiscating machines even without seeing payoffs. "They're not amusement devices," he said. Barnes also takes a tough stance against veterans clubs and other fraternal organizations that use the machines to make money. "I'm a Vietnam veteran, a Green Beret...A lot of people in my position would be reluctant to go after a fraternal organization or a military organization, (such as) American Legion, but my position is that every one is treated equally," he said.

In March 2005, Prince Georges ` States Attorney Glenn F. Ivey announced that his office and county police were investigating the use of illegal slot machines that had appeared in liquor and convenience stores in the Washington suburb.[120] State lottery employees had seen machines in taverns and coin laundries in Suitland, Riverdale Park and Takoma Park, and worried that they might be siphoning business from Keno and other legal lottery games.

The county liquor board chairman also told a House of Delegates subcommittee that the inspectors who found the machines instructed store managers to unplug them. [121] Ivey later said in an interview for this study that the investigation was not complete. His office, he said, is reviewing state law to determine "what's legal and what's not legal. The machines certainly appear to be used in gambling. Obviously that could cause problems."

Anne Arundel County is another jurisdiction that does not permit video gambling devices and will not license them as games, said Anne Hatcher, the county's chief of licensing and permits. When her office finds a gambling device, she refers the case to the county police department's vice unit, she said.

Pennsylvania

In 2004, Pennsylvania began to prepare for a legal slots industry that would allow 61,000 slot machines at racetracks and other locations. One of the first steps was an attempt to get rid of the competition – illegal video gambling devices spread out across the state. In an in-depth newspaper article, The *Pittsburg Post-Gazette* laid out a plan by Governor Edward G. Rendell to spend $5 million a year for local police departments to enforce gambling laws and "prevent the unlawful operation of slot machines in this commonwealth."[122] The article referred to a "hypocritical approach" to illegal gambling by local governments that license amusement devices, but fail to check the machines for evidence of illegal gambling.

The article also noted a historically corrupt relationship between illegal gambling machines and local law enforcement officials in Pennsylvania. The state attorney general pleaded guilty in 1995 to mail fraud, admitting he concealed campaign contributions from video-poker operators. Five years later, a local police chief pleaded guilty to playing poker machines at a township deli where he received $7,500 in gambling payouts over 16

months. In 2001, a local justice was convicted in federal court of running a video poker operation out of a coffee shop in Finleyville, a town with a population under 500. The federal prosecutor who handled the case called video poker, "the most lucrative illegal enterprise in Western Pennsylvania."

In addition to crackdowns from local law enforcement, federal prosecutors, working with the IRS and Pennsylvania State Police Department's Bureau of Liquor Control Enforcement, charged a private club with illegal gambling in February 2004.[123] They accused the Order of Fleas, a men's social club in Easton, Pennsylvania (one hour north of Philadelphia) with grossing $8.4 million in untaxed income from video poker machines over a ten-year period. The U.S. Attorney's office described the operation as a "well orchestrated conspiracy to operate below the radar of federal reporting requirements." [124]

In May 2004, the Associated Press reported that federal law enforcement officials destroyed more than 120 video gambling machines worth more than $160,000 from the "Order of Fleas" operation. The *Pittsburg Post-Gazette* article also referred to the Order of Fleas case, quoting Assistant U.S. Attorney Robert Goldman as saying the club members fed about $100 million into 15 video-poker machines during the ten-year period. He said that without the machines, the Fleas club had "barely a pulse."

While it is difficult to determine how successful Pennsylvania law enforcement authorities have been in eliminating illegal slot machines, these examples serve to

demonstrate the different responses to the video gambling industries in Pennsylvania and Maryland.

Best Practices from States with Legal Slots

States with legal slot machines require background checks for nearly everyone working in the industry, from machine repair workers to corporate executives of gaming companies. Pennsylvania, fresh from a 2004 legislative approval to license 14 locations with 61,000 slots, faces a daunting task of conducting 30,000 background checks of applicants to filter out organized crime, so well-known in Pennsylvania's crime history. The checks will include low-level workers of slots operators, casino suppliers, and vendors. One-fifth of the background checks will involve in-depth investigations of executives and managers.[125]

Other states have separate government entities to make the background checks. New Jersey uses an independent division of its attorney general's office, while Michigan's gaming control board uses an internal bureau.[126]In Nevada, all gaming employees are required to hold work permits issued by local law enforcement agencies that require background checks and fingerprinting. Some of the employees also must be bonded.[127]

Tracking systems inside slot machines are so sophisticated that a *New York Times* editorial once suggested that the operators of controversial electronic voting machines

could learn something from Nevada's tightly controlled slot machine tracking system. "If election officials want to convince voters that electronic voting can be trusted, they should be willing to make it at least as secure as slot machines," said the *Times* editorial of June 13, 2004.

The editorial described how Nevada requires casinos to file all gambling device software with the Nevada Gaming Control Board and how state inspectors arrive unannounced at casinos to compare the computer chip in a slot machine with the one on file with the government. In fact, Nevada's "Technical Standards for Gaming Devices and On-Line Slot Systems," is a voluminous document that outlines how each slot machine must communicate its exact intake and output of money with sophisticated meters and insure the machine is tamper- proof.[128] Other states have similar systems, but in Delaware, where slots have been legal for ten years, the state does not allow casinos to own slot machines. Instead, each machine is leased by the state and hardwired back to the lottery office, just like a lottery machine. [129]

State governments are demanding – and getting – more money from the slots industry than ever before. Pennsylvania's new law, for example, requires a $50 million fee for every entity that will operate a slots palace. The law also makes the slots industry so lucrative that the Pittsburgh City Council unanimously passed a resolution in September 2005, asking the mayor to apply for a slot machine license on behalf of the city. Pittsburgh already stands to gain $17.7 million in annual tax revenue from slots. But if the city became a casino owner, reasoned the city council president, it could reap $250

million. [130] In Fiscal Year 2005 (ending June 30, 2005), Dover Downs earned $193 million after paying out winnings. Of that income, Delaware's general fund received $69 million.[131] That $69 million was part of a total $204 million from all slots revenue (from a total of 6,500 slots) that went into the state's general fund.[132]

While Maryland pretends there are no gambling machines and licenses them as cheaply as Pac Man or golf games, states that have legalized the machines charge steep fees to vendors, in addition to imposing a high tax rate on the profits. In California, three Native American tribes agreed in 2004 to pay the state $1 billion for the right to have an unlimited number of slot machines. Licensing fees would also rise to as much as $25,000 per machine.[133]

In many states where slots are legal, licensing fees for suppliers of slot machines are in the thousands of dollars per year. Illinois, Indiana and Missouri all charge a $10,000 application fee and a $5,000 annual license fee for suppliers. Louisiana charges slots manufacturers $15,000 a year and slots supplier $3,000 a year. [134]

X. RECOMMENDATIONS FOR CHANGE

Why have slots if the government doesn't benefit? No roads or schools will be built; no tax rate will be lowered from the meager proceeds Maryland gets from its virtually tax-free slots. It would be ineffectual for Maryland politicians to debate the issue in Annapolis without first considering that they already have a gaming industry

ensconced in the Baltimore metropolitan area. This study shows how large the industry has grown and how much the state is losing by allowing it to continue. The evidence can be debated but not ignored. There are two possible ways to correct this problem.

1. Ban the machines, either by passing stronger anti-gambling laws or using laws already available to the police, courts, liquor and zoning boards, and other licensing agencies. This choice would undoubtedly require hiring inspectors to enforce the ban and more vice police to charge recalcitrant machine operators. It would also require a consciousness-raising on the part of local liquor boards, prosecutors and district court judges who have been lax in enforcing the current laws. The elimination of the devices, however, would most likely put some bars and convenience stores out of business.

2. Legalize the machines -- with all the controls available from today's gaming industry that insures an honest accounting of revenue with the state getting its proper share. Legalizing the machines proved too controversial before states outside Nevada were familiar with legal gaming. But today, sophisticated computer technology is used in every state where slots are legal and governments are finding more ways to milk the industry for taxes and fees. This alternative, however, would likely result in banning many of the current machine owners from the industry due to their criminal records or prior failure to pay taxes. Many of the current businesses carrying the machines would also likely face opposition from residential and commercial neighborhoods that oppose them.

Maryland citizens are the losers with the current system. They have a gaming industry that puts little money in the public coffers and allows vending machine owners to dodge the law and enrich themselves at the cost of compulsive gamblers, alcoholics and indigent people with few dollars to spend. The challenge is there for citizens and lawmakers.

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[1] The income range comes from multiplying the count of gambling machines registered in Baltimore City and County with an estimate of $500 to $1,000 a week income per machine. These weekly income estimates are based on interviews with city and county vice detectives who count cash inside gambling machines they seize, police reports and calculations by gambling expert James Douglas Dunlap, FBI supervisory forensic examiner, who is also a retired Baltimore County vice detective. The numbers were also verified with several former bar owners who shared in the machine profits.
[2] Report of the State Prosecutor, 1985 (Operation Quartermatch); the report noted that auditors from the Maryland Comptroller's office uncovered the unreported income of $21 million.
[3] January 9, 2006 letter from Comptroller William Donald Schaefer to Abell Foundation President Robert C. Embry Jr. responding to a review of a draft of this report.
[4] Maryland Court of Appeals; State of Maryland V One Hundred and Fifty-Eight Gaming Devices, November 7, 1985.
[5] Maryland Comptroller's office, Compliance Division.
[6] Dunlap, Baltimore City and County vice, police reports, bar owners.
[7] The number was reached by subtracting the amount of income reported (based on the 10 percent amusement tax) from the actual income estimate.
[8] *Pittsburgh Post-Gazette*, January 2, 2005; Slots are Key to 'new Pennsylvania.' By Tom Barnes.
[9] Interviews with Ed Suter, Chief Operating Officer for Dover Downs and Wayne Lemons, Director of the Delaware Lottery.
[10] Forfeited corporations are those that have lost their legal status due to the failure to file necessary paperwork.
[11] Baltimore County's state tax lien records; lien #4977388, book 155, page 239.
[12] *The Baltimore Sun*, May 20, 2005, Boiler Company Owner Pleads Guilty to Fraud by Laura Loh.
[13] *The Sun*, January 8, 1999; Inspector Got Money, Jurors Told; Witness Testified City Liquor Official Stuffed Cash in His Pockets by Walter F. Roche Jr.

[14] *The Sun*, March 30, 1980, Illicit Gambling Rife in Taverns in Baltimore County by Katherine White

[15] Maryland Campaign Finance law, Chapter 7.2 Contribution Limits.

[16] United States District Court, District of Maryland – Northern Division, Affidavits in Support of Warrants on Truck Stop Games LLC; #05-0438 BPG, #05-0440 BPG, #05-0441-BPG, #05-04490. Seizures included slot machines and cash from the Baltimore Travel Center, 5501 O'Donnell Street.
[17] *Video Games: Concepts and Latent Influences, The element of skill becomes a primary factor in determine whether an electronic video device is a gambling device:* by William H. Holmes, special agent, document section, laboratory division, FBI from the Law Enforcement Bulletin, March/April 1985.
[18] ibid
[19] Moverly v. Deskin, 169 Mo. App. 678, 155 S.W. 844 (1913)

[20] *Pinball: gambling devices...or when is a pinball machine not a pinball machine?* By Ronald Mayo Ferguson, special agent, laboratory division, FBI, reprinted from the FBI Law Enforcement Bulletin and revised, March, 1982.
[21] Ibid.
[22] Ibid.
[23] Holmes, FBI.
[24] Ibid.
[25] Holmes, interviews with James Douglas Dunlap, FBI supervisory forensic examiner, Baltimore City and Baltimore County vice detectives.
[26] *The Sun*, March 30, 1980, Illicit Gambling Rife in Taverns in Baltimore County by Katherine White
[27] ibid
[28] *The Sun* gambling series, 1980.
[29] Interviews with several former bar owners, including *Wised Up* author Charlie Wilhelm.
[30] Interviews with Baltimore City and County vice detectives and city police reports.
[31] Baltimore city and county registration records, interviews with vice police and the FBI.
[32] Baltimore City and County amusement device registration records.
[33] Interview with Gentile.
[34] Baltimore City Zoning Code.
[35] Ibid.
[36] Ibid.
[37] Baltimore City and County amusement device registration records.
[38] Baltimore City registration records, *The Sun* Nov. 5 2005, Raid Riles Poker Players by Lynn Anderson.
[39] *Wised Up* by Charlie Wilhelm with Joan Jacobson, 2004 Kensington Books, pages 111-114.
[40] *Baltimore Guide,* January 13, 2006, Baltimore Liquor Board votes to close Joe's Tavern, by Mary Helen Sprecher. The violations that shut down the bar did not involve video gambling machines.
[41] *Wised Up* By Charlie Wilhelm with Joan Jacobson, Kensington Books, 2004.
[42] This amount is far higher than the average $500 to $1,000 a week law enforcement experts and other bar owners estimate comes into machines.
[43] Baltimore City amusement device registration records.
[44] *Wised Up, The Sun,* December 12, 1998, FBI Aims For Local Gambling; Owner of Restaurant on Belair Rd. among Six People Indicted; Bets Came By Phone; City Police Officer Suspected of Links to Illegal Betting Ring. By Peter Hermann. *The Sun*, June 23, 2000, Bookies jailed, but not police, by Eric Siegel.
[45] Compiled from City and County amusement device registration records and Maryland corporate records.
[46] Vending company data and owner names come from city and county registration records, as well as corporation records from the Maryland Department of Assessment and Taxation.
[47] *The Sun*, The Informant, the Man who Knew Too Much, November, 2001, by Joan Jacobson, *Wised Up*
[48] *Wised Up.*
[49] Ibid.
[50] Interview with Linda Tanton, Director (now Deputy Comptroller), and Daniel Riley, Assistant director, of the Maryland Comptroller's Office.
[51] Baltimore City Vice Sgt. Craig Gentile estimates the city has about 500 unlicensed machines.
[52] Baltimore City and County records show totals vary slightly from month to month, depending on newly licensed machines.
[53] Electronic Video Gaming Device Enforcement Fact Sheet, Baltimore County Police, 1993.
[54] ibid
[55] Interview with Wayne Lemons, Director of the Delaware Lottery, which operates Delaware's slots industry; interview with Ed Suter, COO Dover Downs.
[56] Baltimore City Finance Department, Bureau of Treasury Management, Collection Division: amusement device registration records.
[57] Data from Debbie Kendall and Karen Lewis, Baltimore County Permits and Licensing.
[58] Report of the State Prosecutor, 1985 (Operation Quartermatch).
[59] Interviews with Dunlap.
[60] Report of the State Prosecutor, 1985 (Operation Quartermatch).

[61] Ibid.
[62] Quartermatch report.
[63] Rossville Vending v. Comptroller, 629 A.2d 1283 (MD.App. 1993).
[64] Ibid. pg. 1284.
[65] Ibid. pg. 1287.
[66] Baltimore County's state tax lien records; lien #4977388, book 155, page 239.
[67] Dunlap interview.
[68] State v. One Hundred and Fifty-Eight Gaming Devices, 304 Md. 404 (Md.App. 1985).
[69] Ibid.
[70] USA v. 294 Various Gambling Devices, 1985 from Erie, Pennsylvania.
[71] Interview with Linda Tanton , director, (now Deputy Comptroller) and Daniel Riley, assistant director, compliance division, the Maryland Comptroller's office.
[72] Ibid.
[73] *The Sun*, Nov. 15, 2005, Club co-owner owes taxes of $1 million, state claims
[74] Email from Constance Whitely to the governor's office, April 1, 2004.
[75] Baltimore City Board of Liquor License Commissioners: records of bars charged with gambling violations.
[76] Interview with George Abendschoen, administrator of the Baltimore County Board of Liquor License Commissioners.
[77] *The Sun*, January 8, 1999; Inspector Got Money, Jurors Told; Witness Testified City Liquor Official Stuffed Cash in His Pockets by Walter F. Roche Jr.
[78] Ibid.
[79] Liquor Board records for 1100 Washington Boulevard.
[80] City Police report #049L003872.
[81] Interview with Baltimore City Vice Sgt. Craig Gentile.
[82] City police report #049107955.
[83] Interview with Gentile.
[84] City liquor board file for 3603-05 Fairhaven Avenue.
[85] City police report #044FO5173, City liquor board files for 4332 Erdman Avenue.
[86] Interview with Gentile.
[87] City liquor board files for 4332 Erdman Avenue.
[88] City police report #044E16693.
[89] City liquor board files and interview with Gentile.
[90] Liquor board files for 4901 Frankford Avenue.
[91] City police report #044F04458.
[92] Interview with Gentile.
[93] Liquor Board records for 5911 Belair Road.
[94] *The Sun*, May 20, 2005, Boiler Company Owner Pleads Guilty to Fraud by Laura Loh; Baltimore City liquor board records for 413 S. Conkling Street.
[95] Baltimore City liquor board agendas, 2004, 2005; *The Sun*, August 17, 2005 City Liquor Board is Not Enforcing State law by Lynn Anderson.
[96] Interviews with city and county vice detectives.
[97] Baltimore County vice detectives.
[98] Interview with Gentile.
[99] Baltimore City police report #053A6943.
[100] Ibid.
[101] Interview with Gentile.
[102] City police report #053F5048.
[103] City collection division's licensing records.
[104] County vending license registration records.
[105] United States District Court, District of Maryland- Northern Division, Affidavits in Support of Warrants #05-0438-BPG, #05-0441-BPG.
[106] United States District Court, District of Maryland-Northern Division, Seizure Warrant #05-4490-BPG.

[107] Raids were conducted in February, 2005 at the Baltimore Travel Center, 5501 O'Donnell Street, the Elkton Travel Center at Airport Road and Rt. 279 in Elkton; and the Baltimore South Travel Center at I-95 and Rt. 175 in Jessup.
[108] Federal Seizure Warrant #05-0441-BPG.
[109] Title 18 U.S.C. Section 1955, Title 18 U.S.C. Section 1956; Maryland Criminal code Section 12-301, 302.
[110] Baltimore City Zoning Code, section 13-610 Amusement Devices.
[111] Interview with Donald Small, Baltimore zoning administrator.
[112] The city zoning code allows 1 machine with up to 600 square feet and 2 machines for more than 600 square feet.
[113] Interview with Mary Ann Uhl, Baltimore Department of Finance, customer service supervisor, bureau of treasury management, collection division.
[114] City Council Bill 05-0294 introduced November 21, 2005 at the request of the Baltimore Licensed Beverage Association and sponsored by nine council members.
[115] Interviews with Gentile, Uhl, violation notices given to vending companies, and spot checks by Abell researcher.
[116] Interview with Marvin Gyr, supervisor of business and amusement inspections for Baltimore County and comparison of county amusement device licenses with county zoning code.
[117] Interview with John Vontran.
[118] Maryland Campaign Finance law, Chapter 7.2 Contribution Limits.
[119] State of Maryland V. One Hundred and Fifty-Eight Gaming Devices, Court of Appeals, November 7, 1985
[120] *Washington Post*, Reports of Illegal Slots Probed in Pr. George's; Lawmakers Told of Dozens of Sites, by Hamil R. Harris and Matthew Mosk.
[121] Ibid.
[122] *Pittsburg Post-Gazette*, November 7, 2004, Local Businesses Fear their Gaming Odds, Police Ambivalence Toward Illegal Gambling Expected to Change by Joe Smydo.
[123] U.S. Attorney's Philadelphia office, Press Release, January 2, 2004.
[124] Ibid.
[125] Associated Press, 8/22/05 from sescurityinfowatch.com.
[126] Ibid.
[127] Golden State Career Videos – slot machine repair: 64.57.102.78/CALGOLD2/calcareer/slot_rpr.html
[128] Technical Standards for Gaming Devices and On-Line Slot Systems from the Nevada Gaming Control Board; - Gaming Statutes and regulations.
[129] Interview with Ed Suter, Chief Operating Officer for Dover Downs.
[130] *Pittsburg Post-Gazette*, City Considers Applying for Slot Machine License, September 15, 2005 by Rich Lord.
[131] Interviews with Ed Suter and Wayne Lemons, Director of the Delaware Lottery.
[132] Lemons.
[133] *North County Times*; Local Tribes Part of $1 Billion Deal with State, June 21, 2004 by Edward Sifuentes
[134] Americangaming.org/diversity/vendors/licensing.cfm.

"Integrity...Fairness...Service"

BALTIMORE COUNTY POLICE DEPARTMENT
CRIME REPORT

1. DIV: VNS | 2. PC: 08 | 3. CC NUMBER: 07-109-0681

4. OFFENSE / INCIDENT: GAMBLING VIOLATION | BF CODE: (A18) | 5. LOCATION OCCURRED: 8326 HARFORD ROAD | CITY / STATE / ZIP: 21234 | 6. TYPE OF PREMISE: BUSINESS

7. TIME OCCURRED	M. 04	D. 19	Y. 07	TIME(S) 1045	DAY(S) THU	8. TIME REPORTED	M. 04	D. 19	Y. 07	T. 1100	D. THU

9. VICTIM / FIRM NAME (LAST, FIRST, MIDDLE): BALTIMORE COUNTY POLICE DEPARTMENT | SEX / RACE / DATE OF BIRTH: N/A | 10. VICTIM / FIRM ADDRESS: 700 EAST JOPPA ROAD 21286 | CITY / STATE / ZIP

11. VICTIM EMPLOYMENT / SCHOOL (ADDRESS)	12. OCCUPATION / HOURS	13. SOBRIETY	14. RESIDENCE TELEPHONE	15. BUSINESS TELEPHONE	16. NO. OF VICTIMS
N/A	N/A -	N/A	N/A	410-887-1870	1

17. NATURE OF INJURY(IES) | CONDITION | 18. FORCE / WEAPON USED | 19. VICTIM HOSPITALIZED / WHERE? | PHYSICIAN

20. CID INVESTIGATOR | 21. MEDICAL EXAMINER | 22. PROPERTY DISPOSITION | 23. BODY DISPOSITION

24. INVESTIGATIVE INTERVIEWS: INTERVIEWS CONDUCTED? ☒ YES OR ☐ NO (IF NO, EXPLAIN IN NARRATIVE) — RELATION: W = WITNESS / V = VICTIM / C = COMPLAINANT / P = PARENT / G = GUARDIAN / I = INTERVIEW / CH = CHILD

NAME	SEX / RACE / AGE - DOB	ADDRESS	RESIDENCE TELEPHONE	BUSINESS TELEPHONE	FACTOR(S)	RELATION
1. SGT. SHOUL #2841	N/A	S/A#10	N/A	S/A#15		W
2. DET. WILLIAMS #2693	N/A	S/A #10	N/A	S/A #15		W
3. DET. RUFFINO #4136	N/A	S/A #10	N/A	S/A #15		W

A. 12

25. SUSPECT(S)

25-1. SUSPECT ONE: ARRESTED? ☒ Y ☐ N — WEAPON DESCRIPTION:

NAME (LAST, FIRST, MIDDLE): BUSCHMANN, WALTER JOSEPH | ALIAS:
ADDRESS: 3101 POLSKA ROAD ABINGDON, MD 21009 | TELEPHONE: 410-908-7924

SEX	RACE	DOB/AGE	HT.	WT.	BUILD	EYES	COMP	HAIR & STYLE
M	W	10/14/1944	6-02	300	LG	GRN	MED	GRY/BALDING

CLOTHING / CHARACTERISTICS: BLACK SHIRT, GRAY SHORTS
MISCELLANEOUS: LIC#B-255-666-441-790 | AGENCY / CONTACT NO.: 0707321
RELATIONSHIP: NONE | ID / SS NO.: 032543

25-2. SUSPECT TWO: ARRESTED? ☒ Y ☐ N — WEAPON DESCRIPTION:

NAME (LAST, FIRST, MIDDLE): KOTCHENREUTER, CLINTON MICHAEL | ALIAS:
ADDRESS: 7901 PULASKI HIGHWAY 21237 | TELEPHONE: 410-908-6420

SEX	RACE	DOB/AGE	HT.	WT.	BUILD	EYES	COMP	HAIR & STYLE
M	W	02/17/1948	5-09	180	MED	BRN	MED	BRN/MED

CLOTHING / CHARACTERISTICS: BLUE SWEATSHIRT, BLUE JEANS
MISCELLANEOUS: LIC#K-325-119-603-126 | AGENCY / CONTACT NO.: 0707320
RELATIONSHIP: NONE | ID / SS NO.: 108215

D. 0

26. SUSPECT VEHICLE

VEHICLE: ☐ SUSPECT ☐ TARGET ☐ STOLEN ☐ RECOVERY ☐ OTHER

27. YEAR | 28. MAKE | 29. MODEL | 30. STYLE | 31. COLOR (TOP / BOTTOM) | 32. EQUIPMENT / CHARACTERISTICS

33. VIN | 34. REGISTRATION INFORMATION: STATE / YEAR / TAG | 35. TAG ☐ LOST ☐ STOLEN

36. METHOD OF THEFT / EVIDENCE OF TAMPERING | 37. VEHICLE OWNER | 38. LOSS VALUE

39A. DATE OF RECOVERY | 39B. LOCATION OF RECOVERY (ADDRESS) | PC | 40. RECOVERED BY: | 41. RECOVERY VALUE

42. TOW COMPANY / STORAGE LOCATION (COMPANY NAME & ADDRESS) | DATE / TIME / DRIVER | 43. VEH. PROCESSED? ☐ YES OR ☐ NO | 44. VEHICLE HELD? ☐ YES OR ☐ NO | 45. TELEX NUMBER

46. CRIME SCENE TECHNICAL WORK: ☐ NONE ☐ CRIME LAB ☒ FIELD TYPE: PHOTOGRAPHS

C. 0

PHYSICAL EVIDENCE

47. POINT OF ENTRY: N/A | 48. DIRECTION & MEANS OF TRAVEL: N/A | 49. PROPERTY DESTROYED: NONE | 50. LOSS VALUE (DESTROYED PROP.): N/A

51. TOOLS / MEANS USED (BE SPECIFIC): N/A | 52. SECURITY SURVEY INFORMATION: ☐ REQUESTED ☐ COMPLETED ☐ REFUSED ☐ OTHER

D. 0

STOLEN PROPERTY

53. ITEM NO.	PROPERTY TAKEN	DESCRIPTION / BRAND / IDENTIFYING MARKS, ETC.	LOCATION IN PREMISE	MODEL / SERIAL NUMBER (INDICATE WHICH)	VALUE

54. ARE SIMILAR CRIMES/SUSPECT ACTIONS KNOWN? ☐ YES OR ☒ NO IF YES, LIST RELATED CC NUMBERS: | 55. TOTAL LOSS VALUE

E. 0

ANY FORM OF M.O. PRESENT? IF YES, DESCRIBE IN NARRATIVE

55.1 PROSECUTION? ☒ YES OR ☐ NO | 55.2 WARRANT / SUMMONS / EX-PARTE EXPLAINED? ☐ YES OR ☒ NO | 55.3 FOUND/RECOV. PROPERTY SYSTEM SEARCH? ☐ YES OR ☐ NO | 55.4 FOLLOW-UP SEARCH REQUIRED? ☐ YES OR ☐ NO

56. MISCELLANEOUS: EVIDENCE OBTAINED IN REFERENCE TO ONGOING GAMBLING INVESTIGATION

56.1 NO. CRIME VICTIM/WITNESS BROCHURE ISSUED? ☐ YES OR ☒ NO | 57. CASE ASSIGNMENT: NBU | 58. TOTAL SCREENING FACTORS: 12 | 59. CC NUMBER: 07-109-0681

60. INVESTIGATING OFFICER: DET. C. MONTGOMERY | ID#: 4202 | 62. SUPERVISOR'S APPROVAL: [signature] | ID#: 3062 | 62.1 INVESTIGATION COMPLETE? (CIRCLE) YES OR NO | 63. DATE APPROVED: 4/24/07

64. REPORT SUBMITTED: File Ref. ___ cb ___ dau ___ other DC | 64. REPORT REVIEW OFFICER ID #: 2212 | 65. REPORTING AREA: 080620 | 66. DATE RECEIVED AT RECORDS: MAY 01 2007 | 67. | 68. TELEX NUMBER | 69. CASE STATUS (CIRCLE): OPEN / CLEAR / SUSPENDED / CLOSED

Form #10 (Rev. 03/03)

4/30/07
04293

PROTESTANT'S
EXHIBIT NO. 2

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP — 8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / SCI NUMBER / MISCELLANEOUS INFORMATION	10.1a. VICTIM
NO. 2			[ ] ADULT [ ] JUVENILE

11a. REF. BLOCK NUMBER	12a. NARRATIVE
	8326 HARFORD ROAD 21234

25-3 Arrested: No
Harrison, Steven Robert
3123 Acton Road, 21234 (H)410-668-0271 (C)443-955-9220
M, W, DOB: 09/20/1964, 5-07, 147 lbs., small, brn., med., brn./med.
Red hat, black jacket, black pants
Misc: Lic#H-625-777-745-729
Relationship: none

25-4 Arrested: No
DeSantis, Francis James
9310 Ravenridge Road, 21234 (H)410-296-5713
M, W, DOB: 06/13/1940, 5-10, 200 lbs., med., brn., med., gry./balding
Black jacket, multi color sweater, blue jeans
Misc: Lic#D-253-261-367-442
Relationship: none

25-5 Arrested: No
Pennacchia, Anthony Henry
4816 Brightleaf Court, 21237 (C)443-678-1168
M, W, DOB: 07/08/1951, 6-00, 300 lbs., lg., brn., med., gry./med.
Red shirt, tan pants
Misc: Lic#P-520-067-303-567
Relationship: none

25-6 Arrested: No
DeFrancesco, Wayne Louis
4501 Loerssen Road, 21206 (H)410-804-4356
M, W, DOB: 01/18/1964, 6-04, 275 lbs., lg., brn., med., brn/short
Dark colored shirt, blue jeans
Misc:Lic#D-165-866-549-050
Relationship: none

Since the year 2003, the Baltimore County Police Department Vice Unit has received several complaints in reference to illegal gambling occurring in the Parkville area of Baltimore County, Maryland. These complaints stated that a subject known as Walter Buschmann is the owner and operator of a location known as "Let's Play" that has

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	18a. CASE STATUS (CIRCLE ONE) OPEN SUSPENDED SUP. CLOSED
17a. REPORT DISTRIBUTION Rec. Vol. ___ CID ___ Pat ___ Div ___ Other ___	19a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202 ID#			19a. SUPERVISORY APPROVAL ID# 3402		20a. DATE 4-24-07				
	21a. REPORT REVIEW OFFICER	22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS		24a. TELEX NUMBER				

07-109-0681

Form e11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	5a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	6a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP — 8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

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9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	18. VICTIM
NO. 3		ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 HARFORD ROAD 21234	

numerous electronic gambling devices (EGD's) inside. "Let's Play" is located at 8326 Harford Road Parkville, Maryland 21234. This complaint also stated that Buschmann pays out U.S. Currency to patrons/customers when they win points/credits while playing the electronic gambling devices. During these investigations detectives learned that Defendant Walter Lee Buschmann is the owner/operator of "Let's Play".

During the month of April 2007 members of the Baltimore County Police Department were able to infiltrate the illegal gambling organization known as "Let's Play", which is located at 8326 Harford Road in the Parkville area of Baltimore County, Maryland 21234. During this undercover operation detectives were able to obtain evidence that the illegal gambling activity was in fact occurring at this location.

On 04/18/07 Detective Montgomery and Detective Ruffino presented an application for a search and seizure warrant for the premise of 8326 Harford Road ("Let's Play") in the Parkville area of Baltimore County, Maryland 21234. The application was presented to the Honorable Judge Jung of the Baltimore County District Court. The Honorable Judge Jung reviewed and signed the valid search and seizure warrant for 8326 Harford Road ("Let's Play").

On 04/19/07 at approximately 1003 hours Detective Williams #2693 entered 8326 Harford Road ("Let's Play") in an undercover capacity. Detective Williams was supplied with U.S. Currency taken from the Baltimore County Police Department Vice/Narcotics Investigative fund. The serial numbers on the currency were recorded prior to this incident. Once inside, Detective Williams proceeded to the back room of the location where all of the electronic gambling devices are located. Detective Williams placed $20.00 (a twenty dollar bill) into the multi currency acceptor of machine #12. The electronic gambling device registered 400 points/credits valuing each point/credit at five cents each. Detective Williams continued playing winning and losing points/credits until all points/credits were lost and the points/credits registered zero. Detective Williams then walked over to machine #11 and inserted $20.00 (a twenty dollar bill) into the multi currency acceptor. The electronic gambling device registered 400 points/credits valuing each point/credit at five cents each. Detective Williams continued playing winning and losing points/credits until the points/credits registered 610 points/credits. At this time, Detective Williams walked to the front room and met with Defendant Clinton Kotchenreuter who was seated behind the desk near the cash register. While speaking with Defendant Kotchenreuter, Detective Williams observed several white male subjects including Defendant Walter Buschmann seated at a table playing a card game. Detective Williams told Defendant Kotchenreuter that she had won on the electronic gambling device that she was playing. Defendant Kotchenreuter asked Detective Williams how many points she won, at which time she told Defendant Kotchenreuter that she had "610". Defendant Kotchenreuter removed $30.00 from the cash registered and handed it to Detective Williams. Defendant Kotchenreuter asked Detective Williams if she had played the points down to an even number. Detective Williams advised that she did not, but stated she wasn't worried about the change. It should be noted that the table that

SCREENING FACTORS	15a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	18a. CASE STATUS (CIRCLE ONE) OPEN SUSPENDED INAC. CLOSED
19a. REPORT DISTRIBUTION Rev. Ref. ___ CID ___ FOU ___ CAU ___ OTHER ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202			IDS	19a. SUPERVISOR'S APPROVAL		IDS 3062	20a. DATE 4/24/07		
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS		24a. TELEX NUMBER			

3a. CC NUMBER 07-109-0681

Form 811 (Rev. 03/03)

"Integrity...Fairness...Service"

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

1a. DIV	2a. RC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP — 8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. 4	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 HARFORD ROAD 21234	

Defendant Walter Buschmann was seated at is located within five feet of the cash register and is in eye sight of the cash register. Based on Defendant Buschmann's location and what he was able to see, Detective Williams knows that Defendant Buschmann was aware that Defendant Kotchenreuter was making the payout to Detective Williams. Defendant Kotchenreuter then walked back to the machine that Detective Williams was playing and showed her how to play the points/credits to an even number. Defendant Kotchenreuter then played the machine's points/credits down to 600 points/credits. Defendant Kotchenreuter then used a key to activate the "knock off" feature in order to remove the 600 points/credits. The term "knock off" is a term used to describe the feature on the electronic gambling devices in which the points/credits are removed from the machine. Detective Montgomery knows through his training, knowledge and experience that individuals who pay out money to patrons/customers for winning when playing the illegal electronic gambling devices will commonly request or require that the patron/customers play the points/credits to an even hundred points. Detective Montgomery also knows through his training, knowledge and experience that these subjects activate the "knock off" feature in order to remove the points/credits in order to keep other patrons/customers from getting a pay out for points/credits that they did not win. Detective Williams then gave the pre-determined bust signal, at which time Detective Montgomery and other members of the Baltimore County Police Department prepared to make entry.

Detectives approached the front door and rang the door bell, at which time the door was opened by Detective Williams. At approximately 1045 hours Detective Montgomery and other members of the Baltimore County Police Department made entry into the location. Upon entry detectives located several subjects in the front room of the location. Defendant Kotchenreuter was seated at a desk behind the cash register, Defendant Buschmann was seated at a table with three other male subjects. These male subjects were identified by valid Maryland license/identification cards as Francis James DeSantis w/m DOB: 06/13/1940, Anthony Henry Pennacchia w/m DOB: 07/18/1951, and Wayne Louis DeFransesco w/m DOB: 01/18/1964. Detectives also observed that there were several cards on the table in front of the subjects along with a yellow pad of paper with writing on it. Detectives also located a white male identified as Steven Robert Harrison w/m DOB: 09/20/1964 seated at a table near the entrance to the back room. The above listed subjects were secured in the front room of the location.

The following officers made entry into the location:

Lieutenant McGann #4293	Supervisor	Baltimore County Police Department
Sergeant Shoul #2841	Supervisor	Baltimore County Police Department
Detective Claypoole #3460	Searcher	Baltimore County Police Department
Detective Montgomery #4202	Affiant/searcher	Baltimore County Police Department
Detective Ruffino #4136	Affiant/searcher	Baltimore County Police Department
Detective Norris #2276	AVNT	Baltimore County Police Department
Officer Borman #3383	Security	Baltimore County Police Department

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE	
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS 12	19a. CASE STATUS (CIRCLE ONE) OPEN CLEAR SUSP. CLOSED
9a. REPORT DISTRIBUTION: Sup. Mgt. ___ DO ___ PCB ___ CMI ___ OTHER ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY	ID# 4202		19a. SUPERVISOR'S APPROVAL		ID# 7062	20a. DATE 4/20/07		
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520	23a. DATE REC'D BY CENTRAL RECORDS		24a. TELEX NUMBER			

07-109-0681

Form e11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

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9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	10.1a VICTIM
NO. 5		ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE

11a. REF. BLOCK NUMBER	12a. NARRATIVE
	8326 HARFORD ROAD 21234

At approximately 1050 hours, Detective Montgomery read the valid search and seizure warrant aloud to Defendant Buschmann and the other subjects in the location. Detective Montgomery then read the subjects their rights per Miranda, as well as the "valuables statement" to Defendant Buschmann. Defendant Buschmann and Defendant Kotchenreuter advised that they understood their rights and signed "Miranda Rights" warning form. Defendant Buschmann advised that he was not aware of any large sums of money, and that there were no weapons at the location. Prior to searching the location Defendant Buschmann stated "If you guys keep coming here, I will have to go to work for a living."

Prior to searching the location, Detective Montgomery and Detective Claypoole interviewed the subjects located inside of the location. Detectives spoke with Steven Harrison, who advised that he has been coming to the location (8326 Harford Road) for a couple of years, four or five times a week. Harrison also advised that he knows Defendant "Walter" Buschmann through Francis "Jimmy" DeSantis. Harrison has been friends with DeSantis for approximately 27 years. Harrison further advised that he plays the electronic gambling devices located in the back room at this location. Harrison also advised that he has received payouts for winning on the electronic gambling devices. Harrison further stated that he has received monetary payouts from Defendant "Walter" Buschmann as well as Defendant "Clinton" Kotchenreuter. Additionally Harrison has seen Defendant Buschmann pay other patrons/customers when they win on the electronic gambling devices.

Detective Montgomery and Detective Claypoole then spoke with Anthony Pennacchia in reference to the activities occurring at the location. Pennacchia advised that he has been coming into the location (8326 Harford Road) since it opened a couple of years ago. Pennacchia advised that he comes 3 to 4 times a week to "play cards". Pennacchia further advised that he, Defendant Buschmann, and Francis DeSantis play a card game called "Pitch" and that they play for a "couple of dollars" here and there.

Detective Montgomery and Detective Claypoole then spoke to Francis James DeSantis in reference to the activities occurring at the location. DeSantis advised that he has been coming to the location almost every day for the last 2 to 3 years. DeSantis further advised that he has been friends with Defendant Buschmann for approximately 40 years. Detectives asked DeSantis if he plays the electronic gambling devices, at which time he stated that he does not play them. DeSantis advised that he has seen other patrons/customers in the location who play the electronic gambling devices. Detectives asked DeSantis if he had ever seen a patron/customer receive a payout from winning on the electronic gambling devices. DeSantis advised that he knows it is illegal to payout on the machines, but he has never seen a payout at this location. DeSantis further stated "I don't pay attention to it." DeSantis advised that he comes to the location to get together with his friends and play cards. When asked what card game he was playing when detectives entered, he replied "Pitch".

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14b. TOTAL SCREENING FACTORS	12	15a. CASE STATUS (CIRCLE ONE) OPEN SUSPENDED CLOSED
17a. REPORT DISTRIBUTION Det. By ___ CID ___ Vice ___ Gen ___ Other ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY	4202			19a. SUPERVISOR'S APPROVAL			ID# 3062	20a. DATE 4/24/07	
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 060520		23a. DATE REC'D BY CENTRAL RECORDS			24a. TELEX NUMBER		

07-109-0681

Form s11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

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9a. PAGE NO. 6	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 HARFORD ROAD 21234	

After being read his rights per Miranda, Defendant Kotchenreuter voluntarily waived his rights and agreed to speak with detectives. Defendant Kotchenreuter advised that he has been working at "Let's Play" (8326 Harford Road) on and off for approximately 2 years. Defendant Kotchenreuter advised that he works there 4 or 5 days a week and that he usually comes in around 1200 hours. Defendant Kotchenreuter advised that he has paid patrons/customers for winning on the electronic gambling devices on more than one occasion. Defendant Kotchenreuter advised that Defendant Buschmann has told him to pay out and also taught him how. Defendant Kotchenreuter advised that he was told to pay the patrons/customers 5 cents for each "game" (credit/point) that they win. Defendant Kotchenreuter advised that he will then "knock off" (remove/clear) the "games" (points/credits) causing the machine to register zero. Defendant Kotchenreuter pays the patrons/customers with money (U.S. Currency) that is taken from the cash register located on the front desk and that he keeps a record on a sheet of paper. This documentation (record) shows the amount of money (U.S. Currency) paid out and the number of the machine the payout is in correlation to. Defendant Kotchenreuter advised that the last time he paid a patron/customer for winning on a machine was on this date (04/19/07), at which time he paid a female $30.00. Defendant Kotchenreuter also advised that this sheet of paper is kept near the cash register and the old sheets are kept in the desk drawer. Defendant Kotchenreuter also advised that money (U.S. Currency) is kept in the desk drawer. Detective Montgomery asked Defendant Kotchenreuter if he knew that these actions were illegal gambling, at which time he advised "yes". When asked about the card games the subjects were playing when detectives entered, Defendant Kotchenreuter advised that he did not know a lot about it. Defendant Kotchenreuter advised that the card game was called "Pitch" and that subjects play there almost every day. Defendant Kotchenreuter further advised that the players will sometimes play for "5 or 10" or "10 or 20" a hand, and that the card players settle up the money for the winnings after the game is over. The players also keep track of who wins and the points won on a sheet of paper which is how they know who gets what amount of money (U.S. Currency).

Detective Montgomery knows through his training, knowledge and experience and based on the activities occurring when officers made entry as well as the statements made by the subjects who were interviewed that illegal gambling was taking place during the card game. Additionally, Detective Montgomery knows through his training, knowledge and experience that the money recovered from each subject is money that was being used in connection with illegal gambling. The amount of money recovered from these subjects is listed below in the list of items found.

A search of the location revealed the following items:

ITEM	LOCATION
1- "Fruit Paradise" EGD	back room

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	18a. CASE STATUS (CIRCLE ONE) OPEN CLEARED INACTIVE CLOSED
17a. REPORT DISTRIBUTION	19a. INVESTIGATING OFFICER DET. C. MONTGOMERY	4202	ID#	19a. SUPERVISOR'S APPROVAL			ID# 3062	20a. DATE 4/24/07		
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 08D52D	23a. DATE REC'D BY CENTRAL RECORDS			24a. TELEX NUMBER			

07-109-0681

Form 811 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	10.1a VICTIM
NO. 7		ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE

11a. REF. BLOCK NUMBER	12a. NARRATIVE
	8326 HARFORD ROAD 21234

Det. Ruffino #4136

ITEM	LOCATION
2- "Turbo Poker" EGD	back room Det. Ruffino #4136
3- "New Cherry 96" EGD	back room Det. Ruffino #4136
4- "Bugs Fever"	back room Det. Ruffino #4136
5- "Texas Hold Em" EGD	back room Det. Ruffino #4136
6- "Fruit 96 Bonus" EGD	back room Det. Ruffino #4136
7- "Crazy Bugs" EGD	back room Det. Ruffino #4136
8- "New Cherry 96" EGD	back room Det. Ruffino #4136
9- "Fruit Paradise" EGD	back room Det. Ruffino #4136
10- "Fruit Paradise" EGD	back room Det. Ruffino #4136
11- Cherry Master" EGD	back room Det. Ruffino #4136

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE	
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	15a. TOTAL SCREENING FACTORS 12	16a. CASE STATUS (CIRCLE ONE) OPEN CLOSED

17a. REPORT DISTRIBUTION Pol. Hdq. ___ CID ___ NBU ___ SAU ___ Other ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202 ID#	19a. SUPERVISOR'S APPROVAL ID# 3567	20a. DATE 4/24/07	07-109-0681
	21a. REPORT REVIEW OFFICER	22a. REPORTING AREA 080520	23a. DATE REC'D BY CENTRAL RECORDS	24a. TELEX NUMBER

Form e11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PD	3a. CC NUMBER
VNS	08	07-109-0881

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 18 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. 8	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REP. BLOCK NUMBER	12a. NARRATIVE	8326 HARFORD ROAD 21234	

12- "Fruit Bonus 96" EGD — back room, Det. Ruffino #4136

13- "Winners Touch" EGD — back room, Det. Ruffino #4136

ITEM	LOCATION
14- "Touch O'Luck" EGD	back room, Det. Ruffino #4136
15- "Crazy Bugs" EGD	back room, Det. Ruffino #4136
16- "Fruit Bonus 96" EGD	back room, Det. Ruffino #4136
17- "Fantasy 5" EGD	back room, Det. Ruffino #4136
18- "Animal Bonus" EGD	back room, Det. Ruffino #4136
19- "Crazy Bugs" EGD	back room, Det. Ruffino #4136
20- EGD (generic)	back room, Det. Ruffino #4136
21- U.S Currency $2960.00	from Anthony Pennacchia's person, Det. Claypoole #3460

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		07-109-0881
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	15a. CASE STATUS (CIRCLE ONE) OPEN CLOSED SUSP.
17a. REPORT DISTRIBUTION Sec. Ret. ___ CD ___ PDU ___ CMF ___ OTHER ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202			ID#	19a. SUPERVISOR'S APPROVAL		ID# 3762	20a. DATE 4/24/07		
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS		24a. TELEX NUMBER			

Form e11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP — 8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	16,1a VICTIM
NO. 9		ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8325 HARFORD ROAD 21234	

22- U.S. Currency $2704.00 — from Francis DeSantis, Det. Claypoole #3460

23- U.S. Currency $10.00 — inside EGD #1, Det. Montgomery #4202

ITEM	LOCATION
24- U.S. Currency $.75	inside EGD #2, Det. Montgomery #4202
25- U.S. Currency $35.00	inside EGD #4, Det. Montgomery #4202
26- Manual	inside EGD #4, Det. Montgomery #4202
27- U.S.Currency $7.00	inside EGD #5, Det. Montgomery #4202
28- U.S. Currency $246.00	inside EGD #10, Det. Montgomery #4202
29- U.S. Currency $20.00	inside EGD #11, Det. Montgomery #4202
30- Manual	inside EGD #11, Sgt. Shoul #2841
31- U.S. Currency $15.00	inside EGD #12, Det. Montgomery #4202

SCREENING FACTORS	12a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE	07-109-0681
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	18a. TOTAL SCREENING FACTORS 12	18. CASE STATUS (CIRCLE ONE) OPEN / SUSP. / CLOSED
17. REPORT DISPOSITION Adv. No. ___ CS ___ Adj ___ Cont ___ Other ___	19a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202			19b. SUPERVISOR'S APPROVAL				20a. DATE 4/24/07	
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520	23a. DATE REC'D BY CENTRAL RECORDS			24a. TELETYPE NUMBER		

Form #11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. 10	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REP. BLOCK NUMBER	12a. NARRATIVE	6328 HARFORD ROAD 21234	

32- U.S. Currency $5.00 — Inside EGD #14, Det. Montgomery #4202

33- U.S. Currency $25.25 — Inside EGD #15, Det. Montgomery #4202

ITEM	LOCATION
34- U.S. Currency $50.00	inside EGD #16, Det. Montgomery #4202
35- U.S. Currency $16.00	inside EGD #18, Det. Montgomery #4202
36- U.S. Currency $.50	inside EGD #17, Det. Montgomery #4202
37- U.S. Currency $5.00	inside EGD #20, Det. Montgomery #4202
38- Shredded	in shredder behind desk, Det. Montgomery #4202
39- Gambling records, bank documents, decks of cards	top left desk drawer, Det. Montgomery #4202
40- Payout records	top of refrigerator, Det. Montgomery #4202
41- Bank records, payout records, EGD permits, residency	bottom left desk drawer, Det. Claypoole #3460
42- U.S. Currency $2000.00	top right desk drawer, Det. Montgomery #4202

SCREENING FACTORS	13a. TOTAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	17a. CASE STATUS (CIRCLE ONE) OPEN SUSP. CLOSED
17b. REPORT DISTRIBUTION: SIA Mgr. ___ CID ___ PDI ___ CAU ___ OPACH ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202 IDW				19a. SUPERVISOR APPROVAL			IDW 3062	20a. DATE 4/24/07	
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS			24a. TELEX NUMBER		

07-109-0681

Form s11 (Rev. 03/03)

"Integrity, Fairness, Service"

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

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9a. PAGE NO. 11	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / SID NUMBER / MISCELLANEOUS INFORMATION	10.1a. VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8328 HARFORD ROAD 21234	

43- Payout records, meter readings, receipts — top right desk drawer, Det. Montgomery #4202

ITEM	LOCATION
44- Cherry Master manual	file divider on desk, Sgt. Shoul #2841
45- Payout records	bottom right desk drawer, Det. Claypoole
46- Dollar bill cleaners in box	bottom right desk drawer, Det. Claypoole #3460
47- Payout records in folder	on desk, Det. Claypoole #3460
48- U.S. Currency $1960.00	cash register, Det. Montgomery #4202
49- Card game gambling records	on top of soda machine in front, Det. Montgomery #4202
50- U.S. Currency $180.00	from Buschmann's pocket, Det. Montgomery #4202
51- U.S. Currency $1,273.00	from Kotchenreuter's pocket, Det. Montgomery #4202

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS	12	17a. CASE STATUS (CIRCLE ONE) OPEN CLEAR SUSP. CLOSED
18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202 ID#					19a. SUPERVISOR'S APPROVAL ID# 3012			20a. DATE 4/24/07		
21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 060520			23a. DATE REC'D BY CENTRAL RECORDS			24a. TELEX NUMBER		

CC NUMBER 07-109-0681

Form s11 (Rev. 03/03)

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0661

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP — 8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. 12	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 HARFORD ROAD 21234	

52- Card game gambling record — on table where everyone was playing Det. Montgomery #4202

53- City article on illegal alcohol & slot machines seizures from 3/07 — on wall front area Det. Montgomery #4202

It should be noted that a twenty dollar bill ($20.00) that was taken from machine number 12 and a twenty dollar bill ($20.00) that was taken from machine number 11 were both identified as currency that was supplied to Detective Williams prior to entering the location on this date. This currency was identified by the serial numbers that were recorded prior to this incident. The two twenty dollar bills totaling $40.00 in U.S. Currency were recovered and returned to the Baltimore County Police Department Vice/Narcotics investigative fund. It should be noted that after reviewing the evidence, Detective Montgomery learned that one of the twenty dollar bills ($20.00) was actually recovered from machine number 10 and the other twenty dollar bill ($20.00) was recovered from machine number 11. Photo copies of the U.S. Currency used were made prior to this operation as well as after the U.S. Currency was recovered. Copies of these photo copies were packaged as evidence.

The above items were subsequently packaged as evidence per current Baltimore County Police Department evidence guidelines.

While detectives searched the location and recovered evidence, Detective Ruffino overheard Defendant Walter Buschmann making the following statements: "After the last time you guys hit the place, my business has never been the same." Defendant Buschmann also stated "those machines aren't worth dying over." Detective Ruffino also learned through talking to Defendant Buschmann that the location 8326 Harford Road ("Let's Play") is for sale. Defendant Buschmann further stated that a male previously identified as Michael Francis Diliello Jr., a white male with a date of birth of 07/29/1948 is going to purchase the property located at 8326 Harford Road.

Detective Montgomery and Detective Ruffino obtained a copy of the "Coin operated Amusement Device License Application" for "Let's Play" 8326 Harford Road. The application revealed that permits were issued for 17 devices (electronic gambling devices). It should be noted that during the search, detectives recovered 16 working machines (electronic gambling devices) and 2 machines (electronic gambling devices) that were unplugged and sitting in the front room of the location.

It should be noted that while detectives were searching the location, Defendant Buschmann made the following statements to Detective Ruffino: "I don't need no phone after you all were here last time. I don't need

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NINE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	15a. TOTAL SCREENING FACTORS	12	16a. CASE STATUS (CIRCLE ONE) OPEN CLEAR SUSP. CLOSED
17a. REPORT DISTRIBUTION Det. Sgt. ___ CID ___ PCU ___ CNU ___ OTHER ___	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY 4202 IOM			19a. SUPERVISOR'S APPROVAL Cpl. [illegible] IOM 3062				20a. DATE 4/24/07		
	21a. REPORT REVIEW OFFICER	22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS				24a. TELEX NUMBER		

07-109-0661

Form e11 (Rev. 03/03)

"Integrity...Fairness...Service"

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
GAMBLING VIOLATION A18	BALTIMORE COUNTY POLICE DEPARTMENT	04 / 19 / 07

7a. SUPPLEMENT STATUS: [X] CONTINUATION OR [ ] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS

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9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	10b. VICTIM
NO. 13		ARREST NUMBER / BCI NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE

11a. REF. BLOCK NUMBER	12a. NARRATIVE
	8326 HARFORD ROAD 21234

anyone getting me in trouble." Defendant Buschmann also asked "why you taking his money (Defendant Kotchenreuter), he wasn't playing cards." Detective Montgomery knows through his training, knowledge and experience that this statement made by Defendant Buschmann indicates that Defendant Buschmann was in fact playing "cards" for money.

Detective Montgomery attempted to speak with Defendant Buschmann, at which time Defendant Buschmann invoked his Miranda rights and advised that he did not wish to answer questions. Detective Montgomery ceased all questioning at this time. While seated near Detective Montgomery, Defendant Buschmann did make several statements in regards to "Let's Play" and the activities that occur there. Defendant Buschmann made the following statements in front of Detective Montgomery: "this cost me about thirty thousand"; "every since the last time you guys hit me, it hasn't been the same"; "I'm getting out of it anyway, even if you guys didn't come today, I was getting out of it"; "I have this place sold, and I'm getting into the restaurant business." Detective Montgomery knows based on the statements made by Defendant Buschmann, that he is the owner/operator of "Let's Play" located at 8326 Harford Road.

Detective Montgomery knows through his training, knowledge and experience that the actions depicted above are in violation of Sections 12-102 through 12-104 dealing with gambling and that the law relating to gambling as defined in Section 12-302 of the Criminal Law Article of Maryland as well as the laws dealing generally with the possession and operation of slot machines, and the laws relating to the registration of coin operated devices as defined in Title 4, Article 21 Sections 201 to 209 of the Baltimore County Code. Detective Montgomery also knows through his training, knowledge and experience that the machines possess the three elements of gambling-consideration, chance and reward. Additionally the devices possess, but are not limited to the following features unique to the promotion and operation of video gambling devices: multi-currency/coin feature, multiple bet feature, short duration of play, retention ratio, knock off feature and mislabeling. That all of the coin activated, free play devices, which involve the element of chance, and are equipped with the odds mechanism, or a meter for recording the number of free plays released, or other established indicia of a gambling device, are illegal slot machines, State of Maryland vs. 158 Gaming Devices, and are subject to forfeiture per se.

Defendant Walter Buschmann and Defendant Clinton Kotchenreuter were arrested and transported to Precinct 9 for processing. Both defendants were transported by Officer Borman.

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		07-109-0681
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	15a. TOTAL SCREENING FACTORS	12	16a. CASE STATUS (CIRCLE ONE) OPEN CLEAR INV. CLOSED
17a. REPORT DISTRIBUTION	18a. INVESTIGATING OFFICER DET. C. MONTGOMERY	4202	ID#	19a. SUPERVISOR'S APPROVAL		ID# 3062	20a. DATE 4/24/07			
	21a. REPORT REVIEW OFFICER		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS		24a. TELEX NUMBER			

Form e11 (Rev. 03/03)

"Integrity...Fairness...Service"

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
Gambling Violation A18	Baltimore County Police Department	04/19/07

7a. SUPPLEMENT STATUS: [ ] CONTINUATION OR [X] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS: None

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE)	10.1a VICTIM
NO N/A		BOOKING NUMBER / UID NUMBER / MISCELLANEOUS INFORMATION	[ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 Harford Road, 21234	

On 04/30/07 at approximately Detective Montgomery and other members of the Baltimore County Police Vice Unit transported the electronic gambling devices (evidence items #4202-001 through #4202-020) to a storage location where the machines are kept. While moving electronic gambling device evidence #4202-016, a quarter ($.25) fell out of the machine. Detective Montgomery recovered the quarter ($.25), photographed it and packaged the quarter and the photograph as evidence numbers #4202-029 and #4202-030. These items were packaged per current Baltimore County Police Department evidence guidelines.

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONG	
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	16a. TOTAL SCREENING FACTORS 12	15a. CASE STATUS (CIRCLE ONE) OPEN CLEAR INAC. CLOSED
17a. REPORT DISTRIBUTION: Sec. Det. 1 CO FOU 26 CIU OTHER	18a. INVESTIGATING OFFICER Det. C. Montgomery	ID# #4202	19a. SUPERVISOR'S APPROVAL		ID# 362	20a. DATE 5/3/07			
	21a. REPORT REVIEW OFFICER	22a. REPORTING AREA 080520	23a. DATE REC'D BY CENTRAL RECORDS MAY 07 2007			24a. TELEX NUMBER			

07-109-0681

Form e11 (Rev. 04/07)

CONSENT TO USE OF ELECTRONIC EAVESDROPPING EQUIPMENT
(Consensual Monitoring)

Case Investigator: Det. Montgomery 4202 Case # 07-V-049 and/or

Monitoring Officer: Sgt Shoul 2841 CC# 07-109-0681

Investigative Use Authorization

I, _____, hereby declare and affirm that I voluntarily consent to the use of electronic equipment on the _____ day of _____, 19_____ for the purpose of transmitting and/or recording conversations to which I am a party, in order to obtain evidence for the crime of _____, an enumerated offense specified in the Maryland Courts and Judicial Proceedings Article, § 10-401, *et seq.* I further declare and affirm that my involvement in this consensual monitoring is at the prior direction, and under the supervision and control, of members of the Baltimore County Police Department and/or authorized law enforcement officers of the federal government or other jurisdictions of this State.

Signature of Consenting Party: _____ Date: _____

Printed Name: _____

Witnessed By: _____

Law Enforcement Officer Safety Use Authorization

I, M.T. WILLIAMS (I.D.#) 2693, hereby declare and affirm that I voluntarily consent to the use of electronic monitoring equipment on this 19th day of April, 2007 for the purpose of transmitting conversations, of which I am a party, with the intention of enhancing the safety of law enforcement officers involved in an ongoing criminal investigation.

Signature of Consenting Officer: M. T. Williams Date: 4/19/07

Printed Name: MT WILLIAMS

Witnessed By: Det [illegible] 4202

Supervisory Approval: [illegible] (I.D.#) 3062 Date: 4/24/07

Equipment Used:	Registration Number(s):
TRANSMITTER	BA 1840
RECEIVER	BA 1660

Distribution: ORIGINAL -Case Folder or Informant Folder (*If Applicable*)
COPY -Intelligence Unit

Rev. 10/97

JM

BALTIMORE COUNTY POLICE DEPARTMENT
Arrest Report & Incarceration Log Form # E186

Subject: BUSCHMANN, WALTER JOSEPH
Page 1

Defendant's Name (Last, First, Middle): BUSCHMANN, WALTER JOSEPH
Race: WHITE
D.O.B.: 10/14/1944

Defendant's Address: 3101 POUSKA ROAD , ABINGDON, MD 21009
Arrest Time: 15:15
Precinct: 08
Arrest Date: 04/19/2007
Arrest No.: 0707321

Location of Arrest: 8326 HARFORD ROAD, PARKVILLE, MD 212342123
Home Phone #: (410) 908-7924
Alternate Phone #:

Description of Premises: RETAIL/SMALL BUSINESS
BCI Number: 032543
Date/Time Processed: 04/19/2007 17:03

Aliases:
Nicknames:

Age	Height	Weight	Build	Hair	Eyes	Teeth	Sex	Sobriety
62	6' 02"	300	LARGE/HEAVY	GRAY	GREEN	GOOD	M	SOBER

Facial Hair: MUSTACHE; NONE
S.S.N #: 219-42-3303
D.L. #: B-255-666-441-790
State: MD

Place Of Birth: BALTIMORE
Occupation: BUSINESS OWNER
Place of Employment/School: SELF

Scars/Marks/Tattoos

LOCATION	PART	TYPE	DESCRIPTION

Vehicle Make:
Vehicle Model:
Yr:
Vehicle Color:
V.I.N. #:
Tag & State: MD
Tow Company:

I.D.#	Arresting/Accepting Officer	I.D.#	Booking Officer
4202	DETECTIVE C. MONTGOMERY	4136	DETECTIVE S. RUFFINO
I.D.#	Transporting Officer	I.D.#	Searched By
3383	OFFICER BORMAN	2841	SGT. SHOUL
I.D.#	Record Section Person Contacted		
80071	LYONS		

CHARGE: Article Section	Case Number	BC Number	Report Only
GAMING- BUILDING OWNER/ OCCUPANT (CR 12-104(2)) ART: 12 SECT: 104	020005181276	071090681	
GAMING- KEEPING TABLE/ PLACE (CR 12-104(6)) ART: 12 SECT: 104	020005181276	071090681	
GAMING- KEEP TABLE/ PLACE (CR 12-104(1)) ART: 12 SECT: 104	020005181276	071090681	
SLOT MACHINE POSSESS/ MAINTAIN (CR 12-302) ART: 12 SECT: 302	020005181276	071090681	

Narrative
TRACKING #020005181276

Tr.# 020005181276

☐ Presently on Parole/Probation

BCDC # 64611

Distribution	Approved By:	ID #:	Div/Pct.	Date Submitted:
LEGAL DATA PROCESS CID PC INTEL OTHER FILE	[signature]	3462	VNS	4/24/07
	Report Review: 2712	Report Area:		Received Records Section:

BALTIMORE COUNTY POLICE DEPARTMENT
Arrest Report & Incarceration Log Form # E165

Subject: BUSCHMANN, WALTER JOSEPH
Page 1

Defendant's Name (Last, First, Middle)
BUSCHMANN, WALTER JOSEPH

Arrest # 0707321 BCI # 032543

Right Index Finger: Omitted to check

Strip Search	Date/Time	Authorized by	Conducted By
☐ Yes ☒ No	N/A	—	—

Witnessed By	Location Performed	Reason	Search Results
N/A	—	—	—

Officer Obtaining Trial Dates	ID #	Optional Date	Optional Date	Commissioner Contacted
Det Montgomery & Dz		N/A	—	N/A

Bail Hearing	Bail Hearing Transport Officer ID #	Bail Hearing Officer	ID #	Before Commissioner	Hearing Date/Time
☒ Yes ☐ No	Gilbert 3433	Gilbert	3433	Sindwk	4/19/07 2355

Bail Hearing Location	Bail Amount	Trial Date	Location of Trial
Essex	—		

Defendant Status
To Jail ☐ Released on Bail ☐ Released on Own Recognizance ☒ Released W/O Charge ☐ Arrested for OJ ☐ Other ☐

Received Date/Time	Screened Date/Time	By Whom
4/09/07 1630	4/9/07 1532	Cpl Shub 4844

69611

Date/Time	Activity	Officer Name/ID
4/9	Morning	Morgan 4/9
	RECOG.	

Distribution
LEGAL
DATA PROCESS
CID
INTELL
OTHER

Final Disposition of Prisoner: RECOG

Approved By:	ID	Div/Pd	Date Submitted
Cpl Shub	3062	VNS	4/24/07

BALTIMORE COUNTY POLICE DEPARTMENT

Prisoner Property Inventory Report Form

Prisoner Name (Last, First, Middle)
BUSCHMANN, WALTER JOSEPH

Precinct: 08
Arrest No.: 0707321
BCI Number: 032543

Prisoner Address
3101 POUSKA ROAD. ABINGDON
MD 21009-____

D.O.B.: 10/14/1944
Sex: M
Race: WHITE

Date/Time Processed: 04/19/2007 17:03
CC Number: 071090881

Pot. Code	Item Number	Qty	Article	Description	Finder/Witness Code
9	1	1	HAT, PURPLE	RAVENS VISOR TYPE	
9	2	17	KEYS, SILVER	ON RINGS	
9	3	1	OTHER, BLUE	BLUE PILL HOLDER	
9	4	1	OTHER, WHITE	VETERAN ID CARD	

Monies collected at booking = $.00

REMARKS:

I have witnessed the inventory of the articles itemized above, including all monies seized: X Walt Buschmann (Signature)

INVENTORY OFFICER: J. Cal Shea (Signature) 4844 (ID)

SUPERVISOR OFFICER: Cpl Smith (Signature) 3062 (ID)

PROPERTY RELEASE TO OWNER/REPRESENTATIVE

I, WALT BUSHMANN acknowledge receipt of property from Cpl. Smith 3433 and identified as items 1 through 4, as noted on this Property Inventory Form. I personally viewed all items being returned to me.

X Walt Buschmann (Signature) Date 4/20/07 Time 0910

X WALT Buschmann (Printed Name) 3101 POUSKA RD ABINGTON MD (Address)

PROPERTY TRANSFER

I acknowledge receipt of the above listed property items _____ through _____, as noted on this Property Inventory Form.

_____ (Signature) Agency _____ Date _____ Time _____

BALTIMORE COUNTY POLICE DEPARTMENT
Arrest Report & Incarceration Log Form # E168

Subject: KOTCHENREUTER, CLINTON MICHAEL
Page 1

Defendant's Name (Last, First, Middle)
KOTCHENREUTER, CLINTON MICHAEL

Race
WHITE

D.O.B.
02/17/1948

Defendant's Address
8326 HARFORD ROAD , PARKVILLE, MD 21234

Arrest Time
15:15

Precinct
08

Arrest Date
04/19/2007

Arrest No.
0707320

Location of Arrest
8326 HARFORD ROAD, PARKVILLE, MD 212342123

Home Phone #
(410) 908-5420

Alternate Phone #

Description of Premises
RETAIL/SMALL BUSINESS

BCI Number
106215

Date/Time Processed
04/19/2007 16:29

Aliases

Nicknames

Age	Height	Weight	Build	Hair	Eyes	Teeth	Sex	Sobriety
59	5' 09"	180	MEDIUM	BROWN	BROWN	IRREGULAR/	M	SOBER

Facial Hair
MUSTACHE-LIGHT; BEARD-LIGHT

S.S.N.#
212-52-9752

D.L. #
K-325-119-603-126

State
MD

Place Of Birth
BALTIMORE

Occupation
MANAGER

Place of Employment/School
LET'S PLAY

Scars/Marks/Tattoos

LOCATION	PART	TYPE	DESCRIPTION

Vehicle Make

Vehicle Model

Yr

Vehicle Color

V.I.N. #

Tag & State
MD

Tow Company

I.D.#	Arresting/Accepting Officer	I.D.#	Booking Officer
4202	DETECTIVE MONTGOMERY	4136	DETECTIVE S. RUFFINO
I.D.#	**Transporting Officer**	**I.D.#**	**Searched By**
3382	OFFICER BORMAN	2841	SGT. SHOUL
I.D.#	**Record Section Person Contacted**		
80011	LYONS		

CHARGE: Article Section	Case Number	CC Number	Report Only
GAMING- KEEP TABLE/ PLACE (CR 12-104(1)) ART: 12 SECT: 104	020005181280	071090681	
GAMING- KEEPING TABLE/ PLACE (CR 12-104(6)) ART: 12 SECT: 104	020005181280	071090681	
SLOT MACHINE POSSESS/ MAINTAIN (CR 12-302) ART: 12 SECT: 302	020005181280	071090681	

Narrative
TRACKING #020005181280

Tr.# 020005181280

☐ Presently on Parole/Probation

BCDC # 125667

Distribution	Approved By	ID #:	Div/Pct.	Date Submitted:
PC LEGAL DATA PROCESS CID INTELL OTHER File	[illegible]	3062	VNS	4/24/07
	Report Review 2212	Report Area		Received Records Section MAY 01 2007

BALTIMORE COUNTY POLICE DEPARTMENT
Arrest Report & Incarceration Log Form # E166

Subject: KOTCHENREUTER, CLINTON MICHAEL
Page 1

Defendant's Name (Last, First, Middle)
KOTCHENREUTER, CLINTON MICHAEL

Arrest # 0707320 BCI # 106215

Right Index Finger: 4/S

Strip Search	Date/Time	Authorized by	Conducted By
☐ Yes ☒ No	N/A	—	—

Witnessed By	Location Performed	Reason	Search Results
N/A	—	—	—

Officer Obtaining Trial Dates	ID #	Optional Date	Optional Date	Commissioner Contacted
MONTGOMERY	4202	—	—	N/A

Bail Hearing	Bail Hearing Transport Officer	ID #	Bail Hearing Officer	ID #	Before Commissioner	Hearing Date/Time
☒ Yes ☐ No	GIBBER	3433	GIBBER	3433	SMOLUK	4/20/07 0010

Bail Hearing Location	Bail Amount	Trial Date	Location of Trial
BSBV	—	Pending	TOWSON

Defendant Status
To Jail ☐ Released on Bail ☐ Released on Own Recognizance ☒ Released W/O Charge ☐ Arrested for OJ ☐ Other ☐

Received Date/Time	Screened Date/Time	By Whom
4/19/07 0530	4/19/07 1536	cfc Sheets 4846

125667

Date/Time	Activity	Officer Name/ID
4/19/07 1658	PLACED IN CELL	SHEETS
4/19	hearing.	3491

RECORD

Distribution
LEGAL
DATA PROCESS
CID
INTELL
OTHER

Final Disposition of Prisoner: RELEASED

Approved By:	ID	Div/Bureau	Date Submitted
[signature]	3002	VNS	4/24/07

BALTIMORE COUNTY POLICE DEPARTMENT

Prisoner Property Inventory Report Form

Prisoner Name (Last, First, Middle)
KOTCHENREUTER, CLINTON MICHAEL

Precinct: 08
Arrest No.: 0707320
BCI Number: 106215

Prisoner Address
8326 HARFORD ROAD, PARKVILLE
MD 21234-____

D.O.B.: 02/17/1948
Sex: M
Race: WHITE

Date/Time Processed: 04/19/2007 16:29
CC Number: 071090681

Pct. Code	Item Number	Qty	Article	Description	Prop Room Use
9	1	2	SHOE STRINGS, WHITE	NYLON LIKE	
9	2	1	JEWELRY, YELLOW	GOLD LIKE W/ ONYX TYPE STONE	
9	3	5	KEYS, SILVER	ON RING WITH BEEPER	
9	4	1	PHONE, SILVER	SAMSUNG	
9	5	1	OTHER, WHITE	MD ID	

Monies collected at booking = $.00

REMARKS:

I have witnessed the inventory of the articles itemized above, including all monies seized: X Clinton Kotchenreuter (Signature)

INVENTORY OFFICER: X C.J. Sheets (Signature) 4844 (ID)

SUPERVISOR OFFICER: Cpl [illegible] (Signature) 3162 (ID)

PROPERTY RELEASE TO OWNER/REPRESENTATIVE

I, X Clinton Kotchenreuter acknowledge receipt of property from Ofc. Gilberg 3433 and identified as items 1 through 5, as noted on this Property Inventory Form. I personally viewed all items being returned to me.

X Clinton Kotchenreuter (Signature) Date 04/20/07 Time 0115

X Clinton Kotchenreuter (Printed Name) 8326 Harford Rd. Address

PROPERTY TRANSFER

I acknowledge receipt of the above listed property items _____ through _____, as noted on this Property Inventory Form.

_____ (Signature) Agency _____ Date _____ Time _____

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. CN/	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
Gambling A18	Baltimore County Police Department	04/19/07

7a. SUPPLEMENT STATUS: [ ] CONTINUATION OR [X] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS: None

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. N/A	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / BOOKING NUMBER / UID NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 Harford Road 21234	

On 07/11/07 Detective Montgomery responded to the Baltimore District Court Commissioners office in reference to charging Suspect Francis DeSantis and Suspect Wayne DeFrancesco. A summons was issued for both Suspects for charges of Gambling by means of playing a card game for money. The trial for both Suspect DeSantis and Suspect DeFrancesco is scheduled for 08/27/07 at 0830 hours at Towson District Court in room #4. The case number for Suspect DeSantis is #0C00265594 and the case number for Suspect DeFrancesco is #3C00265597.

SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE	07-109-0681
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	15a. TOTAL SCREENING FACTORS 12	16a. CASE STATUS (CIRCLE ONE) OPEN / CLEAR / SUP. / CLOSED
17a. REPORT DISTRIBUTION Aux. Sgt. ✓ CID ___ FCU ___ CAU ___ OTHER Pe	18a. INVESTIGATING OFFICER Det. C. Montgomery			ID# 4202	19a. SUPERVISOR'S APPROVAL			19b. 3062 / 20a. DATE 7/11/07	
	21a. REPORT REVIEW OFFICER 2712		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS			24a. TELEX NUMBER	

Form e11 (Rev. 04/07)

JMA 4293

BALTIMORE COUNTY POLICE DEPARTMENT
SUPPLEMENT

"Integrity...Fairness...Service"

1a. DIV	2a. PC	3a. CC NUMBER
VNS	08	07-109-0681

4a. OFFENSE / INCIDENT	5a. VICTIM / FIRM / COMPLAINANT NAME (LAST, FIRST, MIDDLE)	6a. DATE OF ORIGINAL REPORT
Gambling A18	Baltimore County Police Department	04/19/07

7a. SUPPLEMENT STATUS: [ ] CONTINUATION OR [X] FOLLOW-UP

8a. IF MULTIPLE CLEARANCES, LIST CC NUMBERS: None

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION (CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC.). ENTER ANY INFORMATION THAT IS PERTINENT. DO NOT SUMMARIZE UNLESS NECESSARY.

9a. PAGE NO. N/A	10a. ARREST DATA	NAME (LAST, FIRST, MIDDLE) / BOOKING NUMBER / UID NUMBER / MISCELLANEOUS INFORMATION	10.1a VICTIM [ ] ADULT [ ] JUVENILE
11a. REF. BLOCK NUMBER	12a. NARRATIVE	8326 Harford Road, 21234	

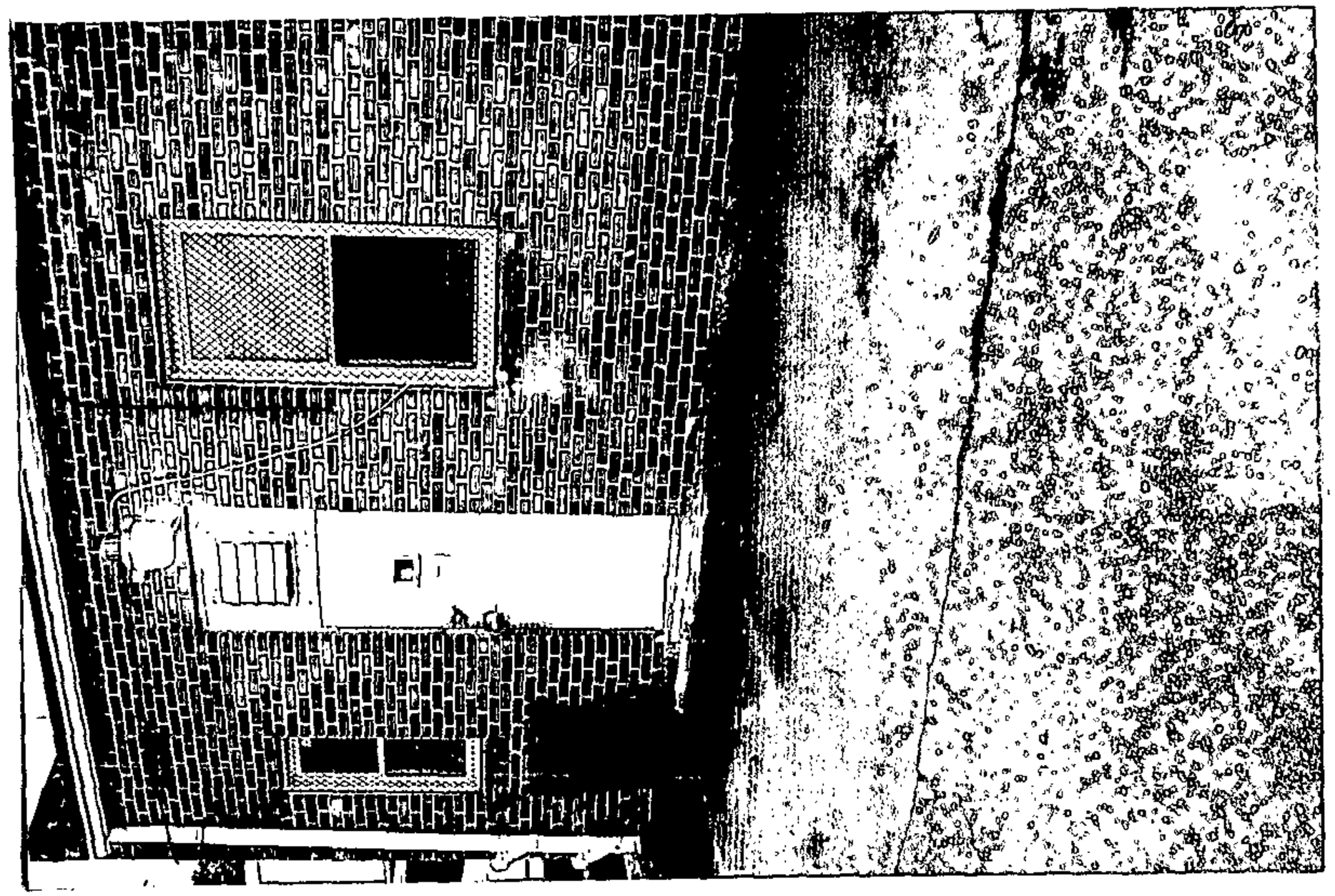
On 08/27/07 at approximately 0830 hours, Detective Montgomery responded to the Towson District Court in reference to a hearing date for Defendant Wayne DeFrancesco and Defendant James DeSantis. Assistant States Attorney Tomset and both Defendant DeFrancesco's attorney reached a plea agreement for the charges against Defendant DeFrancesco to be Nolle Prossed. Assistant States Attorney Tomset and the Defendant DeSantis' attorney reached an agreement for Defendant DeSantis to receive a disposition of Stet with all money seized from Defendant DeSantis on 04/19/07 being forfeited.

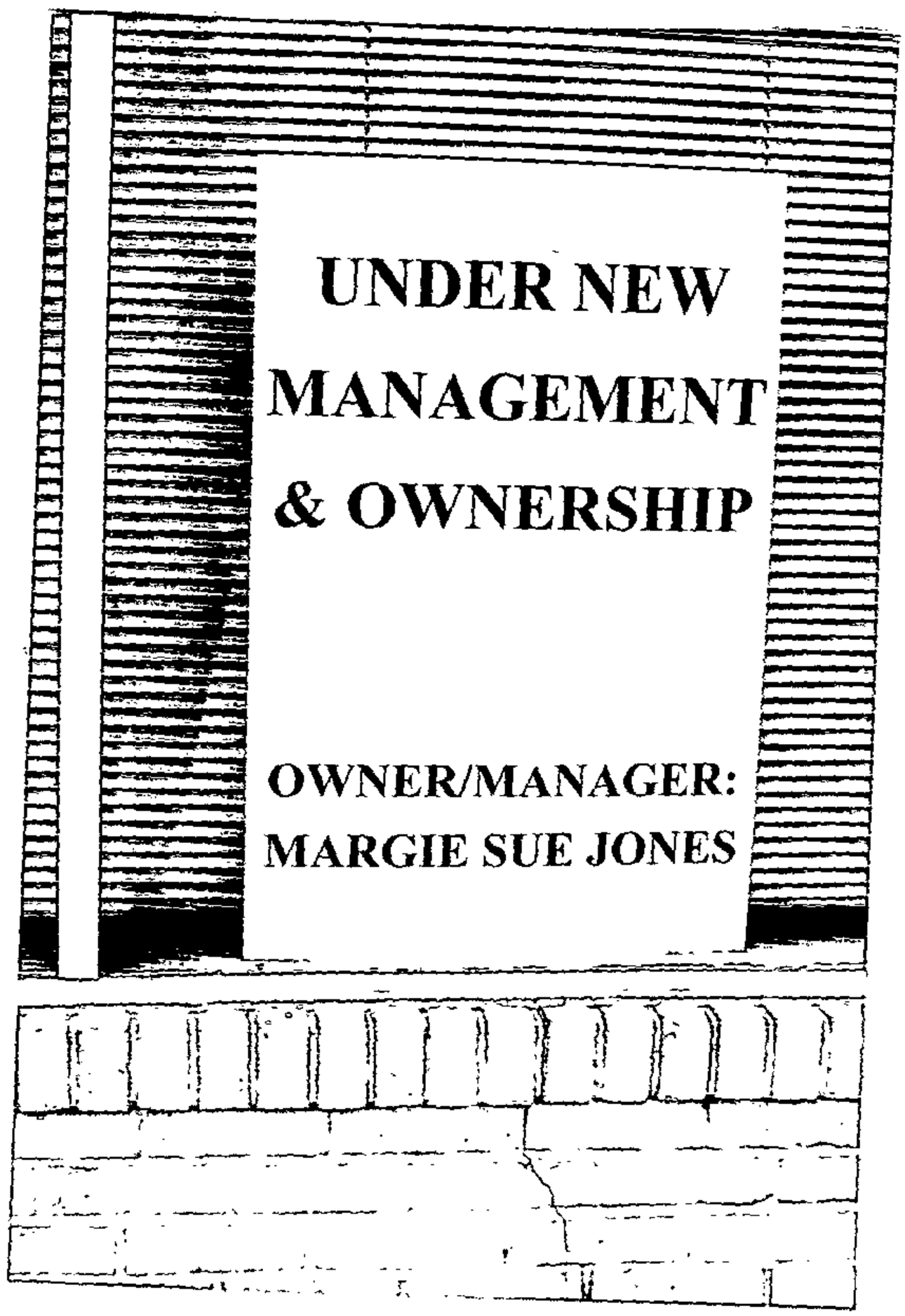
SCREENING FACTORS	13a. INITIAL SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	14a. CASE CONTINUANCE NONE		
REVISED TOTAL	REVISED SCREENING FACTOR	A. 12	B. 0	C. 0	D. 0	E. 0	F. 0	15a. TOTAL SCREENING FACTORS	12	16a. CASE STATUS (CIRCLE ONE) OPEN / SOLVED / CLOSED
17a. REPORT DISTRIBUTION: Rec. Mgt. 1, CID, FCU, CSU, CSU PC	18a. INVESTIGATING OFFICER Det. C. Montgomery			UID# #4202	19a. SUPERVISORY APPROVAL			UID# 2462	20a. DATE 8/27/07	
	21a. REPORT REVIEW OFFICER 2212		22a. REPORTING AREA 080520		23a. DATE REC'D BY CENTRAL RECORDS AUG 30 2007			24a. TELEX NUMBER		

07-109-0681

Form e11 (Rev. 04/07)

8326



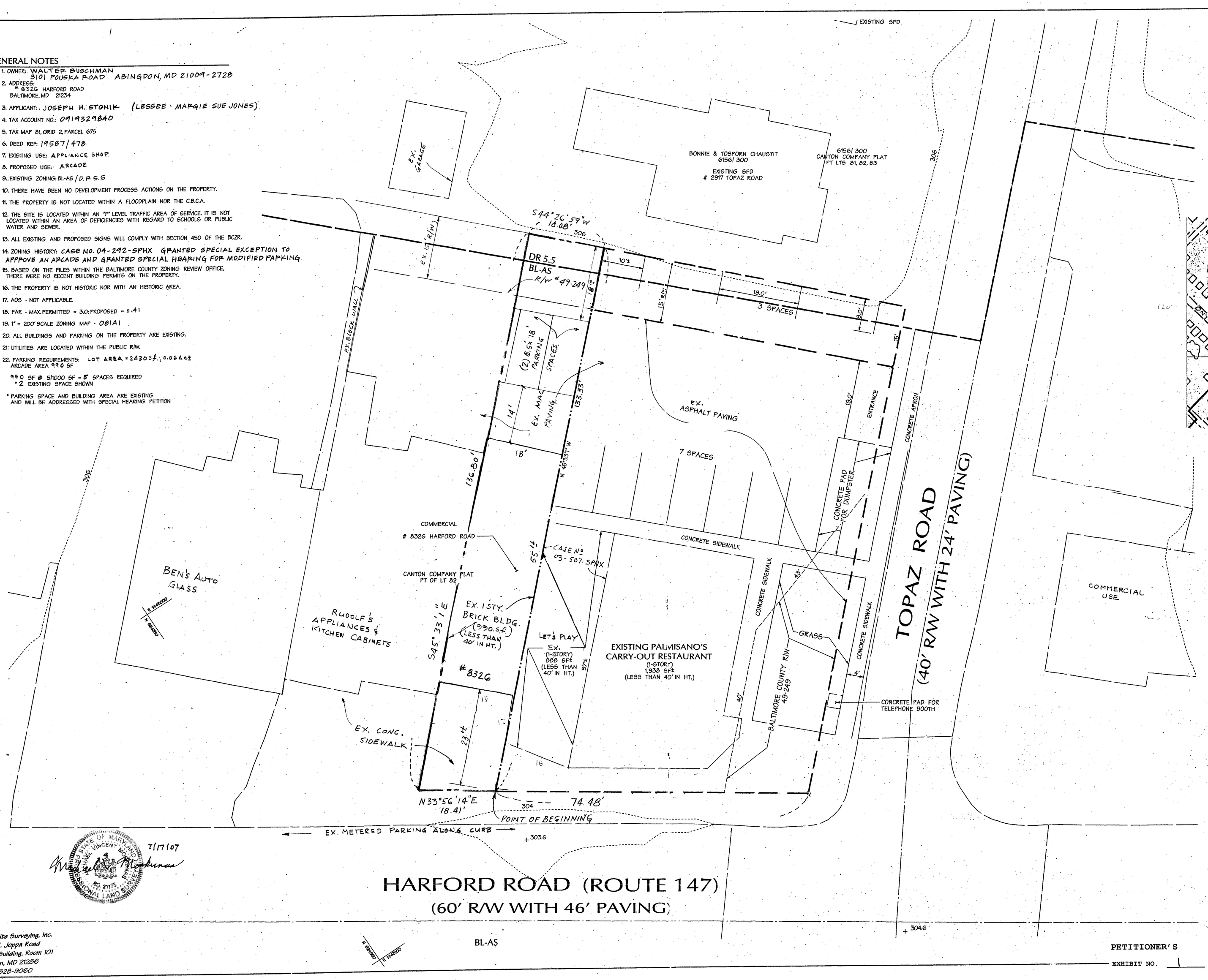

UNDER NEW
MANAGEMENT
& OWNERSHIP
OWNER/MANAGER:
MARGIE SUE JONES

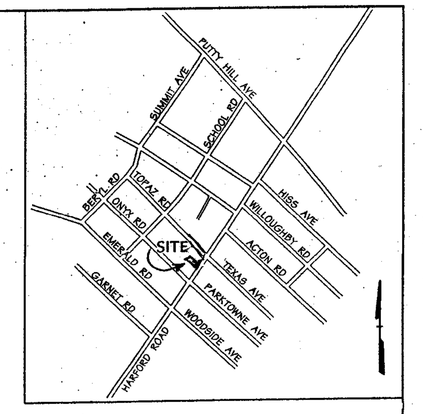
GENERAL NOTES

1. OWNER: WALTER BUSCHMAN
   3101 POUSKA ROAD ABINGDON, MD 21009-2728
2. ADDRESS:
   # 8326 HARFORD ROAD
   BALTIMORE, MD 21234
3. APPLICANT: JOSEPH H. STONIK (LESSEE: MARGIE SUE JONES)
4. TAX ACCOUNT NO.: 0919329840
5. TAX MAP 81, GRID 2, PARCEL 675
6. DEED REF: 19587/478
7. EXISTING USE: APPLIANCE SHOP
8. PROPOSED USE: ARCADE
9. EXISTING ZONING: BL-AS / D.R. 5.5
10. THERE HAVE BEEN NO DEVELOPMENT PROCESS ACTIONS ON THE PROPERTY.
11. THE PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN NOR THE C.B.C.A.
12. THE SITE IS LOCATED WITHIN AN "F" LEVEL TRAFFIC AREA OF SERVICE. IT IS NOT LOCATED WITHIN AN AREA OF DEFICIENCIES WITH REGARD TO SCHOOLS OR PUBLIC WATER AND SEWER.
13. ALL EXISTING AND PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR.
14. ZONING HISTORY: CASE NO. 04-292-SPHX GRANTED SPECIAL EXCEPTION TO APPROVE AN ARCADE AND GRANTED SPECIAL HEARING FOR MODIFIED PARKING.
15. BASED ON THE FILES WITHIN THE BALTIMORE COUNTY ZONING REVIEW OFFICE, THERE WERE NO RECENT BUILDING PERMITS ON THE PROPERTY.
16. THE PROPERTY IS NOT HISTORIC NOR WITH AN HISTORIC AREA.
17. AOS - NOT APPLICABLE.
18. FAR - MAX. PERMITTED = 3.0; PROPOSED = 0.41
19. 1" = 200' SCALE ZONING MAP - 081A1
20. ALL BUILDINGS AND PARKING ON THE PROPERTY ARE EXISTING.
21. UTILITIES ARE LOCATED WITHIN THE PUBLIC R/W.
22. PARKING REQUIREMENTS: LOT AREA = 2430 S.F., 0.06 AC±
    ARCADE AREA 990 SF

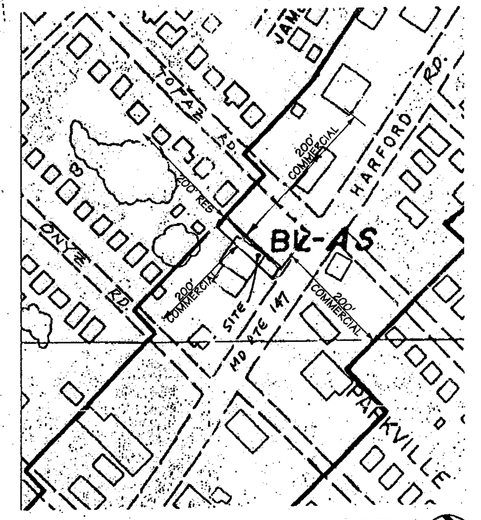
    990 SF @ 5/1000 SF = 5 SPACES REQUIRED
    *2 EXISTING SPACE SHOWN

    * PARKING SPACE AND BUILDING AREA ARE EXISTING AND WILL BE ADDRESSED WITH SPECIAL HEARING PETITION





LOCATION MAP
SCALE: 1" = 1000'



BUILDING WITHIN 200' OF SITE
N.T.S.

DATA SOURCES:

TOPOGRAPHIC AND PLANIMETRIC INFORMATION TAKEN FROM BALTIMORE COUNTY GIS DATED MARCH 1996 (NAD 83/NAVD88).

ZONING LINES SHOWN HEREON DIGITIZED FROM BALTIMORE COUNTY 2000 COMPREHENSIVE ZONING MAP # NE 8-D.

PROPERTY LINES SHOWN HEREON ARE COMPILED FROM DEED

THIS PLAN IS NOT THE RESULT OF A TOPOGRAPHIC SURVEY.

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

PLAN TO ACCOMPANY PETITION FOR ~~SPECIAL EXCEPTION AND~~ BLM SPECIAL HEARING

8326 HARFORD ROAD

6th COUNCIL DISTRICT
9th ELECTION DISTRICT — BALTIMORE COUNTY, MD

NAD 83

DATE	BY	REVISIONS
7/17/07	BLM	NEW OWNERSHIP

ISSUE DATES			
REVIEW:		BASE:	O.S.
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	1"=10'	DATE CHECKED:	12/14/03
PROJECT NO.:	# 8857	DRAWING:	1 of 1

7/17/07

STATE OF MARYLAND — MICHAEL VINCENT MOSKUNAS — No. 21175 — PROFESSIONAL LAND SURVEYOR

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

August 22, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-043-SPH
8326 Harford Road
N/west side of Harford Road at a distance of 74.48 feet s/west from the c/line of Topaz Road
9th Election District – 6th Councilmanic District
Legal Owners: Joseph H. Stonik
Contract Purchaser: Margie Sue Jones

Special Hearing to approve the amendment of Zoning Case 04-292-SPHX to permit the sale of transfer of the arcade business.

Hearing: Tuesday, September 17, 2007 at 11:00 a.m. County Courts Building,
401 Bosley Avenue, Room 407, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Frank Boozer, 614 Bosley Avenue, Towson 21204
Margie Sue Jones, 3117 Harview Avenue, Baltimore 21234
Joseph Stonik, 8326 Harford Road, Baltimore 21234
Mitch Kellman, 3907 Esgarth Way, Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 1, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.