



SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capital Avenue • Pierre, SD 57501
(605) 773-6051 • dor.sd.gov/gaming

**NOTICE OF
PUBLIC HEARING ON PROPOSED RULE AMENDMENTS AND NEW RULE
AND QUARTERLY BUSINESS MEETING**

NOTICE IS HEREBY GIVEN that the South Dakota Commission on Gaming will hold a public hearing on proposed rule amendments, new rule, and its quarterly business meeting on March 14, 2023 beginning at 9:00 a.m. MDT in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota

Join Zoom Meeting

<https://state-sd.zoom.us/j/94832958588?pwd=YnV2UjZ0eIVObElla1V1aEhzcEZUdz09>
Meeting ID: 948 3295 8588
Passcode: 534053

One tap mobile

+12532050468,,94832958588#,,,,*534053# US
+12532158782,,94832958588#,,,,*534053# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)
Meeting ID: 948 3295 8588
Passcode: 534053
Find your local number: <https://state-sd.zoom.us/u/acCkIBG424>

When prompted enter the Participation ID: 948 3295 8588
When prompted enter the passcode: 534053
When prompted state your name followed by the #

All participants will be muted when joining the meeting.
Dial in participants *6 mute/unmute, * 9 to raise your hand

AGENDA

Call to Order
Conflicts of Interest Disclosure
Approval of Meeting Agenda **Pages 1-2**

PROPOSED RULE AMENDMENTS AND NEW RULES

- 1) Proposed amendment to ARSD 20:18:12.01:16. Premise monitoring required **Page 3**
- 2) Proposed amendment to ARSD 20:18:12.01:23 Age of participants **Page 4**

Demonstration of Blazing 7's Progressive Must Hit By and Dice-Ology

- 3) Proposed amendment to ARSD 20:18:15:30.19. Variations of the play--Blazing 7's Progressive Must Hit By **Pages 5-10**
- 4) Proposed New Rule: ARSD 20:18:33:14 Variations of the play-Dice-Ology **Pages 11-13**
- 5) Proposed amendment to ARSD 20:18:35.01:03. Certification testing **Pages 14-15**
- 6) Proposed amendment to ARSD 20:18:35.01:06. Integrity and security assessment **Page 16**

QUARTERLY BUSINESS MEETING

Approval of the minutes of Quarterly Meeting of December 28, 2022 [Pages 17-22](#)

Old Business

Comments Executive Secretary Susan Christian

Approval of new sports wagering League [Pages 23-29](#)

- XFL football league

Deadwood Licensing Matters [Pages 30-44](#)

Approval of next quarterly commission meeting

- Tuesday June 13, 2023

Public Comment

Executive Session pursuant to SDCL 1-25-2

Adjournment

SUSAN CHRISTIAN, CIA
Executive Secretary

For access, persons with special needs may call the Commission office (605) 578-3074.

The reason for the amendment is to clarify the minimum requirements for supervision of gaming floors to prevent minors from wagering and to ensure minors do not remain in close physical proximity to gaming tables and devices.

20:18:12.01:16. Premise monitoring required. An operator shall have at least one employee whose primary duty is to ensure the licensee has full view and control of any gaming operated on the premises. If two or more buildings are adjacent, share a common or party wall, have interior access, and share a common operator or route operator, a ~~licensed employee~~ licensee may use an electronic monitoring equipment approved by the executive secretary, to comply with the requirements of SDCL 42-7B-35 and 42-7B-40, and § 20:18:12.01:23. The operator shall create a document containing detailed procedures for:

- (1) Premises monitoring that ensures the licensee has full view and control of any gaming activities; and
- (2) Ensuring compliance with SDCL 42-7B-35 and 42-7B-40, and § 20:18:12.01:23.

The operator shall submit the document to the executive secretary for approval.

A licensee may submit a floor plan designating nongaming areas to the executive secretary for approval. Upon approval by the executive secretary, the plan must be incorporated into a licensee's internal controls. A licensee may incorporate the approved internal control document into the licensee's internal controls and procedures as required by Appendix A of article 20:18.

Source: 25 SDR 4, effective July 27, 1998.

General Authority: SDCL 42-7B-7, 42-7B-11(13), 42-7B-40.

Law Implemented: SDCL 42-7B-35, 42-7B-40.

Clarity - Is floorplan one word or two? You use it both ways in this section. I recommend two words, so as to allow this short form "plan". Additionally, the language to the left is redundant and therefore recommended to be struck.

Commented [JG1]: *Style/Form* - Some fundamental items to address:

* All of the proposed rules for a single Interim Rules Review Committee meeting should be in one packet. Only one fiscal impact statement needs to be provided, with all of the proposed rule sections consolidated within.

* For each rules packet you file, please e-mail the original Word document to justin.goetz@sdlegislature.gov. Any attempt to convert the Word document to PDF and back to Word will result in your proposed edits being corrupted.

* Proposed rules should be presented in numerical order, with everything double-spaced, and with page numbers in the footer. *Manual*, pg. 5. I cut-and-pasted the four different rules documents into one document and placed them in numerical order. You will need to add the page numbers and ensure everything is double spaced (this is an issue with the source, general authority, law implemented, and reference notes that may be at the bottom of each rule section).

Commented [JG2]: *Clarity* - If "electronic monitoring equipment" is not defined, why have a separate category of equipment approved by the executive secretary? What distinguishes the former from the latter? What monitoring equipment does not have an electronic component? ...

Commented [JG3]: *Style/Clarity* - This comma separates the following prepositional phrase from the rest of the sentence. It helps to underscore that the following ...

Commented [JG4]: *Clarity* - There is no SDCL 42-7B-35, but there is a SDCL 42-7B-35, and the latter pertains to th ...

Commented [JG5]: *Style - Manual*, pg. 20.

Commented [JG6]: *Clarity* - Logically, one explains what a document is before one explains what one does with the document. This language gets part of the way there, but ...

Commented [JG7]: *Clarity* - If this is calling for "detailed" information, why only procedures? What of equipment? ...

Commented [JG8]: *Style* - Please ensure that you follow the outline format on pg. 14 of the *Manual*.

Commented [JG9]:

Commented [JG10]: *Clarity* - This context exists outside of the mandatory provisions of this section, and interferes with the chronology. When should this part of the proces ...

Commented [JG11]: *Clarity* - If this is only discretionary to incorporate as internal controls, why have all of the mandatory language above regarding the document--to ...

Commented [JG12]: *Style - Manual*, pg. 16 ("Do not use 'their' with a singular subject.").

Commented [JG13]: *Clarity* - This phrase was confusing. The strike and the language at the end should clarify.

Commented [JG14]: *Legality* - Insofar as SDCL 42-7B-35 is now being cited liberally throughout this rule section as ...

The reason for the amendment is to address repeated instances of minors being in close physical proximity to gaming devices for extended periods of time.

20:18:12.01:23. Age of participants. No licensee may allow any person under ~~twenty-one~~ years of age to gamble, ~~loiter in the gaming area of a casino~~ or be present at a gambling table, slot machine, or other area in which gambling is conducted ~~unless an exemption or deviation from this rule is approved by the executive secretary.~~ Nothing may prevent any person under twenty-one years of age from directly passing through a casino to approved nongaming areas.

Source: 44 SDR 151, effective April 30, 2018.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-35.

Commented [JG15]: Style - Please use the original language currently in the ARSD on the LRC website. There have been a few changes made in this proposal that are not captured in overstrikes and underscores. It is essential that the current rule be reproduced fully for the sake of the Rules Committee.

This should contain the numeral, and then it should be struck to read "twenty-one."

The second sentence should begin "Nothing shall" with a strike of "shall" and a replace with "may."

The second sentence should contain the numeral, and then it should be struck and replaced by "twenty-one".

Commented [JG16]: Style/Clarity - For editing purposes, do not add the period. Strike all of the content in the remainder of the sentence and retain the period at the end.

The effect of the amendment is to authorize a new variation of an existing table side bet and pay table. The reason for the change is to provide for a blackjack side bet option called Must Hit By in addition to the currently authorized Blazing 7's Progressive.

20:18:15:30.19. Variations of the play--Blazing 7's Progressive Must Hit By. Blazing 7's Progressive is dealt and played following the standard rules of blackjack in this chapter except as follows:

(1) Blazing 7's Progressive may be played only on approved tables equipped with the necessary electronic equipment and signage which display the Blazing 7's Progressive Must Hit By on the table. Six or eight fifty-two-card decks must be used;

(2) To begin each round, players must make their standard blackjack wager. Players may also place an optional progressive wager with a portion of the progressive wager going to the Must Hit By meter. Players must place the progressive wager on the sensor in front of the player's position;

(3) The optional wager allows the player to participate in play for a progressive jackpot;

(4) Once all players place their wagers, the dealer will press the appropriate button on the dealer display. The sensors will light up, indicating a progressive wager. The dealer will remove all progressive wagers on the table. As wagers are accepted, the progressive meter will advance by a predetermined amount for each wager placed on the sensor;

(5) The dealer will work in a clockwise fashion to deliver the blackjack cards according to house rules. Once all starting cards have been delivered to the players and the dealer, the dealer will evaluate each hand in a counter-clockwise fashion for a progressive winner. If a player has at least one 7 in their initial two cards, the dealer will pay the progressive jackpot according to one

Commented [JG17]: Style - Here again, this is new content, and therefore must be underscored. Moreover, as this changes the catchline, the chapter index needs to be included in this packet and the change made to the chapter index. You should place that chapter index right above this section. *See Manual, pg. 30.*

of the following paytables selected at the discretion of the casino. The selected payable must be displayed by table signage or on the table layout:

Commented [JG18]: Style - Either specify who has the duty to display the payable--preferred--or use this convention when the subject is an inanimate object. *Manual*, pg. 14.

(a) The Blazing 7's Progressive only considers both the player's initial two cards and the dealer's up card;

(b) Paytables without Dealer Envy:

Paytable 1	Pays
Three 7's - Same Suit	100%
Three 7's - Same Color	10%
Three 7's	200 for 1
First Two Cards - 7	25 for 1
Either of the First Two Cards - 7	2 for 1

Paytable 2	Pays
Three 7's - Diamonds	100%
Three 7's - Suited (Other)	10%
Three 7's - Same Color	500 for 1
Three 7's	200 for 1
First Two Cards - 7	25 for 1
Either of the First Two Cards - 7	2 for 1

Paytable 3	Pays
Three 7's - Diamonds	100% Mega
Three 7's - Suited (Other)	100% Major
Three 7's - Same Color	100% Minor
Three 7's	200 for 1
First Two Cards - 7	25 for 1
Either of the First Two Cards - 7	2 for 1

(c) Paytables with Dealer Envy:

Paytable 1	\$1 Pays	\$1 Dealer Envy	\$5 Pays	\$5 Dealer Envy
Three 7's - Same Suit	100%	\$100	100%	\$100
Three 7's - Same Color	10%	\$25	10%	\$25
Three 7's	200 for 1	\$5	200 for 1	\$5
First Two Cards - Both 7's	25 for 1	\$2	25 for 1	\$2
Either First Two Cards - One 7	2 for 1	N/A	2 for 1	\$1

Paytable 2	\$1 Pays	\$1 Dealer Envy	\$5 Pays	\$5 Dealer Envy

Three 7's - Diamonds	100%	\$100	100%	\$100
Three 7's - Other Suited	10%	\$25	10%	\$25
Three 7's - Same Color	500 for 1	\$10	500 for 1	\$10
Three 7's	200 for 1	\$5	200 for 1	\$5
First Two Cards - Both 7's	25 for 1	\$2	25 for 1	\$2
Either First Two Cards - One 7	2 for 1	N/A	2 for 1	\$1

(d) Paytables with Must Hit By:

<u>Paytable 1. Progressive Configurations —</u> <u>Must Hit By, \$1 Wager</u>	<u>A-\$1</u>	<u>B-\$1</u>	<u>C-\$1</u>	<u>D-\$1</u>
<u>Minimum/Reset Value</u>	<u>\$100</u>	<u>\$100</u>	<u>\$250</u>	<u>\$250</u>
<u>Maximum Value</u>	<u>\$200</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Increment Rate</u>	<u>2.00%</u>	<u>5.00%</u>	<u>2.00%</u>	<u>5.00%</u>

Commented [JG19]: Clarity - The tables should be reformatted to ensure that the underline is clearly visible on all new entries.

<u>Paytable 2. Progressive Configurations —</u> <u>Must Hit By, \$2 Wager</u>	<u>A-\$2</u>	<u>B-\$2</u>	<u>C-\$2</u>	<u>D-\$2</u>
<u>Minimum/Reset Value</u>	<u>\$100</u>	<u>\$100</u>	<u>\$250</u>	<u>\$250</u>
<u>Maximum Value</u>	<u>\$200</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Increment Rate</u>	<u>1.50%</u>	<u>3.50%</u>	<u>1.50%</u>	<u>3.00%</u>

<u>Paytable 3. Progressive Configurations —</u> <u>Must Hit By, \$5 Wager</u>	<u>A-\$5</u>	<u>B-\$5</u>	<u>C-\$5</u>	<u>D-\$5</u>
<u>Minimum/Reset Value</u>	<u>\$100</u>	<u>\$100</u>	<u>\$250</u>	<u>\$250</u>
<u>Maximum Value</u>	<u>\$200</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Increment Rate</u>	<u>1.00%</u>	<u>2.00%</u>	<u>0.50%</u>	<u>2.00%</u>

(6) The original progressive wager is not returned to the player;

(a) A progressive wager is paid to the player as follows:

Commented [JG20]: Style - Manual, pg. 14 ("state of condition"), particularly with the use of "is" in the lead-in immediately above.

- (i) The percentage pays are paid from the progressive jackpot shown on the progressive meter;
- (ii) Other hands are paid from the tray; the payment does not come off the meter;
- (iii) If more than one progressive hand payable from the progressive meter hits at the same table during the same time, house procedures are then followed for paying the jackpot;

- (iv) If a player has a progressive winner, the dealer will select the player spot corresponding to the player with the winning progressive hand. The dealer will then press the appropriate hand button on the dealer display. If the button is pressed by accident, pressing it again turns the button off;
- (v) The dealer shall contact a supervisor;
- (vi) Once the casino verifies the progressive win, the supervisor will press the confirm button on the dealer display. To complete the action, a supervisor or executive card swipe, depending on jackpot level, is required. This records the win onto the Progressive computer and adjusts the meter appropriately for the prize won;
- (vii) The one-hundred-percent award will reset the meter to the seed amount, plus any reserve amount; and
- (viii) When the dealer reconciles all actions, the dealer presses the appropriate button on the dealer display to reset the system to begin the next hand and log into the progressive system;

Commented [JG21]: *Style - Manual*, pg. 17 ("Commas should be used instead of parentheses..."). The noun "swipe" should come before the phrase set out in commas.

Commented [JG22]: *Style* - This is a compound modifier and should have hyphens in between. Also, percentages should be done in spelled-out numbers. *Manual*, pgs. 18-19.

(7) When using one of the paytables that includes the Must Hit By option:

- (a) The Must Hit By bonus is awarded when the participating player's contribution increases the jackpot value higher than the pre-determined value chosen by a random number generator:
- (b) The Must Hit By configuration consists of a starting amount, a Must Hit By amount, and an incrementation rate:
- (c) A player participating in the progressive is eligible for the Must Hit By bonus regardless of the player's hand;

Commented [JG23]: *Style* - This needs to be a colon, not a semicolon.

Commented [JG24]: *Clarity* - There is no reason to create an initialism when the initialism is not used again.

Style - Subdivisions must have a semicolon after them, save the final subdivision. *Manual*, pg. 17.

Commented [JG25]: *Clarity/Style* - The autoformatting makes this ridiculous. But if you do no markup, you see that it works. However, there is no need for these parentheses, and the *Manual* no longer recognizes a third level of subdivision.

Commented [JG26]: *Clarity* - Rule should contain the prescriptive or authorizing language. Anything more is purely educational, and while helpful, it is not rule as defined in SDCL 1-26-1(8) ("implements, interprets, or prescribes law, policy, procedure, or practice requirements of any agency.").

Commented [JG27]: *Style - Manual*, pg. 15 - use a singular subject.

(d) The meter will be reseeded when the Must Hit By bonus award hits. The cost of the reseed has been factored in to the casino's mathematical advantage;

Commented [JG28]: Clarity - Here, too, is this language appropriate for rule?

(e) To begin each round, a player must make a regular game's wager. A player may optionally place any side bet wagers and the progressive wager. A player must place the progressive wagers on the sensor in front of the player's betting position. The sensor will light up;

(f) Once all players place their bets, the dealer will press START GAME on the keypad. The sensors will then light up, indicating a progressive wager. The dealer will then remove all progressive bets from the table;

Commented [JG29]: Style - Manual, pg. 17 ("Quotation marks should be used around a word being defined but otherwise should be avoided.").

(g) If a Must Hit By bonus is triggered, it will be indicated on the Dealer's touch-screen and the light sensor will flash; and

(h) The dealer then follows house procedures for dealing the regular game.

(87) When using one of the paytables that includes the Dealer Envy option, this envy payout is paid directly to the dealer's tip pool when a qualifying hand is won by the player:

Commented [JG30]: Clarity - What is "this envy payout" being referenced here?

(a) A player making the progressive side wager also qualifies to win an envy payout. If another player at the table hits a hand associated with an envy pay, all other players who made the progressive side bet win the envy pay. The player hitting the hand receives the normal prize pay only, but does not receive the envy pay. Envy bonuses should only be paid to players at the table where the qualifying hand occurred;

Commented [JG31]: Style - If the subsections that follow actually follow from this lead-in, there needs to be a colon here.

Clarity - I am having difficulty understanding the transition from this lead-in to the subsections. It does not read clearly. It seems like more language is needed.

These are subsections, but there are no semicolons and no conjunction to suggest whether these elements should be read conjunctively or disjunctively. This section needs a lot of work.

Commented [JG32]: Style - This does not read as proper rule language in any fashion. Please remove.

Commented [JG33]: Style - This should not be capitalized. It is not a proper noun.

Commented [JG34]: Clarity - This is permissive language and inappropriate for rule. If it is prohibited, change the "should" to "may." If it is not prohibited, why is it in rule?

(b) If a player's hand triggers an envy payout, the dealer will leave the hand face-up on the layout; otherwise, the dealer will lock up the cards. The dealer will then move on to the next player; and

Commented [JG35]: Clarity - Or? And?

(c) The dealer pays any envy bonuses at the end of the round. In the event more than one player is involved in a qualifying envy pay, then all players win multiple envy payouts;

(98) Once the progressive has been resolved, the standard blackjack game will resume according to house rules; and

Commented [JG36]: Style - Please strike the entire number parenthetical and replace with a new, underscored number parenthetical. *Manual*, pg. 33.

(109) A licensee may not discontinue offering a Blazing 7's Progressive jackpot until the highest progressive jackpot award has been won by a qualified player or players. If a licensee wishes to discontinue offering a progressive jackpot award, the licensee may petition the executive secretary for permission to either reduce the qualifications or criteria for winning the award, allowing the award to be paid more quickly, or to transfer the award liability to the jackpot offered by a different game. If a retail licensee intends to close its business while having a progressive jackpot award liability, the licensee may petition the executive secretary for permission to transfer the award liability, along with the award fund, to another retail licensee offering a comparable jackpot award.

Source: 45 SDR 142, effective May 28, 2019.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-7, 42-7B-15.

Commented [JG37]: Legality - The phrase defined in the cited statutory subsection is nowhere in this rule section. I do not see any reason for its inclusion here. Perhaps this was once the subdivision that defined "blackjack"? If so, change the subdivision.

Commented [JG38]: Legality - There are multiple subsections in this cited statute. Per SDCL 1-26-6.2, one must refer "to the . . . subdivision, or subsection of statute which the rule is intended to implement." Please do so here.

CRAPS

Section

20:18:33:01	Definitions.
20:18:33:02	Permissible wagers.
20:18:33:03	Making and removing wagers.
20:18:33:04	Payment odds.
20:18:33:05	Retention and selection of dice.
20:18:33:06	Throw of the dice.
20:18:33:07	Point throw; settlement of wagers.
20:18:33:08	Continuation of shooter; selection of new shooter.
20:18:33:09	Posting of rules.
20:18:33:10	Tips in craps.
20:18:33:11	Irregularities.
20:18:33:12	Variations of the play - Bonus Craps.
20:18:33:13	Variations of the play - Sharp Shooter.
20:18:33:14	Variations of the play -- Dice-Ology.

Commented [JG39]: *Style - Manual*, pg. 8 - see the example.

The effect of the amendment is to authorize a new variation of craps known as Dice- Ology. The reason for the change is to provide for the rules of a craps known as Dice-Ology, as requested by Scientific Games, Inc.

20:18:33:14. Variations of the play -- Dice-Ology. Dice-Ology is a variation of craps. The game offers the player a group of side bets during the game of craps. Bonus craps may be played on an existing craps table. None of the existing features of the craps table may be eliminated.

Commented [JG40]: *Style - Manual*, pg. 8.

Commented [JG41]: *Style - Id.* ("Use a space before and after a dash in the catchline.").

There are three side bets: Little Ones, Big Ones, and Boom or Bust.

(1) Little Ones side bets are conducted in the following manner:

(a) This feature consists of a side bet in which all of the little numbers, two, three, four, five, and six, must be rolled before a seven;

Commented [JG42]: Clarity - This language does not read properly with the lead-in. Please rewrite.

(b) The bet loses on any seven, including a seven on the come out roll;

(c) If all of the little numbers are rolled, the side bet pays according to the pay table and is taken down;

(d) A player may bet this feature at the beginning of the roll only;

(e) The dealer shall mark a number with a lammer after a number has been rolled; and

(f) After all of the little numbers are lammered up, the dealer shall pay the bettor and take the bettor's little bet down.

(2) Big Ones side bets are conducted in the following manner:

(a) This is the same feature and side bet as Little Ones;

(b) The big numbers, eight, nine, ten, eleven, and twelve, must be rolled before a seven;

(c) The bet loses on any seven, including a seven on the come out roll;

(d) If all of the big numbers are rolled, the side bet pays according to the pay table and is taken down;

(e) A player may bet this feature at the beginning of the roll only;

(f) The dealer shall mark a number with a lammer after a number has been rolled; and

(g) After all of the big numbers are lammered up, the dealer shall pay the bettor and take the bettor's big bet down; and

(3) Boom or Bust side bets are conducted in the following manner:

(a) This feature consists of all of the numbers, two, three, four, five, six, eight, nine, ten, eleven, and twelve, being rolled before any seven;

(b) This bet loses whenever a seven is rolled; and

(c) After all of the numbers are lammered up, the dealer shall pay the bettor and take the bettor's bet down.

Pay Tables:

Side Bet	Pay Table 1	Pay Table 2
Little Ones	34 to 1	30 to 1
Big Ones	34 to 1	30 to 1
Boom or Bust	175 to 1	150 to 1

Source:

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-1; 42-7B-4(12); 42-7B-7; 42-7B-15.

Commented [JG43]: Style - This content should be underscored, as with the table with new content above.

Commented [JG44]: Legality - There are multiple subsections in this cited statute. Per SDCL 1-26-6.2, you are to refer "to the . . . subdivision, or subsection of statute which the rule is intended to implement." Please do so here.

This amendment is proposed by ISI, a sports wagering service provider. The proposal allows the Commission to utilize testing conducted for other jurisdictions on equipment and systems utilized for sports wagering.

20:18:35.01:03. Certification testing. Prior to conducting sports wagering, ~~and annually thereafter~~ all equipment and systems integral to the conduct of sports wagering and advance deposit sports wagering must ~~have been previously submitted to be submitted to~~ a commission-designated independent testing laboratory for evaluation and received the certification in a different jurisdiction, which certification is active at the time of its licensing process through the South Dakota Commission on Gaming, or undertake and receive certification through a commission-designated independent testing laboratory for evaluation. The certification and executive secretary approval must be received prior to the use of any equipment or system to conduct sports wagering. The certified test must include the following: The submission for evaluation must include the following:

(1) The licensee shall provide internal controls that protect the integrity of all hardware, networks, applications, databases, and data of the system to the executive secretary for approval prior to completion of the system testing period and final approval of the system; and

(2) The licensees and sports wagering services provider shall submit change control processes to the executive secretary for approval. These processes must be:

(a) Developed in accordance with the Gaming Laboratories International, LLC Guide GLI-CMP Change Management Program Guide, v1.0; and

(b) Certified prior to its deployment and audited at an annual interval by the independent gaming laboratory.

Commented [JG45]: Style/Clarity - Please be sure to strike the spaces and punctuation that must be removed when reconciling these edits at the very end. I have done so here.

Commented [JG46]: Clarity - Use of passive voice to describe a duty is problematic. Who has this duty to obtain certification, submit proof of certification, and obtain approval of the executive secretary? Is that the "sports wagering service provider"?

Commented [JG47]: Style - Multiple lists of subdivisions or subsections are not permitted in rule. *Manual*, pg. 14.

Commented [JG48]: Clarity - Certification of what?

Commented [JG49]: Clarity - The pronoun here may create ambiguity. Licensing of the equipment and systems? Licensing of the operator?

Commented [JG50]: Style/Clarity - ARSD 20:18:01:01 defines the term "commission" for the entirety of article 20:18 as being the South Dakota Commission on Gaming, by virtue of incorporating SDCL 42-7B-4's definitions. There is no need to use the proper noun of the commission. When used, it should be lower-case.

Commented [JG51]: Style - *Manual*, pg. 25.

Commented [JG52]: Clarity - Why is this sentence here and not in the paragraph following the subdivisions? You should not need these lowercase Roman numeral subdivisions if you move this sentence down below, since you are going from describing the tests to immediately describing what those tests must include. There is no need to reference back to a particular subdivision above.

Also, who is to receive the certification and approval? That should be made explicit.

Commented [JG53]: Clarity - The subdivisions that follow do not lay out elements of the certified test. They entail information that must be submitted to the executive secretary. The executive secretary, as the new information on testing expressly provides above, is not involved in the testing--an independent testing laboratory does the testing. This lead-in needs to be revised.

Commented [JG54]: Style - *Manual*, pg. 14.

After the presentation of the certification and executive secretary approval, the equipment and system must be tested and certified by a commission-designated independent testing laboratory with such testing commencing no later than June fifteenth every two years, commencing 2024.

At least annually, Each each product operating under the certified change control processes must be fully certified to the specifications set forth in this chapter or other technical specifications as prescribed by the commission through internal control procedures and accompanied by formal certification documentation from the independent gaming laboratory. The licensee and sports wagering services provider, where separate, may seek approval for extension beyond the annual approval if hardship can be demonstrated. Granting of a hardship waiver is at the sole discretion of the commission.

Notwithstanding the two-year testing period, should changes be made to the equipment and system by the sports wagering service provider requiring re-certification by a commission-designated independent testing laboratory to remain certified, the test must commence within ninety days of this determination. The licensee and sports wagering services provider, where separate, may seek an extension of the test commencement deadline if hardship can be demonstrated. Granting of a hardship waiver is at the sole discretion of the commission.

Source: 48 SDR 14, effective August 22, 2021; 48 SDR 61, effective December 8, 2021.

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

Reference: **GLI-CMP Change Management Program Guide**, v1.0, May 6, 2020 Gaming Laboratories International, LLC. Copies may be obtained without charge from Gaming Laboratories International, LLC, at 600 Airport Road, Lakewood, New Jersey, 08701. (732) 942-3999, and online at Gaminglabs.com/gli-standards.

Commented [JG55]: **Clarity** - The "certification" is clearly established above. No need to restate what the certification is. If you do not agree this is redundant, at the very least, I would strike "approval" after "certification" as it is the fact of certification--and not the approval of the same--that is the prerequisite described in the first few sentences above.

Commented [JG56]: **Style** - *Manual*, pg. 16.

Commented [JG57]: **Clarity** - The beginning of the sentence makes it clear that what follows after the comma must occur subsequent. The "then" is redundant.

Commented [JG58]: **Clarity** - Is all equipment required to be tested in 2024 and then every two years thereafter? Or is it that this two-year testing requirement begins to apply in 2024? That should be clarified.

Moreover, the sentence could be better written: "the equipment and system must be tested and certified by a commission-designated independent testing laboratory every two years, with the testing commencing no later than June fifteenth."

Commented [JG59]: **Style** - New content always goes after struck content. *Manual*, pg. 5. Place this after the struck each.

Commented [JG60]: **Clarity** - What standards exist for requiring recertification? There should be such standards, and if they exist, they should be cross-referenced here. Otherwise, you may potentially be "circumventing the SDCL ch. 1-26 rulemaking process" which is potentially legally problematic.

Or is it that any changes made to the equipment and system necessitate a recertification? If so, then the clause should be rewritten: "...provider, the equipment and system must obtain recertification by a commission-designated independent testing laboratory. The test must commence...."

This amendment is proposed by ISI, a sports wagering service provider. The change would loosen timeframes for when a system integrity and security risk assessment may be conducted. Currently the assessment must occur within 90 days after commencing operations and annually thereafter. The proposal would allow for annual commencement by the June 15th after commencement of operations
January 10, 2023

20:18:35.01:06. Integrity and security assessment. System integrity and security risk assessment must be performed annually on all sports wagering systems by an independent information technology security professional approved by the executive secretary.

The system integrity and security risk assessment must commence no later than June fifteenth of each year after commencing operations ~~be conducted no later than 90 days after commencing operations and annually thereafter.~~

Commented [JG61]: *Style - Manual*, pg. 14 (subject is an inanimate object).

Commented [JG62]: *Style - Do not add a period. Use the period at the end of the sentence. Manual*, pgs. 5, 37, 38. I made those edits to the left.

Source: 48 SDR 14, effective August 22, 2021.
General Authority: SDCL 42-7B-7, 42-7B-11(13).
Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

UNAPPROVED MINUTES

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

MINUTES

December 28, 2022

At 9:00 a.m. the meeting was called to order. Chairman Karen Wagner, Vice Chairman Karl Fischer, Commissioner Bob Goetz, Commissioner Spencer Hawley, and Commissioner Harry Christianson were present. Staff members present for the meeting were Doug Abraham, Commission Attorney; Susan Christian, Executive Secretary; Mark Heltzel, Deputy Executive Secretary; Larry Eliason, State Racing Steward; Brandon Snyder, Enforcement Agent; and Phil Schlieff, IT Specialist.

The meeting was called to order by Chairman Wagner at 9:00 a.m. a roll call was taken, and a quorum was present.

Commissioner Goetz	Aye
Vice Chairman Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Chairman Wagner	Aye

Conflicts of Interest Disclosure

On a roll call no conflicts of interest were disclosed.

Commissioner Goetz	Nay
Vice Chairman Fischer	Nay
Commissioner Hawley	Nay
Commissioner Christianson	Nay
Chairman Wagner	Nay

Administrative Hearings

The hearings officer was Chairman Wagner. The following cases were scheduled to be heard:

- 1) Stewards Ruling Number 2022-01-FTP Gilbert W. Ecoffey
- 2) Stewards Ruling Number 2022-03-FTP Robert D. Johnson
- 3) Stewards Ruling Number 2022-06-FTP Perry Cavanaugh
- 4) SDCG vs Mathew Steinlicht
- 5) SDCG vs BY Development

Robert D. Johnson

The purpose of the hearing is to take action on Stewards Ruling Number 2022-03-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-56 (8), (12) and (13), 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13, and 20:04:17:05. Mr. Johnson was present for the hearing. The matter asserted is that on October 1, 2022, and October 2, 2022, at the Ft. Pierre racetrack there were three horses that were tested with permitted drug substances above the level allowed per ARSD 20:04:27:14. Staff is recommending a significant penalty be imposed of a fine of approximately half of the monies earned by the horses and assigning ½ point in total for these violations for purposes of the MMV point system. The decision on this matter was deferred to Executive Session.

A brief recess was taken at 9:50 a.m. and resumed at 10:05 a.m.

Gilbert W. Ecoffey

The purpose of the hearing is to take action on Stewards Ruling Number 2022-01-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-56 (8), (12) and (13), 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13, and 20:04:17:05. Mr. Ecoffey participated in the hearing via Zoom. The matter asserted is that on October 1, 2022, and October 2, 2022, at the Ft. Pierre racetrack there were eight horses that were tested with permitted drug substances above the level allowed per ARSD 20:04:27:14. Staff is recommending a significant penalty be imposed of a fine of approximately half of the monies earned by the horses and assigning ½ point in total for these violations for purposes of the MMV point system. The decision on this matter was deferred to Executive Session.

Perry Cavanaugh

The purpose of the hearing is to take action on Stewards Ruling Number 2022-06-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13, and 20:04:17:05. Mr. Cavanaugh participated in the hearing via Zoom. The matter asserted is that on October 1, 2022, at the Ft. Pierre racetrack there were two horses that were tested with permitted drug substances above the level allowed per ARSD 20:04:27:14. Staff is recommending a significant penalty be imposed of a fine of approximately half of the monies earned by the horses and assigning ½ point in total for these violations for purposes of the MMV point system. The decision on this matter was deferred to Executive Session.

Mathew Steinlicht

The purpose of the hearing is to take action on an Initial Complaint that was filed which alleges that licensee has engaged in conduct constituting grounds for disciplinary action pursuant to 20:18:09:01. The conduct complained against alleges that while working at Mustang Sally's during the month of August 2022, Mathew Steinlicht placed multiple proxy sports bets for multiple underage individuals. Violating SDCL 42-7B-35 and 42-7B-83. Legal Counsel for Mr. Steinlicht was not present for the hearing. On November 28, 2022, a letter was received from Mr. Steinlicht stating he was invoking his fifth amendment right and voluntarily surrendering his license. Staff is recommending revocation of his gaming license. The decision on this matter was deferred to Executive Session.

BY Development

Present for the hearing representing BY Development was Roger Tellinghuisen, Attorney, and David Schneiter, General Manager. The purpose of the hearing is to take action on an Initial Complaint that was filed which alleges grounds for disciplinary action as a result of allowing a person who is less than twenty-one years of age to participate in gaming, loiter and be present at a gaming area, and having a retail license with not one licensed employee that is full view and control of gaming operated on the premises the licensee violated SDCL 42-7B-35, SDCL 42-7B-40, and ARSD 20:18:12.01:23. The matter asserted is that on October 30, 2022, a 19-year-old and a 20-year-old underage individuals were participating in gaming and loitering in a gaming area at Cadillac Jacks Gaming Resort. This incident was self-reported. Staff is recommending a significant penalty. The decision on this matter was deferred to Executive Session.

The hearing portion of the meeting concluded at 12:05 p.m.

A brief recess was taken.

General Meeting

Chairman Wagner called the general meeting to order at 12:15 p.m.

Adoption of Quarterly Business Meeting Agenda

Chairman Wagner requested to make the following changes to the agenda:

- Remove Old Business
- Remove Comments Executive Secretary Susan Christian
- Replace the two sections above with the Executive Session portion of the meeting.

Vice Chairman Fischer made a motion to adopt the agenda with the changes. Commissioner Hawley seconded the motion which carried unanimously.

September 28, 2022, Quarterly Meeting

Commissioner Hawley made a motion to adopt the minutes as drafted for the September 28, 2022, quarterly meeting. Commissioner Goetz seconded the motion which carried unanimously.

Executive Session

Commissioner Christianson made a motion to go into Executive Session. Vice Chairman Fischer seconded the motion which carried unanimously.

At 12:20 p.m. the Commissioners went into Executive Session pursuant to SDCL 1-25-2 (1) (3) and (4) and 42-7B-8.1 (4).

The Executive Session concluded at 12:44 p.m. with the following actions taken.

Decisions on Administrative Hearings

Gilbert W. Ecoffey

Commissioner Hawley made a motion to impose a \$1,000.00 fine due not later than February 1, 2023, and ½ point assessed to the MMV point system. Commissioner Christianson seconded the motion which carried unanimously.

Robert D. Johnson

Commissioner Hawley made a motion to impose a \$1,000.00 fine due not later than February 1, 2023, and ½ point assessed to the MMV point system. Commissioner Goetz seconded the motion which carried unanimously.

Perry Cavanaugh

Commissioner Hawley made a motion to impose a \$500.00 fine due not later than February 1, 2023, and ½ point assessed to the MMV point system. Vice Chairman Fischer seconded the motion which carried unanimously.

Mathew Steinlicht

Commissioner Goetz made a motion for the permanent revocation of the support license for Mathew Steinlicht. Vice Chairman Fischer seconded the motion which carried unanimously.

BY Development

Vice Chairman Fischer made a motion to impose a \$5,000.00 fine due not later than February 1, 2023. Commissioner Goetz seconded the motion which carried unanimously.

Live Racing Matters

Verendrye Benevolent Association Racing Dates

- October 7, 2023
- October 8, 2023

Commissioner Hawley made a motion to approve the 2023 live horse racing dates as presented by the Verendrye Benevolent Association. Commissioner Goetz seconded the motion which carried unanimously.

Release of Deposit In Lieu of Bond

Commissioner Goetz made a motion to approve Resolution 12-14-22-01. Vice Chairman Fischer seconded the motion which carried unanimously.

Racing Licensing Matters

Triple Crown Simulcast Site Renewal

Vice Chairman Fischer made a motion to approve the simulcast site renewal. Commissioner Goetz seconded the motion which carried unanimously.

AmWest Simulcast Provider Renewal

Commissioner Goetz made a motion to approve the simulcast provider renewal. Vice Chairman Fischer seconded the motion which carried unanimously.

Deadwood Licensing Matters

Key License Approvals

Deputy Executive Secretary Heltzel recommended approval of the following:

- | | | |
|-------------------|-----------------------|-----------------------|
| ➤ Jessica Edelman | ➤ Alexis Herman | ➤ David Stella |
| ➤ Lorrie Papka | ➤ Paul Salem | ➤ Victoria Jarman |
| ➤ Daniel George | ➤ John Kilroy, Jr. | ➤ Mark Gregory |
| ➤ Amanda Aspen | ➤ Joseph Levin | ➤ Peter Isola |
| ➤ Monique Pontius | ➤ Mary Jammet | ➤ John Gibson |
| ➤ Ken Owens | ➤ Daniel Taylor | ➤ David Satz |
| ➤ Sally Clevenger | ➤ Gary Fritz | ➤ Rose Gonzalez-Costa |
| ➤ Adam Greenblatt | ➤ Rose McKinney-James | ➤ Destiny Maynard |

Commissioner Hawley made a motion to approve the Key license approvals as staff recommended. Commissioner Goetz seconded the motion which carried unanimously.

2023 Key License Renewals

Deputy Executive Secretary Heltzel recommended approval of the Key license renewals as listed on pages 68-69 in the meeting packet.

Commissioner Goetz made a motion to approve the Key license renewals as staff recommended. Commissioner Christianson seconded the motion which carried unanimously.

Approval of Dates of 2023 Quarterly Meetings

- Tuesday March 14, 2023
- Tuesday June 13, 2023
- Tuesday September 12, 2023
- Tuesday December 12, 2023

Vice Chairman Fischer made a motion to approve the dates scheduled for the 2023 quarterly meetings. Commissioner Hawley seconded the motion which carried unanimously.

Public Comment

Mike Rodman, Executive Director of the Deadwood Gaming Association, informed the Commission that the DGA does not have any potential legislation going forward for the 2023 Legislative Session. They have been working with Susan and staff on the potential rule changes as it relates to the changes for under twenty-one in the casinos and have got some great compromises put together so looking forward to the March meeting. He thanked Susan and staff for working with the industry.

Chairman Wagner requested from Mike Rodman an updated report for the March meeting related to their policies and procedures for individuals under the age of twenty-one in the casinos.

Adjournment

Vice Chairman Fischer made a motion to adjourn the meeting. Commissioner Goetz seconded the motion which carried unanimously.

The meeting was adjourned at 12:59 p.m.

Respectfully Submitted,

Kathy Beringer

Karen Wagner, Madam Chairman

Susan Christian, Executive Secretary



SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capitol Avenue • Pierre, SD 57501
(605) 773-6051 • dor.sd.gov/gaming

TO: Commission Chair Karen Wagner
Commission Vice Chair Karl Fischer
Commissioner Harry Christianson
Commissioner Spencer Hawley
Commissioner Bob Goetz
Doug Abraham Commission Legal Counsel

FROM: Susan Christian, Commission Executive Secretary

Date: March 14, 2023

RE: Staff recommendations on approval of XFL

Staff verified and is providing the following information regarding the XFL Football League:

- Since August 2020, XFL has been owned by a consortium of Dwayne Johnson, Dany Garcia, and RedBird Capital Partners. Johnson is a well-known actor and retired professional wrestler. Garcia is a film producer and advisor to Mr. Johnson (also his ex-wife). RedBird Capital is a diversified investment entity that owns a stake in a number of professional sports organizations, including the Boston Red Sox of Major League Baseball.
- For the 2023 season: Teams will play a ten game regular season. XFL players that are active for all ten games will be paid a base annual salary of \$59,000, with a \$1,000 win bonus for the winning team each week. Inactive players will be paid a reduced salary for the week but will be eligible for the win bonus. Additionally, players will receive benefits including insurance, housing, and meals that amount to an estimated \$20,000 per player for the year. Playoff and championship bonuses will be paid to players on the teams that qualify, but these bonus amounts have not been publicly announced.
- XFL has a collaborative agreement with the NFL for the purpose of testing new rules, innovations, and safety protocols. This agreement is non-binding, allows both parties to enter agreements with other leagues, and does not include a player development or "feeder system" between the leagues.
- XFL has a player personnel partnership with the Indoor Football League (IFL). This partnership provides the framework for transferring players between the two leagues, including the opportunity for players released from XFL teams to be transferred to IFL squads and for IFL players to advance their careers by transferring to an XFL team.

- The XFL Code of Conduct prohibits all XFL personnel (including league/team employees, players, owners, investors, coaches, athletic trainers, officials, security, consultants, stadium personnel, team physicians, etc.) from betting on XFL games, fixing games, or providing confidential, non-public information to a party who does not have a legitimate business reason for such information regarding XFL matters.
- Currently, XFL events are allowed for wagering in Iowa, Colorado, and Wyoming, among several others. XFL bets cannot currently be offered in Indiana or Ohio. Ohio recently denied a formal request for XFL to be allowed for wagering, no official reason has been given for the denial.

Staff is recommending that the commission approve the request to add XFL to our Sport wagering Events and Wagering Catalog effective April 1, 2023. This will allow adequate time to update, post the catalog and to send notices to Sports Wagering licensees.

SOUTH DAKOTA COMMISSION ON GAMING

NEW LEAGUE, WAGER TYPE OR SPORTING EVENT SPORTS APPROVAL REQUEST FORM

PURSUANT TO

SDCL 42-7B AND ARSD 20:18:35:05

Licensee Name: Deadwood Gaming Association
Licensee Representative Name: Mike Rodman
Type of Request: new league
Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))
Title of new league, new event, and/or new wager type: XFL

Requests will be submitted to the commission for approval at the next regularly scheduled quarterly commission meeting.

- Provide a full description of the request being made and the way wagers would be placed and winning wagers would be determined.

XFL Properties LLC ownership group, led by Dany Garcia, Dwayne Johnson, and Gerry Cardinale's RedBird Capital Partners, is building a fan-first, fast-paced global professional football league with innovative rules and enhanced 360-degree game experience. The XFL will bring entertainment to world class football, with the goal of advancing the game and expanding player opportunities when it launches in February 2023.

XFL Properties LLC
600 Steamboat Road
Suite 107
Greenwich CT 08630
Compliance@xfl.com

- Provide an explanation that addresses the method by which wagers will be posted, wagering limits, and at the date and time acceptance of wagers will cease. For new league or new event requests, provide the types of wagers to be offered and wager and payout limits.

Same wagers as are currently approved for the NFL, USFL, CFL and NCAA football.

- Provide a full description of any technology which would be utilized to offer the league, event, or wager types.

Genius Sports will be providing integrity services for the XFL. In addition, US Integrity will be providing monitoring services.

- Provide a description of the policies and procedures regarding the league, event, or wager's integrity. If this is a new league request, provide a copy of the league's integrity policy.

Genius Sports will be providing integrity services for the XFL and US Integrity will be providing monitoring services. Players are required to represent that they will not wager on any XFL game or competition. The XFL policy on drug testing, be it performance-enhancers or recreational drugs, will be random except in the case of perceived abuse which would then be mandatory.

- Provide a listing of any known scandals, match fixing or point shaving investigations, criminal investigations, or other incidents that could possibly compromise the integrity of any players, teams, leagues, tournaments, or exhibitions.

Newly relaunched league with new ownership.

- Provide a description of any communication or cooperation made or attempted between the licensee and the organizer or governing body, including a copy of any written responses from the organizer or governing body to the notification by the licensee.

- Provide such other information or documentation which demonstrates that:
 - The event can be effectively supervised by a sport governing body or other oversight body.
 - There are integrity safeguards in place.
 - The outcome can be documented and can be verified.
 - The outcome is not affected by any wager placed; and
 - The event is conducted in conformity with all applicable laws and rules.
 - Wagering on the event and acceptance of the wager type are consistent with the public policy of this state.

The XFL operates from a set of league bylaws and rules established by committees and reflective of similar professional football entities. The rules and bylaws are maintained and enforced by the League President and football operations staff.

The XFL management team is composed of professionals from a variety of sports industry backgrounds, including, among others, professional sports teams, front offices and sports marketing and media organizations.

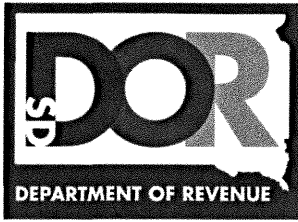
Game officials are independent contractors under the supervision of the Vice President of Officiating/Rules and members of the XFL Officiating Department. Officials are all currently working in FBS college football conferences. Four officiating supervisors are responsible for training and evaluation of performance in-season. Officials receive an evaluation report on a weekly basis and training materials such as video voice-overs and rules exams. Game officials are required to complete a conflict-of-interest form and as part of their NCAA officiating duties, subject to periodic background checks. Game officials are responsible for administering the rules for each XFL game with video assistance from officiating personnel in XFL Game Day Center.

- In what other jurisdiction(s) are the league(s), event(s), wager(s) approved? In what jurisdictions has approval been requested but not granted?

New Jersey, Pennsylvania, Indiana, Rhode Island, Iowa, Colorado, Wyoming and Nevada.
DO NOT INSERT A LINK TO OTHER JURISDICTIONS.

- If existing South Dakota Commission on Gaming (SDCG) approved House Rules do not adequately address contingencies of the league, event, or wager type, the licensee must submit amended House Rules for approval.

SDCG may require an appropriate test or experimental period and subject any technology that would be used to offer an event category or wager type to such testing, investigation, and approval.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

South Dakota Commission on Gaming
licensing for the March 14, 2023

Key License

Willam Ashton	Chase Newland	Atul Bali	Hannah Nickelson
Robert Hoskin	Gregory Spierkel	Keith Meister	Janet Swarts
William Grounds	William Hornbuckle	Kendra Finnell	
Tammy Marshall-Harris		Maureen Mullarkey-Miller	

2023 Key License Renewals

Jesse Allen	Michelle Harmon	Deb Klima	Ernest Matthews	William Stearns
Liz Vodika				

Business License Approval

Retail license (13145-RT) to Sportsbook Deadwood, LLC. The retail license would be assigned to 53 Sherman St., the Landmark Casino.

BetMGM, Internet Sports International and IGT were issued Sports Wagering Service Providers licenses with conditions that they would be responsible for the third-party vendors they were using. Staff has been able to call forward those third-party vendors, and recommend those conditions be removed from their licenses.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: 01/14/2022
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: William Jay Ashton
LIC. #: 12870-22-KY

The applicant is currently working for the Deadwood Mountain Grand as a Compliance Officer. The applicant has been employed since July 2022 and has had a support license since then, with no derogatory action on his license. He is seeking a key license for his current position.

Concerns: None

Recommendation: Approval



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 27, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Chase Newland / 13140-22-KY

Chase has had a support license since September 12, 2011, with no violations reported. Chase is currently working as a floor supervisor at the Silverado Casino and has applied for a key license due to his position as a floor supervisor.

Concerns: None

Recommendations: It is recommended that Chase Newland be **approved** for a Key Employee license. No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 27, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Atul Bali / 12358-21-KY

Name of Gaming Business associated with:

The applicant is seeking licensure because she sits on the Board of Directors for Everi Holdings, Inc. Everi Holdings, Inc is the parent company of Everi Games, a slot machine manufacturer who has been licensed in South Dakota since 2014 and Everi Payments Inc. who has been licensed in South Dakota since 2021.

Past Employment:

Mr. Bali has been employed in the gaming industry since 2000. Currently Mr. Bali holds gaming licenses in several jurisdictions around the United States. They are all in good standing. In 2019 Mr. Bali was appointed to the Board of Directors of Everi Holdings Inc., the parent company of Everi Games, Inc and Everi Payments, Inc.

Concerns: None

Recommendations: As a result of this background investigation it is recommended that Atul Bali be approved as a Key Licensee with Everi Games Inc.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: 02/23/2023
TO: South Dakota Commission on Gaming
FROM: Austin Wilson
SUBJECT: Hannah Nickelson
LIC. #: 13054-22-KY

The applicant is a Graduate of Sturgis Brown High School. She was previously employed at The Tin Lizzie. In 2022 she obtained a support license and began working for Cadillac Jacks Casino Resort as a slot tech. she has never had any actions taken against his license.

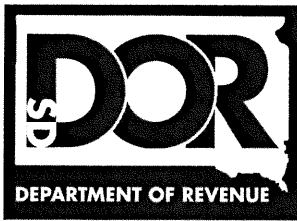
Concerns: None

Recommendation. Approval of Key License

A handwritten signature in black ink, appearing to read 'Austin Wilson', is written over a horizontal line.

Austin Wilson

Special Agent



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Robert Hoskin

Name of Gaming Business associated with:

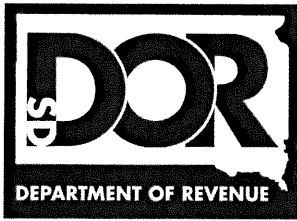
The applicant is seeking licensure because of their association with BetMGM. Robert is listed as a director with Entain plc who has ownership in BetMGM, who conducts business in South Dakota.

Past Employment:

The applicant is listed working as the Chief Governance Officer, Director of Legal and Regulatory compliance and the head of investments. Robert has been with Entain plc since 2016.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Robert Hoskin be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Gregory Spierkel

Name of Gaming Business associated with:

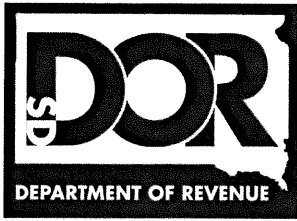
The applicant is seeking licensure because of their association with BetMGM. Gregory is listed as a director with BetMGM who conducts business in South Dakota.

Past Employment:

The applicant is listed being a director for several companies such as: Schneider Electric, MGM Resorts, Paccar Inc, Global Technology. Gregory has been with MGM since 2013.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Gregory Spierkel be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Keith Meister

Name of Gaming Business associated with:

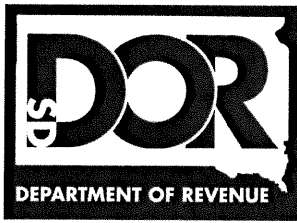
The applicant is seeking licensure because of their association with BetMGM. Keith is listed as a director with BetMGM who conducts business in South Dakota.

Past Employment:

The applicant is listed being the President and Chief Executive Officer for Icahn Enterprises / American Real Estate Partners and has been with them since 2003. Keith has been a director with MGM since 2019.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Keith Meister be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Janet Swartz

Name of Gaming Business associated with:

The applicant is seeking licensure because of their association with BetMGM. Janet is listed as a director with BetMGM who conducts business in South Dakota.

Past Employment:

The applicant is listed being the President for Princess Cruises and a Director with the goodness web foundation and MGM Resorts. Janet has been a director with MGM since 2018.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Janet Swartz be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: William Grounds

Name of Gaming Business associated with:

The applicant is seeking licensure because of their association with BetMGM. William is listed as a director with BetMGM who conducts business in South Dakota.

Past Employment:

The applicant is listed being the President and COO for Infinity World Development and a Director with RDNZL USA LLC, DVG USA LLC, Nevada Public Radio, Remark Holdings and MGM Resorts International. William has been a director with MGM since 2013.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that William Grounds be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 17, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: William Hornbuckle, IV

Name of Gaming Business associated with:

The applicant is seeking licensure because of their association with BetMGM. William is listed as the President and CEO for MGM Resorts International who conducts business in South Dakota through BetMGM.

Past Employment:

The applicant is listed being the President and CEO of MGM Resorts International. William has been a director with MGM since 2012.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that William Hornbuckle, IV be approved for a Key license.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732

(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 26, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Kendra D. Finnell

Kendra Finnell is presently employed as the Controller at the Deadwood Mountain Grand in Deadwood, SD. Ms. Finnell has been with her present employer since May of 2022. She is applying for this licensure at her employer's request due to her position.

Ms. Finnell received a Support License with the SDCG in May of 2022 and has had no disciplinary actions. She has never held a gaming license in any other gaming jurisdiction.

Recommendation: Upon completion of this background investigation, it is recommended that Kendra Finnell be **approved** for a Key license with the SDCG.

Angela J. Wilkerson

SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: 02/25/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Tammy Marshall Harris
LIC. #: 12983-22-KY

The applicant is currently working for The Buffalo Bodega as a cashier. Applicant has been employed by The Buffalo Bodega since 2018. Applicant has had a support license in 2002 with no major derogatory action on her license. She is seeking a key license for her current position.

Concerns: None

Recommendation: Approval



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 27, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Maureen Mullarkey-Miller / 12357-21-KY

Name of Gaming Business associated with:

The applicant is seeking licensure because she sits on the Board of Directors for Everi Holdings, Inc. Everi Holdings, Inc is the parent company of Everi Games, a slot machine manufacturer who has been licensed in South Dakota since 2014 and Everi Payments Inc. who has been licensed in South Dakota since 2021.

Past Employment:

Ms. Mullarkey-Miller has been employed in the gaming industry 1989. Currently Ms. Mullarkey-Miller holds gaming licenses in several jurisdictions around the United States. They are all in good standing. In 1998 Ms. Mullarkey-Miller was appointed to the position of Chief Financial Officer for International Gaming Technologies. She left that position in July 2000 but returned to the role in February 2001. Ms. Mullarkey-Miller remained in that role until July 2007. In 2018 Ms. Mullarkey-Miller was appointed to the Board of Directors of Everi Holdings Inc., the parent company of Everi Games, Inc and Everi Payments, Inc.

Concerns: None

Recommendations: As a result of this background investigation, it is recommended that Maureen Mullarkey-Miller be approved as a Key Licensee with Everi Games Inc.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732

(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: February 27, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Sportsbook Deadwood, LLC. 13145-RT

Name of Gaming Business:

Sportsbook Deadwood, LLC. was founded in November of 2020. This group of 6 individuals currently hold an Operator's license and three retail licenses.

Concerns: None

Recommendations: As a result of a background investigation it is recommended that Sportsbook Deadwood, LLC. be approved for a retail license to be assigned at 53 Sherman Street, the Landmark Casino.