



SOUTH DAKOTA COMMISSION ON GAMING

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

NOTICE OF ADMINISTRATIVE HEARING PUBLIC HEARING ON PROPOSED NEW RULE CHANGE AND QUARTERLY BUSINESS MEETING

NOTICE IS HEREBY GIVEN that the South Dakota Commission on Gaming will hold administrative hearings, a public hearing on proposed rules and its quarterly business meeting on December 14, 2022 beginning at 9:00 a.m. MST in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota

Join Zoom Meeting

<https://state-sd.zoom.us/j/92524393171?pwd=VkhaMllvRnloR1d1d0VZWmwzd01pZz09>

Meeting ID: 925 2439 3171

Passcode: 605968

When prompted state or enter your name

Join by telephone Dial:

+1 669 900 9128 US

When prompted enter the Participation ID: 925 2439 3171

When prompted enter the passcode: 605968

When prompted state your name followed by the #

All participants will be muted when joining the meeting.

Dial in participants *6 mute/unmute, * 9 to raise your hand

AGENDA

Call to Order

Conflicts of Interest Disclosure

ADMINISTRATIVE HEARINGS PAGES 3 - 48

- 1) Stewards Ruling Number 2022-03-FTP Gilbert W, Ecoffey **PAGES 21 - 25**
- 2) Stewards Ruling Number 2022-03-FTP Robert D. Johnson **PAGES 26 - 28**
- 3) Stewards Ruling Number 2022-06-FTP Perry Cavanaugh **PAGES 29 - 31**
- 4) South Dakota Commission on Gaming vs Mathew Steinlicht **PAGES 32 -40**
- 5) South Dakota Commission on Gaming vs BY Development **PAGES 41 - 48**

PROPOSED RULE AMENDMENTS PAGES 49 - 52

- 1) ARSD 20:18:12.01:16. Premise monitoring required **PAGE 49 - 50**
- 2) ARSD 20:18:12.01:23 Age of participants **PAGE 49 - 50**

QUARTERLY BUSINESS MEETING

Adoption of Quarterly Business Meeting Agenda

Approval of the minutes of Quarterly Meeting of September 28, 2022 [PAGES 53 – 61](#)

Old Business

Comments Executive Secretary Susan Christian

Live Racing Matters

- Approval of 2023 Ft Pierre/Verendrye Benevolent Association live race dates [PAGES 62 - 64](#)
- Approval of Resolution 12-14-22-01 for release of deposit in lieu of bond [PAGE 65](#)

Racing Licensing matters

- Approval Triple Crown Simulcast Site Renewal [PAGE 66](#)
- Approval AmWest Entertainment OTB, LLC Simulcast Provider Renewal [PAGES 67 - 69](#)

Deadwood Licensing Matters [PAGES 70 - 97](#)

Approval of Dates of 2023 quarterly commission meetings [PAGE 98](#)

- Tuesday March 14th
- Tuesday June 13th
- Tuesday September 12th
- Tuesday December 12th

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.

SOUTH DAKOTA COMMISSION ON GAMING
BOARD OF STEWARDS FORT PIERRE RACETRACK
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

In the Matter of Violations of Racing Medication Rules October 1 and 2, 2022

I. BACKGROUND

Following the running of races at Fort Pierre on October 1 and 2, 2022 the director of the Center For Tox Services, the official racing testing laboratory for the South Dakota Commission on Gaming, notified the Executive Secretary of the Commission that 21 blood samples had levels of permitted medication, mostly phenylbutazone, which was found to exceed the quantitative limits set forth in South Dakota Commission on Gaming racing rules.

The Executive Secretary informed the Board of Stewards of these findings and scheduled Stewards hearings which were held on November 10, 2022.

The authority of the Stewards to impose penalties for racing rule violations is set by SDCL 42-7-96 to suspend racing licenses for a maximum of four racing days and a fine not to exceed Five Hundred Dollars. This statute also provides " If the racing judges or stewards find that a penalty which exceeds their limits to impose should be rendered, they may not impose any penalty and shall forward their findings and conclusions and recommendations to the commission for final agency action."

In these cases, the penalty limits of the stewards were further limited by ARSD 20:04:27:16 which states " A trainer, owner or veterinarian found guilty of violation any provision of ARSD 20:04:27:14 (the rule that sets restrictions on authorized drugs and which the trainers involved were cited for violating) shall be fined by the board of stewards not more than \$250 or suspended for period of not more than four horse racing days...."

ARSD 20:04:27:12 allows more severe penalties to be imposed in cases where illegal substances are found in blood or urine samples taken from racehorses. The inconsistency between these two rules is a matter which will be addressed in the "Recommendations" section of this document.

The laboratory reports for seven horses indicated medication levels above those set in South Dakota Commission on Gaming racing rules but at levels that, in the opinion of the Board of Stewards, were not extremely above the authorized limit and the Stewards resolved those cases in the hearings that were held on November 10, 2022. In those cases, the Stewards imposed the maximum penalty allowed under ARSD 20:04:27:14, which was a fine of \$250.00.

Because of the high levels of medication detected in the other samples the Stewards have referred those cases to the Commission on Gaming with their Findings, Conclusions and Recommendations, as provided by SDCL 42-7-96.

PHENYLBUTAZONE

Phenylbutazone , commonly known as “bute” has been widely used in racehorses since the late 1970’s or early 1980’s. It is a pain reliever and non-steroidal anti-inflammatory drug (NASID), similar to Ibuprofen for use by humans.

It is typically administered to horses orally but can be injected or applied to the legs by using a paste. The two most common methods of administering the drug orally is to mix “bute ” tablets or powder in the horse’s feed or to dissolve the tablets in water and administer this liquid to the horse, usually by using a large syringe without a needle. Some “old school” trainers will cap one end of a short length of garden hose with paper, break up the tablets, mix the tablet fragments with water inside the hose, insert the open end of the hose into the horse’s mouth and “blow” the mixture into the horse’s throat.

FLUNIXIN

Flunixin, also known as Banamine, is also a NASID that is used in horses to reduce pain and inflammation. By Federal law this drug can only be used by or on the order of a licensed veterinarian.

ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (ARCI) PROCESS FOR DETERMINING THERAPEUTIC MEDICATION GUIDELINES

The South Dakota Commission on Gaming has adopted the Association of Racing Commissioners International most recent Controlled Therapeutic Medication Schedule for Horses, Version 4.2.1 which was most recently revised in December 2020.

This document is reviewed and updated periodically, and therapeutic levels of some drugs are changed from time to time as more research is conducted on the effects of those drugs in racehorses.

The process for changing the document usually starts with recommendations from the Racing Medication and Testing Consortium (RMTC). The RMTC was founded in 2001 with the goal of advancing uniformity in medication policy for racehorses. It is governed by a board of directors representing 23 racing organizations or associations including major horse racetracks, horse owners and trainers, the Racing Commissions International and the Jockeys’ Guild.

These recommendations are then presented to the ARCI Model Rules and Practices Committee, which consists of 11 racing commissioners and commission executive directors. This Committee

holds public hearings and take testimony on proposed rule changes from interest persons, usually representing horse owners and trainers, racetrack veterinarians (both regulatory and private practice) and jockeys. Some matters are also vetted by the ARCI's Drug Testing Standards and Procedures Committee, which is comprised of 11 racing commissioners, commission executive directors and commission veterinarians. The Model Rules and Practices Committee's recommendations are then forwarded to the full membership of the ARCI, or its Executive Board for final adoption.

The goal of this process is to develop rules, in a manner that allows representative of all stakeholders to participate, which will allow certain medications to be administered to racehorses but at levels that will not potentially affect the performance of a horse during a race. It is the opinion of the experts involved in the process that drugs that are found in a blood sample above the permitted levels could impact the performance of a horse during a race.

Multiple Medication Violation (MMV) Point System

The ARCI has also developed a "point system" under which trainers receive points upon a finding by a board of stewards or a racing commission that the trainer has violated a medication rule. The license of a trainer who receives five points or more in a one year period can be suspended for a period of 15 to 360 days depending upon the number of points received. The SDCOG has adopted this point system in ARSD 20:04:27:17.

II. FINDINGS

The Board of Stewards submit the following Findings to the Commission pursuant to SDCL 42-7-96.

- 1) Blood samples taken from seven horses that were trained by Gilbert W. Ecoffey that raced on October 1 and 2, 2022 contained Phenylbutazone or Flunixin in amounts which exceeded the limits allowed by ARSD 20:04:27:14.

The names of those horses, the races in which they ran and the amount of Phenylbutazone detected in each blood sample are described in further detail in Stewards Ruling 2022-01-FTP, which is attached hereto as Appendix A.

The blood sample taken from the horse Stern, following the first race on October 2, 2022 contained both Phenylbutazone and Flunixin. The presence of more than one NASID in the same blood sample is a violation of ARSD 20:04:27:14.

Mr. Ecoffey testified that owner Eric Raemaker had recently purchased Stern, and that Stern's previous trainer may have been upset about losing the horse from his or her stable and

administered a large amount of the drug to the horse in an attempt to create a violation if the horse was tested in the near future.

The Stewards find Mr. Ecoffey is responsible for the condition of the horse regardless of the acts of other persons under ARSD 20:04:21:14, which states "The trainer of the horse shall be responsible for and be the absolute insurer of the condition of the horse he enters regardless of the acts of other parties."

Purse money won by those horses trained by Mr. Ecoffey was \$14,895.00.

- 2) Blood samples taken from three horses trained by Robert Don Johnson contained Phenylbutazone in amounts which exceeded the limits allowed by ARSD 20:04:27:14.

The names of those horses, the races in which they ran and the amount of Phenylbutazone found in each blood sample are described in further detail in Stewards Ruling Number 2022-03-FTP, which is attached hereto as Appendix B.

Purse money won by those horses trained by Mr. Johnson was \$13,500.00.

Mr. Johnson testified that he did know what the allowable level for bute is under SDCOG rules. It was pointed out that some of the SDCOG medication rules and reference to ARCI Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 was printed in the track's condition book.

Mr. Johnson stated that 1) he did not get a copy of the condition book until after he had entered some of the horses and 2) he did not read the condition book.

The Board of Stewards does not find that testimony credible. Condition books are published by track management at all horse track as the primary method of informing trainers of the types of races which will be run at the track and of track rules. Examples of the type of information contained in the 2022 Condition Book for the Fort Pierre Racetrack are shown in Appendix D.

The Board of Stewards also find Mr. Johnson's testimony that he did not read the condition book to have the same legal weight as a driver who is contesting a speeding ticket telling the Court, "I never read the speed limit signs."

Mr. Johnson testified that Steward Larry Eliason told him the South Dakota limit for bute is "the same as Wyoming." Steward Eliason stated during the hearing that he has no recollection of any such conversation and neither of other two Stewards had any recollection of any such conversation.

- 3) Blood samples taken from three horses trained by owner/trainer Perry Cavanaugh which raced at Fort Pierre on October 1, 2022 contained Phenylbutazone in amounts which exceeded the limits allowed by ARSD 20:04:27:14.

The names of those horses, the races in which they ran and the amount of Phenylbutazone which was detected in blood samples taken from each horse are described in further detail in Stewards Ruling Number 2022-06 FTP, which is attached hereto as Appendix C.

Purse money won by those horses trained by Mr. Cavanaugh was \$2,575.00.

The Stewards are aware that Robert Johnson and Gilbert W. Ecoffey are professional racehorse trainers who have been licensed and competed in several jurisdictions for decades. These trainers are aware that medication rules, and other racing rules such as restrictions on claimed horses, vary from state to state and that as professionals they are responsible to know and follow the rules at the location(s) at which they are competing.

The “absolute insurer rule” is in force in every US racing jurisdiction and is one of the bedrocks of racing regulation. In South Dakota it is codified as ARSD 20:04:21:14, which states, “The trainer shall be responsible for and be the absolute insurer of the condition of the horse he enters regardless of the acts of other parties.”

ARSD 20:04:17:03 states “ Every licensee shall make himself aware of any amendments to these rules.”

III. RECOMMENDATIONS

Because South Dakota only has one weekend of racing the lab results are not known to the Executive Secretary or the Stewards until after the season is concluded. The short season also makes license suspension by the Stewards not a viable option. A license suspension of four racing days would, in effect, be a suspension of two years which is much more severe than the Stewards believe should be imposed for these offenses.

In normal circumstances the Stewards would deal with offenses such as in these cases by imposing a fine on the trainer involved and disqualifying the horse from first, second or whichever place it ran and redistribute the purse to owners of other horses in that race. In these cases, because of the limit of the Stewards imposed by ARSD 20:04:27:16, which does not provide for disqualification of the horse the Stewards felt that due to the seriousness of these cases the matters should be referred to the Commission for final agency action.

The statutes do not impose a limit on the amount of fine the Commission can impose for violations of racing rules.

The Stewards are aware that the owners have already received the purse money and that the owners are not defendants in these cases. Owners do not administer drugs to horses that are on a racetrack. Trainers do. It is the opinion of the Stewards that a fine of a

significant amount against the trainers involved would send a message to all trainers that such conduct will not be tolerated in South Dakota horse racing in the future.

The ARCI penalty guidelines for these offenses are a minimum fine of \$1,000, disqualification and loss of purse for the horse and the horse must pass an examination by a commission approved veterinarian before being eligible to run. In these cases, disqualification of the horse and redistribution of the purse are not an option because of the penalty limits of ARSD 20:04:27:16.

The Commission can place the horses on a restricted list, known in the industry as a "Vet's List", until such time as it has passed a prerace exam by a veterinarian approved by the Commission. This could be a Racing Commission regulatory veterinarian in another state, if so designated by the Executive Secretary.

In addition to the fines recommended above be imposed on the trainers the Stewards recommend the Commission authorize the Executive Secretary to place the horses involved on a restricted list until it has passed an examination by a commission approved veterinarian.

The Stewards recognize that while these cases involve multiple violations they all occurred during one weekend. Because of that the trainers were not notified of the violations in time to withdraw their horses from a race or make changes to their medication practices. For these reasons the Stewards recommend that the Commission assign each trainer only ½ point in total for these violations for purposes of the MMV point system.

The long-term solution to resolve situations such as this without a hearing before the Commission is to repeal ARSD 20:24:17:16. That would allow penalties for improper use of authorized medications to be handled under ARSD 20:25:17:12 and SDCL 42-7-96 which give the Stewards much more latitude, especially when dealing with the disqualification of a horse. The Stewards realize that this is a subject for discussion at a future Commission meeting.

Copies of the statutes and rules cited in this report are attached as Appendix E.

Dated November 16, 2022.

Lloyd Just

Presiding Steward

Larry Eliason

State Steward

Doug Runge

Association Steward



SOUTH DAKOTA COMMISSION ON GAMING

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STEWARDS RULING NUMBER 2022-01-FTP

Gilbert W. Ecoffey
[REDACTED]
[REDACTED]

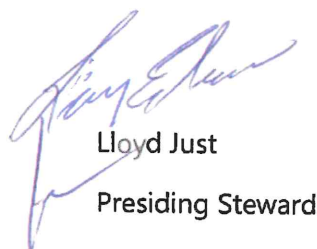
The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

- 1) Dance for Ransom for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.5 microgram/milliliter. This is five (5) times the amount allowed by ARSD 20:04:27:14.
- 2) Maximus the Great for the second (2nd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of .6 microgram/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.
- 3) New Gospel for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.4 microgram/milliliter. This is eight (8) times the allowed by ARSD 20:04:27:14.
- 4) Pref Right for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.0 microgram/milliliter. This is more than six (6) times the amount allowed by ARSD 20:04:27:14.
- 5) Goodnightsugar for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.8 microgram/milliliter. This is 9.3 times the amount allowed by ARSD 20:04:27:14.
- 6) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 4.7 microgram/milliliter. This is more than fifteen (15) times the amount allowed by ARSD 20:04:27:14.
- 7) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin in the amount of 10 nanograms/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.
- 8) Stern for the (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin and Phenylbutazone. Per ARSD 20:04:27:14 only one NSAID may be used.

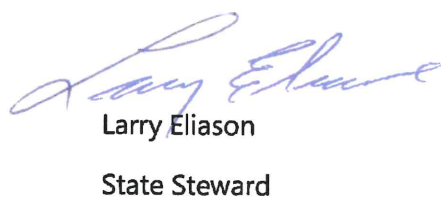
APPENDIX A PAGE 1

The Board of Stewards has determined that per SDCL 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.



Lloyd Just
Presiding Steward



Larry Eliason
State Steward



Doug Runge
Association Steward

APPENDIX A PAGE 2



SOUTH DAKOTA COMMISSION ON GAMING

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STEWARDS RULING NUMBER 2022-03-FTP

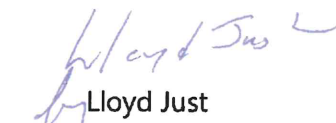
Robert Don Johnson


The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

- 1) Kikntires Nlitnfires for the third (3rd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.7 microgram/milliliter. This is more than five (5)times the amount allowed by ARSD 20:04:27:14.
- 2) Bhr Light My Spark for the third (3rd) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.8 microgram/milliliter. This is six (6) times the amount allowed by ARSD 20:04:27:14.
- 3) Hasta Be Relentless for the third (3rd) at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.1 microgram/milliliter. This is more than three (3) times the amount allowed by ARSD 20:04:27:14.

The Board of Stewards has determined that per 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.


Lloyd Just
Presiding Steward


Larry Eliason
State Steward


Doug Runge
Association Steward

APPENDIX B



SOUTH DAKOTA COMMISSION ON GAMING

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STEWARDS RULING NUMBER 2022-06-FTP

Perry Cavanaugh

The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

- 1) All For Truth for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 4.5 microgram/milliliter. This is fifteen (15) times the amount allowed by ARSD 20:04:27:14.
- 2) Krews Pass for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.4 microgram/milliliter. This is more than four (4) times the amount allowed by ARSD 20:04:27:14.
- 3) Molly's Challenge for the fifth (5th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.3 microgram/milliliter. This is more than seven (7) times the amount allowed by ARSD 20:04:27:14.

The Board of Stewards has determined that per 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.

Lloyd Just

by Presiding Steward

Larry Eliason

State Steward

Doug Runge

Association Steward

APPENDIX C

2022
Fort Pierre, SD
Horse Racing
Condition Book &
Track Rules

Saturday, October 1 Sunday, October 2

Post Time 1:00 PM CST Both Days

Stanley County Fairgrounds
Fort Pierre, South Dakota

Verendrye Benevolent Assoc.
PO Box 426, Fort Pierre, South Dakota 57532

Entry Phone Numbers:

Kent Cross - (605) 295-7163

Melissa Cross - (605) 280-1767

Appendix D

Fort Pierre

Day 2

Sunday, October 2, 2022

Enter Wednesday, September 28, 2022

*Thoroughbred Claiming***FIRST RACE**

- 1** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.
CLAIMING PRICE \$7,500

FIVE FURLONGS*Thoroughbred Allowance
Fillies & Mares***SECOND RACE**

- 2** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.

FIVE FURLONGS*SD Bred QH Derby
Quarter Horse Stakes
Certified South Dakota Bred***THIRD RACE**

- 3** Purse \$15,000-Estimated. (Includes \$12,500 SD Bred Purse Fund) (Includes 100% from Nominations) For Three Year Olds that Nominated and Remain Eligible. Weight 128 lbs....
SD

TWO HUNDRED AND FIFTY YARDS*Quarter Horse Claiming***FOURTH RACE**

- 4** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.
CLAIMING PRICE \$10,000

TWO HUNDRED AND FIFTY YARDS*Thoroughbred Claiming***FIFTH RACE**

- 5** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward Non-Winners of 5 Races Lifetime.
 Three Year Olds. 128 lbs. Older. 128 lbs.
CLAIMING PRICE \$8,500

FIVE FURLONGS*SD Bred Quarter Horse Maturity
Certified South Dakota Bred***SIXTH RACE**

- 6** Purse \$12,500-Guaranteed. (Includes \$12,500 SD Bred Purse Fund) For Four Year Olds and Upward. Weight 128 lbs.
SD

TWO HUNDRED AND FIFTY YARDS**Fort Pierre**

Day 2

Sunday, October 2, 2022

Enter Wednesday, September 28, 2022

*Fort Pierre Mile**Thoroughbred Allowance***SEVENTH RACE**

- 7** Purse \$7,000. For Three Year Olds and Upward \$100 to Pass the Box at Time of Entry. Purse Includes \$4,500 from SD Bred Fund for Open Races; \$2,000 from SD Commission on Gaming Revolving Fund; 100% of Pass the Box Fees.
 Three Year Olds. 128 lbs. Older. 128 lbs.

ABOUT ONE MILE*Thoroughbred Claiming***SUBSTITUTE RACE NO 1**

- S1** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.
CLAIMING PRICE \$4,000

FIVE FURLONGS*Thoroughbred Claiming***SUBSTITUTE RACE NO 2**

- S2** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.
CLAIMING PRICE \$10,000

FIVE FURLONGS*Quarter Horse Allowance***SUBSTITUTE RACE NO 3**

- S3** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward.
 Three Year Olds. 128 lbs. Older. 128 lbs.

TWO HUNDRED AND FIFTY YARDS*SD Bred Quarter Horse Stakes
Certified South Dakota Bred***SUBSTITUTE RACE NO 4**

- S4** Purse \$15,000-Estimated. (Includes \$12,500 SD Bred Purse Fund) (Includes 100% from Nominations) For Three Year Olds and Upward. \$500 Nomination Fee Due at Time of Entry. Weight 128 lbs..
SD

TWO HUNDRED AND FIFTY YARDS

SOUTH DAKOTA COMMISSION ON GAMING RULES

*South Dakota Commission on Gaming racing rules can be found on our website
at: <https://dor.sd.gov/businesses/gaming/sd-commission-on-gaming>.*

The following rules regarding medications and penalties
Effective August 9, 2022 as follows:

20:04:27:12. Penalty for use of illegal substances. If the analysis made by any chemist, who is approved by the commission, of a urine, saliva, or blood specimen taken under the supervision of the commission veterinarian from a horse entered in a race indicates the presence of a drug, chemical, medicine, analgesic, or injectable, which is not specifically authorized by these rules or is detected at a threshold in excess of the thresholds stated in Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, the following penalties may apply:

- 1 The purse may be redistributed;
- 2 A track record established by the horse in the race may be declared void;
- 3 The trainer of the horse may be fined or suspended or the trainer's license may be revoked, or the trainer may be given any combination of these penalties;
- 4 A horse which has had a positive test for drugs may be suspended from racing for a period equal to any suspension given to the horse's trainer or owner-trainer for the same incident; and
- 5 In a claiming race, if a claimed horse has a positive test, the stewards at their discretion may void the claim.

Each time a trainer or an owner-trainer has been fined or suspended in South Dakota or any other racing jurisdiction for violation of rules prohibiting the use of illegal substances or regulating the use of controlled therapeutic medications constitutes an offense.

Source: 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; 7 SDR 70, effective January 27, 1981; 8 SDR 94, effective February 14, 1982; transferred from § 20:04:05:20, 9 SDR 122, effective March 31, 1983; 11 SDR 177, effective July 2, 1985; 12 SDR 108, effective January 8, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 113, effective February 5, 1991; 23 SDR 126, effective February 13, 1997; 33 SDR 63, effective October 18, 2006; 38 SDR 101, effective December 5, 2011; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4)(13).

Law Implemented: SDCL 42-7-56(4)(13), 42-7-67.

Reference: Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

20:04:27:14. Restrictions on use of authorized drugs. Therapeutic medications authorized by the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, may be administered to horses in accordance with the following restrictions:

1 These substances in an injectable form may be administered only by a licensed veterinarian;

2 These substances in another form may be administered by the trainer if a veterinarian licensed by this state or another racing jurisdiction has prescribed approved the use of the substances;

3 These substances, except furosemide and phenylbutazone, may not be administered to a horse on the day the horse is scheduled to run;

4 A veterinarian administering furosemide shall submit a written report to the commission veterinarian or the state steward on forms provided by the commission. The use of furosemide or phenylbutazone must be declared at the time of entry;

5 Failure to submit the reports or to make the declarations required by subdivision (4) may subject the veterinarian and the trainer of the horse involved to disciplinary actions by the stewards or the commission;

6 A horse noted on the veterinarian list as using an authorized substance which is suspected to be racing without that substance may be tested. If a urine or blood sample from the horse fails to disclose the presence of furosemide or phenylbutazone, the horse and its trainer may be subject to disciplinary actions by the stewards or the commission;

7 For a horse being shipped into a licensed track in this state, a report from a licensed veterinarian of another racing jurisdiction certifying that the horse has been treated with an authorized drug in accordance with the provisions of this section must be accepted by the stewards. The report must be filed with the presiding steward or the commission veterinarian before 10:00 a.m. on the day of the race; and

8 Notice of use of furosemide or phenylbutazone shall be given to the public.

Source: 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:37, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 122, effective February 4, 1990; 17 SDR 113, effective February 5, 1991; 21 SDR 9, effective November 30, 1994; 37 SDR 70, effective October 20, 2010; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4).

Reference: Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

20:04:27:17. Penalties for violations. When imposing a penalty for a violation of a rule pertaining to medication or drugs in a horse, the stewards and the commission shall follow the penalty guidelines established in the Association of Racing Commissioners International Uniform Classification Guidelines Version 14.4 dated December, 2020 which is incorporated by reference.

A trainer who receives a penalty for a medication violation based on a horse testing positive for a drug Class 1 through 5 with a penalty Class A through C shall be assigned points as follows:

42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission.

The commission shall promulgate rules permitting a panel of three racing judges or stewards to impose suspensions not to exceed four horse racing days or twelve dog racing days and any intervening calendar days and a fine not to exceed five hundred dollars on persons violating this chapter or the rules of the commission after notice and hearing pursuant to chapter 1-26.

An appeal from the order of the racing judges or stewards shall be made to the commission only and not to the circuit court and shall operate as a stay of all proceedings under such order until the commission renders its decision which shall be final agency action.

If the racing judges or stewards find that a penalty which exceeds their limits to impose should be rendered, they may not impose any penalty and shall forward their findings and conclusions and recommendations to the commission for final agency action.

If a matter is not appealed to the commission by the person upon whom a penalty was imposed by the stewards or judges within seven days of the date of service of the judges' or stewards' order, the decision and penalty of the judges or stewards shall be final in that the appeal time to the commission has lapsed.

Source: SL 1977, ch 337, § 1; SDCL Supp, § 42-7-35.1; SL 1978, ch 302, § 41; SL 1985, ch 330, § 4.

42-7-97.1. Suspensions or revocations exceeding racing season.

If a suspension or revocation of racing privileges is levied by the commission or by a panel of three racing judges or stewards the horse racing days or dog racing days that the license is suspended for or revoked for shall be served in the next racing season if there are not sufficient horse racing days or dog racing days in the season when the penalty is carried out.

Source: SL 1985, ch 330, § 6; SL 1991, ch 349, § 32.

Appendix E

✂ **20:04:17:03. Awareness of amendments to rules.** Every licensee shall make himself aware of any amendments to these rules.

Source: 5 SDR 87, effective April 15, 1979; transferred from § 20:04:03:04, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 42-7-56.

Law Implemented: SDCL 42-7-56.

✂ **20:04:21:14. Trainer responsible for condition of horse.** The trainer shall be responsible for and be the absolute insurer of the condition of the horse he enters regardless of the acts of other parties.

Source: 5 SDR 87, effective April 15, 1979; transferred from § 20:04:05:16, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 42-7-56.

Law Implemented: SDCL 42-7-56.

20:04:27:12. Penalty for use of illegal substances. If the analysis made by any chemist, who is approved by the commission, of a urine, saliva, or blood specimen taken under the supervision of the commission veterinarian from a horse entered in a race indicates the presence of a drug, chemical, medicine, analgesic, or injectable, which is not specifically authorized by these rules or is detected at a threshold in excess of the thresholds stated in Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, the following penalties may apply:

- (1) The purse may be redistributed;
- (2) A track record established by the horse in the race may be declared void;
- (3) The trainer of the horse may be fined or suspended or the trainer's license may be revoked, or the trainer may be given any combination of these penalties;
- (4) A horse which has had a positive test for drugs may be suspended from racing for a period equal to any suspension given to the horse's trainer or owner-trainer for the same incident; and
- (5) In a claiming race, if a claimed horse has a positive test, the stewards at their discretion may void the claim.

Each time a trainer or an owner-trainer has been fined or suspended in South Dakota or any other racing jurisdiction for violation of rules prohibiting the use of illegal substances or regulating the use of controlled therapeutic medications constitutes an offense.

Source: 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; 7 SDR 70, effective January 27, 1981; 8 SDR 94, effective February 14, 1982; transferred from § 20:04:05:20, 9 SDR 122, effective March 31, 1983; 11 SDR 177, effective July 2, 1985; 12 SDR 108, effective January 8, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 113, effective February 5, 1991; 23 SDR 126, effective February 13, 1997; 33 SDR 63, effective October 18, 2006; 38 SDR 101, effective December 5, 2011; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4)(13).

Law Implemented: SDCL 42-7-56(4)(13), 42-7-67.

Reference: Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

20:04:27:14. Restrictions on use of authorized drugs. Therapeutic medications authorized by the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, may be administered to horses in accordance with the following restrictions:

- (1) These substances in an injectable form may be administered only by a licensed veterinarian;
- (2) These substances in another form may be administered by the trainer if a veterinarian licensed by this state or another racing jurisdiction has prescribed or approved the use of the substances;
- (3) These substances, except furosemide and phenylbutazone, may not be administered to a horse on the day the horse is scheduled to run;
- (4) A veterinarian administering furosemide shall submit a written report to the commission veterinarian or the state steward on forms provided by the commission. The use of furosemide or phenylbutazone must be declared at the time of entry;
- (5) Failure to submit the reports or to make the declarations required by subdivision (4) may subject the veterinarian and the trainer of the horse involved to disciplinary actions by the stewards or the commission;
- (6) A horse noted on the veterinarian list as using an authorized substance which is suspected to be racing without that substance may be tested. If a urine or blood sample from the horse fails to disclose the presence of furosemide or phenylbutazone, the horse and its trainer may be subject to disciplinary actions by the stewards or the commission;
- (7) For a horse being shipped into a licensed track in this state, a report from a licensed veterinarian of another racing jurisdiction certifying that the horse has been treated with an authorized drug in accordance with the provisions of this section may be accepted by the stewards. The report must be filed with the presiding steward or the commission veterinarian before 10:00 a.m. on the day of the race; and
- (8) Notice of use of furosemide or phenylbutazone shall be given to the public.

Source: 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:37, 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; 21 SDR 98, effective November 30, 1994; 37 SDR 70, effective October 20, 2010; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4).

20:04:27:16. Penalty for violation of permitted drug restriction. A trainer, owner, or veterinarian found guilty of violating any provision of § 20:04:27:14 shall be fined by the board of stewards not more than \$250 or suspended for a period of not more than four horse racing days, or both. A horse which has been subject to actions violating § 20:04:27:14 may be suspended for a period of not more than four racing days by the board of stewards. The fine or suspension may be reviewed by the commission and increased, decreased, or otherwise modified.

Source: 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:39, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 38 SDR 101, effective December 5, 2011.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4), 42-7-67.

20:04:27:17. Penalties for violations. When imposing a penalty for a violation of any rules pertaining to medication or drugs in a horse, the stewards and the commission shall follow the penalty guidelines established in the Association of Racing Commissioners International Uniform Classification Guidelines Version 14.4 dated December, 2020, which is incorporated by reference.

A trainer who receives a penalty for a medication violation based on a horse testing positive for a drug Class 1 through 5 with a penalty Class A through C shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	1/2 for first violation with an additional 1/2 point for each additional violation within 365 days	1 for first violation with an additional 1/2 point for each additional violation within 365 days
Class D	0	0

If the stewards or the commission determine that the violation is due to environmental contamination they may assign less points or no points against the trainer based on the specific facts.

The stewards and the commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official record maintained by the Association of Racing Commissioners International.

In addition to the penalty imposed for the underlying offense the following enhancements shall be imposed upon a trainer based on the cumulative points contained in the trainer's record of violations maintained by the Association of Racing Commissioners International.

Points	Suspension in days
5 to 5.5	15 to 30
6 to 8.5	30 to 60
9 to 10.5	90 to 180
11 or more	180 to 360

The stewards and the commission shall consider aggravating and mitigating circumstances including the trainer's prior record of medication violations when determining the penalty for a violation of these rules.

Multi-medication violation points are intended to be a separate and additional penalty to be imposed upon a trainer who has a pattern of violations.

The stewards or commission ruling shall distinguish between the penalty for the underlying offense and any enhancement penalty based on a stewards or commission review of the trainer's cumulative record of violations.

Source: 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4)(11), 42-7-93.

Reference: Association of Racing Commissioners International Uniform Classification Guidelines Version 14.4 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.



SOUTH DAKOTA COMMISSION ON GAMING

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

NOTICE OF HEARING

Sent Certified USPS
11/14/2022 and hand
delivered 11/10/2022

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, December 14, 2022, at 9:00 o'clock a.m. MST 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 Stewards Ruling Number 2022-01-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-56(8), (12) and (13), 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13 and 20:04:17:05.

The following rules, among others, may be considered by the commission during the hearing: ARSD 20:04:27:14 (Restrictions on use of authorized drugs) and ARSD 20:04:27:16 (penalty of use of illegal substances).

The matter to be asserted is that the report of the official chemist indicates the blood samples taken from the following:

- 1) Dance for Ransom for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.5 microgram/milliliter. This is five (5) times the amount allowed by ARSD 20:04:27:14.
- 2) Maximus the Great for the second (2nd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of .6 microgram/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.
- 3) New Gospel for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.4 microgram/milliliter. This is eight (8) times the allowed by ARSD 20:04:27:14.
- 4) Pref Right for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.0 microgram/milliliter. This is more than six (6) times the amount allowed by ARSD 20:04:27:14.
- 5) Goodnightsugar for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.8 microgram/milliliter. This six (6) times the amount allowed by ARSD 20:04:27:14.
- 6) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 4.7 microgram/milliliter. This is more than fifteen (15) times the amount allowed by ARSD 20:04:27:14.

7) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin in the amount of 10 nanograms/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.

8) Stern for the (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin and Phenylbutazone. Per ARSD 20:04:27:14 only one NSAID may be used.

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

As a result of this hearing the Commission may impose a fine in any amount determined by the Commission per SDCL 42-7-96

This 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 call witnesses to testify on your behalf and to question witnesses that 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 Two Thousand Five Hundred dollars (\$2,500.00) 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 10th day of November 2022



Susan Christian, CIA

Executive Secretary

South Dakota Commission on Gaming

445 E. Capital Avenue

Pierre, SD, 57501

CERTIFICATE OF SERVICE

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

Gilbert W. Ecoffey

By Hand Delivered on the 10th day of November 2021



SOUTH DAKOTA COMMISSION ON GAMING

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

STEWARDS RULING NUMBER 2022-01-FTP

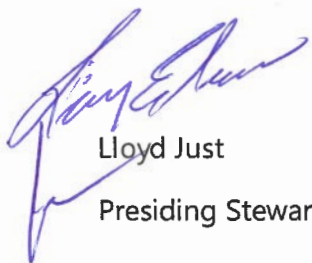
Gilbert W. Ecoffey

The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

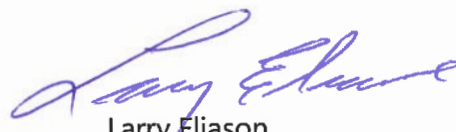
- 1) Dance for Ransom for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.5 microgram/milliliter. This is five (5) times the amount allowed by ARSD 20:04:27:14.
- 2) Maximus the Great for the second (2nd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of .6 microgram/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.
- 3) New Gospel for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.4 microgram/milliliter. This is eight (8) times the allowed by ARSD 20:04:27:14.
- 4) Pref Right for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.0 microgram/milliliter. This is more than six (6) times the amount allowed by ARSD 20:04:27:14.
- 5) Goodnightsugar for the sixth (6th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.8 microgram/milliliter. This is 9.3 times the amount allowed by ARSD 20:04:27:14.
- 6) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 4.7 microgram/milliliter. This is more than fifteen (15) times the amount allowed by ARSD 20:04:27:14.
- 7) Stern for the first (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin in the amount of 10 nanograms/milliliter. This is two (2) times the amount allowed by ARSD 20:04:27:14.
- 8) Stern for the (1st) race at the Fort Pierre Racetrack on October 2, 2022 contained Flunixin and Phenylbutazone. Per ARSD 20:04:27:14 only one NSAID may be used.

The Board of Stewards has determined that per SDCL 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.



Lloyd Just
Presiding Steward



Larry Eliason
State Steward



Doug Runge
Association Steward



SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capitol 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, December 14, 2022, at 9:00 o'clock a.m. MST 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 Stewards Ruling Number 2022-03-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-56(8), (12) and (13), 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13 and 20:04:17:05.

The following rules, among others, may be considered by the commission during the hearing: ARSD 20:04:27:14 (Restrictions on use of authorized drugs) and ARSD 20:04:27:16 (penalty of use of illegal substances).

The matter to be asserted is that the report of the official chemist indicates the blood samples taken from the following:

- 1) Kikntires Nlitnfires for the third (3rd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.7 microgram/milliliter. This is more than five (5)times the amount allowed by ARSD 20:04:27:14.
- 2) Bhr Light My Spark for the third (3rd) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.8 microgram/milliliter. This is six (6) times the amount allowed by ARSD 20:04:27:14.
- 3) Hasta Be Relentless for the third (3rd) at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.1 microgram/milliliter. This is more than three (3) times the amount allowed by ARSD 20:04:27:14.

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

As a result of this hearing the Commission may impose a fine in any amount determined by the Commission per SDCL 42-7-96.

This 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 call witnesses to testify on your behalf and to question witnesses that 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 Two Thousand Five Hundred dollars (\$2,500.00) 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 10th day of November 2022



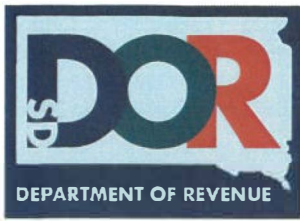
Susan Christian, CIA
Executive Secretary
South Dakota Commission on Gaming
445 E. Capital Avenue
Pierre, SD, 57501

CERTIFICATE OF SERVICE

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

Robert Don Johnson

By USPS Certified Mail with postage prepaid on the 10th day of November 2021



SOUTH DAKOTA COMMISSION ON GAMING

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

STEWARDS RULING NUMBER 2022-03-FTP

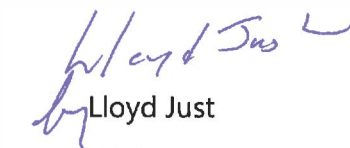
Robert Don Johnson


The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

- 1) Kikntires Nlitnfires for the third (3rd) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.7 microgram/milliliter. This is more than five (5) times the amount allowed by ARSD 20:04:27:14.
- 2) Bhr Light My Spark for the third (3rd) race at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.8 microgram/milliliter. This is six (6) times the amount allowed by ARSD 20:04:27:14.
- 3) Hasta Be Relentless for the third (3rd) at the Fort Pierre Racetrack on October 2, 2022 contained Phenylbutazone in the amount of 1.1 microgram/milliliter. This is more than three (3) times the amount allowed by ARSD 20:04:27:14.

The Board of Stewards has determined that per 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.


Lloyd Just
Presiding Steward


Larry Eliason
State Steward


Doug Runge
Association Steward



SOUTH DAKOTA COMMISSION ON GAMING

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NOTICE OF HEARING

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, December 14, 2022, at 9:00 o'clock a.m. MST 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 Stewards Ruling Number 2022-06-FTP. The hearing is held under the authority and jurisdiction SDCL 42-7-56(8), (12) and (13), 42-7-96 and 42-7-91, and ARSD 20:04:28:02, 20:04:28:04, 20:04:28:13 and 20:04:17:05.

The following rules, among others, may be considered by the commission during the hearing: ARSD 20:04:27:14 (Restrictions on use of authorized drugs) and ARSD 20:04:27:16 (penalty of use of illegal substances).

The matter to be asserted is that the report of the official chemist indicates the blood samples taken from the following:

The matter to be asserted is that the report of the official chemist indicates the blood samples taken from the following:

- 1) All For Truth for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 4.5 microgram/milliliter. This is fifteen (15) times the amount allowed by ARSD 20:04:27:14.
- 2) Krews Pass for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.4 microgram/milliliter. This is more than four (4) times the amount allowed by ARSD 20:04:27:14.
- 3) Molly's Challenge for the fifth (5th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.3 microgram/milliliter. This is more than seven (7) times the amount allowed by ARSD 20:04:27:14.

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

As a result of this hearing the Commission may impose a fine in any amount determined by the Commission per SDCL 42-7-96.

This 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 call witnesses to testify on your behalf and to question witnesses that 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 Two Thousand Five Hundred dollars (\$2,500.00) 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 10th day of November 2022



Susan Christian, CIA
Executive Secretary
South Dakota Commission on Gaming
445 E. Capital Avenue
Pierre, SD, 57501

CERTIFICATE OF SERVICE

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

Perry Cavanaugh

Delivered by E-mail and By USPS Certified Mail with postage prepaid on the 10th day of November 2021



SOUTH DAKOTA COMMISSION ON GAMING

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

STEWARDS RULING NUMBER 2022-06-FTP

Perry Cavanaugh

The Board of Stewards of the Fort Pierre Racetrack has determined that the blood samples taken from:

- 1) All For Truth for the first (1st) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 4.5 microgram/milliliter. This is fifteen (15) times the amount allowed by ARSD 20:04:27:14.
- 2) Krews Pass for the fourth (4th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 1.4 microgram/milliliter. This is more than four (4) times the amount allowed by ARSD 20:04:27:14.
- 3) Molly's Challenge for the fifth (5th) race at the Fort Pierre Racetrack on October 1, 2022 contained Phenylbutazone in the amount of 2.3 microgram/milliliter. This is more than seven (7) times the amount allowed by ARSD 20:04:27:14.

The Board of Stewards has determined that per 42-7-96. Suspensions and fines by racing judges or stewards--Notice and hearing--Appeals--Reference to commission they will not impose any penalty and forward their findings and conclusions and recommendations to the commission for final agency action.

Dated in Pierre, South Dakota the 10th day of November 2022.

Lloyd Just

Larry Eliason

Doug Runge

by

Presiding Steward

State Steward

Association 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: Recommended action on SDCG Initial Complaint # 22-11-110
DATE: December 14, 2022

On November 9, 2022, the Notice of Hearing on South Dakota Commission on Gaming Initial Complaint # 22-11-110 was delivered to Mathew Steinlicht's legal counsel. The complaint alleges that while working at Mustang Sally's during the month of August 2022, Mathew Steinlicht placed multiple proxy sports bets for multiple underage individuals.

On November 28, 2022 a letter was received from Mr. Steinlicht stating he is asserting his fifth amendment right and voluntarily surrendering his license. South Dakota Commission on Gaming is in possession of South Dakota Commission on Gaming License# 8842-16-SP to Mr. Steinlicht.

Staff is requesting that the Commission revoke the license issued to Matthew Steinlicht per :

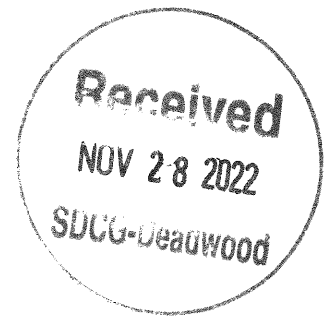
SDCL 42-7B-75 Cancellation or revocation of voluntarily surrendered license.

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.

If the requested action is taken by the Commission, the licensee will be sent written notification of the revocation to be effective thirty (30) days from receipt of the revocation notice unless a written request for a hearing is received. If thirty days (30) elapses and no written appeal request is received, the license will be revoked and destroyed.

Matthew Steinlicht
712 W. McClellan Street
Lead, SD 57754



November 18, 2022

South Dakota Commission on Gaming
Executive Secretary
Susan Christian
445 East Capitol Avenue
Pierre, SD 57501

Re: Complaint #22-11-110

Dear South Dakota Commission on Gaming:

I am asserting my Fifth Amendment right to remain silent. I hereby relinquish my gaming license, which is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Steinlicht", is written over a horizontal line.

Matthew Steinlicht

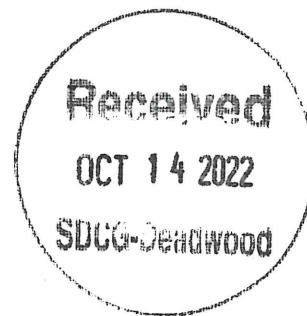
Timothy J. Rensch ♦ ♦ ♦
John S. Rusch
Becky L. Schmit

RENSCH LAW

OFFICE
A PROFESSIONAL LAW CORPORATION

832 St. Joseph Street
Old Thurston Hotel Building
Rapid City, South Dakota 57701
Telephone (605) 341-1111
Fax (605) 341-0040

In Memoriam
William M. Rensch
(1925 - 2008)



October 13, 2022

Via Email to brian.swets@state.sd.us
and U.S. Mail

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

Via Email Only brandon.snyder@state.sd.us
and U.S. Mail

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


Re: Matt Steinlicht
Date of Birth: 05/09/1995

Dear Agent Swets and Agent Snyder:

Please be advised that at this time Matt Steinlicht is asserting all of his constitutional rights, including the Fifth Amendment right to remain silent in the face of law enforcement questioning, and the Fifth and Sixth Amendment right to utilize the services of counsel. In that regard please do not contact Matt Steinlicht and/or speak to him in any way and direct all communication to this office.

Thank you for your time and attention.

Sincerely,
RENSCH LAW



Timothy J. Rensch

TJR:kc

cc: Matt Steinlicht



SOUTH DAKOTA COMMISSION ON GAMING

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

Hand Delivered

NOTICE OF HEARING

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, December 14, 2022, at 9:00 o'clock a.m. MST 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 Initial Complaint SDCG# 22-11-110 which alleges that Licensee has engaged in conduct constituting grounds for disciplinary action pursuant to 20:18:09:01. The conduct complained against alleges that while working at Mustang Sally's during the month of August 2022, Mathew Steinlicht placed multiple proxy sports bets for multiple underage individuals. Violating SDCL 42-7B-35 and 42-7B-83.

The hearing is held under the authority and jurisdiction of ARSD 20:18:10:01, 20:18:10:05 and 20:18:35:04 and SDCL Chapter 1-26, 42-7B-14, and 42-7B-32.

The following statute(s), among others, may be considered by the commission during the hearing: SDCL 42-7B-14.

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

As a result of this hearing the Commission may revoke or suspend gaming licenses held by you and/or impose a monetary penalty not to exceed \$2500.00 for each violation.

This 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 call witnesses to testify on your behalf and to question witnesses that 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 Two Thousand Five Hundred dollars (\$2,500.00) 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 9th day of November 2022



Susan Christian, CIA

Executive Secretary

South Dakota Commission on Gaming

445 E. Capital Avenue

Pierre, SD, 57501

CERTIFICATE OF SERVICE

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

Matthew Steinlicht

By US Mail first class with postage prepaid on the 9th day of November 2022



SOUTH DAKOTA COMMISSION ON GAMING

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

Hand Delivered

South Dakota Commission)	
on Gaming)	
)	
<i>Plaintiff,</i>)	Initial Complaint Filed
)	Pursuant to
Vs.)	ARSD 20:18:10:01
)	
Mathew S Steinlicht)	
SDCG License # 8842-16-SP)	Complaint # 22-11-110
)	
)	
<i>Defendant.</i>)	

The Complaint is made against the following Licensee:

Mathew S Steinlicht
712 West McClellan
Lead, SD 57754

Generally, Licensee has engaged in conduct constituting grounds for disciplinary action pursuant to 20:18:09:01. The conduct complained against is as follows:

While working at Mustang Sally's during the month of August 2022, Mathew Steinlicht placed multiple proxy sports bets for multiple underage individuals. Violating SDCL 42-7B-35 and 42-7B-83.

42-7B-83. Certain persons prohibited from betting. Which states in part:

A licensee may not knowingly accept a bet on a sporting event from any of the following persons:

(4) An agent or proxy for any person for the purposes of placing or redeeming the bet; or

A violation of this section by the person who places the bet is a Class 6 felony. A violation of this section by a licensee is a Class 6 felony and may form the basis for disciplinary action against the license of any individual licensee involved in the transaction and operator of the facility at which the bet was accepted.

42-7B-35. Age of participants--Violation as misdemeanor.

Any participant in any gaming shall be twenty-one years or older. No licensee may permit any person who is less than twenty-one years of age to participate in any gaming. A violation of this section by a participant is a Class 1 misdemeanor and a violation by a licensee is a Class 1 misdemeanor and may form the basis for revocation of a retail license.

Name of complaint: Brandon Snyder
Address: 87 Sherman Street
Deadwood, SD 57732
(605) 578-3074

The following witnesses could give testimony about the complaint:

Brandon Snyder
87 Sherman Street
Deadwood, SD 57732
(605) 578-3074

Hand Delivered to:

NOTICE TO:

Mathew S Steinlicht

Rensch Law Office
832 St. Joseph Street
Per Oct 13, 2022 letter

(DEFENDANT)

You are hereby notified that this complaint has been received by the 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 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
Executive Secretary
Susan Christian
445 E Capitol Avenue
Pierre, SD 57501
(605) 773-6051

Dated the 9th day of November 2022



South Dakota Commission on Gaming
Executive Secretary
Susan Christian
445 E Capitol Avenue
Pierre, SD 57501
(605) 773-6051



SOUTH DAKOTA COMMISSION ON GAMING

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

Return of Service

I, Brian Swets, Enforcement Agent for the South Dakota Commission on Gaming, hereby certify and return that the following annexed papers **Initial Complaint and Notice of Hearing** came into my hands for service on the 9 day of November, 2022. That I served the same on defendant personally by delivering to and leaving a true copy thereof with in the city of Rapid City, County of Pennington, State of South Dakota, on the day of November, 2022.

ANNEXED PAPERS

— **Subpoena**
Yes **Initial Complaint**
— **Notice of Suspension of License**
Yes **Notice of Hearing**
— **Other**

Dated at Rapid City, South Dakota, this 9th day of November, A.D. 2022.

Mark Heltzel
Deputy Executive Secretary

Mindy Pullrey
Signature of Recipient

By: Brian Swets
Agent

11/9/2022
Date

Date Ret'd _____



SOUTH DAKOTA COMMISSION ON GAMING

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

Hand delivered

COPY

NOTICE OF HEARING

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, December 14, 2022, at 9:00 o'clock a.m. MST 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 Initial Complaint SDCG# 22-11-111 which alleges grounds for disciplinary action as a result of allowing a person who is less than twenty-one years of age to participate in gaming, loiter and be present at a gaming area, and having a retail license with not one licensed employee that is full view and control of gaming operated on the premises the licensee violated SDCL 42-7B-35, SDCL 42-7B-40, and ARSD 20:18:12.01:23.

The hearing is held under the authority and jurisdiction of ARSD 20:18:10:01, 20:18:10:05 and 20:18:35:04 and SDCL Chapter 1-26, 42-7B-14, and 42-7B-32.

The following statute(s), among others, may be considered by the commission during the hearing: SDCL 42-7B-14.

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

The matter to be asserted is that on October 30th, 2022, a 19-year-old and a 20-year-old underage individuals were participating in gaming and loitering in a gaming area at Cadillac Jacks Gaming Resort.

As a result of this hearing the Commission may revoke or suspend all gaming licenses held by you and/or impose a monetary penalty not to exceed \$100,000.00 for each violation.

This 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 call witnesses to testify on your behalf and to question witnesses that 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 Two Thousand Five Hundred dollars (\$2,500.00) 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 9th day of November 2022



Susan Christian, CIA
Executive Secretary
South Dakota Commission on Gaming
445 E. Capital Avenue
Pierre, SD, 57501

CERTIFICATE OF SERVICE

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

B.Y. Development, Inc.
C/O Paul Bradsky



Hand delivered on the 9th day of November 2022



SOUTH DAKOTA COMMISSION ON GAMING

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

COPY

South Dakota Commission)	
on Gaming)	
)	
<i>Plaintiff,</i>)	Initial Complaint Filed
)	Pursuant to
Vs.)	ARSD 20:18:10:01
)	
B.Y. Development, Inc.)	
DBA Cadillac Jack's)	Complaint # 22-11-111
SDCG Lic. # 0196-OP)	
)	
<i>Defendant.</i>)	

The Complaint is made against the following Licensee:

B.Y. Development, Inc.
DBA Cadillac Jack's
360 Main St.
Deadwood, SD 57732

Generally, Licensee has engaged in conduct constituting grounds for disciplinary action pursuant to 20:18:09:01. The conduct complained against is as follows:

On October 30th, 2022, a 19-year-old and a 20-year-old underage individuals were participating in gaming and loitering in a gaming area at Cadillac Jacks Gaming Resort.

By allowing a person who is less than twenty-one years of age to participate in gaming, loiter and be present at a gaming area, and having a retail license with not one licensed employee that is full view and control of gaming operated on the premises the licensee violated SDCL 42-7B-35, SDCL 42-7B-40, and ARSD 20:18:12.01:23

20:18:12.01:23. Age of participants.

No licensee may allow any person under 21 years of age to gamble, loiter in the gaming area of a casino or be present at a gambling table, slot machine or other area in which gambling is conducted unless an exemption or deviation from this rule is approved by the executive secretary. Nothing shall prevent any person under 21 years of age from passing through a casino to nongaming areas.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-35.

42-7B-35. Age of participants--Violation as misdemeanor.

Any participant in any gaming shall be twenty-one years or older. No licensee may permit any person who is less than twenty-one years of age to participate in any gaming. A violation of this section by a participant is a Class 1 misdemeanor and a violation by a licensee is a Class 1 misdemeanor and may form the basis for revocation of a retail license.

Source: SL 1989, ch 374, § 30; SL 1990, ch 343, § 31; SL 2015, ch 218, § 10.

42-7B-40. Licensed employee twenty-one years or older required on premises.

Any retail licensee under this chapter shall have at least one licensed employee that is at least twenty-one years of age on the premises or within a contiguous premises in full view and control of any gaming operated on the premises. The commission shall adopt rules, pursuant to chapter 1-26, to establish the number of employees required to monitor the premises. The rules may also authorize the use of electronic devices or other types of monitoring equipment.

Source: SL 1989, ch 374, § 35; SL 1995, ch 245, § 12; SL 1998, ch 263, § 1; SL 2015, ch 218, § 11.

Name of complaint Brandon Snyder
Address - 87 Sherman Street
 Deadwood, SD 57732
 (605) 578-3074

The following witnesses could give testimony about the complaint:

Brandon Snyder
87 Sherman Street
Deadwood, SD 57732
(605) 578-3074

Jason Dinan
360 Main Street
Deadwood, SD 57732
(605) 578-1500

Edward Jones
360 Main Street
Deadwood, SD 57732
(605) 578-1500

NOTICE TO:

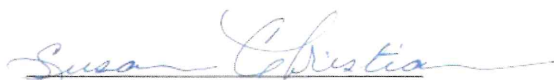
B.Y. Development, Inc.
C/O Paul J. Bradsky, Registered Agent
927 Main Street
Rapid City, SD 57701-2639

(DEFENDANT)

You are hereby notified that this complaint has been received by the 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 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
Executive Secretary
Susan Christian
445 E. Capitol Ave
Pierre, SD 57501

Dated the 9th day of November 2022



Susan Christian
Executive Secretary
South Dakota Commission on Gaming
445 E Capitol Ave
Pierre, SD 57501
(605) 773-6051



SOUTH DAKOTA COMMISSION ON GAMING

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

Return of Service

I, Brian Swets, Enforcement Agent for the South Dakota Commission on Gaming, hereby certify and return that the following annexed papers **Initial Complaint and Notice of Hearing** came into my hands for service on the 9 day of November, 2022. That I served the same on **Paul Bradsky** defendant personally by delivering to and leaving a true copy thereof with Paul Bradsky in the city of Rapid City, County of Pennington, State of South Dakota, on the day of November, 2022.

ANNEXED PAPERS

— **Subpoena**
Yes **Initial Complaint**
— **Notice of Suspension of License**
Yes **Notice of Hearing**
— **Other**

Dated at Rapid City, South Dakota, this 9th day of November, A.D. 2022.

Mark Heltzel
Deputy Executive Secretary

Signature of Recipient

By: Brian Swets
Agent

11/09/22
Date

Date Ret'd _____



November 11, 2022

Susan Christian
Executive Secretary
South Dakota Commission on Gaming
445 E Capital Avenue
Pierre SD, 57732

RE: South Dakota Commission on Gaming vs. B.Y. Development, Inc. dba Cadillac Jack's
SDCG License Number 0196-OP
Complaint Number 22-11-111

Dear Executive Secretary Christian,

This statement is in response to the complaint filed by the South Dakota Commission on Gaming dated November 9, 2022, alleging violation of ARSD 20:18:12.01:23: Age of participants and SDCL 42-7B-35: Age of participants –Violation as misdemeanor. Cadillac Jacks acknowledges that on the afternoon of October 30th, 2022, a 20-year-old and 19-year-old male, both from Mexico, entered Cadillac Jack's, and played slot machines, and loitered in the gaming area in violation of ARSD 20:18:12.01:23, and SDCL 42-7B-35.

On the day in question, Cadillac Jack's Gaming Resort had multiple licensed employees on site. Cadillac Jack's Gaming Resort acknowledges that the violation occurred, and that staff members failed to recognize the 20-year-old and 19-year-old as underage gamblers loitering in the gaming area.

The day floor staff believed the individuals were part of a group of Hispanic construction workers that frequent the resort to dine at Guadalajara's Mexican Restaurant and gamble during the week. These individuals are of legal age to participate in gaming activities. Staff believed these individuals were part of this group and were twenty-one years of age or older. This was a case of mistaken identity; the two individuals who are regular players with similar characteristics are of age to participate in gaming.

The violation was discovered by the cocktail server that came on duty for the night shift, who was not familiar with the group that frequently visit during the day. The cocktail server identified the individuals when making her first initial round of cocktails. The cocktail server asked for identification, and the person produced a Mexican identification which verified that they were not of legal age to gamble in

South Dakota. She then notified the floor supervisor of the incident. Cadillac Jack's floor supervisors self-reported to the Commission this violation upon discovery by a cocktail server while in the performance of her duties.

Cadillac Jack's Gaming Resort has taken steps to hire additional floor staff because of the latest incident. The job title for the newly created staff position is Floor Greeter/Age Compliance. They will not be performing any other duties other than checking identification of gaming patrons that appear under the age of thirty. We will be utilizing the additional staff during peak times, weekends, and evenings with adjustments to schedules as needed all while maintaining our existing procedures for identification and ensuring compliance.

Cadillac Jack's Gaming Resort has also rehired a floor supervisor with a law enforcement background. He will assist with staff training and compliance. His projected start date November 21st, 2022.

Cadillac Jacks Gaming Resort has continued ongoing communications with licensed and unlicensed staff members on being in control of the gaming floor, walking into gaming rooms to observe who we have on the floor as well as checking identification and keeping minors moving through the gaming floor.

Cadillac Jack's Gaming Resort has an incentive program that rewards staff with a \$200 bonus for identifying underage gambling and fraudulent identification.

We have increased large signage throughout the casino floor and adjacent non-gaming areas. This has had a positive impact on awareness to our guests, and with minors going through the casino. These signs read "SOUTH DAKOTA STATE LAW MUST BE 21 TO GAMBLE. UNDER 21 DO NOT LOITER PLEASE KEEP MOVING THROUGH THE CASINO FLOOR". Cadillac Jacks is in the process of updating the signage with a more powerful message, to include you will be arrested. See attached for signage placements.

Cadillac Jack's is also in the process of creating additional game level notifications in English and Spanish. "UNDER 21? IT'S NOT WORTH THE GAMBLE YOU WILL BE ARRESTED"

Cadillac Jack's Gaming Resort also has multiple signs in Spanish on the age of participants requirement.

Cadillac Jack's Gaming Resort takes these violations that occurred very seriously and have taken the above additional steps to ensure compliance, we have and will continue to be communicating with our staff the importance of complying with all rules and regulations of the Commission on Gaming.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Schneider", written in dark ink.

David Schneider
Resort General Manager
Cadillac Jacks Gaming Resort
360 Main Street
Deadwood, South Dakota 57732

20:18:12.01:16. **Premise monitoring required.** An operator ~~is required to shall~~ have at least one employee whose ~~primary duties are duty is~~ to ensure the licensee has full view and control of any gaming operated on the premises. If two or more buildings are adjacent, share a common or party wall, have interior access, and share a common operator or route operator, a licensed employee may use an electronic device or other monitoring equipment approved by the executive secretary to comply with the requirements of SDCL 42-7B-40. the operator shall have at least one employee for every three retail licenses whose primary duties are to ensure that the licensee has full view and control of any gaming operated on the premises. To comply with the requirements of SDCL 42-7B-40, the operator may use an electronic device or other monitoring equipment to assist in monitoring, ~~but it will. The device or equipment may~~ not substitute for a required employee.

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

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

Law Implemented: SDCL 42-7B-40.

20:18:12.01:23. **Age of participants.** No licensee may allow any person under ~~21~~ twenty-one years of age to gamble, ~~loiter in the gaming area of a casino~~ or be present at a gambling table, slot machine, or other area in which gambling is conducted, ~~unless an exemption or deviation from this rule is approved by the executive secretary.~~ Nothing shall may prevent any person under ~~21~~ twenty-one years of age from passing through a casino to nongaming areas.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-35.

Commented [JG1]: Style - ARSD Drafting Manual, pg. 14. This sentence states a duty of the operator, not an assumed condition.

Commented [JG2]: Style - A comma is unnecessary here.

Commented [JG3]: What follows is a single duty. There may be confusion as to whether other duties are implied but not specified.

Commented [JG4]: Clarity - One should use one term to describe each subject in a rule section. Is it the "operator"? Or the "employee"? Both are licensed by the Commission.

Commented [JG5]: Clarity - "Gaming," "gaming device," and "gaming equipment" are all defined in SDCL 42-7B-4. What is defined as gaming is not something that one would operate. Gaming devices or gaming equipment, however, would be operated. I recommend either striking "operate" or adding "gaming device" or "gaming equipment."

Commented [JG6]: Clarity - The use of the definite article suggests that the premises has been clearly specified previously in the section. At best, it is implied. I presume that the "operator's premises" is meant here. With that clarification, retaining "gaming" and striking "operated" might be preferable--as in "...any gaming on the operator's premises" or, perhaps more specifically per SDCL 42-7B-4, "...any gaming in the operator's licensed gaming establishment."

Commented [JG7]: Clarity - In statute, the terms "retailer" and "operator" are describe two different types of licenses. Because SDCL 42-7B-4 does not clearly distinguish between the two, what I gathered from the Commission website on licenses is that an operator license is need ... [1]

Commented [JG8]: Clarity - Many of the same clarity issues discussed above with the first new sentence are ... [2]

Commented [JG9]: Style - End an introductory prepositional phrase of five or more words with a comma.

Commented [JG10]: Clarity - The use of "it" may reference "operator," "device," or "equipment." Create ... [3]

Commented [JG11]: Legality - SDCL 42-7B-40 also serves as General Authority as it authorizes the Commission ... [4]

Commented [JG12]: Does this mean all establishments and employees that may be licensed by the Gaming ... [5]

Commented [JG13]: Style - Manual, pg. 19.

Commented [JG14]: Clarity - "Gambling table" is not defined in statute or rule, that I can find. You may be a ... [6]

Commented [JG15]: Style - Manual, pg. 17.

Commented [JG16]: Style - This is the more complete prohibition. Manual, pg. 15.

Commented [JG17]: Clarity - It does not appear that "casino" is defined in SDCL 42-7B-4 or ARSD 20:18:01: ... [7]

Page 1: [1] Commented [JG7] Justin Goetz 11/8/2022 4:01:00 PM

Clarity - In statute, the terms "retailer" and "operator" are describe two different types of licenses. Because SDCL 42-7B-4 does not clearly distinguish between the two, what I gathered from the Commission website on licenses is that an operator license is needed for slot machine placement plus gaming tables, while the retailer is only for gaming tables.

If that is the case, then is it appropriate for the section's subject to be an operator? Shouldn't it be "retailer"? Indeed, SDCL 42-7B-40 - the law this rule implements - only references a retailer.

Page 1: [2] Commented [JG8] Justin Goetz 11/8/2022 4:01:00 PM

Clarity - Many of the same clarity issues discussed above with the first new sentence are present in this added content to the second sentence.

Page 1: [3] Commented [JG10] Justin Goetz 11/8/2022 4:09:00 PM

Clarity - The use of "it" may reference "operator," "device," or "equipment." Creating a fourth, short sentence eliminates any potential ambiguity.

Style - Use of "may not" instead of "will not." *Manual*, pgs. 14-15.

Page 1: [4] Commented [JG11] Justin Goetz 11/8/2022 4:12:00 PM

Legality - SDCL 42-7B-40 also serves as General Authority as it authorizes the Commission to promulgate rules regarding the "number of employees required to monitor the premises."

Page 1: [5] Commented [JG12] Justin Goetz 11/8/2022 4:18:00 PM

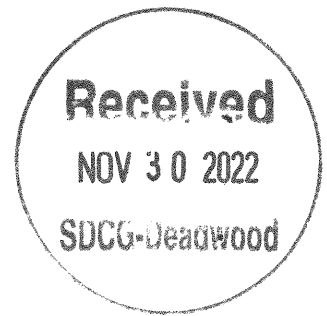
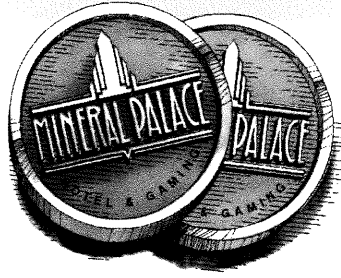
Does this mean all establishments and employees that may be licensed by the Gaming Commission? If so, then leave. If this is only meant to capture one of the types of licensee, then it needs to be tailored to do so.

Page 1: [6] Commented [JG14] Justin Goetz 11/8/2022 4:33:00 PM

Clarity - "Gambling table" is not defined in statute or rule, that I can find. You may be able to get away with relying upon a common definition, but some of the "gaming devices" defined in SDCL 42-7B-4 are not "tables" per se. Would "gaming device" be more accurate here? Would that also capture sports wagering "gaming equipment", if that is something the Commission also wants to prohibit someone under 21 from being present by? Perhaps "gaming equipment" might then be best used?

Page 1: [7] Commented [JG17] Justin Goetz 11/8/2022 4:22:00 PM

Clarity - It does not appear that "casino" is defined in SDCL 42-7B-4 or ARSD 20:18:01:01. You may be able to rely upon a common definition of casino, but would it make more sense to use one of the myriad defined terms in both provisions that describe a more discrete area instead of an undefined term, given how precisely this sentence is otherwise worded?



November 30, 2022

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

RE: Proposed Rule Changes

Dear Mrs. Christian:

The Mineral Palace has received a copy of the proposed rule changes for Gaming Rules: ARSD 20:18:12.01:16 and ARSD 20:18:12.01:23. We understand that minors on casino floors throughout Deadwood was a problem this past summer. Notifying customers as they enter our building and training our staff; we feel has helped in the minor situation. If the proposed rules are implemented, the impact will be financially devastating on businesses within Deadwood. The Mineral Palace would like to see the current written rules remain the same.

Deadwood has a strong peak season and a slow shoulder season. If these rules were to pass as written the property owners throughout Deadwood would need to take on the burden of hiring new personnel. For the Mineral Palace, we operate with 12 retail licenses and to comply with the rule as it is proposed, we would need to hire an additional 12 full time employees and 12 part-time employees. We estimate these new employees would be compensated at minimum of \$15/hour. This would add approximately \$561,600 to payroll. The estimate cost of labor does not include taxes or additional benefits the company offers its employees. Without a guarantee of additional revenue to offset the expense, we are potentially driving the company in the red.

We foresee businesses throughout Deadwood would need to be creative to survive. Potentially gaming devices would need to be pulled off casino floors, tables removed from casinos, hotel rooms blocked to limit the amount of people on property or more restaurants limiting hours or closing because of staffing. The impact would be detrimental to many local businesses in Deadwood including the Mineral Palace.

Since August 2022, the Mineral Palace feels that by making the public aware of the SD laws, training staff members and repeating the training; we can continue to monitor the gaming floor and remain in compliance. We understand that in peak times additional staff is needed to help monitor the gaming floor. As more time is given to operators they will find ways to make sure that the gaming floor is monitored. Every business is unique and by placing a requirement of staff based on gaming retail licenses is unreachable without causing financial distress on a number of entities.

Mineral Palace Hotel & Gaming



The Mineral Palace does not approve minors gambling on casino floors, we would like to keep the town a family friendly destination as it was originally created. Instead of creating an adversarial environment, let's try and foster one of cooperation and teamwork.

In closing, the Mineral Palace is hopeful that the South Dakota Commission on Gaming can reconsider the proposed rules and keep the current rules in place with no changes. Every business in Deadwood is unique in its own way and each business should have the right to hire the amount of staff they need to operate their business and remain in compliance with the SDCG rules and regulations.

Please contact us at your convenience with any questions or comments.

Sincerely,

Diana K. Graham
General Manager

cc: Frank Gould



SOUTH DAKOTA COMMISSION ON GAMING

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

UNAPPROVED MINUTES

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

MINUTES

September 28, 2022

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

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

On a roll call all were present.

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

Conflicts of Interest Disclosure

On a roll call no conflicts of interest were disclosed.

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

Administrative Hearing

The court reporter for the hearing was Tina Pruss. The following cases were scheduled to be heard:

- In the matter of one (1) seized slot machine
- SDCG vs DHIH, LLC dba as Hickok's
- SDCG vs Mustang Sally
and
SDCG vs Jennifer Haefs

Chairman Wagner served as the hearing officer.

The Matter of One Virus Shock Slot Machine

The purpose of the hearing is to determine if the Virus Shock slot machine No. 2125000, U-4 000732, serial number 002527, which was seized from 814 Main Street, Gregory, South Dakota on June 9, 2022, is contraband and may be destroyed. Tera Kiley was served notice of the hearing by certified mail but was not present. The decision on this matter was deferred to Executive Session.

DHIH, LLC dba Hickok's

Present for the hearing representing DHIH, LLC was Nick Moser, Attorney. This hearing is a contested case alleging grounds for disciplinary action alleging that on January 30, 2022, Hickok Casino allowed patrons to place sports wagers with other patrons at the Hickok Casino while in the bar area. Hickok Casino does not have approved sports wagering therefore the bets were in violation of SDCL 22-25-1. The decision on this matter was deferred to Executive Session.

Mustang Sally Jennifer Haefs

Present for the hearing representing Mustang Sally and Jennifer Haefs was Roger Tellinghuisein, Attorney. Toby Keehn, owner of Mustang Sally, was present and waived his 5th amendment rights and testified on his own behalf. Jennifer Haefs was present but invoked her 5th Amendment privilege and did not testify. The hearing was a contested case pursuant to an Initial Compliant alleging grounds for disciplinary action as a result of knowingly placing and accepting proxy sports wagers, allowing the owner to participate in gaming on his own premises and as a proxy for individuals, and extending credit for the purpose of sports wagering. Staff recommended that the license's for Mustang Sally be revoked with a fine and the license for Jennifer Haefs be revoked with a fine. The decision on this matter was deferred to Executive Session.

A brief recess was taken at 10:57 a.m. and resumed at 11:07 a.m.

The hearing portion of the meeting was concluded at 11:29 a.m.

General Meeting

Chairman Wagner called the general meeting to order at 11:30 a.m.

Adoption of Quarterly Business Meeting Agenda

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

June 22, 2022, Quarterly Meeting

Commissioner Hawley made a motion to adopt the minutes as drafted for the June 22, 2022, quarterly meeting. Commissioner Goetz seconded the motion which carried unanimously.

Old Business

- Under 21 years of age on the Casino's gaming floor

Chairman Wagner stated that there was an old business item to be discussed regarding the underage gaming. This was an issue that was brought forth and discussed at the June 22nd meeting. At that point in time the industry had asked that we allow them the opportunity to make some changes and corrections, and to deal with resolving the issue of the underage individuals that are on the gaming floor. At this point we will have the staff provide comments, then will take comments from the industry, and then we will ask questions.

Staff Comments

Susan Christian, Executive Secretary, stated that since the June 22nd meeting this is what was identified:

- 16 minors were on the gaming floor for more than a few minutes
- In 2022 there were 84 fake IDs identified and were reported to the police department and 82 of them were identified by Saloon #10
- 3 minors were arrested for participating in gambling
- 2 minors had fake IDs; 2 minors were stopped before they participated in gambling
- 1 minor put money in a machine, but it didn't accept the bill and an agent had approached the individual

Since the August 18th meeting with the industry one incident in a casino did occur and resulted in an informal consultation. In lite of that we have observed the industry step up by putting up signs, two places have put out formal polices to their employees, casinos are having meetings with staff instructing them to more actively engage and to be actively engaged in checking IDs. Casinos seem to be more actively engaged for checking IDs for alcohol than for the gambling.

Mark Heltzel, Deputy Executive Secretary, stated that he was seeing an upswing in signage around town, posters, found 6 minors that attempted or tried to gamble, casinos are reworking the gaming floor and roping off the floor for families. Actively engaged in checking IDs for gaming is not at the same level as for checking IDs for alcohol.

Comments by the Industry

Roger Tellinghusien, representing the Deadwood Gaming Association, addressed the Commission that this is a significant topic of conversation amongst the casino managers and owners. The industry has taken this to heart and are trying to make positive changes, more signage, more staffing, and as importantly education of staff and impart the significance of the need to follow through. There were a lot of people in Deadwood at times for special events. There are going to be occasions where an underage individual is on the floor that doesn't get caught. There needs to be consequences for the ones that break the law. The industry will continue to address the issue.

Staff Comments

Deputy Executive Heltzel stated that the underage individuals are arrested, taken to jail, and charged with a misdemeanor.

Commissioner Christianson stated that there are two concerns underage gambling, and underage minors on the gaming floor with parents.

Chairman Wagner stated that the bottom line is that we are going into 90 days and the Commission was expecting more than just a conversation as we are still seeing the types of individuals on the floor. The underage and kids those are issues and concerns. How many of the casinos have added staff for security for more than just special events.

Deputy Secretary Heltzel stated that the Commission on Gaming along with the Deadwood police department on October 4, 2022, are presenting an ID class and there are currently 200 signed up for the class.

Chairman Wagner stated that are often hearing comments that as long as the minor is three feet from the machine then it is okay for them to be in the vicinity. There are employees that still may be operating under that thought process. This is not in the rule and needs to be put forth to employees that it is not an option and minors need to be off the floor. So, in looking at the rules as they currently stand, do they provide enough clarity.

Executive Secretary Christian stated that rule 20:18:12.01:23 Age of participants, has a lot of ambiguity in the rule as loitering and exceptions cause problems. The rule 20:18:12.01:16 Premise monitoring required, came into effect in 1998 and has never been looked at. This rule needs to be definitive. Casinos are unable to have ample coverage with the monitors in the cage or bar area. The ambiguity of the rule is very difficult, and it puts the industry and the commission at odds.

Deputy Executive Secretary Hetzel stated that some places put up monitors in the cashier cage, but the problem is how do you monitor the floor and take care of customers.

Chairman Wagner directed staff to move forward and look at the rules and to have something for the December meeting. Staff will work with the industry when going through the rules.

Remarks by Executive Secretary

Susan Christian, Executive Secretary, gave a brief report on the following items:

- Executive Secretary Christian, Commissioner Wagner, Commissioner Hawley, and Deputy Executive Secretary, Mark Heltzel will be attending G2E in October
- Topics at G2E will be crypto currency, cashless wagering, sports wagering, and a new concept of sports wagering based on the stock market
- A reminder to the industry of the ID training on October 4th and that the training will be repeated if needed

Stipulation and Assurance of Voluntary Compliance

BY Development, dba Cadillac Jack's Gaming

A monetary penalty of \$2,500.00 to be paid not later than September 26, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action by allowing on August 5, 2022, an underage person to participate in gaming by playing a slot machine. This is in violation of 42-7B-35. The complaint further alleged that during this period of time there was not an employee who was in full view and control of the gaming being operated. This is in violation of 42-7B-40. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Christianson made a motion to accept the Stipulation and Assurance of Voluntary Compliance and the imposed penalty. Commissioner Goetz seconded the motion which carried unanimously.

Super G Investments, dba Silverado/Franklin

A monetary penalty of \$2,500.00 to be paid not later than September 26, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action by allowing on August 19, 2022, an underage person to participate in gaming by playing a slot machine. This is in violation of 42-7B-35. The complaint further alleged that during this period of time there was not an employee who was in full view and control of the gaming being operated. This is in violation of 42-7B-40. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Vice Chairman Fischer made a motion to accept the Stipulation and Assurance of Voluntary Compliance and the imposed penalty. Commissioner Christianson seconded the motion which carried unanimously.

Commissioner Christianson stated that its important that we keep these fines reasonable when they are self-reporting. We want to encourage self-reporting. Chairman Wagner commented that she appreciates the fact that they did self-report.

Andrea Speiser

A monetary penalty of \$100.00 to be paid not later than September 26, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action by accepting wagers in amounts over the posted 3 Card Poker maximum bet limit. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Hawley made a motion to accept the Stipulation and Assurance of Voluntary Compliance and the imposed penalty. Commissioner Goetz seconded the motion which carried unanimously.

Revocation of License Steve Aristide

On August 31, 2022, Steve Aristide voluntarily surrendered his gaming license after pleading guilty to a Class 5 Felony. On August 23, 2022, Licensee received an Order Suspending Imposition of Sentence with two years (2) probation. Staff recommended to revoke his license and that he be put on the Exclusion List. Mr. Aristide was not present at the meeting.

Vice Chairman Fischer made a motion to revoke his license. Commissioner Goetz seconded the motion which carried unanimously.

Commissioner Christianson made a motion to put Steve Aristide on the Exclusion List. Commissioner Hawley seconded the motion which carried unanimously.

Deadwood Licensing Matters

Key License Approvals

Deputy Executive Secretary Heltzel recommended approval of the following:

Collette Ladson	Jason Walth	Andrew Burke
Janet Keating	Isaac Rieb	Newton Glassman
Zachary Morris	James Riley	Rocco DiPucchio
Sheldon Johnson	Kevin Whalen	Gabriel De Alba

Additional Key Approval – Adam Halter

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

Business License Approvals

Deputy Executive Secretary Heltzel recommended approval of the following:

- Approval of an Associated Equipment license **(12342-AE)** for Stadium Technology Group
- Approval of a Manufacturer license **(11968-MA)** for Bluberi Gaming Canada, Inc.

- In September of 2021 the following sports wagering service providers license were issued temporary conditional license: **BetMGM, LLC** (12269-SW), Internet Sports International, LTD (**ISI**) (12253-SW), and **IGT** (12241-SW) were issued a license with conditions.

The conditions were for 12 months to allow for the completion of the background investigation of contracted third parties, or until the Commission makes a final determination on the application and upon the following conditions:

- Successful completion of the background investigation within twelve (12) months,
- Report all disciplinary action taken against Applicant by any regulatory agency and providing updates to Commission staff as to the status of any disciplinary action,
- Taking full responsibility for the actions or inactions of any third party contracted with too provided sports wagering services to licensed operators in Deadwood, complete and sign attached agreement, and
- Provided a list of all third-party vendors contracted with to provided sports wagering services to licensed operators within the City of Deadwood, including associated equipment providers, within fourteen (14) days of licensure and supplemented within fourteen (14) days of any additional contracts

Staff would ask that these conditions remain in place at this time until the March 2023 meeting.

Commissioner Goetz made a motion to approve the business licenses as staff recommended. Commissioner Hawley seconded the motion which carried unanimously.

Business License Renewal

Deputy Executive Secretary Heltzel recommended approval of the following:

- Retail license (**0117-RT**) held by Pat Roberts which is currently unassigned.

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

Public Comment

Michael Johnson addressed the Commission reminding them of the history of the city and that it is more than just a gaming city. It is a family town for people to come to visit and to enjoy the history of Deadwood.

Date of Next Meeting

The next quarterly meeting is scheduled for December 14, 2022.

Executive Session

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

At 12:35 p.m. the Commissioners went into Executive Session pursuant to SDCL 1-25-2 (1) (3) and (4) and 42-7B-8.1 (4)

The Executive Session was concluded at 1:24 p.m. with the following action taken.

Decision on Administrative Hearings

Seized Virus Shock slot machine

Vice Chairman Fischer made a motion to allow staff to destroy the Virus Shock slot machine. Commissioner Goetz seconded the motion which carried unanimously.

DHIH, LLC

Commissioner Goetz made a motion to impose a penalty of \$2,500.00 due not later than October 15, 2022. Vice Chairman Fischer seconded the motion which carried unanimously.

Mustang Sally

Commissioner Christianson made a motion to revoke Mustang Sally's Operator and Retail license and impose a penalty of \$25,000.00 due not later than October 31, 2022. Commissioner Goetz seconded the motion which carried unanimously.

Jennifer Haefs

Commissioner Christianson made a motion to revoke Jennifer Haefs support license. Commissioner Hawley seconded the motion which carried unanimously.

Exclusion List

Commissioner Hawley made a motion to put Tyrone Reed on the Exclusion List. Commissioner Christianson seconded the motion which carried unanimously.

Commissioner Hawley made a motion to put Isaac Kermu on the Exclusion List. Commissioner Christianson seconded the motion which carried unanimously.

Adjournment

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

The meeting was adjourned at 1:29 p.m.

Respectfully Submitted,

Kathy Beringer

Karen Wagner, Madam Chairman

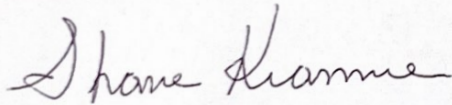
Susan Christian, Executive Secretary

VERENDRYE BENEVOLENT ASSOCIATION

October 27th, 2022

The Verendrye Benevolent Association would like sincerely thank the SDCG for the opportunity that was provided to our organization to host Fort Pierre Horse Racing for our 75th year in 2022. Our historic and exciting event took place on October 1st and 2nd at the Stanley County Fairgrounds in Fort Pierre, SD. The support for this annual event was very evident in the large attendance and sponsor commitments. I am also very pleased to report that the VBA conducted this event with no accidents or injuries to humans or horses and has done so for the last three years. The VBA understands the challenges that face SD Horse Racing but our organization also believes there is also opportunity for all involved in this agricultural based historic industry. These are just a few reasons why the VBA has voted unanimously to submit this 2023 Live Racing Application and we look forward with enthusiasm and optimism in working cooperatively with the SDCG to provide another outstanding event for our state, community and sponsors. Let's race South Dakota!

Sincereley,

A handwritten signature in cursive script that reads "Shane Kramme".

Shane Kramme
VBA General Manager

STATE OF SOUTH DAKOTA

APPLICATION FOR LICENSE FOR HORSE RACING MEETING

APPLICATION is hereby made to the South Dakota Commission on Gaming by Verendrye Benevolent Assoc., a racing association, for a license to hold a racing meeting on its course at Stanley County Fairgrounds, in the county of Stanley, in the State of South Dakota, commencing on the 7th day of October, 20 23, and ending on the 8th day of October, 20 23, for a total of 2 racing days, scheduled as follows:

The VBA would begin their lease of the SC Fairgrounds on 10-2-23. Entry days are Oct 3rd & 4th. Race days are 10-7 & 10-8, 2023

subject to the provisions of the laws of the State of South Dakota and the rules and regulations adopted, at any time, by the South Dakota Commission on Gaming.

Request is also made to run the following number of races per day:

5-6 Races per day

Post time for the first race each day will be 1:00 P.M. CST

With the following purse distribution:

Under \$900: First - % Second - % Third - % Fourth - %
No Purse Fifth - % Sixth - % Seventh - % Eighth - %
under
\$900.00

\$901 - \$3,000: First 49 % Second 20 % Third 10 % Fourth 7 %

Fifth 5 % Sixth 4 % Seventh 3 % Eighth 2 %

\$3,001 - Up: First 49 % Second 20 % Third 10 % Fourth 7 %

Fifth 5 % Sixth 4 % Seventh 3 % Eighth 2 %

ANY OTHER PURSE DISTRIBUTION USED ATTACH A SCHEDULE SHOWING PLACES AND PERCENTAGES OR AMOUNTS TO BE PAID OUT.

Special forms of betting request (other than win-place-show and daily double):

Quinella, Exacta & Trifecta

The mailing address of the association or corporation is:

Verendrye Benevolent Association

PO Box 426

Fort Pierre, SD 57532

Minimum purses to be paid by the Association are as follows:

	Quarter Horse	Thoroughbred	Mixed
Overnight Races	<u>1-3</u>	<u>6-7</u>	<u>0-1</u>
Allowance Races	<u>1-2</u>	<u>3-4</u>	<u>0-1</u>
Futurity & Derby Trials	<u>0</u>	<u>0</u>	<u>0</u>
Handicap Races	<u>0</u>	<u>0</u>	<u>0</u>
Stake Races	<u>1-3</u>	<u>1-2</u>	<u>0</u>
Stakes Consolation Races	<u>0</u>	<u>0</u>	<u>0</u>
Maiden Races	<u>0-1</u>	<u>0-1</u>	<u>0-1</u>
Claiming Races	<u>1-2</u>	<u>2-3</u>	<u>0-1</u>



SOUTH DAKOTA COMMISSION ON GAMING

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

RESOLUTION 12-14-22-01

Pursuant to Section 5 of the Deposit In Lieu of Bond Agreement entered into on September 28, 2022 the South Dakota Commission on Gaming hereby authorizes and direct Doug Abraham and Susan Christian to release the funds on deposit with the First National Bank of Ft. Pierre, South Dakota to the Verendrye Benevolent Association.

This action taken by the South Dakota Commission on Gaming meeting at Deadwood, South Dakota on the 14th of December 2022.

Karen Wagner
Chairman

SIMULCAST SITE RENEWAL APPLICATION

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



NAME OF BUSINESS: Triple Crown Casino

PHYSICAL ADDRESS: 110 Military Road
(Street)
North Sioux City SD 57049
(City) (State) (Zip Code)

MAILING ADDRESS: PO BOX 88250
(If different than above) (Street)
Sioux Falls SD 57109
(City) (State) (Zip Code)

TELEPHONE NUMBER: (605) 232-4038

NAME OF PROVIDER: AM West Entertainment

NAME OF MANAGER: Rick McKinney
(Name of person in charge of day-to-day operations)

B. McKinney
Signature of Manager

10/12/2022
Date

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

SIMULCAST PROVIDER RENEWAL APPLICATION

BUSINESS NAME AmWest Entertainment, LLC			
BUSINESS ADDRESS 13011 W Highway 42, Suite 107	CITY Prospect	STATE KY	ZIP CODE 40059

TYPE OF BUSINESS

() CORPORATION () PARTNERSHIP ☒ LLC () OTHER _____

PRINCIPAL OWNERS

1. NAME Nelson E Clemmens	(LAST 4)	% OF OWNERSHIP 100	
		DE	
2. NAME		% OF OWNERSHIP	
ADDRESS	CITY	STATE	ZIP CODE
3. NAME	SSN (LAST 4)	% OF OWNERSHIP	
ADDRESS	CITY	STATE	ZIP CODE
4. NAME	SSN (LAST 4)	% OF OWNERSHIP	
ADDRESS	CITY	STATE	ZIP CODE

If there are additional owners, please attach similar information on a separate page.

PLEASE LIST ALL SITES AT WHICH YOU CURRENTLY SIMULCAST IN SOUTH DAKOTA

1. LOCATION (BUSINESS) Triple Crown	ADDRESS 108 Military Road	CITY North Sioux City	STATE SD	ZIP CODE 57049
2. LOCATION (BUSINESS)	ADDRESS	CITY	STATE	ZIP CODE
3. LOCATION (BUSINESS)	ADDRESS	CITY	STATE	ZIP CODE
4. LOCATION (BUSINESS)	ADDRESS	CITY	STATE	ZIP CODE

PLEASE LIST SOUTH DAKOTA CITIES YOU PLAN TO OPEN SIMULCAST LOCATIONS DURING THE RENEWAL YEAR

ARRESTS, DETENTIONS AND LITIGATIONS WITHIN THE LAST YEAR FOR EACH LISTED PRINCIPAL

Include those arrests in which any owner was not convicted, or charges were dismissed. (If the answer is **YES** to any of the following questions other than #7, attach any additional details on a separate page).

1. Have any of the owners been questioned, detained, indicted, arrested, or summoned to answer for any criminal offense or violations for any reason whatsoever, regardless of the disposition of the event (except minor traffic citations, but including reckless driving, DUI, or eluding)?	() YES (●) NO
2. Have any of the owners ever been or are on parole/probation to any court?	() YES (●) NO
3. Have any of the owners received a pardon for any criminal act(s)?	() YES (●) NO
4. Has a criminal indictment, information, or complaint ever been returned against any of the owners, but for which the owner was not arrested, or in which the owner was named as an un-indicted co-party?	() YES (●) NO
5. Have any of the owners, within the past year, been subpoenaed to appear to testify before a federal, state or county grand jury, board or commission?	() YES (●) NO
6. Have any of the owners filed bankruptcy, been a party to civil litigation, civil actions, had any judgment, been taken to small claims court or been found to be in default of any financial matters within this past year?	() YES (●) NO
7. Do all of the Owners listed Consent to an Investigation of their background and police records and waive any rights or causes of action that they may have against the South Dakota Commission on Gaming and any other individual or agency disclosing or releasing said information to the South Dakota Commission on Gaming?	(●) YES () NO

AFFIRMATION OF INFORMATION PROVIDED

I declare and affirm under the penalties of perjury that this Application, and any statements, attachments, supporting schedules and documents have been examined by me, and to the best of my knowledge and belief, are in all things true and correct. I understand that any person who signs such a statement knowing the same to be false or untrue, in whole or in part, shall be guilty of perjury.

Signature (Company Officer) <i>Nelson Edwards Clemmens</i> <small>Key: aad5a8a5ca4c2741009a111176c40e0</small>	Title CEO	Date 08/30/2022
----------------------------------------------------------------------------------------------------------------------	--------------	--------------------

FOR OFFICIAL USE ONLY

() APPROVED

() DENIED

REASON FOR DENIAL

SIGNATURE	DATE
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RACETRACKS CONTRACTED WITH AMWEST ENTERTAINMENT LLC

Horse Tracks

Ajax Downs	Gulfstream Park	Pocono Downs
Albuquerque Downs	Hanover	Pompano Park
Aqueduct	Harrah's Chester	Prairie Meadows
Arapahoe Park	Harrington	Presque Isle Downs (OTB)
Arlington Park (OTB)	Hastings Racecourse	Red Mile
Assiniboia Downs	Hawthorne	Remington Park
Australia	Hazel Park	Retama Park
Bangor Raceway	Hialeah Park	Rideau Carleton
Batavia Downs	Hippodrome 3R	Rosecroft
Belmont	Hoosier Park (OTB)	Ruidoso Downs
Belterra	Horsemen's Park	Running Aces
Buffalo Raceway	Illinois State Fair	Sam Houston
Cal Expo	Indiana Downs (OTB)	Sandy Downs
California Fairs	Irish Racing	Santa Anita
Canterbury (OTB)	Japan	Santa Rosa
Century Downs	Kawartha Downs	Saratoga
Charles Town	Keeneland	Saratoga Harness
Charlottetown	Kentucky Downs	Scarborough Downs
Churchill Downs (OTB)	Korean	Scioto Downs
Clinton	Laurel Park	Singapore
Columbus	Lebanon Raceway (OTB)	South Africa
Dayton	Lone Star Park	Suffolk Downs
Del Mar	Los Alamitos	Summerside
Delaware Co Fair	Louisiana Downs	Sun Ray Park
Delaware Park	Mahoning Valley	Sunland Park
Delta Downs	Meadowlands	Sweetwater Downs
Dover Downs	Mohawk	Tampa Bay Downs
Dubai	Monmouth Park	The Meadows (OTB)
Ellis Park	Monticello Raceway	Thistledown
Evangeline Downs	Mountaineer	Timonium Fair
Fair Grounds (OTB)	New Zealand	Tioga Downs
Fairmount Park	Northfield Park	Truro Raceway
Finger Lakes	Northlands Park	Turfway Park (OTB)
Flamboro Downs	Northville Downs	UK Racing
Fonner Park	Oaklawn Jockey Club (OTB)	Vernon Downs
French	Ocean Downs	Western Fair Raceway
Fraser Downs	Penn National	Will Rogers Downs
Freehold Raceway	Philadelphia Park	Woodbine
Georgian Downs	Pimlico	Yonkers
Golden Gate	Plainridge Racecourse	Zia Park
Grand River RC	Pleasanton	
Grants Pass		

Greyhound Tracks

Australia GH
 Caliente
 Dubuque GHP
 Irish Greyhound
 Southland GHP
 Tri-State GHP
 Wheeling Downs



SOUTH DAKOTA COMMISSION ON GAMING

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South Dakota Commission on Gaming
licensing for the December 14, 2022

Key License

Jessica Edelman
Lorrie Papka
Daniel George
Amanda Aspen
Monique Pontius
Ken Ownens
Sally Clevenger

Adam Greenblatt
Alexis Herman
Paul Salem
John Kilroy, Jr.
Joseph Levin
Mary Jammet

Daniel Taylor
Gary Fritz
Rose McKinney-James
David Stella
Victoria Jarman
Mark Gregory

Peter Isola
John Gibson
David Satz
Rosa Gonzalez-Costa
Destiny Maynard
Adam Halter

2023 Key License Renewals

Deputy Executive Secretary Heltzel recommends approval of the Key license renewals attached

**South Dakota Commission on Gaming
Licensing
December 14, 2022 Commission Meeting**

2023 Key Renewals

John Abernathy	Melody Dennis	Garrett Gross
Brenda Alexander	William DeWolf	Neil Hague
Matthew Altmyer	Cindy Dillman	Vickie Hague
Caleb Arceneaux	Jason Dinan	Lewis Hall
Tim Atyeo	Leslie Duddy-Lang	Kurt Hall
Don Atyia	Bob Earwood	Patti Hall
Beverly Bachand	Zack Edstrom	Adam Halter
Karen Ballert	Carol Edwards	Joni Hamann
Foster Bartholow, III	Danette Eggleston	Broc Hanson
Bradford Baucom	Chad Eid	David Hansen
Mary Baudhuin	Grace Ellenbecker	Bruce Harmon
Lynae Benham	Chawn Elliott	Cody Hartl
Jeannie Bennett	Ken Elliott	Corey Heintz
Suzy Bertalot	Cliff Etherington	CJ Hester
Mark Bidwell	Kamran Farrokhi	Karen Hickson
Bill Blakeley	Nancy Field	Linda Hochstetler
Casey Borsch	Lynda Fierbach	Basil Hofer
Judi Braut	Michelle Fischer	Janet Holzer
Timothy Brennan	Tom Fischer	Brenda Hopfinger
Debra Brink	Rodney Fischer	Terry Houk
Jacob Britton	Kevin Fish	Darlene Hulm
Jason Brott	Brandon Flanagan	Kory Iverson
Barb Brunner	Thomas Frank	Michelle Jacobs
Danny Burr	Steve Frankman	Dan Johnson
David Buskirk	Phyllis Freeman	Sherri Johnson
Dillin Chambless	Marcus Gallegos	Edward Jones
Allen Clayton	Tallea Gallegos	John Juso
Richard Cleveland	Joe Gasper	Ken Kermu
Marcus Clyne	Lane Gemar	Susan Kightlinger
Allen Conradsen	Kenneth Gienger	Jesse Kille
Philip Coon	Lynell Gienger	Jason Kimler
Tracy Cooper	Gregory Glodt	Brian Kindsfater
John Connelly	Heather Gorden	Daren Kirk
Craig Cottrell	Bridget Gostola	Donald Kleinheksel
Craig Crowell	Johann Graf	Kathie Klinckman
Marion Culbertson	Diana Graham	David Knight
Elena Dagit	Johannes Gratzl	Roxanne Knight
Dakam Mohamand Dakam	Robert Greco	Edward Kramp
Roxanne Daum	Shari Green	Dale Lange
Raye Ann Delong	Ashley Griffith	Gene Lee
Shareen DeMars	William Griffith	Jeannette Lemke

Randy Lepthien
Jim Lewis
David Linder
Jace Linderman
Barry Lloyd
Michael Lorge
Bryan Louden
William Lund
Jessica Lundgren
Clinton Lurz
Regina Luze
Sean Lyons
Aaron Maag
Kimberly Maag
Jan Mallory
Diane Mangelsen
Brandi Martin
Gwen Martin
Seth Martens
Pam Massa
Michael Maynard
Char Maynard
Patrick McDermott
Michael McKee
Felix Mehia
Pamela Merrell
Sandra Metzger
Christine Mikla
Sarah Milek
Jeff Millard
Laurie Mitcheltree
Nicolas Moffett
Kim Morris
Dale Morris
Zach Morris
Luby Muir
Jeffrey Nehmer
Marty Nelson
Randy Nelson

Gary Nelson
Shari Neyhart
Joseph Noeller
Tyler Nold
Deborah O'Bryan
Erik Olsby
Elizabeth Park
David Perfett
Weston Pleinis
Ryszard Presch
Isaac Rieb
Robert Ringling
Wade Robbins
Ann Roberts
Pat Roberts
Joseph Robinson
Michael Rodman
Scott Rogers
Adam Rogge
Wayne Ruffner
David Ruth
Daniel Ryan
John Rystrom
Steven Schaeffer
Connie Schlepp
Eddie Schmeltz
Robert Schmitt, Jr.
Kady Schmitz
David Schneider
Rick Schoenthal
Ashley Schubauer
David Scott
Jonathan Scroggins
Jack Sears
Luci Seid
Rick Sexton
Tanner Shoup
Tony Seiber
Gaylene Septka

Emily Sheridan
Britton Siemonsa
James Simmons
Dolores Skalsky
James Skalsky
Gordon Smith
Cleo Snow
Theresa Spaid
Sherry Spicer
Clarence Sprague
Bruce Stairs
Janice Stewart
Jay Stoltenberg
Timothy Storey
William Stott
John Strauss
Jason Sumners
Roy Sundstrom
James Suurmeir
Lark Taylor
Joshua Thurmes
Sharon Van Norman
Bethany Wallace
Jason Walth
Terri Ward
Carrie Werlinger
Birgit Wimmer
Lori Van Winsen
Connie Weis
Marian Wescott-Toth
Andrea Weyer
Patty Whitt
Bob Wilson
Walter Winder
Ken Wolfe
Rosemary Wylie
Lori Zimmerman



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: 11/17/2022
TO: South Dakota Commission on Gaming
FROM: Austin Wilson
SUBJECT: Jessica Edelman
LIC. #: 12899-22-KY

The applicant is a native of Montana and an enrolled member of the Crow Tribe in Bighorn County Montana but grew up in the Black Hills of South Dakota. She is currently a floor supervisor at Cadillac Jacks.

Concerns: None

Recommendation. Approval of Key License



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MEMORANDUM

DATE: 11/12/2022
TO: South Dakota Commission on Gaming
FROM: Austin Wilson
SUBJECT: Lorrie Papka
LIC. #: 12869-22-KY

The applicant is a long-time resident of South Dakota. She was most recently the Postmaster of the Rapid City post office where she retired. She is currently working at the Buffalo Bodega as a cashier.

Concerns: None

Recommendation. Approval of Key License



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MEMORANDUM

DATE: 11/12/2022
TO: South Dakota Commission on Gaming
FROM: Austin Wilson
SUBJECT: Daniel George
LIC. #: 12821-22-KY

The applicant is a Marine Corp Veteran. He is currently the Maintenance Manager for Mineral Palace Casino. He is a graduate of Central Highschool in Rapid City SD. He is wanting to get a key license to help out on the casino floor when it is needed.

Concerns: None

Recommendation. Approval of Key License



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: November 23, 2022
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Amanda Faye Aspen

Amanda has had a support license since September 15, 2022, with no violations. Amanda is currently working at Bodega as a Casino Staff Supervisor. Amanda has applied for a key license due to her position with Bodega and to provide a key license presence for sports betting.

Concerns: None

Recommendations: It is recommended that Amanda Aspen 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

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MEMORANDUM

DATE: November 28, 2022
TO: South Dakota Commission on Gaming
FROM: Austin Wilson
SUBJECT: Ken Owens
LIC. #: 12887-22-KY

The applicant is a Veteran of the United States Navy Reserves. He has an extremely long history in the hospitality industry spanning over 20 years. He is currently an independent contractor working with the Buffalo Bodega to get their sports book operational.

Concerns: None

Recommendation: Recommendation is for **approval** of Key license.



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MEMORANDUM

DATE: November 28, 2022
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Monique Marie Pontius

Monique has had a support license since April 22, 1998, with two minor violations. The first in 2001 for not counting the individual bills when accepting a hard count and the second in 2009 for not displaying her gaming license. Monique is currently working at Tin Lizzie as a Floor Supervisor and has been since June 2022. Monique has applied for a key license due to her position as a Floor Supervisor at Tin Lizzie.

Concerns: None

Recommendations: It is recommended that Monique Pontius 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.



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MEMORANDUM

DATE: December 1, 2022
TO: South Dakota Commission on Gaming
FROM: S/A Brian Swets
SUBJECT: Rosa Gonzalez-Costa

Rosa has had a support license since July 26, 2021, with no violations reported. Rosa is not currently working but intends to return to the Deadwood Gaming industry the summer of 2022. Rosa has applied for a key license to further her career in the gaming industry.

Concerns: None

Recommendations: It is recommended that Rosa Gonzalez-Costa 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.



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MEMORANDUM

DATE: November 30th, 2022
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Destiny James Maynard
LIC. #: 12936-22-KY

Destiny Maynard is currently working for the Buffalo Bodega in Deadwood as the General Manager; she has been there since 2015. Destiny has had a support license since 2011 with no derogatory action on her license. She is seeking a key license for future gaming expanding expansion rule compliance.

Concerns: None

Recommendation: Approval



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MEMORANDUM

DATE: August 26, 2022
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Adam K. Halter

Adam K. Halter is presently employed as a floor supervisor at Cadillac Jack's Gaming Resort in Deadwood, SD. Halter has been employed with Cadillac Jack's since November of 2021. He is applying for this license at his employer's request.

Halter has held a Support license with the SDCG since November of 2021. He held a gaming license with the Iowa Racing and Gaming Commission from 2016 to 2021. Halter has had no known disciplinary actions against any gaming license.

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

A handwritten signature in black ink, appearing to read 'Angela J. Wilkerson', is written over a horizontal line.

Angela J. Wilkerson

SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 31, 2022
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Sally A. Clevenger

Sally Clevenger is presently employed with AGT in Deadwood, SD. Clevenger has been employed with AGT since July of 2017 and is applying for this licensure at her employer's request.

Clevenger has held a Support license with the SDCG since July of 2017. She has never held a gaming license in any other gaming jurisdiction and has had no disciplinary actions against her SDCG Support License since receiving it.

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



Angela J. Wilkerson
SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Adam Greenblatt

Name of Gaming Business associated with:

The applicant is seeking licensure because of his association with BetMGM. Adam is CEO of BetMGM LLC USA, who conducts business in South Dakota.

Past Employment:

From 2000 to 2008 the applicant was employed by Rothschild in New Court, UK. He was employed in the banking industry as the Director of mergers and acquisitions. From 2008 to 2009 he worked for Svenmill fabric factory in Cape Town, SA as a adhoc consultant. From 2009 to 2010 the applicant was employed with JobFact as Director of Business Development for online start-up. In 2011 the applicant began working for Ladbrokes a British betting and gambling company in Middlesex, UK. The applicant was employed as the Director of development and strategy. The applicant left this position in 2018 to become the CEO of BetMGM, this is the applicant's current position.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Adam Greenblatt be approved as A Key license.



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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Alexis Herman

Name of Gaming Business associated with:

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

Past Employment:

The applicant has been the Director of Public Liaison for the White House from 1992 to 1996 then the United States Secretary of Labor from 1997 to 2001. The applicant sits on a number of boards such as Coco Cola, National Urban League, MGM Resorts, Clinton Bush Haiti Fund and Toyota Global Vision. She listed being a director with MGM Resorts since 2003.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Alexis Herman. be approved as for a key license.



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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Paul Salem

Name of Gaming Business associated with:

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

Past Employment:

The applicant was the senior managing director at Providence Equity Partners for 25 plus year. Paul has been on the board of directors at MGM since 2018.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: John Kilroy, Jr.

Name of Gaming Business associated with:

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

Past Employment:

The applicant has been the President and CEO of Kilroy Realty Corporation in Los Angeles, CA since 1996. He listed being a director with MGM Resorts since 2017.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Joseph Levin

Name of Gaming Business associated with:

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

Past Employment:

The applicant has worked at IAC for 20 years, he has been the CEO 2015. IAC is a company that has 11 public companies such as Vimeo, Angi Inc., Match Group, Expedia, TripAdvisor, HSN, LendingTree, Interval Leisure Group, and Live Nation (formerly Ticketmaster).

Joseph has been on the board of directors at MGM since 2020.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Daniel Taylor

Name of Gaming Business associated with:

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

Past Employment:

The applicant has been employed as a CFO and Vice President of several companies since 1985, He has worked for Metro Goldwyn Manyer, INC, Tracinda Corporation and MGM. The applicant has been on the board of directors at MGM since 2007.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Gary Fritz

Name of Gaming Business associated with:

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

Past Employment:

The applicant has worked for several organizations like Expedia, Trip Advisor and IAC Gaming. The applicant has also sat on the board of directors for DarkStore and BetMGM since 2020.

Concerns: None

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



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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Rose McKinney-James

Name of Gaming Business associated with:

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

Past Employment:

The applicant has been employed as the managing principal at Energy Works, LLC since 2002. The applicant has also sat on the board of directors for Clean Energy Project, MGM, The American Association of Blacks in Energy (AABE) is a national association of energy professionals founded and dedicated to ensuring the input of African Americans and other minorities into the discussions and developments of energy policies regulations, R&D technologies, and environmental issues. The applicant has been on the board of directors at MGM since 2007.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Rose McKinney-James be approved for a Key license.



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MEMORANDUM

DATE: October 28, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Mary Jammet

Name of Gaming Business associated with:

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

Past Employment:

The applicant has worked for Legg Mason Capital Management as a portfolio manager for 15 years and has been an independent consultant in the financial sector 27 years. The applicant has also sat on the board of directors for Loyola University, payless shoesource and MGM resorts since 2014.

Concerns: None

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



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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: David Stella

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with several companies such as Entain plc, Domino's Pizza Group, Norwegian Cruise lines and Bacardi. David has been on the board of directors at Entain plc since 2021.

Concerns: None

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



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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Victoria Jarman

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with Entain plc and Great Portland Estates. Victoria has been on the board of directors at Entain plc since 2021.

Concerns: None

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



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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Mark Gregory

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with Entain plc which has ownership in BetMGM, Mark is also listed as a director for Direct Line Insurance, UK insurance limited, Churchill insurance company and Westdown park management. Mark has been a director with Entain plc since 2021.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Peter Isola

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with Entain plc which has ownership in BetMGM, Peter is a senior partner in the Isolac LLP law firm which he has been with since 1982.

Concerns: None

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



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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: John Gibson

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with Entain plc which has ownership in BetMGM, Rothney Investments LTD, Cotsworld Holiday Gems LTD. John has been on the board of directors at Entain plc since 2020.

Concerns: None

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



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MEMORANDUM

DATE: October 29, 2022
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: David Satz

Name of Gaming Business associated with:

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

Past Employment:

The applicant is listed as director with Entain plc, GVC Holdings and owner of DJS Gaming Strategies LLC.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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TO: Commissioners
FROM: Susan Christian, Executive Secretary
SUBJECT: Dates for the 2023 Quarterly Meetings
DATE: December 14, 2022

Staff is recommending approval of the following dates for the Quarterly meeting of the Commission for 2023.

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