

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA  
ATTORNEY GENERAL



JAMES T. BOFFETTI  
DEPUTY ATTORNEY GENERAL

August 30, 2023

**TRANSMITTED VIA INTEROFFICE MAIL**

New Hampshire Lottery Commission  
Attn: Charlie McIntyre, Executive Director  
14 Integra Dr.  
Concord, NH 03301

**Re: Five-Year Suitability Determination: Win Win Win, LLC, d/b/a “Concord Casino” (FAC-00074 and GOE-00079).**

Dear Director McIntyre:

I am writing to you per my statutory duty to confer and determine with the New Hampshire Lottery Commission (the “Lottery Commission”) whether Win Win Win, LLC, d/b/a “Concord Casino” (FAC-00074 and GOE-00079) (the “Licensee”) and its owner, Anthony M. “Andy” Sanborn (“Mr. Sanborn”) are each suitable to be associated with charitable gaming in New Hampshire. *See* RSA 287-D:11, III(a) (Supp. 2022) (“[t]he attorney general and the lottery commission shall confer and determine, if [...] such person is suitable to be associated with charitable gaming in New Hampshire”).

After reviewing the New Hampshire Lottery Investigation and Compliance Division’s suitability report for the Licensee and Mr. Sanborn dated March 13, 2023 (the “I&C Suitability Report”) and the results of an independent suitability review conducted by the Civil Law Bureau (the “Civil Bureau”), it is my determination that neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire.

After receiving the I&C Suitability Report, I directed the Civil Bureau to conduct an independent suitability review of the Licensee and Mr. Sanborn, which included investigations of (i) the Licensee’s background, regulatory history, public records, proffered financial information, including reports from two regulatory audits conducted by the Lottery Commission in 2022 and 2021, and approximately two thousand (2,000) pages of documents voluntarily produced by the Licensee; (ii) the background, business history, qualifications,

and reputation of Mr. Sanborn; and (iii) potential Economic Injury Disaster Loan (“EIDL”) fraud perpetrated by the Licensee and Mr. Sanborn.

The documents that the Civil Bureau obtained and reviewed in the course of its investigation contain evidence indicating Mr. Sanborn’s knowing and willful execution of a scheme and artifice to defraud the United States Small Business Administration (the “SBA”) of EIDL proceeds. Specifically, casinos and charitable gaming entities are ineligible to receive any EIDL funds, yet to avoid this statutory prohibition it appears Mr. Sanborn omitted the Licensee’s registered trade name, “Concord Casino,” from the Licensee’s EIDL application, and falsely identified the Licensee’s primary business activity as “Miscellaneous Services” under NACIS Code: 541618 – “Other Management Consulting Services” on the Licensee’s EIDL application, to unlawfully obtain EIDL proceeds of \$844,000. Without these misrepresentations, the Licensee would have been barred from receiving EIDL federal funds as the charitable gaming business is ineligible for such funds under federal law.

My office also found evidence of a series of monetary transactions using the Licensee’s EIDL proceeds—that appear to be acquired through fraud—to support extravagant personal spending by Mr. Sanborn and his spouse, New Hampshire state representative Laurie Sanborn (“Rep. Sanborn”). Specifically, my office collected and reviewed evidence of Mr. Sanborn’s use of EIDL proceeds to, among other things:

(i) purchase three (3) race cars, totaling \$181,250, including two Porsche 987 Cayman S race cars for Mr. Sanborn’s personal use and an \$80,000 2008 F430 Ferrari as a gift for his spouse, Rep. Laurie Sanborn;

(ii) make purchases of various automotive parts and services for Mr. Sanborn’s race cars, totaling \$45,000;

(iii) make cash distributions to Mr. Sanborn totaling \$183,500, disguised as rent payments to two of the Licensee’s affiliates, which, themselves, are wholly owned and controlled by Mr. Sanborn; and

(iv) purchase engineering and geotechnical services totaling \$28,800 for Mr. Sanborn’s proposed new casino and entertainment complex on Break O Day Drive in Concord, New Hampshire.

I advise you to immediately initiate appropriate administrative proceedings, in accordance with RSA 541-A:30, II, to revoke the Licensee’s facilities license (FAC-00074) and game operator employer license (GOE-00079) on the grounds that the Lottery Commission and the Attorney General have each made a preliminary determination that neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire.

Charles McIntyre, Executive Director – New Hampshire Lottery Commission  
Re: Suitability Determination for Win Win Win, LLC, d/b/a “Concord Casino” (FAC-00074 and GOE-00079),  
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The legislature has charged us to protect the public and the State’s interests from bad actors, vesting us with the State’s police power to impose the strictest levels of regulation and supervision on all persons associated with charitable gaming in our State. Still, we must keep in mind that our duties to protect and achieve justice for the public also include affording license holders a full measure of fairness and meaningful due process of law.

Sincerely,



John M. Formella  
Attorney General

JMF/mwd