



## SOUTH DAKOTA COMMISSION ON GAMING

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(605) 578-3074 • [dor.sd.gov/gaming](http://dor.sd.gov/gaming)

### **South Dakota Commission on Gaming Administrative Hearings and Quarterly Business Meeting Deadwood City Hall, Deadwood, South Dakota**

#### **MINUTES**

December 11, 2019

At 9:00 a.m. the meeting was called to order. Commissioner Dennis McFarland, Commissioner Karen Wagner, Commissioner Karl Fischer, Commissioner Greg Strommen, and Commissioner Mike Wordeman were present. Staff members present for the meeting were Timothy Engel, Commission Attorney; Susan Christian, Executive Secretary; and Craig Sparrow, Deputy Executive Secretary.

The meeting was called to order by Commissioner McFarland at 9:00 a.m.

#### **Conflicts of Interest Disclosure**

No conflicts of interest were disclosed.

The court reporter for the hearings was Veronica Fish. The following cases were scheduled to be heard:

#### **Administrative Hearings**

- SDCOG vs. Victoria Aker revocation of support license
- Trakside appeal of action taken by the Executive Secretary

#### **SDCOG vs. Victoria Aker revocation of support license**

The purpose of the hearing is to act on a complaint that was filed against Ms. Aker that on October 15, 2019 she pled guilty to possession of a controlled substance and received a suspended execution of sentence to this class 5 Felony. Ms. Aker was not present for the hearing. After receiving evidence, Commissioner Wordeman made a motion to revoke Ms. Aker's support license. Commissioner Fischer seconded the motion.

On a roll call vote motion carried

Commissioner Wagner	Aye
Commissioner McFarland	Aye
Commissioner Fischer	Aye
Commissioner Strommen	Aye
Commissioner Wordeman	Aye

### **Trackside appeal of action by the Executive Secretary**

Timothy Engel, Commission Attorney, advised the Commission that the appeal of Trackside, Inc. has been withdrawn per a letter from their legal counsel dated December 4, 2019. The original appeal letter and the letter withdrawing the appeal were made a part of the record. Mr. Engel presented the Commission with a proposed Order dismissing the appeal with prejudice. As for the money on deposit at BankWest, once the time for an appeal has passed, it would be appropriate based on the bankruptcy court order that the balance of the bond would be paid over to the bankruptcy trustee. Mr. Engel presented the Commission with proposed Resolution 12-11-19-1 which would direct Mr. Shaw and Mr. Eliason to release the remaining funds to the bankruptcy trustee once the time for an appeal has passed.

Commissioner Fischer made a motion to dismiss the appeal of Trackside, Inc. Commissioner Wagner seconded the motion, which carried unanimously.

Commissioner Wordeman made a motion to adopt Resolution 12-11-19-1 which releases the remaining funds on deposit with BankWest of Pierre, South Dakota, to a bank account designated by the Chapter 7 Trustee. Commissioner Strommen seconded the motion, which carried unanimously.

### **General Meeting**

Commissioner McFarland called the general meeting to order at 9:20 a.m.

### **September 24, 2019 Quarterly Meeting**

Commissioner Wagner made a motion to adopt the minutes as drafted for the September 24, 2019 quarterly meeting. Commissioner Strommen seconded the motion, which carried unanimously.

Recognition of Craig Sparrow

Commissioner McFarland granted Executive Secretary Christian's request for an item of personal privilege. Ms. Christian then recognized Secretary Terwilliger, who in turn recognized and commended Craig Sparrow for his 24 years of service.

### **G2E Report by Executive Secretary**

Susan Christian, Executive Secretary, gave a report on the G2E conference. Deputy Executive Secretary, Craig Sparrow and Larry Eliason also attended the conference. This was for information purposes only and no action was taken.

### **2020 Legislative Session update Revenue Secretary Jim Terwilliger**

Jim Terwilliger, Secretary of Department of Revenue, gave a brief report on the 2020 Legislative Session.

## **Allotment of 2020 live racing dates for Verendrye Benevolent Association**

### **October 2020 Live Racing Dates**

October 3, 2020  
October 4, 2020  
October 10, 2020  
October 11, 2020

Commissioner Wagner made a motion to approve four dates for live racing in October 2020. Commissioner Fischer seconded the motion, which carried unanimously.

### **Renewal of Simulcast Provider License**

#### **AmWest Entertainment, OTB LLC**

Commissioner Wagner made a motion to approve the renewal of AmWest Entertainment, OTB LLC's simulcast provider license with the condition that on or before March 13, 2020 that they renew or extend the existing bond or replace it with a bond or surety which is acceptable to the Commission's legal counsel. Commissioner Fischer seconded the motion, which carried unanimously.

### **Renewal of Simulcast Site License**

#### **Triple Crown Casino**

Commissioner Wagner made a motion to approve the renewal of Triple Crown Casino's simulcast site license. Commissioner Strommen seconded the motion, which carried unanimously.

### **Deadwood Licensing Matters**

#### **Key License Approvals**

Deputy Executive Secretary Sparrow recommended approval of the following Key Licenses:

- ✓ Emily Sprague
- ✓ Dillin Chambless
- ✓ Barry Lloyd

#### **Key License Renewals-2020**

Deputy Executive Secretary Sparrow recommend approval of the Key License renewals of 2020 as listed on pages 28-29 of the meeting packet.

Commissioner Wordeman made a motion to approve the Key License approvals and the Key License renewals as staff recommended. Commissioner Wagner seconded the motion, which carried unanimously.

## **Business License Approvals**

- ✓ Approval of Yashushi Shigata (**11100-OW**) as Owner on the Gaming Partners International USA, Inc. Associated Equipment license (**10983-AE**).
- ✓ Approval of Geoffrey Freeman (**11113-DR**) as Director on the AGS, LLC. Manufacturer license (**0130-MA**).
- ✓ Approval of Angel Dobitz (**11400-OW**) as an additional Owner on the Gold Run, LLC. Retail licenses (**11110, 11111, & 11112-RT's**) assigned to Super 8.
- ✓ Approval of CountR GmbH for an Associated Equipment license (**11376-AE**) with Rainer Seyer (**11378-OW**) and Dominik Winau (**11377-OW**) as Owners of the Associated Equipment license.
- ✓ Approval of M3 Technology Solutions, LLC for an Associated Equipment license (**11293-AE**) with Kent Bowden (**11294-OW**), Philip Bowden (**11295-OW**), Paul Cernuto (**11296-OW**), Stanley Kotova (**11297-OW**), and Michael Carpenter (**11298-OW**) as Owners of the Associated Equipment license.
- ✓ Approval of Dynamic Gaming Solution, LLC for a Distributor license (**11328-DS**) and Mark Larson (**11329-OW**) as Owner of the Distributor license.

Commissioner Wagner made a motion to approve the Business License approvals as staff recommended. Commissioner Fischer seconded the motion, which carried unanimously

## **Dates of 2020 Quarterly Meetings**

Commissioner McFarland recommended to adopt the following quarterly meeting dates for 2020.

March 17, 2020  
June 16, 2020  
September 15, 2020  
December 15, 2020

Commissioner Wordeman made a motion to adopt the quarterly commission meeting dates for 2020 as presented. Commissioner Wagner seconded the motion, which carried unanimously.

## **DGA update Mike Rodman, Executive Director**

Mike Rodman, Executive Director, of the Deadwood Gaming Association gave a brief report on events going on in Deadwood. Mr. Rodman reported at the 2020 Legislative Session, the Association will be asking to have Sports Betting placed on the ballot.

## **Public Comments**

There was no participation for the comment period of the meeting.

**Executive Session**

Commissioner Wagner made a motion to go into Executive Session. Commissioner Fischer seconded the motion, which carried unanimously.

At 9:50 a.m. the Commission went into Executive Session pursuant to SDCL 1-25-2 (1) (3) and (4), and 42-7B-8.1 (4).

The Executive Session was concluded at 9:55 a.m. with no formal action taken.

With no further business to be discussed Commissioner Fischer made a motion to adjourn the meeting. Commissioner Wordeman seconded the motion, which carried unanimously.

The meeting was adjourned at 9:56 am.

Respectfully Submitted,

Kathy Fredericksen

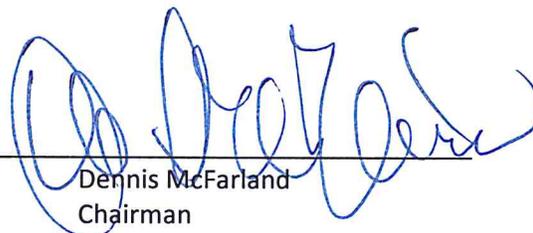
  
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Dennis McFarland, Chairman

  
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Susan Christian, Executive Secretary

**RESOLUTION NUMBER 12-11-19-01**

Pursuant to paragraph 4 of Resolution Number 11-16-17-01 the South Dakota Commission on Gaming hereby authorizes and direct Michael F. Shaw and Larry B. Eliason to release the remaining funds on deposit with BankWest of Pierre South Dakota to a bank account designated by the Chapter 7 Trustee in case number 17-40455 at such time as the deadline for appeal of the Commissions order dismissing the appeal of the Executive Secretary's decision has lapsed and without incurring a interest penalty for such withdrawal.

This action taken by the South Dakota Commission on Gaming meeting at Deadwood, South Dakota on the 11<sup>th</sup> day of December 2019.



Dennis McFarland  
Chairman