

STATE OF MONTANA
DEPARTMENT OF JUSTICE
GAMBLING CONTROL DIVISION

BUSINESS, LABOR & ECONOMIC AFFAIRS
EXHIBIT No. 3
DATE 2-22-07
BILL No. SB. 540

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February 22, 2007

TO: Senate Committee on Business, Labor and Economic Affairs

FROM: Gene Huntington, Administrator
Gambling Control Division

RE: Summary of Results of Gambling Control Division Review of Events
Related to Cowboy Cabin Old West Antiques

Following the news accounts of the events at the Cowboy Cabin Old West Antiques, I requested that Investigations Bureau Chief Jeff Bryson investigate and contact all parties involved to determine the facts of what happened on January 31, 2007. Jeff Bryson interviewed the Investigators and the Supervisor involved and members of the Whitefish Police Department. Mr. and Mrs. Turner declined to be interviewed.

Based on Jeff Bryson's conclusions I believe that it is important to refute three statements that are being expressed in letters, emails to the Division and in news accounts attributed to the Mr. Turner. The three points covered below can be established without statements from the Turners:

1. **The Division did not conduct a raid** – Most correspondence I have received refer to a raid. The two investigators were in Whitefish following up on a complaint. The casino they needed to visit was not open so they began to visit bars that were open while they waited for the casino in question to open. Upon seeing the Cowboy Cabin Old West Antiques, they decided to go in out of curiosity. There is no evidence to suggest that the Investigators had advance knowledge of the presence of illegal gambling devices.
2. **Montana law is not unique** - Many states, including California, have a law very similar to Montana. These laws all use similar terms to the Federal Johnson Act that regulates the shipment of gambling devices between states. Under the Johnson Act gambling devices can only be shipped between states where the device is legal in both states.

3. **Mr. Turner has not been charged with a felony** - The statute in question 23-5-152 MCA, provides that a violation is a misdemeanor. However, at this time no charges have been filed. Historically, this type of violation has been settled through an agreement with no criminal charges filed.