

Commander's Message



State Commander
Mitchell "Mitch" Rubenstein
US Army, Post 2447

I hope this message finds everyone enjoying the summer and this crazy heat. When the installation of officers was completed, I spoke to everyone that was in attendance and the next day I echoed the same words during the District Commander's School of Instruction that we have a lot of work ahead of ourselves. Now that the dust has settled and those words of "Let's get to work" kicked right into gear. I'd be lying if I said I wasn't a little nervous, that is expected. However, I wasn't expecting to be in Richmond that quick. In the photos shown below I want to thank everyone who was there, to my left in this photo, from Hal, David, Ed, Doris, Joanne, to Doug. These members have dedicated so much time representing the Department of Virginia, Veterans of Wars, in Richmond from the Charitable Gaming vs. Skill Games, "Don't Feed the Sharks", and recently the VMSDEP bill.

I want you all to know that I appreciate all your efforts holding down the fort until I returned. Missing from these photo's but shown in others are Monti Zimmerman, Rick Raskin, and

Ken Wiseman, who were all instrumental in this fight.

After I initially wrote this article, we actually got this passed and signed by the Governor. These members continue to show up and let their presence be seen and heard in Richmond. Their selfless service has helped to achieve the benefits and quality of life for veterans and their families depends on us bringing the fight to those who want to deny us those rights and benefits. Therefore, we must stay strong in order to meet this battle head on.

Congratulations to all 2023-2024 post, and district, Commander's and Quartermaster's, and especially our Immediate Past Department Commander Gary Adams, for making All-American. Through your leadership the degree of excellence that has been demonstrated again as the bar just keeps getting higher. The end of the 2023-2024 year raised our membership numbers from over 32,000 to just under 34,000 reaching 103.27%, those are very impressive numbers, so Kudo's to all. What that means only means is we have a lot of work to do. I look forward to getting out to as many Posts, and District functions, so keep me informed on what it is and if you would



like me to attend. Again, thank you for this opportunity to serve with you, as your Commander.

Yours in Comradeship and Service,

Mitch



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From the Editor's desk

I am excited to continue as your Newspaper editor for another great year. Please keep the Department of Virginia VFW informed of all your accomplishments by submitting your articles and pictures to me, for the Virginia Veterans Newspaper.



Randy Coker

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We reserve the right to edit all submitted articles for timeliness, clarity and syntax.

Note: Deadline for the next newspaper is:

November 30, 2024

Department of Virginia VFW Changes leadership at the State Convention in June



Past National Commander N Chief Hal Roesch with New Department Commander Mitch Rubenstein



Newly installed Department Commander pinning the Past State Commander Gary Adams with his PDC pin



Above, the new Council of Administration sworn into office. Photo to the left, Past Department Commander, Chris Birch swears in the New Department Commander, Mitch Rubenstein.

Department of Virginia ascends into Williamsburg for Department Convention



Past Department Commander Geoffrey Lyster swears in the New Officers for the Commanders Club 2024-2025.



New District Commanders and State Officers attending the first School of Instruction and Council of Administration meeting after the Department Convention in June.



VFW presence on Capitol Hill for the VMSDEP repeal & restore legislation



The VFW team with Senator Bryce Reeves. (L-R) Ed Mann, Rick Raskin, Doug Hoffman, Senator Reeves, Mitch Rubenstein and Hal Roesch



Governor Glenn Youngkin addresses the gathering prior to signing the



State Commander Mitch Rubenstein addresses the Senate Finance & Appropriations Committee prior to the vote advancing VMSDEP restoral



The VFW team with Senator Tara Durant. (L-R) Rick Raskin, Mitch Rubenstein, Senator Durant, Doug Hoffman, Monti Zimmerman, Ed Mann and

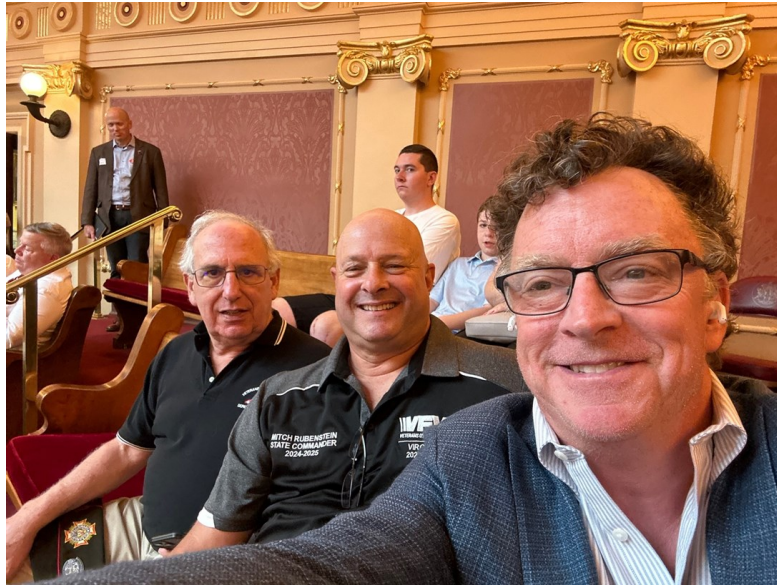


The VFW team met with Senator Danica Roem who agreed to support



SELFIE by lobbyist David Jones with Senator Lucas, Mitch Rubenstein, Rick Raskin and Monti Zimmer-





Post 3160 Hosts Sea Cadet Graduation



VFW Post 1177 Leesburg, Eagle Scout recognition

A new memorial to the sacrifices of members of the American military stands outside the Leesburg VFW Post, thanks to the work of an Eagle scout candidate from Sterling. Garin Vecchio on July 4 led a dedication ceremony for the monument, a refurbished statue of soldier that had fallen into disrepair during years of serving as a furniture store mascot in Maryland.

Vecchio, a member of Troop 572 in Potomac Falls, was looking for an Eagle Scout project when he spotted the statue in front of a store in Frederick last December. "We came across this by pure chance. It was in Maryland, and we happened to drive by," Vecchio recalled. "We saw it, and I said, 'Stop, that's it!'" He and his mother pitched the idea to its owner, Chad McDaniel, of Barrell & Stone Interiors/ Tuscany Designs. He agreed and Vecchio set to work designing his project, which also included enhancements to the grounds around the VFW Post and involved more than \$5,000 in community contributions. McDaniel said brought the statue, which he called "Henry," with him during a move from New Jersey nearly two decades ago. It served as an eye-catching mascot in front of his store. Over the years, it deteriorated, with several holes and missing limbs. "This thing had stayed in the front of the shop for 15 years and his arm was falling off, his face was falling off and destroyed. He had a bird's nest all the way up in his torso that had to be removed," Vecchio recalled.

After agreeing to sell the statue for the project, McDaniel went to work on the restoration, using the talents he developed in his business of restoring furniture into custom-painted works. "It was something that actually got very personal to because he's been my mascot for like 17 years," McDaniel said of the work. On evenings after the shop closed, he would get a glass of wine, turn on some music and go to work. "It was just me and him." After rebuilding parts, closing holes, and getting uniform colors just right, Corp. Henry started to come to life. "I started working on his face because that is what I really wanted—to really make him who he was with his face. I did like three different things to him, and I finally changed that at the last minute. Once I got his eyes in there, to me he became alive and became someone," McDaniel said. "I'm grateful and I'm privileged that he is able to be

here, and he has a new home," he said. Leesburg Mayor Kelly Burk said the monument reminded her of the vigilance needed to project democracy and provided hope for a better future. "I thought about our democracy, and I thought about all the suffering and all of the sacrifice that the men and women who have served this country. To have our democracy be so fragile is very disappointing. The lack of civility, the lack of respect, the rheto-

ric that goes back and forth, the inability to work together to get things done. It is so discouraging," Burk said.

"You made it work. You made it work with veterans [and] to work with the people that helped you. You made the community excited to have this here today. So, I want to say thank you. I hope it reminds us that our democracy is important and our democracy is fragile, and we need to protect it. The sacrifices that



these men and women have made should not be forgotten that we need to make sure that we remember them and that we value what we have more to keep it." Vecchio also hoped his work would inspire reflection on military service.

"Today is not about me. We're here to honor and remember those who made countless sacrifices for the freedom that we have celebrated every Independence Day up until this point. I continue to celebrate," he said. "It

stands before us a visible reminder of something I learned personally: War, to put it simply, is a very ugly thing. The sons, fathers, cousins, uncles, that leave home to fight did not come back shiny new. Some return scarred, broken and traumatized. The statue may have been left to the whims of the weather for over a decade, but it was mended with great time, care and attention. It is up to us, the American people, to pick up the pieces and help to repair soldiers as this statue was. Here at the VFW, they have done just that for



countless veterans in need.

"As you go about the rest of today, I asked you to think of someone you know who has served, I take a moment to thank them in any way possible. It is a little act of kindness goes further than you can imagine," Vecchio said.

VFW Post 993 Closes Its Doors, Unearths Historic United Spanish War Veterans Banner

By Ronnie Steele, May 14, 2024

Portsmouth, VA – In a bittersweet farewell, Harold Treakle Memorial Post 993 to the Veterans of Foreign Wars (VFW) officially closed its doors this past year, ending a chapter of serving the community of Portsmouth for over a century. While taking inventory, an unexpected discovery added a poignant twist to the event.

The closure of VFW Post 993, located on Afton Pkwy, comes amid dwindling membership and rising maintenance costs. Established in 1923, the Post has long been a cornerstone for local veterans, providing a space for support, advocacy, and fellowship. For decades, the Post and Auxiliary, founded in 1924, stood as a testament to the resilience and unity of those who served in various conflicts around the globe.

As volunteers and members gathered to pack up memorabilia and mementos, they stumbled upon a remarkable piece of history – an Auxiliary United Spanish War Veterans banner. The banner, found tucked away in a storage room, dates back to the early 20th century and to a predecessor veterans' organization.

The finding of the banner has sparked a renewed interest in preserving the history of local veterans. The two individuals that discovered the banner, Past District Commander Ronnie Steele and District Senior Vice Commander Ron Riffle, knew immediately that something had to be done and the banner was stowed away in a vehicle for safe keeping. During the District 2 Convention held 11 May 2024 the banner was transferred by Crystal Todd, Past Auxiliary President, to Judy Lupole, District President, for safe keeping. It is hoped that the flag will find a new home at either the Virginia VFW State Headquarters or the VFW Museum in Kansas City, Missouri.

The United Spanish War Veterans (USWV) was formed in 1904 by merging several groups of veterans who served in the Spanish-American War of 1898, the Philippine-American War, and the China Relief Expedition. The banner, adorned with intricate embroidery and vibrant colors, is a rare artifact that highlights a

lesser-remembered chapter of American military history.

As VFW Post 993 members prepare to part ways, they take solace in knowing that their legacy will continue, not just through memories and stories, but through tangible artifacts like the USWV banner.

While the building on Afton Parkway now stands empty, the spirit of Post 993 will live on in the hearts of those who called it home and in the annals of the VFW's rich history. For now, veterans and community members alike reflect on the end of an era and the serendipitous discovery that brought a piece of the past into the present, ensuring that the sacrifices and stories of all who served will never be forgotten.



Auxiliary United Spanish War Veterans Banner presented to District President Judy Lupole by Post 993 President Crystal Todd and Commander Dedrick Posey.

Ronnie Steele is a Past District Commander for Virginia's Second District

Nottoway VFW Posts Unite to Honor World War II Veteran and For-

By Greg Eanes VFW Post 7819

Nottoway County's three VFW Posts united with other Veterans Service Organizations and citizens to render honors on August 3 to Sergeant Mayburn Hudson, 21, a World War II Army veteran killed in action whose remains passed through the county on its way to his hometown of Lynchburg.

Hudson was a member of Company F, Second Battalion, 330th Infantry Regiment, 83rd Division. During the breakout from Normandy, his division was tasked with taking the French Coastal towns of Dina and the heavily defended Saint Malo. On August 7, 1944, while making an assault, Hudson's squad was subjected to heavy enemy mortar fire that wiped out the entire squad. Hudson's body could not be immediately recovered due to the intensity of the fighting and he was declared Missing In Action (MIA). In November 1944 French citizens pointed American authorities to several graves of unidentified American soldiers. These were interred in the Brittany American Cemetery. In June 2019 the remains were transferred to the Defense POW/MIA Accounting Agency (DPAA) for further examination including the use of DNA analysis which eventually positively identified Sgt. Hudson.

Hudson's remains were buried in Lynchburg on August 7th, exactly 80 years to the date of his death in combat. He holds the Purple Heart Medal, the Bronze Star Medal with one Oak Leaf Cluster and the European-African-Middle East Campaign Medal with two campaign stars.

Nottoway VFW Post 5313, Crewe's Gold Star Memorial VFW Post 7819 and Blackstone VFW Post 7897 all had members in Crewe to render the final salute to a long lost and now recovered American hero.

The majority of participants positioned at Crewe's Veterans Memorial Park. At the request of the Patriot Riders, the members of Crewe's Gold Star Memorial Post 7819 took a position adjacent their M3 Stuart tank in front of their building which was on the main route. There members and auxiliary rendered a final salute. Among those present were Post Commander Wayne E. 'Beanie'

Roberts, Senior Vice Commander Roy Turner, Trustee Mark Fathbruckner, Adjutant Greg Eanes and Mrs. Linda Turner.

Patriot Guard Riders

The event was organized by Mark Kendrick, a Patriot Guard Rider and American Legion from Farmville. The event was supported by all the county Veteran Service Organizations to include Crewe American Legion Post 50 and the Vietnam Veterans of America Chapter 806.

Among local citizens was Jean Payne of Blackstone, daughter of the late O.G. Wootton (1920-2012), a Nottoway World War II veteran of the Philippine Campaigns in World War II and Purple Heart recipient. He was also a member of VFW Post 7897.

Jean is a member of the Patriot Guard Riders, a 501c3 volunteer organization dedicated, at the request of families, to ensuring a their fallen heroes are rendered respect and honor on their final journey home. And, when necessary, they also shield the mourning families and friends from interruptions created



by any protester or group of protesters. They work closely with families, local law enforcement and the local community and have gathered as many as 500 motorcycle riders to escort fallen veterans.

Jean has been a member for four years. "I don't ride a bike," she said. "I'm what is called a 'cage' because I drive my car." She attended a Patriot Guard Riders memorial service four years ago and was moved by what she observed and determined to enlist. She's participated in several funerals including one recently for six unclaimed veterans. Two were interred in caskets and four cremains in the State Veterans Cemetery in Amelia..

"It's a way for me to pay it forward in memory of my Daddy," she said. One does not have to be a veteran to join the Patriot Guard Riders nor is a motorcycle necessary. For more information visited their website at www.virginiapatriotguard.org.

Manassas City Mayor Holds First Ever Veterans Round Table at Post 7589

By Jerry Martin, Post 7589

On Aug 20th Mayor Michelle Davis-Younger hosted the first ever Veterans round table at Post 7589. In attendance were members of Manassas VFW Post 7589, Manassas American Legion Posts 10, 114, Culpeper Post 330, and Prince William County DAV Chapter 15. Both VFW Post 7589 and American legion Post 114 were founded in 1946 shortly after the end of the Second World War. Local veterans present all agreed that this was the first time in 79 years that a Manassas City elected Mayor had sat down to listen to Veteran issues in our community. Also present were veterans from other nearby Veteran Service Organizations, and interested individuals who had the opportunity to express their views.

A total of sixteen concerns were provided to the mayor for review and comment. Mayor Davis Younger said each would be looked into and indicated that many were outside the jurisdiction of Manassas City but would be provided as possible discussion topics at the Annual Commonwealth of Virginia Mayor's conference. In closing Mayor Younger said she had appointed Manassas City Councilman Ralph Smith as the Veterans Point of contact for the city. Once Manassas City VSOs have formed a Veteran's Council, that all felt necessary, Councilman Smith will meet with them to work directly on the issues the city can assist with. Mayor Younger also said before leaving the meeting she looked forward to the roundtable becoming an annual occurrence.



Manassas Mayor Michelle Davis-Younger



Jerry Martin from Post 7589



Post 7589 Commander Wayne Moore



The group had many points to bring up leading to the proposed formation of a veterans council

ANZAC Day Commemoration at VFW Post 3103 Fredericksburg

The **Ode of Remembrance**, is actually the fourth stanza of the poem

“For the fallen” by Laurence Binyon (1869–1943).

They shall grow not old,
as we that are left grow old;
Age shall not weary them,
nor the years condemn.
At the going down of the sun
and in the morning
We will remember them.

Response:

We will remember them
Lest we forget.



LEST WE FORGET

This is recited in RSLs across Australia at 1800 nightly when they are open and of course, on ANZAC and Remembrance Day.

ANZAC Day – 25 April

In late February, an odd request came into our Post via the website email. An Australian Army veteran was going to be in our area in late April visiting friends and wanted to know if he could stop by and maybe talk with a few of our Vietnam veterans for an article he was writing. We were happy to welcome him to our Post but as we began talking dates, we settled on our Friday night Canteen on 26 April.

Post Commander Sheri Moore had lived in Australia for three years and knew well the significance of 25 April, which was just one day before our scheduled Canteen date with Mr. Ian Peak and his wife, Paola. In Australia and New Zealand, this important date is better known as ANZAC Day, which is the equivalent of our American Memorial Day. Australian and New Zealand Army Corps or ANZAC Day is a day of remembrance of all the men who lost their lives in 1915 when they landed on Gallipoli and met the fierce resistance of the Ottoman Turkish defenders. It is a day remembered by dawn candlelight services, shotgun breakfasts, parades and rowdy games of two-up.

We broached the idea of conducting an abbreviated ANZAC Day commemoration during our 26 April Canteen as a way of honoring our Australian guests, but also as a way of sharing the significance and similarity in how different cultures remember and honor their war dead. Mr. Peak was thrilled with this idea and so began the long-distance planning via email. We put together a little program to explain what it was about to all of our Post members and guests. ANZAC biscuits were baked. All manner of Australian memorabilia was brought in to set the mood. Eve-

rything was set. On the evening of our event, we finally were able to meet face to face after all of the long distance planning.

Ian and Paola were quite impressed with the decorations, the ANZAC biscuits and the Lest we Forget pins which were given out. We proceeded through with a welcome speech, a prayer, a recitation of the Ode of Remembrance, listened to a bugler play The Last Call and then had a moment of silence. We ended it all with a rousing ‘Lest We Forget’.

After the ceremony, we all enjoyed the camaraderie and the biscuits. Doc Norton and his Australian born wife, Helen, were also in attendance, so it was a nice reunion for all of those who had ever lived Down Under. Ian then regaled the crowd with a tale of the Australian Emu Wars of 1932 (<https://www.australiangeographic.com.au/topics/wildlife/2016/10/australias-emu-wars/>). It was a very enjoyable evening. Mr. Peak remained in the US until the end of May, so he made a point to come visit our Canteen on a couple more Fridays. He and his friend, Bob Rowlette, also did a whirlwind tour of many of the Civil War battlefields in our area and up into Maryland and Pennsylvania. He was also thrilled to join us in our VFW Day of Service project on 4 May. This involved clearing the brush from historic Civil War earthworks and trenches at the Spotsylvania Court House Battlefield National Park. He’s quite the Civil War buff, so this was a special opportunity for him.

He has now returned home but we continue to remain in contact and he knows he has a VFW home here whenever he does get back to the US. We exchanged patches and pins and hats. He, of course, earned his VFW Day of Service t-shirt which he assured us he will wear proudly as he regales his buddies with his tales of adventure in Virginia.



Day of Service Start (L=>R): Ian Peek, Comrade Brian Hershey & wife Susan Hershey, NPS Ranger & Post member John Launius, Auxiliary President Kristi Corbett, Comrade Fred Grill, Dist 8 Cmdr & Past Post Cmdr Todd Taylor, Comrade Steve Blancard, Comrade Pressley Carr, Post 3103 Cmdr Sheri Moore, Post Surgeon Paul Stier, Jackie Haynes, Comrade Gerald Haynes, House Chair Ben Seal.



After Brush Cleanup: (Back) Cde Pressley Carr, Ian Peek, House Chair Ben Seal, Cde Fred Grill, Jackie Haynes, Cde Gerald Haynes, Cde Steve Blancard (Front): JVC Jeremy Jones, Post Cmdr Sheri Moore, Post Surgeon Paul Stier, Susan Hershey, Cde Brian Hershey, NPS Ranger Sara Strickland

Taking the photo was Dist 8 Cmdr & Past Post Cmdr Todd Taylor. The Auxiliary President, Kristi Corbett, was gone to set up the picnic lunch.



Group Photo from ANZAC Day event (L=>R): Cde Bruce 'Doc' Norton & his wife Helen, Post 12202 Cde Tim Hoernig, Cde Bob Singer, Dist 8 Cmdr & Past Post Cmdr Todd Taylor, Post 3103 Cmdr Sheri Moore, Natalie & Bob Rowlette, Paola & Ian Peek.

Note: Everyone in this photo is either a US Marine or an Australian. Helen, Paola & Ian had a lot to catch up on. Bob and Natalie are the Marine friends that Ian and Paola are stayed with while they were here. Paola went back after only a week. King George Post 12202 cooked the dinner for our Canteen that night (they do this once per quarter), so there were a lot of members from both Posts present for this event.



Australian memorabilia on display during the event.



Mr. Ian Peak and Post Commander Sheri Moore during the Emu Wars story.



The moment of silence.

What is Anzac Day?

Anzac Day, 25 April, is one of Australia's most important national occasions. It marks the anniversary of the first major military action fought by Australian and New Zealand forces during the First World War.

What does ANZAC stand for?

ANZAC stands for Australian and New Zealand Army Corps. The soldiers in those forces quickly became known as Anzacs, and the pride they took in that name endures to this day.

Why is this day special to Australians?

When war broke out in 1914, Australia had been a federated nation for only 13 years, and its government was eager to establish a reputation among the nations of the world. When Britain declared war in August 1914, Australia was automatically placed on the side of the Commonwealth. In 1915 Australian and New Zealand soldiers formed part of the expedition that set out to capture the Gallipoli peninsula to open the Dardanelles to the allied navies. The ultimate objective was to capture Constantinople (now Istanbul), the capital of the Ottoman Empire, an ally of Germany.

The Australian and New Zealand forces landed on Gallipoli on 25 April, meeting fierce resistance from the Ottoman Turkish defenders. What had been planned as a bold stroke to knock Turkey out of the war quickly became a stalemate, and the campaign dragged on for eight months. At the end of 1915 the allied forces were evacuated from the peninsula, with both sides having suffered heavy casualties and endured great hardships. More than 8,000 Australian soldiers had died in the campaign. Gallipoli had a profound impact on Australians at home, and 25 April soon became the day on which Australians remembered the sacrifice of those who died in the war.

Although the Gallipoli campaign failed in its military objectives, the actions of Australian and New Zealand forces during the campaign left a powerful legacy. What became known as the "Anzac legend" became an important part of the identity of both nations, shaping the ways in which they viewed both their past and their future.

Other ANZAC Day Information

For Australia, the First World War remains the costliest conflict in terms of deaths and casualties. From a population of fewer than five million, 416,809 men enlisted, of whom more than 60,000 were killed and 156,000 wounded, gassed, or taken prisoner.

Australian women volunteered for service in auxiliary roles: as cooks, nurses, drivers, interpreters, munitions workers, and farm workers. While the government welcomed the service of nurses into the armed forces, it generally rejected offers from women in other professions to serve overseas. Australian nurses served in Egypt, France, Greece, and India.

While the Australians and New Zealanders would call each other "Digger", the British tended to call the New Zealanders "Kiwis" and Australians "Diggers". The equivalent slang for a British soldier was "Tommy" from Tommy Atkins. The word "digger" has become linked with the concept of the Anzac legend, embodying the qualities of "endurance, courage, ingenuity, good humour, and [...] mateship"

The Returned and Services League of Australia, known as RSL, RSL Australia and RSLA, is an independent support organisation for people who have served or are serving in the Australian Defense Force.

Department of Virginia at the VFW National Convention 2024



Laptops donated for Tech for Troops

Over 30 late model laptops will be donated. These were donated to Culpeper American Legion Post 330 that did not have a way to use them. At the Mayor’s conference Comrade Cate learned about Tech for Troops and the machines were subsequently delivered to Post 7589. Rick Raskin made arrangements to deliver them to Tech for Troops following the JLC meeting on September 19.



MEGAN CATE



RICK RASKIN

Megan Cate from American Legion Post 330. Megan, an Iraq veteran is the Post 330 Service Officer and has joined Post 7589 as a life member.

QM Rick Raskin with the laptop donation.

Mismanaged Surgical Privileging Actions and Deficient Surgical Service Quality Management Processes at the Hampton VA Medical Center in Virginia

The VA Office of Inspector General (OIG) conducted a healthcare inspection to review surgical service and quality management concerns at the Hampton VA Medical Center (facility) in Virginia.

The OIG found facility leaders conducted three focused clinical care reviews (FCCRs) in response to concerns about the assistant chief of surgery's surgical care. However, facility leaders failed to report the results of two FCCRs and delayed reporting the results of one FCCR to the Medical Executive Committee, and did not use multiple reviewers for interrater reliability in any of the FCCRs to ensure the reviews were "fair and objective." Facility leaders took several privileging actions against the assistant chief of surgery. However, the OIG found multiple deficiencies with notification letters and processes, including failure to adhere to VHA policy, send extension letters, include required language within the letters, and use clear terminology. Leaders also failed to report the assistant chief of surgery to the state licensing board after identifying six cases of substandard care.

Surgical staff did not complete required patient safety reports. Morbidity and mortality conferences were held in a manner that compromised the formal peer review process and resulted in negative staff experiences. The chief of surgery did not recognize the need for three substandard cases to be considered for peer review. The VISN Chief Medical Officer and the facility chief of quality, safety, and value failed to prevent a management review from including two cases that were being peer reviewed concurrently. The OIG determined that facility leaders generally did not communicate and document required institutional disclosure elements.

Eleven recommendations were made to the facility director regarding FCCRs, privileging actions, state licensing board reporting, professional practice evaluations, patient safety reporting, morbidity and mortality conferences, peer review, and institutional disclosures. One recommendation was made to the VISN Director.

VIRGINIA MERCURY

Skill games remain illegal in Virginia, but some businesses are evading the ban Former delegate tells businesses 'pre-reveal' games are OK

BY: [GRAHAM MOOMAW](#) - JULY 11, 2024

Reprinted with permission —Ed

Virginia lawmakers banned skill games years ago after rejecting the argument that slot machine lookalikes don't count as gambling because they involve more skill than luck. An industry push to convince the General Assembly to repeal that ban failed earlier this year.

Despite that failure, a new type of machine is showing up in Virginia convenience stores based on the legal theory that some skill game variations involve no skill at all.

A chief proponent of that theory is former Virginia delegate Steve Heretick, a Hampton Roads-area lawyer who has issued written opinions used by skill game companies and convenience store owners to claim some of the machines can be operated in Virginia because, skill game branding aside, there's zero skill involved.

In an interview, Heretick said his interpretation only applies to so-called "pre-reveal" games, which give players the option of looking ahead to see whether upcoming spins will produce a winning combo of symbols or not. Because players can study the machine to see what's coming next and choose not to play, Heretick argues, there's no element of chance that would make the games a form of gambling.

With no way for the player to change an outcome that's already fixed and knowable, Heretick said, the machines are a form of visual entertainment that involve even less skill than a traditional arcade game like pinball. Therefore, he contends, they're not subject to the skill game ban and should be considered legal unless a court rules otherwise.

"If you know what's going to happen and you do it anyway, I can't say that I would be awfully entertained by that," Heretick said. "But at the same time, there seem to be an awful lot of people who are."

It's not clear how many skill games or pre-reveal machines remain active, but the brazenness of the effort by some businesses to continue making money from slots-like machines shows the continued weakness



Despite skill games being illegal in Virginia, a Henrico County convenience store is still advertising them to passersby. (Graham Moomaw/Virginia Mercury)

of Virginia's gambling enforcement efforts.

Heretick, a Democrat who served in the House of Delegates from 2016 to 2021, acknowledged his theory hasn't been fully tested. He said some of his clients have had criminal charges brought against them for operating pre-reveal games, but he's trying to convince the courts those charges shouldn't stick because the games aren't illegal.

"As an attorney, I cannot ever advise a client to commit a crime," Heretick said. "I can't and I won't."

Tad Berman, a Richmond horse racing enthusiast who closely follows gambling issues in Virginia, feels that's exactly what Heretick is doing.

"Mr. Heretick's contempt for the law is disturbing enough, but through his actions it is also glaringly obvious that he is encouraging others to break the law," Berman said in an email this month to the office of Attorney General Jason Miyares. "Mr. Heretick needs to explain himself and the businesses that have resumed operating under the pretense of his letter should be ordered to immediately stop operations or be prosecuted to the fullest extent of the law."

The attorney general's office declined to comment when asked if Miyares has looked into the issue or offered guidance to local law enforcement authorities on whether pre-reveal games fall under the skill game ban. When the Supreme Court of Virginia reinstated the skill game ban last year, Miyares offered guidance to local prosecutors on how they should enforce a law that his office had successfully defended in court. The skill game industry had challenged the ban by arguing the machines technically aren't a form of gambling, but the Supreme Court didn't buy that claim.

Heretick said his advice to clients would change if a court determines pre-reveal games are in fact banned in Virginia.

'No Skill'

(Continued on page 20)

(Continued from page 19)

The text of Virginia's skill game ban seems to at least attempt to cover pre-reveal games. Skill games, the law states, "are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations."

Heretick zeroed in on that line in his legal memo, arguing that definition doesn't apply to pre-reveal games because they do reveal "all the operations" of the machine.

Political activist Josh Stanfield said he observed machines labeled "No Chance Game" up and running in the Yorktown area. A photo he took at a local store shows machines with signs saying "No Skill" and "View All Outcomes Before Playing."

Del. Paul Krizek, D-Fairfax, who specializes in gambling policy in the General Assembly, said the new emphasis on pre-reveal games shows some companies are "contributing to lawlessness in the commonwealth."

"Everybody knows what gambling is," he said. "You put money in and you have the chance of winning money. It doesn't matter how it happens."

At least one company that makes a brand of machines still seen in Virginia contributed money to a PAC that has in turn made donations to General Assembly leaders. North Carolina-based Banilla Games, one of the companies whose games Heretick declared legal, gave \$10,000 to the Virginia Skill Game PAC. A representative for Banilla said the company has not retained Heretick, does not directly operate any machines in Virginia and does not make money from any Banilla machines that may be operated by third parties. The company does not agree with Heretick that its games can be operated legally in Virginia.

That PAC, also funded by a variety of convenience store interests, gave more than \$126,000 to General Assembly members across 2023 and 2024. That amount includes \$20,000 to House of Delegates Speaker Don Scott, D-Portsmouth, \$8,000 to Senate Minority Leader Ryan McDougle, R-Hanover, and \$5,000 to Senate Majority Leader Scott Surovell, D-Fairfax.

Another company whose games have been cleared by Heretick, Royal Skill Games, contributed \$50,000 to the Virginia Asian American Store Owner Association, which has made more than \$200,000 in contributions to Virginia politicians.

Pace-O-Matic, the Georgia-based skill game company that's one of the biggest players in efforts to legalize the machines in Virginia, hasn't turned its machines and has not tried to argue pre-reveal games are legal. A spokeswoman for the company said the confusion is all the more reason for Virginia lawmakers to take action clarifying the issue.

"Inconsistencies in the interpretation of the law is one of the major reasons why lawmakers should return to Richmond as soon as possible to pass legislation on skill games," said Pace-O-Matic spokeswoman Rachel Albritton.

Heretick agrees that the state should "get its act together and deal with

these things once and for all." But he insisted he and his clients are following the letter of the law.

"If the General Assembly wants to outlaw all games, it certainly can," he said. "But it didn't."

Though Gov. Glenn Youngkin and state lawmakers have agreed to continue discussing skill games despite the governor's decision to veto the skill game legalization bill in May, it's unclear whether those talks will continue this year or be put off until 2025.

There appears to be at least some overlap between convenience stores continuing to operate skill games in defiance of the law and the lobbying coalition that has been trying to convince policymakers to change the law.

A convenience store in western Henrico County had a sign in its window touting skill games on Wednesday afternoon, and the Virginia Mercury observed machines being played inside.

Property and business records for that store point back to a Chesterfield County address that was listed in lobbying disclosures for the Virginia Amusement Coalition, an advocacy group that hired lobbyists to push for skill game legalization at the General Assembly.

The Chesterfield location was also listed as the mailing address for the Virginia Skill Game PAC that gave money to General Assembly leaders.

Sunil Patel, the treasurer of the PAC, said in an interview that he owns the Henrico building where skill games were operational Wednesday, but had leased it to someone else who is in the process of closing the store, which also doubles as a smoke shop. He said the store's imminent closure is an example of how small businesses have been hurt by the ban on skill games, but he acknowledged the machines should not have been on at his building.

"Nobody should operate the skill games," he said.

The anti-skill game group Virginians Against Neighborhood Slot Machines, which is funded by casino interests, said the continued existence of skill games despite the ban shows those pushing the "shady machines" shouldn't be trusted to act in good faith.

"It's laughable that they say they want to prevent illegal games when they're the ones operating illegal games," said Nick Larson, a spokesman for the group.

Editor's note: This story has been corrected to reflect the fact that Banilla Games has not retained Steve Heretick nor asked for his advice on the legality of its machines in Virginia. The company says it only manufactures the machines and is not responsible if a third party is operating them in Virginia.

PACT

FOR ANIMALS



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