



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

### **NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO RULES ADMINISTRATIVE HEARINGS AND QUARTERLY BUSINESS MEETING**

**NOTICE IS HEREBY GIVEN** that the South Dakota Commission on Gaming will hold a public hearing on proposed amendments to rules, administrative hearings, and its quarterly business meeting on September 8, 2021 beginning at 9:00 a.m. MDT in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota

#### **AGENDA**

Call to Order

Conflicts of Interest Disclosure

#### **ADMINISTRATIVE HEARING**

South Dakota Commission on Gaming vs. Kevin Gabert, License number 11976-20-SP  
Complaint Number 21-07-026-MH **Pages 5 - 9**

#### **PROPOSED RULE AMENDMENTS**

GAMING RULES: 20:18:16:15.23, 20:18:35:01, 20:18:35:18, 20:18:35:01:03,  
20:18:35:01:12, 20:18:35:02:05, 20:18:35:02:05.01, 20:18:36:18, 20:18:36:27,  
20:18:36:27.01, 20:18:36:36

(1) Amended rule 20:18:16:15.23. Variations of the play – Dakota Duel Draw. **Pages 10 - 13**

The effect of this amendment is to add additional paytables for the game.

The reason for this amendment is a request from the game's originator, James Reed. **Pages 31 - 41**

(2) Amended rule 20:18:35:01. Definitions. **Pages 14 - 19**

The effect of this amendment is to clarify the definition of a prohibited person.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(3) Amended rule 20:18:35:18. Tournaments, contests, and pools. [Pages 19 - 20](#)

The effect of this amendment is to clarify the requirements for notification to the Commission.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(4) Amended rule 20:18:35.01:03. Certification Testing. [Pages 21 - 22](#)

The effect of this amendment is to clarify the requirements for submissions to an independent testing laboratory.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(5) Amended rule 20:18:35.01:12. Test accounts. [Pages 22 - 23](#)

The effect of this amendment is to clarify the requirements that a licensee or sports wagering services provider must address in establishing test accounts.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(6) Amended rule 20:18:35.02:05. Winning wagers and vouchers. [Pages 24 - 25](#)

The effect of this amendment is to delete the recording information for vouchers and place them in a separate rule for clarity.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(7) Proposed new rule 20:18:35.02:05.01. Vouchers – System recording requirements. [Page 25](#)

The effect of this new rule is to clarify the requirements of the system recordings for vouchers which was previously set forth in 20:18:35.02:05.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(8) Amended rule 20:18:36:18. Account credits and deposits. [Page 27](#)

The effect of this amendment is to clarify the accounts credits and deposits and approved methods of funding.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(9) Amended rule 20:18:36:27. Suspension and restoration of accounts. [Page 28](#)

The effect of this amendment is to clarify the suspension and restoration of accounts.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(10) Proposed new rule 20:18:36:27.01. Suspension of account -- effect. [Page 29](#)

The effect of this new rule is to clarify the effects of suspension of an account.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

(11) Amended rule 20:18:36:36. Securing payment methods. [Page 30](#)

The effect of this amendment is to clarify methods of securing payments.

The reason for this amendment is to provide clarity and to follow the recommendations from Legislative Research Council Code Counsel.

## **QUARTERLY BUSINESS MEETING**

Adoption of Quarterly Business Meeting Agenda [Pages 3 - 4](#)

Approval of the minutes of the Special Meeting of July 7, 2021 [Pages 42 - 43](#)

Approval of the minutes of the Public Hearing to Adopt Rules of July 14, 2021 [Pages 44 - 47](#)

Old Business

Comments Executive Secretary Susan Christian

Comments Department of Revenue Secretary Jim Terwilliger

## Stipulation of Assurance and Voluntary Compliance

- DHIH, LLC dba Hickok's License #11965-RT **Pages 48 - 59**  
Complaint Number 21-05-016-SC
- Sean Gray License #8933-17-SP **Pages 60 - 70**  
Complaint Number 21-05-019-MH
- Super G Investments dba Silverado/Franklin **Pages 71 - 80**  
Complaint Number 21-08-27-BS

## Live Racing Matters

- Approval of veterinarian service contract with Cooper Animal Clinic **Pages 81 - 86**
- Approval of Ft Pierre Race Condition book **Pages 87 - 99**

## Approval of Sports Events and Wagering Catalogue **Pages 100 - 103**

## Deadwood Licensing Matters **Pages 104 - 116**

## Dates of next quarterly commission meeting

- December 15, 2021

## DGA update Executive Director Mike Rodman

## 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

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

August 19, 2021

### NOTICE OF CONTESTED CASE HEARING

Kevin Gabert  
907 Ziebach Street, Lot 512  
Belle Fourche, SD 57717

S.D.C.G. Lic# 11976-20-SD

NOTICE IS HEREBY GIVEN that at 9:00 AM MDT on September 8, 2021, the commission will hold a contested case hearing in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota to take action on the initial complaint dated July 26, 2021. The hearing will be conducted as a contested case hearing.

The notice of an initial complaint was sent to you USPS certified mail on July 26, 2021. The initial complaint alleges that you stole one one hundred dollar bill from Cadillac Jack's on July 15, 2021 while performing the duties of cashier, which is a violation of ARSD 20:18:08:02. The certified letter was returned to the South Dakota Commission on or about August 16, 2021, marked unclaimed.

As a result of the hearing and pursuant to SDCL 42-7B-32, the Commission may take the following action:

#### **SDCL 42-7B-32. Suspension or revocation of license--Grounds--Reprimand or monetary penalty.**

Any license granted pursuant to this chapter may be suspended or revoked for any cause that may have prevented its issuance, or for violation by the licensee, or any officer, director, agent, member, or employee of the licensee, of this chapter or any rule adopted by the commission or for conviction of a crime of moral turpitude or a felony, after notice to the licensee and a hearing, upon grounds determined adequate by the commission. In addition to revocation or suspension or in lieu of revocation or suspension, the commission may impose a reprimand or a monetary penalty for each offense not to exceed the following amounts:

- (1) If the licensee is a slot machine manufacturer or distributor, two hundred fifty thousand dollars;
- (2) If the licensee is an operator, associated equipment manufacturer or distributor, or a sports wagering services provider, one hundred thousand dollars;
- (3) If the licensee is a retailer or gaming property owner, twenty-five thousand dollars;
- (4) If the licensee is a key employee, five thousand dollars; and
- (5) If the licensee has a support license, two thousand five hundred dollars.

Any monetary penalty received by the commission under this section shall be deposited in the gaming commission fund established by § 42-7B-48 and is to be used solely for the purposes prescribed by subdivision 42-7B-48(2) and is not subject to the provisions of subdivision 42-7B-48(3).

**Source:** SL 1989, ch 374, § 27; SL 1990, ch 343, § 27; SL 2010, ch 212, § 4; SL 2015, ch 220, § 1; SL 2019, ch 192, § 3; SL 2021, ch 189, § 9.

This is an adversarial proceeding, and you have the right to be present at the hearing, to be represented by an attorney, and these rights and other due process rights will be forfeited if you do not exercise them at the hearing.

If the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to § 1-26-17.

Further, the decision based on the hearing may be appealed to the circuit court and the State Supreme Court as provided by law.

Dated the 19th day of August 2021.



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Susan Christian  
Executive Secretary  
South Dakota Commission on Gaming

Email: [susan.christian@state.sd.us](mailto:susan.christian@state.sd.us)



**SOUTH DAKOTA COMMISSION ON GAMING**

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

July 26, 2021

Kevin Gabert  
907 Ziebach Street, Lot 512  
Belle Fourche, SD 57717

RE: South Dakota Commission on Gaming vs Kevin Gabert  
SDCG Lic# 11976-20-SP  
Complaint Number 21-07-026-MH

This is to inform you that a complaint has been filed against you by Mark Heltzel, an enforcement agent of the South Dakota Commission on Gaming. The complaint alleges that on July 16, 2021, while working as a cashier at Cadillac Jack's casino you stole one(1) one hundred dollar bill. This act constitutes disciplinary action under ARSD 20:18:09:02.

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

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

Sincerely,

  
Susan Christian  
Executive Secretary

1 Enclosure  
CC: SDCG Enforcement Agent Mark Heltzel by e-mail





## SOUTH DAKOTA COMMISSION ON GAMING

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South Dakota Commission	)	
on Gaming	)	
	)	
<i>Plaintiff,</i>	)	Initial Complaint Filed
	)	Pursuant to
Vs.	)	ARSD 20:18:10:01
	)	
Kevin Gabert	)	
SDCG Lic. # 11976-20-SP	)	Complaint # 21-07-026-MH
	)	
<i>Defendant.</i>	)	

The Complaint is made against the following Licensee:

Kevin Gabert  
907 Ziebach Street Lot 512  
Belle Fourche, SD 57717

While working as a cashier at Cadillac Jack's casino on July 15, 2021 Kevin Gabert stole 1 - \$100.00 bill from the cashier's cage. This action constitutes grounds for disciplinary action under ARSD 20:18:09:02.

### **20:18:09:02. Proscribed conduct.**

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

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

**General Authority:** SDCL [42-7B-7](#).

**Law Implemented:** SDCL [42-7B-1](#), [42-7B-2](#), [42-7B-3](#), [42-7B-7](#), [42-7B-24](#), [42-7B-25](#), [42-7B-32](#), [42-7B-33](#), [42-7B-34](#).

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

The following witnesses could give testimony about the complaint.

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

Joe Gasper  
Floor supervisor at Cadillac Jacks casino

**NOTICE TO:**

Kevin Gabert  
907 Ziebach Street Lot 512  
Belle Fourche, SD 57717

(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  
87 Sherman Street  
Deadwood, SD 57732

Dated the 26<sup>th</sup> day of July 2021



Susan Christian  
Executive Secretary  
South Dakota Commission on Gaming  
87 Sherman Street  
Deadwood, SD 57732  
(605) 578-3074

**20:18:16:15.23. Variations of the play -- Dakota Duel Draw.** Dakota Duel Draw must be played according to the following rules:

- (1) Dakota Duel Draw must be played on tables designated by the licensee for the play of Dakota Duel Draw. A single deck of cards must be used. The rank of hands in Dakota Duel Draw, from highest to lowest, is royal flush, straight flush, four of a kind, full house, flush, straight, three of a kind, two pair, pair, and high card;
- (2) Each player shall make at least one initial bet in the amount specified at the table by the retail licensee and shall place the bet in either the big 8 wagering area or the hand 2 ante wagering area, or both. A player places the big 8 wager to play for hand value only; a player places the hand 2 ante bet to play a hand ranking payout; and a player places the hand 1 play bet to play for hand ranking payout. A player places all bets if the player wants to play all ways;
- (3) Any dealer tip delivered as a wager may be placed on any one, or all, of the big 8, hand 2 ante, or hand 1 play, if the player has placed a personal wager on the same hand. If a player continues to play with a hand 1 play wager, the dealer's tip hand 2 ante may remain in play whether or not the player adds a hand 1 play wager for the dealer;
- (4) Immediately before play begins and after each round of play has been completed, the dealer shall shuffle the cards. Following shuffle and cut, the dealer shall deal one card to hand 2 community card and one card to hand 1 community card and one to each player, then a second card to hand 2 community card and hand 1 community card and one to each player, then a third card hand 2 community card and a third hand 1 community card, all cards are dealt face downward and one at a time in rotation among the community cards and the players cards;

(5) An incorrect number of cards dealt to a player or to the community cards is always a misdeal. An exposed card is not a misdeal. If the dealer exposes a card, the dealer turns the card over and continues dealing;

(6) Wagers are collected or paid in this order: pocket pair bonus, hand 1 play, hand 2 ante, and the big 8, if applicable;

(7) Once a player looks at the player's two face down cards, the player has the option to fold and forfeit the hand 2 ante bet or place a bet equal to the hand 2 ante on the hand 1 play. If the player has made a big 8 wager and forfeits the hand 2 ante, the player will place the cards face down in accordance with house policy. If the player places a hand 1 play bet, the player places the cards in accordance with house policy. Once a player makes a hand 1 play bet, the player is locked into the hand and must wait to see if the player hands rank high enough for a payout;

(8) If a player already has at least a straight or better, the player shall be paid on the big 8 wager. There is no action required for the big 8 wager. The big 8 wager is the best 5 cards out of the player's two cards and the six community cards on the board. After each player who wishes to fold has folded, the dealer collects the hand 2 ante. As the dealer collects the folded cards, the cards are spread face down to count the cards and then placed in the discard rack; if the player folds his hand 2 ante and has a big 8 bet, the cards will be tucked under the big 8 wager, or according to house policy;

(9) After each player has decided to play or fold, the dealer shall expose the six community cards in two sets of three cards, and call out and show the best possible five-card hand that the players have for the hand 1 play, the hand 2 ante, and the big 8. Once the dealer

has determined the players hand ranking for each wager remaining, the dealer will pay or take the bet or bets according to hand ranking for each wager. If the two cards dealt to the player are a pair, the player will receive a bonus according to the pocket pair bonus. This bonus will be paid only if the player plays the hand 1 play. The pocket pair bonus is paid according to the amount played on hand 1. The pocket pair bonus is paid regardless of whether the player loses any of the other wagers;

(10) Players are paid according to the following hand 1 play and hand 2 ante payment schedule, which must be included as part of the table layout:

Hand	Pay
Royal Flush	100 to 1
Straight Flush	50 to 1
4 of a Kind	30 to 1
Full House	8 to 1
Flush	6 to 1
Straight	4 to 1
3 of a Kind	3 to 1
2 pair	2 to 1
Pair, Nines or Higher	2 to 1

(11) Players are paid the pocket pair bonus according to the following pocket pair bonus play schedule, which must be included as part of table layout:



Pair	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
AA	4x	4x	4x	<u>20x</u>	<u>20x</u>
KK	4x	4x	4x	<u>10x</u>	<u>10x</u>
QQ	4s	4x	4x	<u>8x</u>	<u>4x</u>
JJ	4x	4x	4x	<u>3x</u>	<u>4x</u>
1010	4x	4x	3x	<u>3x</u>	<u>4x</u>
99	4x	4x	3x	<u>3x</u>	<u>4x</u>
88	4x	4x	3x	<u>N/A</u>	<u>N/A</u>
77	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
66	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
55	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
44	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
33	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
22	3x	3x	3x	<u>N/A</u>	<u>N/A</u>

(12) If a player has a big 8 bet and the player's hand contains a straight or better, the player wins. If the player's hand contains less than a straight the player loses. Players are paid according to the following big 8 payment schedule, which must be included as part of the table layout:

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Royal Flush	50 to 1	50 to 1	50 to 1	<u>50 to 1</u>	<u>80 to 1</u>
Straight Flush	30 to 1	30 to 1	30 to 1	<u>35 to 1</u>	<u>40 to 1</u>
4 of a Kind	15 to 1	20 to 1	20 to 1	<u>30 to 1</u>	<u>30 to 1</u>
Full House	5 to 1	5 to 1	6 to 1	<u>4 to 1</u>	<u>4 to 1</u>
Flush	3 to 1	4 to 1	3 to 1	<u>3 to 1</u>	<u>3 to 1</u>
Straight	2 to 1	1 to 1	1 to 1	<u>2 to 1</u>	<u>2 to 1</u>

Source: 47 SDR 109, effective April 26, 2021.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-4(18), 42-7B-7, 42-7B-15.

*style - Manual, pg. 18 (example).*

20:18:35:01. Definitions. As used in this chapter ~~mean~~:

(1) "Card" means the list of sporting events from which a patron can make selections

*Handbook*  
*Handbook*  
*Handbook*

for a given pool;

- (2) “Collegiate sporting event” means an athletic competition or event between two or more colleges or universities;
- (3) “Event category” means a specific type of event governed by a specific sports governing body or other oversight body;
- (4) “Event integrity monitoring” means the monitoring of sports wagering to identify unusual or suspicious wagering activities from a match-fixing and sporting corruption standpoint and then reporting such activities to required parties;
- (5) “Exchange wagering” means a form of wagering in which two or more persons place identically opposing wagers in a given market, allowing patrons to wager on both winning and nonwinning outcomes in the same event;
- (6) “In-game wagering” means placing a sports bet after a sporting event has started;
- (7) “Independent integrity monitoring provider” means an independent person who is registered with the commission and who receives reports of unusual wagering activity from the commission, a licensee, or a sports wagering services provider for the purpose of assisting in identifying suspicious wagering activity;
- (8) “International sporting event” means an international team or individual sporting event governed by an international sports federation or sport’s governing body, including sporting events governed by the International Olympic Committee and the International Federation of Association Football;
- (9) “Internet” means the international computer network of interoperable packet-switched data networks;

- (10) “Involuntarily excluded person” means any individual who has been involuntarily excluded by the executive secretary or the commission and who is prohibited from establishing a wagering account or participating in gambling, gaming, or wagering activities under the jurisdiction of the commission;
- (11) “Layoff wager” means a wager placed by a sports wagering operation with another sports operation for the purpose of offsetting patron wagers;
- (12) “Minor league sporting event” means a sporting event conducted by a sports league that has not been classified by the commission as a premier league in the sport;
- (13) “Mobile application” means an application on a mobile phone or other devices through which an individual is able to place a sports bet;
- (14) “Parlay bet” means a single sports bet that incorporates two or more individual bets for purposes of earning a higher payout if each bet wins;
- (15) “Patron” means a person who places a sports bet;
- (16) “Person” means an individual, partnership, corporation, association, limited liability company, or other legal entity;
- (17) “Personal identifying information” means any sensitive information that could potentially be used to identify a particular patron;
- (18) “Pool” means an offering where patrons may make selections of outcomes on a set number of sporting events on a card in order to enter for a chance to win all or a portion of the prize pool;
- (19) “Prize pool” means the prize available for an individual tournament, contest, or

pool;

- (20) "Professional sporting event" means a sporting event, other than a minor league sporting event, in which two or more persons participate and receive remuneration in excess of their out-of-pocket expenses for participating in the event;
- (21) "Prohibited person" means any person who:
  - (A) Has been placed on the list of excluded persons pursuant to SDCL 42-7B-61;
  - (B) Is under the age of 21;
  - (C) Is an employee of, or appointee to, the South Dakota Gaming Commission;
  - (D) Is wagering while not in the permitted boundary pursuant to SDCL 42-7B-79;
  - (E) Is wagering on behalf of another;
  - (F) Is wagering in violation of SDCL 42-7B-83;
  - (G) Is wagering in violation of state, local, or federal law;
  - (H) Is employing a wagering account in a suspended mode; and or
  - (I) Is determined by the Commission to be prohibited from wagering through a contested case;
- (22) "Rake" means the fee that is deducted by a licensee or sports wagering services provider from a wager made for exchange wagering, or entry fees paid by patrons who participate in a tournament, contest, or pool;
- (23) "Rake adjustment" means an adjustment made by the licensee or sports wagering

- services provider to account for any shortfall in connection with a tournament, contest, or pool;
- (24) “Sensitive information” means information such as transactional wagering data, authentication credentials, secure seeds and keys, and other data that must be handled in a secure manner;
  - (25) “Shared liquidity pool” means a tournament, contest, or pool conducted in South Dakota and at least one other jurisdiction;
  - (26) “Sporting event” means a contest or competition between individuals or teams, the results are determined at least in part by the skill or ability of an individual athlete or competitor or a team that is competing in the event;
  - (27) “Sporting event official” means any official as recognized by the respective sports governing body;
  - (28) “Sports bet” means an amount placed as a wager on the results of a sporting event, or a contingency during a sporting event, or the performance or nonperformance of an athlete or competitor during a sporting event;
  - (29) “Sports governing body” means an organization that prescribes final rules and enforces codes of conduct for a sporting event and the athletes or competitors in the sporting event;
  - (30) “Sports wagering” means the acceptance of a wager on an authorized sporting event by any system of wagering authorized by the commission;
  - (31) “Sports wagering area” means the designated location in a gaming establishment approved by the commission, in which sports wagering may be conducted;

- (32) "Sports wagering kiosk" means an automated device used by patrons to make wagers on sporting events, obtain wagering information, process sports wagering tickets and sports wagering vouchers, manage wagering accounts, and any other automated functions;
- (33) "Sports wagering operation" means a licensed operator in conjunction with a licensed sports wagering services provider who offers sports wagering to the public;
- (34) "Sports wagering revenue" means the total of all wagers placed by patrons with a licensee, excluding free wagers and promotional play, minus all payments to patrons;
- (35) "Sports wagering services provider" means a person who maintains or operates the software or hardware of a sports wagering system or facilitates wagering on a sporting event by providing a service defined in SDCL 42-7B-4(43);
- (36) "Sports wagering system" means the hardware, software, firmware, *subdivision - style - Manual, pg. 10* communications technology, other equipment, as well as operator procedures implemented in order to allow patron participation in sports wagering, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate patron participation;
- (37) "Sports wagering ticket" means a printed document or other electronic record that contains information pertaining to a sports bet;
- (38) "Sports wagering voucher" means a printed record, or digital representation



(39) “Suspicious wagering activity” means unusual wagering activity that is indicative of match fixing, the manipulation of an event, misuse of inside information, or other prohibited activity;

(40) “Unusual wagering activity” means abnormal wagering activity exhibited by patrons and deemed by the sports wagering operation as a potential indicator of suspicious activity;

(41) “Voluntarily-excluded person” means any individual whose name is included, at the individual’s request, on a self-exclusion list ~~XXXX~~

(42) “Winnings” mean the total cash value of all property or sums, including currency or instruments of monetary value paid to a patron by a licensee as a direct result of a winning sports bet.

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

**League** style - Manual, pg. 13

1. Monoclonal  
 2. Diagnose  
 3. Prognosis  
 4. Therapy  
 5. Prophylaxis

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sports wagering services provider, before the first time a tournament, contest, or pool type is offered, files written notice with the commission of its intent to offer that tournament, contest, or pool type and obtains approval from the commission. The licensee or sports wagering services provider may file a master list with the commission to satisfy this requirement. The written notice must include:

- style - nested list within a list of items requires the use of semi-colons to distinguish.*
- (1) A detailed description of the tournament, contest, or pool type and must include the rules of the tournament, contest, or pool, the requirements for entry, the entry fees, the rake, and potential payouts. The request must also indicate whether or not the proposed type involves a shared liquidity pool with the prize pool being comprised of entry fees collected from patrons in multiple jurisdictions;
  - (2) Once a sports wagering operator or sports wagering vendor receives approval to offer a tournament, contest, or pool type, the sports wagering operator or sports wagering vendor ~~shall~~ may not be required to seek additional approvals from the commission for each subsequent type that is substantially similar but must submit notification to the commission with the details required in § subdivision 1.

**Source:**

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

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

**20:18:35.01:03. Certification testing.** Prior to conducting sports wagering, and annually thereafter, all equipment and systems integral to the conduct of sports wagering and advance deposit sports wagering must be submitted to a commission-designated independent



testing laboratory for evaluation. Certification and executive secretary approval must be received prior to the use of any equipment or system to conduct sports wagering. The submission for evaluation must include the following:

- (1) The licensee shall provide internal controls that protect the integrity of all hardware, networks, applications, databases, and data of the system to the executive secretary for approval prior to completion of the system testing period and final approval of the system; and
- (2) The licensees and sports wagering services provider shall submit change control processes to the executive secretary for approval. These processes must be:
  - (A) Developed in accordance with the Gaming Laboratories International, LLC Guide GLI-CMP Change Management Program Guide, v1.0; and
  - (B) Certified prior to its deployment and audited at an annual interval by the independent gaming laboratory;
- ~~(3)~~ At least annually, each product operating under the certified change control processes must be fully certified to the specifications set forth in this chapter or other technical specifications as prescribed by the commission through internal control procedures and accompanied by formal certification documentation from the independent gaming laboratory. The licensee and sports wagering services provider, where separate, may seek approval for extension beyond the annual approval if hardship can be demonstrated. Granting of a hardship waiver is the sole discretion of the commission.

**Source:**

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

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

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

**20:18:35.01:12. Test accounts.** A licensee or sports wagering services provider may establish test accounts to be used to test the various components and operation of a sports wagering system pursuant to internal controls adopted by the licensee or sports wagering services provider ~~must address:~~ . In establishing test accounts, the licensee or sports wagering services provider shall address:

- (1) The procedures for issuing funds used for testing, including the identification of who may issue the funds and the maximum amount of funds that may be issued;
- (2) The procedures for assigning each test account for use by only one individual or a specific scenario or instance of a test account that may be shared by multiple users if each user's activities are separately logged;
- (3) The maintenance of a record for all test accounts, to include when they are active, to whom they are issued, and the employer of the individual to whom they are issued;
- (4) The procedures for auditing testing activity by the licensee or sports wagering services provider to ensure the accountability of funds used for testing and proper adjustments to sports wagering revenue; and
- (5) The procedures for authorizing and auditing out-of-state test activity.

**Source:**

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

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

## CHAPTER 20:18:35.02


### SPORTS WAGERING AREA

#### Section

20:18:35.02:01	Designated sports wagering area.
20:18:35.02:02	Sports wagering transactions.
20:18:35.02:03	Sports wagering kiosks.
20:18:35.02:04	Wrong ticket claims.
20:18:35.02:05	Winning wagers and vouchers.
<u>20:18:35.02:05.01</u>	<u>Vouchers – System recording requirements.</u>
20:18:35.02:06	Surrender of tickets and vouchers required.

**20:18:35.02:05. Winning wagers and vouchers.** Winnings from sports wager tickets must remain valid for the patron to redeem for one year after the conclusion of the final event in the sports wager. If the sports wagering system issues and redeems a sports wagering voucher:

The sports wagering vouchers must contain the following information:

- 
- (1) The value of the voucher in U.S. dollars;
  - (2) The name of the licensee or gaming establishment issuing the voucher;
  - (3) The time of day the voucher was issued, in a 24-hour format showing hours and minutes;
  - (4) The date the voucher was issued showing day, month, and year;
  - (5) The expiration date of the voucher, which is 90 days from the date of issue;
  - (6) A number identifying the sports wagering kiosk or cashier that generated the voucher;
  - (7) A unique validation number or bar code;
  - (8) A description of any restrictions on the redemption of the voucher; and

- (9) Security features that limit the ability to counterfeit.

~~The sports wagering system must be capable of recording, for each sports wagering voucher:~~

- ~~(1) The value of the voucher;~~
- ~~(2) The date, time, and location of issuance;~~
- ~~(3) A unique validation number;~~
- ~~(4) The expiration date of the voucher; and~~
- ~~(5) The date, time, and location of redemption, if applicable.~~

Source:

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

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

20:18:35.02:05.01. Vouchers – System recording requirements. The sports wagering system must be capable of recording, for each sports wagering voucher:

- (1) The value of the voucher;
- (2) The date, time, and location of issuance;
- (3) A unique validation number;
- (4) The expiration date of the voucher; and
- (5) The date, time, and location of redemption, if applicable.

Source:

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

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

## CHAPTER 20:18:36

### ADVANCE DEPOSIT WAGERING

#### Section

20:18:36:01	Definitions.
20:18:36:02	Authorization to conduct advance deposit wagering.
20:18:36:03	Advance deposit wagering – Associated agreements.
20:18:36:04	Location detection requirements.
20:18:36:05	Account requirements.
20:18:36:06	Establishing an account.
20:18:36:07	Account application verification.
20:18:36:08	Account eligibility.
20:18:36:09	Advance deposit wagering licensee may close or refuse to open accounts.
20:18:36:10	Terms and conditions and privacy for accounts.
20:18:36:11	Account information.
20:18:36:12	Authentication credentials.
20:18:36:13	Authentication credentials – Reset or locked accounts.
20:18:36:14	Account balance.
20:18:36:15	Accounts nontransferable.
20:18:36:16	Financial transactions.
20:18:36:17	Advance deposit wagering licensee may refuse financial transactions.
20:18:37:18	Account credits and deposits.
20:18:36:19	Failed electronic funds transfer transactions.
20:18:36:20	Withdrawals from an account.
20:18:36:21	Withdrawals from an account – overdrafts.
20:18:36:22	Declining to withdraw from an account.
20:18:36:23	Modification of account information.
20:18:36:24	Balance adjustments.
20:18:36:25	Responsible gaming limits.
20:18:36:26	Advance deposit wagering licensee may suspend or close accounts.
20:18:36:27	Suspension and restoration of accounts.
<u>20:18:36:27.01</u>	<u>Suspension of account – Effect.</u>
20:18:36:28	Restoration of accounts.
20:18:36:29	Account closure.
20:18:36:30	Inactive accounts.
20:18:36:31	Deceased account holder.
20:18:36:32	Account security – Account holder responsibility.
20:18:36:33	Account statements.
20:18:36:34	Account holder's principal residence address.
20:18:36:35	Wager information confidential – Disciplinary action for violations.
20:18:36:36	Securing payment methods.

**20:18:36:18. Account credits and deposits.** After the establishment, a wagering account may be funded using approved methods which that produce a sufficient audit trail for verification of the source of the wagers.

The approved methods for funding accounts are:

- (1) Cash or voucher deposits;
- (2) Check, money order, or negotiable order of withdrawal;
- (3) Charges made to an account holder's credit card or debit card;
- (4) Bonus or promotional credit;
- (5) Electronic funds transfer from a monetary account controlled by an account holder;
- (6) Credit for winnings from wagers placed with funds in the account;
- (7) Adjustments made by the licensee with documented notification to the account holder;
- (8) Wire transfer; or
- (9) Any other means approved by the commission pursuant to internal control procedures.

For credit cards or debit cards and electronic fund transfers, the account holder is liable for any charges imposed by the transmitting or receiving entity, with such charges to be deducted from the account.

Any funds deposited pursuant to this section are available for wagering use in accordance with the financial institution's policy regarding funds availability.

**Source:**



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

Law Implemented: SDCL 42-7B-77.

**20:18:36:27. Suspension and restoration of accounts.** The advance deposit wagering licensee shall employ a mechanism that places a wagering account in a suspended mode under the following conditions:

- (1) When a self-exclusion request is made by the account holder for a specified period of time not less than 72 hours, or indefinitely;
- (2) When required by the commission;
- (3) Upon a determination that an account holder is a prohibited person; or
- (4) When initiated by a licensee with evidence that illegal activity, a negative account balance, or a violation of the terms and conditions has taken place on an account holder's account;
- ~~(5) Requiring the licensee to:~~
  - ~~(A) Prevent the account holder from wagering;~~
  - ~~(B) Prevent the account holder from depositing funds, unless the account is suspended due to having a negative account balance, but only to the extent the account balance is brought back to zero dollars;~~
  - ~~(C) Prevent the account holder from withdrawing funds from the holder's account, the licensee acknowledges that the funds have cleared, and that the reason or reasons for suspension would not prohibit a withdrawal;~~
  - ~~(D) Prevent the account holder from making changes to his or her account;~~
  - ~~(E) Prevent the removal of the account from the system; and~~



(F) — ~~Prominently display to the account holder that the account is in a suspended mode, the restrictions placed on the account, and any further course of action needed to remove the suspended mode.~~

Each licensee shall, on a monthly basis, provide the commission with a list of suspended accounts, and the reasons why the account was suspended.

Source:

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

Law Implemented: SDCL 42-7B-77.

**20:18:36:27.01. Suspension of account – Effect.** Upon suspension of an account, the advance deposit wagering licensee shall:

(1) Prevent the account holder from wagering;

(2) Prevent the account holder from depositing funds, unless the account is suspended due to having a negative account balance, but only to the extent the account balance is brought back to zero dollars;

(3) Prevent the account holder from withdrawing funds from the holder's account, the licensee acknowledges that the funds have cleared, and that the reason or reasons for suspension would not prohibit a withdrawal;

(4) Prevent the account holder from making changes to his or her account;

(5) Prevent the removal of the account from the system; and

(6) Prominently display to the account holder that the account is in a suspended mode, the restrictions placed on the account, and any further course of action needed to remove the suspended mode.

clarify-  
is the  
word  
"unless"  
missing  
before  
"the"?  
If so,  
strike the  
comma  
also.

Source:

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

Law Implemented: SDCL 42-7B-77.

*style - please underline  
new content.  
See Manual, pg. 18.*

**20:18:36:36. Securing payment methods.** Procedures must be in place to ensure all financial transactions are conducted in accordance with federal regulations and the commission's rules. To protect payment methods against fraudulent uses, the advance deposit wagering licensee shall ensure that:

- (1) ~~Collection~~ Ensure collection of sensitive information directly related to financial transactions must be limited to the information strictly needed for such transaction;
- (2) ~~Adequate measures must be taken~~ Take adequate measures to protect any type of payment in the system from a fraudulent use;
- (3) ~~The licensee shall verify~~ Verify that the payment processors ensure the protection of the account holder's data, including any sensitive information given by the account holder, or transaction related data;
- (4) ~~There must be an established~~ Establish procedure for assuring a match of ownership between the payment type holder and the wagering account holder; and
- (5) ~~The licensee shall generate~~ Generate all transactional records of wagering accounts. The data recorded must allow the licensee to trace a single financial transaction of an account holder from another transaction.

All financial transactions must be reconciled with financial institutions and payment processors daily or as otherwise specified by the commission.

Additional requirements for payment processors may be specified by the commission

through internal control procedures.

**Source:**

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

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

Sunday, July 25, 2021 10:57 AM

**James Reed**  
**627 Bishop Mountain Drive**  
**Hill City, S.D. 57745**  
**(605)-722-7418**

I am placing a request to make a amendment to rule 20:18:16:15.23. Variations of the play -- Dakota Duel Draw. The amendment to rule, is to add 4 new paytables. It is for the option of the casino. It is to add to the excitement of the game creating some larger wins. The game play stays the same in the rule. However, there are 4 new paytables total, that have been approved by GLL. First two of the paytables are 4 and 5 for the pocket pair bonus. Also two paytables 4 or 5 the Big 8 wager.

**20:18:16:15.23. Variations of the play -- Dakota Duel Draw.** Dakota Duel Draw must be played according to the following rules:

(1) Dakota Duel Draw must be played on tables designated by the licensee for the play of Dakota Duel Draw. A single deck of cards must be used. The rank of hands in Dakota Duel Draw, from highest to lowest, is royal flush, straight flush, four of a kind, full house, flush, straight, three of a kind, two pair, pair, and high card;

(2) Each player shall make at least one initial bet in the amount specified at the table by the retail licensee and shall place the bet in either the big 8 wagering area or the hand 2 ante wagering area, or both. A player places the big 8 wager to play for hand value only; a player places the hand 2 ante bet to play a hand ranking payout; and a player places the hand 1 play bet to play for hand ranking payout. A player places all bets if the player wants to play all ways;

(3) Any dealer tip delivered as a wager may be placed on any one, or all, of the big 8, hand 2 ante, or hand 1 play, if the player has placed a personal wager on the same hand. If a player continues to play with a hand 1 play wager, the dealer's tip hand 2 ante may remain in play whether or not the player adds a hand 1 play wager for the dealer;

(4) Immediately before play begins and after each round of play has been completed, the dealer shall shuffle the cards. Following shuffle and cut, the dealer shall deal one card to hand 2 community card and one card to hand 1 community card and one to each player, then a second card to hand 2 community card and hand 1 community card and one to each player, then a third card hand 2 community card and a third hand 1 community card, all cards are dealt face downward and one at a time in rotation among the community cards and the players cards;

(5) An incorrect number of cards dealt to a player or to the community cards is always a misdeal. An exposed card is not a misdeal. If the dealer exposes a card, the dealer turns the card over and continues dealing;

(6) Wagers are collected or paid in this order: pocket pair bonus, hand 1 play, hand 2 ante, and the big 8, if applicable;

(7) Once a player looks at the player's two face down cards, the player has the option to fold and forfeit the hand 2 ante bet or place a bet equal to the hand 2 ante on the hand 1 play. If the player has made a big 8 wager and forfeits the hand 2 ante, the player will place the cards face down in accordance with house policy. If the player places a hand 1 play bet, the player places the cards in accordance with house policy. Once a player makes a hand 1 play bet, the player is locked into the hand and must wait to see if the player hands rank high enough for a payout;

(8) If a player already has at least a straight or better, the player shall be paid on the big 8 wager. There is no action required for the big 8 wager. The big 8 wager is the best 5 cards out of the player's two cards and the six community cards on the board. After each player who wishes to fold has folded, the dealer collects the hand 2 ante. As the dealer collects the folded cards, the cards are spread face down to count the cards and then placed in the discard rack; if the player folds his hand 2 ante and has a big 8 bet, the cards will be tucked under the big 8 wager, or according to house policy;

(9) After each player has decided to play or fold, the dealer shall expose the six community cards in two sets of three cards, and call out and show the best possible five-card hand that the players have for the hand 1 play, the hand 2 ante, and the big 8. Once the dealer has determined the players hand ranking for each wager remaining, the dealer will pay or take the bet or bets according to hand ranking for each wager. If the two cards dealt to the player are a pair, the player will receive a bonus according to the pocket pair bonus. This bonus will be paid only if the player plays the hand 1 play. The pocket pair bonus is paid according to the amount played on hand 1. The pocket pair bonus is paid regardless of whether the player loses any of the other wagers;

(10) Players are paid according to the following hand 1 play and hand 2 ante payment schedule, which must be included as part of the table layout:

Hand	Pay
Royal Flush	100 to 1
Straight Flush	50 to 1
4 of a Kind	30 to 1
Full House	8 to 1
Flush	6 to 1
Straight	4 to 1
3 of a Kind	3 to 1
2 pair	2 to 1
Pair, Nines or Higher	2 to 1

(11) Players are paid the pocket pair bonus according to the following pocket pair bonus play schedule, which must be included as part of table layout:

Pair	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
AA	4x	4x	4x	<u>20x</u>	<u>20x</u>
KK	4x	4x	4x	<u>10x</u>	<u>10x</u>
QQ	4s	4x	4x	<u>8x</u>	<u>4x</u>
JJ	4x	4x	4x	<u>3x</u>	<u>4x</u>
1010	4x	4x	3x	<u>3x</u>	<u>4x</u>
99	4x	4x	3x	<u>3x</u>	<u>4x</u>
88	4x	4x	3x	<u>N/A</u>	<u>N/A</u>
77	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
66	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
55	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
44	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
33	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
22	3x	3x	3x	<u>N/A</u>	<u>N/A</u>

(12) If a player has a big 8 bet and the player's hand contains a straight or better, the player wins. If the player's hand contains less than a straight the player loses. Players are paid according to the following big 8 payment schedule, which must be included as part of the table layout:

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Royal Flush	50 to 1	50 to 1	50 to 1	<u>50 to 1</u>	<u>80 to 1</u>
Straight Flush	30 to 1	30 to 1	30 to 1	<u>35 to 1</u>	<u>40 to 1</u>
4 of a Kind	15 to 1	20 to 1	20 to 1	<u>30 to 1</u>	<u>30 to 1</u>
Full House	5 to 1	5 to 1	6 to 1	<u>4 to 1</u>	<u>4 to 1</u>
Flush	3 to 1	4 to 1	3 to 1	<u>3 to 1</u>	<u>3 to 1</u>
Straight	2 to 1	1 to 1	1 to 1.	<u>2 to 1</u>	<u>2 to 1</u>

**Source:** 47 SDR 109, effective April 26, 2021.

**General Authority:** SDCL 42-7B-7.

**Law Implemented:** SDCL 42-7B-4(18), 42-7B-7, 42-7B-15.





**GLI®**

**World Headquarters**

600 Airport Road  
Lakewood, NJ 08701

Phone (732) 942-3999  
Fax (732) 942-0043  
www.gaminglabs.com

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GLI Austria GmbH  
GLI Europe BV  
GLI Italy  
GLI South America

July 16, 2021

Mr. James Reed  
627 Bishop Mountain Drive  
Hill City, South Dakota 57745

RE: Addendum to **Gaming Laboratories International, LLC's**  
Mathematical Analysis of *Dakota Duel Draw* dated November 6,  
2020

File Nr: LO-00-JAR-20-01

Dear Mr. Reed,

By report dated November 6, 2020, **Gaming Laboratories International, LLC** provided a Mathematical Analysis of the table game "*Dakota Duel Draw*".

At your request, the report has been revised to include additional paytables. In addition, the report has been revised to reflect the latest notations.

The attached report serves as a wholesale amendment and is intended to replace the original report in its entirety.

If you should have any questions regarding this matter, please feel free to contact our office.

Sincerely,

**GAMING LABORATORIES INTERNATIONAL, LLC**

Christine M. Gallo  
Senior Vice President, Quality and Technical Compliance

nbm





**GLI®**

**World Headquarters**

600 Airport Road  
Lakewood, NJ 08701

Phone (732) 942-3999  
Fax (732) 942-0043  
www.gaminglabs.com

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GLI Europe BV  
GLI Italy  
GLI South America

July 16, 2021①

Mr. James Reed  
627 Bishop Mountain Drive  
Hill City, South Dakota 57745

Re: Mathematical Analysis of *Dakota Duel Draw* (Proposal #LO-20201019-6831 dated October 19, 2020)

File Nr: LO-00-JAR-20-01

Dear Mr. Reed:

As per your request, please find **Gaming Laboratories International, LLC's (GLI)** math analysis for the table game, *Dakota Duel Draw*.

**This report only verifies the mathematical aspects of this game and DOES NOT offer an opinion as to whether or not this game is currently authorized for use in any jurisdiction.**

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**Game Description**

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**INTRODUCTION AND GAMEPLAY**

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*Dakota Duel Draw* is a game played with a standard 52-card deck. The player begins by placing a Hand 2 wager and/or a Big 8 wager. Each player is then dealt two cards, face-down. Three cards are dealt as Hand 1 community cards, and three cards are dealt as Hand 2 community cards, all face-down. After examining their cards, if the player has placed a Hand 2 wager, they must then either place a Hand 1 wager equal to the Hand 2 wager, or else fold and forfeit their Hand 2 wager. *Note that Big 8 wagers remain active regardless of whether the player folds a Hand 2 wager. Also, if the player has only a Big 8 wager, and has not placed a Hand 2 wager, no action is required.* After all players have acted, all cards are then revealed, and all wagers are resolved.

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HAND 1 AND HAND 2 WAGERS

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The Hand 1 and Hand 2 wagers are each separately resolved by combining the player's two cards with the designated three community cards, according to wager. If the Poker hand formed is a Pair of Nines or better, the wager wins and pays according to hand, as given in [Table 1](#). Otherwise the wager loses.

**Table 1. Pays — Hand 1 and Hand 2 Wagers**

Hand	Pay
Royal Flush	100 to 1
Straight Flush	50 to 1
Four of a Kind	30 to 1
Full House	8 to 1
Flush	6 to 1
Straight	4 to 1
Three of a Kind	3 to 1
Two Pair	2 to 1
Pair, Nines or Higher	2 to 1

Additionally, if the player has active Hand 1 and Hand 2 wagers and has not folded, and if their two individual cards form an eligible pair, they will receive a Pocket Pair Bonus award according to the rank of the pair, scaled relative to the amount of an individual Hand wager, as given in [Table 2](#). *Note, the player may receive a Pocket Pair Bonus award even if both Hand wagers lose.*

**Table 2. Pays — Pocket Pair Bonus (relative to Hand wager)**

Pair	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Aces	4x	4x	4x	20x	20x
Kings	4x	4x	4x	10x	10x
Queens	4x	4x	4x	8x	4x
Jacks	4x	4x	4x	3x	4x
10s	4x	4x	3x	3x	4x
9s	4x	4x	3x	3x	4x
8s	4x	4x	3x	N/A	N/A
7s	4x	3x	3x	N/A	N/A
6s	4x	3x	3x	N/A	N/A
5s	4x	3x	3x	N/A	N/A
4s	3x	3x	3x	N/A	N/A
3s	3x	3x	3x	N/A	N/A
2s	3x	3x	3x	N/A	N/A

---

**BIG 8 WAGER**

---

The Big 8 wager is resolved based on the best 5-card poker hand that can be formed using the player's two cards and all six community cards. If the hand formed is a straight or better, the wager wins and pays according to hand, as given in [Table 3](#). Otherwise, the wager loses.

**Table 3. Pays — Big 8 Wager**

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Royal Flush	50 to 1	50 to 1	50 to 1	50 to 1	80 to 1
Straight Flush	30 to 1	30 to 1	30 to 1	35 to 1	40 to 1
Four of a Kind	15 to 1	20 to 1	20 to 1	30 to 1	30 to 1
Full House	5 to 1	5 to 1	6 to 1	4 to 1	4 to 1
Flush	3 to 1	4 to 1	3 to 1	3 to 1	3 to 1
Straight	2 to 1	1 to 1	1 to 1	2 to 1	2 to 1

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**Mathematical Analysis**

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The analysis was performed by iterative program. For the main game, the program iterated through all possible player cards and flops of community cards to determine optimal play/fold strategy, and the results were recorded. A summary is given in [Table 4](#). In the table, RTP represents the Return to Player, which is the ratio of Average Win to Average Wager. RTH represents the Return to House, also known as the Element of Risk, and is the expected house earnings scaled relative to the Average Wager. The HE is the traditional House Edge measurement, scaled relative to the Initial Wager.

**Table 4. Return Summary — Main Game**

	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Initial Wager	1	1	1	1	1
Average Wager	1.8009	1.8009	1.8009	1.8009	1.8009
Average Win	1.7752	1.7616	1.7481	1.7662	1.7616
RTP	98.57%	97.82%	97.07%	98.07%	97.82%
RTH	1.43%	2.18%	2.93%	1.93%	2.18%
HE	2.57%	3.93%	5.29%	3.48%	3.93%

The strategy used, which generates the highest possible RTP, is to play whenever the player holds a Nine or higher, whenever they have a pair, and on any two suited cards except 2-7, 2-8, and 3-8.

The Big 8 Wager was also analyzed by iterative program. Every possible 8-card hand was evaluated, and winning outcomes were tallied to produce probabilities for each event. These were combined with pay information to produce returns for each payable. A probability summary is given in [Table 5](#), and a return summary is presented in [Table 6](#).

**Table 5. Probability Summary — Big 8 Wager**

Hand	Probability
Royal Flush	0.000086
Straight Flush	0.000726
Four of a Kind	0.003361
Full House	0.060664
Flush	0.067572
Straight	0.089129

**Table 6. Return Summary — Big 8 Wager**

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
RTP	98.23%	97.76%	97.07%	97.57%	98.19%
HE	1.77%	2.24%	2.93%	2.43%	1.81%

---

## Summary

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① Updates were made to the previously issued report dated November 6, 2020, which include adding additional paytables.

The highest overall RTP that can be achieved is 98.57%, when Paytable 1 of the Pocket Pair Bonus is used and when the player plays the main game only and appropriately optimizes their play/fold decisions. The lowest RTP is 97.07%, from Paytable 3 of the Main wager, or from Paytable 3 of the Big 8 wager.

*Dakota Duel Draw*  
LO-00-JAR-20-01-000  
GLI-1  
Page 5 of 5

Please visit [Gaminglabs.com](http://Gaminglabs.com) to view the applicable Terms and Conditions and GLI Product Certification Scheme.

Should you have any questions, please feel free to contact our office.

Sincerely,  
**GAMING LABORATORIES INTERNATIONAL, LLC**

A handwritten signature in black ink, appearing to read 'CM Gallo', written in a cursive style.

Christine M. Gallo  
Senior Vice President, Quality and Technical Compliance

lb/nbm



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

### **UNAPPROVED MINUTES**

#### **South Dakota Commission on Gaming Special Meeting Capitol Building, Pierre, South Dakota**

#### **MINUTES**

July 7, 2021

At 9:00 a.m. the meeting was called to order. Commissioner Karen Wagner, Commissioner Karl Fischer, Commissioner Bob Goetz, and Commissioner Spencer Hawley were present. Commissioner Mike Wordeman participated via Zoom. Staff members present for the meeting were Mike Shaw, Commission Attorney; Susan Christian, Executive Secretary; Craig Sparrow, Deputy Executive Secretary; and Mark Hetzel, Enforcement Agent. A list of individuals that were present for the meeting and individuals that participated via Zoom is attached.

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

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

On a roll call no conflicts of interest were disclosed.

Commissioner Goetz	Nay
Commissioner Fischer	Nay
Commissioner Hawley	Nay
Commissioner Wordeman	Nay
Commissioner Wagner	Nay

#### **Special Business Meeting**

Commissioner Wagner introduced Matt Toler, Gaming Laboratories International, presenter.

#### **GLI University Presentation**

An introduction to Sports Betting which provided a general overview of Event Wagering topics including sports betting terminology, wager types, delivery channels, operational considerations including betting risks, event audits, change management lifecycles, and GLI-33.

A recess was taken at 12:00 p.m. for lunch and resumed at 1:32 p.m.

The presentation concluded at 4:01 p.m.



**Public Comment**

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

Commissioner Fischer made a motion to adjourn the meeting. Commissioner Hawley seconded the motion which carried unanimously.

The meeting was adjourned at 4:03 p.m.

Respectfully Submitted,

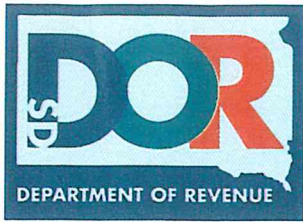
Kathy Beringer

---

Karen Wagner, Madam Chairman

---

Susan Christian, Executive Secretary



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

### **UNAPPROVED MINUTES**

#### **South Dakota Commission on Gaming Special Meeting Proposed Rules Hearing The Lodge at Deadwood, Deadwood, South Dakota**

#### **MINUTES**

July 14, 2021

At 9:00 a.m. the meeting was called to order. Commissioner Karen Wagner, Commissioner Karl Fischer, Commissioner Bob Goetz, and Commissioner Spencer Hawley were present. Commissioner Mike Wordeman was unable to participate in the meeting. Staff members present for the meeting were Mike Shaw, Commission Attorney; Susan Christian, Executive Secretary; Craig Sparrow, Deputy Executive Secretary; Mark Hetzel, Enforcement Agent; Kelly Hanson, Operations Manager; and Phil Schlieff, IT Specialist. Gaming Laboratories International staff members present were Mike Robbins and Kevin Mullally.

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

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

On a roll call no conflicts of interest were disclosed.

Commissioner Goetz	Nay
Commissioner Fischer	Nay
Commissioner Hawley	Nay
Commissioner Wagner	Nay

#### **Adoption of Rules Hearing Agenda**

Commissioner Fischer made a motion to adopt the agenda. Commissioner Goetz seconded the motion which carried unanimously.

#### **June 16, 2021 Quarterly Meeting**

Commissioner Goetz made a motion to adopt the minutes as drafted for the June 16, 2021 quarterly meeting. Commissioner Hawley seconded the motion which carried unanimously.

#### **Old Business**

There was no old business to be discussed.

## **Rules Hearing**

### **Proposed new and amended rules Slot Machine and System Requirements**

**20:18:17:18.03. Slot Machine Specification--Player identification components**

**20:18:17:18.04. Slot machine specifications--Wireless devices**

**20:18:17:19. Slot machine specifications--Communication protocol**

**20:18:17:39. Cashless wagering systems--Defined**

**20:18:17:39.01. Phases of certification**

**20:18:17:40. Devices in a cashless environment**

**20:18:17:40.01. Configuring cashless transactions**

**20:18:17:40.02. Audit trails for cashless transactions**

**20:18:17:40.03. Cashless meter requirements**

**20:18:17:40.04. Transaction confirmation**

**20:18:17:40.05. Player authentication**

**20:18:17:40.06. Smart card/device technology**

**20:18:17:40.07. Identifying a cashless device**

**20:18:17:41. System in a cashless environment**

**20:18:17:41.01. Cashless wagering system protection**

**20:18:17:41.02. Logical access controls**

**20:18:17:41.03. Security levels**

**20:18:17:41.04. Prevention of unauthorized access or transactions**

**20:18:17:41.05. Diagnostic tests on a cashless wagering system**

**20:18:17:41.06. Cashless device identification**

**20:18:17:41.07. Loss of communication**

**20:18:17:41.08. Encryption**

**20:18:17:41.09. Cashless wagering system logs**

**20:18:17:41.10. Cashless wagering system reports**

**20:18:17:41.11. Transferring of credits to/from the wagering account**

**20:18:17:41.12. Direct wagering from the wagering account**

**20:18:17:41.13. Comingling of player funds**

**20:18:17:41.14. Movement of money**

**20:18:17:41.15. Personal identification number**

**20:18:17:41.16. Player account balance**

**Proposed amendment 20:18:18:26. External bonusing**

A brief recess was taken at 10:07 a.m.

The meeting resumed at 10:17 a.m.

### **Proposed new rules Requirements of Sports Wagering Operations**

**20:18:35:01. Definitions**

**20:18:35:02. Internal control procedures**

**20:18:35:03. Authorized and prohibited events and wager types**

**20:18:35:04. Prohibiting wagers for good cause**

**20:18:35:05. Patron protection information**

**20:18:35:06. Wagering rules**

**20:18:35:07. Acceptance of wagers**

**20:18:35:08. Prohibited persons**

**20:18:35:09. Layoff wagers**

20:18:35:10. Tournaments/contests/pools  
20:18:35:11. Bonus or promotional wagering  
20:18:35:12. Taxation requirements  
20:18:35:13. Bank secrecy act compliance  
20:18:35:14. Integrity monitoring/suspicious behavior  
20:18:35:15. Commission access to information  
20:18:35:16. Anti-money laundering (AML) monitoring  
20:18:35:17. Reserve requirement  
20:18:35:18. Reports of sports wagering operations  
20:18:35:19. Retention of records  
20:18:35:20. Internal control procedures audit  
20:18:35:21. Annual financial audit  
20:18:35:22. Self-exclusion plan  
20:18:35:23. Provider error-Reimbursement

A recess was taken at 11:58 a.m.

The meeting resumed at 1:02 p.m.

**Proposed new rules Sports Wagering, Testing, Approval, and Changes**

20:18:35.01:01. Technical standards  
20:18:35.01:02. Certification testing  
20:18:35.01:03. Location of servers  
20:18:35.01:04. Internet or cloud-based hosting  
20:18:35.01:05. Integrity and security assessment  
20:18:35.01:06. Network security in gaming establishments  
20:18:35.01:07. Technical security controls  
20:18:35.01:08. Information security management system (ISMS)  
20:18:35.01:09. Test accounts

**Proposed new rules Sports Wagering Area**

20:18:35.02:01. Designated sports wagering area  
20:18:35.02:02. Sports wagering transactions  
20:18:35.02:03. Sports wagering kiosks  
20:18:35.02:04. Wrong ticket claims  
20:18:35.02:05. Winning wagers and vouchers  
20:18:35.02:06. Surrender of tickets and vouchers required

**Proposed new rules Advanced Deposit Wagering (ADW)**

20:18:36:01. Definitions  
20:18:36:02. Authorization to conduct advance deposit wagering  
20:18:36:03. Location detection requirements  
20:18:36:04. Account requirements  
20:18:36:05. Establishing an account  
20:18:36:06. Account application verification  
20:18:36:07. Account eligibility  
20:18:36:08. ADW licensee may close or refuse to open accounts  
20:18:36:09. Terms and conditions and privacy policies for accounts  
20:18:36:10. Account information  
20:18:36:11. Authentication credentials  
20:18:36:12. Account balance  
20:18:36:13. Accounts nontransferable  
20:18:36:14. Financial transactions

20:18:36:15. ADW licensee may refuse financial transactions  
20:18:36:16. Account credits and deposits  
20:18:36:17. Failed EFT transactions  
20:18:36:18. Withdrawals from an account  
20:18:36:19. Modification of account information  
20:18:36:20. Balance adjustments  
20:18:36:21. Responsible gaming limits  
20:18:36:22. ADW license may suspend or close accounts  
20:18:36:23. Suspension and restoration of accounts  
20:18:36:24. Account closure  
20:18:36:25. Inactive accounts  
20:18:36:26. Deceased account holder  
20:18:36:27. Account security--Account holder responsibility  
20:18:36:28. Account statements  
20:18:36:29. Account holder's principle residence address  
20:18:36:30. Wager information confidential--Disciplinary action for violations  
20:18:36:31. Securing payment methods  
Appendix A, Gaming Internal Control and Revenue Reporting Manual.  
**Definitions of Selected Gaming Technology**  
**Section 1300-Internal Audits.**

Commissioner Hawley made a motion to adopt the rules with all the changes and with Legislative Rules Committee style and form changes. Commissioner Goetz seconded the motion which carried unanimously.

#### **Date of next meeting**

Commissioner Hawley made a motion to change the quarterly meeting date to September 8, 2021. Commissioner Fischer seconded the motion which carried unanimously.

#### **Public Comment**

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

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

The meeting was adjourned at 2:33 p.m.

Respectfully Submitted,

Kathy Beringer

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Karen Wagner, Madam Chairman

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Susan Christian, Executive Secretary



## SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners and Mike Shaw  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Stipulation and Assurance of Voluntary Compliance  
DHIH, LLC dba Hickoks SDCG License Number 11965-RT  
Complaint Number 21-05-016-SC

DATE: September 8, 2021

On June 23, 2021 an informal consultation per ARSD 20:18:10:03 was held to resolve the violations alleged in the Initial Complaint that was filed by SDCG Executive Secretary Susan Christian on or about May 14, 2021

Licensee responded on or about May 3, 2021 and admitted to the conduct alleged in the complaint that in December 2020, DHIH,LLC received payment to secure a 16% ownership of DHIH,LLC prior to the Commission approving the gaming contract and before the purchasing party had been licensed.

The conduct was discovered through a background investigation for licensure application.

After consultation with legal counsel a fine of \$ 500.00 was imposed. Licensee was to pay the fine by July 15, 2021. Fine was not received until August 30, 2021.

Staff is recommending that the Commission accept the Stipulation and Assurance of Voluntary Compliance.





**SOUTH DAKOTA COMMISSION ON GAMING**

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(605) 773-6051 • [dor.sd.gov/gaming](http://dor.sd.gov/gaming)

SOUTH DAKOTA COMMISSION  
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

DHIH, LLC dba Hickok's  
SDCG License #11965-RT

SDCG Case #21-05-016-SC

DEFENDANT

**RECITALS**

A complaint was filed against the Defendant on May 14, 2021 by, Susan Christian, the Executive Secretary of the South Dakota Commission on Gaming.

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

An Informal Consultation was held between the Executive Secretary and the Defendant on June 23, 2021.

**I**

The complaint filed on May 14, 2021 alleged that the Defendant engaged in conduct constituting grounds for disciplinary action in violation of SDCL 42-7B-66 by receiving payment to secure a 16% ownership of DHIH, LLC prior to the Commission approving the gaming contract and before the purchasing party had been licensed by the Commission.

**II**

The Defendant answered the complaint June 3, 2021. The licensee's answer did not contest the conduct alleged in the complaint.

III

The South Dakota Commission on Gaming recognizes licensee is a newcomer to the casino industry and has taken full responsibility for the conduct that was in violation of §42-7B-66. Commission's legal counsel required that the contract be amended and based upon such amendment, licensee is currently in compliance with §42-7B-66. Licensee has also agreed to retain legal counsel to review proposed contracts to ensure proper compliance with SDCL Chapter 42-7B and ARSD Chapter 20:18.

In order to resolve this matter pursuant to the authority set forth in ARSD 20:18:10:04, the Executive Secretary hereby accepts the stipulated monetary penalty of Five Hundred Dollars (\$500.00) from Defendant to be paid no later July 15, 2021 than. Please remit penalty payment to:

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

IV

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

V



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

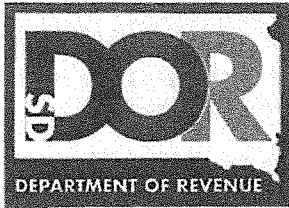
DATED at Pierre, South Dakota, the 23<sup>rd</sup> day of June 2021 .

DHIH, LLC DBA Hickok's  
Defendant



SUSAN CHRISTIAN, CIA  
Executive Secretary  
South Dakota Commission on Gaming

By   
Its 



SOUTH DAKOTA COMMISSION ON GAMING

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

SENT VIA USPS CERTIFIED MAIL

June 3, 2021

DHIH, LLC dba Hickoks  
Becky Soucheck, Registered Agent  
PO Box 1080  
Yankton, SD 57078


RE: South Dakota Commission on Gaming vs. DHIH, LLC dba Hickoks  
SDCG License Number 11965-RT  
Complaint Number 21-05-016

Ms. Soucek,

DHIH, LLC dba Hickoks' response to the initial complaint delivered to you on or about May 14, 2021 has been received. In the response from your legal counsel, Sheila Woodward, states that the facts stated in the initial complaint are true. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 10:30 a.m. CDT on June 23, 2021 at the law offices of May, Adams, Gerdes & Thompson LLP located at 503 S Pierre St, Pierre, SD.

Sincerely,

  
Susan Christian, CIA  
Executive Secretary

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

One enclosure

CC:

Marlow, Woodward & Huff, Prof. LLC, Sheila S. Woodward, Partner via E-mail  
Mike Shaw, SDCG legal counsel via E-mail



## SOUTH DAKOTA COMMISSION ON GAMING

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

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

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

**General Authority:** SDCL 42-7B-7.

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



## ATTORNEYS

MICHAEL F. MARLOW  
SHEILA S. WOODWARD\*\*  
STEVEN K. HUFF\*  
PAUL T. VAN OLSON  
NICHOLAS G. MOSER  
CHRISTOPHER N. LEON  
CELIA MINER (RETIRED)

\* ALSO ADMITTED IN IOWA

+ ALSO ADMITTED IN NEBRASKA



**MARLOW, WOODWARD & HUFF, PLLC**

200 WEST 3RD STREET  
PO Box 667  
YANKTON, SOUTH DAKOTA 57078  
605.665.5009 FAX: 605.665.4788  
www.mwhlawyers.com

## PRACTICE AREAS

- PERSONAL INJURY
- ESTATE PLANNING
- COMMERCIAL LAW
- CIVIL LITIGATION
- REAL ESTATE

Email: sheila@mwhlawyers.com

June 3, 2021

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


Re: SDCG Case #21-05-016-SC

Dear Ms. Christian:

Enclosed please find DHIH, LLC's *Answer To Initial Complaint Filed Pursuant To ARSD 20:18:10.01*. Should you have any questions, please contact me at your convenience.

Sincerely,

**Marlow, Woodward & Huff, Prof. LLC**

  
Sheila S. Woodward  
For the Firm

SSW/mb

Enclosure

**RECEIVED**

JUN 07 2021

SD COMMISSION ON GAMING-PIERRE

**STATE OF SOUTH DAKOTA**  
**DEPARTMENT OF REVENUE AND REGULATION**  
**SOUTH DAKOTA COMMISSION ON GAMING**

South Dakota	)	
Commission on Gaming	)	
	)	
Plaintiff,	)	Answer to
	)	Initial Complaint Filed
v.	)	Pursuant to
	)	
DHIH, LLC dba Hickocks	)	ARSD 20:18:10.01
SDCG Lic. # 11965-RT	)	
	)	SDCG Case # 21-05-016-SC
Defendant.	)	
	)	
	)	

---

Defendant DHIH, LLC, dba Hickocks (“DHIH”), for its Answer, states and asserts as follows:

ANSWER

While DHIH did not intentionally violate any statute or regulation, the facts as stated in the Initial Complaint are true.<sup>1</sup> DHIH inadvertently violated SDCL § 42-7B-66, has taken active steps to remedy its error, and is committed to undertaking the diligence required to ensure it does not violate any statute or regulation in the future.

When DHIH and Deadwood Legacy Holdings, LLC (“Deadwood Legacy”) executed Exhibit 6.1 to the Subscription Agreement (“Exhibit 6.1”), DHIH did not believe that was a gaming contract because Deadwood Legacy was not being given any control over the gaming operation. DHIH now understands that was in error. From now on, anytime DHIH brings in new partners

---

<sup>1</sup> The facts at issue were communicated via letter from DHIH attorney Sheila S. Woodward to Craig Sparrow dated April 30, 2021. Those facts are true and accurate and are fully incorporated herein by reference.



who own more than a five percent interest in the entity, it will submit those proposed contracts to the Commission prior to executing them.

The other reason DHIH did not understand that it needed to submit Exhibit 6.1 for approval is that the intent of the parties was that Deadwood Legacy's Investment in DHIH was contingent on Deadwood Legacy being granted a gaming license. There were multiple contingencies in the contract that would have rendered the contract void if not fulfilled. These contingencies, including securing an acceptable franchise agreement, could never have occurred unless and until Deadwood Legacy was granted a gaming license. Thus, DHIH believed the Commission would have the opportunity to void the contract by not approving Deadwood Legacy's license. With the benefit of hindsight and guidance from the Commission, DHIH now understands Exhibit 6.1, and any future, similar contract, needs to be submitted for Commission approval prior to being executed.

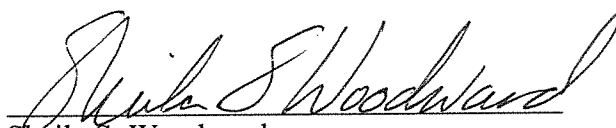
DHIH has taken active steps to remedy the impact of its error. After receiving notification on April 12, 2021 from the Commission that violations may have potentially been committed, DHIH promptly complied with the request to provide additional information relating to the operating agreement between DHIH and Deadwood Legacy and supplied a revised operating agreement to the Commission for review. The Commission replied to that submission on May 4, 2021. The Commission's reply stated in part that the revised operating agreement had been reviewed and that the Commission had no objections to the proposed changes, including the clarification that if Deadwood Legacy is not approved for a gaming license, the monies paid from Deadwood Legacy to DHIH will be returned in full.

While DHIH is a newcomer to the casino industry, it understands that ignorance is not an excuse. DHIH takes its responsibility as a license holder very seriously and is committed to taking all required steps to ensure compliance with all rules and regulations in the future. Specifically,

DHIH will ensure that all proposed gaming contracts are approved prior to being executed. If there is ever any doubt as to whether a gaming contract exists or whether prior approval is needed, DHIH will error on the side of caution, will reach out to the Commission for guidance, and will retain legal counsel to review proposed contracts to ensure proper compliance.

WHEREFORE, Defendant DHIH, LLC respectfully requests that after the receipt and examination of this answer that the Executive Secretary dismiss the complaint pursuant to S.D. Admin R. 20:18:10:02, or in the alternative, that the Executive Secretary consult with the parties in an effort to resolve the matter informally pursuant to S.D. Admin. R. 20:18:10:03.

Dated this 3<sup>rd</sup> day of June, 2021.



Sheila S. Woodward  
Nicholas G. Moser  
Marlow, Woodward & Huff, Prof. LLC  
PO Box 667  
200 W. Third St.  
Yankton, SD 57078  
Telephone: (605) 665-5009  
Facsimile: (605) 665-4788  
Email: [sheila@mwhlawyers.com](mailto:sheila@mwhlawyers.com); [nick@mwhlawyers.com](mailto:nick@mwhlawyers.com)

Attorneys for the Defendant



**SOUTH DAKOTA COMMISSION ON GAMING**

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

May 14, 2021

DHIH, LLC dba Hickoks  
Becky Soucheck, Registered Agent  
PO Box 1080  
Yankton, SD 57078

RE: South Dakota Commission on Gaming vs. DHIH, LLC dba Hickoks  
SDCG License Number 11965-RT  
Complaint Number 21-05-016


Ms. Souчек,

This is to inform you that a complaint has been filed against DHIH, LLC dba Hickoks. The complaint alleges that in December 2020, DHIH, LLC received payment to secure a 16% ownership of DHIH, LLC prior to the Commission approving the gaming contract and before the purchasing party had been licensed.

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

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

Sincerely,

  
Susan Christian, CIA  
Executive Secretary

e-mail: [susan.christian@state.sd.us](mailto:susan.christian@state.sd.us)

1 Enclosure  
CC: Tim Rutjes

**STATE OF SOUTH DAKOTA**  
DEPARTMENT OF REVENUE AND REGULATION  
SOUTH DAKOTA COMMISSION ON GAMING

South Dakota	)	
Commission on Gaming	)	
	)	
	)	
Plaintiff,	)	Initial Complaint Filed
	)	Pursuant to
	)	
Vs.	)	ARSD 20:18:10:01
	)	
	)	SDCG Case # 21-05-016-SC
DHIH, LLC dba Hickoks	)	
SDCG Lic. #11965-RT	)	
Defendant.	)	

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

In the process of reviewing gaming contracts, specifically *Exhibit 6.1 to the Subscription Agreement-DHIH, LLC* associated with the retail license application of Deadwood Legacy Holdings LLC, it was identified that Deadwood Legacy Holdings, LLC had paid the defendant \$259,200 in December 2020 securing an 16% ownership of DHIH, LLC prior to the Commission approving the gaming contract or before Deadwood Legacy, LLC had been licensed.

This Conduct violates SDCL 42-7B-66

**42-7B-66. Copies of all proposed gaming contracts to the executive secretary.**

A person shall submit copies of all proposed gaming contracts to the executive secretary. The executive secretary or the commission may approve or deny gaming contracts and require changes in the contracts before participation by the licensee is allowed. The executive secretary or the commission may require a licensee to terminate participation in a gaming contract.

**42-7B-64. "Gaming contract" defined.**

For the purposes of this chapter, a gaming contract is any contract between licensees, and also a contract between a licensee and a non-licensee which directly or indirectly relates to the employment of licensed personnel, which relates to the acquisition or use of capital assets used by the licensee in the business of gaming, or which relates to the earnings or profits of the licensee from the business of gaming, or any other contract which affects the proprietary or financial interest of the licensee's gaming business or gaming license.

**20:18:09:01. Grounds for disciplinary action.** The following acts or omissions are grounds for disciplinary action:

(9) Failure to comply with or make provision for compliance with all federal, state, and local laws, rules, regulations, and ordinances, including payment of license fees, sales taxes, use taxes, federal, state, and local income taxes, withholding and payroll taxes, liquor and license fees, and antitrust and monopoly statutes;

Dated this 13th day of May 2021

Name of complainant: Susan Christian, Executive Secretary

Address - Executive Secretary  
445 E Capitol Ave.  
Pierre, SD 57501

The following witnesses could give testimony about the complaint.

Craig Sparrow – Deputy Exec. Secretary  
South Dakota Commission on Gaming  
87 Sherman St  
Deadwood, SD 57732

NOTICE TO:

Becky Soucek  
PO BOX 1080  
YANKTON, SD 57078

(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:

Susan Christian  
Executive Secretary  
445 E Capitol Ave.  
Pierre, SD 57501

Dated the 14<sup>th</sup> day of May, 2021







## SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners and Mike Shaw  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Stipulation and Assurance of Voluntary Compliance  
Sean Gray SDCG License 8933-17-SP  
SDCG Complaint # 21-05-019-MH  
DATE: September 8, 2021

On July 19, 2021 an informal consultation per ARSD 20:18:10:03 was held to resolve the violations alleged in the Initial Complaint that was filed by SDCG Enforcement Agent Mark Heltzel on May 19, 2021.

Licensee responded on or about June 7, 2021 and admitted to the conduct alleged in the complaint.

Based on prior SDCG agreed upon Stipulation and Assurance of Voluntary Compliances regarding table game violations Licensee was fined three hundred dollars.

The fine was paid on July 27, 2021.

I am recommending that the Commission accept the Stipulation and Assurance of Voluntary Compliance.





**SOUTH DAKOTA COMMISSION ON GAMING**

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

SOUTH DAKOTA COMMISSION  
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

Sean Gray  
SDCG Lic. # 8933-17-SP

SDCG Case # 21-05-019-MH

DEFENDANT

**RECITALS**

A complaint was filed against the Defendant on May 19, 2021 by Mark Heltzel, an enforcement agent for the South Dakota Commission on Gaming.

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

An Informal Consultation was held between the Executive Secretary and the Defendant on July 16, 2021.

**I**

The complaint filed on May 19, 2021 alleged that the Defendant engaged in conduct constituting grounds for disciplinary action on October 9, 2020 by failing to burn an exposed card as required per ARSD 20:18:15:28 and failure to notify the Executive Secretary the discovery of a violation as required per ARSD 20:18:12.01:02

**II**

The Defendant answered the complaint on or about June 5, 2021. In the licensee's answer Mr. Gray admits that he was in violation of ARSD 20:18:15:28 and ARSD 20:18:12.01:02 that was alleged in the complaint filed on May 19, 2021.

### III

On May 1, 2021 while working as a pit boss at Cadillac Jack's Mr. Gray was called over to a trilux blackjack game on table 1 where a 9 of hearts was exposed in the shoe . Mr. Gray chose not to burn the card as required by ARSD 20:18:15:28.

#### **ARSD 20 :18:15 :28 Irregularities.**

A card found turned face upward in the shoe or deck may not be used in the game and must be placed in the discard rack. A card drawn in error without its face being exposed must be used. After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card must be dealt to the players or dealer . Any player refusing to accept such a card may not have additional cards dealt to that player during the round. If the card is refused by the player and the dealer cannot use the card, the card must be burned. If the dealer has 17 and accidentally draws a card for the dealer, the card must be burned. If the dealer misses dealing the first or second card to the dealer, the dealer must continue dealing the first two cards to each player, and then deal the correct number of cards to the dealer. If there are insufficient cards remaining in the shoe or deck to complete a round of play, the cards in the discard rack must be shuffled and cut; and the dealer must complete the round of play. If no cards are dealt to a player's hand, the hand is dead and the player may be included in the next deal. If only one card is dealt to the player's hand, the dealer must deal the second card to the player after all other players have received a second card.

**Source:** 16 SDR 57, effective October 1, 1989; 17 SDR 93, effective January 6, 1991.

**General Authority:** SDCL 42-7B-7.

**Law Implemented:** SDCL 42-7B-1, 42-7B-2, 42-7B-2.1, 42-7B-3, 42-7B-4, 42-7B-7, 42-7B-14, 42-7B-15.

Mr. Gray learned he had made an incorrect ruling and the card was required to be discarded. Mr. Gray failed to notify the Executive Secretary of the violation upon discovery that he had made the incorrect ruling as required by ARSD 20:18:12:01:02.

#### **ARSD 20:18:12.01:02 Discovery of violations.**

A licensee must immediately notify the executive secretary of the discovery of a violation or of a suspected violation of SDCL 42-7B or this article.

**Source:** 16 SDR 57, effective October 1, 1989; transferred from § 20:18:21:05, 21 SDR 98, effective November 30, 1994.

**General Authority:** SDCL 42-7B-7.

**Law Implemented:** SDCL 42-7B-1, 42-7B-2, 42-7B-3, 42-7B-4, 42-7B-7, 42-7B-11, 42-7B-14, 42-78-15.

IV

The Executive Secretary imposes a monetary penalty of Three Hundred Dollars(\$ 300.00).

Licensee is required pay the monetary fine of Three Hundred Dollars(\$ 300.00) no later than 3:00 pm MDT on Monday, July 19, 2021 to:

South Dakota Commission on Gaming  
87 Sherman Street  
Deadwood, SD

V

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

VI

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

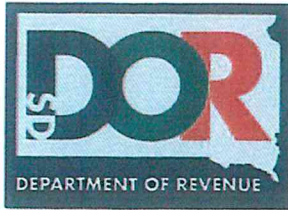
DATED at Deadwood, South Dakota, the 16<sup>th</sup> day of July 2021.



SUSAN CHRISTIAN, CIA  
Executive Secretary  
South Dakota Commission on Gaming



Sean Gray  
Defendant



**SOUTH DAKOTA COMMISSION ON GAMING**

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

June 30, 2021

Sean Gray  
3 Main, Highway 24  
Alva, WY 82711

RE: South Dakota Commission on Gaming vs. Sean Gray  
SDCG License Number 8933-17-SP  
Complaint Number 21-05-019-MH

Mr. Gray,

Your response to the initial complaint delivered to you on or about May 19, 2021 has been received. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 1:00 p.m. on July 15, 2021 at the South Dakota Commission on Gaming office located at 87 Sherman Street, Deadwood, SD.

Sincerely,

  
Susan Christian, CIA  
Executive Secretary

e-mail: [susan.christian@state.sd.us](mailto:susan.christian@state.sd.us)

1 Enclosure  
CC: Mark Heltzel by e-mail



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

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

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

**General Authority:** SDCL 42-7B-7.

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



June 5 2021

Susan Christian, Cia

Executive secretary



On May 1, 2021 while working as a pit boss for Cadillac Jack's I made the wrong call by instructing a dealer to let the 9 of hearts that was turned face up in the shoe be played, as opposed to the correct call that was the card should be burned. I fully understand that I made the wrong call and went against ARSD 20:18:15:28. Furthermore, I understand that I failed to report the violation to the executive secretary as required by ARSD 20:18:12:01:02 even though I later was informed that I had made the wrong call. I want to make it clear that I take full responsibility for my mistakes and do not want to make excuses.

Since the incident, my Table Games Manager Corey Heintz as well as other staff in upper management have taken steps for all of the pit supervisors to be more up to date with the irregularities portion of the gaming manual. I myself have had several conversations with them about how I need to be more familiar with all gaming rules as well as the importance of self-reporting when problems do arise.

I hope that I'm given the opportunity to use this violation as a learning experience and can continue to serve the South Dakota Commission on gaming and Cadillac Jack's. I intend to take all disciplinary actions taken by the Commission in stride.

Thank you,

Sean Gray.

A handwritten signature in blue ink, appearing to read "Sean Gray".





## SOUTH DAKOTA COMMISSION ON GAMING

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

May 19, 2021

Sean Gray  
3 Main, Highway 24  
Alva, WY 82711

RE: South Dakota Commission on Gaming vs. Sean Gray  
SDCG License Number 8933-17-SP  
Complaint Number 21-05-019-MH

Mr. Gray,

This is to inform you that a complaint has been filed against you by Mark Heltzel, an enforcement agent of the South Dakota Commission on Gaming. The complaint alleges that on May 1, 2021, while performing the duties of Pit Boss, you instructed a dealer to require an exposed card to stay in play on Table 1 a trilux black jack game. The complaint further alleges that the executive secretary did not receive notification of the violation as required.

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

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

Sincerely,

  
Susan Christian, CIA  
Executive Secretary

e-mail: [susan.christian@state.sd.us](mailto:susan.christian@state.sd.us)

1 Enclosure  
CC: Mark Heltzel by e-mail



## SOUTH DAKOTA COMMISSION ON GAMING

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

South Dakota Commission	)	
on Gaming	)	
	)	
<i>Plaintiff,</i>	)	Initial Complaint Filed
	)	Pursuant to
Vs.	)	ARSD 20:18:10:01
	)	
Sean Gray	)	
SDCG Lic. # 8933-17-SP	)	Complaint # 21-05-019-MH
	)	
<i>Defendant.</i>	)	

The Complaint is made against the following Licensee:

Sean Gray  
3 Main, Highway 24  
Alva, WY 82711

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 May 1, 2021 while working as a pit boss at Cadillac Jack's Sean was called over to a trilux blackjack game on table 1 where a 9 of hearts was exposed in the shoe. Sean informed the dealer who had questions on how to proceed that the exposed card would stay in play and the patrons would be required to take it if they wanted a hit. Sean chose not to burn the card as required by ARSD 20:18:15:28.

Later after checking with another pit boss Sean learned he had made an incorrect ruling and the card was required to be discarded. Sean failed to report the violation or suspected violation to the executive secretary as required by ARSD 20:18:12:01:02

### ARSD 20:18:15:28      **Irregularities.**

A card found turned face upward in the shoe or deck may not be used in the game and must be placed in the discard rack. A card drawn in error without its face being exposed must be used. After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card must be dealt to the players or dealer. Any player refusing to accept such a card may not have

additional cards dealt to that player during the round. If the card is refused by the player and the dealer cannot use the card, the card must be burned. If the dealer has 17 and accidentally draws a card for the dealer, the card must be burned. If the dealer misses dealing the first or second card to the dealer, the dealer must continue dealing the first two cards to each player, and then deal the correct number of cards to the dealer. If there are insufficient cards remaining in the shoe or deck to complete a round of play, the cards in the discard rack must be shuffled and cut; and the dealer must complete the round of play. If no cards are dealt to a player's hand, the hand is dead and the player may be included in the next deal. If only one card is dealt to the player's hand, the dealer must deal the second card to the player after all other players have received a second card.

**Source:** 16 SDR 57, effective October 1, 1989; 17 SDR 93, effective January 6, 1991.

**General Authority:** SDCL 42-7B-7.

**Law Implemented:** SDCL 42-7B-1, 42-7B-2, 42-7B-2.1, 42-7B-3, 42-7B-4, 42-7B-7, 42-7B-14, 42-7B-15.

**ARSD 20:18:12.01:02 Discovery of violations.**

A licensee must immediately notify the executive secretary of the discovery of a violation or of a suspected violation of SDCL 42-7B or this article.

**Source:** 16 SDR 57, effective October 1, 1989; transferred from § 20:18:21:05, 21 SDR 98, effective November 30, 1994.

**General Authority:** SDCL 42-7B-7.

**Law Implemented:** SDCL 42-7B-1, 42-7B-2, 42-7B-3, 42-7B-4, 42-7B-7, 42-7B-11, 42-7B-14, 42-7B-15.

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

The following witnesses could give testimony about the complaint.

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

**NOTICE TO:**

Sean Gray  
3 Main, Highway 24  
Alva, WY 82711

(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  
87 Sherman Street  
Deadwood, SD 57732

Dated the 19<sup>th</sup> day of May 2021



Susan Christian  
Executive Secretary  
South Dakota Commission on Gaming  
87 Sherman Street  
Deadwood, SD 57732  
(605) 578-3074



## SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners and Mike Shaw  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Stipulation and Assurance of Voluntary Compliance  
Super G Investments, Inc dba Silverado/Franklin  
Complaint Number 21-08-27-BS

DATE: September 8, 2021

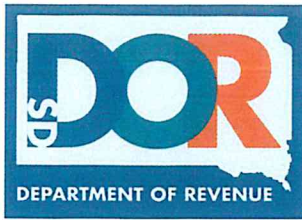
On September 8, 2021 an informal consultation per ARSD 20:18:10:03 was held to resolve the violations alleged in the Initial Complaint that was filed by Enforcement Agent Brian Swets

Licensee responded on or about August 27, 2021 and admitted to the conduct alleged in the complaint that on August 1, 2021 an underaged individual was allowed to place 3 wagers over an approximately 5 minute time span and that there was no licensed gaming employee on the Franklin premises that had full view of and control over the gaming being conducted.

After consultation with legal counsel a fine of \$2,500.00 was imposed. Licensee paid the fine by September 7, 2021

Staff is recommending that the Commission accept the Stipulation and Assurance of Voluntary Compliance.





## SOUTH DAKOTA COMMISSION ON GAMING

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

**COPY**

SOUTH DAKOTA COMMISSION  
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

Complaint # 21-08-27-BS

Super G Investment, Inc DBA Silverado/Franklin  
SDCG Operator License #0114-OP

DEFENDANT

### RECITALS

A complaint was filed against the Defendant on or about August 1, 2021 by, Brian Swets, an agent for the South Dakota Commission on Gaming.

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

An Informal Consultation was held between the Executive Secretary and the Defendant on September 1, 2021.

I

The complaint filed on alleged that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant engaged in conduct constituting grounds for disciplinary action by allowing on, August 1, 2021 allowing an underage person to participate in gaming by playing a slot machine. This is 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 gaming being operated. This is in violation of 42-7B-40.

II

The Defendant answered the complaint on or about August 27, 2021. The Defendants answer admitted to the conduct alleged in the complaint that occurred on August 1, 2021.



The South Dakota Commission on Gaming recognizes that the underage individual only placed a wager 3 times in less than a 5 minute span of time. There was no licensed employee on the Franklin premises for the agent to address the underage issue with. The licensed employee was on the premises of the Silverado.

III

The Operator is required to have a licensed gaming employee on the casino floor of the Franklin premises at all times when gaming is being operated.

The Executive Secretary imposes a monetary penalty of \$2,500.00. The monetary penalty is to be paid no later than September 7, 2021.

Please remit penalty payment to:

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

IV

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

V

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

DATED at Deadwood, South Dakota, the 1<sup>st</sup> day of September 2021 .

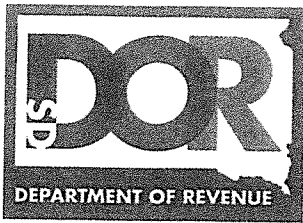
Super G Investment, Inc  
DBA Silverado/Franklin

Defendant

\_\_\_\_\_  
SUSAN CHRISTIAN, CIA  
Executive Secretary  
South Dakota Commission on Gaming

By \_\_\_\_\_

Its \_\_\_\_\_



SOUTH DAKOTA COMMISSION ON GAMING

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

August 27, 2021

Super G Investment Corporation  
C/O Tom Rensch, Registered Agent  
709 Main Street  
Deadwood, SD 57732

RE: South Dakota Commission on Gaming vs Super G Investments, Inc.  
dba Silverado/Franklin SDCG License # 0114-OP  
Complaint Number 21-08-027-BS

Mr. Rensch ,

Your response to the initial complaint delivered to you on or about August 11, 2021 has been received. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 2:00 p.m. MDT on September 1, 2021 at the South Dakota Commission on Gaming office located at 87 Sherman Street, Deadwood, SD.

Sincerely,

Susan Christian, CIA  
Executive Secretary

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

One enclosure

CC: SDCG Enforcement Agent Brian Swets  
Hand delivered SDCG Enforcement Agent Mark Heltzel

# SILVERADO FRANKLIN

HISTORIC HOTEL  
& GAMING COMPLEX



Re: Initial Complaint # 21-08-027-BS

Dear Ms. Christian:

I am the Managing Partner of Super G Investment d/b/a Silverado Franklin Gaming Complex in Deadwood. This letter is the written response of the Silverado Franklin to Initial Complaint #21-08-027-BS.

The complaint alleges that on August 1, 2021, an underaged person played a Wheel of Fortune slot machine in room 5 of the Silverado Franklin. The complaint also alleges that at this time there was not an employee in full view and control of the slot machine being operated. We regretfully admit the allegations.

On the night in question, our video surveillance discloses that a 20-year-old female, in the company of her parents, pulled the lever or pushed the button on a Wheel of Fortune slot machine 3 times. Her parents can be seen encouraging her to pull the lever or push the button, in spite of the clear warnings affixed to the machine that says, "Must be 21 to play". It just happened that our supervisor that evening was not in the room at that time.

Silverado Franklin takes its responsibility to prevent underage gaming very seriously. In the past we have caught underaged players and self-reported. Unfortunately, on this particular evening, this particular young lady with the encouragement of her parents, slipped through our supervision efforts.

In response to this incident, Silverado Franklin intends to hire more personnel and to have a floor supervisor on-site at all times. Silverado Franklin pledges to remain diligent in its efforts to prevent this type of violation from occurring again. I recognize that this complaint can't go unpunished. I am hopeful that, based on our past record in Deadwood and the circumstances regarding this violation, that you will consider dealing with this matter in an informal consultation. I would be happy to meet with you informally if you would prefer.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Rensch", written over a horizontal line.

Tom Rensch  
Managing Partner  
Silverado Franklin

709 Main Street  
Deadwood SD 57732  
605-578-3670  
Fax 605-578-1366  
[www.silveradofranklin.com](http://www.silveradofranklin.com)

Found 1 of 1 packages.

Tracking Number	Status	Delivery Information	
SP008656432212141807	Delivered	Delivered on:	08/11/2021 10:05 am
View Package Progress		Delivered to:	709 MAIN DEADWOOD, SD
		Signed by:	J KRAJMIK

Tracking results provided by SPEE-DEE: 08/11/2021 11:55:07 am Central Time (USA)

**NOTICE:** SPEE-DEE authorizes you to use SPEE-DEE tracking systems solely to track shipments tendered by or for you to SPEE-DEE for delivery and for no other purpose. Any other use of SPEE-DEE tracking systems and information is strictly prohibited.





## SOUTH DAKOTA COMMISSION ON GAMING

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

August 9, 2021

Super G Investment Corporation  
C/O Tom Rensch, Registered Agent  
709 Main Street  
Deadwood, SD 57732

RE: South Dakota Commission on Gaming vs. Super G Investment Corporation  
Complaint Number 21-08-027-BS

Dear Mr. Rensch,

This is to inform you that a complaint has been filed against you by Brian Swets, Enforcement Agent of the South Dakota Commission on Gaming. The complaint alleges that on August 1, 2021, an underage person was allowed to participate in gaming and that there was not an employee who was in full view and control of the gaming being operated.

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

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

Sincerely,

Susan Christian, CIA  
Executive Secretary

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

Email: [susan.christian@state.sd.us](mailto:susan.christian@state.sd.us)

1 Enclosure  
CC: Brian Swets





## SOUTH DAKOTA COMMISSION ON GAMING

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

South Dakota Commission	)	
on Gaming	)	
	)	
<i>Plaintiff,</i>	)	Initial Complaint Filed
	)	Pursuant to
Vs.	)	ARSD 20:18:10:01
	)	
Super G Investment, Inc.	)	
DBA Silverado/Franklin	)	Complaint # 21-08-027-BS
SDCG License # 0114-OP	)	
	)	
<i>Defendant.</i>	)	

The Complaint is made against the following Licensee:

Super G Investment Inc.  
DBA Silverado/Franklin  
709 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 August 1, 2021 an underage person was allowed to participate in gaming by playing the Wheel of Fortune slot machine number 85200 located in room five of the Silverado Franklin. During this period of time there was not an employee who was in full view and control of the gaming being operated.

### **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    Brian Swets  
Address    -         87 Sherman Street  
                              Deadwood, SD 57732  
                              (605) 578-3074

The following witnesses could give testimony about the complaint:

Brian Swets  
87 Sherman Street  
Deadwood, SD 57732  
(605) 578-3074

Timothy Brennan  
709 Main Street  
Deadwood, SD 57732  
(605) 578-3670

**NOTICE TO:**

Super G Investment Inc  
C/O Tom Rensch, Registered Agent  
709 Main Street  
Deadwood, SD 57732-1011

(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 August 2021



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

**RECEIVED**

**JUL 23 2021**

STATE OF SOUTH DAKOTA  
CONSULTING CONTRACT

SD COMMISSION ON GAMING-PIERRE

Agreement made and entered into this 16th day of June, 2021, by and between the South Dakota Commission on Gaming, a state agency, of 445 East Capitol Avenue, Suite 101, Pierre, South Dakota, 57501 (the "State") and Cooper Animal Clinic, 39224 133<sup>rd</sup> Street, Aberdeen, South Dakota, 57401 phone number (605) 225-3500 (the "Consultant").

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

1. The Consultant will perform those services described in the Scope of Work, attached hereto as Exhibit A and by this reference incorporated herein.
2. The Consultant's services under this Agreement shall commence on October 1, 2021 and end on December 31, 2021 unless sooner terminated pursuant to the terms hereof.
3. The Consultant will not use State equipment, supplies or facilities. The Consultant will provide the State with its Employer Identification Number, Federal Tax Identification Number or Social Security Number upon execution of this Agreement.
4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$15,750.00. The State will not pay Consultant's expenses as a separate item. Payment will be made pursuant to itemized invoices submitted with a signed state voucher. Payment will be made consistent with SDCL ch. 5-26.
5. The Consultant agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the Consultant to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

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

A. Professional Liability Insurance or Miscellaneous Professional Liability Insurance:

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

B. Business Automobile Liability Insurance:

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

C. Worker's Compensation Insurance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

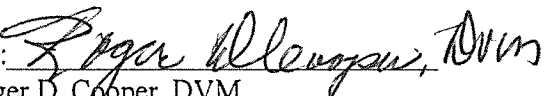
19. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

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

STATE

BY: \_\_\_\_\_  
Susan Christian  
Executive Secretary

CONSULTANT

BY:   
Roger D. Cooper, DVM  
Cooper Animal Clinic

BY: \_\_\_\_\_  
Jim Terwilliger  
Secretary  
Department of Revenue



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

## EXHIBIT A

### SCOPE OF WORK

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

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

During the period October 3, 2021 through October 11, 2021, Roger D. Cooper and Cooper Animal Clinic will not treat any horses that are competing or being trained to compete at the Fort Pierre Racetrack except to render immediate treatment or euthanasia to an injured horse with the consent of the owner or trainer of the horse.

**RECEIVED**

AUG 09 2021

SD COMMISSION ON GAMING-PIERRE

2021

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

Saturday      Sunday  
October 2<sup>nd</sup>    October 3<sup>rd</sup>

Post Time 1:00 PM CST Both Days

Stanley County Fairgrounds, Ft. Pierre, SD

Verendrye Benevolent Association  
PO Box 426  
Fort Pierre, SD 57532

## **Entry Phone Numbers:**

Kent Cross (605)295-7163

Melissa Cross (605)280-1767

Entry Contact Info:

Kent Cross (605)295-7163  
Melissa Cross (605)280-1767

Owner and Trainer Account Funds will **NOT** be released until the week after the race meet concludes or until all test results are in for any horses that were tested.

A \$500 Jockey Bonus will be available for all Riders who have met the eligibility requirements at the conclusion of the 2021 VBA Race Meet.

The SD Commission on Gaming will be available to begin providing various racing licenses that are required to participate in this race meet on September 28<sup>th</sup> at the Expo Center Meeting Room.

You **must** have your 2020 SD License in hand to be eligible for a 2021 license renewal or else it will be treated as a new application.

## Verendrye Benevolent Association Track Rules for 2021

1. Only horses which have successfully completed at least one race within the last year at a recognized Track (September 28, 2020 – September 28, 2021) or successfully completed two (2) timed works within the last six months (March 28, 2021-September 28, 2021) either or both of which must be recorded on Equibase, will be eligible to enter races offered at this race meet.
2. All horses competing at this race meet must be identified accurately by whichever means is deemed necessary by the Track Identifier before saddling in the paddock area. Any horse which is not readily identifiable will not be allowed to compete at this race meet. Final discretion in these matters will be offered by the Track Identifier after consultation with the Stewards.
3. All races in this condition book will be written for a weight of 124 pounds unless otherwise specified or stated.
4. All races offered will be with SD Bred Preference unless otherwise specified in the Race Conditions. Certain races will be offered with High Weights as a secondary factor in determining eligibility and will be clarified in the Race Conditions. Accumulated earnings in 2021 will be considered when determining High Weight Preference.
5. No horse will be allowed to compete more than one time within a 48 hour time period during this race meet.
6. Stalls available to all horses upon arrival at the Stanley County Fairgrounds beginning September 28<sup>th</sup> until October 4<sup>th</sup>, 2021. Stall assignments will be offered in a cooperative manner under the discretion of the Stall Manager after presentation of a current and legitimate Certificate of Vet Inspection and Coggins. No stall fee will be assessed but rather a \$50 entrance fee will be assessed to all competing horses and paid to the VBA General either by cash or bankable check and presented to the VBA Assistant Bookkeeper.
7. A "Purse Enhancement Fee" will be collected from each participating entry in the amount of \$ 100.00. 100% of the fee will be placed in the purse structure. These "PE" Fees will not be collected on nominated races or any specified SD Bred Race. All PE Fees will be payable to the VBA Horsemen's Account and presented to the VBA Horsemen's Bookkeeper or Rep by 10:00 AM CST on the day of the competition. Failure to do so will result in a scratch.
8. Nomination Fees for races with Nomination requirements will be facilitated and collected by the organization specified upon the Nomination Form.
9. It is strongly recommended by the SD State Veterinarian and the Track Veterinarians that all horses be vaccinated for infectious diseases, specifically Equine Herpes Virus. All horses entering the Stanley County Fairgrounds must be accompanied by a Certificate of Vet Inspection (CVI) from a licensed and accredited Veterinarian. Proof of a negative Coggins Test within the last twelve months and other relevant and important information must be listed on the CVI. An import permit number from the SD Animal Industry Board is required if a horse is entering a state with active cases of Vesicular Stomatitis. The CVI must be current and issued within the last 10 Days of entry into the Stanley County Fairgrounds. All CVI's will be checked at the barn area by VBA Personnel that have received the proper training from our Track Veterinarians in this area. No horses will be allowed to unload until this process has been completed. If an inspection is needed you may contact our Track Veterinarian, Murray Kettler at (605)222-0456 and arrange an appointment or contact the Veterinarian of your choice. Horses will be allowed admittance to the Stanley County Fairgrounds on Tuesday September 28<sup>th</sup>, 2021.
10. The VBA will take entries for Saturday, October 2<sup>nd</sup> on Tuesday September 28<sup>th</sup> and entries for Sunday, October 3<sup>rd</sup> on Wednesday, September, 29<sup>th</sup>. Entries will be taken between the hours of 9:00 AM and 12:00 PM CST both days. Entries may be submitted by contacting Kent Cross at (605)295-7163 or Melissa Cross at (605)280-1767. The VBA is requesting that an electronic photo of an entry registration document be submitted via text message to either of these contacts. We understand that this is not an option for all but do believe it may provide a bit of clarification in the entry process. ALL Papers for competing horses MUST be in the Racing Office no later than 12:00 PM CST on the day the horse is scheduled to compete. Failure to do so may result in a Scratch. VBA Officials will be present to begin receiving registration papers on Monday, September 27<sup>th</sup>, 2021 at 8:00 AM CST.
11. Officials of this VBA hosted race meet reserve the right to delay, postpone, modify or cancel any or all races which they deem necessary in order to preserve the safety of all involved due to adverse conditions. If overnight "scratches" result in a field of four (4) or less equine participants then in all likelihood that entire race will be cancelled.
12. The decisions of the Racing Stewards, in all related matters, are final, while entries are accepted only on the condition that all individuals entering/starting a horse in a race agree to abide by the decisions of the Racing Stewards.
13. Any change in horse ownership within 48 hours of entries must be approved by the Track Stewards.
14. Claiming Races. For a claim to be viable it must be placed in the Claim Box prior to the first horse with a rider aboard leaving the paddock area and entering the race track for the race in which the claim is being made. Funds to claim a horse MUST be Cash, Cashiers Check or Certified Check. These funds MUST be deposited into the Owners Account that specifically and identically matches the name on the claim card.

15. All wins of all races will be recorded by the Racing Secretary on the registration papers of race winning equine participants.
16. All Exercise Riders, Jockeys and Outriders must obtain a current 2021 SD Racing License before entering the race track. All Exercise Riders, Jockeys, Outriders, Gate Crew, Owners, Trainers, Grooms, Pari Mutual Workers, and Track Officials are required to obtain a current 2021 SD Racing License to be in compliance with SDCG and VBA Track Rules. You must have your 2020 SD Racing License in order to be eligible for renewal in 2021 or it will be treated as a new application.
17. All Exercise Riders and Jockeys MUST Wear Flack Jackets and Helmets while performing on the race track in any capacity.
18. We follow ARCI's most recent guidelines regarding Controlled Therapeutic Medication Schedule which provides the permitted quantitative amounts, I.E. the threshold for phenylbutazone is 0.3 micrograms milliliter of plasma or serum.



## Fort Pierre 2021 Officials

General Manager: Shane Kramme  
PO Box 426  
Fort Pierre, SD 57532  
(605)280-0213

Racing Secretary: Kent Cross  
Pierre, SD  
(605)295-7163

Presiding Steward: Lloyd Just  
Aberdeen, SD  
(605)380-2461

State Steward: Larry Eliason  
Pierre, SD

Track Steward: Doug Runge  
Ft. Pierre, SD

Starter: Shane Kramme

Entries: (605)295-7163  
(605)280-1767

## Fort Pierre

Day 1

Saturday, October 2, 2021

Enter Tuesday, September 28, 2021

*Thoroughbred Claiming*

### FIRST RACE

**1**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Non Winners in 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$3,500

**FIVE FURLONGS**

*Thoroughbred Allowance*

### SECOND RACE

**2**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Non Winners of 2 Races in 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

**FIVE FURLONGS**

*SD Bred Quarter Horse Futurity  
Certified South Dakota Bred*

### THIRD RACE

**3**

**SD**

Purse \$12,500. For 2 Year olds that were nominated and remain eligible. Weight 124 lbs. Purse to include \$12,500 Guaranteed from SD Bred Purse Fund Plus Nomination Fees Less 10% Held By SDQHRA.

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Claiming*

### FOURTH RACE

**4**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Not Won A Race Since April 1st, 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST on Race Day. 100% PEF Will Be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$5,000

**FIVE FURLONGS**

*SD Bred QH Maturity  
Quarter Horse Allowance  
Certified South Dakota Bred*

### FIFTH RACE

**5**

**SD**

Purse \$12,500. For Certified S.D. Bred Four Year Olds and Upward.  
Weight ..... 124 lbs.

**TWO HUNDRED AND FIFTY YARDS**

## Fort Pierre

Day 1

Saturday, October 2, 2021

Enter Tuesday, September 28, 2021

Quarter Horse Allowance

### SIXTH RACE

**6** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 2 Races. \$100 Purse Enhancement Fee Must be Paid by Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

**TWO HUNDRED AND FIFTY YARDS**

Thoroughbred Claiming  
Fillies & Mares

### SEVENTH RACE

**7** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward \$100 Purse Enhancement Fee Must be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to the Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$5,000

**FIVE FURLONGS**

Governor's Feature  
Thoroughbred Allowance

### EIGHTH RACE

**8** Purse \$4,400. (Includes \$4,300 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST on Race Day. 100% of PEF Will Be Added to the Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
High Weights Preferred By Earnings in 2020 & 2021. Fillies & Mares Allowed 3 lbs.

**ABOUT ONE MILE**

Thoroughbred Claiming

### SUBSTITUTE RACE NO 1

**S1** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$3,000

**FIVE FURLONGS**

Thoroughbred Allowance

### SUBSTITUTE RACE NO 2

**S2** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 3 Races. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

**FIVE FURLONGS**

## Fort Pierre

Day 2

Sunday, October 3, 2021

Enter Wednesday, September 29, 2021

*Thoroughbred Claiming*

### FIRST RACE

- 1** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Not Won A Race Since April 1st, 2021. \$100 Purse Enhancement Fee Must Be Paid by Each Starter by 10:00 AM CST Race Day. 100% of PEF will Be Added to Purse.  
Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.  
CLAIMING PRICE \$3,500

**FIVE FURLONGS**

*Thoroughbred Allowance*

### SECOND RACE

- 2** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 3 Races....High Weights Preferred By Earnings in 2020 & 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to Purse.  
Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.

**FIVE FURLONGS**

*South Dakota Bred Quarter Horse Derby  
Certified South Dakota Bred*

### THIRD RACE

- 3** Purse \$12,500. For Three Year Olds Nominated and Remain Eligible. Weight... 124 lbs. \$12,500 Guaranteed from SD Bred Purse Fund Plus Nomination Fees Less 10% Held by SDQHRA.  
**SD**

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Claiming  
Fillies & Mares*

### FOURTH RACE

- 4** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.  
CLAIMING PRICE \$4,000

Entries Also Taken Open With Fillies and Mares Preferred

**FIVE FURLONGS**

*Open QH Futurity  
Quarter Horse Futurity*

### FIFTH RACE

- 5** Purse \$3,500-Guaranteed. (For 2 Year Olds that Nominated and Remain Eligible. Weight 124 lbs. Purse to Include \$3,500 Guaranteed from SD Commission on Gaming Revolving Fund Plus 100% of Nomination Fees.

**TWO HUNDRED AND FIFTY YARDS**

## Fort Pierre

Day 2

Sunday, October 3, 2021

Enter Wednesday, September 29, 2021

SD Bred Thoroughbred Feature Race

Thoroughbred Allowance

Certified South Dakota Bred

### SIXTH RACE

6

SD

Purse \$12,500. For Certified S.D. Bred Three Year Olds and Upward \$12,500 Guaranteed From SD Bred Purse Fund Plus 100% Nomination Fees.

Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
Fillies and Mares Allowed 3 lbs. .... 0 lbs.

FIVE FURLONGS

Thoroughbred Claiming

### SEVENTH RACE

7

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% PEF Will Be Added To Purse.

Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$4,000

FIVE FURLONGS

Fort Pierre Mile

Thoroughbred Allowance

### EIGHTH RACE

8

Purse \$4,400. (Includes \$4,300 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward High Weights Preferred By Earnings in 2020 and 2021. Fillies and Mares Allowed 3 lbs. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.

Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

ABOUT ONE MILE

Quarter Horse Maiden Allowance

### SUBSTITUTE RACE NO 1

S1

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Maidens, Three Years Old and Upward.

Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

High Weights Preferred by Earnings in 2020 & 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added To Purse.

TWO HUNDRED AND FIFTY YARDS

Thoroughbred Claiming

### SUBSTITUTE RACE NO 2

S2

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added To Purse.

Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$7,500

FIVE FURLONGS

## Fort Pierre

Day 1

Saturday, October 2, 2021

Enter Tuesday, September 28, 2021

*Thoroughbred Claiming*

### FIRST RACE

**1**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Non Winners in 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds. .... 124 lbs. Older. .... 124 lbs.  
CLAIMING PRICE \$3,500

**FIVE FURLONGS**

*Thoroughbred Allowance*

### SECOND RACE

**2**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Non Winners of 2 Races in 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds. .... 124 lbs. Older. .... 124 lbs.

**FIVE FURLONGS**

*SD Bred Quarter Horse Futurity  
Certified South Dakota Bred*

### THIRD RACE

**3**



Purse \$12,500. For 2 Year olds that were nominated and remain eligible. Weight 124 lbs. Purse to Include \$12,500 Guaranteed from SD Bred Purse Fund Plus Nomination Fees Less 10% Held By SDQHRA.

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Claiming*

### FOURTH RACE

**4**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Not Won A Race Since April 1st, 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST on Race Day. 100% PEF Will Be Added to Purse.  
Three Year Olds. .... 124 lbs. Older. .... 124 lbs.  
CLAIMING PRICE \$5,000

**FIVE FURLONGS**

*SD Bred QH Maturity  
Quarter Horse Allowance  
Certified South Dakota Bred*

### FIFTH RACE

**5**



Purse \$12,500. For Certified S.D. Bred Four Year Olds and Upward.  
Weight. .... 124 lbs.

**TWO HUNDRED AND FIFTY YARDS**



## Fort Pierre

Day 1

Saturday, October 2, 2021

Enter Tuesday, September 28, 2021

Quarter Horse Allowance

### SIXTH RACE

**6** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 2 Races. \$100 Purse Enhancement Fee Must be Paid by Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to Purse.  
Three Year Olds, ..... 124 lbs. Older, ..... 124 lbs.

**TWO HUNDRED AND FIFTY YARDS**

Thoroughbred Claiming  
Fillies & Mares

### SEVENTH RACE

**7** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward \$100 Purse Enhancement Fee Must be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to the Purse.  
Three Year Olds, ..... 124 lbs. Older, ..... 124 lbs.  
CLAIMING PRICE \$5,000

**FIVE FURLONGS**

Governor's Feature  
Thoroughbred Allowance

### EIGHTH RACE

**8** Purse \$4,400. (Includes \$4,300 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST on Race Day. 100% of PEF Will Be Added to the Purse.  
Three Year Olds, ..... 124 lbs. Older, ..... 124 lbs.  
High Weights Preferred By Earnings in 2020 & 2021. Fillies & Mares Allowed 3 lbs.

**ABOUT ONE MILE**

Thoroughbred Claiming

### SUBSTITUTE RACE NO 1

**S1** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds, ..... 124 lbs. Older, ..... 124 lbs.  
CLAIMING PRICE \$3,000

**FIVE FURLONGS**

Thoroughbred Allowance

### SUBSTITUTE RACE NO 2

**S2** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 3 Races. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.  
Three Year Olds, ..... 124 lbs. Older, ..... 124 lbs.

**FIVE FURLONGS**

## Fort Pierre

Day 2

Sunday, October 3, 2021

Enter Wednesday, September 29, 2021

*Thoroughbred Claiming*

### FIRST RACE

**1**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Not Won A Race Since April 1st, 2021. \$100 Purse Enhancement Fee Must Be Paid by Each Starter by 10:00 AM CST Race Day. 100% of PEF will Be Added to Purse.

Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.  
CLAIMING PRICE \$3,500

**FIVE FURLONGS**

*Thoroughbred Allowance*

### SECOND RACE

**2**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 3 Races....High Weights Preferred By Earnings in 2020 & 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF will be Added to Purse.

Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.

**FIVE FURLONGS**

*South Dakota Bred Quarter Horse Derby  
Certified South Dakota Bred*

### THIRD RACE

**3**

**SD**

Purse \$12,500. For Three Year Olds Nominated and Remain Eligible. Weight... 124 lbs. \$12,500 Guaranteed from SD Bred Purse Fund Plus Nomination Fees Less 10% Held by SDQHRA.

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Claiming  
Fillies & Mares*

### FOURTH RACE

**4**

Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added to Purse.

Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.

CLAIMING PRICE \$4,000

Entries Also Taken Open With Fillies and Mares Preferred

**FIVE FURLONGS**

*Open QH Futurity  
Quarter Horse Futurity*

### FIFTH RACE

**5**

Purse \$3,500-Guaranteed. (For 2 Year Olds that Nominated and Remain Eligible. Weight 124 lbs. Purse to Include \$3,500 Guaranteed from SD Commission on Gaming Revolving Fund Plus 100% of Nomination Fees.

**TWO HUNDRED AND FIFTY YARDS**

*SD Bred Thoroughbred Feature Race  
Thoroughbred Allowance  
Certified South Dakota Bred*

### SIXTH RACE

**6**

**SD**

Purse \$12,500. For Certified S.D. Bred Three Year Olds and Upward \$12,500 Guaranteed From SD Bred Purse Fund Plus 100% Nomination Fees.

Three Year Olds. . . . . 124 lbs. Older. . . . . 124 lbs.  
Fillies and Mares Allowed 3 lbs. . . . . 0 lbs.

**FIVE FURLONGS**

**Fort Pierre**

Day 2

Sunday, October 3, 2021

Enter Wednesday, September 29, 2021

*Thoroughbred Claiming***SEVENTH RACE**

**7** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% PEF Will Be Added To Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$4,000

**FIVE FURLONGS***Fort Pierre Mile**Thoroughbred Allowance***EIGHTH RACE**

**8** Purse \$4,400. (Includes \$4,300 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward High Weights Preferred By Earnings in 2020 and 2021. Fillies and Mares Allowed 3 lbs. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added To Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.

**ABOUT ONE MILE***Quarter Horse Allowance***SUBSTITUTE RACE NO 1**

**S1** Purse \$3,500. (Includes \$3,500 from SD Commission on Gaming Revolving Fund) For Three Year Olds Purse \$3,500 Guaranteed Plus 100% of PEF. \$500 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day.  
Weight ..... 124 lbs.  
High Weights Preferred By Earnings in 2020 and 2021. .... 0 lbs.

**TWO HUNDRED AND FIFTY YARDS***Quarter Horse Maiden Allowance***SUBSTITUTE RACE NO 2**

**S2** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Maidens, Three Years Old and Upward.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
High Weights Preferred by Earnings in 2020 & 2021. \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added To Purse.

**TWO HUNDRED AND FIFTY YARDS***Thoroughbred Claiming***SUBSTITUTE RACE NO 3**

**S3** Purse \$3,200. (Includes \$3,100 from SD Commission on Gaming Revolving Fund)(Includes \$100 from Verendrye Benevolent Association)) For Three Year Olds and Upward \$100 Purse Enhancement Fee Must Be Paid By Each Starter By 10:00 AM CST Race Day. 100% of PEF Will Be Added To Purse.  
Three Year Olds ..... 124 lbs. Older ..... 124 lbs.  
CLAIMING PRICE \$7,500

**FIVE FURLONGS***SD Bred QH Stakes**Quarter Horse Stakes**Certified South Dakota Bred***SUBSTITUTE RACE NO 4**

**S4** Purse \$12,500-Guaranteed. (Includes \$12,500 SD Bred Purse Fund) For SD Bred 3 & Up Quarter Horses \$500 Nomination Fee Due At Time Of Entry 100% Of Nomination Fees Will Be Added To The Purse.

**SD****TWO HUNDRED AND FIFTY YARDS**



## SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capitol Avenue • Pierre, SD 57501  
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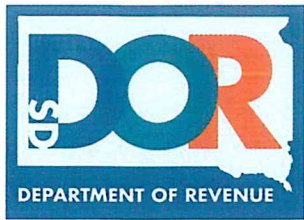
TO: Commissioners and Mike Shaw  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Recommended events and wagers per ARSD 20:18:35:04 and 20:18:35:05  
DATE: September 8, 2021

In determining the initial sports wagering catalogue staff followed the recommendation of GLI along with a review of the gaming jurisdictions of Iowa, Colorado, Wyoming and Michigan. The staff received guidance from Department of Revenue Secretary Jim Terwilliger and Deputy Revenue Secretary David Wiest. The staff also received feedback from the DGA and Betkota. The following catalogue is the result of all the guidance received and the suggestions from the DGA and Betkota.

The goals of the staff was to allow wagers in the South Dakota catalogue that consumers want that will keep the Deadwood market competitive while ensuring the high levels of integrity for this new type of gambling option. Staff is requesting approval of the recommended events and wagers on the following page that will allow a reasonable initial offering as we continue to learn and understand sports wagering. Staff is requesting a 90 day trial period as authorized in ARSD 20:18:35:05 (3).



South Dakota Commission on Gaming Sporting Event and Sports Wagering Catalogue Per 42-7B--4 (40) and (46) and ARSD 20:18:35:04 and 20:18:35:05										
All Sanctioned Events under the Governing bodies listed below										
	Moneyline	Point Spread	Totals	Parlays of Moneyline	Parlays of Point Spread NFL NHL NBA CFL	Parlays of Totals NFL NHL NBA CFL	Futures NFL NHL NBA CFL NASCAR	TEAM Props NFL NHL NBA NFL NHL NBA CFL		
<b>Baseball</b>										
Major League Baseball (MLB)	X	X	X	X						
NCAA Baseball	X	X	X	X						
<b>Basketball</b>										
National Basketball Association (NBA)	X	X	X	X	X	X	X	X	X	X
Women's National Basketball Association (WNBA)	X	X	X	X	X	X	X	X	X	X
NCAA Men's Basketball	X	X	X	X						
NCAA Women's Basketball	X	X	X	X						
<b>Fighting</b>										
International Boxing Federation (IBF)	X	X	X	X						
World Boxing Council (WBC)	X	X	X	X						
World Boxing Association (WBA)	X	X	X	X						
World Boxing Organization (WBO)	X	X	X	X						
Mixed Martial Arts (MMA)	X	X	X	X						
Ultimate Fighting Championship (UFC)	X		X							
<b>Football</b>										
National Football League (NFL)	X	X	X	X	X	X	X	X	X	X
Canadian Football League (CFL)	X	X	X	X	X	X	X	X	X	X
NCAA Football	X	X	X							
<b>Golf</b>										
Professional Golf Association (PGA)	X	X	X	X						
PGA Tour Champions (PGA)	X	X	X	X						
Ladies Professional Golf Association (LPGA)	X	X	X	X						
<b>Hockey</b>										
National Hockey League (NHL)	X	X	X	X	X	X	X	X	X	X
NCAA Hockey	X	X	X							
<b>Olympic Games</b>										
International Olympic Committee (IOC) (Team and Individual Events)	X	X	X	X						
<b>Racing</b>										
NASCAR	X			X			X			
<b>Rodeo</b>										
Professional Bull Riders (PBR)	X	X	X	X						
National Finals Rodeo (PRCA)	X	X	X	X						
<b>Rugby</b>										
Major League Rugby (USA Rugby)	X	X	X	X						
<b>Soccer</b>										
FIFA (International Federation of Association Football) and member federations (1st and 2nd tier teams)	X	X	X	X						
Major League Soccer (MLS)	X	X	X	X						
NCAA Soccer	X	X	X	X						
<b>Tennis</b>										
United States Tennis Association (USTA)	X	X	X	X						
NCAA Tennis	X	X	X	X						



## SOUTH DAKOTA COMMISSION ON GAMING

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### 42-7B-4. Definition of terms.

(40) "Sporting event," a contest or competition between individuals or teams the results of which are determined at least in part by the skill or ability of an individual athlete or competitor or a team which is competing in the event;

(46) "Wagering on sporting events" or "sports wagering," the acceptance of a wager on an authorized sporting event by any system of wagering authorized by the commission.

**Source:** SL 1989, ch 374, § 3; SL 1990, ch 343, § 11; SL 1993, ch 320, § 4 rejected by referendum held September 14, 1993; SL 1993, ch 321, § 1; SL 1994, ch 351, § 100; SL 1995, ch 245, § 1; SL 1997, ch 243, §§ 1, 2; SL 2010, ch 212, § 1; SL 2015, ch 218, § 3; SL 2016, ch 212, § 1; SL 2018, ch 256, § 1; SL 2019, ch 192, §§ 1, 2; SL 2021, ch 189, § 2.





## SOUTH DAKOTA COMMISSION ON GAMING

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**20:18:35:04. Authorized and prohibited events and wager types.** Before any licensee or sports wagering services provider may accept sports bets on an event category or sports bets of a particular wager type, the event category or wager type must be approved by the commission.

Prior to offering exchange wagering a licensee or sports wagering services provider must obtain approval from the commission. The rake taken on such wagers shall be subject to the wagering taxes pursuant to SDCL 42-7B-28, 42-7B-28.1 and 42-7B-28.2 as are paid on sports wagering net receipts.

**Source:** 48 SDR 14, effective August 22, 2021.

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

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

**20:18:35:05. Event category and wager type approval.** Unless already approved by the commission, a licensee or sports wagering provider shall request approval from the commission in the form and manner prescribed by the commission, subject to the following:

(3) The commission may require an appropriate test or experimental period, under the terms and conditions the commission considers appropriate, before granting final approval to an event category or wager type. The commission may subject any technology that would be used to offer an event category or wager type to such testing, investigation, and approval as it considers appropriate.

**South Dakota Commission on Gaming  
Licensing  
September 8, 2021**

**Business License Approval**

- ✓ Recommend approval of Black Diamond Capital, LLC be approved for another retail license **(12193-RT)** and that it be assigned to the *Hotel by Gold Dust* at 25 Lee Street.
- ✓ Recommend approval of an Operator **(12150-OP)** and a two Retail license **(12134 & 12135)** for Clark and Apex, LLC with Kurt Fjelland **(12136-OW)** the owner and that they be assigned to 614 and 614 Main.
- ✓ Recommend approval of Deals Publication, Inc be approved for another retail license **(12311-RT)** and that it be assigned to the *Celebrity Hotel* at 629 Main Street.
- ✓ Recommend approval of an Operator License **(12284-OP)** for Toby Keehn as the owner.
- ✓ Recommend approval of Everi Payments Inc. **(12300-AE)** with Everi Holdings, Inc as owners of an Associated Equipment license.
- ✓ Recommend approval of IGT for a Sports Wagering Providers license **(12241-SW)**.

**Business License Temporary Approval**

- ✓ Pursuant to ARSD 20:18:07:01 and ARSD 20:18:07:01.01, staff recommends temporary approval of a Sports Wagering Services Providers license to BetMGM, LLC **(12269-SW)** for 12 months or until the Commission makes a final determination on the application.
- ✓ Pursuant to ARSD 20:18:07:01 and ARSD 20:18:07:01.01, staff recommends temporary approval of a Sports Wagering Services Providers license to Internet Sports International, LTD (ISI) **(12253-SW)** for 12 months or until the Commission makes a final determination on the application.



## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: July 29, 2021

TO: Susan Christian, Executive Secretary  
SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Retail License Application – Black Diamond Capital, LLC dba Gold Dust Casino **(12193-RT)**

We received an application along with the application fee for a retail licenses from Black Diamond Capital, LLC dba Gold Dust Casino. They have requested the approval and assignment of a retail license to the *Hotel by Gold Dust* located at 25 Lee Street just off Main Street. This structure currently has a 5-building designation which was determined through declaratory rulings on June 4, 2008 and September 8, 2008. At the current time they would like one retail license to encompass the entire space so they can offer sports wagering on the premise.

The owners of Black Diamond Capital, LLC are Jeffery Lamont and Kraig Schlahf. These owners currently hold an Operator and ten Retail licenses. A background investigation was completed and both owners were approved, Lamont in 2010 and Schlahf in 2013. They both have held these licenses in good standing since that time.

Staff Recommends approval of a new Retail Licenses for Black Diamond Capital, LLC and that it be assigned to 25 Lee street effective upon receipt of the license fee.



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

## MEMORANDUM

DATE: July 15, 2021  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Clark and Apex LLC – 12150-OP, 12134-RT and 12135-RT

Kurt Fjelland created Clark and Apex, LLC on April 29, 2021 to purchase 612 and 614 Main Street Deadwood, SD. Kurt Fjelland is the sole owner. Since the date of purchase Kurt has continued to rent the properties to t-shirt vendors, however he will begin construction on one half of the property soon and the other half will be renovated in October.

Concerns: None

Recommendations: It is recommended that Clark and Apex LLC be **approved** for an Operator and two Retail Licenses. Nothing derogatory was found in the investigation that would prevent licensure.



**SOUTH DAKOTA COMMISSION ON GAMING**

87 Sherman Street • Deadwood, SD 57732

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

**MEMORANDUM**

DATE: July 15, 2021  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Kurt Anders Fjelland – 12136-OW

Kurt Fjelland is a self-employed commodities trader. Kurt has been a trader since 1992 and has owned a seat on the Chicago Board of Trade since 1995. Kurt owns other properties however none of them are gaming related. Kurt has never held a gaming license or been subjected to a background investigation before.

Concerns: None

Recommendations: It is recommended that Kurt Fjelland be **approved** as an owner of an operation and retail licenses. Nothing derogatory was found in the applicant's background investigation that would prevent him from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 18, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Deals Publication, Inc **(12311-RT)**

We received applications along with the application fees for a retail licenses from Deals Publication Inc. who have been licensed by the SD Commission on Gaming as an Operator since 2001 when they owned and operated the Celebrity Hotel until selling it in 2012. The owners of Deals Publication, Inc. are Robert and Don Nelson. A background investigation was completed and have remain licensed in good standing since that time.

Deals Publication re-acquired the property in December 2019 and re-open the Celebrity Hotel in February 2020. Since that time they only offered gaming in two of the five retail buildings associated with the property. They wish to begin offering gaming in one additional retail building.

Staff Recommends approval of a Retail licenses for Deals Publication Inc and that they be assigned to the Celebrity Hotel location at 629 Main St.





## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 24, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Toby Keehn – Operator license **(12284-OP)**

We received applications along with the application fees for an Operator license from Toby Keehn. Keehn is currently the 100% owner of one retail licenses assigned to Mustang Sallys where he owns and operates a Restaurant/Sports Bar and Casino.

Toby Keehn has been licensed by the South Dakota Commission on Gaming as a Retail licensee in conjunction with his ownership in Mustang Sallys since June 1997. A background investigation was originally completed on Keehn at that time and was updated with this most recent application. Keehn currently routes slot machines in his casino and plans to add sports wagering but will contract directly with a sports wagering provider for the service making him financially responsible for the payment of winnings and taxes.

Staff Recommends approval of an Operator license for Toby Keehn.



## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 24, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Everi Payments Inc **(12300-AE)**

We received an application along with the application fee from Everi Payments Inc. for an associated Equipment Manufacturer/Distributor license. Everi Payments Inc. provides cash access products and related services as well as manufacturing kiosks used for cash access and ticket redemption which are considered associated equipment and require licensure to sell to our licensees.

Everi Payments Inc. is a related company to Everi Gaming Inc **(0131-MA)**. which already holds a Manufacturer license in South Dakota since July 2015. These companies share the same parent company but due to their organizational structure are treated as separate entities by the parent which require them both to have separate licensing to do business in South Dakota.

Staff Recommends approval of an Associated Equipment Manufacturer/Distributor license for Everi Payments Inc.



## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 24, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: IGT – Sports Wagering Services Provider license **(12241-SW)**

We received applications along with the application fee for a Sports Wagering Services Provider license from IGT. IGT is currently licensed in good standing as a Slot machine manufacturer/distributor **(0101-MA)** but to offer sports wagering services in South Dakota, they are required to have this additional license.

IGT was licensed by the SD Commission on Gaming at the start of gaming in Deadwood in November 1989. A background investigation was completed, and they have continually renewed their license since that time. One of the products offered by them is the IGT PlaySports wagering platform that supports retail and on-premises mobile wagering. In addition, IGT will also be providing kiosk for self-service betting.

Staff Recommends approval of a Sports Wagering Services Providers license for IGT.



## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 27, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Business License Temporary Approval – BetMGM, LLC (**12269-SW**)

We received applications along with the application fee for a Sports Wagering Services Provider license from BetMGM. They currently have approved contracts with two licensed operators in Deadwood to provide sports wagering services.

In 2018, MGM Resorts International and Entain Holdings entered a joint venture that created BetMGM to provide sports wagering services. BetMGM is currently licensed in multiply jurisdictions in the United States including Colorado, Indiana, Iowa, Michigan, Nevada, New Jersey, Pennsylvania, Arizona and Tennessee and Oregon.

### **Concerns:**

No derogatory information has been identified at this stage of the background investigation that would preclude the applicant from being licensed.

### **Recommendation:**

Pursuant to ARSD20:18:07:01 and ARSD20:18:07:01.01, staff recommends temporary approval of a Sports Wagering Services Providers license to BetMGM, LLC (**12269-SW**) for one year or until the Commission makes a final determination on the application.





## SOUTH DAKOTA COMMISSION ON GAMING

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

DATE: August 27, 2021

TO: SD Commission on Gaming

FROM: Craig Sparrow, Deputy Exec. Secretary

RE: Business License Temporary Approval – Internet Sports International, Ltd (ISI)  
(12253-SW)

We received applications along with the application fee for a Sports Wagering Services Provider license from Internet Sports International, Ltd (**ISI**). They currently have approved contracts with two licensed operators in Deadwood to provide sports wagering services.

In 1999 Internet Sports International, Ltd. was founded by William Sterns II and Ernest Matthews. ISI co-developed the first sports kiosk in Nevada, the iSports Stand. ISI is currently licensed in Colorado, Oregon and is pending approval with the Coos Tribal Gaming Commission in Wisconsin. ISI's wagering kiosks are currently being utilized at three casinos in Colorado.

### **Concerns:**

No derogatory information has been identified at this stage of the background investigation that would preclude the applicant from being licensed.

### **Recommendation:**

Pursuant to ARSD20:18:07:01 and ARSD20:18:07:01.01, staff recommends temporary approval of a Sports Wagering Services Providers license to Internet Sports International, Ltd (ISI) (**12253-SW**) for one year or until the Commission makes a final determination on the application.



## SOUTH DAKOTA COMMISSION ON GAMING

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**20:18:07:01. Approval.** The commission may approve an application that meets all requirements, including the background investigation. The commission may approve a temporary license pending an application for a permanent license and pending the background investigation. The executive secretary may approve or deny applications for support licenses.

Source: 16 SDR 57, effective October 1, 1989; 16 SDR 233, effective July 1, 1990.

General Authority: SDCL [42-7B-7](#).

Law Implemented: SDCL [42-7B-1](#), [42-7B-2](#), [42-7B-2.1](#), [42-7B-3](#), [42-7B-7](#), [42-7B-11](#), [42-7B-18](#), [42-7B-19](#), [42-7B-20](#), [42-7B-21](#), [42-7B-22](#), [42-7B-24](#), [42-7B-25](#), [42-7B-26](#), [42-7B-27](#).

**20:18:07:01.01. Approval with conditions or for a limited period.** The commission may grant a license with special conditions or for a limited period, or both.

Source: 16 SDR 233, effective July 1, 1990.

General Authority: SDCL [42-7B-7](#).

Law Implemented: SDCL [42-7B-1](#), [42-7B-2](#), [42-7B-2.1](#), [42-7B-3](#), [42-7B-7](#), [42-7B-11](#), [42-7B-18](#), [42-7B-19](#), [42-7B-20](#), [42-7B-21](#), [42-7B-22](#), [42-7B-24](#), [42-7B-25](#), [42-7B-26](#), [42-7B-27](#).



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

**MOTION FOR CONDITIONAL TEMPORARY  
SPORTS WAGERING SERVICES PROVIDER LICENSE**

Pursuant to ARSD 20:18:07:01 and 20:18:01.01, Commissioner \_\_\_\_\_ moves that \_\_\_\_\_ (applicant's name) be issued a sports wagering services provider license for twelve (12) months to allow for the completion of the background investigation, or until the Commission makes a final determination on the application 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 to provide sports wagering services to licensed operators in Deadwood, complete and sign the attached agreement; and
- Provide a list of all third-party vendors contracted with to provide sports wagering services to licensed operators within the city of Deadwood, including associated equipment providers, within fourteen (14) days of temporary licensure and supplemented within fourteen (14) days of any additional contracts.

AGREEMENT AS A CONDITION OF  
TEMPORARY LICENSURE

Pursuant to ARSD 20:18:07:01.01, the undersigned, a duly authorized representative of \_\_\_\_\_, an applicant for a South Dakota Commission on Gaming sports wagering services provider license, hereby agrees that as a condition of the South Dakota Commission on Gaming issuing a temporary sports wagering services provider license, \_\_\_\_\_ will voluntarily assume all responsibility for the actions or inactions of any third party they contract with to provide sports wagering services to licensed operators within the City of Deadwood, South Dakota.

It is specifically understood that by the execution of this agreement, \_\_\_\_\_ may be held responsible for any violations of the law by the contracted third party in a disciplinary proceeding before the South Dakota Commission on Gaming and be subject to monetary penalty, or suspension or revocation of license.

The undersigned also affirmatively states that they have the authority as a duly authorized representative of the applicant to execute this agreement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_

Its: \_\_\_\_\_