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August 31, 2023

**TRANSMITTED VIA
ELECTRONIC MAIL (Andy@concordnhcasino.com)
& CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Win Win Win, LLC d/b/a "Concord Casino"
Attn: Anthony M. Sanborn
67 S. Main St.
Concord, NH 03301

Re: Notice of Administrative Action; Docket No. Lot 23-018.

Dear Mr. Sanborn:

After a suitability review of 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"), conducted by the New Hampshire Lottery Commission's Investigation and Compliance Division (the "I&C Division") in coordination with the Civil Law Bureau of the New Hampshire Department of Justice (the "Civil Bureau"), the New Hampshire Lottery Commission (the "Commission") and the Attorney General have determined that neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire.

During their review, the I&C Division and Civil Bureau found credible evidence that the Licensee and Mr. Sanborn unlawfully obtained an Economic Injury Disaster Loan ("EIDL") from the United States Small Business Administration (the "SBA") in the amount of \$844,000.

Specifically, the Licensee and Mr. Sanborn used false and fraudulent pretenses, representations, and promises to unlawfully apply for and obtain EIDL proceeds, which the Licensee was ineligible to receive under applicable federal law, by omitting the Licensee's registered trade name, "Concord Casino," from the Licensee's EIDL application and falsely identifying the Licensee's primary business activity as "Miscellaneous Services" under NACIS Code: 541618 – "Other Management Consulting Services" on the Licensee's EIDL application.



The I&C Division and Civil Bureau also uncovered evidence of a series of monetary transactions carried out by Mr. Sanborn using the Licensee's unlawfully obtained EIDL proceeds for ineligible personal expenditures for himself and his spouse. Specifically, the I&C Division and Civil Bureau found credible evidence of Mr. Sanborn's use of the Licensee's 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 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 disguised as rent payments to two of the Licensee's affiliates, which, themselves, are wholly owned and controlled by Mr. Sanborn, totaling \$183,500; 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.

Based on the preceding and the results of the I&C Division and Civil Bureau investigations, the Lottery Commission and Attorney General have determined, in accordance with RSA 287-D:11, III(a), that neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire.

RSA 287-D:23 provides for administrative orders to suspend or revoke the license or licenses of any facility license holder or game operator employer license holder deemed not suitable to be associated with charitable gaming in this State. RSA 287-D:23, III (Supp. 2022); *see also*, RSA 287-D:11, III(a) (Supp. 2022) ("[u]pon a determination that a license holder is not suitable, the person shall not [...] continue to hold a license."); N.H. Admin. R., Lot 7204.02(d) ("[...] no person shall [...] hold a license if in the opinion of the attorney general such person is not fit to be associated with charitable gaming in this state.").

Enclosed with this notice, please find the Commission's proposed findings of fact and conclusions of law that would support revoking the Licensee's facilities license and game operation employer license and instituting an indefinite period of ineligibility for any license issuable by the Commission.

In accordance with RSA 541-A:30, II, within ten (10) days after receiving this notice, the Licensee may request a hearing to show (i) compliance with all lawful requirements, namely its suitability for the retention of its facilities license and game operator employer license and (ii) whether just cause does not exist to revoke the same. If the Licensee requests a hearing, it will be notified promptly of the hearing date. Unless the Licensee requests a

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hearing, the Commission may enter final findings of fact and conclusions of law and revoke the Licensee's facilities license and game operator employer license without a hearing.

If you have questions, please contact John Conforti, Chief Compliance Officer at 603-271-7610.

Sincerely,



Charles R. McIntyre
Executive Director
New Hampshire Lottery Commission

cc: Attorney General

ENCLOSURE

THE STATE OF NEW HAMPSHIRE

LOTTERY COMMISSION

Lot 23-018

IN THE MATTER OF:

WIN WIN WIN, LLC, d/b/a “CONCORD CASINO,”
(FAC-00074 and GOE-00079),
67 N. Main Street
Concord, NH 03301,
(the “Licensee”)

[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to RSA 287-D:11, the Investigation and Compliance Division (the “I&C Division”) of the New Hampshire Lottery Commission (the “Commission”) and the Attorney General conducted a suitability investigation of the Licensee and its owner, Anthony M. “Andy” Sanborn (“Mr. Sanborn”), between January 3, 2023, and August 18, 2023, to determine whether each of them is suitable to be associated with charitable gaming in New Hampshire. RSA 287-D:11, II & III(a) (Supp. 2022); N.H. Admin. R., Lot 7204.02(b).

After reviewing the Licensee’s background, regulatory history, proffered financial information, including results from regulatory audits conducted in 2022 and 2021, and some two thousand (2,000) pages of voluntarily produced documents, and the background, business history, qualifications, and reputation of Mr. Sanborn, the Commission and Attorney General have determined that neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire.

JURISDICTION

The New Hampshire Lottery Commission (the “Lottery Commission”) is a department-level agency that, among other duties, is responsible for the administration and enforcement of the State’s charitable gaming laws and regulations, including the regulation of games of chance conducted by charitable organizations and the licensing of games of chance facilities and game operator employers. RSA 284:21-a; RSA 284:6-a; RSA 287-D:7-:8, :11, III(a) (Supp. 2022).

FINDINGS OF FACT

Attorney General’s Suitability Determination. The Attorney General has found each of the Licensee and Mr. Sanborn unsuitable to be associated with charitable gaming in New Hampshire.

EIDL Loan. The Commission finds that between December 1, 2021, and February 19, 2022, the Licensee obtained \$844,000 in EIDL funding from the Small Business Administration.

EIDL Application. The Commission finds that the Licensee and Mr. Sanborn omitted the Licensee’s trade name, “Concord Casino,” and identified the Licensee’s primary business activity as “Miscellaneous Services” under NACIS Code: 541618 – “Other Management Consulting Services” on the Licensee’s EIDL application.

Purchase of 2006 Porsche 987 Cayman S (Green) Race Car. The Commission finds that on January 18, 2022, Mr. Sanborn initiated a wire transfer of \$48,750 of the Licensee’s EIDL proceeds from the Licensee’s bank account to Charlie Cook of RaceCarsForRent, LLC of Braselton, GA, for the purchase of (i) a 2006 Porsche 987

Cayman S Race Car, for which Mr. Sanborn had been the winning bidder at an online auction held on January 15, 2022, and (ii) a set of four wheels for the Porsche, for Mr. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's books as a necessary equipment purchase made in the ordinary course of the Licensee's charitable gaming business.

Purchase of 2011 Porsche 987 Cayman S (Red) Race Car. The Commission finds that on February 2, 2022, Mr. Sanborn initiated a wire transfer of \$52,500 of the Licensee's EIDL proceeds from the Licensee's bank account to KMAN Racing, LLC of Johns Creek, GA, for the purchase of a 2011 red Porsche 987 Cayman S Race Car, for which Mr. Sanborn had been the winning bidder at an online auction held on February 1, 2022, for Mr. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's books as a necessary equipment purchase made in the ordinary course of the Licensee's charitable gaming business.

Purchase of 2008 F430 Ferrari Challenge Race Car as a Gift for Rep. Laurie Sanborn. The Commission finds that on or about April 26, 2022, Mr. Sanborn initiated a wire or other transfer of \$80,600 of the Licensee's EIDL proceeds from the Licensee's bank account to Taurino Racing, LLC d/b/a "Capristo Exhaust USA" of Riviera Beach, FL, for the purchase of (i) a 2008 F430 Ferrari Challenge race car chassis (\$80,000) and (ii) two sets of used tire rims (\$600), which Mr. Sanborn had purchased as gifts for his spouse, Rep. Laurie Sanborn, all for Rep. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's books as necessary equipment purchases made in the ordinary course of the Licensee's charitable gaming.

Purchase of Automotive Engines, Shocks, Other Automotive Parts, or Services. The Commission finds that between April 19, 2022, and May 5, 2022, Mr. Sanborn initiated a series of transfers by check, check no. 20261 for \$10,000 on April 19, 2022, check no. 20265 for \$20,000 on April 26, 2022, and check no. 20268 for \$15,000 on May 5, 2022, totaling \$45,000 of the Licensee's EIDL proceeds from the Licensee's bank account to Peter Dawe of Dawe's Motorsports of Stroudsburg, PA, for the purchase of automotive engines, shocks, other automotive parts, or services for (i) the 2006 Porsche 987 Cayman S race car, which Mr. Sanborn purchased using EIDL proceeds on January 18, 2022, and (ii) the 2011 Porsche 987 Cayman S race car, which Mr. Sanborn purchased using EIDL proceeds on February 2, 2022, all for Mr. Sanborn's personal use and benefit, despite reporting the transactions on the Licensee's books as necessary advertising expenses incurred in the ordinary course of the Licensee's charitable gaming business.

Payment to Geotechnical Services, Inc. of Weare, NH, for professional services for developing a new charitable gaming facility in Concord, NH, owned by Concord Commitment, LLC. The Commission finds that on July 1, 2022, Mr. Sanborn initiated a transfer by check no. 20305 of \$14,600 of the Licensee's fraudulently obtained EIDL proceeds from the Licensee's bank account to Geotechnical Services, Inc. of Weare, NH, for the purchase of professional services for and related to the development of a new charitable gaming facility in Concord, NH, owned by Concord Commitment, LLC, a New Hampshire limited liability company owned and controlled by Mr. Sanborn, all for Mr. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's

books as a necessary business expense incurred in the ordinary course of the Licensee's charitable gaming business.

Payment to TFMoran, Inc. of Bedford, NH, for professional services for developing a new charitable gaming facility planned for Concord, NH, owned by Concord Commitment, LLC. The Commission finds that on July 8, 2022, Mr. Sanborn initiated a transfer by check no. 20315 of \$14,206.78 of the Licensee's EIDL proceeds from the Licensee's bank account to TFMoran, Inc. of Bedford, NH, for the purchase of professional services for and related to the development of a new charitable gaming facility planned for Concord, NH, owned by Concord Commitment, LLC, a New Hampshire limited liability company owned and controlled by Mr. Sanborn, all for Mr. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's books as a necessary business expense incurred in the ordinary course of the Licensee's charitable gaming business.

"Prepaid Rent" Payments to the Licensee's Affiliate Equal to Twenty-Seven Years of Rent. The Commission finds that beginning on January 5, 2022, and continuing through at least August 14, 2022, Mr. Sanborn initiated a series of eight (8) wire or other transfers totaling \$163,500 of the Licensee's EIDL proceeds from the Licensee's bank account to The Best Revenge, LLC of Bedford, NH, a New Hampshire limited liability company owned and controlled by Mr. Sanborn, as rent payments for the Licensee's casino at 67 South Main Street, Concord, NH, despite a written lease dated September 17, 2018, between the Licensee and The Best Revenge, LLC, agreeing to annual rent payments of \$6,000, payable monthly in twelve equal installments of \$500 each, all for Mr. Sanborn's personal use and benefit, despite reporting the transactions on the

Licensee's books as necessary rent expenses incurred in the ordinary course of the Licensee's charitable gaming business.

Rent Payment to The Draft. The Commission finds that on August 11, 2022, Mr. Sanborn initiated a transfer by check, check no. 20329 of \$20,000 of the Licensee's EIDL proceeds from the Licensee's bank account to The Draft, LLC of Concord, NH (the "Draft"), a New Hampshire limited liability company owned and controlled by Mr. Sanborn, for "rent" payable to the Draft, despite (i) no lease or other rental agreement existing between the Licensee and the Draft at the time of the transfer, and (ii) all space for the Licensee's charitable casino operation at 67 South Main Street, Concord, NH being leased from The Best Revenge, LLC under a written lease dated September 17, 2018, all for Mr. Sanborn's personal use and benefit, despite reporting the transaction on the Licensee's books as a necessary rent expense incurred in the ordinary course of the Licensee's charitable gaming business.

Failure to Demonstrate Financial Stability. The Commission finds that the Licensee has failed to provide documents and information demonstrating its financial stability.

CONCLUSIONS OF LAW

Persons Deemed Not Suitable Shall Not Continue to Hold a License. The Commission concludes that no person, association, corporation, limited liability company, partnership, trust, or other legal entity deemed not suitable to be associated with charitable gaming in New Hampshire by the Attorney General shall continue to hold a facilities license or game operator employer license. RSA 287-D:11, III(a) (Supp. 2022); N.H. Admin. R., Lot 7204.02(d). Additionally, just cause exists to revoke the Licensee's

facilities license and game operator employer license. RSA 287-D:11, III(a), :23, III (Supp. 2022); N.H. Admin. R., Lot 7204.02(d); N.H. Admin. R., Lot 7209.03(a)(1), (a)(3), (a)(10), (a)(12), (a)(14).

Consideration of Unprosecuted Criminal Activity. The Commission concludes that it has the statutory authority to consider any unprosecuted criminal activity occurring in any U.S. jurisdiction when considering whether a facilities licensee or game operator employee licensee is suitable to be associated with charitable gaming in New Hampshire. RSA 287-D:11, II, III(a) (Supp. 2022).

Consideration of Materially False Statements, Misrepresentations, or Omissions. The Commission concludes that the Commission has the statutory authority to consider any materially false statements, misrepresentations, or omissions made on any EIDL or payment protection plan (“PPP”) application when considering whether a facilities licensee or game operator employee licensee is suitable to be associated with charitable gaming in New Hampshire. *Id.*

Use of False and Fraudulent Pretenses, Representations, and Promises to Obtain \$844,000 in EIDL Proceeds. The Commission concludes that the Licensee and Mr. Sanborn used or employed false and fraudulent pretenses, representations, and promises to obtain \$844,000 in EIDL funding from the Small Business Administration. Accordingly, per RSA 287-D:11, III(a), the Commission concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee’s facilities license and game operator employer license. RSA 287-D:11, III(a),

:23, III (Supp. 2022); N.H. Admin. R., Lot 7204.03; N.H. Admin. R., Lot 7209.03(a)(1), (a)(3), (a)(10), (a)(12), (a)(14).

Improper Use of EIDL Proceeds to Purchase 2006 Porsche 987 Cayman S (Green) Race Car. The Commission concludes that the Licensee and Mr. Sanborn improperly used EIDL funds when, on January 18, 2022, Mr. Sanborn initiated a wire transfer of \$48,750 of the Licensee's EIDL proceeds to Charlie Cook of RaceCarsForRent, LLC of Braselton, GA, for the purchase of (i) a 2006 Porsche 987 Cayman S race car, and (ii) a set of four wheels for the Porsche. Accordingly, per RSA 287-D:11, III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license.
Id.

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III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. *Id.*

Improper Use of EIDL Proceeds to Pay Geotechnical Services, Inc. of Weare, NH, for professional services for developing a new charitable gaming facility in Concord, NH, owned by Concord Commitment, LLC. The Commission concludes that the Licensee and Mr. Sanborn improperly used EIDL funds when, on July 1, 2022, Mr. Sanborn initiated a transfer by check no. 20305 of \$14,600 of the Licensee's EIDL proceeds to Geotechnical Services, Inc. of Weare, NH, for the purchase of professional services for and related to the development of a new charitable gaming facility in Concord, NH, owned by Concord Commitment, LLC. Accordingly, per RSA 287-D:11, III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. *Id.*

Improper Use of EIDL Proceeds to Pay TFMoran, Inc. of Bedford, NH, for professional services for developing a new charitable gaming facility planned for Concord, NH, owned by Concord Commitment, LLC. The Commission concludes that the Licensee and Mr. Sanborn improperly used EIDL funds when, on July 8, 2022, Mr. Sanborn initiated a transfer by check no. 20315 of \$14,206.78 of the Licensee's EIDL proceeds from the Licensee's bank account to TFMoran, Inc. of Bedford, NH, for the purchase of professional services for and related to the development of a new charitable

gaming facility planned for Concord, NH, owned by Concord Commitment, LLC. Accordingly, per RSA 287-D:11, III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. *Id.*

Improper Use of EIDL Proceeds to Prepay Rent to the Licensee's Affiliate Equal to Twenty-Seven Years of Rent. The Commission concludes that the Licensee and Mr. Sanborn improperly used EIDL funds when, beginning on January 5, 2022, and continuing through at least August 14, 2022, Mr. Sanborn initiated a series of eight (8) wire or other transfers totaling \$163,500 of the Licensee's EIDL proceeds to The Best Revenge, LLC of Bedford, NH, a New Hampshire limited liability company owned and controlled by Mr. Sanborn, as rent payments for the Licensee's casino at 67 South Main Street, Concord, NH, despite a written lease dated September 17, 2018, between the Licensee and The Best Revenge, LLC, agreeing to annual rent payments of \$6,000, payable monthly in twelve equal installments of \$500 each. Accordingly, per RSA 287-D:11, III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. *Id.*

Improper Use of EIDL Proceeds to Pay Rent to the Licensee's Affiliate, The Draft, LLC. The Commission concludes that the Licensee and Mr. Sanborn improperly

used EIDL funds when, on August 11, 2022, Mr. Sanborn initiated a transfer by check, check no. 20329 of \$20,000 of the Licensee's fraudulently-obtained EIDL proceeds to The Draft for "rent" payable to the Draft, despite (i) no lease or other rental agreement existing between the Licensee and the Draft at the time of the transfer, and (ii) all space for the Licensee's charitable casino operation at 67 South Main Street, Concord, NH being leased from The Best Revenge, LLC under a written lease dated September 17, 2018. Accordingly, per RSA 287-D:11, III(a), the Commission concurs with the Attorney General's determination and concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. *Id.*

Failure to Demonstrate Financial Stability. The Commission concludes that the Licensee and Mr. Sanborn have failed to supply information and documentation demonstrating by clear and convincing evidence the Licensee's financial stability. Accordingly, per RSA 287-D:11, III(a), the Commission concludes that, as a matter of law, neither the Licensee nor Mr. Sanborn is suitable to be associated with charitable gaming in New Hampshire and, thereby, just cause exists for the revocation of the Licensee's facilities license and game operator employer license. RSA 287-D:11, III(a), :23, III (Supp. 2022); N.H. Admin. R., Lot 7204.02(a)(3)3; N.H. Admin. R., Lot 7209.03(a)(1), (3).

Making False Statements or Entries in any Books or Records. The Commission concludes there is just cause for the revocation of the Licensee's facilities license and game operator employer license, based on the Licensee making false statements or

making false entries in any books or records with respect to any transaction connected with the holding, operating, and conducting of any games of chance event.

Conduct that Undermines the Public's Confidence in Charitable Gaming. The Commission concludes there is just cause for the revocation of the Licensee's facilities license and game operator employer license based on the Licensee engaging in conduct that undermines the public's confidence in charitable gaming.

WHEREFORE, based on the preceding findings of fact and conclusions of law, the Commission renders the following orders:

The Licensee's facilities license is hereby revoked as of the effective date hereof;

The Licensee's game operator employer license is hereby revoked as of the effective date hereof;

The Licensee shall not be eligible to apply for or hold any license or permit issued by the Commission, including, without limitation, any license or permit issued under RSA Title XXIV, for an indefinite period after the effective date hereof;

No person, association, corporation, or other type of entity owned or controlled, whether directly or indirectly, in whole or in part, by Mr. Sanborn shall be eligible to apply for or hold any license or permit issued by the Commission, including, without limitation, any license or permit issued under RSA Title XXIV, for an indefinite period after the effective date hereof.

In accordance with RSA 287-D:11, IV, the Licensee and Mr. Sanborn shall reimburse the Commission for its reasonable costs and expenses of conducting its suitability investigations of the Licensee and Mr. Sanborn; and

In accordance with RSA 287-D:11, IV, the Licensee and Mr. Sanborn shall reimburse the Attorney General for his reasonable costs and expenses of conducting his suitability investigations of the Licensee and Mr. Sanborn.

SO ORDERED.

NEW HAMPSHIRE LOTTERY COMMISSION

Date: _____

Debra M. Douglas, Commissioner

Erle B. Pierce, Commissioner

H. Andy Crews, Commissioner