



# GEORGIA Amusement JOURNAL

Dedicated to serving the Georgia COAM industry  
Endorsed by the Georgia Amusement and Music Operators Association  
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## Court victory

### Ruling exempts sales, use tax when leasing

By Paul Tash

Georgia Amusement Journal

A recent unanimous ruling by the Georgia Supreme Court exempts lease payments made when renting a Coin Operated Amusement Machine (COAM) from sales and use tax, a major victory for the COAM industry.

The ruling means that a location license holder who leases a COAM from a master license holder does not have to pay sales taxes on the lease, and the master licensee does not have to collect sales taxes and remit them to the Georgia Department of Revenue (DOR), said Les Schneider, attorney and lobbyist for the Georgia Amusement and Music Operators Association (GAMOA). Without an exemption, he said, lessees normally are required to pay sales and use taxes on lease payments just as a buyer must pay sales and use tax when purchasing an item or service.

See COURT Page 3



Paul Tash photo

LIGHT & WONDER'S Josh Jacob points out a feature of the gaming manufacturer's Gold Fish game during a demonstration last month in

Marietta. The Light & Wonder COAM machine, distributed by Betson Gaming, is making its debut in the Georgia market this month.

## Betson Gaming launches Light & Wonder COAM

By Paul Tash, Georgia Amusement Journal

Light & Wonder and its popular casino game suite is ready to launch in the Georgia COAM market this month through its Georgia distributor, Betson Gaming.

"We've been GLI-approved and are ready to ship," said Rick Kirby, executive vice president of Betson Gaming. "We have machines ready to go."

Betson hosted a three-day "spotlight" to introduce the games to the Georgia market at its Georgia headquarters in Marietta the first week of December. It received approval from GLI later the same week.

"We are beyond excited to be in the Georgia market," Kirby said.



"The games have been a hit with players, which benefits operators, as well," said Jamie Dorbian, vice president of sales in the eastern United States for Light & Wonder.

"You have to attract the players to the game, and you have to keep them on the game," Dorbian said. "Our history shows that we have a good track record of providing world-class gaming experiences across all forms of legalized gaming, and we hope to bring that experience to Georgia."

The eight-game suite, which is debuting in the high-end Cascada Dual Screen cabinet, features premium licensed titles, including *Gold Fish Feed-*

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# Court

from Page 1

“Now, thanks to the Georgia Supreme Court’s well-reasoned opinion, location licensees are relieved from paying sales and use tax on their COAM leases after location and master licenses and machine stickers have been purchased,” Schneider said.

Understanding the significance of the tax-exemption case, GAMOA agreed to fund the litigation. The cost to pursue the case through all the appeals can be prohibitive for a smaller company – in this case potentially forcing Funvestment to pay the illegal tax rather than incur more expenses.

“This case shows how GAMOA not only helps individual members but the entire COAM industry,” Schneider said. “The DOR has unlimited resources to fight taxpayers and can grind taxpayers into submission. However, GAMOA stepped in and saved the day by funding this litigation to its conclusion because it recognized the industry-wide implications.”

“The DOR’s interpretation would have had a punitive effect on the industry, which is already the highest taxed industry in the state of Georgia,” Schneider added. “For all GAMOA members, this is a classic case of your membership dollars at work protecting your business interests.”

The case, Funvestment Group, LLC v. Robyn A. Crittenden, has a long seven-year history. Funvestment Group, a location licensee, leased COAMs from Tiny Town International, Inc., a master license holder, without paying sales and



Paul Tash photo

**GAMOA ATTORNEY** and lobbyist Les Schneider reviews a court case during a GAMOA meeting recently in Norcross while GAMOA President Shawn Fellows takes notes.

use taxes on the lease payments. In May 2016 following a routine audit, the DOR issued a proposed assessment to Funvestment to collect the value of these unpaid taxes. Funvestment asserted that Georgia statute exempted the lease payments from sales and use taxes. That statute – O.C.G.A. § 48-8-3(43) – provides that:

“sales and use taxes ... shall not apply to: ... [g]ross revenues generated from all bona fide coin operated amusement machines which vend or dispense music or are operated for skill, amusement, entertainment, or pleasure which are in commercial use and are provided to the public for play which will require a permit fee under Chapter 27 of Title 50.”

The DOR disagreed, stating that the statute’s language limited the exemption to gross revenues from participation plays and that lease payments were not exempt because

they were an expense of the location licensee and not gross revenue. Funvestment argued that the ordinary dictionary definitions of the words “gross,” “revenue” and “generate” determines the meaning of the statute.

Funvestment appealed to the Georgia Tax Tribunal, which agreed with Funvestment’s interpretation of the statute. The DOR appealed to the Superior Court of Fulton County, which reversed the Tax Tribunal, concluding that revenues generated from the lease of COAMs are not included in the exemption provided by the statute. After granting Funvestment’s discretionary application for review, the Court of Appeals affirmed the Superior Court decision, concluding that the statute required that “the contemplated gross revenues” be “generated from” the playing of the actual COAMs. Because playing the COAMs did not generate the

lease payments, the Court of Appeals concluded the state statute did not exempt them.

Funvestment petitioned the Supreme Court of Georgia to take the case on appeal, which it did. Finally in September of this year, the Georgia Supreme Court adopted Funvestment’s arguments in a 7-0 ruling and held that:

“Given the common and legal meanings of ‘revenue’ and ‘gross revenue’ ... we conclude that the plain language of the phrase, ‘[g]ross revenues generated from all [COAMs]’ set forth O.C.G.A. § 48-8-3 (43), is unambiguous and applies to any revenues a COAM generates or brings into existence, which, in this case, are revenues generated by the lease of the COAMs and revenues generated by the playing of the COAMs. This is the most ‘natural and reasonable way’ to read this statute.”

This case is not the first one where GAMOA has stepped in to benefit the industry. GAMOA helped fund litigation in 2016 in Gebrekidan v. City of Clarkson in which the Georgia Supreme Court held that the state statutory scheme regulating COAMs pre-empted cities and counties from regulating them except for the specifically permitted items in state law. The decision protects both master and location licensees from unauthorized taxation.

Schneider, Thomas Walker and Paul Oliver of Wimberly, Lawson, Steckel, Schneider & Stine, P.C. represented Funvestment. Christopher S. Anulewicz of Bradley Arant Boult Cummings LLP submitted an amici curiae brief in support of the case. Schneider and Oliver also represented Gebrekidan against the city of Clarkston.

## Executive order clouds question of interest

An October executive order in a license-determination case provided a little more confusion as to when a master licensee has an interest in a location licensee.

The case also has prompted the Georgia Lottery Corp.’s advisory board to request that the Lottery issue regulations that further clarify the issue to help guide licensees in the future.

Les Schneider, attorney and lobbyist for the Georgia Amusement and Music Operators Association (GAMOA), provided a summary of the license-determination case to the Georgia Amusement Journal. In the case, location licensee Maha Meladi filed a complaint with the GLC in 2021 against Dixie Amusement, owned by Salim Khambawala, alleging that Dixie tried to coerce it into signing a five-year COAM agreement. Following its investigation, the GLC claimed that Dixie used coercion in COAM agreement negotiations, but also found that Dixie had an interest in a location licensee, which is prohibited. Specifically, the GLC claimed that master licensee Khambawala and Dixie Amusement had a location license with A&Z Enterprises. A&Z leased its location from Sky Sigman, owned by Khambawala’s wife, Anila

Dhanani.

In September 2021, the GLC notified Khambawala that it was denying Dixie Amusement’s 2022 master license renewals because “Salim Khambawala, as a master licensee, used coercion to accomplish a purpose and to engage [in] conduct regulated by GLC; intentionally made a false statement to GLC; and had an interest in COAM location licensees.” Khambawala filed an appeal of the license renewal denials.

On the claim of threats and the claims of false statement, Administrative Hearing Officer Robert Wilson determined that Dixie did not threaten location licensee Maha Meladi or make a false statement to GLC. However, Wilson did conclude that Dixie had an interest in the COAM location licensee A&Z. Wilson noted that while the Georgia Code does not define the word “interest,” the General Assembly gave the GLC the authority to adopt rules and regulations necessary to implement its powers and that in Rule 13.1.2 the GLC had interpreted the term “interest.” Rule 13.1.2 provides,

*any equity or non-equity interest in the ... Location Owner ... or any other direct or indirect participation that results in the Master Licensee*

*receiving any monies or any other thing of value at all, including but not limited to, salary, reimbursement of expenses, interest or loan payments or any value in the company which could inure to the Master Licensee.*

He further said the Georgia Court of Appeals found that being a co-owner of a property gave a master licensee an interest in a location licensee under the statute’s “any other thing of value” language.

Wilson concluded that Dixie had an interest in A&Z because A&Z made rental payments to Sky Sigman. He also determined Sky Sigman used the rental payments to pay Dhanani in income from the business and that Dhanani’s income from Sky Sigman, as well as Khambawala’s income from Dixie, was marital property. Wilson concluded that Dixie had an interest in A&Z because Dixie’s owner, Khambawala, had an interest in the rental payments to Sky Sigman because those payments eventually became “marital property.” Wilson also was concerned that Dixie had an interest in the location because it could take more than the 45 per-

See **INTEREST** Page 5



# Journal Opinion

## Turning 50 was nifty for GACS

By Sharon Shuford  
GACS Membership

The year 2023 has been one of celebration for GACS: As we turned 50, we remembered the past, enjoyed the present, and looked to the future and the next 50 years. We did all this in numerous ways: through the eyes of some notable GACS members in our quarterly magazine, through sound bites with members when we gathered; and especially at the convention, where we shared videos and photos and stories from past and present and where our speakers helped us focus on the future of the industry. Here are some of the highlights.

Jim Tudor, who served the GACS community for 29 years, was our first stop. Jim reminded us how family has been, and still is, so important to the organization. As he reflected on the transition from his leadership to that of Angela Holland, GACS' current president, Jim said, "That investment (in new leadership) continues to pay dividends today, seen simply by looking at how the organization has grown in so many ways under her continued leadership .... I am excited to watch GACS' continued success as it moves forward into the next 50 years. Heck, I'll only be 123 the next



Sharon Shuford



time you ask me to write one of these articles."

Of Jim, Angela says, "He's still my mentor and perhaps always will be."

Golden Pantry, a family-run business, began its relationship with GACS as one of the founding members. Golden Pantry's Tom Griffith was the first chairman of the board.

"The principles of family, friendship and common goals have remained at the forefront of every initiative and effort to represent the industry," Tom

So many members expressed similar views of the importance of GACS to their respective organizations.

said. "With the inevitable changes that will occur in the coming decades, the continued relationship and shared values between Golden Pantry and GACS has never been more important."

GACS also visited with the Aden's Minit Market family. Lynn Watson, daughter of founder Aden Griffis, was GACS' first female chair of the board.

"We are not just competitors, but family in an industry that covers all of the people in the state," Lynn said of GACS.

The final 2023 in-depth interview centered on the Hyde family, owners of Pit Stop Convenience Stores. When asked what he would tell single

store and two-store owners today, Mike Hyde didn't hesitate.

"Get on board (with GACS) if you want to take care of your flanks and back side," he said.

So many GACS members expressed similar views of the importance of GACS to their respective organizations:

"GACS membership is a must if you are in the c-store business." – Natalie Jones, Jones Petroleum

"Coming to GACS convention is a real advantage." – Eric and Emma Meyer, Core-Mark

"The camaraderie with other wholesalers is great for networking." – Cheryl Attaway, Acosta

"When you become part of GACS you have more than just a group of people from work. You are at a place where you ... can grow personally as well as professionally." – Brad Singletary, David Dowdell, Dwayne Rogers, Rodney Fowler, The H. T. Hackney Company

"I am proud to work with them (GACS), to know them." – Mary Stacy, S&ME

Also on the kudos front, the 2023 Legislative Session recognized GACS, presenting the organization with a House Resolution honoring GACS for

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## COAM calendar

### — REPORTING DATES —

**Dec. 20:** Each monthly report should be submitted by Location License Holders in electronic format via the [www.gacoam.com](http://www.gacoam.com) website as required by the GLC by the 20th of each following month.

### — MEETINGS/OTHER —

**Dec. 5-7:** Betson Light & Wonder Showcase, Marietta

**Jan. 16:** COAM Advisory Board, Lottery headquarters, Atlanta

**March 18-21:** Amusement Expo, Las Vegas Convention Center

**April 16:** COAM Advisory Board, Lottery headquarters, Atlanta

### Write us

The Georgia Amusement Journal welcomes letters to the editor. Letters must include the writer's name and address. The word limit is 300. Mail to Georgia Amusement Journal, P.O. Box 4307, Butte MT 59702, or you can email us at [paul@tashcommunications.com](mailto:paul@tashcommunications.com). The Journal reserves the right not to print letters it finds objectionable.



# GACS

from Page 4

50 years of service.

The 50th year of GACS wasn't just about the kudos and memories. It was also about the future of the industry. The GACS annual convention featured Jeff De Cagna, whose focus on the "future of convenience" showed attendees not just what may come next, but also how to prepare for it.

Prior to speaking, Jeff surveyed GACS stakeholders about their outlook. Here are key takeaways: gasoline will always be a primary convenience product; customers seek what they want quickly and efficiently; it will continue to be difficult to recruit and hire quality people; the industry remains over-regulated.

Nonetheless, nearly all of those surveyed remain optimistic. Operators need to be prepared for a future that will include growing adoption of EV, emerging technologies into store locations, shifting consumer preferences, and increasing competition and consolidation. Preparing for the



**GOLDEN PANTRY'S** Tom Griffith, seen in the sketch at top left, was the first chairman of the board for GACS. Above right, former President Jim Tudor hands the ball off literally and figuratively to current President Angela Holland in 2015.

future, Jeff concluded, will help c-store owners create a robust anticipatory capability and strengthen decision-making.

As President Holland wrote in the winter issue of GACS Today, "Now let's turn to our future, our bright future .... In addition to networking and educational events, we will continue to offer a plethora of member services. If you are not taking advantage of these, you



Photos courtesy of GACS

may be missing out on potential ROI."

As GAS closes its 50th year of service to the industry, it has been exciting to look back and remember how GACS was founded and has progressed through the years. Moving forward, we will continue to talk with members about their histories in convenience and with GACS, as well as their outlooks for the future.

# Interest

from Page 3

cent share of the revenue from the COAM through the rent charged by Sky Sigman.

Finally, although Wilson admitted that no evidence suggested that Dhanani's ownership of Sky Sigmon was a subterfuge to skirt the prohibition of a master having an interest in a location licensee, he feared that a master in the future could create a fictitious wall between a master licensee and a location licensee by having one spouse own a master license and the other own a rental property.

Despite the findings that Dixie had an interest in A&Z, Wilson concluded it would be "unjust to penalize" Dixie for "the transgression in this instant."

"It appears that he did not punish Dixie because the law is not clear as to what constitutes an interest in every situation and because there was no evidence that Dixie was trying to get around the law prohibiting a master from having an interest in a location licensee," Schneider said. "As a result, the advisory board of the GLC has requested that the Lottery issue regulations that further clarify this issue to guide licensees in the future. Hopefully, the GLC will no longer keep licensees in the dark and clarify this issue."

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# Light

from Page 1

ing *Time Treasure*, and top-performing classics, such as *Zeus*. Other titles are *Jungle Wild II Deluxe*, *Dragon Fire*, *The Green Machine*, *Mystical Unicorn*, *Win 1000*, and *Bier Haus*.

“We sell an experience,” Kirby added. “Light & Wonder has



J. DORBIAN

proven that it fulfills the needs of the player and the operator. These current titles are the same that are being played in the casinos.”

“Each game provides

something different for different kinds of players,” Dorbian added. “There’s something here for everybody. Light & Wonder has been in these route markets a long time, and we know what players are looking for. They’re going to love these games.”

Light & Wonder was formerly known as Scientific Games Corp before a rebrand completed in April



Paul Tash photo

**BETSON GAMING** hosted a series of “Spotlight” demonstrations to showcase the Light & Wonder machine in early December at its Georgia headquarters in Marietta. Those present included, from left, Betson’s Rick Murphy, regional sales repre-

sentative for Betson Gaming; Scott Hickman of Coin-Op Solutions; Rick Kirby, executive vice president of Betson Gaming; and David Capilouto, regional vice president of Betson Gaming. The Light & Wonder machine debuts this month.

2022. The Las Vegas-based company has about 5,000 employees with operations across six conti-

nents.

Kirby said Betson also provides financing options for operators. For

more information, contact Rick Murphy at (770) 316-0945 or [rmurphy@betson.com](mailto:rmurphy@betson.com).

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# ‘Champion’ legislators show COAM support

By Paul Tash

Georgia Amusement Journal

Two “big champions of the COAM industry” addressed a COAM industry meeting last month, hosted by the Georgia Amusement and Music Operators Association (GAMOA).

Rep. Alan Powell, R-Hartwell, chairman of the House Committee on Regulated Industries, and Sen. Clint Dixon, R-Gwinnett, chairman of the Senate Committee on Education and Youth, discussed the state of the Georgia COAM industry.

Les Schneider, attorney and lobbyist for GAMOA, said the two have been “champions of the COAM industry” who have supported and carried a variety of COAM legislation.

Powell is responsible for the passage of the vast majority of COAM legislation, Schneider said in introducing him. Powell said he

will continue to work for legislation in the upcoming session that formally allows gift cards as a form of COAM redemption.

Among the gift card’s many benefits, he said, it that it eliminates the possibility of illegal cash payouts.

“Let’s just get rid of the whole idea of putting cash in the machine,” he added. “Put the card in there.”

Players can use the cards at any merchant, from “a steak house to a grocery store,” Powell said, as long as they aren’t used to purchase alcohol, tobacco or firearms.

“We’re giving people a reason to want to play the games,” he said.

Powell is chief sponsor of the COAM legislation that includes the gift card that is awaiting action in next legislative session that starts in January.

“We’ll be bringing that bill back, hopefully earlier in the session,” he said.



Paul Tash photo

**SEN. CLINT DIXON** talks to members of the COAM industry at a GAMOA-sponsored meeting Nov. 30 in Norcross. At right is Rep. Alan Powell.

Legislators will be voting on House Bill 353, and Powell said it’s important for those in the industry to reach out to their local legislators to support the legislation.

“You all are business people,” he said. “If you don’t know your local legislator, shame on you. Get to know ‘em.”

He added that come election time, licensees should know who the legislators are who support their industry.

“You don’t support people who don’t support your business,” he said. “Support your friends, starve your enemies.”

Powell added that GAMOA

continues to play a huge role for the industry in the Capitol.

“I’d be remiss if I did not give a big shout-out to your association,” he said.

GAMOA, he said, “is the reason” the COAM industry exists in the successful business climate it does.

“If you aren’t organized, if you don’t have people working and championing your cause, you’re not going to get anywhere,” Powell said. “You’ve got to be unified.

“The old saying, you can hang together, or you can hang separately – that’s the truest statement that was ever said. But you all are

**(Continued on next page)**

COIN OPERATED AMUSEMENT MACHINE LOCATION SWEEP AND MASTER PUSH CALENDAR			
COAM		AUG-DEC 2023	
ACCOUNTING WEEK START	ACCOUNTING WEEK END	LOCATION SWEEP DATE	MASTER PUSH DATE
02-Jul-23	08-Jul-23	12-Jul-23	18-Jul-23
09-Jul-23	15-Jul-23	19-Jul-23	25-Jul-23
16-Jul-23	22-Jul-23	26-Jul-23	01-Aug-23
23-Jul-23	29-Jul-23	02-Aug-23	08-Aug-23
30-Jul-23	05-Aug-23	09-Aug-23	15-Aug-23
06-Aug-23	12-Aug-23	16-Aug-23	22-Aug-23
13-Aug-23	19-Aug-23	23-Aug-23	29-Aug-23
20-Aug-23	26-Aug-23	30-Aug-23	06-Sep-23*
27-Aug-23	02-Sep-23	06-Sep-23	12-Sep-23
03-Sep-23	09-Sep-23	13-Sep-23	19-Sep-23
10-Sep-23	16-Sep-23	20-Sep-23	26-Sep-23
17-Sep-23	23-Sep-23	27-Sep-23	03-Oct-23
24-Sep-23	30-Sep-23	04-Oct-23	11-Oct-23*
01-Oct-23	07-Oct-23	11-Oct-23	17-Oct-23
08-Oct-23	14-Oct-23	18-Oct-23	24-Oct-23
15-Oct-23	21-Oct-23	25-Oct-23	31-Oct-23
22-Oct-23	28-Oct-23	01-Nov-23	07-Nov-23
29-Oct-23	04-Nov-23	08-Nov-23	15-Nov-23*
05-Nov-23	11-Nov-23	15-Nov-23	21-Nov-23
12-Nov-23	18-Nov-23	22-Nov-23	29-Nov-23*
19-Nov-23	25-Nov-23	29-Nov-23	05-Dec-23
26-Nov-23	02-Dec-23	06-Dec-23	12-Dec-23
03-Dec-23	09-Dec-23	13-Dec-23	19-Dec-23
10-Dec-23	16-Dec-23	20-Dec-23	28-Dec-23*
17-Dec-23	23-Dec-23	28-Dec-23*	04-Jan-24*
24-Dec-23	30-Dec-23	04-Jan-24*	10-Jan-24*

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Note: Holidays on a Thursday and Friday may delay the availability of the Location Period Accounting Report on the following Monday

## GAJ

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**(Continued from previous page)** hanging together and working together.”

Powell said during last year’s session, he witnessed “the best working relationship” between master licensees that he’s ever seen. He praised their ability “to get on the same page” for the common good of the industry.

Powell, who’s served as a state legislator for 34 years, said the COAM industry is “one of the biggest industries in the state of Georgia.”

“There’s a lot of misconceptions about COAM machines,” he said. “It’s no different than buying Lottery tickets. COAM is a recreational activity.”

He noted that the industry continues to work with regulators to shut down the few “bad operators” in the state, and he encouraged fair treatment of licensees by regulators. He also questioned some of the Lottery’s interpretations of the rules and said it isn’t always transparent about those interpretations. The Lottery Oversight Committee, which Powell chairs, is requesting more transparency from the Lottery, he said.

“We’re asking for these things because you as a Georgia citizen and business owner have a right to be treated fairly in the eyes of the

law and the eyes of government regulations,” he said.

**In introducing Dixon,** Schneider said the senator “in a relatively short time ... probably understands our industry and advocates for our industry in a more positive way than anybody ever has in the Senate.”

Dixon told the GAMOA-sponsored meeting that the COAM industry is the “only growing part of

the Lottery.” He said the gift card has the potential to further that growth.

“That’s why I’m so excited about this legislation,” he said. “It’ll help grow the industry.”

He also said he will continue to fight any effort to impose additional fees and taxes on COAM licensees.

“You’re already the highest-taxed industry in the state,” he said.

Dixon also emphasized the importance of licensees reaching out to their local legislators, so they’ll know “you’ll get in the trenches with them.”

“Get to know them,” he said.

He also noted all the benefits the COAM industry provides, including its contribution to the state’s educational programs.

“I’m grateful for your industry,” he said.



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