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Supreme Court Mandate in Gaming Devices Case Expected Soon

February 1, 2019, Tamuning, Guam- The Supreme Court of Guam is expected to issue a mandate any day now in a case involving the issuance of gaming machine licenses, bringing the involved parties one step closer to knowing whether or not gaming devices are legal under local law.

“The position of the Office of the Attorney General has not changed in the decade-long question of whether gaming devices are legal or not. The Office firmly maintains that gambling devices cannot and should not be licensed on Guam. We will continue to take whatever action is necessary to see that the law is upheld and gambling devices are not licensed,” said Attorney General Leevin T. Camacho.

In 2008, approximately 1,200 gaming devices were licensed in violation of Guam’s amusement devices licensing laws. The Office of the Attorney General (OAG) sued the Department of Revenue and Taxation (DRT) to revoke the licenses. DRT revoked them after a court order. Then, Guam Music, Inc. (GMI) intervened in the case and filed a new lawsuit against DRT in an effort to force them to reissue its gambling machine licenses.

The parties agreed to dismiss the two cases in 2012. The OAG believed that this meant the gambling devices would remain unlicensed because it is not legal to license gambling devices. DRT, however, then issued gaming machine licenses. In response, the OAG filed its current case arguing that DRT should be prohibited from issuing gaming machine licenses.

The Supreme Court’s issuance of the mandate will trigger the Superior Court to rule on two pending motions filed in 2016. The OAG’s motion deals with the merits of gaming regulations. The OAG has argued that the gaming regulations are invalid because they were submitted by DRT to the Legislature without complying with the Administrative Adjudication Law and they exceed DRT’s authority. After the proceedings in the Superior Court have run their course, the OAG expects a Supreme Court ruling that will ultimately decide the validity of the gaming device regulations once and for all.

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