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EMAIL TO: All Sheriffs

FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

SENT: March 31, 2020

SUBJECT: Executive Order No. 120 --- Prohibits ANY Business
Establishment from Allowing Gaming Activities Such As Video
Sweepstakes

Sheriffs and other law enforcement officers have asked if any of Governor Roy Cooper's current Executive Orders prohibit a gas station, convenience store, or other business establishment from operating one or more video sweepstakes machines at the business establishment.

The answer is yes. It is currently unlawful for ANY business establishment, such as a gas station or convenience store, to allow the operation of even one video sweepstakes machine. This prohibition will remain in effect until April 24, 2020, unless it is extended further by Governor Cooper.

On March 23, 2020, Governor Cooper issued Executive Order No. 120. The requirements of Executive Order No. 120 became effective beginning at 5:00 p.m. on Wednesday, March 25, 2020, and will remain in effect at least through April 24, 2020. Section 1.b. of Executive Order No. 120 requires the closure of "entertainment facilities" that do not have a retail or dining component. Examples of these entertainment facilities required to close March 25th include bowling alleys, pool halls, arcades, bingo parlors and other gaming establishments. Also, Section 2.H. of Executive Order No. 121 provides the following: Notwithstanding any other provision of this Executive Order, the businesses, not-for-profit organizations and educational institutions that were ordered closed by Executive Order Nos. 118 and 120 shall remain closed.

Section 1.b. of Executive Order No. 120 **ALSO** includes the following prohibition: "Gaming and **business establishments which allow** gaming activities (e.g. video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)" must close.



100% Membership

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The North Carolina Sheriffs' Association is a Non-Profit, tax exempt organization recognized by the I.R.S.

Email to All Sheriffs

Executive Order No. 120 --- Prohibits ANY Business Establishment from Allowing Gaming Activities Such As Video Sweepstakes

March 31, 2020

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The “business establishments which allow gaming activities” provision prohibits **ANY** business establishment from operating if the business **allows** the operation of even one video poker or sweepstakes machine, or any pinball machine or arcade game for that matter. Executive Order No. 120 does not require the complete closure of a gas station, convenience store, or other business establishment merely because there are gaming machines present in the business. The mere presence of the machine does not create a violation as long as the business establishment does NOT ALLOW the machines to be played (i.e. gaming activities), such as by disabling the gaming machine by unplugging the machine and placing a notice on it that it is not operational.

A violation of section 1.b. of Executive Order No. 120 is a Class 2 misdemeanor and “shall be enforced by State and local law enforcement officers.”

Therefore, any business establishment is in violation of the law if it continues to allow the operation of ANY electronic or mechanical gaming activity between now and when Executive Order No. 120 is rescinded or expires. The restriction applies even if the main purpose of the business is not characterized as being an “entertainment facility.” Thus, even gas stations and convenience stores must NOT ALLOW operation of any gaming machine in order remain open, which will help limit the spread of COVID-19.

If you have any questions or need any additional information, please contact Matthew Boyatt, NCSA Deputy General Counsel, at 919-459-6467 or mboyatt@ncsheriffs.net.

Thanks!....Eddie C.



Edmond W. (Eddie) Caldwell, Jr.

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North Carolina Sheriffs' Association

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