



SOUTH DAKOTA COMMISSION ON GAMING

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

NOTICE OF ADMINISTRATIVE HEARINGS AND QUARTERLY BUSINESS MEETING

NOTICE IS HEREBY GIVEN that the South Dakota Commission on Gaming will hold its quarterly business meeting on September 16, 2020 beginning at 9:00 AM MST in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

Due to the COVID 19 pandemic restrictions apply to the commission meeting. Public attendance to the meeting is limited to the individuals having administrative hearings. The business meeting will be broadcast on SD.net.

View meeting at <https://www.sd.net/meeting/11/>

You may call in to participate. You will be muted when entering the meeting. You must unmute yourself to speak.

Phone number to participate 669 -900- 9128

Meeting ID: 926 7486 8223

Prompt will ask for participant ID –enter #

Passcode: 422648

AGENDA

Call to Order

Conflicts of Interest Disclosure

ADMINISTRATIVE HEARINGS

David Meddings appeal of action taken by Commission **Pages 3 - 12**

Charles Johnson appeal of action taken by Commission **Pages 13- 41**

QUARTERLY BUSINESS MEETING

Adoption of Quarterly Business Meeting Agenda

Approval of the minutes of the Quarterly Meeting of June 16, 2020 **Pages 42 - 55**

Old Business

Report Executive Secretary

Comments Department of Revenue Secretary Jim Terwilliger

Informal request of Frank Gould regarding cashless wagering [Pages 56 - 58](#)

Stipulation of Assurance and Voluntary Compliance

- Rocky Ladson SDCG Support License # A4510-00-SP [Pages 59 - 68](#)
Complaint Number 20-05-023-MH
- Saloon Gaming, Inc. SDCG Operator License # 00-103-OP [Pages 69 - 77](#)
Complaint Number 20-07-031-RB

Live Racing Matters

- State Race Officials [Page 78](#)
- Track Race Officials [Page 79 - 82](#)
- Racing Contracts
 - Veterinary Services Cooper Animal Clinic [Pages 83 - 88](#)
 - Lab Testing Center for Tox Services [Pages 89 - 94](#)
 - Enforcement Services Stanley County Sheriff [Page 95](#)

Deadwood Licensing Matters [Pages 96 - 109](#)

Date of Next Meeting

December 16, 2020

Public Comment

Executive Session pursuant to SDCL 1-25-2 (1) (3) and (4) and 42-7B-8.1 (4)

Decisions on Administrative Hearings

Adjournment

SUSAN CHRISTIAN, CIA

Executive Secretary

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

Christian, Susan

From: Dave meddings <meddingsdave@gmail.com>
Sent: Monday, June 29, 2020 9:10 AM
To: Christian, Susan
Subject: [EXT] Request for key license

Susan Christian, This is a request for a hearing to get my key license (#5489-03-ky) back. I was notified by Mike Gurich that my key license was going to be taken away from me for my 3rd dui. I did surrender my license and stepped down from my floor supervisor position at the Deadwood Mountain Grand. I have complied to all the courts requests, including treatment and after care. Judge Callahan has sealed my 2nd dui, using my suspended imposition on April, 27, 2020. (40CR118-001257). On completion of the courts requests, my 3rd dui will also be sealed on February, 11, 2021. My sobriety and recovery is going well. I have not drank since early September, 2020. I would like to continue a career in gaming. I have been in gaming since 1991. I have made some mistakes in the past but have always complied with the SDGC rules. I have enjoyed working in gaming. I have good credit and pay my bills. Thank you for your time and consideration. Dave Meddings



SOUTH DAKOTA COMMISSION ON GAMING

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

AMENDED NOTICE OF HEARING

Notice is hereby given that an administrative hearing regarding the revocation of your gaming license will be held before the South Dakota Commission on Gaming on Wednesday, September 16, 2020, at 9:00 o'clock a.m. in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

The purpose of this hearing is to take action on your request for a hearing on the revocation of your gaming license following your voluntary surrender of the same. The hearing is held under the authority and jurisdiction of ARSD 20:18:10:11 and 20:18:11:01 and SDCL Chapter 1-26, 23A-27-14.2, 42-7B-32 and 42-7B-75.

The following statute(s), among others, may be considered by the commission during the hearing:

23A-27-14.2. Revocation or refusal of gaming or racing license--Conditional license.

Notwithstanding §§ 23A-27-14 and 23A-27-17, a person who has received an order pursuant to the provisions of § 23A-27-13 for a felony offense, who is licensed or seeks to be licensed by the South Dakota Commission on Gaming pursuant to the provisions of § 42-7B-22 or subdivision 42-7-56(12), shall have an application refused or a license revoked after a hearing as provided pursuant to chapter 1-26 unless the person has successfully completed the probationary period imposed by the court. However, the commission may grant a conditional license during the probationary period imposed by the court if the applicant or licensee proves by clear and convincing evidence to the satisfaction of the commission that the person is suitable to hold the license.

The matter to be asserted is that on January 9, 2020, you plead guilty to a charge of SDCL 32-23-1(2) Driving Under the Influence, a Class 6 Felony and that on Feb 7, 2020, you received an Order Suspending Imposition of Sentence in Lawrence County Circuit Court, Fourth Judicial Circuit and voluntarily surrendered your gaming license in March 2020. As a result of the voluntary surrender, the Gaming Commission revoked your license without a hearing and provided written notice to you pursuant to SDCL 42-7B-75. You have requested a hearing.

As a result of this hearing the Commission may revoke your gaming license and impose a monetary penalty of up to \$5000 or issue a conditional license.

This hearing is an adversary proceeding and will be conducted as a "contested case" in accordance with SDCL Chapter 1-26. You have the right to be present at the hearing, to be represented by a lawyer, to testify on your own behalf, to call witnesses to testify on your behalf and to question witnesses who testify against you. These and other due process rights will be forfeited if they are not exercised at the hearing.

If the amount in controversy exceeds \$2500 or if a property right may be terminated any party may require the Commission to use the South Dakota Office of Hearing Examiners by giving notice to the Commission no later than 10 days after service of this Notice of Hearing, which is issued pursuant to SDCL 1-26-17.

Any decision of the Commission may be appealed to the Circuit Court and the Supreme Court as provided by law.

Dated the 17th day of August, 2020



Susan Christian, CIA
Executive Secretary
South Dakota Commission on Gaming
87 Sherman Street
Deadwood, SD, 57732

CERTIFICATE OF SERVICE

I, Susan Christian, do hereby certify that I served a copy of the foregoing Notice of Hearing upon:

Dave Meddings
221 South Main
Lead, SD 57754

By US Mail first class with postage prepaid on the 17th day of August, 2020



SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners
FROM: Susan Christian, Executive Secretary
SUBJECT: Revocation of voluntarily surrendered license
DATE: June 16, 2020

During the month of March 2020 two licensees voluntarily surrendered their gaming licenses after pleading guilty to a Class 6 felony. Each licensee received an Order Suspending Imposition of Sentence.

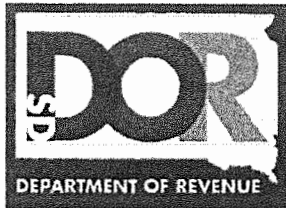
I am recommending that the Commission take action and revoke the license of Dave Meddings and the license of Kaylee Mcculloch pursuant to:

SDCL 42-7B-75

Cancellation or revocation of voluntarily surrendered license. Any license granted pursuant to the provisions of this chapter which is voluntarily surrendered by the licensee may be cancelled or revoked without a hearing unless the licensee files a written request for a hearing within thirty days after receiving written notice of the revocation or cancellation from the commission.

Source: SL 2015, ch 220, § 3.

We will then send each licensee written notification of the revocation and advise that the revocation will be effective immediately unless we receive a written request for a hearing with 30 days of receipt of the revocation notice.



SOUTH DAKOTA COMMISSION ON GAMING

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

June 17, 2020

Originally sent via USPS 1st class on June 17, 2020.
Received e-mail requesting a hearing on June 29, 2020.
Resent USPS certified on June 30, 2020.

NOTICE OF REVOCATION OF LICENSE

TO: Dave Meddings
221 South Main
Lead, SD 57754

RE: Revocation of S.D.C.G. Key License # 5489-03-KY

The commission took action and revoked your gaming license at the June 16, 2020 meeting pursuant to SDCL 42-7B-75. You were notified that the commission would be taking action to revoke your licenses via certified mail on April 17, 2020.

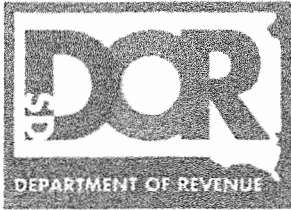
SDCL 42-7B-75 Cancellation or revocation of voluntarily surrendered license. Any license granted pursuant to the provisions of this chapter which is voluntarily surrendered by the licensee may be cancelled or revoked without a hearing unless the licensee files a written request for a hearing within thirty days after receiving written notice of the revocation or cancellation from the commission.

Source: SL 2015, ch 220, § 3.

Please notify me either by email to susan.christian@state.sd.us or in writing to the address printed above no later than July 17, 2020 as to whether you are requesting a hearing.

Dated the 17th day of June 2020.

Susan Christian
Executive Secretary
South Dakota Commission on Gaming



SOUTH DAKOTA COMMISSION ON GAMING

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

April 17, 2020

NOTICE OF REVOCATION OF LICENSE

TO: Dave Meddings
221 South Main
Lead, SD 57754

S.D.C.G. Key License # 5489-03-KY

NOTICE IS HEREBY GIVEN that at the June 16, 2020 meeting the commission will take action to cancel or revoke the gaming license you voluntarily surrendered.

Pursuant to **SDCL 42-7B-75** Cancellation or revocation of voluntarily surrendered license. Any license granted pursuant to the provisions of this chapter which is voluntarily surrendered by the licensee may be cancelled or revoked without a hearing unless the licensee files a written request for a hearing within thirty days after receiving written notice of the revocation or cancellation from the commission.

Source: SL 2015, ch 220, § 3.

Please notify me either by email to susan.christian@state.sd.us or in writing to the address printed above no later than May 17, 2020 as to whether you are requesting a hearing.

Dated the 17th day of April 2020.

Susan Christian
Executive Secretary
South Dakota Commission on Gaming

Email: susan.christian@state.sd.us

COPY

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
: SS
COUNTY OF LAWRENCE) FOURTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, * CRI 19-833
Plaintiff, * ORDER SUSPENDING
VS. * IMPOSITION OF SENTENCE
*
DAVID BRIAN MEDDINGS, *
Defendant. *

An Indictment was filed in this Court on the 28th day of August, 2019, charging the Defendant with the crime of Count I: Driving Or Physical Control Of A Motor Vehicle While There Was 0.08 Percent Or More By Weight Of Alcohol In Blood (SDCL 32-23-1(1)) Or In The Alternative Count IA: Driving Or Physical Control Of A Motor Vehicle While Under the Influence of an Alcoholic Beverage (SDCL 32-23-1(2)) and a Part II Information was filed in this court on the 16th day of August, 2019.

On the 15th day of October, 2019, the Defendant appeared along with his counsel, Joseph Kosel, and was arraigned on said Indictment. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charges that had been filed against the Defendant, including, but not limited to:

1. The right not to be compelled in any criminal case to be a witness against himself.
2. The right to a speedy and public trial by an impartial jury in Lawrence County, South Dakota.
3. The right to the assistance of a lawyer and the right to a court appointed attorney if he cannot afford to hire his\her own lawyer.
4. The right to confront and cross-examine the witnesses against him\her.
5. The right to compel witnesses to appear by subpoena on his\her own behalf.
6. That (s)he is presumed to be not guilty of the charge and the burden is on the State to prove the elements of the charge beyond a reasonable doubt.

Filed on: 02/19/2020 LAWRENCE County, South Dakota 40CRI19-000833

7. That a factual basis for a guilty plea must exist.
8. An explanation of the maximum penalties and mandatory penalties.
9. The right to know the nature and cause of the accusation against him\her.
10. The right to plead not guilty and to persist in that plea.
11. That by pleading guilty or nolo contendere (s)he waives his\her right to a trial, the right to confront and cross-examine witnesses against him\her and the right not to be compelled to incriminate himself\herself.

The Defendant pled not guilty to the charge.

On the 31st day of December, 2019, the Defendant appeared along with his counsel, Joseph Kosel, and was arraigned on said Indictment. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charges that had been filed against the Defendant, the Defendant pleaded guilty to the charge of Count I: Driving Or Physical Control Of A Motor Vehicle While There Was 0.08 Percent Or More By Weight Of Alcohol In Blood (SDCL 32-23-1(1)) and admitted to the Part II Information Alleging Class 6 Felony.

It is the determination of the Court that the Defendant has been regularly held to answer for said offense; that said plea was voluntary, knowing and intelligent; that the Defendant was represented by competent counsel; that the Defendant understood the nature of the consequences of the plea at the time said plea was entered; and that a factual basis existed for the plea.

The Court being satisfied that the ends of justice and the best interest of the public as well as the Defendant will be served thereby and the Court receiving a plea of guilty to a crime

that is not punishable by life imprisonment and the Defendant never before having been convicted of a crime which would constitute a felony in this State, this Court exercises its judicial clemency under SDCL 23A-27-13 and with the consent of the Defendant;

IT IS HEREBY ORDERED that on the 11th day of February, 2020 imposition of sentence is suspended pursuant to SDCL 23A-27-13 and the Defendant is placed on supervised probation for a period of three (3) years, upon the following terms and conditions:

- 1) Defendant shall be placed under the supervision of the Chief Court Service Officer of this Judicial Circuit, or his representative thereof, for a period of three (3) years.
- 2) Defendant shall obey all of the conditions placed upon him by the Court Service Officer (said conditions to be attached and incorporated by reference with this Order and to be signed by the Defendant).
- 3) Defendant shall pay costs in the amount of \$106.50 LEOTF + \$85.00 Blood testing fees + \$50.00 DWI Surcharge and a fine in the amount of \$400.00.
- 4) Defendant shall attend and successfully complete intensive outpatient treatment and abide by all recommendations including attending aftercare.
- 5) Defendant shall violate no laws.
- 6) Defendant shall serve 35 days in the Lawrence County Jail to be completed by February 11, 2021. Defendant shall receive credit for time served of 3 days.
- 7) Defendant shall not consume nor possess any mind altering substances including alcoholic beverages or THC while on probation.
- 8) Defendant shall submit to a warrantless search and seizure of her breath, blood, urine, person, place or possessions at the request of any law enforcement officer or court services officer.
- 9) Defendant shall not enter or remain in any establishment where the primary source of income comes from the sale of alcoholic beverages or from gaming unless authorized from his probation officer.

10) The Defendant shall attend and successfully complete Moral Reconciliation Therapy if recommended by his probation officer.

11) The Defendant shall attend and successfully complete Cognitive Behavioral Interventions For Substance Abuse if recommended.

12) Defendant shall serve on the MADD Victim Impact Panel.

IT IS FURTHER ORDERED that the Defendant's privileges to operate a motor vehicle in the State of South Dakota shall be revoked for a period of twelve (12) months conditionally. Defendant is authorized to have a permit upon proof of financial responsibility and participation in the 24/7 or SCRAM program.

IT IS FURTHER ORDERED that any bond posted herein be exonerated.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over the Defendant for the period of sentence imposed and that this Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time that the Defendant was on probation.

IT IS FURTHER ORDERED that the Court reserved the right to amend any or all of the terms of this Order at any time.

Attest: CAROL LATUSECK, CLERK
Mullaney, Tiffany
Clerk/Deputy



DATE OF OFFENSE: AUGUST 15, 2019

BY THE COURT:

Signed: 2/19/2020 10:22

[Signature]
Circuit Court Judge

STATE OF SOUTH DAKOTA
Fourth Judicial Circuit Court

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

MAR 06 2020

Carol Latuseck
Lawrence County Clerk of Courts

By: *[Signature]*

NOTICE OF APPEAL

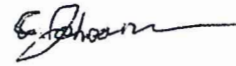
You are hereby notified that you have a right to appeal as provided by SDCL 23A-32-15, which you must exercise within thirty (30) days from the date that this Judgment and Sentence is signed, attested and filed, written Notice of Appeal with the Lawrence County Clerk of Courts, together with proof of service that copies of such Notice of Appeal have been served upon the Attorney General of the State of South Dakota, and the Lawrence County State's Attorney.

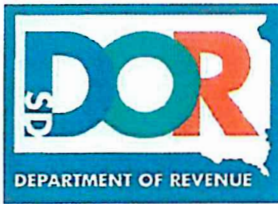
Hi Mrs. Christian.

My name is Charles Wayne Johnson, my license number used to be #A8365-14-

SP. I used to be employed at Tin Lizzie Gaming Resort until an incident occurred in which the gaming commission believe I was not truthful about and they revoked my license and put me on the exclusion list. I would like to get a contested case hearing to get off the exclusion list and potentially get a license again.

Charles Wayne Johnson





SOUTH DAKOTA COMMISSION ON GAMING

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

NOTICE OF HEARING

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, September 16, 2020, at 9:00 o'clock a.m. in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota, regarding your inclusion on the Exclusion List.

The purpose of this hearing is to take action on your request for a hearing contesting your placement on the Exclusion List by the South Dakota Commission on Gaming.

This hearing is held under the authority and jurisdiction of ARSD 20:18:11:01 and SDCL Chapter 1-26, and 42-7B-62.

The following statutes and rules, among others, may be considered by the commission during the hearing:

SDCL 42-7B-60, 42-7B-61, 42-7B-62 and ARSD 20:18:08.01:02.

Copies of the statutes and rules cited above are available at the Commission on Gaming office at 87 Sherman Street, Deadwood, South Dakota or the Commission's website www.dor.sd.gov/Gaming.

The matter to be asserted is that on March 22, 2017, the South Dakota Commission on Gaming held an administrative hearing on Initial Complaint #16-09-050-BS pursuant to Administrative Procedures Act, SDCL Ch. 1-26 as a contested case pursuant to that Act. As a result of this hearing the South Dakota Commission revoked your gaming license and placed you on the Exclusion List. You appealed the South Dakota Commission on Gaming's Decision and Order. The South Dakota Supreme Court upheld the South Dakota Commission on Gaming's decision. Pursuant to SDCL 42-7B-61(4) the Gaming Commission placed you on the Exclusion List effective June 22, 2018. You have requested a hearing contesting that placement.

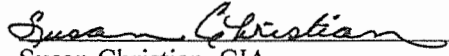
As a result of this hearing the Commission may remove your name from the Exclusion List or may deny your request and your name will remain on the List.

This hearing is an adversary proceeding and will be conducted as a "contested case" in accordance with SDCL Chapter 1-26. You have the right to be present at the hearing, to be represented by a lawyer, to testify on your own behalf, to call witnesses to testify on your behalf and to question witnesses who testify against you. These and other due process rights will be forfeited if they are not exercised at the hearing.

If the amount in controversy exceeds \$2,500 or if a property right may be terminated any party may require the Commission to use the South Dakota Office of Hearing Examiners by giving notice to the Commission no later than ten days after service of this Notice of Hearing, which is issued pursuant to SDCL 1-26-17.

The decision of the Commission on Gaming based on the hearing may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Dated this 14th day of August, 2020.


Susan Christian, CIA
Executive Secretary
South Dakota Commission on Gaming
87 Sherman Street
Deadwood, SD, 57732

CERTIFICATE OF SERVICE

I, Susan Christian, do hereby certify that I served a copy of the foregoing Notice of Hearing upon:

Charles Johnson
102 Artesian Street
Fruitdale, SD 57717

by US Mail first class with postage prepaid on the 14th day of August, 2020.

Susan Christian

#28436-r-DG
2018 S.D. 49

CIV 17-131

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUN 20 2018

Shirley A. Jamison-Fergel
Clerk

IN RE SUPPORT LICENSE #A8365-14-SP

SOUTH DAKOTA
COMMISSION ON GAMING,

Plaintiff and Appellant,

v.

CHARLES JOHNSON,

Defendant and Appellee.

APPEAL FROM THE CIRCUIT COURT OF
THE FOURTH JUDICIAL CIRCUIT
LAWRENCE COUNTY, SOUTH DAKOTA

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jamison-Fergel, Clerk of the Supreme Court of
South Dakota, hereby certify that the within instrument is a true
and correct copy of the original thereof as the same appears
on record in my office. In witness whereof, I have hereunto set
my hand and affixed the seal of said court at Pierre, S.D. this

11th day of July, 2018

Clerk of Supreme Court

Deputy

THE HONORABLE MICHELLE K. COMER

Judge

FILED

JUL 13 2018

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

MICHAEL F. SHAW
KATIE J. HRUSKA of
May, Adam, Gerdes &
Thompson LLP
Pierre, South Dakota

Attorneys for appellant.

ROGER A. TELLINGHUISEN
MICHAEL V. WHEELER of
DeMersseman, Jensen, Tellinghuisen
& Huffman LLP
Rapid City, South Dakota

Attorneys for appellee.

ARGUED ON MAY 22, 2018
OPINION FILED 06/20/18

#28436

GILBERTSON, Chief Justice

{¶1.} After concluding that Charles Johnson mishandled money while working in a casino and that he was dishonest in the subsequent investigation, the South Dakota Commission on Gaming revoked Johnson's gaming support license and banned him from entering any gaming establishment in South Dakota. Johnson appealed the Commission's decision to the circuit court, which reversed the Commission's decision. The Commission now appeals to this Court. We reverse the circuit court's decision and affirm the Commission's decision.

Facts and Procedural History

{¶2.} In September 2016, Charles Johnson held a gaming support license and was employed at Tin Lizzie's Casino in Deadwood as a dealer and pit supervisor. At the time, Johnson had held a gaming license in South Dakota for nearly three years. Before coming to South Dakota, Johnson had held a gaming license in the State of Washington, where he worked in the gaming industry for over 13 years.

{¶3.} On September 19, 2016, Johnson was working as a pit supervisor at Tin Lizzie's when Mark Haddad visited the casino. Johnson and Tin Lizzie's general manager, Austin Burnham, recognized Haddad as a suspected cheater and the subject of an ongoing investigation by the Commission. While Burnham attempted to contact the Commission, Johnson assumed the role of "stickman" at the craps table where Haddad began gambling. Unable to reach the Commission, Burnham returned to the table, where Johnson had already transitioned to the role

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of dealer.¹ At the time Burnham returned, Haddad had \$20 in chips on the table: one \$15 bet, one \$4 bet, and a \$1 tip. Burnham asked Haddad for identification, and when Haddad refused, Burnham asked him to leave.

[¶4.] As Burnham asked Haddad to leave, Haddad placed his hand on the chips remaining in his tray. Johnson picked up the chips comprising Haddad's \$15 bet and placed them in Haddad's chip tray. Still facing Burnham, Haddad walked away with only the chips in his tray that he had already placed his hand on; he left behind the \$15 in chips that Johnson had returned to the tray. After Haddad left the table, Johnson picked up the \$15 in chips from Haddad's tray as well as the other \$5 in chips that Johnson had forgotten were still on the table. Johnson placed the chips next to the table's bank, placing a marker on top of the chips to indicate they were not part of the bank. After the only other player at the table left, Johnson placed the entire \$20 in chips in the tip box.²

[¶5.] On September 29, 2016, Brandon Snyder, an enforcement agent working for the Commission, responded to Burnham's September 19 report. While reviewing video recordings of Haddad's activities at Tin Lizzie's, Agent Snyder noticed that Johnson had placed Haddad's chips in the tip box. On September 30, Agent Snyder interviewed Burnham as well as Tin Lizzie's table-games manager,

-
1. According to the record, the stickman is in charge of the dice, and the dealer is in charge of the table's "bank" of chips. The words *dealer* and *stickman* are also defined by regulation. See ARSD 20:18:33:01(5) (defining *dealer* as "a casino employee who either works each end of the table or as a stickman at a table"); ARSD 20:18:33:01(9) (defining *stickman* as "the dealer who calls the game and handles the stick").
 2. Tin Lizzie's policy was to divide tips among all employees working at the time. Thus, Johnson personally received only \$1.05 of the \$20.

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Donica Schumacher. Burnham and Schumacher both advised Agent Snyder that the casino's policy on found or unclaimed chips is to hold the chips if the identity of the owner is known and to place the chips in the cage if the owner is unknown.

[¶6.] Agent Snyder also interviewed Johnson on September 30, 2016, regarding the incident. Johnson asserted that when he returned the \$15 in chips to Haddad's tray, he also informed Haddad that those chips belonged to Haddad. Johnson further asserted that a second player at the craps table also tried to tell Haddad that he had chips remaining at the table. When Agent Snyder asked Johnson what happened after the second player left, Johnson responded: "[W]ell we weren't going to get any more play, so, we didn't know what the guy wanted, so we just dropped it in the tip box." Agent Snyder asked Johnson to provide a written statement on a form provided by the Commission. When agent Snyder returned to Tin Lizzie's several days later, he saw a blank form like the one he left for Johnson and assumed Johnson had not completed it.

[¶7.] On November 4, 2016, Agent Snyder filed a complaint against Johnson, alleging that he took the property of another without notifying the box person or pit supervisor. Johnson answered the complaint sometime in November or early December 2016.³ In his answer, Johnson's account of the September 19, 2016 incident changed. Whereas Johnson indicated in his September 30 interview with Agent Snyder that he did not know what Haddad intended by leaving the \$20 in chips, Johnson claimed in his answer to the complaint that he "believed [Haddad]

3. Johnson's written response is undated, but on December 6, 2016, the Commission sent a letter to Johnson that acknowledges receipt of his response.

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was leaving the chips for the dealers since [Haddad] was trying to tip us anyway.” In the answer, Johnson also claimed he made two attempts before Haddad walked away—rather than one—to tell him that he had left money at the table. Johnson further claimed in the answer that “[w]hen [Haddad] was about half way out [of] the room, [Johnson] yelled to him once more ‘that he left chips on the table.’”

[¶8.] When Johnson submitted his answer to the complaint, he also submitted the written statement that Agent Snyder had requested on September 30, 2016. The factual assertions in this written statement, which is dated September 30, vary slightly from both Johnson’s interview with Agent Snyder and Johnson’s answer to the complaint. In the statement, Johnson claimed making three attempts before Haddad walked away to tell him that he had left money at the table. But the written statement makes no mention of yelling at Haddad after Haddad was halfway out of the room. And while Johnson indicated in his interview that he did not know what Haddad intended to happen to the \$20 in chips, and he indicated in his answer that he affirmatively believed Haddad intended the chips to be a tip, Johnson instead indicated in the written statement that he “assumed” the money was intended to be a tip.

[¶9.] The Commission responded to Johnson’s answer on December 6, 2016. Larry Eliason, the Commission’s Executive Secretary, informed Johnson that the matter could be resolved through an informal meeting rather than a formal hearing. Johnson and Secretary Eliason met informally on January 5, 2017. Secretary Eliason offered to settle the matter by suspending Johnson’s gaming support license for 30 days. Johnson declined, choosing to proceed to a formal hearing. After

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leaving the meeting, however, Johnson returned to speak with Secretary Eliason. Johnson handed \$20 to Secretary Eliason and said: "If you think I was a thief and dishonest there's his \$20." Secretary Eliason refused to accept the money.

[¶10.] The Commission held a formal hearing on March 22, 2017. Agent Snyder, Secretary Eliason, and Johnson each testified at the hearing. In addition to testimony, the Commission viewed a video-only recording of Johnson's alleged misconduct from September 19, 2016. The Commission also viewed video and audio recordings of Johnson's attempt to give \$20 to Secretary Eliason after their January 5, 2017 meeting. The Commission concluded that Johnson violated two administrative regulations by placing a patron's chips in the tip box and by being untruthful in the subsequent investigation. Considering these infractions, Johnson's attempt to give \$20 to Secretary Eliason, and a previous suspension of Johnson's gaming license, the Commission decided to revoke Johnson's gaming license and exclude him from all gaming establishments in South Dakota.

[¶11.] Johnson appealed the Commission's decision to the circuit court. On appeal, the court's review was confined to the administrative record. The court held that several of the Commission's factual findings are clearly erroneous, including the Commission's findings that the \$20 in chips belonged to Haddad and that Johnson was dishonest during the investigation. The court also held that the sanction imposed by the Commission was an abuse of discretion.

[¶12.] The Commission now appeals to this Court, raising the following issues:

1. Whether the Commission erred by concluding Johnson acted dishonestly or fraudulently.

2. Whether the Commission erred by concluding Johnson failed to report an irregularity.
3. Whether the Commission abused its discretion by revoking Johnson's license and adding him to the exclusion list.

Standard of Review

[¶13.] The central issue in this appeal is the formal adjudication of a contested case by an administrative agency. Therefore, this appeal is governed by South Dakota's Administrative Procedures Act, SDCL chapter 1-26. When the circuit court's review is limited to the administrative record,⁴ on appeal this Court makes "the same review of the administrative tribunal's action as did the circuit court." *Dakota Trailer Mfg., Inc. v. United Fire & Cas. Co.*, 2015 S.D. 55, ¶ 11, 866 N.W.2d 545, 548 (quoting *Peterson v. Evangelical Lutheran Good Samaritan Soc'y*, 2012 S.D. 52, ¶ 13, 816 N.W.2d 843, 847). Questions of law are reviewed de novo. *Id.* Matters of reviewable discretion are reviewed for abuse. SDCL 1-26-36(6). The agency's factual findings are reviewed under the clearly erroneous standard. SDCL 1-26-36(5). The agency's decision may be affirmed or remanded but cannot be reversed or modified absent a showing of prejudice. SDCL 1-26-36.

Analysis and Decision

[¶14.] The ultimate question in this appeal is whether the Commission abused its discretion by revoking Johnson's gaming support license and placing him

4. The circuit court's review is usually confined to the administrative record. SDCL 1-26-35. However, "in cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court." *Id.* A circuit court's factual findings and legal conclusions regarding such proof of irregularities would be entitled to the usual deference afforded a circuit court. SDCL 1-26-37. But this appeal does not involve SDCL 1-26-35.

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on the exclusion list. The Commission cited three reasons for its decision. First, the Commission found that the \$20 in chips belonged to Haddad, that Johnson did not attempt to determine Haddad's identity, and that consequently, Johnson's placing the \$20 in chips in the tip box "constituted dishonest or fraudulent conduct" in violation of ARSD 20:18:09:02. Second, as a further violation of ARSD 20:18:09:02, the Commission found that Johnson was dishonest in statements he made during the investigation and hearing. And third, the Commission found that Johnson violated ARSD 20:18:33:11 and Tin Lizzie's in-house policy by failing to report an irregularity to his immediate supervisor. The circuit court reversed the Commission's decision on each of these points.

[¶15.] ***1. Whether the Commission erred by concluding Johnson acted dishonestly or fraudulently.***

[¶16.] The Commission first determined that Johnson violated ARSD 20:18:09:02, which states: "Any act, whether of the same or of a different character than specified in this article, that constitutes dishonesty or fraudulent conduct, whether arising within or without the pursuit of the license privilege, committed by a licensee is grounds for disciplinary action." The Commission found that the \$20 in chips belonged to Haddad, that Johnson did not attempt to identify Haddad, and that consequently, Johnson's taking the chips and placing them in the tip box was dishonest or fraudulent. The circuit court rejected the Commission's finding as a factual matter, concluding there was "[n]o evidence produced to show the money was not in fact left as a 'tip.' The Commission's findings assume and presuppose it to be found money despite complete lack of evidence."

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[¶17.] The circuit court did not review the Commission's factual findings under the correct standard. As noted above, the court was required to "give great weight to the findings made and inferences drawn by [the Commission] on questions of fact." SDCL 1-26-36. The Commission's factual findings may be set aside only if they are "[c]learly erroneous in light of the entire evidence in the record[.]" SDCL 1-26-36(5). Thus, the question is whether "a complete review of the evidence leaves the Court with a definite and firm conviction that [the Commission made] a mistake" by finding that the \$20 in chips belonged to Haddad. *See Aguilar v. Aguilar*, 2016 S.D. 20, ¶ 9, 877 N.W.2d 333, 336 (quoting *Clough v. Nez*, 2008 S.D. 125, ¶ 8, 759 N.W.2d 297, 301).

[¶18.] There is sufficient evidence in the administrative record to prevent the conclusion that the Commission's factual findings on this matter are clearly erroneous. It is undisputed that at the beginning of the September 19, 2016 encounter, Haddad owned the \$20 in chips at issue. It is also undisputed that Haddad overtly exercised ownership of the chips by placing \$19 in chips as wagers and a \$1 chip as a tip. It is further undisputed that Johnson ultimately took the \$20 in chips from the table and placed them in the tip box. This is prima facie evidence that supports the complaint's allegations that Johnson took money belonging to a patron and placed it in the tip box. Consistent with Haddad's apparent ownership of those chips, Johnson attempted (at least once) to return them to Haddad when he started to walk away from the table. Even after Haddad walked away, Johnson did not immediately place the chips in the tip box; rather, Johnson continued to treat the chips as the property of a recognized and identifiable

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patron by placing them aside and marking them as separate from the table's bank. It was only after all other players left the table that Johnson finally placed Haddad's chips in the tip box. Johnson's earliest account of the September 19, 2016 incident also supports the conclusion that Haddad did not intend to leave \$20 in chips as a tip—when interviewed by Agent Snyder on September 30, Johnson stated that he “didn't know what [Haddad] wanted” to do with the chips.

[¶19.] In contrast to the evidence that supports the Commission's factual findings, neither Johnson nor the circuit court have identified any evidence—aside from Johnson's own statements—that affirmatively supports the assertion that Haddad intended to leave his chips as a \$20 tip. The only support for this view is Johnson's answer to the complaint, in which he affirmatively claimed that he thought the money was intended to be a tip. But as noted above, Johnson's answer contradicts his interview statement, in which he indicated he did not know what Haddad intended. His answer also contradicts his written statement, in which he indicated he merely assumed the chips were intended as a tip. Considering the evidence discussed above, Johnson's inconsistent version of the September 19, 2016 incident is not sufficient to create a definite and firm conviction that the Commission made a mistake.

[¶20.] In addition to finding that Johnson acted dishonestly or fraudulently in placing Haddad's chips in the tip box, the Commission also found that Johnson was dishonest in statements he made during the investigation and hearing. Specifically, the Commission found that Johnson's claim that he repeatedly attempted—including yelling—to inform Haddad that the chips belonged to Haddad

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was dishonest. The Commission specifically found Johnson's testimony and claims on this point not credible. Even so, the circuit court held that because the video recording of September 19, 2016, does not include audio, "there was no evidence presented to dispute Johnson's assertions."

[¶21.] Again, the circuit court failed to apply the appropriate standard of review. Because the Commission is the only tribunal involved in this case that has seen and heard Johnson testify, the court was required to give "due regard" to the Commission's credibility determinations. *Foley v. State ex rel. S.D. Real Estate Comm'n*, 1999 S.D. 101, ¶ 9, 598 N.W.2d 217, 220. And importantly, the record supports the Commission's credibility determination. As noted above, Johnson's account of the September 19, 2016 incident varied between his interview, his answer to the complaint, his written statement, and his hearing testimony. Johnson's first account mentioned notifying Haddad of the chips only once. But in his answer to the complaint, Johnson claimed he made two attempts to notify Haddad before Haddad left the table and that he then yelled to Haddad while Haddad was halfway across the room. Then in his written statement, Johnson claimed he made three attempts to notify Haddad—all made before Haddad left the table. Finally, at the hearing, Johnson denied yelling to Haddad. And as the Commission noted in its findings, the video recording of the incident does not give any visual indication to support Johnson's claims.

[¶22.] In light of the foregoing, the Commission did not err by concluding Johnson violated ARSD 20:18:09:02. A complete review of the record does not create a definite and firm conviction that the Commission erred in finding that

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Johnson placed chips belonging to a patron in the tip box. Nor does that review create a definite and firm conviction that the Commission erred in finding that Johnson was dishonest during the investigation and hearing. Therefore, the circuit court erred by disregarding the Commission's factual findings.

[¶23.] 2. ***Whether the Commission erred by concluding Johnson failed to report an irregularity.***

[¶24.] The Commission also determined that Johnson's conduct on September 19, 2016, violated ARSD 20:18:33:11, which states:

If any irregularity occurs, the dealer shall notify the box person or pit supervisor, who shall direct the dealer to take the most appropriate action which the box person or supervisor believes to be fair and equitable, and shall observe such action being taken. The box person or pit supervisor, and not the dealer, must make all decisions concerning disputed play or the payment or collection of wagers.

The Commission contends that the disposition of Haddad's \$20 in chips concerns "the payment or collection of wagers" under ARSD 20:18:33:11. Because Johnson was functioning as the dealer, the Commission concludes that he was prohibited from making any decision concerning those wagers and that he was required to report the issue to a supervisor. The circuit court held as a matter of law that the Commission misinterpreted ARSD 20:18:33:11. Noting that on September 19, 2016, Johnson was acting as both dealer and pit supervisor, the court concluded that Johnson was not required to seek guidance from anyone else. In essence, while the Commission viewed Johnson's status as a dealer as overriding his status as the pit supervisor, the court viewed Johnson's status as a pit supervisor as overriding his status as a dealer.

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[¶25.] We decline to address this issue. As noted above, the Commission's factual findings support its conclusion that Johnson's conduct on September 19, 2016, violated ARSD 20:18:09:02. Therefore, it is not necessary to determine whether that same conduct also violated ARSD 20:18:33:11.

[¶26.] **3. *Whether the Commission abused its discretion by revoking Johnson's license and adding him to the exclusion list.***

[¶27.] The final issue involves the sanction that the Commission imposed on Johnson. As noted above, during their January 5, 2017 meeting, Secretary Eliason offered Johnson a 30-day suspension to settle the matter. But after the March 22, 2017 hearing, the Commission ultimately revoked Johnson's gaming support license and excluded him from all gaming establishments in South Dakota. In the circuit court's view, "[t]he only thing that changed during that time frame was that Johnson exercised his right to a hearing as allowed pursuant to the applicable statutes and procedures." Thus, the circuit court held that the sanction was an abuse of discretion as measured relative to Secretary Eliason's settlement offer rather than as an absolute measure.

[¶28.] The circuit court's reasoning misperceives the role of the executive secretary. The executive secretary makes recommendations to the Commission, but he is not a commissioner and so is not involved in the actual adjudication of a contested case. Secretary Eliason's offer to settle the complaint was analogous to the State offering a plea agreement to a criminal defendant. The Commission was no more required to adhere to the terms of Secretary Eliason's rejected settlement offer than a sentencing court is required to adhere to a rejected plea agreement.

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[¶29.] The Legislature expressly gave the Commission power both to revoke gaming licenses, *see* SDCL 42-7B-11, and to create a list of persons to be excluded from all licensed gaming establishments, *see* SDCL 42-7B-61. In reaching its decision, the Commission considered both Johnson's dishonesty in taking chips that belonged to a patron and placing them in the tip box and his dishonesty in giving varying accounts of the September 19, 2016 incident. The Commission also considered its previous suspension of Johnson's gaming license. Finally, the Commission considered Johnson's attempt to give \$20 to Secretary Eliason. The Commission—the agency specifically tasked by the Legislature with administering gaming in South Dakota—found that the totality of Johnson's conduct "could create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices and activities in the conduct of gaming." The Commission did not abuse its discretion.

Conclusion

[¶30.] The Commission's factual finding that Johnson took money belonging to a patron and placed it in the tip box is not clearly erroneous. Nor is the Commission's factual finding that Johnson was dishonest in the subsequent investigation clearly erroneous. The sanction imposed by the Commission was within its discretion.

[¶31.] We reverse the circuit court's decision and affirm the Commission's decision.

[¶32.] ZINTER, KERN, and JENSEN, Justices, and SEVERSON, Retired Justice, concur.

COPY

STATE OF SOUTH DAKOTA
DEPARTMENT OF REVENUE
SOUTH DAKOTA COMMISSION ON GAMING

South Dakota Commission)	
on Gaming,)	No. 16-09-050-BS
)	
Plaintiff,)	
)	
-vs-)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
Charles Johnson)	
SDCG Support License # A8365-14-SP,)	
)	
Defendant.)	

WHEREAS this matter having come on as a contested case hearing before the South Dakota Commission on Gaming on Wednesday, March 22, 2017, at City Hall, 102 Sherman Street, Deadwood, South Dakota, 57732, pursuant to a Notice of Hearing dated January 18, 2017, and

WHEREAS Defendant having personally appeared and also being represented through his attorney, Roger Tellinghuisen of Rapid City, South Dakota; the Plaintiff having appeared through its attorney, Michael F. Shaw of Pierre, South Dakota; Commission members present were Dennis McFarland, Karen Wagner and Karl Fischer; also present were Executive Secretary Larry B. Eliason and Gaming Commission Enforcement Agent Brandon Snyder; the Commission further noting that Defendant having held a gaming support license and an initial Complaint having been issued against the Defendant dated November 4, 2016, alleging that the Defendant had engaged in conduct constituting grounds for disciplinary action relating to an incident which occurred on or about September 19, 2016, at a craps table at Tin Lizzie's Casino where he was employed; the Commission having heard the arguments and evidence presented and being fully advised in the premises, hereby makes the following Findings of Fact:

FINDINGS OF FACT

1. That Defendant Charles Johnson holds a gaming support license and is employed as a dealer and pit supervisor at the Tin Lizzie's Casino in Deadwood.

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2. That following a recent meeting of the South Dakota Commission on Gaming, Austin Burnham, General Manager at Tin Lizzie's, notified Gaming Commission Special Agent Brandon Snyder of a potential cheating incident at the craps table at Tin Lizzie's.

3. After receiving the report, Agent Snyder viewed video surveillance from Tin Lizzie's and observed what appeared to be a dice sliding incident on the craps table. Dice sliding is a method of cheating in the game of craps.

4. Agent Snyder continued to investigate the incident and was able to identify the individual observed to be cheating on the video as Mark Haddad. Agent Snyder communicated with General Manager Burnham regarding his investigation and Burnham was aware that Snyder knew the identity of the individual. Snyder did not disclose Haddad's identity to Burnham as there was an ongoing investigation.

5. During his investigation Agent Snyder did a photo line-up of Mr. Haddad with various employees at Tin Lizzie's. Snyder talked with Burnham and several of the dealers and told them he had a good idea of who the person was. Snyder did not disclose Haddad's identity at this time, also due to the ongoing investigation. Charles Johnson was not present during the line-up.

6. On or about September 19, 2016, the Commission office received another report from Tin Lizzie's Casino, specifically from General Manager Austin Bernham, who indicated that the suspected dice sliding cheater had again visited Tin Lizzie's Casino's craps tables.

7. On September 29, 2016, Agent Snyder reviewed the video surveillance of Tin Lizzie's craps table from September 19, 2016, the date that Austin Bernham had contacted the Commission regarding the suspected incident.

8. While reviewing the video surveillance from September 19, 2016, Agent Snyder observed Charles Johnson, while acting as the craps dealer, place chips belonging to the suspected cheater, Mark Haddad, into the tip box.

9. Agent Snyder interviewed General Manager Austin Burnham and Donica Schumacher, Tin Lizzie's table games manager and supervisor of Charles Johnson. Both Burnham and Schumacher advised Agent Snyder that Tin Lizzie's policy on found or unclaimed chips was to hold the chips if they knew who the player was until the player returned. If they did not know who the player was, the found chips should be taken to the cage.

10. On or about September 30, 2016, Agent Snyder interviewed Charles Johnson regarding the incident. A transcript of the interview was introduced at the hearing on March 22 as part of Exhibit 1. Johnson explained that Austin Burnham had identified the suspected cheater (who was Haddad) and had called the Commission. Johnson told Agent Snyder, "Well we already knew this guy, so Austin went and called you guys." (Interview transcript, Exhibit 1). As he was waiting for the Commission to respond, Burnham came to the craps table where Johnson was dealing and asked the player for his ID but the player didn't want to give it to Burnham and, therefore, Burnham escorted the player out of the casino.

11. Johnson told Snyder that the player had a \$15 bet on the table that Johnson had picked up and set in the tray.

12. Johnson told Snyder that he didn't realize at the time that the player (Haddad) had also placed a separate \$4 bet with a dollar tip on the craps table.

13. During the interview with Agent Snyder, Johnson claimed that after Burnham had confronted the player (Haddad), Johnson told the player that the money in the tray was his. At this point Johnson claimed the player (Haddad) did not respond, but just grabbed the other chips and left.

14. Johnson also told Agent Snyder that as the player (Haddad) was leaving, another player at the craps table pointed to the money and said something to the effect that the money was the other player's. Johnson said the player (Haddad) still walked away.

15. At this point Johnson admitted to Agent Snyder that he took the two bets, set them off to the side and put a lammer on them.

16. Johnson then said that after the other player (the one who pointed to the chips) left the craps table, Johnson picked up the chips that belonged to the suspected cheater (Haddad) and dropped them in the tip box.

17. Johnson then told Agent Snyder that if the Tin Lizzie's employees know whose money has been left at a table, it is saved for the player. When asked what should be done if the employee didn't know the player who left the money, Johnson indicated that they never had that problem.

18. Agent Snyder left a written statement form for Johnson and asked that he complete it.

19. Agent Snyder returned several days after interviewing Johnson saw one of the statement forms that he had left at Tin Lizzie's blank and assumed that Johnson had not completed it.

20. At the hearing, the video surveillance of the September 19, 2016, incident at the craps tables at Tin Lizzie's was played. During the viewing of the video Agent Snyder explained what had occurred very similarly to what Johnson had advised in his interview, with one exception: from the video, Agent Snyder testified that it did not appear that Johnson had spoken to the player (Haddad) regarding leaving chips on the table.

21. Based upon his investigation, Agent Snyder brought an Initial Complaint against Johnson alleging that Johnson engaged in conduct constituting grounds for disciplinary action by taking property of another and not notifying the box person or pit supervisor of an irregularity. The Initial Complaint was dated November 4, 2016.

22. Charles Johnson completed an answer denying the allegations set forth in the Initial Complaint. The answer was introduced at the hearing as part of Exhibit 1.

23. In his answer, Johnson stated that on the night in question he was the pit supervisor and that he had been asked to stand in as the dealer when the suspected cheater (Haddad) was at the table.

24. In his answer, Johnson claimed that after he had picked up the \$15 in chips and put the chips in the tray before the player (Haddad) left, he told the player "they were his chips." Johnson indicated that the player started to turn away and "I told him again 'he was leaving chips in the rail'." As the player was about half way out of the room, Johnson stated "I yelled to him once more 'that he left chips on the table'." (Answer, Exhibit 1.)

25. Accompanying the answer to the Initial Complaint, Johnson also submitted a written statement he completed which was dated September 30, 2016, and which he completed at some point following his interview by Agent Snyder. The written statement was also introduced as part of Exhibit 1.

26. In his written statement, Johnson claimed that he told the player three times that he had left his chips, once before he left the table, once as he turned from the table, and a third time after the player had taken a couple of steps.

27. The Commission has reviewed the video incident of the matter and finds there is no evidence on the video to suggest that Johnson notified the
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player three times that he had left chips on the table. The Commission specifically finds there is no evidence on the video tape to suggest that Johnson ever yelled to the player.

28. Any monies placed in the tip box at the craps table at Tin Lizzie's are divided among the employees. Johnson received a share of the tip proceeds from the night of September 19, 2016.

29. Johnson testified at the hearing regarding the incident. Johnson indicated that he did not know the identity of the player who was suspected of cheating. Johnson admitted that he was aware that the player was suspected of being a cheater and knew that South Dakota Gaming Commission agents were investigating the individual.

30. Johnson was cognizant of the fact that General Manager Burnham was in communication with the Commission regarding the suspected cheater.

31. Johnson never asked Burnham or anyone else at Tin Lizzie's if they knew the player's name so he could give the player his money back.

32. Johnson never asked Agent Snyder or anyone else at the Commission if they could identify the player.

33. Johnson admitted he made no effort to find out who the player was before taking the chips and putting them in the tip jar.

34. Johnson testified that on the night of the incident he was acting as the pit supervisor and claimed there was no one to whom he could report the incident to despite the fact that General Manager Austin Burnham was present. The Commission specifically finds that Johnson's testimony in this regard was not credible.

35. Johnson further testified that although in his formal answer to the Commission complaint he said that he had yelled to the player on the third time, it was a little louder than he usually talks. He then denied that he yelled to the player on the third attempt, but rather spoke up a little louder than his normal voice. The Commission finds that Johnson's testimony in this regard is not credible, particularly in view of the video of the incident, Johnson's answer to the Commission complaint where he claimed that he yelled to the player, and in view of his statement to Snyder during the interview where he made no mention of a second or third attempt to notify the player.

36. Johnson testified that on the evening of September 19, 2016, he had no direct supervisor at Tin Lizzie's despite the fact that General Manager Austin Burnham was present.

37. Johnson admitted that he did not report to Burnham that he took the player's chips and put them in the tip jar that evening.

38. Johnson knew on the night of September 19, 2016, that if he found a chip on the floor he would pick it up and give to the cage.

39. Johnson admitted that he took the chips and put them in the chip jar and knew he would ultimately receive a part of the tips.

40. Executive Secretary Larry Eliason also testified at the hearing.

41. Executive Secretary Eliason indicated that he had offered Johnson an opportunity to resolve the disciplinary matter through an informal consultation and Stipulation and Assurance of Voluntary Compliance. Executive Secretary Eliason indicated that the informal consultation took place at the Commission office in Deadwood on January 5, 2017, and that he had offered Johnson a 30-day suspension rather than taking the case to hearing. Johnson did not accept resolution of the matter through informal consultation.

42. Executive Secretary Eliason testified that there had been a prior incident involving Johnson that resulted in an Initial Complaint and a Stipulation and Assurance of Voluntary Compliance in August of 2015. At that time the allegation in the Complaint was Johnson had engaged in conduct constituting grounds for disciplinary action by not signing a statement requested by an enforcement agent. The result of this informal consultation was the entering into of a Stipulation and Assurance of Voluntary Compliance whereby Johnson surrendered his gaming support license for a period of 48 hours.

43. Following the informal consultation on January 5, 2017, at the Commission Office in Deadwood, Executive Secretary Eliason was approached by Johnson as Eliason was in a hallway at the front of the Commission office.

44. A surveillance video of this event from the Commission office was played at the hearing.

45. Also presented to the Commission was a transcript of the video of the January 5, 2017, incident which accompanied the video, and Eliason's memorandum of the incident, both contained within Exhibit 1.

46. Executive Secretary Eliason explained that when he was approached by Johnson, Johnson told him that "If you think I was a thief and dishonest there's his \$20." (Transcript of video, Exhibit 1.) Executive Secretary Eliason testified that Johnson then palmed a \$20 bill into his hand.

47. Executive Secretary Eliason then told Johnson he didn't want his \$20. Johnson responded, "Then why are you calling me a thief, because that is not my intention." (Transcript of video, Exhibit 1.)

48. Executive Secretary Eliason returned the \$20 bill to Johnson and told him that he had requested a hearing and, therefore, they would proceed to hearing and that the \$20 did not belong to him.

49. Executive Secretary Eliason testified that he was stunned by the incident and had never been approached by a licensee in such fashion and had never before had a licensee attempt to give him money.

50. As the matter was not resolved through informal consultation and based upon the Initial Complaint, Executive Secretary Eliason issued a Notice of Hearing dated January 18, 2017, scheduling the case to be heard on March 22, 2017.

51. In the Notice of Hearing, Johnson was advised that as a result of the hearing the Commission could revoke his license and place his name on the list of persons who are to be excluded or ejected from licensed gaming establishments.

52. Executive Secretary Eliason testified that the Notice of Hearing included a reference to potential placement on the Exclusion List due to the totality of the situation, including Johnson's prior offense, the fact that he stole money (took the chips of the player (Haddad) and placed them in the tip jar), the fact that Johnson stated that he yelled at the customer, the review of the video and it appearing that he had not yelled, and Johnson's attempting to slip Executive Secretary Eliason the \$20 bill. Eliason further testified that to protect the integrity of gaming in Deadwood, people with that attitude should not be licensed and should not participate in gaming.

53. Executive Secretary Eliason recommended that the Commission revoke Charles Johnson's license and place his name on the Exclusion List for such conduct.

54. The Commission finds that the actions of the Defendant, by taking the chips belonging to the player (Haddad) and placing them in the tip jar

without attempting to determine the player's identity, constituted dishonest or fraudulent conduct.

55. The Commission further finds that Johnson's statements to Agent Snyder, both in the interview as well as the answer to the Initial Complaint, and the handwritten statement form, wherein Johnson alleged that he repeatedly attempted and yelled to the unidentified player constitutes dishonest or fraudulent conduct, especially when viewed in light of the video evidence and Johnson's testimony.

56. The Commission further finds that even if Johnson was acting as a pit supervisor, Johnson should have reported the irregularity of the events of the evening to his next immediate supervisor, General Manager Austin Burnham, or had taken the chips to the cage and, therefore, did not comply with Gaming regulations or the Tin Lizzie's Casino's in-house policy.

Based upon the foregoing Findings of Fact, the Commission enters the following Conclusions of Law.

CONCLUSIONS OF LAW

1. That the Commission has jurisdiction over the parties and the subject matter herein.

2. That a hearing was held pursuant to the South Dakota Administrative Procedures Act, SDCL Ch. 1-26 and is a contested case pursuant to that Act.

3. That due, proper and legal notice was given to all parties and that all constitutional, statutory, and regulatory requirements for the hearing were met.

4. That ARSD 20:18:09:02 states "Any act, whether of the same or of a different character than specified in this article, that constitutes dishonesty or fraudulent conduct, whether arising within or without the pursuit of the license privilege, committed by a licensee is grounds for disciplinary action."

5. That ARSD 20:18:33:11 states "If any irregularity occurs, the dealer shall notify the box person or pit supervisor, who shall direct the dealer to take the most appropriate action which the box person or supervisor believes to be fair and equitable, and shall observe such action being taken. The box person or pit supervisor, **and not the dealer**, must make all decisions concerning disputed play or the payment or collection of wagers." (Emphasis added.)

6. The Commission finds that Defendant's actions in taking the chips of the unidentified player, placing them in the tip jar, and making no attempt to identify the player constitutes grounds for disciplinary action and is a violation of ARSD 20:18:09:02 as an act which constitutes dishonesty or fraudulent conduct.

7. That the Commission finds that the Defendant's actions in advising Agent Snyder during his interview as well as in his answer to the Commission complaint and in his handwritten statement wherein he alleged that he repeatedly notified the player that the chips were his and in fact "yelled" to the player constitute grounds for disciplinary action and is a violation of ARSD 20:18:09:02 as an act which constitutes dishonesty or fraudulent conduct, particularly when viewed in light of the video surveillance of the incident from the evening of September 19, 2016, as well as Johnson's testimony at the hearing.

8. The Commission further finds that Defendant's actions in not attempting to notify any supervisor or to take the chips to the cage violated Tin Lizzie's Casino's in-house policy and did not comply with ARSD 20:18:33:11 regarding irregularities on a craps table. In so finding, the Commission determined that the regulation is clear that a dealer must not make a decision concerning the payment or collection of wagers. Even though the Defendant was the pit supervisor, he was acting as the dealer in this instance and should have either notified General Manager Burnham or taken the chips to the cage.

9. That SDCL § 42-7B-61 states: "The commission may, by rules promulgated pursuant to chapter 1-26, provide for the establishment of a list of persons who are to be excluded or ejected from any licensed gaming establishment, including any person whose presence in the establishment is determined to pose a threat to the interest to the State of South Dakota or to licensed gaming, or both. In making the determination for exclusion, the commission may consider any of the following: . . . (4) Conduct that would adversely affect public confidence that gaming is conducted honestly. . . ."

10. That ARSD 20:18:08.01:02 states in pertinent part "The criteria to be applied by the commission to prepare a list of persons to be included on the exclusion list are the criteria set forth in SDCL 42-7B-61, any one of which is sufficient for placement of a person on the list. . . . The commission, in its discretion may establish evidence of conduct that would adversely affect public confidence that gaming is conducted honestly, as that term is used in SDCL subdivision 42-7B-61(4), by any one of the following criteria: . . . (1) The person's character, background, past activity is incompatible with the maintenance of public confidence and trust in the credibility, integrity, and stability of licensed gaming; . . . (3) The person's character, background, ~~and~~

past activity could create or enhance a risk of the fact or appearance of unsuitable, unfair, or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto; or (4) Any other factor reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations and the gaming industry and its employees. . . ."

11. That ARSD 20:18:08.01:01 states in pertinent part that the Executive Secretary may recommend changes to the Exclusion List.

12. The Commission specifically finds that Defendant's conduct as set forth herein is past activity which is incompatible with the maintenance of public confidence and trust in the credibility and integrity of licensed gaming.


13. The Commission further specifically finds that the Defendant's actions as set forth herein constitute past activity which could create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices and activities in the conduct of gaming.

14. The Commission further specifically finds that the Defendant's conduct herein amounts to conduct which could reasonably adversely affect the public confidence as to the integrity of gaming operations and the gaming industry and its employees, and therefore concludes that the Defendant has engaged in conduct that would adversely affect public confidence that gaming be conducted honestly and is therefore subject to both revocation of license and placement on the Exclusion List.

Dated this 13th day of April, 2017.

SOUTH DAKOTA COMMISSION ON GAMING

BY:


Dennis McFarland, Vice Chairman

COPY

STATE OF SOUTH DAKOTA
DEPARTMENT OF REVENUE
SOUTH DAKOTA COMMISSION ON GAMING

South Dakota Commission
on Gaming,

Plaintiff,

-vs-

Charles Johnson
SDCG Support License # A8365-14-SP,

Defendant.

No. 16-09-050-BS

DECISION AND ORDER

WHEREAS this matter having come on as a contested case hearing before the South Dakota Commission on Gaming on Wednesday, March 22, 2017, at City Hall, 102 Sherman Street, Deadwood, South Dakota, 57732, pursuant to a Notice of Hearing dated January 18, 2017, and

WHEREAS Defendant having personally appeared and also being represented through his attorney, Roger Tellinghuisen of Rapid City, South Dakota; the Plaintiff having appeared through its attorney, Michael F. Shaw of Pierre, South Dakota; Commission members present were Dennis McFarland, Karen Wagner and Karl Fischer; also present were Executive Secretary Larry B. Eliason and Gaming Commission Enforcement Agent Brandon Snyder; the Commission further noting that Defendant having held a gaming support license and an initial Complaint having been issued against the Defendant dated November 4, 2016, alleging that the Defendant had engaged in conduct constituting grounds for disciplinary action relating to an incident at a craps table at Tin Lizzie's Casino on or about September 19, 2016, where he was employed as a dealer; the Commission having entered Findings of Fact and Conclusions of Law, the same being attached hereto and specifically incorporated herein, and for other good cause shown

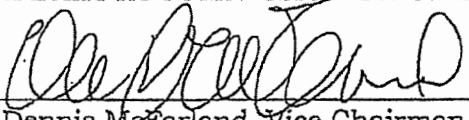
NOW, THEREFORE, the Commission on Gaming does hereby

ORDER, ADJUDGE AND DECREE that the gaming support license of Charles Johnson be revoked and that Charles Johnson's name be placed on the list of persons to be included on the Exclusion List.

Dated this 13th day of April, 2017.

SOUTH DAKOTA COMMISSION ON GAMING

BY:


Dennis McFarland, Vice Chairman



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 Quarterly Business Meeting

MINUTES

June 16, 2020

The South Dakota Commission on Gaming meeting was held by telephonic conference call on June 16, 2020 at 9:00 a.m. 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 Mike Shaw, Commission Attorney; Susan Christian, Executive Secretary; Craig Sparrow, Deputy Executive Secretary; Larry Eliason, Special Assistant; Kelly Hanson, Operations Manager; Mark Heltzel, Agent; Brandon Snyder, Agent; Monica Waisanen, Auditor; and Kathy Fredericksen, Recorder. Other persons participating in the meeting were: David Weist, Deputy Secretary of Revenue; Mike Capen, Gaming Laboratories International, Mike Rodman, Executive Director, Deadwood Gaming Association; Tony Sieber, General Manager of Gold Dust; David Schneider, General Manager of Cadillac Jack's; Terry Houk, General Manager of Midnight Star; LLC, Mike Trucano, Owner of Hickok's; Tyler Nold, Casino Manager of Deadwood Mt. Grand; Bob Mercer, Keloland News; Shane Kramme, Verendrye Benevolent Association of Ft. Pierre; Steve Schaeffer, General Manager of First Gold; Tom Rensch, Pat McDermott, and Kyle Comes of Silverado.

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

Conflicts of Interest Disclosure

No conflicts of interest were disclosed.

Mike Shaw addressed that during a telephonic meeting there are formalities that if you want to speak please identify yourself and run all questions directly thru the Chairman. If you are not speaking please keep your phone on mute.

A roll call was taken, and a quorum was present. All voting will need to be done by a roll call.

March 30, 2020 Telephonic Meeting

Commissioner Wordeman made a motion to adopt the minutes as drafted for the March 30, 2020 telephonic meeting. Commissioner Strommen seconded the motion.

On a roll call vote motion was carried unanimously.

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

Election of Chairman and Vice Chairman for Fiscal Year 2021

Commissioner McFarland stated that he will not be running for Chairman but plans to stay on the Commission until his term expires in April 2021.

Chairman

Commissioner Fischer made a motion to nominate Commissioner Wagner for Chairman. With no other nominations Commissioner Wagner was elected as Chairman.

On a roll call vote motion was carried unanimously.

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

Commissioner McFarland turned over the gavel to Commission Wagner.

Vice Chairman

Commissioner McFarland made a motion to nominate Commissioner Fischer for Vice Chairman. With no other nominations Commissioner Fischer was elected as Vice Chairman.

On a roll call vote motion was carried unanimously.

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

Executive Secretary Report

Susan Christian, Executive Secretary, addressed that the office became fully staffed on May 11, 2020 but only open to the public by appointment. The staff is observing social distancing practices. First Gold was the last property that reopened on May 21, 2020. There are two properties that are not open yet. Midnight Star will open on July 1, 2020 and Deadwood Gulch Resort has not reopened due to possibilities of the property being sold. The May tax returns have all been received and the statistical information is anticipated to be completed by Friday June 19, 2020. The staff will begin stamping devices for FY 2021 starting the week of June 22, 2020. The OTB in North Sioux City was closed in April and reopened on May 24, 2020. The Yankton Sioux Tribes compact will expire on August 16, 2020. The NAGRA conference has been rescheduled to May 2021 and the ARCI meetings have been participating by telephone conference.

Revocation of Licenses

During the month of March 2020 two licensees voluntarily surrendered their gaming licenses after pleading guilty to a Class 6 felony. Each licensee received an Order Suspending Imposition of Sentence. Staff recommended that the Commission take action and revoke the license of David Meddings and the license of Kaylee McCulloch.

Commissioner McFarland made a motion to revoke the licenses of Kaylee McCulloch and David Meddings. Commissioner Fischer seconded the motion.

On a roll call vote motion was carried unanimously.

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

Remarks by Representative of Gaming Laboratories International

Mike Capen, representing Gaming Laboratories International, gave a brief report on the testing and consulting services.

Contract for Device Testing and Consulting Services

Gaming Laboratories International

Commissioner Wordeman made a motion to approve the contract with Gaming Laboratories International. Commissioner Strommen seconded the motion.

On a roll call vote motion was carried unanimously.

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

Live Racing Matters

Susan Christian, Executive Secretary, recommended the proposed resolutions for the allocation of Funds to the Verendrye Benevolent Association for the 2020 horse racing season. Commissioner Fischer questioned Shane Kramme if at the fairgrounds would the inside railing and everything else be put back prior to the racing. Mr. Kramme stated that all will be put back in place a week before racing starts.

Resolution 06-16-20-01

The allocation of funds from the Revolving and Bred funds for racing operations, purses, and SD Bred points.

Commissioner Fischer made a motion to approve Resolution 06-16-20-01. Commissioner McFarland seconded the motion.

On a roll call vote motion was carried unanimously.

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

Resolution 06-16-20-02

The allocation of funds from Revolving fund for the Jockey bonus.

Commissioner Wordeman made a motion to approve Resolution 06-16-20-02. Commissioner Strommen seconded the motion.

On a roll call vote motion was carried unanimously.

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

Track Insurance and Bond

Susan Christian, Executive Secretary, recommended that as a condition of any horse track's license that the corporation or association which holds the license obtain an insurance policy or policies with the limits of \$1 million naming the South Dakota Commission on Gaming and its agents and employees as additional insured. The policy or policies shall include general liability, liquor liability, jockey insurance, and horse racing activities.

The Executive Secretary also recommended that the track be required to obtain a bond or letter of credit to be used if necessary to pay purses, salaries, wages, and payments to vendors for goods and services provided to the corporation or association in conducting its racing operations in the amount of \$25,000.00.

Commissioner McFarland made a motion to approve the track insurance and bond of \$25,000.00. Commissioner Wordeman seconded the motion.

On a roll call vote motion was carried unanimously.

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

Deadwood Licensing Matters

Key License Approvals

Deputy Executive Secretary Sparrow recommended approval of the following:

- ✓ Barb Brunner
- ✓ David Linder
- ✓ Jacob Britton

Commissioner McFarland made a motion to approve the Key License approvals as staff recommended.
Commissioner Fischer seconded the motion.

On a roll call vote motion was carried unanimously.

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

Business License Approvals

Deputy Executive Secretary Sparrow recommended approval of the following:

- ✓ Approval of Midnight Star, LLC for an operator and 2 retail licenses **(11633-OP, 11634, & 11635-RT's)**
These licenses are to be assigned to 677 Main Street effective July 1, 2020 with these listed members:
 - Michael Muntefering, Drew Muntefering, Justin Anderson, Blake Thiesse, Todd Thiesse, Von Denning, and Seth Denning
- ✓ Approval of Lamar Feed & Grain, LLC as the owner of a Property Owners license **(11636-PO)** for the Midnight Star building at 677 Main Street, Deadwood.
- ✓ Approval of SRK Development, LLC as the owner of a retail license **(11623-RT)** with these listed members:
 - Steven Slowey, Stephen Slowey, Tim Karli, and Tim Rutjes
- ✓ Approval of Ainsworth Gaming Technology, Inc. as an owner of manufacturer license (11549-MA) with the following individuals as Directors:
 - Graeme Campbell **11550-DR**
 - Daniel Gladstone **11551-DR**
 - Colin Henson **11552-DR**
 - Harald Neumann **11553-DR**
 - Michael Yates **11554-DR**

Commissioner Fischer made a motion to approve the Business license approvals as staff recommended.
Commissioner McFarland seconded the motion.

On a roll call vote motion was carried unanimously.

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

Business License Renewals

Deputy Executive Secretary Sparrow recommended the approval of all Operators, Route Operators, Retails, Distributors, and Manufacturers listed on pages 54-55 of the meeting packet except for Tin Lizzie 10 which was not renewed to strike from the list. The list will be marked as Exhibit A and will be attached to the meeting minutes.

Commissioner Wordeman made a motion to approve the Business license renewals as staff recommended. Commissioner Strommen seconded the motion.

On a roll call vote motion was carried unanimously.

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

Policy on Unlicensed Devices on Gaming Floor

The South Dakota Commission staff recommended adopting a special policy relating to devices remaining on gaming floor that were not relicensed for FY 2021. This temporary policy to be in effect for the time period of July 1 through December 31, 2020. Any gaming device that was properly licensed in FY 2020 and is unlicensed effective July 1, 2020 may remain on the gaming floor as outlined in the policy set forth on page 57 of the meeting packet.

Commission McFarland made a motion to adopt the special policy relating to devices remaining on the gaming floor that were not relicensed for FY 2021. Commissioner Wordeman seconded the motion.

On a roll call vote motion was carried unanimously.

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

Date of Next Meeting

The date of the next quarterly meeting will be September 16, 2020. It will be determined later if the meeting will be held by telephone conference.

Public Comment

Commissioner Wagner thanked Commissioner McFarland for his leadership on serving as Chairman and appreciated the job that he did for the commission.

Michael Rodman, Executive Director of the Deadwood Gaming Association addressed the Commission and stated that the industry appreciated the policy that was adopted for unlicensed devices on the gaming floor. Discussed a new article that the New Jersey Senate passed on relief for New Jersey casinos. The sports wagering initiative will be on the November ballot and later this summer will continue the campaign.

Shane Kramme, General Manager of the Verendrye Benevolent Association, thanked the SD Commission on Gaming and the Executive Secretary, Susan Christian, for the opportunity to hold the live horse race meet in 2020.

With no further business to be discussed Commissioner Fischer made a motion to adjourn the meeting. Commissioner McFarland seconded the motion.

On a roll call vote motion was carried unanimously.

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

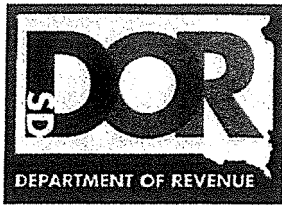
The meeting was adjourned at 9:53 a.m.

Respectfully Submitted,

Kathy Fredericksen

Karen Wagner, Madam Chairman

Susan Christian, Executive Secretary



SOUTH DAKOTA COMMISSION ON GAMING

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

RESOLUTION NUMBER 06-16-20-01

The South Dakota Commission on Gaming hereby makes the following allocations for purse supplements and racing operations for the 2020 live horse racing season pending the COVID-19 pandemic and the social distancing recommended at said time:

To the Verendrye Benevolent Association:

\$ 37,500.00 from the South Dakota bred racing fund for purses for races that are restricted to South Dakota bred horses including stakes races;

\$ 5,000.00 per racing day from the South Dakota bred fund, not to exceed a maximum of \$ 10,000.00 for point money for South Dakota bred horses that compete in races that are not restricted to South Dakota bred horses and on which pari mutuel wagers are accepted at the Stanley County Fairgrounds

\$ 116,536.00 from Special Racing Revolving Fund for racing operations

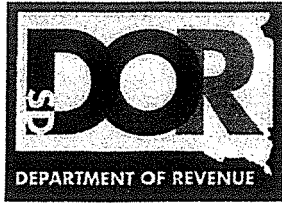
\$ 75,000.00 from Special Racing Revolving Fund for purses

None of the allocated funds above may be used as purse supplements to any race in which less than five (5) qualified horses have been entered under the supervision of a state steward.

Track management is authorized to make adjustments in the above categories with prior approval of the executive Secretary of the Commission.

These funds shall be made available to the race tracks upon approval of vouchers by the Executive Secretary and the purpose for which these funds are used shall be subject to an audit by the Commission's audit staff after the financial reports required by ARSD 20:04:20:10 have been furnished to the Commission. Any funds that are disbursed to the corporation or association that are not used as specified above are required to be returned to the South Dakota Commission on Gaming and made available for 2021 race season's allocation.

The Executive secretary is authorized to withhold \$ 2,500.00 from the distribution of the \$116,536.00 allocated to the Verendrye Benevolent Association for operations as a guarantee payment of taxes and fees to the Commission until such time as the association has paid in full all taxes and fees due the Commission for the 2020 racing season.



SOUTH DAKOTA COMMISSION ON GAMING

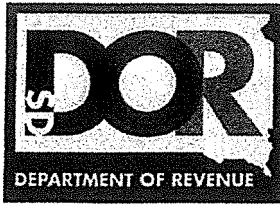
445 E. Capital Avenue • Pierre, SD 57501
(605) 773-6051 • dor.sd.gov/gaming

RESOLUTION NUMBER 06-16-20-02

Section 1. The executive Secretary is authorized to reimburse the Verendrye Benevolent Association from the special racing revolving fund for longevity payments to licensed jockeys who participate in races in South Dakota for the 2020 season according to the following criteria:

Section 2. Any jockey who has filed with the Commission staff proof of having been given a physical examination within the last year and has earned a jockey fee in at least four races per day or has been available to ride in races throughout each racing day(unless excused by the stewards in their sole discretion for a period of time not to exceed 1 racing day) at the Fort Pierre Race track shall be eligible to receive a longevity payment of Five Hundred Dollars(\$ 500.00) to be paid at the time of jockey fees for the last racing day at the fort Pierre Race Track.

Section 3. A list of jockeys who are eligible to receive longevity payments shall be provided to the Horsemen's Bookkeeper by the Presiding Steward.



SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners
FROM: Susan Christian, Executive Secretary
SUBJECT: Track Bond and Insurance
DATE: June 16, 2020

I recommend that the Commission require as a condition of any horse track's license that the corporation or association which holds the license obtain an insurance policy or policies with limits of \$1 million naming the South Dakota Commission on Gaming and its agents and employees as additional insured. The policy or policies shall include general liability, liquor liability, jockey insurance and horse racing activities.

I also recommend that the track be required to obtain a bond or letter of credit to be used if necessary, to pay purses, salaries, wages and payments to vendors for good and services provided to the corporation or association in conducting its racing operations in the following amount:

Verendrye Benevolent Association \$ 25,000.00

BUSINESS LICENSE RENEWAL – 2020-2021

OPERATOR, ROUTE OPERATOR & RETAIL LICENSES

AGT - ACES FULL INC	11022-OP	FIRST GOLD INC	0120-OP
	11159-RO		0011-RO
MR. WU'S 1	11575-RT	HORSESHOE 1	0079-RT
MR. WU'S 2	11576-RT	BLACKJACK 2	0081-RT
MR. WU'S 3	11576-RT	FIRST GOLD 3	0208-RT
		FIRST GOLD 4	0567-RT
BLACK DIAMOND CAPITAL LLC	0231-OP	FIRST GOLD 5	0568-RT
GOLD DUST 1	0588-RT	FIRST GOLD 6	0569-RT
GOLD DUST 2	0589-RT	FIRST GOLD 7	0570-RT
GOLD DUST 3	0590-RT	FIRST GOLD 8	0571-RT
GOLD DUST 4	0591-RT	FIRST GOLD 9	0572-RT
GOLD DUST 5	0592-RT	FIRST GOLD 10	0573-RT
GOLD DUST 6	0593-RT	FIRST GOLD 11	0584-RT
GOLD DUST 7	0594-RT		
GOLD DUST 13 (777)	0610-RT	GR DWD LLC	0187-OP
GOLD DUST 14 (777)	0611-RT	MINERAL PALACE 1	0299-RT
GOLD DUST 15 (777)	0612-RT	MINERAL PALACE 2	0300-RT
		MINERAL PALACE 3	0301-RT
BLUE SKY GAMING INC	0199-OP	MINERAL PALACE 4	0540-RT
TIN LIZZIE 1	0313-RT	MINERAL PALACE 5	0541-RT
TIN LIZZIE 2	0314-RT	MINERAL PALACE 6	0542-RT
TIN LIZZIE 3	0315-RT	MINERAL PALACE 7	0543-RT
TIN LIZZIE 4	0524-RT	MINERAL PALACE 8	0544-RT
TIN LIZZIE 5	0525-RT	MINERAL PALACE 9	0545-RT
TIN LIZZIE 7	0604-RT	MINERAL PALACE 10	0546-RT
TIN LIZZIE 8	0605-RT	MINERAL PALACE 11	0547-RT
TIN LIZZIE 9	0606-RT	MINERAL PALACE 12	0548-RT
TIN LIZZIE 10	0607-RT		
TIN LIZZIE 12	0609-RT	SALOON GAMBLING INC	0103-OP
TIN LIZZIE 13	0613-RT	SALOON GAMBLING INC 1	0011-RT
		SALOON GAMBLING INC 2	0063-RT
		SALOON GAMBLING INC 3	0393-RT
BY DEVELOPMENT INC	0196-OP		
CADILLAC JACKS 1	0302-RT		
CADILLAC JACKS 2	0303-RT	SUPER G INVESTMENT CO	0114-OP
CADILLAC JACKS 3	0304-RT		0004-RO
CADILLAC JACKS 4	0526-RT	SILVERADO 1	0058-RT
CADILLAC JACKS 5	0527-RT	SILVERADO 2	0134-RT
CADILLAC JACKS 6	0528-RT	SILVERADO 3	10862-RT
CADILLAC JACKS 7	0529-RT	SILVERADO 4	10863-RT
CADILLAC JACKS 8	0530-RT	SILVERADO 5	10864-RT
CADILLAC JACKS 9 (SHS4)	0597-RT	SILVERADO 6	0147-RT
CADILLAC JACKS 10	10860-RT	SILVERADO 7	10865-RT
		FRANKLIN 1	10866-RT
DEALS PUBLICATIONS	0197-OP	FRANKLIN 2	10867-RT
CELEBRITY 1	11567-RT	FRANKLIN 3	10868-RT
CELEBRITY 2	11568-RT	FRANKLIN 4	10869-RT
		FRANKLIN 5	10870-RT
DEADWOOD GAMING RESORTS	0213-OP	FRANKLIN 6	10871-RT
DWD GULCH RESORT 1	0444-RT		
DWD GULCH RESORT 2	0445-RT	ZCN LLC	11382-OP
DWD GULCH RESORT 3	0446-RT	DEADWOOD MT GRAND 1	11383-RT
DWD GULCH RESORT 5	0598-RT	DEADWOOD MT GRAND 2	11384-RT
DWD GULCH RESORT 6	0599-RT	DEADWOOD MT GRAND 3	11385-RT
DWD GULCH RESORT 7	0600-RT	DEADWOOD MT GRAND 4	11386-RT
DWD GULCH RESORT-CTR	0601-RT	DEADWOOD MT GRAND 5	11387-RT
		DEADWOOD MT GRAND 6	11388-RT
		DEADWOOD MT GRAND 7	11389-RT



BUSINESS LICENSE RENEWAL – 2020-2021

OPERATOR, ROUTE OPERATOR & RETAIL LICENSES

AGT - ACES FULL INC	11022-OP	FIRST GOLD INC	0120-OP
	11159-RO		0011-RO
MR. WU'S 1	11575-RT	HORSESHOE 1	0079-RT
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GOLD DUST 2	0589-RT	FIRST GOLD 7	0570-RT
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GOLD DUST 6	0593-RT	FIRST GOLD 11	0584-RT
GOLD DUST 7	0594-RT		
GOLD DUST 13 (777)	0610-RT	GR DWD LLC	0187-OP
GOLD DUST 14 (777)	0611-RT	MINERAL PALACE 1	0299-RT
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TIN LIZZIE 2	0314-RT	MINERAL PALACE 6	0542-RT
TIN LIZZIE 3	0315-RT	MINERAL PALACE 7	0543-RT
TIN LIZZIE 4	0524-RT	MINERAL PALACE 8	0544-RT
TIN LIZZIE 5	0525-RT	MINERAL PALACE 9	0545-RT
TIN LIZZIE 7	0604-RT	MINERAL PALACE 10	0546-RT
TIN LIZZIE 8	0605-RT	MINERAL PALACE 11	0547-RT
TIN LIZZIE 9	0606-RT	MINERAL PALACE 12	0548-RT
TIN LIZZIE 10	0607-RT		
TIN LIZZIE 12	0609-RT	SALOON GAMBLING INC	0103-OP
TIN LIZZIE 13	0613-RT	SALOON GAMBLING INC 1	0011-RT
		SALOON GAMBLING INC 2	0063-RT
		SALOON GAMBLING INC 3	0393-RT
BY DEVELOPMENT INC	0196-OP		
CADILLAC JACKS 1	0302-RT		
CADILLAC JACKS 2	0303-RT	SUPER G INVESTMENT CO	0114-OP
CADILLAC JACKS 3	0304-RT		0004-RO
CADILLAC JACKS 4	0526-RT	SILVERADO 1	0058-RT
CADILLAC JACKS 5	0527-RT	SILVERADO 2	0134-RT
CADILLAC JACKS 6	0528-RT	SILVERADO 3	10862-RT
CADILLAC JACKS 7	0529-RT	SILVERADO 4	10863-RT
CADILLAC JACKS 8	0530-RT	SILVERADO 5	10864-RT
CADILLAC JACKS 9 (SHS4)	0597-RT	SILVERADO 6	0147-RT
CADILLAC JACKS 10	10860-RT	SILVERADD 7	10865-RT
		FRANKLIN 1	10866-RT
DEALS PUBLICATIONS	0197-OP	FRANKLIN 2	10867-RT
CELEBRITY 1	11567-RT	FRANKLIN 3	10868-RT
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		FRANKLIN 5	10870-RT
DEADWOOD GAMING RESORTS	0213-OP	FRANKLIN 6	10871-RT
DWD GULCH RESORT 1	0444-RT		
DWD GULCH RESORT 2	0445-RT	ZCN LLC	11382-OP
DWD GULCH RESORT 3	0446-RT	DEADWOOD MT GRAND 1	11383-RT
DWD GULCH RESORT 5	0598-RT	DEADWOOD MT GRAND 2	11384-RT
DWD GULCH RESORT 6	0599-RT	DEADWOOD MT GRAND 3	11385-RT
DWD GULCH RESORT 7	0600-RT	DEADWOOD MT GRAND 4	11386-RT
DWD GULCH RESORT-CTR	0601-RT	DEADWOOD MT GRAND 5	11387-RT
		DEADWOOD MT GRAND 6	11388-RT
		DEADWOOD MT GRAND 7	11389-RT



THE LODGE AT DWD -DWD RESORTS LLC	0217-OP	<u>OPERATOR, ROUTE OPERATOR & UNASSIGNED LICENSES</u>	
THE LODGE AT DEADWOOD 1	0469-RT		
THE LODGE AT DEADWOOD 2	0470-RT	AGT-MICHAEL TRUCANO	0230-OP
THE LODGE AT DEADWOOD 3	0471-RT	AGT-MICHAEL TRUCANO	10858-RO
THE LODGE AT DEADWOOD 4	0533-RT	MICHAEL TRUCANO-OLD IRON HORSE INN	0583-RT
THE LODGE AT DEADWOOD 5	0534-RT	DGS LLC	0233-OP
THE LODGE AT DEADWOOD 6	0535-RT	PEGGY MAHER	0129-OP
THE LODGE AT DEADWOOD 7	0536-RT	SHARON GOULD	10355-OP
THE LODGE AT DEADWOOD 8	0537-RT	1911 HOLDINGS	10020-OP
THE LODGE AT DEADWOOD 9	0538-RT	TIM & MONICA CONRAD	0108-OP
THE LODGE AT DEADWOOD 10	0539-RT	BRANCH HOUSE PROPERTIES	0585-RT
		DAKAM MOHAMED DAKAM	0264-RT
		CHRIS GOULD	0440-RT
<u>OTHER ASSIGNED LICENSES</u>		<u>DISTRIBUTORS</u>	
MIDWEST MOTELS OF DWD	11330-OP	UNIVERSAL GAMING RESOURCES LLC	0121-DS
BODEGA 1 – MIDWEST MOTELS OF DWD	11331-RT	DYNAMIC GAMING SOLUTIONS SD LLC	11328-DS
BODEGA 2 – MIDWEST MOTELS OF DWD	11332-RT		
BODEGA 3 – MIDWEST MOTELS OF DWD	11333-RT	<u>MANUFACTURERS</u>	
BULLOCK 1 –BULLOCK HOSPITALITY	0531-RT	AGS, LLC	0130-MA
BULLOCK 2 –BULLOCK HOSPITALITY	0532-RT	ARISTOCRAT TECHNOLOGIES INC	0108-MA
		ARUZE GAMING INC	0133-MA
DEADWOOD STATION 1 - WILLY’S WILD WEST	0595-RT	EVERI GAMES INC (MULTIMEDIA)	0131-MA
DEADWOOD STATION 2 - WILLY’S WILD WEST	0602-RT	HARMS VENDING	0129-MA
		IGT	0101-MA
GOLD COUNTRY INN-WILLY’S WILD WEST INC	0596-RT	INCREDIBLE TECHNOLOGIES INC	10735-MA
		INTERBLOCK D.D.	0124-MA
HICKOKS 1-NMD VENTURE LLC	0518-RT	IVERSON GAMING SYSTEM INC	0123-MA
HICKOKS 2-NMD VENTURE LLC	0519-RT	JCM AMERICAN CORP	0132-MA
HICKOKS 3-NMD VENTURE LLC	0520-RT	KONAMI GAMING INC	0128-MA
		NRT TECHNOLOGY CORP	0125-MA
IRON HORSE INN – LATCHSTRING GETAWAYS	11505-RT	PATRIOT GAMING & ELECTRONIC INC	10044-MA
		SG GAMING INC	0114-MA
MARTIN MASON BLDG 1	0317-RT	TABLE TRAC INC	0127-MA
MARTIN MASON BLDG 2	0318-RT		
		<u>ASSOCIATED EQUIPMENT MANUFACTURER</u>	
MUSTANG SALLY 1 – T KEEHN	0220-RT	AVALON GAMING INC	10877-AE
OYSTER BAY	0106-RT	COUNTR GMBH	11376-AE
		GAMING PARTNERS INTERNATIONAL USA	10983-AE
SUPER 8 1 – GOLD RUN LLC	11110-RT	GAMING & ENTERTAINMENT TOUCH TECH	11146-AE
SUPER 8 2 – GOLD RUN LLC	11111-RT	M3 TECHNOLOGY SOLUTIONS LLC	11293-AE
SUPER 8 3 – GOLD RUN LLC	11112-RT		
VFW	0017-RT		
WOODEN NICKEL CASINO	0316-RT		
DEADWOOD PARKING LOTS LLC	0003-PO		
OPTIMA LLC-DBA TRUE BY HILTON	0005-PO		
WWW LLC	0002-PO		

SDCG STATEMENT OF SPECIAL POLICY RELATING TO DEVICES REMAINING ON GAMING FLOOR THAT WERE NOT RELICENSED FOR FY2021

In light of a request from the gaming industry to allow gaming devices to remain on the gaming floor when such devices are not relicensed with a license stamp fee per SDCL 42-7B-23 on July 1, 2020. Due to the economic downturn caused by the shutdown of casinos during the COVID-19 pandemic, and in recognition of industry's belief that such devices may be licensed sometime during FY2021 as funds become available, and also recognizing that no statutory provision or administrative rule directly addresses this situation, the South Dakota Commission on Gaming adopts this temporary policy to be in effect for the time period of July 1 through December 31, 2020.

Any gaming device that was properly licensed in FY 2020 and is unlicensed effective July 1, 2020 may remain on the gaming floor provided:

1. The Slot Management system is physically disconnected from the slot machine.
 - In most cases this is accomplished by physically disconnecting the network connection.
2. The slot machine needs to be unplugged from power.
3. The slot machine needs to be inspected and sealed by Commission staff with the Commissions evidence tape/seals.
 - Commission staff will need to be present when the seal is broken.
4. For table games, all detachable fixtures such as drop boxes & sleeves, chip racks, and other similar removable items shall be removed. Any nondetachable chip racks or devices capable of being locked shall be locked and sealed. The table game must be inspected and sealed by Commission staff with the Commission's evidence tape/seals before it can remain in a public area.
5. The Casino must place a sign on the machine or table stating it is out of service and unavailable for play.
6. Before any slot machine or table gaming may be reactivated and placed into play, the licensee must advise the executive secretary in writing of the licensee's intention and pay taxes applicable to the game. After the reinspection and unsealing of a gaming device previously sealed, the game may be exposed for play.

After December 31, 2020 all machines that do not bear the proper license stamp will be required to be removed from the floor.



SOUTH DAKOTA COMMISSION ON GAMING

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

August 5, 2020

Frank Gould
1203 N Arch St.
Aberdeen, SD 57401

RE: Letter received July 31, 2020 requesting consideration for cashless wagering

Mr. Gould,

Thank you for visiting with me on August 4, 2020 regarding your letter requesting the Commission consider your proposal for cashless wagering. For your review, I have enclosed the current technical rules for slot machines in a cashless environment. As I stated in our telephone conversation, there would be a need for new rules before any cashless wagering could be allowed in Deadwood casinos.


I also wanted to provide you with the proper way to bring a petition for a rule request before the Commission through SDCL 1-26-13:

1-26-13. Petition for rules--Denial or initiation of proceedings--Copies to Interim Rules Committee and director.

An interested person, other than an inmate as defined in § 1-15-20.1, may petition an agency requesting the promulgation, amendment, or repeal of a rule. The petition shall contain the text or substance of any new rule or amendment sought, the identification of any rule sought to be repealed, reasons for the proposal, and the name and address of the petitioner. Within thirty days after submission of a petition, the agency either shall deny the petition in writing (stating its reasons for the denials) or shall initiate rule-making proceedings in accordance with § 1-26-4. The agency shall serve a copy of any petitions and denials on the members of the Interim Rules Review Committee and the director of the Legislative Research Council.

Your letter does not meet the criteria for a petition and as such the Commission would not be required to take any official action on your request. For your convenience, I have provided my contact information below should you have any questions, comments, or concerns.

Sincerely,


Susan Christian, CIA
Executive Secretary

Telephone : Pierre office (605) 773-6051
Deadwood office (605) 578-3074
Email: susan.christian@state.sd.us

1 Enclosure

Cc:

Mike Shaw by e-mail
Deputy Executive Secretary Craig Sparrow by e-mail
Commission Chairman Wagner
Commission Vice Chairman Fischer
Commissioner McFarland
Commissioner Wordeman

GR DEADWOOD, L.L.C.

PO Box 1565
Aberdeen, SD 57402-1565
(605) 229-5945, ext. 115

July 22, 2020

Karen Wagner, Chair
South Dakota Commission on Gaming
445 East Capitol Avenue
Pierre, SD 57501-3185

Greg Strommen, Commissioner
South Dakota Commission on Gaming
445 East Capitol Avenue
Pierre, SD 57501-3185

Karl Fischer, Vice Chair
South Dakota Commission on Gaming
445 East Capitol Avenue
Pierre, SD 57501-3185

Mike Wordeman, Commissioner
South Dakota Commission on Gaming
445 East Capitol Avenue
Pierre, SD 57501-3185

Dennis McFarland, Commissioner
South Dakota Commission on Gaming
445 East Capitol Avenue
Pierre, SD 57501-3185

RE: Proposal

Dear Commissioners:

I own the Mineral Palace Hotel & Casino in Deadwood. In light of all of the COVID-19 issues we all face in trying to keep our industry open and safe, I would like to put a proposal in front of the Commission as a recommendation for the elimination of co-handling of money with our slot customers. Technology is available and gives us the capability for a customer to go to a kiosk and download cash on either their player's club card and/or have a ticket produced for whatever denomination they wish to put in the machine. They can put this in as cash; they could transfer from a debit card; or they could transfer over a credit card; and, download onto a ticket and/or an electronically onto a player's club card that would be protected by a personal PIN. This obviously eliminates the cashier from having to handle dollar bills, as well as in the count room, by large volumes of paper. This not only would reduce the amount of co-handling of funds between our employees and the customer, but it would also have the ability to increase velocity of play.

If a customer wishes to put a \$1,000 on a ticket, they only have to put the ticket in once versus, at present, putting in one hundred dollar bills in the machine to get the equivalent amount of play. Or the same thing with cash put to a player's club card. In either case, it

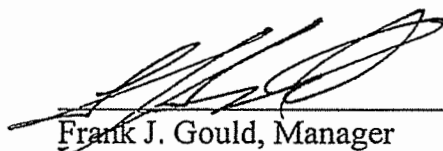
July 22, 2020
Page 2

would not have anything to do with the casino extending credit in that it would be the player's cash, whether it comes from his bank account or from his wallet.

I appreciate your consideration of this in advance and in light of the pandemic. I believe this is one more thing that we can do at very little expense to help keep not only our customers, but also our workers, safer.

Sincerely,

GR DEADWOOD, L.L.C.



Frank J. Gould, Manager

FJG/sk

cc: ✓ Susan Christian, Executive Secretary
Craig Sparrow, Deputy Executive Secretary



SOUTH DAKOTA COMMISSION ON GAMING

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

SOUTH DAKOTA COMMISSION
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

Rocky Ladson
A4510-00-SP

DEFENDANT

RECITALS

A complaint was filed against the Defendant on June 9, 2020, by Mark Heltzel, an enforcement agent for the South Dakota Commission on Gaming.

The parties wish to resolve the complaint by a Stipulation of Assurance and Voluntary Compliance.

An Informal Consultation was held between the Executive Secretary and the Defendant on August 3, 2020.

I

The complaint alleged that the Defendant engaged in conduct constituting grounds for disciplinary action by cashing out tickets for abandoned monies on slot machines, redeeming the ticket and keeping the monies for his personal benefit. Agent Heltzel determined that between May 15, 2020 and May 23, 2020 cashed in nine (9) tickets worth approximately \$21.00.

II

The Defendant answered the complaint on or about June 29, 2020. In the Defendant's answer he admits that he did cash out tickets, redeemed them and kept the money for his personal benefit during the month of May 2020.

III

The Executive Secretary recognizes that the Defendant has taken full responsibility for his actions.

The Defendant agrees to surrender his gaming license for a period of seven (7) days beginning on August 3, 2020 at 5:00 pm and ending on August 10, 2020 at 5:00 pm and is assessed a monetary penalty of twenty-five dollars (\$25.00). The Defendant may pick his license up at the South Dakota Commission on Gaming office located at 87 Sherman Street in Deadwood on August 10, 2020 after 4:00 pm at which time the \$25.00 penalty is to be paid.

IV

The Defendant recognizes that this Stipulation of Assurance and Voluntary Compliance will be made a public record.

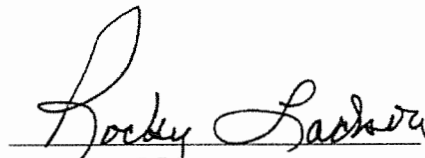
V

The Defendant recognizes that this Stipulation of Assurance and Voluntary Compliance is subject to the approval of the South Dakota Commission on Gaming and that execution of this document does not prohibit the Commission from re-opening this matter for further investigation which could lead to an administrative hearing before the Commission and further disciplinary action against the Defendant.

DATED at Deadwood, South Dakota, the 3rd day of August, 2020.



SUSAN CHRISTIAN, CIA
Executive Secretary
South Dakota Commission on Gaming



ROCKY LADSON
Defendant

20:18:12.01:07.01. Entitlement to slot machine credits or payouts and to abandoned monies. A patron must be actively engaged in playing a slot machine to be entitled to any credits or payouts from the slot machine. If a patron leaves a slot machine with credits on the machine, the patron waives any right to claim these credits. Any credits removed from a slot machine or tickets found shall be taken to the cage while any investigation for the owner of the credits or tickets is conducted. Upon completion of an investigation, the credits or tickets will either be returned to the owner or dropped in the accounting lockbox to be treated as an unclaimed ticket. No unclaimed ticket may remain in the cage for more than 48 hours.

If a patron abandons chips, tokens or cash in a licensed gaming establishment or on a licensed gaming table, the patron waives any right to claim the chips, tokens or cash. Any chips, tokens or cash found in a licensed gaming establishment including chips, tokens or cash abandoned on a licensed gaming table shall be taken to the cage while any investigation for the owner of the chips, tokens or cash is conducted. Upon completion of an investigation, the monies will be returned to the owner or recorded as found money on the daily cash summary at the end of the shift.

This rule does not require that an investigation be conducted.

Source: 36 SDR 112, effective January 11, 2010; 44 SDR 151, effective April 30, 2018.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-4(21), 42-7B-7, 42-7B-11(13).



SOUTH DAKOTA COMMISSION ON GAMING

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

Rocky Ladson
522 Sunny Hill
Lead, SD 57754

Dear Mr. Ladson,

Your response to the initial complaint delivered to you on June 10, 2020 has been received. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 2:00 pm on August 3, 2020 at the South Dakota Commission on Gaming office located at 87 Sherman Street, Deadwood, SD.

Sincerely,

A handwritten signature in black ink, reading 'Susan Christian', is positioned above the typed name.

Susan Christian, CIA
Executive Secretary

Telephone : (605) 578-3074
Email: susan.christian@state.sd.us

20:18:10:03. Informal consultation. If the executive secretary considers the complaint to have merit for disciplinary action, the executive secretary may consult with the licensee and the parties affected in an effort to resolve the matter satisfactorily without a formal hearing. The executive secretary must notify in writing the complainant, the licensee complained against, and affected parties of the results of the informal consultation. The informal consultation does not prevent the commission from conducting a formal hearing.

Source: 16 SDR 57, effective October 1, 1989.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-1, 42-7B-2, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-20, 42-7B-21, 42-7B-22, 42-7B-24, 42-7B-25, 42-7B-26.

Mark Heltzel filed a complaint in May 2020 in reference to cashing tickets found on gaming machines. My conversation with him, I admit to cashing out a ticket a couple, two or three times. I also admit to cashing in a few of my own tickets from my bag during the same time period.

During the course of a work week, I receive numerous tickets from our tip jar, my wife receives tickets from her work at the hotel in the form as a tip that she just gives me to deal with, and from my own play that I haven't bothered to cash in. During the time frame of the complaint, I had cashed in some tickets from my bag that I should have done before or after my shift. I just wanted to get rid of them.

It was ethically wrong for me to cash in a left behind ticket like I did while I was working, and also my own tickets while on duty. My own tickets should have been cashed in while I

was off work. It was naive of me and in poor judgement for doing it. The four different cages I have worked in as a cashier, I was never familiar with any memo's, policies, or gaming rules about found tickets. the one time I tried to read through the gaming rules, it seemed to have mostly slot table games. As a cashier, it didn't seem only a need for dealers, at which time, I didn't get through it all. I am willing to accept any disciplinary action you deem necessary. I assure you I haven't touched a ticket outside of the cashier cage since the complaint and I assure you I will not in the future.

Ruby Larson



SOUTH DAKOTA COMMISSION ON GAMING

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

June 9, 2020

Rocky Ladson
522 Sunnyhill Rd.
Lead, SD 57754

This is to inform you that a complaint has been filed against you by Mark Heltzel, gaming enforcement agent for the South Dakota Commission on Gaming, alleging that while working as a cashier at Hickok's Hotel and Casino in May of 2020 that you cashed tickets out of slot machines, redeemed them and kept the money for personal benefit. A copy of the complaint is enclosed.

Copies of the gaming statutes and rules cited in the complaint are available on the South Dakota Commission on Gaming website at <https://dor.sd.gov/businesses/gaming/sd-commission-on-gaming/> and at the Commission's Deadwood office located at 87 Sherman Street.

You have 20 days from the receipt of this letter to answer the enclosed complaint. The answer may admit, deny, qualify or explain the allegations contained in the complaint. The answer must be in writing and mailed to the Executive Secretary of the South Dakota Commission on Gaming at the address printed above.

Sincerely,

A handwritten signature in cursive script, reading 'Susan Christian', is written above the typed name.

Susan Christian, CIA
Executive Secretary

1 enclosure
cc w/o enc: Agent Mark Heltzel



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732

(605) 578-3074 • dor.sd.gov/gaming

Original initial complaint provided to Licensee contained an incorrect SDCG license number. This corrected signed document was provided to Mr. Ladson on August 3, 2020. *RL SG*

South Dakota Commission)	
on Gaming)	
)	
<i>Plaintiff,</i>)	Initial Complaint Filed
)	Pursuant to
Vs.)	ARSD 20:18:10:01
)	
Rocky Ladson)	Complaint # 20-05-023-MH
A4500-00-SP)	
A4510-00-SP <i>RL SG</i>)	
)	

The Complaint is made against the following Licensee:

Rocky Ladson
522 Sunnyhill Rd.
Lead, SD 57754

Generally, Licensee has engaged in conduct constituting grounds for disciplinary action. The conduct complained against is as follows:

While working as cashier at Hickok's Hotel and Casino in May of 2020 Rocky Ladson cashed tickets out of slot machines, redeemed them and kept the money for his personal benefit, which is in violation of ARSD 20:18:09:02 which states

20:18:09:02. Proscribed conduct.

Any act, whether of the same or of a different character than specified in this article, that constitutes dishonesty or fraudulent conduct, whether arising within or without the pursuit of the license privilege, committed by a licensee is grounds for disciplinary action.

Source: 16 SDR 57, effective October 1, 1989.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-1, 42-7B-2, 42-7B-3, 42-7B-7, 42-7B-24, 42-7B-25, 42-7B-32, 42-7B-33, 42-7B-34.

Dated this 9th day of June 2020.

Name of complaint Mark Heltzel
Address - 87 Sherman St
 Deadwood, SD 57732
 (605) 578-3074

The following witness could give testimony about the complaint:

Mark Heltzel
87 Sherman Street
Deadwood, SD 57732
(605) 578-3074

Notice to:

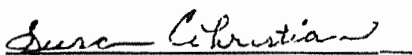
Rocky Ladson
522 Sunnyhill Rd.
Lead, SD 57754

(DEFENDANT)

You are hereby notified that this complaint has been received by the Acting Executive Secretary, Susan Christian. Pursuant to the rules, you have 20 (twenty) days to answer this complaint. The answer may admit, deny, qualify, or explain the allegations contained in the complaint. You must file an original response with the Acting Executive Secretary of the South Dakota Commission on Gaming. Attach additional sheets of paper listing additional witnesses if necessary. Please mail response to the following address:

South Dakota Commission on Gaming
Acting Executive Secretary
Susan Christian
87 Sherman St
Deadwood, SD 57532

Dated the 9th day of June 2020.



Susan Christian
Acting Executive Secretary
South Dakota Commission on Gaming



SOUTH DAKOTA COMMISSION ON GAMING

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

SOUTH DAKOTA COMMISSION
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

SALOON GAMING, INC. dba Saloon #10
SDCG Operator License #0103-OP

DEFENDANT

RECITALS

A complaint was filed against the Defendant on July 21, 2020 by Russ Belina, an enforcement agent for the South Dakota Commission on Gaming.

The parties wish to resolve the complaint by a Stipulation of Assurance and Voluntary Compliance.

An Informal Consultation was held between the Executive Secretary and the Defendant on August 31, 2020.

I

The complaint filed on July 21, 2020 alleged that the Defendant engaged in conduct constituting grounds for disciplinary action by failing to inspect recording equipment daily and maintain a written record of the inspection per ARSD 20:18:29:14 for four(4) days during the period of May 28, 2020 through July 13, 2020.

II

The Defendant answered the complaint on or about August 14, 2020. In the licensee's answer Ms. Louie Lalonde, Registered Agent, did not contest the conduct alleged in the complaint filed on July 21, 2020

III

The South Dakota Commission on Gaming recognizes the Operator purchased a new IP server and 7 HD cameras in the past 12 months which has mitigated any failure to secure recorded images as required. The South Dakota Commission on Gaming also recognizes that there was no system failure that prevented video images from being recorded and maintained as required by ARSD 20:18:29.

It has been determined that the four violations in the initial complaint were the direct result of employee actions and the Operator is in violation of the following South Dakota Commission on Gaming rule and regulation:

ARSD 20:18:29:14. Quality review of recorded surveillance video images. To ensure that the quality of video images recorded on the surveillance system complies with § 20:18:29:02, a licensee must inspect the recording equipment daily to insure the equipment is operating correctly and review a portion of all recorded surveillance images each week.

The licensee must document this inspection and review on a form provided by the executive secretary. If any problems or malfunctions of the surveillance system, equipment, or video images are discovered during the review, the licensee must report them to the commission within 24 hours after the discovery.

Source: 21 SDR 98, effective November 30, 1994; 35 SDR 184, effective February 2, 2009; 38 SDR 213, effective June 18, 2012.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-7, 42-7B-11(2)(11)(13).

Cross-Reference: Surveillance equipment malfunctions, § 20:18:29:07.

The Executive Secretary imposes a monetary penalty of One Thousand Dollars (\$1,000.00) to be paid no later than September 17,2020. Please remit penalty payment to:

South Dakota Commission on Gaming
87 Sherman Street
Deadwood, SD 57732

IV

The Defendant recognizes that this Stipulation of Assurance and Voluntary Compliance will be made a public record.

V

The Defendant recognizes that this Stipulation of Assurance and Voluntary Compliance is subject to the approval of the South Dakota Commission on Gaming and that execution of this document does not prohibit the Commission from re-opening this matter for further investigation which could lead to an administrative hearing before the Commission and further disciplinary action against the Defendant.

DATED at Deadwood, South Dakota, the 31st day of August 2020 .

SUSAN CHRISTIAN, CIA
Executive Secretary
South Dakota Commission on Gaming

Saloon Gamin, Inc. dba Saloon #10
Defendant

By_____

Its_____



SOUTH DAKOTA COMMISSION ON GAMING

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

Saloon Gaming, Inc.
C/O Louie Lalonde, Registered Agent
657 Main Street
Deadwood,
SD 57732

RE: South Dakota Commission on Gaming vs. Saloon Gaming, Inc.
Complaint Number 20-07-031-RB

Dear Ms. Lalonde,

Your response to the initial complaint delivered to you on July 22, 2020 has been received. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 2:00 p.m. on August 31, 2020 at the South Dakota Commission on Gaming office located at 87 Sherman Street, Deadwood, SD. We respectfully request that your Surveillance Manager, Ruben Keehn, attend the informal consultation.

Sincerely,

A handwritten signature in blue ink, reading 'Susan Christian', is positioned above the typed name.

Susan Christian, CIA
Executive Secretary

Telephone : Deadwood (605) 578-3074 Pierre (605) 773-6051
Email: susan.christian@state.sd.us

1 Enclosure

20:18:10:03. Informal consultation. If the executive secretary considers the complaint to have merit for disciplinary action, the executive secretary may consult with the licensee and the parties affected in an effort to resolve the matter satisfactorily without a formal hearing. The executive secretary must notify in writing the complainant, the licensee complained against, and affected parties of the results of the informal consultation. The informal consultation does not prevent the commission from conducting a formal hearing.

Source: 16 SDR 57, effective October 1, 1989.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-1, 42-7B-2, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-20, 42-7B-21, 42-7B-22, 42-7B-24, 42-7B-25, 42-7B-26.

August 7, 2020

SD Commission on Gaming
Susan Christian, CIA
Executive Secretary



RE: South Dakota Commission on Gaming vs. Saloon Gaming, Inc
Complaint Number 20-07-031-RB

Dear Ms. Christian,

After the last review log warning we started having our pit bosses inspect the recording equipment daily rather than having Ruben come in on his days off. This new system seems to have been working without incident since implemented last October, unfortunately due to closer from COVID and staffing issues surrounding our reopening of the tables there have indeed been 4 days our equipment inspection log was not initialed.

5/29 – This date is prior to out 6/1 reopening of tables. Our surveillance reviews were performed by Ruben during closer. Rubens wifes mother passed unexpectedly on 5/27 and he missed the log due to family obligations. The system was inspected the following day and was found to be working correctly.

6/8 & 6/9 – these dates were a Monday Tuesday the week following the table opening. The pit boss on both of these nights had forgotten the responsibility was his having been promoted to the shift during closer. The system was inspected on 6/10 and found to have been working correctly.

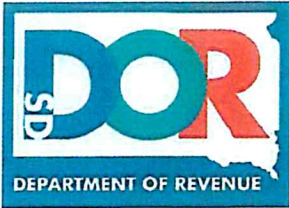
6/26 – Ruben inspected and forgot to initial the logs. The system was working correctly.

In addition to changing the way a written record of the inspections is performed we have also added a new IP server and 7 HD IP cameras over the course of the last year. The system has not stopped recording in years and if even a camera fails our Surveillance manager Ruben Keehn and our network guy Jeromey Vantassel are immediately emailed by the server of the situation. It is our hope you can we see that we are striving to improve and will continue to do so.

Sincerely,

A handwritten signature in blue ink, reading "Louie Lalonde", is written below the "Sincerely," text.

Louie Lalonde, GM Saloon #10



SOUTH DAKOTA COMMISSION ON GAMING

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

July 22, 2020

Saloon Gaming, Inc.
C/O Louie Lalonde, Registered Agent
657 Main Street
Deadwood, SD 57732

RE: South Dakota Commission on Gaming vs. Saloon Gaming, Inc
Complaint Number 20-07-031-RB

Dear Ms. Lalonde,

This is to inform you that a complaint has been filed against you by Russ Belina, Enforcement Agent of the South Dakota Commission on Gaming, alleging that from on or about May 28, 2020 to July 13, 2020 licensee failed to complete the quality reviews of recorded surveillance video images as required by ARSD 20:18:29:14.

Copies of the regulations and statutes cited in the complaint are available at the Deadwood Public Library and are also available on the South Dakota Commission on Gaming website <https://dor.sd.gov/businesses/gaming/> and at the Deadwood office located at 87 Sherman Street.

You have 20 days from the receipt of this letter to answer the enclosed complaint. In your answer you may admit, deny, qualify or explain the allegations contained in the complaint. The answer must be in writing and mailed to the Executive Secretary of the South Dakota Commission on Gaming at the address printed above.

Sincerely,

Susan Christian, CIA
Executive Secretary

Telephone : (605) 773-6051 Pierre office
(605) 578-3074 Deadwood office

Email: susan.christian@state.sd.us

CC: Russ Belina

Dated this 14th day of July 2020.

Name of complaint Russell Belina
Address - 87 Sherman St
 Deadwood, SD 57732
 (605) 578-3074

The following witness could give testimony about the complaint:

Russell Belina
87 Sherman Street
Deadwood, SD 57732
(605) 578-3074

NOTICE TO:

Saloon Gambling, INC.
C/O Louie Lalonde, Registered Agent
657 Main St
Deadwood, SD 57732

(DEFENDANT)

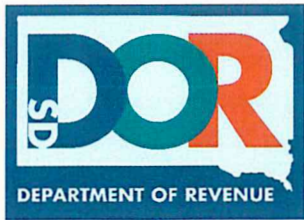
You are hereby notified that this complaint has been received by the Acting Executive Secretary, Susan Christian. Pursuant to the rules, you have 20 (twenty) days to answer this complaint. The answer may admit, deny, qualify, or explain the allegations contained in the complaint. You must file an original response with the Acting Executive Secretary of the South Dakota Commission on Gaming. Attach additional sheets of paper listing additional witnesses if necessary. Please mail response to the following address:

South Dakota Commission On Gaming
Acting Executive Secretary
Susan Christian
87 Sherman St
Deadwood, SD 57732

Dated the 21st day of July 2020



Susan Christian
Acting Executive Secretary
South Dakota Commission On Gaming



SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners

FROM: Susan Christian, Executive Secretary

DATE: September 16, 2020

SUBJECT: Appointment of Horse Racing Officials

Pursuant to ARSD 20:04:20:18 I recommend the Commission approve the following persons to serve as Commission racing officials for the 2020 racing season:

Presiding Steward	Lloyd Just
State Steward	Larry Eliason
State Steward	Doug Runge
Commission Veterinarian	Roger Cooper, DVM



SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners

FROM: Susan Christian, Executive Secretary

DATE: September 16, 2020

SUBJECT: Approval 2020 Verendrye Benevolent Association Racing Officials-Ft. Pierre

Pursuant to ARSD 20:04:20:18 I recommend the Commission approve the following persons to serve as the Verendrye Benevolent Association Racing Officials:

Exhibit A

General Manager - Shane Kramme Assistant

General Manager - Pat Sutley

Racing Secretary- Kent Cross

Horsemen's Bookkeeper - Kacee Etzkorn

Clerk of Scales - David Kramme

Jockey Room Custodian - David Kramme

Starter - Shane Kramme

Assistant Starter - Scott Hoyt

Horse Identifier -Jerry Duncan

Paddock Judge -Jerry Duncan

Mutuel Manager - Linda Brown

Money Room Manager - Dawn Stover

Track Maintenance Supervisor - Ken Olson

Outriders - Bryon Biwer, Matt Clair

Announcer - Robert (Bubby) Haar

20:04:20:17. Officials of the race. The officials of a race meeting are as follows: three stewards, two of whom are state stewards; assistant state stewards, as needed; clerk of scales; starter; assistant starter; handicappers; timers; paddock judges; identifier; veterinarian; racing secretary; mutuel manager; custodian of the jockey room; and not less than two outriders.

Source: 5 SDR 87, effective April 15, 1979; transferred from § 20:04:04:03, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 95, effective January 11, 1987; 16 SDR 129, effective February 4, 1990; 17 SDR 113, effective February 5, 1991; 23 SDR 126, effective February 13, 1997; 33 SDR 63, effective October 18, 2006; 44 SDR 65, effective October 16, 2017.

General Authority: SDCL 42-7-56(13).

Law Implemented: SDCL 42-7-56(13).

20:04:20:18. Appointment of officials. The state stewards, assistant state stewards, and state veterinarian for each race meeting shall be named by the commission and paid from the special racing fund. All other officials designated in § 20:04:20:17 shall be appointed by the association, subject to the approval of the commission. The commission may require a change of personnel for good reason, and the replacements are subject to the approval of the commission.

Source: 5 SDR 87, effective April 15, 1979; transferred from § 20:04:04:04, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 17 SDR 113, effective February 5, 1991.

General Authority: SDCL 42-7-56(13).

Law Implemented: SDCL 42-7-56(10)(13).

STATE OF SOUTH DAKOTA
CONSULTING CONTRACT

Agreement made and entered into this 16th day of June, 2020, by and between the South Dakota Commission on Gaming, a state agency, of 445 East Capitol Avenue, Suite 101, Pierre, South Dakota, 57501 (the "State") and Cooper Animal Clinic, 39224 133rd Street, Aberdeen, South Dakota, 57401 phone number (605) 225-3500 (the "Consultant").

The State hereby enters into this Agreement for services with Consultant in consideration of and pursuant to the terms and conditions set forth herein.

1. The Consultant will perform those services described in the Scope of Work, attached hereto as Exhibit A and by this reference incorporated herein.

2. The Consultant's services under this Agreement shall commence on October 3, 2020 and end on December 31, 2020, unless sooner terminated pursuant to the terms hereof.

3. The Consultant will not use State equipment, supplies or facilities. The Consultant will provide the State with its Employer Identification Number, Federal Tax Identification Number or Social Security Number upon execution of this Agreement.

4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$15,000.00. The State will not pay Consultant's expenses as a separate item. Payment will be made pursuant to itemized invoices submitted with a signed state voucher. Payment will be made consistent with SDCL ch. 5-26.

5. The Consultant agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the Consultant to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

6. The Consultant, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

A. Professional Liability Insurance or Miscellaneous Professional Liability Insurance:

The Consultant agrees to procure and maintain professional liability insurance or miscellaneous professional liability insurance with a limit not less than \$1,000,000.00.

B. Business Automobile Liability Insurance:

The Consultant shall maintain business automobile liability insurance or equivalent form with a limit of not less than \$1,000,000.00 for each accident. Such insurance shall include coverage for owned, hired and non-owned vehicles.

C. Worker's Compensation Insurance:

The Consultant shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

Before beginning work under this Agreement, Consultant shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement. In the event a substantial change in insurance, issuance of a new policy, cancellation or non-renewal of the policy, the Consultant agrees to provide immediate notice to the State and provide new certificate of insurance showing continuous coverage in the amounts required. Consultant shall furnish copies of insurance policies if requested by the State.

7. While performing services hereunder, the Consultant is an independent contractor and not an officer, agent, or employee of the State of South Dakota.

8. Consultant agrees to report to the State any event encountered in the course of performance of this Agreement which results in injury to the person or property of third parties, or which may otherwise subject Consultant or the State to liability. Consultant shall report any such event to the State immediately upon discovery.

Consultant's obligation under this section shall only be to report the occurrence of any event to the State and to make any other report provided for by their duties or applicable law. Consultant's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law (e.g. attorney-client communications). Reporting to the State under this section shall not excuse or satisfy any obligation of Consultant to report any event to law enforcement or other entities under the requirements of any applicable law.

9. This Agreement may be terminated by either party hereto upon thirty (30) days written notice. In the event the Consultant breaches any of the terms or conditions hereof, this Agreement may be terminated by the State at any time with or without notice. If termination for such a default is effected by the State, any payments due to Consultant at the time of termination may be adjusted to cover any additional costs to the State because of Consultant's default. Upon termination the State may take over the work and may award another party an agreement to complete the work under this Agreement. If after the State terminates for a default by Consultant it is determined that Consultant was not at fault, then

the Consultant shall be paid for eligible services rendered and expenses incurred up to the date of termination.

10. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

11. This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof, and be signed by an authorized representative of each of the parties hereto.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

13. The Consultant will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

14. The Consultant may not use subcontractors to perform the services described herein without the express prior written consent of the State. The Consultant will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State, and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Consultant will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements, and will adopt such review and inspection procedures as are necessary to assure such compliance.

15. Consultant hereby acknowledges and agrees that all reports, plans, specifications, technical data, miscellaneous drawings, software system programs and documentation, procedures, or files, operating instructions and procedures, source code(s) and documentation, including those necessary to upgrade and maintain the software program, and all information contained therein provided to the State by the Consultant in connection with its performance of services under this Agreement shall belong to and is the property of the State and will not be used in any way by the Consultant without the written consent of the State. Papers, reports, forms, software programs, source code(s), and other material which are a part of the work under this Agreement will not be copyrighted without written approval of the State.

16. The Consultant certifies that neither Consultant nor its principals are presently debarred, suspended, proposed for debarment or suspension, or declared ineligible from participating in transactions by the federal government or any state or local government department or agency. Consultant further agrees that it will immediately notify the State if during the term of this Agreement Consultant or its principals become subject to debarment, suspension or ineligibility from participating in transactions by the federal government, or by any state or local government department or agency.

17. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to Susan Christian on behalf of the State, and by and to Roger D. Cooper on behalf of the Consultant, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

18. In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.


19. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

In Witness Whereof, the parties signify their agreement effective the date above first written by the signatures affixed below.

STATE

BY: _____
Susan Christian
Executive Secretary

CONSULTANT

BY: 
Roger D. Cooper, DVM
Cooper Animal Clinic

BY: _____
Jim Terwilliger
Secretary
Department of Revenue

- State Agency Coding (MSA Center) 0293000633
- State Agency MSA Company for which contract will be paid 3037
- Object/sub object MSA account to which voucher will be coded 52041000
- Name and phone number of contact person in State Agency who can provide additional information regarding this contract: Susan Christian (605) 773-6051

EXHIBIT A

SCOPE OF WORK

During the term of this contract Roger D. Cooper, DVM will perform the duties of the commission veterinarian as described in ARSD Chapter 20:04:18 and Chapter 20:04:27.

Cooper Animal Clinic will provide sufficient personnel to supervise the test barns and to take and secure blood and urine samples from races horses on the grounds of the Fort Pierre Racetrack as required by racing rules or as requested by the Stewards.

During the period October 3, 2020 through October 11, 2020, Roger D. Cooper and Cooper Animal Clinic will not treat any horses that are competing or being trained to compete at the Fort Pierre Racetrack except to render immediate treatment or euthanasia to an injured horse with the consent of the owner or trainer of the horse.

STATE OF SOUTH DAKOTA
CONSULTING CONTRACT

AGREEMENT made and entered into this 16th day of June 2020, by and between South Dakota Commission on Gaming, a state agency, of 445 East Capitol Avenue, Pierre, South Dakota 57501 (the "State") and Center for Tox Services, 1819 West Drake Drive, Suite 102, Tempe, Arizona 85283 (the "Consultant"), phone (480) 345-7454.

The State hereby enters into this Agreement for services with Consultant in consideration of and pursuant to the terms and conditions set forth herein.

1. The Consultant will perform those services described in the Work Plan, attached hereto as Exhibit A and by this reference incorporated herein.

2. This contract shall begin on October 3, 2020 and end on December 31, 2020 unless sooner terminated pursuant to the terms hereof.

3. The Consultant will not use State equipment, supplies or facilities. The Consultant will provide the State with its Employer Identification Number or Federal Tax Identification Number upon execution of this Agreement.

4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$10,500.00 that may include travel expenses experienced by Consultant. All travel expenses shall be approved by the Executive Secretary of the South Dakota Commission on Gaming prior to such travel. Payment will be made pursuant to itemized invoices.

5. The Consultant agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the Consultant to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

6. The Consultant, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

A. General Liability Insurance or Miscellaneous Professional Liability Insurance:

The Consultant agrees to procure and maintain liability insurance with a limit of not less than \$1,000,000.00.

B. Worker's Compensation Insurance:

The Consultant shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

Before beginning work under this Agreement, the Consultant shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement and which provide that such insurance may not be canceled, except on 30 days' prior written notice to the State. The Consultant shall furnish copies of insurance policies if requested by the State.

7. While performing services hereunder, the Consultant is an independent contractor and not an officer, agent, or employee of the State of South Dakota.

8. Consultant agrees to report to the State any event encountered in the course of performance of this Agreement which results in injury to the person or property of third parties, or which may otherwise subject Consultant or the State to liability. Consultant shall report any such event to the State immediately upon discovery.

Consultant's obligation under this section shall only be to report the occurrence of any event to the State and to make any other report provided for by their duties or applicable law. Consultant's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law (e.g., attorney-client communications). Reporting to the State under this section shall not excuse or satisfy any obligation of Consultant to report any event to law enforcement or other entities under the requirements of any applicable law.

9. This Agreement may be terminated by either party hereto upon thirty (30) days written notice. In the event the Consultant breaches any of the terms or conditions hereof, this Agreement may be terminated by the State at any time with or without notice. If termination for such a default is effected by the State, any payments due to Consultant at the time of termination may be adjusted to cover any additional costs to the State because of Consultant's default. Upon termination the State may take over the work and may award another party an agreement to complete the work under this Agreement. If after the State terminates for a default by Consultant it is determined that Consultant was not at fault, then the Consultant shall be paid for eligible services rendered and expenses incurred up to the date of termination.

10. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

11. This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be

expressly identified as a part hereof, and be signed by an authorized representative of each of the parties hereto.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

13. The Consultant will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

14. The Consultant may not use subcontractors to perform the services described herein without the express prior written consent of the State. The Consultant will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State, and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Consultant will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements, and will adopt such review and inspection procedures as are necessary to assure such compliance.

15. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to Susan Christian Executive Secretary, South Dakota Commission on Gaming on behalf of the State, and by Jeanne B. Mahoney, President, Center for Tox Services, on behalf of the Consultant, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

16. In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.

17. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

In Witness Whereof, the parties signify their agreement effective the date above first written by the signature affixed below.

STATE

CONSULTANT

BY: _____
Susan Christian
Executive Secretary

BY: Jeanne B. Mahoney
Jeanne B. Mahoney
President/Director
Center for Tox. Services

BY: _____
Jim Terwilliger
Secretary
Department of Revenue

- State Agency Coding(MSAS Center) 0293000633
- State Agency MSAS Company for which the contract will be paid 3037
- Object/ sub object MSAS account to which the voucher will be coded 520128000
- Name and phone number of contact person who can provide additional information regarding this contract Susan Christian - 773-6051

EXHIBIT A

Consultant will provide official laboratory testing services for the South Dakota Commission on Gaming for the 2020 live horse racing season at Fort Pierre , South Dakota 57532.

All routine screening will be completed within 72 hours of receipt of the samples. Routine screening will involve the use instrumental screening and at a minimum, thirty ELISA kits per urine sample.

All required confirmatory tests will be completed three business days from the date the sample was declared "pending".

Results of routine test samples will be telefaxed to the Executive Secretary of the Commission within 72 hours of the lab's receipt of the sample, excluding Saturdays, Sundays, and Holidays. The original reports will be mailed on the same day that the telefax is submitted or on the next business day.

Results determined from additional testing such as investigative samples will be reported, documented, and invoiced separately from routine test results.

Center for Tox Services (CTS) will maintain records and invoices pertaining to the work performed to the extent and in such detail to properly reflect:

- the nature and number of analyses performed on each sample
- the results of each negative and positive test analysis, and
- the data generated from the positive test samples.

The records will be stored for a period of one year after final payment is made. Records which exceed the contract period but relate to appeals, litigation, or the settlement of claims will be maintained until such cases are resolved. Records will be available only to the Executive Secretary and the staff of the Commission on Gaming under this contract.

CTS will provide the Commission's official veterinarian with the following supplies for the collection of urine samples :

- 12 ounce sterile, leak proof, tamper evident plastic specimen containers
- insulated, padlocked shipping containers to maintain security and sample integrity at nor more than four degrees centigrade for a minimum of 48 hours;
- "catch sticks" or other devices designed to hold the specimen container during the collection process.
- evidence seal tape
- sample number cards
- chain of custody forms

- At least 3 ice packs per shipping container

CTS will pay for the shipping of the above supplies and equipment to the official veterinarian's office and the shipment of samples from the veterinarian's office or track to the laboratory.

COOPERATIVE AGREEMENT

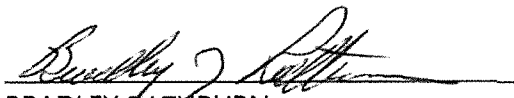
Between STANLEY COUNTY SHERIFF'S OFFICE
and SOUTH DAKOTA COMMISSION ON GAMING

The South Dakota Commission on Gaming agrees to reimburse the Stanley County Sheriff's Office for providing additional law enforcement services on the Stanley County Fairgrounds from 12:00 noon until 8:00 PM(CDT) on Saturday, October 3, 2020 and from 12:00 noon until 6:00 PM (CDT) on Sunday, October 4, 2020.

The Sheriff will assign on deputy sheriff and one patrol vehicle to the Stanley County Fairgrounds during the time and dates listed above for the purpose of enforcing state laws and local ordinances. At all times while performing these duties those personnel who are assigned b the Sheriff will remain employees of the Stanley County Sheriff.

The South Dakota Commission on Gaming agrees to reimburse the Stanley County Sheriff's Office a total amount not to exceed Nine Hundred and Fifty Dollars (\$950.00) for the cost of providing these additional laws enforcement services.

Dated the _____ day of _____ 2020


BRADLEY RATHBURN
SHERIFF
STANLEY COUNTY

SUSAN CHRISTIAN
EXECUTIVE SECRETARY
S.D. COMMISSION ON GAMING

South Dakota Commission on Gaming

Licensing

September 16, 2020

Key License Approval

- ✓ Tyler Nold
- ✓ Kenneth Elliott
- ✓ Todd Corkins
- ✓ Bruce Stairs
- ✓ Tallea Gallegos
- ✓ Susan Kightlinger
- ✓ Ashley Schubauer

Key License Denial

- ✓ Heather Herrman

Business License Approvals

- ✓ Recommend approval of Novomatic AG as an owner of manufacture license (**11561-MA**) with the following individuals as Owners or Directors:
 - Johann Graf **11562-OW**
 - Johannes Gratzl **11563-DR**
 - Ryszard Presch **11564-DR**
 - Birgit Wimmer **11565-DR**

Business License Renewal

- ✓ Pat and Anne Roberts **0117-RT**

Ratification of Licensing Actions by the Executive Secretary per 42-7B-11 (16)

- ✓ Approve the Key License renewals for;
 - Karen Barthel



SOUTH DAKOTA COMMISSION ON GAMING

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

MEMORANDUM

DATE: 07/08/2020
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Tyler John Nold/11704-20-KY

The applicant is seeking a key license for his employment at the Deadwood Mountain Grand. Tyler has had a support license since 2008.

Area of Concern: None

Recommendations: It is recommended that the applicant 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.

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

Brandon Snyder
Special Agent-SDCG



SOUTH DAKOTA COMMISSION ON GAMING

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

MEMORANDUM

DATE: July 14, 2020
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Kenneth Elliott

Ken has held a support license since 1990's and is currently working at the Gold Dust Casino. He is employed in the players club center. Kenneth is attempting to obtain a key license at the request of his employer. Kenneth had one disciplinary action in 2001 which was closed satisfactorily.

Concerns: None

Recommendations: It is recommended that the applicant 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

August 6, 2020

MEMORANDUM

DATE: Thursday, August 06, 2020
TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Todd Corkins

The applicant is currently working at the Deadwood Mountain Grand Casino as a floor manager. The applicant is seeking his Key licensure so he can continue to work as a floor supervisor and eventually move up to higher positions of responsibility. Todd has worked previously as a bartender at the Deadwood Mountain Grand as well as at Tin Lizzies. No administrative action has ever been taken against his license.

Concerns: None

Recommendations: It is recommended that the applicant 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.

Russ Belina
Enforcement Agent



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

August 15, 2020

MEMORANDUM

DATE: Saturday, August 15, 2020
TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Bruce Stairs

The applicant is currently working at First Gold Casino in the security department. The applicant is seeking his licensure so he can continue to work there and possibly work in positions of higher responsibility. Prior to receiving his support license in July of 2020, Bruce had never been employed in the gaming industry.

Concerns: None

Recommendations: It is recommended that the applicant 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.

Russ Belina
Enforcement Agent



SOUTH DAKOTA COMMISSION ON GAMING

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

MEMORANDUM

DATE: August 24, 2020
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Tallea Gallegos

Tallea has held a support license since 2007s and is currently working at Deadwood Mountain Grand Casino. She is employed as a pit boss / dealer. Tallea is attempting to obtain a key license in an effort to open more possibilities for her.

Concerns: None

Recommendations: It is recommended that the applicant 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: August 28, 2020
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Susan A. Kightlinger

Susan Kightlinger is presently employed as the General Manager at Deadwood Mountain Grand in Deadwood, SD. She has been employed with the Deadwood Mountain Grand since January of 2012 and has been working in her current capacity since around 2015.

Kightlinger received her first gaming license in March of 2019 from the South Dakota Commission on Gaming (SDCG). She is applying for Key licensure due to her position as the General Manager and her increased time in the gaming area. Kightlinger has never been licensed in any other gaming jurisdiction and has had no disciplinary actions since receiving a Support License with the SDCG.

Recommendation: Upon completion of this background investigation, it is recommended that Susan A. Kightlinger be **approved** for a Key License. There was nothing found during the course of this investigation that would preclude her from Key licensure in Deadwood.

Angela J. Wilkerson
Special Agent
South Dakota Commission on Gaming



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
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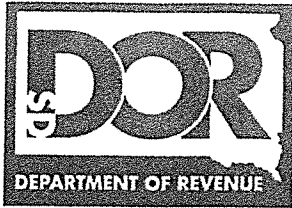
MEMORANDUM

DATE: September 4, 2020
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Ashly Schubauer

Ashly has held a support license since 2016 and is currently working at Deadwood Mountain Grand Casino. She is employed as the table games manager. Ashly is attempting to obtain a key license in because in her current position her employer is requiring a key license.

Concerns: A Department of Education loan that is in a negotiated repayment plan

Recommendations: It is recommended that the applicant be approved for a Key Employee license.



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

MEMORANDUM

DATE: June 29, 2020
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Heather D. Herrman

Heather Herrman is not presently employed at a casino in Deadwood, SD. When Herrman applied for Key licensure in March of 2020, she was hired to work for ACES Full at Mr. Wu's Casino as the bar manager. She had just received her first gaming license from the SDCG in March of 2020 before applying for Key licensure.

Herrman did not return to full-time work after the COVID-19 closure of casinos in Deadwood. She ultimately quit her job with ACES Full after being offered multiple positions.

Herrman has no known gaming license history in any other gaming jurisdiction. She had no disciplinary actions against her Support License with the SDCG since receiving it in March of 2020.

Recommendation: Upon completion of this background investigation, it is recommended that Heather D. Herrman be **denied** for a Key License for failure to allow the investigation. Herrman failed to provide requested information necessary to complete the background investigation

Angela J. Wilkerson
Special Agent
South Dakota Commission on Gaming



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

MEMORANDUM

DATE: 08/30/2020
TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Novomatic AG 11561-MA

Novomatic AG is a slot manufacturer and is the parent company of Novomatic Americas Sales LLC, a supplier and distributor of Novomatic products in the United States. They are based in Gumpoldskirchen, Lower Austria. Johann F. Graf is the owner of Novomatic AG, Ryszard Presch is the Chief Operations Officer and Managing Director of Novo Invest GmbH and Non-Executive Director of Novo Swiss AG. Johannes Gratzl is the Chief Financial Officer of Novomatic AG, and Birgit Wimmer is the Managing Director of Novo Invest GmbH and Non-Executive Chairwoman of Novo Swiss AG. Novomatic AG was established in 1980 and has over 30,000 employees worldwide.

Areas of Concern: NONE

Recommendations: It is recommended that the applicant be approved for a Slot Machine Manufacturer or Distributer license. No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license. The applicant holds licenses in several other jurisdictions both in the United States and overseas.

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

Russell Belina
Special Agent-SDCG



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

MEMORANDUM

TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Johann Graf 11562-062

The applicant is the ultimate beneficial owner of Novomatic Group Companies. The applicant is seeking his Slot Machine or Associated Equipment Manufacturer or Distributer/ Owners license. Several records checks were made with US state gaming commissions with no derogatory information found. The applicant holds several gaming licenses both within the US and overseas.

Concerns: None

Recommendations: It is recommended that the applicant be approved for a Slot Machine or Associated Equipment Manufacturer or Distributer/ Owners license . No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.

Russ Belina
Enforcement Agent



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732

(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Johannes Gratzl 11563 -DR

The applicant is the Chief Financial Officer for Novomatic AG. The applicant is seeking his Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license. Several records checks were made with US state gaming commissions with no derogatory information found. The applicant holds several gaming licenses both within the US and overseas.

Concerns: None

Recommendations: It is recommended that the applicant be approved for a Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license . No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.

Russ Belina
Enforcement Agent



SOUTH DAKOTA COMMISSION ON GAMING
87 Sherman Street • Deadwood, SD 57732
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MEMORANDUM

TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Ryszard Presch 11564-DR

The applicant is the Chief Operations Officer for Novomatic AG. The applicant is seeking his Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license. Several records checks were made with US state gaming commissions with no derogatory information found. The applicant holds several gaming licenses both within the US and overseas.

Concerns: None

Recommendations: It is recommended that the applicant be approved for a Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license . No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.

Russ Belina
Enforcement Agent



SOUTH DAKOTA COMMISSION ON GAMING

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

MEMORANDUM

TO: South Dakota Commission on Gaming
FROM: Russell Belina
SUBJECT: Birgit Wimmer 11565-DR

The applicant is the Managing Director of Novo Invest GmbH (Novo Invest GmbH is the 89.96% shareholder of the license applicant Novomatic AG). The applicant is seeking her Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license. Several records checks were made with US state gaming commissions with no derogatory information found. The applicant holds several gaming licenses both within the US and overseas.

Concerns: None

Recommendations: It is recommended that the applicant be approved for a Slot Machine or Associated Equipment Manufacturer or Distributer/ Directors license . No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.

Russ Belina
Enforcement Agent