



SOUTH DAKOTA COMMISSION ON GAMING

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

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

NOTICE IS HEREBY GIVEN that the South Dakota Commission on Gaming will hold administrative hearings, a public hearing on proposed amendments to rules and its quarterly business meeting, on Tuesday, December 12, 2023 beginning at 9:00 a.m. MST in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

Join Zoom Meeting

<https://state-sd.zoom.us/j/97430294580>

Meeting ID: 974 3029 4580

Join by telephone Dial:

1-669-900-9128 (San Jose)

or

Find your local number: <https://state-sd.zoom.us/u/asn0AGh3q>

When prompted enter the Participation ID: # 974 3029 4580

When prompted state your name followed by the #

Dial in participants will be muted when joining the meeting. *6 mute/unmute and if you wish to make a comment select *9 to raise your hand.

AGENDA

Call to Order

Conflicts of Interest Disclosure

Approval of Meeting Agenda

ADMINISTRATIVE HEARINGS

In the matter of seized slot machines:

- 1) David Grote **Pages 4 - 10**
 - One GT Haywire themed slot machine with Serial # 956393
- 2) Steven Lanz **Pages 11 - 16**
 - One IGT White Ice themed slot machine with no serial number plate
 - One IGT Double Diamond themed slot machine with no serial number plate

PROPOSED AMENDMENTS TO RULES

Pages 17 - 67

- 1) Proposed amendment to 20:18:06:01. Applications [Page 17](#)
- 2) Proposed amendment to 20:18:06:03. Use of application fee -- Additional fees required [Page 18](#)
- 3) Proposed amendment to 20:18:06:04. Gaming contracts -- Regulations [Page 19](#)
- 4) Proposed amendment to 20:18:06:09. Regulation of ownership interests [Page 20](#)
- 5) Proposed amendment to 20:18:07:01. Approval [Page 21](#)
- 6) Proposed amendment to 20:18:07:01.01. Approval with conditions or for a limited time [Page 22](#)
- 7) Proposed amendment to 20:18:07:02. Qualifying licensee, manager, or agent [Page 23](#)
- 8) Proposed amendment to 20:18:07:03. Termination of qualifying licensee, manager, or agent [Page 24](#)
- 9) Proposed amendment to 20:18:09:02. Proscribed conduct [Page 25](#)
- 10) Proposed amendment to 20:18:09:03. Revocation or suspension of other license [Page 26](#)
- 11) Proposed amendment to 20:18:09:04. Facts of criminal charge [Page 27](#)
- 12) Proposed amendment to 20:18:10:02. Dismissal of complaint [Page 28](#)
- 13) Proposed amendment to 20:18:10:03. Informal consultation [Page 29](#)
- 14) Proposed amendment to 20:18:10:06. Contents of commission complaint [Page 30](#)
- 15) Proposed amendment to 20:18:10:07. Date of hearing [Page 31](#)
- 16) Proposed amendment to 20:18:10:10. Per diem and mileage [Page 32](#)
- 17) Proposed amendment to 20:18:10:11. Final action by commission [Page 33](#)
- 18) Proposed amendment to 20:18:11:01. Petition for hearing [Page 34](#)
- 19) Proposed amendment to 20:18:11:02. Petition for review [Page 35](#)
- 20) Proposed amendment to 20:18:12:02. Grounds for summary suspension [Page 36](#)
- 21) Proposed amendment to 20:18:12:03. Notice [Page 37](#)
- 22) Proposed amendment to 20:18:12:04. Complaint required. [Page 38](#)
- 23) Proposed amendment to 20:18:15:30.06. Variations of the play -- STREAK blackjack [Pages 39-42](#)
- 24) Proposed amendment to 20:18:16:15.14. The play -- Mississippi Stud with optional three card bonus [Pages 43-50](#)
- 25) Proposed amendment to 20:18:16:15.18. The play -- Fortune Pai Gow poker [Pages 51-54](#)
- 26) Proposed amendment to 20:18:17:24.04. Progressive jackpot [Page 55](#)
- 27) Proposed amendment to 20:18:17:24.05. Multiple linkage of progressive slot machine [Page 56](#)
- 28) Proposed amendment to 20:18:17:24.06. Alternating displays [Page 57](#)
- 29) Proposed amendment to 20:18:17:24.08. Separate software meter for a progressive slot machine [Page 58](#)
- 30) Proposed amendment to 20:18:17:24.09. Separate key and key switch for resetting progressive meter [Page 59](#)
- 31) Proposed amendment to 20:18:17:24.10. Limits on jackpot of progressive slot machines [Page 60](#)
- 32) Proposed amendment to 20:18:17:24.13. Discontinuance of progressive slot machine -- Transfer of progressive prizes [Page 61](#)
- 33) Proposed amendment to 20:18:17:24.16. Cash requirements [Page 62](#)
- 34) Proposed amendment to 20:18:17:24.18. Defaults [Page 63](#)
- 35) Proposed amendment to 20:18:26:01. Licensing of financial institutions [Page 64](#)
- 36) Proposed amendment to 20:18:26:02. Requirements for foreign financial institutions [Page 65](#)
- 37) Proposed amendment to 20:18:26:03. Commission may limit license [Page 66](#)
- 38) Proposed amendment to 20:18:31:03. Organization to be considered person [Page 67](#)

QUARTERLY BUSINESS MEETING

Approval of the minutes of Quarterly Meeting of September 12, 2023 [Pages 68-73](#)

Old Business

Comments Executive Secretary Susan Christian

Racing Licensing matters

- Approval Triple Crown Simulcast Site Renewal [Page 74](#)
- Approval AmWest Entertainment OTB, LLC Simulcast Provider Renewal [Pages 75-76](#)

Live Racing Matters

- Approval of 2023 Ft Pierre/Verendrye Benevolent Association live race dates [Pages 77-79](#)
- Approval of Resolution 12-12-23-01 for release of deposit in lieu of bond [Page 80](#)

Deadwood Licensing Matters [Pages 81-102](#)

Approval of quarterly commission meeting dates for calendar year 2024

- March 12, 2024
- June 25, 2024
- September 10, 2024
- December 10, 2024

Public Comment

Executive Session pursuant to SDCL 1-25-2

Adjournment

Susan Christian
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

INCIDENT : Slot Machine for Sale # 23 08 78

DATE OF INCIDENT : 8 16 23

PLACE OF INCIDENT : Aberdeen, SD

INVESTIGATING AGENT : Heltzel

DATE OF REPORT : 8/25/23

COMPLAINANT David Grote

OR SUSPECT:

[REDACTED]
[REDACTED]

NARRATIVE :

On August 16th, 2023, the South Dakota Commission on Gaming received an anonymous tip about a slot machine being sold on Facebook in a market place section. I followed the link that was provided and observed an add wanting to sell an IGT Haywire slot machine.

The Commission prepared letter regarding the possession of slot machines and state laws, then sent that to the Brown County States Attorney and the Aberdeen Police Department.

On August 22, 2023, I was contacted by the Detective Charles with the Aberdeen Police Department. Detective Charles stated they contacted Mr. Grote and visited with him about the slot machine. During that conversation Mr. Grote informed them he was unaware it was illegal for a person own a slot machine and agreed to turn over the slot machine and cooperated in the entire process.

On August 23, 2023, I was contacted by the Pete with the Edmunds County Sheriff's Department. They Deputy informed me that the slot machine Mr. Grote was in possession of was located in Edmunds County and that he had met Mr. Grote and was in possession of the slot machine. The Edmunds County Sheriff's Department agreed to hold the slot machine in their possession until the Commission could make arraignments to drive out and pick the device up.

The Commission was able to schedule an appointment with the Edmunds County for October 27, 2023, to pick up the Haywire IGT slot machine that was turned over by Mr. Grote.

The Commission mailed Mr. Grote a certified letter containing a Notice of Hearing for December 12th, 2023, in Deadwood, SD at 9am at the scheduled South Dakota Commission on Gaming public meeting. On October 27, 2023, the certified letter was returned to the Commission office. The label stated attempted unknown.

A handwritten signature in black ink, appearing to read "M. Heltzel", is written over a solid horizontal line. The signature is cursive and extends slightly above and below the line.

Mark Heltzel

Deputy Executive Secretary



IGT
 9295 PROTOTYPE DRIVE
 RENO, NEVADA 89511 USA 775/448-7777

S/N: 956393
 DATE OF MFG: 06/99



956393

GAMING EQUIPMENT 120/230V- 6/3A 50/60Hz
 FOR INDOOR USE ONLY

MODEL NO. W/O NO.

96418900



246280



THIS DEVICE COMPLIES WITH PART 15 OF THE FCC RULES. OPERATION IS SUBJECT TO THE FOLLOWING TWO CONDITIONS: (1) THIS DEVICE MAY NOT CAUSE HARMFUL INTERFERENCE, AND (2) THIS DEVICE MUST ACCEPT ANY INTERFERENCE RECEIVED, INCLUDING INTERFERENCE THAT MAY CAUSE UNDESIRABLE OPERATION.

THIS MACHINE AND THE COMPONENTS CONTAINED THEREIN ARE PATENTED UNDER ONE OR MORE OF THE FOLLOWING UNITED STATES PATENTS:
 4,448,419, 4,475,564, 4,490,607, 4,517,558, 4,517,654, 4,518,001, 4,574,824,
 4,575,627, 4,583,082, 4,592,377, 4,660,833, 4,693,477, 4,711,452, 4,911,449,
 4,944,138, 4,978,322, 5,058,893, 5,167,571, 5,265,874



SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capital Avenue • Pierre, SD 57501
(605) 951-9173 • dor.sd.gov/gaming

NOTICE OF HEARING

TO: David Grote



In the matter of one IGT slot machine with a theme name of Haywire and serial number 956393.

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on the 12th, December 2023 at 9:00 AM in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

The purpose of this hearing is to determine if the Haywire slot machines which was collected by the Edmunds County Sheriff and later received by the South Dakota Commission on Gaming, is contraband and may be destroyed pursuant to SDCL 42 7B 39.

This hearing is held the authority of SDCL 42-7B-39 and 42 7B 39.2.

The particular statutes involved are SDCL 42-7B-39, 42 7B 39.2, 22 25 13, 22 25-14 and 22-25-14.1.

The matter to be asserted is that the slot machines described above are contraband and should be destroyed.


As a result of this hearing the Commission on Gaming can order the destruction of the slot machine which was seized on.

This hearing is an adversary proceeding. Any person who claims an ownership interest in the machine described above has the right to be present, to be represented by a lawyer, to call witnesses to testify in their behalf and to question witnesses who testify against them. These and other due process rights will be forfeited if they are not exercised at the hearing.

SDCL 42 7B-39.2 provides that the slot machine which was seized may be destroyed after notice and without hearing if you fail to appear at the time and place scheduled in this hearing notice.

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

Dated at Spearfish, South Dakota, the 18th day of October 2023.


Susan Christian
Executive Secretary

CERTIFICATE OF SERVICE

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

By certified mail, return receipt requested with postage prepaid thereon on the 19th day of October 2023.


Susan Christian

589 0710 5270 0184 7130 14

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Aberdeen, SD 57401

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$7.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$8.56

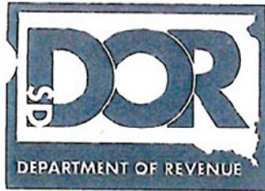
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10/19/2023

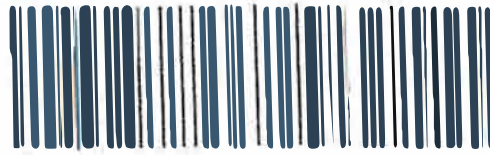
Sent To David Grote
 [Redacted Address]
 [Redacted Address]
 [Redacted Address]

PS Form 3800, January 2023 PSN 7530-02-030-9047 See Reverse for Instructions



South Dakota Com
120 Industrial Drive, Suite 1
Spearfish, SD 57783

CERTIFIED MAIL



9589 0710 5270 0184 7130 14

Retail



RDC 99



57401

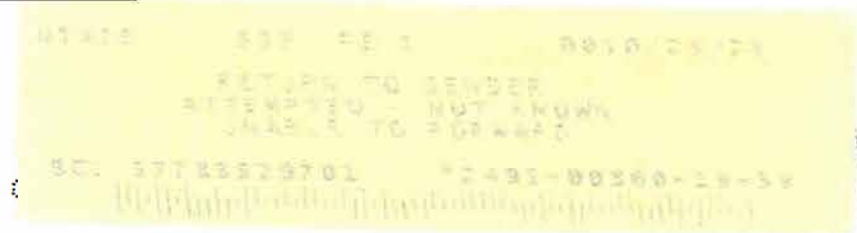
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FCM LETTER
SPEARFISH, SD 57783
OCT 19, 2023

\$8.56

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Ank
David Grote



57401
57783

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Grote



9590 9402 7723 2152 2785 29

2. Article Number (Transfer from service label)

9589 0710 5270 0184 7130 14

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below. No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783

(605) 578-3074 • dor.sd.gov/gaming

INCIDENT REPORT

INCIDENT: Illegal Slot Machine

INCIDENT NUMBER: 23-09-075

DATE OF INCIDENT: 09/21/2023

PLACE OF INCIDENT: [REDACTED]
Spearfish, SD 5 57783

REPORTING AGENT: Special Agent John Cargill

DATE OF REPORT: 09/28/2023

PATRON:
NAME: Steven Lynn Lanz
ADDRESS: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

MENTIONED:
NAME: Jeff Boulder
ADDRESS: UNK
D.O.B: UNK

NARRATIVE:
On 09/28/2023, Special Agent Brandon Snyder informed me, Special Agent John Cargill, of a potential illegal slot machine being sold on the Facebook marketplace. The seller's profile name was Steve Lanz. The slot machine was brought to our attention via an anonymous tip.

I contacted Steven using a fictitious Facebook account and arranged a time to meet him at his residence. Steven told me he had 2 slot machines for \$900.00 each. I contacted the Lawrence County Dispatch Office and informed them I would go to the residence.

Special Agent Brandon Snyder and I, Special Agent John Cargill, responded to the scene in plain clothes and an unmarked vehicle. When we arrived, a male who self-identified as Steve asked if I was who he

spoke with on Facebook. I told him I was, and he invited me inside and showed me 2 IGT slot machines. One was an IGT Double Diamond with the serial number removed. The other was an IGT White Ice with the serial number removed. Both machines were turned on and operational.

Steven told me he, his son, and several friends had played the machines. Steve said he bought the machines from a man in Colorado named "Jeff Boulder." Steven said he wanted \$900.00 per machine. Steven opened the machines and showed us the interiors. He pointed out that the machines had working cash-out vouchers and a cash box. Agent Snyder checked the inside of the machines and informed me they were under 25 years old.

After hearing this, we identified ourselves as Special Agents with the SD Commission on Gaming and displayed state-issued IDs and badges. We provided Steven with copies of SDCL 22-25-1, 22-25-13-22-25-14, and 22-25-14.1. Steven was informed slot machines 25 years or less are illegal to own in the State of South Dakota and would be seized according to South Dakota Codified Law. Steven said he did not want to go to jail over this and willingly turned over the machines.


Photos were taken of both machines, and the machines were seized according to SD codified law. Steve was given a property receipt and advised of the appeals process.

The machines were placed in the rear of the unmarked patrol vehicle and transported to the SD Commission on Gaming evidence room.

Special Agent Snyder informed me on 09/29/2023 that he found a \$100.00 bill in the cash box of the White Ice Machine after inserting \$1.00 in and playing with the machine. Special Agent Snyder told me he located several cash-out vouchers in the Double Diamond machine.

On 10/05/2023, Special Agent Snyder and I looked inside the machines. While looking at the interior of the machines, we located file marks on both machines where serial numbers should have been. I took photos of both machines and have burned the photos to a CD. Of the photos taken, 14 have dates on them. The earliest date is 08/00, and the most recent is 11/02. 10 of the photos taken depict the filed serial number of both machines. Please refer to the included CD for more information.

END OF REPORT



John A. Cargill
Special Agent Investigations / Enforcement
SD Commission on Gaming

22-25-13. Keeping slot machines--Free play machines excepted--Misdemeanor--Manufacture not prohibited.

No person may have in his possession, custody, or under his control or permit to be kept in any place under his possession or control, any slot machine or device. A slot machine or device is any machine upon the action of which anything of value is staked and which is operated by placing therein or thereon any coins, checks, slugs, balls, chips, tokens, or other articles, or in any other manner as a result of such operation anything of value is won or lost by the operation of such machine, when the result of such operation is dependent upon chance. This section does not extend to coin-operated nonpayout pin tables and arcade amusements, with free play features. A violation of this section is a Class 1 misdemeanor.

This section does not prohibit the manufacture, or any act appurtenant to the manufacture, of slot machines or devices in this state for distribution and sale.

Source: SDC 1939, §§ 24.0204, 24.9909; SL 1974, ch 166; SL 1976, ch 158, § 25-4; SL 1989, ch 197, § 1.



SOUTH DAKOTA COMMISSION ON GAMING

445 E. Capital Avenue • Pierre SD 57501
(605) 951-9173 • dor.sd.gov/gaming

NOTICE OF HEARING

TO: Steven Lanz

[REDACTED]
[REDACTED]

In the matter of one IGT slot machine with a theme name of White Ice and one IGT slot machine with a theme name of Double Diamond. Both IGT S 2000 slot machines have the serial plates removed.

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on the 12th, December 2023 at 9:00 AM in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

The purpose of this hearing is to determine if the White Ice and Double Diamond themed slot machines which were seized from 3715 Hillsview Rd in Spearfish, SD on, September 28, 2023, are contraband and may be destroyed pursuant to SDCL 42- 7B 39.

This hearing is held the authority of SDCL 42 7B 39 and 42 7B 39.2.

The particular statutes involved are SDCL 42 7B-39, 42 7B-39.2, 22 25 13, 22-25-14 and 22-25 14.1.

The matter to be asserted is that the slot machines described above are contraband and should be destroyed.


As a result of this hearing the Commission on Gaming can order the destruction of the slot machine which was seized on.

This hearing is an adversary proceeding. Any person who claims an ownership interest in the machine described above has the right to be present, to be represented by a lawyer, to call witnesses to testify in their behalf and to question witnesses who testify against them. These and other due process rights will be forfeited if they are not exercised at the hearing.

SDCL 42 7B 39.2 provides that the slot machine which was seized may be destroyed after notice and without hearing if you fail to appear at the time and place scheduled in this hearing notice.

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

Dated at Spearfish, South Dakota, the 19th day of October 2023.


Susan Christian
Executive Secretary

CERTIFICATE OF SERVICE

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

By certified mail, return receipt requested with postage prepaid thereon on the 19th day of October 2023.


Susan Christian

1589 0710 5270 0184 7130 21

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Spearfish, SD 57783

Certified Mail Fee	\$4.35	0783 9
Extra Services & Fees (check box, add fee as appropriate)	\$7.55	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here 10/19/2023
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$8.56	
To: Steven Lanz		
Street: [REDACTED]		

PS Form 3600, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10-21-23</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p>Steven Lanz [REDACTED]</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 7723 2152 2785 36</p> <p>1589 0710 5270 0184 7130 21</p>																	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

20:18:06:01. Applications. An applicant for a license must apply on a form provided by the commission. The application ~~may include questions concerning the following~~ must contain:

- (1) Personal background information;
- (2) Financial information;
- (3) ~~Participation Information on participation~~ in legal or illegal gaming activities in South Dakota or other jurisdictions, including foreign countries;
- (4) Medical information; and
- (5) Other information as required.

Source: 16 SDR 57, effective October 1, 1989; 19 SDR 21, effective August 20, 1992.

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~~, 42-7B-27.

Declaratory Rulings: Reserve police officers from outside the City of Deadwood or Lawrence County are precluded under SDCL 42-7B-20 from holding a license for gaming under SDCL 42-7B-22. South Dakota Commission on Gaming Declaratory Ruling dated September 19, 1991.

A married couple who have a long history of each owning and controlling their individual assets as their own and separate individual property are not precluded by SDCL 42-7B-26 from each having a financial interest in three retail gaming licenses. South Dakota Commission on Gaming Declaratory Ruling dated January 24, 1992.

Commented [A1]: Style/Form: The word "may" indicates permission. "Must" imposes obligation when the subject of a sentence is an inanimate object. *ARSD Drafting Manual*, pg. 14.

Legality: Does this discretion allow for the commission to create an application that does not include any of the information listed in subdivisions (1) through (5)?

Commented [A2]: Clarity - "contain" - does the form only contain questions? It seems that the form is only obtaining information, so perhaps that should be clarified, unless the form truly does contain only questions prompting information to be entered on the form.

Commented [A3]: Clarity - all other subdivisions refer to "information." This one does not, and is not clear as to what is to be provided. Recommend the language to the left.

Commented [A4]: Legality - Recommend removal of this statute from the Law Implemented notes throughout these rules. This section appears to provide the trigger conditions for the application of chapter 42-7B and its associated rules. That trigger has long since occurred and is not relevant as guidance to how the Commission implements its rules going forward.

Commented [A5]: Style/Form: The text struck has been amended throughout the rules packet to reflect the convention outlined in the *ARSD Drafting Manual*, pg. 5

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20:18:06:03. Use of application fee -- Additional fees required. The application fee must be used to conduct the background investigation of the applicant and to defray administrative expenses. If the commission or executive secretary determines that additional sums are needed to continue or complete the investigation of an applicant, the processing of the application must cease; and the commission or executive secretary must inform the applicant of the additional sums required. As soon as the applicant has furnished the additional sums, the processing must continue.

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~~, 42-7B-27.

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20:18:06:04. Gaming contracts -- Regulations. An applicant for ~~licensing a license~~ or a licensee must submit ~~copies of gaming contracts~~ a copy of any gaming contract to which ~~the applicant for a license or a licensee~~ is a party or intends to ~~become~~ be a party. The executive secretary, the commission, or both, ~~may shall~~ review the contracts and may require changes in the contracts before an application is approved or participation in the contract is allowed. The commission or executive secretary may require a licensee to end the licensee's participation in a gaming contract.

An applicant for a license as an operator or a retailer must disclose a pecuniary interest in the application by persons not a party to the application.

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~~, 42-7B-27.

Commented [A6]: Clarity: The suggested phrasing is used in both ARSD 20:18:06:01 and the final sentence of this section. The change has been made for consistency throughout the sections.

Commented [A7]: Style/Form: *ARSD Drafting Manual*, pg. 15, singular nouns are preferred unless the plural is necessary.

Commented [A8]: Style/Form: *ARSD Drafting Manual*, pg. 16, discourages the use of third-person personal pronouns, and does not accept the use of the third-person plural "they" as a genderless substitute. Since the subject of the sentence is a person, the use of the third-person neuter "it" personal pronoun could cause confusion.

Commented [A9]: Style/Form: *ARSD Drafting Manual*, pg. 14, "may" is permissive but not obligatory. "Shall" imposes obligation upon any subject that is not an inanimate object.

Legality: Since the rules cite § 42-7B-11 as one of the laws implemented, subdivision (11) allows for the commission to establish a procedure for establishing the suitability or unsuitability of persons and acts or practices. Allowing the commission the ability to decide whether it reviews the contracts that are required to be submitted seems to fall outside of an established procedure, unless the discretion is otherwise clarified and the rules expressly articulate those circumstances in which the contracts need not be reviewed by the commission, because it could be implemented without consistency.

"May" is added prior to "require changes" because no changes might be required in a contract even if the commission is required to review the contract.

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20:18:06:09. Regulation of ownership interests. The executive secretary ~~may shall~~ require ~~a an applicant or a~~ person owning an interest in a ~~license or applicant~~ to complete an application requiring background information, source of funding, and a sworn statement that the person is not holding the person's interest for another party. The commission may ~~in its discretion~~ require ~~a licensee or applicant holding less than a five percent interest an applicant or a person owing less than five percent of an interest in a license~~ to undergo a full background investigation.

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

General Authority: SDCL 42-7B-11.

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~~, 42-7B-27.

Commented [A10]: Style/Form: ARSD Drafting Manual, pg. 14, "may" is permissive but not obligatory. "Shall" imposes obligation upon any subject that is not an inanimate object.

Legality: The last sentence in this section seems to imply that persons with less than 5% of an interest are not required to undergo the full background investigation unless the commission decides otherwise. This would imply that an applicant or a licensee who does own 5% or more of an interest in a license would be obligated to complete the full background investigation.

The "may" that was in the original language seems to conflict with the requirements that an applicant submit an application pursuant to ARSD 20:18:06:01

Commented [A11]: Clarity: The first sentence uses the term "person owning an interest," but the second sentence uses the term "licensee." Are these two terms supposed to be interchangeable? If a person owning an interest in a license is a licensee, have they not already completed the application process in order to own the interest in the license? Why would they need to go through the application process again?

With the exception of the last sentence, if the application process described in the first sentence is the same as the application process described in § 20:18:06:01 above, this section seems redundant. If the application processes are the same, it would be easier, rather than repeat the requirement for the application process here just to include a "person owning an interest," the first sentence should just be incorporated into § 20:18:06:01 above, and then delete the first sentence here.

Commented [A12]: Clarity: Is the applicant described in this section the same as an applicant in ARSD 20:18:06:01, and if so, does this section, this section with the permissive "the executive secretary may," conflict with the "The applicant for a license must apply" in ARSD 20:18:06:01?

Commented [A13]: Clarity: Deleted phrase is redundant. The word "may" is already discretionary.

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20:18:07:01. Approval. The commission ~~may shall~~ approve an application ~~that if it meets~~ all requirements, ~~including and~~ the background investigation ~~is successfully completed.~~

The commission may approve a temporary license pending an application for a permanent license and ~~pending~~ the successful completion of a 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.

Cross-References:

Applications, § 20:18:06:01.

Application requirements fee and form, SDCL 42-7B-21.

Qualifications for license as operator, gaming property owner, retailer, or provider, SDCL 42-7B-25.

Employee support license--Qualifications, 42-7B-27.

Person involved as manufacturer, distributor, operator, retailer, gaming property owner, provider, key employee, or support licensee--Qualifications, 42-7B-33, and ~~42-7B-~~

34.

Commented [A14]: Clarity: Does the commission have the authority to deny an application if it meets all the requirements?

Commented [A15]: Clarity: The current language does not indicate that the applicant must pass the background investigation, only that it be completed.

Commented [A16R15]: Clarity - It is clear elsewhere that a background check is a requirement. Unless, as suggested above, it is clarified that the applicant must pass the application, there is no new substance.

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Commented [A17]: Style - See the example on page 21. We should use the catchlines. Periods between each entry. Each entry is its own line, unless the catchline is hared between the two provisions.

Commented [A18]: Legality - This SDCL section was repealed.

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.

Commented [A19]: Clarity: Serial comma added for this list of three.

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.

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20:18:07:02. Qualifying licensee, manager, or agent. ~~A license may not be granted. The~~
~~commission may not grant a license~~ unless the applicant designates in the application ~~one~~
~~or more persons~~ ~~at least one person~~ who ~~own~~ ~~owns~~ a substantial interest in the corporation,
partnership, or association and who will represent the licensee as a qualifying licensee. In
addition, the application must designate a person ~~who will be the manager or agent for the~~
licensee. The manager or agent is the person whom the commission or its agents may
contact on behalf of the licensee.

Commented [A20]: Style/Form: *ARSD Drafting Manual* pg. 14, the active voice is preferred unless the passive is necessary to best articulate the meaning of the rule.

Commented [A21]: Style/Form: *ARSD Drafting Manual*, pg. 15, the singular form of a noun is to be used unless the sentence requires the use of a plural.

Commented [A22]: Clarity - May the qualifying licensee and the agent be the same person? Should that be made clear, one way or the other?

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~~.

20:18:07:03. Termination of qualifying licensee, manager, or agent. Upon the termination of a qualifying licensee's, manager's, or agent's affiliation with the licensee, the licensee must name at least one ~~or more~~ new qualifying ~~licensees, managers, or agents~~ licensee, manager, or agent and notify the executive secretary in writing within seven days.

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~~.

Commented [A23]: Style/Form: *ARSD Drafting Manual* pg. 15, singular nouns are preferable unless the plural is necessary.

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, dishonest or fraudulent action committed by a licensee is grounds for disciplinary action, regardless of whether arising within or without the the act was committed in~~ pursuit of the license privilege, ~~committed by a licensee is grounds for disciplinary action.~~

Commented [A24]: Clarity: Phrase is redundant

Commented [A25]: Section rephrased for clarity - per the *ARSD Drafting Manual*, pg. 17 "Extensive punctuation indicates faulty arrangement and ambiguous construction." Is there a substantial legal difference between an act that constitutes dishonesty or fraudulent conduct versus a dishonest or fraudulent action?

Commented [A26]: Revised for clarity

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.~~

20:18:09:03. Revocation or suspension of other license. A revocation or suspension of ~~a any other~~ license, ~~regardless of type of license~~, held by a person employed under this article and SDCL ~~chapter 42-7B, regardless of the jurisdiction or venue of the license~~, is grounds for disciplinary ~~action, regardless of the type, jurisdiction, or venue of the license~~.

Commented [A27]: Section rephrased for clarity. ARSD Drafting Manual, pg. 17 - see above.

Commented [A28]: ~~Style~~ - ARSD DM, pg. 20.

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~~.

20:18:09:04. Facts of criminal charge. ~~The charge in any jurisdiction of a~~ A licensee ~~being charged~~ with a felony^s or with a misdemeanor involving moral turpitude, ~~in any jurisdiction,~~ is grounds for disciplinary action. The commission may find the licensee guilty of a violation of this article on the facts of the criminal charge even ~~though if~~ the licensee has been acquitted on the criminal charge.

Commented [A29]: Clarity Recommend inserting these comments if the intent is that any felony triggers (not just those involving crimes of moral turpitude), and that moral turpitude modifier only applies to misdemeanors.

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-19, 42-7B-20, 42-7B-24, 42-7B-25, 42-7B-27, 42-7B-32, 42-7B-33;~~42-7B-34.~~

20:18:10:02. Dismissal of complaint. After receipt of the answer to the complaint, after the time has expired to answer, or after having determined that no answer is necessary, the executive secretary must examine the complaint, any answer, and any other supporting documents to determine whether the complaint charges conduct constituting grounds for disciplinary action. If the complaint charges conduct constituting grounds for disciplinary action, the executive secretary must also determine if the complaint has merit or is frivolous or whether it charges conduct constituting grounds for disciplinary action. If the executive secretary determines that the complaint is without merit or is frivolous or that it does not charge conduct constituting grounds for disciplinary action or is without merit, the executive secretary must dismiss the complaint and notify in writing the complainant, the licensee complained against, and other affected parties in writing, stating the reasons for dismissal. The executive secretary may shall investigate the complaint and may use extrinsic evidence to determine if the complaint has merit.

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~~.

Commented [A30]: Serial comma added.

Commented [A31]: Clarity: The ordering of the original seems to be backwards. Are there grounds for a meritorious complaint that are not charges of conduct constituting grounds for disciplinary action?

If all complaints that have merit are complaints that charge conduct constituting grounds for disciplinary action, determining whether the complaint alleges conduct constituting grounds for disciplinary action should be the first step, because it is possible that the complainant alleges conduct that is grounds for disciplinary action, but upon further review the allegation might still lack merit.

However, if the executive secretary determines that a complaint does not allege conduct constituting grounds for disciplinary action then the secretary wouldn't need to examine further since a complaint that does not allege conduct constituting grounds for disciplinary action is inherently lacking in merit.

Commented [A32]: Clarity: Struck phrase is redundant and is the necessary alternative to the preceding "whether the complaint has merit."

Commented [A33]: Style/Form: The direct object of a sentence's verb should follow the sentence's verb as closely as is practicable.

Commented [A34]: Clarity: The original use of the word "may" seems to give the executive secretary discretion as to whether complaints are investigated.

Commented [A35R34]: Clarity - If that is the intent, revert the suggested language to the left. But that intent is confusing, if the executive secretary must examine the complaint, but is not required to investigate the complaint. How would the executive secretary determine that a complaint that charges conduct that is grounds for disciplinary action is meritorious or not without an investigation? It seems that "shall" is appropriate here for that reason.

20:18:10:03. Informal consultation. If the executive secretary ~~considers~~ **determines** 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 ~~in writing~~. The informal consultation does not prevent the commission from conducting a formal hearing.

Commented [A36]: Clarity: The language in the previous rule says that the executive secretary determines whether a complaint has merit. The word "consider" seems to open up the process to an individual's subjective opinion as opposed to a conclusion reached upon review of evidence presented.

Commented [A37]: Clarity: Language is unnecessary.

Commented [A38]: Clarity - This is redundant language, as presumably, this option only exists if the parties agree to the resolution. If it is not redundant, to whom or what must it be deemed satisfactory?

Commented [A39]: Style/Form: See comment above.

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~~.

20:18:10:06. Contents of commission complaint. ~~The~~ A commission complaint must contain the name of the licensee ~~complained against against whom the complaint is made,~~ the name and address of the person making the complaint, the details of the complaint, and the date of the complaint.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 1-26-29, 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~~.

Commented [A40]: Clarity: Since the section refers to the general requirements for a commission complaint, the indefinite article is preferable, as the definite article could be restrictive.

20:18:10:07. Date of hearing. The ~~hearing must be held~~ commission must hold the hearing at a time and place convenient to all of the parties concerned.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 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~~.

Commented [A41]: Style/Form: *ARSD Drafting Manual*, pg. 14, active voice is preferred unless the passive is necessary.

20:18:10:10. Per diem and mileage. The commission may authorize per diem and mileage for complainants, witnesses, and affected parties at informal consultations and for complainants and witnesses at formal hearings. The per diem may not exceed the amounts authorized in SDCL 19-5-1 for per diem and the mileage may not exceed the amounts authorized by §§ 5:01:02:01 ~~and 5:01:02:02~~.

Commented [A42]: Legality This section has been repealed.

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

General Authority: SDCL ~~1-26-19.1~~ 42-7B-7.

Commented [A43]: Legality This does not provide express rulemaking authority. It may be considered Law Implemented, and so can be relocated there, but separate authority must be cited to give the Gaming Commission rulemaking authority regarding its complaint procedures. That authority is likely present in SDCL 42-7B-7.

Law Implemented: SDCL 1-26-19.1, 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~~.

20:18:10:11. Final action by commission. ~~After~~ If, after hearing the evidence ~~and reaching a decision, the commission determines that the~~ any part of the complaint has been proven, the commission may revoke the license, ~~may~~ may suspend the license for a particular period of time, ~~may~~ may issue a public or private letter of reprimand to be placed in the file of the licensee, or ~~may~~ may take any combination of these actions. If the commission determines that a part of the complaint has not been ~~proved~~ proven, the commission must dismiss ~~the complaint or the parts~~ any part of the complaint not ~~proved~~ proven. A letter of reprimand must state the actions against which a that prompted the complaint was filed with, and must include the names of the complainant and other affected parties, the dates, places on which the actions occurred, the place where the actions occurred, and a list of witnesses involved in the complaint who witnessed the actions. This section does not prevent the commission from compromising a formal hearing, and the commission may also allow an assurance of voluntary compliance. Written findings of fact, conclusions of law, and an order must be entered after the decision. The commission may allow or require briefs of law before making its decision.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 1-26-20, 1-26-25, 1-26-27, 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.

Commented [A44]: Clarity: "If" is needed here to clarify that the imposition of the penalties listed in this section is conditioned on the commission determining that the complaint has been proven.

Commented [A45]: Clarity: The second half of the section introduces the possibility of breaking the complaint into separate sub-complaints, any of which might be dismissed or retained by the commission. The first sentence gives the impression that the penalties can be imposed only if "the complaint" has been proven.

Commented [A46]: Clarity: The original states that if "the complaint" has not been proven, then the commission must dismiss "the complaint." This sentence also introduces the possibility of the commission dismissing any part of the complaint that is not proven. The suggestion reflects the fact that the commission can dismiss any part of the complaint. By making references to dismissing parts, this can include the possibility that the whole complaint, being the sum of the constituent parts, could be likewise be dismissed. The reverse is not necessarily true. There is no necessary connection between the ability to dismiss the whole of the complaint and being able to dismiss part of the complaint.

Commented [A47]: Clarity: Proven is used in the first sentence.

Commented [A48]: Clarity: See above.

Commented [A49]: Clarity: The original said that names, dates, places were required, but there was no clear link between these and the "involved in the complaint" that followed the required list of witnesses. There also needed to be a distinction between required "names" and the "list of witnesses" that were both mentioned in the sentence.

Commented [A50R49]: Clarity - Additionally, there is no need to keep qualifying the "actions" as being "in the complaint." Once the qualification is first made, it is unambiguous to simply refer to "the actions" thereafter without referencing them as being "in the complaint"

Commented [A51]: Clarity: What does it mean to compromise a formal hearing?

Commented [A52R51]: Clarity - The word "conducting" is used here instead in a section provided above.

20:18:11:01. Petition for hearing. A person aggrieved by an action of the commission or the executive secretary that was taken without a hearing may, within ~~30~~ thirty days following the date of the action, petition the commission for a hearing. The hearing must be held at a time and place convenient for the commission and the petitioner. The hearing is a contested case.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 1-26-16, 1-26-18, 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~~.

Commented [A53]: Style - spell out numbers, ARSD DM, pg 19

20:18:11:02. Petition for review. Within ~~10~~ ten days after receipt of a commission decision, a party to the hearing may file with the commission a petition to review its decision. The commission, ~~in its discretion,~~ may deny the petition, order a rehearing, or direct other proceedings. Upon rehearing or other proceedings, the commission may affirm, reverse, or modify its earlier decision. Notice of the commission's decision on the petition to review must be served by mail on the petitioner and affected parties.

Commented [A54]: Style/Form: Phrase is redundant since "may" is only permissive and not proscriptive.

Commented [A55]: Style/Form: Removed extra space.

Commented [A56]: Clarity - As a petitioner is a "party," would it not be more concise and remain accurate to say "served by mail on the parties"?

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 1-26-18, 1-26-25, 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~~.

20:18:12:02. Grounds for summary suspension. The commission or the executive secretary may immediately suspend, for not more than ~~60~~ sixty days, the license of a licensee who ~~is~~:

- (1) ~~Is~~ charged with a Class A violation under this article; ~~who has~~
- (2) ~~Has~~ been charged in South Dakota with a felony; ~~who has~~
- (3) ~~Has~~ been charged in any other jurisdiction for a crime that would be a felony if committed in South Dakota; ~~who has~~
- (4) ~~Has~~ been charged with a violation of any section of SDCL chapters 22-11, 22-12A, 22-14, 22-14A, 22-16, 22-18, 22-19, 22-22, 22-23, 22-25, 22-29, 22-30, 22-30A, 22-32, 22-33, 22-39, ~~22-41~~, 22-42, 22-42A, or 22-43; or ~~who has~~
- (5) ~~Has~~ been charged with the commission of any crime of violence as defined by SDCL 22-1-2(9).

Commented [A57]: Style/Form: This list of grounds is more readable when broken out into subdivisions.

Commented [A58]: Style/Form: Each of the clauses in this sentence following the first "who" constitutes one continuous relative clause, and each of the additional uses of the word "who" are unneeded.

Commented [A59]: Legality/Clarity: This chapter was repealed and the few remaining sections transferred to chapter 22-30A

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-24, 42-7B-25, 42-7B-32, 42-7B-33, ~~42-7B-34~~.

20:18:12:03. Notice. The executive secretary must deliver a notice of suspension personally or by certified mail to the suspended licensee ~~who has been suspended~~. The notice must state when the suspension ~~will begin and~~ end begins and ends and must state the reasons for the suspension.

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-24, 42-7B-25, 42-7B-32, 42-7B-33, ~~42-7B-34~~.

Commented [A60]: Clarity: If the notice of suspension is required to be delivered personally by the executive secretary, making allowance for the unqualified use of mail seems to undermine the desire to ensure that the person receives the notice and the commission knows that the person receives the notice of suspension.

Commented [A61]: Style/Form: ARSD 20:18:12:04 uses the term "suspended licensee" so this term has been suggested here for consistency.

Commented [A62]: Style/Form: *ARSD Drafting Manual* pg. 15, present tense verbs are preferred to the use of any other tense.

20:18:12:04. Complaint required. ~~The~~ Within five days after the licensee received the notice of suspension, the executive secretary must serve upon the suspended licensee a copy of the formal commission complaint alleging a violation of this article and a notice of hearing ~~within five days after the receipt of the suspension notice by the licensee.~~ The complaint must be heard by the commission on an expedited basis as a contested case pursuant to SDCL chapter 1-26.

Commented [A63]: Clarity: The location of this phrase in the original might be read to say that the hearing must be held within the five days after the licensee received the notice of suspension. Placing it at the front of the sentence clarifies that the five days refers to the timeframe in which the formal complaint and notice of hearing must be delivered to the licensee

Commented [A64]: Style/Form: *ARSD Drafting Manual*, pg. 14, the active voice is preferred unless the passive is necessary.

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-24, 42-7B-25, 42-7B-32, 42-7B-33, ~~42-7B-34.~~

20:18:15:30.06. Variations of the play -- STREAK blackjack. STREAK blackjack must be dealt and played following the standard rules of blackjack as listed in this chapter, except as follows:

(1) STREAK is a patented variation of blackjack where the player may place one or more optional wagers that the player will win two, three, four, or five consecutive blackjack hands. STREAK may only be played on tables equipped with the STREAK signage, STREAK table layout, and STREAK lammer for each player position;

(2) Prior to the start of each round of blackjack, in addition to the standard blackjack wager, each player is afforded the opportunity to place one or more STREAK wagers by placing a wager on one or more of the designated STREAK spots, numbered two through five located at each player position;

(3) If a player has placed a STREAK wager and wins the blackjack hand, the dealer shall must place a lammer on top of the STREAK spot labeled "2" indicating that the player is going for a second consecutive win;

(4) If a player wins the next consecutive blackjack hand and has a STREAK wager on number "2", the dealer shall must first pay the blackjack wager, then pay the STREAK wager and then advance the lammer to the "3" STREAK wager spot, indicating that the player is going for a third consecutive win;

(5) With each consecutive winning blackjack hand, the dealer shall first pay the blackjack wager, then the STREAK wager and then advance the lammer to the next highest STREAK wager spot until the player either loses a hand or wins the last of the pending STREAK wagers, thereby completing the STREAK pendency. At such point each player's lammer is returned to the tray at the end of the player's STREAK wager spots;

(6) If a player loses a blackjack hand all pending STREAK wagers are lost;

(7) The "2", "3", "4", and "5" STREAK wagers have independent outcomes. A STREAK payoff is made only when the lammer is on top of a STREAK wager and the player has a winning blackjack hand which indicates that the player has won that specific STREAK bet;

(8) A blackjack hand resulting in a push will not win or lose a STREAK wager;

(9) A player having split blackjack hands must win the majority of the hands to advance a STREAK wager. If a player loses more split hands than the player wins, the STREAK wager is lost. If a player equally wins and loses the same number of split hands, the STREAK wager is neither advanced nor lost;

(10) Once a STREAK wager is placed, no other STREAK wagers may be placed until the player wins or loses all pending STREAK wagers;

(11) A player may not sit out any hand with a STREAK wager pending. If a player fails to complete any hand in the pendency when STREAK wagers are placed, all STREAK bets are forfeited to the house;

(12) A player may choose to take an even money option with any STREAK wagers pending if the player has blackjack. When players choose this option, the dealer shall first pay the blackjack wager. The dealer then stacks the player's cards and turns the cards sideways, indicating that a decision must be made for STREAK before completion of insurance procedures. The dealer then ~~take~~ takes insurance bets before determining the outcome of STREAK wagers. If both the dealer and player have blackjack, it is a push for STREAK wagers. If the dealer does not have blackjack, the STREAK lammer is advanced. A player's card is burned after the STREAK outcome has been determined;

(13) STREAK wagers are not affected by any insurance bet;

(14) A player exercising the surrender option shall lose any STREAK wager;

(15) The dealer is responsible for rotating the STREAK lammer and aligning the edgespot with the matching mark on the layout each time a lammer is advanced;

(16) Each STREAK lammer ~~shall~~ must be accounted for and kept in the rack when not utilized;

(17) A player may place STREAK wagers for the dealer, provided the player has at least one STREAK wager pending. Tip wagers are paid at the same rate as the player's STREAK wager. STREAK tip wagers ~~shall~~ must be paid immediately after payment of the player's STREAK wager;

(18) A separate minimum-maximum wager amount may be used for STREAK wagers;

(19) STREAK wagers ~~shall~~ must be paid in accordance with the following pay table:

Two Consecutive Winning Hands	3 to 1
Three Consecutive Winning Hands	8 to 1
Four Consecutive Winning Hands	18 to 1
Five Consecutive Winning Hands	38 to 1

(20) Each casino offering STREAK blackjack shall have designated areas for the placement of STREAK wagers which contain, at a minimum:

(a) Four separate designated wagering areas for each player position at the table numbered 2 through 5; and

(b) A mark next to each designated wagering area to which the edgespot of the lammer can be matched;

(21) The STREAK lammer shall have distinct sizing and markings which include, at a minimum:

(a) An edgspot measuring ~~3/4~~ three-quarters of an inch across by ~~1/4~~ one-quarter of an inch deep, to be mirrored on the backside of the lammer and run through the edge of the lammer;

Commented [A65]: Style - should spell out these fractions. ARSD DM, pg. 19.

(b) Made of a color known as PMS#804U; and

(c) The STREAK logo and Casino logo no less than ~~1/8~~ one-eighth of an inch tall;

(22) Each casino shall post a sign approved by the commission listing the payout odds for STREAK wagers if the payout odds are not imprinted on the table layout; and

(23) Minimum-maximum wager amounts ~~shall~~ must be posted on all tabletop signage.

Source: 30 SDR 115, effective February 1, 2004.

General Authority: 41-7B-4(3), 42-7B-7.

Law Implemented: SDCL ~~42-7B-4(6)~~ 42-7B-4(3), ~~42-7B-4(6)~~, 42-7B-7, 42-7B-15.

Commented [A66]: Style/Form: *ARSD Drafting Manual*, pg. 5, new text follows stricken text.

20:18:16:15.14. The play -- Mississippi Stud with optional three card bonus.

Mississippi Stud must be played according to the following rules:

(1) Mississippi Stud may be played only on tables designated by the licensee for the play of Mississippi Stud. A single deck of cards must be used. The rank of hands in Mississippi Stud, from highest to lowest, is royal flush, straight flush, four of a kind, full house, flush, straight, three of a kind, two pair, pair of Jacks or better, and a pair of ~~6's~~ 10's sixes-tens;

Commented [A67]: Style - Should this be capitalized? If it is not a proper noun, it should be lower-cased.

(2) Each player must make an initial bet, not to exceed ~~\$25~~ twenty-five dollars, in the amount specified at the table by the retail licensee and must place the bet in front of the player's position in the circle marked Ante. The optional three card bonus wager ~~shall~~ must be made in the betting spot identified as such and is based on the three community cards only. The optional progressive wager ~~shall~~ must be made on the sensor in front of the player's position. All wagers are placed to play against the pay schedules listed below in subdivisions (16), (17), and (18);

Commented [A68]: Same.

(3) Any dealer tip delivered as a wager may be placed on the ante hand provided that the player has placed a personal wager on the same hand. If a player continues play with a ~~3rd, 4th, third, fourth, and 5th fifth~~ street wager, the dealer's tip ante may remain in play whether or not the player adds a ~~3rd, 4th, third, fourth, and 5th fifth~~ street wager for the dealer. A dealer tip may also be placed with the three card bonus wager;

(4) Immediately before play begins and after each round of play has been completed, the dealer must shuffle the cards. After all players place their bets, the dealer shall press the appropriate button on the keypad. The sensors ~~shall~~ lock in the bet and light up, indicating a progressive wager. The dealer shall remove all progressive bets

from the table. Following shuffle and cut, the dealer deals two cards to each player, either face downward and one at a time in rotation among the players or in a two-card group dispensed by a mechanical shuffling device. The first player to receive a card or cards is the player immediately to the left of the dealer.

(5) An incorrect number of cards dealt to a player or to the dealer 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: ~~3rd~~ third street, ~~4th~~ fourth street, ~~5th~~ fifth street, ante, and ~~three-card three-card~~ bonus. The optional progressive wager ~~shall~~ must be collected prior to cards being dealt. The sensor ~~shall~~ must stay lit during the round of play if a progressive wager was made and winning hands ~~shall~~ must be paid at the completion of the round of play;

Commented [A69]: Style - hyphenate per ARSD DM, pgs 17-18.

(7) If a player has placed an ante wager and does not wish to play, the player may fold and forfeit the ante bet. After all players who wish to fold have folded, the dealer collects the ante, and the cards from each player who folded. All bets must be collected in the order in which the players fold. As the dealer collects the cards, the cards are spread face down to count the cards and then placed in the discard rack. If a player has bet on the optional ~~three-card three-card~~ bonus, progressive wager, or both, the player's cards ~~shall~~ must be placed face down at the ~~three-card three-card~~ bonus wager or near the progressive sensor when folding;

(8) If a player who has placed an ante wager wishes to stay in the hand, the player must place an additional wager of ~~1x~~ ~~3x~~ one- to three-times the amount of the player's ante wager in the ~~3rd~~ third street wagering area in front of the player's position;

(9) After all players have acted, the dealer exposes the ~~3rd~~ third street community card;

(10) If a player has placed an ante and ~~3rd~~ third street wager and does not wish to play, the player may fold and forfeit the ante and ~~3rd~~ third street wager. After all players who wish to fold have folded, the dealer collects the ante and ~~3rd~~ third street wager, and the cards from each player who folded. All bets must be collected in the order in which the players fold. As the dealer collects the cards, the cards are spread face down to count the cards and then placed in the discard rack. If a player has bet on the optional ~~three-card~~ three-card bonus, progressive wager, or both, the player's cards ~~shall~~ be placed face down at the ~~three-card~~ three-card bonus wager or near the progressive sensor when folding;

(11) If a player who has placed an ante and ~~3rd~~ third street wager wishes to stay in the hand, the player must place an additional wager of ~~1x~~ ~~3x~~ one- to three-times the amount of the player's ante wager in the ~~4th~~ fourth street wagering area in front of the player's position;

(12) After all players have acted, the dealer exposes the ~~4th~~ fourth street community card;

(13) If a player has placed an ante, ~~3rd~~ third street, and ~~4th~~ fourth street wager and does not wish to play, the player may fold and forfeit the ante, ~~3rd~~ third street, and ~~4th~~ fourth street wager. After all players who wish to fold have folded, the dealer collects the ante, ~~3rd~~ third street, and ~~4th~~ fourth street wager, and the cards from each player who folded. All bets must be collected in the order in which the players fold. As the dealer collects the cards, the cards are spread face down to count the cards and then placed in the discard rack. If a player has bet on the optional ~~three-card~~ three-card bonus,

progressive wager, or both, the player's cards ~~shall must~~ be placed face down at the ~~three~~ ~~card~~ three-card bonus wager or near the progressive sensor when folding;

(14) If a player who has placed an ante, ~~3rd~~ third street, and ~~4th~~ fourth street wager wishes to stay in the hand, the player must place an additional wager of ~~1x~~ ~~3x~~ one to three-times the amount of the player's ante wager in the ~~5th~~ fifth street wagering area in front of the player's position;

(15) After all players have acted, the dealer exposes the ~~5th~~ fifth street community card and each player now has a five-card poker hand (two hole cards with three community cards), the dealer working from right to left takes either of the following actions:

(a) If the player has a qualifying hand, each wager is paid according to the payable;

(b) If the player does not have a qualifying hand, the dealer collects the ante, ~~3rd~~ third street, ~~4th~~ fourth street, and ~~5th~~ fifth street wagers, and the cards from each player;

(16) The player is paid according to the following payment schedule, which must be included as part of the table layout:

- (a) Royal flush pays ~~500~~ five hundred to 1 one;
- (b) Straight flush pays ~~100~~ one hundred to 1 one;
- (c) Four of a ~~Kind kind~~ pays ~~40~~ forty to 1 one;
- (d) Full ~~House house~~ pays ~~10~~ ten to 1 one;
- (e) Flush pays ~~6~~ six to 1 one;
- (f) Straight pays ~~4~~ four to 1 one;
- (g) Three of a ~~Kind kind~~ pays ~~3~~ three to 1 one;

- (h) Two ~~Pair pair~~ pays ~~2 two~~ to ~~1 one~~;
- (i) Jacks or ~~Better better~~ pays ~~1 one~~ to ~~1 one~~; and
- (j) A pair of ~~6's sixes~~ to ~~10's tens~~ is a ~~Push push~~; ~~and~~

Commented [A70]: Style - Subdivision (16) is not the penultimate subdivision, so a conjunction is not proper here. ARSD DM, pg. 14.

(17) Three card bonus payouts are made for three card bonus bets by each player who receives certain three card combinations according to the following payment schedule options:

	3CB- A	3CB- B	3CB- C	3CB- D	3CB- E	3CB- F
(a) Mini Royal pays	--	--	--	50 to 1	50 to 1	50 to 1
(b) Straight Flush pays	40 to 1	40 to 1	40 to 1	40 to 1	40 to 1	40 to 1
(c) Three of a Kind pays	30 to 1	30 to 1	30 to 1	30 to 1	30 to 1	30 to 1
(d) Straight pays	6 to 1	5 to 1	6 to 1	6 to 1	5 to 1	6 to 1
(e) Flush pays	4 to 1	4 to 1	3 to 1	4 to 1	4 to 1	3 to 1
(f) Pair pays	1 to 1	25 to 1	25 to 1	25 to 1		

Commented [A71]: Style - Spelling out numbers was not done here because "tables may be exempt from the spelling out requirement." ARSD DM, pg. 19.

(18) If the Mississippi Stud progressive wager is offered and a player has bet on the optional progressive wager and the player's hand contains a ~~Royal Flush royal flush~~, the player wins, regardless of the dealer's hand. If the player's hand contains less than a ~~Three three~~ of a ~~Kind kind~~, the player loses the progressive wager. The player is paid according to one of the following payment schedules, which ~~shall must~~ be displayed on a table placard or video progressive sign:

Progressive Payment Schedule						
	MS Stud-01		PMG-01		PMG-02	
			\$1 Wager amount		\$5 Wager amount	
Hand	Pays	Envy	Pays	Envy	Pays	Envy
Royal Flush	100%	\$1,000	100%	\$1,000	100%	\$5,000
Straight Flush	10%	\$300	10%	\$300	10%	\$1,500
4 of a Kind	300 for 1		300 for 1		300 for 1	
Full House	50 for 1		50 for 1		50 for 1	
Flush	40 for 1		40 for 1		40 for 1	
Straight	30 for 1		30 for 1		30 for 1	
3 of a Kind	9 for 1		9 for 1		9 for 1	

The original progressive wager may not be returned to the player. The envy and seed amounts adjust up or down accordingly with changes made to the wager amount:

(a) Progressive winners:

i. The percentage pays are paid from the progressive jackpot shown on the progressive meter;

ii. Other hands are paid from the tray; these payments do not come off the meter;

iii. If a player has a progressive winner, the dealer ~~shall~~ must press the appropriate button on the keypad. If the button is pressed by accident, the dealer ~~shall~~ must press the button again to turn it off;

iv. If there is a progressive winner, the dealer ~~shall~~ must contact a

supervisor;

v. If more than one progressive hand payable from the progressive meter hits at the same table during the same time, house procedures are then followed for paying the prize;

vi. After keying in the progressive winner, the meter may be reduced, depending on the winning hand. Keying in a ~~100%~~ one hundred percent award will reset the meter to the seed amount, plus any reserve amount. The dealer will continue handling progressive awards in a counter-clockwise fashion; and

vii. After the dealer reconciles all action, the dealer shall press the appropriate button on the keyboard. This action ~~shall reset~~ resets the system to begin the next hand ~~and must~~ be logged into the progressive system; and

(b) An envy bonus ~~shall must~~ be paid as follows:

i. A player making the progressive side wager also qualifies to win an envy payout. If another player at the table has a royal or straight flush, each player who made the progressive side bet wins the envy payout. A player that has a royal or straight flush and has not made the progressive side bet only receives the normal prize pay and does not receive any envy pay;

ii. If a player's hand triggers an envy payout, the dealer ~~shall must~~ leave that player's hand face-up on the table until all payments are made; and

iii. The dealer shall pay an envy payout at the end of the round. If more than one player is involved in a qualifying envy payout, each player wins multiple envy payouts; ~~and~~

(19) The provisions of § 20:18:16:21 do not apply to Mississippi Stud poker.

Commented [A72]: Eomn The ARSD DM does not recognize the use of a third level of subdivision. ARSD DM, pg. 14. Please reorganize.

Source: 36 SDR 22, effective August 18, 2009; 37 SDR 131, effective January 10, 2011; 41 SDR 187, effective May 13, 2015; 42 SDR 93, effective December 24, 2015.

General Authority: SDCL ~~42-7B-4(18)~~, 42-7B-7.

Law Implemented: SDCL ~~42-7B-4(32)~~ ~~41-7B-4(18)~~, ~~42-7B-4(32)~~, 42-7B-7, 42-7B-15.

Commented [A73]: Style/Form: *ARSD Drafting Manual*, pg. 5, New text follows stricken text.

20:18:16:15.18. The play – Fortune Pai Gow poker. Fortune Pai Gow poker must be dealt and played following the standard rules of Pai Gow poker as set forth in § 20:18:16:15.16, except as follows:

(1) Fortune Pai Gow poker is an optional bonus bet;

(2) The bet considers the best hand possible among the player's seven cards;

(3) Each player may bet any amount within the table limits; however, a ~~Fortune~~ fortune bonus bet of at least ~~\$5.00~~ five dollars qualifies the player for envy bonus payout. An envy bonus is won when another player at the table has a hand that is at least four of a kind or higher;

(4) To begin each round, each player must make a standard Pai Gow wager and, at the player's option, a ~~Fortune fortune~~ bonus bet. If a player wagers at least ~~\$5.00~~ five dollars on the ~~Fortune fortune~~ bonus bet, the dealer must place an "envy" button next to it;

(5) The dealer then follows house procedures for Pai Gow poker;

(6) While reconciling the standard Pai Gow poker wagers, the dealer shall also reconcile the ~~Fortune fortune~~ bonus bets:

(a) If the player's hand qualifies for a payout, the dealer ~~shall~~ must pay the player according to the posted payable. The dealer shall leave the "envy" button, if applicable, next to the player's original wager and payout. No dealer may pick up any "envy" button until all wagers are reconciled; and

(b) If the player's hand does not qualify for any payout, the dealer ~~shall~~ must take the player's ~~Fortune fortune~~ bonus bet. The dealer shall leave the "envy" button, if applicable, next to the player's original wager and payout. No dealer may pick up any

"envy" button until all wagers are reconciled;

(7) The dealer pays any envy bonuses at the end of the round. If at least one player has a four of a kind or higher, each player with an "envy" button wins—[see per the](#) payable. In the event more than one player has at least four of a kind, then each player with an "envy" button wins multiple payouts;

No player may win any envy bonuses for the player's hand or for the dealer's hand:
and

Commented [A74]: Form - Why is this not its own subdivision? If it is a part of the prior subdivision, it should not have a hard return prior to it.

(8) Paytables:

Paytable 1	Pays	Envy		Paytable 2	Pays	Envy
7 Card Straight Flush	5,000 to 1	\$1,000		7 Card Straight Flush	8,000 to 1	\$5,000
Royal Flush + Royal Match*	1,000 to 1	\$250		Royal Flush + Royal Match*	2,000 to 1	\$1,000
7 Card Straight Flush with Joker	750 to 1	\$100		7 Card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	250 to 1	\$50		5 Aces	400 to 1	\$250
Royal Flush	100 to 1	\$25		Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$10		Straight Flush	50 to 1	\$20
4 of a Kind	20 to 1	\$5		4 of a Kind	25 to 1	\$5
Full House	5 to 1			Full House	5 to 1	
Flush	4 to 1			Flush	4 to 1	
3 of a Kind	3 to 1			3 of a Kind	3 to 1	
Straight	2 to 1			Straight	2 to 1	
Three Pair	Push					
House Edge (max Envy Bonus)	5.30%			House Edge (max Envy Bonus)	3.13%	
House Edge (no Envy Bonus)	8.00%			House Edge (no Envy Bonus)	7.76%	

Paytable 3	Pays	Envy		Paytable 4	Pays	Envy
7 Card Straight Flush	5,000 to 1	\$3,000		7 Card Straight Flush	2,500 to 1	\$1,000
Royal Flush +	2,000 to 1	\$1,000		Royal Flush +	1,000 to 1	\$750

Royal Match*			Royal Match*		
7 Card Straight Flush with Joker	1,000 to 1	\$500	7 Card Straight Flush with Joker	750 to 1	\$250
5 Aces	400 to 1	\$250	5 Aces	250 to 1	\$100
Royal Flush	150 to 1	\$50	Royal Flush	125 to 1	\$50
Straight Flush	50 to 1	\$20	Straight Flush	50 to 1	\$20
4 of a Kind	25 to 1	\$5	4 of a Kind	25 to 1	\$5
Full House	5 to 1		Full House	5 to 1	
Flush	4 to 1		Flush	4 to 1	
3 of a Kind	3 to 1		3 of a Kind	3 to 1	
Straight	2 to 1		Straight	2 to 1	
House Edge (max Envy Bonus)	3.23%		House Edge (max Envy Bonus)	4.09%	
House Edge (no Envy Bonus)	7.82%		House Edge (no Envy Bonus)	8.49%	

Paytable 6	Pays	Envy	Paytable 7	Pays	Envy
7 Card Straight Flush	5,000 to 1	\$2,500	7 Card Straight Flush	5,000 to 1	\$2,500
Royal Flush + Royal Match*	1,000 to 1	\$500	Royal Flush + Royal Match*	2,000 to 1	\$500
7 Card Straight Flush with Joker	500 to 1	\$250	7 Card Straight Flush with Joker	1,000 to 1	\$250
5 Aces	300 to 1	\$150	5 Aces	400 to 1	\$150
Royal Flush	110 to 1	\$55	Royal Flush	150 to 1	\$55
Straight Flush	45 to 1	\$25	Straight Flush	50 to 1	\$25
4 of a Kind	25 to 1	\$6	4 of a Kind	25 to 1	\$6
Full House	5 to 1		Full House	5 to 1	
Flush	4 to 1		Flush	4 to 1	
3 of a Kind	3 to 1		3 of a Kind	3 to 1	
Straight	2 to 1		Straight	2 to 1	
House Edge (max Envy Bonus)	3.94%		House Edge (max Envy Bonus)	2.49%	
House Edge (no Envy Bonus)	9.28%		House Edge (no Envy Bonus)	7.82%	

*A Royal Match is a suited King-Queen.

Commented [A75]: Style As none of these are proper nouns, they should be lower case. ARSD DM, pg. 15.

Source: 39 SDR 100, effective December 3, 2012.

General Authority: SDCL ~~42-7B-4(18)~~, 42-7B-7.

Law Implemented: SDCL ~~42-7B-4(32)~~ ~~42-7B-4(18)~~, ~~42-7B-4(32)~~, 42-7 B-7, 42-7B-15.

Commented [A76]: Style/Form: *ARSD Drafting Manual*, pg. 5, new text follows stricken text

Cross Reference: ~~The play -- Pai Gow~~ ~~Poker, poker~~, § 20:18:16:15.16.

Commented [A77]: Clarity - This reflects the actual catchline of the rule section.

20:18:17:24.04. Progressive jackpot. ~~If a progressive jackpot is recorded on a progressive slot machine which is linked to the progressive controller and more than one machine is linked to the controller~~ If more than one progressive slot machine that has a progressive jackpot recorded on that machine is linked to a progressive controller, the progressive controller must identify the machine that caused the progressive meter to activate and it must display the winning progressive amount.

Commented [A78]: Revised for clarity.

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.

Commented [A79]: ~~Clarify~~ - This suggests that the progressive controller--and not the machine--is what displays the progressive amount. Is that correct?

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20:18:17:24.05. Multiple linkage of progressive slot machine. If more than one progressive slot machine is linked to the progressive controller, the progressive controller

may **only** automatically reset to the minimum amount and continue normal play **only** if the progressive meter displays ~~the following information~~

- (1) The identity of the machine that caused the progressive meter to activate;
- (2) The winning progressive amount; and
- (3) The new normal mode amount that is used by the other players on the link.

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.

Commented [A80]: Clarity: "may only" is a limited permission. The only was moved to link more closely with the may to make that limited permission more clear.

Commented [A81]: Clarity- Here, the display is indicated as being a part of the "progressive meter." In the prior section, there is reference to the display of either a progressive controller or the machine. Recommend reconciling to the extent necessary.

Commented [A82]: Clarity- This is redundant and can be struck.

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20:18:17:24.06. Alternating displays. If this chapter prescribes multiple items of information to be displayed on a slot machine, it is sufficient to have the information displayed in an alternating fashion.

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.

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20:18:17:24.08. Separate software meter for a progressive slot machine. In addition to the metering requirements in § 20:18:17:03, each device attached to ~~one or more progressive slot machine meters~~ a progressive slot machine meter must have a separate software meter that counts the number of times each progressive meter is activated.

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.

Commented [A83]: Style/Form: *ARSD Drafting Manual*, pg. 15, singular nouns are preferred unless the language of the rule requires the plural.

Would a device be attached to more than one progressive slot machine meter?

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20:18:17:24.09. Separate key and key switch for resetting progressive meters. Each

machine must have a separate key and key switch to reset the progressive meter ~~or meters~~ or another reset mechanism that has the approval of the commission.

Commented [A84]: Style/Form: *AKSD Drafting Manual*, pg. 15, singular nouns are preferred unless the language of the rule requires the plural.

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.

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20:18:17:24.10. Limits on jackpot of progressive slot machines. A licensee may impose a limit on the jackpot of a progressive slot machine if the limit imposed is greater than the possible maximum jackpot payout on the slot machine at the time the limit is imposed. The licensee must ~~inform the public with a prominently posted post a~~ notice of progressive slot machines with the limits.

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.

Commented [A85]: Clarity - Is a prominently posted notice not implicitly intended to inform the public? If so, the strikes to the left are recommended to address this redundancy.

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20:18:17:24.13. Discontinuance of progressive slot machine -- Transfer of progressive prizes. A licensee may not discontinue a progressive slot machine until all ~~of~~ the advertised progressive amounts or prizes, or both, have been awarded. If a business closes permanently, the progressed amount must be transferred to another licensee, subject to the approval of the executive secretary. The amount of the progressed liability must be paid to the licensee assuming the progressive amount by certified check. The executive secretary may approve transfer of a progressive amount ~~or~~, prize, or both, from a progressive slot machine to another progressive device ~~which that~~ is lawfully licensed by the same or another licensee.

Source: 16 SDR 233, effective July 1, 1990; 19 SDR 21, effective August 20, 1992; 22 SDR 95, effective January 18, 1996.

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-25; ~~42-7B-26~~.

20:18:17:24.16. Cash requirements. Unless the commission has approved the payment of prizes by annuity, a licensee who has a progressive slot machine must maintain a minimum cash reserve equal to the total of all progressive slot machine jackpots that may be won at the location. The commission must approve all ~~such the~~ cash reserves.

Commented [A86]: Style - ARSD DM, pg. 25.

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.

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20:18:17:24.18. Defaults. In the event of a bankruptcy or discontinuance of a licensee, the commission ~~may shall~~ transfer a progressive slot machine to another location, making sure to maintain the integrity of the amount shown on the progressive meter.

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.

Commented [A87]: Clarity: Is this section redundant? Can the language of this section be incorporated into § 20:18:17:24.13 for consistency?

Commented [A88]: Clarity: § 20:18:17:24.13 states that a progressed amount must be transferred to another licensee. The machine and meter that records that amount seems to be the vehicle by which that progressive amount is transferred.

Commented [A89R88]: Clarity: - If that is not the case, revert the recommended edit to the left.

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20:18:26:01. Licensing of financial institutions. A financial institution that has a security interest in gaming devices or licensed gaming premises and that has foreclosed its interest in the devices or premises, and has obtained title to them or has certified a default and its intent to exercise rights to possession under the terms of the security interest may be licensed by the commission on an emergency basis, with~~or,~~ without, or during a background investigation, after receipt of the application and payment of fees.

Commented [A90]: Clarity - This sentence is a run-on and not terribly clear. Please consider using subdivisions to make better sense of the myriad conjunctions and concepts slammed into a single sentence.

Source: 16 SDR 233, effective July 1, 1990; 23 SDR 126, effective February 13, 1997.

General Authority: SDCL 42-7B-7, 42-7B-11.

Law Implemented: SDCL 42-7B-2.1, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-21, 42-7B-22, 42-7B-24, 42-7B-25, ~~42-7B-26,~~ 42-7B-33.

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Cross-Reference: Qualifications for licensee as operator ~~of, gaming property owner,~~ retailer, ~~or provider,~~ SDCL 42-7B-25.

Commented [A91]: Clarity - Reflects the actual catchline of this statute section.

20:18:26:02. Requirements for foreign financial institutions. A financial institution, ~~that is~~ not a resident of South Dakota, ~~may shall~~ designate a person who is a resident as its conservator to protect the financial institution's interests in its loan security. The conservator must be licensed by the commission as an operator or a retail licensee to manage the foreclosed gaming devices or licensed gaming premises. After foreclosure is completed or default certified pursuant to § 20:18:26:01, the financial institution, ~~must~~ agree that the designated conservator be authorized, in the conservator's own name, to ~~exercise:~~

- ~~_____ (1) Exercise possession~~ and control of the property, ~~to operate it~~
- ~~_____ (2) Operate the gaming premises~~ under the rules of the commission, ~~to receive;~~
- ~~_____ (3) Receive~~ the rents and profits from the operation; and ~~perform such~~
- ~~_____ (4) Perform~~ acts ~~as~~ the commission may authorize to protect the interests of the financial institution in the property and rents and profits therefrom.

The commission may grant a license to a conservator on an emergency basis, with ~~of,~~ without, or during a background investigation, after receipt of the application and payment of fees.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-2.1, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-21, 42-7B-22, 42-7B-23, 42-7B-24, 42-7B-25, ~~42-7B-26,~~ 42-7B-33, ~~42-7B-34,~~ 42-7B-37, 42-7B-38.

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20:18:26:03. Commission may limit license. The commission may place conditions on the license of a financial institution conservator and may limit the amount of time the financial institution or conservator may hold the license. The limitations must contemplate the protection of the collateral and the business interests and provide for orderly disposition of the collateral and gaming business.

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

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-2.1, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-21, 42-7B-22, 42-7B-23, 42-7B-24, 42-7B-25, ~~42-7B-26~~, 42-7B-33, ~~42-7B-34~~, 42-7B-37, 42-7B-38.

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20:18:31:03. Organization to be considered person. [The term. organization, as used in this chapter ~~shall be is~~ considered a person for purposes of SDCL 42-7B-26.]

Source: 37 SDR 70, effective October 20, 2010.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL ~~42-7B-4(9A)~~, 42-7B-11(13), ~~42-7B-26~~.

Commented [A92]: Legality - Since SDCL 42 7B 26 has been repealed, can this entire rule section be repealed?

Commented [A93]: Legality - There is no subdivision 42 7B 4(9A).



SOUTH DAKOTA COMMISSION ON GAMING

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

UNAPPROVED MINUTES

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

MINUTES

September 12, 2023

At 9:00 a.m. the meeting was called to order. Chairman Karen Wagner, Vice Chairman Harry Christianson, Commissioner Spencer Hawley, and Commissioner Bob Goetz were present. Staff members present for the meeting were Doug Abraham, Commission Attorney; Susan Christian, Executive Secretary; Mark Heltzel, Deputy Executive Secretary; and Phil Schlieff, IT Specialist. Participating in the meeting via Zoom was Eric Weiss and Shawn McGraw with Odds and Compliance; and Josh Tollefson with Vantage Point Solutions.

The meeting was called to order by Chairman 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 Hawley	Nay
Vice Chairman Christianson	Nay
Chairman Wagner	Nay

On a roll call all were present.

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

Adoption of Quarterly Business Meeting Agenda

Chairman Wagner stated there was one change to the agenda to move the public comment section to after the Executive Session.

Commissioner Goetz made a motion to approve the meeting agenda with the change. Commissioner Hawley seconded the motion which carried unanimously.

Administrative Hearings

The following cases were scheduled to be heard:

- One Four Times Diamond themed slot machine with Serial #1359395
- One Spider-Man 2 themed Pachinko style slot machine with Serial#A038107

Chairman Wagner served as the hearing officer.

The Matter of One Four Times Diamond seized slot machine

The purpose of the hearing is to determine if the Four Times Diamond themed slot machine Serial #1359395 which was seized from Deadwood Mountain Grand event center on August 25, 2023, is contraband and may be destroyed pursuant to SDCL 42-7B-39. Larry Carr was served notice of the hearing by certified mail but was not present for the hearing. Staff recommended that pursuant to 42-7B-39.2 which provides that any slot machine seized pursuant to the provisions of 42-7B-39 may be destroyed after notice and without hearing of the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.

Vice Chairman Christianson made a motion that the slot machine be destroyed. Commissioner Hawley seconded the motion which carried unanimously.

The Matter of One Spider-Man 2 seized slot machine

The purpose of the hearing is to determine if the Spider-Man 2 themed slot machine Serial #A038107 which was seized from a residence on August 26, 2023, is contraband and may be destroyed pursuant to SDCL 42-7B-39. Timothy Ray Evans was served notice of the hearing by certified mail but was not present for the hearing. Staff recommended that pursuant to 42-7B-39.2 which provides that any slot machine seized pursuant to the provisions of 42-7B-39 may be destroyed after notice and without hearing of the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.

Commissioner Hawley made a motion that the slot machine be destroyed. Vice Chairman Christianson seconded the motion which carried unanimously.

The hearing portion of the meeting was concluded at 9:07 a.m.

General Meeting

Chairman Wagner called the general meeting to order at 9:08 a.m.

June 13, 2023, Quarterly Meeting

Commissioner Goetz made a motion to adopt the minutes as drafted for the June 13, 2023, quarterly meeting. Commissioner Hawley seconded the motion which carried unanimously.

Old Business

There was no old business to be discussed at the meeting.

Remarks by Executive Secretary

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

- Letter and emails were sent out regarding the process of moving the office to the new location in Spearfish. We will be physically at the new location on Monday September 18, 2023, and please be patient while we move through this transition. Unfortunately, we were unable to find a small office space for the agents in Deadwood but will continue to keep looking. Office staff will still be going to Deadwood to do observations and audits.
- In July attended the NCLGS conference in Denver with Doug Abraham. Items discussed at the conference were skilled based slot machines, a new version of cashless wagering, micro betting in the sports world, slot machine programs are being written based on physic engine and our rules don't address that, and cashless kiosk for sports wagering.
- Our staff will not be attending the G2E this year but instead will direct the cost to a two-day training for staff and the industry on new technology. Asking for feedback from the industry on technology that they would want to be more versed on so can plan a strategy on items for the training.
- Inquires are being made on Fantasy Sports which is a prohibited event under our rules.
- A reminder that when entering a contract for services with a licensed or unlicensed company will need to submit the contracts for review and approval before entering the contract.
- Ft. Pierre is having their 75th racing season on October 7th and October 8th. Staff will be on site October 2nd though October 8th.

Mike Rodman, Executive Director of the Deadwood Gaming Association, was invited to talk about responsible gaming education month. On August 21st attended the city commission meeting with the Executive Secretary, Susan Christian, and the mayor proclaimed the month of September as responsible gaming education month. Tool kits were sent to casinos about recommitted awareness. The Deadwood Gaming Association along with the SD Commission on Gaming is a part of the SD Council on responsible gaming and are the entities that fund the gaming help line.

Approval of Integrity and Security Assessment Scope Per ARSD 20:18:35.01:07

Per **ARSD 20:18:35.01:06** approval has been given to Odds on Compliance and Vantage Points Solution to be an independent information technology security professional to conduct the annual system integrity and security risk assessment providing the Commission approves the companies proposed scope of the assessment to be conducted.

A comparison to **ARSD 20:18:35.01:07** of each of the company's scope submitted was conducted by staff. Based on this comparison the companies comply with the scope requirements and approval of their scope is recommended.

Odds on Compliance

Eric Weiss and Shawn McGraw gave a brief explanation on Odds and Compliance, Information Security Management System Audit Statement of Work.

Commissioner Hawley made a motion to approve Odds on Compliance. Commissioner Goetz seconded the motion which carried unanimously.

Vantage Points Solution

Lynden Overweg and Josh Tollefson gave a brief explanation on Vantage Points Solutions Gaming Integrity and Security Assessment.

Commissioner Goetz made a motion to approve Vantage Points Solution. Commissioner Hawley seconded the motion which carried unanimously.

Stipulation and Assurance of Voluntary Compliance

Internet Sports Int', LTD-ISS SDCG License #12253-SW Compliant #23-05-25-JM

A monetary penalty of \$6,000.00 to be paid not later than August 31, 2023, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that from May 4, 2023, through May 6, 2023, Internet Sports International, Ltd, offered wagers on the Kentucky Derby at sports wagering kiosks in three Deadwood locations. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

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

Brian Kindsfater SDCG License #0081-KY Complaint #23-05-29-JM

A monetary penalty of \$150.00 to be paid not later than August 31, 2023, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant allowed wagers to be accepted on a prohibited event. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

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

Deadwood Licensing Matters

Key License Approvals

Deputy Executive Secretary Heltzel recommended approval of the following:

- Daniel Schrementi
- Heather Scheibenstock
- Brandon Maser
- Kristy Jo
- Virginia Shanks
- Heather Rollo
- Dawn Quaschnick
- Dylan Cole
- Hamish McLennan
- Secil Watson
- James O'Dell
- Preston Haynes
- Andrew Archibald
- David Farahi
- Timothy Throsby
- Paul Finch, Jr.
- Antonia Korsanos
- Shelly Swanson

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

Key License Renewal

Deputy Executive Secretary Heltzel recommended approval of the following:

- Jim Vinson

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

Business License Renewals

Deputy Executive Secretary Heltzel recommended approval of the following:

- Tim & Monica Conrad-Operators License 0108-OP, which is unassigned at this time.
- Deadwood Miners-Retail License 12569-RT, which is unassigned at this time.

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

Date of Next Meeting

Commissioner Goetz made a motion to approve the next scheduled commission meeting on December 12, 2023. Vice Chairman Christianson seconded the motion which carried unanimously.

Executive Session

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

At 9:46 a.m. the Commissioners went into Executive Session pursuant to SDCL 1-25-2

The Executive Session was concluded at 9:58 a.m. with no action taken.

Public Comment

There was no participation for the comment period of the meeting. Chairman Wagner stated that going forward the comment section will be limited to three minutes per person.

Adjournment

With no further business to be discussed Commissioner Goetz made a motion to adjourn the meeting. Commissioner Hawley seconded the motion which carried unanimously.

The meeting was adjourned at 10:00 a.m.

Respectfully Submitted,

Kathy Beringer

Karen Wagner, Madam Chairman

Susan Christian, Executive Secretary

SIMULCAST SITE RENEWAL APPLICATION

SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1
Spearfish, SD 57783



NAME OF BUSINESS: Triple Crown Casino

PHYSICAL ADDRESS: 110 Military Road
(Street)

North Sioux City SD 57049
(City) (State) (Zip Code)

MAILING ADDRESS: PO Box 88250
(If different than above) (Street)

Sioux Falls SD 57109
(City) (State) (Zip Code)

TELEPHONE NUMBER: 605-232-4038

NAME OF PROVIDER: AM West Entertainment

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


Signature of Manager

10/17/2023
Date

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

SIMULCAST PROVIDER RENEWAL APPLICATION

BUSINESS NAME mWest Entertainment, LLC	LICENSE NUMBER 011-GH	PHONE NUMBER 02-292-1075	EMAIL ADDRESS [REDACTED]	
BUSINESS ADDRESS 13011 W Highway 42, Suite 107	CITY Prospect		STATE KY	ZIP CODE 40059

TYPE OF BUSINESS

() CORPORATION () PARTNERSHIP LLC () OTHER

PRINCIPAL OWNERS

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

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

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

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

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

RACETRACKS CONTRACTED WITH AMWEST ENTERTAINMENT LLC

Horse Tracks

Ajax Downs
 Albuquerque Downs
 Aqueduct
 Arapahoe Park
 Arlington Park (OTB)
 Assiniboia Downs
 Australia
 Bangor Raceway
 Batavia Downs
 Belmont
 Belterra
 Buffalo Raceway
 Cal Expo
 California Fairs
 Canterbury (OTB)
 Century Downs
 Charles Town
 Charlottetown
 Churchill Downs (OTB)
 Clinton
 Columbus
 Dayton
 Del Mar
 Delaware Co Fair
 Delaware Park
 Delta Downs
 Dover Downs
 Dubai
 Ellis Park
 Evangeline Downs
 Fair Grounds (OTB)
 Fairmount Park
 Finger Lakes
 Flamboro Downs
 Fonner Park
 French
 Fraser Downs
 Freehold Raceway
 Georgian Downs
 Golden Gate
 Grants Pass
 Gulfstream Park
 Hanover
 Harrah's Chester
 Harrington
 Hastings Racecourse
 Hawthorne
 Hazel Park
 Hialeah Park
 Hippodrome 3R
 Hoosier Park (OTB)
 Horsemen's Park
 Illinois State Fair
 Indiana Downs (OTB)
 Irish Racing
 Japan
 Kawartha Downs
 Keeneland
 Kentucky Downs
 Korean
 Laurel Park
 Lebanon Raceway (OTB)
 Lone Star Park
 Los Alamitos
 Louisiana Downs
 Mahoning Valley
 Meadowlands
 Monmouth Park
 Monticello Raceway
 Mountaineer
 New Zealand
 Northfield Park
 Northlands Park
 Northville Downs
 Oaklawn Jockey Club
 (OTB)
 Ocean Downs
 Penn National
 Philadelphia Park
 Pimlico
 Plainridge Racecourse
 Pleasanton

Greyhound Tracks

Pocono Downs
 Pompano Park
 Prairie Meadows
 Presque Isle Downs
 (OTB)
 Red Mile
 Remington Park
 Retama Park
 Rideau Carleton
 Rosecroft
 Ruidoso Downs
 Running Aces
 Santa Anita
 Santa Rosa
 Saratoga
 Saratoga Harness
 Scarborough Downs
 Scioto Downs
 Singapore
 South Africa
 Suffolk Downs
 Summerside
 Sun Ray Park
 Sunland Park
 Sweetwater Downs
 Tampa Bay Downs
 The Meadows (OTB)
 Thistledown
 Timonium Fair
 Tioga Downs
 Truro Raceway
 Turfway Park (OTB)
 UK Racing
 Vernon Downs
 Western Fair Raceway
 Will Rogers Downs
 Woodbine
 Yonkers
 Zia Park
 Australia GH
 Caliente
 Dubuque GHP
 Irish Greyhound
 Tri-State GHP
 UK Greyhound
 Wheeling Downs

STATE OF SOUTH DAKOTA

APPLICATION FOR LICENSE FOR HORSE RACING MEETING

APPLICATION is hereby made to the South Dakota Commission on Gaming by Verendrye Benevolent Association, a

racing association, for a license to hold a racing meeting on its course at Stanley Co. Fairgrounds, in

the county of Stanley, in the State of South Dakota,

commencing on the 5th day of October, 2024, and ending

on the 6th day of October, 2024, for a total of 2

racing days, scheduled as follows: *(Please consider Race dates tentative)*

The VBA would begin their lease of the
SC Fairgrounds on 9-30-24. Entry days are 10-1-24 &
10-2-24. Race days are 10-5-24 & 10-6-24.

subject to the provisions of the laws of the State of South Dakota and the rules

and regulations adopted, at any time, by the South Dakota Commission on

Gaming.

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

5-6 Races per day

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

With the following purse distribution:

Under \$900: First — % Second — % Third — % Fourth — %

Fifth — % Sixth — % Seventh — % Eighth — %

No Purse
under \$900.00

\$901 - \$3,000: First 49 % Second 10 % Third 10 % Fourth 7 %
 Fifth 5 % Sixth 4 % Seventh 3 % Eighth 2 %
 \$3,001 - Up: First 49 % Second 20 % Third 10 % Fourth 7 %
 Fifth 5 % Sixth 4 % Seventh 3 % Eighth 2 %

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

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

Quinella, Exacta & Tripecta

The mailing address of the association or corporation is:

Verendrye Benevolent Association
P.O. Box 426
Fort Pierre, SD 57532

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

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

Attach hereto as Exhibits A, B, C, D, E, F and G

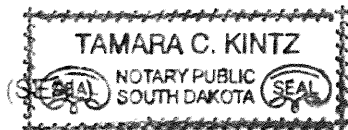
- A. A complete list of racing officials
- B. A list of the officers and directors of the association or corporation
- C. A statement of revenue generated during the most recently concluded season under the provisions of SDCL 42-7-78.1 and a statement of expenditures made for capital improvements or other purposes under the provisions of SDCL 42-7-78.1 during said season.
- D. Copies of all nominating forms for all stakes races to be run at the track including nominating forms issued by other organizations.
- E. A copy of the stall application.
- F. A complete list of purse money and South Dakota Bred point money paid to each owner who raced at your track in 2022
- G. A statement of the assets and liabilities of the association or corporation.

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

Mona Lurme
GENERAL MANAGER

Subscribed and sworn to before me this 30th day of October, 2023

Tamara C Kintz
Notary Public



Notary Print Name: Tamara C Kintz

My Commission Expires: 9-8-2025



SOUTH DAKOTA COMMISSION ON GAMING

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

RESOLUTION 12-12-23-01

Pursuant to Section 5 of the Deposit In Lieu of Bond Agreement entered into on September 25, 2023 the South Dakota Commission on Gaming hereby authorizes and direct Doug Abraham and Susan Christian to release the funds on deposit with the First National Bank of Ft. Pierre, South Dakota to the Verendrye Benevolent Association upon final audit verifying that all outstanding liabilities have been satisfied.

This action taken by the South Dakota Commission on Gaming meeting at Deadwood, South Dakota on the 12th of December 2023.

Karen Wagner
Chairman



SOUTH DAKOTA COMMISSION ON GAMING

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Licensing for the December 12, 2023 meeting

Key License Approvals

Krystal Keller	Lisa Girard	David Quick	Barry Diller
Jordan Kruse	Matthew Wilson	Sally Denby	Billy Lance Jr.
Joseph Simon	Rahul Welde	Trudie Feldman	Troy Winslow
Lawrence Peterson	Linyi Feng	James Allen	Jon Lucas

Business License Approval

Empire Technological Group – Manufacture/Distributor license # 11755-MA.

2024 Key License Renewals

Please see 4 pages that are attached which include all the names.

**South Dakota Commission on Gaming
Licensing
December 12, 2023 Commission Meeting**

2024 Key Renewals

Stephanie Adams	Leslie Duddy Lang	Broc Hanson
Brenda Alexander	Jessica Edelman	David Hansen
Caleb Arceneaux	Zack Edstrom	Bruce Harmon
William Ashton	Carol Edwards	Michelle Harmon
Amanda Aspen	Danette Eggleston	Tammy Harris
Tim Atyeo	Chad Eid	Cody Hartl
Don Atyia	Grace Ellenbecker	Preston Haynes
Beverly Bachand	Chawn Elliott	Corey Heintz
Karen Ballert	Ken Elliott	CJ Hester
Wesley Barnhouse	Cliff Etherington	Karen Hickson
Foster Bartholow, III	Nancy Field	Linda Hochstetler
Bradford Baucom	Lynda Fierbach	Janet Holzer
Lynae Benham	Michelle Fischer	Brenda Hopfinger
Jeannie Bennett	Tom Fischer	Terry Houk
Suzy Bertalot	Rodney Fischer	Michelle Jacobs
Mark Bidwell	Kevin Fish	Dan Johnson
Bill Blakeley	Brandon Flanagan	Sheldon Johnson
Casey Borsch	Thomas Frank	Sherri Johnson
Judi Braut	Steve Frankman	Edward Jones
Timothy Brennan	Phyllis Freeman	John Juso
Jacob Britton	Marcus Gallegos	Ken Kermu
Jason Brott	Tallea Gallegos	Susan Kightlinger
Danny Burr	Joe Gasper	Jesse Kille
David Buskirk	Daniel George	Jason Kimler
Dillin Chambliss	Lane Gemar	Brian Kindsfater
Richard Cleveland	Kenneth Gienger	Daren Kirk
Sally Clevenger	Lynell Gienger	Donald Kleinheksel
Allen Conradsen	Gregory Glodt	Kathie Klinckman
Philip Coon	Heather Gorden	David Knight
Tracy Cooper	Bridget Gostola	Roxanne Knight
Craig Cottrell	Diana Graham	Stuart Kopp
Craig Crowell	Robert Greco	Edward Kramp
Marion Culberson	Ashley Griffith	Dale Lange
Elena Dagit	William Griffith	Gene Lee
Dakam Mohamand Dakam	Garrett Gross	Jeannette Lemke
Roxanne Daum	Neil Hague	Randy Lepthien
Susan Day	Vickie Hague	David Linder
Raye Ann Delong	Kurt Hall	Barry Lloyd
Shareen DeMars	Patti Hall	Michael Lorge
Melody Dennis	Adam Halter	Bryan Loudon
William DeWolf	Joni Hamann	William Lund

Jessica Lundgren
Clinton Lurz
Regina Luze
Sean Lyons
Aaron Maag
Kimberly Maag
Jan Mallory
Diane Mangelsen
Brandi Martin
Gwen Martin
Seth Martens
Brandon Maser
Pam Massa
Destiny Maynard
Michael Maynard
Char Maynard
Patrick McDermott
Michael McKee
Felix Mehia
Pamela Merrell
Sandra Metzger
Christine Mikla
Sarah Milek
Jeff Millard
Laurie Mitcheltree
Nicolas Moffett
Kim Morris
Luby Muir
Jeffrey Nehmer
Marty Nelson
Randy Nelson
Gary Nelson
Chase Newland
Shari Neyhart
Joseph Noeller
Tyler Nold

Deborah O'Bryan
Erik Olsby
Ken Owens
Lorrie Papka
David Perfett
Nikki Pontius
Weston Pleinis
Dawn Quaschnick
Isaac Rieb
Robert Ringling
Wade Robbins
Ann Roberts
Pat Roberts
Joseph Robinson
Michael Rodman
Scott Rogers
Adam Rogge
Wayne Ruffner
David Ruth
Daniel Ryan
John Rystrom
Steven Schaeffer
Connie Schlepp
Eddie Schmeltz
Robert Schmitt, Jr.
Kady Schmitz
David Schneiter
Rick Schoenthal
David Scott
Jonathan Scroggins
Jack Sears
Luci Seid
Rick Sexton
Kendra Shoup
Tanner Shoup
Tony Seiber

James Simmons
James Skalsky
Gordon Smith
Cleo Snow
Theresa Spaid
Sherry Spicer
Clarence Sprague
Bruce Stairs
Trista Stees
Janice Stewart
Timothy Storey
John Strauss
Jason Sumners
Roy Sundstrom
Shelly Swanson
Lark Taylor
Joshua Thurmes
Sharon Van Norman
Jim Vinson
Bethany Wallace
Chuck Wallin
Jason Walth
Terri Ward
Carrie Werlinger
Lori Van Winsen
Connie Weis
Marian Wescott Toth
Andrea Weyer
Patty Whitt
Bob Wilson
Walter Winder
Ken Wolfe
Rosemary Wylie
Lori Zimmerman

2024 Key Renewals

Jeffrey Lamont	Angel Dobitz
Kraig Schlacht	Steven Slowey
Donnie Patton	Stephen Slowey
David Bradsky	Tim Rutjes
Sandra Bradsky	Trinity Conrad
Paul Bradsky	Marc Oswald
Richard Bradsky	Drew Munterfering
Thomas Bradsky	Mark Komorowski
Walter Bradsky, Jr.	Mark Nocco
Robert Nelson	Philip Bowden
Don Nelson	Kent Bowden
Michael Gustafson	Michael Carpenter
Michael Gustafson, II	Paul Cernuto
Terry Schmidt	Stanley Kotovo
Jared Miller	Jonathan Friedberg
Eldon Swingler	Graeme Campbell
Ryan Karst	Daniel Gladstone
Luann LaLonde	Colin Henson
Kevin Johnson	Mark Ludski
Mike Trucano	Heather Scheibenstock
Ron Peterson	Johann Graf
Chuck Mauszycki	Johannes Gratzl
Lonnie Strong	Ryszard Presch
Willie Whelchel	Brigit Wimmer
Keith Kuckenbecker	Dominik Winau
Paul Thortenson	David Farahi
Kyle Scholten	Geoffrey Freeman
Gregory Schjodt	Yvette Landau
Thomas Morris	Anna Massion-Greenberg
David Sweet	Nicholas Akiona
Tom Biegler, Jr.	David Lopez
Frank Gould	Adam Chibib
Jon Lincoln	Andrew Burke
Dale Morris	James Riley
Zachary Morris	Kevin Whalen
Gerard Keating	Neil Chatfield
Alec Keating	Kathleen Conlon
Paul Mendlik	Trevor Croker
Tracy Chvala	Philippe Etienne
Thomas Chvala	Hector Fernandez
Janet Keating	Kristy Jo
Larry Waite	Patrick Ramsey

Sylvia Summners Couder
Arlene Tansey
Takatomo Imai
Yoshihiro Iuchi
Yojiro Kamihigashi
John Connelly, IV
Heather Rollo
Matthew R. Wilson
David Quick
Jordon Kruse
Antonia Korsanos
Siobhan Lane
Hamish McLennan
Kneeland Youngblood
Stephan Morro
James O'Dell
Michael Regan
Virginia Shanks
Timothy Throsby
Maria Vullo
Matthew C. Wilson
Adam Greenblatt
Randy Gilbert
Chad Hoehne
Kimihiro Higashio
Thomas Jingoli
Kagemasa Kozuki
Stephen Sutherland
Renato Ascoli
Claudio Demolli
Luke Orchard

Pierre Bouchut
Stella David
John Gibson
Virginia McDowell
Jette Nygaard-Andersen
David Satz
Robert Wood
Barry Diller
Gary Fritz
Alexis Herman
William Hornbuckle, IV
Mary Jammet
Joseph Levin
Rose McKinney-James
Keith Meister
Paul Salem
Janet Swartz
Daniel Taylor
Elaine Hodgson
Daniel Schrementi
Randy Taylor
Richard Ditton



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: 09/25/2023
TO: South Dakota Commission on Gaming
FROM: John Cargill
SUBJECT: Krystal Nicole Keller
LIC. #: 13365 23 KY

The applicant is currently working for The Midnight Star as an accountant. The applicant has been employed there since September of 2021. She is seeking a Key license for her current position.

Concerns: None

Recommendation: Approval



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October 5, 2023

MEMORANDUM

DATE: 10/05/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Lisa Girard/12913 KY

Name of Gaming Business associated with:

The applicant is seeking licensure because she is the current Chief Financial Officer of Bluberi Gaming.

Bluberi Gaming is a slot machine manufacture. Bluberi Gaming is currently licensed in multiple gaming jurisdictions and has been licensed in South Dakota since October 2022.

Past Employment:

The Applicant worked as a House Manager from 1992 1995 for Delta Projects in Needham, MA. From 1995-1996 she worked as a Manager at SNARC. She went on to work for South Bay Mental Health as a Staff Development Coordinator from 1996 2001. From 2001 to 2005 she worked at BJ's Wholesale Club as an associate and then at Meyer Brother Kalicka as an Associate from 2005-2008. From 2008 2009 she was a Sr. Staff Accountant at Microcal. From 2009 to 2018 she worked at BTP Systems as a Controller. From 2021 to 2022 she was a Controller for JCM Global.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Lisa Girard be approved as a Key License with BluBeri Gaming.



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October 13, 2023

MEMORANDUM

DATE: 10/13/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: David Benjamin Quick/12525 KY

Name of Gaming Business associated with:

The applicant is currently a managing director for Oaktree Capital Management L.P. He has worked there since August 2004. He has served as an Associate, Assistant Vice President, Vice President, and Senior Vice President. He is additionally a current Director and Secretary for IB OCM Voteco which acquired Interblock and a Director for Interblock. He also serves a Board Member for Townsquare Media, Inc., a Board Observer for American Rail Partners, LLC, and a Board Manager for J&J Ventures Gaming.

Interblock is currently licensed as a manufacturer in South Dakota and has been since 2008.

Past Employment:

The applicant worked for Johnson Controls as a summer intern in the finance department from June 2001 to August 2001. He worked for UBS Investment Bank as an Analyst from July 2002 to June 2004. He has served as a Board Member for CF Group, Inc., GAP Broadcasting, LLC, and Dayton Superior, Inc. The applicant was a Board Observer for Tandus Group, LLC, Cyberdiffusion, Inc., and a Board Director for Dial Global, Inc. He served as a Board Manager for Dayco Products, LLC, TMG Escrow Holdings, LLC, Peak Broadcasting, TGI Representative, LLC, Archstream, LLC, Cyberdiffusion, Inc., and Triton Media Group, LLC.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that David Quick be approved for a Key License



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: October 16, 2023
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel
SUBJECT: Barry Diller

Name of Gaming Business associated with:

The applicant is seeking licensure because of his association with MGM Resorts International. Barry is listed as a director. MGM is associated with BetMGM LLC USA, who conducts business in South Dakota.

Past Employment:

In 1995 to present the applicant has been employed with IAC in New York as the Chairman and senior executive. From 1999 to 2015 the applicant was on the board of trustees at New York University, In 2005 to present the applicant chairman and senior executive at Expedia Group, Inc. In 2011 and 2012 the applicant was the Chairman and senior executive at TripAdvisor, Inc. Over the years the applicant has been on the board of directors for companies such as: MGM Resorts, Coca-Cola, Pier55, USC School of Cinema, Newsweek, The Washington Post and Live Nation Entertainment. The applicant was appointed to the Board of Directors at MGM Resorts in 2020.

Concerns: None

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



SOUTH DAKOTA COMMISSION ON GAMING

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October 16, 2023

MEMORANDUM

DATE: 10/16/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Jordan Louis Kruse/12526 21 KY

Name of Gaming Business associated with:

The applicant is currently a Managing Director/Co Portfolio Manager for Oaktree Capital Management, LP. He has worked for Oaktree since 2001. Jordan currently serves on the boards of directors of Caerus Oil & Gas, Strawn Petroleum Holdings, Interblock and Crossroads Building Supply.

Oaktree Capital Management acquired Interblock in 2022. Interblock has been a licensed manufacturer in South Dakota since 2008.

Past Employment:

The applicant worked for Kirkland & Ellis, LLP as an associate from 1997 to 2001 where his practice focused on mergers and acquisitions, corporate finance, and private equity. He previously served as a director of numerous former investments in a broad range of industries. In addition, he serves on the Board of Trustees of The Children's Bureau of Los Angeles, the Board of Directors of the Los Angeles Food Bank and the Law Board of the Northwestern University Pritzker School of Law and is also an Emeritus member of the Board of Trustees of The College Foundation of the University of Virginia.

Concerns: None

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



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October 17, 2023

MEMORANDUM

DATE: 10/17/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Matthew Charles Wilson/12527 21 KY

Name of Gaming Business associated with:

The applicant is currently a Director and President for IB OCM Voteco. He is also a Managing Director & Co Portfolio Manager for Oaktree Capital Management. He is also a Director for Glamsquad and Boardriders. He is a Director and Chairman for The Childrens Bureau and Argo Merchants.

IB OCM Voteco is the company that owns Interblock. The company is controlled by Oaktree Capital Management. Interblock has been licensed as a manufacturer in South Dakota since 2008.

Past Employment:

The applicant has served as a Director for Billabong, The Bridge Direct, Quicksilver, Diamond Foods, and Advance Pierre Foods. Matthew worked for H.I.G. Capital as a Managing Director and Investment Professional from 2003 to 2007. He worked for J.H. Whitney & Co as an Associate and Investment Professional from 1999 to 2001.

Concerns: None

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



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October 17, 2023

MEMORANDUM

DATE: 10/17/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Sally Ann Denby/13144 23 KY

Name of Gaming Business associated with:

The applicant is currently the Chief Financial Officer for Aristocrat Technologies Australia. She has served in this position since 2022. She has been with Aristocrat since 2015 where she has served as Deputy CFO, Group General Manager Finance, and Group Planning & Reporting.

Past Employment:

The applicant served as a Director for Cudo Pty Ltd. From 2012 to 2013. She was the Finance Director for Nine MSN from 2012 to 2014. From 2010 to 2012 she was the CFO for GE Capital ANZ. Prior to that she was the Finance Integration Leader for GE Capital ANZ, the Finance Controller for GE Commercial Finance ANZ, and various positions for GE Equipment.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Sally Ann Deby be approved as a Key Licensee for her position with Aristocrat.



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October 17, 2023

MEMORANDUM

DATE: 10/17/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Billy George Lance Jr./13158 23 KY

Name of Gaming Business associated with:

The applicant is currently a consultant for Pehlich Strategies, LLC and a managing partner and president of Gaming Capital Group. He also serves as a non executive director for Aristocrat Leisure Limited.

He is seeking licensure for his position with Aristocrat Leisure Limited.

Past Employment:

The applicant served as the Secretary of Commerce for the Chickasaw Nation from 2009 to 2022. He served as the Division Administrator for the Chickasaw Nation Department of Health from 2001 to 2009. He has served as a member of the University of Oklahoma Foundation, Oklahoma Department of Commerce Advisory Council, OKANA, LLC, Ada Airport Commission, USAO Board of Regents, Oklahoma City Museum of Art, and the Children's Hospital Foundation.

Concerns: None

Recommendations: As a result of this background investigation, it is recommended that Billy George Lance Jr. be approved as a Key Licensee for his position with Aristocrat.



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October 24, 2023

MEMORANDUM

DATE: 10/24/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Joseph Simon/13173 23 KY

Name of Gaming Business associated with:

The applicant is currently the CTO for Entain PLC and a Key Executive/Officer in Charge of Stadium Technology Group. He is the President for Mad Dogs Cricket Club and NE Loyola Chennai Alumni Association. He is a trustee for GOPIO and the Chairman for FAI Global.

Past Employment:

The applicant has served as the CIO for Viacom from 1998 to 2010. He went on to be the CTO for Conde Nast from 2010 to 2014. In 2015 he was the acting CTO for Univision. From 2015 to 2019 he was the COO for Encompass Digital Media. He was the CTO from 2019 to 2020 for Vice Media. In 2020 he served as an Executive Advisor for Activate until 2021.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Joseph Simon be approved as a Key Licensee.



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October 24, 2023

MEMORANDUM

DATE: 10/24/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Rahul Welde/13081 22 KY

Name of Gaming Business associated with:

The applicant is seeking licensure because he is a director for Entain, plc, a 50/50 joint venture partner with MGM Resorts International in BetMGM.

BetMGM has been licensed as a Sports Wagering Service Provider in South Dakota since 2021.

Past Employment:

The applicant was an Executive Vice President for Digital Transformation and Digital Business at Unilever from 1991 to 2023. Rahul was a Director for Ksubaka Pte Ltd from 2013 to 2016.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Rahul Welde be approved as a Key Licensee.



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MEMORANDUM

DATE: 11/16/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Trudie E Feldman
LIC. #: 13290 23 KY

The applicant is currently the Finance Officer for the City of Blunt and has been there since 2017. She has never held a gaming license. The applicant is seeking a key license to be prepared for employment when she moves to the Black Hills.

Concerns: None

Recommendation: Approval



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MEMORANDUM

DATE: 11/16/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Troy Winslow
LIC. #: 13381 23 KY

The applicant is currently working for the Midnight Star as a Table Games Dealer. The applicant has had a support license since 2002, with no derogatory action on his license. He is seeking a key license for his current position and future opportunities.

Concerns: None

Recommendation: Approval



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: June 15, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Lawrence E. Peterson

Lawrence Peterson is presently employed with Deadwood Gulch Resort in Deadwood, SD. Mr. Peterson was hired in February of 2023 to work in the players center. He is applying for this licensure for greater opportunities within the gaming industry.

Mr. Peterson was approved for a Support License with the SDCG in October of 2016 and has had no disciplinary actions since receiving a license. He has never held a gaming license in any other gaming jurisdiction.

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



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: November 24, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Linyi Feng 11756 20 OW (Empire Technological Group, Ltd. 11755-MA)

Linyi (Frank) Feng is the owner and president of the manufacturer, Empire Technological Group, Ltd. based out of Las Vegas, NV. Feng has experience in the gaming industry worldwide.

Feng is currently licensed in many state and tribal gaming jurisdictions around the U.S. and has licenses pending in some jurisdictions. Feng has no known disciplinary actions against any gaming license.

Recommendations: Recommendation as a result of this background investigation is that Linyi Feng be **approved** for licensure as the owner of Empire Technological Group, Ltd. There was nothing found during the course of this investigation that would preclude the applicant from obtaining this licensure.



SOUTH DAKOTA COMMISSION ON GAMING

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November 28, 2023

MEMORANDUM

DATE: 11/28/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: James Francis Allen/13402 23 KY

Name of Gaming Business associated with:

The applicant is seeking licensure because he is the current President, CEO, and Member of the Board of Managers of Seminole Hard Rock Entertainment, Inc. and other related entities. He has been in these positions since about 2007.

Seminole Hard Rock Entertainment, Inc. is in a trademark license agreement and development agreement with DHIH, LLC. Seminole Hard Rock Entertainment, Inc. is currently in the process of applying for an Operator License.

Past Employment:

The applicant has served as a board member for Little Kids Rock and was on the Board of Managers for Northfield Park Associates, LLC. In addition to his current employment, he is also currently the Chairman and board member for the American Gaming Association, a board member of the Rock and Roll Forever Foundation and Saint Anthony Friends for Education, and on the board of managers for The Mirage Casino.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that James Allen be approved as a Key License.



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November 28, 2023

MEMORANDUM

DATE: 11/28/2023
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Jon Stephan Lucas/13403 23 KY

Name of Gaming Business associated with:

The applicant is seeking licensure because he is the current Executive Vice President, COO, and Secretary of Seminole Hard Rock Entertainment, Inc. and other related entities. He has been in these positions since 2022.

Seminole Hard Rock Entertainment, Inc. is in a trademark license agreement and development agreement with DHIH, LLC. Seminole Hard Rock Entertainment, Inc. is currently in the process of applying for an Operator License.

Past Employment:

The applicant worked as the President of Hard Rock Rocksino Northfield Park from 2013 to 2015. From 2011 to 2013 he served as the President and CEO for JL Gaming. He was the President of IP Casino, Resort & Spa from 2005 to 2011. From 2001 to 2005 he was the President of Tunica Casino Group for Caesars Entertainment. He worked as Vice President and General Manager for Primadonna Casino Resorts from 1996 to 2001. He was Senior Vice President and General Manager for Ameristar Casinos in Council Bluffs, IA from 1995 to 1996. From 1984 to 1995 he served as Senior Vice President of Operations for Sand's Hotel And Casino in New Jersey.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Jon Lucas be approved as a Key License.



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MEMORANDUM

DATE: November 24, 2023
TO: South Dakota Commission on Gaming
FROM: S/A Angela J. Wilkerson
SUBJECT: Empire Technological Group Ltd. d.b.a. Play Synergy (11755-MA)

Empire Technological Group Ltd. (ETG), d.b.a Play Synergy, owned and operated by Linyi Feng, is a manufacturer of slot machines based out of Las Vegas, NV. ETG was registered as a domestic business in Nevada in December of 2019 and currently serves tribal and state gaming jurisdictions around the country. In 2023, ETG purchased Aruze Gaming's assets. With that acquisition, ETG has greatly increased their presence in the gaming industry.

ETG is licensed in tribal and state gaming jurisdictions throughout the United States with no known disciplinary actions. They are continuing to apply for licensures in tribal and state jurisdictions.

Recommendations: Recommendation as a result of this background investigation is that Empire Technological Group, Ltd., owned by Linyi Feng, be **approved** as a manufacturer with the SDCG. There was nothing found during the course of this investigation that would preclude the applicant from obtaining this licensure.