

# In the News

## Casino.org: Federal Prosecutors May Find it Difficult to Use Wire Act to Shut Down Online Gambling: Experts Weigh In

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#### [Laurel Loomis Rimon](#)

Washington, DC  
D: +1-202-383-5335

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A new opinion from the Justice Department (DOJ)—which largely reverts to its original status the interpretation of the Wire Act—faces many obstacles before federal prosecutors can push to shut down online gambling websites or interstate lotteries... When Assistant Attorney General Steven Engel released an updated interpretation of the Wire Act this week—leading to the DOJ potential prohibition on online gambling—he did it through an “opinion.” But there are differences between the broader opinion and a specific enforcement action from the DOJ’s Office of Legal Counsel (OLC).

“An OLC opinion is a legal interpretation that guides [the] DOJ in determining whether to consider certain activity as illegal or not,” explains Laurel Loomis Rimon, senior counsel at O’Melveny & Myers, who formerly was a supervisor in the DOJ’s Criminal Division. “The opinion itself does not result in action against any particular individual or entity.

“An enforcement action, which may refer to a criminal investigation or indictment, or a civil lawsuit brought by main DOJ prosecutors or a US Attorney’s Office, requires specific proof of a violation of law by specific individuals or entities, and the bringing of charging documents or a civil complaint in a federal district court,” she said.