

BRISTOL HERALD COURIER

Blackout blowback

TVA's electricity outages spark power battle over utility's future, fuel sources **REGION A3**



A big bite of basketball

Viking Hall's Arby's Classic begins with a heaping helping of action

SPORTS B1

Wednesday, December 28, 2022

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DEADLY WINTER STORM



EMILY BALL, BRISTOL HERALD COURIER

A goose flaps its wings as it skates to a stop on the ice on a frozen Steele Creek Lake on Tuesday afternoon at Steele Creek Park.

'A nightmare'

MPs, state police enforce driving ban in buried Buffalo

CAROLYN THOMPSON AND JENNIFER PELTZ
Associated Press

BUFFALO, N.Y. — State and military police were sent Tuesday to keep people off Buffalo's snow-choked roads, and officials kept counting fatalities three days after western New York's

deadliest storm in at least two generations.

Even as suburban roads and most major highways in the area reopened, Erie County Executive Mark Poloncarz warned that police would be stationed at entrances to Buffalo and at major intersections because some drivers were flouting a ban on driving within New York's second-most populous city.

More than 30 people are reported to have died in the region, officials said, including seven

storm-related deaths announced Tuesday by Buffalo Mayor Byron Brown's office. The toll surpasses that of the historic Blizzard of 1977, blamed for killing as many as 29 people in an area known for harsh winter weather.

Greg Monet turned to social media to beg for help shoveling a 6-foot pile of snow from the end of his Buffalo driveway so he could get dialysis treatment Tuesday.

Please see **BUFFALO**, Page A9

VIRGINIA GAMBLING STUDY

Study finds 'gray' risk, rewards

Report: Skill games raise fraud issue, could mean tax money



DAVID MCGEE
BRISTOL HERALD COURIER

A 2022 Virginia gambling regulation study emphasized multiple concerns about "gray machines" but estimated — if properly regulated — they could generate substantial annual tax revenue.

Issued in October by the Joint Legislative Audit and Review Commission, the study recommends the Virginia Lottery oversee all types of gaming in the state.

The lottery currently oversees the operations of casinos, sports betting and lottery games. It determined the lottery was better equipped to oversee charitable gaming and play on historic horse racing games — both which are legal — and potentially gray machines that are unregulated, untaxed and currently illegal under state law.

"Gray machines currently pose a risk for fraudulent ac-

tivities because there are no state regulations, audits, or compliance activities for the devices, manufacturers, or vendors. Without any compliance inspections, such as those conducted for slot machines, historical horse racing (HHR) machines, and electronic pull tab machines, the amount of money played and awarded to players cannot be determined," according to the report.

"As a result, businesses that receive a proportion of machine revenue have no way of knowing whether they are receiving the correct amount of money from the machine manufacturers. Further, consumers who play the machines have no assurances that the games are fair," the report continued.

Please see **GAMBLING**, Page A6

On Tennessee side, games a 'non-issue'

State senator doesn't expect any changes

CALVIN SHOMAKER
BRISTOL HERALD COURIER

While unregulated gambling machines are proliferating in Virginia, across State Street in Bristol, Tennessee, the games are a non-issue, officials say.

Games of skill or chance are illegal in Tennessee, which has been a long-established policy, according to Tennessee Sen. Jon Lundberg, who represents Carter, Johnson and Sullivan Counties in Nashville.

"We have it in our constitution that there's no gambling establishments in the state," Lundberg said. "The closest we come is the lottery, and we do register and monitor online sports wagering — that's it."

Lundberg said he hasn't received a single call about the gambling machines in Tennessee and that he doesn't expect to get any.

"For us, it is a non-issue (in Tennessee)," Lundberg said. "We haven't changed our mode and don't anticipate doing so."

Bristol, Tennessee City Manager Bill Sorah said this month he was unfamiliar with the term "Gray Machines," which is sometimes used to describe the games, and he is unaware of any issues with such games in Bristol, Tennessee.

Skill games currently operate legally in Virginia, despite Virginia lawmakers passing legislation in 2020 to ban them. With a statewide ban supposed to have gone into effect in Virginia in 2021, a lawsuit filed in opposition of the ban has the future of the games unsettled in Virginia.

An injunction issued by a Greensville County Circuit Court judge, which was recently extended to March 2023, keeps the games up and running legally, for now.

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Fed's inflation fight fills state coffers

Pandemic surpluses draw rising interest

DAVID A. LIEB
Associated Press

JEFFERSON CITY, Mo. — State governments emerging from the coronavirus pandemic built historic cash surpluses as inflation in prices and wages drove up sales and income tax collections.

Now many states are reaping another reward: banking millions of dollars off those surpluses as the Federal Reserve fights inflation with higher interest rates.

"We're catching both ends of it," said Missouri Treasurer Scott Fitzpatrick, a Republican.

First, "we received a lot of extra money," he said. "Now, nominally, we're benefiting from the increase in interest

rates from the Fed."

Missouri is hardly alone. States ranging from Democratic-led Massachusetts to Republican-led Texas as well as politically divided Minnesota all are sitting on large surpluses that are swelling even further thanks to favorable interest rates on investments.

Please see **INFLATION**, Page A4



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Gambling

From A1

This was based on information gathered between July 2020 and June 2021 when the games were temporarily allowed and the Virginia ABC collected \$1,200 per machine, per month in tax revenues.

"Even if gray machines function properly, data collected by ABC in FY21 shows that gray machines have much lower average payout rates than other electronic gaming devices," according to the report. "In Virginia, slot machines, HHR machines, and electronic pull tab machines all have average payout rates of roughly 90% meaning that, on average, gamblers make back 90% of the money they gamble on them. Gray machines appear to have an average payout rate of roughly 77%, meaning players make back less money on gray machines compared with those used in regulated gaming."

The report notes Virginia regulators set requirements on payout percentages from electronic gaming machines. Virginia Lottery, for example, requires slot machines have an average payout between 84% and 100%, over time.

Charitable gaming regulations require electronic pull tab manufacturers disclose the payout percentage of machines.

Gray machines also create public safety risks, according to the report.

"Commonwealth's attorneys from multiple localities reported that crimes such as assault and robbery have increased at establishments with gray machines," according to the report.

"They attribute this rise in crime to several factors, including that the machines generate loitering, the use

of cash attracts crime and businesses that host the machines typically do not have the appropriate resources to secure the gaming environment.

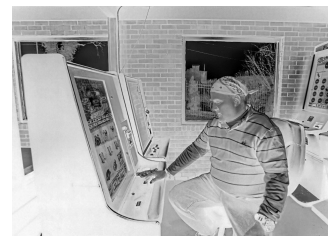
"Georgia, one of the only states that regulates gray machines, has eliminated cash prizes to reduce crime associated with gray machines," according to the report. "Instead of cash prizes, players in Georgia can win non-cash business merchandise (excluding alcohol, tobacco, and gift cards to other businesses) or lottery tickets. All prizes must be redeemed at the business where the machine is located, thereby reducing incentives for theft."

In 2020, Georgia had 24,500 gray machines in a state of nearly 11 million residents. However Georgia has no sports wagering, horse race wagering, casinos, or HHR machines.

Georgia also prevents businesses from hosting more than nine gray machines at a single location or deriving more than 50% of its monthly gross retail receipts from gray machines. This prevents businesses from using gray machines to operate a business that's primary function is gambling, according to the report.

"Gray machines likely compete with legal gaming and therefore reduce state tax revenue from authorized gaming — and also funding for the public purposes legal forms of gaming support," according to the study. "Virginia limits the number of casinos and HHR machines in the state and the number of electronic pull tab devices that can be located in a single charitable establishment."

"Gray machines already outnumber HHR machines, electronic pull tabs, and slot machines in Virginia. Since unregulated gray machines



EMILY BALL, BRISTOL HERALD COURIER

Jay Phillips focuses as he plays skills games in the Old Big Eddie's building beside Andy's Market.

generate no tax revenue for the state, competition from gray machines is likely depressing state tax revenue from legal gaming," according to the report.

There were about 9,000 gray machines in Virginia during 2020-21 when the ABC taxed them. If that tax structure was reinstated, the machines would generate about \$150 million annually. The state presently has no idea how many gray machines operate across Virginia — either the skills games that were taxed in 2020-21 or other games that are purely games of chance.

If Virginia had 14,300 machines, at that same tax rate, they would generate about \$206 million annually.

That same section of the report says total wagering on gray machines was \$2.24 billion in 2020 and that net gaming revenues were more than \$506 million, based on operator self-reported data to ABC. It then estimates with more than 14,000 gray machines, total wagering could be \$3.5 billion with net gaming revenues of \$795 million.

However that prior tax structure affords no direct oversight of the machine operations, as opposed

In 2020, Georgia had 24,500 gray machines in a state of nearly 11 million residents. However Georgia has no sports wagering, horse race wagering, casinos, or HHR machines.

cost the lottery between and \$10 million and \$20 million annually to hire and train personnel to conduct the monitoring operations, establish the central monitoring system that allows lottery officials to constantly assure the state is collecting all of the gaming tax due.

JLARC estimates it would

based on their net gaming revenue ensures tax payments increase in proportion to the operators profits," according to the report. "If Virginia Lottery were to regulate the machines and use a central monitoring system, as Georgia does for the machines operating there, lottery could ensure the state is receiving all tax payments to which it is entitled," the report concludes. "When ABC regulated the gray machines in FY21 on a temporary basis, it could not confirm gray machines' gross or net gaming revenue, which made implementing a tax based on a percent of net gaming revenues impractical. Lottery could use a central monitoring system to enable a percent tax rate."

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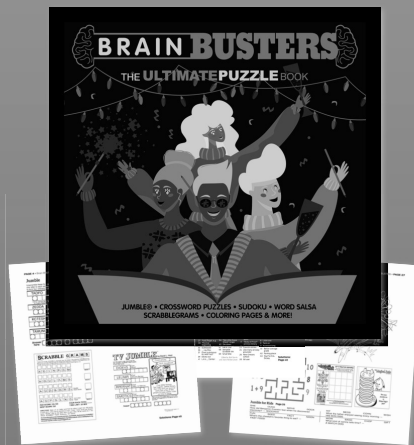
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6	7	4						
3								7
			8	5	7			
8	2		9				6	
3	9					8		4
4			2			3	9	
			7	4	5			
6								3
					9	5	7	

JUMBLE

THAT SCRAMBLED WORD GAME
By David L. Hoyt and Jeff Knurek

Unscramble these Jumbles, one letter to each square, to form four ordinary words.

- GEMOA
- PWRIE
- DNOENC
- ITRIED



Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.

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PREVIEW PUZZLES ANSWERS

9	2	5	8	6	9	1	3
8	1	1	2	3	1	9	
9	1	2	5	7	2	6	6
1	0	3	8	2	9	9	2
7	1	0	1	8	1	4	0
5	0	2	8	7	6	2	5
0	9	9	2	6	6	6	4
2	0	1	8	6	6	6	4
2	0	8	6	1	7	2	0

Answer: TO NIP DOWN A TIME
Jumble: OMEGA WIPER CONNED TIDER

VIRGINIA

Youngkin outlines economic strategy

Virginia governor fills in details

DAVE RESS
Richmond Times-Dispatch

A 40-plus step plan to boost Virginia's economic development includes Gov. Glenn Youngkin's call for a tighter focus on target industries to woo and to retain, as well as a new fund to finance transportation projects.

The governor's economic development strategy released Thursday said a recent \$230 million grant from the U.S. Treasury will fund state efforts to help small businesses with loans and early stage purchases of their stock, through an effort managed by the Virginia Department of Small Business and Supplier Diversity and the Virginia Innovation Partnership Corporation.

Youngkin said he wants to ease regulatory and tax burdens for Virginia small businesses and startups. For this, he pointed to the cost of registering new businesses with the state as well as local governments' business, professional and occupational license tax and property taxes.

He said this burden-easing effort will also involve reform of the state's unemployment insurance tax.

"The Commonwealth's economic future stands at an inflection point," Youngkin wrote, introducing the plan.

Much of the plan includes steps Youngkin has already announced — but the 62-page document reveals some of what sparked his \$450 million budget amendment to fast track preparation of sites so businesses can move right in.

This spring, Virginia was in the running for a Hyundai Motors' electric vehicle and battery manufacturing plant, which went instead to Georgia, which bought a nearly 3,000-acre site for \$61 million to secure the 8,100 job, \$5.5 billion project.

Virginia also lost the contest for a \$20 billion Intel semiconductor expansion because Ohio had a more than 1,000-acre, shovel-ready site for the two semiconductor fabrication facilities Intel wanted to build.

All in all, not having sites ready for businesses means Virginia lost out on more than 55,000 jobs, and more than \$124 billion in investment.

Youngkin's plan says the state's target industries to pitch may be too expansive.

Key targets going forward include firms that want prepared sites — like the Hyundai and Intel deals the state lost — and semiconductor, electric vehicles and advanced manufacturing sectors.

One key strategy is a focus on workforce development, including the a single, centralized state agency that Secretary of Labor Bryan Slater has previously announced.

He also wants to see if there are ways to speed work on Interstate 81, the often-clogged highway artery of the western part of the state.

In addition, Youngkin wants to look at whether businesses want more inland ports — facilities where importers and exporters can pick up or drop off cargo away from often crowded waterfront terminals.

Tackling the high cost of housing, which Youngkin has also already said is a priority, is also an element of his plan.

Youngkin also wants to invest in new construction techniques and to revise regulatory processes to reduce construction costs.

The plan also calls for a push to expand action to broadband.

"This is our call to action — Virginia must take unprecedented steps to supercharge its economic development and promote growth," Youngkin said.

APPALACHIAN EVENTS & GAMING CENTER



EMILY BALL, BRISTOL HERALD COURIER

Debbie Jones plays the pull tab machines inside the Appalachian Events and Gaming Center in Abingdon.

Taking a chance

JOE TENNIS
BRISTOL HERALD COURIER

ABINGDON, VA. — Randy Callahan slipped a \$5 bill into an E Pull-Tab machine at the Appalachian Events & Gaming Center on Wednesday.

Within seconds, the quick demonstration yielded Callahan \$9. It was nothing to get rich on, but he had nearly doubled his money — with almost no effort.

This gaming center — formerly known as the Community Center of Abingdon — relies on 18 of these game machines to pay the bills to the tune of bringing in \$250,000 a year, according to Callahan, the organization's executive director.

"Ours are not skill games. There's a difference between our games and skill games. And the state delineates skill and luck," Callahan said of the games of chance located in the Community Center. "And ours are luck?"

"There's no skill to playing these games," Callahan said. "It's simply a game of chance. They're just like a slot machine. You laid your money in. You punch a button, and you either win, or you don't."

Just like slot machines, they are popular, too. "You can play these games for as little as 25 cents or as much as \$5 a shot. The maximum payout on 16 of the machines is \$1,000 and \$1,500 for two of the newer game machines, Callahan said.

But the payouts vary — depending on how much money you pay to play.

Charity Meals

Such games of chance are only allowed in charitable organizations, such as a Moose Lodge or VFW Post, he said.

And they're regulated. Virginia state inspectors put a permit on each machine.

"And we have to fill out quarterly reports that we have to submit to Virginia Gaming," Callahan said. "Virginia Gaming regulates the thing very, very strictly. They will surprise-inspect."

Statewide, charitable gaming posted a record \$1.5 billion in 2021 with \$1.28 billion wagered on electronic pull-tab games

Abingdon gaming center uses proceeds from machines of chance to operate senior center

compared to \$235 million for traditional charitable bingo, raffles and paper pull-tabs, according to a 2022 ILARC study. The Virginia Department of Agriculture and Consumer Services regulates all charitable gaming in the state.

The fact that Callahan's machines support a delivered meals program and a center for senior citizens is not typical of their use.

"I'm the last man standing that still has these machines turned on that is not a fraternal order," he said. "All the rest of them have been turned off. Ours are on because I don't think the state wants a lawsuit for shutting down Meals on Wheels or senior services."

If these machines go away, Callahan said, "I'm considering bringing in the skill games, because the state can't do anything about that. They're don't regulate them right now. It's the same thing, they can't do anything about them in gas stations, and they can't do anything in here."

This center's charity revolves around feeding hungry patrons by having a place where donated food can be picked up a few days a week — by whoever wants it — with meat, tomatoes, mushrooms, sweet potatoes, and bananas.

The center also delivers meals. "We ceased to be part of the Meals on Wheels organization for a couple of reasons," Callahan said. "One, they don't do anything for you. They just want money to use their name. And, two, I was at a meeting with them and one of their rules is that you must be 65 or older to receive these meals. And I said, 'What about our vets who are coming back overseas and they're disabled?'"

Today, the center still uses the name, "Meals on Wheels" but, just as often, goes by "home-delivered meals," Callahan said. "We're only using it now until we transfer fully over to the 'home-delivered meals' because that's what people know us as."

The center serves 87 residents to pick up food that is put out for whoever needs it a couple days a week.

"We are just trying to help as many people as we can with what we have here," he said.

Name Change

The facility is no longer strictly known as a senior center.

"It still is a senior center. We have a senior room back here," Callahan said. "Our legal name is still under Senior Services Center Inc., but what happens over the years is the seniors don't financially support the place."

Callahan took over the organization in 2020, as COVID-19 hit, but soon found the facility could not make money renting its space — due to the pandemic.

"So I sat the board down and told them that we have to start thinking about how to generate an income — or we'll have to shut the doors. So, I told them about these machines and we brought four or five of them in, just to see how they would do, and it just took off," he said.

In the first seven months, patrons waged \$1 million into the machines, according to Callahan. Of that, the center paid out \$750,000. With what was left, the center kept \$125,000 and gave the other \$125,000 to the company that provides the machines.

The gaming machines help the center pay off its debts and half of the mortgage, he said.

"We changed the name because we wanted people to know what was going on here. We were mak-



ing money hand over fist until the casino opened," Callahan said. "This is not like a casino, and that's what attracts some people. They come in and they like the atmosphere. They like the way it looks. There's no smoking in here. There's not a lot of crowds in here. And there are always machines available if somebody wants to get on one."

Support

These machines and bingo are what paid the bills, Callahan said. "We always need the county support," Callahan said. "We're still getting some minor donations. We don't get very much."

"The town cut us off," Callahan said explaining how the center does not receive any funds from the Town of Abingdon.

Callahan insists the gambling games inside the center are what is needed to keep the doors open. But that view may have cost the organization support from both Washington County and the Town of Abingdon. Neither municipality gives money to the center.

"They were supporting Meals on Wheels. But the way they're going about it with the machines, that's not keeping with what the senior center was," Washington County Supervisor Dwayne Ball said. "The town didn't fund it. We just kind of followed suit with them."

Skill game machines, meanwhile, are scattered across Washington County — in various stores.

Washington County Commissioner of Revenue Mark Matney does not tax the machines at the gaming center, because it is classified as a non-profit charity, but he does tax up to 30 machines as personal property in other locations. He said his staff will be on the lookout for more.

"Every vendor has to pay vendor personal property on the machine," Matney said.

"We went to every convenience store. And we went hunting for them. But if they just put them in here this year, we can't tax them until next year."

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New guidelines could end pipeline block

THE ROANOKE TIMES

The George Washington and Jefferson National Forests issued a revised environmental impact statement Friday that could remove a major obstacle to completion of the Mountain Valley Pipeline.

The U.S. Forest Service has proposed new construction guidelines that, if adhered to, would enable the 303-mile intrastate natural gas pipeline to traverse a 3.5-mile section of the Jefferson

National Forest in Giles and Montgomery counties, the project's final missing link.

The revised environmental impact statement considered two alternatives.

One would have taken no action to revise the regulations, which could have dealt the controversial project a potential death blow. It would have required the project to remove sections of pipe currently stored above ground and to restore soil and vegetation altered by dig-

ging or timbering.

The second alternative, which the Forest Service has recommended, would "allow for the construction, operation, and maintenance" of the pipeline.

Legal challenges by environmental and citizens groups and environmental compliance penalties have delayed completion of the pipeline as project construction costs have grown to \$6.6 billion.

A 4th U.S. Circuit Court of Ap-

peals decision in early 2022 revoked MVP's permit to cross federal land by ruling that the Forest Service and the Bureau of Land Management failed to properly predict and prevent erosion and sedimentation caused by the massive infrastructure project.

The appeals court also ruled that the Forest Service failed to comply with its own planning rules and that it prematurely authorized the crossings of some streams in the national forest.

BRISTOL HERALD COURIER

New life for old building

Smyth County administration building changes owners; future use under study **REGION A3**



World Cup

Messi, Argentina reigns supreme **SPORTS B1**



Monday, December 19, 2022

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EMILY BALL, BRISTOL HERALD COURIER

Reporter Joaquin Mancera tests his luck at one of the skills gaming machines located in the old Big Eddie's Deli.

Chilly arctic plunge, rain and snow on the way

JOE TENNIS
BRISTOL HERALD COURIER

Brace yourself for a downhill plunge into the arctic zone this week.

And while you're shopping for Christmas presents, pick up some pipe-wrap for your house. You're going to need it come Friday morning.

High temperatures from Monday to Thursday are expected to remain near normal each day — from the mid-40s to about 50.

But rain is forecast to fall Wednesday night to Thursday night with the approach of a cold front, said Kerrie Simmons, a meteorologist with the National Weather Service in Morristown, Tennessee.

"Temperatures are going to be dropping drastically," Simmons said. "As we get closer into Friday, the chance of snow increases."

Thursday night's low is dipping to 15, Simmons said.

Friday's high is expected to be in the mid-20s with a 70% chance of about one inch of snow — or more, Simmons said.

"The peak of the precipitation will be Thursday night into Friday morning," Simmons said. "It's going to start tapering off early in the day Friday and by the evening time, will be out of here."

Beyond Friday, the chances of a white Christmas, like what was witnessed in 2020, is minimal, according to Simmons.

Still, the temperatures will remain in the 20s for daytime highs and go as low as 5 to 10 degrees each night next weekend as Christmas Eve arrives on Saturday and Chirms falls on Sunday, Simmons said.

Experiencing 'Gray Machines' compared to casino gaming first hand



At first glance from the outside, Lucky Arcade Skilled Games seemed like it was trying to go under the radar while at the same time lighting up its entrance with a disco ball. This was my first stop on my fortune-seeking adventure, for which I was provided with a crisp \$100 budget as part of the Bristol Herald Courier reporting project into the growing number of "Gray Machine" skill game rooms across Virginia. My second stop would be trying my luck at the



JOAQUIN MANCERA

slot machines at the Bristol Casino. I was accompanied by Emily Ball, the Bristol Herald Courier's photographer, when we entered Lucky Arcade Skilled Games. The first thing that stood out to me was that no one asked us for any ID. In fact, it seemed that aside from a few cameras and a sign that said, "Be Kind," the only security was an individual who enthusiastically greeted us at the entrance. I was glad to see that none of his enthusiasm dissipated when we revealed we were with the Herald Courier and asked if it was OK to take pictures. By the time I sat down, however, several of the patrons, who had

been compulsively trying their luck, made their way to the exits. "To the background tune of Bon Jovi's "Living on a Prayer," I relied on the wisdom of a regular who taught me the ins and outs of how to spread your luck like peanut butter on toast, sparingly but without missing a spot. During the time Emily and I spent at Lucky Arcade Skilled Games, we learned through conversations about the subtle differences within the machines themselves that keep regulars coming back. They

Please see **MANCERA**, Page A4

Please see **PLUNGE**, Page A4

Records show Capitol rioter plotted to kill federal agents

KIMBERLEE KRUESI
Associated Press

NASHVILLE, Tenn. — Newly unsealed court documents show that a Tennessee man arrested for his involvement in the Jan. 6, 2021, insurrection also conspired with another person in a failed attempt to kill dozens of federal agents involved in the investigation.

More than 880 people have been charged with crimes related to the attack on Jan. 6, 2021, the

Justice Department said. Earlier this year, Edward Kelley, 33, was one of many rioters arrested on charges of illegally entering the U.S. Capitol and assaulting an officer.

According to the FBI, Kelley later discussed plans with 26-year-old Austin Carter to kill law enforcement personnel who had worked in his criminal investigation, and made a list of targets. Court records show that a witness provided the list of 37

names to a local Tennessee police department on Tuesday.

Kelley and Carter discussed collecting information and plans to law enforcement officials on the list, which also included on the FBI's Knoxville field office.

"You guys are taking them out at their office," said Kelley, who was recorded by the unidentified witness on Wednesday. "What you and Austin need to do is

Please see **RIOTER**, Page A4

Police chief killed in roadside collision with pickup truck

ASSOCIATED PRESS

BROADNAX, Va. — A Virginia police chief died after a pickup truck struck him on the side of a highway, according to police.

Broadnax Police Chief Joe Carey, 66, was hit by the vehicle on Friday after he pulled over to recover the remains of a dead animal on the road, a Virginia State Police news release said.

Carey died at a hospital. The man driving the pickup truck wasn't injured. Alcohol was not a factor in the

crash, police said.

The lights on Carey's police vehicle were on while parked on the side of the highway, according to police.

Broadnax Mayor Don Dugger said Carey was "a genuine friend to so many of us."

"He truly loved his job and worked hard to make a difference while protecting and serving our town," the mayor said in a statement.

Broadnax is in Brunswick and Mecklenburg counties, in southern Virginia.

No more links to rivals

Site labels Facebook, Instagram, others as 'prohibited platforms' **NATION & WORLD A5**

Weather

Sun and clouds
High 40 • Low 27
FORECAST - A8

Inside

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Mike Farris
Funeral Director
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OBITUARIES

TODAY'S DEATHS

■ **EDITOR'S NOTE:** No local obituaries were submitted for today's edition of the Bristol Herald Courier.

Information and wording for obituaries are provided by funeral homes and are published as paid notices. Obituaries also appear online at www.HeraldCourier.com. Obituaries must be submitted by 3 p.m. for publication in the following morning's newspaper.

Plunge

From A1

All that could at least add up to seeing some snow still lingering on the ground for Chrismas Eve and possibly Christmas Day, Simmons said.

At the onset, check off this list:

- Wraps your water pipes – and leave a faucet running with a trickle – so your water lines don't

freeze.

- Get your pets in at night.

- Check on your neighbors.

- Wear gloves, scarves and coats to avoid frostbite and limit your skin's exposure to cold.

- Buyers, beware: The rainy-snow mix could prove to be dangerous to travel for last-mixture Christmas shoppers.

jtennis@bristolnews.com

Rioter

From A1

recruit as many as you can, call who you need to, and you're going to attack their office."

When the witness asked if the attack was taking place at the Knoxville office, Kelley said yes.

Carter later told the witness that "this is the time, add up or put up" and "to definitely make sure you get everything racked, locked up and loaded."

Attorneys for Kelley and Carter did not immediately return messages for comment.

Both Kelley and Carter made their appearance in court on Friday in Knoxville before U.S. Magistrate

Judge Jill E. McCook. They are charged with conspiracy, retaliating against a federal official, interstate communication of a threat and solicitation to commit a crime of violence.

"Federal law enforcement agents put their lives on the line every day to protect the public," U.S. Attorney Francis M. Hamilton III said in a press release Friday. "Planning and threatening violence against them is among the most serious of crimes. It is absolutely unacceptable and will be vigorously investigated and prosecuted."

The two men are scheduled for a preliminary hearing on Jan. 3. Meanwhile, Carter's detention hearing is scheduled for Dec. 21.

'CADILLAC FRANK' SALEMME, 89

New England ex-Mafia boss dies in prison

ALANNA DURKIN RICHIE
Associated Press

BOSTON — Francis "Cadillac Frank" Salemme, the once-powerful New England Mafia boss who was serving a life sentence behind bars

for the 1993 killing of a Boston nightclub owner, has died at the age of 89, according to the Bureau of Prisons.

Salemme died on Tuesday, according to Bureau of Prisons' online records. Bureau officials did not immediately respond to an email seeking more information on Sunday. Salemme's death was first reported Sunday by WPRI-TV.

Salemme led the Patriarca crime family in Boston in the early 1990s before helping prosecutors convict a corrupt FBI agent after learning that other mobsters had been talking about him to authorities.

Salemme, who has admitted to a slew of other gangland killings, was living in Atlanta under the name Richard Parker when remains of the nightclub owner were unearthed in 2016, making the elderly ex-Mafiadon a government target once again.

Salemme's 2018 trial became a flashback to the days when the mob was a feared and powerful force in New England. Salemme maintained he had nothing to do with Steven DiSarro's death, but was convicted after his onetime best friend testified against him.

Salemme participated in numerous killings in Boston's 1960s gang wars and spent 16 years behind bars for trying to kill a lawyer, who survived but lost a leg, when his car was blown up in 1968. After being released from prison, Salemme was seriously wounded in a shooting outside a suburban Boston pancake house.

His reign as Mafia boss ended when he, notorious Boston gangster James "Whitey" Bulger and others were charged in a sweeping racketeering case in 1995. Salemme and Bulger fled after they were tipped off to the impending indictment by Bulger's FBI handler, John Connolly Jr.

Salemme was arrested in Florida several months later while Bulger spent 16 years on the lam before being captured at the age of 81 in Santa Monica, California. Bulger was killed by fellow inmates in prison in 2018 at the age of 89.

Arctic air on tap for much of US

JEFF MARTIN
AND JULIE WALKER
Associated Press

ATLANTA — Forecasters are warning of treacherous holiday travel and life-threatening cold for much of the nation as an arctic air mass blows into the already frigid southern United States.

"We're looking at much-below normal temperatures, potentially record-low temperatures leading up to the Christmas holiday," said Zack Taylor, a meteorologist with the National Weather Service.

The polar air arrives as an earlier storm system gradually winds down in the northeastern U.S. after burying parts of the region under 2 feet of snow. More than 80,000 customers in New England were still without power on Sunday morning, according to poweroutage.us, which tracks outages across the country.

The incoming arctic front brings "extreme and prolonged freezing conditions for southern Mississippi and southeast Louisiana," the National Weather Service in a special weather statement Sunday.

By Thursday night, temperatures will plunge as low as 13 degrees F in Jackson, Mississippi; and around 5 degrees in Nashville, Tennessee, the National Weather Service predicted.

For much of the U.S., the winter weather will get worse before it gets better.

The coming week has the potential for "the coldest air of the season" as the strong arctic front marches across the eastern two-thirds of the country in the days before Christ-



KRISTOPHER RADDER, THE BRATTLEBORO REFORMER

A state plow truck clears snow along Route 30 on Friday in Jamaica, Vt., during a snowstorm.

mas, according to the latest forecasts from the federal Weather Prediction Center in College Park, Maryland. The center warned of a "massive expanse of frigid temperatures from the Northern Rockies/Northern Plains to the Midwest through the middle of the week, and then reaching the Gulf Coast and much of the Eastern U.S. by Friday and into the weekend."

In Atlanta, where temperatures are set to drop below freezing early Monday morning, forecasters warned of even colder air by late in the week, according to the National Weather Service office in Peachtree City, Georgia. The low Friday night in Atlanta will be around 13 degrees with the high temperature Saturday still below the freezing mark at around 29 degrees, the Weather Service projected.

Freezing temperatures can take lives in an instant — a heartbreaking reality that Atlanta homeless advocate George Chidi knows firsthand.

He went to check on a woman with severe mental health issues in downtown

Atlanta earlier this year, and found she had died of suspected hypothermia just hours earlier. Her body was found outside the Greyhound bus station, which is open 24 hours in the heart of downtown Atlanta, he said.

"She died within 100 feet of three heated buildings," Chidi said.

He said people without housing who die in freezing weather often do so because they are battling alcohol, drugs or severe mental illness, or they do not trust others and find themselves on the streets rather than a shelter with other people.

Homeless people in southern states are also vulnerable to its weather patterns that make it comfortable one week, but suddenly freezing the next.

"A main factor isn't the temperature itself," Chidi said. "It's the speed with which the temperature drops."

Florida will not have a white Christmas, but forecasters are expecting that weekend to be unusually cold throughout the state.

Northern Florida cities such as Jacksonville, Tallahassee and Pensacola have predicted lows in the 20s on Christmas Eve, with highs of about 40. Orlando and Tampa are not expected to break 50 on Christmas Eve and even Miami isn't expected to get out of the 50s.

In the Northeast, utility companies brought in extra workers from other states but were hampered by slick roads and dangerous conditions.

"This was a heavy, wet snow so that had impacts on both travel and the infrastructure," said Frank Pereira, a meteorologist with the National Weather Service.

Police across New England responded to hundreds of weekend crashes or vehicles sliding off the road. Maine State Police said Saturday night they had responded to more than 180 crashes since Friday evening. There were only minor injuries.

Vermont officials said they're finding locations for potential warming centers in the hardest-hit areas, in case they're needed. State officials warned Saturday that some customers' power may not be restored for two to three days.

"Last night we had some people come in who weren't able to cook for themselves, and so we definitely made sure that we had room for them," Becket Gourlay, a host at the Waterhouse Restaurant in Peterborough, New Hampshire, said on Sunday.

"Even today we had some people who came in to watch the final match for the World Cup because their TVs were out."

Mancera

From A1

explained the Gray Machines are less expensive than the slot machines one finds at the casino, which allows for more spins per dollar. I also observed a clear friendship between the person in charge and the regulars who stayed behind.

I spent \$40 of my allotted \$100 at Lucky Arcade Skilled Games and left having earned \$60 to the glee of the man in charge, who exclaimed, "I am glad you are leaving with a smile!"

Day two of my new life as a fortune seeker took me to the Bristol Casino, where upon entering the establishment, I was immediately asked for my ID by a security guard, who also asked me to take off my glasses so that the cameras could scan my face.

As I walked around trying to take in the full sensory overload of the ping-pong of slot machines, fortune wheels, and roulette, mixed in with the cries of glee or disappointment at the results from small pockets of fortune seekers, who would gather around

an individual and share in their emotions. Everywhere I walked, the smell of cigarettes followed.

Once I walked around the casino floor a couple of times, I finally sat down and played my first game. I lost \$20 in less than three minutes. It was clear to me at that point that the stakes were raised. The second game I played, with the earnings from the previous day, went so well that when I cashed out and walked away, I saw out of the corner of my eye an individual swooped in to continue what I had started.

It was not until the third slot machine game, which was a Wizard of Oz-themed game that I truly started encountering all sorts of bonuses and combos. My remaining \$40 soon became \$117. The

more time I spent sitting and clicking the button, the more routine it started to feel.

While on this yellow brick road, a fellow fortune seeker began regaling me about their past exploits and highlighted that they had yet to encounter such success on their current journey. Looking at where I was, they recommended I call it a day. I decided to take their advice and cashed out.

In total, I went from an initial budget of my fortune-seeking journey of \$100 to \$165.

There were a few things that stood out to me in relation to my fortune-seeking adventure. When it comes to the machines themselves, the unregulated Gray Machines seem to create an allure of control

through more interactive play. However, there is no way to actually know how the machines are set up.

The clear contrast related to security is not ideal, and although an honor system seems to be working at Lucky Arcade Skilled Games, I would attribute it more to the charisma of the person in charge and his personal relationships, with the individuals who walk past the disco ball, than to a sign stating, "Be Kind."

What is clear to me, in the end, is that it would have been very easy to continue. Time spent in the Bristol Casino and at the Lucky Arcade Skilled Games can start to feel secondary.

Email: jmancera@bristolnews.com

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BRISTOL HERALD COURIER

Arby's semifinals set
Last regional team falls short in Thursday quarterfinal contests **SPORTS B1**



What's next?
South Fork path unclear
REGION A3



Friday, December 30, 2022

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CALIFORNIA TRIPLE SLAYING

Edwards' gun rights revoked

No records found to show restoration bid before hiring by VSP



Edwards

JASMINE FRANKS
Smyth County News & Messenger

Newly obtained court documents show that a former Virginia trooper and recently hired Washington County deputy at the center of a triple homicide investigation in Riverside, California, had his right to purchase or possess a

firearm revoked in 2016 after he was committed to a psychiatric facility for treatment.

Riverside police say 28-year-old Austin Lee Edwards, who was hired as a deputy in Washington County on Nov. 16, "catfished" a 15-year-old girl online, while pretending to be a 17-year-old boy. Investigators say Edwards drove across the coun-

try and on Nov. 25 killed the girl's mother and grandparents and burned their home before driving off with the teen.

Later that day, Edwards killed himself with his service pistol during a shootout with law enforcement, police said.

According to a treatment order and an accompanying notification letter that was sent to the Virginia State Police's Central Criminal Records Exchange, Edwards, then 21, agreed to voluntary admission to a psychiatric hospital

in February 2016, after being held for evaluation under a temporary detention order. According to the documents, Edwards had been advised that he was prohibited from purchasing, possessing or transporting a firearm.

Under Virginia law, any person who is held on a TDO (temporary detention order) and is subsequently admitted to a treatment facility, whether voluntarily or involuntarily, is prohibited from buying or possessing a firearm until that right is restored by a court.

Violation of the law, according to Virginia Code, is punishable as a Class 1 misdemeanor.

Tom Scott, a law professor at Appalachian School of Law and a practicing defense attorney who reviewed the documents, explained that the process is in place to help protect those suffering from mental breakdowns as well as those around them.

"Folks don't want to be mentally ill any more than they want to

Please see **EDWARDS**, Page A9



EMILY BALL, BRISTOL HERALD COURIER

SUNNY AT SUGAR HOLLOW

Cooper Kenworthy races down the sidewalks of Sugar Hollow Park on his scooter on Thursday in weather that was in stark contrast to last week's freezing temperature. The thermometer reached a spring-like 66 degrees in Bristol. More mild weather is in store, with a high of 61 in today's forecast and continued highs in the 50s and 60s through the middle of next week. Turn to A10 for the full forecast.

SKILL GAMES IN VIRGINIA

Sadler suit could stall regulation

Lawmaker: Injunction might delay action on Virginia 'gray' games



DAVID MCGEE
BRISTOL HERALD COURIER

An injunction currently allowing skill games to operate in Virginia could dampen legislative enthusiasm to take any additional action when the General Assembly convenes next month.

In 2020 the assembly voted resoundingly to outlaw the games, including so-called skill games, in conjunction with the approvals of casinos by referendum and sports betting. However a one-year moratorium on that ban and now a court injunction

READ MORE: To read all of the stories in our Gray Area series, scan here.

NEWSVU

has kept the machines whirring. There is speculation legislation to regulate skill games may be introduced.

Please see **SADLER**, Page A10

PETERSBURG, VIRGINIA

Nonprofit sets sights on \$30 insulin price

Virginia facility may begin sales in 2024

ERIC KOLENICH
Richmond Times-Dispatch

Americans living with diabetes are sometimes forced to pay \$350 for a vial of life-saving insulin. But a nonprofit pharmaceutical

company coming to Petersburg plans to sell the medicine at no more than \$30 a vial.

The nonprofit, Civica Inc., is nearing completion on a 140,000-square-foot facility in the city's southeast corner and plans to begin selling vials and

Please see **INSULIN**, Page A4

COMICS: Find 500 comics, hundreds of daily puzzles here.
NEWSVU

Weather
More clouds, mild
High 61 • Low 45
FORECAST • A10

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Deaths	A4	Television	B7



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LOCAL FORECAST

Increasing cloudiness and mild today. Winds southeast 4-8 mph. Expect 3-6 hours of sunshine with average relative humidity 70%. Areas of fog tonight with occasional rain and drizzle late. Winds east-southeast 4-8 mph. Average humidity 90%.

POP: Probability of Precipitation

TODAY

61° 45°
Increasing cloudiness and mild
Wind: S 4-8 mph
POP: 5%

SATURDAY

57° 40°
Occasional rain
Wind: S 4-8 mph
POP: 90%

SUNDAY

57° 33°
Mainly cloudy
Wind: SW 6-12 mph
POP: 5%

MONDAY

62° 43°
Nice and warm with clouds and sun
Wind: SW 4-8 mph
POP: 10%

TUESDAY

64° 52°
Warm with periods of rain
Wind: SSW 7-14 mph
POP: 90%

WEDNESDAY

60° 40°
Mid with periods of rain
Wind: WSW 6-12 mph
POP: 70%

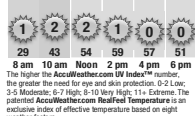
THURSDAY

49° 33°
Cloudy with a little rain; cooler
Wind: W 7-14 mph
POP: 55%

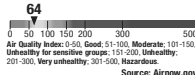


CONDITIONS TODAY

UV Index and RealFeel Temperature



AIR QUALITY INDEX TODAY



SKI REPORT

Resort	Base	New Trails	Lifts
Winterplace	40-73	0	24
Shenandoah Mt.	48-48	0	41
Carson Valley	24-36	0	6
Timberline	12-60	0	21
Beech Mt.	40-70	0	13
Appalachian	92-124	0	9
Sugar Mt.	37-85	0	16
Ober Gatlinburg	20-35	0	6

REGIONAL LAKES

Lake	Full	Pool	Level	Change	24-hr.
South Holston	1729	1708.50	-0.58		
Watauga	1959	1951.03	-0.34		
Boone	1382	1362.95	-0.40		
Fl. Patrick Henry	1261	1259.87	-0.05		
Cherokee	1071	1044.44	-0.26		
Douglas	994	951.38	-0.52		

Sadler

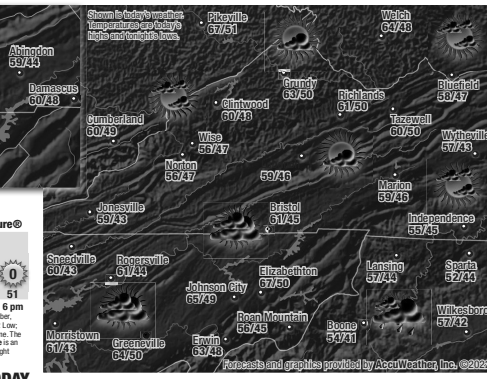
From A1

Deputy Majority Leader Del. Israel O'Quinn, R-Bristol, said the injunction could impede action this year.

"It's possible but I'm guessing the lawsuit might hinder those efforts. The General Assembly is typically loathe to tweak things that are currently in litigation," O'Quinn said Thursday. That lawsuit, filed by business owner and former NASCAR driver Hermie Sadler, seeks to overturn the state ban. Sadler said he wants the state to develop a system to monitor and tax the skill machines — which help the bottom line of his line of truck stops, convenience stores and restaurants. He also opposes the mini-casinos or gambling parlors. "When casinos were put up for a local referendum, we said that if the voters approved a facility, the industry would be one of the most heavily regulated in the entire state. That has come to pass as the Virginia Lottery monitors everything at the facilities they regulate, including having multiple enforcement officials onsite 24 hours a day," O'Quinn said.

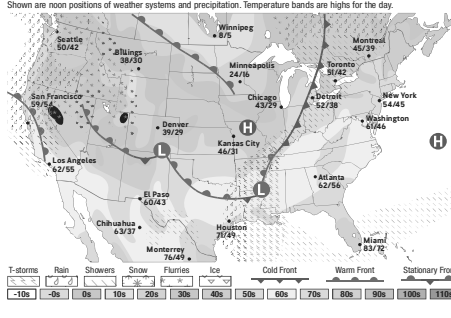
Each casino operator will pay \$15 million for a 10-year state gaming license, fund all of the required background checks for employees and vendors involved in gaming and is required to spend a minimum \$300 million to construct each facility. The Hard Rock Bristol facility is expected to cost \$500 million. There are no such requirements, background checks or oversight for gray machine makers, operators or businesses hosting them. None of the gray machines or skill games hosts pay any taxes on their activity and the state has no clue how many are operating in Virginia.

"The mini-casinos that are operating throughout our area are operating outside the bounds of the law and were never approved by voters. They're entirely unregulated and many folks are not happy



REGIONAL FORECAST: Increasing cloudiness today, however, partly sunny to the north. Low clouds and fog to the east tonight with occasional rain and drizzle; occasional rain and drizzle in eastern Tennessee. A passing shower in the west. Areas of fog to the north. Periods of rain tomorrow.

AccuWeather.com



EMILY BALL, BRISTOL HERALD COURIER

Skill games continue to operate in Virginia due to an injunction filed by former NASCAR driver and convenience store owner Hermie Sadler.

about having them in their neighborhoods. We've got to do something, but the lawsuit in Southern Virginia may slow us down," O'Quinn said.

An October study by the Virginia Joint Legislative Audit and Review Commission forecasts gray machines could generate \$120 million in annual tax revenues, based on the 9,000 known machines in 2020-21. The study also forecasts Virginia's gambling marketplace could support more than twice that number, which could generate \$200 million and \$300 million in annual tax revenues. "I don't want to speculate. We've got another two weeks before all the legislation to be filed for this session is in," Del. Will Wampler, R-Abingdon, said. "I don't know exactly what proposals are going to come forward. But I don't want it to be on a year-to-year basis of whether or not they're going to be in the marketplace.

"I think a majority of the skill games operators are willing to be regulated and taxed. It's just up to the General Assembly to provide that framework," Wampler said. "If there's going to be legislative activity on this issue this year, we need to be focused on providing clear and consistent and understandable regulatory guidelines for them to follow because we haven't done that in the past." Licensed casino operators in Virginia have been mums on the issue, but Rosie's Gaming Emporium owner Churchill Downs — which operates thousands of slots — like historic horse-

ing games at six Virginia locations — doesn't want the gray machines legalized. Casinos are regulated by the Virginia Lottery and the HHR games are presently monitored and taxed by the Virginia Racing Commission.

"Many of the convenience store owners with one or two machines have been unwittingly pulled into this mess," O'Quinn said. "They're simply the host for a machine and receive royalty payments as such. Nevertheless, the machines are illegal, but there has to be enforcement taken at the local level to curb the proliferation while we determine how the current lawsuit will affect potential legislation."

Wampler also voiced concern about the mini-casinos, many of which offer no other product or service. "I think there needs to be attention given to the number [machines] that the state of Virginia would allow to operate and geographic distribution of those machines," Wampler said. "The other industries that are out there in gaming are highly taxed and highly regulated. We ought to provide a level playing field for all those gaming industry partners," Wampler said. Wampler said the injunction could make this a good time for the state to act. "They've got an injunction that was just recently renewed," Wampler said. "It really is time for the legislature to act and provide some regulation for the industry."

dmcrcge@bristolnews.com —
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ALMANAC

St. Giles Reg. Airport through 5 p.m. Thu.
Temperature Today Sat.
High/Low 66°/23° 5:22 p.m. 5:23 p.m.
Normal high/low 47°/28° 12:45 p.m. 1:11 p.m.
Record high 74° in 2019
Record low 9° in 1977

Precipitation (in inches) 0.00°
24 hours ending 5 p.m.
Month to date/normal 3.38°/3.54°
Year to date/normal 41.91°/43.75°

WEATHER HISTORY

A storm that brought snow to the Deep South a few days earlier brought record-breaking cold to the East on Dec. 30, 1880. The low was 7 degrees below zero in Washington, D.C.

TRAVEL FORECAST

City	Today	Sat.
Albuquerque	47/32/pc	55/35/pc
Anchorage	23/18/0	20/16/c
Atlanta	62/56/c	66/46/pc
Atlantic City	55/45/s	55/50/sh
Baltimore	62/43/pc	55/50/pc
Baton Rouge	70/58/r	75/47/c
Bellingham	58/30/c	44/28/s
Bismarck	23/10/c	28/9/c
Boise	40/33/sn	38/25/c
Cheyenne	56/45/s	56/49/c
Buffalo	54/44/c	49/38/c
Charlotte	58/49/pc	61/45/r
Chicago	41/32/c	46/27/c
Chicago	43/23/c	42/34/c
Cincinnati	56/48/sh	53/40/r
Cleveland	55/47/sh	51/37/sh
Dallas	65/46/c	73/55/pc
Denver	39/29/c	43/25/c
Des Moines	37/26/pc	42/29/c
Detroit	52/38/sh	43/31/sh
Fairbanks	-2/-14/s	-3/-10/s
Grand Rapids	51/29/c	49/39/c
Helena	34/20/sn	35/16/pc
Honolulu	82/68/pc	83/71/s
Houston	71/48/r	75/57/pc
Indianapolis	54/41/sh	45/37/r
Jacksonville	77/60/pc	76/59/r
Kansas City	46/31/s	50/33/c
Las Vegas	56/50/c	62/49/c
Little Rock	62/44/r	69/50/c
Los Angeles	62/55/s	61/48/r
Louisville	61/53/c	56/43/r
Memphis	61/47/r	62/50/c
Miami	83/72/pc	83/70/pc
Milwaukee	43/27/c	41/33/c
Minneapolis	24/16/c	33/20/c
Nashville	65/54/c	64/42/r
New Orleans	71/61/r	74/51/r
New York City	54/45/s	54/49/sh
Oklahoma City	52/38/pc	60/49/pc
Omaha	43/28/pc	46/28/c

Weather (W): s-sunny; pc-partly cloudy; c-cloudy; sh-showers; r-rain; dr-drizzle; sn-snow; f-fog; h-haze

SUN AND MOON

Today	Sat.
Sunrise 7:40 a.m.	7:41 a.m.
Sunset 5:22 p.m.	5:23 p.m.
Moonrise 12:45 p.m.	1:11 p.m.
Moonset 12:42 a.m.	1:46 a.m.

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Q: When a large snowflake most likely to occur?

Jan 6 Jan 14 Jan 21 Jan 28

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BRISTOL HERALD COURIER

Go West

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Holiday Hoops

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Thursday, December 22, 2022

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ALEXA WELCH EDLUND, RICHMOND TIMES-DISPATCH

Hermie Sadler speaks in June about the suit filed on his behalf by Sen. Bill Stanley, R-Franklin County (right). Behind them are business owners affected by the ban on skill games.

Sadler seeks skill games reprieve, legalization

DAVID MCGEE
Bristol Herald Courier

Former NASCAR driver Hermie Sadler, whose cars were once sponsored by Virginia tourism and the state lottery, remains embroiled in a protracted legal fight with state leaders over skill games.

Sadler filed a June 2021 lawsuit challenging the state's ban on skills games, so-called "gray" machines, which he claims should be legalized and taxed much like the slot machines at the Bristol Casino. Sadler offers the machines for patrons of his many businesses in Southside



our convenience stores – for as long as I can remember. It's never been an issue until the casinos started to plan their entry into the Commonwealth of Virginia," Sadler said last week.

"You've got Rosie's expanding, you've got the casinos coming in, you've got sports betting, online gaming that Virginia – all of a sudden – decided to open the floodgates on. The casino people want a monopoly and started to lobby the General Assembly to get rid of all the skill games so everyone has to go to the casinos to play the games," Sadler claims. The General Assembly voted

INSIDE:

Sadler still racing with support of skill game manufacturer, **A2**
Lawsuit claims ban of skill games is unconstitutional, **A9**

to ban the games in 2020 but gave a one-year reprieve – until July 2021 – due to COVID-19. The ban went into effect July 2021. Sadler filed the lawsuit in June 2021 in Greensville County

Please see **SADLER**, Page A9

Zelenskyy thanks 'every American,' sees 'turning point'

ZEKE MILLER, LISA MASCARO
AND E. EDUARDO CASTILLO
Associated Press

WASHINGTON – Ukrainian President Volodymyr Zelenskyy thanked "every American" for their support of Ukraine as he delivered an address to Congress on Wednesday aimed at sustaining U.S. and allied support for his country's defense against Russia's brutal invasion.

Zelenskyy called U.S. support vital to Ukraine's efforts to beat back Russia, and thanked lawmakers and everyday citizens for tens of billions of dollars in military and economic assistance over the last year.

The Ukrainian leader predicted that next year would be a "turning point" in the conflict, "when Ukrainian courage and American resolve must guarantee the future of our common freedom – the freedom of people who stand for their values."

Zelenskyy received thunderous applause from members of Congress and presented lawmakers with a Ukrainian flag autographed by front-line troops in Bakhmut, in Ukraine's contested Donetsk province, which was held up behind him on the rostrum by House



PATRICK SEMANSKY

President Joe Biden shakes hands with Ukrainian President Volodymyr Zelenskyy as he welcomes him to the White House, Wednesday, Dec. 21, 2022, in Washington. First lady Jill Biden is at right.

Please see **ZELENSKY**, Page A4

Please see **STORM**, Page A4

Migrants at border await ruling

Conservative states want COVID-related asylum limits to stay **NATION & WORLD, A5**

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Authorities recover body in Damascus

BRISTOL HERALD COURIER

Authorities have recovered a body from a wooded area in Damascus, Virginia.

According to a press release from the Washington County Virginia Sheriff's Office, the body was discovered Wednesday. Who found the body, how it was found or details about the gender, age or condition of the body were not revealed.

The body is being transported to the Office of the Chief Medical Examiner in Roanoke, Virginia, for an autopsy and identification.

No further details of the ongoing investigation are being released.

Storm adds uncertainty to strong holiday travel demand

DEE-ANN DURBIN
Associated Press

Concerns about illness or inflation aren't stopping Americans from hitting the roads and airports this holiday season. But a massive winter storm might.

Forecasters predict an onslaught of heavy snow, ice, flooding and powerful winds from Thursday to Saturday in a broad swath of the country, from the Plains and Midwest to the East Coast. A surge of Arctic air will follow. The Christmas weekend could be the coldest in decades.

The National Weather Service said Wednesday the storm was so large and encompassing that around 190 million people are currently under some type of winter weather advisory.

Southwest Airlines said it has canceled 500 of its 4,000 scheduled flights on Thursday and Friday. The company said it wanted to maintain safe operations for both passengers and crew.

At least 145 flights into or out of Denver International Airport were canceled Wednesday as the city was hit with snow, gusty winds and freezing temperatures, according to FlightAware, a flight tracking company. At least 219 flights into or out of Denver were expected to be canceled Thursday.

FlightAware was also expecting at least 364 flights to be canceled Thursday at O'Hare and Midway airports in Chicago. Earlier this week, those two airports said they had 350 pieces of snow removal equipment and

Sadler

From A1

Circuit Court and court injunctions in December 2021 and a renewed injunction last month offer new life to the games which appear in restaurants, bars, convenience stores, truck stops and other businesses.

"I am not just advocating for skill games and I am not, at all, advocating against casinos," Sadler said. "I am advocating for the free market system... I think everybody should be treated fairly, the government should not be picking winners and losers as to who gets to operate and what type of business. I don't think monopolies, especially enabled by the government, set a good precedent for people that run any kind of small business."

"And I think people should decide where they spend their money," Sadler continued. "If they decide to play games, they should be able to decide, for instance, do they want to go to the casino in Bristol and play or should they be able to go to another establishment that legally operates skill games? The government is trying to take that away and that is a bad precedent."

Last month, Sadler announced his candidacy for the newly redrawn state Senate district 17.

From the casino side

The four approved casinos are required to invest heavily in Virginia. Under the legislation authorizing casinos approved by voters, each casino is required to pay \$15 million for a license with a 10-year term, but each license must be reviewed and renewed annually to determine if the operator has complied with the state laws and regulations. After 10 years the renewal fee is another \$15 million.

Additionally, the law requires the casino developer to invest a minimum of \$300 million in the facility. Estimates for Virginia's four approved casino sites include \$500 million for Bristol, \$300 for the Rivers Casino Portsmouth which opens next month, \$500 million for Headwaters Casino in Norfolk and \$650 million for Caesar's Virginia.

Of the Virginia projects, Bristol features a local ownership component. The Bristol Casino and its successor the Hard Rock Hotel & Casino Bristol will be jointly owned by Bristol's Jim McGlothlin and Clyde Stacy, in conjunction with Hard Rock International, which is based in Florida and owned by the Seminole Tribe.

The Danville Casino will be owned by Caesar's Entertainment, based in Las Vegas and managed by the Eastern Band of Cherokee Indians, based in Cherokee, North Carolina.

Portsmouth will be run by Rush Street Gaming, based in suburban Chicago and the Norfolk casino will be run by the Pamunkey Indian Tribe of Virginia.

Casino operators are also responsible for paying for extensive background checks of its management personnel and employees who would be involved in any aspect of the gaming process.

Close competition

In addition to the casinos being built in Bristol, Danville, Norfolk and Portsmouth, the state allows one firm to operate slots-like games based on the results of historic horse racing. But the player who sits down encounters a gaming video screen and electronic interface; there is no grainy video of a past horse race but a game of chance which is approved by the state with tax revenues supporting the state's horse racing and equine interests.

That operator, Rosie's, is currently building a new facility in Sadler's hometown of Emporia that will feature those machines. The future Rosie's site is across the parking lot from one of Sadler's convenience stores.

"The government is saying you can't go to Hermie Sadler's convenience store and play the two games he's got in his place, but you can walk 100 yards out the back door and go to Rosie's and play," he said. "I've also got restaurants. The government says 'you've got to go to Rosie's.' So while you're there you'll not only play their games, you'll eat at their restaurant or drink a beer at their bar."

Economic pressures

Sadler said the current economic environment is putting pressure on all businesses, especially small businesses that operate on more narrow margins.

"In this business climate we're in, every dollar matters. We're seeing unprecedented costs for goods and services - up 30% and 40%. In the climate we're in, I'm paying an average of \$5 an hour more now for an average, hourly employee than three years ago and getting a less qualified employee?" Sadler said. "We have a lot of challenges. I'm not going to say that the revenue is insignificant."

"If they took skill games away from me, would I stay in business? Yes. But there are a lot of small business owners - the older couple that runs one store in rural Virginia or owner of a restaurant, bar or tavern, that \$300 or \$400 per month revenue off that machine - plus the money that's generated with food and beverage sales - is not only important, in some cases it's critical," Sadler said.

"It's not the right time for the government to come in and take that part of your business even though you've done nothing wrong and give it to somebody else."

Opposes gaming parlors

"Our General Assembly was in such a hurry to ban these games, I don't think they spent one minute con-

sidering what was going to happen?" Sadler said. "With no regulation and no oversight, every Tom, Dick and Harry in the world - especially those who don't want to obey the law anyway - are putting games in vape shops, in backrooms. They're even putting them in the back of tractor-trailers and running them around the state."

"The casinos want to represent that the backroom with 25 games are the skill game people; the ones causing all these problems. These games in those type places are not the same games that we have. In most cases they are games of chance," Sadler said. "Our games have a skill element that determines how successful a player can be. They're not the same games."

Sadler claims when the state's one-year period allowing and taxing skill games ended, that is what opened the door for these games and prompted establishing "game rooms, shops and parlors" across Virginia.

"We want those places closed down just as much as the casinos do. The illegal operators are the only real enemy of us all," Sadler said. "What I hope will happen is eventually the General Assembly works out a fair and equitable tax and regulation program for our games to be in our stores with ABC licenses - properly taxed and regulated."

"The skill game operators, the small businesses, the casinos, Rosie's actually need to work together to put together a task force to eliminate and close down the businesses that are operating illegally," Sadler said. "I didn't create that problem by my lawsuit. The Commonwealth of Virginia, by signing SB 971, when the games went dark they took away all oversight. There is so much confusion about the law and nobody providing oversight these people are taking advantage of a vacuum right now to operate illegal games."

Sadler said the injunction only covers roughly 9,000 games that were identified by ABC and taxed by the state from 2020 to 2021.

"I don't think our government ever thought what was going to happen when they took away the games and, more importantly, took away the oversight," Sadler said. "Now we've got the wild, wild west. Our places are properly staffed, properly lit... we don't want to be wrongly associated with people that are not doing it legally."

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Lawsuit claims ban of skill games is unconstitutional

DAVID MCGEE
Bristol Herald Courier

Skill games currently operate in Virginia because of an injunction in the lawsuit filed by former NASCAR driver and current state Senate candidate Hermie Sadler.

The injunction issued by Greensville County Circuit Judge Lewis Lerner in 2021 and renewed last month until March 2023, pushes the case past the scheduled end of the 2023 General Assembly session. In the action, Sadler claims the state ban is unconstitutional because it violates free speech. It also claims the ban unfairly affects the bottom lines of small business owners. His businesses, including truck stops, convenience stores and restaurants that host the games for customers.

The lawsuit claims skill games "provided a life-line for the truck stop and plaintiff's other businesses" by attracting patrons who might not otherwise visit there and revenues from the games allowed Sadler to "retain employees, stay open and provide free lunches to first-responders during the [COVID-19] shutdown."

It stated Sadler offers 41 skill games at his businesses that "provided over \$750,000 in net revenue that offset the deficits to their businesses" caused by former Gov. Ralph Northam's executive orders restricting "movement of

citizens and closures of surrounding businesses during the dark days of the pandemic." It further asserted that Sadler paid the state \$590,400 in taxes on the 41 machines when the \$1,200 per machine, per month tax was imposed from July 1, 2020 until July 1, 2021.

It questions a provision in the law that allows businesses that market themselves as catering to "families with children" to qualify as a "family entertainment center" that would be allowed to continue operating skill games. It also claims the definition of family entertainment center is "vague and ambiguous." It cites three examples of how the ban violates free speech. "First the so-called 'family entertainment exception' violates plaintiff's free speech rights in three respects:

"A. It restricts the games that plaintiffs may offer at the truck stop and other businesses and imposes impermissible content-based restrictions on the types of video games permitted in Virginia.

"B. It discriminates against retail locations, like those of the plaintiffs, that do not primarily advertise and market to families with children, which locations are not permitted to offer skill games to patrons.

"C. It conditions the permissibility of skill games on the type of marketing that a retail establishment employs, thereby unjustifiably compelling the speech of skill game

purveyors in the commonwealth, such as the plaintiffs.

It claims pinball machines or video arcade games that don't "look" like a casino game would be permissible and compares the ban to efforts to ban violent video games, which the courts previously determined to be a violation of free speech.

The lawsuit also questions distinctions the state ban draws between skills games that are video-type games resembling slot machines versus other forms.

During the year games were taxed, "skill games that had a certain aesthetic or theme (i.e. looked like a slot machine) were regulated and taxed as 'skill games' Skill games that did not have this aesthetic or theme (such as traditional arcade games, crane games, coin-pushers, carnival games, etc.) did not have to pay the \$1,200 monthly tax and were not regulated," according to the complaint.

It further claims video games like Pac-Man and Galaga were allowed to operate without taxation as were games offered at businesses including Dave & Buster's and Chuck E. Cheese.

The lawsuit claims the ban is "unconstitutionally vague and overbroad and violates the due process guarantee in the Virginia Constitution" because it doesn't allow the average person "know or understand what is prohibited."

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Another Evening with Dailey & Vincent	JANUARY 6	PARAMOUNT BRISTOL
Journeyman - Tribute to Eric Clapton	JANUARY 7	PARAMOUNT BRISTOL
Geoff Tate	JANUARY 8	CAMEO THEATER
James Patterson (Comedy Central's Premium Blend)	JANUARY 13 - 14	BLUE RIDGE COMEDY CLUB



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Brrrrrry Christmas to all!

Big chill will ease just a bit today, but we won't see 32 until Tuesday

BRISTOL HERALD COURIER

The big chill continued to cause issues for power companies and customers Saturday as overnight

lows in Bristol sunk to zero degrees causing the Tennessee Valley Authority to reinstitute rolling blackouts for much of Saturday morning.

Bristol Tennessee Essential Services sent an alert at 6:27 a.m. Saturday morning stating TVA had begun rolling blackouts for the second consecutive day as

demand for power spiked due to the extremely low temperatures.

A press release issued by BTES an hour later said a limited number of TVA's generating facilities were not operating as expected resulting in a loss of power generated by the system.

TVA said the utility supplied more power than at any other time

in its history on Friday, Dec. 23. The system hit a peak demand for power at 7 p.m. Friday night when the region-wide average temperature was nine degrees.

The rolling blackouts were discontinued by TVA Saturday at around 11:30 a.m.

One of the more notable effects of the rolling blackouts was delay

of the Tennessee Titans football game by an hour as a result of the power situation. Nashville Mayor John Cooper had urged the Titans

Please see **COLD**, Page A3

■ **Wild winter:** Major snowstorm still snarling travel. Page A12

BRISTOL, VIRGINIA

City bid to end 'gray' games on hold

Injunction puts action to remove skill games from Bristol in limbo

DAVID MCGEE
BRISTOL HERALD COURIER

BRISTOL, Va. — City officials are taking steps to remove more than 100 skill games from operating here, but any action is temporarily on hold due to an injunction issued in the Hermie Sadler lawsuit.

Earlier this month, City Manager/City Attorney Randy Eads sent letters to 20 city businesses notifying them the games were illegal and should be removed.

"The games we are seeing in the city that are not in the casino at 500 Gate City Highway are illegal, according to the Code of Virginia," Eads said.

However, any enforcement will likely depend on the Sadler case.

"The city will follow the language in the injunction, and we will not be enforcing any penalties for these games at this time, until the court makes a final

Please see **'GRAY' GAMES**, Page A3



EMILY BALL, BRISTOL HERALD COURIER

Kingsport resident Mollie Tipton tests her luck on the skills gaming machines at the Lucky Arcade on Euclid Avenue in Bristol, Virginia.

'It's just more chill in here'

Skill gamers like the setting but say games can be 'addicting'

CALVIN SHOMAKER
BRISTOL HERALD COURIER

BRISTOL, Va. — The sun is setting on a Tuesday evening at the Lucky Arcade in a Euclid Av-

enue shopping center.

A few people are inside the dimly-lit room, having a smoke and testing their luck on gambling machines emitting bright and flashing neon lights.

Mollie Tipton of Kingsport, Tennessee, walks in and tries the popular fish shooting game — one she said does take skill — before moving on to one of the



many slots-like machines, which she says are more luck-based.

Fresh off a \$1,200 payout from a 50-cent spin at a Bristol gas station that morning, Tipton is feeling pretty good about things. She's also quick to point out the risk involved with the hobby.

"It's really, really addicting," Tipton said. "Even when you're not winning, it's addicting."

Please see **GAMERS**, Page A3

United Way of Bristol gets million-dollar Christmas gift

Gatton Foundation gift donated to agency's Endowment Fund

CALVIN SHOMAKER
BRISTOL HERALD COURIER

The Bill Gatton Foundation announced a \$1 million donation to the United Way of Bristol this

week.

The donation is for the United Way's Endowment Fund, which helps cover administrative costs and allows a bigger portion of funds raised to go directly to agencies and programs.

According to Lisa Cofer, executive director of the United Way of Bristol, the campaign for the endowment fund started in 2016.

So far, the fund has \$8 million in pledges and gifts, \$1 million shy of its \$9 million goal.

"What this does is it helps ensure that our United Way — many years into the future, long after all of us are gone — (and) that our agency programs will be able to be there and to help the people that need it the most," Cofer said.

Helping to financially stabilize

the United Way and its efforts, the endowment fund provides recurring funds year after year.

"The interest from the endowment fund will go back into our budget for next year to help us make sure that more of every dollar goes out to the organizations," Cofer said. "The principal (amount) stays in the endowment fund, and then we have policies in

place on how much of the interest every year goes into paying for the administrative expenses, so when we raise the money through the annual campaign we can put more of those dollars back into the community."

According to a United Way press release, Gatton was a longtime

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United Way

From A1

supporter of the United Way and its mission.

"The (Bill Gatton) Foundation believes this donation to the endowment fund will positively impact the United Way of Bristol's ability to fulfill its mission far into the future," the release said. "As the endowment fund grows, the fund will be able to pay for more and more of the expenses and overhead that are necessary part of doing good in the community. As a result, a larger part of all future community-wide donations will go directly to the partner agencies and other direct charitable activities."

"This gift is just tremendous," Cofer said. "To receive a gift like that, it just means a lot to our community, and the trust that the Bill Gatton Foundation has in the work that we do."

A Bristol car dealer and philanthropist, Gatton established the foundation in 1985. Even after his death in April 2022 at 89 years old, Gatton's legacy of generosity continues. Gatton is well-known for making substantial donations to en-



PHOTO CONTRIBUTED

The Bill Gatton Foundation recently donated \$1 million to the Bristol United Way Endowment Fund. Gatton, who died in April of this year, was a strong supporter of the United Way and was known for his community-based philanthropy. Frank Winston (center), a trustee for the Bill Gatton Foundation of the United Way, is surrounded by John Tickle of the United Way Endowment Fund, Danny Dunn of the Gatton Foundation and United Way Executive Director Lisa Cofer.

tities including the University of Kentucky, East Tennessee State University and various charities. His contributions have been honored by namesake on multiple occasions, including by the Kentucky business school and student center as well as ETSU's pharmacy school.

"He was a very big supporter of ours," Cofer said. "He always made gifts to the annual campaign and supported the work that we do, so we are just tremendously thankful that this gift is going to be here and to help us in the future."

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DAVID GRUNFELD — MEMBER, THE ADVOCATE

The fountain is frozen as temperatures hovered in the mid 20's at Jacob Schoen & Son Funeral Home in New Orleans, Saturday, Dec. 24, 2022. Millions of Americans are facing blizzards, freezing rain, flooding and life-threatening cold through Christmas as a winter storm of unprecedented scope smashes its frigid way through most of the country.

Cold

From A1

to postpone the game.

In Bristol, the need to conserve energy has kept the Pinnacle Speedway in Lights display closed the past two nights, although the facility's ice rink reopened Saturday after being closed Friday.

The Appalachian Power system has not had rolling blackouts so far, but employees were working to restore power to more than 25,000 customers Saturday

afternoon. Nearly 50,000 Appalachian Power customers were without service Friday morning.

Around 90% of the customers out of power are in Virginia, according to information from Appalachian Power. A press release from the organization said power was expected to be restored to resident of Buchanan, Dickenson, Russell, Scott, Tazewell and Wise counties Saturday night.

Shelters in Bristol continue to be available for unhoused individuals,

those who have lost power or those whose heating systems are not robust enough to counteract the extreme cold.

The Salvation Army is open 24 hours at 137 Martin Luther King Blvd. in Bristol, Tennessee. The city shelter at Highlands Fellowship Chapel in Bristol, Virginia, closed Saturday afternoon.

Temperatures are expected to warm slightly Sunday and Monday, but will remain below the freezing mark until mid-day Tuesday.

'Gray' games

From A1

determination, or if the injunction is appealed to a higher court and a ruling is made at that time," Eads said.

Eads sent the letter Dec. 5, the same day the judge extended the injunction until March 2023.

"The city is informing them they are operating a prohibited gaming establishment and unregulated location. It tells them the city can seek injunctive relief on gambling devices in violation of that code section and we can attach on all money in such devices and receive a civil penalty of up



Eads

to \$25,000 per device," Eads said of the letter, which contained a Jan. 31, 2023, deadline.

"Some businesses have called and I've advised them of the legal uncertainty we're in at this point," Eads said. "Some said, if they're illegal, they're happy to take them out. Other businesses wanted to know how we planned to move forward in the future."

Eads said he has not yet seen the latest injunction. Eads said the Bristol Casino did not request the city take action nor has he had

public complaints. "I have not received any complaints from citizens about these. People have made comments about them, but they were not necessarily complaints," Eads said.

Three years ago when the Herald Courier first reported on skill games or "gray" machines, there were a handful of games in a few convenience stores scattered about the city.

In the past two years the games have proliferated and there are currently about five locations on West State, Euclid Avenue and off Commonwealth Avenue with 20 to 25 machines each.

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EMILY BALL, BRISTOL HERALD COURIER

Jay Phillips focuses as he plays the skills gaming machines in the Old Big Eddie's building beside Andy's Market.

Gamers

From A1

Tipton has been playing the legal-but-unregulated games in Virginia for about six months after being introduced by friends. For her, the environment of the Lucky Arcade and similar establishments is a bit more welcoming than the large, populated Bristol Casino.

"It's just more chill in here?" Tipton said. "In the casino, I feel anxiety, and there's higher stakes." Jay Phillips sometimes

plays the machines at a gaming parlor inside the old Big Eddie's Deli in Bristol, Virginia. In helping maintain the place, Phillips said he has seen machines pay out as high as \$2,000. Like Tipton, Phillips said people like the vibe of the skill games establishments over the casino because it's more low key.

"A lot of them say they like it better because it's not a lot of people - there's not a lot of traffic here," Phillips said. "They are in their own little world for a while." Phillips also said he feels like the casino's clientele

and the skill gamers come from somewhat different backgrounds.

"These are minimum-wage people," Phillips said. From Tipton's perspective, playing the skill games is a way to unwind. Still, she is cautious.

"It can get out of hand really quickly, but it's still fun," Tipton said. "It's a good stress reliever, as long as you don't get carried away, but it's really easy to get carried away."

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Happy Holidays

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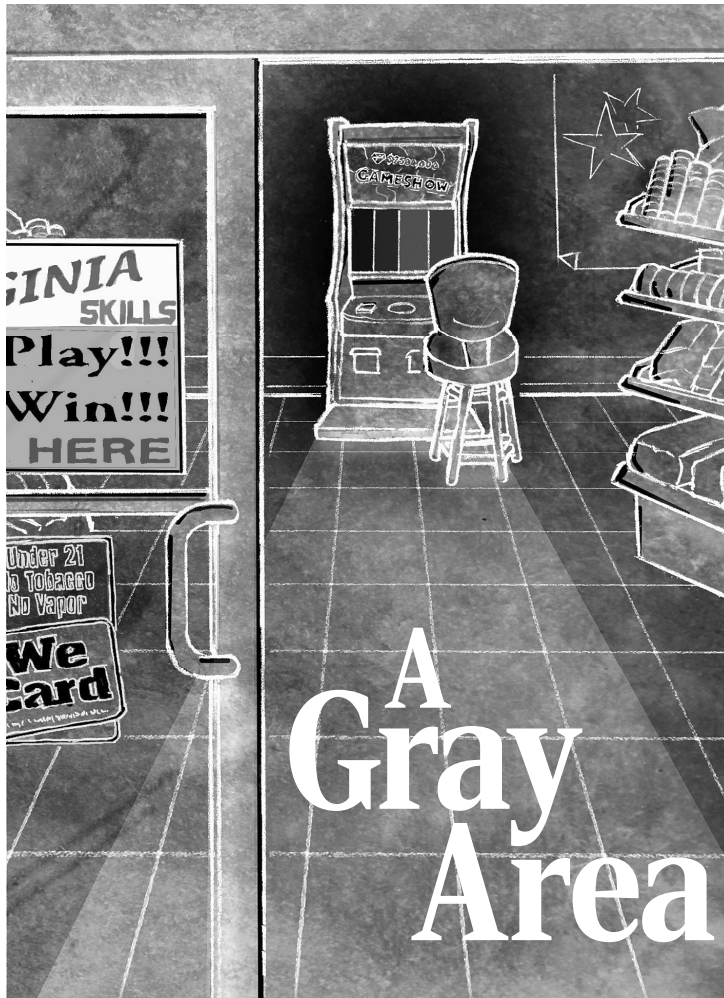


'It just happened that way'
Players, pros, coaches look back on Oak Hill's 88-point victory **SPORTS C1**

Sunday, December 18, 2022

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A Gray Area

LEE ENTERPRISES ILLUSTRATION KRISHNA MATHIAS

Virginia 'skills' games play on without oversight

DAVID MCGEE
Bristol Herald Courier

BRISTOL, Va. — Lights flash and images twirl once money goes in the slot on the electronic console. The colorful display might show the player is a winner or encourage them to try again, in a scene played out thousands of times daily from Abingdon to Yorktown.

Odds are it didn't occur at one of 870 slot machines — games of pure chance — inside the Bristol Casino, future home of Hard Rock or 2,600 similar slot-style consoles at six Rosie's Gaming Emporium locations — machines whose

outcomes are based on historic horse racing results. The majority of machine gambling in Virginia occurs on so-called "skills" games

or "gray" machines located in convenience stores, restaurants, truck stops or clustered in gaming "parlors" or "arcades" all over Virginia.

Gray machines have no federal, state or local regulation, no government collects any taxes

from their use, no one involved undergoes any background checks, there is no oversight as to their fairness and nobody appears to know just how many

currently operate in Virginia.

Operators say their games require a level of skill to complete the game and win.

The Virginia Joint Legislative Audit and Review Commission estimates play on

these machines exceeds \$2.2 billion annually.

The Bristol Casino, all future Virginia casinos and all Rosie's locations will be regulated and taxed by the state. As part of that oversight, they must also restrict play to adults age 21 and over, but any such age restriction on gray machines or skills games is left to the business owner where the machines operate.

A 2019 report that investigated the potential for casino gaming in Virginia also recommended the General Assembly



Please see **GRAY AREA**, Page A3

TENNESSEE

Panel: DCS must step up

Lawmakers crack whip on children's services

ANDY SHER
Chattanooga Times Free Press

NASHVILLE — Tennessee lawmakers voted last week to put the state's troubled Department of Children's Services on a short leash, approving a one-year extension for the agency to get its act together.

Their action on Wednesday followed a new state comptroller audit that contains a dozen critical findings. The list includes the agency's failure to fully respond to child abuse and neglect allegations, among them cases involving sexual abuse and harassment.

Other issues include overwhelmed and underpaid staffers, many of them new hires, quitting. Also, there remain ongoing problems with the state tracking system for children. The list goes on and spurred a dire warning from Comptroller Jason Mumpower's auditors.

"The safety, permanency and well-being of Tennessee's most

Please see **PANEL**, Page A10

Tech's nuke engineers set for study

\$500K grant will fuel power safety research

LUKE WEIR
The Roanoke Times

Working closely with models has its challenges, a Virginia Tech professor said, but these are exciting times to be researching for the future of nuclear power.

With a recent grant for almost \$500,000 from the federal Nuclear Regulatory Commission, researchers at Virginia Tech will work to improve computer models that are used to study the safety of nuclear power plants, said Yang Liu, associate professor of nuclear engineering.

"The NRC, as a government agency, they want to evaluate what happens if there's a power

Please see **STUDY**, Page A10

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EMILY BALL, BRISTOL HERALD COURIER

Gray area

From A1

consider regulating gray machines to "ensure gaming integrity, protection to consumers, protection to businesses hosting the machines and to minimize adverse impacts to Virginia's existing authorized gaming."

In 2020 then-Gov. Ralph Northam championed legislation to allow and regulate the games, opining they would generate \$300 million annually for state coffers. Instead the General Assembly outlawed the games — saying they hurt state lottery sales and would negatively impact future casinos.

Senate Bill 971 and House Bill 881, which are now law, define "illegal gambling machines" as "any machine, apparatus, implement, instrument, contrivance, board or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices."

The law also calls out skill games by name. "Skill games. Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance."

Before the ban went into effect in July 2020, skills game operators received a one-year reprieve from former Gov. Northam and lawmakers, due to the global pandemic.

Northam directed the Virginia Alcoholic Beverage Control Authority to identify as many machines as possible in businesses where it had jurisdiction and then levied a \$1,200 per month tax on distributors to gener-

ate money for a COVID relief fund. The state identified about 9,000 machines at that time.

"Ultimately, tax revenue from gray machines generated \$109 million in revenue, which was used to provide \$76 million in direct aid to public education, \$2 million in legal aid services for Virginians facing evictions, and \$25 million in Rebuild Virginia Grants to small businesses," the October 2022 JLARC report shows.

The legal gray area

Before the ban went into effect it was challenged in court. Today skills games operate in Virginia under an injunction issued by Greensville County Circuit Court Judge Lewis Lerner.

In June 2021, former NASCAR driver, Emporia business owner and now state Senate candidate Hermie Sadler filed the lawsuit that currently has put their status in limbo. His complaint claims the law establishing the ban violated their right to free speech and was unconstitutional. Sadler sued the commonwealth, former Gov. Northam, former Attorney General Mark Herring and the Virginia Alcoholic Beverage Control Authority.

Northam appealed the injunction to the Supreme Court of Virginia, which declined to hear it.

In issuing the injunction, Lerner said the law was too vague and it violated First Amendment rights. Last month, the judge extended that injunction until March 2023 — past the conclusion of the General Assembly session. A trial is expected next spring.

Michael Barclay, spokesman for Pace-O-Matic, a company that manufactures the skills games, issued a statement in support of the November ruling.

"We are pleased that legal skill games will continue operating in Virginia and providing much-needed revenue to small business owners across the state," Barclay said in the statement. "We anticipate the final court decision will uphold the legality of skill games in the commonwealth. However, without further regulation and additional taxation, taxpayers are missing

Numbers Bristol Casino Slot Machines

	Slots AGR*	Slots taxes
July	\$10.23M	\$1.834M
Aug.	\$11.44M	\$2.056M
Sept.	\$11.32M	\$2.034M
Oct.	\$11.27M	\$2.03M
Nov.	\$10.41M	\$1.86M
Total	\$54.68M	\$9.82M

*AGR: Adjusted
gross revenue
Source: Virginia Lottery

Historic Horse Racing Machines

Year	*AGR	Total taxes
2021	\$226.5M	\$40.9M

Source: Virginia Racing Commission

out on nearly \$100 million in tax revenue that could have gone toward critical projects along with curbing illegal games that are proliferating in Virginia communities."

Skill games vs. slot machines and HHR games

JLARC estimated those 9,000 skill games or gray electronic gaming machines likely generated \$2.2 billion in play during fiscal 2020-21. If accurate, that means every machine generated an average of \$244,444.

All forms of legalized gambling in Virginia generated \$9.5 billion in fiscal 2021-22, according to that same 2022 JLARC study. The \$2.2 billion estimate would place gray machine activity at nearly a fourth of that activity.

For comparison, since the Bristol Casino opened in July, its 870 slot machines have generated \$54.7 million in adjusted gross revenue for Hard Rock during the casino's first six months of operation. That is

an average of \$62,800 each. The slots also generated nearly \$10 million in state tax revenues, or about \$11,500 each.

Rosie's Gaming Emporiums operates more than 2,600 HHR terminals in six locations across the state. Collectively, they generated \$226.5 million in adjusted gross revenues — an average of \$87,000 each — and \$40.9 million in taxes — \$15,700 each — primarily to support horse racing and the equine industry.

Virginia is for gamblers

State tourism officials haven't gone so far as launching a "Virginia is for gambling lovers" campaign but the numbers don't lie.

Legal annual gambling revenues in Virginia are forecast to rise from the current \$9.5 billion to \$21 billion statewide by 2025, once approved casinos in Bristol, Danville, Norfolk and Portsmouth all open. The level has tripled between 2019 and 2021 with the advent of on-line lottery play and legalized online sports betting.

Through the first 10 months of 2022, online sports gambling has generated nearly \$3.4 billion in play and nearly \$30 million in tax revenues. The first bricks-and-mortar sportsbook opened in July at the Bristol Casino and the second is expected to open in Portsmouth next month.

The temporary Bristol Casino, future home of Hard Rock — a 30,000 square foot facility less than one-third the size of the planned permanent version — is on pace to exceed revenue estimates found in a 2019 JLARC report for the full \$500 million Bristol Hard Rock casino, which is now expected to open in the summer of 2024. It will feature about 1,300 slots.

The \$300 million Rivers Casino Portsmouth is scheduled to open in mid-January. Temporary casinos are now planned in Norfolk, in advance of the 2024 opening of the \$500 million Headwaters Casino next to Harbor Park and Danville where the \$650 million Caesar's Virginia is slated to also open in 2024.

Once all four approved casinos open, players will have about

7,000 slot machines from which to choose.

Richmond voters rejected a proposed casino project in 2021 and city leaders want to put the question before them again. But a rival effort from the nearby Petersburg is working to get that city added to the state's casino legislation to allow its voters the first chance to voice support for a proposed casino there before Richmond gets another bite at the apple.

On Tuesday the Standish Group unveiled plans for a \$1.4 billion casino development along Interstate 95 in Petersburg. Richmond officials have a \$650 million project on the drawing board, to be operated by One Group — a coalition that now includes Churchill Downs Group. An October 2022 JLARC report predicts both casinos could succeed if approved, even though they would operate just 30 miles apart. However, a spokesman for the Standish group said its Petersburg project would not occur if Richmond voters approved a casino.

Rosie's Gaming Emporiums

Rosie's Gaming Emporiums, which are now owned by Churchill Downs, Inc., currently operate more than 2,600 HHR terminals at six locations. Colonial Downs in New Kent County has 600 games; Vinton in Roanoke County has 500, Richmond and Hampton each have 700 games, Dumfries in Prince William County has 150 and Collinsville in Henry County has 37 games.

"Wagering on all forms of Virginia horse racing grew from \$124 million in 2018 to \$3.4 billion in 2021, mostly due to HHR electronic gaming, which accounts for 95% of horse race wagering," according to the JLARC report. Proceeds for Virginia's horse industry grew fivefold during this time, growing from \$8 million before HHR was introduced in 2018 to \$30 million in 2021.

Churchill Downs, Inc. and Rosie's expect to open two new facilities in the next two years including a second in Dumfries along the I-95 corridor in northern Virginia. Called, The Rose, it is being marketed as casino-style resort with 1,800 HHR terminals, luxury hotel, eight bars and restaurants, an entertainment venue with meeting and event space. The second is planned for Emporia, with 150 HHR terminals.

The ownership group is licensed for an additional 350 HHR machines.

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BRISTOL HERALD COURIER



Sunday, December 25, 2022

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Brrrrrry Christmas to all!

Big chill will ease just a bit today, but we won't see 32 until Tuesday

BRISTOL HERALD COURIER

The big chill continued to cause issues for power companies and customers Saturday as overnight

lows in Bristol sunk to zero degrees causing the Tennessee Valley Authority to reinstitute rolling blackouts for much of Saturday morning.

Bristol Tennessee Essential Services sent an alert at 6:27 a.m. Saturday morning stating TVA had begun rolling blackouts for the second consecutive day as

demand for power spiked due to the extremely low temperatures.

A press release issued by BTES an hour later said a limited number of TVA's generating facilities were not operating as expected resulting in a loss of power generated by the system.

TVA said the utility supplied more power than at any other time

in its history on Friday, Dec. 23. The system hit a peak demand for power at 7 p.m. Friday night when the region-wide average temperature was nine degrees.

The rolling blackouts were discontinued by TVA Saturday at around 11:30 a.m.

One of the more notable effects of the rolling blackouts was delay

of the Tennessee Titans football game by an hour as a result of the power situation. Nashville Mayor John Cooper had urged the Titans

Please see **COLD**, Page A3

■ **Wild winter:** Major snowstorm still snarling travel. Page A12

BRISTOL, VIRGINIA

City bid to end 'gray' games on hold

Injunction puts action to remove skill games from Bristol in limbo

DAVID MCGEE
BRISTOL HERALD COURIER

BRISTOL, Va. — City officials are taking steps to remove more than 100 skill games from operating here, but any action is temporarily on hold due to an injunction issued in the Hermie Sadler lawsuit.

Earlier this month, City Manager/City Attorney Randy Eads sent letters to 20 city businesses notifying them the games were illegal and should be removed.

"The games we are seeing in the city that are not in the casino at 500 Gate City Highway are illegal, according to the Code of Virginia," Eads said.

However, any enforcement will likely depend on the Sadler case.

"The city will follow the language in the injunction, and we will not be enforcing any penalties for these games at this time, until the court makes a final

Please see **'GRAY' GAMES**, Page A3



EMILY BALL, BRISTOL HERALD COURIER

Kingsport resident Mollie Tipton tests her luck on the skills gaming machines at the Lucky Arcade on Euclid Avenue in Bristol, Virginia.

'It's just more chill in here'

Skill gamers like the setting but say games can be 'addicting'

CALVIN SHOMAKER
BRISTOL HERALD COURIER

BRISTOL, Va. — The sun is setting on a Tuesday evening at the Lucky Arcade in a Euclid Av-

enue shopping center.

A few people are inside the dimly-lit room, having a smoke and testing their luck on gambling machines emitting bright and flashing neon lights.

Mollie Tipton of Kingsport, Tennessee, walks in and tries the popular fish shooting game — one she said does take skill — before moving on to one of the



many slots-like machines, which she says are more luck-based.

Fresh off a \$1,200 payout from a 50-cent spin at a Bristol gas station that morning, Tipton is feeling pretty good about things. She's also quick to point out the risk involved with the hobby.

"It's really, really addicting," Tipton said. "Even when you're not winning, it's addicting."

Please see **GAMERS**, Page A3

United Way of Bristol gets million-dollar Christmas gift

Gatton Foundation gift donated to agency's Endowment Fund

CALVIN SHOMAKER
BRISTOL HERALD COURIER

The Bill Gatton Foundation announced a \$1 million donation to the United Way of Bristol this

week.

The donation is for the United Way's Endowment Fund, which helps cover administrative costs and allows a bigger portion of funds raised to go directly to agencies and programs.

According to Lisa Cofer, executive director of the United Way of Bristol, the campaign for the endowment fund started in 2016.

So far, the fund has \$8 million in pledges and gifts, \$1 million shy of its \$9 million goal.

"What this does is it helps ensure that our United Way — many years into the future, long after all of us are gone — (and) that our agency programs will be able to be there and to help the people that need it the most," Cofer said.

Helping to financially stabilize

the United Way and its efforts, the endowment fund provides recurring funds year after year.

"The interest from the endowment fund will go back into our budget for next year to help us make sure that more of every dollar goes out to the organizations," Cofer said. "The principal (amount) stays in the endowment fund, and then we have policies in

place on how much of the interest every year goes into paying for the administrative expenses, so when we raise the money through the annual campaign we can put more of those dollars back into the community."

According to a United Way press release, Gatton was a longtime

Please see **UNITED WAY**, Page A3

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United Way

From A1

supporter of the United Way and its mission.

"The (Bill Gatton) Foundation believes this donation to the endowment fund will positively impact the United Way of Bristol's ability to fulfill its mission far into the future," the release said. "As the endowment fund grows, the fund will be able to pay for more and more of the expenses and overhead that are necessary part of doing good in the community. As a result, a larger part of all future community-wide donations will go directly to the partner agencies and other direct charitable activities."

"This gift is just tremendous," Cofer said. "To receive a gift like that, it just means a lot to our community, and the trust that the Bill Gatton Foundation has in the work that we do."

A Bristol car dealer and philanthropist, Gatton established the foundation in 1985. Even after his death in April 2022 at 89 years old, Gatton's legacy of generosity continues. Gatton is well-known for making substantial donations to en-



PHOTO CONTRIBUTED

The Bill Gatton Foundation recently donated \$1 million to the Bristol United Way Endowment Fund. Gatton, who died in April of this year, was a strong supporter of the United Way and was known for his community-based philanthropy. Frank Winston (center), a trustee for the Bill Gatton Foundation of the United Way, is surrounded by John Tickle of the United Way Endowment Fund, Danny Dunn of the Gatton Foundation and United Way Executive Director Lisa Cofer.

ties including the University of Kentucky, East Tennessee State University and various charities. His contributions have been honored by namesake on multiple occasions, including by the Kentucky business school and student center as well as ETSU's pharmacy school.

"He was a very big supporter of ours," Cofer said. "He always made gifts to the annual campaign and supported the work that we do, so we are just tremendously thankful that this gift is going to be here and to help us in the future."

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DAVID GRUNFELD — MEMBER, THE ADVOCATE

The fountain is frozen as temperatures hovered in the mid 20's at Jacob Schoen & Son Funeral Home in New Orleans, Saturday, Dec. 24, 2022. Millions of Americans are facing blizzards, freezing rain, flooding and life-threatening cold through Christmas as a winter storm of unprecedented scope smashes its frigid way through most of the country.

Cold

From A1

to postpone the game.

In Bristol, the need to conserve energy has kept the Pinnacle Speedway in Lights display closed the past two nights, although the facility's ice rink reopened Saturday after being closed Friday.

The Appalachian Power system has not had rolling blackouts so far, but employees were working to restore power to more than 25,000 customers Saturday

afternoon. Nearly 50,000 Appalachian Power customers were without service Friday morning.

Around 90% of the customers out of power are in Virginia, according to information from Appalachian Power. A press release from the organization said power was expected to be restored to resident of Buchanan, Dickenson, Russell, Scott, Tazewell and Wise counties Saturday night.

Shelters in Bristol continue to be available for unhoused individuals, those who have lost power or those whose heating systems are not robust enough to counteract the extreme cold.

The Salvation Army is open 24 hours at 137 Martin Luther King Blvd. in Bristol, Tennessee. The city shelter at Highlands Fellowship Chapel in Bristol, Virginia, closed Saturday afternoon.

Temperatures are expected to warm slightly Sunday and Monday, but will remain below the freezing mark until mid-day Tuesday.

'Gray' games

From A1

determination, or if the injunction is appealed to a higher court and a ruling is made at that time," Eads said.

Eads sent the letter Dec. 5, the same day the judge extended the injunction until March 2023.

"The city is informing them they are operating a prohibited gaming establishment and unregulated location. It tells them the city can seek injunctive relief on gambling devices in violation of that code section and we can attach on all money in such devices and receive a civil penalty of up



Eads

to \$25,000 per device," Eads said of the letter, which contained a Jan. 31, 2023, deadline.

"Some businesses have called and I've advised them of the legal uncertainty we're in at this point," Eads said. "Some said, if they're illegal, they're happy to take them out. Other businesses wanted to know how we planned to move forward in the future."

Eads said he has not yet seen the latest injunction. Eads said the Bristol Casino did not request the city take action nor has he had

public complaints. "I have not received any complaints from citizens about these. People have made comments about them, but they were not necessarily complaints," Eads said.

Three years ago when the Herald Courier first reported on skill games or "gray" machines, there were a handful of games in a few convenience stores scattered about the city.

In the past two years the games have proliferated and there are currently about five locations on West State, Euclid Avenue and off Commonwealth Avenue with 20 to 25 machines each.

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EMILY BALL, BRISTOL HERALD COURIER

Jay Phillips focuses as he plays the skills gaming machines in the Old Big Eddie's building beside Andy's Market.

Gamers

From A1

Tipton has been playing the legal-but-unregulated games in Virginia for about six months after being introduced by friends. For her, the environment of the Lucky Arcade and similar establishments is a bit more welcoming than the large, populated Bristol Casino.

"It's just more chill in here?" Tipton said. "In the casino, I feel anxiety, and there's higher stakes." Jay Phillips sometimes

plays the machines at a gaming parlor inside the old Big Eddie's Deli in Bristol, Virginia. In helping maintain the place, Phillips said he has seen machines pay out as high as \$2,000. Like Tipton, Phillips said people like the vibe of the skill games establishments over the casino because it's more low key.

"A lot of them say they like it better because it's not a lot of people - there's not a lot of traffic here," Phillips said. "They are in their own little world for a while." Phillips also said he feels like the casino's clientele

and the skill gamers come from somewhat different backgrounds.

"These are minimum-wage people," Phillips said. From Tipton's perspective, playing the skill games is a way to unwind. Still, she is cautious.

"It can get out of hand really quickly, but it's still fun," Tipton said. "It's a good stress reliever, as long as you don't get carried away, but it's really easy to get carried away."

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Happy Holidays

Best wishes for the Holiday season, and for health and happiness throughout the coming year. Thank you for being the most important part of who we are. From our family to yours, Happy Holidays and best wishes for the New Year.

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Sadler

From A1

Circuit Court and court injunctions in December 2021 and a renewed injunction last month offer new life to the games which appear in restaurants, bars, convenience stores, truck stops and other businesses.

"I am not just advocating for skill games and I am not, at all, advocating against casinos," Sadler said. "I am advocating for the free market system... I think everybody should be treated fairly, the government should not be picking winners and losers as to who gets to operate and what type of business. I don't think monopolies, especially enabled by the government, set a good precedent for people that run any kind of small business."

"And I think people should decide where they spend their money," Sadler continued. "If they decide to play games, they should be able to decide, for instance, do they want to go to the casino in Bristol and play or should they be able to go to another establishment that legally operates skill games? The government is trying to take that away and that is a bad precedent."

Last month, Sadler announced his candidacy for the newly redrawn state Senate district 17.

From the casino side

The four approved casinos are required to invest heavily in Virginia. Under the legislation authorizing casinos approved by voters, each casino is required to pay \$15 million for a license with a 10-year term, but each license must be reviewed and renewed annually to determine if the operator has complied with the state laws and regulations. After 10 years the renewal fee is another \$15 million.

Additionally, the law requires the casino developer to invest a minimum of \$300 million in the facility. Estimates for Virginia's four approved casino sites include \$500 million for Bristol, \$300 for the Rivers Casino Portsmouth which opens next month, \$500 million for Headwaters Casino in Norfolk and \$650 million for Caesar's Virginia.

Of the Virginia projects, Bristol features a local ownership component. The Bristol Casino and its successor the Hard Rock Hotel & Casino Bristol will be jointly owned by Bristol's Jim McGlothlin and Clyde Stacy, in conjunction with Hard Rock International, which is based in Florida and owned by the Seminole Tribe.

The Danville Casino will be owned by Caesar's Entertainment, based in Las Vegas and managed by the Eastern Band of Cherokee Indians, based in Cherokee, North Carolina.

Portsmouth will be run by Rush Street Gaming, based in suburban Chicago and the Norfolk casino will be run by the Pamunkey Indian Tribe of Virginia.

Casino operators are also responsible for paying for extensive background checks of its management personnel and employees who would be involved in any aspect of the gaming process.

Close competition

In addition to the casinos being built in Bristol, Danville, Norfolk and Portsmouth, the state allows one firm to operate slots-like games based on the results of historic horse racing. But the player who sits down encounters a gaming video screen and electronic interface; there is no grainy video of a past horse race but a game of chance which is approved by the state with tax revenues supporting the state's horse racing and equine interests.

That operator, Rosie's, is currently building a new facility in Sadler's hometown of Emporia that will feature those machines. The future Rosie's site is across the parking lot from one of Sadler's convenience stores.

"The government is saying you can't go to Hermie Sadler's convenience store and play the two games he's got in his place, but you can walk 100 yards out the back door and go to Rosie's and play," he said. "I've also got restaurants. The government says 'you've got to go to Rosie's.' So while you're there you'll not only play their games, you'll eat at their restaurant or drink a beer at their bar."

Economic pressures

Sadler said the current economic environment is putting pressure on all businesses, especially small businesses that operate on more narrow margins.

"In this business climate we're in, every dollar matters. We're seeing unprecedented costs for goods and services - up 30% and 40%. In the climate we're in, I'm paying an average of \$5 an hour more now for an average, hourly employee than three years ago and getting a less qualified employee?" Sadler said. "We have a lot of challenges. I'm not going to say that the revenue is insignificant."

"If they took skill games away from me, would I stay in business? Yes. But there are a lot of small business owners - the older couple that runs one store in rural Virginia or owner of a restaurant, bar or tavern, that \$300 or \$400 per month revenue off that machine - plus the money that's generated with food and beverage sales - is not only important, in some cases it's critical," Sadler said.

"It's not the right time for the government to come in and take that part of your business even though you've done nothing wrong and give it to somebody else."

Opposes gaming parlors

"Our General Assembly was in such a hurry to ban these games, I don't think they spent one minute con-

sidering what was going to happen?" Sadler said. "With no regulation and no oversight, every Tom, Dick and Harry in the world - especially those who don't want to obey the law anyway - are putting games in vape shops, in backrooms. They're even putting them in the back of tractor-trailers and running them around the state."

"The casinos want to represent that the backroom with 25 games are the skill game people; the ones causing all these problems. These games in those type places are not the same games that we have. In most cases they are games of chance," Sadler said. "Our games have a skill element that determines how successful a player can be. They're not the same games."

Sadler claims when the state's one-year period allowing and taxing skill games ended, that is what opened the door for these games and prompted establishing "game rooms, shops and parlors" across Virginia.

"We want those places closed down just as much as the casinos do. The illegal operators are the only real enemy of us all," Sadler said.

"What I hope will happen is eventually the General Assembly works out a fair and equitable tax and regulation program for our games to be in our stores with ABC licenses - properly taxed and regulated."

"The skill game operators, the small businesses, the casinos, Rosie's actually need to work together to put together a task force to eliminate and close down the businesses that are operating illegally," Sadler said. "I didn't create that problem by my lawsuit. The Commonwealth of Virginia, by signing SB 971, when the games went dark they took away all oversight. There is so much confusion about the law and nobody providing oversight these people are taking advantage of a vacuum right now to operate illegal games."

Sadler said the injunction only covers roughly 9,000 games that were identified by ABC and taxed by the state from 2020 to 2021.

"I don't think our government ever thought what was going to happen when they took away the games and, more importantly, took away the oversight," Sadler said. "Now we've got the wild, wild west. Our places are properly staffed, properly lit... we don't want to be wrongly associated with people that are not doing it legally."

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Hermie Sadler's lawsuit.

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Lawsuit claims ban of skill games is unconstitutional

DAVID MCGEE
Bristol Herald Courier

Skill games currently operate in Virginia because of an injunction in the lawsuit filed by former NASCAR driver and current state Senate candidate Hermie Sadler.

The injunction issued by Greensville County Circuit Judge Lewis Lerner in 2021 and renewed last month until March 2023, pushes the case past the scheduled end of the 2023 General Assembly session. In the action, Sadler claims the state ban is unconstitutional because it violates free speech. It also claims the ban unfairly affects the bottom lines of small business owners. His businesses, including truck stops, convenience stores and restaurants that host the games for customers.

The lawsuit claims skill games "provided a life-line for the truck stop and plaintiff's other businesses" by attracting patrons who might not otherwise visit there and revenues from the games allowed Sadler to "retain employees, stay open and provide free lunches to first-responders during the [COVID-19] shutdown."

It stated Sadler offers 41 skill games at his businesses that "provided over \$750,000 in net revenue that offset the deficits to their businesses" caused by former Gov. Ralph Northam's executive orders restricting "movement of

citizens and closures of surrounding businesses during the dark days of the pandemic." It further asserted that Sadler paid the state \$590,400 in taxes on the 41 machines when the \$1,200 per machine, per month tax was imposed from July 1, 2020 until July 1, 2021.

It questions a provision in the law that allows businesses that market themselves as catering to "families with children" to qualify as a "family entertainment center" that would be allowed to continue operating skill games. It also claims the definition of family entertainment center is "vague and ambiguous." It cites three examples of how the ban violates free speech. "First the so-called 'family entertainment exception' violates plaintiff's free speech rights in three respects:

"A. It restricts the games that plaintiffs may offer at the truck stop and other businesses and imposes impermissible content-based restrictions on the types of video games permitted in Virginia.

"B. It discriminates against retail locations, like those of the plaintiffs, that do not primarily advertise and market to families with children, which locations are not permitted to offer skill games to patrons.

"C. It conditions the permissibility of skill games on the type of marketing that a retail establishment employs, thereby unjustifiably compelling the speech of skill game

purveyors in the commonwealth, such as the plaintiffs.

It claims pinball machines or video arcade games that don't "look" like a casino game would be permissible and compares the ban to efforts to ban violent video games, which the courts previously determined to be a violation of free speech.

The lawsuit also questions distinctions the state ban draws between skills games that are video-type games resembling slot machines versus other forms.

During the year games were taxed, "skill games that had a certain aesthetic or theme (i.e. looked like a slot machine) were regulated and taxed as 'skill games' Skill games that did not have this aesthetic or theme (such as traditional arcade games, crane games, coin-pushers, carnival games, etc.) did not have to pay the \$1,200 monthly tax and were not regulated," according to the complaint.

It further claims video games like Pac-Man and Galaga were allowed to operate without taxation as were games offered at businesses including Dave & Buster's and Chuck E. Cheese.

The lawsuit claims the ban is "unconstitutionally vague and overbroad and violates the due process guarantee in the Virginia Constitution" because it doesn't allow the average person "know or understand what is prohibited."

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The Wizards of Winter	DECEMBER 22	CAMEO THEATER
Michael Palascak (Conan, Letterman)	DECEMBER 30 - 31	BLUE RIDGE COMEDY CLUB
Another Evening with Dailey & Vincent	JANUARY 6	PARAMOUNT BRISTOL
Journeyman - Tribute to Eric Clapton	JANUARY 7	PARAMOUNT BRISTOL
Geoff Tate	JANUARY 8	CAMEO THEATER
James Patterson (Comedy Central's Premium Blend)	JANUARY 13 - 14	BLUE RIDGE COMEDY CLUB



**BELIEVE
BRISTOL**
TENNESSEE & VIRGINIA

For all the events happening in downtown Bristol,
423-573-2201
or visit www.believeinbristol.org.

First Presbyterian Church

701 Florida Avenue, Bristol, TN
One block off E. State Street near King University



Join us as we celebrate
the wonder of God's love
in the birth of Jesus Christ.

Christmas Eve

Saturday, December 24

5:00 p.m. Candlelight Communion Service

Christmas Day

Sunday, December 25

11:00 a.m. Worship Service

Loving child care provided for all services.